

Summary of Representations made at ISH10 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. Changes to the draft DCO

- 2.1 National Highways notes the helpful discussions at the issue specific hearing relating to green controlled growth and will be making written submissions at deadline 6 on changes required to the DCO. We acknowledge that this submission is outside the timeline of changes to the DCO. However the Applicant's submissions insofar as they relate to National Highways dealing with the control mechanism for future mitigation have changed (at ISH4 it was expressed by the Applicant that mitigation would be secured primarily by the TRIMMA and at ISH7 it was expressed as being coordinated through the GCG).

3. Article 44 (interaction with LLAOL planning permission) and the granting of consent to increase the passenger cap to 19 million passengers per annum (MPPA)

- 3.1 N/A

4. Article 45 (Application of the 1990 Act)

- 4.1 N/A

5. Schedules 1 and 2 – Authorised Development and requirements (excluding Part 3, Requirements 18 to 25)

- 5.1 National Highways has a number of concerns in relation to Schedules 1 and 2 of the DCO:

- 5.1.1 Schedule 1 – The current scheme of works does not include works to provide the gantries/wayfinding measures and maintenance bay as required by National Highways standards. In the absence of these works being included in the DCO, a Grampian requirement will be necessary in Schedule 2 providing for their delivery as part of Phase 1 of the works (currently undefined in the DCO with no requirement to provide a phasing plan/strategy).
- 5.1.2 Schedule 2 – There is currently no requirement to provide a phasing plan/strategy that is consistent with the transport assessment and as such there is no clarity on which items of Schedule 1 will be brought forward in accordance with those particular phases. In the absence of a defined phasing strategy, it becomes very difficult to tie mitigation to particular milestones of the development. For a development of this scale and complexity to have no requirement for a phasing strategy is very unusual.
- 5.1.3 Schedule 2 – The requirement to provide a TRIMMA “substantially in accordance with” the outline TRIMMA is not agreed. This wording only works where the control document is sufficiently advanced such that the changes to the final

document are insubstantial. National Highways have been making representations since the start of the Examination that the outline TRIMMA is not sufficiently detailed – for example, there are no thresholds in the outline TRIMMA identifying when mitigation is to come forward. In such circumstances, it is inappropriate to use the device “in substantial accordance with” as this does not put National Highways in a position where it can predict when mitigation is likely to be delivered. For road safety purposes, National Highways cannot be left in the dark on this. As a consequence, the changes described below and the inclusion of new Grampian requirements is necessitated.

- 5.1.4 Schedule 2 – Grampian requirements are necessary to tie works to the M1 Junction 10, the southbound and the northbound on slips to phases 1, 2a and 2b of the authorised development respectively. The only way to obviate the need for this is to link the respective works in Work No 6e (n), (o) and (p) to a phasing strategy secured in the DCO or thresholds supported by sufficient opening year and design year modelling so that they can be specified now. Otherwise, there is no means by which further airport development can be restricted until the agreed mitigation works to the strategic road network are delivered.

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

- 6.1 National Highways intends to respond in writing on this at Deadline 6.

7. Schedule 9 – Documents to be certified

- 7.1 N/A

8. Consents, licences and other agreements

- 8.1 N/A

9. Action Points

- 9.1 N/A

10. Any other business

- 10.1 N/A

11. Close of hearing