



Responses to Compulsory Acquisition Hearing (CAH2) Action Points

Application by Luton Rising to extend London
Luton Airport

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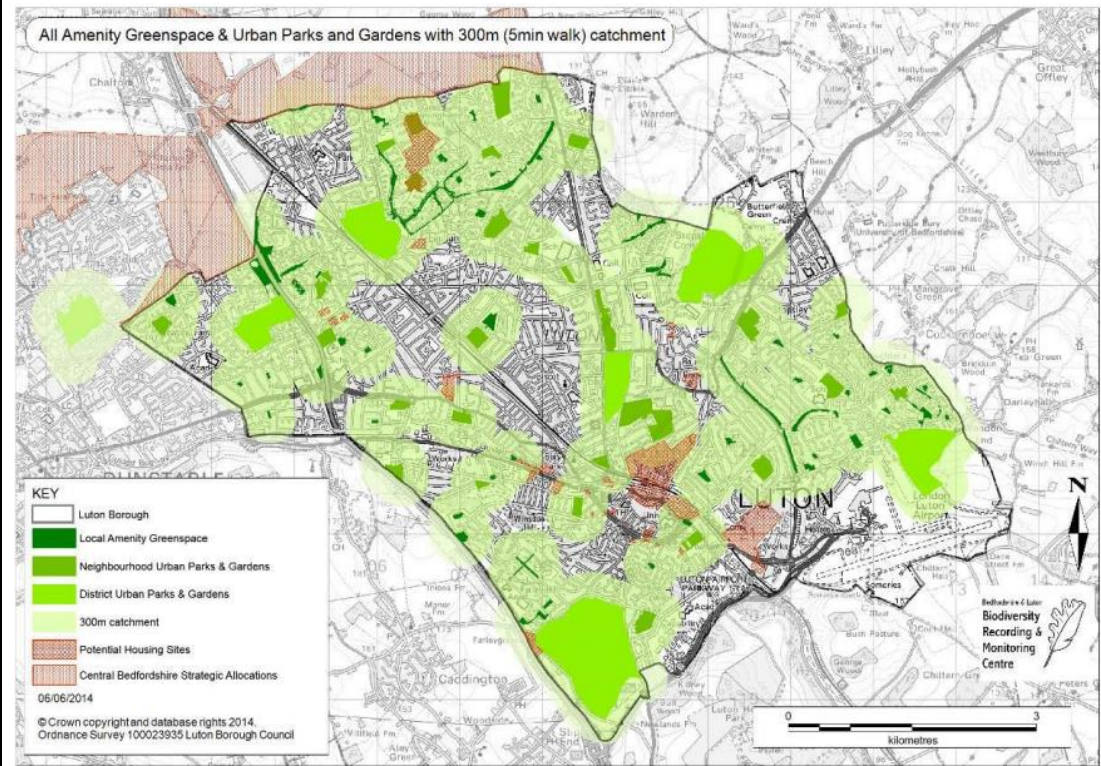


