

November 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

## **8.87 Applicant's response to Issue Specific Hearing 1 Action 1: Green Horizons Park and the Proposed Development**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.87

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.87 APPLICANT'S RESPONSE TO ISSUE SPECIFIC HEARING 1  
ACTION 10: GREEN HORIZONS PARK AND THE PROPOSED  
DEVELOPMENT**

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<b>Deadline:</b>	Deadline 4
<b>Planning Inspectorate Scheme Reference:</b>	TR020001
<b>Document Reference:</b>	TR020001/APP/8.87
<b>Author:</b>	Luton Rising

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Issue 1	November 2023	Additional Submission – Deadline 4

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## **Appendix A COMPARISON OF NEW CENTURY PARK MASTERPLAN and INDICATIVE SCHEME LAYOUT PLAN ASSESSMENT PHASE 2B**

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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 Action 10 Issue Specific Hearing 1 (ISH1) (on the draft Development Consent Order) held on 26 September 2023:

*Applicant to provide the information requested in Annex F part 13 in the Rule 6 letter in respect of a plan showing the Green Horizons Park (GHP) scheme overlaid with the relevant elements of the Proposed Development that would supersede/ replace those elements of the GHP consent and to provide further details on the comments made regarding the relationship between the Proposed Development and Green Horizons Park and the provisions sought in Article 45).*

1.1.2 The Applicant has prepared side-by-side plans (**Appendix A**), together with an overlay plan showing the Green Horizons Park (GHP) scheme overlaid with the Proposed Development (**Appendix B**).

## 2 APPLICANT'S RESPONSE TO HEARING ACTION

### 2.1 Context

2.1.1 Article 45 of the Development Consent Order (DCO) is a bespoke provision which has been drafted in light of the Supreme Court case *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30. That judgment relates to planning permissions granted under the Town and Country Planning Act 1990. It holds that, unless there is an express provision otherwise, where development has taken place under one permission, whether another planning permission may lawfully be implemented depends upon whether it remains physically possible to carry out the development authorised by the second permission in light of what has already been done under the first permission.

2.1.2 Bespoke drafting has been included in the **Draft Development Consent Order [REP3-003]** in article 45(2) to ensure that where there are any inconsistencies between GHP and the Proposed Development that GHP remains lawful and is still capable of being implemented.

2.1.3 In relation to the section 106 agreement which is secured through the GHP planning permission, the Applicant is in ongoing discussions with Luton Borough Council (LBC) on this issue and will provide an update during the course of the examination. Discussions are also ongoing with LBC regarding the possible amendment of elements of the GHP permission and the discharge of pre-commencement conditions.

### 2.2 Summary of Reconfigurations

2.2.1 As set out within the **Planning Statement [AS-122]** and the Deadline 1 response on this issue **[REP1-005 to REP1-011]**, it is not possible at this stage

to confirm definitively which elements of GHP will be superseded by the Proposed Development given that both masterplans are illustrative and discussions are ongoing with LBC regarding GHP. However, the plans illustrate which elements of GHP would have to be reconfigured or replaced based on the illustrative masterplan for the Proposed Development and this may require amendment applications under S73 or S96a. These are summarised in Table 2.1.

Table 2.1 Summary of reconfigurations required

<b>Element of GHP</b>	<b>Delivery under GHP or DCO</b>
<b>Airport Access Road</b>	To be delivered under the DCO. This is not shown on the GHP plan provided.
<b>Wigmore Valley Park</b>	<p>Improvements to the northern area, including children's play area and skate park to be implemented under the GHP permission and is unaffected by the Proposed Development masterplan.</p> <p>The proposed pavilion would be provided under the terms of the GHP planning permission. No other elements of Wigmore Valley Park to be implemented under the GHP permission as an alternative reconfiguration will be provided through the DCO.</p>
<b>Office quarter</b>	To be implemented under the GHP permission, in the same location but rotated.
<b>GHP Hotel</b>	To be implemented under the GHP permission, in the same location but in a different shape.
<b>Technical Services Building</b>	To be implemented under the GHP permission, in the same location but rotated.
<b>Light Industrial Quarter</b>	To be implemented under the GHP permission, in the same location but to be delivered as a single building rather than separate units with the floor space reduced.
<b>Hybrid Industrial Quarter</b>	Will not be implemented under either the DCO or the GHP permission.
<b>Tidy Tip reconfiguration</b>	To be implemented under the GHP permission and unaffected by the Proposed Development masterplan.
<b>Car Parking</b>	<p>Car parking to the southeast of office quarter to be implemented under the GHP permission. This is shown as a multi-storey car park on the Proposed Development masterplan rather than a surface car park.</p> <p>No other car parking is to be implemented under the GHP permission as this will be provided through the DCO.</p>

# **APPENDIX A COMPARISON OF NEW CENTURY PARK MASTERPLAN AND INDICATIVE SCHEME LAYOUT PLAN ASSESSMENT PHASE 2B**

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 All structure positions are indicative. The proposed works will be subject to detailed design development. The charges will be within limits of deviation specified in the Development Consent Order.

