

20 September 2024

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Your Ref: TR020001

Dear Sir/Madam

**London Luton Airport Expansion Project (Reference Number TR020001)**

**1. Response to Secretary of State letter published on the 23 August 2024 and representations made on 6 September 2024**

- 1.1 The Applicant is responding to the letter from the Secretary of State published on the 23 August 2024 which noted that the Applicant would provide additional information in relation to engagement with Network Rail, Govia Thameslink Railway (GTR), and East Midlands Railway (EMR) by 20 September 2024.
- 1.2 The Applicant has also provided an update on the status of a highways monitoring side agreement with Hertfordshire County Council (HCC) which the Applicant committed to do in its letter to the Secretary of State dated 6 September 2024.

**2. Update on engagement with Network Rail, Govia Thameslink Railway and East Midlands Railway**

- 2.1 The Secretary of State's letter of 2 August 2024 states that:

*9. It is noted that questions were raised by Network Rail regarding the station capacity at Luton Airport Parkway and its ability to accommodate the increased passenger numbers the Proposed Development would generate. The Applicant and Network Rail are invited to set out an agreed position regarding the information contained within the Applicant's Rail Impacts Summary and what if any further measures are necessary to address any issues. Where an agreed position cannot be reached, both parties are invited to set out their respective views on what is needed to resolve the concerns.*

*10. The Applicant is requested to confirm what engagement they have undertaken with Govia Thameslink and East Midlands Railways regarding the information on rail capacity contained within the Environmental Statement and Rail Impacts Summary and whether there is agreement between the parties on the conclusions.*

- 2.2 In response to Question 9 above, and following the Applicant's initial response issued on 19 August 2024, a further meeting was held with Network Rail on 5 September

2024. Given a change of personnel within the Network Rail team dealing with this matter, the Applicant recirculated three earlier reports for ease of reference:

- 'Network Rail Interface and Passenger Flow Consideration' authored by Arup (September 2017)
- 'Network Rail Material Change Proposal under Part C of National Station Access Conditions 2013 (England & Wales)' authored by Network Rail (September 2018)
- 'Network Rail Parkway Station & DART Capacity' authored by Arup (March 2020)

All three reports were re-issued to Network Rail via email on 5 September 2024, having originally been issued at the time they were prepared.

2.3 During the meeting with Network Rail, material contained in the three reports was discussed alongside the history of work on the Luton Airport Parkway and DART stations, this is summarised below:

- a. Network Rail and the Applicant have been key partners working in collaboration since 2016 to deliver the Network Rail Overbridge and vertical circulation at Luton Airport Parkway Station that would enable a direct link between the airport and rail transport for airport passengers via direct air-rail transfer, known as the DART.
- b. Network Rail became an integral part of the project and from 2017 was represented via their Senior Project Sponsor on the DART Programme Board.
- c. In 2016 Network Rail undertook a Station Capacity Assessment via static analysis dated 1 July 2016 considering the future proofing required for passenger growth at the airport. This work considered passenger growth capacities up to the known theoretical capacity of the airport runway at that time, which was more than the level of growth sought by this DCO application. This detailed work was further supplemented via the Luton Airport Mass Passenger Transport Design and Planning Network Rail Interface that looked at Passenger Flow Considerations. This second piece of passenger flow information was produced by Arup alongside the reference design for the overbridge and resultant vertical circulation. These designs fulfilled the Network Rail GRIP 1-3 requirements including all outline design works which Network Rail reviewed and approved (Schedule 3 Project Information - Interface Agreement between Network Rail and the Applicant executed on 18 December 2018).
- d. Network Rail produced a Material Change Proposal under Part C of National Station Access Conditions 2013 (England and Wales) in September 2018 which it was responsible for taking through the necessary consents process with GTR. The Material Change Proposal was presented by Network Rail's Station Portfolio Surveyor, Ian Liscoe, with Network Rail's Deborah Chesters in the role of Commercial Project Sponsor. The Material Change Proposal included the outline design works. It included reference to the fact that the DART station design and the design of the overbridge had taken into account the future-proofing for passenger growth at the airport at a level of growth beyond that sought by this DCO application.
- e. The reference design gained planning consent in 2018 whilst the process for Material Change Proposal was being undertaken by Network Rail. Network Rail then took over responsibility under an Interface Agreement (18 December 2018) to undertake GRIP 4-5 Detailed Design works based on the previously completed and approved design works (which it had already approved) and GRIP 6-8 construction of the overbridge and the associated works (infrastructure outputs) together with the necessary consents.

