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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.45 Holiday Inn Acoustic Barrier - Change Notification

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.45

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

8.45 Holiday Inn Acoustic Barrier - Change Notification

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1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 Luton Rising (a trading name of London Luton Airport Limited) (the Applicant) has submitted an application under section 37 of the Planning Act 2008 for an order to grant development consent (the application) for the expansion of London Luton Airport (the Proposed Development). The application was submitted on 27 February 2023 and accepted for Examination on 27 March 2023.
- 1.1.2 Since the submission of the application, the Applicant has continued to engage with stakeholders with a view to addressing their comments and agreeing common ground, while also continuing with detailed scheme development. This work has identified a proposed change to the application.
- 1.1.3 This document therefore constitutes Step 1 of Figure 1 of Advice Note Sixteen: How to Request a Change Which May Be Material (version 3) ('Advice Note Sixteen') (Ref 1.1) in which "the Applicant informs the Examining Authority in writing of its intention to request a change to the accepted application". The change is described in Section 2 and shown in the drawing contained at Appendix A.
- 1.1.4 The proposed change is a result of ongoing engagement with Holiday Inn, an Interested Party to the application. Specifically, it relates to a request by Holiday Inn for the Applicant to include an acoustic barrier alongside the proposed new Airport Access Road, in order to align the Proposed Development with a previous commitment made by the Applicant under an approved planning permission for the New Century Park Access Road (Luton Borough Council Reference: 17/02300/EIA).
- 1.1.5 The new Airport Access Road was not determined to have a significant adverse effect within the Environmental Statement (ES) submitted with the application for development consent. However, the ES for the New Century Park Access Road which it supersedes, did predict increases in road traffic noise on the west facing façade of the Holiday Inn site. A noise barrier was thus proposed under the 17/02300/EIA application as a mitigation measure and is being added to the current Proposed Development to reflect the latest discussions with Holiday Inn and a desire on behalf of the Applicant to honour the previous commitment.
- 1.1.6 The Applicant considers that the proposed change to the application is not so substantial as to constitute a materially different project from that applied for. The change would not involve modifications to the draft Order, or the inclusion of any additional Order works or land within the Order Limits, nor would the proposed change be anticipated to give rise to any materially new or materially different adverse environmental effects in comparison with those assessed and reported in the ES. Refer to Section 2.3 for more information.
- 1.1.7 The Applicant is notifying the Examining Authority (ExA) of its intention to formally request a change to the application and is seeking advice from the ExA on the procedural implications. More information on the formal change request can be found in Section 4.

1.1.8 The Applicant does not intend to carry out consultation on the proposed change prior to making the formal change request. More information can be found in Section 3.

1.2 Indicative programme

1.2.1 The indicative programme for the relevant steps for submitting the formal change request to the ExA are set out in Table 1.1.

Table 1.1: Indicative programme

Step	Indicative programme
Notification to the ExA on the proposed changes	5 October 2023 (Deadline 3)
Non-statutory consultation	N/A
Formal change request to be submitted to the ExA	Deadline 5, subject to further advice from the ExA.
ExA decision on whether to accept the changes and how they should be examined	At the ExA's discretion

1.3 Accommodating the changes within the Examination statutory timescales

1.3.1 The Applicant considers, subject to the ExA's agreement, that the proposed change can be accommodated within the statutory timescales of the examination for the following reasons:

- a. The proposed change is not considered complex in nature.
- b. There are no anticipated new or different likely significant adverse environmental effects compared to those reported in the ES.
- c. The proposed change does not involve the addition of any further land to the Order Limits.
- d. The Applicant anticipates there will be very limited public/stakeholder interest due to the localised nature of the change beyond the Holiday Inn (who is supportive of the proposed change).
- e. No consents, permits or licences require update as a result of the proposed change and the proposed change does not impede the securing of any consents, permits or licences required to undertake the Proposed Development.
- f. The proposed changes do not alter compliance with relevant planning policy.

1.3.2 The submission of the Change Application at Deadline 5 (subject to further advice from the ExA) provides sufficient time to review and examine any relevant comments from Interested Parties relating to the proposed change.

