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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.163 Applicant's Response to Deadline 6 Submissions
Appendix E - Luton Borough Council

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.163

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.163 APPLICANT'S RESPONSE TO DEADLINE 6 SUBMISSIONS
APPENDIX E – LUTON BOROUGH COUNCIL**

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Contents

Page

Appendix E – Luton Borough Council

1

Tables

Table 1.1: Applicant's response to submission by Luton Borough Council (Comments on D5) [REP6-103] at Deadline 6

Table 1.2: Applicant's response to submission by Luton Borough Council (CAH2) [REP6-104] at Deadline 6

Table 1.3: Applicant's response to post hearing submission by Luton Borough Council (Issue Specific Hearing submission ISH8 – Air quality) [REP6-106] at Deadline 6

Table 1.4: Applicant's response to submission by Luton Borough Council (Post hearing submission ISH8 – Environment) [REP6-107] at Deadline 6

Appendix E – Luton Borough Council

Table 1.: Applicant's response to submission by Luton Borough Council (LBC) (Comments on D5) [REP6-103] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
6	Design	<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. 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>	<p>Please refer to the response provided at ID ISH8 - AP53 within the Applicant's Response to November Hearing Actions [TR020001/APP/8.165] for a response in relation to Design Reviews.</p>
7	Design	<p>NPPF policy compliance</p> <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>“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.”</p>	<p>The Applicant has considered para 133 of the National Planning Policy Framework (NPPF) (which is now Para 138 in NPPF 2023), is primarily directed at the Local Planning Authority's (LPA) and their assessments of design quality. However, the Applicant has updated the documents as listed below to enable the LPA's compliance with this para 133.</p> <p>Please refer to the response provided at ID ISH8 – AP53 within the Applicant's Response to November Hearing Actions [TR020001/APP/8.165] for a response in relation to Design Reviews.</p> <p>A new paragraph 5(7) has been inserted at Schedule 2 of the Draft DCO submitted at Deadline 7 [TR020001/APP/2.01] which commits the undertaker to provide the specified authorities with an expected programme of works for the initial five year period and, on a five year basis thereafter.</p>
8	Design	<p>LLP (LLP25) policy compliance</p> <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: “The Council will use a Design Review Panel to review</p>	<p>Please refer to the response provided at ID ISH8 - AP53 within the Applicant's Response to November Hearing Actions [TR020001/APP/8.165] for a response in relation to Design Reviews.</p>

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		major development proposals where appropriate and will take into consideration its recommendations when considering applications.”	

Table 1.1: Applicant's response to submission by Luton Borough Council (CAH2) [REP6-104] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Land and Compensation	<p>The reprovision of Prospect Day Nursery appears to be based on an assessment of need at time of relocation. Given the loss of the facility is highlighted as a major significant effect in the Environmental Statement and would be affecting persons with protected characteristics, why is its reprovision subject to this proviso? Is it acceptable?</p> <p>We have not had the opportunity to discuss the proposed relocation of the Prospect Day Nursery with the Applicant post the compulsory acquisition hearing session, consequently it is proposed that any answer will be provided for Deadline 7 (9 January 2024).</p>	<p>The Applicant has been in contact with LBC for discussions about the reprovision of Prospect House Day Nursery and provided its explanation for the current position. The Applicant commits to carrying out an assessment to confirm capacity requirements prior to the acquisition of Prospect House Day Nursery and the results of the assessment will inform the approach and requirement for relocation of the nursery. This commitment to assess future need is secured in the Draft Section 106 Agreement [TR020001/APP/8.167] submitted at Deadline 7. Please also refer to the Applicant's response to CAH2 - WQ9 in the Applicant's response to Written Questions Arising from Hearings [TR020001/APP/8.146].</p>

