



# Department for Transport

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2 August 2024

To: The Applicant,  
North Hertfordshire District Council,  
Hertfordshire County Council,  
Hertfordshire Host Authorities,  
Luton Borough Council  
Natural England,  
Network Rail,  
Bloor Homes Limited,  
Central Bedfordshire Council,  
the Secretary of State for Housing, Communities and Local Government,  
Follett Property Holdings,  
Jaison Property Development Company Limited,  
John Andrew Jason and Jana Ninot Jason

Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by London Luton Airport Limited (“the Applicant”) Seeking Development Consent for the Proposed London Luton Airport Expansion (“the Proposed Development”).**

### **REQUEST FOR COMMENTS FROM ALL PARTIES LISTED ABOVE**

### **REQUEST FOR INFORMATION**

Following the completion of the Examination on 10 February 2024, the Examining Authority (“the ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State for Transport on 10 May 2024. The Statutory deadline for this decision is now 4 October 2024 having been extended on 24 May 2024 by way of [Written Ministerial Statement](#). There are outstanding

issues on which the Department would be grateful if the parties identified in bold could provide an update or further clarification. The issues are grouped by topic heading.

### **GREEN HORIZONS PARK (FORMERLY NEW CENTURY PARK)**

1. In [June 2021](#), planning permission was approved by Luton Borough Council for a mixed-use business park known as Green Horizons Park (formerly New Century Park) to the east of London Luton Airport under the reference: 17/023000/EIA. It is acknowledged that planning consent for Green Horizons Park is due to expire in June 2024. **The Applicant** is requested to provide an update on the status of this permission and set out any implications that this may have.

### **AIR QUALITY**

2. The Statements of Common Ground between the Applicant, [Hertfordshire County Council](#) and [North Hertfordshire District Council](#) confirm that, at the close of the Examination, discussions were ongoing regarding proposed changes to signalised junctions in the Hitchin area, including Hitchin Hill junction which is located in an Air Quality Management Area.

**The Applicant, North Hertfordshire District Council and Hertfordshire County Council** are requested to confirm whether an agreement has been reached regarding the final junction solutions/design at Hitchin; and if an agreement has been reached, **the Applicant** is asked to provide more information about the likely effect of the changes to the junction design on air quality, including any impact on the designated Air Quality Management Area; and **North Hertfordshire District Council and Hertfordshire County Council** are requested to confirm whether they consider that the proposed junction changes would comply with local policy requirements.

If agreement has not yet been reached, **the Applicant, North Hertfordshire District Council and Hertfordshire County Council** are invited to agree a position on this and provide an update accordingly. 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.

### **CHILTERN NATIONAL LANDSCAPE (formerly Area of Outstanding Natural Beauty)**

3. It is noted that in 2013, [Chilterns Conservation Board](#) made an application to extend the boundary of the Chilterns National Landscape and in June 2021, Natural England announced proposals to consider this application. **Natural England** are requested to provide an update regarding whether they have confirmed any of the proposed candidate areas as set out at figure 14.7 in [REP4-037](#) to progress as part of the boundary review.

4. In their response to the ExA's Rule 17 letter dated 25 January 2024, Central Bedfordshire Council considered that the Applicant had not provided mitigation to reduce the impact from overflights over the Chilterns National Landscape [REP10-095]. The Secretary of State notes that the Applicant's proposed mitigation measures for the Chilterns National Landscape are limited to operational controls such as noise contour controls and future improvements in engine technology. Without prejudice to the final decision, **the Applicant** is invited to set out what, if any, further measures it considers could be brought forward, should it be decided further mitigation and compensation is necessary to offset amenity and tranquillity effects on the Chilterns National Landscape.

5. Noting the requirements of section 85 of the Countryside and Rights of Way Act 2000 as introduced by section 245 of the Levelling-Up and Regeneration Act 2023 and without

prejudice to the final decision, **the Applicant** is invited to set out what, if any, further enhancement measures it considers could be brought forward, should it be considered necessary to assure compliance with the amended duty in relation to the Chilterns National Landscape.

