

LONDON LUTON AIRPORT LIMITED

Transport and Works Act 1992

Transport and Works (Applications and Objections Procedure)

(England and Wales) Rules 2006

# THE LONDON LUTON AIRPORT PASSENGER TRANSIT SYSTEM ORDER

Consultation report

Rule 10(2)(d)

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## Introduction

- 1 London Luton Airport Limited (LLAL) is making an application to the Secretary of State for a Transport for a Transport and Works Act Order (Order) to be made under sections 1, 2 and 5 of the Transport and Works Act 1992. If made, the Order would grant powers to LLAL in connection with the operation of a passenger transit system (passenger transit system) between Luton Airport Parkway Station and the Central Terminal at London Luton Airport (Central Terminal), including the power to make byelaws.
- 2 The passenger transit system is being promoted by LLAL. LLAL is a company which is wholly owned by Luton Borough Council whose purpose is to own and operate London Luton Airport. The passenger transit system is an integral part of a scheme for the comprehensive upgrade of London Luton Airport's wider facilities and is scheduled to commence operation in 2021. The passenger transit system will be operated as "Luton Direct Air to Rail Transport" or "DART".
- 3 Planning permission for the passenger transit system was granted by Luton Borough Council (LBC) on 30 June 2017 under reference 17/00283/FUL and Central Bedfordshire Council (CBC) on 7 July 2017 under reference CB/17/00716/OUT (together referred to as the Planning Permissions). Extensive consultation was carried out by LLAL with relevant local stakeholders and statutory consultees in connection with the planning applications (Planning Applications) that resulted in the grant of the Planning Permissions. LLAL has acquired all land and other rights necessary for the construction of the passenger transit system and consequently no compulsory purchase powers are sought in the Order.
- 4 As LLAL does not require further planning permission to construct the passenger transit system, or powers to compulsorily acquire interests in land, the application for the Order relates only to the operation of the passenger transit system. The Order would confer rights on LLAL to operate and maintain the passenger transit system and provide byelaws to regulate the behaviour of passengers using the passenger transit system.
- 5 The scope of the consultation has been restricted to the powers sought by LLAL in the Order.

## Background to the passenger transit system

- 6 London Luton Airport is a significant transport hub serving London and the South East of England. The airport is served by the railway line that runs between Bedford and the south coast and provides regular services to Central London. Luton Parkway was built in 1999 to service the airport and is approximately 29 miles north of London St Pancras Station and approximately 1.4 miles from the Central Terminal.
- 7 Currently, passengers who wish to travel to the airport by rail must travel from Luton Parkway to the airport either by taxi or shuttle bus. This increases congestion and pollution on the roads which serve the airport namely Airport Way and Airport Approach. The passenger transit system, which is currently under construction, will eliminate the need for the short road transfer between Luton Parkway and the airport by providing a fully automated, cable guided system which will provide a link between the station and the Central Terminal operating 24 hours a day.
- 8 By removing the need for passengers travelling to the airport by rail to have to transfer to the airport by road, the passenger experience will be improved. There will also be a benefit for local road users who will experience less congestion and pollution as a result of the removal of the bus services that currently transport passengers between Luton Parkway and the airport. It is intended that, upon completion, the passenger transit system will allow passengers to travel from London St Pancras station to the Central Terminal within 30 minutes which will improve the airport's wider connectivity.

## Route of the passenger transit system

- 9 A plan showing the route of the passenger transit system is provided within the example consultation letter at Appendix 1 below. A new station for the passenger transit system will be built at Bartlett Square immediately adjoining Luton Parkway and a second station will be constructed at the Central Terminal.
- 10 The tracks for the passenger transit system will run separately from, but adjacent to, those of the existing railway to the south east of Luton Parkway until it meets Airport Way. LLAL will construct a new gateway bridge which

will carry the passenger transit system over Airport Way before turning in a north easterly direction towards the Central Terminal. The passenger transit system will then enter a tunnel before terminating at the Central Terminal. The station at the Central Terminal will be an integral part of the terminal building.

