

Unique Reference: 20038785

Friends of Wigmore Park wish to comment on Volume 8 Additional Submissions (Examination) 8.85 Applicant's response to Compulsory Acquisition Hearing 1 Actions 14-17: Wigmore Valley Park Application Document Ref: TR020001/APP/8.85.

2 CURRENT USE OF REPLACEMENT LAND

The applicant at 2.2.2 seeks to justify the placement of No Trespassing Private Land signs both inside and at the entrance to Wigmore Valley Park and on adjacent land that is under the ownership of Luton Rising. These are shown in the applicant's Appendix A.

Appendix A shows No Trespassing Private Land signage facing an official entrance to Wigmore Valley Park supplemented with additional signage within Wigmore Park that was well away from any park boundary and within the County Wildlife Site. This was initially indicating that Luton Rising was already treating Wigmore Valley Park as private land.

This new signage was reported to our social media site at 19:10 on October 12th 2023. On the morning of October 13th 2023 a site survey was carried out by FoWP where we discovered all the signage (that we found) read "Open Space for recreational use." This included signage on land outside and well away from Wigmore Park along the length of the footpath that follows the Hertfordshire border with signage attached to wooden footpath markers.

We concluded that the signage work was not completed on the 12th October and that Luton Rising had returned early on October 13th to finish the work. Due to this conclusion, we felt we did not need to contact the applicant regarding signage inside and at the entrance to Wigmore Park.

We believed Luton Rising had modified the signs for the following reasons:

- 1/ The speed of the change (less than 18 hours from first reported.)
- 2/ The professional quality of the replacement signage.
- 3/ The fact that many signs appeared inside Wigmore Park including the County Wildlife Site.
- 4/ That a "hostile" third party would not use the term "Open Space."
- 5/ That the Luton Rising Font was being used.
- 6/ That Luton Rising was officially opening up the new Wigmore Park early, as it could not stop people using the land.

We now seek clarity from the applicant whether they have modified any of the original signs or removed any. A site visit on November 7th shows many signs are now missing.

We also seek clarity as to why No Trespassing Private Land signage was erected at an official entrance to Wigmore Park with signage placed within Wigmore Park and the County Wildlife Site.

Also in 2.2.2

Following receipt of information during the examination that third parties may be seeking to exercise rights over the land

The applicant was fully aware that the replacement Wigmore Park was being used by members of the public and had done so for a number of years. On August 12th 2021, Friends of Wigmore Park took a party of Luton Rising Directors including Councillor Javeria Hussain, who is the chairperson of

Luton Rising, Ian Otter, who is the Programme Director of Luton Rising and Antony Aldridge, who is the lead applicant, onto this land via an unofficial entrance from Wigmore Park where they stood on a well-worn unofficial wide path for several minutes.

What they were not aware of was that they were open to a challenge over the public exercising their rights over that land. The erection of confusing signage on October 12th 2023 and October 13th 2023 that confirmed the land was now “Open Space for recreational use” does not remove that historic right.

Signage within Wigmore Park taken on October 13th 2023.



Signage outside Wigmore Park attached to a footpath marker on Eaton Green Road that marks the Hertfordshire border. Photograph taken on October 13th 2023



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.

The applicant needs to clarify what it means by the term “public at large” as the applicant has not provided any estimates of usage for this year or for previous years and is making assumptions without providing any evidence.

As the total site is large, has many entrances, is undulating with many parts hidden from view from other areas of the open space, we conservatively estimate the proposed replacement open space is receiving around 36,365 visits each year at a rate of 100 visits per day. This daily total reduces in winter due to darker evenings and wet conditions but substantially increases in the summer months where whole families walk the land. This is based on daily observations by members walking their dogs coming across walkers and fellow dog walkers where an average of at least 10 people can be seen in the middle and far distance or encountered within each hour walked.

