



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: LutonAirport@
planninginspectorate.gov.uk

To:

The Applicant

Local Authorities:

Luton Borough Council, Central
Bedfordshire Council, North
Hertfordshire District Council, Dacorum
Borough Council, Hertfordshire County
Council

Statutory Parties:

Civil Aviation Authority, Chilterns
Conservation Board, Environment
Agency, National Highways, Natural
England, NATS

Other Parties:

LADACAN

Your Ref:

Our Ref: TR020001

Date: 16 May 2023

Dear Applicant and above named local authorities, statutory parties and other parties,

Planning Act 2008 (as amended) – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

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

Procedural Decision made under Section 89(3)

As set out in the Rule 4 letter [[PD-004](#)] published on 9 May 2023, I have been appointed by the Secretary of State (SoS) to be the lead member of the Examining Authority (ExA) that will examine and make a recommendation to the SoS for Transport on the London Luton Airport Expansion project.

Following the decision of the SoS to accept the application for examination on 27 March 2023 [[PD-001](#)], the ExA has decided to make a number of Procedural Decisions requesting further information in addition to some clarifications and corrections on the submitted documents. The aim is to enable the ExA to better utilise the Pre-examination

stage of this process to ensure that it has as much of the information it needs as early as possible in the overall process.

These requests follow the decisions to accept notification [[PD-001](#)], and publication of the Section 51 Advice [[PD-002](#)] and Section 55 Checklist [[PD-003](#)] that were issued on the 27 March 2023.

Principal Areas of Disagreement Summary Statement

The ExA has noted [[AS-002](#), paragraph 4.3.11] that before and during the examination period the Applicant intends to develop a number of Statements of Common Ground (SoCG) together with “any additional ones requested by the Examining Authority”. Whilst these documents are useful and have a place in the Examination, SoCGs can often overlap and duplicate Written Representations (WRs) and/or Local Impact Reports (LIRs) particularly on areas of agreement or no concerns. Conversely, matters of disagreement are generally not reported in any great detail at the Pre-examination stage.

The ExA considers that, in order to be able to focus the Examination, it would be beneficial at an early stage in the process for the principal areas of disagreement to be identified. This need only be a summary position at the Pre-examination stage and the ExA would anticipate that matters raised at this time would be expanded upon in the local authority’s LIR/ WR and other parties’ WRs. The ExA considers that an early identification of the principal areas of disagreement, read alongside other submissions, would assist the ExA in identifying the principal issues, provide a clear focus for the Examination and the drafting of any written questions.

As a result, for both the Pre-examination and Examination stages, the ExA has made a Procedural Decision to request from each named **local authority, statutory party and LADACAN** a Principal Areas of Disagreement Summary Statement. The ExA requests that this should be **in a table format** (similar to a Scott Schedule¹), addressing the following concerns:

- the principal issue in question;
- a brief explanation of the concerns held by the party which they will report on in full in LIR/ WRs;
- on a without prejudice basis what, in that party’s view, needs to change/ be amended/ included so as to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

For ease a sample table can be found in Annex A.

The ExA requests that the Principal Areas of Disagreement Summary Statements are **submitted alongside respective Relevant Representations (RR)**. The deadline for which is 23 June 2023. The statements will be published alongside the RR.

The ExA intends for these to be live documents which will be regularly updated throughout the Examination. In due course the Rule 6 Letter will set this out and the ExA will engage the relevant parties’ views on this at the Preliminary Meeting.

¹ <https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/scott-schedule-note>

Please note the Principal Areas of Disagreement Summary Statements will not replace SoCG but instead will sit alongside these documents. Furthermore, the ExA has made this request based on the information that has been submitted so far and may choose to request Statements from other organisations and Interested Parties either during Pre-Examination or Examination.

Statements of Common Ground with the host Local Authorities

The ExA has noted [[AS-002](#), paragraph 4.3.11] that the Applicant is intending to produce a joint SoCG between the host local authorities (Luton Borough Council, Central Bedfordshire Council, North Hertfordshire District Council, Dacorum Borough Council and Hertfordshire County Council). The ExA considers that such a document has the potential to be sizeable and therefore potentially difficult to navigate. As a result, the ExA has made the Procedural Decision to request that the Applicant produce individual SoCG with each of the host authorities.

