



Responses to Any Further Information at Deadline 7

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 7.
- 1.2 At Deadline 7 (9 January) some 75 documents were provided by the Applicant. The five Host Authorities (HAs) have jointly commissioned consultants in respect of noise (Suono) and draft DCO/legal (Pinsent Masons). LBC has incorporated the comments from the consultant team as appropriate. A separate document, 'Host Authorities' Response at Deadline 8 to DCO Matters', submitted on behalf of the five Host Authorities, responds both to the Examining Authority's (ExA) commentary on the draft DCO as well as the Applicant's Deadline 7 submissions pertaining to the DCO.
- 1.3 The responses below only address those documents where LBC (or its consultants) have considered that a further comment is necessary, and also references where responses may have been provided in another submission by LBC at Deadline 8.

2 REP7-004 Deadline 7 Submission - 2.01 Draft Development Consent Order

Reference	Subject	Comment
Subsequent to the submission of the draft Development Consent Order (dDCO) at Deadline 7, the ExA submitted its commentary on the dDCO on 16 January 2024 (PD-018), consequently LBC's main comments on the dDCO are included in the separate document: 'Host Authorities' Response at Deadline 8 to DCO Matters'. However, some initial comments are provided below with regard to the Applicant's proposed changes to the dDCO.		
Article 44	Interaction with LLAOL planning permission	The proposed changes to Article 44 are welcomed by LBC, namely: (2) notification to the other HAs that notice has been served on LBC; (4) clarification that the specified conditions will remain in force where built development has not been completed or requires post delivery monitoring or management; (5) circumstances in which provisions of the LLAOL planning permission can be enforceable; and (7) the list of specified conditions.

		LBC considers that Article 44 as amended at Deadline 7 is necessary should the Secretary of State (SoS) grant consent.
Article 45	Application of the 1990 Act	The proposed insertion of paragraph (5) is supported and LBC consider that it is necessary for Article 45 to be included should the SoS grant consent, since this provides the clarity in relation to the Green Horizons Park planning permission and its relationship with the Proposed Development.
Schedule 2: Requirement (1)	Interpretation	LBC welcomes the introduction of the Air Noise Management Plan into Requirement (1) and the certification of this document (within Schedule 9).
Schedule 2: Requirement (5)	Detailed design, phasing and implementation	LBC supports the update to this requirement to take on board both the design review process and the quinquennial programme of works.
Schedule 2: Requirement (12)	Surface and foul water drainage	The proposed amendments to Requirement 12 are supported.
Schedule 2: Requirement (26)	Air noise management plan	The requirement to operate in accordance with the Air Noise Management Plan is welcomed.
Schedule 2: Requirement (34)	Interpretation	The interpretation providing a specified period of 13 weeks associated with an application for Terminal 2, its extension, the plaza and the hotel is welcomed.
Schedule 2: Requirement (35)	Applications made under requirements	The clarification that fees for any application will follow the Town and Country Planning (Fees) Regulations is welcomed.

3 REP7-012 Deadline 7 Submission - 5.01 Environmental Statement Chapter 17 Soils and Geology

Reference	Subject	Comment
17.3.5 – 17.3.6 and 17.7.27 – 17.7.29	Spoil deposition 17/02219/FUL	LBC notes that the ES has been updated to reflect the fact permits will be required associated with the excavation and reuse of some materials that were deposited under application ref: 17/02219/FUL in 2017. The material arose from excavation associated with the DART project (ref: 17/00283/FUL) as well as Project Curium (ref: 12/01400/FUL), and its deposition was subject to the CL:AIRE code of practice.

4 REP7-017 Deadline 7 Submission - 7.05 Employment and Training Strategy

Reference	Subject	Comment
1.1.3 – 1.1.4	P19 Permission and Employment Skills and Training Plan	Confirmation that the Employment Training Strategy (ETS) is to take on board the commitments in the P19 Employment, Skills and Training Plan – including the Local Procurement Protocol – is welcomed.
2.1.2 4.2.4 4.3.3 4.4.25	Local Skills Improvement Plan; Employment and Skills Partnership Board; Local Employment and Skills Strategy; Luton Employability Day.	LBC recognises that the Applicant has updated the ETS to reflect comments received from LBC's Business Investment Programme, in order to tie into the Council's Local Employment and Skills Strategy, Local Skills Improvement Plan, and to work with LBC and other local authorities through the Employment and Skills Partnership Board.