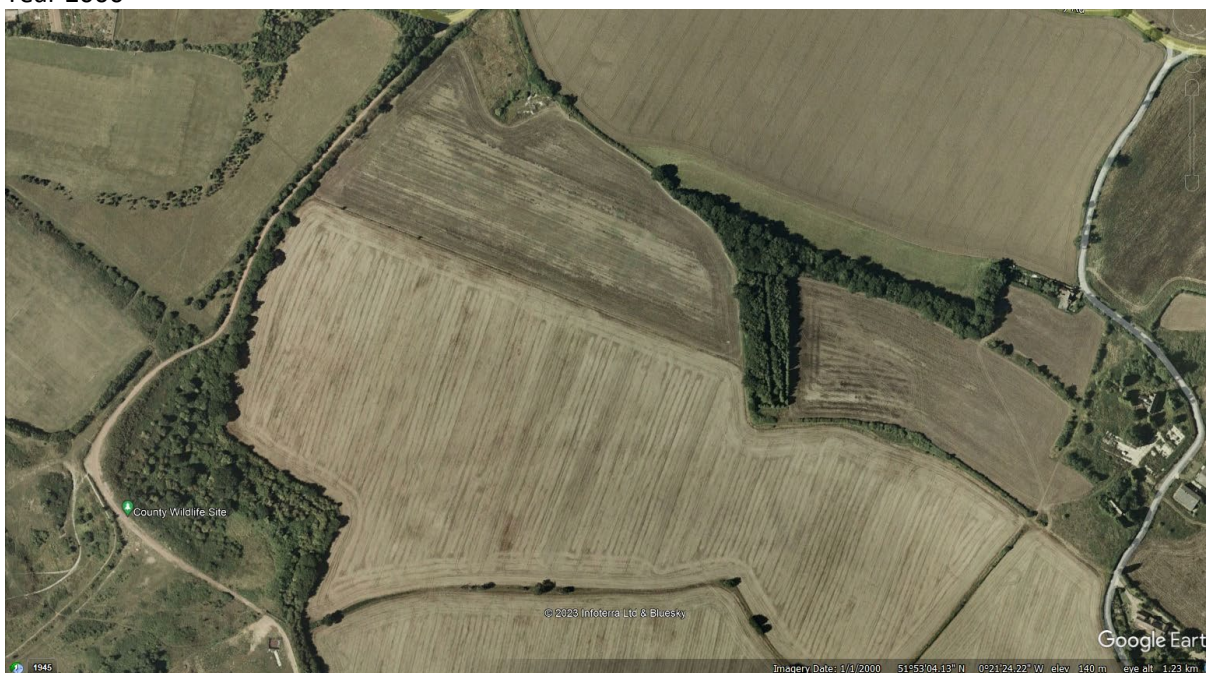
We also question that access to the land was unauthorised, as clearly no attempt had been made to inform the public that the land was private up until October 12th 2023 and then for one day only. We further note that as the land is owned by Luton Rising for community benefit, members of the public have enjoyed that community benefit without any restrictions placed on them not to roam or not to follow any paths of their choosing for a number of years.



The centre of this photograph shows a historical satellite image of the land when it was farmed compared with the existing darker imagery of today. Two crossing points can be seen from Wigmore Park heading towards the Hertfordshire border. The top field crossing is within the replacement park. The historical images also shows well used and defined paths around field perimeters. Year 2000, 2009 and 2012 images are also provided as separate jpegs so the images can be expanded for detailed examination.



Year 2000



2009



2012



3 DISTANCES TO EXISTING AND [Replacement] PARKS

3.3 People on Foot

The applicant makes reference to people accessing the park on foot by stating this is from Eaton Green Road via the WVP car park or by various points from the Public Rights of Way to the east of the park.

The applicant has ignored the tarmac path that marks the start of the park from Eaton Green Road by the entrance to the Tidy Tip. This route is the principle route from the Vauxhall Park and Raynham Way Estates, who are major users of the park. It would appear this route will disappear, as it does not appear on any plans if the Eaton Green Link Road dual carriageway is built. This would mean park users from Vauxhall Park and Raynham Way areas will have to walk via the WVP car park just to reach the existing park. When combined with the additional distance travelled to reach the park, the existing park and the new replacement park both become further away.

If the path is rerouted via a pavement alongside the Eaton Green Link Road dual carriageway then park users will have to cross this dual carriageway or a dual carriageway that is proposed between a junction with Eaton Green Road and Wigmore Lane. Park users would then have to follow an uninviting corridor flanked by roads to reach the park that will start by the WVP car park.

We are also concerned that no underpass is proposed (for possible cost saving reasons?) that would allow unaccompanied children from Vauxhall Park or the Raynham Way Estate to reach the park safely.





The applicant has also not mentioned the distance to reach the replacement park, compared to the distance to reach the existing park that will be compulsory purchased from the WVP car park or from the Tidy Tip entrance.

The following results were produced by counting steps between closest points:

WVP car park to compulsory purchased land = 70 paces

WVP car park to replacement park = 787 paces

Tidy Tip entrance to compulsory purchased land = 0 paces.

