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London Luton Airport Expansion

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**8.85 Applicant's response to Compulsory Acquisition
Hearing 1 Actions 14-17: Wigmore Valley Park**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.85

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.85 APPLICANT'S RESPONSE TO COMPULSORY ACQUISITION
HEARING 1 ACTIONS 14-17: WIGMORE VALLEY PARK**

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1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority (ExA). It provides the Applicant's response to the ExA's Action Points 14, 15 and 16 arising from Compulsory Acquisition Hearing (CAH) 1 held on the afternoon of 26 September 2023 as described in the record document for that Hearing [EV5-007].
- 1.1.2 Where possible, the Applicant has responded to each action point within the **Applicant's Response to Deadline 4 Hearing Actions [TR020001/APP/8.84]**, however, for actions which require a more detailed response, a further document such as this one has been submitted and appropriate cross reference provided.
- 1.1.3 The Action Points to be considered in this document relate to Wigmore Valley Park ('WVP') and are set out in Table 1.1 with reference to where other response have been addressed.

Table 1.1: Action Points arising during CAH1 considered in this document.

Action Point No.	Description	Where Addressed
CAH1 14	Provide an assessment of the current use of the proposed replacement land for the replacement of WVP (including informal use).	In Section 2 of this document
CAH1 15	Provide a quantitative (or semiquantitative) assessment of the distances travelled by users of WVP by car and foot. Provide an equivalent assessment of the distances that would need to be travelled to the proposed new park. This should take into consideration the distance that must be travelled into the park to obtain an equivalent quality of experience depending on the purpose of the visit.	In Section 3 of this document
CAH1 16	Provide a qualitative assessment of the experience of park users, including (but not limited to) outlook, openness and character. Refer to the Relevant Representations to determine what people value when undertaking this assessment.	In Section 4 of this document
CAH1 17	Confirm that the existing Wigmore Valley Park would not be developed until the replacement park is 'open'	This is secured in the updated Code of Construction Practice [TR020001/APP/5.02] submitted at

Action Point No.	Description	Where Addressed
	and explain where this is secured in the draft Development Consent Order. Provide a definition of 'open'.	Deadline 4 – please refer to paragraph 12.1.1 of that document. The Applicant has updated the wording of the Code of Construction Practice to make this commitment clearer.
CAH1 19	Provide information regarding the assessment of alternatives to the removal of the existing land at Wigmore Park. This should include consideration of why multistorey car parks are not proposed and why brownfield land to the south west of the airport is not proposed to be utilised.	The response to this action is provided in the Applicant's Response to the ExA's Deadline 4 Hearing Actions document submitted at Deadline 4.
ISH6 17	Provide evidence that alternatives to use of BMV land have been considered, including for the proposed replacement land for Wigmore Valley Park. The response can be included with evidence of the consideration of alternatives to use of Wigmore Valley Park required as an action point in CAH1.	The response to this action is provided in the Applicant's Response to the ExA's Deadline 4 Hearing Actions document submitted at Deadline 4.

2 CURRENT USE OF REPLACEMENT LAND

2.1 Overview

2.1.1 In response to CAH1 Action 14, the Applicant has considered the current use of the replacement land.

2.2 Use of land

2.2.1 The replacement land is made up of plot 5-13 (Agricultural field, and woodland, Winch Hill Farm) and 6-20 (Agricultural field and hedgerows, Wandon End Farm) as more particularly described in Part 5 of the **Book of Reference [APP-011]**. This area is further set out in **Figure 14.11** of the ES **[AS-102]**.

2.2.2 The replacement land is privately owned by the Applicant, historically used for agriculture, and is not open to the public for use. The land was established in agricultural use before it was acquired by the Applicant and whilst that remains the current use, the land has not been actively farmed in recent years. There are footpaths on the land (as per the descriptions set out in Part 5 of the Book of Reference) but these do not grant rights over the replacement land itself. Following receipt of information during the examination that third parties may be seeking to exercise rights over the land, the Applicant has erected signage across the plots informing the public that the land is private and users of footpaths should not stray from those permissive rights of way. Photos of the signage is available at **Appendix A** of this document.