Table 1.2: Applicant's response to post hearing submission by Luton Borough Council (Issue Specific Hearing submission ISH8 – Air quality) [REP6-106] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Air Quality	<p>whether significant effects are likely due to 24 hour working using static conveyor(s) for non-contaminated material;</p> <p>No submission was made by LBC in relation to this matter.</p> <p>Post Hearing Comment: LBC Environmental Protection has no specific concerns regarding the use of a conveyor system to transport excavated material in preference to using dump trucks and haul roads. Indeed, if well managed, such a system can offer several distinct advantages over the latter approach, as detailed in para. 4.3.38 of AS-082 (Construction Method Statement and Programme Report). Indeed, for materials handling, Appendix 4 to the Institute of Air Quality Management's (IAQM) Guidance on the Assessment of Mineral Dust Impacts for Planning categorises conveyors as having a lower dust potential than unconsolidated haul roads.</p>	<p>Noted. As set out in the Applicant's response during ISH8 outlined in section 5.1 of the Applicant's Post Hearing Submission – Issue Specific Hearing 8 [REP6-066] the assessment has taken a conservative approach and as agreed with LBC the best practice approach has been followed.</p>

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		<p>Regardless of the approach adopted, LBC Environmental Protection (LBC EP) would expect the applicant to have regard to, and where appropriate apply, all relevant IAQM good practice guidance. Regarding materials handling using a conveyor system, this would include the following operational measures from Table 5 of the IAQM Mineral Dust guidance (below).</p> <p>The effectiveness of the mitigation employed should then be assessed via a monitoring programme in accordance with the IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites. Provided the mitigation is correctly applied and continuously monitored, from an air quality perspective, the 24-hour nature of the operation would not be viewed as intrinsically problematic.</p>	
2	Air Quality	<p>whether there would be an ongoing need to investigate, report and mitigate kerosene odour.</p> <p>Mr Loosley noted that from time to time, LBC EP hears after-the-fact anecdotal reports of airport-related odour issues. However, despite encouraging potential complainants to contact LBC Neighbourhood Delivery whilst the odour is ongoing, very few service requests are received on this topic. Indeed, reviewing our records before this session at the request of NHDC colleagues, only four service requests relating to odour in the vicinity of the airport have been logged in the last five years—only one of these expressly mentioned fuel odour.</p> <p>Considering the exceptionally low number of complaints received, it cannot be discounted that these figures may be artificially suppressed due to uncertainty amongst potential complainants regarding the procedure for making an odour complaint, i.e. should they contact the airport operator or LBC Neighbourhood Delivery?</p> <p>Consequently, LBC EP would welcome the development of a more joined-up approach to odour complaint investigation. Due to limitations on both the Council's resources and its ability to correlate complaints with airside activities, it would be EP's preference that, in the first instance, all complaints should be directed to the airport operator for investigation and resolution. This will require the development of new reporting channels, as the LLA website currently only has a facility for submitting noise complaints. Complaint details (numbers, timings and subject) should be shared with LBC EP, with complainants being advised to contact LBC Neighbourhood Delivery if they still have outstanding concerns following LLA's initial investigation.</p> <p>Action Point 22: Submit a copy of the Applicant's proposed outline fuel odour control procedure, LBC to provide a response. Discuss a mechanism for LBC</p>	<p>The Applicant addressed this matter in response to Action Point 22, as detailed in the Applicant's Post Hearing Submission – Issue Specific Hearing 8 [REP6-066], and in the Applicant's Response to Issue Specific Hearing 8 Action 22 – Proposed Odour Reporting Process [REP6-073], submitted at Deadline 6 which details existing and proposed processes, incorporating amendments in line with comments received from LBC prior to Deadline 6.</p> <p>Please refer to responses provided in Table 1.3 of this document, at ID 1 and ID 3. There are two points made for minor alterations which can be addressed via the SOCG process and a final version of the document will be provided for Deadline 9.</p>

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		<p>to engage with the procedure and explain how the procedure would integrate with any airport environmental management system.</p> <p>A response to this action is provided in the separate document "LBC Responses to ISH8 Action Points 8.12.2023"</p> <p>Action Point 24: Joint Host Authorities to comment on the potential issue of odour and flies from water treatment plant.</p> <p>Addressed above.</p> <p>Action Point 25: Update regarding how potential complaints in relation to odour could be made and managed, and how this would be secured. Interested Parties (IPs) to comment on subsequent deadline.</p> <p>As noted in response to Action Point 22 (in the separate document) the Applicant did submit an Air Quality – Odour Reporting Process on 6 December 2023, and LBC have provide some comments in response including handling complaints.</p>	

