



The Planning Inspectorate

Planning Act 2008 – Section 91

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

Agenda for Issue Specific Hearing 6 dealing with Biodiversity, Water, Land-use, Landscape and Visual, Design, Heritage and any other matters

Hearing	Date and Time	Location
Issue Specific Hearing 6: Biodiversity, Water, Land-use, Landscape and Visual, Design, Heritage and any other matters	Friday 29 September 2023 Hearing starts at 09:30¹ Blended event Venue Registration from: 09:00 Virtual Registration from: 09:00 ²	Riverside Suite, Venue 360, Gipsy Lane, Luton, LU1 3JH By virtual means using Microsoft Teams

Hearings Guidance:

Please see Annex A of this Agenda

Interested Parties who wish to speak at this event were required to provide notification by Deadline 1. If you haven't notified us that you wish to speak then you must contact the Case Team (LutonAirport@planninginspectorate.gov.uk) as soon as possible.

Each Interested Party is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them.

¹ If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

² Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Please Note:

In order to ensure timely publication of the agenda, this has been largely drafted before the receipt of submissions for Deadlines 2 and 2A. Consequently, the ExA may need to adjust the agenda at the meeting to allow for responses received at these deadlines.



The Planning Inspectorate

Agenda

Title of meeting	London Luton Airport Expansion project Issue Specific Hearing 6 – Biodiversity, water, land-use, landscape and visual, design and heritage and any other matters
Date	Friday 29 September 2023
Time	09:30
Venue	Blended event
Attendees	Invitees

1 Welcome, introductions, arrangements for the Hearing

2 Biodiversity

- The Applicant will be invited to briefly summarise the assessment of effects from the Proposed Development on biodiversity, following which the ExA will ask questions, including but not limited to:
 - Proposals for mitigation, including the loss of Wigmore Park County Wildlife Site;
 - Translocation of ancient and veteran tree T343;
 - The effects of changes to air quality and hydrology on protected habitats and species;
 - Creation of habitats in the new open space provision.

3 Water

- The Applicant will be invited to briefly summarise the assessment of effects from the Proposed Development on the water environment, following which the ExA will ask questions, including but not limited to:
 - Hydrogeological conceptual model, including groundwater flooding and the risks to groundwater quality;
 - Drainage Design Statement, including the proposed monitoring scheme;
 - Permit(s) and/ or discharge to the foul sewer;
 - Future site investigation of the proposed Order Land;
 - Water Framework Directive;
 - Water supply.

4 Land-use

- Loss of agricultural land and the effect on soils.
- Status of the application for a deposit for recovery permit and Waste Recovery Plan.

5 Landscape and Visual

- Approach to methodology of the Landscape and Visual Impact Assessment (LVIA).

- Appropriateness of the photomontages/ visualisations.
- Assessment findings in respect of landscape and visual effects.
- Chiltern Hills Area of Outstanding Natural Beauty and assessment of Special Qualities.
- Effects from lighting.
- Suitability of mitigation measures, the strategic landscape masterplan [APP-172] and the adequacy of Requirement 9 of the draft Development Consent Order (DCO).

6 Design

- The Applicant will be asked to briefly outline the approach it has taken to the design and the sift process that was undertaken which has informed the Proposed Development.
- Alternatives explored by the Applicant in coming to the chosen design.
- The role and suitability of the Design Principles document [APP-225]. The Applicant will be firstly asked to explain how the principles listed within the document have been arrived at and what they seek to achieve.
- Suitability of the site layout and parameters of aspects of the Proposed Development.
- Adequacy of Requirement 5 for use in post-consent approvals.

7 Heritage

- Assessments of effects and harm on designated heritage assets with a focus on the assets where disagreement exist between parties.
- Designated and non-designated heritage assets raised by parties where assessments of effects and harm are required.
- The assessment approach undertaken to impacts on setting of designated heritage assets from noise and whether this is sufficient.
- Suitability of mitigation measures and the adequacy of Requirement 16 of the draft DCO in securing this.

8 Any Other Matters

- Solar photovoltaic generation equipment and findings in Glint and Glare Study.

9 Action Points arising from the Hearing

10 Any other business

- Potential need for an Accompanied Site Inspection in November.
- Errors in the submitted documents.
- November Hearings

11 Close of Hearing

Attendees:

All Interested Parties are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicant;
- Luton Borough Council;
- Other host local authorities (Hertfordshire County Council, Dacorum Council, North Hertfordshire Council and Central Bedfordshire);
- Buckinghamshire Council;
- Environment Agency;
- Natural England;
- Woodland Trust;
- Forestry Commission;
- Chilterns Conservation Board;
- Affinity Water;
- Thames Water; and
- Friends of Wigmore Park.

The Applicant is requested to have people with the following expertise to assist the hearing:

- Ecology, including arboriculture;
- Hydrogeology;
- Drainage design;
- Land contamination;
- Waste permitting;
- Agricultural land quality and farm holdings
- Soil resources;
- Landscape; and
- Heritage.

This list may also assist other Interested Parties in preparing for the hearing.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA that will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the person giving evidence by another person will **only** be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for two to three hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda in the course of the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website³ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by **Deadline 3, 5 October 2023**.

³ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/london-luton-airport-expansion/?ipcsection=overview>