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The Applicant and Host Authorities

Your Ref:

Our Ref: TR020001

Date: 3 October 2023

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Dear Sir/ Madam

**Planning Act 2008 (as amended) Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –  
Rule 17**

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

**Request for further information and written comments**

The Examining Authority (ExA) writes to the Applicant following their oral request at Issue Specific Hearing 6 (ISH6) on Friday 19 September 2023 and subsequent written request [AS-155] regarding changes to a number of deadlines for action points arising out of the Issue Specific Hearings (ISHs).

In response to Action Point 20 from ISH1 [EV6-007], the Applicant proposed the submission of a consolidated paper on slots, drawing together a number of action points from ISH1 (21, 24 and 26) and ISH3 [EV8-008]. To maximise the benefit of this paper to all parties and minimise the need for further comment or revisions the ExA have considered the matter further and identified a number of points on slots and the overlapping subject of local rules that it would like the Applicant to include in its submission.

In addition, the ExA received a request from the Host Authorities [AS-154] advising that, whilst they were engaging with the Applicant over Statements of Common Ground (SoCGs), at this stage there were negligible changes to those submitted at Deadline (D)2. As a result, they considered submitting them at D3 would be of little assistance to the ExA, requesting instead that they submit updated SoCG at D6.

In the interests of transparency, the ExA considered that, as these issues are effectively a request for further information, the most appropriate way to respond would be under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. Consequently, the

ExA has set out its agreement and proposed timeline for responses on these matters in the Annex to this letter.

The ExA requires responses from the Applicant and the Host Authorities in accordance with the timeline set out in the Annex, and the responses received will be published at the appropriate deadline in the Examination Timetable.

Finally, the Examination Timetable indicates that, if required, the ExA would undertake an Accompanied Site Inspection (ASI) during the week commencing 27 November 2023. At D1 the ExA received several suggestions for locations that it should visit on an accompanied basis. At D2 the Applicant [REP2-031] submitted a suggested itinerary for an ASI. As stated at ISH6, and which I am now confirming in writing, the ExA have reviewed the list of suggested locations and consider that it has visited the majority of these. Furthermore, the locations that it hasn't visited are all either visible from the public domain or could be visited on an access required basis. The ExA has therefore decided that it does not need to conduct an ASI, but will endeavour to ensure that all outstanding locations, including those suggested by Interested Parties, are visited before the close of the Examination.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

*Jo Dowling*

**Lead member of the Examining Authority**

## Deadlines for Action Points

To enable the parties involved sufficient time to respond the ExA agrees that deadlines for the following action points can be amended as set out in the table below. However, the ExA wish to emphasise the need for information to be submitted in a timely manner to enable the parties involved sufficient time to respond and to ensure that there is adequate time within the Examination for the ExA to ask further questions or explore the matter orally at a Hearing if it is needed.

Action Point	ExA's Action	Original Deadline	New Deadline
<b>CAH1 [EV5-007]</b>			
18	Confirm how the Community Trust would be secured, what it would involve, and the timescales associated with it and how this would differ from the management of the proposed replacement park that would be delivered under the Green Horizons Park consent.	D3	D4
19	Provide information regarding the assessment of alternatives to the removal of the existing land at Wigmore Park. This should include consideration of why multistorey car parks are not proposed and why brownfield land to the south west of the airport is not proposed to be utilised.	D3	D4
24	Provide detail to the compensation document to include guidance as to what evidence a resident would be required to provide to demonstrate that a lack of sale was due to the Proposed Development.	D3	D4
25	Provide evidence to demonstrate that the insulation offer still provides a meaningful contribution to insulation. Include in this work an assessment in relation to the cost to listed building homeowners in preparing consent applications in relation to compensation work.	D3	D4
29	Produce a set of minimum requirements for the noise insulation testing policy, to provide certainty regarding the future process.	D3	D4
<b>ISH1 [EV6-007]</b>			
8	Applicant to consider whether existing Section 106 planning obligations need to be disapplied when drafting the proposed Section 106 planning obligation as part of the Proposed Development	D3	D5

