



# Responses to Any Further Information at Deadline 5

Application by Luton Rising to extend London  
Luton Airport

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# 1 Introduction

- 1.1 This report provides the response of Luton Borough Council (LBC) as local planning authority (LPA) to various documents that were submitted by the Applicant at Deadline 5.
- 1.2 At Deadline 5 (14 November) some 65 documents were provided by the Applicant (though some of these were duplicates). The five Host Authorities have jointly commissioned consultants in respect of noise (Suono), and draft DCO/legal (Pinsent Masons) and reference is made to comments that have been provided in other documents by those consultants on behalf of all five Host Authorities.
- 1.3 The response only address those documents where LBC (or its consultants) have considered that a further comment is necessary, but also references where those documents may have been covered in other submissions that are provided at Deadline 6.

## 2 Comments on documents submitted

- 2.1 In the post hearing submissions to ISH8 (Environmental Matters) and ISH9 (Green Controlled Growth), Suono has provided comments on noise on behalf of LBC and the other Host Authorities, which addresses issues raised in the following documents submitted by the Applicant at Deadline 5:
  - **[REP5-015]** Deadline 5 Submission - 5.12 Comparison of consented and proposed operational noise controls (Tracked Change Version);
  - **[REP5-029]** Deadline 5 Submission - 7.08 Green Controlled Growth Framework Appendix C - Aircraft Noise Monitoring Plan (Tracked Change Version);
  - **[REP5-045]** Deadline 5 Submission - 8.113 Applicant's Response to Issue Specific Hearing 3 Action 24 - Additional Ground Noise Modelling Information;
- 2.2 Pinsent Masons have provided comments on the principles of Green Controlled Growth in a separate post hearing submission on ISH9 (Green Controlled Growth). That submission is being uploaded by the Hertfordshire

Host Authorities, though only the submissions on ‘principles’ and ‘noise’ are provided on behalf of LBC.

2.3 The ISH9 post hearing submission covers issues raised in the following documents submitted by the Applicant at Deadline 5:

- **[REP5-021]** Deadline 5 Submission - 7.07 Green Controlled Growth Explanatory Note (Tracked Change Version);
- **[REP5-023]** Deadline 5 Submission - 7.08 Green Controlled Growth Framework (Tracked Change Version);
- **[REP5-025]** Deadline 5 Submission - 7.08 Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference (Tracked Change Version); and
- **[REP5-027]** Deadline 5 Submission - 7.08 Green Controlled Growth Framework Appendix B - Draft Technical Panels Terms of Reference (Tracked Change Version);

2.2 Pinsent Masons have also provided a separate post hearing submission on ISH10 (draft DCO) on behalf of LBC and the other Host Authorities which covers the following documents submitted by the Applicant at Deadline 5:

- **[REP5-004]** Deadline 5 Submission - 2.01 Draft Development Consent Order (Tracked Change Version);
- **[REP5-006]** Deadline 5 Submission - 2.02 Explanatory Memorandum (Tracked Change Version); and
- **[REP5-039]** Limited Deadline 5 Submission - 8.54 Summary of Changes to the Draft Development Consent Order.

### 3 REP5-013 Deadline 5 Submission - 5.01 Environmental Statement Chapter 4 The Proposed Development

Reference	Subject	Comment
Paragraphs 4.10.8-4.10.9	Noise barrier between the Holiday Inn and Preservation House	The Council welcomes the commitment of the Applicant to provide this noise attenuation barrier which was to be secured by conditions 7(e) and 23 of the New

		Century Park planning permission (LBC ref: 17/02300/VARCON [REP1-007]).
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## 4 REP5-017 Deadline 5 Submission - 7.01 Planning Statement

Reference	Subject	Comment
Paragraph 5.8.2	Section 106 agreement	Updated to reflect the negotiations in relation to the proposed legal agreement (referenced in the oral submissions at ISH10).
Paragraph 5.8.7	Sports pitch and changing facilities contribution	Updated to reflect the negotiations in relation to the proposed legal agreement (referenced in the oral submissions at ISH10).
Paragraphs 8.8.2, 8.8.17 and 8.8.24	Paragraph 5.103 of the ANPS and veteran tree translocation (also on page 39 of [REP5-019])	Updated to make reference to the obligation on the Secretary of State set out in the ANPS in relation to irreplaceable habitats. ISH8 included discussion in relation to the impact upon habitats, including ancient woodlands and veteran trees.

