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5 October 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 provides an update to the Principal Areas of Disagreement Summary Statement as required by the Examining Authority for Deadline 3. The LPA is still working with the Applicant on these matters and having discussions with regard to the specific topics that are covered within the PADSS and the Statement of Common Ground. The PADSS are included as an appendix to this letter.

Yours sincerely

[REDACTED]

Sue Frost  
Service Director  
Sustainable Development

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

## Appendix 3: Updated PADSS (5 October 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"> <li>• 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)</li> <li>• 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</li> <li>• Whether the noise levels decrease over time</li> <li>• 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</li> </ul>	<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"> <li>• <b>As was evident at ISH3 in the evidence provided by Suono for the five Host Authorities, this issue remains to be resolved.</b></li> <li>• <b>The Suono evidence for ISH3 also indicates that this issue remains to be resolved.</b></li> <li>• <b>This issue remains to be resolved.</b></li> <li>• <b>This issue remains to be resolved.</b></li> </ul>	<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>

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	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• There is uncertainty about the impact upon the strategic highway network if hard shoulder running is not included</li> </ul>	<ul style="list-style-type: none"> <li>• This issue remains to be resolved.</li> <li>• 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.</li> <li>• This issue remains to be resolved.</li> <li>• 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.</li> </ul>	addressed during the Examination stage.
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"> <li>• This issue remains to be resolved.</li> </ul>	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.

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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"> <li>• This issue remains to be resolved.</li> </ul>	The detailing of appropriate mitigation by the Promoter should enable this issue to be addressed during the Examination stage.
Controls, monitoring and enforcement	<p>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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Commitment to funding of junction improvements identified in the transport assessment through a S106 agreement needs to be explicit</li> <li>• The various thresholds proposed for the four key areas within Green Controlled Growth need to be agreed, with realistic limits and</li> </ul>	Further engagement with the Promoter is required in order to address this issue. <ul style="list-style-type: none"> <li>• This issue remains to be resolved. The LPA has prepared a list of extant planning conditions that it considers should be carried forward though notes the ExA Rule 17 letter and Deadline 5 submission date.</li> <li>• This issue remains to be resolved and will be discussed with the Applicant in relation to the TRIMMA and the S106 agreement.</li> <li>• This issue remains to be resolved and is part of on-going discussion with the Applicant on GCG.</li> </ul>	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.

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	<p>appropriate mechanisms to monitor, review and enforce</p> <ul style="list-style-type: none"> <li>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.</li> <li>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).</li> </ul>	<ul style="list-style-type: none"> <li>This issue remains to be resolved and is part of on-going discussion with the Applicant in terms of mitigation and monitoring.</li> <li>The Host Authorities concerns in relation to the issue were set out in ISH1: draft DCO.</li> </ul>	