1 Introduction

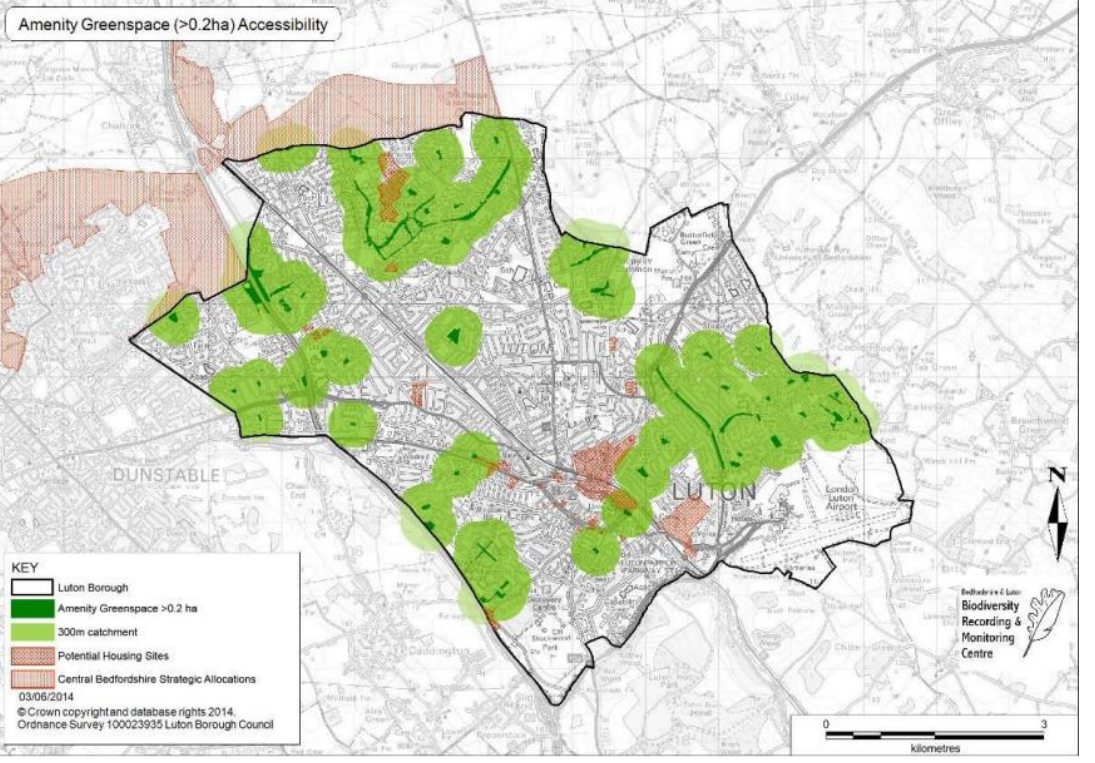
- 1.1 This report provides the response of Luton Borough Council (LBC) as local planning authority (LPA) to the action points arising from Compulsory Acquisition Hearing 2 (CAH2).
- 1.2 The response is set out in tabular form identifying the Examining Authority's (ExA) action number, its description and providing the response from LBC to the action. A second table provides responses to questions addressed to LBC by the ExA during the CAH2 session.