- 11 A construction and environment management plan has been agreed with the local planning authorities, pursuant to a condition attached to the Planning Permissions, to ensure that any disruption caused by the construction of the passenger transit system is minimised.

## Consultation undertaken in connection with the Planning Applications

- 12 Extensive consultation was carried out by LLAL in connection with the Planning Applications. The consultation sought responses on the design of the passenger transit system and the environmental and operational requirements of relevant stakeholders. This included consultation on how the passenger transit system station at Luton Parkway would interface with the railway network. The scope of the consultation as it relates to the Order has therefore been limited to consideration of the powers sought by LLAL to operate the passenger transit system.
- 13 Conservation Officers and representatives of Historic England confirmed that no heritage assets were likely to be affected by the passenger transit system, and Highways England and LBC's Highways Officer did not object to the scheme. Neighbour consultees were supportive of the passenger transit system.

## Consultation in connection with the Order application

- 14 The Transport and Works (Applications and Objections) (England and Wales) Rules 2006 (2006 Rules) set out the procedure that must be followed when preparing an application for an order under the Transport and Works Act 1992. Schedule 5 to the 2006 Rules identifies the organisations that must be served with a copy of the application and supporting documents. Schedule 6 identifies organisations that must be notified of the application.

Column 1 of each Schedule lists different types of works and column 2 describes who must be served with a notice of the application in respect of the particular work to which the application relates. It is good practice to consult all those to whom notice of the application must be sent on a proposed order. The powers sought in the Order do not fall within any of the categories listed in Schedule 5 or Schedule 6.

- 15 However, LLAL identified all those people and bodies who it considered will be interested in the powers sought in the Order and wrote to them by letter dated 20 September 2019 inviting each to comment on the powers sought in the Order. An example letter is included at Appendix 1 of this report. A list of those consulted is at Appendix 2 of this report.
- 16 Both LBC and CBC were identified as consultees in their capacity as highway and local planning authorities. Having previously considered the passenger transit system as part of the Planning Application, each authority confirmed that it did not wish to provide any comment on the proposed Order.
- 17 The other consultees comprised:
- (a) businesses with locations in the local area;
  - (b) members of the Air Transport Forum;
  - (c) Network Rail the owner of the railway line serving Luton Parkway;
  - (d) the Office of Road and Rail (**ORR**);
  - (e) the British Transport Police;
  - (f) Govia Thameslink Limited and East Midland Railway Limited; the train operating companies that run trains on the line from Bedford to the south coast;

(g) Historic England (**HE**); and

(h) The Members of Parliament for Luton North and Luton South.

- 18 The consultation letter asked consultees to respond by 14 October 2019. Two responses were received; one from the ORR and one from HE. Eleven responses were received confirming that the consultee was no longer at the address where the letter was served. One consultee could not be contacted at the postal address but was served a copy by email to which no response was received. No other responses were received.
- 19 The ORR's response to the consultation (included at Appendix 3) informed LLAL that it considered the passenger transit system to be outside its jurisdiction on the basis that it will not be a railway. LLAL consulted extensively with Network Rail, Govia Thameslink and the ORR on the operational implications of the passenger transit system, particularly its interface with the railway. LLAL amended its proposed design for the terminus at Luton Parkway to ensure that the ticketing system is integrated with the ticketing systems used on the railway.
- 20 HE's response to the consultation (included at Appendix 4) stated that HE did not wish to make any comments on the proposed Order and advised LLAL to seek the views of specialist conservation and archaeological advisers as may be relevant. LLAL notes that the Planning Application for the passenger transit system addressed conservation and archaeological issues and the application for the Order does not in any way authorise the carrying out of any works beyond the scope of the Planning Permission so that the Order will have no impact on archaeological or conservation issues.
- 21 Owing to the relatively narrow scope of the application, LLAL deemed it to be unnecessary to hold public meetings or to carry out a wider consultation as a detailed consultation had been carried out in connection with the Planning Applications and in light of the fact that the construction of the passenger transit system is already underway pursuant to the Planning Permission. As part of this process the scheme had been consulted on extensively. The proposed powers do not interfere with the land interests of any private citizen, business or public authority and solely relate to the operation of the passenger transit system.