5 REP7-019 Deadline 7 Submission - 7.07 Green Controlled Growth Explanatory Note

Reference	Subject	Comment
2.2.51	Ensuring GCG remains relevant over time	The commitment to a review associated with the funding of the ESG and the Technical Panels is welcome as is the Applicant's commitment to include this review within the S106 agreement.

6 REP7-021 Deadline 7 Submission - 7.08 Green Controlled Growth Framework

Reference	Subject	Comment
2.3.2	Review of GCG Processes	This reiterates the point above on the review of funding for ESG and Technical Panels as per the GCG Explanatory Note.
Table 4.3	GCG Limits and Thresholds for air quality	As requested by the HAs the interim concentration target of 12µg/m ³ by January 2028 is reflected in the table (we note this occurred with REP5-022, but did not comment at that point).

7 REP7-023 Deadline 7 Submission - 7.08 Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference

Reference	Subject	Comment
A2.1.13 – A2.1.14	ESG Host Authority Representation	LBC has seen the ExA’s commentary on the dDCO, in particular in relation to Requirement 19, and a separate response has been submitted in the ‘Host Authorities’ Response at Deadline 8 to DCO Matters’. LBC considers that reference to a “suitably qualified senior planning professional” is unduly onerous and that wording along the lines of the ExA’s suggestion, namely, “suitably qualified person, who is not an elected representative”, is more appropriate. The nomination of a suitably qualified person should rest with the Council and not the Chair of the ESG.
A2.6.7	Meeting Arrangement	The provision for meetings to be virtual or blended, and not just in person, is supported and is likely to assist in enabling representatives from the HAs to attend and reduce costs by saving on travel time.
A4.9.2	Procedure for Noise Limit Reviews	Rather than referring to “paragraph 24 of Schedule to the DCO” it is considered that the sentence should be referring to “Requirement 24 of Schedule 2 of the DCO.” See also A4.10.1 and A4. 11.1.

8 REP7-025 Deadline 7 Submission - 7.08 Green Controlled Growth Framework Appendix B - Draft Technical Panels Terms of Reference

Reference	Subject	Comment
B2.1.9	Panel Membership	LBC consider that the choice of representative for the Technical Panels should rest with the Council and the suitability of a representative should not be at the discretion of the chair.
B2.2	Quorum	LBC have made representations on this previously and support the ExA’s

		suggestion in the commentary on the dDCO.
B2.7.5	Meeting Arrangements	As with the ESG, the intention to enable meetings to be held virtually is supported.
B4.10.2	Procedure for Noise Limit Reviews	For clarity, 'paragraph 24 of Schedule 2 to the DCO' should change to "requirement 24 of Schedule 2 to the DCO." See also B4.11.1 and B4.12.1.

9 REP7-035 Deadline 7 Submission - 7.09 Design Principles

Reference	Subject	Comment
1.1.9	Illustrative Visualisations	The inclusion of illustrative visualisations is welcomed and reflects information that was available during the public consultation exercises.
1.2	Independent Design Review Process	<p>The Applicant has responded to LBC's representations and provided information in relation to the design review process which is welcomed by the Council.</p> <p>LBC considers that the process that the Applicant outlines, involving the setting up of a Design Review Body to then appoint a Design Review Panel, in consultation with LBC and the Applicant, is too complicated.</p> <p>On major developments such as this, LBC would appoint a Design Review Panel (as noted by the Applicant the Council currently engages with Design South East). After an initial preliminary meeting between LBC, the Panel Chair and the Applicant, where the scope of the project is discussed, the Panel chair in consultation with LBC and the Applicant would recommend members with specific specialisms (appropriate to the project) to be on the Design Review Panel. It is usual for there to be two design review meetings/workshops as the scheme develops, one at an early state and a subsequent one as the scheme develops (prior to submission). This does not appear to be recognised in the description of the process. Additionally, the cost of the design review process is to be met by the Applicant</p>

