

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

Statement in Response to ED203

MATTER 29 – STATEMENT

Date: 26 November 2020

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We are responding to ED203 as invited to do so.

We are requesting the following modifications – requested removals are shown in red, and requested rewording shown in blue.

Our evidence base for requesting these modifications is beneath.

## CHANGES SOUGHT TO POLICY SP4:

iii. ~~2 new local centres north of Baldock and East of Luton~~ 1 new local centres north of Baldock and East of Luton

~~within the strategic housing sites identified within this plan.~~ within the strategic housing site identified within this plan.

## MODIFICATIONS ALSO SOUGHT:

4.44 The growth of the District will require additional centres to be provided to serve the ~~largest new developments~~ urban extensions strategic housing sites. The centres for the ~~two largest sites~~ one largest site at Baldock and on the edge of Luton ~~are is expected to~~ contain a wider range of retail facilities. ~~Once built, these will become local centres in our retail hierarchy and future proposals within them will be assessed appropriately.~~ Once built, this will become a local centre in our retail hierarchy and future proposals within it will be assessed appropriately.

The Council need to remove the new local retail centre East of Luton from the Plan altogether. This type of structure, along with flats is of a generally greater height than houses and the implications of this must be considered and mapped when occurring within an officially safeguarded aerodrome area. Such a map as exemplified by the Winchester Local Plan safeguarding map shows the precise heights of all of the different development within the mapping area.

Similar would need to occur in order to make this strategic proposal sound.

Additional policies would also need placing into the plan, outlining the need for combined impact assessments, safeguarding policies and a safeguarding map as a starting point.

This is a requirement, although it has not been done.

It could be done, and an updated Growth Options study could be released.

All of this would take additional time which could slow the Plan's adoption down and make it unsound.

However a short delay is not reason enough to fail to include policies that are necessary and reiterate the statutes requiring undertaking of these various safeguarding responsibilities in relation to the PA17/02300/EIA, EL1, 2 & 3 and any of the major developments.

The Plan's East of Luton local centre such, is incompatible development when occurring alongside two additional major developments and another separate/additional Nationally Significant Infrastructure Project DCO, which is already ALSO occurring at, on and around (there are many large interconnected but separate projects) this same location. The proximity is so close in fact that the planning application boundary maps for the new already approved airport-related (not Airport Expansion itself – but "airport related") major developments (Luton LPA ref: PA17/02300/EIA) do overlap and fall WITHIN THE ACTUAL NHDC residential EL1 & 2 plan maps of the EL1, 2 & 3 sites. There is also underway the scoping and consultation for an additional, separate NSIP/ DCO for Airport Expansion and new Terminal buildings upon this site as PA17/02300/EIA also.

This is truly extraordinary.

Luton is an officially safeguarded aerodrome. There is planning legislation for aerodrome safeguarding. No safeguarding policies exist within the NHDC Local Plan. The Plan also fails to include a safeguarding map. The Plan also fails to consider that the proposed housing is possibly within the Public Safety Zone. Public safety zones are material considerations.

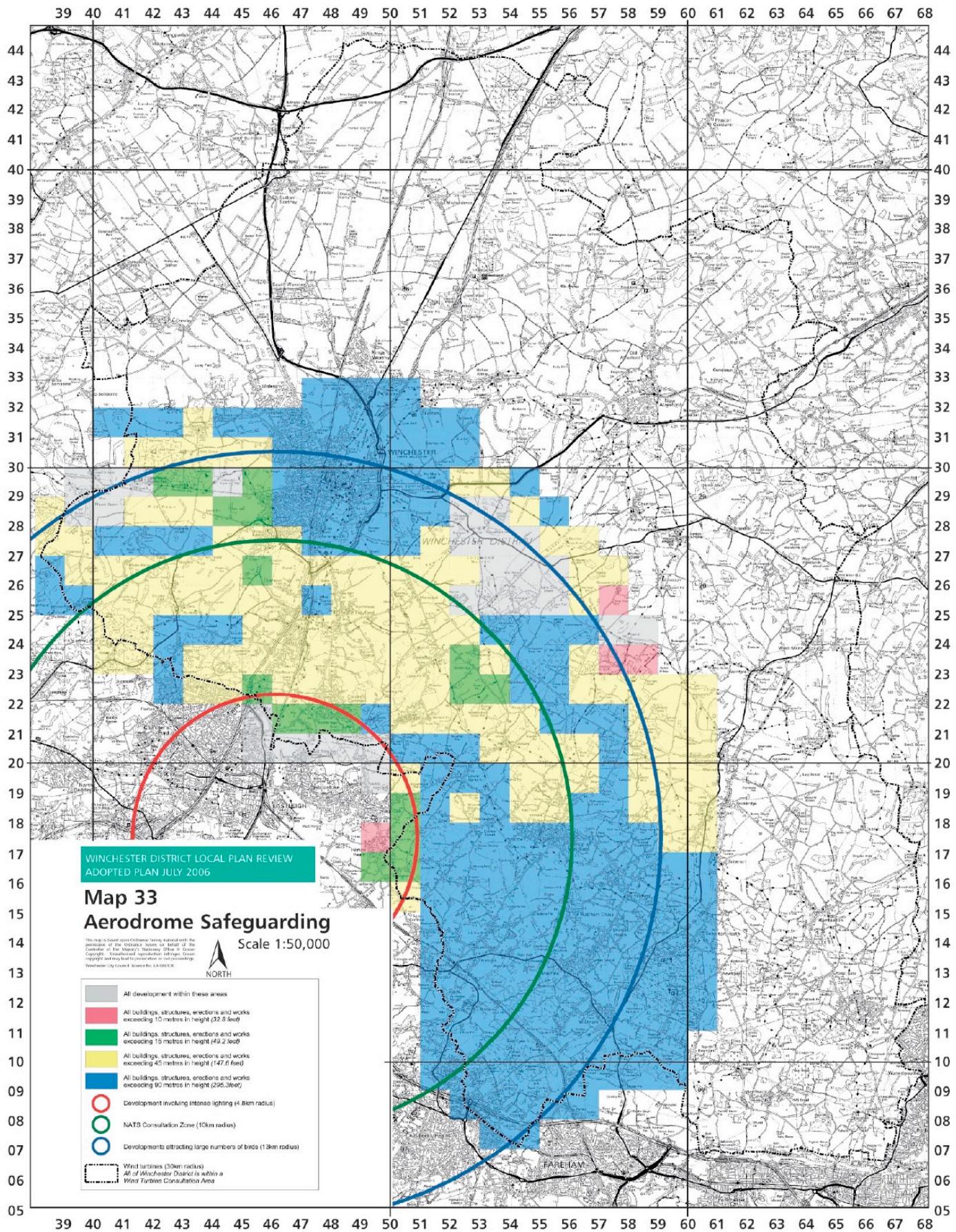
ALL of this is being proposed to occur within the first 0.5km of the 15km safeguarded zone, under the recently altered, and older flight paths.

More details and evidence below.

Here is an example of the Safeguarding map that Winchester provided in its Local Plan:

SOURCE: file:///C:/Users/Carolyn/AppData/Local/Temp/map-aerodronesafeguarding.pdf





The red circular area at the centre is the 4.8KM radius



The next green circle is the 10KM radius.

The out blue ring is 13KM.

The map ideally should show another ring at 15KM also.

Then the different coloured patches are showing the different heights of buildings within the zone.

Removing the East of Luton site would also remove all of these conflicts, and also remove all of the necessary assessments surrounding what impacts there are and what mitigation, if any, could be supplied.

There have been no risk assessments performed in relation to the combined impacts of any the large scale developments. There have been no investigations carried out as to how these projects would inter-relate. Neither has the impact on one another's practical delivery been thought or written about. There have been no Strategic Environment Assessments or Climate Change assessments conducted upon their combined impacts.

- 1- Luton Airport is physically located directly next to NHDC EL1, 2 and 3 Strategic sites.
- 2- Luton Airport's boundary fence is currently less than 50-100 metres away from largest strategic site in the entire Plan, namely the East of Luton site.
- 3- Luton Airport is a protected civil aerodrome safety zone. This is of material consideration.
- 4- The site of the soon-to-be-new Airport Terminal Two is located upon the field directly touching EL1 and EL2.
- 5- Luton Airport is currently undergoing its Development Consent Order process, as provided for by the Planning Act 2008, for a Nationally Significant Infrastructure Project to build a new Airport Terminal, new runway, to facilitate expansion of annual passenger numbers from 18 million to 32 million PA by 2031.
- 6- The Local Planning Authority has already given full planning permission for two new dual carriageways in the field next to EL1 and EL2. They gave this on 27<sup>th</sup> March 2019 at the Development and Control Committee of Luton Borough Council.
- 7- Luton Airport is currently planning to begin building an industrial park upon the same site as the proposed Terminal Two, so the two projects will merge, although for now they are labelled Phase 1, Phase 2 and Phase 3. Phase 1 is already over three quarters complete; in the form of the high speed DART train-line linking Luton Parkway mainline train Station to Airport Terminal 1. Phase 1 also involves several already nearly complete road improvements along Vauxhall Way started in the middle of 2019. Phase 2 is the PA17/02300/EIA which contain many parts.
- 8- PA17/02300/EIA (passed and being undertaken) contains and comprises:



- 9- Office space (Class B2 and B8), hotel (C1), café (A3), ENERGY RECOVERY CENTRE (SUI GENERIS), INTERNAL ACCESS ROADS, car parking, landscaping and ASSOCIATED EARTHWORKS. Utility diversions. Sustainable drainage systems. Tree removal.
- 10- Full planning permission has already been granted. Work is to begin imminently.
- 11- Finally Phase 3 is the DCO Nationally Significant Infrastructure Project to fully expand the Airport to 32 million and this process has already been initiated.
- 12- ALL of this is happening in the field directly next to the East of Luton Strategic Site.
- 13- Some of this is happening in a part of the actual EL1 & EL2 site.
- 14- None of this other development has been entered into the NHDC Local Plan.
- 15- None of the NHDC Local Plan Strategic site information has been entered into the Planning Documents of this new major development/s PA17/20300EIA. Nor has any of the Luton Future Airport Expansion DCO for its NSIP to expand the Airport been included. This is according to NHDC's Cllr Levett who in his own response to LLAL stated that there are no policies relating to Airport Expansion within the Draft NHDC Local Plan.
- 16- NPPF (2012) Para.31 says that Local authorities should work with their neighbours to "develop strategies for the provision of viable infrastructure". But here we have both major development/s as well as a nationally significant infrastructure project occurring in part of the field of the actual "Strategic Housing Site" and yet there is no mention of, let alone strategy as to how such a massive amount of development can be achieved or safely delivered, nor of any other impact upon the total area, transport network, air quality, greenspace and climate gas emissions. Demonstrated only is that ZERO provision has been made for its viability. POINT ZERO.
- 17- What is the soundness rating of LPAs paying legal fees to have legal representatives make statements about the DtC when there is no demonstration and no evidence to back words and assurances up? Anyone can make a statement about anything, but presenting the data and hard evidence is another matter entirely.
- 18- NHDC and Luton Council need to address how exactly PA/17/02300/EIA will be achieved, alongside a second Terminal being built (for the expansion to 32-38 million p.p.a.) and alongside a new settlement of 2,100 homes - all upon the same field site area and upon a tiny shared road network? And using tiny narrow Chalk Lane as the North Herts access point; when you can only get one car along it at a time. How can visitors get to the retail centre?
- 19- There is a fundamental soundness issue in that requirements of the 2012 NPPF 31 has not occurred.

**2012 NPPF 31. Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user.**

20- There is a fundamental soundness issue in that 2012 NPPF 32 has also not been considered nor met either on any of its items. There is no Transport Statement or Transport Assessment of the combined impact of these THREE adjacently occurring large scale developments and this local centre.

**2012 NPPF 32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:**

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

21- There is a fundamental soundness issue in that 2012 NPPF 34 has not been considered nor met. There is no evidence of having considered all policies in the Framework, particularly as the area we are talking about is rural.

**2012 NPPF 34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.**

22- The immediate PA17/02300/EIA plans involve land within and next to EL1 & EL2 sites and also overlooking EL3. So what separate national policy statements is Luton Airport subject or not subject to? – Since this is not actually the Airport Expansion but it is “airport-related” development according to their own scoping report for the application. There are fundamental soundness issues in that 2012 NPPF 33 has not been considered nor met. We are asking the Councils to provide actual robust evidence of having considered these principles in the national policy statements – **not words about having considered it – there is a difference.**

23- Nor is the Government Framework for UK Aviation so much as given a cursory mention in either Luton’s Adopted Plan or else in this submitted Local Plan.

**2012 NPPF 33. When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this Framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation.**

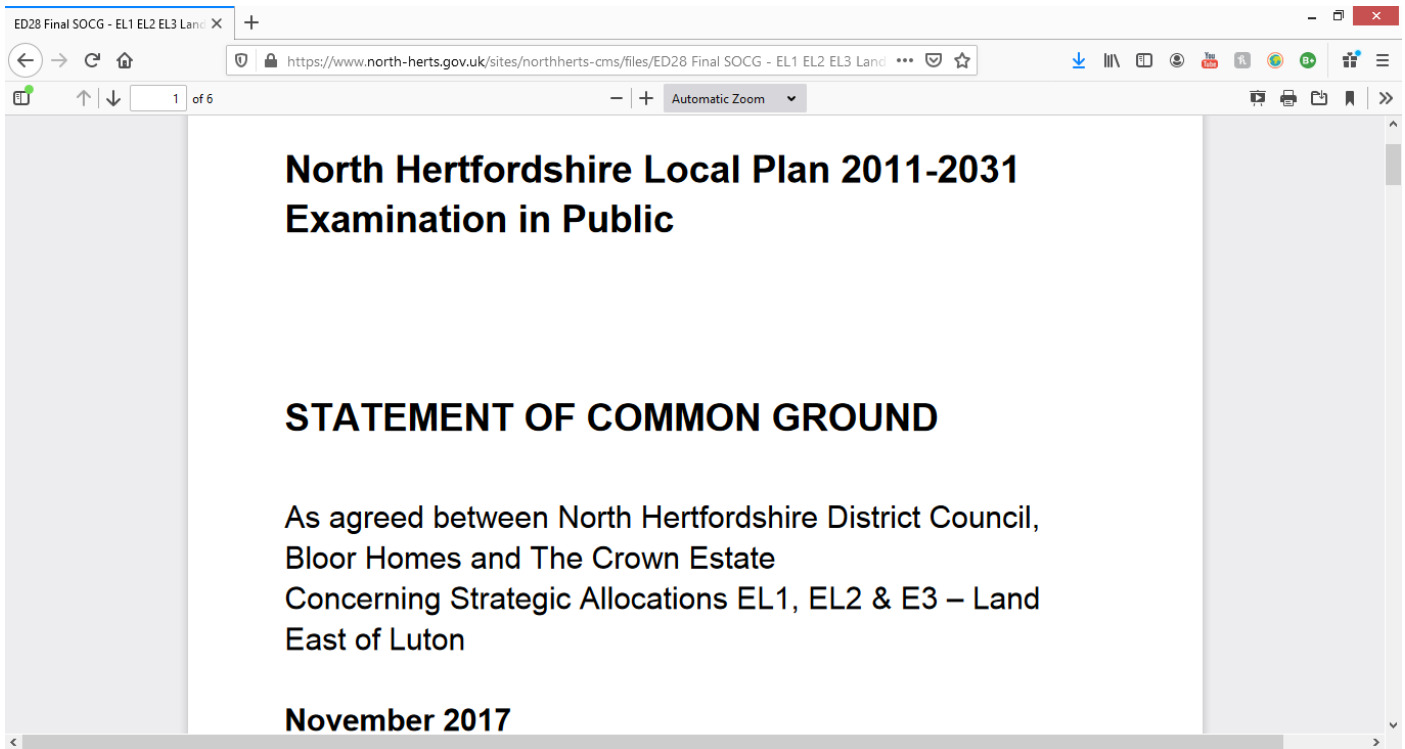
24- 2012 NPPF 120 states that new development must be appropriate for its location. And the effects, including cumulative effects of pollution on health, natural environment and potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. The groundworks for the Century Park project are going to involve moving enormous quantities of toxic waste from the landfill. Digging it up and transporting it. Then terraforming the area next to EL1 & EL2 with millions of tonnes of dug up soil. This will calculate as 400 Heavy Goods Vehicles movement per day for at least 24 months!

No one has said this is acceptable, because no one has even looked at the problems this will cause or so much as mentioned any of this in the NHDC Draft Local Plan's Environmental Impact Assessment. East of Luton strategic sites may well have to address contamination and land stability issues when considered alongside these concurrent groundworks and two other major development projects occurring.

**2012 NPPF 120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.**

**In their statement Bloor Homes say:** *"Land east of Luton has been the subject of a full planning assessment and Sustainability Appraisal process. This is set out in the Local Plan evidence base, and is summarised in the Housing and Green Belt Background Paper (HOU1) as updated by the Partial Update on Housing Monitoring and 5 Year Supply (ED3)"*





This is an untrue utterance. Where are the chapters relating to safeguarding, mitigation and combined impacts of these major developments in these allegedly full planning assessments and Sustainability Appraisal process?

**Luton Airport's Physical Boundary from 2020 – 2022 and its Proximity to the Plan's Strategic Sites EL1, EL2 and EL3**

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

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

ED3

*Housing and Green Belt background paper  
Partial update 2017*

LP Ref	Site	Settlement	Planning status [reference no.]	Representation status [representor no(s)]
CD3	Land north east of The Close	Codicote		Representations submitted to Reg.19 consultation [16155]
CD5	Land south of Heath Lane	Codicote		Representations submitted to Reg.19 consultation [9484]
EL1	Luton East (west)	Luton (adjoining)	Planning application submitted April 2017 [17/00830/1]	Representations submitted to Reg.19 consultation [14326]
EL2	Luton East (east)	Luton (adjoining)	Planning application submitted April 2017 [17/00830/1]	Representations submitted to Reg.19 consultation [14326]
EL3	Land north east of Luton	Luton (adjoining)	Planning application submitted August 2016 [16/02014/1]	Representations submitted to Reg.19 consultation [16132]
GA1	Stevenage North East (Roundwood)	Stevenage (adjoining)	Revised planning application submitted July 2016 [16/01713/1]	Representations submitted to Reg.19 consultation [5236]
GA2	Land off Mendip Way, Great Ashby	Stevenage (adjoining)		Representations submitted to Reg.19 consultation [16140]
GR1	Land at Milksey Lane (north)	Graveley		
HT1	Highover Farm, Stotfold Road	Hitchin	EIA Scoping Opinion submitted March 2017 [17/00680/1 SCP] Public pre-application exhibition held June 2017.	
HT2	Land north of Pound Farm, London Road (St Ippolyts parish)	Hitchin		Representations submitted to Reg.19 consultation [16080]
HT3	Land south of Oughtonhead Lane	Hitchin		
HT5	Land at junction of Grays Lane & Lucas Lane	Hitchin		Representations submitted to Reg.19 consultation [16072]

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

These shown below for each East of Luton site.

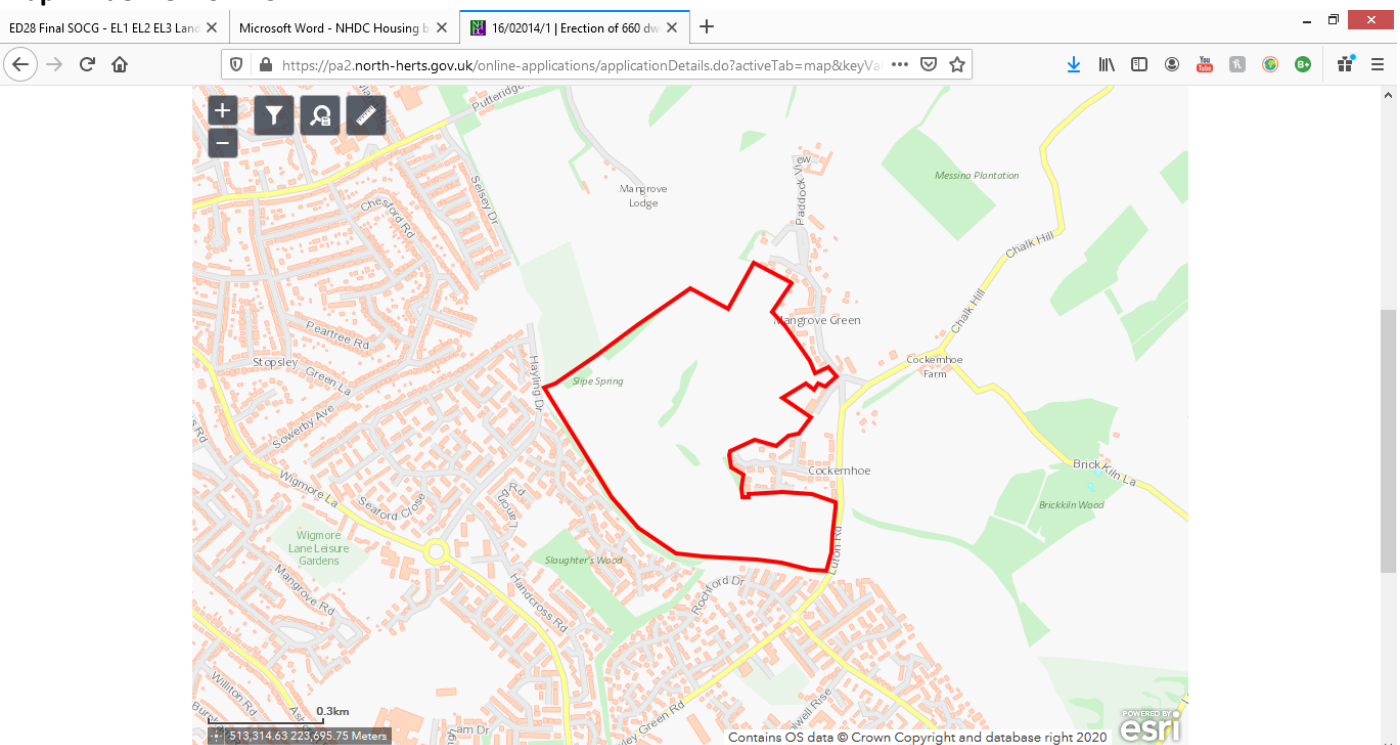
**EL3:**

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

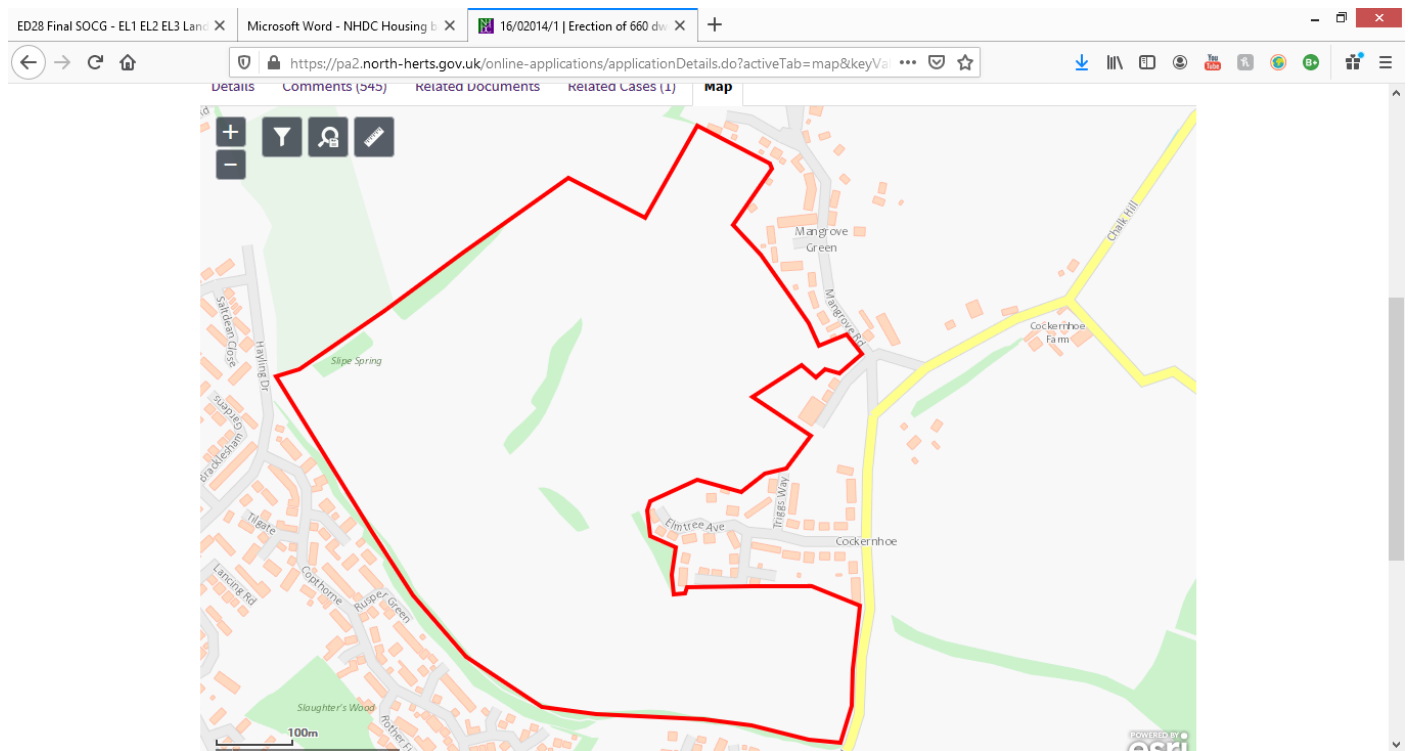
16/02014/1 | Erection of 660 dwellings (Class C3), together with associated public open space, landscaping, highways and drainage infrastructure works. | Land West Of Cockernhoe / Land East Of Copthorne Cockernhoe

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

**Map: Wide view of EL3**



## Map: Zoom view of EL3



### EL1 and EL2:

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

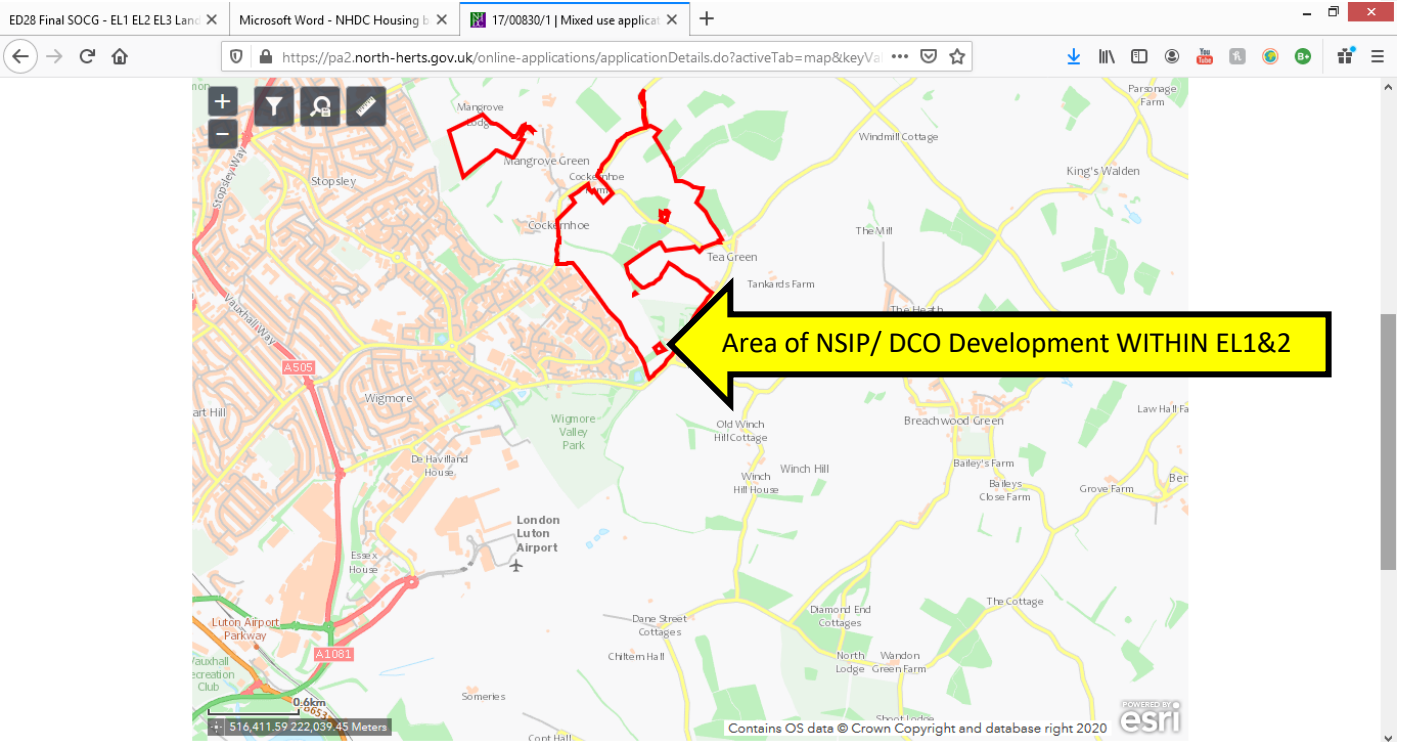
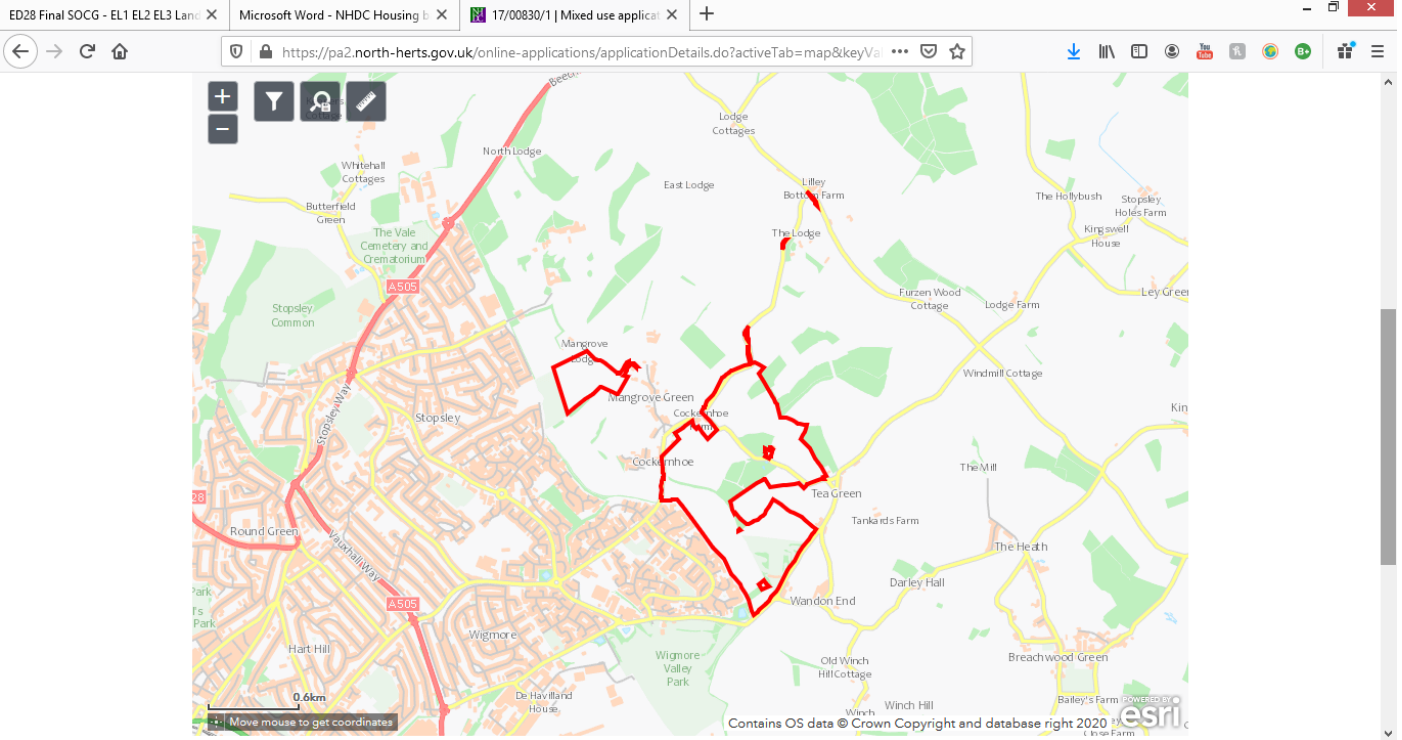
EL 2 – Luton East (east), Luton (adjoining), Planning application submitted April 2017 [17/00830/1]

