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To:

The Applicant  
Buckinghamshire Council

Cc:

National Highways  
Luton Borough Council  
Central Bedfordshire Council  
Hertfordshire County Council

Your Ref:

Our Ref: TR020001

Date: 13 June 2023

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Dear Applicant and Buckinghamshire Council,

**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)**

Following the decision of the Secretary of State to accept the application for Examination on 27 March 2023 [PD-001] the ExA notified that it had made Procedural Decisions on 16 May 2023 [PD-005]. The Applicant responded to this notification on 31 May 2023 [AS-051]. Following receipt of this, the ExA has decided to make additional Procedural Decisions requesting further information, in addition to seeking an additional Principal Areas of Disagreement Summary Statement with Buckinghamshire Council. The aim is to enable the ExA to utilise the Pre-examination stage to ensure that it has the information it needs as early as possible in the process.

**Accounting for COVID-19 in transport modelling**

The Department for Transport published guidance in May 2023 which supplies advice regarding the treatment of the COVID-19 pandemic in transport modelling<sup>1</sup>. The guidance supersedes the 'interim advice note' highlighted in the ExA's previous Procedural Decision [PD-005]. The guidance advises that the validity of models for future forecasting with base

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<sup>1</sup> [TAG Unit M4: Forecasting and Uncertainty \(May 2023\)](#)

years established prior to COVID-19 should be assessed using present day observations. If significant changes are identified then the model should ideally be rebased. The guidance states that more proportionate approaches may be acceptable if evidence is provided that these appropriately cover most of the risks of not rebasing.

The ExA has made a Procedural Decision to request that the Applicant reviews its transport modelling considering the recently published guidance. The ExA also requests that the Applicant engages with stakeholders, including National Highways and the Local Highway Authorities, at the earliest possible opportunity with a view to gaining agreement as to the appropriate methodology if the model is not re-based.

The Applicant provided a high-level indicative programme [[AS-051](#)] in response to our previous Procedural Decision. The ExA requests that detail be added to the timetable provided. This should describe each stage of the process in sufficient depth to allow the ExA to understand how the requirements of the guidance will be addressed, including how any significant changes would be accommodated in the work programme and when the appropriate stakeholders will be engaged. This should be provided by 27 June 2023.

### **Principal Areas of Disagreement Summary Statement**

The letter of 16 May 2023 [[PD-005](#)] set out why the ExA considers that it would be beneficial at an early stage in the process for principal areas of disagreement to be identified. Buckinghamshire Council, a neighbouring authority, has since submitted a request to contribute to this process.

The ExA has therefore made a Procedural Decision to additionally request a Principal Areas of Disagreement Summary Statement from Buckinghamshire Council. This should be submitted by 23 June 2023.

### **Contour plots**

In addition to the updates to the figures requested in [[PD-005](#)], the ExA also considers that it would be beneficial for ground noise contour plots to be re-provided for all phases with solid colour rather than contour lines for clarity. Colour overlays should be sufficiently transparent to enable basemap detail to remain legible. We request that these are submitted by 27 June 2023, unless otherwise agreed.

### **Additional drawings**

Proposed Work No. 4g comprises the construction of a multi-storey car park (P1) with a maximum height of 20.4m, which would also include the installation of canopies/roofing on the upper level to support photovoltaic panels. Proposed Work. No 4h comprises a surface car park (P2) with a proposed height of 3.85m to allow for canopies/roofing to support photovoltaic panels.

Indicative elevation drawings for car parks P5, P9 and P12 and a general arrangement drawing for car park P10 have been included in part 2 of 3 of the General Arrangement Drawings [[AS-019](#)] although no such drawings have been included for car parks P1 and P2.

The ExA requests that elevation and arrangement drawings for proposed car parks P1 (Work 4g) and P2 (Work 4h) are submitted by 27 June 2023.

## Landscape and Visual Impact Assessment

To allow the ExA and other parties to better understand the landscape and visual effects of the proposal, it is requested that the following further information is provided.

Existing Representative Viewpoints [AS-037 to AS-041] should be annotated with Works Nos., and descriptions where possible, in a similar way to the baseline photographs in ES Appendix 14.6 [APP-093 to APP-100]. This is notwithstanding that the text accompanying the Assessment Viewpoints includes reference to the Work Nos. that may be seen at each viewpoint. Trees and hedges to be retained, removed and replanted should be indicated using circled coloured lines in each Representative Viewpoint.

The ExA also requests that the following Assessment Viewpoints are developed as Representative Viewpoints. This should include: the 'Rochdale Envelope' extent of all proposed built form; a written annotation of Works Nos., with descriptions where possible; and trees and hedges to be retained, removed and replanted indicated using circled coloured lines in each Representative Viewpoint.

- Assessment Viewpoint 20 [[APP-096](#)];
- Assessment Viewpoint 36 [[APP-098](#)]: This should also include the location of the New Airport Access Road on Dairyborn Escarpment and changes to the vegetation. A separate visual showing landscape restoration (Work Number 5a) would also be beneficial; and
- Assessment Viewpoint 53 [[APP-100](#)]: This should include illustration of the proposed new bridge over Airport Way.

It is also requested that illustrations showing the proposals at all phases from each of the viewpoints listed below are provided. These should include the 'Rochdale Envelope' extent of all proposed built form annotated with Work Nos. and identification of trees and hedges to be retained, removed and replanted. In addition, it is requested that full, photo-realistic illustrations of the proposed landform platform (Work No. 1a) at each of the three phases and surface car parking areas P10 and P11, including solar panels, is included on each of these viewpoints.

- Assessment Viewpoint 28 [[APP-097](#)]: The field of view should be extended to include elements of the Proposed Development situated to the right of the existing viewpoint location;
- Assessment Viewpoint 56 [[APP-100](#)];
- Representative Viewpoint 10B [[AS-038](#)];
- Representative Viewpoint 13 [[AS-038](#)]; and
- Representative Viewpoint 31 [[AS-040](#)]: This should include a 500mm viewing distance for Phase 2b.

Assessment Viewpoint 41 [[APP-098](#) and [AS-041](#)] is now located in the grounds of a private residential property and therefore not easily accessible (see Note of Unaccompanied Site Inspection of afternoon and evening of 25 May 2023 [[EV1-005](#)]). The Assessment Viewpoint and accompanying Representative Viewpoint should be relocated onto footpath Kings Walden 010 on the opposite side of Darley Road. The visual impact

assessment on page 76 of ES Appendix 14.5 [[APP-092](#)] should be updated to reflect this change.

The above request has been made by the ExA at this early stage acknowledging the period likely to be required to prepare the information. The illustrations should be submitted by 9 August 2023.

### **Glint and Glare Assessment**

The proposal includes the installation of photovoltaic (PV) panels attached to the roof of proposed buildings (New Terminal 2 building and car parks P1, P5, P9 and P12) and constructed on canopies in surface car parks P2, P10 and P11. Note 5 on drawing number LLADCO-3C-ACM-INF-MSC-DR-AR-0001 contained in General Arrangement Drawings part 2 of 3 [[AS-019](#)] states that a Glint and Glare Assessment will be required at the detailed design stage. However, the ExA considers that such an assessment should be provided as part of the application to allow the assessment of any effects to be subject to examination.

It is requested that this information is submitted by 9 August 2023.

Yours sincerely

*Jo Dowling (pp Beth Davies)*

**Lead member of the Panel**

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