## **SIDE AGREEMENTS**

### *Traffic Calming in Hertfordshire*

6. The [Hertfordshire Host Authorities](#)' closing position statement highlights concerns regarding the transport modelling underpinning the application and the risk this poses to the Hertfordshire highway network. This was an issue which remained outstanding at the end of the Examination. Accordingly **the Applicant** and **Hertfordshire Host Authorities** are requested to provide an update on their discussions; and if agreement has not yet been reached, **the Applicant** and **Hertfordshire Host Authorities** are requested to set out what, if any, amendments they agree could be made to the Development Consent Order to address this issue. Where an agreed position cannot be reached, the parties are invited to set out their respective views on what is needed to resolve the concerns.

### *A1081 New Airport Way/Gypsy Lane Junction (Works Nos. 6e(b))*

7. During the Examination, the Applicant and [Central Bedfordshire Council](#) agreed a side agreement securing the proposed highway mitigation works at the A1081 New Airport Way/Gypsy Lane Junction (Works Nos. 6e(b)). The Secretary of State requests that **the Applicant** and **Central Bedfordshire Council** confirm whether a side agreement has been successfully completed.

### *Hitchin Junctions off-site Highway Mitigation (Works Nos. 6e (i, k and m))*

8. At the close of the Examination, the [Hertfordshire Host Authorities](#) had outstanding concerns regarding the proposed off-site highway mitigation to the three Hitchin junctions. Accordingly **the Applicant** and the **Hertfordshire Host Authorities** are requested to provide an update on their discussions; and if agreement has not yet been reached, **the Applicant** and the **Hertfordshire Host Authorities** should seek to agree a position on this and, if an agreed position is possible, the parties are requested to set out what, if any, amendments they agree should be made to the Development Consent Order. 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.

## **RAIL**

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.

## **NOISE**

11. [Central Bedfordshire Council](#), [Luton and District Association for the Control of Aircraft Noise](#) and other Interested Parties considered that aircraft noise contour limit controls should be imposed to provide a level of control and enforceability of noise limits over that provided in the [Green Controlled Growth Framework \("GCG Framework"\)](#). While the Department is aware that the [Applicant](#) is opposed to securing noise contour limits on the face of the Development Consent Order, and without prejudice to the Secretary of State's final decision, **the Applicant** is requested to provide suggested wording for a requirement which would secure noise contour limits on the face of the Development Consent Order. This requirement should be based on the core growth predictions in Tables 7.40, 7.43, 7.46, 7.49, 7.52 and 7.55 of Appendix 16.1 of the [Environmental Statement Appendix 16.1 Noise and Vibration Information](#). **The Applicant** is also requested to provide amendments to the [GCG Framework](#) table 3.1 and [Air Noise Management Plan](#) (and any linked documents) to ensure compliance and support the monitoring and reporting with the proposed wording of the draft requirement to secure noise contour limits.

12. **Luton Borough Council** are asked to provide an update on the proposals and timescales for the delivery of the dualling of the A505 Vauxhall Way. **The Applicant** is invited to consider whether, given the likely delay to the delivery of the Vauxhall Way improvement works, the [17 properties on Eaton Green Road](#) which are predicted to experience significant adverse noise effects should be included in the noise insulation scheme and if not, what the justification for this is.

13. It is noted that the Applicant identified community areas that would experience an adverse likely significant effect due to air noise increases [REP9-011 – Table 16.39, Table 16.46 and Table 16.53] and ground noise increases [REP9-011 - Table 16.56, ES Table 16.63, ES Table 16.68], but that no additional measures were identified in the Compensation Policies to address the impact of outdoor noise on amenity, including for community areas. Without prejudice to the final decision, **the Applicant** is invited to set out what, if any, further measures it considers could be brought forward, should it be decided that this is necessary.

14. The Applicant's delivery programme for its compensation policy for noise insulation [REP4-079] and [REP7-056] confirmed that schemes 1-3 could be delivered in four years. Without prejudice to the final decision, **the Applicant** is invited to set out what, if any, further measures it considers could be brought forward to mitigate the ground noise, surface access noise and aviation noise receptors would be exposed to until the noise insulation compensation delivery programme was complete, should it be decided further measures are necessary.