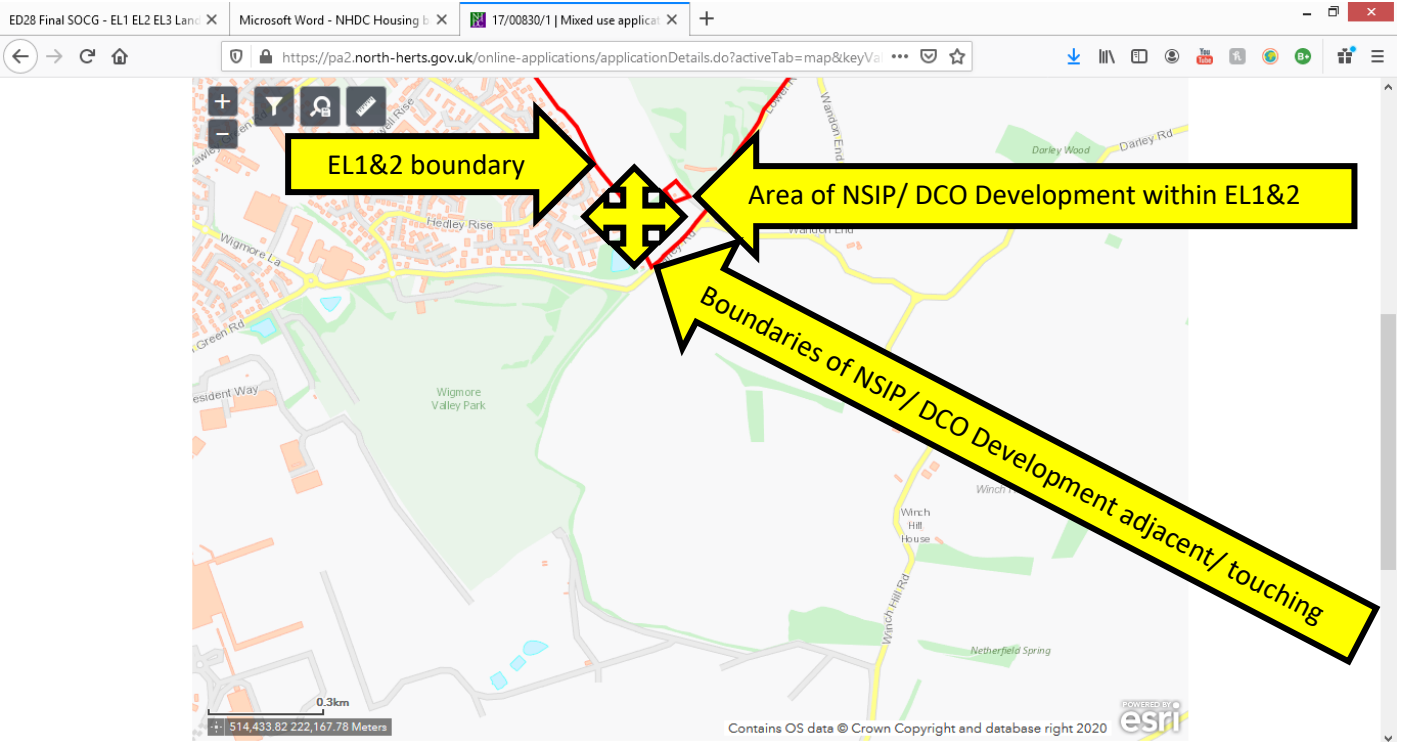
17/00830/1 | Mixed use application for demolition of existing buildings and construction of up to 1,400 new dwellings (C3 use) together with retail, educational and community facilities (A1-A5, D1 and D2 uses) and associated roads, open space, green infrastructure and ancillary infrastructure - outline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

**Source:** <https://pa2.north-herts.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=ZZZYUYLKID073>

**Map: Wide view of EL1 & EL2**



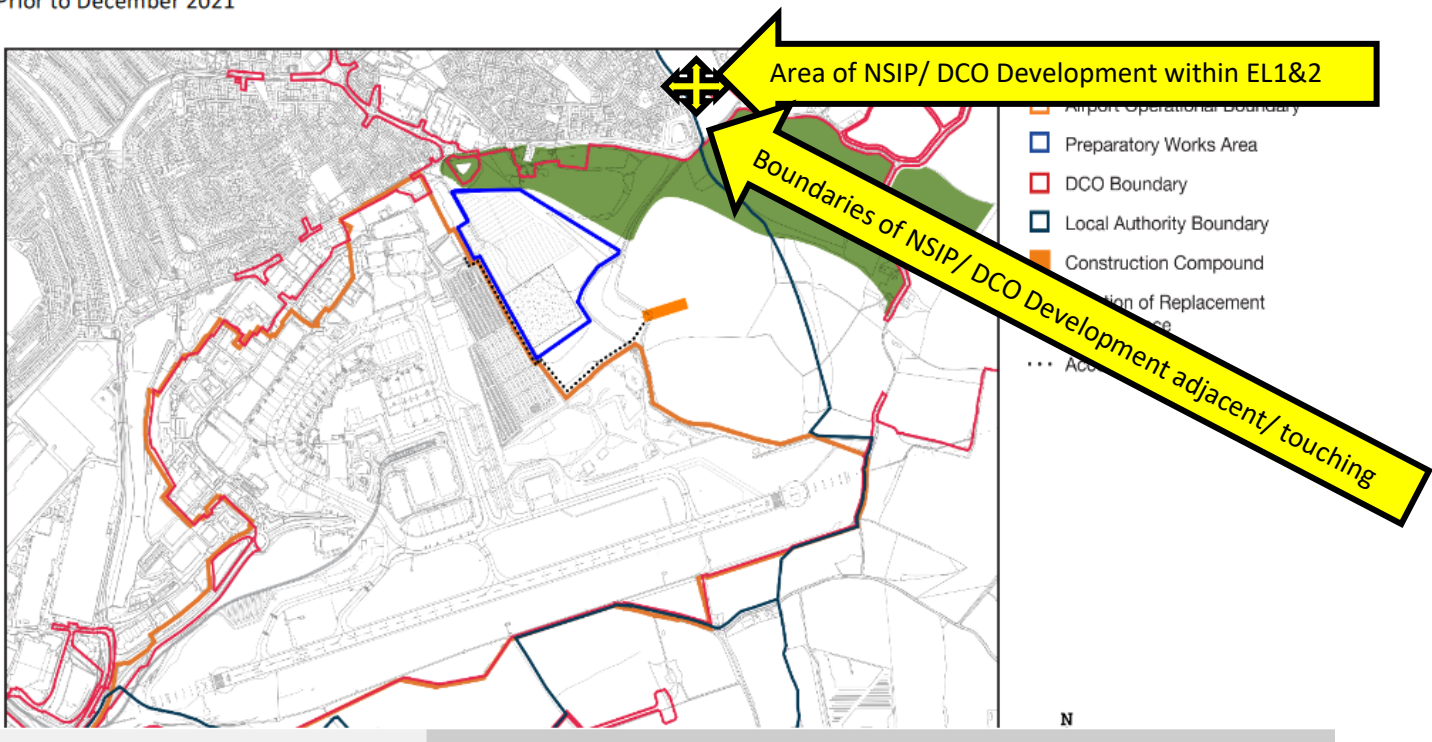




ABOVE AND BELOW: The black and yellow cross marks were the Plan's EL1 and EL2  FUTURE LUTION - SCHEME DEVELOPMENT & CONSTRUCTION REPORT

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

Prior to December 2021



This positioning shows that the DCO boundary is actually within the EL1&2 site itself. Other parts of the DCO boundary exist directly adjacent, directly touching them. **Additional material considerations are resultant of that.** The Planning Act 2008 legislation describes the DCO legal process as well defining what constitutes a

Major Development, Nationally Significant Infrastructure Project, and importantly; the “area of development”.

So if now connected to the DCO site, EL1 & 2 are now subject to certain additional legislative requirements due to:-

- 1) Their DCO-attached boundaries and
- 2) Planning Act 2008 requirements.
- 3) Their occurring within a protected civil aviation aerodrome zone.

### **What did North Hertfordshire District Council say about the Expansion of the Airport during consultation, and did they mention anything about the Strategic housing sites that partially shares the site?**

They did mention the presence of the housing allocations, but definitely avoided saying anything too specific about how the Strategic Housing and DCO sites are on top of each other and also even share certain parts of the same land. No visual map was included to demonstrate their lack of distance apart.

These are some relevant extracts, dated 30 August 2018, from the consultation response which was written and signed by Cllr Levett:

Before looking at the concerns held by North Hertfordshire District Council response, THERE IS AN ESSENTIAL AND MOST IMPORTANT POINT THAT MUST BE EXPLAINED AND UNDERSTOOD.

If you look and see UPON THE RESPONSE ITSELF the date is 30 AUGUST 2018.

This response is therefore for the PA/17/02300/EIA Airport Enterprise Zone planning consultation that ran prior to Future Luton DCO Consultation.

This earlier consultation was the only one running at this earlier time.

The Future Luton LLAL consultation hadn't happened then. The Luton Future LLAL consultation happened one year later in 2019.

This NHDC response was actually the late response that was meant to be for the PA/17/02300/EIA consultation, but which was withheld by NHDC and not sent in time. It was only after a North Hertfordshire District Councillor for Offley and Hoo complained at NHDC because they had not responded to the New Century Park consultation (as he publically told the St Pauls Walden Parish Council meeting), that they quickly scabbled around to put something in. They are one of the most important statutory consultees, so after his complaint they were forced to put in this response.

However we need to understand that the title of this letter is extremely misleading, and why that is so, I cannot speculate, however as the date clearly displays, this was the response for the earlier PA/17/2300/EIA which is the only one that had happened at that stage.



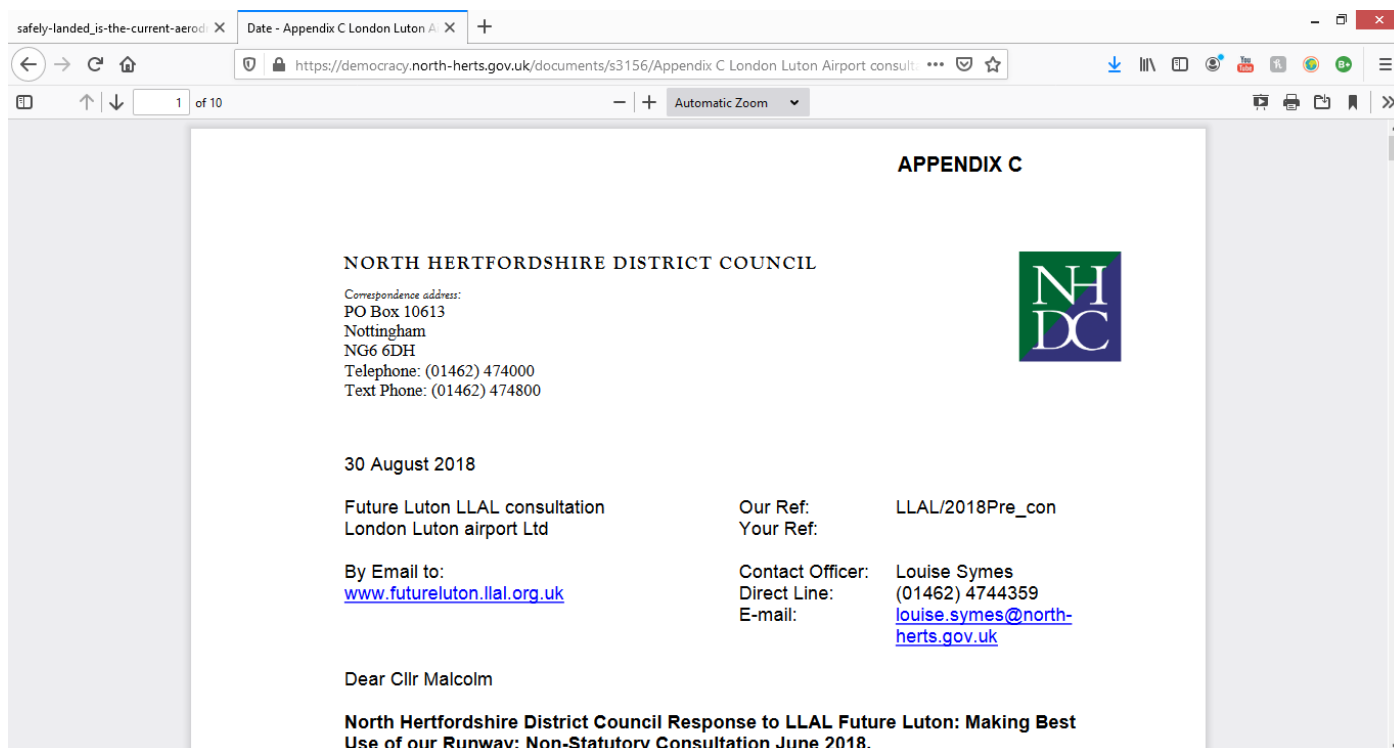
Therefore everything in this letter does in fact apply to the current already fully permitted, and to be started imminently, major development called PA17/02300/EIA Enterprise Zone.

In other words, in spite of the misleading title, these are in fact Cllr Levett's and NHDC's concerns and thoughts about what has already happened/ is happening. It is not some uncertain future thing that may not come to pass, but concerns about a planning proposal already passed, decided and underway.

No legal challenge was mounted within the six weeks window for challenging via Judicial Review, following the full permission granted by the Local Planning Authority Luton Council.

However, whilst it is being misleading entitled "Future Luton consultation" and was included as a response to the Future Luton Airport Expansion consultation, we can see from the date that it matches only the previous consultation for Phase 1 & 2 of the earlier part of this project - which was an entirely separate planning application for Major Development with the reference number PA17/02300/EIA (colloquially is it called New Century Park Airport Enterprise Zone).


URL: <https://democracy.north-herts.gov.uk/documents/s3156/Appendix%20C%20London%20Luton%20Airport%20consultation%20response.pdf>



**APPENDIX C**

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

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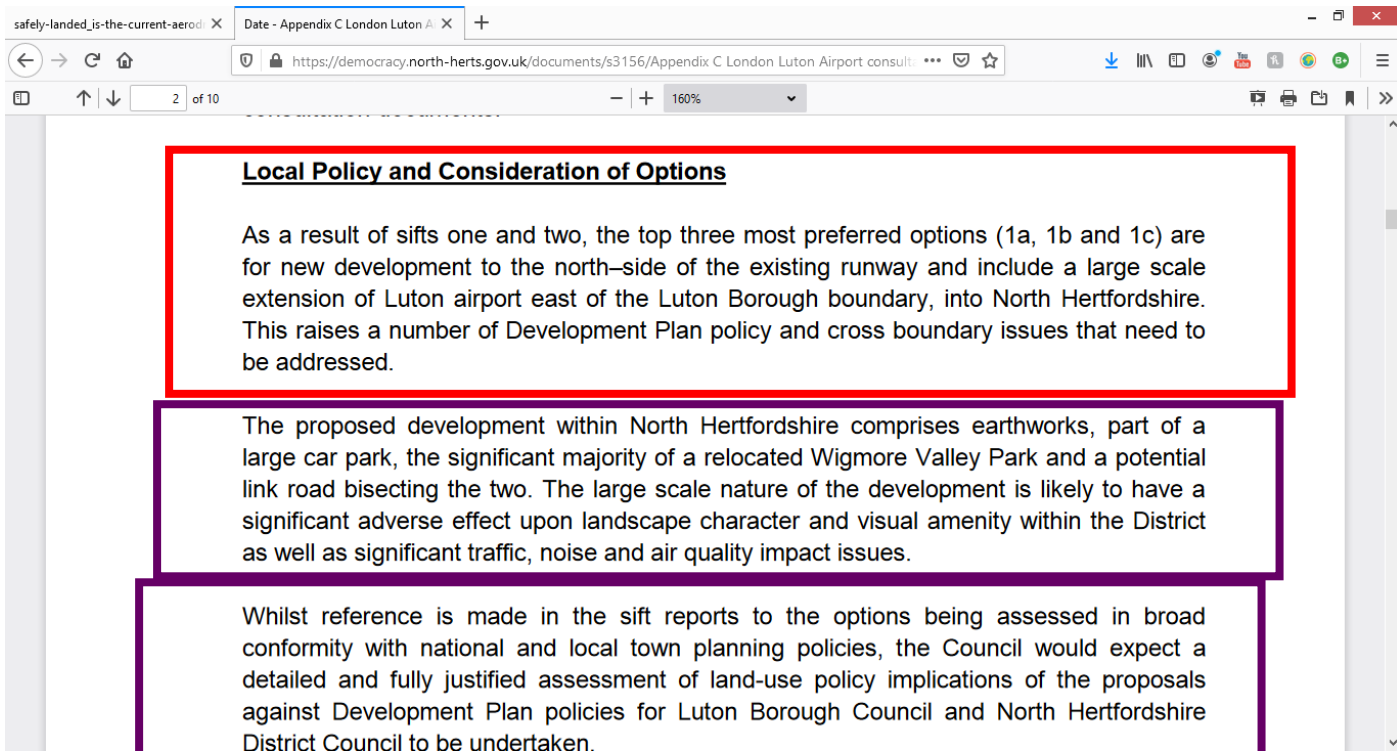


30 August 2018

Future Luton LLAL consultation London Luton airport Ltd	Our Ref: LLAL/2018Pre_con Your Ref:
By Email to: <a href="http://www.futureluton.llal.org.uk">www.futureluton.llal.org.uk</a>	Contact Officer: Louise Symes Direct Line: (01462) 4744359 E-mail: <a href="mailto:louise.symes@north-herts.gov.uk">louise.symes@north-herts.gov.uk</a>

Dear Cllr Malcolm

**North Hertfordshire District Council Response to LLAL Future Luton: Making Best Use of our Runway: Non-Statutory Consultation June 2018.**



NHDC has said that there are cross boundary issues that need to be addressed.

They say that this raises a number of Development Plan policy issues too.

The proposed development within North Hertfordshire comprises earthworks, part of a large car park and the significant majority of the Wigmore Valley Park.

This is all already permitted and occurring a mere 50 metres away from the EL 1 and EL2 sites in the NHDC Local Plan.

### QUESTIONS:

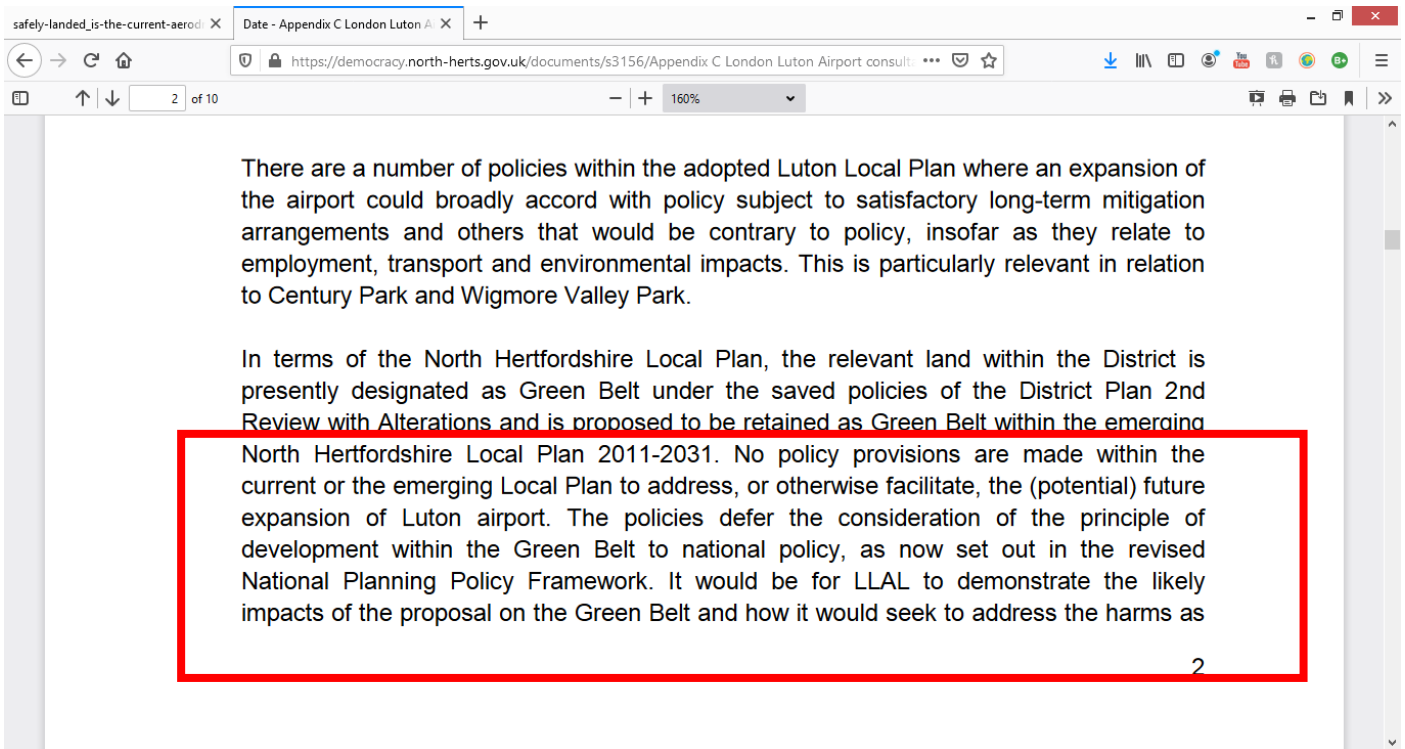
**Why if NHDC says there are cross boundary issues that need to be addressed, do we find no attempt to address them in this Local Plan?**

**NHDC say that they now require a detailed and fully justified assessment of land-use policy implications of the proposals against the Development Plan policies for Luton Borough Council and North Hertfordshire to be undertaken.**

**So this needs to be undertaken now, as they say they need it and hence it needs to be undertaken. In other words, it has not yet been done and needs to be completed according to their own admission.**

**We cannot move forward with the Local Plan with this still missing from it.**

**Furthermore the statutory consultee for development within the safeguarded aerodrome map area, namely London Luton Airport Operations Limited, cannot be asked to comment upon the developments unless appropriate assessments are completed and provided to them.**



NHDC says it is concerned because it admits that there are a number of policies within the adopted Luton Local Plan where an expansion of the Airport is contrary to policy, especially as they relate to employment, transport and environmental impacts.

**The letter says that no policy provisions are made within the current or emerging Local Plan to address, or otherwise facilitate, the (potential) future expansion of Luton Airport. The same also applies to the North Hertfordshire Local Plan.**

Therefore the net conclusion of this is that neither Local Plan addresses cumulative impacts of the approved and about-to-be-started developments.

And NHDC goes one better – or rather one worse – in so far as they don't even address via their policy provisions the expansion of any of it (Cllr Levett's/ NHDC words).

For anyone who doesn't already know David Levett is one of the main authors and signatory of the Local Plan plus its evidence base and library.

Therefore work needs to be urgently undertaken to ensure this black hole is addressed swiftly.

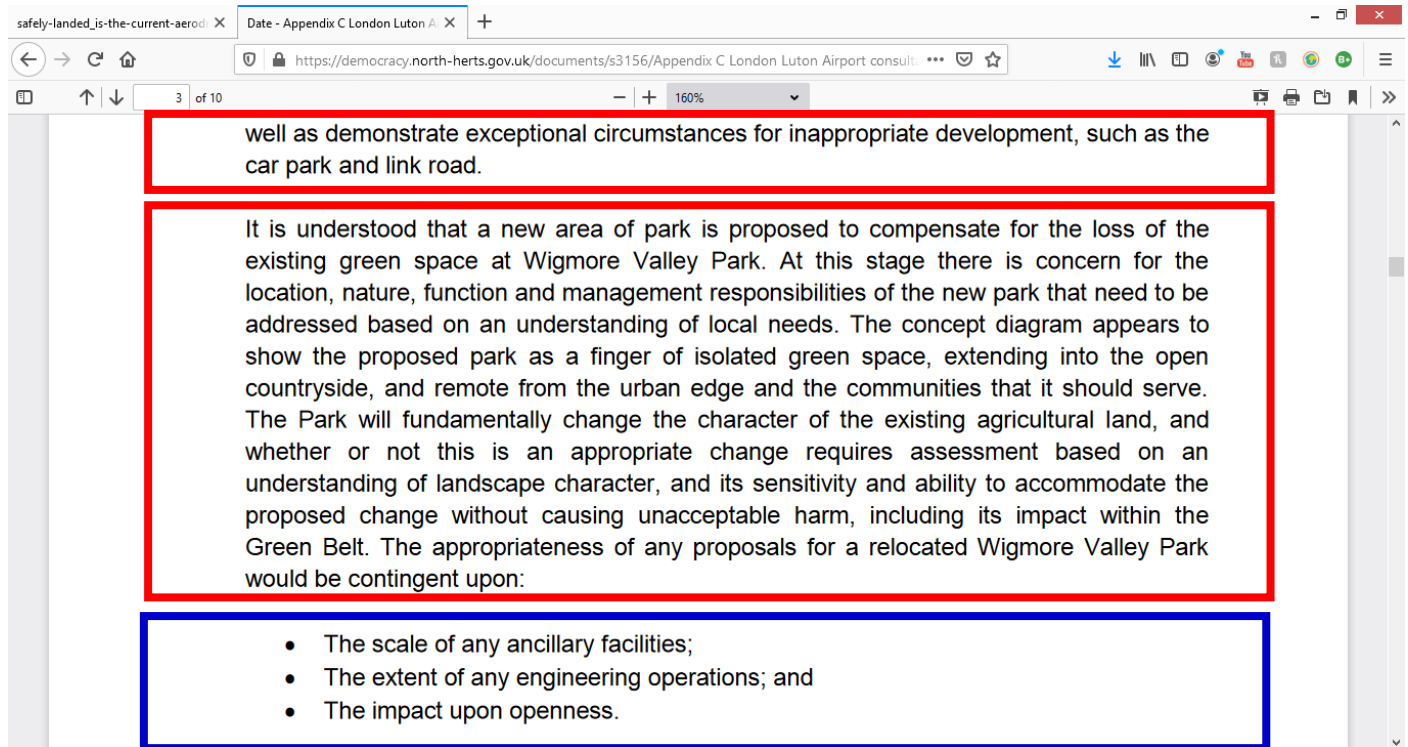
It is not "future", but already happening. It was not future when Councillor Levett wrote this letter because parts of the project were already underway at that stage.

Has North Herts District Council arrived too late to the game to be able to fix this hole?

Does this exonerate them from the statutory responsibility that all LPAs have when preparing their Local Plans to include a safeguarding maps and put basic

safeguarding policies in place to guide developers, protect life, protect craft and ensure the airline operators have been given most basic information.

Why no safeguarding policies have been included we cannot imagine, since it is as far away as robust as you can get; PA17/2300/EIA was already granted full permission on 27 March 2019 and now various building works have already started in relation to the expansion.



NHDC say that exceptional circumstances for inappropriate development, such as the car park and link road need to be demonstrated.

However no legal challenge has ever been mounted and the proposal is already fully approved nearly two years ago and is going ahead. So the window for demonstration in terms of the planning proposal has passed.

The onus to fit in around all of this now falls on North Herts's shoulders. Not the other way around.

However the window for the needful demonstration of exceptional circumstances has not passed.

Exceptional circumstances of inappropriate development, such as these cannot really be demonstrated - not in the light of what NHDC acknowledges to be "inappropriate development of roads and car parks" occurring partially within an overlap upon its own site!

I think that alternatives without this problematic Pandora's box of environmental assessment requirements, are readily available.

However there must be many exceptional circumstances demonstrating why it is necessary to avoid such a complex location.

Also if the “development is inappropriate” for the Green Belt on the right side of the road, isn't it also inappropriate when you move a mere 30 metres to other/ left side of the road - where EL1, EL2 and EL3 housing are being proposed?

Alongside this other “appropriate development” of a car park, link road and industrial construction site NHDC want to add some further development onto the already “inappropriate development” - thus effectively making it ALL INAPPROPRIATE.

All of this happening within a safeguarded aerodrome zone, without having provided any policies for Airport Expansion, and not including any safeguarding maps and not giving the statutory consultee LLAOL any information or environmental assessments to work with or comment upon?

**This is not only absurd, but it is legally unsound because safeguarding is a material consideration.**

NHDC/ Levett also says that it is concerned about the concept diagram showing the proposed park as being only a finger of isolated green space, which is remote from the communities that it should serve.

