

Summary of Representations made at CAH1 submitted by National Highways Limited
Application by London Luton Airport Limited for an Order granting Development Consent for the
London Luton Airport Expansion Project

Planning Inspectorate Reference Number: TR020001

1. Welcome, introductions, arrangements for the hearing

- 1.1 Howard Bassford (Solicitor), Ross Corser (Solicitor) and Jeremy Bloom (Transport Consultant) appeared on behalf of National Highways Limited.

2. Matters arising from the supplementary agenda

- 2.1 N/A

3. Part 5 of the draft DCO (Articles 24 to 41) and Schedule 6

- 3.1

4. Schedules 8 of the draft DCO – Protective Provisions

- 4.1 National Highways is seeking to agree protective provisions with the Applicant, which aim to place National Highways in the same position as that which would apply were the project carried out under the 1990 Act (i.e. mitigation works would be secured by planning condition for delivery under a section 278 agreement). The protective provisions are designed to protect the Strategic Road Network and to ensure that any works to it are properly carried out and funded. National Highways is not funded to carry out works of mitigation for this project, to design them, to oversee them or to remedy defective works. It is critical that provision be made in the order to hold National Highways harmless and to protect the public purse in this regard. A travelling draft of the protective provisions is in circulation between the parties and should be capable of agreement well in advance of the close of Examination. Where there are other provisions required in the Order, these will be raised with the Applicant in the same context.

5. Section 122 and 123 of the Planning Act 2008 (PA2008)

- 5.1 The position of National Highways is that there are sundry pieces of additional land outside the order limits that may be required to provide for signage, gantries, maintenance bays etc. or otherwise affected, leaving aside any carriageway works which may be required for the safe and efficient operation of the strategic road network. The Applicant has not yet designed elements which are critical to the safe functioning of the Strategic Highway Network. That work still remains to be done. The Applicant has not carried out a road safety audit to understand whether these works can be accommodated within the existing proposed order limits or the existing highway boundary without prejudicing the safe operation of the strategic road network (or indeed the local highway network with which it connects). This must be completed as a matter of urgency. If those works do require land from the Strategic Road Network outside of the existing, proposed order limits then it is conceivable that this may be achieved using the powers of National Highways and addressed through Grampian requirements. However, if additional land is required, this will need to be considered differently.
- 5.2 There are certain areas within the Strategic Road Network which are congested at or above capacity and improvements to those areas (e.g. slip roads) will need to be

carried out before the project can be carried out or operated – as National Highways currently understands the proposals. Again, without further assessment National Highways has not identified what land would be affected by such works. Where those works are capable of being contained within the existing highway boundary and estate, these may well be capable of being dealt with by Grampian requirement. Again, a road safety audit is required by the Applicant as a matter of urgency to understand whether designs to manage capacity constraints can be accommodated within the existing proposed order limits for the project.

6. Section 131 and 132 of the PA2008 with reference to Wigmore Valley Park

6.1 N/A

7. Section 135 of the PA 2008 – Crown Land

7.1 N/A

8. Funding

8.1

9. Category three persons

9.1 N/A

10. Action points arising from the hearing

10.1 N/A

11. Any other business

11.1 N/A

12. Close of hearing