		<p>(this will be captured in the S106 agreement).</p> <p>Additional comments on the elements of the Proposed Development to be covered by the design review process are provided in a separate document, 'LBC's response to the ExA's Rule 17 letter of 17 January 2024'.</p>
4.4	Terminal Works	<p>The updates to the design principles for the terminal works in Tables 4-3, 4-4 and 4-5 reflect comments made to the Applicant by LBC and are supported.</p> <p>LBC considers that comments incorporated into tables relating to the terminal works, covering user experience, quality of space, contribution to local distinctiveness, context and identity could also be incorporated into Table 2-1 for the overall quality of design.</p> <p>We note in our response to the ExA's Rule 17 letter, that the design principles for the Terminal 2 DART station (T.64 - T.66) should include reference to the design reflecting and complementing that of the Terminal 1 DART station.</p>

10REP7-037 Deadline 7 Submission - 7.10 Draft Compensation Policies, Measures and Community First

Reference	Subject	Comment
6.1.16	Eligibility	The amendment to expand eligibility to those who could not have known about the Proposed Development at the time planning permission was granted is welcomed.
6.1.19	Listed Buildings	The amplification in this paragraph to offer a range of products is welcomed.
6.1.37-6.1.57	Process	The commitments provided in these paragraphs with regard to the current noise insulation scheme, the transition and the roll out of the new scheme are welcomed.

11 REP7-038 Deadline 7 Submission - 8.54 Summary of Changes to the Draft Development Consent Order

Reference	Subject	Comment
		Subsequent to the submission of the Summary of Changes to the dDCO at Deadline 7, the ExA submitted its commentary on the dDCO on 16 January 2024 (PD-018), consequently LBC is providing the main comments on the dDCO in the separate document: 'Host Authorities' Response at Deadline 8 to DCO Matters'.

12 REP7-040 Deadline 7 Submission - 8.97 Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)

Reference	Subject	Comment
Paragraph 1.2.2	Final TRIMMA	It is understood that the OTRIMMA acts as the basis for the final TRIMMA which must be substantially in accordance with the OTRIMMA. What is not clear is whether the final TRIMMA will be issued as part of the DCO process, whether host authorities will be able to comment on it and the associated mechanism for signing-off decisions. It is noted that the terms of reference for the Airport Transport Forum (ATF) will be contained in the final TRIMMA.
Table 2:1 and figure 2.2 and figure 4.1	Allocation of RIF funding	LBC agree that the ATF should have delegated authority to agree any mitigation works associated with Type 2 mitigation. However, in the absence of terms of reference underpinning the decision making process that will govern the ATF, LBC is unsure of the process that will be followed to consider the allocation of RIF funding for a proposed intervention
Table 4:1	Basis for securing Mitigation Type 2	LBC notes the proposed measures the RIF could be used to fund, including junction capacity enhancements. LBC is still discussing with the Applicant, and other Host Authorities, the level of the fund.

13REP7-043 Deadline 7 Submission - 8.119

Applicant's Response to Issue Specific Hearing 4 Action 26 and Issue Specific Hearing 7 Action 10 - Sustainable Transport Fund

Reference	Subject	Comment
2.3.1	Fund Size	The updates to the Sustainable Transport Fund (STF) and the fund size are welcome.
2.3.13	Enabling Early Investment	The pump priming of the STF to enable early funding is also welcome.
2.3.15	Capping the Fund	It is not clear as to why the STF would be capped at £37M, or alternatively the year in which passenger numbers are within 1mppa of the 32mppa cap. It is considered that the requirement for the STF should be kept under review, and kept in place for at least five years post the airport approaching the passenger cap. LBC is still engaging with the Applicant, together with the Host Authorities, in relation to the STF.

14REP7-049 Deadline 7 Submission - 8.149

Applicant's response to Written Questions - Broad, cross topic and general questions

Reference	Subject	Comment
BCG.2.3	Slot Allocation	<p>The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities in response to the Applicant's answer to the ExA's question.</p> <p>The Applicant's summary of the consultation appears broadly accurate.</p> <p>It is considered that any changes are unlikely to have any material impact on this application, unless they were particularly radical and this is not anticipated.</p>
BCG.2.6	S106 Prospect Day Nursery	LBC provided a response to the ExA's question (as well as Action Point 9 from CAH2) at Deadline 7 [REP7-090] and noted that this matter would be discussed in the w/c 15 January 2024. The draft S106 submitted by the Applicant at Deadline 7 [REP-074] includes provision for an assessment associated with the need for

