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2 The Square
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Our ref: 66925/01/NG/TK/26921497v1
Your ref: Luton Airport Expansion DCO

Dear Jo Dowling

Proposed expansion of London Luton Airport - Submission of Written Representations

Lichfields is instructed by Openwide Investments Limited (Openwide Investments) (land interest in the Ibis budget Luton Airport Hotel) to prepare Written Representations for submission to the Planning Inspectorate (PINS) relating to the London Luton Airport Expansion Development Consent Order (DCO) application. This letter outlines our client's comments on what they consider to be the main issues and impacts of the proposed expansion to the airport ('the Proposed Development').

Openwide Investments also submitted Relevant Representations to PINS when it registered to become an Interested Party (23 June 2023). PINS has since confirmed Openwide Investments as an Interested Party and having Group A status.

Group A comprises: those who *'have **made Relevant Representations**, have a **legal interest in the land** affected by the application (or have been **identified by the Applicant as a person who might be entitled to make a relevant claim for compensation** if the Development Consent Order were to be made and fully implemented), are a relevant local authority where the development is proposed within your boundary or have been **notified under s102A of the PA2008**, you have a formal status as an Interested Party in the Examination'*. Our emphasis denotes the elements relevant to Openwide Investments.

Since the submission of Openwide Investments' Relevant Representations, the applicant has submitted further information to PINS about the proposals. These Written Representations take account of this further information.

Noting this submission exceeds 1,500 words (body of the representations total 1,950 words), and in accordance with PINS guidance, a summary of the Written Representations is provided within the 'Conclusion' section of this letter.

Context

Openwide Investments hold a land interest in the Ibis budget Luton Airport Hotel ('the Hotel'). The Hotel is not included within the Order Limits however lies immediately to the west of the works boundary. Category 3 of Section 57(4) of the Planning Act (2008) identifies 'Persons with Interest in the Land' ('PIL'); the 2008 Act also establishes the rights of PILs to make a claim for compensation in defined circumstances. The Book of Reference (Document number 3.02, APP-011) identifies Openwide Investments as a PIL in respect of the Proposed Development.

Openwide Investments appreciates the benefits that the Proposed Development will bring to airport hotels in the long-term through creating additional demand for hotel accommodation. Notwithstanding this, following a review of the DCO application documents publicly available on the PINS website, areas of concern have been identified. These issues were identified in the Relevant Representation of 23 June 2023 and have not been addressed in the further information submitted to PINS by the applicant.

Openwide Investments wishes to ensure that London Luton Airport Limited (LLAL, the Airport, the Applicant) and the Examining Authority is fully aware of its concerns and seek confirmation that any negative effects on the Hotel are comprehensively addressed during the DCO Examination. This letter therefore reiterates and confirms the following points of concern in respect of the Proposed Development. We would welcome early clarification from the Airport on these matters.

Construction Impacts

The DCO application documents set out that construction is anticipated to commence in 2025 and will take place over 16 years. It is noted that the construction work phases are proposed such that the works will not be continuous throughout the construction period, and the DCO documents states that there will be a period of 5 years when there will be no construction activity (i.e., 2028-2033). A Requirement is included within the draft DCO (dDCO) (Document number 2.01, AS-068) requiring that the development begins within 5 years from the DCO being made.

It is noted that the DCO Limits do not cover the part of Airport Way used to access the Hotel. Phase 1 and Phase 2a of the Proposed Development both involve works in the area immediately east of the Hotel, including construction of the Airport Access Road (AAR) and link road (Work 6a01 and 6a02) (Document number 4.04, AS-017) which will run from the A1081 New Airport Way through the land behind the Hotel and over Airport Way (with no connection) to the new T2. Construction of the road will likely impact the Hotel in terms of noise, dust, lighting spill, construction worker parking, and increase in traffic and congestion from construction traffic. While the DCO documents and Environmental Statement (ES) do not identify impacts to the Hotel (because receptors have been generalised, and in the case of Phase 1 it appears that the Hotel sits outside the Zone of Influence and as such not clear whether assessed), it is considered that impacts may be felt by the Hotel customers and staff.

The Outline Construction Traffic Management Plan (CTMP) (Document reference 5.02, APP-130) states that the majority of construction vehicles (of which during the peak construction period there will be over 150 vehicles per day arriving and departing, to which 75% would be HGVs) will approach the Site using the M1 and the A1081 (New Airport Way) – therefore construction vehicles should generally not pass the Hotel access/entrance. However, there is no means suggested to ensure this, aside from

monitoring of construction traffic. Therefore it is reasonable to assume that some of the construction vehicles would use Airport Way – which could have implications for the Hotel in terms of traffic congestion, track out, dust and noise. Further information is sought on measures to ensure that construction vehicles do not use Airport Way.