1.4 Structure of this document

1.4.1 The structure of the remainder of this document is as follows:

Section 2: Proposed Changes

Section 3: Proposed Consultation

Section 4: Proposed Change Submission

Section 5: Compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010

2 PROPOSED CHANGE

2.1 Overview of proposed changes

2.1.1 Following the submission of the application for development consent and acceptance of it by the Planning Inspectorate for examination, Holiday Inn provided the Applicant with its **Relevant Representation [RR-0856]**, dated 15 June 2023. It should be noted that Holiday Inn is a subsidiary of London Luton Hotel BPRa Property Fund LLP, who are in turn represented by Phillips Planning Services Limited in the context of the Proposed Development.

2.1.2 Holiday Inn's Relevant Representation is provided below:

"We write on behalf of our clients, London Luton Hotel BPRa Property Fund LLP, the owners of the Holiday Inn Hotel located on Airport Way, Luton to register them as an Interested Party to the London Luton Airport Expansion Development Consent Order (DCO) application. The Holiday Inn Hotel is located on Airport Way and its demise is excluded from the red line boundary of the DCO. It is located directly to the north east of the proposed Airport Access Road (AAR) included in the DCO application. Prior to the submission of the DCO application, the Airport previously sought planning permission from Luton Borough Council which included full permission for provision of new road in the same location (in so far as it relates to the Holiday Inn) as the now proposed Airport Access Road (Local Planning Authority Reference Number 17/02300/EIA. Our clients engaged with consultations on the application for planning permission, highlighting that the road would stand less than 10 metres from the windows which serve hotel bedrooms, and that there would therefore be significant concerns regarding the adverse impact this would have on the amenity of the hotel. Most specifically the:

- a. Increased noise and disturbance from vehicles in very close proximity to bedrooms*
- b. Fumes and odours released from vehicles impacting the air quality within the bedrooms*
- c. The unsightly nature of a raised roadway directly in front of the windows impacting the quality of the bedrooms*

The application was granted planning permission on the 29th June 2021 subject to conditions. This included Condition 23 which was specifically provided to protect the amenity of the Holiday Inn. It stated that: 'No development shall commence until details of the acoustic screen associated with the proposed New Century Park Access Road to the west of the Holiday Inn hotel (illustrated on drawing D-Q30131-H-0101) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include acoustic reduction properties, height, materials and colour. The scheme shall be implemented in accordance with the approved plans and thereafter permanently retained and maintained.' It is trusted the assessment of the DCO will similarly take into account the amenity of the hotel. Further to this, it is respectfully requested that the London Luton Hotel BPRa Property Fund LLP is confirmed as an 'Interested Party' in the DCO allowing and

preserving their opportunity to make further comments on the application as relevant and appropriate.”

- 2.1.3 The Applicant provided a response to the Holiday Inn’s Relevant Representation in August 2023 in **8.31 Applicant’s Response to Relevant Representations - Part 3 of 4 (Affected Persons) [REP1-026]**. The response included the following statement: *“Whilst no adverse likely significant effects have been identified for the Holiday Inn that would require additional mitigation, it is acknowledged that a Commitment was made to provide an acoustic screen between the road and the Holiday Inn through Condition 23 of approved planning permission 17/02300/EIA. This was unintentionally omitted from the Proposed Development and the Applicant can confirm that it will be included.”*
- 2.1.4 This Change Notification acknowledges the views raised in Holiday Inn’s Relevant Representation and the Applicant’s intended actions to address them.
- 2.1.5 Table 2.1 provides a summary of the proposed change and materiality of the change based on the Applicant’s assessment against the ES and other relevant factors such as the land required to accommodate the change.

Table 2.1: Summary of proposed change

Change code	Title of change	Brief summary	Materiality assessment
CN/002	Holiday Inn Acoustic Barrier	Inclusion of an acoustic barrier 132m in length (at 2m high) alongside the proposed new Airport Access Road, to the benefit of Holiday Inn whose premises sit adjacent to the proposed road.	Non material

