

Network Rail's Request for Mitigation Measures

1 Network Rail's Position

- 1.1 The applicant indicated in their letter dated 19 August 2024 that an update would be provided in respect of the position reached between them and Network Rail by 20 September 2024. This document sets out Network Rail's position.
- 1.2 Prior to the construction of The Luton DART analysis was undertaken to understand the anticipated resulting passenger flow and circulation requirements at Luton Airport Parkway Station. The assessments were based on a future-proofing to meet the anticipated future airport demand. That analysis was agreed by Network Rail in 2017, ahead of the construction of The Luton DART.
- 1.3 There is a risk inherent in any such future-looking assessment that assumptions relied on do not prove to be accurate, and or the reality of passenger movement differs from that anticipated. Obviously that analysis preceded the application for the DCO, and the undertaking of the various assessments that have informed the current application.
- 1.4 As a result, Network Rail wishes to ensure that the safe and efficient operation of the station is not prejudiced in the event that the actual passengers flows and circulation requirements resulting from the increased airport capacity differ from those anticipated.
- 1.5 In light of this Network Rail requests the applicant commit to the measures set out below. These could be included in the Surface Access Monitoring Plan, as a requirement in the DCO or form part of an agreement between the applicant and Network Rail.

1. Every six months from the date that the Airport is first operated under the Order the Undertaker shall provide to Network Rail gate line data for The Luton DART. The data is:
 - a. To show the number of entries and exits on an hourly basis for each day in the preceding six months; and
 - b. Be provided in Excel format.
2. In the event that, after the date that the Airport is first operated under the Order, Network Rail and/or a train operating company, acting reasonably, consider that there are any impacts on the operation and/or safety of the Station that are different in nature to those considered and assessed in the 2017 Report:
 - a. The Undertaker shall, on request by Network Rail, instruct and cover the costs of an independent consultant:
 - i. undertaking an assessment and modelling of passenger flow and circulation patterns at the Station; and
 - ii. preparing a report setting out options and recommendations of measures to be carried out in order to mitigate any adverse unanticipated impacts on the Station resulting from the operation of the Airport under the Order.

- b. The Undertaker will fund the delivery of the recommended measures (provided such measures have been agreed with Network Rail) in such timeframes as agreed with Network Rail.

2017 Report means the analysis approved by Network Rail in September 2017 regarding passenger flow considerations

Airport means London Luton Airport, which is more precisely defined in Article 2 of the Order

Order means London Luton Airport Expansion Development Consent Order 202[]

Station means Luton Airport Parkway Station

Undertaker has the meaning given in Article 2(1) of the Order

- 1.6 The wording in commitment 2 makes clear that the need for an independent review would only be triggered in the event that the increase in passenger numbers gives rise to impacts that were not anticipated, or different, from those anticipated when the analysis work was carried out in the period up to 2017. Such a mechanism is reasonable and proportionate to ensure that the station operates, and continues to operate, safely and efficiently to accommodate the uplift in passenger numbers.

2 Airport Transport Forum

- 2.1 The applicant suggested in their letter to the Secretary of State dated 19 August 2024 that Network Rail becoming a member of the London Luton Airport ATF would "*allow Network Rail the opportunity to submit potential interventions to the ATF Steering Group (which has selected attendance, not including Network Rail) for its consideration, which will be responsible for allocating as appropriate, funding through the Sustainable Transport Fund, with Luton DART and rail being one of the six surface access priority areas*". They suggest this is the answer to Network Rail's concerns. Becoming a member of the ATF does not address the core of Network Rail's concern – namely having certainty that the applicant would be responsible for delivering measures to address rail impacts directly arising from its development.
- 2.2 One of the purposes of the ATF is to provide a forum for stakeholders to engage on the proposed surface access schemes, interventions and initiatives but any funding allocation is split between modes. As indicated by the applicant, it is not proposed that Network Rail sits on the Steering Group. The proposed membership of that group comprises four local highway authorities, National Highways and the applicant. Given the make-up of the group there is a risk that preference is given to road-based interventions and rail measures are not given equal consideration. As a result, the ATF, in isolation, does not provide the required level of confidence that rail impacts will be addressed.
- 2.3 In addition, the suggested list of attendees of the ATF includes "local transport providers (including rail)" – the terms of reference need to be made clear that this would extend to Network Rail as rail infrastructure provider.

3 Engagement with the applicant

- 3.1 The Secretary of State is asked to note that the details of the mitigation measures in paragraph 1.5 were shared with the applicant's solicitors on 19 September 2024. The applicant shared their draft response with us on the date of submission (20 September 2024) and at a point where Network Rail had settled this submission. Network Rail reserves its right to submit comments on the response submitted by the applicant.