Openwide Investments would welcome having a discussion with LLAL on potential mitigations to address contraction impacts arising.

Transport and Access

A review of the stopping up plans confirm that whilst works will not directly impact the Hotel's access throughout the construction or operation, as the AAR is being constructed overtop of Airport Way to the east of the hotel, it is likely that there could be knock-on or indirect temporary impacts, delays or road closures creating difficulties for staff and guests gaining access to the Hotel. It is noted that the A505 already suffers from congestion, as do other local roads, and the Proposed Development will only exacerbate this. More generally, if appropriate improvements to surface and public access do not come on stream at the right time, it is considered that there will be added pressure placed on local roads and public transport. It is considered that significant effort will be required by the Hotel to explain access arrangements to the Hotel and the potential loss of business if customers experience difficulties in securing access.

Article 13 of the dDCO relates to '*Temporary stopping up and restriction of use of streets*'. This Article would enable the Applicant to temporarily stop up, alter, divert or restrict the use of any street and may for any reasonable time divert traffic from the street, and prevent all persons from passing along the street. This is subject to a proposed Requirement to provide reasonable pedestrian access to and from premises abutting such a street. It is acknowledged that the Statement of Reasons (Document reference 3.01, AS-071) DCO document explains that this power would only be exercisable for the purpose of constructing the Proposed Development. However, it is not clear from our review whether this will apply to roads falling outside of the Order Limits. Clarification is sought on this matter i.e., if this power does apply to roads outside of the Limits then the Applicant has the potential to temporarily stop up Airport Way and with it, the access to the hotel – particularly noting that Airport Way could be viewed by the Applicant as a direct route to the works sites. It is noted that the DCO documents state that any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation.

The new AAR will link to the new Terminal 2 and east of the airport from the A1081 New Airport Way. It is acknowledged that this would be a benefit to the Hotel as it would provide its customers with a direct link to the new terminal, placing the Hotel in close proximity to the terminal. However, following the implementation of Phases 2a and 2b (which includes construction of the new AAR), there is expected to be an increase in traffic. The section of Airport Way between A505 Vauxhall Way and Percival Way, where the Hotel's access is located, is estimated to see an increase in daily traffic flow from just over 4,200 vehicles per day to around 8,500 vehicles per day. Clarify is sought on how this more than doubling of traffic will not impact journey times, as well gaining access to/front the Hotel, for customers and staff travelling to and from the Hotel.

Openwide Investments would welcome having a discussion with LLAL on potential mitigations to address traffic impacts arising.

Environmental Impact: Noise

The Proposed Development will give rise to a near doubling of aircraft traffic flying over the Hotel, meaning a considerable increase in the frequency of noise events experienced. This will significantly worsen the prevailing noise environment.

The Noise ES chapter (Document reference 5.01, AS-080) assesses impacts on the Ibis budget (along with two other nearby hotels) as noise sensitive non-residential receptors. The assessment considers impacts in terms of construction noise, surface access noise (i.e., increased transport movements on the highway), and air noise.

In particular, the following is noted within the Noise ES chapter:

- 1 **Construction noise and vibration:** the assessment of Phase 1 only looks at receptors located to the north and south of the wider area of the DCO boundary. It is considered that there could be impacts on the hotel during Phase 1 and 2a of the construction works when the AAR is being constructed adjacent to the hotel. Further information is requested in relation to this to better understand implications for the hotel.
- 2 **Surface access noise:** the ES chapter states that while the hotel will experience an increase in road traffic noise from the increased use of Airport Way once the proposed expansion is operational, the Hotel was designed and built to mitigate against aircraft noise such that the road traffic noise impacts would not be significant (EIA terminology) to the internal noise levels of the Hotel.
- 3 **Air noise:** the chapter states that effects will be non-significant impacts on non-residential receptors (including hotels). While this may be the case, it is not clear from the Noise Chapter or associated figures and appendices, whether the Ibis budget hotel falls within the hotels screened into the assessment for assessment Phase 1 (42 hotels), 2a (38 hotels), and 2b (39 hotels). From our experience coordinating EIAs, it is standard practice to identify clearly the receptors assessed. Clarification is sought on this point i.e., a figure identifying the receptors assessed and whether this includes the hotel.

