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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.56 Applicant's response to Deadline 2 submissions
(Comments from Interested Parties on Written
Representations) Appendix F2 - Friends of Wigmore Park**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.56

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.56 APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS
(COMMENTS FROM INTERESTED PARTIES ON WRITTEN
REPRESENTATIONS) APPENDIX F2 – FRIENDS OF WIGMORE
PARK**

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Appendix F2 - Friends of Wigmore Park [REP2-055]

Table F2.1 Applicant's response to Friends of Wigmore Park's comments on Written Representations

I.D	Response Topic	Comments on Written Representations (Verbatim)	Luton Rising's Response
1	Planning	<p>Friends of Wigmore Park (FoWP)-20038785 New Century Park/Green Horizons Park and facilitating works for Terminal 2 expansion Concerns</p> <p>We are concerned that Luton Borough Council (LBC) and Luton Rising (LR) have engineered a position in which planning applications by LR for a Century Park Access Road (CPAR) have been approved because they facilitate the DCO Application prior to that Application being granted, under the guise of a road to serve a potential business park. The effect is to provide a site with adequate road access for Terminal 2 without Terminal 2 having been agreed.</p> <p>Furthermore, by funding the CPAR LBC will have taken a significant construction cost out of the DCO implementation budget, again making the development more attractive.</p> <p>We are also concerned that repositioning of the business park (now called Green Horizons) to a new site on Wigmore Valley Park, was also done so that the local planning process could be used to facilitate and aid this DCO application.</p> <p>Luton Rising in its written responses has denied that any of its plans for the business park development</p>	<p>The Applicant notes that CPAR (Century Park Access Road) and Green Horizons Park do not form part of this application for development consent.</p> <p>The application for development consent will be decided in accordance with Section 105 of the Planning Act 2008, which sets out the matters the Secretary of State must have regard to in deciding on the application.</p>

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		<p>on the site of Terminal 2 have involved any works which could be described as facilitating works for that terminal.</p> <p>However, the planning history relating to that business park suggest otherwise – indicating that CPAR was crucial to opening up the Wigmore Valley Park (WVP) site for Terminal 2.</p>	
2	Planning	<p>Planning history</p> <p>The first application for an access road through the Luton Airport site to access a proposed Century Park site was made in March 1990. This routing was insisted on by the Luton Liberal Democrats, who had championed the building of New Airport Way to take Airport traffic away from local estates when the only access was via Frank Lester Way.</p> <p>The map in this application shows that Century Park was to be constructed on land to the east of WVP. This application was later withdrawn in 1996.</p> <p>The next application for the CPAR was made in April 1996.</p> <p>The Century Park site was still to the east of WVP rather than on it, and the access road was still to run through the airport. This application was withdrawn in March 2013.</p> <p>The next application for CPAR was made in March 1998, with the Century Park site and access road still as the previous applications. This application was approved in June 1998.</p>	<p>The Century Park Access Road (CPAR) does not form part of this application for development consent.</p> <p>CPAR was not designed as an enabler of the airport expansion. It was originally designed for the purpose of New Century Park.</p> <p>An iteration of CPAR, which is known now as AAR, is designed specifically for the expansion forms part of this application.</p>

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		<p>However, this development was not implemented as sufficient funding could not be found for the access road, either by LBC or private investment.</p> <p>A later application for New Century Park was made in December 2017, with the business park site moved to cover WVP, and including the CPAR4. This application was approved by the LBC Development Control Committee in March 2019, and then reapproved by them in February 2021.</p> <p>Preparation for the DCO Application began in 2015, and a non-statutory consultation (NSC) was published in June 2018. Page 53 of the (NSC), under 'Enabling Works', states in the first paragraphs:</p> <p>"Road infrastructure will need to be provided on the site, with improvement to some local roads and junctions. The application for the Century Park Access Road (see diagram) is still under consideration following a planning application to Luton Council. If successful, the Century Park Access Road would benefit a north-side development. For a south-side option we would need to provide a new carriageway road linking the new terminal complex back to New Airport Way. This would mean a major new intersection system near the point where the road passes over the mainline railway."</p>	

