

Summary of Representations made at ISH1 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. Articles and Schedules of the draft DCO (excluding Schedules 1, 2, 8 and 9)

- 3.1 N/A

4. Schedules 1 and 2 – Authorised Development and Requirements (Excluding Part 3, Requirements 18-25)

- 4.1 National Highways would not wish there to be any doubt as to whether it is included within the definition of *relevant highway authority*. It must be regarded as such in relation to any provision of the Order or any particular requirement which may affect the discharge of its function as strategic highway authority for the M1 Junction 10 and the M1 Motorway. This is important because it may relate not just to the carrying out of works but also to matters which could lead to the generation of traffic on the local and strategic road networks. It might be difficult to determine whether a relevant highway authority was the relevant highway authority concerned, without some debate. It would be preferable to have a hard obligation to consult named parties than an interpretative approach to who should be consulted or whose approval is needed when discharging particular substantive provisions of the Order of requirements which may be relevant to a given authority.

5. Part 3, Requirements 18 to 25 (Green Controlled Growth)

- 5.1 National Highways is concerned about the mechanisms in the Green Controlled Growth provisions in the Order. It is also concerned in relation to the role it is envisaged to play.
- 5.2 National Highways considers that the use of airport slots as a means of governing the environmental impact of the expansion of the airport is difficult because the slots will become property of the airlines, so care needs to be taken as to how this is managed and whether this is a suitable means for controlling environmental impacts. Whilst there may be regulatory means by which this can be measured, the attitude of airlines should they be deprived of slots cannot be predicted – it may be that for other reasons, slot control cannot be effected since airlines block or challenge the approach. The view of the Civil Aviation Authority on this approach is not stated so far as we are aware. However, as matters stand, we would have thought that landside as opposed to airside constraints would be more appropriate than slot control.
- 5.3 The ESG has been set up to represent the views of a variety of stakeholders. One of the key areas in which the ESG will operate is in monitoring and addressing surface access, which is directly relevant to National Highways and has a direct impact on the

strategic road network. Whilst a range of views may be represented in the ESG being taken, National Highways has not been included in that group, which is the key, decision-making body. It should be apparent that National Highways should sit on both the technical panel and as part of the governing ESG panel itself, to ensure that it had a voice over decisions which would directly impact its statutory undertaking. Furthermore, where capacity or safety on the strategic road network is of concern, National Highways should be pre-eminent – it should be able to control the measures to be taken.

- 5.4 Requirement 29 and the general ESG approach outlined in the development consent order is not a solution. Whilst there is a provision requiring the submission of plans for monitoring and mitigation purposes, there is no negative control on airport expansion if – for example – there was no money to carry out the proposed mitigation, or the airport operator simply chose not to undertake the mitigation. National Highways would support the inclusion of a robust and negatively worded requirement restricting airport growth until the mitigation has been completed in full and to the satisfaction of the ESG. National Highways also requires a suitable, decision-making role in this regard.

6. Schedule 9 – Documents to be Certified

- 6.1 N/A

7. Consents, Licences and other agreements

- 7.1 N/A

8. Action points arising from the hearing

- 8.1 N/A

9. Any other business

- 9.1 N/A

10. Close of hearing