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13 March 2023

Our Reference:
Your Reference: TR020001

Dear Ms Evans,

**Re: Application by London Luton Airport Limited for an Order Granting
Development Consent for the Expansion of London Luton Airport**

Adequacy of Consultation Representation

Thank you for your letter dated 28 February 2023 inviting Luton Borough Council (LBC) to comment on the adequacy of consultation in relation to the above application.


LBC considers that, overall, the consultation process that London Luton Airport Limited (LLAL) has undertaken has met Sections 42, 47 and 48 of the Planning Act 2008 ('the Act'). The relevant sections of the Act are addressed in turn below.

Section 42: Duty to Consult

There have been two Section 42 Statutory Consultations undertaken by LLAL in relation to the proposed development. The first took place between 18th October 2019 and 16th December 2019 (extended to 24th December for the host authorities).

LBC was one of four local authorities identified as falling within Section 43(1) of the Act (the other three being Central Bedfordshire Council, North Hertfordshire District Council and Hertfordshire County Council). The four 'host authorities' appointed consultants WSP and Vincent and Gorbing to review the Preliminary Environmental Impact Report (PEIR1) which formed part of this first statutory consultation, with the consultants providing a joint response for the host authorities.

A second Section 42 Statutory Consultation was undertaken between 8th February 2022 and 4th April 2022, with the four host authorities again appointing WSP and Vincent and Gorbing to review the consultation documents (including a second Preliminary Environmental Impact Report [PEIR2]). In addition to the joint response on the host authorities' behalf by the consultants, LBC provided its own response on 4th April 2022.



It is also worth noting that in addition to the two statutory consultations, LLAL has engaged with LBC and the other host authorities through the Planning Officers Co-ordination Group (POCG), technical working groups and undertaken a number of other non-statutory consultations, including:

- Future LuToN non-statutory consultation 25th June – 31st August 2018. LBC did respond to this consultation on 12th October 2018;
- Future LuToN: Making best use of our runway, an informal consultation to the host authorities between 8th May – 12th June 2019 with Vincent Goring providing a response for the host authorities on 12th June 2019;
- Sharing of the draft submission to PINS with host authorities seeking comments on the draft documents between 5th September and 21st October 2022, with Vincent Goring providing comments for the other host authorities and LBC's additional comments being provided on 26th October 2022; and
- Sharing of the draft Statement of Common Ground by LLAL on 23rd December 2022, with the host authorities' acoustic consultants – Suono - providing comments on 16th January 2023, the host authorities providing individual responses and LBC providing our comments on 7th February 2023.

Section 47: Duty to consult the local community


LLAL has twice set out their proposals for community consultation, the first in 2019 and the second in 2021.

The 2019 draft Statement of Community Consultation (SoCC) was made available to the host authorities in May 2019 and then subject to statutory consultation between 13th June – 17th July 2019. LBC provided its comments on the draft SoCC on 16th July 2019 with a number of recommendations, most of which were picked up in the subsequent SoCC published in October 2019 and the statutory consultation that took place for just over nine weeks from the 18th October 2019.

The second SoCC consultation took place between 6th August – 17th September 2021. LBC provided its response to this consultation on 17th September 2021 reiterating a number of points that were made in relation to the first SoCC consultation and acknowledging the digital format for formal engagement was an appropriate mechanism given the impact of the Covid-19 pandemic (with regard to social distancing and public interaction). The SoCC was then published in January 2022, with the statutory consultation running for eight weeks.

LBC considers that LLAL's summary in Table 3.1 (pages 28-30) of the Consultation Report (document ref: TR020001/APP/6.01) of the Council's response to the first SoCC consultation, accurately reflects the majority of the representations that were made by the Council. However, there were two matters that were raised that do not appear to have been summarised in the table, namely:

1. whilst the engagement strategy for hard to reach groups was considered laudable it was not clear how feasible it would be to achieve this with each group and within the limited timeframe that had been allowed for the consultation; and
2. it was considered that LLAL should indicate the criteria that were to be used to determine if it would carry out further consultation arising from the feedback received from the statutory consultation.



