



Local Impact Report

Application by Luton Rising to expand London Luton Airport

Author: Luton Borough Council (the local planning authority [LPA])

Contact: David Gurtler

SoS Ref: TR020001

HA Ref: 20040643

Date: August 2023

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1 Terms of Reference

1.1 Introduction

1.1.1 This report comprises the Local Impact Report (LIR) of Luton Borough Council (LBC) as local planning authority (LPA).

1.1.2 The LPA has considered the purpose of the LIR as set out in Section 60(3) of the Planning Act 2008 (as amended), as well as the following advice and guidance:

- Planning Act 2008: Guidance on Nationally Significant Infrastructure Projects and Housing (DHLUC, 2017);
- Planning Act 2008: Examination of Applications for Development Consent (DHLUC, 2015); and
- Advice Note One: Local Impact Reports (PINS, 2012).

1.2 Purpose of the LIR


1.2.1 The LIR sets out the local knowledge and evidence on local issues that could be affected by the Proposed Development. As suggested in the PINS Advice Note One, the LIR should cover any topics that are relevant to the impact of the Proposed Development in their area. This document does not seek to replicate any assessment or reports that have been provided and due to be undertaken as part of the application process.

1.2.2 The LIR will provide a description of the site, details of the proposal, any relevant planning history and provide the relevant Development Plan policies before reviewing each topic the LPA considers relevant to the Proposed Development.

1.2.3 Each topic will be considered against the policies of the adopted Luton Local Plan 2011-2031 (adopted November 2017). The key issues relating to the topic are evaluated and determined, as well as whether the impacts would be positive, negative or neutral. Finally, the draft Development Consent Order (dDCO) articles, requirements and obligations are reviewed to determine if they adequately address the local impacts identified.

1.2.4 The topics reviewed in this LIR are:

- The Principle of Development;
- Socio-Economic Impacts;

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- Noise and Vibration;
 - Air Quality;
 - Land Quality, Contamination and Groundwater;
 - Green Belt;
 - Landscape and Visual Impact;
 - Historic Environment and Archaeology;
 - Surface Access, Traffic and Transportation;
 - Biodiversity and Ecology;
 - Public Health and Wellbeing;
 - Climate Change and Greenhouse Gases;
 - Water Resources and Flood Risk;
 - Major Accidents and Disasters; and
 - Controls, Monitoring and Enforcement.

1.2.5 The main issues relevant to this Authority for consideration by the Examining Authority are:

- Socio-Economic Impacts;
- Noise Impacts;
- Air Quality;
- Surface Access, Traffic and Transportation;
- Public Health and Wellbeing;
- Climate Change; and
- Mitigation Measures, Controls and Enforcement.


2 Site Description and Constraints

2.1 Introduction

- 2.1.1 The 'Order Limits' as identified in this dDCO lie within the administrative areas of Luton Borough Council, Central Bedfordshire Council, North Hertfordshire District Council, Hertfordshire County Council and Dacorum Borough Council.
- 2.1.2 The Order Limits are confined to the terrestrial environment. There are elements of the Proposed Development which are beyond the jurisdiction of LBC, but local knowledge regarding the impact of these elements may exist.

2.2 Site Description

- 2.2.1 The dDCO site is predominantly located on the land occupied by London Luton Airport, the surrounding airport business park, Wigmore Valley Park, and open space to the east of the Airport, referred to as 'the Main Application Site'. 'The Site' does, however, also include off-site car parks, off-site highway land, and off-site planting areas.
- 2.2.2 The existing airfield consists of a single runway with associated taxiways, stands and aprons. It has a single commercial passenger terminal, with supporting hangars, maintenance facilities, and airport related offices and separate terminal facilities for business aviation operations. The Airport also has a number of car parks (short-, mid- and long-stay).
- 2.2.3 The Airport has a single runway running broadly from east to west with a length of 2,162m and a width of 46m. The runway is served by a parallel taxiway to its north, which links to a circulatory taxiway arrangement around the terminal site. There are 43 stands available for commercial passenger aircraft use in peak periods, with two stands for cargo aircraft at the cargo centre. The Airport benefits from a single terminal building, which is served by a newly redeveloped forecourt leading to the drop-off and collection zone, as well as various car parking complexes.
- 2.2.4 The Airport is a major maintenance base for several airlines, with hangars and other buildings provided for commercial airlines. Maintenance facilities associated with the two business aviation companies based at the Airport are also provided. Landside facilities include bus, coach and taxi stands, as well as supporting facilities, airline offices, the aviation fuel farm and a range of hotels in close proximity to the Airport. Airside facilities include navigational



aids, an air traffic control tower, an airfield fire station, a fire training ground, an engine run-up bay (ERUB), and earth bunds that act as noise barriers.


- 2.2.5 There are two multi-storey short stay car parks adjacent to the terminal, with mid- and long-stay surface level car parks located to the east and the west and connected by frequent shuttle services to the terminal.
- 2.2.6 Road access to the Airport is principally taken from J10 of the M1 Motorway, which has benefitted from multiple enhancements in recent years. The recently opened Luton Direct Air to Rail Transit (Luton DART) now provides direct rail access from Luton Parkway Train Station to the Airport, linking the Airport to St. Pancras International and being served by Thameslink and East Midlands Railway. National bus operators also serve the Airport.

2.3 Planning History

- 2.3.1 The relevant planning history is provided at Appendix 2 of this report.
- 2.3.2 There are two planning permissions that the proposed DCO would supersede, namely the permission for the increase of the Airport to 18 million passengers per annum (mppa) with associated infrastructure (the original permission was granted in 2014 [LBC ref: 12/01400/FUL] and varied in 2017 [LBC ref: 15/00950/VARCON]) and the New Century Park development (LBC ref: 17/02300/FUL), referred to in the dDCO as Green Horizons Park. The LPA makes comments on the implications for conditions and the legal agreements associated with these permissions elsewhere in the LIR.
- 2.3.3 It is also worth noting that there has yet to be a decision issued by the Secretary of State for Levelling-Up, Housing and Communities and the Secretary of State for Transport in relation to the called-in application to vary the passenger cap to allow 19mppa and to temporarily vary the noise contour limits for the summer day and night periods (LBC ref: 21/00031/VARCON and PINS ref: APP/B0230/V/22/3296455). If the Secretaries of State grant planning permission, then there will be a further series of conditions and a legal agreement that will need to be taken into account when considering appropriate requirements and obligations for the dDCO.

2.4 National Planning Policy

- 2.4.1 The Planning Act 2008 requires Nationally Significant Infrastructure Projects (NSIPs) to be determined in accordance with any relevant National Policy



Statements as well as any other matters that are considered important and relevant and this will include the NPPF, or parts thereof. The Airport NPS refers specifically to the NPPF, and it is expected that the Applicant will have due regard to the NPPF where necessary.

2.5 Statutory Development Plan

2.5.1 Section 38(3)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) describes the development plan as the development plan documents that have been adopted or approved in relation to that area.

2.5.2 For the purposes of the part of the development that is within LBC, the development plan comprises the Luton Local Plan 2011-2031 (adopted November 2017). The policies within the Local Plan are listed at Appendix 1.

3 Summary of Proposed Development

3.1 Overview

3.1.1 The Proposed Development is seeking to increase the overall passenger capacity from 18 mppa to 32 mppa. This will be facilitated by the construction of a new passenger terminal and additional aircraft stands to the north-east of the existing runway, together with enhancements to existing infrastructure and supporting facilities for additional capacity.

3.1.2 The proposal to expand London Luton Airport is classified as a NSIP under Part 3 of the Planning Act 2008 because it constitutes a capacity increase of at least 10 million passengers per year over and above the number of passengers for whom the Airport is permitted to provide air passenger transport services.

3.2 The Proposed Development

3.2.1 The Proposed Development shall consist of the following principal components:

- Extension and remodelling of the existing passenger terminal (Terminal 1) to increase its capacity;
- Construction of a new passenger terminal building and boarding piers (Terminal 2);
- Earthworks to create an extension to the current airfield platform;
- Airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- Landside facilities, including buildings which support the operational energy and servicing needs of the Airport;
- Enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
- Extension of the Luton DART with a station serving the new passenger terminal;
- Landscape and ecological improvements, including the replacement of existing open space; and

- Further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

3.2.2 The work plans for the NSIP are listed in Schedule 1 of the draft dDCO.

3.2.3 The Proposed Development is set to be constructed across three assessment phases:

- Phase 1: 2025 to 2027 – expansion of Terminal 1 to increase capacity from 18 to 21.5 mppa
- Phase 2a: 2033 to 2036 - construction of Terminal 2 and associated facilities to increase capacity from 21.5 to 27 mppa
- Phase 2b: 2037 to 2041 – expansion of Terminal 2 and associated facilities

3.2.4 The phases have been identified as commensurate with forecasted growth of the Airport.

3.3 Compulsory Acquisition

3.3.1 It is acknowledged that the Applicant is seeking powers for the acquisition of land and rights over land in order to construct, operate and maintain the Proposed Development. LBC has had regard to the Land Plans and Crown Land Plans, Book of Reference and Funding Statement submitted with the application.

4 Assessment of Local Impacts

4.1 Principle of Development

Luton Local Plan 2011-2031(adopted 2017)

4.1.1 Policy LLP6: London Luton Airport

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

- i. they are directly related to airport use of development;
- ii. they contribute to achieving national aviation policies;
- iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;
- iv. they fully assess the impacts of any increase in Air Transport Movement on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified;
- v. achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;
- vi. include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted;
- vii. include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of sensitive premises in the


- area, through measures to be taken to secure fleet modernisation or otherwise;
- viii. incorporate sustainable transportation and surface access measures that, in particular, minimise use of the private car, maximise the use of sustainable transport modes and seek to meet modal shift targets, all in accordance with the London Luton Airport Surface Access Strategy; and
 - ix. incorporate suitable road access for vehicles including any necessary improvements required as a result of the development.

Key Local Issues

- 4.1.2 The LPA is principally concerned with compliance of the Proposed Development with both local and national planning and aviation policy, as well as the demonstration of need for the Proposed Development.
- 4.1.3 The Secretary of State in considering a Nationally Significant Infrastructure Project must have regard to any relevant National Policy Statement. The Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (the ANPS) was published in June 2018. Whilst it references runway capacity in the south-east, it is primarily concerned with the third runway at Heathrow (the Northwest Runway), though it notes that it will be *“an important and relevant consideration in respect of applications for new runway capacity and other airport infrastructure in London and the South East of England”* (paragraph 1.12).
- 4.1.4 The Applicant’s Planning Statement addresses the principle of development in section 8.2. The Statement describes national aviation policy, starting with the 2013 Aviation Policy Framework (APF) which describes the importance of the aviation sector to the economy, states support for its growth whilst maintaining a balance between its benefits and costs, notably climate change and noise (Executive Summary paragraph 5). The APF expresses the Government’s expectation that: *“Future growth in aviation should ensure the benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation*

industry should be expected to share the benefits from these improvements” (paragraph 3.3).

- 4.1.5 The APF also refers to a key priority of the Government being to make better use of existing runway capacity at all UK airports (paragraph 1.60). This was reiterated in the Government’s policy document published in 2018: Beyond the horizon: The Future of UK aviation – Making best use of existing runways (referred to as MBU). MBU set out the Government’s position, stating that: *“The Government is supportive of airports beyond Heathrow making best use of their existing runways”* (paragraph 1.29)
- 4.1.6 MBU also reiterated the need for the benefits of airport expansion being shared with surrounding communities, stating that, *“as airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible”* (paragraph 1.22).
- 4.1.7 The subsequent Government Green Paper in December 2018, Aviation 2050: The future of UK aviation, confirmed that the Government supports airports throughout the UK making best use of their existing runways subject to environmental issues being addressed (see for instance paragraphs 1.2, 1.3 and 1.21).
- 4.1.8 The March 2022 the Jet Zero: Modelling framework brought up to date the Department for Transport’s (DfT) aviation model in order to accurately represent passenger demand, aircraft movements and GHG emissions, using 2019 data (the last normal year of aviation activity before the Covid 19 Pandemic). The modelling took into account assumed annual runway capacity including in Luton Airport’s case the proposed cap of 32mppa.
- 4.1.9 The Government’s strategic framework for the aviation sector, Flightpath to the Future, was published in May 2022. Flightpath to the Future has four themes , one of the themes ‘realising benefits for the UK’ recognises that aviation has a central role in delivering local benefits across the UK, including championing the levelling up agenda, boosting economic success, supporting local jobs and supply chains and benefitting local communities. Flightpath to the Future recognises the important role that airports have to play in local economies, helping local communities to flourish, particularly given the wider




impacts for the local areas caused by Covid 19 and the disruption to air travel. The strategic framework reaffirms the Government's support for airport growth, stating that the Government is *"supportive of airports bringing forward expansion plans, where justified. Our existing policy frameworks for airport planning remain in effect, providing a stable framework for airports to grow within our strict environmental criteria"* (page 44).

- 4.1.10 In July 2022, the Government published the Jet Zero Strategy: delivering net zero aviation by 2050 (Jet Zero). Jet Zero confirms Government support for airport growth where it can be delivered within the Government's environmental obligations. Jet Zero makes clear that the ANPS and MBU are the Government's existing policy framework and *"have full effect, as a material consideration in decision making on applications for planning permission"* (policy commitment page 74 and (paragraph 3.61) with the Jet Zero Strategy stating explicitly that the Government's analysis *"shows that it is possible to achieve our goals without the need to restrict people's freedom to fly"* (policy commitment page 74).
- 4.1.11 Published alongside the Jet Zero Strategy was the Government response to the Jet Zero consultation (Jet Zero Consultation: Summary of responses and government response). The Government response stated explicitly that the ANPS and MBU *"provide a robust and balanced framework for airports to grow sustainability within our strict environmental criteria"* (paragraph 2.116). The report confirms the Government's continued support of airport growth where it is justified and goes on to state that: *"we do not, therefore, consider restrictions on airport growth to be a necessary measure"* (paragraph 2.115).
- 4.1.12 The policy commitment of the Government is therefore very clear and unambiguous in its support for airport growth where it can be delivered within existing environmental obligations.
- 4.1.13 Whilst the ANPS does not have effect in relation to an application for development consent other than for the Heathrow Northwest Runway, it does state that the Secretary of State considers its contents will be important and relevant considerations in determining other airport DCO applications. Paragraph 1.41 of the ANPS says that, *"among the considerations that will be important and relevant are the findings in the Airports NPS as to the need for*

new airport capacity and the preferred scheme is the most appropriate means of meeting that need.”

- 4.1.14 The dDCO includes a need case, which comprises three components, notably the strategic case for aviation growth, the socio-economic context and future demand forecasts and capacity. The LPA’s view on the support of national aviation policy for airports to make best use of their existing runways has been set out above.
- 4.1.15 With regard to the second aspect, Section 4.2 below addresses socio-economic impacts in relation to Luton. With regard to national policy the NPPF sets out the overarching economic objective of “*a strong, responsive and competitive economy*” (paragraph 8). The Government’s plans to support economic growth through significant investment in infrastructure were set out in March 2021 in Build Back Better: our plan for growth. The Build Back Better plan for growth focuses on three key areas of investment for economic recovery and levelling up, namely: a radical uplift in infrastructure investment; creating new skills training opportunities across the UK; and fostering the conditions to unleash innovation. The Levelling Up White Paper that followed in February 2022 set out a policy programme that aimed, amongst other things, to: boost productivity, pay, jobs and living standards, especially in those places where they are lagging; and spread opportunities and improve public services, especially in places where they are weakest. As is noted in the socio-economic section below, Luton is a Level 1 Priority Area.
- 4.1.16 In the statutory consultation undertaken by the Applicant in 2022, an earlier iteration of the Oxford Economics report that accompanies the dDCO was considered by the host authorities’ consultants when providing a response to the statutory consultation. That report, The Economic Impact of London Luton Airport (December 2021), also fed in to LPA’s evidence at the call-in public inquiry that was held by the Secretary of State in 2022. The LPA has no reason to change its position stated at the public inquiry, namely that the socio-economic impact upon Luton as well as the sub-regional impact is wholly positive. The Airport is a vital asset in the region with the Enterprise Zone built around it, and the aviation sector is a key area for growth and recovery post the Covid 19 Pandemic, with the growth of the Airport being a central pillar to the Council’s Strategic Vision.

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- 4.1.17 With regard to the third element of the Applicant's need case, the future demand forecasts and capacity undertaken by York Aviation, the LPA – along with the other host authorities – commissioned Dr Chris Smith of CSACL to review the Applicant's approach to passenger demand forecasts as well as other traffic projections (cargo forecasts, business aviation forecasts, fleet mix [both passenger and cargo] as well as the busy day timetable and aircraft movement in the night periods).
- 4.1.18 Dr Smith's initial assessment is that many of the traffic projection forecasts are reasonable. The passenger forecasts are based on the DfT's econometric forecasting approach, which is a reasonable methodology. However, since the DfT undertook those forecasts some major events have taken place, such as the Covid 19 Pandemic and Russian Invasion of Ukraine, which could mean that York Aviation's forecasts are too high. Further, whilst the assumption that one new runway will be constructed at Heathrow or Gatwick is reasonable, a further assumption that the other airport will stop growing at a certain point may be unlikely since there is no passenger cap at either airport. If these assumptions are not correct, then there could be implications for the speed of growth and the passenger demand at Luton.
- 4.1.19 It is anticipated that once Dr Smith has completed his assessment, it will help to inform the discussions on the Statement of Common Ground (SoCG) and also Issue Specific Hearing 2 on need.

