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Dear Ms Dowling

## **LONDON LUTON AIRPORT EXPANSION**

As the Examination Stage for the Luton Airport Expansion Development Consent Order application nears its close, I wanted to set out National Highways' position in respect of the proposed development.

We are supportive of the principle of the proposed development, and we have sought to be constructive in our engagement with the applicant with the explicit aim of enabling it to proceed. However, this must not be at the expense of our ability to operate the strategic road network (SRN) in a safe and efficient manner. At present, that is not achieved and so we must object to the proposed development in its present form.

The M1 near Luton is one of the busiest and important sections of the SRN and is vital for the economic performance of the country. We recognise that congestion is experienced at present and is forecast to do so in the future. That said, our funds, which are set on a five-year investment cycle known as the Road Investment Strategy (RIS), are not sufficient to resolve every issue across the network. The composition of each RIS, including the individual projects that the RIS fund, is determined through a complex and rigorous process. There is currently no committed scheme identified for M1 junction 10 and its environs.

In our view, supported by our technical advisors, Jacobs, the highway modelling demonstrates that the proposed mitigation work for M1 junction 10 can resolve congestion and associated safety concerns on the circulatory carriageway (AS-016, Drawing LLADCO-3C-CAP-WHS-WRK-DR-AR-0681 P02). This references the work specifically identified in the Scheduled Works contained in the draft DCO and would be subject to them being properly phased and secured.

However, the modelling also demonstrates that there is a risk of residual congestion and safety concerns on the M1 junction 10 southbound entry slip (merge) and on the northbound mainline carriageway, north of M1 junction 9, where five lanes reduce to four. The revised post-covid modelling also indicates a risk of severe congestion at junction 9, potentially as a result of rat-running due to congestion approaching junction 10.

In our view, the modelling is inconclusive as to the extent Luton Airport contributes to these issues because of a lack of a future modelled scenario with the airport traffic but without the proposed mitigation. It should also be acknowledged that the scenarios under consideration are up to twenty years into the future, which reduces the reliability of the results and increases risk. We therefore recognise that planning conditions that constrain the proposed development unless specific works are implemented at particular times may not be the most appropriate way to safeguard the SRN.

Instead, we are open to a robust monitoring scheme which enables us to determine whether mitigation work is required and the appropriate timing for implementation. The monitoring regime needs to provide us with an ability to protect the SRN from unsafe conditions. It also needs to incorporate additional locations to those included in the DCO that are at risk from adverse impacts as the airport grows. We do not consider that the Outline TRIMMA (Transport Related Impacts Monitoring and Mitigation Approach) in its current form achieves these requirements and that these need to be secured as part of the DCO.

DfT Circular 01/2022, Strategic Road Network and the delivery of sustainable development, Para 51, states that

*“Where a transport assessment indicates that a development would have an unacceptable safety impact or the **residual cumulative impacts** on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary.”*

Further, paragraph 111 of the National Planning Policy Framework (NPPF) (dated 20 January 2021) states that:

*‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the **residual cumulative impacts** on the road network would be severe.’*

Therefore, the risk of residual congestion and associated safety concerns highlighted by the modelling is material in this instance. It is not appropriate to limit consideration of impacts and their mitigation to those of the proposed development alone.

I am pleased to note that the applicant’s transport consultants have sought to engage constructively with my team throughout the DCO process and it is recognised that a large number of issues, including several from the Principal Areas of Disagreement Summary (PADS), have been resolved satisfactorily. However, the potential for residual

unsafe congestion at, and to the south of M1 junction 10, and the ability to secure robust monitoring and potential mitigation remain outstanding.

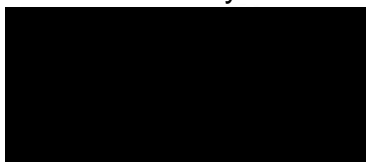
We have indicated in our submissions to the examination at Deadline 7 that given the approaching deadline for the end of the Examination and recognising the uncertainties in the modelling and associated risks, other solutions are needed.

We are continuing to take a collaborative and constructive approach to find a mutually satisfactory solution that will enable the development to proceed, the intention would be to provide for a scheme for additional modelling and agreement of the method for monitoring of impacts as well as triggers for mitigation between the grant of development consent, if given, and the start of work. We do not consider that the draft TRIMMA currently does this. Such an approach would need to be bespoke to the SRN and we require that modelling, monitoring and mitigation needs to be approved directly by National Highways so as to enable us to manage the impacts on our assets.

We note that the applicant's transport consultants have sought to engage constructively throughout the DCO process and it is recognised that a large number of issues, including several from the Principal Areas of Disagreement Summary (PADS), have been resolved satisfactorily.

The Secretary of State will need to satisfy himself that these matters are properly addressed before giving consent to the DCO. At this stage, we are not satisfied that the proposed works in the DCO mitigates against all the safety and operational risks on the SRN, whilst the Outline TRIMMA provides insufficient assurance that the proposed work, and any other required mitigation in the future, will be implemented at the appropriate time.

Yours sincerely



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