		nursery provision ahead of the Applicant anticipating acquiring the land, and taking appropriate and reasonable steps to ensure that the identified need is met. This position is acceptable to LBC.
BCG.2.16	P19 Discharge of Conditions	<p>LBC's response at Deadline 7 [REP7-090] indicated that submissions for the P19 conditions covering the noise reduction scheme, updated travel plan and carbon reduction strategy were anticipated to be submitted before the end of January.</p> <p>The Applicant indicated in their response that the airport operator was continuing pre-application discussions with LBC and a submission was anticipated in Q1 2024. LBC has a meeting with the airport operator on 23 January 2024, to discuss the submissions, and will keep the ExA informed of likely submission date.</p>

15 REP7-050 Deadline 7 Submission - 8.150 Applicant's Response to Written Questions - Air Quality and Odour and REP7-071 Deadline 7 Submission - 8.164 Gas Mitigation Measures Technical Note

Reference	Subject	Comment
AQ.2.3	Technical Note for Landfill Gas Monitoring	<p>LBC notes that the applicant's response to this question references the submission of the Gas Mitigation Measures Technical Note at Deadline 7 [REP7-071].</p> <p>This Technical note has taken on board comments that LBC made to the Applicant having reviewed the initial draft, and LBC is satisfied with the measures proposed in the technical note (this is also reflected in our SoCG).</p>

16REP7-052 Deadline 7 Submission - 8.152 Applicant's Response to Written Questions - Physical Effects of Development and Operation

Reference	Subject	Comment
PED.2.8	Excavation of Roman Settlement	<p>LBC note that the Applicant frequently refers to CBC's Archaeologist. LBC would draw the Applicant and the ExA's attention to the fact that LBC have a service level agreement with CBC, whereby CBC's archaeologist provides the technical expertise that LBC requires in relation to archaeological matters.</p> <p>For clarity, the Roman Settlement is within LBC's administrative area (this was noted in LBC's response at Deadline 7 [REP7-090]) and the advice that has been provided is on behalf of LBC. Consequently, comments in the Applicant's response, such as, "Therefore, preservation by record was agreed with the Applicant and CBC", and "...the mitigation strategy of detailed archaeological excavation and recording has been agreed with CBC," should in fact refer to being agreed with LBC.</p>

17REP7-053 Deadline 7 Submission - 8.153 Applicant's Response to Written Questions - Draft Development Consent Order

Reference	Subject	Comment
		<p>Subsequent to the submission of the Applicant's response to written questions on the dDCO at Deadline 7, the ExA submitted its commentary on the dDCO on 16 January 2024 (PD-018), consequently LBC is providing the main comments on the dDCO in the separate document: 'Host Authorities' Response at Deadline 8 to DCO Matters'</p>

18REP7-055 Deadline 7 Submission - 8.155 Applicant's response to Written Questions - Need

Reference	Subject	Comment
NE.2.1	Revised GDP Forecast	The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities

		<p>in response to the Applicant's answer to the ExA's question.</p> <p>Passenger forecasts are generally one of the first products of a forecasting exercise and form the basis of most other forecasts that need to be considered in an airport's expansion plans. Therefore, it is often necessary to persist with the initial forecast for practical and economic reasons. One approach to handling this difficulty is to assume that the timing for other forecasts moves forward or backward but their values are not altered.</p> <p>In this application, the lower GDP forecasts of the OBR in November 2023 would be likely to result in lower passenger forecasts with other forecasts moving later in time. The impact on the forecasts for London Luton Airport though as noted previously can be overwhelmed by the assumptions made about the passenger handling capacities of Heathrow and Gatwick.</p> <p>The Applicant has presented the performance of previous Government forecasts against actual outcome, and draws attention to the DfT's forecasts for 2011 and 2013. The data presented for those two years appears to correspond with the forecasts given in the original documents for those two years. However, the PDF version of the DfT's 2011 forecast currently available online shows lower forecasts, with some 520 mppa in 2050 in the Central Case (c.f. nearly 600 mppa in Figure 1 of the Applicant's document). The ExA should note that a systematic (though unacknowledged) error in the DfT's modelling approach (pointed out to the DfT by CSACL) resulted in a change in the DfT's approach applied to all later forecasts from 2013 onwards. The 2011 forecast gives at para 8.3, a forecast of 345 mppa in 2030, some 40 mppa lower than that believed to be in the original 2011 document itself and which would be in agreement with the data presented in the Applicant's (York Aviation's) Figure 1. It</p>
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		<p>would seem that the DfT has retrospectively corrected its 2011 forecasts: it would be unreasonable to expect York to be aware of this.</p> <p>If Figure 1 of the Applicant’s document were re-drawn using the corrected (and lower) 2011 DfT forecasts, different conclusions might be drawn about whether forecasts “...produced during periods of strong economic growth can lead to an overstatement of long term demand...”.</p> <p>Passenger traffic at UK airports in the 12 months to the end of November 2023 was 269.5 mppa based on the addition of data in CAA monthly airport statistics. Calendar year 2023 traffic is likely to be some 272 mppa.</p>
NE.2.2	Forecasting with Gatwick	<p>The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities in response to the Applicant’s answer to the ExA’s question.</p> <p>The Applicant’s response to the ExA’s first question as to the difference in capacity assumptions would seem to be that they come from different sources, the Applicant using a DfT assumption from 2017 and the Joint Host Authorities using those of Gatwick Airport’s management. The DfT has in a more recent document not given a passenger capacity assumption for Gatwick (or Heathrow) in acknowledgement that passenger handling capacities may increase with a given/capped number of aircraft movements as a consequence of increases in passengers per ATM (DfT jet-zero-further-technical-consultation-dataset, March 2023, Airport Capacity tab). The DfT now allows capacity to be determined by the number of aircraft movements allowed.</p> <p>Gatwick’s own forecast of being able to handle 67 mppa in 2047 is based on greater use of the runway during both the quieter winter months and some less busy hours of the day to allow some 326,000 ATMs to be operated. It would in essence become more like Heathrow in having flatter</p>

		<p>diurnal and seasonal ATM profiles. This assumed capacities would require an average of 206 passengers per ATM – some short haul flights from Gatwick will already be operating today with passenger loads equal to or greater than this, with both easyJet and WizzAir operating their A321 neos with some 235 seats. In the 12 months to the end of November 2023 this parameter at Gatwick had recovered to 158 passengers per ATM. From this base, passengers per ATM would need to increase at an average rate of 1.1% per annum over the 23 year period. This may be compared with an historic achieved average rate of 1.4% per annum over the 20 years between 1999 and 2019.</p> <p>Without resort to modelling it is clear that an extra 14 mppa capacity at Gatwick would mean significantly fewer passengers at London Luton. The heat chart in the Applicant’s Need Case (Need Case Figure 6.6) showing the forecast growth rates in Luton’s catchment area is hottest in areas south of the Thames meaning that many of these passengers are likely to find Gatwick a more convenient airport. This chart shows growth rates rather than actual incremental passengers at Luton, so analysis would clearly be required. However, given that the total growth forecast by LR for Luton Airport over the next 25 years or so is only some 14 mppa, an additional capacity at Gatwick of a similar magnitude would clearly lead to lower forecasts at London Luton.</p>
NE.2.3	Load Factors	<p>The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities in response to the Applicant’s answer to the ExA’s question.</p> <p>The Applicant’s response adds little to support its contention. All airlines seek to maximise their load factors and it is very doubtful if any airline restricts its sales to accommodate requests for late changes of flights by holders of flexible tickets: if there happen to be seats available then the passenger flies. In any event, many airlines</p>

		<p>have an over-booking policy in anticipation of 'no-shows': if more booked passengers turn up at departure than there are seats available, an airline will accommodate its most important commercial passengers first.</p> <p>easyJet carries most passengers at Gatwick Airport, expected to account for 45% of seat availability in the forthcoming summer season, verses British Airways' 12%.</p>
NE.2.4	Load Factors and Average Seats per Flight	<p>The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities in response to the Applicant's answer to the ExA's question.</p> <p>Passengers per passenger ATM at Luton had reached 165.5 over the 12 months to the end of November 2023, exceeding 2019's 164.6, even though passenger numbers were only at 89% of 2019 levels.</p> <p>The Applicant's response to the third question states that forecasts for other airports are based on passenger preferences limited only by any passenger cap. While Heathrow and Gatwick have no legal passenger caps, it is believed that York's modelling applies a de facto cap by limiting those airports' passenger capacities based on outdated DfT capacity assumptions derived from the application of a passenger per movement assumption applied to annual ATM limits (either legal or practical).</p>
NE.2.5	Forecasts	<p>The Applicant's responses in essence leave this matter pending its Deadline 8 submission. LBC will respond if necessary at Deadline 9.</p>