Accounting for COVID-19 in transport modelling

The Department for Transport has produced some interim advice regarding the treatment of the COVID-19 pandemic in transport modelling². The ExA has made a Procedural Decision to request that the Applicant reviews its transport modelling in light of this advice and update/ amend the modelling and application documentation (including any dependent assessments) as necessary. The ExA requests that this exercise be completed, and any amendments/ updates made by 23 June 2023. If such a review would not be achievable within this timescale then by 31 May 2023 the Applicant will have provided a detailed timetable explaining when this information would be submitted, why the additional time is needed and any implications that this might have for the Examination.

Noise Information and Green Controlled Growth

To ensure clear understanding of the noise survey and data compilation approach, the ExA has made a procedural decision to request BS7445 survey datasheets/ monitoring reports (or equivalent) for each of the attended noise monitoring locations, showing full details of location and set up information. The information provided should include the meteorological data used to exclude adverse weather periods from the baseline datasets.

To provide a clear comparison of the Applicant's proposed noise controls with the airport's existing operational controls, the ExA has made a Procedural Decision to request a summary table setting out the current consented operational noise controls; the proposed operational noise controls under application reference 15/00950/VARCON and the current application for Development Consent. This should summarise matters including, but not limited to, day time and night time operational noise contours and any future contour reductions, air traffic movement limits, quota count limits, operational restrictions (including engine testing) and any noise penalties.

The ExA requests that this information be provided by 23 June 2023.

² <https://www.gov.uk/government/publications/tag-forthcoming-changes/forthcoming-change-accounting-for-covid-19-in-transport-modelling>

Matters Arising Post Acceptance

When the application was accepted for examination, the Planning Inspectorate provided some initial observations in relation to the application [[PD-002](#)]. As a result, on the 28 April 2023 the Applicant submitted some updated/ amended documentation [[AS-001 to AS-050](#)]. Following a more detailed review of the application documentation and the updated/ amended documentation the ExA has noticed a number of possible omissions, errors and issues with the documentation. The ExA has made a Procedural Decision to request the Applicant to review the list contained in Annex B of this letter and consider whether corrections, resubmissions or additional submissions are needed. The ExA requests that this exercise be completed and any submissions that may result be made by 23 June 2023. The updates will be published alongside the RR.

The Application documents are published on the project page of the [National Infrastructure Planning](#) website.

Yours sincerely

Jo Dowling

Lead member for the Examining Authority

Principal Areas of Disagreement Summary Statement (PADSS) from ADD ORGANISATION		Version Number: Submitted at:	
Principal Issue in Question	Concern held	What needs to change/be amended/be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination

Exam Library Reference	Document	Comments
APP-032	ES Chapter 5	Paragraph 5.4.9 refers to the Design Principles Document reference as TR020001/APP/7.10. The correct document reference is TR020001/APP/7.09.
APP-032	ES Chapter 5	Inset 5.1 (document page 29) background mapping is illegible. Provide a replacement figure, with OS 1:50,000 base mapping, or improve legibility of current figure.
APP-034	ES Chapter 7	Table 7.2 is titled 'Air quality standards from the Regulations 2020'. Confirm whether this should be reference to The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020.
APP-036	ES Chapter 10	It is assumed criterion g. on document page 2 should state 'Section 10.9'. Please correct.
APP-036	ES Chapter 10	In Table 10.6 on document page 20, it is stated under the column 'Meeting name and date' in Table 10.6 "14 December 2021. A Teams meeting with officers from Historic England to discuss results of 2022 PEIR". Please review if these dates are correct.
APP-036	ES Chapter 10	<p>There appears to be errors in the assessment of effects in respect of references to proposed works and the phases they would be developed in, when read against the details in the submitted Scheme Layout Plans (AS-010) and Proposed Development Figures (AS-042). For example:</p> <ul style="list-style-type: none"> • Paragraph 10.9.16 refers to the potential for piling that may be required during assessment phase 1 for the new decked car park P9 (work number 4o(02)). However, the submitted plans proposes reconfiguring the existing surface car park in phase 1 (work number 4o(01)) and the provision of the new decked car park in phase 2a. • Paragraph 10.9.20 refers to the Surface Movement Radar (SMR) tower (work number 2a(02)) proposed during assessment phase 2a. However, the submitted plans identifies this in Phase 1.