## Summary

- 22 LLAL has carried out a thorough and proportionate consultation on the application for the Order. This is in addition to the consultation that took place in connection with the Planning Applications.
- 23 Two responses were received. The first from the ORR which stated that the passenger transit system is outside its jurisdiction. The second response, from HE, stated that HE did not wish to comment beyond suggesting that relevant conservation and archaeological advisers are consulted as necessary.
- 24 In the context of this being a 'powers only' Order application, further consultation is not deemed to be necessary as it is unlikely that further responses will be received.

# Appendix 1

Dear ...

## Consultation – proposed application for an order under the Transport and Works Act 1992

### Mass Passenger Transit System, Luton Direct Air to Rail Transport (passenger transit system)

London Luton Airport Limited (**LLAL**) commenced construction of a mass passenger transit system in 2018, with a view to improving the passenger journey time and connectivity for those traveling to and from London Luton Airport via national rail services. The link, which we refer to as the passenger transit system, will provide an efficient, sustainable mode of transport between Luton Airport Parkway Railway Station and the terminal building at London Luton Airport. The passenger transit system will become operational in summer 2021.

In order to operate the passenger transit system effectively, we need powers to charge fares, to enforce any non-payment of fares and to make byelaws regulating the use of the passenger transit system. Those powers are needed to ensure that members of the public can enjoy their journeys safely and without nuisance.

The necessary powers will be sought via an order under the Transport and Works Act 1992. Prior to applying for an order, we are writing to you as part of a consultation process to seek your views on the proposed powers which are listed and described in the Appendix to this letter (**Proposed Powers**). The Appendix also provides further background information in relation to the development of the passenger transit system.

We are not seeking views on the development or design of the passenger transit system, as those aspects of the proposals have already been consulted on as part of the planning application process (which concluded with the grant of planning permission in 2017). Up to date information on the construction of the passenger transit system is available on our dedicated website at: <https://passenger-transit-system.llal.org.uk>

Any comments on the proposals must be received by 5pm on 14<sup>th</sup> October 2019 and provided by email to: [rebecca.starr@luton.gov.uk](mailto:rebecca.starr@luton.gov.uk) or by post to:

Rebecca Starr  
London Luton Airport Ltd  
Suite 28 Hart House Business Centre  
Kimpton Road  
Luton LU2 0LA

Yours sincerely

## Appendix 2

### Details of the passenger transit system and powers to be sought under the Transport and Works Act Order

#### The passenger transit system

LLALL and Luton Borough Council are investing over £200 million in a [Direct Air-Rail Transit \(passenger transit system\)](#) system which will transport passengers between Luton Airport Parkway station and London Luton Airport. The [passenger transit system](#) is being developed to improve passenger journey time and connectivity to and from the airport using a modern, sustainable and efficient system. Construction work is well under way with the passenger transit system scheduled to open in 2021 to deliver a fast and easy transfer from train to plane.

Currently, shuttle buses transport passengers between Luton Airport Parkway station and the airport terminal. The reliability and journey time of the bus service can be affected by traffic congestion, which is difficult to predict in advance. These issues can lead to stressful and delayed journeys to the airport.

The new system will be a people-mover of the type found in major international airports around the world. Based on reliable cable-drawn technology, it has been designed to operate to ensure that services are not only fast, frequent and reliable but also safe, secure and comfortable.

Once in operation, the [passenger transit system](#) will be capable of operating 24 hours a day, seven days a week, and will significantly reduce the journey time from central London to the airport terminal to about 30 minutes, using the fastest train from St Pancras International.

Its purpose is to transform the experience of those travelling to the airport by rail, and encourage more people to do so, enhancing the airport's environmental track record and helping to reduce congestion on the roads.

LLAL and Luton Borough Council are bringing forward the scheme as part of their commitment to investing in the infrastructure of the airport, and improving the experience of passengers using it, in order to secure much-needed future economic growth and jobs creation in Luton.

#### The scheme

The passenger transit system will be a fully automated and driverless system, approximately 2.1km in length, and will provide fast, frequent and reliable transfers for passengers between Luton Airport Parkway station and the terminal in around five minutes, 24 hours a day.

