

8 February 2024

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Jo Dowling  
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National Infrastructure Planning  
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Your Ref: TR020001

Dear Jo Dowling

## **London Luton Airport Expansion Project**

### **Response to Deadline 11 of the Examination**

Firstly, with what is our last expected submission to the Examination, I would like to take the opportunity to thank the Examining Authority for the thorough, robust yet fair way in which it has conducted the Examination.

Irrespective of the challenges presented, Luton Rising particularly welcomed the opportunity for affected local communities to be given a voice and be heard, this fits very well with our own philosophy. I would similarly like to pass on my thanks to the case team who we have found to be courteous, helpful and professional at all times throughout the process.

This application is not, as it appears at face value, to be about growing our airport. Whilst of course there are commercial benefits to growth, the real driving force behind our application is to optimise the social and economic benefits for the people of Luton and the surrounding area.

The airport is the town's largest and most economically powerful asset, and it is incumbent upon Luton Rising, as the custodian of that asset, to ensure that it is used to deliver maximum social and economic benefit in the most sustainable way possible.

That is why we have invested much effort into developing the innovative and far reaching Green Controlled Growth framework in such a way that we voluntarily allow for growth to be constrained whilst also introducing independent, transparent, technically focussed oversight and make specific provision for the voice of the local community to be heard as part of the process. It is also why we have proposed substantial improvements to the noise insulation scheme to set a new benchmark for such schemes in UK aviation; it is why our Employment and Training Strategy seeks to ensure that the local workforce is well equipped to benefit from the many thousands of new job opportunities growth of our airport will bring; it is why we have proposed a Sustainable Transport Fund which will deliver many tens of millions of pounds of investment in enhancements to sustainable transport over and above what is required mitigation; and it is why we have put forward our Community First proposals which

will provide up to £13m per year directly into community projects in the region, on top of our already class-leading community funding programme.

Our historic record shows how we value our local community, through our long-standing involvement in sponsorship of community events and celebrations, the value added to local residents through our direct investment back into Luton Borough Council, and our investment in infrastructure such as the Luton DART which also serves as a flagship to encourage further inward investment into the town.

We are a Community Airport, wholly focussed on serving our local community in a way that other UK airports are unable to match.

Our final planned submission consists of:

### **1. Submissions made at Deadline 11**

Please see Appendix A (Tables 1 and 2) for a list of new and updated documents in clean and tracked change versions submitted by Luton Rising (the Applicant) for Deadline 11 of the Examination of the London Luton Airport Expansion Project.

### **2. Statements of Common Ground (SoCG)**

The SoCGs submitted and signed by the Applicant and the Interested Party at Deadline 11 are listed in Table 2.

The following SoCGs have been finalised and issued to the Interested Parties for signature:

- Hertfordshire County Council;
- North Hertfordshire District Council;
- Dacorum Borough Council;
- Buckinghamshire Council; and
- National Highways.

It has not been possible for the above parties to sign the SoCGs for Deadline 11, but the Applicant is intending to submit final signed SoCGs to the ExA on 9 February 2024.

A **Statement of Commonality [TR020001/APP/8.22]** has been provided which reflects the position at Deadline 11. As will be apparent from the content of this letter, various agreements are in the process of being signed and the Applicant's intention is to submit tomorrow an updated (final) Statement of Commonality along with the outstanding agreements.

The Applicant is aware that it is at the ExA's discretion whether to accept any updated Statement of Commonality as it is being submitted after the close of Deadline 11. The Applicant believes that the updated statement will simply be a factual update of the final position with regards the outstanding agreements and that no 'materially new' information is being introduced which requires a response from Interested Parties.

### **3. Section 106 agreement**

The section 106 agreement is in agreed form and has been issued to parties for signature. It has not been possible for all eight parties to sign the agreement today, but the Applicant is intending to complete the agreement on 9 February 2024 and submit it to the ExA the same day. A Joint Position Statement between the Applicant and the Host Authorities is submitted at Deadline 11 **[TR020001/APP/8.196]** which confirms that the section 106 agreement is in

agreed form and is in the process of being signed / sealed and completed in counterpart. The agreed form of the section 106 agreement is also submitted at Deadline 11 [TR020001/APP/8.167].