		<ul style="list-style-type: none"> Paragraph 10.9.23 refers to works to the SMR and Car Park 3 taking place in phase 2a, which the submitted plans propose in phase 1. <p>Please review section.</p>
APP-036	ES Chapter 10	Paragraph 10.9.89 refers to 'The Improvement Garden' being located approximately 2.5km south east of the Main Application Site but paragraph 10.7.42 refers to it being located approximately 1.5km south west of Luton Town Centre. Rectify this discrepancy.
APP-039	ES Chapter 13	The last sentence in paragraph 13.5.26 currently reads "A sensitivity has of the quantitative assessment using these updated ERFs has been undertaken as agreed whas HAS/OHID." Confirm correct wording.
APP-039 and APP-151	ES Chapter 13 and ES Figure 13.	Paragraph 13.7.6 on document pages 48 and 49 refers to Figure 13.2 and lists a number of footpaths adjacent to the airport but only some are labelled in the figure. Provide an updated Figure 13.2 with labels for all footpaths referenced in paragraph 13.7.6 (e.g. FP29/38 or BW28/37).
APP-039	ES Chapter 13	Lack of clarity as to where some information provided in summary Table 13.20 is addressed. Update Table 13.20 to provide cross reference to where each of the effects summarised in the table is assessed in the ES text.
APP-040	ES Chapter 14	Paragraphs 14.5.14 and 14.5.18 refer to Tables 1.1, 1.2, 1.3, 1.6, 1.7 and 1.8 in Appendix 14.1 of the ES (AS-036) although these do not exist. It appears that this should instead refer to Tables contained in Chapters 5 and 6 of ES Appendix 14.1 covering both landscape and visual receptors. Please confirm if this is the case and correct references.
APP-042	ES Chapter 16	Paragraph 16.9.153 references four schools but only lists two. Reference remaining schools or amend quantity as appropriate.
APP-042	ES Chapter 16	State time interval (T) applied in Table 16.30 on document page 90.
APP-042	ES Chapter 16	Paragraph 16.9.219 reports on numbers of households affected as set out in Table 16.70 but appears to understate the number of buildings predicted to experience an increase in daytime road traffic

		noise. Confirm whether paragraph should read approximately 27,704 rather than 27,400.
APP-048	ES Appendix 4.1 Construction Method Statement and Programme Report: Table 4.3 on Page 24; Table 5.2 on Page 39; Table 6.2 on Page 78; and Appendix H on Page 145	Inconsistency between figures reported in Appendix H and Tables within main text: <ul style="list-style-type: none"> Phase 1 Earthworks granular imported - 72,000m³, Table 4.3 identifies 43,000m³ Phase 2a imported 240,000m³, Table 5.2 identifies 289,000m³ Phase 2b 179,000 import, Table 6.2 identifies 211,000m³ Amend tables as relevant. Provide updates to any assessments, that depend on this data, where necessary (e.g. transport, air quality, noise).
APP-076	ES Appendix 10.5 Archaeological Trail Trench Evaluation Report Cotswold 2019	Contains a solid black horizontal line at the bottom of every page of the main report, covering lines of text. Submit revised document removing rectifying this.
APP-087	ES Appendix 13.5	Footnote 4 on document page 2 is incomplete. Provide full wording.
APP-090	ES Appendix 14.3 Aborigicultural Impact Assessment	The third bullet point within the Executive Summary (electronic page 6) identifies a total of 575 tree features proposed for removal (356 + 219) although the subsequent breakdown of trees per category adds up to 574. Similarly, Table 2 on electronic page 11 identifies a total of 570 tree features proposed for removal although paragraph 3.1.2 states 575 tree features are proposed for removal. Confirm correct numbers.
APP-098	ES Appendix 14.6 Winter and Summer Viewpoint Photography Viewpoints 33-41	APP-152 Figure 14.8 identifies VP35A - Footpath (Kings Walden 005) but this has not been included in APP-098. Please submit this viewpoint.
APP-099	ES Appendix 14.6 Winter and Summer Photography Viewpoints 42-50	The location of Viewpoint 43 shown on the Location Plan inset is incorrect and shows the location of Viewpoint 2. Please rectify and also carry out a review of all other inset maps accompanying the viewpoints to ensure the correct locations are identified.
APP-110	ES Appendix 16.1	<ul style="list-style-type: none"> Table 7.5 highlights the AR2 day time DS result in red suggesting that it exceeds SOAEL but the value is below the 63dB LAeq,16h threshold. Provide amended table with corrected colour or value. Similar issue in Table 7.6 for receptors AR2 and AR13.

