



Inclusive Economy
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12 September 2023

Your Reference: TR020001
Our Reference: 20040643

Dear Ms Dowling,

**Re: Planning Act 2008 (as amended)
Application by London Luton Airport Limited for an Order Granting
Development Consent for the London Luton Airport Expansion project**


This letter is the response of Luton Council, as the local planning authority (LPA), to the Examining Authority's (ExA) request for information that needed to be provided by Deadline 2.

In response to Deadline 1, we previously advised the ExA that we will be attending all the Issue Specific Hearing sessions (ISH1-ISH6) as well as the Compulsory Acquisition Hearing session (CAH1). Although we had indicated that we wished to speak at those sessions, there is nothing specific that we wish to raise, rather we anticipate that we will engage in any discussion that may assist the ExA in relation to the specific sessions.

The ExA will have received a response from the Hertfordshire Authorities (Dacorum Borough Council, North Hertfordshire District Council and Hertfordshire County Council) providing details of the consultants that will be representing all the Host Authorities (namely the three Hertfordshire Authorities and Luton and Central Bedfordshire) for the Issue Specific Hearings. We can confirm the following:

- ISH1: Draft DCO – Pinsent Masons will be attending for the Host Authorities
- ISH2: Need, Socio-economic matters, etc – CSACL will be attending to respond to forecasting/need, whilst Genecon will attend online to provide inputs in relation to the economic/employment aspects
- ISH3: Noise and Vibration – Suono will be attending for the Host Authorities

Whilst the Host Authorities have worked together and continue to co-operate with each other, the ExA will be aware from the Written Representations and the Local Impact Reports that our views are slightly divergent to those of the other Host Authorities. The three Hertfordshire authorities have expressed in-principle



objections to the proposed expansion, whilst Central Bedfordshire has indicated that it cannot support the application. 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 have used the same consultants to inform our position through the two rounds of statutory consultation and leading up to the examination itself and have relied on the same evidence, however, we consider that the proposed expansion of the Airport will result in significant socio-economic benefits for Luton and the surrounding counties, though 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. Consequently, we will interpret the evidence differently from the other host authorities and as a result, we will make separate written and oral submissions where necessary to ensure the ExA is aware of Luton's position.

With regard to attendance at the various sessions, unfortunately some of our officers will be on leave during the week commencing 25 September and so will be unable to attend. Counsel for the LPA will be Michael Fry of Francis Taylor Buildings, with officers from the LPA attending, the core group being listed in Appendix 1 to this letter.

A further request from the ExA was that updated Principal Areas of Disagreement Summary Statements (PADSS) be submitted for Deadline 2. Meetings with the Applicant have been on-going since the Preliminary Meeting on 10 August, and more are scheduled for the coming weeks, consequently we would expect the PADSS to progress further, especially as we meet with the Applicant in relation to the Statement of Common Ground and requirements and obligations. Our updated PADSS are provided in Appendix 2.

Finally, the LPA has seen the response of the Applicant to the Council's Relevant Representations (REP1-021 pages 2-9). These are noted but do not specifically address the points that were made, other than redirecting the LPA to the relevant chapters of the Environmental Statement and supporting documents.

The Council is continuing to engage with the Applicant to address these matters and assist the ExA in its task.

Yours sincerely



Sue Frost
Service Director
Sustainable Development



Appendix 1: List of those representing Luton LPA at the Hearing Sessions

Email	Telephone	Name	Organisation	Topic	ISH1	CAH1	ISH2	ISH3	ISH4	ISH5	ISH6
██████████@ftbchambers.co.uk	██████████ ██████████	Michael Fry	Counsel for Luton LPA	Present to assist the ExA	✓	✓	✓	✓	✓	✓	✓
██████████@luton.gov.uk	██████████ ██████████	Sue Frost	Luton LPA	Present to assist the ExA	✓	✓	✓	✓	✓	✓	✓
██████████@luton.gov.uk	██████████ ██████████	Sunil Sahadevan	Luton LPA	Present to assist the ExA	✓	✓	✓	✓	✓	✓	✓
██████████@luton.gov.uk	██████████ ██████████	David Gurtler	Luton LPA	Present to assist the ExA	✓	✓	✓	✓	✓	✓	✓

Those representing Luton will be attending in person, other than for ISH1 and CAH1 which are to be held virtually.

