



Our ref:

Jo Dowling
Lead Member of the Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square Bristol
BS1 6PN

Via E-Mail to:

lutonairport@planninginspectorate.gov.uk

Kelly Milburn
Spatial Planning Manager
Operations (East)
National Highways
Woodlands
Manton Lane
Bedford
MK41 7LW

1 November 2023

Dear Ms Dowling,


LONDON LUTON AIRPORT EXPANSION – DEADLINE 4 SUBMISSION

This submission is made following the Issue Specific Hearings held in September and the issue of ExQ1 on Tuesday 10 October 2023. National Highways can provide a substantive update on progress including a formal response to CA1.4 contained in ExQ1:

1. ExQ1 CA1.4 – In respect of the proposed temporary possession of National Highways interests in plots 8-01, 8-02, 8-03, 8-04, 8-05, 8-06, 8-07, 8-09, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15, 8-16, 8-17, 8-18, 8-19, 8-21, 8-22 and 8-23 (“**Plots**”), no reasonable alternatives are offered by NH at this stage. However, another model for the carrying out of such works is that National Highways itself, funded by the promoter could carry out the relevant works. At this stage, National Highways does not feel it necessary to insist on the adoption of this model.
2. National Highways notes that in order to avoid the potential for serious detriment to its network and road users from the proposed occupation of operational carriageway, strict procedures for road space bookings and other technical approvals need to be granted by National Highways. These processes are included in the draft form of protective provisions for the benefit of National Highways, currently being negotiated with the Applicant. National Highways reserves its position on the temporary possession of the Plots until the status of its protective provisions is confirmed.

3. National Highways has prepared a schedule of comments on the revised draft DCO (REP3-003) and these are attached to this submission as Appendix 1.
4. At ISH4 (Traffic and Transport) on Thursday, 28 September, National Highways and the Applicant were asked to agree an appropriate resolution to membership of the Environmental Scrutiny Group (ESG). Following a constructive meeting with the Applicant, where the role of the ESG within the Green Controlled Growth Framework was explained in more detail, National Highways is currently satisfied with membership of the Technical Group that sits below ESG subject to further substantive detail being provided in relation to the TRIMMA. National Highways will keep this position under review.
5. National Highways remains concerned about a lack of SRN capacity and, in particular, the operation of the south-facing slip roads at M1 Junction 10, which are forecast to experience severe residual congestion following implementation of the Applicant's proposed mitigation works. Constructive discussions with the Applicant are ongoing and we are seeking to find pragmatic solutions involving appropriate conditions and a more rigorous monitoring regime so that where additional capacity is required it is secured for the benefit of the SRN. We are continuing to collaborate with the Applicant to resolve these issues and will provide a substantive update for Deadline 5, in advance of the planned Hearings at the end of November.

Yours sincerely,



Kelly Milburn
Spatial Planning Manager



APPENDIX 1

COMMENTS ON THE DEVELOPMENT CONSENT ORDER

Deadline 4
London Luton Airport Expansion Development Consent Order
National Highways (NH) – Comments on the Development Consent Order (Revision 4) (REP3-003)

No	Page No.	Article / Luton Drafting	Proposed NH Amendment	Explanation
1	12	Article 11(4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.	Delete Article 11(4)	This provision has not been widely used since 2016 and in recent Orders has not been included at all (The Sizewell C (Nuclear Generating Station) Order 2022). In Orders where it has been included since 2016, the timescale has been substantially more than 28 days. We request that the provision be deleted in its entirety, as the deeming of consent in such circumstances represents a significant risk to highway safety. Any works to streets must be subject to the approval of the Relevant Highway Authority once proper consideration has been given to the technical specification of works. This should not be rushed and there should not be an assumption because a deadline is missed that safety-critical works are satisfactory.
2	14	Article 15(2) If a street authority which receives an application for consent under paragraph (1) fails to notify the undertaker of its decision before	If a street authority which receives an application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 28 ⁵⁶ days beginning with the date on	The Explanatory Memorandum references that this drafting is based on article 14 of The A63 (Castle Street Improvement, Hull) Development Consent Order 2020, article 12 of The M25 Junction 28

		the end of the period of 28 days beginning with the date on which the application was made, it is deemed to have granted consent.	which the application was made, it is deemed to have granted consent.	Development Consent Order 2022 and article 21 of The Sizewell C (Nuclear Generating Station) Order 2022. We would note that the deemed consent provision is not replicated in the A63 or M25 Orders. Whilst deemed consent is included in the Sizewell C Order, the relevant period is 56 days. NH consider this to be the standard period and ask that this is replicated in the Order.
3	-	Part 4 of Schedule 2	(1) No part of Work No. 6e may commence until a scheme providing for motorway signage and a maintenance bay necessitated by the proposed development for the M1 Junction 10 has been submitted to and approved in writing by the relevant planning authority in consultation with the relevant highway authority; (2) The authorised development must be constructed in accordance with the signage and maintenance bay scheme approved under sub-paragraph (1); (3) The authorised development must not be operated unless and until the works provided for in the signage and maintenance bay scheme approved under sub-paragraph (1) have been commissioned and completed; (4) This requirement may be enforced by National	This is a proposed new requirement. To comply with NH safety standards, the signage and maintenance bay must be provided prior to commencement of Work No. 6e.

			Highways as if it was a relevant planning authority;	
4	-	Part 4 of Schedule 2	<p>(1) No part of Work No. 6e may commence until:</p> <p>(a) a scheme of works is approved by the relevant highway authority for the proposed mitigation works to the south-facing slip roads; and</p> <p>(b) a scheme of reporting for airport capacity thresholds is approved by the relevant highway authority;</p> <p>(2) The authorised development must not exceed 21mppa until the scheme of works approved under sub-paragraph (1) have been commissioned and completed;</p> <p>(3) The mitigation works to the south-facing slip roads must be constructed in accordance with the scheme of works approved under sub-paragraph (1);</p> <p>(4) This requirement may be enforced by National Highways as if it was a relevant planning authority;</p>	<p>This is a proposed new requirement. NH considers that the point at which the traffic flows on the southbound slips exceed tolerances is likely to be around the 2027 design year, at which point the mitigation to the slips (still to be agreed) must have been provided in order to enable further growth at the airport.</p>
5	-	Part 4 of Schedule 2	<p>(1) No part of Work No. 6e may commence until:</p> <p>(a) a scheme of works is approved by the relevant highway authority for the proposed mitigation works to the north-facing slip roads; and</p> <p>(b) a scheme of reporting for airport capacity thresholds is approved by the relevant highway authority;</p>	<p>This is a proposed new requirement. NH considers that the point at which the traffic flows on the northbound slips exceed tolerances is likely to be around the 2043 design year, at which point the mitigation to the slips (still to be agreed) must have been provided in order to enable further growth at the airport.</p>

			<p>(2) The authorised development must not exceed 27m² until the scheme of works approved under sub-paragraph (1) have been commissioned and completed;</p> <p>(3) The mitigation works to the north-facing slip roads must be constructed in accordance with the scheme of works approved under sub-paragraph (1);</p> <p>(4) This requirement may be enforced by National Highways as if it was a relevant planning authority.</p>	
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