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		<p>CPAR is shown on the accompanying map. NSC page 94 acknowledges a need for dovetailing with the New Century Park and states:</p> <p>“In the event that consent for New Century Park and the access road is not granted by Luton Council, it is expected that a new access road would be included as part of a DCO application for expansion options to the north side of the airport, and potentially other elements of the New Century Park development”</p> <p>We regard it as clear that CPAR had been identified as a key enabler for the DCO project – and indeed no other Terminal 2 access road plans have been published.</p>	
3	Planning Financial Luton Rising	<p>No business case for CPAR</p> <p>The CPAR has consistently failed to attract the required funding for its construction. LBC first approached SEMLEP-South East Midlands Local Enterprise partnership as it would be part of a Local Enterprise Zone. The SEMLEP Board meeting on 27/02/19 discussed a report on the London Luton Airport Enterprise Zone, to update members on the progress of the delivery and governance of the Zone. This report informed the Board that London Luton Airport Ltd, (ie LR), had withdrawn a bid for £20 million of funding from SEMLEP for CPAR, as funding was being transferred to LBC.</p> <p>At the Scrutiny Finance Review Group of LBC held on 22/08/2019, this Group resolved to advise the</p>	Please refer to ID2 above.

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		<p>LBC Executive that they were neither able to recommend the outline business case nor the financial arrangements for Phase 1 of CPAR as summarised in the report of the Corporate Director-Place and Infrastructure to the Committee.</p> <p>No documentation of this decision can be publicly accessed: LBC puts all references to LR finances under the provision of Local Government Act 1972 Part VA, and does not make any such detail available for public inspection. We regard this as a democratic deficiency.</p> <p>The refusal to recommend was referred to the LBC Executive Meeting on 11/11/2019, but rescheduled for the meeting on the 13/01/2020, where it was rescheduled again to 03/02/2020, where the minutes of this meeting show that once again it was not discussed, as it had been withdrawn.</p> <p>It appears that the refusal to recommend by the Scrutiny Finance Review Group was never properly presented to the Executive of LBC, but the CPAR project was passed and accepted. This is a cause of significant concern.</p>	
4	Planning Surface Access	<p>Issues for the ExA to Examine</p> <p>Notwithstanding discussions and decisions made by LBC about LR projects being made in private under the Local Government Act 1972 Part VA, we ask the Examining Authority to investigate and assess the following:</p>	<p>At the time of the 2019 consultation the Local Planning Authority had approved the New Century Park Planning application (albeit that the s106 was not finalised at the time). As such, the Applicant was entitled to assume that the access road would be in place and did not need to be included in the DCO.</p>

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		1. The expansion plans detailed in the documents provided by LR for the public to make their comments on, did not show any access routes to their preferred site on WVP, apart from CPAR, why was that? What was the Plan B route for development and operational access? Was the only access modelling undertaken for the CPAR route, as the planning permission for that route was a local planning issue for LBC?	Circumstances subsequently changed by the time of the 2022 statutory consultation, such that there was then less certainty that the road would be delivered in the time required for the airport expansion proposals using the then extant planning permission for the road. Consequently, the Applicant included the entirety of the road in its application for development consent such that the required certainty of delivery could be achieved.
5	Planning Luton Rising	2. Why was the report by the Scrutiny Finance Review Group made on 22/08/2019 recommending against the Business Case for CPAR not discussed by the Executive Committee? If that Committee saw an alternative a Business Case, what Business Case was provided, and by whom, and on what date was it accepted by the Executive Committee?	The report was referred to Executive but deferred on two occasions and then overtaken by the events of the Covid 19 pandemic. No alternative Business Case has been considered by the Executive.
6	Surface Access	3. Initial proposals listed in the NC Sift reports consider a south side development, and access road. What were the costings of that southern route versus the CPAR route? What were the deciding factors in choosing a northern route over a southern?	A sift exercise was undertaken, which considered a number of potential locations for the second terminal and its associated access requirements, and where all disciplines provided commentary on the benefits and disbenefits of the various options. The options were not costed as part of the sift exercise. Details of the sifting exercise can be found in Chapter 2 Alternatives and Design Evolution of the ES [AS-026] .

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7	Planning	It remains our contention that the CPAR project was "transferred" to LBC to pick up on as a project funded outside the DCO Application even though it clearly facilitates Terminal 2.	<p>Please refer to ID2 above.</p> <p>The Applicant does not contend that the access road is required for airport expansion. Whether delivered as part of the Green Horizons Park permission or under this application for development consent the road is expected to be delivered by the Applicant.</p>