Adequacy of Application/dDCO

- 4.1.20 The Applicant's Planning Statement agrees with the LPA's position in respect of national aviation policy and, through the assessments provided throughout the various chapters of the ES, demonstrates compliance with the requirements of Policy LLP6 of the Local Plan. The Planning Statement is, therefore, considered to be adequate in respect of the principle of development.
- 4.1.21 The dDCO envisages, however, that the Proposed Development would extend beyond the current plan period to 2031 and, therefore, the Examining Authority will need to take this into account when determining what weight should be attached to specific policies within the Local Plan.

4.2 Socio-Economic Impacts

Luton Local Plan 2011-2031

4.2.1 Policy LLP6 - London Luton Airport Strategic Allocation

The London Luton Airport Strategic Allocation (approximately 325 hectares) includes land within the airport boundary, Century Park and Wigmore Valley Park (as identified on the Policies Map). The allocation serves the strategic role of London Luton Airport and associated growth of business and industry, including aviation engineering, distribution and service sectors which are important for Luton, the sub-regional economy, and for regenerating the wider conurbation.

4.2.2 Policy LLP13: Economic Strategy

- A. Planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region. Jobs will be generated through business and industry development on strategic employment allocations, and within the existing key employment areas safeguarded for B class uses, (including securing automotive and advanced manufacturing clusters and supporting industries/services, such as the GM / Vauxhall plant to respond to the market and core business demands) as identified on the Policies Map. Further growth in employment in commercial and service-related industries including retail, leisure, culture and tourism will be generated within the Town Centre, District and Neighbourhood Centres including where ancillary or proposed within the strategic employment allocations.
- E. Planning permission for proposals that would increase and improve tourism and visitor attractions will be granted, provided that it does not cause an adverse impact on the road network, any town centre use accords with the sequential approach and is in conformity with the policies in the Local Plan.

Key Local Issues

- 4.2.3 In the LPA's Relevant Representations, socio-economic impacts were identified as one of the main issues for consideration, not limited to the creation of jobs and the boost to the local and regional economy, but also the wider socio-economic benefits of aviation.

- 4.2.4 The Airport is the largest strategic allocation within the Local Plan (325 acres) and includes New Century Park (now Green Horizons Park), where planning permission was granted in June 2021 for a new business park, providing 3,200 new jobs and comprising office space, warehouse and industrial space, mixed employment space, hotel, café, energy centre, access roads and landscaping, together with the formation of a new public open space (LBC ref: 17/02300/EIA). The Green Horizon's site, Airport Business Park (together with the Airport itself) and Bartlett Square (to the west of the Airport) form the Luton Airport Enterprise Zone, 395 acres in total. The Luton Airport Enterprise Zone aims to create 7,200 direct jobs, including from the following sectors: engineering and advanced manufacturing; aerospace businesses; sustainable industries; specialist support services for airline and airport operations; and associated leisure, hotel and catering businesses.
- 4.2.5 The Airport is an important employer for the town, accounting for nearly 12% of all jobs in the town. The dDCO records that 10,900 jobs are directly provided, with the Airport supporting a further 900 jobs through its supply chain.
- 4.2.6 The importance of the Airport to Luton can be seen when one looks at the economic situation in the area. Unemployment in Luton grew dramatically during the Covid 19 Pandemic, from 3.2% in January 2020 (before the pandemic) to 9% in April 2021 (nearly double that for the average in England). In June 2022, the claimant benefit rate was 6.1% compared to 3.8% for England. Whilst it has dropped, there is a need for new jobs in the area.
- 4.2.7 The Government's indices of deprivation also show that Luton is a relatively deprived borough, with large parts of the centre, south, north and west ranked in the top 10% to 30% most deprived areas in England. This is unequal, since some areas in the west and adjacent to the Airport fall within the top 10% least deprived areas in England.
- 4.2.8 The Indices of Deprivation for England, which provide a set of measures of deprivation for small areas across England, based on seven different facets of deprivation (namely: income deprivation; employment deprivation; education, skills and training deprivation; health deprivation and disability; crime, barriers to housing and services; and living environment deprivation)

show again that large parts of Luton fall within the top 10% to 30% most deprived areas in England.

- 4.2.9 Luton is a priority in the Government's 'Levelling Up' agenda, falling within Priority Area 1 for the Levelling Up Fund. Out of 309 local authorities in England, Various indicators feed into the overall rank, thus for instance, in terms of the commercial vacancy indicator Luton was ranked 3rd, against the need for regeneration indicator it was ranked 4th, and in terms of unemployment it was ranked 12th, which gave it a ranking of 13th in the overall index in terms of priority.
- 4.2.10 As with other towns where airports play an important role in the economy, such as Slough and Crawley, Luton was significantly hit by the lock down, with firms drawing heavily on the Government's furlough scheme. The take-up rate in Luton was 8% compared to the England average of 6%.
- 4.2.11 The challenges that were brought about by the Covid 19 Pandemic were unprecedented. Working with businesses, public sector and the voluntary and community sector organisations, as well as residents, the Council has sought to overcome these challenges and focus on tackling poverty and inequality so that everyone can enjoy a good quality of life. The Council produced an ambitious town wide vision, 'Luton 2040'¹, seeking to provide a healthy, fair, and sustainable town where everyone can thrive, and no one has to live in poverty. The vision is built around five priorities, each of which contributes to achieving the overall vision for the town:
- Building an inclusive economy that delivers investment to support the growth of businesses, jobs and incomes.
 - Improving population wellbeing and tackling health inequalities to enable everyone to have a good quality of life and reach their full potential.
 - Becoming a child friendly town, where our children grow up happy, healthy and secure, with a voice that matters and the opportunities they need to thrive.

¹https://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/Luton20-2040/Luton-2040-strategic-vision.pdf

- Tackling the climate emergency and becoming a net zero town with sustainable growth and a healthier environment.
- Supporting a strong and empowered community, built on fairness, local pride and a powerful voice for all our residents.

4.2.12 In 2020, the Council set out its two main strategies for delivering on the priorities for Luton 2040, namely the Inclusive Economy Strategy² and the Population Wellbeing Strategy³. The Inclusive Economy Strategy recognises that following the Covid 19 Pandemic, delivering an economic recovery plan to protect jobs and businesses was essential in order to continue growing the local economy. The strategy includes emphasis on local wealth building through local procurement, and enhancing skills for the future to ensure that residents are able to access quality, well-paid jobs, as well as an emphasis on growing the Airport, which is recognised as a major asset to Luton and its local economy.

4.2.13 The current legal agreement with the Airport Operator includes an Employment Skills and Recruitment Plan, a Local Employment and Training Initiative and, also a Local Procurement Protocol (LBC ref: 17/00950/VARCON). Should the two Secretaries of State grant planning permission for the increase in capacity to 19mppa (LBC ref: 21/00031/VARCON) then these initiatives would be carried forward in the legal agreement that was provided to the Inspector Panel at the conclusion of the public inquiry in November 2022.

4.2.14 The LPA considers that in order to ensure that the local area benefits from the new employment opportunities that the dDCO will bring, the legal agreement should secure similar benefits. The Council's Economic Growth and Skills department is discussing the proposed Employment and Training Strategy with the Applicant.

Adequacy of Application/dDCO

4.2.15 Chapter 11 of the Environmental Statement, together with its appendices (together with the Applicant's Needs Case) considers economics and

²https://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/Luton20-2040/Inclusive-economy-strategy.pdf

³https://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/CPO/CP-C%202020/Population-wellbeing-strategy-2019-2024.pdf

employment associated with the Proposed Development. The information provided within the dDCO is considered to be sufficient in regard to these areas. Overall, it is considered that the Proposed Development would have a significant beneficial impact upon employment and GDP, not only for Luton, but for the wider area.

4.3 Noise and Vibration

Luton Local Plan 2011-2031

4.3.1 Policy LLP6: London Luton Airport

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

- i. they are directly related to airport use of development;
- ii. they contribute to achieving national aviation policies;
- iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;
- iv. they fully assess the impacts of any increase in Air Transport Movement on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified;
- v. achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;
- vi. include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted;

- vii. include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise;
- viii. incorporate sustainable transportation and surface access measures that, in particular, minimise use of the private car, maximise the use of sustainable transport modes and seek to meet modal sift targets, all in accordance with the London Luton Airport Surface Access Strategy; and
- ix. incorporate suitable road access for vehicles including any necessary improvements required as a result of the development.

4.3.2 Policy LLP38: Pollution and Contamination

Pollution

Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significant adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.

- A. Development should provide for the satisfactory disposal of surface water to deliver water quality improvements to receiving water courses and aquifers where feasible and, together with waste water disposal, should not be detrimental to the management and protection of water resources. In all cases, development must be carefully built, operated, and closed in such a manner so as to ensure there are no long-term pollution problems.
- B. During construction and operation, appropriate measures will be required to prevent the deposit of mud or other debris on or within public highways and water bodies from vehicles using the site.

Key Local Issues

- 4.3.3 In the Council's Relevant Representations, noise was identified as one of the main issues for consideration. The LPA is concerned that the noise impacts associated with the increase in the number of passengers, and the consequent growth in the number of aircraft movements, will result in an increase in the number of people affected by aircraft noise, which will, therefore, not be in accordance with the Government's objective to limit, and where possible reduce, the number of people significantly affected by aircraft noise.
- 4.3.4 Communities around the Airport have expressed their concern regarding aircraft noise. In 2019, prior to the Covid 19 Pandemic, the passenger throughput at the airport reached 18mppa (the passenger cap imposed by condition 8 of the current planning permission LBC ref: 17/00950/VARCON). That year, the Airport received 12,735 complaints in relation to noise. This was also the year (2019) in which the Airport was in breach of both the daytime and night time noise contour caps imposed by condition 10 for the summer period⁴. In the previous years, 2017 and 2018, the Airport had reported a breach of the condition 10 noise contour cap for the summer night period only.
- 4.3.5 In 2021, a planning application was submitted by the airport operator, not only to vary the passenger cap to allow 19mppa (condition 8), but also to temporarily vary the summer daytime and night time noise contour cap (condition 10) (LBC ref: 21/00031/VARCON). The Secretary of State for Levelling Up, Housing and Communities called in the application on 6 April 2022, whilst on 11 May 2022 the Secretary of State for Transport made a direction that the application should be jointly determined by both Secretaries

⁴ Note condition 10 of planning permission 15/00950/VARCON stated that:

"The development shall be operated in accordance with the Noise report approved on 2 March 2015 (ref: 14/01519/DOC), including providing details of forecast aircraft movements and consequential noise contours as set out in that report.

The area enclosed by the 57dB(A) Leq16hr (0700-2300) contour shall not exceed 19.4 sq km for daytime noise, and the area enclosed by the 48dB(A) Leq8hr (2300-0700) contour shall not exceed 37.2 sq km for night-time noise, when calculated by the Federal Aviation Authority Integrated Noise Model version 7.0-d (or as may be updated or amended).

Within five years of the commencement of development a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to 15.2sq km for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to 31.6 sq km for the area exposed to 48dB(A) Leq8hr (2300-0700) and above."

- of State. The six-week public inquiry that took place between the 27 September 2022 and 17 November 2022, devoted one full week to the issue of noise, indicating the level of interest (and scrutiny) that was given to noise associated with the Airport.
- 4.3.6 At the time of writing this Local Impact Report, the Secretaries of State's decision has not yet been issued (and is not expected until around 13 October 2023), however, it is worth noting that the existing noise controls that are in place associated with the current planning permission (LBC ref: 12/00950/VARCON) were carried forward in the proposed Noise Management Plan that was considered by the Inspector Panel for the 19mppa application (LBC ref: 21/00031/VARCON).
- 4.3.7 Noise has also featured as one of the key areas for discussion in the process leading up to the submission of the dDCO, with the promoter setting up the Noise Envelope Design Group (NEDG) in October 2019. The NEDG comprised representatives from various bodies, including: the airport operator, National Air Traffic Services (NATS), the airline sector, the local chamber of commerce, neighbouring local authorities and community groups.
- 4.3.8 The NEDG discussed movement caps, noise violation limits, a noise quota system, noise contour areas and supplementary indicators. In the NEDG Interim Report recommendations (October 2020), a proposed structure was set out, comprising: enforceable limits; thresholds limits which if reached would require reporting and action by the Airport; and target values which could be more closely monitored and controlled by the Airport through forecasting and scheduling.
- 4.3.9 The control measures advocated in the Interim Report included the existing night period cap of 9,650 movements, a night period QC cap⁵, an annual passenger cap (with the dDCO this would be 32mppa), the 92 day summer period daytime contour cap (area within the 54dB $L_{Aeq,16hr}$ contour (the current condition measures the area within the 57dB $L_{Aeq,16hr}$ contour), the 92 day summer period night time contour cap (area within the 48dB $L_{Aeq,8hr}$ contour), and noise violation limits.

⁵ The Quota Count (QC) regime is based on aircraft noise certification data, with each aircraft type classified by QC value based on measurements made at set locations. The use of QC limits gives more control over noise levels than a simple movement cap

- 4.3.10 Unfortunately, the Applicant has not taken forward the full recommendation of the NEDG, but rather has responded within the explanatory note on Operational Noise Management by stating that *“This recommendation has not been fully adopted. Whilst all the additionally recommended metrics have been included as monitoring and reporting metrics, they have not been included as Noise Envelope Limits.”*⁶
- 4.3.11 The LPA considers that, whilst QC may be used internally by the Airport to plan how to meet the summer noise contour limits moving forwards, this is not the same as the planning controls which are currently in place. It would appear from the proposed Green Controlled Growth framework that the Airport would simply have to report the QCs to the Environmental Scrutiny Group (ESG), and that the ESG would have no say in terms of setting controls or caps to the current levels set out in the planning permission, nor does there appear to be an option for the ESG or local authorities to push back or lower the caps in the future.
- 4.3.12 As noted previously in this section, in 2019 the Airport was in breach of condition 10 which sets a maximum area for the summer period in relation to the daytime 57dB LAeq,16hr contour and the night time 48dB LAeq,8hr contour. The LPA is concerned that the applicant proposes to use the 2019 actual data as their baseline, which, was not compliant with the planning condition, and therefore includes as the starting point a greater number of dwellings and a greater population than would be the case if in 2019 the condition controlling the area within the set daytime and night time contour had been complied with. The LPA considers that the 2019 actual figures give elevated noise levels as the starting point as well as a greater number of people exposed to aircraft noise than if the baseline were set using a 2019 condition compliant baseline.
- 4.3.13 Given the inappropriate baseline that the applicant has used, the LPA considers that the dDCO should either use an earlier year when the Airport was compliant with the noise condition, or adjust the 2019 baseline to be condition compliant in order to be able to adequately assess whether the Proposed Development complies with Government policy (and emerging

⁶ Table 1.1 of Annex B within 5.02 Environmental Statement - Appendix 16.2 Operational Noise Management (Explanatory Note)

policy) in terms of limiting and where possible reducing the number of people significantly affected by aircraft noise.

4.3.14 Tables 4.3.1 and 4.3.2 below use information from Chapter 16 of the Environmental Statement to consider the potential impact of the development upon the area within the daytime 57dB LAeq,16hr contour and the night time 48dB LAeq,8hr contour (the contour caps for the summer period set by Condition 10 of the current planning permission).

	2019	2027	2039	2043
Condition 10 compliant (57db daytime contour not exceed 19.4km ² and by 2028 not exceed 15.2km ²)	18.8km ²	18.8km ² (reduce by 2028 15.2km ²)	15.2km ²	15.2km ²
Luton Rising baseline 'do minimum' (57db daytime contour)	20.3km ²	14.6km ²	11.4km ²	11.0km ²
Luton Rising 'do something' (57db daytime contour)	20.3km ²	16.4km ²	15.2km ²	17.4km ²

Table 4.3.1: Area within Condition 10 daytime cap (57dB LAeq,16hr contour)

	2019	2027	2039	2043
Condition 10 compliant (48db night time contour not exceed 37.2km ² and by 2028 not exceed 31.2km ²)	37.2km ²	37.2km ² (reduce by 2028 31.6km ²)	31.6km ²	31.6km ²
Luton Rising baseline 'do minimum' (48db night time contour)	45.3km ²	34.4km ²	29.2km ²	28.2km ²
Luton Rising 'do something' (48db night time contour)	45.3km ²	42.2km ²	37.8km ²	43.2km ²

Table 4.3.1: Area within Condition 10 night time cap (48dB LAeq,8hr contour)

4.3.15 Condition 10 requires the area covered by the 57dB LAeq,16hr daytime contour to be reduced to 15.2km² from 2028 and that covered by the 48dB LAeq,8hr night time contour to be reduced to 31.2km² by 2028. It can be seen that in the 'do something' scenario the area within the 57dB LAeq,16hr daytime contour in 2043

exceeds that limit by 2.2km², whilst for the 48dB L_{Aeq,8hr} night time contour, in 2027 there is an exceedance of the current cap (37.2km²) by 5km² and in 2039 an exceedance of the 31.6km² cap by 6.2km², whilst in 2043 that exceedance has increased to 11.6km² above the current Condition 10 cap.