Action Point	ExA's Action	Original Deadline	New Deadline
10	Applicant to provide the information requested in Annex F part 13 in the Rule 6 letter in respect of a plan showing the Green Horizons Park (GHP) scheme overlaid with the relevant elements of the Proposed Development that would supersede/ replace those elements of the GHP consent and to provide further details on the comments made regarding the relationship between the Proposed Development and Green Horizons Park and the provisions sought in Article 45.	D3	D4
11	Applicant to produce a combined submission with the Host Authorities on the previous planning conditions and planning obligations that are to carry forward to the Proposed Development.	D4	D5
14	Applicant to review Requirement 6 to provide assurances on the accuracy of the parameters sought.	D3	D4
15	Applicant and Host Authorities to make written submission on the comments made regarding Requirement 7.	D3	D4
20	Applicant to confirm answer to the question from the ExA as to what is the maximum number of slots for the current airport could deliver.	D3	D4
21	Applicant to set out constraints in the slot allocation process through the transition period.	D3	D4
22	National Highways and the Applicant to agree an appropriate resolution to membership of the Environmental Scrutiny Group (ESG).	D3	D4
24	Applicant to set out the steps in establishing the ESG.	D3	D4
26	Applicant to advise on the timeline and process for implementation of a local rule (under the slots regulations) and then whether it is possible to remove a slot once it has grandparent rights.	D3	D4
27	The ExA suggests that Schedule 9 is reviewed in order to make identification of the relevant documents needed to discharge requirements or manage the development easier to identify. Applicant advised to look at Schedule 15 in the Hornsea 4 DCO which included the Examination Library reference, version and	D3	D4

Action Point	ExA's Action	Original Deadline	New Deadline
	date of submission for the documents to be certified. At the request of the Host Authorities, the purpose for including the documents should be clarified.		
<b>ISH2 [EV7-006]</b>			
17	Provide a breakdown of how many flights are caught by CORSIA, the UK ETS or by neither. This should include a breakdown by emissions and any other parameters that may assist the ExA.	D3	D4
19	Respond to points raised in BC's D3 submission.	D3	D4
<b>ISH3 [EV8-008]</b>			
5	Table 4.4 of Appendix 16.1 of the ES [AS-096] in relation to Monitoring Location (ML)2 (p21) and ML15(p48) and monitoring datasheets in AS-120 both appear to be within 3.5m of reflective surfaces. Should a 3dB façade correction have been applied and if it had how would this affect the results of the construction noise assessment?	D3	D4
10	Consider whether a restriction on piling would be needed and if so how and where would this be secured.	D3	D4
23	Provide more detailed information to demonstrate what facilities were considered in relation to non-residential receptors, how the screening criteria was applied and the information used to inform conclusions of significance?	D3/D4	D4
28	Confirm whether there is any mechanism to remove a slot once it has been allocated, has accrued grandparent rights and is operating in accordance with the slot rules.	D3	D4
<b>ISH4 [EV9-007]</b>			
2	Submit technical notes 1 and 2 in relation to the ongoing work undertaken to update the transport modelling in line with Department for Transport guidance.	D3	D4
5	Provide improved background to the Trip Distribution Plans [REP1-109] so that the individual roads can be seen clearly.	D3	D4
6	Provide extracts to show traffic on the B489 link.	D3	D4
11	Confirm what widths will remain after the widening of Crawley Green Road and Wigmore Lane to provide safe and appropriate access for non-motorised users.	D3	D4

