



The Planning Inspectorate

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

Action Points arising from the Issue Specific Hearing on biodiversity, water, land-use, landscape and visual, design and heritage and any other matters (ISH6) held on Friday 29 September 2023

Action	Description	Action by	When
Biodiversity			
1	Provide a written response to the question of whether the replacement land and habitat creation area should be defined as 'mitigation' or 'compensation'. If compensation, address the recommendation in the Airports National Policy Statement for a 2:1 ratio.	Applicant	Deadline (D) 3
2	Section 8.11 of Chapter 8 [AS-027] of the Environmental Statement (ES) on 'residual effects' states that there would be a temporary minor adverse residual effect until the new habitat creation areas are established. In 8.9.3 it's described as a 'significant adverse effect'. Confirm and explain the difference.	Applicant	D3
3	Clarification as to how the effect on the Wigmore County Wildlife Site can be 'negligible' at the end of the development when it would almost entirely be lost and review whether it would be more accurately described as a significant adverse effect that is being compensated.	Applicant	D3
4	Luton Borough Council to submit the comments it made in relation to the smaller loss of/ replacement of the County Wildlife Site in relation to the Green Horizons Park development and a commentary on this. Applicant to respond to this at the following deadline.	Luton Borough Council and the Applicant	Luton Borough Council – D3 Applicant – D4
5	Provide a clear plan of all habitats and species of principal importance, including Winch Hill Wood. Include detailed information about the	Applicant	D4

Action	Description	Action by	When
	anticipated development proposed in the vicinity of all of these.		
6	Provide further detail describing the potential effects of construction and operation, including the effects of changing hydrology and mitigation, on habitats and species of principal importance.	Applicant	D4
7	<p>Explain how the orchids referred to in the replacement open space are 'mitigation' (or potentially compensation) given that they are already established.</p> <p>Describe the likely success of the proposed translocation of orchids (and other species, as relevant). Include reference to why a previous translocation exercise wasn't successful.</p>	Applicant	D3
8	Provide a commentary on whether ancient and veteran trees can be successfully translocated, including references to research and case studies where this is appropriate.	Applicant	D4
9	Clarify how Article 22 of the draft Development Consent Order (DCO) would interact with the proposals for protection of ancient and veteran trees.	Applicant	D3
10	<p>It has been concluded in Chapter 8 [AS-027] that damage to habitats and species, including those that are of principal importance, will have already occurred because of high background levels of contaminants. This means that the increased dosing potentially caused by the Proposed Development has been assessed as insignificant.</p> <p>Section 40 of the Natural Environment and Rural Communities Act (2006) requires developers to conserve and <i>enhance</i> these species. Paragraph 174 of the National Planning Policy Framework (NPPF) requires that impacts on biodiversity are minimised. Para 179 of the NPPF states that plans should promote the conservation, <i>restoration</i> and</p>	Applicant	D4

Action	Description	Action by	When
	<p><i>enhancement</i> of priority habitats, ecological networks and the protection and recovery of priority species; this is reflected in local policies.</p> <p>How does the approach described by the Applicant meet these policy requirements?</p>		
Water resources and drainage			
11	<p>Confirm the situation with regards to the duty (or not) on Thames Water to take foul water, trade effluent and surface water from the Proposed Development.</p> <p>Confirm whether there is sufficient capacity at East Hyde Water Treatment Works to fulfil these duties and, if not, how long it is likely to be before sufficient capacity is available. Please indicate how confident the Examining Authority (ExA) can be about this timescale.</p>	Thames Water	D3
12	<p>The ExA and the Applicant to consider further whether there is a need for a change request given the changes proposed.</p>	Applicant and ExA	ASAP
13	<p>Provide information about the potential groundwater dependent terrestrial ecosystems referenced in Chapter 8 of the ES [AS-027]. This should include ecological, hydrogeological and hydrological characteristics.</p> <p>Where appropriate, undertake an assessment of the potential changes in hydrogeology and hydrology from the Proposed Development and the potential associated effects on the Groundwater Dependent Terrestrial Ecosystems.</p>	Applicant	D4
14	<p>To capture in the Statement of Common Ground (SoCG) whether the River Basin Management Plans published in 2022 are to be used.</p>	Applicant and Environment Agency	D6 (SoCG)
15	<p>Confirm how the monitoring outlined in the drainage design statement would be secured by the draft DCO.</p>	Applicant	D3

