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The Planning Inspectorate
Major Applications and Plans
3D, Temple Quay House
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BS1 6PN

19 June 2023

Your reference:

Our reference: CS.JTS.JTS.TOM031-20-0

e-mail: [REDACTED]@arnoldthomson.com

Dear Sirs

Representation on behalf of The Trustees of the Paul Tompkins Will Trust (“the Trustees”) to the London Luton Airport Expansion Development Consent Order (the “DCO”)

We act on behalf of the Trustees who have an interest as freeholders in Land to the East of Luton (which land is currently under option to Bloor Homes Limited) and which comprises land identified in North Hertfordshire's Local Plan 2011-2031 as a strategic housing site (Local Plan Allocation SP8 and SP19) for a new neighbourhood of approximately 2,100 homes made up of three sites EL1, EL2 & EL3 (the Strategic Housing Site).

The DCO includes the compulsory acquisition of permanent rights in connection with hedgerow restoration and screening over plots 3-40, 3-42, 7-13, 7-14, 7-40, 7-43 7-44 and 7-46 and these plots comprise land within the Strategic Housing Site. Rights and restrictive covenants are included for compulsory acquisition in connection with scheduled work number 5e, namely:

"Off-site Hedgerow Restoration and Screening. Within the area of land shown on the Works Plans as Work No. 5e, the provision of structural landscaping. To include—(a) soft landscaping; and (b) erection of boundary treatments including fencing".

The Trustees are keen to work with the Applicant and understand, as per correspondence between Bloor Homes and the Applicant during the statutory consultation on the proposals, that the Applicant wish to do likewise. It is noted, for example, that paragraph 14.10.3 of the Environmental Statement (in line with the

Preliminary Environmental Information which informed the statutory consultation) states:

"It is assumed that additional hedgerow and hedgerow tree planting/restoration to the south side of public footpaths Offley 001, 002 and 003, identified in Figure 14.10 of this ES [TR020001/APP/5.03], would not be delivered or maintained to establishment should housing growth promoted for delivery under Policy SP8 of the NHDC Local Plan 2011-2031 be forthcoming, as development of this land is judged to screen the Proposed Development in views experienced by users of these PRoW".

Planning Applications are currently with the local planning authority for the Strategic Housing Site and The Trustees and Bloor Homes are committed to bringing forward the housing development.

The Trustees support the Luton Airport expansion proposals subject to confirmation that the housing growth promoted for delivery under Policy SP8 of the NHDC Local Plan 2011-2031 is now deemed to be forthcoming as per paragraph 14.10.3 of ES Chapter 14, given the adoption of the North Hertfordshire Local Plan and existing planning application, so that there is clarity that the works will not need to be delivered.

In the unlikely event that the works are required then The Trustees Limited would wish to seek the following assurances:

- (a) Agreement with the Applicant that to the extent the landowners (and Bloor where it has become a landowner) agree to grant a licence for the purpose of undertaking the works that the Applicant will not exercise compulsory acquisition powers to undertake the hedgerow works and agreement that nothing in that licence should affect Bloor's/Landowner's right to claim compensation in connection with the use of the relevant property or in relation to the loss of land over which the works are to be undertaken in accordance with the Compensation Code;
- (b) Provision for consulting the landowners and The Trustees and Bloor Homes on the detailed specification of the hedgerow works and a requirement to take any representations into account. Such specification to minimise the land used for the restoration;
- (c) Clarity within the DCO or otherwise that the hedgerow works are limited to existing hedgerows with no creation of new hedgerows;
- (d) Agreement as to on-going maintenance and whether rights or a licence are to be granted for that purpose or whether any on-going maintenance will become the responsibility of the landowners/Bloor and arrangements for removal of hedgerows

where required in connection with the Strategic Housing Site development or access and egress for the Strategic Housing Site.

The Trustees do wish to reserve the right to make further representations as part of the examination process but in the meantime will seek to engage with the Applicant with a view to reaching a satisfactory agreement in respect of the above.

Kind regards

Yours faithfully

A solid black rectangular box used to redact the signature of the trustee.

Arnold Thomson on behalf of the Trustees