Therefore shouldn't NHDC be applying the same degree of consideration to the removal of the beautiful bridle path and green space that will also be removed from the communities that they serve?

In fair even consideration then, ending the attempt to remove from the Green Belt sites EL1, EL2 and EL3, would be fair and consistent with this comment would it not?

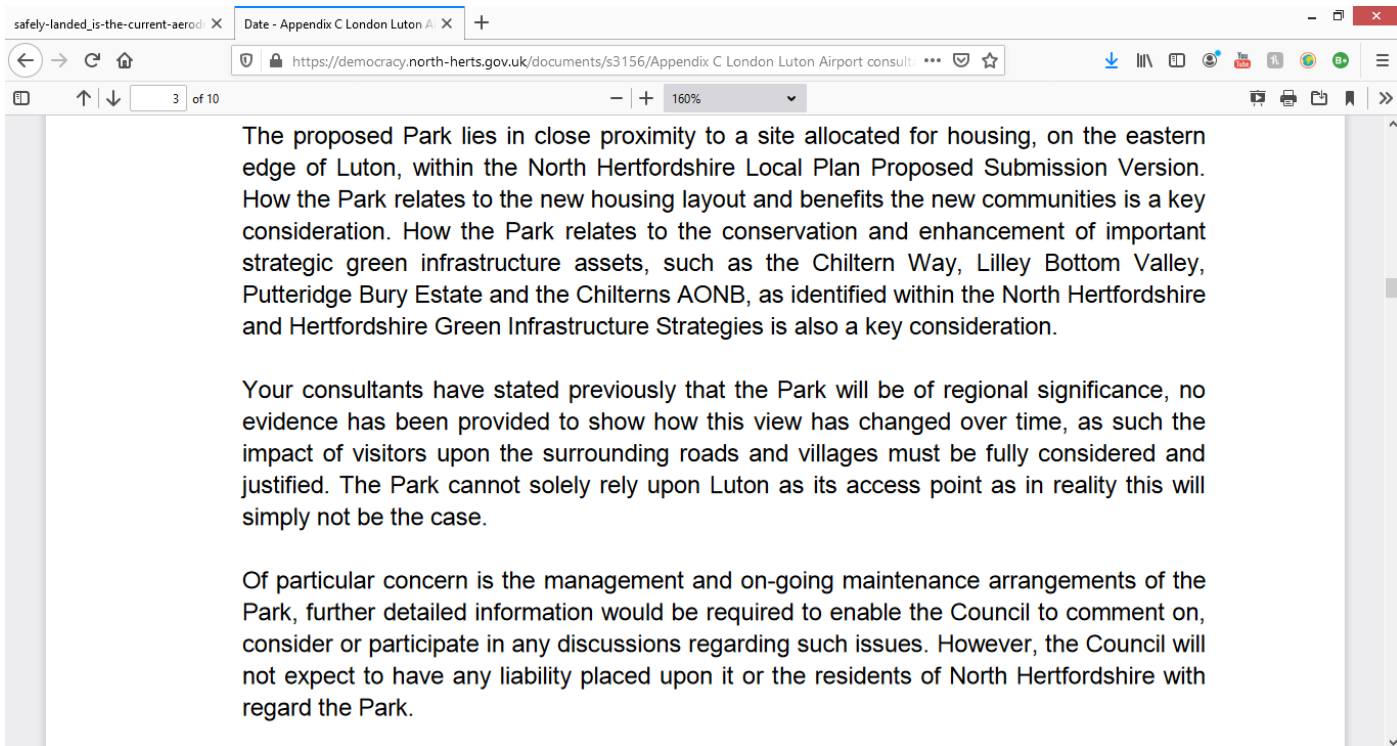
Cllr Levett and NHDC argue that “the Park will fundamentally change the character of the existing agricultural land”. However all of the surrounding “agricultural land” of which they speak is the same land that they want to change entirely character of by placing 2,100 houses on top of, of course leaving it to be agricultural land no more.

We have to ask are they really concerned at all about anything.

What worries them about changing the character of the agricultural land? They are okay to remove ALL of the agricultural land when it is themselves placing un-needed houses upon it, but they think it inappropriate when it is a something else.

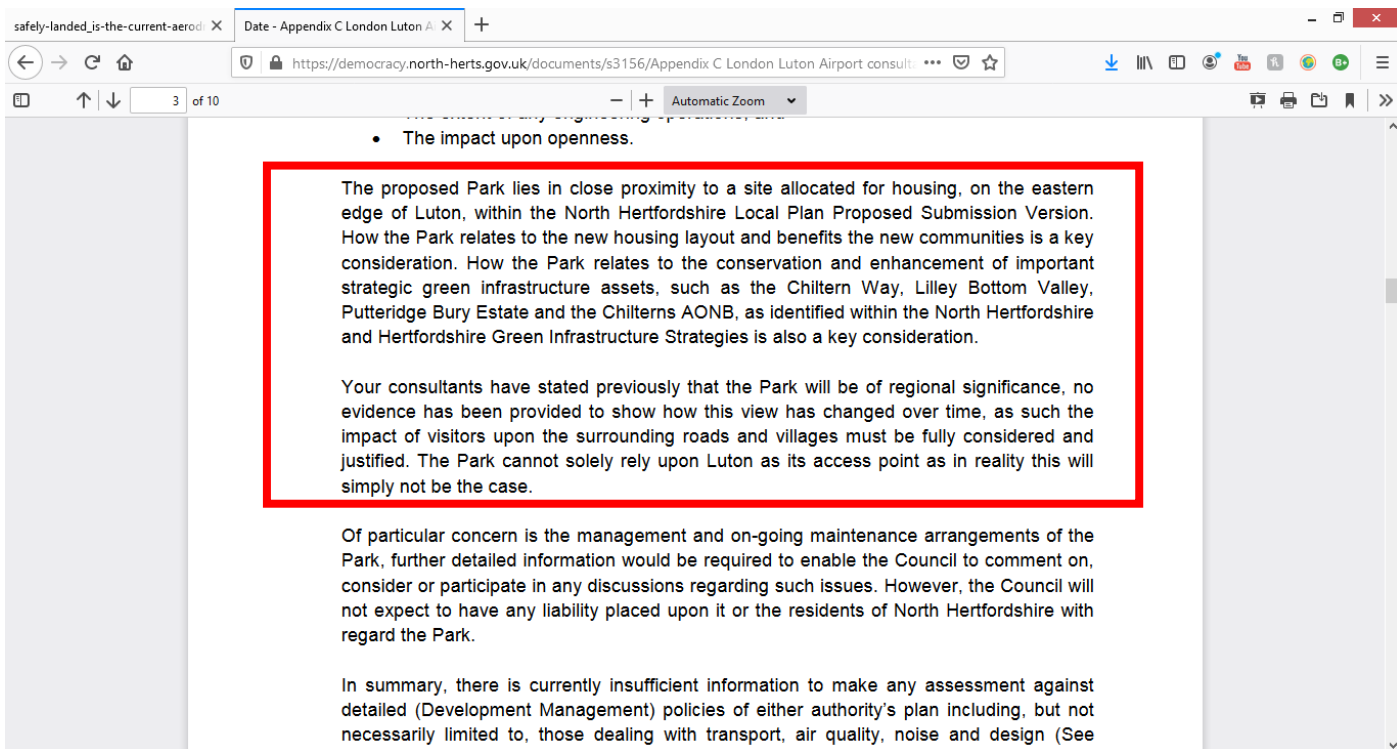
How can such biased, duplicitous expression be taken seriously?





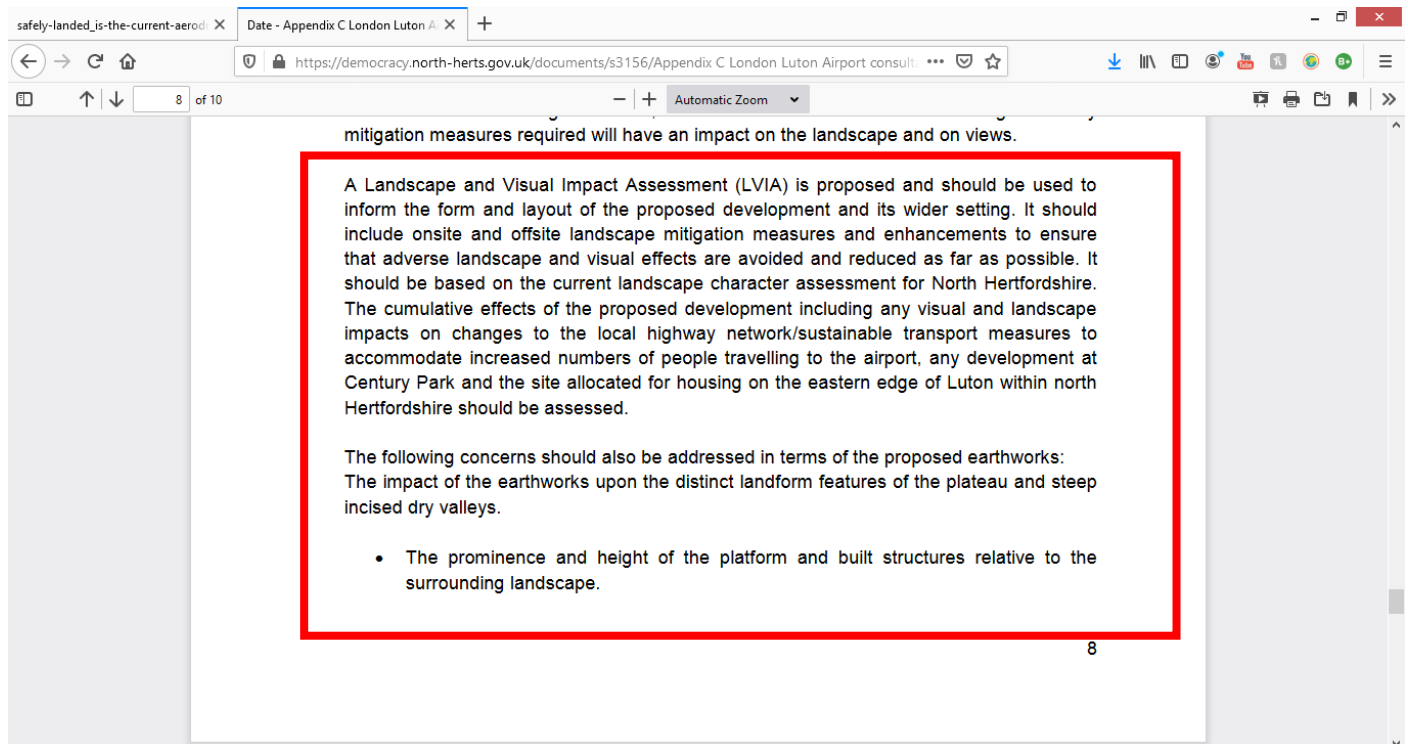
Luton Council has already purchased the land from North Hertfordshire District Council for the replacement Park. However the replacement Park is only temporary and is going to become the long stay car park at the end of Phase 2.

Cllr Levett says that the impact of the new access points to this park need considering.

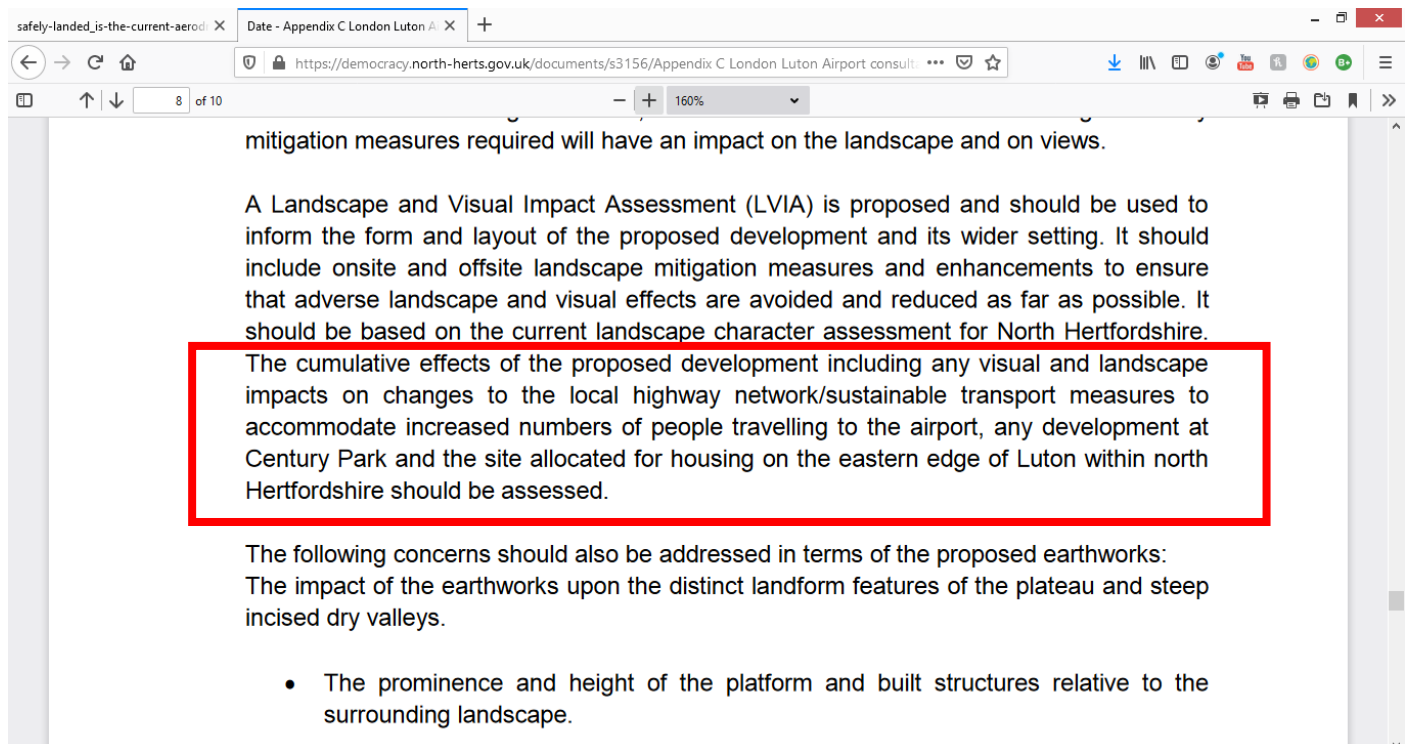


However financially struggling Luton Council paid NHDC Council 1.5 million pounds for a large site next to the field in question, for a replacement to the two parks that are going to become concrete – the previous 40 year old park/ ACV/ Wigmore Valley Park and the temporary replacement park which they aim to turn into a long-stay car park several years later. So this means there will be no park in that part of

Luton that is within Luton. The purposes of the greenspace will no longer be met and to compound this problem, the purposes of the Green Belt will also no longer be met due to the East of Luton site.



We agree – yes a Landscape and Visual Impact Assessment (LVIA) should be used to inform the proposed development of East of Luton and its wider setting.



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## Current Planning Application

Reference is made to the current planning permission that was granted in 2014 for development to enable the expansion of airport capacity to 18m ppa from its previous capacity of 9m ppa. This permission contains a complex series of mitigation measures contained within conditions of the planning permission and S106 Obligation. It includes regular monitoring of noise impacts, assumptions on fleet modernisation (newer aircraft less noise); night flight limitations and payments to local residents to provide noise insulation measures in their homes.

The modelling and assumption of the mitigation measures was based on a trajectory of increasing airport capacity towards 18m ppa by 2027/28. It now appears that this level of capacity will, or even has occurred much earlier than 2027. The 2013 S106 fund was an allocation of approx. £100,000 per annum to local residents based on a fund for an expansion to 18 ppa by 2027/28 and significant fleet modernisation. It is the Council's concern that if the 2013 assumptions and trajectory have been proved to significantly under estimate the growth of the airport then the associated mitigation (including payments to local residents) would be inadequate. If the new proposal is granted as an NSIP, then mitigation needs to be more effective and more collaborative with neighbouring local authorities

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concern that if the 2013 assumptions and trajectory have been proved to significantly under estimate the growth of the airport then the associated mitigation (including payments to local residents) would be inadequate. If the new proposal is granted as an NSIP, then mitigation needs to be more effective and more collaborative with neighbouring local authorities.

Condition 10 of the 2014 permission reads as follows

**At no time shall the passenger throughput of the airport exceed 18 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.**

*Reason: To enable the Local Planning Authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy LP1 of the Luton Local Plan and the National Planning Policy Framework.*

## Health

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## Health

The Council welcomes reference to a Health Impact Assessment (HIA) to be conducted for the proposed development and requests that this assessment would accurately identify and take account of the impact of the airport expansion on North Hertfordshire's residents. In addition to the socio-economic determinants such as employment and income, as stated in the document an HIA should also identify the following determinants such as:

9

- physical environment (air and water quality, housing and transit),
- other social and economic factors (education, family an social support and community safety, clinical care (access to and quality of care) and

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## Phasing

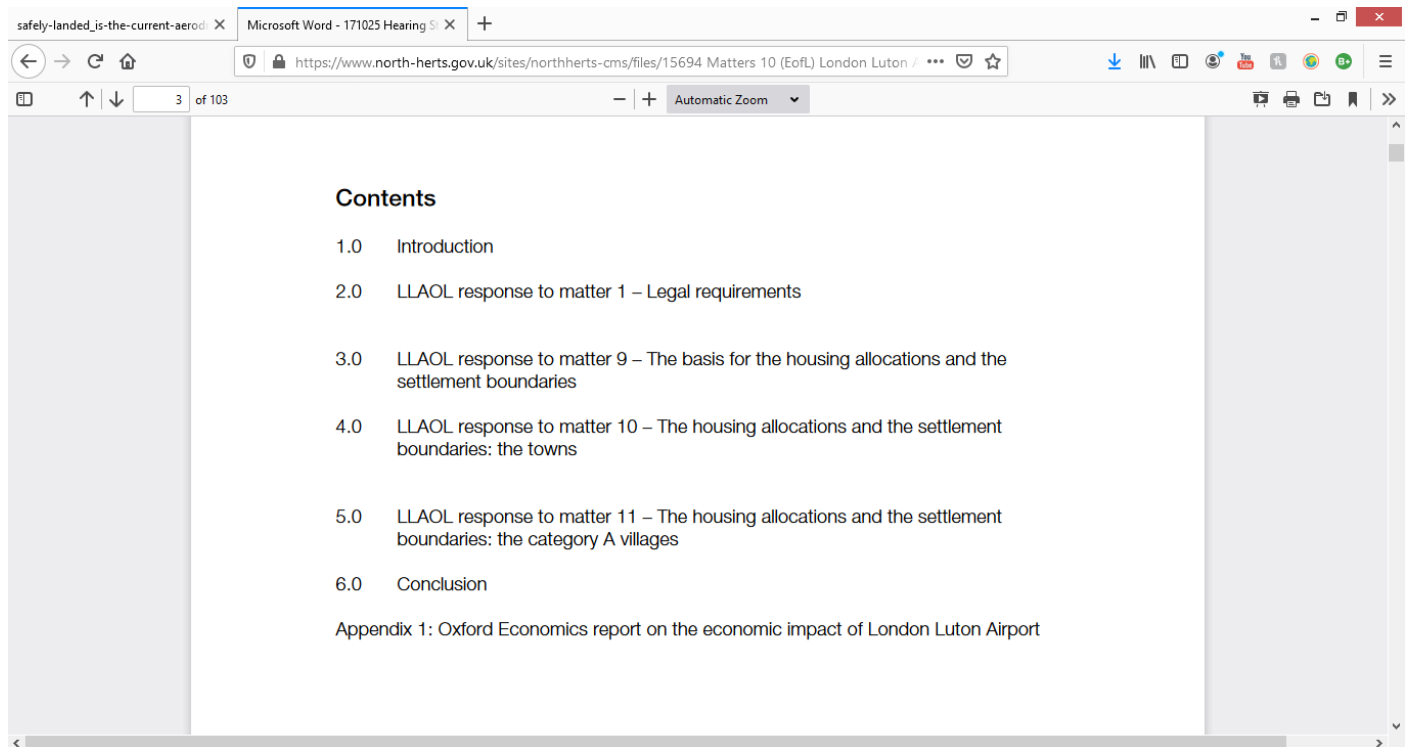
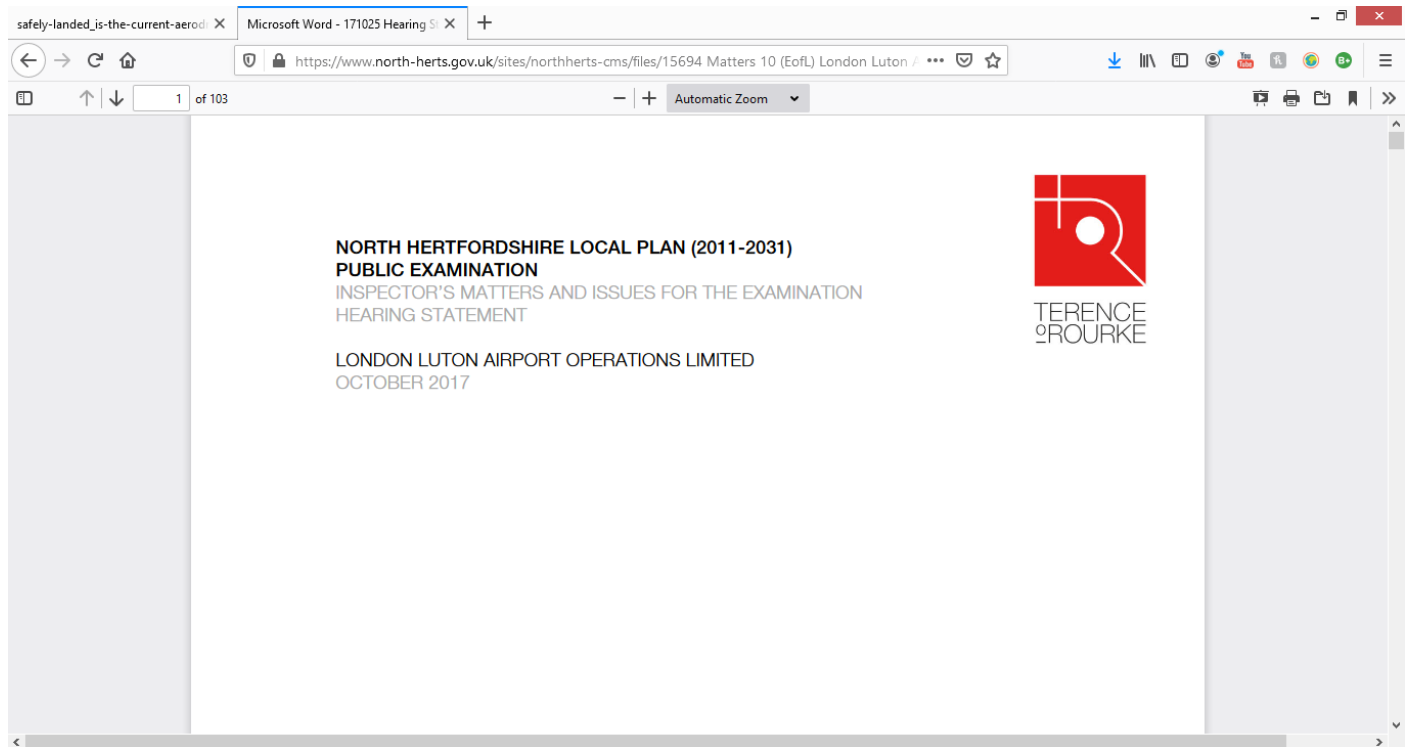
The consultation document refers to managing the growth of the airport in line with passenger demand. More detail is required as to how and when the phasing of mitigations will come forward in relation to actual passenger numbers/growth This concern is raised given the previous application and the faster than planned for increase in passenger numbers. There is also the need to make phasing of growth contingent/conditional upon, not just passenger growth, but also on managing environmental constraints, surface access, including passenger, employee and construction access to and from the airport during the construction phases, as well as other infrastructure impacts. This would be consistent with the commitments made within the consultation document to sustainability and sustainable development and would be expected to be considered and evidenced as part of the Sustainability Strategy under preparation for the airport expansion proposal.

Finally, the Council notes the reference to LLAL's Community Funding Programme which has been used to deliver projects directly within Luton and while this initiative is welcomed, the Council would expect that part of this funding is made available to support community groups outside of Luton, particularly in North Hertfordshire where some of our western communities will be substantially affected by noise and environmental impacts of the

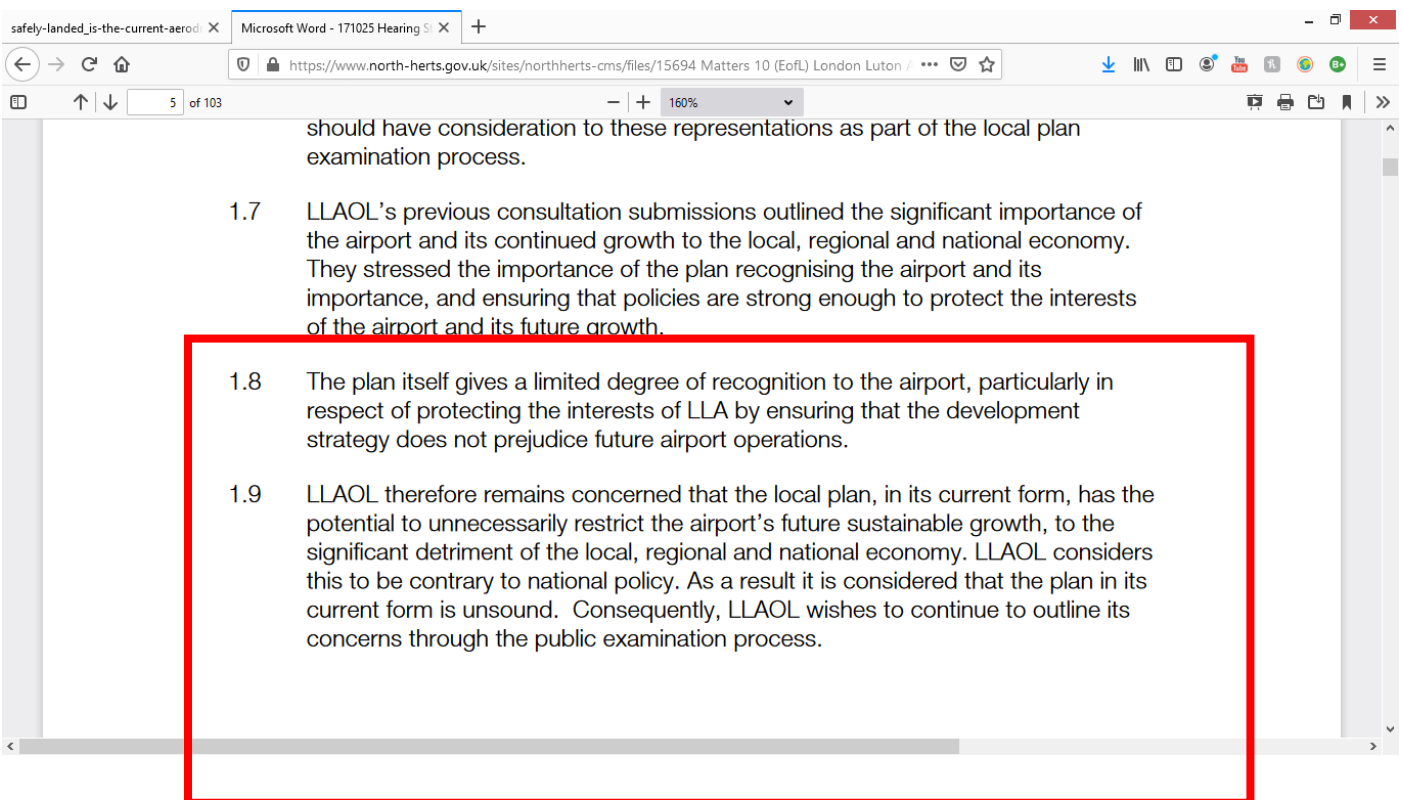
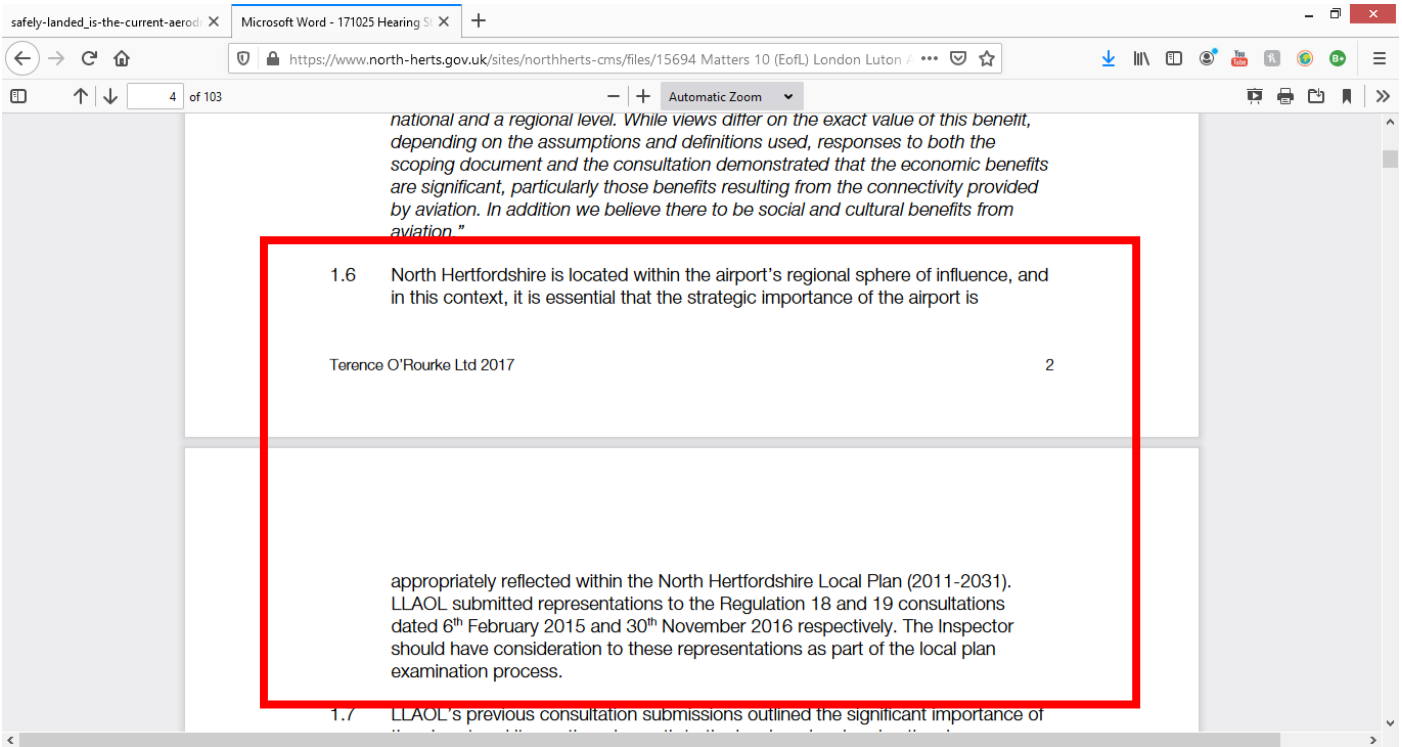
## WHAT DID LONDON LUTON AIRPORT OPERATIONS LIMITED SAY WHEN THEY RESPONDED?