2 LBC Action Points arising from CAH2

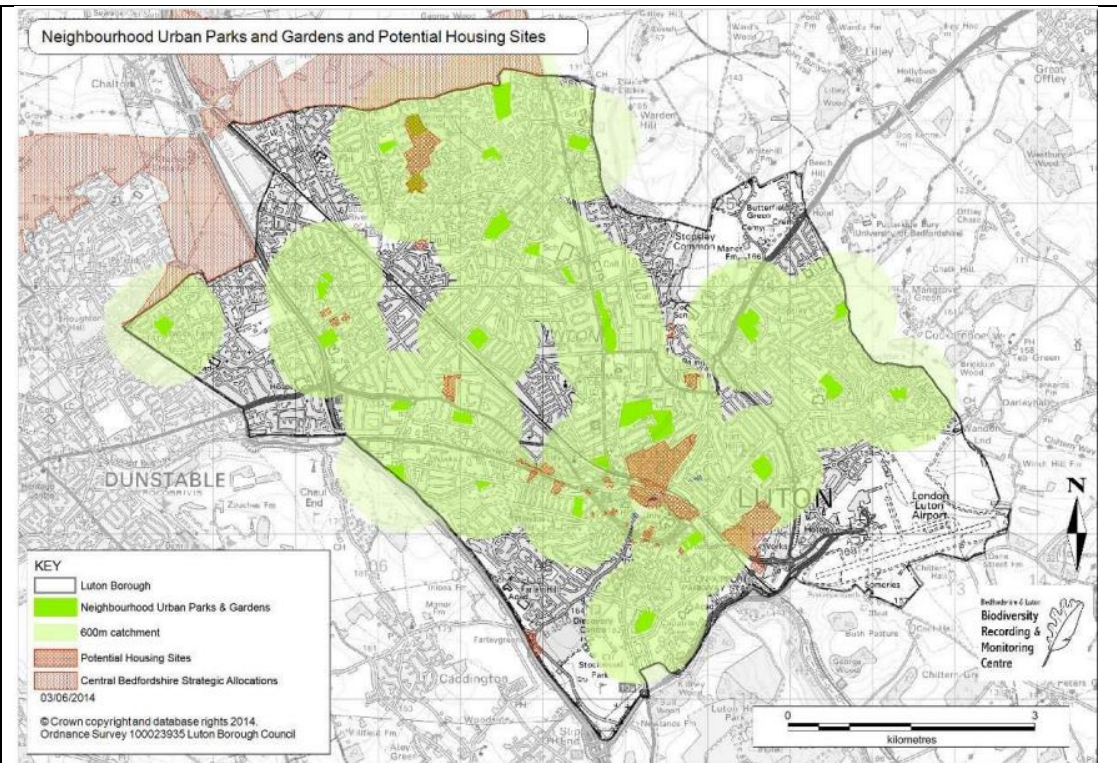
No.	Description	LBC Response
4	Provide an update on the progress of discussions about establishing a Community Trust for the future management of Wigmore Valley Park (indication that this would be secured by means of Section 106)	The terms of reference for the Community Trust are to be included as a schedule within the proposed Section 106 Agreement. The Host Authorities' solicitors have met with the Applicant's solicitors on a couple of occasions in relation to the proposed Section 106 Agreement, with the scope of the terms of reference having been provided in the first draft. It is anticipated that the Applicant's solicitors will provide more detail on the terms of reference, together with details of the commitment to establishing, managing and maintaining Wigmore Valley Park in the next iteration of the Section 106 Agreement immediately after Deadline 6.
5	Confirm whether the Application site falls within an area where there is a deficit of open space and, if it does, explain the policy implications	<p>The Luton Green Space Strategy Review (October 2015), part of the evidence base for the Luton Local Plan (November 2017), noted that there was an overall deficiency of open space within the Borough, though there is good/reasonable provision at the local level in the north, east and south of the Borough.</p> <p>The area to the north of the airport does not have a deficit of open space, with access to the various categories of greenspace being considered below.</p> <p>Using a 300m catchment, reflecting a five minute walk, the basic level of accessibility in Luton is shown in the plan on the following page. The plan shows that coverage across the town is reasonable, though there are areas of deficit scattered across the town, particularly in the centre. Wigmore Valley Park is a district park, and whilst higher up the hierarchy, it is still used by people as their 'local' or 'neighbourhood' greenspace despite its size, since it is easily accessible.</p>



The plan on the following page shows accessibility to greenspace and indicates that the residential area to the north of the airport has good accessibility to amenity greenspace.



The area to the north of the airport also has good accessibility to neighbourhood urban parks and gardens, as shown on the plan on the following page:



In terms of access to district urban parks and gardens, in general across the Borough such access is good, whilst in proximity to the airport there is good accessibility given the location of Wigmore Valley Park. This is shown on the plan on the following page.

		<p>District Urban Parks and Gardens and Potential Housing Sites</p> <p>KEY</p> <ul style="list-style-type: none"> Luton Borough District Urban Parks & Gardens 900m catchment 1.5km catchment 3.2km catchment Potential Housing Sites Central Bedfordshire Strategic Allocations <p>04/06/2014 © Crown copyright and database rights 2014. Ordnance Survey 100023935 Luton Borough Council</p> <p>Bedfordshire Luton Biodiversity Recording & Monitoring Centre</p> <p>0 5 kilometres</p>
6	<p>Provide a response on how policies LLP6 and LLP27 should be applied with particular reference to loss of Wigmore Valley Park.</p>	<p>Policy LLP6 E notes that Wigmore Valley Park is integral to the London Luton Airport Strategic Allocation. In the examination into the Local Plan it was recognised by the Inspector that the access to New Century Park would have some effect on the amount of land that was available within the park and on its function. It was indicated at the examination that a reallocation of space within Century Park could ensure that any open space that was lost could be replaced. This is then recognised in policy LLP6E which allows for “any reconfiguration of land uses that may be necessary.”</p>