The Noise ES chapter does not propose any compensation or further mitigation, in relation to non-residential receptors assessed. Openwide Investments would welcome having a discussion with LLAL on potential mitigations to address harmful noise impacts arising.

It is noted that the Applicant has submitted a Draft Compensation Policies, Measures and Community First document (Document reference 7.10, AS-128), which appears to be the only mechanism proposed to address compensation. The document outlines draft compensation policies, including in relation to noise insulation and compensation, which would be secured in a Section 106 agreement.

It is also noted that other matters addressed within the document include residential hardship, business relocation, and statutory compensation claims. From review, this document is tailored to residents, local community groups and causes, buildings, and businesses which are required to relocate to enable the delivery of the Proposed Development. The document does not directly refer to compensation mechanisms for other businesses, or hotels.

Further information on compensation options for identified ‘Category 3 Parties’ i.e., a PIL with a right to make a relevant claim is sought, particularly given that the Applicant has identified Openwide Investments as such.

Environmental Impact: Air Quality

The DCO application documents accepts that there will be an increase in pollutants from the expanded operation, despite improvements in aircraft engine technology. There are likely to be significant local air quality impacts from a combination of increased particulates, nitrogen oxide levels and odour – from aircraft immediately over-flying the Hotel, the increase in aircraft ground movements, the near doubling of aircraft and apron infrastructure, and the increase in surface access movements arising from passengers and airport employees travelling to and from the Airport.

The air quality assessment states that without mitigation there could be significant impacts for ‘high risk sites’. The Air Quality ES chapter (Document reference 5.01, AS-076) and appendices are not clear on what is considered to be a high risk site, or locate these, however the assessment states that no significant impacts would be created through implementation of ‘best practice mitigation measures’. Clarification is sought on this point to better understand the likely impacts on the Hotel.

Employment and housing pressures

Job creation and attracting economic investment, is welcomed, particularly if it results in employees working in businesses, however an expanded Airport may also give rise to pressures on the local economy.

There may be pressures placed on the local employment and housing supply, when construction workers and airport workers move into the area and seek to live locally, and as an expanded airport requires more workers once operational. This may affect the availability of housing for those Hotel workers living locally, as well as the availability of a local workforce to run the Hotel. Further information is sought on whether this has been assessed and measured to ensure that Hotel workers living locally will not be impacted.

Conclusions

The proposals by LLAL will give rise to a number of impacts on the Hotel:

- 1 Expansion on the scale proposed can only increase congestion on the local road network and make access to the Hotel more difficult for their staff and guests, despite the surface access measures proposed by LLAL;
- 2 Construction of the AAR will likely impact the Hotel in terms of noise, dust, lighting spill, construction worker parking, and increase in traffic and congestion from construction traffic. It is considered that impacts may be felt by the hotel customers and staff. It is reasonable to assume that some of the construction vehicles would use Airport Way, which could have direct implications for the Hotel in terms of traffic congestion, track-out, dust and noise.
- 3 It is likely that there could be a knock-on of temporary impacts, delays or road closures creating difficulties of staff and guests gaining access to the Hotel when the AAR is being constructed overtop of Airport Way. Clarification is sought on this matter i.e., if the dDCO includes powers to

temporarily stop up Airport Way and with it, the access to the Hotel – particularly noting that Airport Way could be viewed by the Applicant as a direct route to the works sites. It is noted that the DCO documents state that any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation.

- 4 The Hotel has been identified as a noise sensitive non-residential receptors, sensitive to impacts arising from construction noise, surface access noise (i.e., increased transport movements on the highway), and air noise – however compensation or further mitigation, in relation to non-residential receptors assessed, has not been proposed. Openwide Investments would welcome having a discussion with LLAL on potential mitigations to address harmful noise impacts arising.
- 5 Job creation and attracting economic investment, is welcomed, particularly if it results in employees working in businesses, however an expanded airport may also give rise to pressures on the local economy, such as employment and housing shortfalls which could disadvantage the Hotel.
- 6 Further information on compensation options for identified 'Category 3 Parties' i.e., a PIL with a right to make a relevant claim is sought, particularly given that the Applicant has identified Openwide Investments as such.

Openwide Investments would welcome further engagement with LLAL to discuss the issues raised.

Any correspondence relating to these representations should be sent to Lichfields

[\[REDACTED\]@lichfields.uk](mailto:[REDACTED]@lichfields.uk) (acting as Agent to Openwide Investments).

We look forward to the acknowledgement of receipt of these representations and further engagement with LLAL.

Yours faithfully

Tabitha Knowles

Associate Director - Aviation

Copy Openwide Investments Limited