		<ul style="list-style-type: none"> • Table 8.3 GR1 colour incorrect for night. • Table 8.4 issues with colours for GR1 (night), GR2/3 (day and night), GR4/5 (night), GR7/8 (night). • Table 12.20 AR2 colour incorrect (day) unless rounding, AR12 (night). Table 12.29 AR2 (day).
APP-147 to 149, and APP-154 to 159	Chapter 7 Air quality figures and Chapter 16 Noise and vibration figures	For ease of navigation, provide new figures with a hyperlinked figure list at the start of each pdf.
APP-147 and APP-148	ES Chapter 7 Air Quality Figures 7.1-7.3a and ES Chapter 7 Air Quality Figures 7.3b-7.26	Air Quality Management Areas (AQMA) are listed in the key but not visible in Figure 7.3a due to overlay of layered information. Amend figure to also show AQMA extents. The same issue applies in Figure 7.3b page 1 of 11, page 4 of 11 in West Hitchin, page 5 of 11 extent of Dunstable AQMA and Figure 7.3e.
APP-147 and APP-148	ES Chapter 7 Air Quality Figures 7.1-7.3a and ES Chapter 7 Air Quality Figures 7.3b-7.26	Each of the Figures 7.3a and 7.3d should be provided as one or more plans on OS 1:25,000 base that show the receptor numbers to allow ease of cross reference with tabulated data.
APP-148	ES Chapter 7 Air Quality Figures 7.3b-7.26	Query whether extent of coloured area in Figures 7.25 and Figure 7.26 is correct. Amend where relevant.
APP-149	ES Chapter 7: Air Quality Figures 7.27-7.43	Dark orange colouring in Figure 7.27 is not present in the key. Provide a replacement figure with updated key or figure content where relevant.
APP-149	ES Chapter 7: Air Quality Figures 7.27-7.43	Contour plots provided for 2027 case in Figures 7.41-7.43 should also be provided for assessment phases 2a and 2b with OS 1:25,000 base mapping. The location of any AQMAs should be clearly shown on these plans.
APP-152	ES Chapter 14 Landscape and Visual Figures 14.1-14.17	Figure 14.2 does not show the Order limits identified in the Legend.
APP-154	ES Chapter 16 Noise and Vibration Figures 16.1-16.20	Figure 16.1 shows Noise Important Areas in green. The scale of the plan and low resolution base mapping makes it difficult to understand the overlap between the proposed development and these areas. Provide updated Surface Access noise contour maps showing Noise Important Areas on 1:50,000 base mapping.
APP-154	ES Chapter 16 Noise and Vibration Figures 16.1-16.20	Unable to clearly make out map based information below contours information. Unable to accurately locate monitoring locations in

