

Deadline 11

Status of Negotiations

The Eldridge Family

Interested Party reference number: 20040681

Brown & Co represent the Eldridge Family who are owners a house and grounds to the north-east of the airport and whose property is affected by the proposals. This is Plot **6-04**.

Status of Land Negotiations

Luton Airport have confirmed that right to manage the woodland in 6-04 is not required as BNG can be accommodated elsewhere on land in their control.

A letter of assurance was provided in December and amendments have subsequently been made following exchanges. The letter relates solely to Luton Airport not taking rights to manage the woodland for BNG purposes, but not other rights. Following recent amendments, it is with our client's solicitor for review and has not yet been agreed.

Our clients maintain their position that they do not believe the pipeline is required to pass through their property and could be routed on the surrounding land in Luton Airport's control. High level responses for the engineering reasoning were provided in REP3-134 on 3rd November 2023. Further technical information, on which the decision was made that the pipe must be routed through Plot 6-04 has been requested, so that our clients' may take their own engineering advice, but no further information has been made available to date.

Notwithstanding our client's principle objection to the pipeline route through 6-04 and awaiting further information, discussions continued to be progressed on the detail for a pipeline route across 6-04.

In response to requests for details regarding the rights and restrictions required over 6-04 in relation to the fuel pipeline, a Key Terms document (an Option Agreement for Luton Airport to take a Deed of Easement) was provided. The document proposes our clients agree to grant an easement when called upon but with undefined rights granted and reserved. These are to be subsequently agreed in the final deed and after removal of all objections. Comments have been exchanged and proposed changes put forward to establish final terms or a final form of deed of easement that could be used. To date discussions have not reached an agreement.

Clarification has helpfully been provided by Luton Airport in relation to the below points,

1. Pipe size, depth and width of working corridor
2. Presence of working compounds, above ground installations, pumps, monitoring equipment and fencing (including any associated noise and lighting)
3. Finished site levels
4. Inspection requirements and frequency
5. Access track, parking and loading area locations.
6. Construction periods

7. Commitment to re-provide extinguished private water supply rights

However, no detail of these matters has been incorporated in the DCO. In particular, our client's private water supply pipe rights over other Plots in the DCO and could be terminated with no certainty of re-provision.

Conclusion

As matters stand Luton Airport have confirmed the requirement for rights and restrictions over the woodland (which is the majority of 6-04) are not required but these rights remain to be taken in the DCO. At this time a letter of Assurance has not been completed confirming these rights will not be exercised and our client's objection remains. Plot 6-04 extends over much of our client's property and the retention of unnecessary right and restrictions creates a great deal of uncertainty over their property for many years to come.

Our client's objection remains in relation to the requirement to the route the fuel pipeline through 6-04 in absence of sufficient technical engineering justification.

Simon Harvey BSc (Hons) MRICS & Registered Valuer

Development Surveyor, Divisional Partner

Brown & Co Property & Business Consultants