Luton Rising
Our airport.
Our community.
Our planet.

November 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.78 Applicant's response to Written Questions - Green Belt

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.78

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

London Luton Airport Expansion Development Consent Order 202x

8.78 APPLICANT'S RESPONSE TO WRITTEN QUESTIONS - GREEN BELT

Deadline:	Deadline 4
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.78
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	November 2023	Additional Submission – Deadline 4

Contents

1 RESPONSE TO EXAMINING AUTHORITY WRITTEN QUESTIONS (GREEN BELT)

Table 1.1: Responses to the Examining Authority's Written Questions (Green Belt)

PINS ID	Question / Response
PED.1.34	**Question:** **Green Belt Assessment** The Planning Statement [APP-196, Appendix B, paragraph B6.1.3] concludes in respect of the elements that constitute inappropriate development that "*In both of these cases, it has been demonstrated that the identified harm to the Green Belt that would result from these elements is clearly outweighed by the benefits they would deliver and that very special circumstances exist*". Explain where 'benefits' is a consideration under the relevant policies of the NPPF.
	Response: It is noted that 'benefits' is not a direct consideration stated in the NPPF. Paragraph 148 of the NPPF states: "*'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* In this context, where it was stated in the **Planning Statement [APP-196]** that the harm from these elements *is clearly outweighed by the benefits*, this could also read as "the harm from these elements is clearly outweighed by other considerations, namely, the identified benefits they would deliver".
PED.1.35	**Question:** **Work No 5b (02) - Replacement Open Space** The Planning Statement [APP-196, Appendix B, paragraph B1.1.6] does not consider the replacement open space in the Green Belt Assessment because there are no physical works associated with it. However, the Strategic Landscape Masterplan [APP-172] and Work No. 5b (02) in the draft DCO [REP3-003] identifies hard landscaping and footpaths, installation of street furniture, earthworks and the erection of boundary treatments that would constitute physical works. Given that the proposed replacement open space would involve a material change in the use of land and the works outlined above, discuss whether it would preserve openness and why it would not conflict with the purposes of including land within the green belt, as required by paragraph 150 of the NPPF.
	Response: The term physical works at paragraph B1.1.6 in the **Green Belt Assessment [APP-196]** was directed towards buildings and the Applicant acknowledges that the terminology could have been clearer. It is agreed that the hard landscaping and footpaths, installation of street furniture, earthworks and the erection of boundary treatments would constitute physical works and that consideration needs to be given to NPPF paragraph 150. The proposed replacement open space would remain inherently open, both in close and long-distance views and would continue to clearly link to the wider Green Belt both visually and spatially, maintaining the sense of separation between settlements. In this context, the proposed physical works are very limited in nature, complementing and reinforcing the nature and character of the space as open parkland. None of these physical works would present any continuous massing across the Site akin to a building and would not have any significant urbanising effect. Accordingly, it is considered that the material change of use to open space and the associated physical works would preserve the openness of the Green Belt, both spatially and visually. The proposed change of use to open space and the associated physical works are considered against the five purposes of including land within the Green Belt set out below: a. *to check the unrestricted sprawl of large built-up areas* The proposed change of use to public open space would likely place an even greater impediment to potential future urban sprawl than the existing agricultural use. b. *to prevent neighbouring towns merging into one another;* The change of use to open space and the associated physical works will not lead to the merging of any towns into one another. Rather, it would reinforce the sense of separation between Luton and neighbouring settlements to the east, including Breachwood Green.