4.3.16 The Environmental Statement demonstrates that in the ‘do minimum’ scenario, the area in which the population is exposed to Significant Observed Adverse Effect Levels (SOAEL), both in the daytime (the 63dB L_{Aeq,16hr} contour) and in the night time (the 55dB L_{Aeq,8hr} contour), will decrease over time (tables 16.26 and 16.27 of Chapter 16). A sensitivity test is then provided in Section 12.2 of Appendix 16.1 with a ‘Condition 10 Compliant’ scheme, though the tables in that section have not been provided for a compliant scheme for the key phase years (2027, 2039 and 2043), so it is not possible to tell how much smaller the area covered by the daytime and night time SOAEL contours would have been. Tables 4.3.3 and 4.3.4 below summarise the information taken from the tables in Chapter 16 of the Environmental Statement and Section 12 of Appendix 16.1 in relation to the area covered by the SOAEL. .

	2019	2027	2039	2043
Condition 10 compliant (daytime SOAEL)	5.3km ²	--	--	--
Luton Rising baseline ‘do minimum’ (daytime SOAEL)	5.6km ²	3.7km ²	3.0km ²	2.8km ²
Luton Rising ‘do something’ (daytime SOAEL)	5.6km ²	4.2km ²	3.8km ²	4.4km ²

Table 4.3.3: Area covered by daytime SOAEL (63dB L_{Aeq,16hr} contour)

	2019	2027	2039	2043
Condition 10 compliant (night time SOAEL)	8.8km ²	--	--	--
Luton Rising baseline ‘do minimum’ (night time SOAEL)	11.2km ²	7.3km ²	6.0km ²	5.6km ²
Luton Rising ‘do something’ (night time SOAEL)	11.2km ²	9.7km ²	8.3km ²	9.8km ²

Table 4.3.4: Area covered by night time SOAEL (55dB L_{Aeq,8hr} contour)

4.3.17 Whilst the area covered by the day time SOAEL contour decreases even with the Applicant's 'do something' scenario compared to the Condition 10 compliant 2019 area, it is worth noting that for the night time SOAEL, in 2043 the area has not decreased below the 8.8sqkm² that would have been covered by the 48dB LAeq,8hr contour if a 2019 compliant scenario had been used as the baseline.

4.3.18 Tables 4.3.5 and 4.3.6 below undertake a similar exercise for the population that would be exposed to noise increases above the SOAEL but below the Unacceptable Adverse Effect Level (UAEL) using a Condition 10 compliant scenario and comparing it to the Applicant's 'do minimum' and 'do something' scenarios. Again whilst both modelled scenarios show the population exposed to the SOAEL decreasing for both the day and night periods, the comparison shows that if the Applicant had used the 2019 Condition 10 compliant scenario as the baseline, the total population exposed to SOAEL during the night period would be higher with the development in 2043, than in 2019 had the Airport operated in accordance with the planning condition.

	2019	2027	2039	2043
Condition 10 compliant (daytime between SOAEL/UAEL)	1,250	50	0	0
Luton Rising baseline 'do minimum' (daytime between SOAEL/UAEL)	1,650	50	0	0
Luton Rising 'do something' (daytime between SOAEL/UAEL)	1,650	450	200	500

Table 4.3.5: Population within the daytime SOAEL (63dB LAeq,16hr contour) and UAEL contours (69dB LAeq,16hr contour)

	2019	2027	2039	2043
Condition 10 compliant (night time between SOAEL/UAEL)	3,100	2,100	1,500	1,350

Luton Rising baseline 'do minimum' (night time between SOAEL/UAEL)	4,950	2,100	1,500	1,350
Luton Rising 'do something' (night time between SOAEL/UAEL)	4,950	3,800	2,600	3,250

Table 4.3.6: Population within the night time SOAEL (55dB $L_{Aeq,8hr}$ contour) and UAEL contours (63dB $L_{Aeq,8hr}$ contour)

- 4.3.19 Chapter 16 of the Environmental Statement proceeds to quantify the absolute increases in noise for the three phases of the Proposed Development. In 2027 an additional 450 people exposed to noise between the SOAEL and UAEL during the daytime, will experience an increase of between 0.1 and 0.9dB as a result of the Proposed Development (Table 16.38 in the Environmental Statement). This is assessed as negligible and held to be imperceptible. In 2039 some 200 people exposed to noise between the SOAEL and the UAEL during the daytime will experience an increase in noise levels, which is between 1.0 and 1.9dB. This is assessed to be minor but is considered significant as it is above the SOAEL. Finally, in 2043, some 500 residents within those contours are exposed to noise increases between 1.0 and 1.9dB, again this is considered minor but significant.
- 4.3.20 For the night period some 3,800 residents will experience change of between 1.0 and 1.9dB within the contours defined by the SOAEL (55dB $L_{Aeq,8hr}$ contour) and the UAEL (63dB $L_{Aeq,8hr}$ contour), that impact is considered to be minor but significant as the area is above the SOAEL exposure. For 2039 some 2,600 residents living within the area exposed to noise between the SOAEL and UAEL would experience increases in noise of between 1.0 and 1.9dB, again considered minor but significant. Whilst in the final assessment year, 2043, there would be 150 people within that area experiencing an increase of between 1.0 and 1.9dB, however, a further 3,100 would experience an increase of between 2.0 and 2.9dB. Both increases are considered significant as the population is already exposed to levels above the SOAEL, but the larger increase rather than being assessed as minor is considered to be a moderate adverse effect.

- 4.3.21 The Applicant proposes mitigation measures to address the noise impacts, building upon the existing Noise Insulation Scheme operated at the Airport. In this regard all properties that fall within the contour defining the daytime SOAEL (63dB $L_{Aeq,16hr}$ contour) would be entitled to the full noise insulation package for all habitable rooms (see paragraph 16.10.15 of the Environmental Statement). For the night period the properties falling within the SOAEL (55dB $L_{Aeq,8hr}$ contour) would also be eligible for noise insulation to their bedrooms. The Environmental Statement considers that for Phase 2a and 2b the noise insulation scheme would have been rolled out for all properties within the daytime and night time SOAEL contours, but by 2027 not all properties within the night time SOAEL may have been insulated.
- 4.3.22 The Government's Aviation Policy Framework (APF) seeks to strike a balance between the positive economic benefits of aviation and the negative impacts of noise on people's health, quality of life and productivity, stating a general principle that future Airport expansion should ensure that the benefits are shared between the aviation industry and local communities.⁷ Given the issues identified, the LPA considers that the Applicant should increase their mitigation measures in order to strike an appropriate balance between growth and noise reduction. The LPA also considers that the current conditions relating to night flights, including the early morning shoulder period and the quota count, should be carried forward as requirements to ensure effective control and safeguard the amenities of surrounding communities.
- 4.3.23 Whilst the dDCO may indicate that the applicant proposes to mitigate noise as the Airport capacity grows, and that noise levels may reduce with technological improvements as the next generation aircraft are developed, the uncertainty about this may result in the Airport not adequately sharing the benefits with the local community as set out in Government policy.
- 4.3.24 With regard to ground noise the Council has internal guidance which sets lower noise limits, and these are not reflected by the applicant in their Environmental Statement. The Environmental Health Team considers that this could result in a greater impact than is expected through Local Plan Policy

⁷ Aviation Policy Framework paragraph 3.3

LLP38 (Pollution and Contamination) and is out of step with noise limits they would expect for new commercial development throughout the Borough.

Adequacy of Application/dDCO

4.3.25 Chapter 16 of the Environmental Statement, together with its appendices, considers noise and vibration associated with the proposed expansion of the Airport, in addition noise mitigation is addressed within the Green Controlled Growth Framework, with an enhanced Noise Insulation Scheme proposed by the Applicant. Noise is a significant issue and Government policy is clear that Airport growth should strike a fair balance, ensuring that the benefits of growth are shared with local communities.

4.3.26 As outlined above, comparing the current conditions against the projected increase above those noise levels, demonstrates a worsening of the noise environment, which would be a negative impact in terms of noise for some residents. However, there may be technical advances which may change this trajectory, but these are currently not known and therefore it is for the applicant to demonstrate how they will strike an appropriate balance in line with Government policy.

4.4 Air Quality

Luton Local Plan 2011-2031

4.4.1 Policy LLP6: London Luton Airport

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

- i. they are directly related to airport use of development;
- ii. they contribute to achieving national aviation policies;
- iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;
- iv. they fully assess the impacts of any increase in Air Transport Movement on surrounding occupiers and/or local environment (in

- terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified;
- v. achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;
 - vi. include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted;
 - vii. include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise;
 - viii. incorporate sustainable transportation and surface access measures that, in particular, minimise use of the private car, maximise the use of sustainable transport modes and seek to meet modal sift targets, all in accordance with the London Luton Airport Surface Access Strategy; and
 - ix. incorporate suitable road access for vehicles including any necessary improvements required as a result of the development.

4.4.2 Policy LLP25: High Quality Design

Buildings and spaces will be of high-quality design with distinctive character and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough.

In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to:

- viii. Reduce carbon emissions, risk of flooding, and increase energy and water efficiency and quality.

4.4.3 Policy LLP38: Pollution and Contamination

Pollution

Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significant adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.

- A. Development should provide for the satisfactory disposal of surface water to deliver water quality improvements to receiving water courses and aquifers where feasible and, together with wastewater disposal, should not be detrimental to the management and protection of water resources. In all cases, development must be carefully built, operated, and closed in such a manner so as to ensure there are no long-term pollution problems.
- B. During construction and operation, appropriate measures will be required to prevent the deposit of mud or other debris on or within public highways and water bodies from vehicles using the site.

Key Local Issues

- 4.4.4 In the Council's Relevant Representations, Air Quality was identified as one of the issues that the LPA considered needed consideration by the Examining Authority, since pollutant concentration levels may affect human health and if the development is to be consented appropriate mitigation measures will need to be in place.
- 4.4.5 Luton has three air quality management areas (AQMAs), two adjacent to Junction 11 of the M1 Motorway and one in the town centre, though over the past five years the two AQMAs adjacent to the M1 have not seen exceedances. Road traffic is the main source of air pollution in the Borough.

- 4.4.6 The pollutants of concern for Luton are NO₂ and PM_{2.5} (PM₁₀ has never been measured or modelled to be at problem levels).
- 4.4.7 Monitoring has previously shown NO₂ levels in the town centre (AQMA No. 3) and the vicinity of the M1 (AQMA Nos. 1 and 2) to have exceeded the annual mean air quality objective of 40µg/m³, however, this hasn't happened since before the pandemic. In fact, the concentrations in AQMA Nos. 1 & 2 have been below the objective level for long enough that LBC is now considering their revocation. LBC is also currently considering expanding AQMA No. 3 along Castle Street, however, this would be to incorporate the site of exceedances that occurred outside of the AQMA boundary prior to the Covid 19 Pandemic.
- 4.4.8 Since LBC commenced monitoring in 2014, the measured annual mean PM_{2.5} level in the town centre has essentially remained constant at 10µg/m³ (the level of the incoming 2040 concentration target). However, Defra's modelled background PM_{2.5} dataset exceeds this level for the majority of the Borough (including the town centre) and, when combined with the highest LA population density outside of London, explains Luton's poor performance in the Public Health Outcomes Framework indicator "*Fraction of mortality attributable to particulate air pollution.*"
- 4.4.9 Going forward it is envisaged that focus will increasingly shift from NO₂ to PM_{2.5}, as traffic related NO₂ emissions decrease with fleet renewal, etc.

Adequacy of Application/dDCO

- 4.4.10 Chapter 7 of the ES considers air quality implications of the Proposed Development. The information provided within the dDCO is considered to be sufficient to consider the air quality. The LPA considers that the Proposed Development would have a neutral impact.

4.5 Land Quality, Contamination and Groundwater

Luton Local Plan 2011-2031

4.5.1 Policy LLP38: Pollution and Contamination

Contaminated Land

- C. For proposals on or affecting contaminated land, a site assessment must be carried out to establish the full nature and extent of the contamination.

Contamination land is used to describe land polluted by:

- Heavy metals, like arsenic, cadmium and lead;
- Oils and tars;
- Chemical substances and preparations, e.g. solvents;
- Gases;
- Asbestos; and
- Radioactive substances.

...but may include other hazardous matter of chemical or biological origin.

It is defined as land where substances could cause:

- Significant harm to people or protected species; and/or
- Significant pollution of surface waters or groundwater (including Source Protection Zones).

- D. If contamination is found, remediation measures are to be agreed by the Council with reference to the Contaminated Land Statutory Guidance (April 2012), that such measures are carried out on site where this is viable and that such measures are completed prior to development.
- E. Planning permission will be granted for the development or reuse of land that is unlikely to be affected by contamination, but not for schemes that could:
- i. Expose the occupiers of the development, or users of domestic gardens, or neighbouring land to an unacceptable risk;
 - ii. Threaten the structural integrity of any existing or proposed building on, or adjoining, the site;
 - iii. Lead to the contamination of any watercourse, water body, or aquifer;
or
 - iv. Cause the contamination of adjoining land or allow the contamination of the development site to continue.

Land Stability

Development must be sensitive to local ground conditions and land stability. It must be appropriate for existing conditions and ensure that the future stability of land is protected.

Key Local Issues

- 4.5.2 The geology of the 'Main Application Site' comprises Made Ground, Dry Valley, Head Deposits and Clay with Flint overlying Chalk bedrock. The chalk bedrock provides a high level of groundwater storage and is, therefore, classified as a Principal Aquifer. The majority of the 'Main Application Site' is also within the total catchment area of a groundwater Source Protection Zone (SPZ).
- 4.5.3 The LPA would want to be satisfied that the requirements of the dDCO would robustly deal with matters of ground contamination, land stability and ground water, given that any impact would be significant if not managed and mitigated appropriately. This is imperative in respect of human health, protection of ground water, and the protection of the natural environment.
- 4.5.4 The former Eaton Green Landfill Site, which operated from 1937 to the early-1990s is located under the eastern part of the Airport (long-stay car park) and Wigmore Valley Park. This poses a significant risk to the surrounding ground and water environment.
- 4.5.5 There will also be a significant amount of excavation and soil movements associated with the proposal, most critically in respect of the creation of the new aprons associated with the second terminal as the relevant land needs to be elevated significantly to meet the level of the existing runway and adjacent taxiways. As identified on Figure 17.1 of the ES, the relevant parts of the Proposed Development are, therefore, Area A, Area B and the LLOAL Contractor's Compound.

Adequacy of Application/dDCO

- 4.5.6 Owing to previous applications affecting the relevant parts of the site, including the former landfill area, the ground conditions associated with the most-critical parts of the site as identified above have been extensively surveyed and are known to be well-understood. To supplement this baseline understanding, the Applicant has commissioned further comprehensive investigations.
- 4.5.7 As set out within the SoCG, the LPA has agreed the monitoring strategy for groundwater, vapour, leachate and ground gas. There remains a question surrounding the feasibility and efficacy of the outline remediation strategy, including for virtual barrier or gas vent trench preventing lateral migration of

gas to existing property occupiers, which is only illustrative in the dDCO, leaving the detailed design to the contractor. However, it is considered that Chapters 6, 13 and 17 of the Environmental Statement adequately address land contamination, stability and ground water for the purposes of consideration under the dDCO.

4.5.8 Further detail in respect of the requirements set out in Schedule 2 of the dDCO will be necessary.

4.6 Green Belt

Luton Local Plan 2011-2031

4.6.1 Policy LLP4: Green Belt

A. Within the areas defined as Green Belt on the policies map planning permission will not be granted for inappropriate development:

- Warden Hill;
- Stopsley Common;
- Oaket Wood;
- Putteridge;
- Dane Street; and
- Someries.


B. Inappropriate development is by definition, harmful to the Green Belt. Only in very special circumstances will inappropriate development be permitted in the Green Belt. Exceptions to inappropriate development are set out in the National Planning Policy Framework (NPPF).

Key Local Issues

4.6.2 The Luton, Dunstable and Houghton Regis conurbation is enveloped by Green Belt land. Land to the south of the Airport is, therefore, Green Belt, as well as land to the east beyond the Borough boundary in North Hertfordshire DC.

4.6.3 In respect of Luton Borough, relevant parts of Green Belt land are two parcels to the south of the existing runway in an area known as Someries, which is identified in Policy LLP4 of the Local Plan.

4.6.4 The only development that would occur within the Green Belt within the Borough boundary would be the development of a surface movement radar (SMR), which the parameters state would be up to 14.3m in height and occupy



a maximum work area of 5,017m². The SMR would be enclosed by new fencing, with an access track leading to it. The enclosing fence would be similar to the height of the existing perimeter fencing, whilst the track would be approx. 4m in width and 80m in length.

