

October 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.52 Applicant's Post Hearing Submission - Issue Specific
Hearing 6 (ISH6)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.52

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.52 APPLICANT'S POST HEARING SUBMISSION - ISSUE SPECIFIC
HEARING 6 (ISH6)**

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1 INTRODUCTION

- 1.1.1 This document contains Luton Rising's (a trading name of London Luton Airport Limited), (the Applicant) oral summary of evidence and post-hearing comments on submissions made by others at Issue Specific Hearing 6 (ISH6) held on 29 September 2023. Where the comment is a post-hearing comment submitted by the Applicant, this is indicated. The Applicant has also included tabulated responses to each of the action points raised by the Examining Authority (ExA) for ISH6 published on 4 October 2023.
- 1.1.2 This document uses the headings for each item in the agenda published for ISH6 by the ExA on 18 September 2023.

2 AGENDA ITEM 1 - WELCOME, INTRODUCTIONS, ARRANGEMENTS FOR THE HEARING

- 2.1.1 The Applicant, which is promoting a proposal to expand London Luton Airport (the Proposed Development), was represented at ISH6 by Rebecca Clutten, Of Counsel, supported by the following members of the Applicant's team:
- a. Tom Henderson, Partner, BDB Pitmans, Legal Advisers to the Applicant
 - b. Dr Paul Clack, Biodiversity Lead, Arup
 - c. Dr James Riley, Air Quality Lead, AECOM
 - d. Jason Fairbairn, Water Resources Lead, Arup
 - e. Fida Choudhury, Drainage Designer, AECOM
 - f. Robert Askew, Chartered Soil Scientist
 - g. Heather Lalupu de Oettle, Arup
 - h. Julian Wooley, Landscape and Visual Lead, WSP
 - i. David Mobberley, Senior Associate Town Planner and Landscape Architect, WSP
 - j. Marcus Scrafton, Design Lead, AECOM
 - k. Annie Calder, Cultural Heritage, AECOM

3 AGENDA ITEM 2 - BIODIVERSITY

- 3.1.1 In response to the ExA, the Applicant explained that it had reviewed the deadlines for the provision of further submission and noted one or two discrepancies. The Applicant suggested it provides the correct list of submissions at relevant deadlines to the ExA's Case Officer and that this is resolved outside of the hearing.
- 3.1.2 In response to the ExA, the Applicant explained that a written response would be submitted to address the separate mitigation and compensation measures

proposed by the Applicant. The Applicant explained that a range of measures are proposed for the County Wildlife Site, noting that it is a complicated picture. The Applicant acknowledged the ExA's point that losses in the park need to be distinguished in terms of mitigation and compensation measures proposed for each of them.

- 3.1.3 The ExA queried the position in respect of temporary minor adverse residual effects reported in the Environment Statement (ES) Sections 8.11, upon the County Wildlife Site and significant adverse effect reported in Section 8.9.3 of Chapter 8 Biodiversity of the ES) **[AS-027]**. The Applicant confirmed the former is correct, but that the Applicant could respond in writing to confirm. The Applicant explained that the habitat will take time to mature and is anticipating a more significant effect initially until such time that maturation has occurred when the prediction will alter.
- 3.1.4 **Post-hearing note:** Applicant to respond at D3 in relation to the reported temporary minor adverse residual effects and significant adverse effect.
- 3.1.5 In response to the ExA's query in respect of Wigmore County Wildlife Site being entirely lost, the Applicant explained that this site is on former landfill and that the habitat has developed almost naturally. The Applicant explained that the area will be specifically managed for biodiversity and that in wildlife terms, the site will be lost.
- 3.1.6 In response to the ExA, the Applicant referenced the **Outline Landscape and Biodiversity Mitigation Plan [AS-029]** where the Applicant sets out a 50-year plan including a number of control measures. The Applicant was confident that landscape and biodiversity mitigation will be effectively managed and will be as good as the current site. The Applicant noted that **Requirement 10 of the draft Development Consent Order [REP2-003]** secures the **Outline Landscape and Biodiversity Mitigation Plan [AS-029]** and will result in its further development to ensure mitigation can be as strong as possible.
- 3.1.7 The Applicant noted that the **Outline Landscape and Biodiversity Mitigation Plan [AS-029]** does not specifically state that the site will be made into a County Wildlife Site, but that this was the Applicant's intention. The Applicant has been working with local authorities to ensure that this is a live document and will be updated throughout the process. The Applicant agreed to consider the issue raised by the ExA in relation to the conclusion of negligible effects at Wigmore County Wildlife Site.
- 3.1.8 The Applicant confirmed that it would respond fully in writing to the submissions made by Luton Borough Council (LBC) once LBC submits its questions in writing. In response to the ExA's query, the Applicant explained that it is a standard approach to focus on the first five years in the **Outline Landscape and Biodiversity Mitigation Plan [AS-029]** as we have most confidence on these formative years with the intention being that measures can be altered in circumstances, where they are not working or need revising. The Applicant clarified that the Applicant's intention was for the 50-year plan to be carried out.
- 3.1.9 The Applicant understood the ExA's query regarding additional figure and plan showing the Proposed Development; existing habitats; and mitigation planting.