The new station for the route will be located at Bartlett Square (formerly known as Stirling Place), on the north-east side of the existing rail lines.

From here the route will be elevated and will run south, parallel to the existing rail line, until it reaches the A1081 where it will cross the A1081 (Airport Way) via a new 'Gateway Bridge'.

The onward route will run alongside the A1081 Airport Parkway, either at ground level or in shallow cutting, and then through the existing mid-term parking area before entering a 'cut-and-cover' tunnel under the airport taxiway.

At the London Luton Airport terminal, passengers will leave the passenger transit system and access the terminal.

As part of the scheme, a link concourse and overbridge are required across the existing Network Rail tracks to connect the Luton Airport Parkway and passenger transit system stations.



Passenger transit system route between Luton Airport Parkway and the airport terminal. Inset: Gateway Bridge.

## Planning consent and key dates

LLAL has received planning permission from both Luton Borough Council and Central Bedfordshire Council, and construction work is under way.

The scheme is scheduled to become operational in 2021. A Construction Environmental Management Plan (CEMP) will be put in place to ensure that construction traffic and activities are managed and impacts on the local community minimised.

## Powers to be sought in an order under the Transport and Works Act 1992 (Order)

LLAL will apply to the Secretary of State for Transport for a Order to enable it to operate the passenger transit system. The powers sought will include the following:

- statutory authority to operate and maintain the passenger transit system, including the creation of defences to proceedings in nuisance (or the escape of things from land) in defined circumstances;
- the creation of an offence of trespass in the event that anyone trespasses onto the passenger transit system;
- the power to charge and issue tickets for the use of the passenger transit system and to issue penalty fares in the event that a valid ticket is not produced when required;
- the power to enter into agreements with the police, including the British Transport Police, to provide policing services for or in connection with the passenger transit system;
- the ability to transfer the powers under the Order from LLAL to another person; and
- the power to enter into leases and other agreements in relation to the operation of the passenger transit system.

The Order will also include and provide statutory authority for byelaws that will govern the use of the passenger transit system. The byelaws will relate to travel and fares, enforcement, control of premises, equipment and safety and conduct and behaviour. They will include:

## Travel and fares

- the designation of a compulsory ticket area which may only be entered with a valid ticket;
- a requirement to produce a ticket for inspection when required to do so by an authorised person;

## Enforcement

- a requirement on persons to comply with the instructions of an authorised person;

- a power to require persons suspected of being in breach of the byelaws to leave the passenger transit system;
- the creation of an offence punishable by a fine for any breach of the byelaws;

## Control of premises

- a prohibition on entering any area of the passenger transit system where there is a notice that forbids entry on, and loitering or remaining on, any part of the passenger transit system if asked to leave by an authorised person;
- a prohibition on causing obstruction through the bringing of bicycles and other conveyances onto the passenger transit system and/or in contravention of any sign and the power to clamp and remove any such bicycle and other conveyance brought onto or left on the passenger transit system in contravention of a sign or causing hindrance and the power to issue a charge for such clamping and removal;
- the creation of pedestrian-only areas with exceptions for wheelchairs, pushchairs and prams;
- an ability for the operator of the passenger transit system to refuse entry to animals being brought onto it where the animal would threaten or annoy other passengers or soil or damage the passenger transit system, with the byelaws regulating how persons in charge of animals that are permitted to be brought onto the passenger transit system must look after them;

## Equipment and safety

- a requirement only to enter and exit the passenger transit system via the ticket gates unless authorised otherwise;
- a requirement to enter, exit and use the carriages forming part of the passenger transit system only as instructed and not to:
  - exceed the maximum number of persons allowed in a carriage (as indicated on a sign inside each vehicle);
  - attempt to open or close the doors of the passenger transit system (with exceptions for emergencies) or to obstruct them;
  - use any emergency communications system other than in the case of an emergency and in accordance with displayed instructions;

## Conduct and behaviour

- an ability for an authorised person to require any person to queue or wait to regulate order of safety;
- a prohibition on the bringing of dangerous items onto the passenger transit system;
- a prohibition on smoking and vaping on the passenger transit system;
- a prohibition on the possession and use and consumption of drugs and carrying open alcohol on the passenger transit system;
- a power for an authorised person to refuse entry onto the passenger transit system to any person who is in an unfit or improper condition;
- a prohibition on improper behaviour on the passenger transit system;
- a prohibition on singing or the use of articles or equipment for the production of sound to the annoyance of other persons on the passenger transit system;
- a prohibition on gambling on the passenger transit system unless such gambling is in accordance with the law.