15. The Applicant is invited to propose any further measures that could be brought forward to further address the noise impacts resulting from the Proposed Development.

## **HERITAGE ASSETS**

16. **The Applicant** is invited to propose any further measures that could be brought forward to further address the impacts on Heritage Assets resulting from the Proposed Development.

## COMPULSORY ACQUISITION AND TEMPORARY POSSESSION

### *Bloor Homes Limited*

17. The Secretary of State notes that at the close of the Examination, an agreement was being progressed by the Applicant regarding the permanent acquisition of plots 3-40, 3-42, 7-13, 7-14, 7-40, 7-43 and 7-46 in the Book of Reference. The Secretary of State requests that **the Applicant** and **Bloor Homes Limited** provide an update.

### *The Elridge Family*

18. The Secretary of State notes that the [representatives for the Eldridge-Family](#) advised that the Applicant had confirmed that a right to manage the woodland in plot 6-04 in the [Book of Reference](#) would not be required for the purpose of Biodiversity Net Gain. **The Applicant** is therefore requested to confirm this position and if agreed, provide a letter of assurance and an amended land plan showing the reduction of land in plot 6-04.

### *Follett Property Holdings Limited*

19. The Secretary of State notes that at the close of the Examination an agreement was being progressed by the Applicant regarding the permanent acquisition of plots 1-72, 1-73, 1-89, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 1-109, 1-113, 1-120, 1-121, 1-123, 2-01, 2-02, 2-19, 2-26, 2-30, 2-38, 2-39, 2-40, 2-43, 2-44, 2-45, 2-46, 2-49, 2-53, 2-60, 2-115, 2-140, 2-149, 4-10, 4-11, 4-12 and temporary possession of plots 2-05, 2-16, 2-27, 2-67, 2-68, 2-113 as identified in the [Book of Reference](#). The Secretary of State requests that **the Applicant** and **Follett Property Holdings Limited** provide an update.

### *Jaison Property Development Company Limited*

20. The Secretary of State notes that at the close of the Examination an agreement was being progressed by the Applicant regarding the permanent acquisition of plots 2-10, 2-29, 2-30, 2-38 and 2-39 and temporary possession of plots 2-09 and 2-27. The Secretary of State requests **the Applicant** and **Jaison Property Development Company Limited** to provide an update.

### *John Andrew Jason and Jana Ninot Jason*

21. The Secretary of State notes that at the close of the Examination an agreement was being progressed by the Applicant regarding the permanent acquisition of plots 2-73, 2-74, 2-76, 2-78, 2-81, 2-83, 2-85, 2-86, 2-89, 2-91, 2-92, 2-94, 2-110, 2-136 and the temporary possession of plots 2-87 and 2-117 identified in the [Book of Reference](#). The Secretary of State requests that **the Applicant** and **John Andrew Jason and Jana Ninot Jason** provide an update.

## CROWN LAND

22. The Secretary of State is aware that by the close of the Examination, Crown consent had not been obtained by [the Applicant](#) for the compulsory acquisition of plot 2-46.

The Secretary of State therefore requests an update from **the Applicant** and **the Secretary of State for Housing, Communities and Local Government** regarding whether an agreement for consent of the compulsory acquisition of this plot has been reached. The Secretary of State also invites **the Applicant** to set out what the appropriate options are if consent is not provided.

## **Deadline for Response**

The deadline for response is **19 August 2024**.

Submissions sent by post may be subject to delay therefore your response on the information requested above should be submitted to the Case Team, if possible, by email to [lutonairport@planninginspectorate.gov.uk](mailto:lutonairport@planninginspectorate.gov.uk)

If you will have difficulty in submitting a response by the deadline, or difficulty in submitting a response by email, please inform the Case Team.

Responses will be published as soon as possible after the deadline on the London Luton Airport Expansion project page of the National Infrastructure Planning website at: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR020001/documents>

This letter is without prejudice to the Secretary of State's decision on the London Luton Airport Expansion Application, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully,

Transport Infrastructure Planning Unit