

February 2024

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.190 Applicant's Response to Examining Authority's Rule  
17 Request Dated 31 January 2024**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.190



**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.190 Applicant's Response to Examining Authority's Rule 17  
Request Dated 31 January 2024**

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<b>Deadline:</b>	Deadline 10
<b>Planning Inspectorate Scheme Reference:</b>	TR020001
<b>Document Reference:</b>	TR020001/APP/8.190
<b>Author:</b>	Luton Rising

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# 1 INTRODUCTION

## 1.1 Purpose of this document

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA'). It provides the Applicant's response to the Rule 17 request issued by the ExA on 31 January 2024 **[PD-023]** and provides the information requested from the Applicant for Deadline 10.

## 2 APPLICANT'S RESPONSE TO THE EXA'S RULE 17 REQUEST FOR DEADLINE 10

Table 2.1: Applicant's response to the ExA's Rule 17 Request dated 31 January 2024

Ref	Information Requested by the ExA	ExA's Deadline	Applicant's Response
1	<p><b>Preferred Protective Provisions</b></p> <p>The ExA requests update to the s127/138 case to include reference to National Highways and the situation with regards to negotiations or signpost where in the application documentation this is set out.</p>	Deadline 10	<p>The Applicant did not originally include National Highways within the section 127 /138 submission [<b>REP9-053</b>] as the Applicant only seeks temporary possession over National Highways' land, rights and apparatus; the tests within sections 127 and 138 of the Planning Act 2008 do not apply to the exercise of temporary possession powers.</p> <p>However, in response to the ExA's request, the Applicant has submitted an updated document, <b>Applicant's Position Paper on Sections 127 and 138 of the Planning Act 2008 [TR020001/APP/8.182]</b> which also summarises the position regarding National Highways.</p>
2	<p><b>Section 135 Crown Land</b></p> <p>The ExA requests an update with regards to the status of negotiations for the outstanding crown land plot (2-46) and whether consent under s135 will be obtained before the close of the Examination. If Crown Consent will not be obtained then as, per action plot 22 of Compulsory Acquisition Hearing 1 [EV5-007], submit a s135 case by D11</p>	<p>Deadline 10</p> <p>or</p> <p>Deadline 11 for the submission of s135 case in the alternative</p>	<p>The Applicant has continued to engage with the agents acting for the Department for Levelling Up, Housing and Communities in connection with securing consent from the Crown on plot 2-46. On a call on Tuesday 23 January 2024 all matters were agreed to have been resolved and arrangements were to be put in place for the Letter of Consent to be signed at the Department and issued.</p> <p>This letter has not yet arrived. The Applicant has attempted contact with the Department on two occasions to establish the latest position. As the letter has not arrived in time for Deadline 10, the Applicant will submit the letter at Deadline 11.</p>

Ref	Information Requested by the ExA	ExA's Deadline	Applicant's Response
			<p>The Applicant remains confident that the consent will be forthcoming but notes the alternative requirement to submit a section 135 case by Deadline 11 as an alternative if no Letter of Consent is provided.</p>
3	<p><b>Noise Insulation Delivery Programme [REP4-079]</b></p> <p>Can the Applicant confirm whether more detailed information is intended to be presented to the Examination or whether the Applicant's summary in response to NO 2.15 is intended to address this point</p>	Deadline 10	<p>The Applicant's summary provided in response to NO.2.15 was intended to be the more detailed information obtained through the soft market testing for contractors who would be suitable to carry out the noise insulation works.</p> <p>The Applicant's intention is to develop further the identification and procurement of suppliers to support the rollout of the noise insulation policy during the time it now has between Examination close and the decision of the Secretary of State in relation to the application for development consent.</p>
4	<p><b>Noise insulation delivery programme</b></p> <p>Can the Applicant explain whether a specific commitment for a four-year timescale could be secured by the DCO and if not, how the DCO would ensure a timely avoidance of any significant adverse noise effects.</p>	Deadline 10	<p>There is no need for the policy to be secured by the DCO because it is being secured as a s106 obligation.</p> <p>The Applicant is demonstrating its commitment to the rollout plan for noise insulation through its policy, under which the London Luton Airport Consultative Committee (LLACC) will be consulted on a roll-out plan prior to it being approved by Luton Borough Council. That plan must be approved before service of article 44(1) notice ("notice to grow") by the Applicant under the DCO.</p> <p>All research and analysis carried out to date indicates very strongly the ability for roll-out to be achieved in a timescale of four years.</p> <p>However, the ability to deliver on time will also rely on the homeowners accepting the offer promptly, allowing surveyors</p>