PINS ID	Question / Response
	c. *to assist in safeguarding the countryside from encroachment*; The proposed change of use to public open space would safeguard the countryside from urban encroachment. d. *to preserve the setting and special character of historic towns;* The change of use to open space and the associated physical works will not impact upon the setting and special character of any historic towns. e. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land* It is not considered that this criterion is directly relevant to the change of use to open space and the associated physical works. Having regard to the above, it is considered that proposed change of use and associated physical works would preserve openness and would not conflict with the purposes of including land within the Green Belt and should be considered to be "not inappropriate" development in accordance with the NPPF.
PED.1.36	**Question:** **Work No 2a (02) - Surface Movement Radar** The conclusion that this would comprise inappropriate development in the Green Belt is noted [APP-196, paragraph B3.1.5] but that very special circumstances apply. In these circumstances, it must be demonstrated that the potential harm to the Green Belt is clearly outweighed by other considerations. 1. Explain how a steel lattice support tower with a maximum height of 14.3m can be considered an open structure with limited harm to the visual openness of the Green Belt and how this work would cause 'negligible' harm to the Green Belt. 2. Confirm if the red 'construction light' on the top would be a permanent feature and the character of this. If so, what would be the effect on the openness of the Green Belt from the light? 3. The assessment of harm to the Green Belt from Work No. 2a (02) should include all works associated with the radar, including the access road, security fencing and power and communication cable connections. The assessment that the works 'would be seen in the context of, and as part of the existing airport' and that they are open structures [APP-196, B3.1.8] is noted. Please provide a more detailed assessment of the effect of the harm from the proposals on the openness of the Green Belt. 4. The discussion of why the radar must be located in this position is noted [APP-196, paragraph B3.1.7]. Given that the proposed location is in proximity to the Green Belt boundary, explain why it is not possible to move it the short distance beyond the boundary.
	Response: 1. The open lattice structure was selected rather than a solid structure so as to limit impact on sight lines for an observer south of the airport. It is a similar approach to the use of chain link fence for the airport's security fence (which in places is contiguous to the Green Belt boundary) rather than a solid barrier. The assessed level of harm to the openness of the Green Belt as negligible is heavily informed by its context and the character of the Green Belt in that particular location as it is already heavily dominated and influenced by airport infrastructure. However, even if the harm was considered to be limited (as opposed to negligible), the Applicant considers that harm would still be clearly and demonstrably outweighed by other considerations, namely the essential safety benefits the SMR tower would deliver as set out in the Green Belt Assessment **[APP-196]**. 2. The proposed red light would be a permanent low intensity omni-directional proprietary fitting. It is not for construction purposes (as described in the **Green Belt Assessment [APP-196]**) but to highlight the location of the mast to pilots, particularly at night time and in periods of low visibility. The specification is required as it is included in International Civil Aviation Organisation (ICAO) publication Annex 14 (Ref 1) and equivalent UK Civil Aviation Authority (CAA) guidance (UK Certification Specification & Guidance Material for Aerodrome Design (Ref 2). The light will be seen in the context of other airport lighting and would cause negligible harm to the Green Belt. 3. The introduction of any structures would both spatially and visually affect the openness of the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land open. The proposed SMR radar, together with the associated works (including the access road, security fencing and power and communication cable connections) on the very edge of the Green Belt would not encourage urban sprawl, nor impact the use of the land in any other way. The open nature of these works would still afford views through and they would not appear as solid massing. Rather, they would visually be assimilated into the adjacent airport infrastructure and would be perceived as part of the overall airport including existing functions.