- 4.6.5 The SMR is said to be needed as a supplement to the existing SMR adjacent to the airport access road to ensure that adequate radar coverage is provided, which is essential for airport safety. International Civil Aviation Organisation (ICAO) regulations require that the runway and surrounding area must be kept clear of obstacles and also restrict how tall structures can be depending on their proximity to the runway. This significantly limits locational options for the additional SMR, which is then further restricted by the need to ensure that the radar has unobstructed sightlines without surrounding clutter.
- 4.6.6 These described works are the only Green Belt implications associated with the dDCO that would affect Luton.

Adequacy of Application/dDCO

- 4.6.7 The dDCO is supported by a Green Belt Assessment (GBA), with the Green Belt implications of the proposed works discussed more generally within the corresponding Planning Statement.
- 4.6.8 The GBA acknowledges that the described works would be inappropriate development within the Green Belt and that the SMR would only be acceptable if it could be demonstrated that very special circumstances (VSC) exist that would outweigh harm to the Green Belt.
- 4.6.9 Given the restrictive requirements outlined above, three options were identified and assessed (identified at Figure B3.2 of the GBA). The selected site comprises Option 3 and is the only one that is situated within the Green Belt. Though sequentially preferable in respect of Green Belt considerations, neither Options 1 nor 2 provided sufficient coverage of the Proposed Development and, therefore, would not be functionally viable.
- 4.6.10 It is, therefore, considered that the dDCO has sufficiently demonstrated that there is a need for the additional SMR and that the only viable option would be the chosen location.
- 4.6.11 The GBA goes on to describe the rationale for the design approach, detailing that the SMR would be located as closely to the Green Belt boundary as

possible in view of the ICAO requirements, as well as the design of the SMR and associated fencing and access being informed by the existing airport-related context within which it would be situated. Together with activity surrounding the SMR being very limited, the GBA, therefore, concludes that the development would have a limited impact upon the openness of the Green Belt.

- 4.6.12 The GBA concludes by stating that the SMR is integral to the operation of the Proposed Development and that the selected site for the SMR has been sequentially assessed. On that basis, the Applicant considers that VSC have been demonstrated and that the VSC outweigh the limited harm to the openness of the Green Belt in this location.
- 4.6.13 The LPA is satisfied that the need for a Green Belt location for the SMR and associated infrastructure has been appropriately demonstrated and that the overall harm to the openness of the Green Belt. The LPA is also satisfied that the SMR is essential to operation of the Proposed Development and, therefore, that the SMR is inherently tethered to the VSC associated with the Proposed Development.
- 4.6.14 The LPA does not seek to comment upon Green Belt implications beyond the Borough boundary. The submission is, therefore, considered to be adequate in respect of Green Belt considerations affecting Luton.

4.7 Landscape and Visual Impact

Luton Local Plan 2011-2031

4.7.1 Policy LLP6: London Luton Airport Strategic Allocation

Design and Drainage

- F. Development proposals for the London Luton Airport Strategic Allocation will ensure:
- i. appropriate strategic landscaping to be provided both on and off-site, which shall have regard to the potential for significant visual prominence within the wider area of built development at Century Park and which does not increase risk to aviation operations arising from structures, lighting, bird strike or open water and having regard to operational and national security considerations; [and]

- ii. the height and design of buildings will reflect the site's rural fringe setting, its high visibility from surrounding countryside and its proximity to London Luton Airport.

4.7.2 Policy LLP25: High Quality Design

Buildings and spaces will be of high-quality design with distinctive character and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough.

In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to:


- i. enhance the distinctiveness and character of the area by responding positively to the townscape, street scene, site and building context, form, scale, height, pattern and materials, distinctiveness, and natural features including biodiversity;
- ii. create or enhance attractive safe, accessible, and active open public spaces, creatively using hard and soft landscaping and public art for all members of the community; and
- vi. provide green infrastructure and measures to protect, conserve, or enhance natural assets and biodiversity.

4.7.3 Policy LLP27: Open Space and Natural Green Space

The Council will work with developers, landowners, and stakeholders and support proposals that safeguard and enhance existing networks of open space (including the District and Neighbourhood Parks identified in the Policies Map) and establish new green infrastructure within the Borough in accordance with standards established in the Green Infrastructure, Nature Conservation and Greenspace Strategies (including for recreation and biodiversity).

Loss of Open Space

- B. Development proposals that result in the loss of open space, parks, allotments, important green space, and green infrastructure will only be permitted where the most up-to-date evidence demonstrates that the open space is not in an area of identified deficit in the locality and is surplus to requirements. Exceptionally, losses will also be permitted where:

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- i. Replacement open space provision can be made that is of an equivalent type, quality, and quantity or better and is accessible and within the vicinity; or
 - ii. The proposal is for alternative or ancillary sports and recreational provision, the need for which clearly outweighs the loss.

Development on Open Space

- C. Development will only be permitted on parks, playing fields, other outdoor sports facilities, allotments, or other important green spaces shown on the Policies Map, where development is complementary, and limited in scale securing the efficient and effective use of the existing green space.

4.7.4 Policy LLP29: Landscape & Geological Conservation

- A. Development Proposals will be supported where they protect, conserve, or enhance the character, setting, and natural beauty of national and local landscape areas, according to the following hierarchy of designations:

- i. Tier 1 National Landscape Areas
 - The special character, natural beauty, landscape and setting of the Chilterns Area of Outstanding Natural Beauty;
 - The historic character and environmental quality of Registered Parks and Gardens and their setting;
 - The historic integrity, biodiversity and recreational value of Registered Commons, and their settings; and
 - The environmental and recreational value of Access Land and Section 15 Land as identified under the Countryside and Rights of way Act (2000).

- ii. Tier Local Landscape Areas

A robust two-tier system of designated local landscape areas has been introduced to replace the ad hoc local landscape designations in earlier local plans. It is derived from the Landscape Character Assessments of 2014 and sites assessed against a standard range of landscape criteria. The most significant local landscapes are designated and shown on the Policies Map as:

- a. **Areas of Great Landscape Value (AGLV)** that include the most important green corridors and sites adjoining the Chilterns AONB:
 - Stopsley Common;
 - Dallow Corridor (includes Bluebell Wood);
 - Stockwood Park;
 - Bradger's Hill Corridor (includes Popes Meadow and Bell's Close);
 - Bramingham Wood Corridor; and
 - Great Bramingham Park.
- b. **Areas of Local Landscape Value (ALLV)** that include areas of more limited value within the local context:
 - Hart Hill;
 - Someries Farm & Dane Street Farm;
 - Turnpike Drive;
 - Lower Lea Valley;
 - Lewsey Park;
 - Wigmore Rural;
 - Upper Lea Valley; and
 - Putteridge Edge.

Geological Landscapes

Regionally Important Geological Sites that are a statutory designation will also be afforded a level of protection from harm consistent with their tier 1 statutory designation.

- B. Planning applications will be supported where they protect or enhance and add to the designated ROW network (including informal pedestrian routes) giving access for all users, where feasible, to the countryside and green space, provided that:
 - iii. Traditional and historic routes are maintained, such as Icknield and Theed Ways, Hexton Way, Dallow Land and the Old Bedford Road; and

- iv. Access is designed and regulated to encourage biodiversity and prevent inappropriate use of materials, planting, signage and potential anti-social uses e.g. from motorcycles and vehicles.

Key Local Issues

- 4.7.5 With regard to the visual implications of the Proposed Development to the built environment, the primary concern of the LPA in respect of the dDCO relates to the containment of the impacts to the existing area surrounding the Airport, meaning that the character and setting of other parts of the Town remain materially unaffected.
- 4.7.6 In terms of the landscape implications associated with the Proposed Development, three areas of local landscape value (ALLV) are considered relevant to the assessment:
 - Someries Farm & Dane Street Farm to the south;
 - Wigmore Rural to the north-east; and
 - Lower Lea Valley to the west.
- 4.7.7 Although other areas, such as Stockwood Park, are recognised within the Local Plan and its supporting evidence, and the dDCO considers impacts upon other character areas, other areas and assets are well-distanced and/or screened from the Proposed Development.

Adequacy of Application/dDCO

- 4.7.8 Chapter 14 of the ES considers the landscape and visual implications of the 'Proposed Development', assessing the impacts from all directions. The assessment also considers landscape and visual impacts of the Proposed Development across all phases and the corresponding design years. This is then followed by a qualitative sensitivity analysis, which considers six scenarios.
- 4.7.9 The Chapter then goes on to consider mitigation proposals relating to design and landscaping, before discussing residual effects associated with both landscape and visual interventions, and discussing landscape and visual impacts in combination with climate change implications.
- 4.7.10 The embedded and good practice mitigation measures are considered to be an appropriate response, appropriately addressing the adverse impacts that

the report goes on to consider. Some of these are significant and would remain so over the lifetime of the Proposed Development, such as with Wigmore Valley Park, however, these impacts have, in part, already been considered as a part of the New Century Park planning permission, which remains implementable up to June 2024. Further, replacement open space would significantly alleviate such significant adverse impacts of the Proposed Development.

- 4.7.11 In terms of impacts from the south, the LPA is comfortable that these landscaped areas would not be significantly adversely affected in the long-term, whilst parts of the Proposed Development that would be visible from western viewpoints would be read against the existing and emerging built environment surrounding Luton Airport Parkway, Dairyborn Escarpment, and the Airport itself.
- 4.7.12 It is, therefore, considered that the dDCO accounts for the LPA's primary concerns relating to the containment of the Proposed Development to the south-eastern corner of the Borough, as well as respecting the identified ALLVs. Consequently, the LPA does not wish to raise any issues in respect of the adequacy of the dDCO in terms of landscape and visual impact.

4.8 Historic Environment and Archaeology

Luton Local Plan 2011-2031

4.8.1 Policy LLP6: London Luton Airport Strategic Allocation

Design and Drainage


F. Development proposals for the London Luton Airport Strategic Allocation will ensure:

- iv. that development proposals, where applicable/appropriate will fully assess the impacts upon heritage.

4.8.2 Policy LLP30: Historic Environment

A. To protect, conserve and enhance Luton's unique and rich heritage, identity, and sense of place, development proposals must take account of the character, setting, and local distinctiveness (including materials and detailing) of local affected heritage assets, and features of particular importance including:

- i. the manufacturing industry and the hat industry;

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- ii. registered parks and gardens, including Luton Hoo and Wardown Park;
 - iii. historic landscape features, such as the Chilterns and River Lea; and
 - iv. prominent listed buildings including within the town centre, the medieval street patterns, the Town Hall, and the Parish Church of St. Mary.

Any degree of harm and benefit arising from development proposals will be assessed against the significance of any affected heritage assets, including:


Designated heritage assets:

- listed buildings;
- conservation areas;
- scheduled monuments; and
- registered parks and gardens.

Non-designated heritage assets:

- locally listed buildings; and
- archaeology.

- B. There will be a presumption in favour of the retention of heritage assets. Development proposals will be supported where they conserve heritage assets, bring them back into appropriate use for the benefit of future generations.
- C. Any harm or loss to a heritage asset requires clear and convincing justification. Substantial harm to or loss of a designated heritage asset should be exceptional or wholly exceptional depending on the significance of the affected heritage assets. It will only be permitted where there are substantial public benefits that outweigh the harm or loss, or the nature of the heritage asset is such that no reasonable alternative use including conversion can be found, and that appropriate marketing or options for grant-funding or charitable/public ownership have been exhausted. Less than substantial harm to the significance of a heritage asset should be weighed against the public benefits of the proposal.



The loss of a building or other element that makes a positive contribution to the significance of a conservation area should be avoided and treated as substantial harm or less than substantial harm depending on the circumstances.

- D. Proposals affecting designated and non-designated heritage assets require a Heritage Statement for validation, setting out the significance of the asset, the resulting impact, and mitigation, addressing the setting of the asset.
- E. Where a site includes, or has the potential to include, heritage assets with archaeological interest, developers should submit an appropriate desk based assessment and, where necessary, a strategy for field evaluation using non-invasive and invasive techniques prior to the determination of the planning application. On the basis of this assessment, an appropriate conservation strategy will be developed, which may include preservation in situ where appropriate and/or full or partial recording, with the record of evidence being made publicly accessible. If non-designated heritage assets of archaeological interest are of equivalent value to a designated asset, they would need to be subject to the same policies for designated heritage assets.
- F. Applicants will be required to record and advance an understanding of heritage assets that are to be lost (wholly or in part). The recording will be in a manner appropriate to their importance and the impact. This evidence (and any archive generated) should be made accessible to the public. Recording and advancing the understanding of heritage assets will be regulated by legal agreements on the phasing of demolition and development.

The Council will seek to:

- maintain a regularly updated schedule of Luton's designated heritage assets and locally listed heritage;
- ensure that heritage assets considered to be at risk of neglect or decay, included on Historic England's at-risk register, are effectively managed and protected; and

- work with stakeholders and the community to establish conservation area appraisals and management plans for its conservation areas.

Key Local Issues

- 4.8.3 Though the Borough of Luton contains many statutory heritage assets, those situated further from the Proposed Development are not considered to be materially relevant to the dDCO. Whilst there could be noise implications associated with the operation of the Proposed Development for Conservation Areas as identified within Chapter 10 of the ES, given the existing noise profiles experienced within these central (to Luton) areas, it is not considered that there would be significant adverse impacts upon the setting of these heritage assets.
- 4.8.4 The LPA, therefore, considers that the only statutory asset that would be affected by the Proposed Development would be Wigmore Hall Farmhouse, which is a Grade II Listed Building located to the north-east of the existing airport to the south of and accessed from Eaton Green Road.
- 4.8.5 London Luton Airport lies within a known archaeological landscape and the Central Bedfordshire and Luton, and the Hertfordshire Historic Environment Records document the presence of archaeological sites both within the scheme's boundary and its immediate surroundings. The known sites affected by the proposed airport expansion within Luton largely survive as sub-surface remains (for example CBHER 10808). The pre-DCO submission archaeological evaluation works undertaken by the applicant (geophysical survey and trial trenching) has confirmed that within the Luton administrative area a Late Iron Age to Roman settlement, including building remains survive. Under the terms of the National Planning Policy Framework (NPPF) and Luton Local Plan 2011-2031, this site is a heritage asset with archaeological interest, with local to regional significance.
- 4.8.6 The key issues affecting heritage and archaeological interest in Luton are, therefore, ensuring that the former is appropriately respected and that the latter is fully investigated and that any deposits are preserved.

Adequacy of Application/dDCO

- 4.8.7 Chapter 10 of the ES considers the heritage significance of Wigmore Hall Farmhouse, first noting that the architectural interest of the building is derived from its symmetrical façade and Georgian appearance. It goes on to identify, however, that the setting of the former farmhouse has been eroded by housing development to the north and hardstanding and unsympathetic extensions to the west and south. Further, the agricultural land that would have provided the Farmhouse within its original setting has long since gone. The LPA would also point out that Wigmore Hall is also in close proximity to the existing airport, associated long-stay car parking, and a local Council-operated waste management facility.
- 4.8.8 The LPA does not consider that the assessment is adequate, and that the conclusion accurately represents the impact of the Proposed Development upon this statutory heritage asset.
- 4.8.9 First, the assessment fails to consider that the Proposed Development would encroach significantly upon Wigmore Hall, at once removing a significant area of existing parkland and leading to elevated land levels and new infrastructure immediately adjacent to the site. Whilst housing now exists to the north and the agricultural land that would have originally existed around the asset has now gone, the existing building continues to benefit from a semi-rural setting that would be lost as a result of the Proposed Development.
- 4.8.10 Further, there is no consideration of the impact of increased activity levels surrounding the heritage asset, with the introduction of Green Horizons Park (formerly known as New Century Park) to its south and additional airport-related development to its south-east.
- 4.8.11 Finally, there has not previously been development to the south-east of Wigmore Hall and, therefore, this would change the setting of the heritage asset when regarded from the south and south-east.
- 4.8.12 It is accepted that the site would have been similarly affected by the New Century Park development, which was granted planning permission in 2021 (LBC ref: 17/02300/EIA), however, there is only limited consideration of these implications within the assessment provided within Chapter 10.

- 4.8.13 Whilst the LPA would agree with the assessments in respect of Luton's conservation areas, it is noted that there is no mention of Rothesay Conservation Area, or reference to it having been scoped out of the heritage assessment. Further, there is no reference to Hart House, a Grade II Listed Building on Kimpton Road adjacent to Luton Airport Parkway Train Station. This is in close proximity to the two multi-storey car parks that are proposed and is adjacent to the departure flight part. There is no assessment of potential impacts on this heritage asset, which is owned by the Applicant.
- 4.8.14 On that basis, the LPA does not consider that the dDCO adequately considers the impact of the Proposed Development upon Wigmore Hall in accordance with Chapter 16 of the NPPF or Policy LLP30 of the Local Plan.
- 4.8.15 In respect of archaeological interests, Schedule 2 of the dDCO sets out the Requirements of the Proposed Development, with Schedule 2.16 dealing with matters concerning archaeological remains. Therein, a written scheme of investigation (WSI) is required to be agreed and for the Proposed Development to be undertaken in full accordance with the WSI.
- 4.8.16 As stated within the provided SoCG, the WSI scope and methodology for trial trenching and trial trench evaluation undertaken to inform the ES was agreed. It is also agreed that the majority of archaeological works would be carried out in advance of construction activities, as set out within the Cultural Heritage Management Plan (CHMP). That preservation in situ is no longer proposed due to the fragility of deposits and the damage that would be likely, is welcomed.
- 4.8.17 In light of these recent developments, it is considered that the dDCO adequately addresses archaeological implications of the Proposed Development.