- Notes:
1. New Century Park (NCP) Proposed Illustrative Masterplan dated 28th June 2018, prepared by ESA Architectural, Drawing no: 050\_01
  2. Dark Blue text on drawing is from drawing referred to in note 1. Additional call out notes have been added where required to explain areas on the plan.
  3. Refer to drawing LLADCO-3C-ACM-WHS-GEN-DR-CE-0002 which shows schemes overlaid.



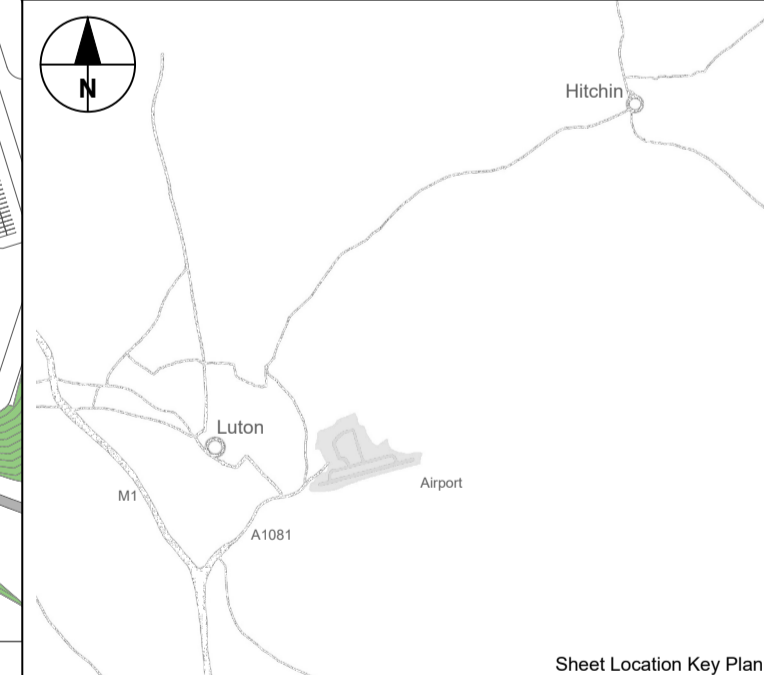
Key:

- DCO - Outline
- Green Horizons Park - Red Line Boundary
- Industrial Buildings and Technical Services Building
- Hotel
- Office Buildings
- Car Park

Key to Notes

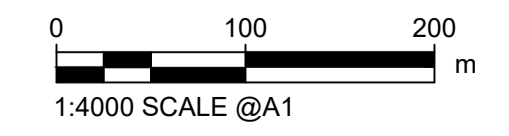
- Orange Not being implemented
- Purple Elements implemented by DCO
- Blue Elements implemented by GHP with adjustment

Revision History	SW	SR	01/11/23	P01
Drawn	Checked	Approved	Date	Rev.



New Century Park Illustrative Masterplan  
 Issued 28th June 2018

Green Horizons Park and the Proposed Development (Area of  
 Indicative Scheme Layout Plan Assessment Phase 2)



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**London Luton Airport  
 Development Consent Order**

Drawing Title  
**COMPARISON OF NEW CENTURY  
 PARK MASTERPLAN &  
 INDICATIVE SCHEME LAYOUT  
 PLAN ASSESSMENT PHASE 2B**

Purpose of issue				Suitability	
INITIAL STATUS OR WIP				S0	
Drawn	Checked	Approved	Date	Scale	Size
S.White	S.Robinson	---	01/11/2023	AS SHOWN	A1
DCO Application Ref.		APFP Regulation	DCO Document Ref.		
TR020001		N/A	TR020001/APP/8.87		

Drawing Number  
**LLADCO-3C-ACM-WHS-GEN-DR-CE-0001**  
 Project - Phase - Originator - Asset - Sub Asset - Type - Discp. - Number

Revision  
**P01**

## **APPENDIX B - OVERLAY OF DCO PROPOSED DEVELOPMENT ON GREEN HORIZONS PARK SCHEME**





Wigmore Valley Park: Improvements to the northern area, including children's play area and skate park to be implemented under the GHP permission and is unaffected by the Proposed Development masterplan.  
The proposed pavilion would be provided under the terms of the GHP planning permission. No other elements of Wigmore Valley Park to be implemented under the GHP permission as an alternative reconfiguration will be provided through the DCO.

GHP Hotel: To be implemented under the GHP permission, in the same location but in a different shape.