Action Point	ExA's Action	Original Deadline	New Deadline
13	Provide an update and details of the on-going discussions regarding how the Applicant and Luton Borough Council are working together to resolve the issue of fly parking.	D3	D4
17	Terms of reference for the Airport Transport Forum (ATF) to be shared with the local authorities.	D3	D4
18	Consideration of request by Buckinghamshire Council, England's Economic Heartland and National Highways to be members of the ATF.	D3	D4
30	Update the toolbox of intervention and measures to include an additional column which identifies the indicative timescales/ restrictions for implementation of the measures.	D3	D4
31	Identify which of the toolbox interventions and measures are now proposed to be implemented as part of the application.	D3	D4
<b>ISH5 [EV10-006]</b>			
9	APP-063 ES Appendix 7.3 Air Quality Results and APP-064 ES Appendix 7.4 Air Quality Sensitivity Tests identify 9 substantial adverse and 34 moderate adverse effects in relation to Pollution Climate Mapping (PCM) locations. Provide an explanation in writing as to why these aren't reported as potential significant effects in the air quality chapter.	D3	D4
15	In light of PCM exceedances identified in ES Appendices 7.3 and 7.4, provide an explanation as to why PM2.5 monitoring is not being considered in these locations (e.g. Airport Way, New Airport Way and Vauxhall Way (near roundabout with Eaton Green Road)).	D3	D4
<b>ISH6 [EV11-009]</b>			
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 design of buildings and justification for the landform and how it relates to landscape character.	D4	D5

To minimise confusion the Action Points published on the project page of the website will be updated to include these new deadlines following the issuing of this letter.

Regarding Action Point 2 from ISH4 [EV9-007] the Applicant advised that it had given a presentation to the host local authorities on the interim findings of the transport modelling work (subject to incorporating the traffic count data) and offered to provide a copy of this at D3. **The ExA request that the presentation on the interim findings of the transport modelling work be submitted at D3.**

### **Paper on slot allocation process**

In response to Action Point 20 from ISH1 [EV6-007], the Applicant proposes the submission of a consolidated paper on slots, drawing together a number of action points from ISH1 (21, 24 and 26) and ISH3 [EV8-008]. To maximise the benefit of this paper to all parties and minimise the need for further comment or revisions the ExA have considered the matter further and identified a number of points on slots and the overlapping subject of local rules that it would like the Applicant to include in its **submission at D4**. These are summarised below:

1. The ExA wishes to understand whether the slot allocation process places any constraint on the rate at which the airport could expand if development consent was authorised ie, whether the existing slot allocations place any constraint on the number of passengers for which air transport services can be provided, or on the number of movements for air cargo transport services;
2. Whether there is any bar to operating at 21.5 million passengers per annum (or a higher capacity) at the point of a consent eg, due to physical infrastructure limitations;
3. A general explanation of the slot process, with specific explanation of the decision-making process for night time slot allocation and explanation of whether any incentives, such as load factor incentives are applied to airport operations or the allocation of slots;
4. Whether there are any constraints to slot allocation or the maximum number of slots during the transition period (before the formation of the Environmental Scrutiny Group (ESG) oversight body);
5. Practical details of how the Applicant would set up the ESG eg, how and when the Applicant would set up the process, assuming that it would be initiated by the Applicant;
6. The process steps required to introduce a local rule, including the minimum timelines, procedures, parties and agreements that are required to implement a local rule (including any veto powers);
7. Whether a slot operated correctly within the provisions of the Slot Allocation Regulations can be removed ie whether use of slot allocations is only a future rather than a retrospective control; and
8. Whether operators at the airport have grandparent rights under the lower percentage thresholds set out in The Airports Slot Allocation (Alleviation of Usage Requirements) Regulations 2022 and whether there are any implications for operations due to these slots.

### **Deadlines for SoCG with the Host Authorities**

The ExA welcomes that the Host Authorities are engaging with the Applicant. However, the ExA recognise that if little substantive progress has been made on the SoCG since D2 then it would be likely that there would be little or no change to the SoCG submitted at D2 [REP2-020] to [REP2-024] if they were submitted at D3, as required by the Examination Timetable. As a result, the ExA agree with the request made by the Host Authorities [AS-

154] to defer submission of updated SoCG to D6. However, it would request that **a brief progress update on SoCGs be submitted by the Applicant at D4** highlighting any progress to inform the Hearings scheduled for the week commencing the 27 November 2023.

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