When statutory consultee London Luton Airport Operations Limited were consulted about the East of Luton Strategic Sites, what did they say?

<https://www.north-herts.gov.uk/sites/northherts-cms/files/15694%20Matters%2010%20%28EofL%29%20London%20Luton%20Airport%20copy.pdf>







LLAOL has told NHDC that it is concerned that the Local Plan has the potential to unnecessarily restrict the airport's future sustainable growth.

This is of significant detriment to the local, regional and national economy.

LLAOL considers this to be in direct contradiction to national policy.

LLAOL has said that on this basis the current Plan is unsound.

They have further concerns which they say they want to continue to outline.

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## 2.0 LLAOL response to matter 1 – Legal requirements

***Duty to cooperate***

*Overall, has the Local Plan ('the Plan') been prepared in accordance with the 'duty to cooperate' imposed by section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?*

2.1 No.

2.2 The NPPF sets clear requirements for the duty to cooperate, and paragraph 179 states that (our emphasis):

*"Local Planning Authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual local plans"*

2.3 LLAOL has repeatedly sought to engage with the LPA during the preparation of the Local Plan, specifically through representations to the local plan Regulation 18 and Regulation 19 consultations. It is therefore disappointing that the plan continues to downplay the significance of the airport and the potential impact to its operations caused by a number of the site allocations. LLA is a significant contributor to the local, national and regional economies and as such LLAOL considers that it should be considered an important "body" to work collaboratively with.

LLAOL is complaining that the LPA has downplayed the significance of the airport.

They complain also that the potential impact to airport operations will be caused by the number of housing site allocations.

They have repeatedly sought to engage with the LPA during the Plan preparation process but to no avail.

To this day none of the statutory requirements relating to safeguarding have been included in the Plan.

Therefore LLAOL's statement that the Plan is unsound is entirely accurate and rooted in reality.

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contributor to the local, national and regional economies and as such LLAOL considers that it should be considered an important “body” to work collaboratively with.

2.4 LLAOL therefore concludes that the LPA has failed in its duty to cooperate, resulting in important matters of regional strategic importance being under represented in the plan, thereby rendering it unsound in its current form.

*What are the strategic, cross-boundary issues of relevance to the Plan?*

2.5 As outlined above, LLA is a significant contributor to the local, national and regional economies and should therefore be considered as a cross-boundary issue of relevance when preparing the local plan.

### 3.0 LLAOL response to matter 9 – The basis for the housing allocations and the settlement boundaries

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### 3.0 LLAOL response to matter 9 – The basis for the housing allocations and the settlement boundaries

**Issues**

*Have all sites put forward for allocation been considered through the SA? Is the SA based on appropriate criteria and is it a robust and sound base of evidence?*

*What process or methodology has been used to select sites for allocation? In particular:*

*e) Have all constraints been taken into account?*

*Overall, has the SA of sites and the selection process been appropriate and robust?*

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3.1 NO.

3.2 The sites of concern to LLAOL are EL1, EL2, EL3, KW1, SI1 and SI2; each of which is identified within the sustainability appraisal.

3.3 Of the six sites, KW1 is the only one that is located within the airport's noise contours. The SA correctly identifies noise as a constraint for this site.

3.4 Whilst the other sites are not located within the defined noise contours, they are underneath the current flight path and relatively close to the noise contours. Noise has not in these cases been identified as a concern / constraint. LLAOL does not consider this to be a robust approach as changes to airport operations in future have the potential to alter the existing flight paths and noise contours, which could lead to noise effects at other sites. Consequently, the potential future noise climate should be addressed in relevant policies – for example, by requiring new homes to be resilient/adaptable to potential changes to the noise environment in future.

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**4.0 LLAOL response to matter 10 – The housing allocations and the settlements boundaries: the towns**

*Luton (Cockernhoe)*

*Are all of the proposed housing allocations deliverable? In particular, are they:*

*c) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?*

4.1 No.

4.2 Sites EL1, EL2 and EL3 are located within 1,000m of the airport's boundary and therefore LLAOL considers that the airport itself should be considered a constraint. Development of these sites has the potential to adversely impact upon airport operations and result in significant noise impacts to residents of the new development and highway impacts.

Noise

4.3 The operation of LLA obviously has some implications with respect to noise. With regard to housing proposals in close proximity to the airport, LLAOL wishes to

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development and highway impacts.

Noise

4.3 The operation of LLA obviously has some implications with respect to noise. With regard to housing proposals in close proximity to the airport, LLAOL wishes to highlight paragraph 123 of the NPPF, of which bullet point 3 states:

*“recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”.*

4.4 LLAOL supports the inclusion of section j of policy SP19, which requires the proposed housing sites to incorporate:

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*“j. Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces;”*

4.5 Whilst this policy requirement is welcomed, LLAOL does not believe that the current form of wording is strong enough to protect the amenity of future residents or the interests of LLA in terms of noise. To that effect we suggest the policy wording be amended to read:

***“j. Sites EL1, EL2 and EL3 are within close proximity to London Luton Airport, and therefore any schemes will need to demonstrate that any noise issues have been appropriately addressed and internal noise levels within any new homes are within relevant guidelines. Appropriate noise mitigation measures should include insulation and appropriate orientation of living spaces”***

Highway impact

4.6 Given the close proximity to LLA, the potential impacts of the proposed development sites (EL1, EL2 and EL3) on the surrounding highway network are a



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Highway impact

4.6 Given the close proximity to LLA, the potential impacts of the proposed development sites (EL1, EL2 and EL3) on the surrounding highway network are a key concern to LLAOL. Within the supporting evidence of the local plan preferred options consultation paper, it was outlined that transport assessments would be required for all three sites within policy SP19 in order to assess the impacts of the developments upon Luton and the M1 motorway.

4.7 Within our previous representation LLAOL requested that these transport assessments also consider the transport impacts on the accessibility and operation of LLA. As outlined, the airport currently has planning permission to expand capacity to 18mppa. LLAOL's masterplan covers the period to 2028, so this expansion would be delivered within North Hertfordshire District Council's proposed local plan period. Any transport assessment for the allocated sites will therefore need to consider this permitted increase in operational capacity. We suggest the following wording is added to policy SP19:

***“As part of any development proposal a Transport Assessment must be undertaken in order to assess the impacts of the development upon Luton, the M1 motorway and London Luton Airport.”***

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***undertaken in order to assess the impacts of the development upon Luton, the M1 motorway and London Luton Airport.”***

4.8 With regard to the above comments, LLAOL would also like to be formally consulted on the master planning process, in order to ensure that airport-related matters are appropriately addressed during the design stage. This would help to ensure that final master plans are appropriate and consider all issues relating to airport operations. We therefore request that the following wording be incorporated within the policy supporting text:

***“London Luton Airport Operations Limited should be consulted during the master planning stage in order to ensure that airport-related matters are appropriately addressed.”***

4.9 This would ensure that any proposals delivered in accordance with policy SP19 would be deliverable in a timely manner.

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## 6.0 Conclusion

6.1 LLAOL welcomes the recognition of the airport and its operations within the plan, however; it does not consider the plan in its current form adequately reflects the importance and significance of LLA, and the need to support its sustainable growth for the benefit of the entire region.

6.2 The lack of recognition of potential noise and highway issues relating to a number of the allocations within the plan means that the plan is contrary to the NPPF and unsound as a result. LLAOL therefore believes that further modifications to the local plan are required in order to address its concerns and successfully meet all the tests of soundness. LLAOL would welcome the opportunity to engage with the LPA on this matter, and comment on any proposed modifications to the local plan.

## APPENDIXES:

#EAST\_OF\_LUTON-PUBLIC\_SAFETY\_ZONES-MapOfPublicSafetyZone&Constraints1-11Nov2020

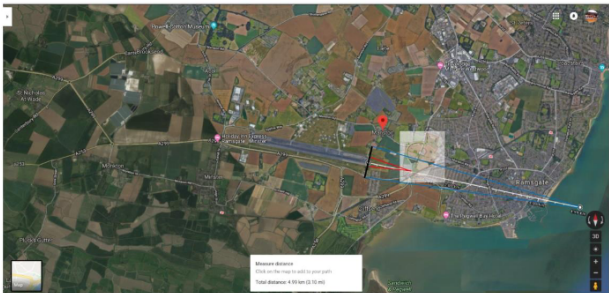
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### Public Safety Zones



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As one end (to the West) extends over relatively open countryside I have limited the area of PSZ to the East where most residents live. I have also modelled the area of Manston Green (785 houses given Planning Permission but yet to be built) onto the PSZ. The blue triangle indicates the 1:100000 risk contour and the red the 1:10000. This is modelled on the Bradford / Leeds airport but is similar to many regional airports.

**Leeds-Bradford Airport - Runway 14 Approach Public Safety Zone Map**

Boundary of area subject to individual risk of 1 in 10,000 per yr or greater  
Boundary of Public Safety Zone

0 200 400 600 800 1,000 Metres

## Public Safety Zones

### Current PSZ policy in the UK

- 1.3 In the UK a PSZ is an area of land adjacent to the end of a runway in which development is restricted if it would be likely to increase significantly the number of persons living, working or congregating there. Current PSZ policy does not impose restrictions in relation to existing properties or activities.
- 1.4 PSZs were originally introduced in the UK in 1958 following the recommendations of the Committee on Safeguarding Policy (the Le Maitre Committee - Ref 1). The committee examined data on accidents causing 'substantial damage' to aircraft which occurred between 200 ft and 2 miles from the end of runways in the UK during the period 1946-1957. The committee noted that more than half of these accidents were in fact within 4,500 ft (1372m) of the runway end, and this latter value was taken as the longitudinal limit of the PSZs for the larger airports.
- 1.5 Current policy is that PSZs are established at the ends of the major runways of aerodromes which handle more than 1,500 air traffic movements<sup>1</sup> in any one calendar month and if, based on recent trends, there is a potential for an increase to a rate of 2,500 in any one calendar month.
- 1.6 Since 1981, the length of a PSZ for an aerodrome with less than 45,000 air traffic movements<sup>1</sup> per year has been set at 1,000m from the runway end along the extended runway centreline, with the lateral plan following the International Civil Aviation Organisation (ICAO) approach area for an instrument runway (Code 3 or 4) (Ref 2). For an aerodrome with greater than 45,000 air traffic

calendar month and if, based on recent trends, there is a potential for an increase to a rate of 2,500 in any one calendar month.

- 1.6 Since 1981, the length of a PSZ for an aerodrome with less than 45,000 air traffic movements<sup>1</sup> per year has been set at 1,000m from the runway end along the extended runway centreline, with the lateral plan following the International Civil Aviation Organisation (ICAO) approach area for an instrument runway (Code 3 or 4) (Ref 2). For an aerodrome with greater than 45,000 air traffic

<sup>1</sup> The definition of air traffic movements is different from that of air transport movements (ATMs) used elsewhere in this report (see glossary).

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movements<sup>1</sup> per year, the PSZ follows the same lateral plan but extends 1,372 metres along the extended runway centreline, as illustrated in Figure 1.1. An exception to these rules is London City Airport which, because of its exclusive use by short take-off and landing aircraft, has a reduced PSZ of 600 metres.

- 1.7 At present, 20 airports in the UK have PSZs. These are: Aberdeen, Birmingham, Bristol, Bournemouth, Cardiff, East Midlands, Edinburgh, Gatwick, Glasgow, Heathrow, Leeds Bradford, Liverpool, London City, Luton, Manchester, Newcastle, Prestwick, Southampton, Southend and Stansted.

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use by short take-off and landing aircraft, and a reduced PZ of 600 metres.

1.7 At present, 20 airports in the UK have PSZs. These are: Aberdeen, Birmingham, Bristol, Bournemouth, Cardiff, East Midlands, Edinburgh, Gatwick, Glasgow, Heathrow, Leeds Bradford, Liverpool, London City, Luton, Manchester, Newcastle, Prestwick, Southampton, Southend and Stansted.

**3 THIRD PARTY RISK NEAR AIRPORTS AND PUBLIC SAFETY ZONE POLICY**

**Conclusion**

It is apparent that there is a reason that RSP/ROIC have consistently refused to discuss PSZs in their consultations and in their DCO submission and that is the possibility that compensation payments would create a cash flow problem as Manston Green (Southern) falls under the 1:10000 contour where under normal circumstances no building would be allowed. Even inside the 1:100000 restrictive planning legislation would make compensation much more likely and therefore less affordable to RSP/ROIC.<sup>4</sup>

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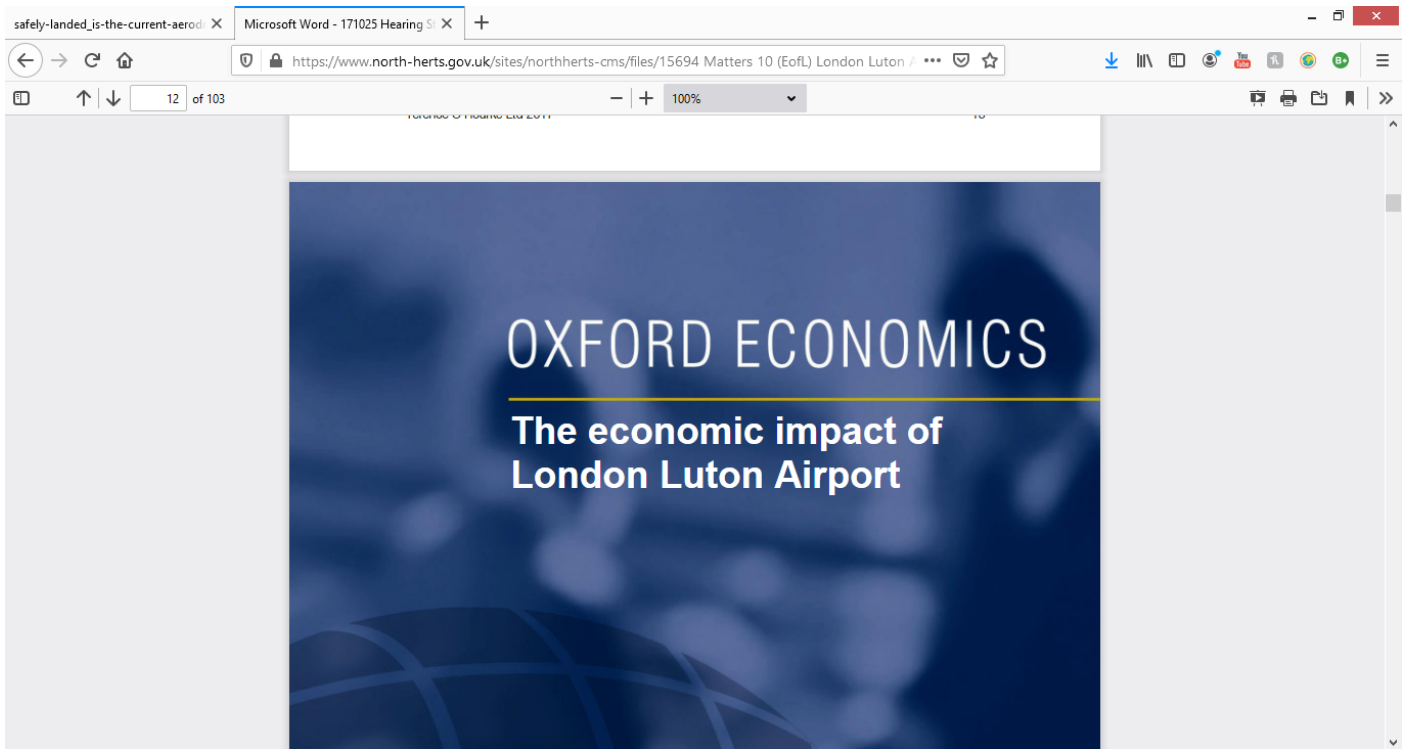
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**R&D Report 9636**

**THIRD PARTY RISK NEAR AIRPORTS AND PUBLIC SAFETY ZONE POLICY**

**A W Evans**  
**P B Foot**  
**S M Mason**  
**I G Parker**  
**K Slater**

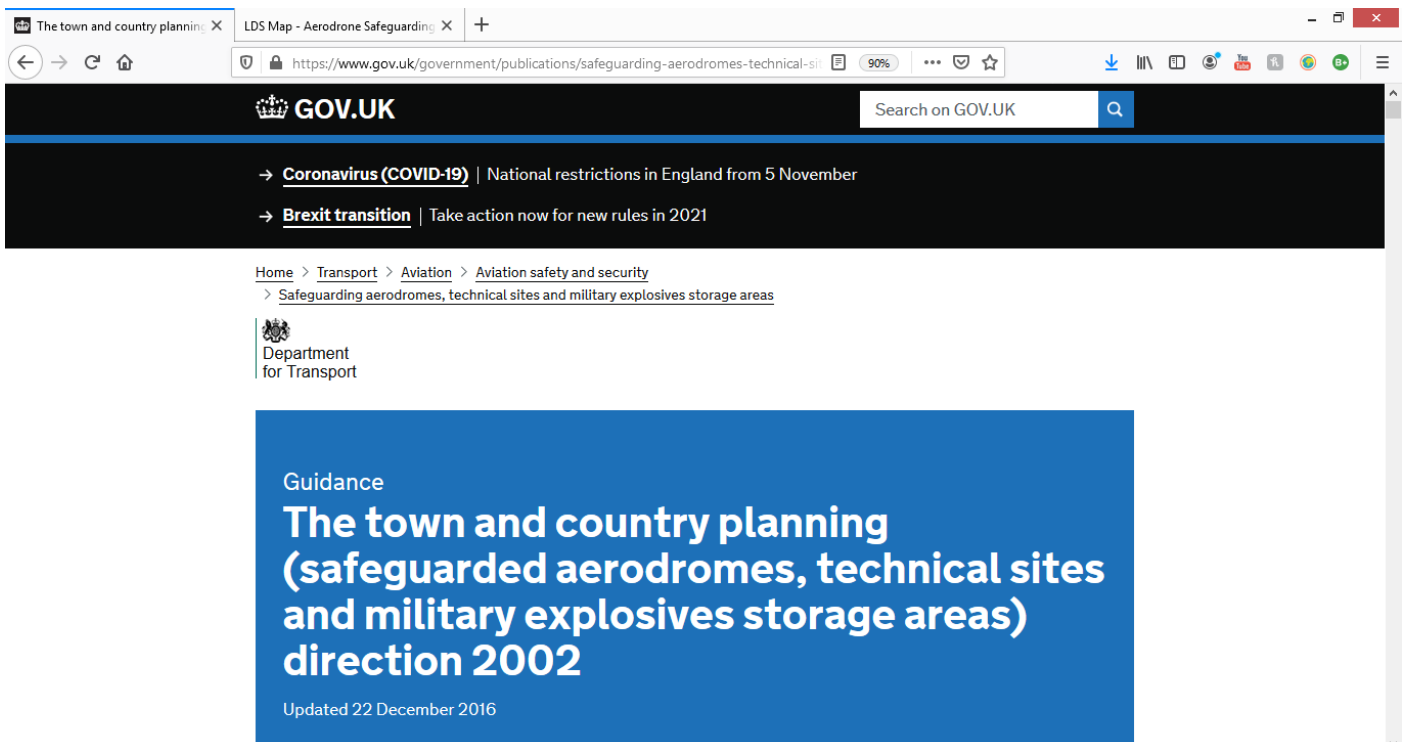
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## LEGISLATION FOR SAFEGUARDING AERODROMES

The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002

<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002>





The town and country planning X LDS Map - Aerodrome Safeguarding X +

Updated 22 December 2016

Contents

- Annexe 1 - the circular
- Annexe 2: Arrangements for safeguarding aerodromes, technical sites and military explosives storage areas international and national aviation background
- Annex 3: Officially safeguarded civil aerodromes
- Annex 4: Local Planning Authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued

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## Annexe 1 - the circular

The first Secretary of State as respects England and the National Assembly for Wales as respects Wales, in exercise of the powers conferred on them by articles 10(3), 14(1), 20(4) and 27 of the Town and Country Planning (General Development Procedure) Order 19951 and all other powers enabling them in that behalf, hereby direct as follows:

- this direction may be cited as the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 and shall come into force on 10 February 2003
- this direction applies to England and Wales

In this direction:

‘aerodrome’ means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or climbing vertically, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales, the Civil Aviation Authority or the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated.

‘consultee’ means:

The town and country planning X LDS Map - Aerodrome Safeguarding X +

Updated 22 December 2016

Contents

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‘consultee’ means:

(a) in relation to a safeguarding map certified by the Civil Aviation Authority, the owner or operator of the aerodrome or technical site identified on that map or

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## DEFINITION OF “AERODROME”

In this direction:

‘aerodrome’ means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or

climbing vertically, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales, the Civil Aviation Authority or the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated.

The wording defining aerodrome includes “prospective use”...“commonly used or in prospective use for affording facilities for the landing and departure of aircraft”.

This means we must consider BOTH the aerodrome as it is currently used. And we must ALSO understand aerodrome to mean land in prospective use, which includes the proposed expansion of the aerodrome and its landing and departure facilities anywhere.

As the actual consultation documents maps for Airport Expansion DCO phases 2 and 3 DO include part of the NHDC Local Plan’s actual East of Luton Site 1&2 - we must now conclude that the physical presence of this part of the proposed aircraft affording facility within the Strategic site itself, means it is now forms part of the definition of “Aerodrome” too.

#### DEFINITION OF “CONSULTEE”

‘consultee’ means:

- (a) in relation to a safeguarding map certified by the Civil Aviation Authority, the owner or operator of the aerodrome or technical site identified on that map; or
- (b) in relation to a safeguarding map certified by the Secretary of State for Defence, the Secretary of State for Defence;

Here in Annex 3 of that Directive we have the local areas containing safeguarded aerodromes:

The town and country planning X LDS Map - Aerodrome Safeguarding X +  
https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-si: 90%

## Annex 3: Officially safeguarded civil aerodromes

### England

- Biggin Hill
- Birmingham
- Blackpool
- Bournemouth
- Bristol
- Carlisle
- Coventry
- Doncaster Sheffield
- Durham Tees Valley
- East Midlands
- Exeter

[↑ Contents](#)  
[Print this page](#)

The town and country planning X LDS Map - Aerodrome Safeguarding X +  
https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-si: 90%

- London Stansted
- Luton**
- Manchester
- Newcastle
- Newquay
- Norwich
- Oxford
- Southampton
- Southend

[↑ Contents](#)  
[Print this page](#)

Under Safeguarding procedure the Directive says that each local authority is issued to each local planning authority within the area indicated on the map.

The town and country planning: X LDS Map - Aerodrome Safeguarding X +

← → ↻ 🏠 🔒 https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-si 90% ⋮ 📄 ☆

### Safeguarding procedure

Safeguarding maps for civil aerodromes and technical sites are certified by the Civil Aviation Authority. Safeguarding maps for military aerodromes, technical sites and explosives storage areas are certified by the Secretary of State for Defence. A safeguarding map is issued to each local planning authority within the area indicated on the map. The requirements for consultation are described in the legend on the safeguarding map. In respect of any officially safeguarded civil aerodrome or civil en-route technical site, there will be two safeguarding maps. But as the maps relating to wind turbine development cover larger areas than the general aerodrome safeguarding maps and larger areas than some of the general technical site safeguarding maps, some local planning authorities will need to consult civil aerodrome or technical site operators only in connection with proposed wind turbine development.

It is recognised as good practice for applicants to initiate technical consultations before submitting planning applications, and it is open to them to send details of a proposed development direct to a statutory consultee. Local planning authorities which are themselves consulted before a planning application is submitted should encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8 to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.

↑ Contents

🖨️ Print this page

Consultees may face particular difficulty in providing advice in respect of outline planning applications, because they are likely to need to examine specific proposals on matters such as siting, design (including height) and external appearance before they

North Hertfordshire District Council and Luton Borough Council are within the safeguarded area. Therefore they should have been issued with two safeguarding maps.

Before submitting planning applications, it is recognised as good practise for applicants to initiate technical consultations. It says that it is likely necessary for the local planning authority to ask for any types of development listed in paragraph 8 to present a risk assessment relating to the proposed development and birdstrike or bird hazard.

This has not be done in any of the developer planning applications for East of Luton sites, nor has there been policies reflective of this requirement placed in the Local Plan.

“It is recognised as good practice for applicants to initiate technical consultations before submitting planning applications, and it is open to them to send details of a proposed development direct to a statutory consultee. Local planning authorities which are themselves consulted before a planning application is submitted should encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8 to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.”

Because this proposed development is within a safeguarded aerodrome zone consultees need to be provided with further information on matters such as siting, design (including height) and external appearance before they can advise as to

whether the development could compromise safety of the aerodrome or interfere with the navigation aid.

“Consultees may face particular difficulty in providing advice in respect of outline planning applications, because they are likely to need to examine specific proposals on matters such as siting, design (including height) and external appearance before they can advise on whether the proposed development might compromise the safe operation of the aerodrome or interfere with the navigation aid.”

The screenshot shows a web browser window with the URL <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-site>. The page content includes the following text:

encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8 to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.

Consultees may face particular difficulty in providing advice in respect of outline planning applications, because they are likely to need to examine specific proposals on matters such as siting, design (including height) and external appearance before they can advise on whether the proposed development might compromise the safe operation of the aerodrome or interfere with the navigation aid. In considering outline planning applications local planning authorities should therefore take account of the importance to consultees of what could otherwise be reserved matters. Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 provides that, where a local planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters, they must notify the applicant within one month of receiving the application that they are unable to determine the application unless further specific details are submitted. If the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

More generally, a similar provision exists in Article 4 of the town and country planning (applications) regulations 1988, whereby the local planning authority may direct an applicant in writing to supply any further information, plans and drawings that may be necessary to determine the application. As it may be necessary for the consultee to have further information in order to consider the effect of a proposed development on

The browser interface includes a search bar at the bottom with the text "paragraph 8" and "2 of 2 matches".

The Local Planning Authority is supposed to have notified the applicants within one month of receiving the applications for the developments that they are unable to determine the application unless further specific details are submitted. As the planning applications for EL1, EL 2 and EL3 do not contain any safeguarding maps, and neither does the Local Plan, we can presume this has not been done.

Furthermore as these applications are over several years old, we can presume that the notification within one month from Authority to applicant, has long since expired and did not occur.

If we are wrong, as a part of this Hearing we ask the Local Authority to now provide us all with copies of the correspondence which they (should have) sent to the applicant requesting further specific details relating to the risk assessment requirements as outlined in the Directive.

Failure to provide copies of any timely notification communication will demonstrate to us that the safeguarding process has not been followed.



“In considering outline planning applications local planning authorities should therefore take account of the importance to consultees of what could otherwise be reserved matters. Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 provides that, where a local planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters, they must notify the applicant within one month of receiving the application that they are unable to determine the application unless further specific details are submitted. If the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.”

Article 3 (2) of the Town and Country Planning (General Development Procedure) Order 1995 says that if the local planning authority (North Herts District Council) had considered that the East of Luton applications were NOT to be considered separately from all or any reserved matters, then they should have notified the applicant within one month of receiving the application asking for further information.

The fact that the Local Authority did not do this, means that the outline planning permission sought MUST BE considered together with all or any of the reserved matters.

This means that this has maximised the need for the consultees to advise against the proposals on a holding basis.

unable to determine the application unless further specific details are submitted. If the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

More generally, a similar provision exists in Article 4 of the town and country planning (applications) regulations 1988, whereby the local planning authority may direct an applicant in writing to supply any further information, plans and drawings that may be necessary to determine the application. As it may be necessary for the consultee to have further information in order to consider the effect of a proposed development on the aerodrome, technical site or military explosives storage area concerned, it is important that the local planning authority consult the representative of the consultee at the earliest possible stage. As in the case of outline planning applications, if the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

The operators of safeguarded aerodromes, technical sites and military explosives storage areas are likely to need to examine specific proposals in respect of matters such as siting, design (including height) and external appearance when local planning authorities consider applications for approval of reserved matters. Although these are not applications for planning permission, and are therefore not covered by the Direction at Annex 1, local planning authorities should as a matter of good practice consult the relevant consultees in accordance with the colour-coding on the safeguarding maps when they receive such applications, and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.