		Figure 16.3. Unable to clearly see extent of Noise Important Areas with respect to proposed works locations. Reproduce figures with OS 1:50,000 base maps.
APP-194	Planning Statement	It is assumed, based on the figures quoted in the two subsequent paragraphs, that the word 'people' should follow the figure of 3,800 in the last sentence of Paragraph 8.6.19. Confirm if this is the case.
APP-204	Transport Assessment Part 2 of 4	Paragraph 8.4.5 onwards to the end of the document (including Table 8.4) duplicates that from paragraph 9.5.26 of part 3 of 4 of the Transport assessment (APP-205). Please clarify if the section from paragraph 8.4.5 onwards to the end of the document is correct.
APP-208	Design and Access Statement Volume II	Figure 5.5 labels airport taxiways but appears to omit Taxiway I. Add label for Taxiway I to figure.
APP-213	Need Case	Figure 6.28 on document page 94 refers to the runways as 08 and 26 respectively. All other references appear to be 07/25. Provide updated documents addressing the discrepancy.
APP-227	Equality Impact Assessment	<p>An updated and track changed version of APP-227 Equality Impact Assessment should be provided to address a number of minor discrepancies, as follows:</p> <ul style="list-style-type: none"> • Employment section numbering from page 27 restarts at 4.4.1, repeating numbering from page 19. A renumbered version with any cross references updated should be provided. • Paragraph 7.2.6 states that four schools will exceed noise level criteria in Phase 2b but then lists two schools (Surrey St Primary and the Avenue Centre for Education). • Summary Table 10.1 identifies a beneficial effect for accessibility and severed footpaths in relation to the characteristic "Age – children under 16", "Age – children 16-24", "Pregnancy and maternity" however the text at paragraphs 7.2.14, 7.2.15, 7.3.3 and 7.7.6 only identifies neutral or adverse effects. • Summary Table 10.1 identifies a beneficial effect for accessibility in relation to the characteristic "Age – older people aged 65 and over", however the text at paragraph 7.4.10 suggests no differential effects.

		<ul style="list-style-type: none"> • Summary Table 10.1 identifies adverse construction effects on ProW accessibility in relation to the characteristic “Disability”, whereas paragraph 7.5.1 states that no adverse differential or disproportionate effects on those with disabilities have been identified. • Summary Table 10.1 states that effects on the characteristic “Gender Reassignment” are neutral with mitigation, however the text in paragraphs 7.6.1 and 7.6.2 state that they are beneficial.
APP-229	Framework Travel Plan	Figure 6.2 appears to be missing two tables of data for Targets 3A and 3B.
AS-005	Draft Development Consent Order and Consents	<p>Contains the following typographical errors:</p> <ul style="list-style-type: none"> • R2(3) ‘...approval sought is would not give rise...’. • R6 table entry for Luton DART final column should read ‘...and excludes development...’. • R20(7) ‘The bodies invited to nominate technical representative..’ should read ‘a technical representative’ or ‘technical representatives’. • R20(9) should either read ‘<i>Each</i> Technical Panel...’ or ‘<i>their</i> terms...’. • R24(4)(b) should read ‘received <i>the</i> Mitigation Plan...’ • R24(5) should read ‘A mitigation Plan...’ • R28 should read ‘with <i>the</i> fixed plant...’ • R37(14) should read ‘the Department for Levelling Up, Housing and Communities and the Ministry for Housing...’
AS-007	Explanatory Memorandum	Paragraph 4.25 reads in the second sentence – ‘...an exceedance of an air quality it is considered...’. Confirm whether this should read air quality ‘threshold or limit’ it is considered....
AS-007	Explanatory Memorandum	Paragraph 4.38 typographical error – ‘and a processes to vary’.
AS-008	Statement of Reasons	Paragraph numbering restarts/repeats after paragraph 12.1.7.
AS-010	Scheme Layout Plans	Assessment Phase 2a – Two stockpile areas proposed to west of Winch Hill Road annotated as ‘F’ instead of ‘G’.
AS-050	Draft Compensation Policies, Measures and Community First	New Figure 9.2 (Community First Zone) should be Figure 9.1. PDF title is ‘Compensation Policies and Measures Final at 12 Jan’, given

		that the Issue 1 was dated February 2023 this title seems at odds with the revision history. Retitle.
AS-050	Draft Compensation Policies, Measures and Community First	Appendix A contains an Indicative Noise Contour plan. Provide a copy of the plan at A3 with a 1:50,000 Ordnance Survey Landranger background for each assessment phase and provide a second set of plans with the current eligibility contours overlaid on the new contours in a different colour.