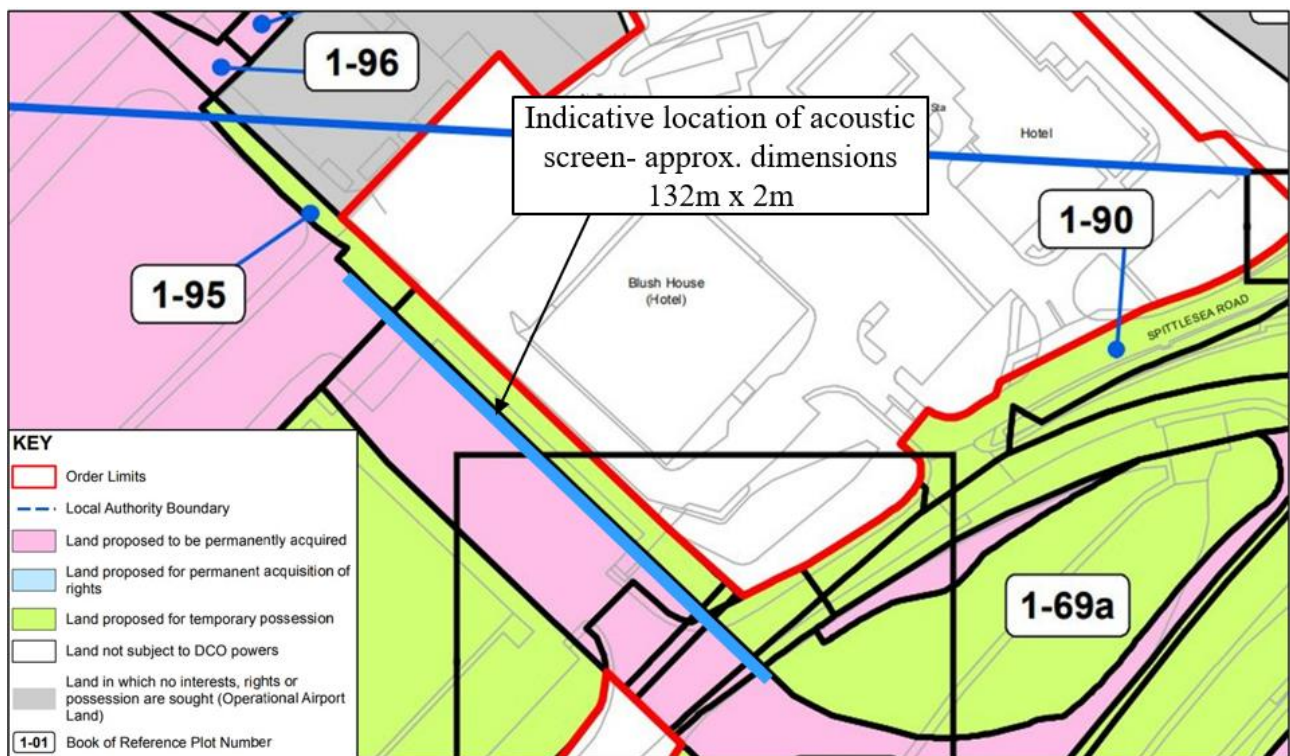
2.2 Need for and description of proposed changes

- 2.2.1 The proposed change is the result of ongoing engagement with Holiday Inn, an Interested Party to the application. Specifically, it relates to a request by Holiday Inn for the Applicant to include an acoustic barrier alongside the proposed new Airport Access Road, in order to align the Proposed Development with a previous commitment made by the Applicant under an approved planning permission for the New Century Park Access Road (Luton Borough Council Reference: 17/02300/EIA).
- 2.2.2 Drawing LLADCO-3C-ARP-SFA-HWM-DR-HY-1510 (contained within Appendix A of this document) is based upon the indicative drawing shown in the New Century Park Access Road application (17/02300/EIA), drawing no. D-Q30131-H-0101.
- 2.2.3 The new Airport Access Road will be elevated on a bridge above Airport Way and pass between the Holiday Inn and Preservation House. The proposed acoustic barrier would be positioned on the parapet of the bridge’s northern

side, adjacent to the hotel. In accordance with the details in the extant New Century Park Access Road permission (17/02300/EIA), the barrier would be 132m in length by 2m high. The exact form and structure of the noise barrier would be considered at detailed design stage in accordance with the requirements of the Design Manual for Roads and Bridges (Ref 2.1) using a proprietary system.