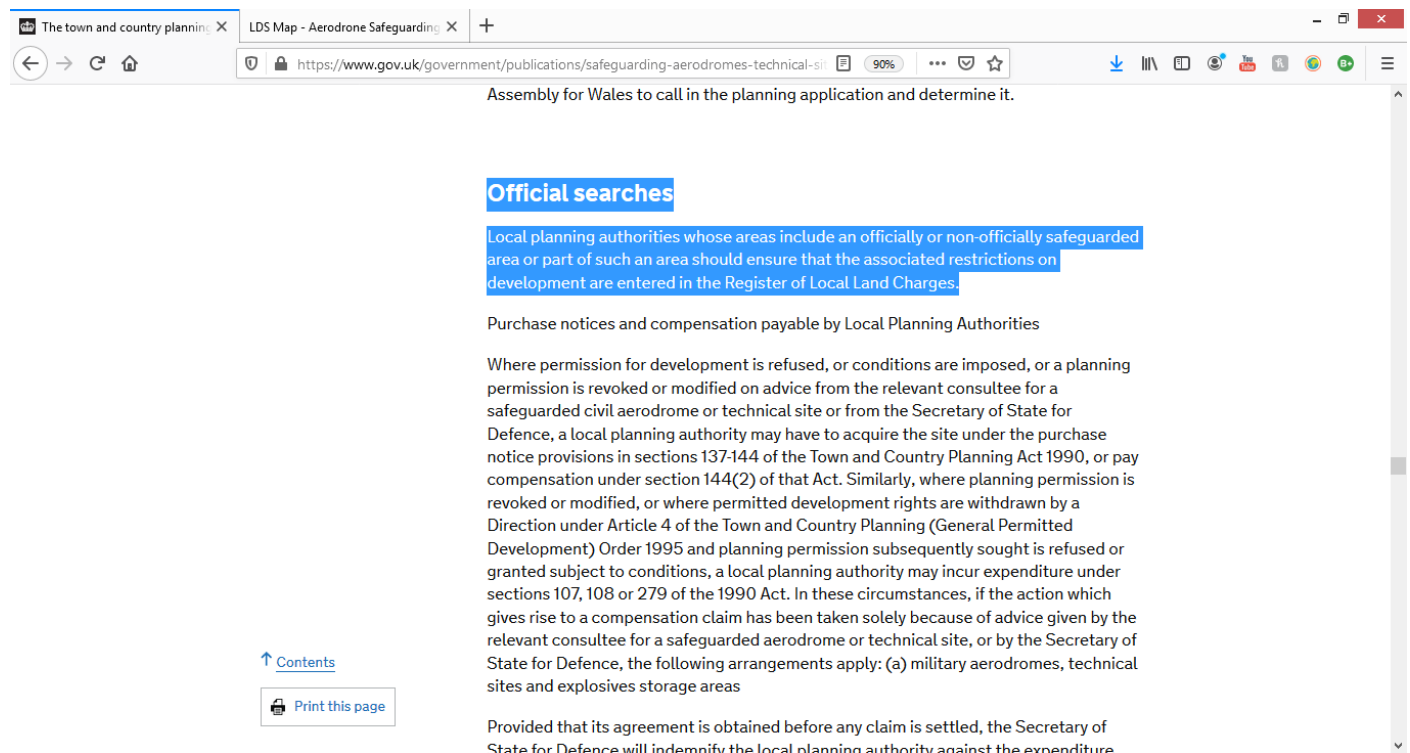
“More generally, a similar provision exists in Article 4 of the town and country planning (applications) regulations 1988, whereby the local planning authority may direct an applicant in writing to supply any further information, plans and drawings that may be necessary to determine the application. As it may be necessary for the

consultee to have further information in order to consider the effect of a proposed development on the aerodrome, technical site or military explosives storage area concerned, it is important that the local planning authority consult the representative of the consultee at the earliest possible stage. As in the case of outline planning applications, if the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.”

In addition to Article 3 (2) there is a similar provision in Article 4 of the town and country planning (applications) regulations 1988.

The information necessary for considering the effect of the proposed development on the aerodrome has not been asked for, nor has it been provided.

Therefore at this stage, there is the need for North Herts to advise against the East of Luton sites on a holding basis.

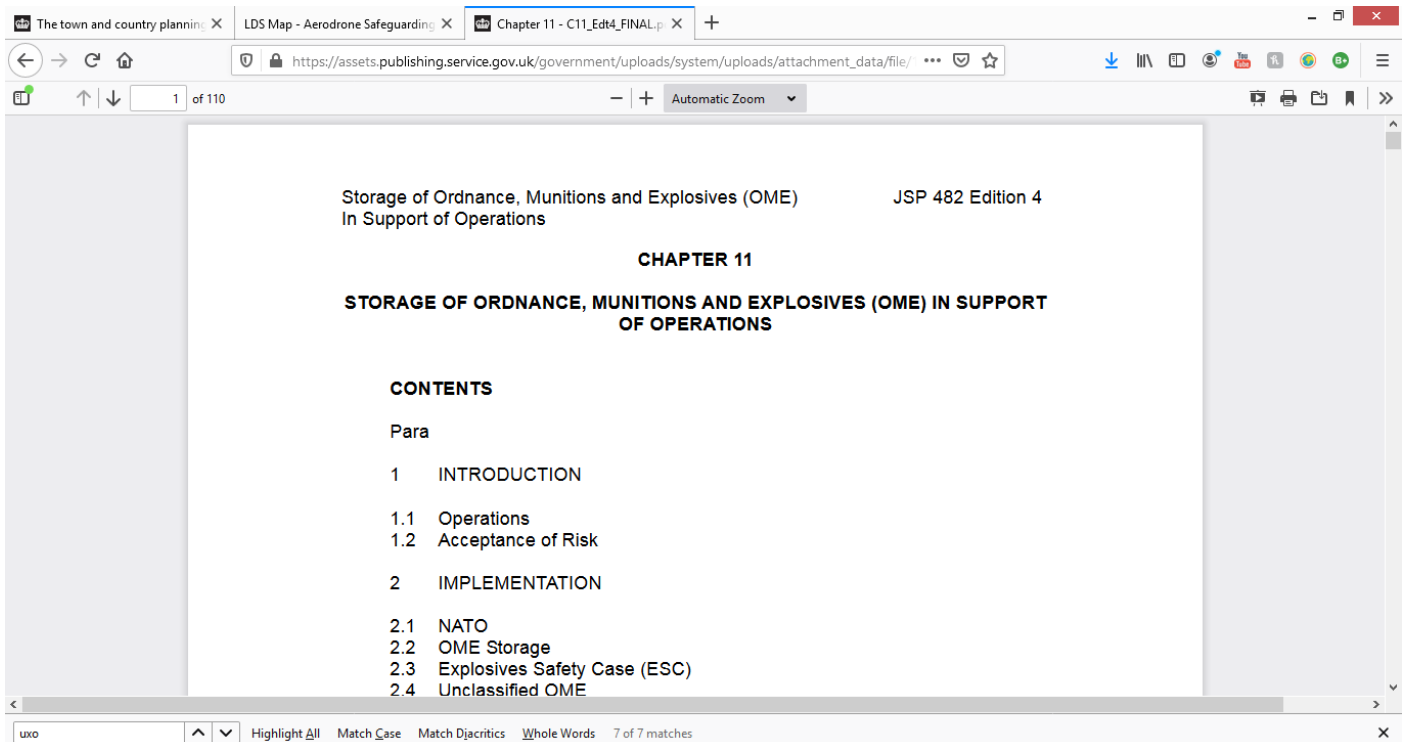


The screenshot shows a web browser window with two tabs: 'The town and country planning' and 'LDS Map - Aerodrome Safeguarding'. The address bar shows the URL: <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-si>. The page content includes a heading 'Official searches' and a paragraph: 'Local planning authorities whose areas include an officially or non-officially safeguarded area or part of such an area should ensure that the associated restrictions on development are entered in the Register of Local Land Charges.' Below this is a section titled 'Purchase notices and compensation payable by Local Planning Authorities' with a detailed paragraph explaining the process. At the bottom of the page, there are links for 'Contents' and 'Print this page'.

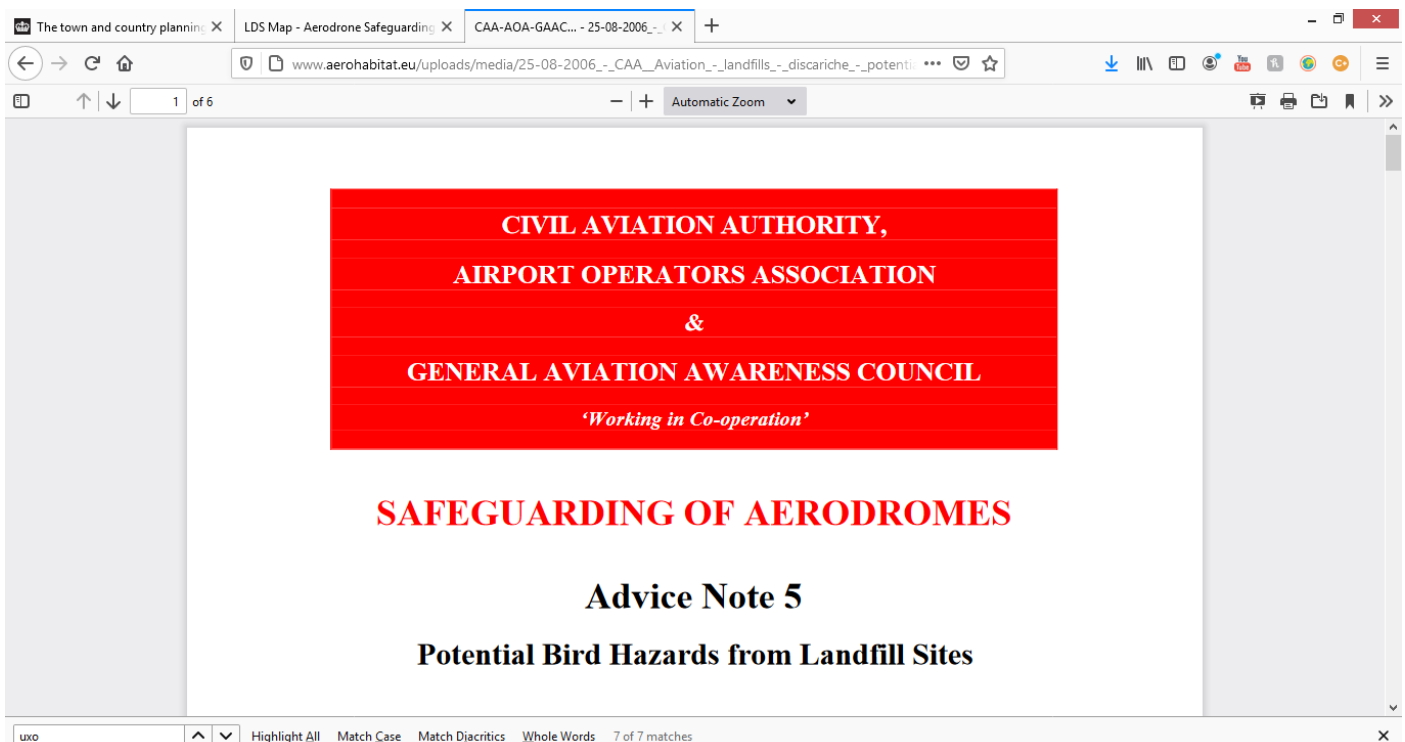
## THE PRESENCE OF UNEXPLODED ORDNANCE (UXO):

The site next to EL1 & 2 which is for PA/17/02300/EIA contains unexploded ordnance left over from World War 2. So this could apply also:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/198295/C11\\_Edt4\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/198295/C11_Edt4_FINAL.pdf)



[http://www.aerohabitat.eu/uploads/media/25-08-2006 - CAA Aviation - landfills - discariche - \\_potential\\_risk.pdf](http://www.aerohabitat.eu/uploads/media/25-08-2006 - CAA Aviation - landfills - discariche - _potential_risk.pdf)



Here is some starting point information about compensation issues that could arise, and which may apply, should any accidents occur under circumstances of negligence. This applies to Scotland but the UK will also have its own corresponding compensation regulations.

<https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-country-planning-0755923111/pages/5/>

The town and country planning X LDS Map - Aerodrome Safeguarding X Planning circular 2/2003 (revis... X +

https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-c

Contents Planning circular 2/2003 (revised): safeguarded aerodro... All files

Annex 2  
safeguarded aerodrome or technical site, or by the Secretary of State for Defence,  
the following arrangements apply:

(a) military aerodromes, military technical sites and explosives storage areas

Provided that the Secretary of State for Defence's agreement is obtained before any claim is settled, the Secretary of State for Defence will indemnify the planning authority against the expenditure incurred, on condition that, in the case of acquisition following service of a purchase notice, the authority confirms the validity of the notice and states that in its view the land has become incapable of reasonably beneficial use, and conveys the land to the Secretary of State. If the planning authority wishes to retain the land, or part of it, specific arrangements can be made between the Secretary of State and the planning authority. In the case of revocation or modification of planning permission, the undertaking to indemnify will not in general apply if the planning authority has failed to consult the Secretary of State at the appropriate time, as required by the safeguarding Direction.

(b) civil technical sites, meteorological technical sites and Civil Aviation Authority aerodromes

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The town and country planning X LDS Map - Aerodrome Safeguarding X Planning circular 2/2003 (revis... X +

https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-c

Contents Planning circular 2/2003 (revised): safeguarded aerodro... All files

Annex 2  
1997, while making clear on the face of the register that its inclusion is not a  
statutory requirement.

**PURCHASE NOTICES AND COMPENSATION PAYABLE BY PLANNING AUTHORITIES**

27. Where permission for development is refused, or conditions are imposed, or a planning permission is revoked or modified on advice from the relevant consultee for a safeguarded civil aerodrome or technical site or from the Secretary of State for Defence, a planning authority may have to acquire the site under the purchase notice provisions in sections 88-95 of the Town and Country Planning Act (Scotland) 1997, or pay compensation under section 95(2) of that Act. Similarly, where planning permission is revoked or modified, or where permitted development rights are withdrawn by a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and planning permission sought is refused or granted subject to conditions, a planning authority may incur expenditure under sections 76, 77 or 232 of the 1997 Act. In these circumstances, if the action, which gives rise to a compensation claim, has been taken solely because of advice given by the representative of a safeguarded aerodrome or technical site, or by the Secretary of State for Defence,

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<https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-country-planning-0755923111/pages/5/>

The town and country planning X LDS Map - Aerodrome Safeguarding X Planning circular 2/2003 (revis... X +

https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-c

**Contents** Planning circular 2/2003 (revised): safeguarded aerodro... All files

Annex 2  
against liability under the purchase notice and compensation provisions of the Town and Country Planning (Scotland) Act 1997 from the aerodrome owner, so that the aerodrome owner will be the body to whom any land acquired under a purchase notice will normally be conveyed.

**INCORPORATION OF SAFEGUARDED AREAS INTO DEVELOPMENT PLANS**

28. Local development plans should indicate that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of the safeguarded areas should be indicated on proposals maps or in an annex to the local development plan. A plan should state why an area has been officially safeguarded and that it is neither the responsibility nor the proposal of the planning authority.

**UNAUTHORISED DEVELOPMENT**

29. In the interests of safety, planning authorities are asked to advise the relevant

failed Highlight All Match Case Match Diacritics Whole Words 1 of 2 matches

## INCORPORATION OF SAFEGUARDED AREAS INTO DEVELOPMENT PLANS

28. Local development plans should indicate that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of the safeguarded areas should be indicated on proposals maps or in an annex to the local development plan. A plan should state why an area has been officially safeguarded and that it is neither the responsibility nor the proposal of the planning authority.

The town and country planning X LDS Map - Aerodrome Safeguarding X Planning circular 2/2003 (revis... X +

https://www.gov.scot/publications/planning-circular-2-2003-scottish-planning-series-town-c

**Contents** Planning circular 2/2003 (revised): safeguarded aerodro... All files

Annex 2  
be indicated on proposals maps or in an annex to the local development plan. A plan should state why an area has been officially safeguarded and that it is neither the responsibility nor the proposal of the planning authority.

**UNAUTHORISED DEVELOPMENT**

29. In the interests of safety, planning authorities are asked to advise the relevant consultee of any alleged breach of planning control in safeguarded areas of which they become aware and for which consultation with the Civil Aviation Authority or the relevant consultee would have been required had the relevant application for planning permission been submitted. Scottish Government Planning Circular 10/2009: *Planning Enforcement* outlines the powers available to planning authorities to enforce planning control and sets out the Scottish Governments policy on the use of these powers. Planning authorities should consider carefully the appropriate action they should take in relation to any breach of planning control, taking into account any views expressed by the relevant consultee.

**HIGH STRUCTURES**

30. The Civil Aviation Authority is responsible for recording all air navigation

failed Highlight All Match Case Match Diacritics Whole Words 1 of 2 matches

## UNAUTHORISED DEVELOPMENT



29. In the interests of safety, planning authorities are asked to advise the relevant consultee of any alleged breach of planning control in safeguarded areas of which they become aware and for which consultation with the Civil Aviation Authority or the relevant consultee would have been required had the relevant application for planning permission been submitted. Scottish Government Planning Circular 10/2009: *Planning Enforcement* outlines the powers available to planning authorities to enforce planning control and sets out the Scottish Governments policy on the use of these powers. Planning authorities should consider carefully the appropriate action they should take in relation to any breach of planning control, taking into account any views expressed by the relevant consultee.

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-000005-GTWK%20-%20Scoping%20Report%20\(Vol%201%20Main%20Text\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-000005-GTWK%20-%20Scoping%20Report%20(Vol%201%20Main%20Text).pdf)

The town and country planning x LDS Map - Aerodrome Safeguarding x Environmental Impact Assessment x +

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-000005-GTWK%20-%20Scoping%20Report%20(Vol%201%20Main%20Text).pdf

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### Guidance Documents

7.4.2 The following guidance documents will be used to inform the assessment:

- Model Procedures for the Management of Contaminated Land (CLR 11) (Environment Agency, 2004);
- Land Contamination: Risk Management (Environment Agency, 2019c);
- British Standard BS 10175 Investigation of Potentially Contaminated Sites (BSI, 2011a and amended 2017);
- Construction Industry Research and Information Association (CIRIA) Document C665: Assessing Risks Posed by Hazardous Ground Gases to Buildings (CIRIA, 2007a);
- British Standard requirements for the 'Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings' (BS8485:2015+A1:2019) (BSI, 2015);
- Defra Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (Defra, 2012); and
- CIRIA Document C681 – Unexploded Ordnance (UXO): A guide for the construction industry (CIRIA, 2009).

### Baseline Information

#### Data Collated to Date

The town and country planning x LDS Map - Aerodrome Safeguarding x Environmental Impact Assessment x +

https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-000005-GTWK%20-%20Scoping%20Report%20(Vol%201%20Main%20Text).pdf

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7.4.13 From an initial review of the existing ground investigation/environmental assessments, it is understood that a degree of potential contamination is present beneath parts of the Project site.

7.4.14 One of the existing environmental reports comprises an unexploded ordnance (UXO) risk assessment undertaken prior to the construction of the Boeing Hanger, located in the west of Gatwick Airport. The assessment identified a low risk from UXO across the area of the proposed hanger. However, reference was made to items of ordnance having been previously encountered during works at Gatwick Airport, in and around the historic boundary of RAF Gatwick (central southern areas of the current airport).

7.4.15 A review of the West Sussex Joint Mineral Local Plan (West Sussex County Council and South Downs National Park Authority, 2018) has been undertaken. Information provided as part of the document indicates that the Project is located within a Brick Clay Resource Mineral Safeguarding Area, relating to the Weald Clay Formation.

### Proposed Scope of the Assessment

7.4.16 It is proposed that the findings of the assessment of effects on geology and ground conditions would be set out as a topic chapter within the ES, supported by technical appendices where appropriate. The PEIR will include a draft chapter, including as much of the information set out below as is available at the time of writing.

### Scope of Baseline Studies

7.4.17 A desk based Phase 1 Preliminary Risk Assessment will be undertaken to inform the geology and ground conditions chapter and will be included as a technical appendix. This will include an



The screenshot shows a web browser window with the following content:

- Environmental Protection Act 1990
- Environment Act 1995;
- Landfill Directive (1999/31/EC);
- Hazardous Waste (England and Wales) Regulations 2005 (as amended);
- Waste Framework Directive (2008/98/EC);
- Waste Management (England and Wales) Regulations 2006;
- Waste (England and Wales) Regulations 2011 (as amended);
- The Environmental Permitting (England and Wales) Regulations 2016;
- Waste Duty of Care: Code of Practice (Defra and Environment Agency, 2016);
- Airports NPS (Department of Transport, 2018a);
- National Planning Policy for Waste (Ministry of Housing, Communities & Local Government, 2014);
- Waste Management Plan for England (Defra, 2013);
- Resources and Waste Strategy for England (Defra and EA, 2018); and
- West Sussex Waste Local Plan (West Sussex County Council and South Downs National Park Authority, 2014) – Policy W23 Waste Management within Development.

**Guidance Documents**

7.13.2 The following guidance documents relevant to waste management will be considered:

- Waste Duty of Care: Code of Practice (Defra and Environment Agency, 2016);
- Definition of Waste: Development Industry Code of Practice version 2 (CL:AIRE, 2011). The Code of Practice sets out procedures for the development industry to use when assessing whether excavated materials are classified as a waste or not. It also allows for the

Search bar: landfill (5 of 6 matches)

**LAWS ON ASSOCIATED DEVELOPMENT:**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/192681/Planning Act 2008 - Guidance on associated development applications for major infrastructure projects.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf)

The screenshot shows a web browser window with the following content:

# Planning Act 2008

## Guidance on associated development applications for major infrastructure projects

Search bar: major development (1 of 4 matches)

6. It is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station.

### Dwellings

7. The Planning Act specifically excludes the construction or extension of one or more dwellings from the definition of associated development. In *R (on the application of Innovia Cellophane Ltd) v Infrastructure Planning Commission (2011)*<sup>4</sup> the Court held that the dwellings exclusion did not preclude a proposal involving temporary accommodation for workers. In principle, therefore, temporary accommodation for workers engaged in the construction or operation of infrastructure may be applied for as associated development if consistent with the core principles.

### Single application

8. It is for applicants to decide whether to include something that could be considered as associated development in an application for development consent or whether to apply for consent for it via other routes. However, where an applicant does wish to apply for consent for associated

major development 1 of 4 matches Reached end of page, continued from top

## [THIS EAST OF LUTON SITE DEFINITELY FALLS WITHIN THE DEFINITION OF MAJOR DEVELOPMENT](#)

<https://www.legislation.gov.uk/ukSI/2010/2184/made>

The Town and Country Planning (Development Management Procedure) (England) Order 2010

You are here:

DEFINITIONS:

UK Statutory Instruments 2010 No. 2184 Whole Instrument

“major development” means development involving any one or more of the following—

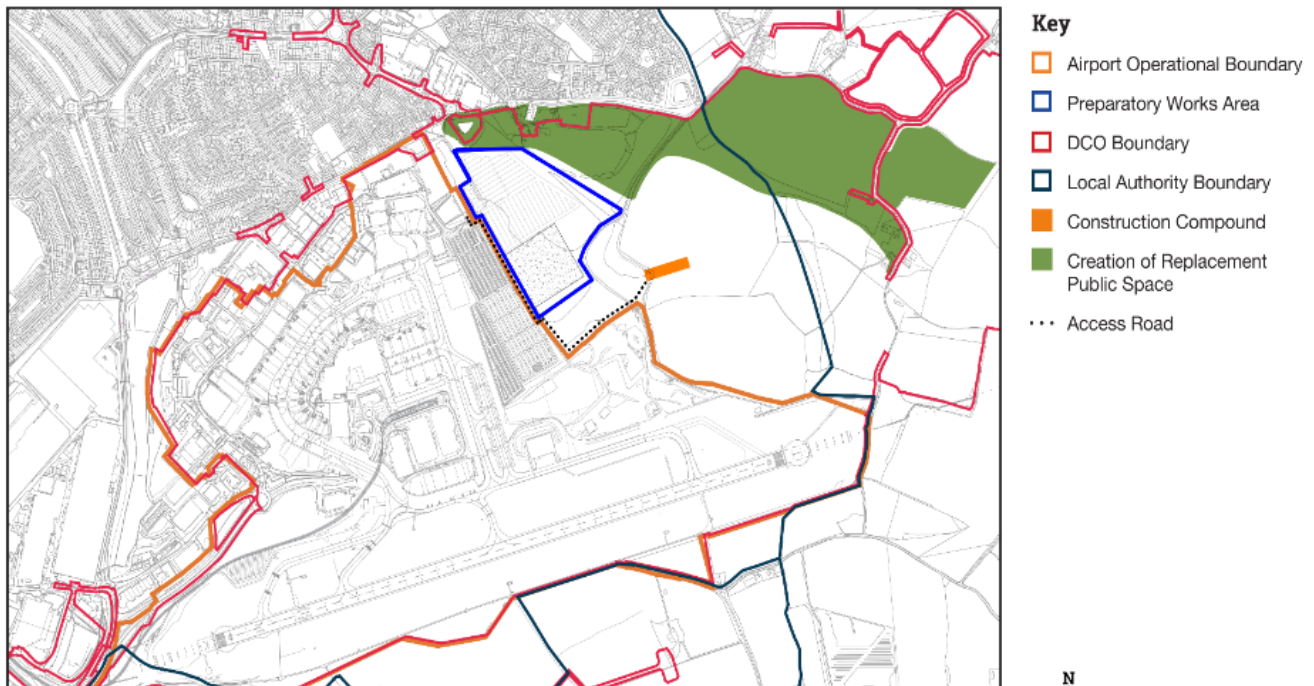
- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where —
  - (i) the number of dwelling houses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

Page 53 shows the current Airport Operational Boundary marked by the yellow orange lines.

Then the DCO Boundaries are marked by the clear red lines.

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

Prior to December 2021



Future Luton - London Luton A X Scheme-development-and-constru X +

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

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Future Luton - Scheme Development & Construction Report

**4.3.1 Construction timeline**

Figure 4.8 provides an indication of the overall construction programme for Phases 1, 2, and 3. The Phase 1 interim capacity works, if not already separately consented and progressed by LALOC, will be the first works to commence. In parallel, enabling works will also begin to deliver the new terminal (Phase 2). Enabling works activities will continue with partial relocation of Wigmore Valley Park to its new location.

The construction of the new terminal and its associated facilities is likely to commence a year after DCO consent on a four-year programme to conclude in 2026. The 25mppa overall airport capacity will be available in time for the summer of 2027. This is a tight timescale, so LALOC has been working collaboratively with the airport operator to put arrangements in place for timely access to the airport site to begin work as soon as possible. The delivery of Phase 3 is planned to progressively deliver capacity between 2028 and 2038.

**Figure 4.9 Overall construction programme**

LUTON AIRPORT PROPOSED DEVELOPMENT CONSTRUCTION PROGRAMME												
YEAR	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Preparatory Works												
Phase 1 - 21.5mppa												
Phase 2 - 25.0mppa												
Phase 3 - 25.0mppa												

EV = Earthwork duration within each phase

Key elements of the phased construction work are shown in Figure 4.9 to Figure 4.11.

**Figure 4.9 Phase 1 (21.5mppa) construction**

**Figure 4.10 Phase 2 (25mppa) construction**

**Figure 4.11 Phase 3 (25mppa) construction**

**4.3 Construction management**

The proposed approach to construction management is explained in more detail in the Draft Code of Construction Practice, Volume 3 of the PEIR. It is available online at [luton.lal.org.uk](https://www.lal.org.uk). A summary is provided in the following paragraphs.

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# OUTLINE CONSTRUCTION SEQUENCE FOR THE SITES IN QUESTION, page 47:

Future Luton - London Luton X Scheme-development-and-constru X +

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

52 of 74 70%

Future Luton - Scheme Development & Construction Report

### 4.2 Outline construction sequence

A construction sequence to deliver a fully functional airport for each of the development phases has been developed. The sequence for each phase will include enabling works (mobilisation, site preparation), construction, testing and commissioning.

In order to meet the passenger demand in a timely manner, the construction works for phase 2 are planned to begin in early 2022 and conclude in 2027, with Phase 3 concluding no later than 2039. Within this overall timeframe, infrastructure assets will be delivered as and when they are required.

To reduce the impact on neighbours and the environment, programmes and solutions that aim to manage the flow of materials and workforce to optimise construction operations; maximise productivity and reduce the effects on local communities, the environment and airport operations will be developed. Site activities will commence with enabling works. These will comprise of:

- activities associated with environmental mitigation measures
- if not already delivered, the delivery of the new Wigmore Valley Park
- if not already delivered, the re-provision of the existing long-stay carpark, landfill treatment compound and associated welfare facilities
- early works associated with the CPAR Phase 2 works including demolition operations
- construction fencing
- temporary haul roads
- utility diversions
- soil remediation works
- establishment of a consolidation centre
- ongoing surveys and monitoring

A key part of the construction strategy is ensuring that access to high quality open space is maintained during the construction works. If not already delivered, works will be undertaken to deliver the works under Phase 1 – Interim Capacity for 21.5mppa.

Phase 2 construction sequence will commence with the earthwork operation along with the drainage, underground utilities including water storage tanks, electrical services, fibre optics, and the Luton DART tunnel. This will be followed by the installation of foundations for the new airport buildings. Other works will include pier, concrete pavements, taxiways, aprons and other associated airfield facilities including perimeter roads, signage and markings. The more complex construction areas such as the construction of the new Luton DART station and tunnel and the new terminal building are likely to be among the first active construction sites. The construction of the new ancillary buildings, long and short stay car parks, and associated airport landscaping, roads, pavements, and new works will follow.

Phase 3 will comprise of expansion of Terminal 2, construction of second pier and associated

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

Prior to December 2021

Key

- Airport Operational Boundary
- Preparatory Works Area
- DOO Boundary
- Local Authority Boundary
- Construction Compound
- Creation of Replacement Public Space
- Access Road

Early 2022

Key

- Airport Operational Boundary
- Construction Zone
- DOO Boundary
- Local Authority Boundary
- Construction Compound
- Temporary Long-stay Car Parking
- Access Road

In 4.3 the outline of the construction sequence is given.

## 4.2 Outline construction sequence

A construction sequence to deliver a fully functional airport for each of the development phases has been developed. The sequence for each phase will include enabling works (mobilisation, site preparation), construction, testing and commissioning. In order to meet the passenger demand in a timely manner, the construction works for phase 2 are planned to begin in early 2022 and conclude in 2027, with Phase 3 concluding no later than 2039.

Within this overall timeframe, infrastructure assets will be delivered as and when they are required. To reduce the impact on neighbours and the environment, programmes and solutions that aim to manage the flow of materials and workforce to optimise construction operations; maximise productivity and reduce the effects on local communities, the environment and airport operations will be developed.