4.9 Surface Access, Traffic and Transportation

Luton Local Plan 2011-2031

4.9.1 Policy LLP6: London Luton Airport

- B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported

where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

- viii. incorporate sustainable transportation and surface access measures that, in particular, minimise use of the private car, maximise the use of sustainable transport modes and seek to meet modal sift targets, all in accordance with the London Luton Airport Surface Access Strategy; and
- ix. incorporate suitable road access for vehicles including any necessary improvements required as a result of the development.

4.9.2 Policy LLP31: Sustainable Transport Strategy

The strategy for sustainable transport in Luton is based on the vision for the Local Transport Plan 2011-2026, which is to ensure that an integrated, safe, accessible, and more sustainable transport system supports the economic regeneration and prosperity of the town.

- A. The Council will work with its partners, agencies and developers to deliver:
 - i. Reduced congestion around the town centre and key strategic routes including seeking to deliver targeted road and junction improvements needed to accommodate Luton's growth including strategic and local improvements to address cross-boundary growth while promoting sustainable modes of transport;
 - ii. sustainable connections via the Luton Dunstable busway serving the conurbation with potential links to neighbouring authorities and key developments in Luton;
 - iii. improved accessibility and connectivity for a more pedestrian friendly town centre environment for all users;
 - iv. controlled parking within the town centre, district, and neighbourhood centres to support sustainable local service delivery, housing, and jobs, linked trips and accessible destinations; and
 - v. controlled freight traffic and facilities by using traffic management on key corridors and routes into Luton and potential development sites on its borders.
- B. Planning permission will be granted for proposed developments that meet the criteria below, where these are relevant to the proposal:
 - i. Minimises the need to travel;

- ii. Provides a sustainable transport choice with priority for buses, pedestrians, and cyclists;
 - iii. Reduces road congestion particularly at peak times;
 - iv. Reduces the safety risk to motor vehicles, non-motorised, and vulnerable users;
 - v. Provides cycle parking/storage; and
 - vi. Ensures the quality of the local environment is not compromised.
- C. Transport assessments, transport statements, and travel plans should be provided for developments (as set out in Appendix 7) and should conform to the stated requirements.

London Luton Airport

- D. Support for the continued economic success of London Luton Airport as a transport hub (Policy LLP6) will be delivered through:
- Measures to ensure there is capacity at strategically important junctions; and
 - Continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy.

Improvements Needed and Safeguarded Land

- E. The following strategic infrastructure schemes are needed to support proposed development and land is safeguarded for this purpose where needed as shown on the Policies Map:
- Luton Airport Parkway Railway Station North Entrance – dedicated tunnel to accommodate a feasible and viable public transport based solution linking to the airport;
 - Century Park Link – Access road to Century Park;
 - East Luton Circular Road (North including the Weybourne Link); and
 - Luton Railway Station improvements.
- F. In addition to the above new sections of road, the following junctions on the priority traffic network in Luton will require improving to cater for increased travel generated, in particular by strategic allocations both within Luton and neighbouring areas, some of which may require additional land to be safeguarded as shown on the Policies Map:

- New Bedford Road/Austin Road/Kingsdown Avenue signals – widening of New Bedford Approaches;
- Chapel Viaduct/Castle Street roundabout – conversion to signal control or grade separation;
- Hatters Way/Chaul End Land roundabout – additional approach lanes on Hatters Way (sign cyclists via underpass/busway route);
- Vauxhall Way/Crawley Green Road – additional longer approach lanes on Vauxhall Way;
- Vauxhall Way/Stopsley Way/Hitchin Road – additional approach lanes on Stopsley Way & Vauxhall Way (includes dedicated slip for this left turn movement);
- Vauxhall Way/Eaton Green Road – additional approach lanes;
- Kimpton Road/Vauxhall Way roundabout – replace roundabout with signals;
- Hitchin Road/Stopsley Way/Ashcroft Road – improvements to existing roundabout;
- Old Bedford Road/Barnfield Avenue signals – additional approach lanes on Barnfield Avenue;
- Eaton Green Road/Lalleford Road roundabout – additional approach lanes on Eaton Green Road; and
- Old Bedford Road/Stockingstone Road signals – additional approach lanes on Old Bedford Road (south).

4.9.3 Policy LLP32: Parking

Parking provision in Luton will be managed to ensure that a proportionate number of spaces are available to support the growth of the town centre.

- A. Proposals for reducing on-street parking in and around the town centre and for car free development may be supported in areas of high public transport accessibility including when linked to park and ride facilities, provided that:
- i. There is no adverse impact on occupier amenity in other areas through displaced on-street parking;
 - ii. They are supported with a travel plan that promotes car clubs where feasible; and

- iii. The impact on short-term parking is minimised.

Parking provision will be stringently controlled at London Luton Airport (in line with Policy LLP6C). Parking provision at the Luton & Dunstable Hospital will be stringently controlled to ensure that on site provision is prioritised.


B. Development will be permitted providing that:


- i. Car parking provision should not exceed the maximum standards set out in Appendix 2 in order to promote modal shift, however, within those standards, sufficient parking should be provided to help ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided;
- ii. Minimum cycle parking standards set out in Appendix 2 is provided for non-residential developments;
- iii. Cycle storage of an appropriate standard is provided for residential developments; and
- iv. Parking standards shown in Appendix 2 are minimised in identified areas demonstrated to be of high accessibility.

Key Local Issues

- 4.9.4 In the Council's Relevant Representations, surface access was identified as one of the main issues for consideration, including the impact upon the local and strategic highway network, as well as the implications for public transport and a modal shift.
- 4.9.5 The main modes of travel to the Airport are private car, private hire vehicles/taxis, train, and bus. Some 60% of passengers tend to travel by car, with the other 40% using public transport. In 2023, access via train was improved with the opening of the Luton DART, together with the enhancements to the East Midlands Railway connection, with the Luton Airport Express which runs every 30 minutes from St Pancras and delivers passengers to the airport in less than half an hour. Generally north-south links to the Airport (whether road or rail) are good, whereas east-west links (both by rail and road and particularly by public transport) are lacking.
- 4.9.6 For passengers using the road network, Chapter 18 of the Environmental Statement records that 76% travelling to and from the Airport by car use the

- M1 Motorway, coming from Junction 10 along New Airport Way (the A1081) to the Airport.
- 4.9.7 Other routes providing access to the Airport include the A505 Airport Way which then links to Vauxhall Way (A505) heading north, before turning east at Hitchin Road (A505) linking towards Hertfordshire. The B653, accessed from the A1081, provides a link to the south via Harpenden. Eaton Green Road to the north of the Airport, provides links to the villages to the east of the Airport (such as Breachwood Green and King's Walden), or Vauxhall Way to the west.
- 4.9.8 The dDCO includes the provision of a new access road providing a link from the A1081 to Terminal 2. This dual carriageway was part of the previously approved New Century Park development (LBC ref: 17/02300/EIA) which also included a link to Eaton Green Road.
- 4.9.9 Whilst Policy LLP6D(i) of the Local Plan states that the new access road should *“be designed so as to ensure that no use is made of Eaton Green Road to provide access to Century Park or the Airport, except for public transport, cyclists, pedestrians and in case of emergency”*, the report to the Planning Committee at which the New Century Park application was considered, referred to the reason provided by the Local Plan examining Inspector in his final report, which was namely *“the need to avoid channelling traffic onto Eaton Green Road.”* The modelling associated with the Transport Assessment that accompanied the New Century Park application, showed that the link road was important in order to ease congestion on the local road network. The Council's Highways Engineer judged that the link road would have considerable benefits to traffic flow on Eaton Green Road and at its junctions, which would have knock on benefits with the wider local road network.
- 4.9.10 However, the Council's Highways Engineer noted that if the access were provided in advance of the New Century Park access road being completed, then there would be disbenefits for the adjoining highway network and residential areas. A condition was therefore imposed requiring the New Century Park access road to be fully operational before later phases of the development were occupied (a similar condition had been required by Highways England [now National Highways] in relation to later phases of the development).

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- 4.9.11 In our submission of Preliminary Areas of Disagreement Summary Statement (PADSS), we commented that *“the Eaton Green Road Link is shown as a dual carriageway which is a change from a previously approved scheme and the LPA requires justification for its need.”* Having reviewed the plans that were approved with the decision for New Century Park (LBC ref: 17/02300/FUL), this statement was in fact incorrect. The approved drawings for New Century Park do in fact show the link to Eaton Green Road as a dual carriageway.
- 4.9.12 Significant emphasis is placed on public transport services in the dDCO but there is little detail as to what is envisaged in terms of bus, coach or rail service improvements.
- 4.9.13 With regard to bus and coach travel, no detail of new or enhanced services to meet predicted demand in the assumed modal shift is provided or whether there is adequate capacity to meet the increased numbers. Whilst a commitment is expressed in the dDCO to supporting interventions relating to strengthening bus services that operate to and from the Airport, there should also be a commitment to a feasibility study to identify and develop new routes. There should also be a commitment from the Applicant to work with the Council’s Enhanced Partnership Board, a decision making body comprising local bus operators and the Council that makes strategic decisions to improve bus provision and customer satisfaction.
- 4.9.14 In terms of rail services, more detail is required as to how the Applicant intends to work with Network Rail and train operators to grow rail passenger numbers and how growth might be achieved (whether through capacity, line speed or infilling timetable gaps to increase capacity). The Applicant needs to provide more detail as to how the Airport will work with train operators to achieve improvements to services and capacity. Reference is made to maximising opportunities associated with East-West Rail, but more specific actions by the Applicant need to be identified and put in place (such as the development of a business case that appraises the benefits of linkages to the Airport). The dDCO is not clear as to how maximising the number of rail services calling at Luton Parkway Station will be achieved.
- 4.9.15 The Travel Plan will be key to achieving real shifts to public transport, as well as encouraging cycling and walking. In this regard, the Travel Plan will need regular reporting, monitoring, and review of the various targets. Whilst a five



year plan period may fit with the current review of the Airport Surface Access Strategy, there should be a commitment to review the public transport targets in the early years to ensure that the focus on continually reducing impacts of private vehicle use is maintained, and more ambitious targets put in place. Maintaining the 45% target throughout Phase 2a and 2b implies that there is greater impact on the highway network in the later phase if the 45% target is achieved in Phase 2a, therefore later targets should be more ambitious.

- 4.9.16 The Staff Travel Plan should not be restricted to employees of the airport operator, rather there should be a concerted effort to secure travel plan coverage for all companies working at the Airport and not just the airport operator.
- 4.9.17 The relationship between the Surface Access Technical Panel (part of the ESG), the Airport Transport Forum (set up by the Airport Operator) and the LPA (as authority responsible for monitoring and enforcing requirements) will need to be clarified, with appropriate funding mechanisms in place. Funding associated with the measures contained within the Travel Plan (such as the ‘toolbox of travel plan measures’ [set out in Section 5.1 of the FTP], and new bus route development), together with the regime for monitoring and compliance, will need to be provided by the Applicant through a Section 106 agreement.
- 4.9.18 Other sustainable transport measures referred to in the dDCO include measures related to car sharing and cycling, again greater detail and commitment is required. With regard to car sharing, it is not clear how the Applicant will fund, incentivise, market and monitor lift-sharing programmes for staff and passengers in order to maximise their take-up. Further clarification is required as to what improvements are advocated to secure car sharing referenced in Table 4.1 of the Surface Access Strategy (SAS).
- 4.9.19 The Framework Travel Plan (FTP) proposes to identify suitable commuter cycling corridors and routes to be improved (Table 5.3), this could be more specific. The Transport Assessment refers to proposed enhancements identified along Vauxhall Way (paragraph 5.4.14), but in addition to this, a commitment should be made, by The Applicant, to funding the design and construction of cycle route J in the Council’s Local Cycling and Walking Infrastructure Plan (LCWIP). This is a strategic cycle link and improvements

could be made to it in the vicinity of Wigmore Lane, Eaton Green Road and Airport Way.

- 4.9.20 If mode share targets in the Travel Plan and Transport Assessment are not achieved, the local highway authority is concerned that there could be increased parking demand both at the Airport and in off-site locations. For staff working at the Airport the LPA considers that more detail needs to be provided on how parking numbers will be restricted to encourage a mode shift, and what incentives will be provided to ensure that staff can access the Airport via public transport. In terms of passenger parking, there is already concern in the town in relation to fly-parking associated with the Airport, and the Applicant will need to consider measures to limit parking in residential areas and pressure from private hire companies waiting in surrounding neighbourhoods.
- 4.9.21 The dDCO Transport Assessment, and chapter 18 of the Environmental Statement, refer to the East Luton Study, undertaken by Arup on behalf of the Council, which identified schemes to address traffic pressures associated with growth identified in the Local Plan and neighbouring authorities. The CBLTM-LTN strategic model and the VISSIM model have assumed that these improvements will take place by 2027, responding to background growth (the Applicant's 'do minimum' scenario). In addition, the Applicant has allowed for junction improvements on Luton's highway network associated with the Proposed Development in the 'do something' scenario. The local highway authority considers that a proportionate degree of flexibility in timing and design may be required since the application drawings reflect early state 'outline' design, and potential site constraints and changes in land-use could necessitate changes and more detailed design. On-going discussion with the Applicant is therefore anticipated.
- 4.9.22 The LPA considers that the Section 106 agreement will need to provide for sufficient funding to deliver the necessary highway improvements and to tie in with wider investment associated with improvements to the road network, together with aligning with the Council's five year Highways Works Plans. The local highway authority would utilise existing governance arrangements, such as the Council's Transport Board, to determine the development stages of scheme delivery and report on progress in the implementation of the schemes.

4.9.23 The dDCO also considered that some form of improvement to motorway capacity, such as hard shoulder running (alternatively referred to as ‘all lane running’) was likely in 2039 in the ‘do minimum’ scenario, as without it the growth in traffic travelling south was likely to seek alternative routes to avoid congestion on the M1 Motorway between junctions 10 and 9. Appendix 18.5 of the Environmental Statement also included a sensitivity test whereby the hard shoulder running is not included in the model. Whilst traffic flowing south might look for alternative routes, the conclusion from the sensitivity test was that the changes in traffic patterns would not have significant environmental effects, however, at the Preliminary Meeting on 10 August 2023 the Applicant indicated that further testing of the model was being carried out for review by National Highways in December 2023. The LPA reserves its position on this matter until the local highway authority has been able to test and review this information and be satisfied that the Proposed Development will not result in unacceptable pressure and congestion occurring on the local road network.

Adequacy of Application/dDCO

4.9.24 Traffic and transportation are addressed in chapter 18 of the environmental statement, together with its associated appendices, whilst a full Transport Assessment (together with appendices) accompanies the dDCO. Two further supporting documents include the Framework Travel Plan (FTP) and the Surface Access Strategy (SAS). It is recognised that further modelling is required by National Highways, in relation to the implications for the M1 Motorway and surrounding highway network following the Government’s decision to stop the roll-out of all lane running, and consequently the Council reserves its position on this aspect. With regard to other surface access aspects, the LPA considers that further detail is required together with commitments from the Applicant.

4.10 Biodiversity and Ecology

Luton Local Plan 2011-2031

4.10.1 Policy LLP25: High Quality Design

Buildings and spaces will be of high-quality design with distinctive character and be safe and easily accessed by all members of the community. Proposals

will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough.

In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to:

- i. enhance the distinctiveness and character of the area by responding positively to the townscape, street scene, site and building context, form, scale, height, pattern and materials, distinctiveness, and natural features including biodiversity; and
- vi. provide green infrastructure and measures to protect, conserve, or enhance natural assets and biodiversity.

4.10.2 Policy LLP28: Biodiversity and Nature Conservation

The Council will work with partner organisations to positively assess, manage, and designate sites and ecological networks including giving support to development proposals that add to the net stock of wildlife habitats or where they help to deliver a net gain in the conservation and enhancement of such sites. The protection given will be commensurate with their status, giving appropriate weight to their importance and the contribution they make to ecological networks.

