

12 September 2023

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Your Ref: TR020001

Dear Jo Dowling

**London Luton Airport Expansion Project  
Response to Deadline 2 of the Examination**

**Submissions made at Deadline 2**

Please find below the list of documents that the Applicant has submitted for Deadline 2 of the Examination of the London Luton Airport Expansion Project, as requested in Annex F of the Rule 6 letter issued on 13 July 2023, and the Rule 8 letter of 17 August 2023:

**Statements of Common Ground (SoCG)**

1. SoCG between London Luton Airport Limited and Bedfordshire Police  
[TR020001/APP/8.01]
2. SoCG between London Luton Airport Limited and World Fuel Services  
[TR020001/APP/8.02]
3. SoCG between London Luton Airport Limited and Prax Downstream UK Limited  
[TR020001/APP/8.03]
4. SoCG between London Luton Airport Limited and Cadent  
[TR020001/APP/8.04]
5. SoCG between London Luton Airport Limited and Historic England  
[TR020001/APP/8.05]
6. SoCG between London Luton Airport Limited and Thames Water Utilities Limited  
[TR020001/APP/8.06]
7. SoCG between London Luton Airport Limited and the Environment Agency  
[TR020001/APP/8.07]
8. SoCG between London Luton Airport Limited and Affinity Water  
[TR020001/APP/8.08]
9. SoCG between London Luton Airport Limited and NATS (Services) Limited  
TR020001/APP/8.09]
10. SoCG between London Luton Airport Limited and the Civil Aviation Authority  
[TR020001/APP/8.10]
11. SoCG between London Luton Airport Limited and National Highways  
[TR020001/APP/8.11]

12. SoCG between London Luton Airport Limited and the UK Health Security Agency [TR020001/APP/8.12]
13. SoCG between London Luton Airport Limited and Luton Borough Council [TR020001/APP/8.13]
14. SoCG between London Luton Airport Limited and Central Bedfordshire Council [TR020001/APP/8.14]
15. SoCG between London Luton Airport Limited and Hertfordshire County Council [TR020001/APP/8.15]
16. SoCG between London Luton Airport Limited and North Hertfordshire District Council [TR020001/APP/8.16]
17. SoCG between London Luton Airport Limited and Dacorum Borough Council [TR020001/APP/8.17]
18. SoCG between London Luton Airport Limited and Buckinghamshire Council [TR020001/APP/8.18]
19. SoCG between London Luton Airport Limited and the East of England Ambulance Service [TR020001/APP/8.19]
20. SoCG between London Luton Airport Limited and the Bedfordshire Fire and Rescue Service [TR020001/APP/8.20]
21. SoCG between London Luton Airport Limited and NATS (En Route) PLC [TR020001/APP/8.21]
22. SoCG between London Luton Airport Limited and Natural England [TR020001/APP/8.42]
23. Statement of Commonality of SoCGs [TR020001/APP/8.22].

### **Applicant's Response to Written Representations**

24. Applicant's Response to Written Representations - Part 1a of 5 (Members of the Public and Businesses – Thematic Responses) [TR020001/APP/8.39].
25. Applicant's Response to Written Representations - Part 1b of 5 (Members of the Public and Businesses – Detailed Responses) [TR020001/APP/8.39].
26. Applicant's Response to Written Representations - Part 2 of 5 (Interested Parties subject to a Statement of Common Ground) [TR020001/APP/8.39].
27. Applicant's Response to Written Representations - Part 3 of 5 (Affected Persons) [TR020001/APP/8.39].
28. Applicant's Response to Written Representations - Part 4 of 5 (Non-Statutory Organisations) [TR020001/APP/8.39].
29. Applicant's Response to Written Representations - Part 4 of 5 - Appendix (NEF) [TR020001/APP/8.39].
30. Applicant's Response to Written Representations - Part 5 of 5 (Other Statutory Organisations & Additional Submissions) [TR020001/APP/8.39].

## Other

31. Applicant's Comments on Oral and Written Submissions of Oral Cases put at OFH1 and OFH2  
[TR020001/APP/8.33].
32. Applicant's Revised Draft Development Consent Order (Draft DCO) – Tracked change version.  
[TR020001/APP/2.01].
33. Applicant's Revised Draft Development Consent Order (Draft DCO) – Clean version  
[TR020001/APP/2.01].
34. Applicant's Draft Itinerary for the Accompanied Site Inspection  
[TR020001/APP/8.35].
35. Response to Chris Smith Aviation Consultancy Ltd - Initial Review of DCO Need Case for the Host Authorities  
[TR020001/APP/8.43].

## Additional submissions

The following documents are also submitted to the Examining Authority at Deadline 2:

1. **Guide to the Application** (Application Document Tracker)  
[TR020001/APP/1.06].
2. **Noise Envelope** – improvements and worked example.  
[TR020001/APP/8.36]  
This has been prepared in response to comments raised by the Host Authorities (HAs) through their SoCGs, Relevant Representations and Written Representations in which they asked for a worked example demonstration of how the Noise Envelope could have avoided the breaches that occurred in 2017-2019.
3. **Surface Access Noise Modelling Additional Information**  
[TR020001/APP/8.41]  
This has been prepared in response to comments raised by the HAs in their Relevant Representations and in technical meetings on the surface access noise modelling. Further information and clarification have been provided to the HAs and their noise consultant in technical meetings, and it was agreed in these meetings to provide the information and clarification in writing. In addition to sharing this paper with the HAs directly, the Applicant is also submitting this at Deadline 2.
4. **Draft Compensation Policies, Measures and Community First**  
[TR020001/APP/7.10]  
The Applicant has provided additional information in the updated application document to address responses made through Written Representations, which:
  - confirms that the Noise Insulation Policy will apply to properties built and occupied prior to October 2019 (the date Statutory Consultation for the Proposed Development was published);

- describes the Applicant's proactive approach to ensure both knowledge and availability of the compensation policies on offer has been clearly and openly communicated;
- provides more details on the noise insulation process and timescales and sets out the process and eligible costs for properties that would require listed building consent for insulation works; and
- confirms that the Applicant is committed to developing a rolling testing regime for the noise insulation schemes.