Luton Council – Principal Areas of Disagreement Summary Statement (UPDATED)

Appendix 2: Updated PADSS (12 September 2023)

Principal issues in question	Luton Council’s summary of areas of disagreement/ outstanding issues which will be reported on in full in Local Impact Report/Written Reps	What needs to: change; or be amended; or be included so as to overcome the disagreement	The likelihood of the concern being addressed during the Examination stage
Noise	<p>There are a number of areas of concern where the LPA has not yet reached agreement in relation to noise, including:</p> <ul style="list-style-type: none"> • Whether the 2019 baseline is appropriate given that the airport operation that year was not compliant with the planning conditions (therefore giving elevated noise levels) • Whether the development complies with Government policy (and emerging policy) in terms of limiting and where possible reducing the number of people significantly affected by aircraft noise • Whether the noise levels decrease over time • Whether there is an appropriate balance between growth and noise reduction, with the airport adequately sharing the benefits with the local community as set out in Government policy 	<p>Further engagement is required between the Promoter and the Host Authorities’ noise consultant to address these issues.</p> <ul style="list-style-type: none"> • This issue remains to be resolved. • This issue remains to be resolved. • This issue remains to be resolved. • This issue remains to be resolved. 	<p>These issues may be addressed during the examination, though the Promoter was aware of the most significant issues through both the Noise Envelope Design Group and the Noise Technical Working Group.</p>
Surface access	<p>The Host Authorities’ transport consultants have raised a number of issues which will need clarification and resolving, such as:</p>	<p>Further engagement between the Promoter and Luton Council’s Highways Department / transport consultants is required in order to resolve the issues that have been raised.</p>	<p>Clarification on the concerns raised should enable the issues to be</p>

Luton Council – Principal Areas of Disagreement Summary Statement (UPDATED)

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	<ul style="list-style-type: none"> • It has not been possible to determine whether the VISSIM traffic flow modelling has utilised outputs from the strategic model re growth based on committed development in the area • The 2016 base year model is seven years old and it is not clear how the Covid Pandemic may have changed travel patterns since 2019 when the airport operated at 18mppa • Greater clarity is needed on the assumptions underlying the assessment, such as the percentage of those using sustainable modes of transport and whether East-West Rail has been assumed • There is uncertainty about the impact upon the strategic highway network if hard shoulder running is not included • 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 	<ul style="list-style-type: none"> • This issue remains to be resolved. • LBC notes the ExA’s request to update the traffic modelling work in line with recent guidance on how to model the effects of Covid-19. LBC looks forward to seeing the outcome of that work. • This issue remains to be resolved. • LBC notes the Applicant’s response to the ExA in their letter of 27 June to update their model. LBC looks forward to seeing the outcome of that work. • In paragraph 4.9.11 of our LIR we noted that “The approved drawings for New Century Park do in fact show the link to Eaton Green Road as a dual carriageway.” This is therefore no disagreement. 	<p>addressed during the Examination stage.</p>

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Climate change and emissions	Whilst the Promoter may not have direct control over Scope 3 emissions, such as surface access, the Promoter has the ability to influence these emissions. This will rely on accurate baseline data, with appropriate information gathering to supplement the CAA Passenger Surveys, and robust review mechanisms.	Further engagement with the Promoter is required in order to address these issues. <ul style="list-style-type: none"> • This issue remains to be resolved. 	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.
Health and wellbeing	Measures to mitigate the impacts of the development upon the health and wellbeing of the local communities surrounding the airport need to be identified	Further engagement with the Promoter is required in order to address this issue. <ul style="list-style-type: none"> • This issue remains to be resolved. 	The detailing of appropriate mitigation by the Promoter should enable this issue to be addressed during the Examination stage.
Controls, monitoring and enforcement	Arising from the principal issues raised above there are outstanding issues in relation to the controls relating to the future operation of the airport. These include: <ul style="list-style-type: none"> • Concern that all the current planning conditions are not carried forward within the DCO and therefore there is less certainty for the surrounding communities that they will not be exposed to increases in noise 	Further engagement with the Promoter is required in order to address this issue. <ul style="list-style-type: none"> • This issue remains to be resolved. 	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.

Luton Council – Principal Areas of Disagreement Summary Statement (UPDATED)

Principal issues in question	Luton Council’s summary of areas of disagreement/ outstanding issues which will be reported on in full in Local Impact Report/Written Reps	What needs to: change; or be amended; or be included so as to overcome the disagreement	The likelihood of the concern being addressed during the Examination stage
	<ul style="list-style-type: none"> • Commitment to funding of junction improvements identified in the transport assessment through a S106 agreement needs to be explicit • The various thresholds proposed for the four key areas within Green Controlled Growth need to be agreed, with realistic limits and appropriate mechanisms to monitor, review and enforce • The composition of the Environmental Scrutiny Group (ESG), its review powers and sign off for reports, and the funding for the Council’s involvement with the ESG and the Technical Panels needs to be agreed. • Note that Pinsent Masons, on behalf of the five Host Authorities, have outlined areas of disagreement that exist with regard to the draft DCO in the PADSS submitted by Herts CC, Dacorum BC and North Herts DC. The Pinsent Masons comments reflect those that were included in our LIR in section 4.15: Controls, Monitoring and Enforcement (pages 72-79). 	<ul style="list-style-type: none"> • This issue remains to be resolved. • This issue remains to be resolved. • This issue remains to be resolved. • To be discussed in ISH1: draft DCO. 	