2.2.3 Sections 131 and 132 of the Planning Act 2008 apply to any land forming part of a common, open space or fuel or field garden allotment. These terms are defined by section 18 of the Acquisition of Land Act 1981 as:

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,
“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,
“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

2.2.4 The Applicant acknowledges that open space land includes land “used for the purposes of public recreation”. The Applicant also notes the relevant guidance, *Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land* (Ref 1) (see Appendix A, para 9) which makes clear that land used for public recreation, even informally, cannot usually be replacement land. However, the Applicant wishes to make clear that this land is not being used by the public at large and any unauthorised use was a trespass and not reflective of actual use of the land.

3 DISTANCES TO EXISTING AND PARKS

3.1 Overview

3.1.1 In response to CAH1 Action 15, this section of the report considers the distances travelled by users of WVP by car and foot. It also considers the distances that would need to be travelled to the proposed new park, including commentary on the distance that must be travelled into the park to obtain an equivalent quality of experience (depending on the purpose of the visit to the park).

3.2 Car Users

3.2.1 People travelling to the existing WVP by car approach it via Eaton Green Road and use the car park which is accessed off the Eaton Green Road/Colwell Rise roundabout. The car park adjoining the western boundary of WVP is available for car users to park in at weekends. There are no other locations within or adjacent to WVP where car users park, save for a small layby at the eastern end of Eaton Green Road where it meets Darley Road.

3.2.2 People travelling to the proposed new park by car will continue to approach it via Eaton Green Road and use the same car park. The distances travelled by car users to the existing WVP and proposed replacement are therefore the same.

3.3 People on Foot

3.3.1 The main entrance to the existing WVP for people on foot is off Eaton Green Road adjoining the car park entrance. People can also access WVP from various points on the Public Rights of Way (PRoW) which adjoin the eastern edge and north western corner of the park.

3.3.2 People travelling to the new park on foot will continue to use the entrance off Eaton Green Road. They will also be able to access the replacement open space via several entrances off Darley Road and Winch Hill Lane. The distances travelled by people on foot to the existing WVP and proposed park are the same for people using the entrance off Eaton Green Road.

3.3.3 The northern boundary of the Replacement Open Space will adjoin a section of Darley Road for approximately 800m. The eastern boundary of the Replacement Open Space will adjoin part of Winch Hill Lane for approximately 600m .

3.4 Experiential Aspects

3.4.1 People visiting WVP use the park for various activities. User groups include¹:

- a. families using the children's play area;
- b. people using the skate park;

¹ User groups identified in **ES Appendix 13.2 [APP-84]** Open Space Survey Results

- c. people using the park for informal sporting activities (e.g. playing football, playing cricket and playing frisbee);
- d. recreational walkers and dog walkers traversing through the park;
- e. People using the park for community or organised events and activities (for example, group dog walks, litter picks); and
- f. people visiting for nature interest (for example to see the orchids within the County Wildlife Site).

- 3.4.2 The proposed park will retain the children's play area, the skate park and area of the park used for informal sporting activities in the same place as the existing park, or retain those enhanced facilities provided by the extant Green Horizons Park planning permission in the northern retained part of WVP². The distance to travel to use these facilities and areas will be the same for the existing and the proposed park and to obtain an equivalent quality of experience.
- 3.4.3 Other user groups, including recreational walkers, dog walkers, people joining organised events and people visiting for nature interest can choose to travel similar or greater distances to obtain an equivalent quality of experience. The distance will depend on the nature of activity and where the park is accessed from. For example, recreational walkers and dog walkers accessing WVP from the main entrance may travel in a south easterly direction initially through the slightly undulating amenity grassland over the historic landfill in the western part of the park towards the CWS. They may then head in a north easterly direction along the footpath (FP29) through the belt of trees which run along the south eastern boundary of the park, before heading back through the amenity grassland in a westerly direction back towards the car park.
- 3.4.4 The distance required to travel to obtain an equivalent quality of experience in the proposed park would be similar as it would involve travelling through an area of retained amenity grassland and a new area of scrub vegetation intended to be similar in nature to that located in the southern part of the existing park. This is demonstrated on Figures 1 and 2.
- 3.4.5 Another example could be people visiting the park for nature interest (for example to see the Orchids within the CWS). People wishing to look at the Orchids are likely to have to travel a greater distance to obtain an equivalent quality of experience in the proposed park (assuming most of these people access the park from the main entrance off Eaton Green Road) as the proposed park will be larger than the existing park. The walk to the Orchids in the proposed park is likely to offer nature interest as it would pass through or near areas of proposed neutral meadow grassland, woodland planting and hedgerow restoration.
- 3.4.6 People accessing the areas currently proposed for translocated orchids in the new park on foot from areas to the east or north of the park may still encounter