A. Development proposals that impact adversely on statutory or other designated sites, and ecological networks will need to demonstrate compliance with the following sequential criteria:


B. All existing habitats and ecological networks will be afforded a level of protection from harm according to statutory and non-statutory nature conservation hierarchy designations and the contribution they make to wider ecological networks. Tier 1 designations are of national statutory importance and tier 2 and tier 3 are of regional or local importance but with policy protection in this statutory local plan:

- Tier 1 National Nature Reserves and Sites of Special Scientific Interest;
- Tier 1 National Biodiversity Action Plan;
- Tier 1 Habitats and Species listed in Section 41 of the Natural Environment & Rural Communities Act (2006);
- Tier 1 Species protected law;

- Tier 1 or 2 Ancient Woodland;
 - Tier 2 Local Nature Reserves including those previously proposed;
 - Tier 2 County Wildlife Sites;
 - Tier 2 Sites of Heritage Interest to Natural England;
 - Tier 2 Local Biodiversity Action Plan;
 - Tier 3 District Wildlife Sites; or
 - Tier 3 other features of biodiversity value within the green network including aged or veteran trees.
- C. Sites within Luton deemed of tier 1 importance by Natural England for potential SSSI designation in association with the Bedfordshire Chalk include Bradgers Hill, Dallow Downs, and Cowslip Meadow.
- D. Where there is a reasonable likelihood that a development proposal could have an adverse effect on habitats or species of biodiversity interest, the prospective developer will be required to submit an ecological assessment with the planning application. This should normally include a phase 1 habitat survey and protected species information. If invasive weed species listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales are present, such as Japanese Knotweed and Himalayan Balsam, an invasive species management plan should be submitted.
- E. Development site layouts should retain any existing areas of National Priority Habitats wherever possible, and to enhance their visual and biodiversity value with appropriate planting of locally native trees, shrubs, and hedgerows but only in such locations that the long-term impact on existing habitats (grasslands, hedgerows, ponds, etc.) is not deleterious through effects of shading, leaf fall, or other impacts.

Key Local Issues

- 4.10.3 The 'Main Application Site' directly effects Wigmore Valley Park, which, in part, comprises a county wildlife site (CWS). This impact amounts to loss of the CWS, which is proposed to be replaced to the east. It is noted that this major adverse impact would not be fully mitigated through the short- and medium-term, whilst the replacement habitat becomes fully established.
- 4.10.4 Chapter 8 of the ES goes onto consider impacts upon the Dairyborn Scarp and Luton Parkway Verges district wildlife sites (DWS), identifying that there



would not be significant impacts during Phase 1. Phase 2b would initially see moderate adverse impacts upon both sites, with this reducing to minor adverse effects in the medium-to-long-term thanks to embedded mitigation and management. No additional effects have been identified with Phase 2b.

4.10.5 The CWS and both DWS were also affected by the New Century Park application, approved in June 2021.

4.10.6 In addition to the replacement of the CWS, the LPA welcomes the opportunity for biodiversity net gain (BNG), though the LPA is concerned that the level of BNG does not maximise the opportunity. The LPA would also seek to ensure that all BNG measures are properly managed through the requirements of the dDCO.

4.10.7 Nitrogen generated by the vehicles is of greatest concern within Luton and this is the pollutant that poses the greatest threat to biodiversity within the Borough. Measures to mitigate and control are an important consideration for the LPA.

Adequacy of Application/dDCO

4.10.8 It is considered that the information provided within Chapter 8 of the ES is adequate and that an accurate assessment of the impacts on biodiversity within Luton can be undertaken through the dDCO.

4.10.9 The LPA understands the limitations of providing certain types of landscaping, planting and other BNG interventions given the sensitivity of aircraft to medium-to-large sized birds and/or flocking species. There remains, however, significant opportunity for biodiversity enhancements, which the LPA considers to be paramount given the loss of the existing CWS. On that basis, it is considered that the dDCO, although addressing the new national requirement for BNG, should be looking to go further than the minimum requirement and seek a more ambitious target of 20% net gain.

4.10.10 It is currently considered that the Proposed Development would have a negative impact upon biodiversity in the Borough.

4.11 Public Health and Wellbeing

Luton Local Plan 2011-2031

4.11.1 Policy LLP1: Presumption in Favour of Sustainable Development

A 'presumption in favour of sustainable development' will be applied to development management decisions. Wherever possible, the Council will work proactively and positively with all applicants to help shape development proposals to deliver growth and sustainable development that can be approved without delay.

- A. Planning permission will be granted where applications accord with local plan policies (and, where relevant, with policies in neighbourhood plans) when taken as a whole, unless other material considerations indicate otherwise.
- B. The Council will require all new development in the Borough to contribute to enhancing a sense of place, preserve or improve the character of the area. Development proposals should respond to and enhance local character, the natural environment, heritage assets, and the identity of the Borough.

The Council will seek to encourage growth and sustainable development and manage change so as to create a network of connected, sustainable, high quality, locally distinctive and healthy places.

Growth in homes, jobs and services that constitutes sustainable development will be welcomed; provided the growth is directed to places with good concentrations of existing infrastructure or areas where there is capacity to grow with further sustainable infrastructure investment within the plan period to 2031. The Strategic Allocations and Luton Town Centre will be the primary location for growth, with District and Neighbourhood Centres also playing a

substantial role as the heart of the communities of Luton (see the Key Diagram).

Sustainable Development Principles

To enable the delivery of sustainable development and sustainable communities, all development proposals will, where applicable, have regard to relevant plan policies.

4.11.2 Policy LLP25: High Quality Design

Buildings and spaces will be of high-quality design with distinctive character and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough.

In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to:

- ii. create or enhance attractive safe, accessible, and active open public spaces, creatively using hard and soft landscaping and public art for all members of the community.

Key Local Issues

4.11.3 In the Council's Relevant Representations, it was noted that public health and the wellbeing of local residents would be influenced by the environmental issues identified in the applicant's environmental statement, such as noise, air quality and surface access.

4.11.4 The Airport is situated to the south-east of the town centre, there are industrial and warehouse buildings located on the northern and western sides of the operational airport. To the north, Eaton Green Road separates the commercial areas from the residential areas of Wigmore and Crawley Green, to the east Wigmore Valley Park is open space leading on to agricultural fields, to the south, within Central Bedfordshire Council, agricultural land, and to the west of the airport commercial buildings (including those associated with Vauxhall as well as Capability Green Business Park), Luton Parkway Station, and the residential area of Park Town.

4.11.5 The existing baseline conditions, are important to understanding how the expansion may affect and impact on vulnerable communities and ultimately contribute to reducing or halting further health inequalities in Luton.

- 4.11.6 The LPA would like to draw attention to potential areas of sensitivity. In particular our community assets, the five most common type of assets being: religious institutions; followed by schools and education establishments; thirdly GP and medical centres; sports and leisure facilities; and finally (Council run) community centres.
- 4.11.7 Wards that are more likely to be affected within the study area of the assessment are, Wigmore, Vauxhall and South wards. Whilst these areas have low numbers of community assets (as identified by the Council) in absolute terms, the most common type of asset identified are schools and educational establishments and community centres. As part of the baseline assessment it should be noted that sensitive receptors, such as school children, the elderly and vulnerable groups are more likely to make use of these assets. Therefore, they may be adversely affected by the airport expansion in relation to proximity and key determinants such as noise, traffic/surface access, and nuisance (both during construction and operational stages).
- 4.11.8 In May 2023, a new ward was introduced in Luton (Poets), making a total of 20 wards, of which, some wards were also renamed and modified. It is also worth noting that the boundaries of all wards have changed, none have stayed the same. The baseline assessment should make reference to the key wards within the identified study area and appropriately reference Crawley Road and the 'Crawley Road area' as it is known locally.
- 4.11.9 Health conditions based on key area East Luton (includes: Round Green; Stopsley; Wigmore; and Vauxhall Wards), show that this area has the second highest proportion of residents who are over 65 years old (15%), compared to other areas in Luton i.e. North Luton, West Central Luton and South and Town Centre.
- 4.11.10 Furthermore, in terms of ranking of health conditions, chronic obstructive pulmonary disease (COPD) and cancer prevalence rank highest in East Luton compared to the other areas named above. Whilst in South and Town Centre area, serious mental illness, Year 6 children who are obese and cancer deaths are highest compared to other areas of Luton. Other key conditions which

rank second in South and Town Centre area, include people with a limiting long-term illness (aged 65+) and new cases of cancer⁸.

4.11.11 Luton represents just over 3% of the East of England population, yet Luton currently hosts 24% of asylum seekers placed in hotels in the region. This does not include refugees and asylum seekers that are already being hosted in other forms of accommodation⁹. This needs to be considered in the baseline assessment given the potential impact of the development on Luton's housing.

4.11.12 Lone parent households have risen in Luton since 2011 by just over 1%, that is, 12% to 13.3% in 2021¹⁰.

4.11.13 A significant health effect has been identified during the construction, and minor positive health affect during the operational phases of the Proposed Development in relation to the health determinant of 'employment and income'. During construction, the assessment correctly states that there is strong evidence to suggest that *"improved employment status is linked to health and wellbeing benefits ranging from improved self-esteem and mental health to physical health benefits associated with access to healthier lifestyle choices."*

4.11.14 This is further confirmed by Luton's Social Progress Index (measure of actual life outcomes based on social and environmental needs) which shows a direct correlation between Mean Gross Disposable Income and Social Progress Index Score¹¹. The largest effect from improving employment opportunities and therefore health and wellbeing, will be on those who have the lowest skills and qualification who are from firstly within Luton, but also wider areas, if residents are able to access the appropriate skills and training opportunities in advance of construction and operational phases of the Proposed Development.

4.11.15 The Proposed Development will result in the demolition of a purpose-built childcare facility during the construction phase, and correctly notes that this is

⁸ Luton Insights: <https://lutoncouncil.communityinsight.org/>

⁹ <https://m.luton.gov.uk/Page/Show/news/Pages/Concern-about-welfare-of-asylum-seekers-in-Luton.aspx?redirectToMobile=True#:~:text=Luton%20represents%20just%20over%20three,in%20hotels%20in%20the%20region>

¹⁰ <https://www.ons.gov.uk/visualisations/censusareachanges/E06000032/>

¹¹ Luton Social Progress Index 2023 Wards: <https://public.tableau.com/app/profile/social.progress.imperative/viz/LutonCouncilSocialProgressIndex2023WardsInternal/SPILutoninternal>

likely to have a significant major adverse effect. However, the LPA encourages continued meaningful engagement with the owners and operators to identify appropriate and suitable mitigation and would seek to ensure that this is captured through a legal agreement.

4.11.16 Noise is addressed in a separate section, but it is worth noting that noise can result in sleep disturbance and annoyance. It should be noted that the Council's Public Health Data indicates that Luton's complaints about noise have experienced no significant changes between 2020/21¹². This may partly be attributed to the effects of the Covid 19 Pandemic on travel patterns, with the Airport seeing a significant reduction in air transport movements in those years (the number of movements in 2020 represented only 45% of those from 2019, whilst 2021 was slightly lower at 44% of the 2019 figure).

4.11.17 With regard to residual effects, the ongoing engagement by the Applicant to mitigate and reduce perception and uncertainty regarding the development is welcomed. However, the use of different methodologies to actively engage with communities given Luton's diversity is encouraged. This is particularly true with the study area where there is a high proportion of non-white ethnic groups in South and Town Centre (47.48%) and East Luton (31.52%) and relatively high adult social care demand in each of the areas.

Adequacy of Application/dDCO

4.11.18 Chapter 13 of the Environmental Statement, together with its associated appendices cover health and community. Other sections of the Environmental Statement clearly have a bearing on health and community, such as noise, air quality and surface access, whilst the dDCO is also supported by various risk assessments, including a Quantitative Risk Assessment that considers the risk to health from asbestos in soils and gas from landfill associated with the former Eaton Green Landfill Site (comments are made in relation to this aspect within section 4.5 above [Land Quality, Contamination and Groundwater]).

¹² OHID Fingertips Public Health Data: Wider Determinants of Health, Neighbourhood Design

4.12 Climate Change and Greenhouse Gases

Luton Local Plan 2011-2031

4.12.1 Policy LLP25: High Quality Design

Buildings and spaces will be of high-quality design with distinctive character and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough.

In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to:

- viii. Reduce carbon emissions, risk of flooding, and increase energy and water efficiency and quality.

4.12.2 Policy LLP37: Climate Change, Carbon and Waste Reduction, and Sustainable Energy

The Council will support development proposals that contribute towards mitigation, and adaptation to climate change through energy use reduction, efficiency, and renewable and decentralised energy.

C. All new non-residential developments over 1,000sq.m will be required to achieve the 2013 Building Research Establishment Environmental Assessment Method (BREEAM) 'Good' status.


D. Energy hierarchy:

- i. Consider reducing energy and water demand;
- ii. Consider energy generation from low and zero carbon sources on site;
- iii. Consider decentralised energy networks and generation; and
- iv. Consider off-site solutions, retro-fitting, and carbon reduction schemes.

Key Local Issues

4.12.3 Climate change is a global issue and, whilst many of the objections to the planning application focussed on climate change issues, the position of the Government on climate change is that it is to be addressed at the international and national level.

4.12.4 The Council has declared a climate emergency, and prepared a number of strategies and documents that inform the Council's approach to climate



change and greenhouses gases and target net zero carbon by 2040. This is 10 years ahead of the Government's target of 2050. The impacts of climate change are, therefore, considered to be a significant issue and measures to mitigate adverse impacts will need to be fully considered within the requirements of the dDCO.

- 4.12.5 The LPA welcomes the creation of Community First with grants to projects supporting decarbonisation in connection with the Council's objective of achieving carbon neutrality by 2040. Greater detail will need to be provided in relation to the operation of Community First, particularly in relation to its administration and whether it is realistic that when the Airport is operating at 32mppa, £14 million will be able to be available to community bodies (this would require 560 organisations to receive £25k, or more organisation if lesser amounts are provided). Further, given one of the key priorities is carbon neutrality by 2040, Community First should be front loaded, possibly with an initial kick-off lump sum to energise the community sector and support local decarbonisation and green skills, whilst it is not clear what will happen post the 2040 target.
- 4.12.6 The LPA is especially cognisant of surface access implications of the Proposed Development. Whilst Scope 3 emissions may not be directly produced by the Airport, it is possible to influence these emissions, whether through the award of contracts with incentivisation schemes, or through measures to encourage a modal shift to public transport usage.
- 4.12.7 The dDCO assumes that sustainable modes of transport will only account for 40% of passenger journeys in Phase 1 (21.5mppa by 2027, therefore a further 2.1mppa will be using private modes of transport compared to the 10.8mppa in 2019), whilst in Phase 2a that target is projected to increase to 45% of the 27mppa (so 14.85mppa would be using private vehicles) and in Phase 2b that percentage would not change, meaning 17,6mppa would be using unsustainable modes of transport to and from the Airport.
- 4.12.8 Whilst Green Controlled Growth sets thresholds for surface access, the overall sustainable mode travel target is still only based on either 40% or 45% of total passenger movements, and the LPA considers that the SAS and any adopted Travel Plan should build in review mechanisms to seek to increase the mode share to public transport.

4.12.9 The LPA considers that the Civil Aviation Authority (CAA) passenger survey data should be augmented with additional monitoring measures by the Applicant in order to provide a more comprehensive basis for monitoring mode share, The LPA is concerned that the annual CAA survey may not be adequately representative, for instance in 2019 whilst 17,879 departing passengers were interviewed¹³ this equates to less than 0.1% of total passengers. Further, the survey results include interviews where the passengers may not have answered all the core questions, and given that interviews last for 5-7 minutes (with around 30 questions¹⁴), it would seem likely that families with children may not be captured.

4.12.10 The LPA is also concerned that the SAS and FTP are not ambitious enough with regard to electric vehicle charging. Table 4.1 of the SAS indicates that there are six Tesla Superchargers and four type two charging points for the public, but otherwise it is vague in the provision going forward noting that *“the Proposed Development includes EV charging points for cars using the Airport car parks”* (paragraph 6.3.8). The Transport Assessment notes that *“the intention would be to provide the infrastructure required for future installation of EV charging in new car parks and to provide EV charging points to meet demand, which would be monitored”* (paragraph 8.3.43) indicating that more details on the approach to EV charging infrastructure is provided in the FTP, however, no detail is provided within that document, other than the comment in Table 5.4 that the Promoter will work with the operator to conduct feasibility assessments for the provision of EV charging based on expected demand and charging patterns.

Adequacy of Application/dDCO

4.12.11 Chapter 9 of the ES discusses the Applicant’s approach to climate change resilience during both the construction and operational phases of the Proposed Development. Chapter 12 then considers Green House Gases from four key activities associated with the Proposed Development: aviation, airport operations, surfaces access, and construction.

¹³ CAA Passenger Survey: https://www.caa.co.uk/media/23clahus/t01_2019.pdf

¹⁴ CAA Sampling Methodology: <https://www.caa.co.uk/data-and-analysis/uk-aviation-market/consumer-research/departing-passenger-survey/sampling-methodology/>

4.12.12 Cumulatively, the LPA considers that the assessments relating to climate change and greenhouse gases are adequate, though more specific interventions and mitigation will need to be applied. It is anticipated that the Proposed Development would have a neutral impact.

4.13 Water Resources and Flood Risk

Luton Local Plan 2011-2031

4.13.1 Policy LLP6: London Luton Airport Strategic Allocation

Design and Drainage

F. Development proposals for the London Luton Airport Strategic Allocation will ensure:

- iii. provision is made for sustainable drainage and the disposal of surface water in order to ensure protection of the underlying aquifer and prevent any harm occurring to neighbouring and lower land.

4.13.2 Policy LLP36: Flood Risk

A. The risk and impact of flooding will be minimised through:

- i. Directing new development to areas with the lowest probability of flooding;
- ii. Ensuring that all new development addresses flood resilience, and the effective management of flood risk, including opportunities for appropriate dry access for emergency vehicles;
- iii. Ensuring that development does not increase the risk of flooding, including cumulative impact on adjoining and surrounding land and in the wider catchment; and
- iv. Ensuring wider environmental benefits of development in relation to flood risk and contribute towards delivering “good ecological status”.