2.2.4 The proposed acoustic barrier, affixed to the new Airport Access Road bridge, would be erected on land which the Draft DCO seeks the power to permanently acquire, within the area depicted for Work No. 6a(02), as shown in the **Work Plans (Part 6 of 6) [AS-017]**. There is, therefore, no change required to the Order Limits, or to the land rights sought within the Order Limits. Figure 2.1 below is an extract of sheet 1 of the **Land Plans [AS-011]** and shows the land over which it is proposed the Applicant will exercise powers of compulsory acquisition or any right to use the land. Holiday Inn is marked as 'Blush House (Hotel)' and the land upon which the acoustic barrier is proposed is marked pink as 'land proposed to be permanently acquired'.

Figure 2.1 Extract of the **Land Plans [AS-011]**



2.3 Environmental appraisal

2.3.1 The addition of the barrier described above to the elevated Airport Access Road above Airport Way and between the Holiday Inn and Preservation House has been appraised against the conclusions of each of the assessments reported in the ES. Any potential changes to the reported impacts, additional or different mitigation, and the resulting environmental effects are reported in Table 2.2 below.

Table 2.2: Environmental Appraisal of Proposed Change

Environmental Aspect /Matter	Potential Change in Impact and/or Mitigation	Potential Change in Effect
Agricultural Land Quality and Farm Holdings	Barrier would be constructed on a structure – no change.	No change
Air Quality	Construction related impacts would be mitigated through the Code of Construction Practice (CoCP) [APP-049] . There are no operational phase changes as a result of the new barrier.	No change
Biodiversity	Barrier would be constructed on a structure – no change.	No change
Climate Change Resilience	Similar to all other Proposed Development assets, the barrier would be designed for the climatic conditions experienced at the end of its operational life cycle, using appropriate design guidance where available in line with the Design Principles [APP-225] – no change.	No change
Cultural Heritage	The barrier would not be constructed in an area of sensitivity and would be located in an area of existing disturbance – no change.	No change
Employment and Economics	The barrier would not alter the overall magnitude of employment or economic benefits of the Proposed Development – no change.	No change
Greenhouse Gases	The barrier would not generate construction or operational emissions that would alter the magnitude of emissions for the whole Proposed Development – no change.	No change
Health and Community	Construction related impacts would be mitigated through the CoCP [APP-049] . No change to the assessment of operational effects has been identified for the health determinants (i.e. air quality, noise, landscape and visual, traffic and transport, and employment and economics), therefore there will be no change to the assessment of health impacts or mitigation.	No change
Landscape and Visual	The barrier would be located on the new bridge over Airport Way. It would be visible in proximate views to the north east of the bridge (notably from Airport Way and New Airport	No change

Environmental Aspect /Matter	Potential Change in Impact and/or Mitigation	Potential Change in Effect
	Way). The barrier would be no more than 2 metres in height and seen in the urban context of Luton. There would be no change to the landscape or visual impacts assessed in the ES.	
Major Accidents and Disasters	The barrier constructed at the edge of the highway with appropriate safety barriers would not introduce new hazards or risks that could result in significant adverse effects on the environment - No change	No change
Noise and Vibration	During construction, the inclusion of the barrier would not lead to noise or vibration levels over and above those considered as part of the bridge construction. Its construction therefore does not change the conclusions of the existing assessment. During operation the barrier would lead to lower road traffic noise levels on the ground floor of the western façade of the Holiday Inn, although the amount of reduction has not been quantified through modelling. The existing assessment is therefore considered worst-case and its conclusions will be unaltered as no significant adverse effects were identified in this location. Road traffic noise levels at other receptors would not be impacted by the barrier.	No change
Spoils and Geology	The barrier would be constructed on a structure which will be above ground – no change.	No change
Traffic and Transportation	The barrier will not alter highway operation, nor alter the volume of construction traffic – no change	No change
Waste and Resources	The barrier would not generate construction or operational waste or require additional materials that would alter the magnitude of quantities for the whole Proposed Development – no change.	No change
Water Resources and Flood Risk	The barrier will not alter highway drainage during construction or operation – no change.	No change
In-combination and cumulative effects	The addition of the barrier would not alter overall conclusions of multiple effects on receptors or cumulative effects with other developments – no change.	No change

2.3.2 Given the small scale of the proposed change to a notable piece of highway infrastructure, in a location already dominated by buildings and transport infrastructure, already considered as part of the Proposed Development, the Applicant considers that the proposed change to the application is not so substantial as to constitute a materially different project from that applied for. Further, the proposed change is not anticipated to give rise to any materially new or materially different adverse environmental effects in comparison with those assessed and reported in the ES.

