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To the Applicant
(By email only)

Your Ref:

Our Ref: TR020001

Date: 27 March 2023

Dear Mr Aldridge,

Planning Act 2008 (as amended)

Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion project

Advice following issue of decision to accept the application for examination

On 27 March 2023 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

GENERAL ADVICE

Protected species

Under Schedule 5 of the Wildlife and Countryside Act 1981 Roman snails are a protected species. This makes it an offence to intentionally or recklessly kill, injure, take (including handling), or offer them for sale. The location of Roman snails is identified in the following application documents:

- Environmental Statement (ES) Chapter 3: Alternatives and Design Evolution (Doc 5.01)
- ES Chapter 8: Biodiversity (Doc 5.01)
- ES Chapter 21: In-Combination and Cumulative Effects (Doc 5.01)

- ES Appendix 8.1 Ecology Baseline Report Part A (Doc 5.02)
- ES Appendix 8.1 Ecology Baseline Report Part B (Doc 5.02)
- ES Appendix 8.2 Outline Landscape and Biodiversity Management Plan (Doc 5.02)
- ES Appendix 8.10 Ecological Mitigation Strategy Orchid and Invertebrate (Doc 5.02)
- ES Chapter 8 Biodiversity Figures 8.1 - 8.4 (Doc 5.03)
- Mitigation Route Map (Doc 5.09).

To prevent the killing, injuring, taking or sale of Roman snails the information identifying where the snails can be found needs to be redacted from these documents before the Planning Inspectorate can publish them. You are asked to provide redacted versions of these documents or remove the information and provide a confidential annex. Please also check any other documents where this information might be provided and redact or action as necessary.

Category three interests

A significant number of category three interests have been identified. Whilst these are listed in the Book of Reference, given the number of entries it is considered that this has the potential to be difficult for Interested Parties (IP) to navigate. To facilitate the consultation process, it is recommended that a plan on an Ordnance Survey base be provided, overlaid with the relevant noise contours. This will enable IPs to easily identify those properties that have been categorised as category three and could be eligible for insulation/ compensation.

ADVICE IN RELATION TO PLANS

Work No 6e – Offsite Highway works

The plans for the proposed offsite highways works, including proposed alterations to junction 10 of the M1, are currently contained within Appendix A of the Transport Assessment Appendices – Part 1 of 3 (Appendices A to E). To enable IPs to be able to easily review the full extent of the proposed works it is requested that, in addition to the plans within Appendix A, they be provided as a standalone set of plans as per the other works proposed under Work No 6 (4.11 Airport Access Road and Luton DART Long Section Plans).

Land Plans

The Land Plans include land coloured yellow which is described as land not subject to Development Consent Order (DCO) powers. Each of the yellow plots includes a bespoke reference number. However, these plots are not listed in the Book of Reference. Furthermore, land not subject to DCO powers is normally shown as white on land plans. There is a concern that highlighting land not subject to the DCO in this way could cause confusion for IPs viewing the plans and could lead them to believe that they are Affected Persons. To reduce the potential for confusion you are advised to remove the yellow colouring from these plots and either colour them grey if they are Operational Airport Land or leave them white. The red line boundary will need to be reviewed and amended to reflect any changes.

A number of plots listed in Box 30 of the acceptance checklist cannot be found on the Land Plans. Please review and amend the application documents accordingly.

The insets on the Land Plans are not consistently labelled. Some labels are placed on the line rather than inside the inset. Please ensure that to enable IPs to read the plans labelling is consistent. The line weight should also be thinner to allow clearer marking of small plots.

Currently land in which the Crown holds an interest is shown on the Land Plans rather than being provided as a separate set of Crown land plans. Please provide these as a separate set of plans.

Red line boundary (RLB)

The RLB does not appear to be consistent across all plans. For example, areas of yellow land are shown within the RLB on the Land Plans, outside the RLB on the airport boundary plan, but inside the RLB on the scheme layout plans. Please review all plans to ensure that the RLB is consistent and amend accordingly.

Works Plans

There is an unidentified Work adjoining Work No. 3(a)(01) on Sheet 2 of 4 of Part 3 of the Works Plans. Please clarify what this work is or remove it from the plan.

Work No. 6e(b) appears to be incorrectly labelled as Work No. 6e(f) on Sheet 2 of 14 of Part 6 of the Works Plans. Work No. 6e(b) does not appear in the Works Drawings Plan List. Please check and amend the plans as necessary.

For clarity it would assist all parties if roads and other features were labelled on the Works Plans.