- f. Network Rail were also responsible for the process of Station Change and facilitating the interface with GTR and EMR if required. In progressing the Material Station Change, Network Rail produced their own report by their internal Network Rail Stations Capacity Team and this was shared with GTR as part of the process. GTR state in their letter to Network Rail dated 28 March 2019 that “GTR have reviewed the Network Rail Stations Capacity Team Report which provides us with the assurance that the previously shared Arup document supports the expected passenger flow expected on both the DART system and within the altered station.” GTR then went on to complete and formally accept the Material Station Change Proposal in a letter dated 31 May 2019 between GTR’s Station Access Contracts Manager and Network Rail’s Station Portfolio Surveyor.
- g. Through the responsibilities of the Interface Agreement, Network Rail tendered the works contract using their framework agreements and awarded the contract including responsibility for Principal Designer and all CDM responsibility to AMCO on an emerging cost contract. Network Rail appointed the contractor and oversaw the work including any variation to scope, works, project cost and delivery schedule, with the Applicant responsible for paying on demand the costs of the construction and Network Rail management fees. Any necessary variations to design were to be undertaken via Network Rail’s permitted development route if required.
- h. The gatelines, new overbridge and vertical circulation infrastructure (five new escalators and two additional lifts) together with changes to the platforms have now been integrated as part of Network Rail’s assets and have been in operation by GTR since March 2023.
- i. Network Rail, GTR and EMR all continue to be key partners alongside the Applicant in supporting the modal shift towards public transport. The replacement of the previous shuttle bus with the DART system and the enhancement funded by the Applicant of the Network Rail assets to provide for the seamless transfer of passengers from train to plane has been a significant improvement. Attention has been paid throughout to accommodate passenger growth at the airport beyond the 32 mppa throughput proposed in the DCO (should such a proposal come forward in the future).

2.4 To summarise, the Applicant has outlined above the significant level of design, analysis and engagement that was undertaken during the delivery of the DART and changes to Luton Airport Parkway Station in partnership with Network Rail. This included design and capacity enhancements at Luton Airport Parkway Station to future-proof for airport passenger growth, and the enhancements which have been implemented are capable of accommodating throughput beyond the level of growth sought by this DCO application. The Applicant stands by the conclusions of the Rail Impact Summary **[TR020001/APP/8.121]** and considers that the Secretary of State can do the same, having regard to the chronology of events outlined above.

2.5 On 19 September 2024 Network Rail communicated via email to the Applicant that it considers there to be a need for two new commitments in respect of this matter. The Applicant understands that Network Rail will be proposing these commitments to the Secretary of State.

2.6 The first commitment is regarding the sharing of gateline data for the DART with Network Rail on a six-monthly basis from the point at which the airport is operated under the terms of the DCO. Luton Rising is in principle happy to provide such information, and notes that it does in fact already do so, although the Applicant is content to further discuss the precise timing, frequency and format of that data sharing.

