



Inclusive Economy
Luton Council
Town Hall
George Street
Luton
Beds LU1 2BQ

Jo Dowling
Lead Member of Examining Panel
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

T: [REDACTED]
E: [REDACTED]
W: www.luton.gov.uk

23 January 2024

Your Reference: TR020001
Our Reference: 20040643

Dear Ms Dowling,

**Re: Planning Act 2008 (as amended)
Application by London Luton Airport Limited for an Order Granting
Development Consent for the London Luton Airport Expansion project**

This letter provides Luton Borough Council's (LBC) update to the Principal Areas of Disagreement Summary Statement (PADSS) as required by the Examining Authority (ExA) for Deadline 8.

Whilst the ExA has asked for this to be the final version of the PADSS, we are aware that the Applicant will be submitting additional information at Deadline 8, some of which will be in response to the ExA's commentary on the draft Development Consent Order. As a consequence, some areas that are currently unresolved may be addressed in the Applicant's response. Further, the ExA has requested that LBC's Statement of Common Ground (SoCG) is submitted at Deadline 9, and there are a few areas where LBC and the Applicant are close to agreement. Consequently, it may be that if matters have progressed, at Deadline 9 LBC could advise the ExA accordingly.

Yours sincerely

[REDACTED]

Sue Frost
Service Director
Sustainable Development

Principal issues in question	Luton Council's summary of areas of disagreement/ outstanding issues which will be reported on in full in Local Impact Report/Written Reps <i>(as stated on 23.6.23)</i>	What needs to: change; or be amended; or be included so as to overcome the disagreement <i>Position at 23.6.23</i>	The likelihood of the concern being addressed during the Examination stage	Updated PADSS Deadline 2 12.09.23	Updated PADSS Deadline 3 5.10.23	Updated PADSS Deadline 6 8.12.23	Final PADSS Deadline 8 23.01.23
Noise	There are a number of areas of concern where the LPA has not yet reached agreement in relation to noise, including:	Further engagement is required between the Promoter and the Host Authorities' noise consultant to address these issues.	These issues may be addressed during the examination, though the Promoter was aware of the most significant issues through both the Noise Envelope Design Group and the Noise Technical Working Group				
	Whether the 2019 baseline is appropriate given that the airport operation that year was not compliant with the planning conditions (therefore giving elevated noise levels)			This issue remained unresolved	Suono evidence at ISH3 and post hearing submission confirmed that this was unresolved [REP3-094]	Suono evidence at ISH8 and ISH9 and post hearing submissions confirmed that this was unresolved [REP6-093 and REP6-094]	Not agreed LBC83 in SoCG LBC do not accept the use of the 2019 Actuals baseline in the core assessment and believe that the 2019 Consented baseline should have been used instead.
	Whether the development complies with Government policy (and emerging policy) in terms of limiting and where possible reducing the number of people significantly affected by aircraft noise			This issue remained unresolved	Suono evidence at ISH3 and post hearing submission confirmed that this was unresolved [REP3-094]	Suono evidence at ISH8 and ISH9 and post hearing submissions confirmed that this was unresolved [REP6-093 and REP6-094]	Not agreed LBC75 in SoCG. LBC consider that the application is not in line with UK aviation noise policy set out in the Overarching Aviation Noise Policy (2023), the Aviation Policy Framework (2013) and the Consultation Response on Airspace Policy (2017). Future noise contour area limits are based from the 'Faster Growth Case' rather than the 'Core Case', leading to increased total adverse impacts from aviation noise and an increase in the number of people significantly affected by aircraft noise. It is taken to be clearly possible to reduce noise levels through use of the Core Case to set noise contour area limits. If limits are not based from the Core Case then the Government's overall policy on aviation noise is not expected to be achieved. The Applicant's position is that policy is complied with and relies on the balance of economic benefits but this is not accepted. Balance between noise emissions of an airport and its economic benefits has historically been, and continues to be, allowed for as UK airports are allowed to generate noise covering sometimes large areas and populations due to the benefits they bring to local and wider