Airport Access Road/ Eaton Green Link to be implemented by DCO

Office quarter: To be implemented under the GHP permission, in the same location but rotated.

Hybrid Industrial Quarter: Will not be implemented under either the DCO or the GHP permission.

Technical Services Building: To be implemented under the GHP permission, in the same location but rotated.

Tidy Tip Access: Reconfigured access implemented by DCO.

Light Industrial Quarter: To be implemented under the GHP permission, in the same location but to be delivered as a single building rather than separate units with the floor space reduced.

Car Parking: Car parking to the southeast of office quarter to be implemented under the GHP permission. This is shown as a multi-storey car park on the Proposed Development masterplan although it is recognised that this would require a S73 application or separate planning application.

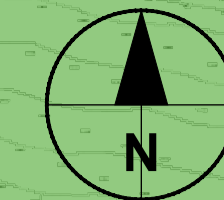
No other car parking is to be implemented under the GHP permission as this will be provided through the DCO.

Long term car park on DCO scheme to replace existing

Long term car parking extension becomes West Pier or Terminal 2.

Long term car park extended Approx. 30 additional spaces to be provided

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All structure positions are indicative. The proposed works will be subject to detailed design development. The changes will be within limits of deviation specified in the Development Consent Order.

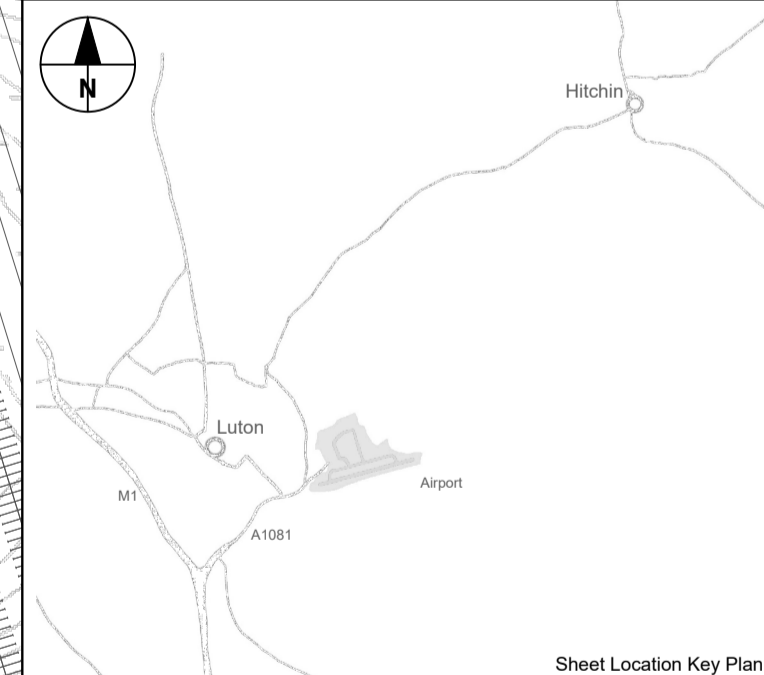


- Notes:
1. New Century Park (NCP) Proposed Illustrative Masterplan dated 28th June 2018, prepared by ESA Architectural, Drawing no: 050\_01
  2. Blue text on drawing is from drawing referred to in note 1. Additional call out notes have been added where required to explain areas on the plan.
  3. Refer to drawing LLADCO-3C-ACM-WHS-GEN-DR-CE-0001 which shows schemes separately for more clarity.

- Key:
- DCO - Outline
  - Green Horizons Park - Red Line Boundary
  - DCO Proposed Development shown in Black
  - Industrial Buildings and Technical Services Building
  - Hotel
  - Office Buildings
  - Car Park

- Key to Notes
- Orange Not being implemented
  - Purple Elements implemented by DCO
  - Blue Elements implemented by GHP with adjustment

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**London Luton Airport Development Consent Order**

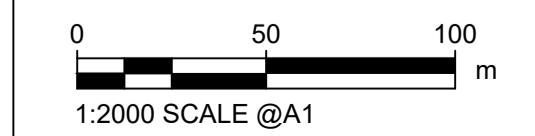
Drawing Title  
**OVERLAY OF DCO PROPOSED DEVELOPMENT ON GREEN HORIZONS PARK SCHEME**

Purpose of Issue  
**INITIAL STATUS OR WIP**

Drawn	Checked	Approved	Date	Scale	Size
S.White	S.Robinson	01/11/2023	S.Robins	1:2000	A1

DCO Application Ref.	APPF Regulation	DCO Document Ref.
TR020001	N/A	TR020001/APP/8.87

Drawing Number  
**LLADCO-3C-ACM-WHS-GEN-DR-CE-0002**



1:2000 SCALE @A1