Action	Description	Action by	When
	If it is not secured, should it be and if not, why not?		
Land-use			
16	Provide an update on progress of discussions with Natural England in relation to soil and Best and Most Versatile (BMV) land.	Applicant	D3
17	Provide evidence that alternatives to use of BMV land have been considered, including for the proposed replacement land for Wigmore Valley Park. <i>The response can be included with evidence of the consideration of alternatives to use of Wigmore Valley Park required as an action point in CAH1.</i>	Applicant	D4
LVIA			
18	Submit revised visualisations from Appendix 14.7 [AS-141 to AS-145] to address typographical errors.	Applicant	D3
19	Provide written commentary on likely changes between winter and summer cover in accurate visualisations.	Applicant	D4
20	Confirm whether block views from some of the key viewpoints, such as from Luton Hoo and Someries Castle, are required.	Central Bedfordshire Council	D3
21	WSP to discuss whether or not some key views with fully rendered images of the Proposed Development would aid understanding of the proposals.	Applicant and WSP on behalf of Dacorum, Hertfordshire and North Hertfordshire Councils	D4
22	Paragraph 5.7.19 of your LIR [REP1A-002] requests further viewpoints in the north, north-west and west of Luton to be assessed. Explain what locations you consider are required and why.	Central Bedfordshire Council	D3
23	Provide an additional plan illustrating the locations of the 48 visual receptors.	Applicant	D4
24	Confirm the changes required to the visuals received on 9 August 2023, particularly viewpoint 28.	WSP on behalf of Dacorum, Hertfordshire and North	D3

Action	Description	Action by	When
		Hertfordshire Councils	
25	Liase with Chilterns Conservation Board and councils on content of further assessment being undertaken on the Chilterns Area of Outstanding Natural Beauty (AONB).	Applicant	D4
26	Confirm how achievable it is for the proposed increase in flights to avoid the AONB.	Applicant	D4
27	Explain further the reasons for providing residents with a medium receptor sensitivity and magnitude of change as 'very low' in table 8.3 of the Light Obtrusion Assessment [APP-052 and APP-053].	Applicant	D4
28	Consider comments from Central Bedfordshire regarding request for cross sections, boundary treatment details and a plan showing the extent of landscaping in Requirement 9 of the draft DCO, notwithstanding wording in Requirement 9(2).	Applicant	D4
29	Consider comments made by ExA in respect of 5 year timescale in Requirement 9 and need for a longer period of maintenance.	Applicant	D4
30	Address plans in respect of offsite hedgerow restoration to more clearly show full extent of hedgerow restoration proposals to aid better understanding for Interested Parties.	Applicant	D4
Design			
31	Councils - provide a response on suitability of the Design Principles Document [APP-225]. Applicant - consider introducing the need for a Design Code.	Hertfordshire Council, Central Beds Council and Applicant	D4
32	Consider the comments made in respect of specific design points during the Hearing to include in the Design Principles Document [APP-225].	Applicant	D4
33	Demonstrate further how the principles of good design have been met through the proposals, including how aspects of the proposal have addressed design policies, such as Luton Borough Council Policy LLP6 part F(ii) in respect of height and	Applicant	D5

Action	Description	Action by	When
	design of buildings and justification for the landform and how it relates to landscape character.		
34	Consider suggestions by ExA in respect of expanding wording of Requirement 5 to more precisely set out the information required in respect of specific works, eg terminal works, highway works and fuel pipeline.	Applicant	D4
Heritage			
35	Consider the comments made about Luton Hoo and incorporate suggestions into Design Principles Document [APP-225].	Applicant	D4
36	Provide a table setting out significance of effects on heritage assets and harm.	Applicant	D4
37	Review desk-based assessment consideration of effects on Vauxhall Motors building.	Luton Borough Council	D3
38	Provide additional comment relating to setting of St Paul's Walden Bury and the impact of overflights on relative tranquillity.	Joint Host Local Authorities	D3
Any Other Matters			
39	Response to be provided regarding the ability of the Applicant to mitigate impacts from solar panels, particularly those proposed on car parks P1 and P2, in the absence of a detailed assessment.	Applicant	D4
40	Confirm timing of decision for the Wandon End solar farm planning application.	North Hertfordshire Council and Luton Council	D3
41	Liaise with Case Team regarding the best way to track changes within documentation.	Applicant	ASAP
42	Number of questions that were unasked at the Hearing to be carried over to written questions.	ExA	Written Questions (ExQ1)
43	All Interested Parties are invited to respond in writing to what was discussed at the hearing.	Interested Parties	D3