PINS ID	Question / Response
	4. The requirements regarding the height and location of the proposed SMR are introduced in the **Green Belt Assessment [APP-196]**, paragraphs 3.1.5 and 3.1.6 and expanded here. In terms of location, the effective operation of an aerodrome may be considerably influenced by natural features and man-made constructions inside and outside its boundary. These may result in limitations on the distance available for take-off and landing and on the range of meteorological conditions in which take-off and landing can be undertaken. For these reasons, certain areas of the local airspace must be regarded as integral parts of the aerodrome environment. The degree of freedom from obstacles in these areas is as important in the granting and retention of a CAA aerodrome licence/certificate as the more obvious physical requirements of the runways and their associated runway strips. The method of assessing the significance of any existing or proposed object within the aerodrome boundary or in the vicinity of the aerodrome is to establish defined obstacle limitation surfaces (OLS) particular to a runway and its intended use. The characteristics of the OLS are defined in ICAO publication Annex 14 Vol 1[1] (and UK CAA equivalent guidance - UK Certification Specification & Guidance Material for Aerodrome Design[2]) which also describes the action to be taken in respect of objects which infringe them. When a surface is infringed additional safety measures may be required by the CAA. In terms of the specific location of the proposed location of the SMR the critical OLS is the Transitional Surface which is a sloping surface with its origin coincident with ground level 140m from the runway centre-line and which is measured in the vertical plane above the horizontal, and normal to, the centreline of each runway and with a slope is 14.3% (1:7). A visual representation of the OLS and the SMR can be seen in General Arrangement Part 1 of 3 [AS-018] Drawing Number LLADCO-3C-ACM-AIR-MSC-DR-CE-0001. This restricts any practical options to locate the mast on the south side of the runway (which provides the optimal line of sight) within the aerodrome boundary as the fence line is 165m from the runway centreline. Therefore, even if the mast was located on the fence line (which as noted is contiguous to the Green Belt boundary), due to the limiting factor of the slope of the transitional surface the maximum permissible mast height would be only approximately 3.5m. As noted in the **Green Belt Assessment [APP-169]** the radar works on the principal of line of sight so if close to the ground it would not function, for example, aircraft parked on the proposed stands alongside the pier would not be observed. Therefore, the mast needs to be located at a greater distance from the runway and outside the fence line (and therefore within the Green Belt) to attain a greater height. The selected location was as far south within the Applicant's land ownership to achieve the greatest height whilst not penetrating the Transitional Surface, and also to be greater than 150m from the nearest domestic property, this was then modelled to confirm the line of sight to all aircraft parking positions at Terminal 2.
PED.1.37	**Question:** **Work No 4c (02) - Fuel Pipeline and associated works** The conclusion that this would comprise inappropriate development in the Green Belt is noted [APP-196. Appendix B, B4.1.6] but that very special circumstances apply. In these circumstances, it must be demonstrated that the potential harm to the Green Belt is clearly outweighed by other considerations. Work No. 4c (02) also comprises earthworks, monitoring systems, fuel pumps, landscaping, security fencing, lighting gates and a vehicle access track from highway to provide access, parking and loading area (approximately 460m² hardstanding). Some equipment would be up to 4.2m in height. 1. It is noted that because the Above Ground Installation (AGI) and fencing would be open structures and there would be a low degree of activity, the harm would be limited [APP-196, paragraph B4.1.8]. Please provide a more detailed assessment of the effect of the harm from the proposals on the openness of the Green Belt, including all elements of the proposal. 2. Signpost the drawing illustrating where the existing fuel pipeline runs and confirm that it is only located within the Green Belt. If the existing pipeline runs outside the Green Belt, provide an explanation of why the AGI could not be located at this location. **3.** Explain how the access track can be considered 'local transport infrastructure' and how it would preserve openness even if built at grade, noting changes in land topography.
	Response: 1. The introduction of any structures would both spatially and visually affect the openness of the Green Belt. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land open. The proposed AGI in an essentially secluded and undeveloped area of the Green Belt would not encourage urban sprawl, nor impact the use of the land in any other way. The AGI would be completely screened to the east and south due to the presence of adjacent existing mature and extensive woodland. The proposal would be visible, at distance, from some locations along Winch Hill Road but it is noted that this is an undulating right of way with extensive existing hedgerows. The proposal would also be visible from a Public Right of Way to the north which is approximately 500m from the proposal at its closest point. Given the open nature of the