With regard to the summary of responses attributed to LBC in Table 5.1 (pages 61-62) of the Consultation report, the Council considers that these represent a fair reflection of the response of LBC to the consultation on the second SoCC.

LBC considers that the level of engagement and consultation with the local community has been appropriate, with leaflets, letters, emails, newspaper advertisements, exhibitions and online material (including virtual exhibitions for the second consultation).

LBC considers that LLAL has met its obligations under the duty to consult as set out in Section 47(1) to (4) of the Act, having consulted the host authorities first and provided in excess of 28 days for the host authorities' response to the consultation on the draft SoCC. The subsequent statutory consultations have then also complied with the requirements of Section 47(5) to (7) of the Act, having regard to comments received from the host authorities, made the SoCC available for circulation, publicised where the SoCC (and other consultation documents) could be inspected and carried out the consultation in accordance with the SoCC.

Section 48: Duty to publicise

The first non-statutory consultation in 2018 was publicised by a number of means, including direct mail, hand delivery of flyers and press advertisements in the local newspapers.

The SoCC for the first statutory consultation in 2019 was publicised in national as well as local newspapers, with the SoCC than being made available for inspection throughout the nine week consultation and the public being made aware of the deadline for the receipt of responses to the consultation.


The second SoCC in 2022 was also publicised in national and local newspapers, though due to the pandemic the main means of inspecting the SoCC was through a dedicated consultation website (but also available on request or at the consultation venues in the different local authorities). The SoCC was available throughout the eight week statutory consultation and LLAL made clear that responses had to be received by 4th April 2022.

LBC considers that LLAL has used appropriate methods to publicise the 2018 non-statutory consultation and the two statutory consultations in 2019 and 2022. LBC is satisfied that the consultations were clear as to the deadline for responses to LLAL. Accordingly, LBC is satisfied that the requirements of Section 48 of the Act have been met by LLAL with regard to the duty to publicise.

Wider Consultation/Engagement Issues

The host authorities' commissioned WSP (supported by Suono on noise) to provide a technical assessment of the consultation material and Vincent and Gorbing to provide a collective response to the two statutory consultations.

The first response, in December 2019, confirmed that the host authorities considered the consultation material to have met the statutory requirements, but expressed concern at the lack of detail in some areas of the assessment and lack of transparency across a number of topics in relation to data inputs, assumptions and assessments. The response recommended that a second statutory consultation should be undertaken, and also made specific recommendations in relation to areas that would need to be addressed in any DCO application, including cross topic issues and topic specific issues (specifically surface access



and noise), which will need to be taken into account by LLAL in accordance with Section 49 of the Act.

Vincent and Gorbing's response in April 2022 to the second statutory consultation, again accompanied a technical assessment undertaken by WSP and Suono, which noted that there were no fundamental flaws in the consultation documents, but that matters of detail needed to be addressed in the preparation of the environmental statement to accompany LLAL's application. It was considered that the second consultation represented a significant step forward, however, there was still need for further engagement with the host authorities, with topics such as noise, surface access, health, landscape impacts and the control and mitigation measures being identified.

Whilst there has been engagement since the second statutory consultation, the host authorities have continued to raise concerns relating to the need for a more constructive engagement in advance of submission. For example, in the response of the host authorities to the following informal consultations:

- LLAL's September 2022 consultation on a selection of draft submission documents to PINS; and
- LLAL's December 2022 consultation on a draft Statement of Common Ground.

The consequence of this is that the host authorities consider that there are still a number of outstanding issues that have not been the subject of sufficient engagement between LLAL and the host authorities in advance of the submission of the DCO. However, further engagement between LLAL and the host authorities is scheduled and no doubt there will be opportunity during the consultation for outstanding issues to be discussed and addressed.

As indicated at the start of this response, LBC considers that the consultation process that LLAL has undertaken has met the requirements of Sections 42, 47 and 48 of the Act.

Yours sincerely



Sue Frost
Service Director, Sustainable Development