Site activities will commence with enabling works. These will comprise of:

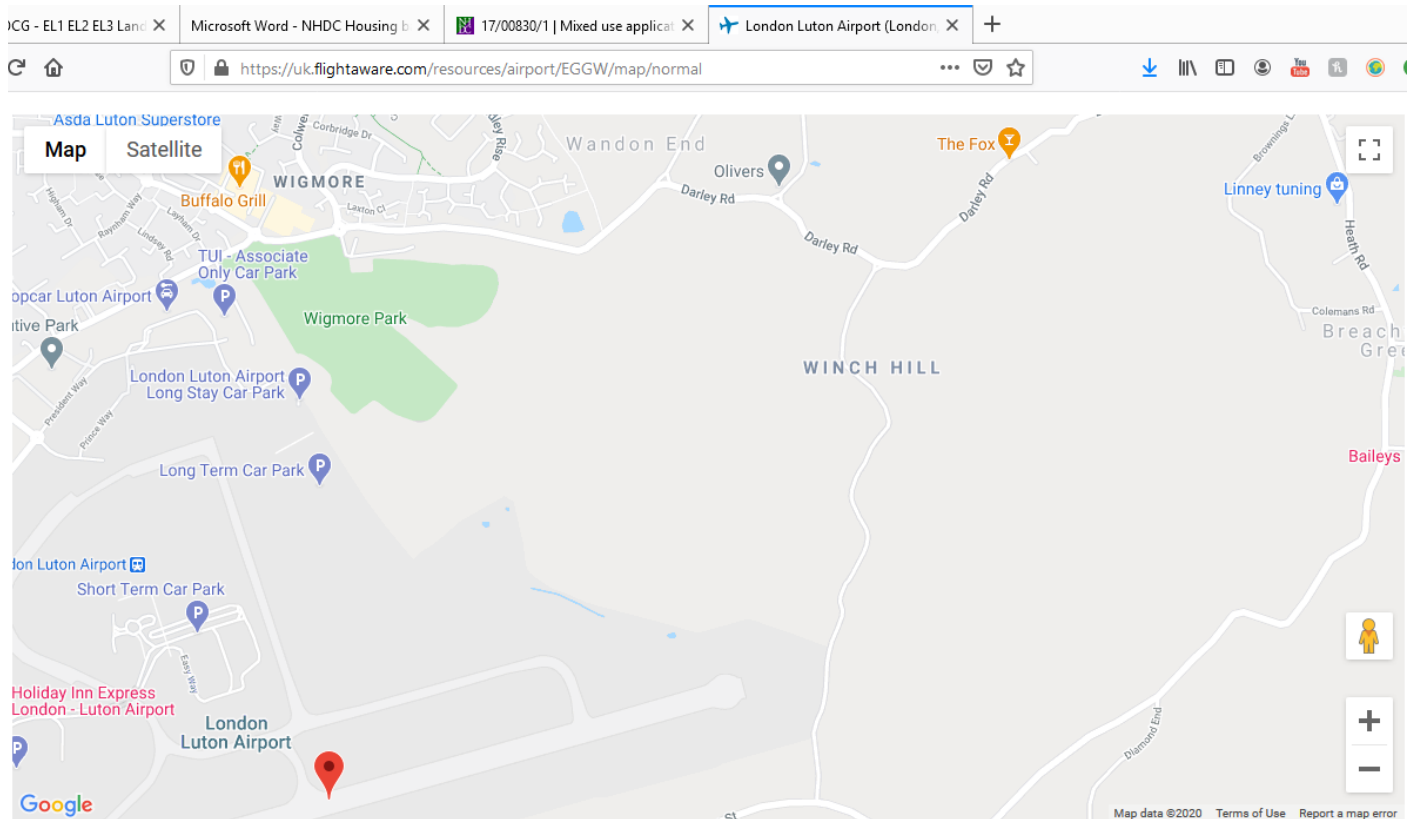
- activities associated with environmental mitigation measures
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- if not already delivered, the re-provision of the existing long-stay carpark, landfill treatment compound and associated welfare facilities
- early works associated with the CPAR Phase 2 works including demolition operations
- construction fencing
- temporary haul roads
- utility diversions
- soil remediation works
- establishment of a consolidation centre
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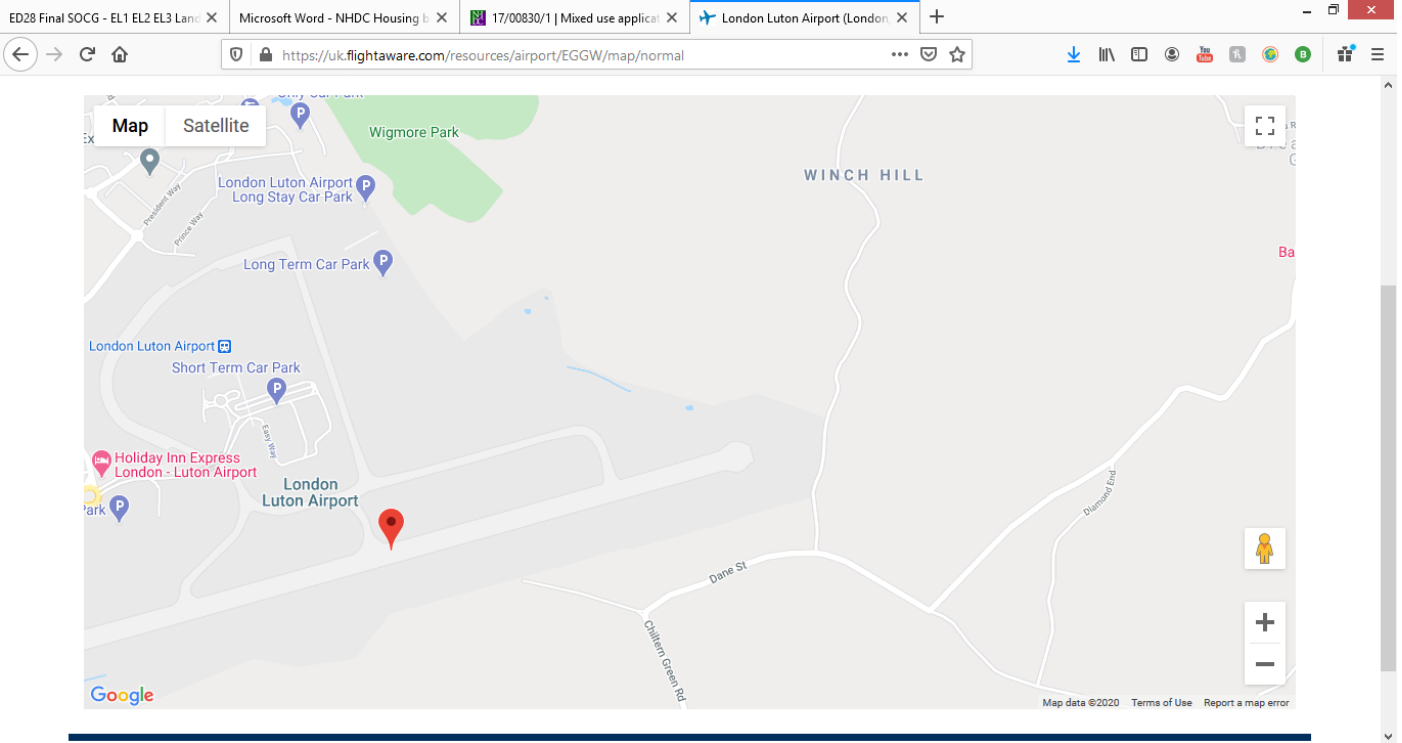
Phase 3 will comprise of expansion of Terminal 2, construction of second pier and associated apron, airport support buildings and additional car parks.

We would also like to display the physical proximity of the Airport boundary as it currently exists today, by displaying a scaled map. Current Airport boundary is indicated by the darker grey colour as opposed to the lighter grey.

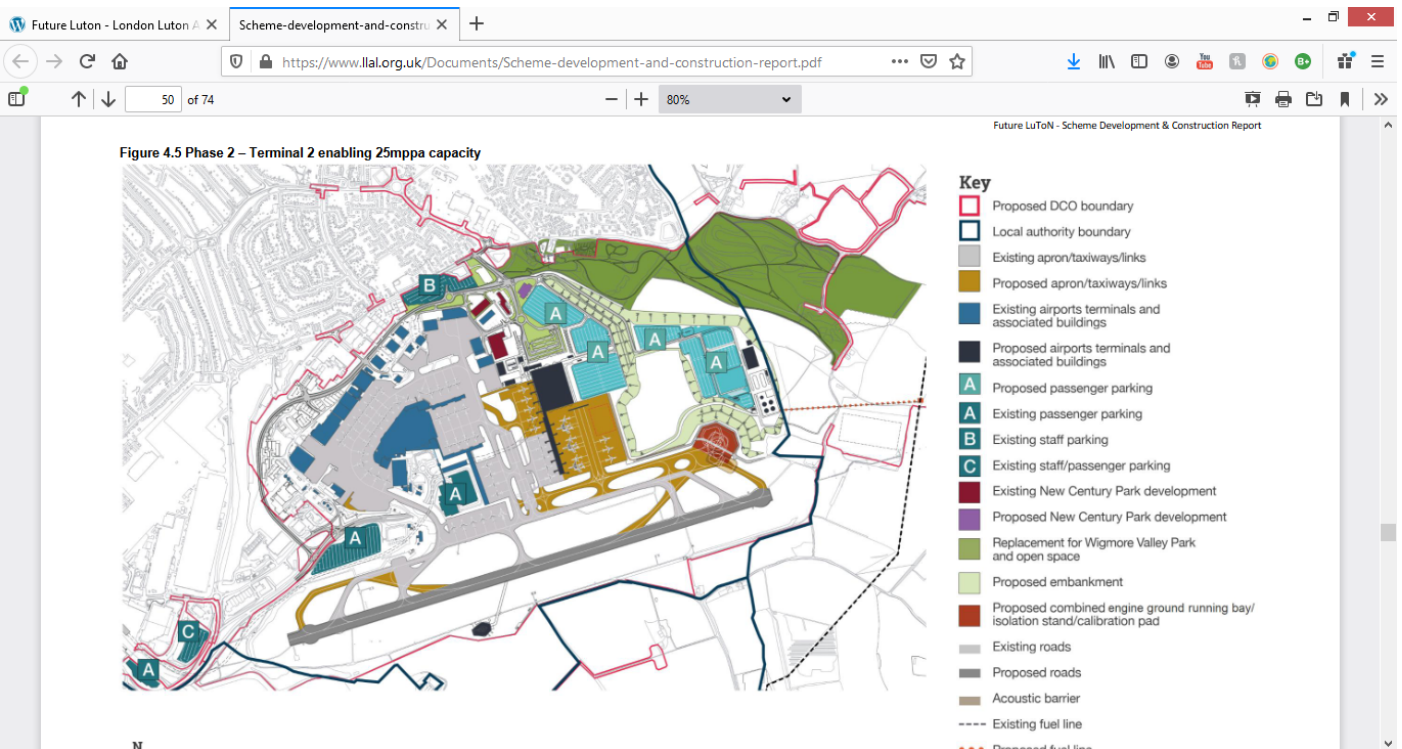
Source: <https://uk.flightaware.com/resources/airport/EGGW/map/normal>



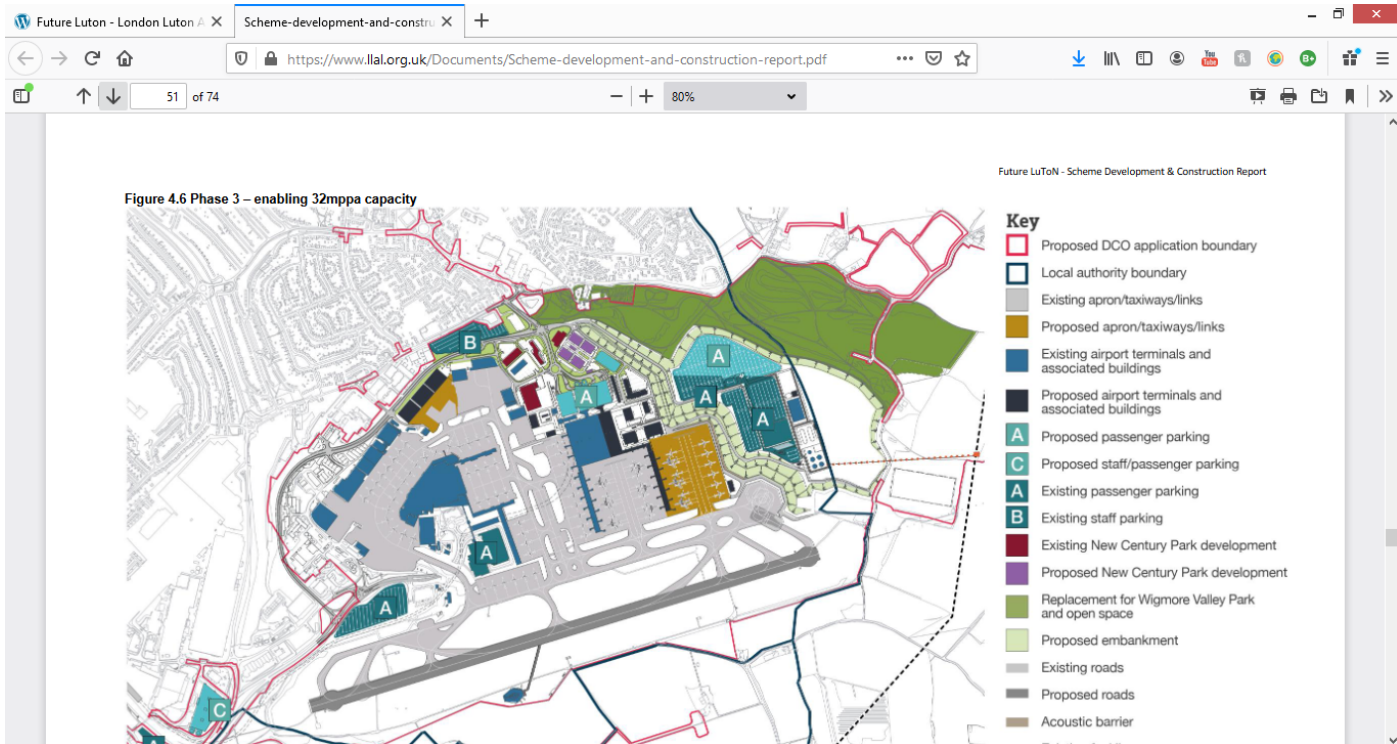




<https://www.lfal.org.uk/Documents/Scheme-development-and-construction-report.pdf>







Future LuToN -Scheme Development & Construction Report 51 October 2019

## Appendix A–Glossary

**Chemical Oxygen Demand** Chemical oxygen demand (COD) is a measure of the capacity of water to consume oxygen during the decomposition of organic matter and the oxidation of inorganic chemicals such as Ammonia and nitrite

**Century Park** An undeveloped site adjacent to LTN that is identified as a major site for employment development within Luton Borough Council's Local Plan. It was acquired by LLAL in 2015.

**New Century Park** Land on Wigmore Valley Park, adjacent to LTN, was identified in Luton Borough Council's Local Plan as a strategic location for new employment development. Plans for road improvement and a new commercial development, including office buildings, a hotel and car parking, have been submitted seeking consent from the local planning authority.

**Climate Change Act Legislation** passed by Parliament in 2008 to set greenhouse gas reduction targets and encourage the UK to become a low-carbon economy. The UK set a target to reduce emissions to net-zero by 2050

**DART Luton** DART will be a new fully-automated transport system, approximately 2.1km in length, to move passengers between Luton Airport Parkway railway station and the airport terminal. The system is scheduled to become operational by 2021.

**Ammoniacal Nitrogen** Ammoniacal nitrogen (NH<sub>3</sub>-N), is a measure for the amount of ammonia, a toxic pollutant often found in landfill leachate and in waste products, such as sewage, liquid manure and other liquid organic waste products.

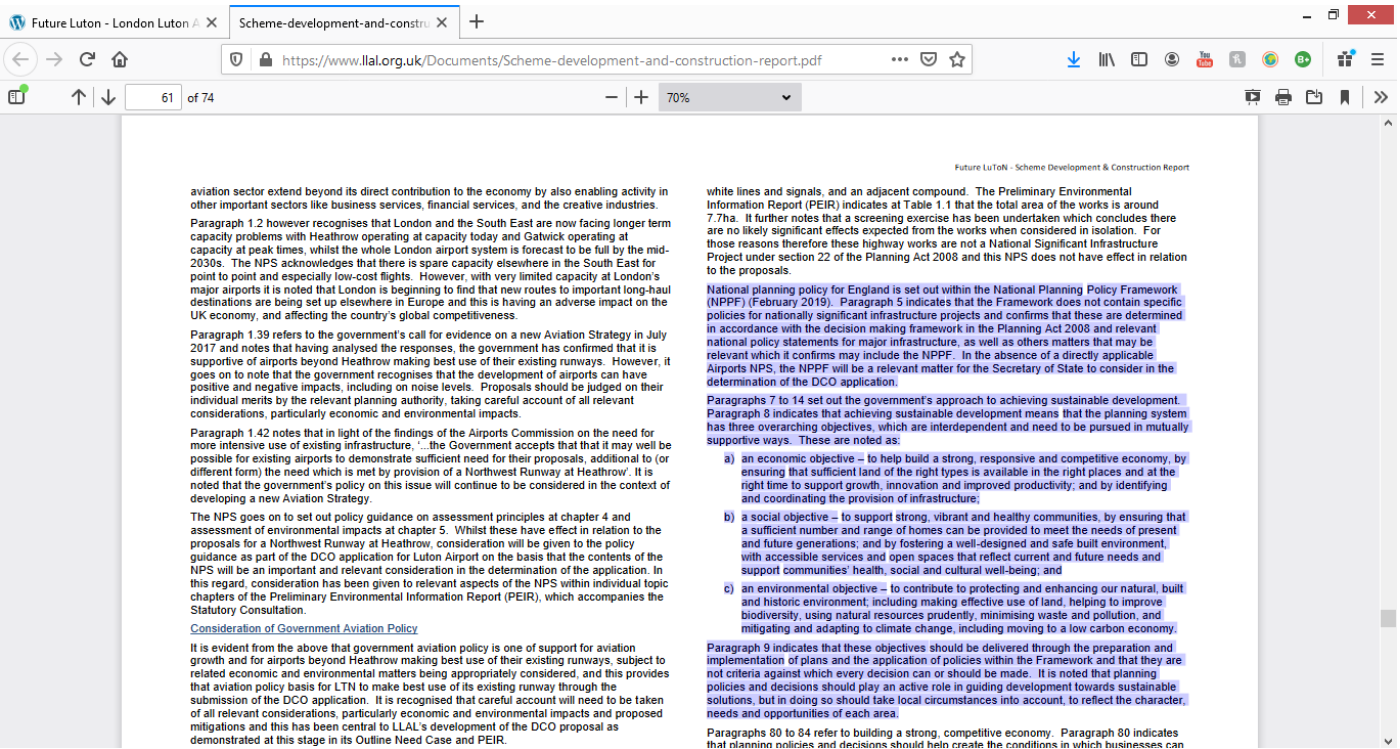
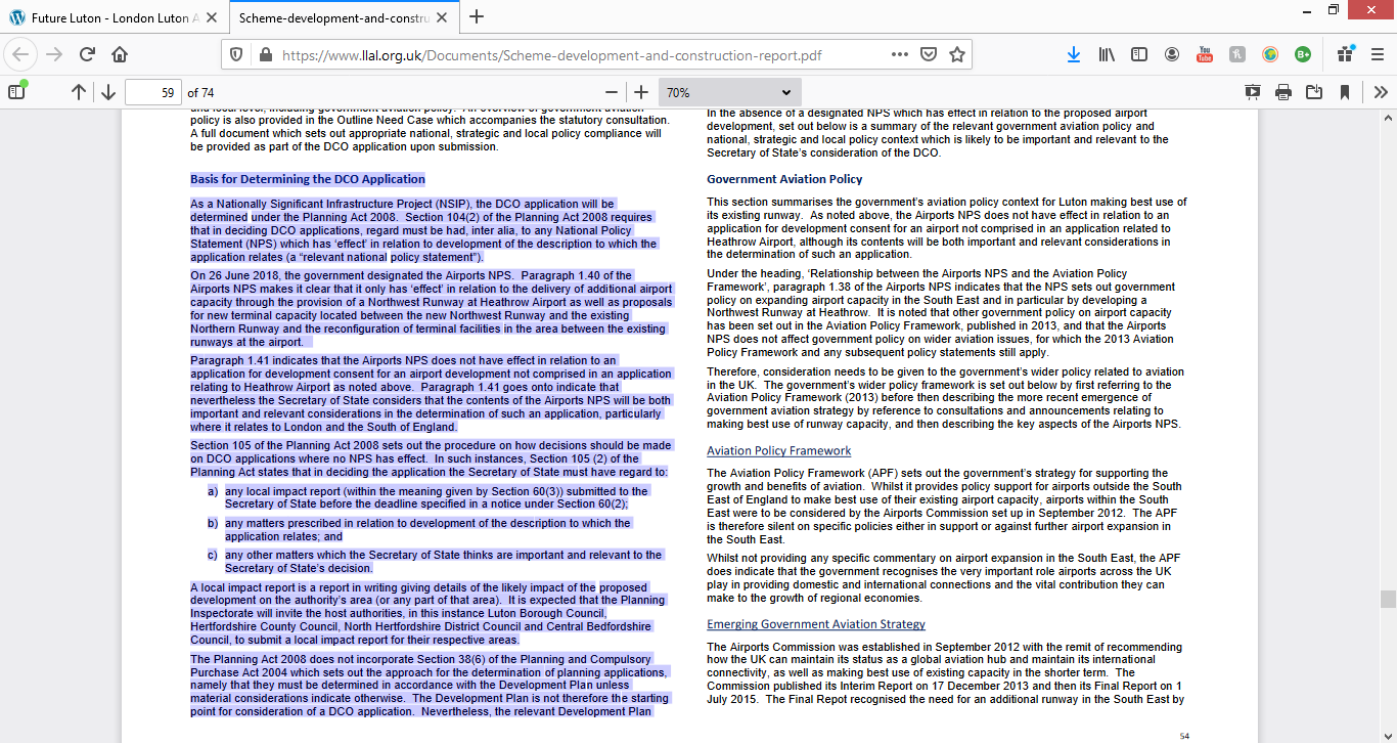
**EIA –Environmental Impact Assessment** The law requires large development projects to carry out an assessment of the likely significant effects they will have on the environment, allowing suitable mitigation measures to be proposed and informing decision-makers on the full impact.

**East Luton Study** A Luton Borough Council review of the cumulative impacts of development sites, building on previous studies which had identified network constraints and potential mitigation options, particularly the Vauxhall Way corridor. The main aims and objectives of the study were to develop a micro-simulation model covering the whole of the south and east of Luton, to identify junctions and sections of the highway network expected to come under stress, based on the transport impacts of the planned development in the area. Following the modelling exercise, the study also sought to develop designs for mitigating these impacts, before providing an indication of potential costs. **This work does not include airport expansion beyond 18mppa**

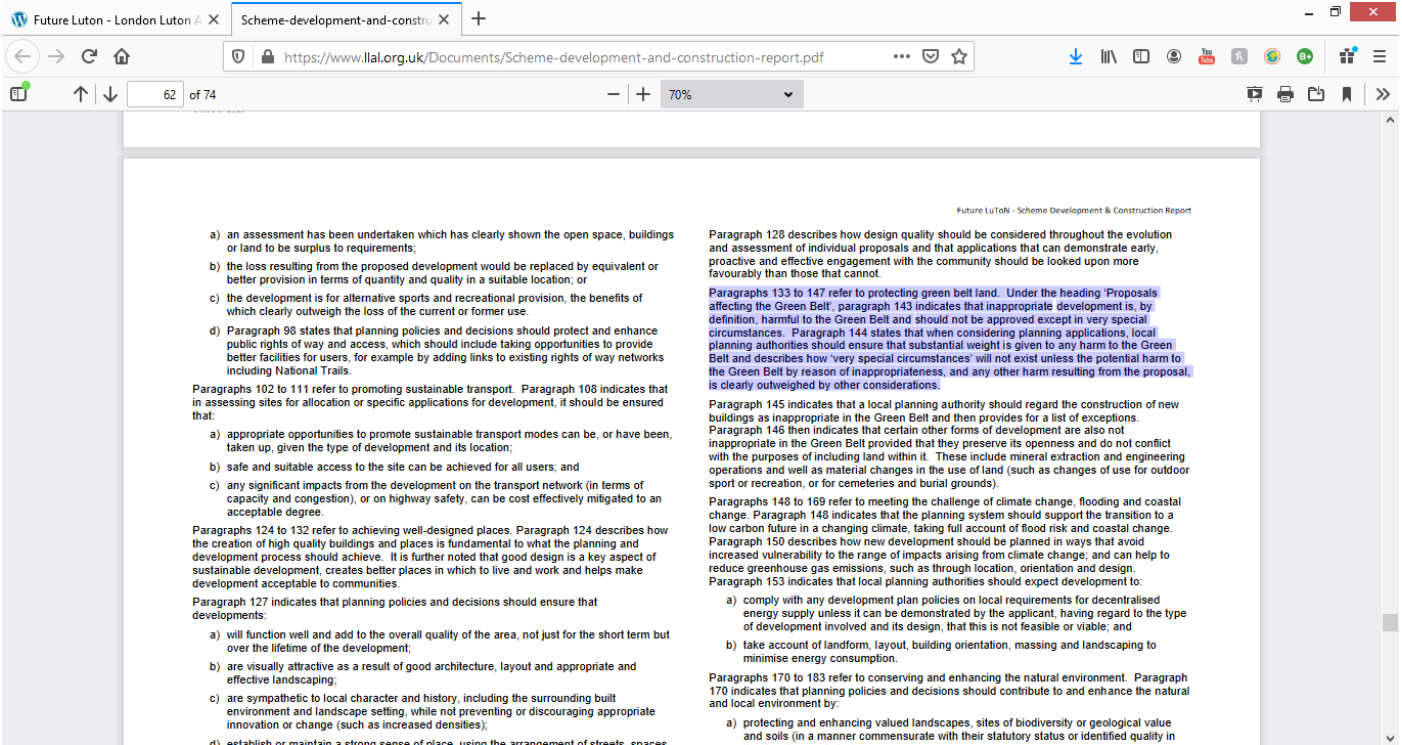
**Priority habitats** Describes a range of habitats listed under Habitats and Species of Principal Importance for the conservation of biodiversity in England under the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. These include all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP), which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

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

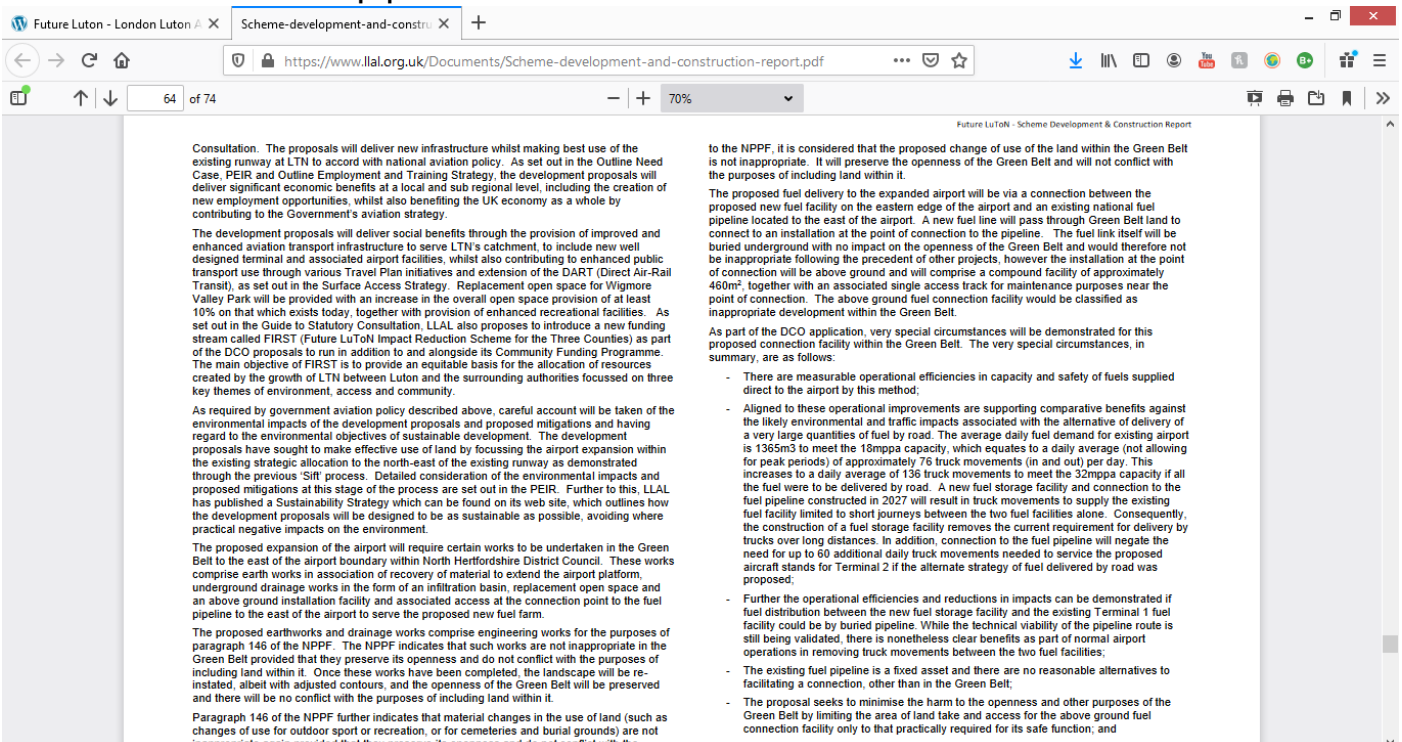




IMPORTANT – GREEN BELT LAW WITHIN THE CONSTRUCTION REPORT:



VERY IMPORTANT (please look at original construction report if this is too small) - This is about the fuel pipeline:



The proposed fuel delivery to the expanded airport will be via a connection between the proposed new fuel facility on the eastern edge of the airport and an existing national fuel pipeline located to the east of the airport. A new fuel line will pass through Green Belt land to connect to an installation at the point of connection to the pipeline. The fuel link itself will be buried underground with no impact on the openness of the Green Belt and would therefore not be inappropriate following the precedent of other projects, however the installation at the point of connection will be above ground and will comprise a compound facility of approximately 460m<sup>2</sup>, together with an associated single access track for maintenance purposes near the point of connection. The above ground fuel connection facility would be classified as inappropriate development within the Green Belt. As part of the DCO application, very special circumstances will be demonstrated for this proposed connection facility within the Green Belt. The very special circumstances, in summary, are as follows:

We refer to Government Planning Practise Guidance updated 22 December 2016 called “The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002” Luton Airport is an official safeguarded civil aerodrome.

It is listed on Annex 3 “Officially Safeguarded civil aerodrome”.

<https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002>

States:

“Incorporation of safeguarded areas into development plans

Local plans and unitary development plans should include a policy stating that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of safeguarded areas should be indicated on proposals maps accompanying local plans and unitary development plans. A plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.”

In line with this the questions to HMPI are:

To meet this PPG has there been incorporation of safeguarded areas into the development plan?

Where in the NHDC Local Plan is the policy that should have been included stating that an official safeguarded area has been established for Luton Airport?

Where in the Luton Local Plan is the policy that should have been included stating that an official safeguarded area has been established for Luton Airport?