General Arrangement Drawings

Some text on the 'Indicative General Arrangement Terminal 1 Baggage Hall Extensions Plans & Section' is not legible. Please review and amend as necessary.

Landscape Assessment

To enable IPs to understand the effects of the proposal, the accurate visual representations submitted in the appendices to the landscape and visual impact assessment in ES Chapter 14 (Doc 5.01) need to be revised for legibility and to understand the full extent of the Rochdale envelope.

Documents 5.02 Appendix 14.7 Accurate Visual Representations - Viewpoints 1, 5, 6; Viewpoints 10B, 13, 14, 17, 17A; Viewpoints 18, 19, 23, 24, 25; Viewpoints 26, 29, 30, 31, 34, 37; and Viewpoints 41, 46, 48, 50 should be amended as follows:

- Representative VP1 – the photomontage states 'based on winter viewpoint photography' but it appears to show summer vegetation. A replacement photomontage with winter photography should be provided.
- Representative VP26 – block form does not appear to have been shaded. A replacement figure with shading should be provided.
- All representative viewpoints need to be reproduced with a heavier line weight (eg between 1-2pt) and more distinct line colour (eg red or blue). VP5, 6, 37 and 50

are particularly difficult to understand due to the fine line weight and colour. All photomontages should be reviewed to ensure that they are readily accessible for viewing prior to reissue.

- All representative viewpoints should include additional wire lines that indicate the maximum limits of deviation (eg height, width) to permit understanding of the maximum parameters of the development.

Design and Access Statement

Please review the figures included in the Design and Access Statement to ensure that they are legible and easy for IPs to read. For example, it does not appear possible to fully view 'Figure 2.6 – Proposed Curium' layout. The alternative options in figures 4.1 to 4.4 (also contained in Chapter 3 of the Environmental Statement) would benefit from being displayed at a larger resolution.

Additional plans

The Existing Landform drawing included in Figure 4.4 in Chapter 4 of the Environmental Statement (the ES) only includes the eastern part of the Order Limits. Given that level changes are also proposed in the western part of the Order Limits to accommodate sections of the airport access road (particularly the section illustrated in Sheets 2 and 3 in the General Arrangement Drawing part 3 of 3), please provide a plan showing existing site levels to cover the western area of the Order Limits.

To allow IPs to understand the extent of land level changes when viewing the Proposed Earthworks for phases 1, 2A and 2B in the General Arrangement Drawings, it would be helpful if reference is made on those plans to the Existing Landform Drawing that is included in Chapter 4 of the ES.

Please add the estimated amount in cubic meters of cut and fill operations to the cut and fill plans contained within figures 4.10 to 4.15 of the ES.

ADVICE IN RELATION TO THE ENVIRONMENTAL STATEMENT (ES)

Chapter 18 - Traffic and transport and climate change

Brief reference is made in Chapter 18 (Traffic and Transport) of the ES to in-combination climate change effects. However, this matter is assessed in Chapter 12 (Greenhouse Gases) of the ES. To facilitate navigation of the ES by IPs, Chapter 18 should be amended to include clear reference to the assessments on which its conclusions are based.

To enable IPs to understand the proposals, the A and B roads referred to in Chapter 18 should be annotated on the appended plans.

Section 18.9.1 refers to Table 18.31. However, this table does not appear to exist. Can you provide either a copy of the table or if this is an error advise which is the correct table being referred to.

Chapter 20 – Water Resource and flood risk

In figure 20.2 (5.03 Chapter 20 (water resources and flood risk figures 20.1- 20.6) private water abstractions are shown as blue stars on a largely blue background. Consequently, they are difficult to identify. Table 20.11 of chapter 20 of the ES also states that discharge consents are marked on Figure 20.2 but this figure does not show the location of any discharge consents. Discharge consents, springs and groundwater abstractions should be clearly illustrated on a plan.

Please provide a map of the Ground Water Dependent Terrestrial Ecosystems identified in Chapter 20.

OTHER MATTERS

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under section 42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008 unless there is a specific justification as to why this is not necessary.

Minor errors and omissions

The Applicant should note any minor errors and/ or omissions that are reflected in Box 30 and elsewhere in the acceptance checklist.

Submission of information requested

Regarding the issues identified above, unless stated otherwise, it is requested that you revise the documents or submit the information requested before the commencement of the Relevant Representation period. This will then facilitate the consultation process by allowing all parties the opportunity to understand the effects of the proposed development.

The Examining Authority (ExA), once appointed, may ask questions regarding these matters, or request updated documents unless they are provided.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient Examination and give any future ExA comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Siân Evans

Case Manager

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