

Summary of Representations made at ISH9 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) appeared on behalf of National Highways Limited.

2. Green Controlled Growth (GCG) principles

2.1 National Highways was not anticipating involvement at ISH9 on the basis that it had previously been conveyed to us that the principle means of managing highway impacts to the M1 Junction 10 was through the TRIMMA. However, the Applicant's position on this has not been consistent. National Highways' position has therefore changed with respect to GCG, hence why the ExA may see conflicting submissions from National Highways on whether full membership of the ESG is required or simply membership of the surface access technical panel. For the avoidance of doubt, National Highways is requesting full membership of the ESG. As the GCG is relevant to traffic levels and hence to surface access mitigation to the M1 Junction 10 and other elements of the Strategic Road Network (SRN) then National Highways must have a decision making role.

2.2 If a decision-making role on the ESG were not provided, this would mean that decisions relating to the SRN are taken outside of National Highways' control. National Highways should be involved in decision making which involves its network. The Applicant had proposed that bodies affected by only one consideration in the GCG Framework should be members of technical panels only. Membership of just the technical panel is not appropriate notwithstanding that National Highways is affected by only a single technical discipline, since it would not in any event be responsible for the other considerations. This is a flawed basis for selecting ESG membership.

3. Noise

3.1

4. Greenhouse Gas Emissions

4.1

5. Air Quality

5.1

6. Surface Access

6.1 If the TRIMMA mitigation is predicated on modelling which relies upon assumed mode shares which come from GCG, if there is a reliance on the assumed mode share and mode share isn't being achieved, then there is an interrelationship between the traffic and the mode share percentages. There is a need for NH to be involved in the process of operating and controlling these elements. How these aspects operate remains unclear and all of this detail needs to be provided by the Applicant in written submissions.

- 6.2 We know that there is a reasonable worst case assumed in the transport modelling and the TRIMMA. The question is whether the reasonable worst case relates to the limit values or some different values which are not contained in the GCG framework. It should be clarified whether a different set of assumptions to those in the GCG apply. If it is conceivable that the GCG limit values are a reasonable worst case, then implicitly the limit values may be exceeded, meaning there is hence a level beyond the assessed worst case. That further worst case is plainly in contemplation and has not been assessed.
- 6.3 National Highways understands that it is the thresholds in the GCG that are the reasonable worst case scenario, therefore if it is envisaged that a scenario worse than the reasonable worst case might occur, the Applicant must have exceeded it - because it follows that if the Applicant is mitigating things that go beyond the reasonable worst case then the reasonable worst case scenario must have been exceeded. So the mitigation being discussed in the context of GCG and the TRIMMA is actually that which is required because the authorised development has exceeded the reasonable worst case assumptions in the modelling. Where the limits and thresholds in GCG and TRIMMA cases applies has to be clarified before decisions can be made in reliance on the outlines provided.
- 6.4 National Highways' concern remains in relation to the triggers for the various types of mitigation across the various mode share mitigation measures. National Highways understands that what is being said by the Applicant is that further passenger capacity growth will not happen if mode share thresholds are exceeded. But that means thresholds will be exceeded which has an immediate effect to the local and strategic road networks. It is critical to National Highways that there are enforceable triggers that are clear enough to make sure that mitigation is applied before the relevant network is affected and not after a threshold is exceeded. It cannot be the reactive approach that is currently before the ExA.
- 6.5 National Highways will make submissions at Deadline 6 in respect of the various constraints that need to be included in the DCO to prevent additional passenger growth until the relevant mitigation has been delivered.

7. Compensation policies

- 7.1 N/A

8. Action Points

- 8.1 N/A

9. Any other business

- 9.1 N/A

10. Close of hearing