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							<p>communities. However, it is also clear that noise must be controlled. As stated within the Overarching Aviation Noise Policy: <i>"We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England."</i></p> <p>An overall reduction would be where noise contours associated with the development reduce to below the future baseline, which is not predicted to occur within the project's lifetime. Noise contour area limits should not be any greater than those set out in the Core Case within REP1-003 (the ES noise chapter).</p>
	Whether the noise levels decrease over time			This issue remained unresolved	This issue remained unresolved	This issue remained unresolved	<p>Noise levels arising as a result of the Proposed Development are not predicted to decrease materially over time during the day, or at all at night.</p> <p>Claims of noise reduction are made within REP1-003 (the ES noise chapter) but this is from an incorrect, inflated baseline year and the claims are not accepted.</p> <p>Aviation 2050 states that all major airports are expected to set out a plan which commits to future noise reduction but noise contour areas in future years (2039-2043) are not proposed to reduce and are actually proposed to increase compared to prior years.</p>

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	Whether there is an appropriate balance between growth and noise reduction, with the airport adequately sharing the benefits with the local community as set out in Government policy			This issue remained unresolved	This issue remained unresolved	This issue remained unresolved	Since noise levels are not predicted to decrease materially over time during the day, or decrease at all at night, this is taken to be in contradiction to the requirement for benefit sharing with local communities. Further, growth should not be allowed if there is no noise reduction benefit from next-generation aircraft. The increases in noise contour areas proposed clearly demonstrates that growth is sought even if there is no associated noise reduction, and no sharing of the benefits with the local community and as such is contrary to Government policy.
Surface access	The Host Authorities' transport consultants have raised a number of issues which will need clarification and resolving, such as:	Further engagement between the Promoter and Luton Council's Highways Department / transport consultants is required in order to resolve the issues that have been raised.	Clarification on the concerns raised should enable the issues to be addressed during the Examination stage.				
	It has not been possible to determine whether the VISSIM traffic flow modelling has utilised outputs from the strategic model re growth based on committed development in the area			This issue remained unresolved	This issue remained unresolved	Awaited the outcome of the traffic modelling update taking into account Covid-19	No disagreement (SoCG LBC35-LBC40)
	The 2016 base year model is seven years old and it is not clear how the Covid Pandemic may have changed travel patterns since 2019 when the airport operated at 18mppa			Awaited the outcome of the traffic modelling update taking into account Covid-19	Awaited the outcome of the traffic modelling update taking into account Covid-19	Awaited the outcome of the traffic modelling update taking into account Covid-19	No disagreement (SoCG LBC59)
	Greater clarity is needed on the assumptions underlying the assessment, such as the percentage of those using sustainable modes of transport and whether East-West Rail has been assumed			This issue remained unresolved	This issue remained unresolved	This issue remained unresolved (though meetings had taken place and it was likely to be resolved)	No disagreement (SoCG – see for instance LBC23-LBC28, LBC33-LBC34 and LBC43-LBC53)
	There is uncertainty about the impact upon the strategic highway network if hard shoulder running is not included			Awaited the outcome of the traffic modelling update taking into account Covid-19	Awaited the outcome of the traffic modelling update taking into account Covid-19	Awaited the outcome of the traffic modelling update taking into account Covid-19	No disagreement (SoCG LBC36)
	The Eaton Green Road Link is shown as a dual carriageway which is a change from a			No disagreement having referenced paragraph 4.9.11	No disagreement	No disagreement	No disagreement