Table 1.3: Applicant's response to submission by Luton Borough Council (Post hearing submission ISH8 – Environment) [REP6-107] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Air Quality	<p>Submit a copy of the Applicant's proposed outline fuel odour control procedure, LBC to provide a response. Discuss a mechanism for LBC to engage with the procedure and explain how the procedure would integrate with any airport environmental management system.</p> <p>LBC received a copy of the Applicant's proposed 'Air Quality – Odour Reporting Process' on the 6 December 2023. The document has been prepared in response to a query flagged by Andrew Loosley (LBC's technical officer responsible for air quality) regarding how operational phase odour complaints will be handled if the expansion goes ahead. Mr Loosley's comments from the ISH8 session are provided in LBC's post hearing submission for ISH8.</p> <p>Having only recently received the document, LBC's initial comments are that bar a couple of points detailed below, the procedure set out in the proposal is</p>	<p>As noted above, the proposals can be discussed at the next SOCG meeting and a final SOCG version will be provided for Deadline 9.</p>

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		<p>acceptable – it follows the guidance in the Environment Agency's H4 H4 Odour Management document fairly closely.</p> <p>1. Considering the high level of digital exclusion within Luton, consideration should be given to providing alternative reporting mechanisms alongside the online complaints system. According to an analysis by Rouge Media, Luton has the highest level of digital exclusion in the UK; in 2020, 22% of adults had either never used the internet or had not used it in the last three months.</p> <p>2. Although no doubt considered implicit, the five-step process in section 3.1.3 of the proposal does not include recording and informing the complainant of the action taken. These omissions should be remedied (both are recommended in H4). Complainants must also be provided with feedback in a timely manner.</p>	
2	Air Quality	<p>LBC considers that the airport is probably best placed to carry out investigations in the first instance as they will be able to identify any issues and also will have easier access to air side where necessary, which may introduce delays for local authority lead investigating. Upon conclusion of an investigation, the person making the complaint should be advised of the outcome and also that, if they have any further concerns, that they can report the matter to the local authority for the area where the odour occurred.</p> <p>The nature of the airport is such that complaints do occur outside of Luton and whilst LBC will assist neighbouring authorities, the statutory duty to investigate complaints of issues in their area does fall on that authority.</p> <p>It would also be useful for an annual review of complaints to be undertaken.</p>	Noted. As noted above, the proposals can be discussed at the next SOCG meeting and the final SOCG version will be provided at Deadline 9.
3	Design	<p>Design Codes: Your responses to ExQ1 PED1.5 [REP4-187] and action point 31 from ISH6 [REP4-190] considers that design codes would not be appropriate in relation to the DCO as, unlike the New Century Park application which encompassed numerous buildings delivered in phases, the DCO includes only two buildings that would be public facing (Terminal 2 and its plaza and the 400 bed hotel). Given that a number of buildings / structures from the Proposed Development would be visible from a wider area, provide further justification for this position.</p> <p>With regard to design codes covering other buildings/structures proposed as part of the development, many of these are purely operational structures, such as the surface movement radar, engine ground run up bay, water treatment plant or fuel storage facility, and others are functional buildings such as multi-storey car parks, piers, hangars, solar battery storage buildings, and ancillary buildings in the fire training area. Other buildings shown on the scheme layout plans are associated with the Green Horizons Park development, with</p>	Please refer to the response provided at Issue Specific Hearing 8 – WQ9 in the Applicant's Response to Written Questions Arising from Hearings (Nov 2023) [TR020001/APP/8.146] .

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		full details having been provided for the airport operator's technical services building, and the offices, hotel, and warehouses being covered by design codes required under that permission. The proposed new terminal and the large hotel are therefore the two buildings that LBC consider should have design codes, being significant buildings, with public access and providing a gateway to visitors using the airport.	