Guidance

## **The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002**

Updated 22 December 2016

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2. [Annexe 2: Arrangements for safeguarding aerodromes, technical sites and military explosives storage areas international and national aviation background](#)
3. [Annex 3: Officially safeguarded civil aerodromes](#)
4. [Annex 4: Local Planning Authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued](#)

## Annexe 1 - the circular

The first Secretary of State as respects England and the National Assembly for Wales as respects Wales, in exercise of the powers conferred on them by articles 10(3), 14(1), 20(4) and 27 of the Town and Country Planning (General Development Procedure) Order 19951 and all other powers enabling them in that behalf, hereby direct as follows:

- this direction may be cited as the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 and shall come into force on 10 February 2003
- this direction applies to England and Wales

In this direction:

‘aerodrome’ means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or climbing vertically, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales, the Civil Aviation Authority or the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated.

‘consultee’ means:

(a) in relation to a safeguarding map certified by the Civil Aviation Authority, the owner or operator of the aerodrome or technical site identified on that map; or

(b) in relation to a safeguarding map certified by the Secretary of State for Defence, the Secretary of State for Defence;

‘military explosives storage area’ means any area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, particulars of which have been furnished by the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated;

‘safeguarding map’ means:

(a) a map issued for the purpose of this direction and certified by the Civil Aviation Authority to be the safeguarding map for the aerodrome or technical site; or

(b) a map issued for the purpose of this direction and certified by the Secretary of State for Defence to be the safeguarding map for the aerodrome, technical site or military explosives storage area; and

‘technical site’ means:

(a) any area within which is sited or is proposed to be sited equipment operated by or on behalf of NATS Holdings Limited, any of its subsidiaries or such other person who holds a licence under Chapter I of Part I of the Transport Act 20002 for the provision of air traffic services, particulars of which have been furnished by the First Secretary of State, the National Assembly for Wales or the Civil Aviation Authority to the local planning authority or authorities for the area in which it is situated; or

(b) any area within which is sited or is proposed to be sited equipment operated by or on behalf of the Secretary of State for Defence for the provision of air traffic services, particulars of which have been furnished by the Secretary of State for Defence to the local planning authority or authorities for the area in which it is situated.



A local planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or military explosives storage area for which a safeguarding map has been furnished to the authority, shall, to the extent specified on such a safeguarding map in relation to particular parts shown thereon, consult the consultee.

For the purpose of consultation under this direction the local planning authority shall furnish to the consultee a copy of the application for permission for the development in question together with copies of any submitted plans showing the location with a Grid Reference (to at least 6 figures each of Eastings and Northings) and the elevation of the site (to an accuracy of 0.25 metres above Ordnance Datum), together with particulars of the layout, dimensions and heights of buildings or works to which the application relates, and shall furnish such further information as is necessary to enable them to consider the application.

Subject to paragraph 7, a local planning authority which have given information to the consultee in accordance with paragraph 5 in respect of an application for planning permission to develop land within the area covered by a safeguarding map shall not grant planning permission for the development before the expiry of a period of 21 days beginning with the date advised in writing by the consultee as the date of receipt of the information.

If a local planning authority propose to grant permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or military explosives storage area, or to grant permission subject to conditions, contrary to the advice of the consultee, they shall notify-

- (a) both the Civil Aviation Authority and the consultee; or
- (b) the Secretary of State for Defence

as the case may be.

Where a local planning authority are required to notify in accordance with paragraph 7 they shall as soon as practicable send to those required to be notified the following information-

- (a) a copy of the application (including any accompanying plans or drawings);
- (b) a copy of the advice from the consultee about the proposed development;
- (c) a statement providing sufficient information to demonstrate that, in reaching a decision on the application, they have assessed the application in the light of the guidance in Annex 2 of ODPM Circular 1/2003 (NAFW Circular 1/2003) Joint Circular from the Office of the Deputy Prime Minister, the Department for Transport and the National Assembly for Wales; and
- (d) a statement of reasons for proposing to grant planning permission, or to grant permission subject to conditions, contrary to the advice of the consultee.

Subject to paragraph 10, where a local planning authority have provided notification in accordance with paragraph 7, they shall not grant planning permission for the development before the expiry of a period of 28 days from the date or, where there are two consultees, the last of the dates advised in writing by the consultee as the date of receipt of the information specified in paragraph 8.

If, before the expiry of the 28 day period mentioned in paragraph 9, the First Secretary of State or the National Assembly for Wales has notified the local planning authority that it is not intended to issue a Direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may proceed to determine that application.

Any safeguarding map under the authority of the Town and Country Planning (Aerodromes) Direction 1949, the Town and Country Planning (Aerodromes) Direction 1966, the Town and Country Planning



(Aerodromes) Direction 1972, the Town and Country Planning (Aerodromes) Direction 1981 or the Town and Country Planning (Aerodromes and Technical Sites) Direction 1992 shall remain in force as if it was a safeguarding map which had been issued under this Direction until such time as it is withdrawn-

(a) in the case of a map issued in relation to a military aerodrome or technical site, by the First Secretary of State or the National Assembly for Wales as the case may be; or

(b) in the case of a map issued in relation to a civil aerodrome or technical site, by the Civil Aviation Authority.

The Town and Country Planning (Aerodromes and Technical Sites) Direction 1992 is cancelled by this Direction, save that it shall continue to apply to any application for planning permission to develop land which was made and not determined before this Direction comes into force.

Signed by authority of  
the First Secretary of State  
17 December 2002

M ASH  
An Assistant Secretary in the Office of  
the Deputy Prime Minister

Signed by authority of  
the Assembly Minister for the Environment  
20 December 2002

K Powell A Head of Division in the National  
Assembly for Wales

1 S.I 1995/419, to which there are amendments not relevant to this Direction. The functions of the Secretary of State under sections 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4) and 333(7) of, and paragraphs 5,6,7(6), and 8(6) of Schedule 1 to, the Town and Country Planning Act 1990 (c.8), in so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by S.I. 2000/253. 2 2000 c.38

## [Annexe 2: Arrangements for safeguarding aerodromes, technical sites and military explosives storage areas international and national aviation background](#)

Civil aerodromes are licensed in order to ensure that certain types of flights, essentially those for the transport of fare-paying passengers and those for flying training, use only those aerodromes which provide a range of facilities in accordance with internationally agreed safety criteria. These criteria are set out in annex 14 to the Convention on International Civil Aviation 1944 (The Chicago Convention). The Civil Aviation Authority has developed its own licensing guidance document, Civil Aviation publication (CAP) 168, Licensing of Aerodromes, which amplifies Annex 14 to the convention.

In domestic legislation civil aerodromes are licensed under an Air Navigation Order made under section 60 of the Civil Aviation Act 1982. The Civil Aviation Authority is responsible under the Air Navigation Order for being satisfied that a licensed aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and its surroundings. This is a continuing responsibility, which it discharges by means of regular audits, by placing obligations on the licensee to inform it when material changes take place and by ensuring that proposed developments are assessed. In addition a requirement is placed on the licensee to take all reasonable steps to ensure that the aerodrome and its surrounding airspace are safe at all times for use by aircraft.

## Officially safeguarded civil or military aerodromes and technical sites

Certain civil aerodromes, selected on the basis of their importance to the national air transport system, are therefore officially safeguarded, in order to ensure that their operation and development are not inhibited by buildings, structures, erections or works which infringe protected surfaces, obscure runway approach lights or have the potential to impair the performance of aerodrome navigation aids, radio aids or telecommunication systems; by lighting which has the potential to distract pilots; or by developments which have the potential to increase the number of birds or the bird hazard risk. A similar official safeguarding system applies to certain military aerodromes, selected on the basis of their strategic importance. In order to determine the safety implications of a planning application for a development within the approach, take-off or circuit areas of an aerodrome, a safeguarding process is established with all the relevant local planning authorities. Because the safety of aircraft in United Kingdom airspace is often dependent on ground-based navigation and radio aids, certain civil technical sites currently owned by NATS Holdings Ltd or its subsidiaries and certain military technical sites owned by the Secretary of State for Defence are also officially safeguarded under a similar process.

A list of the currently officially safeguarded civil aerodromes referred to in the previous paragraph is set out in Annex 3. A list of the local planning authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued is set out in Annex 4. A list of the currently safeguarded civil technical sites can be obtained from the NATS Group Property Department at One Kemble Street, London WC2B 4AP. A list of the currently safeguarded military aerodromes, technical sites and explosives storage areas can be obtained from Defence Estates at the address given in paragraph 35.

### Safeguarding maps: buildings, structures, erections and works

A site-specific safeguarding map is centred on the safeguarded aerodrome or technical site and shows colour-coded areas which in total equate to the extent of the safeguarded area. In the case of civil aerodromes the colour-coded areas are principally derived from a series of protected surfaces above and around the aerodrome which are defined in Annex 14 to the Chicago Convention and the Civil Aviation Authority's licensing guidance document CAP168. Their purpose is to indicate to a local planning authority those types of development upon which consultation is required. It is required if the height of any building, structure, erection or works would, as a result of the development, exceed the level indicated on the map for the relevant colour-coded area, in cases where the local planning authority are considering an application for full or outline planning permission, an application for the amendment of an outline planning permission, an application for the renewal of a planning permission or an application for the removal or modification of conditions imposed on a previous planning permission. The requirements for such consultation are described in the legend on the safeguarding map.

The importance of the consultation which the safeguarding process involves does not in practice relate solely to the height of buildings, structures, erections or works. Aerodrome operators employ a variety of navigational aids, radio aids and telecommunication systems in order to facilitate air traffic control and aircraft movements. In addition, at night or in low visibility conditions such as fog, pilots rely on approach and runway lighting to align themselves with the runway and to touch down at the correct point. A building or structure can, because of its size, shape, location or construction materials, act as a reflector or diffractor of the radio signals on which navigational aids, radio aids and telecommunication systems depend, while almost any development in the vicinity of these aids and systems has the potential to interfere with them. The colour coding on the safeguarding map is therefore designed to ensure that local planning authorities consult the relevant consultee on any proposed development in the vicinity of an aerodrome which has the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems. In addition the lighting elements of a development have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths. Any safeguarding assessment will therefore need to consider the impact of lighting proposals. Road lighting is referred to in more detail in paragraph 12.

## Aerodrome safeguarding maps: “Birdstrike” hazard

Birdstrikes are one of the major controllable hazards to aviation. Common birds have caused catastrophic accidents to all types of aircraft. Most birdstrikes occur on or near aerodromes but, because birds are very mobile, features far beyond an aerodrome boundary may increase the hazard. If a man-made development provides feeding, roosting or breeding opportunities, or shelter and security, it may, depending on the siting of the development and the species which it attracts, increase the number of birds visiting or overflying an aerodrome or the number of birds in the airspace used by aircraft. Gulls and starlings congregate in very large overnight roosts and travel long distances daily, while waterfowl are large and often fly in close formation. There is only limited scope for taking action on aerodromes to counter these hazards, and safeguarding may be the only effective means of reducing the risk to aircraft in flight.

The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect are: facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes, which attract a variety of species, including gulls, starlings, lapwings and corvids; the creation or modification of areas of water such as reservoirs, lakes, ponds, wetlands and marshes, which attract gulls and waterfowl; nature reserves and bird sanctuaries; and sewage disposal and treatment plant and outfalls, which can attract gulls and other species. Planting trees and bushes normally creates a bird hazard only when it takes place relatively near to an aerodrome, but a potential starling roost site further away from an aerodrome can create a hazard. Mineral extraction and quarrying can also create a bird hazard because, although these processes do not in themselves attract birds, the sites are commonly used for landfill or the creation of wetland.

In order to protect aerodromes against these hazards, safeguarding maps include, in addition to the requirements related to the height of buildings and structures, a dotted circle, with a 13 kilometre radius in the case of civil aerodromes and an eight mile (about 12.87 kilometre) radius in the case of military aerodromes, centred on the safeguarded aerodrome reference point to indicate the area within which developments likely to attract birds require similar consultation. Local planning authorities are required to consult the relevant consultee before granting planning permission for any development within the relevant radius of an officially safeguarded civil or military aerodrome which is likely to attract birds. Whether or not a development is likely to attract birds will depend on a number of factors. A local planning authority will need to consider not only the individual potential bird attractant features of a proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or parts of it, more attractive to birds or create a hazard such as bird flightlines across aircraft flightpaths.

## Aerodrome safeguarding maps: Other aviation uses

In order to protect aerodromes against the hazards which would arise from other aviation uses, the 13 kilometre or eight mile radius dotted circle referred to in paragraph 9 is also relevant to these uses. Local planning authorities are required to consult the relevant consultee before granting any application connected with an aviation use within a 13 kilometre radius of an officially safeguarded civil aerodrome or within an eight mile radius of an officially safeguarded military aerodrome. Examples of applications connected with an aviation use include applications for development at an existing aerodrome and applications for the use of a site other than an aerodrome for the purposes of flight or as a drop zone for parachuting. Article 129 of the Air Navigation Order 2000 defines flight.

## Roads and Railways near safeguarded aerodromes

Road and rail vehicles are potential obstructions to aircraft. The internationally agreed safety criteria recognise this by considering a road to be a mobile obstruction of 4.8 metres and a railway to be a mobile obstruction of 5.4 metres. The Civil Aviation Authority has adopted these provisions as part of its safeguarding practice. If a road or a railway forms part of a planning application, the local planning authority should regard it as development of a height of 4.8 or 5.4 metres, as the case may be, and consult in accordance with the colour coding on the safeguarding map. Lighting columns and other street furniture, and signal gantries and power lines, should also be the subject of consultation appropriate to their height, in

accordance with the colour coding on the safeguarding maps. In the case of safeguarded military aerodromes local planning authorities are asked to consult the Secretary of State for Defence about any proposal to build a new road, or to upgrade an existing road, which is planned to run within 300 metres of the perimeter of the aerodrome. The extension of this provision to a wider area in the case of military aerodromes takes into account the presence of explosives storage areas on certain military aerodromes.

Local planning authorities should pay particular attention to the intensity and alignment of road lighting, which is a matter of concern over much more than the areas close to the ends of a runway. The intensity of lighting can distract pilots by causing glare in the direction of an approaching aircraft while, when viewed from the air, a road lighting scheme which makes a pattern similar to an approach or runway lighting pattern can confuse pilots who use those lights when landing at night or in foggy conditions. British Standard 5489, Part 8, states that the area within which a road lighting scheme may affect the safe use of an aerodrome is 4.8 kilometres beyond the aerodrome boundary. Local planning authorities should take account of the possibility that road lighting can be a safeguarding issue within this area.

### Other civil aerodromes

Operators of licensed aerodromes which are not officially safeguarded, and operators of unlicensed aerodromes and sites for other aviation activities (for example gliding or parachuting) should take steps to protect their locations from the effects of possible adverse development by establishing an agreed consultation procedure between themselves and the local planning authority or authorities. One method, recommended by the Civil Aviation Authority to aerodrome licensees, is to lodge a non-official safeguarding map with the local planning authority or authorities. Local planning authorities are asked to respond sympathetically to requests for non-official safeguarding. The general advice in this Annex is applicable to non-officially as well as to officially safeguarded aerodromes, but the requirements of the Direction at Annex 1 will not apply. The Civil Aviation Authority is prepared to offer advice on the preparation of a non-official safeguarding map at the request of any aerodrome operator or local planning authority.

### Technical sites

All airport-related technical sites are located within the areas of the respective aerodrome safeguarding maps. In the case of an officially safeguarded civil en-route technical site that lies within an area which is also covered by aerodrome safeguarding requirements, a local planning authority need to refer both to an aerodrome and to a technical site safeguarding map and to carry out separate consultations as required by those maps. Where a military technical site is located on a military aerodrome the safeguarding criteria are included on the aerodrome safeguarding map. A single site-specific map is issued for each of the other military technical sites, showing colour-coded areas which in total equate to the extent of the safeguarded area and indicating which types of planning application are to be the subject of consultation.

### Wind turbine development

The safeguarding requirements for the civil aerodromes listed at Annex 3 and for officially safeguarded civil en-route technical sites are completed by separate maps showing circles with a 30 kilometre radius centred on the aerodrome reference point or technical site to indicate the area within which a proposed wind turbine development requires consultation. The issue of these maps recognises the fact that the introduction of wind powered generator turbines within the United Kingdom as part of an alternative energy policy can create certain problems for aviation. In addition to their potential for presenting a physical obstacle to air navigation, wind generator turbines can affect signals radiated from and received by aeronautical systems. The rotating blades create electromagnetic disturbance, which can degrade the performance of these systems and cause incorrect information to be received. The amount of interference depends on the number of wind turbines, on a wind turbine's size, construction materials and location and on the shape of its blades. Local planning authorities, consultees, developers and others may wish to refer to Wind Energy and Aviation Interests - Interim Guidelines, published by the Department of Trade and Industry in 2002.

## Officially safeguarded military explosives storage areas

The Secretary of State for Defence safeguards military explosives storage areas. The safeguarding criteria for many of these areas are included on military aerodrome safeguarding maps. Site-specific explosives safeguarding plans have been issued for other sites where military explosives are stored or handled. These plans show the areas adjacent to a Potential Explosion Site where restrictions are imposed: within a yellow arc people may not remain for long periods of time, while within a purple arc new buildings which might be of vulnerable construction may not be built. There has hitherto been no general Direction as for aerodromes and technical sites but the Direction at Annex 1 now incorporates a general Direction in respect of military explosives storage areas; explosives safeguarding plans are to be treated as safeguarding maps.

These arrangements should not be confused with the arrangements for consulting the Health and Safety Executive about proposals for development around licensed explosives factories and magazines. Local planning authorities were advised of these consultation arrangements in a letter of 12 October 2000 from the Explosives Inspectorate of the Health and Safety Executive.

## Safeguarding procedure

Safeguarding maps for civil aerodromes and technical sites are certified by the Civil Aviation Authority. Safeguarding maps for military aerodromes, technical sites and explosives storage areas are certified by the Secretary of State for Defence. A safeguarding map is issued to each local planning authority within the area indicated on the map. The requirements for consultation are described in the legend on the safeguarding map. In respect of any officially safeguarded civil aerodrome or civil en-route technical site, there will be two safeguarding maps. But as the maps relating to wind turbine development cover larger areas than the general aerodrome safeguarding maps and larger areas than some of the general technical site safeguarding maps, some local planning authorities will need to consult civil aerodrome or technical site operators only in connection with proposed wind turbine development.

It is recognised as good practice for applicants to initiate technical consultations before submitting planning applications, and it is open to them to send details of a proposed development direct to a statutory consultee. Local planning authorities which are themselves consulted before a planning application is submitted should encourage the applicant to consult the relevant consultee if this has not already been done. It is likely to be necessary for local planning authorities to ask an applicant for any of the types of development listed in paragraph 8 to show by means of a risk assessment that a proposed development would not be likely to increase the number of birds or the bird hazard risk to aircraft.

Consultees may face particular difficulty in providing advice in respect of outline planning applications, because they are likely to need to examine specific proposals on matters such as siting, design (including height) and external appearance before they can advise on whether the proposed development might compromise the safe operation of the aerodrome or interfere with the navigation aid. In considering outline planning applications local planning authorities should therefore take account of the importance to consultees of what could otherwise be reserved matters. Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 provides that, where a local planning authority consider that an application for outline planning permission ought not to be considered separately from all or any reserved matters, they must notify the applicant within one month of receiving the application that they are unable to determine the application unless further specific details are submitted. If the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

More generally, a similar provision exists in Article 4 of the town and country planning (applications) regulations 1988, whereby the local planning authority may direct an applicant in writing to supply any further information, plans and drawings that may be necessary to determine the application. As it may be necessary for the consultee to have further information in order to consider the effect of a proposed development on the aerodrome, technical site or military explosives storage area concerned, it is important



that the local planning authority consult the representative of the consultee at the earliest possible stage. As in the case of outline planning applications, if the consultee is provided with all the information necessary to enable it to consider the effect of the proposed development on the aerodrome, technical site or military explosives storage area, this will minimise the need for the consultee to advise against the proposal on a holding basis.

The operators of safeguarded aerodromes, technical sites and military explosives storage areas are likely to need to examine specific proposals in respect of matters such as siting, design (including height) and external appearance when local planning authorities consider applications for approval of reserved matters. Although these are not applications for planning permission, and are therefore not covered by the Direction at Annex 1, local planning authorities should as a matter of good practice consult the relevant consultees in accordance with the colour-coding on the safeguarding maps when they receive such applications, and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.

Appeals against enforcement notices are also outside the scope of the Direction at Annex 1, as they are not planning applications to a local planning authority. But where an appeal has been made against a breach of planning control alleged in an enforcement notice, local planning authorities should have regard to the possibility that the operation of a safeguarded aerodrome, technical site or military explosives storage area may be adversely affected by the alleged breach, even if the aerodrome, technical site or military explosives storage area is not in the immediate locality of the site to which the enforcement notice relates. They should therefore as a matter of good practice give notice of such appeals in accordance with the requirements for consultation described in the legend on the safeguarding map, whether the appeal is to be determined following written representations or whether a hearing or local inquiry is to be held.

But the fact that a proposed development is of a height which makes consultation necessary does not automatically mean that it will infringe a protected surface. Planning permission should therefore not be refused simply because a proposal is one requiring consultation. Nor is it necessary for new buildings to be automatically restricted to certain maximum heights in safeguarded areas: the consultee will consider whether, due to the location or the nature of a proposed development, it is necessary to advise against it or to seek restrictions on its height or design because of a conflict with a protected surface.

If a local planning authority propose to grant planning permission contrary to advice given on behalf of the consultee for a civil aerodrome or technical site, or not to attach conditions which that consultee has requested, or to attach conditions which the consultee has advised against, it will be necessary for the relevant safety regulator to assess the planning application and the consultee's advice and to identify any possible solutions. In such circumstances the local planning authority are therefore required to notify the Civil Aviation Authority as well as the consultee. If a local planning authority propose to grant planning permission contrary to the advice of the Secretary of State for Defence as the consultee for a military aerodrome, technical site or explosives storage area, or not to attach conditions which that consultee has requested, or to attach conditions which that consultee has advised against, they are required to notify the Secretary of State for Defence again. The Civil Aviation Authority or the Secretary of State for Defence may wish to request the First Secretary of State or the National Assembly for Wales to call in the planning application and determine it.

#### [Official searches](#)

Local planning authorities whose areas include an officially or non-officially safeguarded area or part of such an area should ensure that the associated restrictions on development are entered in the Register of Local Land Charges.

#### [Purchase notices and compensation payable by Local Planning Authorities](#)

Where permission for development is refused, or conditions are imposed, or a planning permission is revoked or modified on advice from the relevant consultee for a safeguarded civil aerodrome or technical

site or from the Secretary of State for Defence, a local planning authority may have to acquire the site under the purchase notice provisions in sections 137-144 of the Town and Country Planning Act 1990, or pay compensation under section 144(2) of that Act. Similarly, where planning permission is revoked or modified, or where permitted development rights are withdrawn by a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 and planning permission subsequently sought is refused or granted subject to conditions, a local planning authority may incur expenditure under sections 107, 108 or 279 of the 1990 Act. In these circumstances, if the action which gives rise to a compensation claim has been taken solely because of advice given by the relevant consultee for a safeguarded aerodrome or technical site, or by the Secretary of State for Defence, the following arrangements apply: (a) military aerodromes, technical sites and explosives storage areas

Provided that its agreement is obtained before any claim is settled, the Secretary of State for Defence will indemnify the local planning authority against the expenditure incurred, on condition that, in the case of acquisition following service of a purchase notice, the authority confirm the validity of the notice and state that in their view the land has become incapable of reasonably beneficial use, and convey the land to the Secretary of State. If the local planning authority wish to retain the land, or part of it, specific arrangements can be made between the Secretary of State and the local planning authority. In the case of revocation or modification of planning permission, the undertaking to indemnify will not in general apply if the local planning authority have failed to consult the Secretary of State at the appropriate time, as required by the safeguarding Direction. (b) civil technical sites and Civil Aviation Authority aerodromes

Section 53 of the Civil Aviation Act 1982, as amended by paragraph 11 of Schedule 4 to the Transport Act 2000, provides for the local planning authority to recover from the technical site consultee or the Civil Aviation Authority compensation payable by the local planning authority, if the liability to pay compensation is attributable either to a planning decision which would not have been taken, or to an order which would not have been made, but for the need to secure the safe and efficient operation of the respective technical site or aerodrome. The section also applies the provisions under which the technical site consultee or the Civil Aviation Authority may have to acquire a site where a purchase notice is served. There are currently no Civil Aviation Authority aerodromes. (c) local authority or privately owned airports subject to Part V of the Airports Act 1986

Any airport in respect of which a permission to levy charges is in force under Part IV of the Airports Act 1986, or in respect of which there is a pending application for such permission (subject to certain exclusions), and any airport owned and managed by any subsidiary of the Civil Aviation Authority, is subject to Part V of the Act. Section 61 of the 1986 Act provides for the local planning authority to recover from the airport operator compensation which the authority have become liable to pay. This provision applies if the compensation liability results either from a planning decision which would not have been taken, or from an order which would not have been made, other than to secure the safe and efficient operation of the airport, the protection of persons or buildings from aircraft using the airport, or the safe and efficient operation of air traffic control or air navigation apparatus. Section 61 also applies the provisions under which the operator of an airport subject to Part V of the 1986 Act may have to acquire a site where a purchase notice is served. (d) local authority or privately owned aerodromes not subject to Part V of the Airports Act 1986

Where a local authority or privately owned aerodrome is not subject to Part V of the Airports Act 1986, section 61 of the Act does not apply. A local planning authority may wish to seek a specific deed of indemnity from the owner of any such aerodrome against liability under the purchase notice and compensation provisions of the Town and Country Planning Act 1990, so that the aerodrome owner will be the body to whom any land acquired under a purchase notice will normally be conveyed.

#### [Incorporation of safeguarded areas into development plans](#)

Local plans and unitary development plans should include a policy stating that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be

restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of safeguarded areas should be indicated on proposals maps accompanying local plans and unitary development plans. A plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.

### Unauthorised development

In the interests of safety local planning authorities are asked to advise the relevant consultee of any unauthorised development in safeguarded areas of which they become aware and for which consultation with the Civil Aviation Authority or the relevant consultee would have been required. DOE Circular 10/97 and Welsh Office Circular 24/97 outline the powers available to local planning authorities to enforce planning control. Policy on the use of these powers is set out in Planning Policy Guidance Note 18: Enforcing Development Control. Local planning authorities should consider carefully the appropriate action they should take in relation to any breach of planning control, taking into account any views expressed by the relevant consultee.

### High structures

The Civil Aviation Authority is responsible for recording all air navigation obstacles in the United Kingdom. This record is essential for air safety. Full details of obstacles, that is any building or works extending 91.4 metres or more above ground level, are published for pilots' information and noted on aeronautical maps and charts. Article 109A of the Air Navigation Order 2000 requires the person in charge of any en-route obstacle which extends 150 metres or more above ground level and which is not in the vicinity of a licensed aerodrome to ensure that it is fitted with warning lights and to ensure that they are displayed.

Local planning authorities are asked to inform the Civil Aviation Authority about new development anywhere within their area which involves an obstacle, as soon as permission has been granted. The detailed information needed is:

- (a) Position: an Ordnance Survey Grid reference, correct to at least six figures each of Eastings and Northings, so that the exact position may be plotted;
- (b) Height: measured from the highest point of the building or works above ground level (where exact figures are not available, to the nearest 1.5 metres). The height above mean sea level should also be stated, if known;
- (c) Description: a brief description of the nature of the obstacle, for example, church steeple or water tower. In a group of structures, the number and approximate height of those exceeding 91.4 metres should be given and the extent of ground covered by the group;
- (d) Developer: state name and address of developer.

Local planning authorities are also asked to supply similar information to the Civil Aviation Authority about obstacles not previously notified, and to notify it of any which no longer exist.

### Electricity and pipelines

Applications by electricity companies for overhead electricity lines and significant generating stations (with a capacity of 50 megawatts or more) are dealt with by the Secretary of State for Trade and Industry under the Electricity Act 1989. The procedure is that when applying for consent a company applies also for a Direction by the Secretary of State for Trade and Industry under section 90 of the Town and Country Planning Act 1990 that planning permission shall be deemed to be granted. The Secretary of State for Trade and Industry will carry out necessary consultations with the Secretary of State for Defence or the Civil Aviation Authority. Generating stations with a capacity of less than 50 megawatts require planning permission and local planning authorities should therefore carry out consultation in accordance with the

requirements described in the legend on the safeguarding map. DOE Circular 14/90 (Welsh office circular 20/90, Department of Energy circular 1/90) refers.

The Secretary of State for Trade and Industry will also consult the Secretary of State for Defence and the Civil Aviation Authority, amongst others, about the construction of cross-country pipelines over 16.093 kilometres in length. Local pipelines (16.093 kilometres or less), other than those built by licensed public gas transporters, require planning permission and local planning authorities should therefore carry out consultation in accordance with the requirements described in the legend on the safeguarding map. The Department of Trade and Industry's guidance notes on the Pipelines Act 1962 refer.

Correspondence 35. correspondence should be addressed:

(a) in the case of military aerodromes, technical sites and explosives storage areas, to:

The Head of Safeguarding  
Defence Estates  
Blakemore Drive  
Sutton Coldfield  
B75 7RL

(b) in the case of civil technical sites, to:

Navigation Services Section  
National Air Traffic Services Ltd  
Room NG1, Spectrum House  
Gatwick Airport South  
West Sussex RH6 0LG

(c) in the case of civil aerodromes, to the consultee at the address shown on the safeguarding map.