The Applicant confirmed that it will take this point away and look at preparing a plan of habitats and species of principal importance.

- 3.1.10 The Applicant explained that its design team has been working closely with other disciplines and is confident that the drainage strategy will not have a significant effect on the ancient woodlands. The Applicant confirmed that other effects from construction and operation, aside from hydrology, that would be experienced at the ancient woodland sites have been assessed. The Applicant noted that it can provide a written response to confirm this position.
- 3.1.11 In response to the ExA, the Applicant explained that the method of translocation in respect of orchids will be a composite of the orchid population that is already at this site, including those that will come in via seed dispersal by the wind.
- 3.1.12 In response to the written submission of Natural England (NE) **[REP1-112]**, the Applicant explained that it had received feedback from NE on the **EMS Orchid and Invertebrate Revision [AS-035]**, specifically in relation to hydrological and soil testing in advance of translocation. The Applicant understood that the orchids were in a publicly accessible location and noted that there were methods of routing people away from the orchids to avoid trampling and noted that these orchids were a locally valued asset. The Applicant confirmed that its intention was to develop the EMS Orchid and Invertebrate plan through detailed design to help reduce trampling. The Applicant further noted that orchids need broken ground to thrive and that a composite of soil types and areas of bare ground was helpful, particular in the early years. The Applicant confirmed that it has included NE's comments and feedback in the **Statement of Common Ground (SoCG) with NE [REP2-041]**.
- 3.1.13 The Applicant explained that the **Method Statement [AS-082]** has been produced in consideration of the translocation method that was not previously working for orchids, as highlighted by NE. The Applicant explained that 2018 was an exceptionally hot summer so it was unfortunate timing in terms of lessons learnt. The Applicant added that the grassland will have a seed mix to start off with due to the orchids being windblown and seeds likely coming in from neighbouring parts of Hertfordshire. The Applicant noted that it is entirely likely that natural colonisation will occur, adding that there have been many examples of natural colonisation occurring very quickly in close proximity to the proposed site.
- 3.1.14 In response to the ExA's query, the Applicant confirmed that it will submit in writing its position on the likelihood of translocation of Veteran Tree T343, as well as in respect of felling and lopping of trees and the protection of ancient and veteran trees.
- 3.1.15 In response to the ExA, the Applicant explained that the figure of 0.4 kgN/ha/yr (kilograms of nitrogen per hectare per year) is used in the Design Manual for Roads and Bridges (DMRB), which the Applicant has followed, specifically investigating the circumstances of the designated sites themselves, and other factors that may impact upon the Applicant's proposals. The Applicant explained that the 0.4 kgN/ha/yr figure is calculated as an average across various nitrogen doses with varying background levels.