#### 4. Other legal agreements

At Deadline 11, an updated **Consents and Agreements Position Statement [TR020001/APP/2.03]** has been included which outlines, at paragraph 5.1.5, a number of private legal agreements which have been settled with Interested Parties in connection with the resolution of representations.

#### 5. Rule 17 Requests

The Applicant notes the requests for further information from the ExA in the Rule 17 letter dated 6 February 2024 [PD-024].

The Applicant has provided a response to all items requested for Deadline 11 in the **Applicant's Response to Examining Authority's Rule 17 Request dated 6 February 2024 [TR020001/APP/8.193]**. An updated version of the **Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 – Deadline 11 [TR020001/APP/8.178]** has been provided.

#### Section 135 Crown land – request from Rule 17 dated 31 January

As set out in Appendix A, Table A1 of the **Statement of Reasons [AS-071]**, plot 2-46 is required by the Applicant for the following Work No.s: 4t(02), 4t(06), 5a, 6a(02), 6a(03).

The freehold interest belongs to the Applicant, but the Applicant needs the power to set aside the third-party rights in the land in order to construct its works without impediment. The Applicant has had a number of discussions with the relevant Crown body via its agents to seek the necessary consent. At the time of writing, the Applicant expects the consent to be received imminently. Should consent not be received prior to the close of Examination, the Applicant will continue to seek the required consent and will update the Secretary of State directly.

#### 6. Additional request from the ExA

The Applicant has been asked by the ExA to submit excerpts of the landscape character areas referred to in Paragraph 14.9.4 of ES Chapter 14 [AS-079] from the relevant Landscape Character Assessments to allow them to be more easily accessed. These have been provided at Deadline 11 [TR020001/APP/8.194].

#### 7. Response to Action Point arising from Compulsory Acquisition Hearing 2

Following Compulsory Acquisition Hearing 2, the ExA requested, under Action Point 10 [EV12-006], that the Applicant provide a copy of the Financial Report for Luton Rising for the financial year 2022/23 if it is approved before the close of the Examination. The audited accounts were signed off on 7 February and submitted to Companies House on 8 February. A copy is provided at Deadline 11 [TR020001/APP/8.194].

#### 8. Post Deadline 10 Draft Development Consent Order Updates / Errata

The Applicant has continued to discuss the **draft DCO [REP10-003]** with certain Interested Parties since submission of the final validated draft DCO at Deadline 10, particularly in relation to the protective provisions that were submitted by those parties at Deadline 10. As

a result of this, the Applicant has accepted a small number of amendments to the draft DCO that it requests the ExA to implement when it sends a recommended version of the draft DCO to the Secretary of State. These changes are shown in the appendices to the **Applicant's Response to Deadline 10 submissions [TR020001/APP/8.192]**. The Applicant highlights in particular the following concessions it requests the ExA to implement (paragraph references below are to the Applicant's draft DCO at Deadline 10):

- for National Highways, the Applicant requests that in Part 5 of Schedule 8, the "bond sum" as defined in paragraph 37(2) be changed to "200%";
- also for National Highways, the Applicant requests that paragraph 36(2) should be amended to align with paragraph 1(2) of National Highways' preferred protective provisions; and
- at the request of the Host Authorities, in Part 6 of Schedule 8 to the draft DCO, the Applicant requests that sub-paragraph 55(2) is omitted.

The Applicant has also noted an error in Schedule 7 of the **draft DCO [REP10-003]** which has arisen due to the inclusion of a new work number earlier in the Examination. For clarity, this does not affect any extra plots of land but simply lists them against the correct work numbers. The Applicant apologises for this oversight. Given the final validated DCO has been submitted, the Applicant also requests that the ExA implement these corrections in its recommended form of DCO sent to the Secretary of State.