² The Applicant intends to implement this part of the Green Horizons Park permission which relates to the construction of a new skate park and children's play area. Further details are provided in the Deadline 1 Submission – 8.23 Green Horizons Park Additional Information [REP1-005] and the Applicant's Response to Issue Specific Hearing 1 Action 10: Green Horizons Park and the Proposed Development [TR020001/APP/8.87] submitted at Deadline 4.

orchids that naturally colonise the park. People accessing this area on foot via Winch Hill Lane or Darley Road are likely to have to travel a similar or shorter distance to obtain an equivalent quality of experience in the proposed park.

3.4.7 The experience of users of WVP and the proposed Replacement Open Space are considered in Section 4 of this report.

Figure 3.1: Examples of Walking Routes through WVP



Figure 3.2: Example of Walking Routes through proposed park



4 THE EXPERIENCE OF USERS OF THE PARK

4.1 Overview

- 4.1.1 In response to CAH1 Action 16, this section of the report considers the experience of people using WVP and the proposed Replacement Open Space. It sets out the landscape elements, features, characteristics and qualities of the existing park and proposed park.
- 4.1.2 A review of the Relevant Representations has confirmed that people value WVP for a number of reasons, including (but not limited to):
- a. the ecological value of the park, notably the CWS including the wild orchids;
 - b. the recreational value of the park;
 - c. the importance of the park to aid well-being of local communities;
 - d. its importance as a noise, pollution and visual buffer between the Airport and the residential area to the north;
 - e. views from the CWS to the east overlooking the countryside.

4.2 Existing Park

- 4.2.1 The existing park is largely characterised by large areas of managed amenity grassland, recreational facilities, areas of mixed density woodland and scrub vegetation. Within the park, three distinct 'sub character areas' are evident, each of which is defined by particular landscape elements, features, characteristics and qualities. These character areas are shown on Figure 3 of this report and described below.

Figure 4.1: Existing character areas within WVP



Amenity Grassland

- 4.2.2 The area of Amenity Grassland is located in the north eastern part of the park. Key landscape elements within this area are the managed grassland and belts of mature trees which traverse and define the edge of the area.
- 4.2.3 There is a sense of openness in this character area though this is checked by the belts of mature trees which break up the space. There is a greater sense of enclosure towards the south eastern edge of the area close to the belt of trees along that edge. There are benches located at several points within this area which provide the opportunity for people to sit, pause and experience a pleasant outlook across this part of the park.
- 4.2.4 Noise from the airport and aircraft is evident and detracts from the character of this area. Notwithstanding the effect of this noise, the landscape and visual qualities of this character area are generally considered to be positive, brought about by the characteristics described above.

Slightly Undulating Amenity Grassland

- 4.2.5 This character area is located in the north western part of the park. Key landscape elements within this area are the managed grassland which is slightly more undulating than the grassland immediately to the east. This is due

to the settlement of material associated with the former landfill site which lies underneath this part of the park.

- 4.2.6 There is an overriding sense of openness in this character area brought about the area of grassland which is largely uninterrupted by any other landscape features to break up the space. There are belts of vegetation along the edges of this character area which creates a greater sense of enclosure close to these parts of the area.
- 4.2.7 Noise from the airport and aircraft is conspicuous and detracts from the character of this area. Airport buildings are also close to this character area and have an urbanising effect on it. The landscape and visual quality of this character area is not considered to be particularly special.

Scrub Landscape

- 4.2.8 This character area is located in the southern part of the park. Key landscape elements within this area are scrub vegetation and mature trees. PRow FP29 and BW28 border the eastern edge of this area, whilst other paths to and within this area are relatively informal in nature. Much of this character areas is designated as a County Wildlife site habitat which reflects the mature, ecologically rich landscape which is valued by many people locally.
- 4.2.9 There is generally a sense of enclosure within this character area brought about by the relatively large amount of mature trees and other vegetation present in this part of the park.
- 4.2.10 Noise from the airport and aircraft is evident and detracts from the character of this area. Notwithstanding the effect of this noise, the landscape and visual qualities of this character area are generally considered to be positive, brought about by the characteristics described above.