2.4 Substance of proposed change

2.4.1 The Applicant has considered whether the proposed change would be so substantial as to constitute a materially different project, in accordance with paragraph 2.1 of Advice Note Sixteen (Ref 1.1).

2.4.2 The Applicant has done so in consideration of the impact, should the change application be accepted, on the Proposed Development, the Application Boundary and the primary stakeholder, as set out below.

2.4.3 **Proposed Development** – The change would not require amendments to the description of the Authorised Development contained in Schedule 1 of the **Draft DCO [AS-067]**, as it would fall within the existing scope of the ancillary works described as ‘lettered works’ within Schedule 1 – specifically lettered work (g), which provides for noise barriers. The change would also not require any changes to the parameters shown on the **Works Plans [AS-012 to AS-017]** or any other drawing proposed to be secured by the DCO.

2.4.4 **Application Boundary** – As outlined in paragraph 2.2.4 of this document, the change would not necessitate a change to the Application Boundary, or to the land or rights required for the Proposed Development.

2.4.5 **Primary stakeholder (Holiday Inn)** – As discussed in section 3 below, no further consultation with Holiday Inn is considered necessary as their views are fully understood by the Applicant.

2.4.6 In view of the above, the Applicant considers that the identified change does **not** meet the criterion for a material change.

3 PROPOSED CONSULTATION

- 3.1.1 Given the context of the proposed change, it is not considered necessary for the Applicant to carry out consultation in respect of this Change Notification and the subsequent steps set out in Advice Note 16 (Ref 1.1). Given that the key stakeholder with an interest in the change, Holiday Inn, has expressly stated their desire for the proposed noise barrier in their Relevant Representation **[RR-0856]** (as presented in section 2.1), the Applicant is satisfied that further consultation is not needed. The barrier was secured in Holiday Inn's interest under Condition 23 of permission 17/02300/EIA for an equivalent development, so this proposed change simply seeks to honour this commitment.

4 PROPOSED CHANGE APPLICATION

4.1.1 The formal change request will include the following:

- a. Information on the proposed change, including the following:
 - i. description and reason for the proposed change;
 - ii. 'before' and 'after' excerpts of the relevant plans/drawings, noting that all drawings proposed to be secured by the DCO will remain unaffected;
 - iii. confirmation that the change can take place within the existing land rights sought and that there are, therefore, no implications for compulsory acquisition/temporary possession of land; and
 - iv. an explanation of why the Applicant considers the proposed change to be non-material.
- b. Justification for making the change.
- c. Full schedule of all application documents and plans listing reviews to each document/plan or a no change statement.
- d. Identifying if there is any impediment to securing any consents/licences required (alongside the draft DCO) (as noted in paragraph 1.3.1.e, this is not anticipated to be the case).
- e. Environmental appraisal of the proposed changes including the assessment individually and cumulatively.

5 COMPLIANCE WITH THE INFRASTRUCTURE PLANNING (COMPULSORY ACQUISITION POWERS) REGULATIONS 2010

- 5.1.1 As explained earlier in this Change Notification, the Applicant is not proposing to make any changes to the Order Limits, or to the rights it seeks over individual land parcels within the Order Limits as identified on the **Land Plans [AS-011]**, **Special Category Land Plans [AS-021]**, **Crown Land Plans [AS-024]** and the **Book of Reference [APP-011]** as a result of the proposed change. Therefore, in the Applicant's view, the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010 are not engaged by the proposed change.

GLOSSARY AND ABBREVIATIONS

Term	Definition
ExA	Examining Authority
DCO	Development Consent Order
EIA	Environmental Impact Assessment
CoCP	Code of Construction Practice
ES	Environmental Statement
BPRA	Business Premises Renovation Allowances
LLP	Limited Liability Partnership
DMRB	Design Manual for Roads and Bridges

REFERENCES

Ref 1.1 Planning Inspectorate (March 2023). Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3).

Ref 2.1 Standards for Highways (March 2020). Design Manual for Roads and Bridges.

APPENDIX A – INDICATIVE ACOUSTIC BARRIER LOCATION

This drawing may contain mapping by permission of Ordnance Survey on behalf of HMSO © Crown Copyright and database rights 2022 Ordnance Survey 0100031673
 All structure positions are indicative. The proposed works will be subject to detailed design development. The changes will be within limits of deviation specified in the Development Consent Order.