The current row 1 of Schedule 7 should be deleted and replaced with the following:

<p>1-01, 1-02, 1-03, 1-04, 1-05, 1-06, 1-07, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-20, 1-21, 1-26, 1-28, 1-29, 1-35</p>	<p>Offsite highway works, including works to A1081 New Airport Way, B653 and Gipsy Lane. To include, the realignment and widening of A1081 New Airport Way (to provide additional traffic lanes), the realignment and widening of A505 Gipsy Lane (to provide additional traffic lanes), the reshaping of the A1081 New Airport Way central reserve islands including the realignment of barriers, the replacement or relocation of signage, lighting and gantries, the reprovision of cycle lanes, the reprovision of roadside barriers, and the reshaping of the A505 Gipsy Lane splitter island</p>	<p>Work No. 6e(b)</p>
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Additionally, the following is to be added as a new row 19 in Schedule 7:

<p>3-05, 3-06, 3-11, 3-14, 3-15, 3-17, 3-18, 3-22, 3-23, 3-24, 3-25, 3-26, 3-27, 3-28, 3-29</p>	<p>Offsite highway works, including works to Eaton Green Road and Wigmore Lane, including works to the junction of Wigmore Lane and existing Asda, the</p>	<p>Work No. 6e(f)</p>
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	removal of the existing roundabout junction and conversion to a signalised junction, the provision of signalised pedestrian crossings and the realignment and widening of the carriageway;	
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## Schedule 9 – document revisions to be updated by the ExA

The following Deadline 11 documents are included in Schedule 9 of the draft DCO, the proposed final version of which was submitted at Deadline 10. The Applicant notes that the revision of each of these documents, as cited in Schedule 9, will need to be revised upwards by the ExA in their recommendation version of the Order, as the Applicant has not submitted a further version of the draft DCO at Deadline 11.

- **Glint and Glare Assessment [TR020001/APP/5.13];**
- **Framework Travel Plan [TR020001/APP/7.13];**
- **Green Controlled Growth Framework [TR020001/APP/7.08];**
- **Green Controlled Growth Explanatory Note [TR020001/APP/7.07];**
- **Green Controlled Growth Framework Appendix A - ESG Terms of Reference [TR020001/APP/7.08];**
- **Green Controlled Growth Framework Appendix B - ESG Technical Panels Terms of Reference [TR020001/APP/7.08];**
- **Green Controlled Growth Framework Appendix C - Aircraft Noise Monitoring Plan [TR020001/APP/7.08];**
- **Green Controlled Growth Framework Appendix E - Greenhouse Gases Monitoring Plan [TR020001/APP/7.08];**
- **Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan [TR020001/APP/7.08];**
- **Outline Ground Noise Management Plan [TR020001/APP/8.46];** and
- **Environmental Statement 18.3 Outline Construction Traffic Management Plan [TR020001/APP/5.02].**

If it would assist the ExA, the Applicant could seek to submit an *unvalidated* draft DCO on Friday 9 February 2024 in which all of the above matters are addressed.

## 9. Closing Submissions

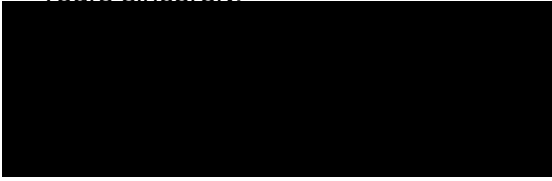
The Applicant is pleased to submit the **Closing Submissions [TR020001/APP/8.191]** which summarise the principal issues that have been raised throughout the Examination. The document is intended to supplement existing submission documents to assist the ExA and the Secretary of State in their reporting and decision-making. Without introducing new matters, it explains the Applicant's position on matters which have been considered during the Examination and signposts the reader to existing submission material as appropriate.

Finally, the Applicant is aware that the ExA exercised its discretion in accepting three late Deadline 10 submissions. The Applicant only became aware of these submissions late today and it has not been possible for the Applicant to consider these submissions and submit a response by Deadline 11.

The Applicant will review the late submissions tomorrow and submit a response if required. The Applicant trusts that the ExA will understand why the Applicant has not been able to submit a response by Deadline 11 and exercise its discretion to accept such a response.

Please do not hesitate to get in touch should you have any further comments or questions.

Yours sincerely,



Antony Aldridge  
Head of DCO Programme

## APPENDIX A – DEADLINE 11 LUTON RISING DOCUMENTS SUBMITTED

Table 1: List of new documents submitted by the Applicant for Deadline 11

Document Title	Document Number
<b>Applicant's Response to Deadline 10 Submissions</b>	
Applicant's Response to Deadline 10 Submissions	TR020001/APP/8.192
<b>Applicant's Response to Rule 17 Requests</b>	
Applicant's Response to Examining Authority's Rule 17 Request Dated 6 February 2024	TR020001/APP/8.193
<b>Applicant's Response to Hearing Actions</b>	
Applicant's Response to Compulsory Acquisition Hearing 2 Action Point 10 – Luton Rising Financial Report 2022/23	TR020001/APP/8.195
<b>Additional Documents</b>	
Closing Submissions	TR020001/APP/8.191
Excerpts of Relevant Landscape Character Assessments	TR020001/APP/8.194
Joint Position Statement – Section 106 Agreement	TR020001/APP/8.196