PINS ID	Question / Response
	AGI, and that it would only be seen from any public viewpoints at distance and against the immediate backdrop of the existing woodland blocks which would further reduce its visibility and prominence, it is considered that it would have limited harm on the openness of the Green Belt, 2. The location of the existing fuel pipeline has been redacted from the Application drawings for security reasons. The Applicant confirms that the existing fuel pipeline is entirely within the Green Belt over a distance of at least 3Km to the north and 3Km to the south of the proposed connection point. 3. The term "local transport infrastructure" is not defined in the NPPF but its meaning has been considered in detail by various Inspectors including in appeal ref. APP/W0530/W/18/3210008 where it is considered to mean *"transport infrastructure which is delivered to meet a public need within a local area, as distinct from infrastructure to serve the future needs of a new single private development"*. As set out in the Green Belt Assessment, the primary purpose of the fuel pipeline connection is to achieve a reduction in environmental impacts, relating to greenhouse gas emissions, air quality, noise, and traffic congestion associated with reducing road vehicle movement. These environmental improvements would all be public benefits realised within the local area and therefore, it is considered that the fuel pipeline works meet the description of "local transport infrastructure". Regardless, the works also meet the description of "engineering operation" and therefore, NPPF paragraph 150b would apply, even if 150c did not and the outcome would be the same. The proposed track will follow the existing contours and will not require any significant earthworks. The alignment has been selected to minimise impact on openness: it utilises an existing field access junction from Winch Hill Road which follows an east-west alignment between two existing agricultural buildings which provide screening. It then turns southwards along the edge of a field, adjacent to an intermittent line of trees which provide screening. It then turns eastwards and cuts across the southern portion of same field to the above ground installation, in close proximity to a mature area of woodland. The proposed track will be a hardcore single track with a concrete turning head adjacent to the AGI. Access will be required periodically for maintenance with an estimated twelve visits a year. Accordingly, the access road is considered to be "not inappropriate" in the Green Belt as it would preserve its openness and does not conflict with the purposes of including land within it. It is noted that, even if the access road is considered to be inappropriate development in the Green Belt and were to be assessed as such alongside the AGI works, the conclusions of the Green Belt Assessment would remain unchanged as the aforementioned benefits these works would deliver are a consideration which clearly and demonstrably outweigh the limited harm they would have on the Green Belt, and therefore very special circumstances exist. **4.**
PED.1.38	**Question:** **Infiltration basin (part of Work 4v)** It is noted that the infiltration basin has been considered an 'engineering operation' that would preserve openness and would therefore not be inappropriate development for the purposes of paragraph 150 of the NPPF [APP-196, paragraph, B4.2.3]. 1. Describe in detail extent of changes to landform required to install the basin, and the likely timescale needed for the landscape to restore following implementation. 2. Confirm that there would be no above ground elements to this element of the proposal.
	Response: 1. The Applicant believes that the Infiltration Basin referred to is Work No. 5(c)02 (not Work No. 4v) as included within the **Green Belt Assessment [APP- 196]** and will answer the question based on this assumption. This infiltration basin is proposed to be located underground to the southeast of the airport, within the Green Belt. It would comprise a 75,000m³ tank and would contain uncontaminated surface water discharged from the airside and landside areas. The **Drainage Design Statement [APP-137]** refers to this infiltration basin as Tank 2 and illustrative details of the tank are shown on drawing **LLADCO-3C-CAP-INF-DRN-DR-CE-5510** with **Appendix B [APP-137]**. The **Construction Method Statement and Programme Report [AS-082] section 5.3.100-102** describes the installation method which would require the topsoil to be stripped and stockpiled for reuse, the ground excavated, the components lifted in and backfilled before replacing the topsoil restoring the landform to its original status. The location of this infiltration basin has been driven by topography and geology requirements. Following construction of the infiltration basin, the landscape would be restored to reinstate the existing shape of the valley. The likely timescales needed for the landscape (calcareous grass) to establish is 3 years as referenced in the Section 5.7.15 of the **Landscape and Biodiversity Management Plan [AS-029]**. 2. The Applicant can confirm that there are no above ground elements proposed but note there will be access chamber covers as a surface feature.

REFERENCES

Ref 1 International Civil Aviation Organisation (ICAO) publication Annex 14 Vol 1 Aerodrome Design and Operations seventh Edition, July 2016
Ref 2 UK Civil Aviation Authority (CAA) – UK Certification Specification and Guidance Material for Aerodrome Design, CS-ADR-DSN, Jan 2021