19REP7-056 Deadline 7 Submission - 8.156 Applicant's Response to Written Questions - Noise

Reference	Subject	Comment
NO.2.2	Fleet Forecasts	The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities

		<p>in response to the Applicant's answer to the ExA's question.</p> <p>There are long order books for both Airbus A320-family neos and Boeing-MAX aircraft as well as other concerns about the MAX. A cautious view about the rate of transition is justified, especially as it should not lead to an under-estimation of the environmental consequences of their use.</p> <p>In a faster growth scenario, it is plausible to assume that there would be greater global demand for the Airbus neos, which considered against a finite build-capacity for new aircraft could result in delayed retirements of existing older generation aircraft. However, in the faster growth case the absolute number (rather than relative proportion) of neos should not be fewer than assumed in the Core Case. It would be reasonable to assume that such a position would be temporary (lasting a few years) while Airbus expands its manufacturing capability.</p>
NO.2.5	ATM Cap	<p>The comment below is provided by Dr Chris Smith on behalf of the five Host Authorities in response to the Applicant's answer to the ExA's question.</p> <p>The total number of aircraft movements forecast in 2043 in the Applicant's Need Case is 209,410 (Core Development, summation of Tables 6.12, 6.15 and 6.16), 85% (or 177,110) of which are Passenger ATMs. Of the balance, a further 2,300 are cargo ATMs, while there are 30,000 Business Aviation movements, some of which will be classified as ATMs operated by air taxi firms, but others will not be ATMs as they are operated by private and executive jets. In 2019, CAA statistics did not show a single air taxi movement at LTN, but recorded 27,813 Business Aviation movements, that is they were not ATMs. This position for air taxi movements was unchanged in 2022. It is improbable that there were zero air taxi operations at LTN, so there is likely to be a reporting issue. Hence, it is not possible for the Host</p>

		<p>Authorities to suggest how many of the forecast 30,000 Business Aviation movements might be ATMs. If a cap is to be imposed, it may be preferable for it to govern aircraft movements rather than ATMs.</p> <p>Notwithstanding this point, the Applicant's suggestion for a cap of 225,000 movements is 15,000 movements more than its own forecasts. The bulk of these movements are Passenger ATMs, which the CSACL review of the Need Case for the Host Authorities considered to be an over-estimation although reasonable for assessment purposes (Para 2.10 [REP2-057]).</p> <p>The Applicant has in effect suggested that it does not know if its forecasts are correct in seeking to justify a higher movement limit. The advice to the Host Authorities from CSACL has been that the Passenger ATM forecasts are likely to be over-estimated in view of the cautious assumptions made by York in their derivation. CSACL has also questioned the likely extent of long haul services. Should some long haul services not materialise as forecast by York, then CSACL has accepted that they might be substituted by passengers on short haul flights. CSACL has now estimated that this could lead to fewer than 1,000 flights per annum with 32 mppa. When combined with the likely over-estimation of the base Passenger ATM figure, any cap should be set at 210,000 annual aircraft movements. Setting the cap at higher level would likely result in incompatible annual restrictions.</p>
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**20REP7-057 Deadline 7 Submission - 8.157
Applicant's response to Written Questions - Water environment**

Reference	Subject	Comment
WE.2.3	Drainage in the period between Project Curium and	The Applicant's response to LBC's concern about a potential gap in drainage improvements between the P19 permission

	Phase 2 of the proposed development	and the Proposed Development are noted, with the update to the 'specified conditions' in Article 44 of the dDCO being welcomed.
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21 REP7-062 Deadline 7 Submission - 8.162 Applicant's Response to Comments on the Draft Development Consent Order at Deadline 6

Reference	Subject	Comment
I.D.47	P19 Conditions	<p>The Applicant's amendment to Article 44 in the dDCO [REP7-004] addresses the issue in relation to extant conditions at the airport.</p> <p>With regard to concerns about mode share targets under the DCO being lower than those secured through P19, LBC notes, and is satisfied with, the Applicant's response to the ExA's written question TT.2.9 [REP7-061], and the necessity under Requirement 30(1) of the dDCO for a Travel Plan to be submitted to and approved by LBC before notice under Article 44 is served.</p>