Ref	Information Requested by the ExA	ExA's Deadline	Applicant's Response
			<p>into their property, agreeing the specification of works proposed and then arranging a time for the works to be carried out. The historic evidence from both the existing scheme and similar schemes being delivered elsewhere indicates that the Applicant will not always be able to control this situation.</p> <p>The Applicant has made further changes to the policy submitted at Deadline 10 to capture the intention to do all it reasonably can to rollout and deliver insulation to all those eligible who accept an offer within four years of serving an article 44(1) notice.</p>
5	<p><b>Accurate Visual Representations – 10B, 13, 14, 17, 17A [REP8-017]</b></p> <p>Please confirm if the annotation is correct and if so, what the block form represents. If not, the ExA requests the visualisation is updated and a final review of all annotations in the accurate visualisations is undertaken to ensure that all works are correctly annotated and provide any necessary updates</p>	Deadline 10	<p>The annotations on <b>Accurate Visual Representations (AVRs) – 10B, 13, 14, 17, 17A [REP8-017]</b> and on all other AVRs <b>[REP3-009, REP3-010, REP3-011 to REP3-014]</b> have been reviewed and updated as follows:</p> <p><u>Representative Viewpoint 10B</u>  <i>Work 3b(01) NewTerminal 2</i> changed to <i>Work 3c(02) Terminal 2 East Pier (page 4)</i>. <i>Work 4q(01) Car Park P11 New Long Stay Car Park</i> changed to: <i>Work 3i Airport Operation and Maintenance (pdf pages 4 and 8)</i>; <i>Work 4a Hotel (pdf pages 5 and 9)</i>; and <i>Work 3b(01,02) Terminal 2 (pdf page 7)</i>.</p> <p><u>Representative Viewpoint 13</u>  <i>Work 4q(01) Car Park P11 New Long Stay Car Park</i> changed to <i>Work 4a Hotel (pdf page 10)</i>; <i>Work 3b(01) New Terminal 2</i> changed to <i>Work 4r Car Park P12 - Terminal 2 Multi Storey Car Park (pdf page 10)</i></p> <p><u>Representative Viewpoint 31</u></p>

Ref	Information Requested by the ExA	ExA's Deadline	Applicant's Response
			<i>Work 4q(02) Car Park P11 Expanded Long Stay Car Park changed to Work 4a Hotel (pdf pages 10 and 12)</i>
6	<p><b>Habitats Regulations Assessment No Significant Effects Report [APP-171]</b></p> <p>Review the conclusions of the Habitats Regulations Assessment No Significant Effects Report [APP-171] in the context of Natural England's D9 comments. If it is maintained that a hydraulic pathway between the Proposed Development and the Lee Valley SPA/ Ramsar site does not exist, please provide reasons for this. If it is concluded that this pathway of effect should be included, please update the Report and undertake any additional work required for the Habitats Regulations Assessment.</p>	Deadline 10	<p>The Applicant notes Natural England's Deadline 9 response.</p> <p>Section 3.8.18 of the Applicant's <b>Habitats Regulations No Significant Effects Report [APP-171]</b> sets out a 15km maximum distance for hydrological effects. Any potential for an effect at greater distances is likely to be negligible and below the level of detection, due to the size of any dilution factors relative to the likely scale of any pollution event at source.</p> <p>The Report confirms that there are no hydrologically sensitive European Sites within 15km of the Proposed Development that are hydrologically linked. The Lee Valley Special Protection Area (SPA) and Ramsar site are located at their closest 24.4km from the Main Application Site (23.9km from the Proposed Development) in a straight line and at least 37km downstream. The sites were therefore screened out on this basis.</p> <p>The Applicant agrees with Natural England's conclusions that that there are no significant pathways for effects and that the Proposed Development will result in no changes to water quality or quantity at the European Sites.</p>



## GLOSSARY AND ABBREVIATIONS

<b>Term</b>	<b>Definition</b>
The Applicant	Luton Rising (a trading name for London Luton Airport Limited) the owners of the London Luton Airport
ExA	Examining Authority
LLACC	London Luton Airport Consultative Committee
SPA	Special Protection Area