(d) in the case of the Civil Aviation Authority:

(i) in connection with civil aerodromes, to:

Aerodrome Standards Department  
Civil Aviation Authority  
2W Aviation House  
South Area  
Gatwick Airport  
West Sussex RH6 0YR

(ii) in connection with civil technical sites and the record of air navigation obstacles, to:

Directorate of Airspace Policy  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE

[Annex 3: Officially safeguarded civil aerodromes](#)

England

Biggin Hill

Birmingham

Blackpool

Bournemouth

Bristol

Carlisle

Coventry

Doncaster Sheffield

Durham Tees Valley

East Midlands

Exeter

Farnborough

Humberside

Leeds Bradford

Liverpool

London City

London Gatwick

London Heliport

London Heathrow

London Stansted

Luton

Manchester

Newcastle

Newquay

Norwich

Oxford

Southampton

Southend

Wales

Cardiff



## Annex 4: Local Planning Authority areas containing civil en-route technical sites for which separate official safeguarding maps have been issued

England

Allerdale

Alnwick

Bassetlaw

Bromley

Calderdale

Chichester

Cotswold

Crawley

Dacorum

Daventry

Derbyshire Dales

Dover

Ealing

East Riding of Yorkshire

Eastleigh

Eden

Epping Forest

Fylde

Guildford

Hillingdon

Horsham

Hounslow

Isle of Wight

Lewes

Maidstone

Manchester

Melton

Mid Bedfordshire

Mole Valley

Newcastle upon Tyne

North Cornwall

North Devon

North Hertfordshire

North Norfolk

Penwith

Preston

Reigate and Banstead

Rugby

St. Edmundsbury

Shepway

South Kesteven

South Shropshire

Tandridge

Tendring

Torbay

Uttlesford

Vale Royal

Warwick

Wealden

Welwyn Hatfield

West Lindsey

Wirral

Wales

Caerphilly

Carmarthenshire

Pembrokeshire

All PPG:

<https://www.gov.uk/government/collections/planning-practice-guidance>

<https://www.north-herts.gov.uk/sites/northherts-cms/files/ED28%20Final%20SOCG%20-%20EL1%20EL2%20EL3%20Land%20East%20of%20Luton%20%28%29%20redacted%20copy.pdf>

The screenshot shows a web browser window displaying a PDF document. The browser's address bar shows the URL: [https://www.north-herts.gov.uk/sites/northherts-cms/files/ED28 Final SOCG - EL1 EL2 EL3 Land](https://www.north-herts.gov.uk/sites/northherts-cms/files/ED28%20Final%20SOCG%20-%20EL1%20EL2%20EL3%20Land%20East%20of%20Luton%20%28%29%20redacted%20copy.pdf). The document content is as follows:

**Timetable**

8. All parties are in broad agreement with the indicative trajectory for housing delivery set out in ED3.
9. A planning application was submitted to North Hertfordshire District Council in April 2017 for EL1 and EL2 (Application reference 17/00830/1) and in August 2016 for EL3 (Application reference 16/02014/1).
10. The indicative trajectory set out in ED3 assumes that the strategic allocation will start on site in 2019 with the delivery of dwellings from 2020. As with any of the sites proposed to be removed from the Green Belt through the Local Plan, the trajectory will depend on the date of the adoption of the Plan. Based on the adoption of the Local Plan in 2018 it is anticipated that completions will commence in 2021 at 80 dwellings per annum. It is then anticipated that completions will increase to 130 dwellings per annum by 2022 rising to 135 dwellings per annum by 2028 and thereafter averaging 135 dwellings per annum until the site has been completed.
11. It is currently envisaged that the district retail centre would be provided (serviced) within phase 2 of the development. Similarly that the primary element of the all-through school would commence in phase 1, approximately 3 years from commencement of development. The education provision will then be built out to meet the pupil yield requirements as they arise through the development.

<https://www.north-herts.gov.uk/sites/northherts-cms/files/ED3%20Housing%20background%20paper%202017%20update%20copy.pdf>

ED3

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

<https://futureluton.llal.org.uk/>

Future Luton - London Luton A X +  
 https://futureluton.llal.org.uk

## Our proposed development

In February 2019 we announced that we are proposing a new second terminal and associated infrastructure, mainly to the north of the runway.

To compensate for the partial use of Wigmore Valley Park, new parkland and open space would be provided over a larger area to the east of the existing park. This area is 10 per cent bigger than the existing park, and is positioned further away from the runway than at present.

The proposed development safeguards as much land as possible within the existing Wigmore Valley Park, where we propose to deliver significant improvements to facilities in the retained part of the park. It also constrains the extent of development in the green belt to the east of the airport.

This proposal was initially referred to as our 'preferred option' and

Future Luton - London Luton A X +

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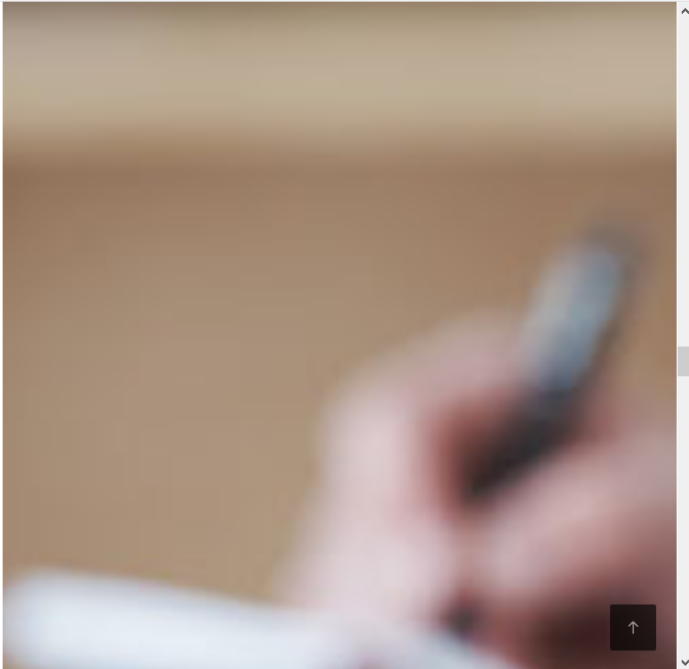
Click the links to read the following documents:

### Main Statutory Consultation documents

- ✓ Information booklet
- ✓ Guide to Statutory Consultation
- ✓ Feedback form - consultation now closed
- ✓ Statement of Community Consultation
- ✓ View information boards displayed at consultation events

### Detailed technical documents supporting Statutory Consultation

- ✓ PEIR Non-Technical Summary
- ✓ PEIR Volume 1
- ✓ PEIR Volume 2, Part A



<https://futureluton.llal.org.uk/>

ED28 Final SOCG - EL1 EL2 EL3 Land X Microsoft Word - NHDC Housing I X Future Luton - London Luton A X +

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## Our ambition to be the UK's greenest and most socially responsible airport owner

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Update on our expansion proposals, 8 June 2020

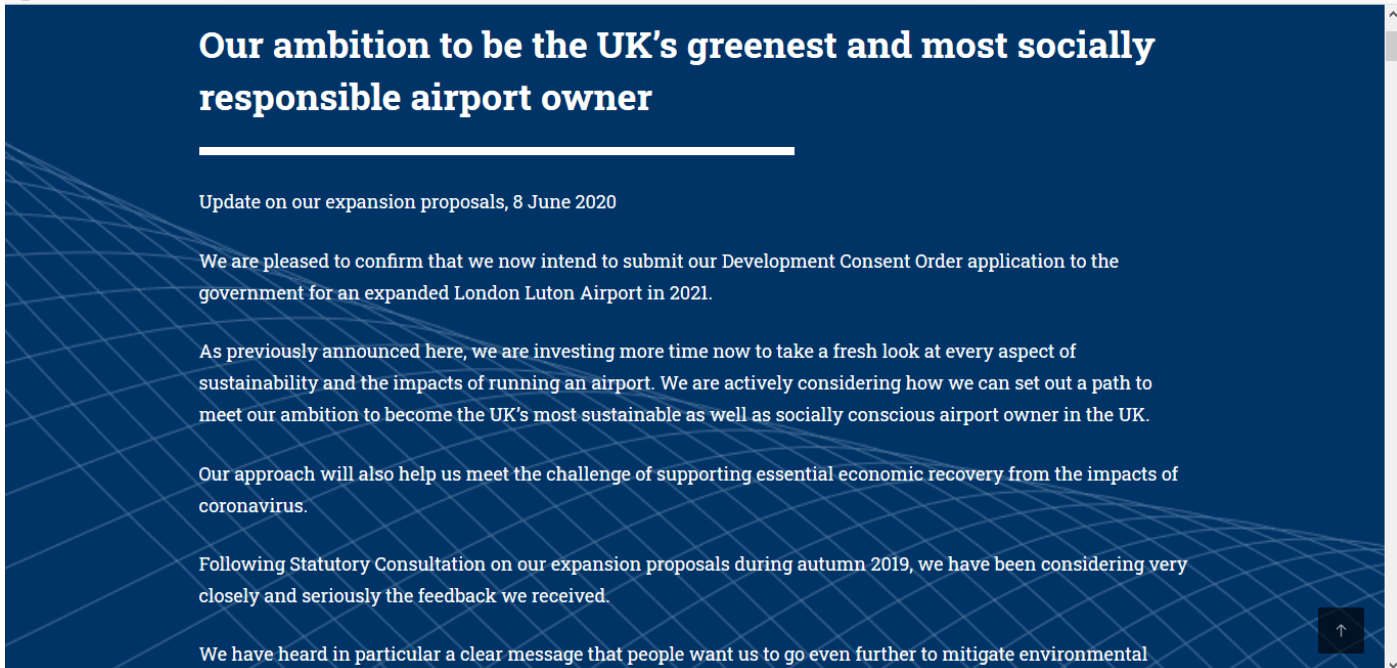
We are pleased to confirm that we now intend to submit our Development Consent Order application to the government for an expanded London Luton Airport in 2021.

As previously announced here, we are investing more time now to take a fresh look at every aspect of sustainability and the impacts of running an airport. We are actively considering how we can set out a path to meet our ambition to become the UK's most sustainable as well as socially conscious airport owner in the UK.

Our approach will also help us meet the challenge of supporting essential economic recovery from the impacts of coronavirus.

Following Statutory Consultation on our expansion proposals during autumn 2019, we have been considering very closely and seriously the feedback we received.

We have heard in particular a clear message that people want us to go even further to mitigate environmental



[https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard\\_Content/Commercial\\_industry/Airspace/Airspace\\_change/Airspace%20information%20-%20transparency%20about%20airspace%20use%20and%20aircraft%20movements%20\(Luton\).pdf](https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard_Content/Commercial_industry/Airspace/Airspace_change/Airspace%20information%20-%20transparency%20about%20airspace%20use%20and%20aircraft%20movements%20(Luton).pdf)



ED28 Final SOCG - EL1 EL2 EL3 Land X Microsoft Word - NHDC Housing i X 17/00830/1 | Mixed use applicat X Airspace information - transpa X +

https://www.caa.co.uk/uploadedFiles/CAA/Content/Standard\_Content/Commercial\_industry/Airs...

1 of 4 Automatic Zoom

### Airspace information: transparency about airspace use and aircraft movements

#### Luton Airport

Currently undertaking this activity  
Partially undertaking this activity  
Not currently undertaking/not applicable to airport

Information provision/data type	Fulfills CAA/Air Navigation Guidance 2017 (For CAA use only)	Additional comments	Link to webpages that contain this information
Runway utilisation and operations	Green	Statistics and information on runway utilisation and operations are published in quarterly and annual Monitoring Reports.	<a href="https://www.london-luton.co.uk/noise">https://www.london-luton.co.uk/noise</a>
Standard Instrument Departure (SID) utilisation	Green	Statistics and information on SID utilisation are published in quarterly and annual Monitoring Reports.	<a href="https://www.london-luton.co.uk/noise">https://www.london-luton.co.uk/noise</a>
Arrivals data	Green	Statistics and information on arrivals are published in quarterly and annual Monitoring Reports.	<a href="https://www.london-luton.co.uk/noise">https://www.london-luton.co.uk/noise</a>
Continuous Descent Approach (CDA) & Continuous Climb Operations (CCO)	Yellow	Statistics and information on CDA performance are published in quarterly and annual Monitoring Reports. A league table displaying airline CDA performance is also produced. No details of CCO.	<a href="https://www.london-luton.co.uk/noise">https://www.london-luton.co.uk/noise</a>
Flight tracking & tools	Green	Luton's online publicly available tool, Travis, allows stakeholders to monitor aircraft. A video tutorial has been produced on how to use the Travis system.	<a href="http://travis.ln.topsonic.aero/">http://travis.ln.topsonic.aero/</a>
Aircraft Traffic Movements	Green	Statistics on air traffic movements are published in quarterly and annual Monitoring Reports.	<a href="https://www.london-luton.co.uk/noise">https://www.london-luton.co.uk/noise</a>

March 2020 1

<https://www.caa.co.uk/search/?query=Luton>

ED28 Final SOCG - EL1 EL2 EL3 Land X Microsoft Word - NHDC Housing i X 17/00830/1 | Mixed use applicat X Search results | UK Civil Aviatio X +

https://www.caa.co.uk/search/?query=Luton

I am a ... Browse by subject Our work Q

## Search results

Home

Your search for **Luton** returned **76** results. Displaying results 1 to 10.

Search

**London Luton Airport Operations Limited | Commercial industry**

Airspace change proposals sponsored by Lonodn **Luton** Airport Limited

London **Luton** Airport Operations Limited London **Luton** Airport Operations Limited | UK Civil Aviation Authority London **Luton** Airport Operations Limited Airspace change proposals sponsored by Lonodn **Luton**

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**Luton Runway 26 BPK RNP1 SID | Commercial industry**

Airspace change proposal for **Luton** Runway 26 BPK RNP1 SID

**Luton** Runway 26 BPK RNP1 SID **Luton** Runway 26 BPK RNP1 SID | UK Civil Aviation Authority **Luton** Runway 26 BPK RNP1 SID Airspace change proposal for **Luton** Runway 26 BPK RNP1 SID This proposal

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- Air navigation service provider
- Air traffic control

<https://m.luton.gov.uk/Page/Show/Environment/Planning/Regional%20and%20local%20planning/Pages/Local%20Plan%202011%20-%202031.aspx?redirectToMobile=True>

# Local Plan 2011 - 2031



What is a Local Plan? GOV.UK says:

"The Planning Inspectorate supports the government's aim for every area in England to have an adopted local plan. A Local Plan sets out local planning policies and identifies how land is used, determining what will be built where. Adopted local plans provide the framework for development across England.

"Local peoples' views are vital in shaping a local plan, helping determine how their community develops. Development should be consistent with the national planning policy framework.."

[Click here to read more.](#)

[Open all](#)

[Luton Local Plan \(2011-31\)](#) +

[Luton Local Plan – Evidence base](#) +

[Luton Gypsy and Traveller Local Plan Part 2](#) +

<https://uk.flightaware.com/live/airport/EGGW>

FBOS FLIGHT TRACKER WEATHER MAP & DIAGRAM HISTORICAL DATA



[View EGGW Airport Stats](#)

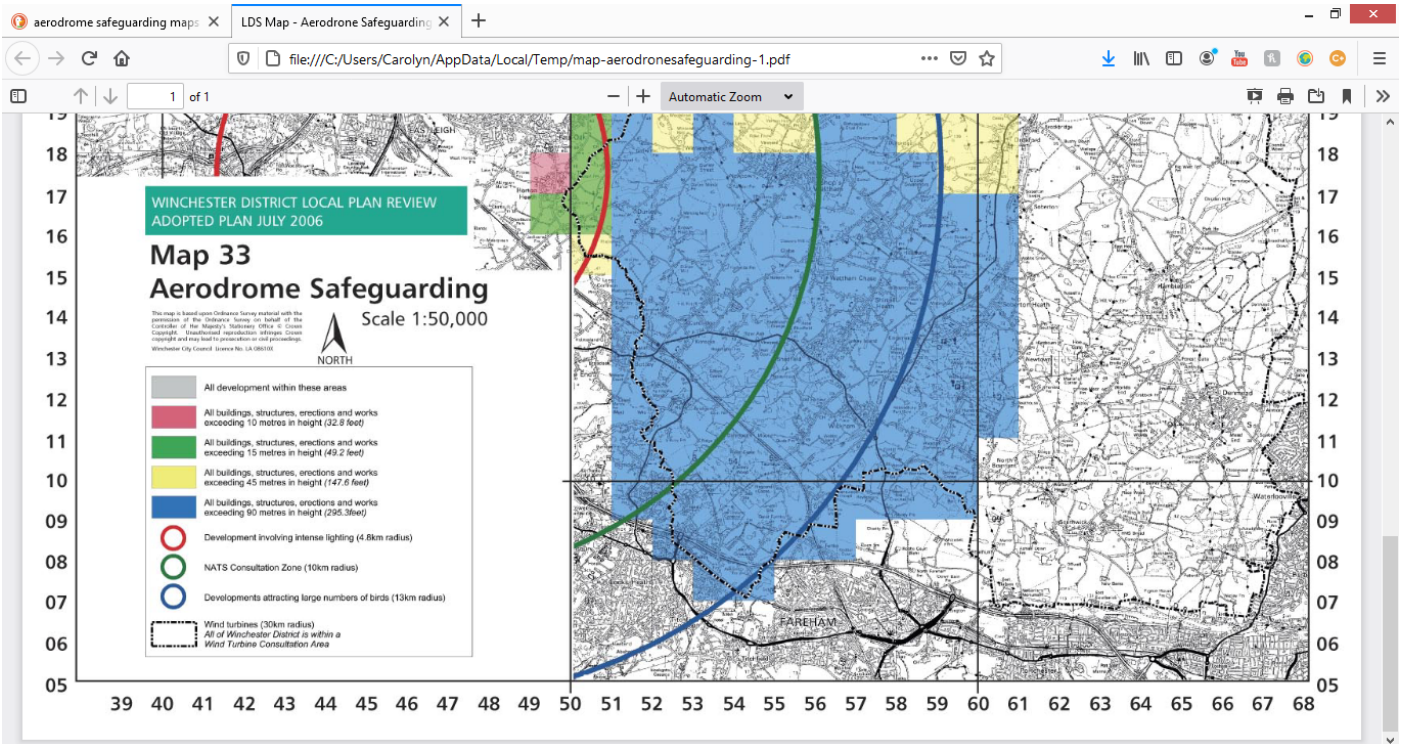
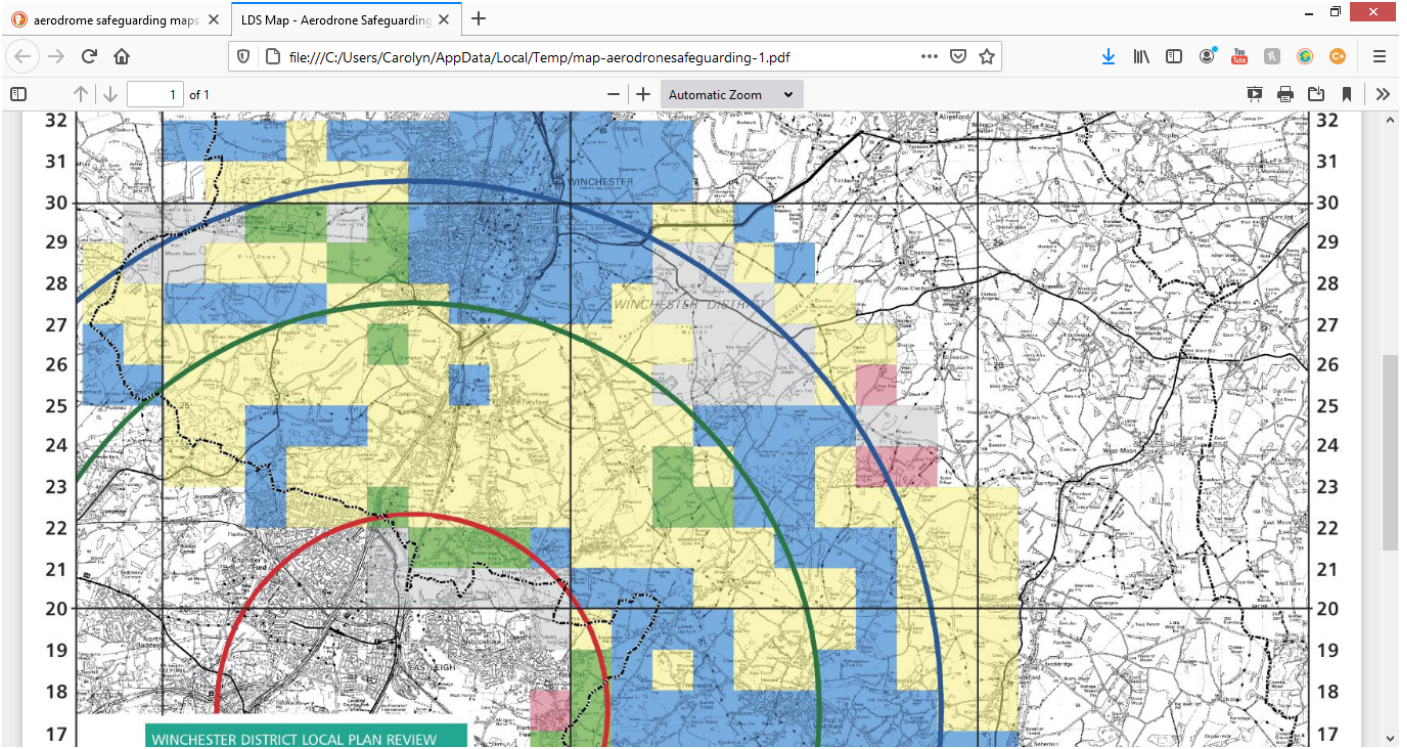
Comprehensive flight data for EGGW is available to qualified aviation industry professionals. [Learn more about FBO ToolBox](#)

##EAST\_OF\_LUTON-LutonAirport-SafeguardingAerodromesDirection2002, 2-ExamplesInLocalPlans-11Nov2020

Local Plan are REQUIRED to have maps showing aerodrome safe-guarding

Such as this one from the Winchester Local Plan

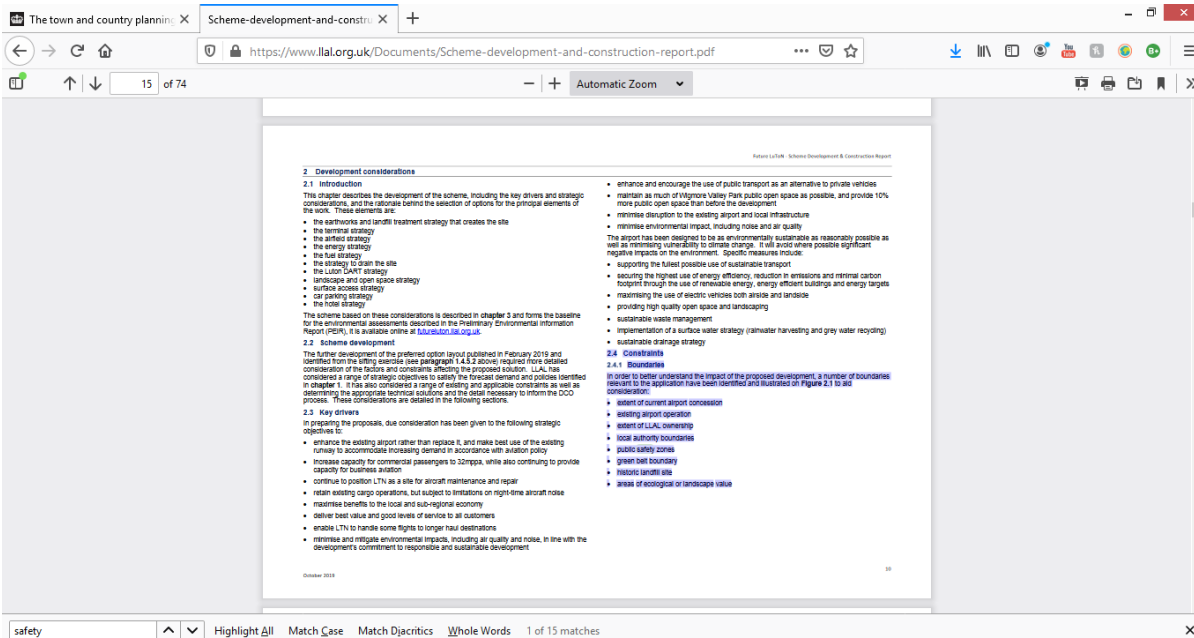
URL: <file:///C:/Users/Carolyn/AppData/Local/Temp/map-aerodromesafeguarding-1.pdf>



#EAST\_OF\_LUTON-IgnoringMutuallyMajorDevelopments-LLALMapOfBoundaries&Constraints1-11Nov2020

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





## 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](http://futureluton.llal.org.uk).

### 2.2 Scheme development

The further development of the preferred option layout published in February 2019 and identified from the siting exercise (see paragraph 1.4.5.2 above) required more detailed consideration of the factors and constraints affecting the proposed solution. LLAL has considered a range of strategic objectives to satisfy the forecast demand and policies identified in chapter 1. It has also considered a range of existing and applicable constraints as well as determining the appropriate technical solutions and the detail necessary to inform the DCO process. These considerations are detailed in the following sections.

### 2.3 Key drivers

In preparing the proposals, due consideration has been given to the following strategic objectives to:

- enhance the existing airport rather than replace it, and make best use of the existing runway to accommodate increasing demand in accordance with aviation policy
- increase capacity for commercial passengers to 32mppa, while also continuing to provide capacity for business aviation
- continue to position LTN as a site for aircraft maintenance and repair
- retain existing cargo operations, but subject to limitations on night-time aircraft noise
- maximise benefits to the local and sub-regional economy
- deliver best value and good levels of service to all customers
- enable LTN to handle some flights to longer haul destinations
- minimise and mitigate environmental impacts, including air quality and noise, in line with the development's commitment to responsible and sustainable development

- enhance and encourage the use of public transport as an alternative to private vehicles
  - maintain as much of Wymore Valley Park public open space as possible, and provide 10% 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 reasonably possible as well as minimising vulnerability to climate change. It will avoid where possible significant 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 and minimal carbon footprint through the use of renewable energy, energy efficient buildings and energy targets
  - 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 grey water recycling)
  - sustainable drainage strategy

### 2.4 Constraints

#### 2.4.1 Boundaries

In order to better understand the impact of the proposed development, a number of boundaries relevant to the application have been identified and illustrated on Figure 2.1 to aid consideration:

- extent of current airport concession
- existing airport operation
- extent of LLAL ownership
- local authority boundaries
- public safety zones
- green belt boundary
- historic landfill site
- areas of ecological or landscape value

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**Figure 2.1 Boundaries and constraints**

**Figure 2.2 New Century Park application (2017)**

**Figure 2.3 New Century Park integrated into DCO**

**2.4.2 New Century Park**

The land on which the Proposed Development will be constructed overlaps with the proposed New Century Park development site (Planning application 17/02300/EIA). The adjustments necessary to that scheme to accommodate the Proposed Development are centred around the realignment of the Century Park Access Road, and the provision of the public open space. The New Century Park scheme provides for a new play park, a skate park, and pavilion works, all of which remain unaffected and are planned to be delivered in 2020. It also involves moving Wigmore Valley Park to the east. The Proposed Development encroaches upon this replacement open space and the implementation of the Proposed Development will

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**Figure 2.1 Boundaries and constraints**

**Figure 2.2 New Century Park application (2017)**

**Figure 2.3 New Century Park integrated into DCO**

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provision; and

iv) where a contribution towards other infrastructure improvements or provision is needed and viable, this will be achieved through planning obligations, planning conditions and/or Community Infrastructure Levy.

**North Hertfordshire District Council**

The adopted Local Plan for North Hertfordshire comprises the saved policies of the North Hertfordshire District Local Plan No.2 with Alterations (April 1996) saved as of September 2007.

The Council is in the process of preparing a new Local Plan (2011-2031). The pre-submission version of the draft Local Plan 2011-2031 was the subject of public consultation from 19 October to 30 November 2016 and the Plan was then submitted to the Secretary of State for Examination on 9 June 2017. Examination hearings took place from 13 November 2017 through to 27 March 2018 and consultation on draft Main Modifications took place from 3 January to 11 April 2019.

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The Examination Inspector wrote to the Council on 9 July and 9 August raising some issues and reservations following the draft Main Modifications consultation exercise and has indicated 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:

Policy NE8 – Sustainable drainage  
 Policy HE1 – Designated heritage  
 Policy HE2 – Heritage at risk  
 Policy HE4 – Archaeology

**Central Bedfordshire Council**

The adopted Local Plan for the area (adopted January 2004) which is the Central Bedfordshire area pre-submission version of the January to 22 February 2018 ; on 30 April 2018. Examination 2019 and the Examination Inspector's report.

The area to the south of the airport, the policies relevant to the area are:

Policy SP4 – Development in the Green Belt

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 SP12 – Green infrastructure, biodiversity and landscape
- Policy SP13 – Historic environment

**Development Management Policies**

- Policy T1 – Assessment of transport matters
- Policy D1 – Sustainable design
- Policy D3 – Protecting living conditions
- Policy D4 – Air quality
- Policy HC1 – Community facilities
- Policy NE1 – Landscape
- Policy NE2 – Green infrastructure

The area to the south of the airport, the policies relevant to the area are:

Policy SP4 – Development in the Green Belt  
 Policy EE1 – Green Infrastructure  
 Policy EE2 – Enhancing biodiversity  
 Policy EE3 – Nature Conservation  
 Policy EE4 – Trees, woodland  
 Policy EE5 – Landscape Character  
 Policy EE6 – Tranquillity  
 Policy EE7 – The Chilterns Area of Outstanding Natural Beauty (potentially in relation to setting)  
 Policy EE8 – Public Rights of Way

In addition to the above, the Council's Local Transport Plan 3 in 2014 will be given to relevant matters.

**Hertfordshire County Council**

The County Council is responsible for the Minerals Local Plan Review with consultation on the draft Local Plan.

Policy SP13 – Historic environment

**Development Management Policies**

- Policy T1 – Assessment of transport matters
- Policy D1 – Sustainable design
- Policy D3 – Protecting living conditions
- Policy D4 – Air quality
- Policy HC1 – Community facilities
- Policy NE1 – Landscape
- Policy NE2 – Green infrastructure
- Policy NE3 – The Chilterns Area of Outstanding Natural Beauty (potentially in relation to setting)
- Policy NE5 – New and improved public open space and biodiversity
- Policy NE6 – Designated biodiversity and geological sites
- Policy NE7 – Reducing flood risk

October 2019

In addition to the above, the Council's Local Transport Plan 3 in 2014 will be given to relevant matters.

**Hertfordshire County Council**

The County Council is responsible for the Minerals Local Plan Review with consultation on the draft Local Plan having taken place between 1- late 2020. Matters related to the Management Policies document (adopted July 2014).

The County Council also adopted the Local Plan in 2018 in respect of which consultation was held.

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Policy NE8 – Sustainable drainage systems  
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 Local Plan (adopted January 2004) which is the area formerly covered by South Bedfordshire District Council. Within this Local Plan, the area south of the airport falls within the Green Belt and is also designated as an Area of Great Landscape Value. Policies GB1, GB2, GB3 and GB4 of 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 whole of the Central Bedfordshire area – the Central Bedfordshire Council Local Plan 2015-2035. The pre-submission version of the draft Local Plan was the subject of public consultation from 11 January to 22 February 2018 and was then submitted to the Secretary of State for Examination on 30 April 2018. Examination hearings commenced on 21 May 2019 and finished on 25 July 2019 and the Examination Inspector's report is now awaited.

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