22 REP7-068 Deadline 7 Submission - 8.163 Applicant's Response to Deadline 6 Submissions Appendix E - Luton Borough Council

Reference	Subject	Comment
Table 1 I.D.6	Design Review	<p>LBC notes the Applicant's response to ISH8 Action Point 53 in Deadline 7 Submission - 8.165 Applicant's Response to November Hearing Actions (Compulsory Acquisition Hearing 2 and Issue Specific Hearings 7 - 10) [REP7-072] and the changes made to the Design Principles [REP7-035] and the draft S106 agreement [REP7-074] following the meeting between the Applicant and LBC on 12 January 2024.</p> <p>The changes, incorporating review by an independent design panel are welcome, though LBC has suggested some additional changes in relation to the Design Review Panel and the Design Principles.</p>

Table 1.3 I.D.1	Odour Control Procedure	This matter has now been agreed with the applicant and will be reflected in the SoCG to be submitted at Deadline 9.
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23REP7-073 Deadline 7 Submission - 8.166 Applicant's Response to Issue Specific Hearing 7 Actions 13 and 14 - Needs of Non-Motorised Users

Reference	Subject	Comment
Drawing LLADCO-3C- ARP-SFA- HWM-DR- HY1511	Wigmore Lane	In accordance with the council's Post-Hearing Submission Responses to ISH7 Action Points [REP6-105], LBC remains satisfied that scheme design along Wigmore Lane is entirely consistent with the ambitions of the council's Local Cycling and Walking Infrastructure Plan. This is as a result of close working between the Applicant and the local highway authority. It also remains the view of LBC that scheme design for Wigmore Lane is in accordance with LTN/120 and corporate plans, providing a net-betterment for non-motorised transport users.

24REP7-074 Deadline 7 Submission - 8.167 Draft Section 106 Agreement

Reference	Subject	Comment
N/A	Progress on the S106 agreement	<p>The draft of the S106 agreement [REP7-074] submitted at Deadline 7 had not been provided to the Host Authorities in advance of submission. However, it was pleasing to note that the draft had been revised in part to take into account various comments from LBC.</p> <p>Subsequent to LBC having sight of the draft, comments were provided to the Applicant and a meeting was held on 12 January 2024, with a subsequent meeting held on 19 January 2024. These meetings were positive and it is considered that good progress is being made on the draft agreement.</p>

		<p>However, it appears highly unlikely that by Deadline 9 agreed and completed versions of the agreement will be able to be submitted. This is in part down to various items outstanding (pending further discussion) and in part down to the governance requirements of the Host Authorities. Indeed, this latter issue means having agreed and completed agreements in place by the end of the Examination could be challenging.</p> <p>However, based on discussions to date, LBC is optimistic that agreement can be reached, at the very least, on the form of the Section 106 Agreement by the end of the Examination. If this is achieved, the Host Authorities will work with the Applicant to seek to complete the agreement as soon as possible, albeit (as stated) this may not be before the end of the Examination.</p> <p>LBC will provide an update to the ExA on the status of discussions on the Section 106 Agreement at Deadline 9.</p>
N/A	Applicant's proposed 'fallback' positions	<p>LBC notes the Applicant's proposals (contained in its Deadline 7 Cover Letter – REP7-001) for dealing with the various items proposed to be secured in the S106 agreement, should agreement not be reached by the end of the Examination.</p> <p>LBC considers that those proposals introduce unnecessary complexity, with many items still requiring to be secured by some form of agreement between the Applicant and the Host Authorities, with other items spread across the DCO and a Unilateral Undertaking. As such, LBC remains of the view (as set out in the response to the ExA's further written questions - BCG.2.12 [REP7-090]) that the simplest (and LBC's preferred) solution is to secure an agreement to be entered into by a certain trigger date by way of a DCO requirement. This also allows the Host Authorities to have an element of control as to what the commitments from the Applicant amount to.</p>



		<p>As set out above, the parties to the S106 agreement are engaged in positive discussions, particularly following receipt of the revised draft of the agreement after Deadline 7. It is therefore hoped that agreement can be reached on the form of the S106 agreement by the end of the Examination.</p>
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