NOTES

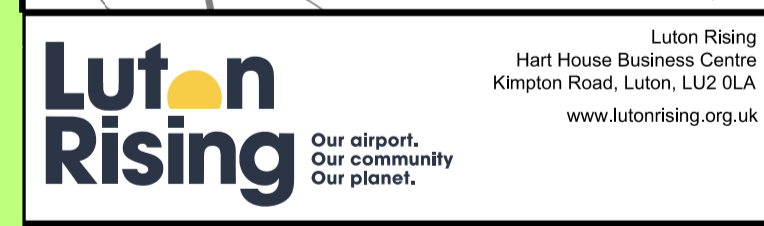
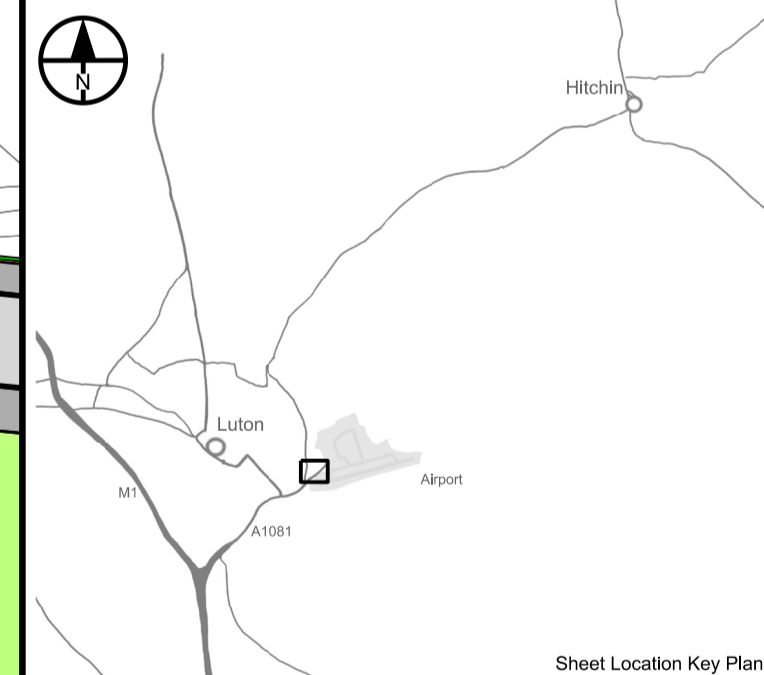
1. All dimensions are in metres unless stated otherwise.
2. Exact details concerning configuration and dimensions will be determined and designed at the detailed design stage in line with provisions of the DCO.
3. The proposed route of the Airport Access Road (AAR) is shown here for illustrative purposes to identify the location of the scheme.
4. For AAR alignment information see drawings LLADCO-3C-ARP-SFA-HWM-M2-HY-0101 to -0110.
5. For AAR cross sectional information see drawings LLADCO-3C-ARP-SFA-HWM-M2-HY-0501 to -0504.
6. These drawings should be read in conjunction with the Transport Assessment report [TR020001/APP/7.02].

KEY

- Order Limits
- - - - Proposed Highway Boundary
- - - - Existing Highway Boundary
- Acoustic Barrier
- Footways and Paved Areas
- Road Carriageway
- Soft Verges and Landscaping
- Verge
- Earthworks

INDICATIVE LAYOUT

Additional submissions	NS	JR	JR	10/23	P01
Revision History	Drawn	Checked	Approved	Date	Rev.



**London Luton Airport
 Development Consent Order**

Drawing Title
**AIRPORT ACCESS ROAD
 - INDICATIVE ACOUSTIC
 BARRIER LOCATION**

Purpose of Issue
ADDITIONAL SUBMISSIONS Suitability
S6

Drawn	Checked	Approved	Date	Scale	Size
N.Scott	J.Riat	J.Riat	10/23	1:500	A1

DCO Application Ref.	APFP Regulation	DCO Document Ref.
TR020001	N/A	TR020001/APP/8.45

Drawing Number
LLADCO-3C-ARP-SFA-HWM-DR-HY-1510 Revision
P01

Project - Phase - Originator - AssetZone - Sub Asset - Type - Desc. - Number