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	previously approved scheme and the LPA requires justification for its need			of LBC's LIR [REP1A-004]			
Climate change and emissions	Whilst the Promoter may not have direct control over Scope 3 emissions, such as surface access, the Promoter has the ability to influence these emissions. This will rely on accurate baseline data, with appropriate information gathering to supplement the CAA Passenger Surveys, and robust review mechanisms.	Further engagement with the Promoter is required in order to address these issues.	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.	This issue remained unresolved	This issue remained unresolved	This issue remained unresolved (though meetings had taken place and it was likely to be resolved)	No disagreement (SoCG LBC150 and LBC151)
Health and wellbeing	Measures to mitigate the impacts of the development upon the health and wellbeing of the local communities surrounding the airport need to be identified	Further engagement with the Promoter is required in order to address this issue.	The detailing of appropriate mitigation by the Promoter should enable this issue to be addressed during the Examination stage.	This issue remained unresolved	This issue remained unresolved	The health and community issues have been agreed in the SoCG (LBC110-LBC118)[REP6-028]	No disagreement
Controls, monitoring and enforcement	Arising from the principal issues raised above there are outstanding issues in relation to the controls relating to the future operation of the airport. These include:	Further engagement with the Promoter is required in order to address this issue.	On-going discussion with the Promoter should result in these concerns being addressed during the Examination stage.				
	Concern that all the current planning conditions are not carried forward within the DCO and therefore there is less certainty for the surrounding communities that they will not be exposed to increases in noise			This issue remained unresolved	This issue remained unresolved though LBC had prepared a list of P19 conditions to be carried forward	The Applicant had moved some way [REP5-098] though there were still some differences discussed in the ISH sessions.	Mainly agreed (elements of P19 Noise Management Plan carried forward [SoCG LBC87], surface water addressed in article 44 of the dDCO). However, some existing and consultation-proposed noise controls have not been included, such as the extant early morning shoulder period movement limit and the night quota count reduction to 2,800, which have simply been removed rather than adjusted
	Commitment to funding of junction improvements identified in the transport assessment through a S106 agreement needs to be explicit			This issue remained unresolved	This issue remained unresolved but was to be discussed during TRIMMA and s106 meeting with the Applicant	The discussions on the TRIMMA and s106 were positive and it was anticipated that this would be resolved.	No disagreement (junctions funded through the DCO and GHP s106 [REP7-090])
	The various thresholds proposed for the four key areas within Green Controlled Growth need to be agreed, with realistic limits and			This issue remained unresolved	This issue remained unresolved but was	The discussions had been positive and a meeting had	Not agreed for noise (SoCG LBC93) Agreed for others (SoCG LBC158, LBC163)

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	<p>The composition of the Environmental Scrutiny Group (ESG), its review powers and sign off for reports, and the funding for the Council's involvement with the ESG and the Technical Panels needs to be agreed.</p> <p><i>Inserted 12.09.23</i> Note that Pinsent Masons, on behalf of the five Host Authorities, have outlined areas of disagreement that exist with regard to the draft DCO in the PADSS submitted by Herts CC, Dacorum BC and North Herts DC. The Pinsent Masons comments reflect those that were included in our LIR in section 4.15: Controls, Monitoring and Enforcement (pages 72-79) [REP1A-004]</p>			<p>This issue remained unresolved</p> <p>This issue was added at this stage.</p>	<p>part of on-going discussion re GCG</p> <p>This issue remained unresolved but was part of on-going discussions re GCG</p> <p>Pinsent Masons evidence at ISH1 and post hearing submissions confirmed that this was unresolved [REP3-108]</p>	<p>been set of 14.12.23.</p> <p>The issue was discussed at ISH9 and covered in the post hearing note [REP6-094] and it was anticipated that this would be resolved</p> <p>Discussions were on-going with a meeting set up for 12.12.23.</p>	<p>We await the Applicant's response at Deadline 8 to the ExA's commentary on the dDCO [PD-018], after which there may be further agreement in relation to some matters listed below. Not agreed composition LBC169 (2 members of HAs) but otherwise agreed LBC170 Ongoing planning professionals LBC171 and funding LBC174</p> <p>We await the Applicant's response at Deadline 8 to the ExA's commentary on the dDCO [PD-018], after which there may be further agreement in relation to matters in the dDCO.</p>