With regard to additional submissions made at Deadline 1 and late submissions accepted at the discretion of the Examining Authority, where relevant or because they have not been responded to in another document, these are responded to in the Applicant's Response to Written Representations - Part 5 of 5 [TR020001/APP/8.39] and in the Applicant's Comments on Oral and Written Submissions of Oral Cases put at OFH1 and OFH2 [TR020001/APP/8.33].

#### **Statement of Common Ground with National Highways**

National Highways (NH) provided comments on the previous version of the SoCG. The Applicant has sought to address these comments, where possible, in time for Deadline 2 and reflect in summary form in the NH position column of the SoCG.

The Applicant advises that NH has not had an opportunity to review the updates ahead of Deadline 2 due to the tight timescales for submission. Engagement with NH is ongoing and further updates to the draft SOCG will be made at the Deadline 3 submission.

#### **Statements of Common Ground with the Host Authorities**

As part of the Deadline 2 submissions, the Applicant has submitted SoCGs with the Host Authorities listed above.

Please note that the draft SoCGs with Hertfordshire County, Dacorum Borough and North Hertfordshire Councils (the Hertfordshire authorities) set out the Applicant's understanding of the current status of the matters within the SoCGs. The Hertfordshire authorities confirmed to the Applicant that they were not able to provide comments on the version of the SoCGs submitted at Deadline 2 and have therefore not confirmed their acceptance of the submitted documents in their current form.

The Hertfordshire authorities intend to provide comments to the Applicant on the SoCGs ahead of Deadline 3. The Applicant will incorporate these comments into the subsequent iteration of the document.

Central Bedfordshire Council and Luton Borough Council have agreed for the Applicant to share the draft SoCGs in their current form for the Deadline 2 submission. These drafts encompass input from the Applicant as well as the respective positions of the two Councils. The Applicant considers that these SoCGs represent the latest position which will be subject to further engagement and review.

## Draft Development Consent Order (dDCO)

As part of the Deadline 2 submissions, the Applicant has submitted an updated dDCO in “tracked changes” and “clean” formats.

The following table provides a commentary to explain these changes. This table should be read alongside the dDCO (tracked changes version).

Provision	Amendment	Reason
<b>Table of contents</b>	Deletion of Parts 1 and 2 in Schedule 3.	Rectifying a typographical error – Schedule 3 is not separated into “Parts”. There are no public rights of way being stopped up for which a substitute is being provided.
<b>Article 2(1)</b>	Amendment to definition of “relevant highway authority”	This is to clarify that National Highways is the “relevant highways authority” for highways within its network.
<b>Article 7</b>	Correction of typographical error.	There is no “paragraph 2” in this provision.
<b>Article 12(1)</b>	Insertion of “relevant”.	This is to ensure all references are to the “ <i>relevant</i> highway authority”, as intended.
<b>Article 19(11)</b>	Adjustments to the description of the scope of a consent under section 118 of the Water Industry Act 1991.	These amendments were requested by Thames Water. They ensure that article 19(11) is consistent with section 118.
<b>Schedule 1, Work No. 6d</b>	Correction of typographical error.	There is no work “6dc”.
<b>Schedule 2, paragraph 8(1)</b>	Removal of the tailpiece.	This is unnecessary because paragraph 2 of Schedule 2 already makes provision to amend approved plans, details and schemes under Schedule 2, provided certain conditions are met and necessary further approvals obtained.
<b>Schedule 2, paragraph 28</b>	Replacing “carried out” with “operated”.	“Operated” better reflects the nature of this requirement. This change was also requested in written representations.
<b>Schedule 2, paragraphs 29 to 33</b>	Production of these operational plans has now been tied to throughput moving beyond the “cap permitted by the LLAOL planning permission” rather than the implementation of “part of the authorised development”. In addition, amendments have been made to tie these plans to the operation of the “airport”,	The Applicant has recognised that the obligation to produce these plans should be tied to accessing the throughput authorised by the DCO, not to the operation of (part of) the authorised development, which could result in unintended effects. Furthermore, it was always intended that these plans by their nature would apply to the operation of the airport (as expanded), not “part” of it.

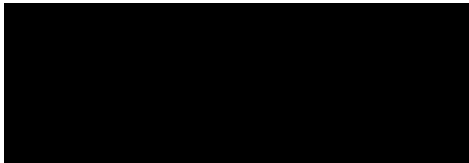
	rather than the operation of “part of the authorised development”.	
<b>Schedule 2, paragraph 36</b>	Correction of typographical errors.	All references should be to “discharging” authority.
<b>Schedule 8, paragraph 2</b>	Correction of typographical error.	There was a duplicate reference to “sewerage undertaker”.

**Status of Negotiations /Compulsory Acquisition Schedule**

The Applicant has agreed with the ExA that the updated **Status of Negotiations /Compulsory Acquisition Schedule** which is an update to Appendix B of *Volume 3 Compulsory Acquisition Information 3.01 Statement of Reasons (Revision 2)* can be submitted at Deadline 2A rather than an incomplete version at Deadline 2, which would then need to be updated at Deadline 2A.

Please do not hesitate to get in touch should you have any further comments or questions.

Yours sincerely,



Antony Aldridge  
Head of DCO Programme