**Table 2: List of updated documents submitted by the Applicant for Deadline 11**

<b>Document Title</b>	<b>Document Number</b>
<b>Volume 1</b>	
Application Document Tracker	TR020001/APP/1.06
<b>Volume 2</b>	
Consents and Agreements Position Statement Consents and Agreements Position Statement (Tracked Change Version)	TR020001/APP/2.03
<b>Volume 5</b>	
Environmental Statement Appendix 18.3 Outline Construction Traffic Management Plan Environmental Statement Appendix 18.3 Outline Construction Traffic Management Plan (Tracked Change Version)	TR020001/APP/5.02
Glint and Glare Assessment Glint and Glare Assessment (Tracked Change Version)	TR020001/APP/5.13
<b>Volume 7</b>	
Planning Statement Planning Statement (Tracked Change Version)	TR020001/APP/7.01
Green Controlled Growth Explanatory Note Green Controlled Growth Explanatory Note (Tracked Change Version)	TR020001/APP/7.07
Green Controlled Growth Framework Green Controlled Growth Framework (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix A – ESG Terms of Reference Green Controlled Growth Framework Appendix A – ESG Terms of Reference (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix B - ESG Technical Panels Terms of Reference Green Controlled Growth Framework Appendix B - ESG Technical Panels Terms of Reference (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix C - Aircraft Noise Monitoring Plan Green Controlled Growth Framework Appendix C - Aircraft Noise Monitoring Plan (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix E - Greenhouse Gases Monitoring Plan Green Controlled Growth Framework Appendix E - Greenhouse Gases Monitoring Plan (Tracked Change Version)	TR020001/APP/7.08



<b>Document Title</b>	<b>Document Number</b>
Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan (Tracked Change Version)	TR020001/APP/7.08
Compensation Policies, Measures and Community First Compensation Policies, Measures and Community First (Tracked Change Version)	TR020001/APP/7.10
Framework Travel Plan Framework Travel Plan (Tracked Change Version)	TR020001/APP/7.13
<b>Volume 8</b>	
Statement of Common Ground between London Luton Airport Limited and Thames Water Utilities Limited Statement of Common Ground between London Luton Airport Limited and Thames Water Utilities Limited (Tracked Change Version)	TR020001/APP/8.06
Statement of Common Ground between London Luton Airport Limited and Affinity Water Statement of Common Ground between London Luton Airport Limited and Affinity Water (Tracked Change Version)	TR020001/APP/8.08
Statement of Common Ground between London Luton Airport Limited and Luton Borough Council Statement of Common Ground between London Luton Airport Limited and Luton Borough Council (Tracked Change Version)	TR020001/APP/8.13
Statement of Common Ground between London Luton Airport Limited and Central Bedfordshire Council Statement of Common Ground between London Luton Airport Limited and Central Bedfordshire Council (Tracked Change Version)	TR020001/APP/8.14
Statement of Common Ground between London Luton Airport Limited and the East of England Ambulance Service NHS Trust Statement of Common Ground between London Luton Airport Limited and the East of England Ambulance Service NHS Trust (Tracked Change Version)	TR020001/APP/8.19
Statement of Commonality for Statements of Common Ground Statement of Commonality for Statements of Common Ground (Tracked Change Version)	TR020001/APP/8.22
Status of Negotiations/Compulsory Acquisition Schedule Status of Negotiations/Compulsory Acquisition Schedule (Tracked Change Version)	TR020001/APP/8.34
Outline Ground Noise Management Plan	TR020001/APP/8.46

Document Title	Document Number
Outline Ground Noise Management Plan (Tracked Change Version)	
Section 106 Agreement Section 106 Agreement (Tracked Change Version)	TR020001/APP/8.167
Applicant's Response to Examining Authority's Rule 17 Request Dated 17 January 2024 – Deadline 11 Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 - Deadline 11 (Tracked Change Version)	TR020001/APP/8.178