The suitability of development proposed in flood zones will be assessed using the sequential test and, where necessary, the exception test, which will require Level 2 SFRA. A sequential approach should be used at site level.

B. A site-specific flood risk assessment (FRA) is required for the following developments:

- i. Proposals of one hectare or greater in Flood Zone 1;

- ii. All new development (including minor developments and change of use) in Flood Zones 2 and 3;
- iii. Critical Drainage Areas (as defined in Luton's Surface Water Management Plan);
- iv. Where proposed development or change of use to a more vulnerable class may be subject to other sources of flooding.

Appropriate mitigation and management measures must be implemented.

C. All development proposals must be assessed against the Luton Water Cycle Strategy (WCS) and consider recommendations of the Strategic Flood Risk Assessment and Luton Local Flood Risk Management Strategy to address locally significant flooding including:

- i. That FRAs are prepared for any planning application for developments of 5 dwellings or more or for areas greater than 0.5ha;
- ii. Developers consult with the Environment Agency for all planning applications within 20m of watercourses and ensure 8m wide undeveloped buffer is maintained alongside the river channel of main rivers and 5 metre buffers along ordinary water courses.


D. All new development shall be required to provide a drainage strategy and those over 100 dwellings must also provide a site specific WCS. Developments will be expected to incorporate multi-functional sustainable drainage systems which, where feasible, should address water efficiency and rainwater harvesting. SUDS must ensure that run-off rates are attenuated to green field run-off rates in accordance with Luton's Sustainable Drainage Advice. Higher run-off rates would need to be justified and the risks quantified. Where SUDS are implemented, a plan for their long-term maintenance will be required.

The Council will encourage development to reduce the overall flood risk, where possible, through the design and layout of schemes that replace flood plain and enhance natural forms of drainage (this could include, but is not limited to, floodplain creation, green roofs, surface water storage, removing culverts, and barriers to flow).

The Council will work with the Environment Agency in the management of flood risk to ensure that any risk of flooding is appropriately mitigated, and the natural environment is protected in all new development. All development within 8 metres of a main river will require a flood defence consent from the Environment Agency.

Key Local Issues

- 4.13.3 The 'Main Application Site' is located above an underlying chalk bedrock aquifer, whilst also being situated to the north-east of the River Lea, albeit at a significantly elevated level. The aquifer is also present beneath the 'Off-Site Highway' and 'Off-site Car Park' locations. The aquifer is of 'high' importance.
- 4.13.4 The 'Main Application Site' is located in Flood Zone 1, whilst two sections of 'Off-Site Highway' locations are located within Flood Zone 3, being in close proximity to the River Lea. Surface Water flood risk is known to exist to the east of the 'Main Application Site' within the Borough boundary, with various highway improvement locations also known to be susceptible. The 'Main Application Site' is identified as having 'limited potential for groundwater flooding to occur'.
- 4.13.5 The dDCO is supported by a suite of documents addressing water resources, including a Flood Risk Assessment, various risk assessments associated with the former Eaton Green Landfill site, a Water Cycle Strategy and a Drainage Design Statement. The Water Cycle Strategy details how surface water flows associated with the current operation of the Airport are discharged either to the River Lee via the Thames Water sewerage system or the underlying chalk aquifer via the existing Airport soakaways. The report notes that a first flush system is designed to direct the most polluted runoff, such as glycol from de-icing, to the combined sewer network and treatment at the East Hyde Sewage treatment works. However, if there is a heavy rainfall event, the Lead Local Flood Authority is aware that the effluent is flushed out of the system and discharged into the River Lee.
- 4.13.6 The LPA is concerned that during Phase 1, although the Applicant indicates that surface water arising from all new impermeable surfaces would be discharged at the greenfield runoff rate, surface water would continue to discharge to the Central Soakaway, whilst untreated runoff would continue to



be discharged into the Thames Water sewage network – with the on-going risk of discharge into the River Lee following heavy precipitation. This situation is not adequately addressed until Phase 2a, when the Central Soakaway is removed and a new network to control contaminated runoff (including water treatment) is introduced. The LPA considers that additional interventions are necessary within Phase 1, with priority for infiltration and on-site effluent treatment, to ensure that improvements are introduced to address existing concerns.

- 4.13.7 The LPA considers that the application of sustainable drainage is inconsistent. In principle, Sustainable Drainage Systems (SuDS) require four objectives to be addressed, namely: water quantity; quality; biodiversity and amenity. The Proposed Development focuses largely on piped drainage and water quantity control. Some provision is made for water quality, mainly in Phase 2. It is unclear how the biodiversity and amenity objectives of sustainable drainage will be met.
- 4.13.8 Water demand associated with the development is indicated as increasing by 175% by Phase 2b over and above the 2019 baseline. Rainwater harvesting is introduced during Phase 1, with water efficiency improvement measures introduced to maintain potable demand at 2019 baseline levels (7.5l/s) during this phase and the two subsequent phases.
- 4.13.9 The LPA's position is, therefore, that the Proposed Development should not result in significant adverse effects to the water environment within the Borough. Significant interest is, therefore, held in ensuring that the impacts of the Proposed Development are appropriately mitigated through measures to be agreed within the requirements of the dDCO.

Adequacy of Application/dDCO

- 4.13.10 Chapter 20 of the ES considers water resources and flood risk, with the study area having been agreed. The assessment therein has appropriately identified the areas of risk and established the baseline conditions of the dDCO area. The LPA, therefore, considers that the assessment relating to water resources and flood risk is sufficient.

4.13.11 The Proposed Development would have a neutral impact on Luton, however, the LPA consider that acceleration of the proposed mitigation measures would be required within the early phase of the Proposed Development.

4.14 Major Accidents and Disasters

Luton Local Plan 2011-2031

4.14.1 Policy LLP6: London Luton Airport Strategic Allocation

Airport Safeguarding

A. Development that would adversely affect the operational integrity or safety of London Luton Airport will not be permitted. With respect to operational and national security considerations, this includes (but is not limited to) concerns over the height of buildings, lighting, bird activity, and proximity to Public Safety Zones. Refer to Policy LLP34 for the Local Plan policy for the Public Safety Zones.

4.14.2 Policy LLP34: Public Safety Zones

Within the Public Safety Zones (as identified on the Policies Map), planning permission will not be granted for:

- A. any development, including extensions and changes of use, which is likely to result in more people:
 - i. living in the property, unless it is for the purpose of enlarging or improving the living accommodation for the benefit of existing residents; or
 - ii. working or congregating at the property or site.
- B. short-stay car parking (where the maximum stay is expected to be less than six hours);
- C. sorting depots or retail warehouses;
- D. children's playgrounds, playing fields or sports grounds;
- E. sports clubhouses; or
- F. any other development likely to result in significant numbers of people being present at a site on a regular basis.

Key Local Issues

4.14.3 Public safety zones (PSZ) exist to the east and west of the runway, with Policy LLP34 considering development occurring within these areas. These PSZs

are long-standing and there no concerns regarding major accidents or disasters resulting from increased airport activity.

Adequacy of Application/dDCO

4.14.4 Chapter 15 of the ES considers major accidents and disasters and does not identify any significant risk associated with the Proposed Development. The LPA is satisfied with the embedded mitigation and additional mitigation that is proposed and finds that the dDCO is satisfactory in this regard. The LPA anticipates a neutral impact in respect of major accidents and disasters.

4.15 Controls, Monitoring and Enforcement


4.15.1 The LPA has reviewed the Application and notes that there are a number of proposed controls, most notably the requirements set out in the dDCO and the proposed Section 106 agreement. In addition, there are a number of current controls that exist within the Application Site through conditions associated with extant planning permissions and their accompanying legal agreements. The LPA considers that these controls need to be safeguarded should the dDCO be granted.

4.15.2 The main areas of concern for the LPA are set out below, and in order for them to be satisfactorily addressed there will need to be engagement with the Applicant as soon as possible.

4.15.3 The requirements for the Proposed Development are set out in Schedule 2 of the dDCO and are set out across five parts:

- Part 1: General
- Part 2: Requirements Pertaining to Construction
- Part 3: Requirements Pertaining to Green Controlled Growth
- Part 4: Requirements Pertaining to Other Operational Matters
- Part 5: Procedure for Discharge of Requirements
- Part 6: Appeals


4.15.4 Interpretations are provided in Part 1 of Schedule 2, including 'commencement', which features prominently throughout Parts 1, 2 and 4 as a trigger point for many requirements. The definition sets aside various activities that do not comprise 'commencement', however, the LPA is concerned that some of these undertakings may result in impacts that require



mitigation measures to be agreed and introduced, which would otherwise have been captured by the requirements. It is, therefore, considered that further engagement with the Applicant should take place to address this concern.

- 4.15.5 There is reference throughout the requirements to ‘parts’ of the development, however, ‘part’ is not defined in the interpretation, and therefore it is not clear whether this relates to individual elements (such as those set out in the parameters table in requirement 6), or a phase, or some other component of the Proposed Development. This needs to be clarified and defined.
- 4.15.6 When defining passengers, the term ‘infant’ is used, however, there is no definition as to the age group that is covered by this term. ‘Infant’ has differing interpretations and, therefore, it should be made clear what is meant given that this directly impacts the cap on the number of passengers per annum, since infants are not counted towards that cap (this also differs from the recounting of passenger numbers published by the CAA).
- 4.15.7 There are a number of requirements in which consent is deemed to be granted if a decision is not made within 28 days (for instance requirements 11, 13, 15, 16, 19, and 21). There is also an assumption that if the LPA has not granted an application pursuant to a requirement within eight weeks, then it is deemed to be granted (requirement 35). The LPA is concerned that the time limits are too short given that this is a major development, and the issues may be complex, requiring consultation both within the Council and externally, and with limited resources available to the LPA this timeframe may not be achievable. Further, if the Applicant were to submit multiple applications for approval at one time, the pressure to determine them and provide a decision within the timeframe may result in the significance of effects not being adequately assessed. The LPA would therefore value the opportunity to discuss these provision further with the Applicant, together with appropriate resourcing.
- 4.15.8 Requirement 7 provides that no part of the development can commence until written notice (14 days) of the works comprising that part have been given to the relevant planning authority. The LPA would need to understand what is meant by ‘part’ in order to be able to comment as to whether that written notice period is sufficient.

- 4.15.9 Requirement 8 deals with the Code of Construction Practice (CoCP), however, states that the CoCP should only be substantially complied with. This flexibility is considered to be inappropriate given that this is a certified document and that the potential implications of non-compliance could be significant. There is also reference to 'the contractor' developing individual management plans, which is not defined within the interpretations and gives no assurances as to the competence of the person(s) charged with developing these plans.
- 4.15.10 Requirement 17 requires a remediation strategy associated with the Eaton Green Landfill to be approved by the LPA in consultation with the Environment Agency. As highlighted above, requirement 35 sets an eight week time frame on determining applications, otherwise all parts of the application are deemed to be granted without condition or qualification. Clearly, the issues associated with remediation may be complex, and the involvement of a further body (also lacking in resources and reliant on a range of technical experts to provide advice), means that a decision within eight weeks would be unlikely, resulting in an unsatisfactory deemed grant, unfettered by condition.
- 4.15.11 Part 3 of Schedule 2 deals with Green Controlled Growth (GCG). The various thresholds proposed for the four key areas within GCG need to be agreed (air quality, greenhouse gas emissions, noise and surface access), together with realistic limits and appropriate mechanisms to monitor, review and enforce. To date there has been no detail provided by the Applicant to the host authorities in relation to thresholds and limits. Given that GCG is a new approach which has not been used elsewhere, the LPA has sought to understand how GCG would work and whether, for instance, it would have prevented the breaches of the summer noise contour cap that were seen in previous years. The Applicant has not demonstrated that GCG would have prevented the breach of condition 10, and consequently the LPA requests detailed engagement with the Applicant in order to address these concerns.
- 4.15.12 The composition of the ESG (requirement 20) needs to be agreed. Requirement 21 indicates that the Applicant will prepare Monitoring Reports for the ESG, but there is no provision relating to the ESG's review powers or sign off of the Monitoring Reports. This section also provides no detail in relation to the funding for the LPA's involvement with the ESG and the




Technical Panels, which will need to be agreed and referenced within Part 3 of Schedule 2 and included within the Section 106 agreement.

4.15.13 Level 1 Thresholds are referred to in requirement 22, but the wording is not precise, only requiring the Applicant to provide ‘commentary on the avoidance of the exceedance of a limit’ and no role for the ESG to agree to any action or direct that the Applicant needs to take specific action. Whilst for an exceedance of a Level 2 Threshold (requirement 23), the LPA is concerned that the time period of 21 days to sign off a Level 2 Plan will be insufficient. A similar timeframe is proposed in relation to approving a Mitigation Plan (requirement 24) and the LPA is also concerned about reliance upon the Airports Slot Allocation Regulations 2006 (S.I. 2006/2665), since the process for allocation (or withdrawing) slots is not within the control of the LPA, whilst the airport operator may not be able to withdraw slots once allocated. The LPA has sought clarification from the CAA, though the response has been that the DfT rather than the CAA takes the lead on setting policy on slots. There needs to be further discussion with the Applicant in order to address the concerns of the LPA.

4.15.14 Part 4 of Schedule 2 sets out the requirements pertaining to other operational matters, which includes, inter alia, the passenger cap (requirement 26) and the night quota cap (requirement 27). There are no requirements reflecting the existing planning conditions that cover a cap on the number of flights within the early morning shoulder period or a QC cap for the night period. The LPA considers that the existing safeguards that are in place under the current planning permission should be carried forward to protect the amenities of surrounding communities, and not left to the discretion of the Applicant through the GCG process.

4.15.15 Requirement 30 relates to Travel Plans, and requires them to be substantially in accordance with the FTP. Comments have been made with regard to the FTP in the surface access section above, including in relation to targets and review periods. The LPA considers that these matters may be satisfactorily addressed in further discussions with the Applicant.

4.15.16 Part 5 of Schedule 2 establishes the procedure for discharging the requirements of the dDCO. Reference has been made above to requirement 35 which provides for an eight week period to issue a decision on an





application for discharge and the deemed grant if a decision is not provided within that period. In addition, the LPA is concerned that the timeframes set out in requirement 36 are too short. The requirement stipulates that any additional information must be requested within 10 business days of receipt of the application, with notification of consultees within five business days, and notification to the Applicant of receipt of a request from a consultee for further information within five business days of receipt of such a request. Though these timeframes are understood to be standard practice for a DCO, it is considered that these timeframes are too restrictive given the scale of the Proposed Development. The LPA considers that greater flexibility is required in the interests of reasonableness.

4.15.17 The dDCO also includes, in Part 7, reference to the application of the 1990 Planning Act and the interaction between the planning permissions granted in the area covered by the Proposed Development (most notably the permission for the Airport to expand to 18mppa [LBC ref: 12/01400/FUL as varied by 15/00950/VARCON] together with the New Century Park [now referred to as Green Horizons Park] planning permission [LBC ref: 17/02300/EIA]). The interaction between these permissions, including their Section 106 agreements, and the dDCO is an area of concern to the LPA.

4.15.18 The recent call-in public inquiry into the proposed increase in the passenger cap to 19mppa, considered in detail conditions that were still relevant arising from the original planning permission (LBC ref: 12/01400/FUL and the Section 73 variation LBC ref: 15/00950/VARCON). There are still a number of conditions that have yet to be discharged in that planning permission, whilst other extant conditions provide a degree of certainty for local communities in relation to the control of impacts and the safeguarding of their amenities. Various requirements and controls are also secured through the existing Section 106 agreement, yet the implication of Article 44 of the draft dDCO is that the permission will cease to have effect and these controls will no longer be enforceable. The LPA considers that if the Proposed Development is to go ahead then the dDCO should have a comprehensive set of controls that are equivalent to those in the current planning permission under which the Airport operates.

- 4.15.19 With regard to the extant permission associated with the proposed Green Horizons Park development (LBC ref: 17/02300/EIA), again there are a number of conditions that were imposed on that permission which seek to safeguard the amenities of the area and the local highway network. Whilst it is recognised that the dDCO would supersede the Green Horizons Park permission, and that it would not be possible to deliver the whole of that development, there are various conditions that will need to be replicated in the dDCO requirements (such as those relating to the link road to Eaton Green Road and the provision of the Airport Access Road ahead of the business park), together with the contributions and alternative provisions of sports pitches, changing rooms, tree plantings and ecological enhancements that were secured through the Section 106 agreement.
- 4.15.20 There are other control mechanisms set out in the proposed Heads of Terms in the Applicant's Planning Statement, but to date the Applicant has held no discussions with the LPA in relation to the Section 106 agreement.
- 4.15.21 Section 5.8 of the Planning Statement sets out the likely obligations that the Applicant considers to be appropriate for inclusion within the Section 106 agreement. Some commentary is provided below in relation to these areas, but further detailed discussion is required with the Applicant to progress the Section 106 agreement.
- 4.15.22 The Green Horizons Park development was granted planning permission in 2021 (known then as New Century Park, LBC ref: 17/02300/EIA). The development involved the loss of sports pitches and changing rooms, and was considered against Sport England's 'Playing Fields Policy and Guidance', with Sport England not objecting to the proposal subject to the completion of a legal agreement seeking suitable replacement of those facilities elsewhere within the Borough. The funding for that re-provision was based on Sport England's calculations from 2017, thus if the Green Horizons Park permission is not implemented, the Proposed Development within the dDCO would need to take into account that six years have passed since that application was submitted and Sport England will be using more up-to-date costings. The LPA is concerned that the Applicant does not appear to have held discussions with Sport England in relation to the Proposed Development.