		<p>Policy LLP6E recognises that in delivering development and access under clause D (i.e. Century Park), a reconfiguration of the land uses might be necessary, and consequently certain criteria would need to be satisfied. These criteria are listed as:</p> <ul style="list-style-type: none"> • Maintenance of, and if feasible an increase in, the scale and quality of open space and landscaping; • Enhancement and improvement of the biodiversity within the borough; • Provision of facilities of at least equal quality within the new open space to replace Wigmore Valley Park (before development takes place); and • Securing through a legal agreement the long term management of the open space, landscaping and habitats. <p>As with the New Century Park development, the DCO proposes to provide a park that increases the scale and quality of the open space and landscaping. The proposed park will be larger than the existing 41.6ha Wigmore Valley Park, providing at least 47.6ha of open space [AS-071 para 12.1.10].</p> <p>The existing Wigmore Valley Park includes 15.4ha of Country Wildlife Site with the composition of the habitats within that area being set out in the first table on page 37 of REP4-070. The second table on page 37 then indicates that the new park will make provision for larger areas of broadleaved woodland (circa 9ha), calcareous grassland (circa 13ha), together with shrub planting (circa 1.5ha) and meadow grassland (circa 24ha). The Applicant's environmental statement indicates that the enhancements will result in a biological net gain of between 10.85% and 12.05% (paragraph 4.6.1 of Appendix 8.5 [APP-067]).</p> <p>The facilities will include the new children's play area and skate park (also proposed through the New Century Park planning permission ref: 12/02300/EIA), together with new footpaths and accessible areas of open</p>
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		<p>space. Whilst provision is also made for the financial contribution to replace the sports fields and changing facilities that will be lost through the development, with the full financial contribution being payable upon taking possession of Wigmore Valley Park – secured through the legal agreement.</p> <p>In addition, the legal agreement will secure the Community Trust and the terms of reference for that body, which will be responsible for the management of the new park.</p> <p>Policy LLP27 provides support for proposals that safeguard and enhance existing networks of open space and establish new green infrastructure. Losses of open space will be permitted where replacement open space of an equivalent type, quantity and quality can be provided or the proposal is for alternative sports or recreational provision where the need clearly outweighs the loss.</p> <p>Whilst the DCO does result in the loss of existing open space at Wigmore Valley Park, Policy LLP27 is relevant in that the proposed development results in the creation of an area of open space which is of a greater quantity, provides for an equivalent type of space (a larger district park) and the quality will be enhanced from the existing open space. The tables in REP4-070 detail the enhancements in habitat that will be created, whilst the disused playing fields on the former landfill site, will be replaced through alternative sports/recreational facilities, secured through the legal agreement. The sports pitch and changing facility contributions secured through the legal agreement, clearly outweigh the loss of pitches that have not been in use for over a decade.</p> <p>Overall it is considered that the proposed works to Wigmore Valley Park will result in improvements, with a greater area of parkland and enhanced facilities (including children’s play area, skate park and financial contribution to secure the replacement sports pitches and changing facilities). The long</p>
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		term management of the park, with specific measures for the creation, conservation and management of the new habitats, will also be secured through the DCO and the legal agreement. This would achieve the objectives of policies LLP6E and LLP27.
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3 Questions to LBC arising from CAH2

No.	Question	LBC Response
9	The reprovision of Prospect Day Nursery appears to be based on an assessment of need at time of relocation. Given the loss of the facility is highlighted as a major significant effect in the Environmental Statement and would be affecting persons with protected characteristics, why is its reprovision subject to this proviso? Is it acceptable?	We have not had the opportunity to discuss the proposed relocation of the Prospect Day Nursery with the Applicant post the compulsory acquisition hearing session, consequently it is proposed that any answer will be provided for Deadline 7 (9 January 2024).