



Inclusive Economy
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5 February 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) response to the Examining Authority's (ExA) Rule 17 letter of 31 January 2024 **[PD-023]**.

The ExA's request for further information and written comments was primarily addressed to the Applicant. However, one comment relating to Prospect House Day Nursery was specifically addressed to LBC, whilst a number of other comments were addressed to statutory undertakers or relevant authorities, consequently responses to these comments are provided here.

Prospect House Day Nursery: *"Considering the ES conclusion that loss of Prospect House Day Nursery would be a major adverse significant effect on mental health and wellbeing, explain how the Applicant's proposal in the draft s106 of reviewing the need for the nursery in future would satisfy the requirement to mitigate likely significant health and community effects."*

The assessment of the effect of the loss of Prospect House Day Nursery was undertaken in 2022 and reported in Chapter 13 of the Environmental Statement [REP7-009]. At the time this effect was identified as being a major adverse community effect, which was considered to be significant.

Schedule 6 of the draft Section 106 Agreement submitted at Deadline 9 **[REP9-049]** commits the Applicant to undertake a further needs assessment at least 18 months before the Applicant considers demolition of the building, to provide that assessment to the Council for comment and if the assessment has identified a need for nursery places to then take appropriate steps for the re-provision or alternative steps recommended by the Council. This is also reflected in Schedule 4 of the alternative



mechanism to the Section 106 Agreement, a Unilateral Undertaken, submitted by the Applicant at Deadline 9 **[REP9-056]**.

It is considered that the proposed steps identified in the S106 Agreement (and the Unilateral Undertaking) would satisfy the requirement to mitigate the likely significant effect identified in the Environmental Statement.

Given the likely timing of any demolition in the future, the flexible approach proposed by the Applicant is considered by the Council to be appropriate as it accommodates both:

- a scenario where it may be necessary to intervene to address a potential shortfall in nursery provision as a result of the loss of the Prospect House Day Nursery; and
- a scenario where the nursery has either moved on or other providers have entered the marketplace, and there is no demand to merit or support the provision of another new facility.

Preferred Protective Provisions: *“Where you have requested the insertion of a bespoke Protective Provision in the draft DCO and it is currently not included, if you have not done so already provide your preferred form of drafting.”*

LBC commented jointly with the other Host Authorities, at Deadline 9 **[REP9-063]**, on the Protective Provisions in the draft DCO for the Local Highway Authorities. The joint Host Authorities have made recommendations to the Applicant in terms of the drafting of these protective provisions and will review any changes that the Applicant makes in their Deadline 10 submission.

Noise insulation delivery programme: *“Confirm whether the revised wording in [REP7-036] satisfies concerns relating to speed of roll out and if not, what alternative provision would be required to secure it in the DCO.”*

LBC is satisfied that the revised wording in the Draft Compensation Polices, Measures and Community First **[REP7-036]** document and the Draft Compensation Polices, Measures and Community First **[REP9-032]** would ensure that the roll out would be undertaken at a sufficient pace, noting all reasonable steps have been set out.

LBC notes that the revised noise contour limits proposed in the Applicant’s Position on Noise Contour and Movement Limit **[REP9-055]** document would lower the number of properties requiring insulation to avoid significant effects and that by setting these noise contour limits against the Core Case, as put forward by the ExA and supported by the Host Authorities, this would lower the number of properties again.

LBC has no further comments in relation to the contents of the ExA’s Rule 17 letter of 31 January 2024 **[PD-023]**.

Yours sincerely



Sue Frost
Service Director
Sustainable Development