## 5 REP5-035 London Deadline 5 Submission - 7.09 Design Principles

Reference	Subject	Comment
Paragraph 1.1.2	Purpose of the document	The incorporation of all the design principles into the one document is welcomed.
Section 2.2	Design quality	<p>Whilst this section advises that the scheme layout plans [AS-072] demonstrate how the scheme has “responded to the context of the landscape, neighbouring land and property uses, and has considered the need to minimise impact,” ultimately this is an outline scheme, with broad parameters and no meaningful detail in relation to design.</p> <p>It is recognised that Table 2.1: Design quality design principles has been updated and now includes reference to Luton Hoo and Someries Castle, however most of the additions to that table are technical compliance criteria, reinforced by the codes and standards contained within Table 4.3: Terminal works design principles.</p>

		<p>It is disappointing that there is no reference to design review as a tool for assessing and improving the design of this nationally significant development, as advocated by paragraph 133 of the NPPF and by Local Plan policy LLP25.</p> <p>The Council made representations both in ISH8 and ISH10 in relation to the need for design review.</p>
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## 6 REP5-043 Deadline 5 Submission - 8.111 Applicant's Response to Issue Specific Hearing 6, Action 33 - Principles of Good Design

Reference	Subject	Comment
Table 1.2:	NPPF policy compliance	<p>Whilst paragraph 130 of the NPPF is referenced in this document, the Applicant makes no reference to paragraph 133, which states that:</p> <p><i>“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”</i></p>
Table 1.4: LLP (LLP25)	LLP (LLP25) policy compliance	<p>Only part of the policy is addressed in the Applicant's assessment of policy compliance, with no reference to criteria (i)-(xii) nor the final element of the policy which notes that:</p>

		<i>“The Council will use a Design Review Panel to review major development proposals where appropriate and will take into consideration its recommendations when considering applications.”</i>
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## 7 REP5-047 Deadline 5 Submission - 8.114 Applicant’s Response to Deadline 4 Submissions Appendix A Luton Borough Council (Response to Deadline 3 Documents) [REP4-191]

Reference	Subject	Comment
1	Draft DCO	ISH10 considered the DCO and comments were made on LBC’s behalf by Pinsent Mason, with a post hearing submission being submitted for Deadline 6.
2	Green Controlled Growth	Pinsent Masons acted on LBC’s behalf in relation to the principles of Green Controlled Growth in ISH9, with a post hearing submission being submitted for Deadline 6.
3	Noise and Vibration Green Controlled Growth	The position in relation to Dacorum Borough Council on the Environmental Scrutiny Group was discussed at ISH9 and is addressed in the post hearing submission, provided for Deadline 6.
4-8	Need Case	No further comment is made in relation to the Applicant’s response.
9-11	Noise and Vibration	Suono made representations on noise at both ISH8 and ISH9, commenting on the 2019 baseline. The post hearing submission notes address this point.

## 8 REP5-052 Deadline 5 Submission - 8.115 Applicant’s Comments on Responses to Written Questions by Interested Parties

Question	Subject	Comment
BCG.1.4	Updates on development	On 7 November 2023, Luton Borough Council (and Central Bedfordshire Council) received a consultation under Part 8 of the Town and Country Planning (General

		Permitted Development) Order 2015 for a solar farm within the airport boundary, capable of generating 10 Megawatts of electricity for use on the site (LBC ref: 23/01314/GPDOPD). A decision as to whether the proposal is permitted development is awaited (anticipated w/c 11 December 2023).
DCO.1.3, DCO.1.8, DCO.1.10, DCO.1.14, DCO.1.16, DCO.1.19, DCO.1.20, and DCO.1.21	Various articles and requirements	Issues relating to the draft DCO were covered in ISH10 and are addressed in the post hearing submission from Pinsent Masons on behalf of the five Host Authorities.
GCG.1.5	Quota counts	This was addressed by Ben Holcombe of Suono at ISH8 and ISH9 and is covered in the two post hearing submissions for Deadline 6.
GCG.1.12	ESG terms of reference	The issue of numbers from the Host Authorities in order for the ESG to be quorate was addressed at ISH9 and is covered in the post hearing submission for Deadline 6.
PED.1.5	Design review	This has been addressed elsewhere in this document, as well as being raised at ISH8 and ISH10. The post hearing submissions also address this point.

**9 REP5-098 Deadline 5 Submission - 8.112 Applicant's Response to Issue Specific Hearing 1 Actions 8 and 11: Note on existing/previous planning conditions and S106 obligations. Late submission, accepted at the discretion of the Examining Authority**

Reference	Subject	Comment
2.1	Green Horizons Park S106	The Section 106 is a matter of ongoing discussion with the Applicant, it was raised at ISH10 and Action Point 19 is being addressed for Deadline 6.
2.2	P19 S106	It is noted that the Applicant has agreed to incorporate some of the controls from the



		Noise Management Plan into the DCO noise controls. Again this was discussed at ISH10, and Action Point 19 requires a summary of the Heads of Terms envisaged within the Section 106 to be submitted for Deadline 6.
2.3	P19 Conditions	<p>Whilst the Applicant has indicated that eight of the conditions associated with the 19mppa planning permission are not considered to be relevant, at the ISH10 session, BDBPitmans on behalf of the Applicant did acknowledge that an issue could arise if Phase 3 had not been completed by the time notice of intention to commence the DCO was served on the Council. This would necessitate an article similar to that of Article 45 associated with the Green Horizons Park permission.</p> <p>There also needs to be in place provision for the protection of the mode share levels that might have been achieved under the updated Travel Plan required by condition 18 for 19mppa, and carbon reduction achieved in line with the Carbon Reduction Strategy secured under condition 19.</p>