- 2.7 The second commitment is regarding impacts of the airport on the operation of Luton Airport Parkway Station, with any measures to explore and mitigate any adverse unanticipated impacts (which are undefined and not limited in scope) to be paid for by the Applicant at Network Rail's discretion. The Applicant does not accept the need for this commitment – it is both unnecessary and not reasonable in all the circumstances. As outlined in detail above, Network Rail took responsibility for the design and delivery of the works to Luton Airport Parkway Station (through GRIP stages 4-8). The station design was sized to accommodate a level of passenger throughput significantly above the capped 32 mppa expansion being sought by this DCO application. The work that was undertaken was approved by all parties through the appropriate mechanisms. The conclusions of this extensive and detailed analysis remain robust and no evidence has been put forward to suggest otherwise.
- 2.8 Furthermore, as stated in the Applicant's initial response issued on 19 August 2024, the London Luton Airport Transport Forum (ATF) terms of reference provide a route for Network Rail to become a member of the ATF, if it wishes to do so. This would allow Network Rail the opportunity to submit potential interventions to the ATF Steering Group for its consideration. The ATF Steering Group will be responsible for allocating as appropriate, funding through the Sustainable Transport Fund **[TR020001/APP/8.119]**, with Luton DART and rail being one of the six surface access priority areas.
- 2.9 In response to Question 10, productive dialogue has been held between the Applicant and EMR. EMR has engaged with the Applicant on capacity of rail services operating via Luton Airport Parkway, with EMR aware of the assumptions used in the Transport Assessment **[TR020001/APP/7.02]** through this dialogue. EMR has confirmed that whilst the assumptions on its rolling stock accurately reflect the current situation, future capacity will be increased during the peak with EMR's plans for introduction of higher capacity rolling stock. This change will result in additional rail capacity compared to the assumptions used in the Transport Assessment during peak hours. EMR has confirmed that given this consideration it is happy with the outcomes of the Rail Impact Summary **[TR020001/APP/8.121]**.
- 2.10 At a meeting between the Applicant and GTR on 15 August 2024 the Applicant sought confirmation from GTR of any concerns regarding the information contained within the Rail Impact Summary **[TR020001/APP/8.121]**. Further discussions took place on 19 September 2024 and GTR confirmed that they did not have any specific queries regarding the conclusions of the report. GTR stated that some commuter services downstream from Luton Airport Parkway station did exceed seated capacity during peak commuter times (such as St Albans City) but acknowledged that the volume of airport passengers using services at these times was very low. GTR also stated that timetables and service frequency are the subject of regular review. GTR raised no concerns regarding the capacity of Luton Airport Parkway Station to meet future demand.
- 2.11 Furthermore, as outlined in paragraph 2.3(f) above, GTR as station operator at Luton Airport Parkway reviewed and approved (a formal response under Condition C4.4 of the National Stations Access Conditions (NSACs) 2013) the application for material station change in May 2019. This included all the assumptions made regarding the future growth of airport passengers in the assessment of passenger capacity. The same information was used by the Applicant to inform its Rail Impact Summary **[TR020001/APP/8.121]**.

2.12 In view of the acceptance of the station Material Change Proposal and given that no further comments have been raised, the Applicant understands that GTR has no concerns regarding rail capacity as a result of the Proposed Development or the Applicant's Rail Impact Summary [TR020001/APP/8.121].

### **3. Update on status of side agreements**

3.1 In the Applicant's initial response issued on 19 August 2024 it stated that since the publication of the Secretary of State's letter of 2 August 2024, the monitoring proposal has once again been offered to HCC, and that this could be secured through the drafting and signing of a side agreement. The Applicant notes that the principle of this agreement was accepted by HCC in its response to the Secretary of State dated 19 August 2024. Following this response a draft of the side agreement was sent to HCC on 6 September 2024. The Applicant has requested a meeting with HCC to discuss the draft agreement but no date has yet been agreed.

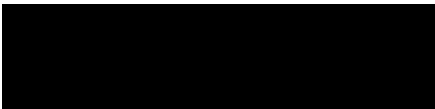
3.2 As previously stated, if no agreement is reached the Applicant remains satisfied that any potential issues arising could be progressed through Mitigation Type 2 as set out in the OTRIMMA [TR020001/APP/8.97].

### **4. Other Matters**

4.1 The Applicant notes the recent Ministerial Statement which deferred the decision until 3 January 2025 to 'enable the Applicant further time to provide requested information, and for that information to be considered, including by interested parties'. The Applicant also notes the submissions made by interested parties on 6 September 2024, a number of which the Applicant wishes to respond to. It is assumed for now that the Applicant should await the Secretary of State's invitation to supply its responses but the Applicant would wish for a date for such responses to be settled soon, to support a decision being made no later than 3 January 2025.

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

Yours sincerely,



Antony Aldridge  
Head of DCO Programme