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- 4.15.23 In addition to the contribution towards the re-provision of the sports pitches and changing rooms, there were other contributions secured by the Section 106 agreement, including contributions towards: replacement of the County Wildlife Site; biodiversity; replacement tree planting; public art; roads and highway improvements. Other obligations within the Section 106 agreement included: the Wignore Valley Park Replacement; and the Employment, Skills, Procurement and Training Strategy. The LPA considers that these existing obligations will need to be captured within the proposed Section 106 agreement.
- 4.15.24 The creation and management, including funding of the re-provided Wigmore Valley Park, together with the habitat creation, will need to be discussed with the LPA to ensure that suitable obligations are included within the Section 106 agreement.
- 4.15.25 With regard to the Noise Compensation Scheme, the Draft Compensation Policies Measures and Community First have not previously been discussed in detail with the LPA. Some comments on the operation of Community First have been made elsewhere in this LIR, however, the LPA would anticipate that greater detail will be provided by the Applicant. There are currently various noise controls included within planning conditions and the Section 106 agreement associated with the extant planning permission (LBC ref: 15/00950/VARCON), considerable discussion took place with the airport operator during the call-in inquiry into the 19mppa application (LBC ref: 21/00031/VARCON) with a comprehensive Noise Management Plan being included within the Section 106 agreement that was provided to the Inspector Panel prior to the close of the inquiry. The LPA considers that the detail in that Noise Management Plan should be taken on board, and updated where necessary, in any Section 106 agreement associated with the dDCO.
- 4.15.26 The LPA is discussing with the applicant the proposed Employment and Training Strategy and welcomes its inclusion within the proposed Section 106 agreement.
- 4.15.27 As noted above, further discussion is required in relation to the operation of GCG, including the funding arrangements for the LPA's involvement with the ESG and the technical panels, especially as the LPA will have a significant monitoring and enforcing role.

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- 4.15.28 The local highway authority has indicated that there will need to be funding arrangements in place for the off-site highway works that are not included within the red-line site of the dDCO. Further discussions with the LPA and highway authority will be required, and flexibility (as noted in the surface access section above) will need to be included within the Section 106 agreement in relation to the detailed design of those improvements and the timing of the delivery of the improvements.
- 4.15.29 The re-provision of the Prospect Day Nursery is welcome and should be included within the Section 106 agreement.
- 4.15.30 The relationship with other developments granted planning permission under the 1990 Planning Act has been discussed above. Of the developments listed in Section 5.9 of the Planning Statement, all except Bartlett Square will need to be captured in the Section 106 agreement. The LPA considers that the Bartlett Square development has not been implemented within the prescribed period and so a new application would be required for that site.



5 Summary

- 5.1.1 The LPA has reviewed the application and evaluated the potential impacts of the Proposed Development on the Borough of Luton. We have identified some negative, neutral and positive impacts as a result of the Proposed Development.
- 5.1.2 Whilst we have worked closely with the other host authorities, we are aware that the three Hertfordshire authorities have expressed in principle objections to the growth of the Airport, and that Central Bedfordshire has indicated that it cannot support the application. However we consider that the development is in line with the Government's aviation policy which supports airport growth and airports making best use of their existing runways subject to environmental issues being addressed. We consider that the proposed expansion of the Airport will result in significant socio-economic benefits for Luton and the surrounding counties. We have indicated that there are some negative impacts and that we require further information to be satisfied that these can be adequately addressed and mitigated. We anticipate on-going engagement with the Applicant during the course of the examination to ensure satisfactory resolution of the outstanding issues.

6 Appendices

Appendix 1: Policies within the Luton Local Plan 2011-2031

Chapter 4: Spatial Strategy

- Policy LLP1: Presumption in Favour of Sustainable Development
- Policy LLP2: Spatial Development Strategy
- Policy LLP3: Luton Town Centre Strategy
- Policy LLP4: Green Belt
- Policy LLP5: Land South of Stockwood Park Strategic Allocation
- Policy LLP6: London Luton Airport Strategic Allocation
- Policy LLP7: Butterfield Green Technology Park
- Policy LLP8: Napier Park
- Policy LLP9: Power Court
- Policy LLP10: High Town
- Policy LLP11: Creative Quarter
- Policy LLP12: Marsh Farm

Chapter 5: Growing Luton's Economy

- Policy LLP13: Economic Strategy
- Policy LLP14: Employment Areas

Chapter 6: Housing

- Policy LLP15: Housing Provision
- Policy LLP16: Affordable Housing
- Policy LLP17: Houses in Multiple Occupation
- Policy LLP17A: Student Accommodation
- Policy LLP18: Older People's Housing
- Policy LLP19: Extensions to Dwellings and Annexes
- Policy LLP20: Gypsies, Travellers & Travelling Show-people

Chapter 7: Luton Town Centre & District & Neighbourhood Centres

- Policy LLP21: Centre Hierarchy
- Policy LLP22: Primary and Secondary Shopping Areas & Frontages
- Policy LLP23: District & Neighbourhood Areas & Shopping Parades

Chapter 8: Education and Other Community Facilities

- Policy LLP24: Education and Other Community Facilities

Chapter 9: Design

- Policy LLP25: High Quality Design
- Policy LLP26: Advertisements and Signage

Chapter 10: Natural and Historic Environment

- Policy LLP27: Open Space and Natural Greenspace
- Policy LLP28: Biodiversity and Nature Conservation
- Policy LLP29: landscape & Geological Conservation
- Policy LLP30: Historic Environment

Chapter 11: Transport, Communications & Climate Change

- Policy LLP31: Sustainable Transport Strategy
- Policy LLP32: Parking
- Policy LLP33: Freight
- Policy LLP34: Public Safety Zones
- Policy LLP35: Communications Infrastructure
- Policy LLP36: Flood Risk
- Policy LLP37: Climate Change, Carbon and Waste Reduction and Sustainable Energy
- Policy LLP38: Pollution and Contamination

Chapter 12: Infrastructure Delivery, Monitoring and Review of the Local Plan

- Policy LLP39: Infrastructure and Developer Contributions
- Policy LLP40: Review of the Local Plan

Appendix 2: Planning History

Application Reference	Location	Description of Development	Status
22/01104/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Reconfiguration of commercial and general aviation stands.	Decision issued on 10 October 2022
22/00095/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 - Provision of a pedestrian canopy between the south-eastern entrance to the Airport terminal building and the entrance to the new Direct Air-Rail Transit (DART) station.	Decision issued on 17 February 2022
21/00031/VARCON	London Luton Airport, Airport Way, Luton	Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.	Awaiting decision.
20/00646/FUL	Courtyard By Marriott, London Luton Airport, Airport Way, Luton, LU2 9LF	Erection of an eight-storey hotel (with additional roof plant level) comprising 171 bedrooms with associated guest amenities, including fitness centre and rooftop bar.	Awaiting decision.
19/01683/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Provision of a new apron to accommodate six aircraft stands and the configuration of the engine test facility to accommodate two overnight aircraft stands.	Decision issued on 29 January 2020.

Application Reference	Location	Description of Development	Status
19/00450/EIASCP	London Luton Airport, Airport Way, Luton	Scoping consultation from the Planning Inspectorate re London Luton Airport Limited's proposed expansion of the airport.	Registered on 14 May 2019.
19/00428/EIA	London Luton Airport, Airport Way, Luton	Application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to the end of 2024) to enable the area enclosed by the 57dB(A) daytime noise contour to increase from 19.4 sq km to 21.4 sq km and the area enclosed by the 48dB(A) night time noise contour to increase from 37.2 sq km to 44.1 sq km).	Application Withdrawn on 21 January 2021.
18/00994/AMEND	London Luton Airport, Airport Way, Luton	Full planning application for dualling of airport way/airport approach road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) - Non Material Amendment of planning permission 12/01400/FUL dated 23 rd June 2014.	Application permitted on 17 August 2018.
18/00001/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Proposed works to modify the alignment of Taxiway Foxtrot and enable a specific de-icing area adjacent to that taxiway at London Luton Airport.	Decision issued on 30 January 2019.

Application Reference	Location	Description of Development	Status
17/02300/EIA	Airport Way – Century Park, Luton	1) Outline permission for a new business park comprising office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), cafe space (Class A3); energy centre (sui generis), internal access roads; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre. 2) Full permission for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing Airport Way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings, provision of replacement car parking (temporary and permanent), associated earthworks, landscaping, surface water drainage and utilities diversions; the creation of new public open space including footpaths, landscaping and ecological mitigation; extension and alterations to Wigmore pavilion building to provide cafe (Class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking.	Application permitted on 29 June 2021.
17/02219/FUL	London Luton Airport, Airport Way, Luton	The movement and reuse of up to 331,400 cubic metres of spoil material and the permanent placement of the spoil material on six sites within London Luton Airport and diversion of the airside perimeter road.	Application permitted on 02 March 2018.
17/00004/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Proposal to construct a multi-storey car park (known as MSCP2) and a new permanent drop off zone in the central terminal area of London Luton Airport.	Decision issued on 19 January 2018.

Application Reference	Location	Description of Development	Status
17/00003/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Proposed works falling outside of the red line boundary: re-aligned airside perimeter road, temporary construction compound and fencing at London Luton Airport.	Decision issued on 15 September 2017.
17/00002/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 – Proposed relocation of airport services and mid stay car park facilities and new airside access gate and fencing at London Luton Airport.	Decision issued on 11 September 2017.
17/01261/REM	MPT Parkway Station, Luton, LU2 0SX	Full planning permission for the construction of approximately 2.2km twin guideways mass passenger transit (MPT) system comprising track bed between Luton Airport Parkway Station and Luton Airport Central Terminal together with related structures/engineering operations including new service roads, storm retention tanks, a viaduct along the railway, a bridge over the A1081 (Airport Way) road, slab in a cut or on embankment, a trough and a tunnel; a new two storey MPT station adjacent to Luton Airport Parkway Station to include ancillary retail (A1) outlets and a new Central Terminal MPT Station; five temporary construction compounds; and Outline planning permission for an over-bridge link and extended station concourse from the existing Luton Airport Parkway Station to the new two storey MPT Luton Parkway Station (all matters reserved). – Approval of reserved matters of Planning Permission 17/00283/FUL dated 30 th June 2017.	Application permitted on 13 October 2017.
17/00001/GPDOPD	London Luton Airport, Airport Way, Luton	Consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 - Proposed alternative decked car park and reconfiguration of drop off zone at London Luton Airport.	Decision issued on 04 July 2017.

Application Reference	Location	Description of Development	Status
17/00283/FUL	MPT Parkway Station, Luton, LU2 0SX	Full planning permission for the construction of approximately 2.2km twin guideways mass passenger transit (MPT) system comprising track bed between Luton Airport Parkway Station and Luton Airport Central Terminal together with related structures/engineering operations including new service roads, storm retention tanks, a viaduct along the railway, a bridge over the A1081 (Airport Way) road, slab in a cut or on embankment, a trough and a tunnel; a new two storey MPT station adjacent to Luton Airport Parkway Station to include ancillary retail (A1) outlets and a new Central Terminal MPT Station; five temporary construction compounds; and Outline planning permission for an over-bridge link and extended station concourse from the existing Luton Airport Parkway Station to the new two storey MPT Luton Parkway Station (all matters reserved).	Application permitted on 30 June 2017.
15/01790/FUL	Premier Inn Hotel, Luton Airport, Osborne Road, Luton LU1 3HE	Erection of a three storey extension comprising 39 additional bedrooms to existing 134 bedroom hotel, with alterations to car parking and associated works.	Application permitted on 03 March 2016.
15/01213/FUL	Drop-Off Zone. London Luton Airport, Airport Way, Luton	Construction of multi-storey car park and pedestrian link building together with ancillary works and environmental impact assessment screening opinion.	Application permitted on 27 May 2016.
15/00950/VARCON	London Luton Airport, Airport Way, Luton	Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to	Application permitted on 13 October 2017.

Application Reference	Location	Description of Development	Status
		the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL – Variation of Condition 11 (i) – Noise violation limits.	
13/01328/COU	Staff Car Park B, President Way, London Luton Airport, Luton	Retention of change of use to staff car parking, coach parking and preparation, with associated ancillary development.	Application permitted on 17 January 2014.
13/00470/FUL	Luton Airport Parkway Station, Parkway Road, Luton	Retention of Northern Station entrance building.	Application permitted on 04 June 2013.
12/01400/AMEND	London Luton Airport, Airport Way, Luton	Full planning application for dualling of airport way/airport approach road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved).	Application permitted on 23 June 2014.

Application Reference	Location	Description of Development	Status
12/00637/FUL	Land Adj. to London Luton Airport, Cargo Centre, President Way, Luton LU2 9LU	Demolition of existing structures and construction of replacement hangar together with provision of associated apronage and car parking and replacement cargo centre compound. Relocation of the existing cargo compound area and cargo aircraft stands along with alterations to existing Gate 9 security access.	Application permitted on 16 August 2012.
10/00981/FUL	Land to the North of the Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Extension of Vauxhall road to include access and a turning loop at the proposed northern access to Luton Airport Parkway Station.	Application permitted on 21 October 2010.
08/00845/FUL	Stirling Place, Kimpton Road, Luton LU2 0SX	Mixed Use Development including 400 Residential Units, 394 Car Parking Spaces, 185 Cycle Spaces, 12,645 sqm B1 (A) Office Space, 2,104 (GEA) sqm of Ancillary A1/A3 Space, Landscaping and Pedestrian Link to Luton Airport Parkway rail station.	Application Withdrawn.
03/00148/FUL	Immigration Hall, London Luton Airport, Airport Way, Luton LU2 9NH	Single storey Immigration Hall.	Application permitted on 20 March 2003.
02/00531/FUL	Easyland, London Luton Airport, Luton LU2 9LY	Erection of two storey extension to office building.	Application permitted on 22 July 2002.
01/00494/VARCON	Multi Storey Car Park, Luton Airport Parkway	Use of Floors 4/5 of existing car park for use as parking for Luton Airport related purposes for a temporary period until 31.12.2001 in Variation of Cond.11 (Use of car park restricted to rail passengers/staff) of Permission No. L/21112/ /0.	Application permitted on 13 July 2001.

Application Reference	Location	Description of Development	Status
	Station, Parkway Road Luton LU1 3JW		
00/01178/FUL	New Terminal Building, London Luton Airport, Airport Way, Luton LU2 9NH	Alteration to external appearance of building – infilling under existing canopy and partial recladding of canopy.	Application permitted on 29 December 2000.
00/01076/VARCON	Multi-Storey Car Park, Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Continuation of development without compliance with Condition 11 (use of car park restricted to rail passengers and staff) of Permission L/21112/ /0 for a temporary period of 18 months.	Application refused on 30 November 2000.
99/01199/FUL	Old Terminal Building, London Luton Airport, Airport Way, Luton LU2 9NH	Erection of a single storey link building between the new and existing terminal buildings for arrivals.	Application permitted 03 February 2000.
99/00902/FUL	Arrivals Lobby, Old Terminal Building, London Luton Airport, Airport Way, Luton LU2 9NH	Enclosure of existing forecourt area to provide arrivals lobby.	Application permitted on 12 November 1999.

Application Reference	Location	Description of Development	Status
99/00193/REM	Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Development of land to provide a new railway station and parking facilities Approval of Reserved Matters 02 (landscaping).	Application permitted on 03 November 1999.
98/01096/FUL	Main Terminal Building, Frank Lester Way, Luton LU2 9PF	Construction of alterations and extensions to terminal; aircraft stands; piers; first phase of parallel taxiway; and remodelling of car parking and drop off area.	Application permitted on 05 February 1998.
97/00662/REM	Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Access To New Railway Station And Station Car Park And Layout And Management Of Car Parking (Approval Of Reserved Matters).	Application permitted on 31 December 1998.
97/00660/REM	Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Erection Of A New Railway Station And Parking Facilities (Siting, Design And External Appearance Of Alternative Station Proposals).	Application permitted on 11 December 1997.
96/00813/REM	Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Development Of Land To Provide A New Railway Station And Parking Facilities (Reserved Matters) - Siting, Design External Appearance And Means Of Access.	Application permitted on 02 November 1998.
94/01013/OUT	Luton Airport Parkway Station, Parkway Road, Luton LU1 3JW	Development Of Land To Provide A New Railway Station And Parking Facilities.	Application permitted on 03 July 1996.

Application Reference	Location	Description of Development	Status
87/01800/FUL	London Luton Airport, Airport Way, Luton	Resurfacing And Reprofiling Of The Main 08/26 Runway At Luton Airport Together With Ancillary Earthworks.	Application permitted on 15 January 1988.