4.3 Proposed Open Space

- 4.3.1 The proposed Open Space will be characterised by the area of retained amenity grassland and tree belts within WVP and large areas of meadow grassland interspersed by blocks of retained and proposed trees.
- 4.3.2 Within the proposed Open Space, distinct 'sub character areas' can be defined, each of which will be defined by particular landscape elements, features, characteristics and qualities. These character areas are shown on Figure 4 of this report and described below.

4.4 Slightly Undulating Amenity Grassland & Scrub Landscape Character Areas

- 4.4.1 The character of these areas would be altered substantially as a consequence of the Proposed Development (notably the introduction of the earthworks, temporary and long stay car parks, coach station and airport operational roads) and would no longer form part of the open space. It is anticipated that certain elements, features, characteristics and qualities of these areas would be

perceived and experienced within the replacement open space as described below.

Figure 4.2: Character areas within proposed Open Space



Amenity Grassland

4.4.2 The area of Amenity Grassland in the proposed open space will comprise most of the existing Amenity Grassland area character area located within WVP. The function of this character area will be largely unaffected. The character of this area will be affected by the proposed earthworks and planting within and adjacent to the south western part of the area. The proposed earthworks and planting is likely to create a greater sense of enclosure within this area, which will increase as the proposed planting matures. Views across the undulating amenity grassland will be curtailed by the earthworks and planting.

4.4.3 It is considered that to some extent the existing positive qualities and experiences associated within this character area (for example the opportunity for people to sit, pause and experience a pleasant outlook across this part of the park) will be maintained. The introduction of the earthworks and the car parking to the immediate west of this character area are considered to detract from the experience of this part of the park. However this will be mitigated to some extent by the introduction of the planting and landscape restoration works which will provide a visual buffer to the earthworks, car parking and other Airport development.

4.5 Replacement Open Space

- 4.5.1 The Replacement Open Space would be located within agricultural land to the immediate east of the airport. It will be characterised by large areas of meadow grassland interspersed by blocks of retained and proposed trees. Hedgerow restoration will also take place. It is envisaged additional opportunities for unstructured or natural play will be provided within the Replacement Open Space and would include the resurfacing and upgrading of existing PRow together with the creation of new surfaced paths.
- 4.5.2 Within the Replacement Open Space, distinct areas of scrub landscape would be created as illustrated on Figure 4. The translocated orchids would be located within these areas. It is envisaged that the proposed scrub areas within the Replacement Open Space would be characterised by mature trees and other vegetation and provide a sense of enclosure within this part of the character area.
- 4.5.3 Aircraft noise would be perceptible within the Replacement Open Space and detract from the quality of this character area but overall it is envisaged that people using the Replacement Open Space would experience a pleasant, rural environment affording views within the space and to the surrounding countryside.

5 OPENING OF REPLACEMENT SPACE LAND

5.1 Overview

5.1.1 In response to Action 17 of the Compulsory Action Hearing, the Applicant has considered where in the application documents it has secured its commitment to not commence works within WVP until the replacement land is open.

5.2 Code of Construction Practice

5.2.1 This matter is addressed in the Code of Construction Practice **[APP-049]** at paragraph 12.1.1 (e). The Applicant has amended the earlier text to make clear that works cannot commence within WVP until the replacement land is accessible to the public. The Applicant does not consider a separate definition of “open” necessary as accessible to the public is sufficiently clear.

GLOSSARY AND ABBREVIATIONS

Term	Definition
BMV	Best and Most Versatile Agricultural Land
CAH	Compulsory Acquisition Hearing
CoCP	Code of Construction Practice
CWS	County Wildlife Site
ExA	Examining Authority
PRoW	Public Rights of Way
WVP	Wigmore Valley Park

REFERENCES

Ref 1 Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (DCLG) (September 2013)

APPENDIX A – PHOTOS PROVIDED IN RESPONSE TO CAH1 ACTION 14





