## Appendix 2

Organisation	Name of Individual(s) Consulted
Luton Borough Council	David Gurtler
	Laura Church
Central Bedfordshire Council	Alex Harrison
Highways Officers	Rod Black (Luton Borough Council)
	Sheila Henley (Central Bedfordshire Council)
	Alys Bishop (Central Bedfordshire Council)
Historic England	Clare Campbell
London Luton Airport Limited	Alejo Perez - Monsalvo
Network Rail	Deborah Fairweather
Govia Thameslink Railway Limited	Pete Carbery
East Midland Railway Limited	Darren Ward
British Transport Police	Martin Turner
Bedfordshire Police	Phil McCarthy
Members of Parliament	Gavin Shuker (Luton South)
	Kelvin Hopkins (Luton North)
Knights of Old	Ian Beattie
Thurlow Nunn	Dax Harding
Addison Lee	Tony Marson
ORR	Ruth Luxford
Hampton Hotel, The Ability Group	Costas Panayiotou
Rainbow Healthcare Services	Vimbai Butau
Veolia	Jon Whittaker
Aldershaw Property Management	Golam Mustafiz
Reach Consult	Henrietta Abrahams
Zemaye Consult Ltd	Jackson Gogo Ombo
Julapae	June Small
London Professional College	Kevin Rajmun
Proman	Jacob Travis
Testwall	Paul McKenna
Wedran Ltd	Andrew Woolston

Organisation	Name of Individual(s) Consulted
A I Solve	Devi Koli
XP Recruitment	Adrian Phillips
Murtagh Demolition Ltd	John Fischer
Amco Giffen	Martin Thornton
Wenta	Peter Cabon
Plus Info Ltd	Akash Lohia
CJA Financial Planning Ltd	Candy Sangah
BLCF	Fozia Irfan
Europe Car	Business owner
I C W powermode	Business owner
Ian Wright Associates	Business owner
Agility Logistics	Business owner
Ryebridge Ltd	Business owner
Bell Packaging	Business owner
Applus Aerospace	Business owner
Dot Group	Business owner
Airport Transport Forum	Linsey Frostick
	Graham Sweedy
	Amardip Puar
	Tamara Cato
	Dave Perry
	Keith Dove
	Carol Thomas
	Darren Chadwick
	Daley Wilson
	Deborah Basnett
	Garry Nicholas
	Vanessa Armstrong
	Daniel Washington
	Trevor Rosenberg
	Steve Timms

Organisation	Name of Individual(s) Consulted
	Denise Hobbs
	Oliver Jaycock
	Julie McGrory

## Appendix 3

Dear Ms Starr

Thank you for letter enclosing London Luton Airport's consultation on its new passenger transit system transit system.

The decision to grant a Transport and Works Act Order is a matter for the Secretary of State, and therefore ORR have no locus to comment. Further, it is our understanding that the Luton passenger transit system does not come under the definition of "railway" and is therefore not within the jurisdiction of ORR.

Kind Regards

Ruth



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## Appendix 4



Historic England

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Luton  
LU2 0LA

Direct Dial: 01223 582738

Our ref: PL00625582

21 October 2019

Dear Ms Starr

**Proposed application under the Transport and Works Act 1992  
Mass Passenger Transit System, Luton Direct Air to Rail Transport (DART),  
Luton, Bedfordshire**

Thank you contacting us on 20 September 2019 about the above..

On the basis of the information available to date, Historic England do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

If you have queries about the above or would like to discuss anything further, please do not hesitate to contact us.

Yours sincerely,

Clare Campbell  
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