Tidy Tip entrance to edge of compulsory purchased land = 438 paces

Tidy Tip entrance to edge of WVP car park via the existing park = 565 paces

Tidy Tip entrance to edge of WVP car park via Eaton Green Road pavements = 605 paces

Tidy Tip entrance to replacement park via park = 1,352 paces

Tidy Tip entrance to replacement park via Eaton Green Road = 1,392 paces

4 THE EXPERIENCE OF USERS OF THE PARK

The applicant makes various references to existing “scrub vegetation.” We would like to remind the applicant that this “scrub vegetation” is a Second Tier County Wildlife Site.

We note the comments in 4.2.4, 4.2.7, 4.2.10 that noise from the airport and aircraft are conspicuous and detracts from the character of the park. Under the DCO proposals there will be a considerable increase in this noise from aircraft, due to substantial additional movements, and increases in general airport noise, including road traffic from a new dual carriageway and an internal road network that will physically border the remains of the existing Wigmore Park. This application offers no noise mitigation for park users, as at the moment, despite the airport being capped at 18m, the park still has its quieter moments between waves of departures and arrivals. This proposal will remove those quieter moments so further detracting from the park user experience.

4.2.7 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.

4.2.7 is highlighting the western area of the park. Under the applicant's proposals this urbanisation will be continued along the southern edge of the shrunken existing park and continue into the new replacement Wigmore Park.

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.

4.3 makes no mention that the proposed Open Space will actually be characterised by the continuation of the urbanisation effect due to vista of car parks, a water treatment plant and a fuel storage facility on the Luton side of the County border, as the new park on the Luton side will look down on rising ground via a valley.

Figure 4.2: Character areas within proposed Open Space.

Most of the land shown in Figure 4.2 will not be part of Wigmore Park. We have already established with the applicant that this land will not have public access rights so we question its inclusion in this document, as it is not part of Wigmore Valley Park, and will have little value to park users who will see very little of it, if any, from the proposed replacement Wigmore Park.

We also note that this proposed Open Space will be designated Operational Land under the DCO boundary map giving the applicant permitted development rights. What is shown as Open Space could well be developed in the years to come, so urbanising the eastern side of Wigmore Park if structures are placed within it.

Amenity Grassland

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.

4.4.3 makes no mention that the Amenity Grassland will actually be dominated by office blocks, a hotel and multi-storey car parks and that a pleasant outlook actually means views of urbanisation. Planting and landscaping will not hide this.

4.5 Replacement Open Space

4.5.2 Within the Replacement Open Space, distinct areas of scrub landscape would be created as illustrated in Figure 4. The translocated orchids would be located within these areas.

Our understanding is that the orchids have thrived in the County Wildlife Site due to the unique soil conditions found on the former Council tip site. These conditions do not exist in the proposed scrub areas, which are both areas of former farmland. We note the total failure the last time Luton Rising translocated orchids. The failure was then blamed on the hot weather. With global warming, summers will only get hotter.

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.

We would use the word “loud” as a better description rather than “perceptible” when describing aircraft noise within the replacement park.

As already pointed out, the Luton side of the Hertfordshire border, which will contain a substantial amount of the new Wigmore Park, will have views to the south that would not be rural but urban with the park users’ eyes drawn towards car parks and infrastructure to the south, south west or south east depending where the park user was located.

On the Hertfordshire side that fronts Eaton Green Road, North Herts District Council wishes to develop the land for new housing, which was approved by a planning inspector and that will sit on a hillside and will be visible from the Luton side of the new park. On land opposite Darley Road a planning application exists for a substantial solar farm.

The photograph location is from this plot of land that has been approved in principle by North Herts District Council for housing and was taken at 51.889216, -0.356825. This housing land overlooks the replacement park seen in the middle distance and will detract from the claimed rural environment.



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.

Luton Rising logo signage appeared on October 13th 2023 that the replacement land was open. Also the applicant’s document does not provide a link or provide an explanation regarding what are the minimum standards required before the opening of the new replacement land can take place.

We request the applicant provides clarity by providing a separate definition of “open” as the land is already accessible and open to the public without any work being carried out.



County Wildlife Site

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Google Earth

1945

Imagery Date: 1/1/2000 51°53'04.13" N 0°21'24.22" W elev 140 m eye alt 1.23 km



County Wildlife Site

© 2023 Infoterra Ltd & Bluesky

Google Earth

Imagery Date: 6/30/2009 51°53'10.93" N 0°21'45.09" W elev 150 m eye alt 1.23 km

1945



County Wildlife Site

Image © 2023 Maxar Technologies

1945

Imagery Date: 3/28/2012 51°53'04.13" N 0°21'24.22" W