- 3.1.16 The Applicant added that the doses would increase to over 3 kg of nitrogen per hectare per year depending on the habitats in question and that the effects on species richness does not mean that any species would be lost. The Applicant commented that the position would be that the effects on species richness would occur with a reduced frequency. The Applicant added that the research shows that in situations, where there is a high existing level of nitrogen deposition, occurrences such as competitive growth of other plant species have already occurred. This is because there is a limit to which of these species will benefit from further nitrogen. Therefore, adding further nitrogen would have relatively minimal actual ecological effect on the ground. The Applicant added that this is potentially even more the case in woodland, where the woodland canopy and management has a significant influence on rainfall and sunlight penetration.
- 3.1.17 The Applicant concluded that dose threshold would not be absolute and was subject to further investigation. The Applicant has expressed the nitrogen doses as a percentage in all cases as against the current position. The Applicant confirmed that even in the worst cases, the uplift is 5% with the usual position being only 2% or 3%.
- 3.1.18 The Applicant commented on how most of this assessment was at the nearest edge of the woods to the road network, where the highest nitrogen levels would be expected to be. The effects on the woodland by the side of the road network include spray from the road, salt from gritting the road and changes in sunlight penetration. The Applicant has assessed that a small change which may or may not occur is not ecologically significant. It would therefore not contradict the Natural Environment and Rural Communities Act 2006 (NERC Act) requirements.
- 3.1.19 The Applicant confirmed that it is also proposing to move a substantial amount of land from agricultural production which was not factored into calculations because the models are challenging to combine. The Applicant further noted that this factor was important to consider due to agriculture being a significant source of nitrogen. The Applicant added that this will have an effect of counterbalancing nitrogen deposition. The Applicant also noted that its forecasts are precautionary due to the shift to electric vehicles expected in the later years of the Proposed Development.
- 3.1.20 The Applicant explained that there was also a counteracting positive role played by introducing habitat management (for Winch Hill Wood) and removing land from agricultural production, which will be captured by the 50-year management plan, which looks to improve the overall health and resilience of woodland. In summary, the Applicant's position was that its proposals comply with the NERC Act and do not materially conflict or interfere with government objectives.
- 3.1.21 In response to the ExA, the Applicant explained that the expectation is that species richness will increase in 5 to 10 years and that the bulk of nitrogen on this site would be from existing sources. If these existing sources were reduced, this would feed into the Proposed Development because of improvements to vehicle emission factors that will affect the traffic that is on the road network. The Applicant confirmed that NE is aware of the Applicant's approach, that the

0.4 figure has been discussed, and that NE has not expressed any concerns. The Applicant also noted that National Highways (NH) confirmed that NE is aware and have not expressed any concerns.

- 3.1.22 In response to the ExA, the Applicant noted that there would always be room for further discussion around species richness in a variety of habitats. It is aware that NE and NH are considering this and noted that the Applicant can only go by what has been discussed in relation to this scheme and that there does not appear to be any issues raised.

4 AGENDA ITEM 3 - WATER

- 4.1.1 The Applicant highlighted that it had recently submitted a change notification request ([AS-151] and [APP-152]) in relation to the content of the Applicant's drainage strategy. The Applicant and the ExA agreed to address the contents of the change notification.
- 4.1.2 Thames Water (TW) confirmed that it had a statutory duty to receive and treat domestic and foul water discharge from London Luton Airport (LLA) (for both existing and the Proposed Development). The improvement works to TW's foul network or East Hyde Treatment Works are planned to meet the expansion of Luton irrespective of the Proposed Development. This planned improvement in capacity would be sufficient to process (transfer and treat) the foul water from the Proposed Development. These improvement works could be delivered within 5 years, if required to meet the future demand at Luton or the airport.
- 4.1.3 Further work is required to confirm whether future trade effluent from the Proposed Development could be processed by TW. This work is ongoing in collaboration with the Applicant.
- 4.1.4 The Applicant explained that whilst TW has a statutory duty to address foul water, the Applicant investigated sustainable urban drainage principles in terms of containing the foul run-off water. The Applicant explained that the aim was not to change the hydrogeology of the site and replicate the natural pathway of the water into the ground. The Applicant also considered treatment and the process that could be used now, and in the next 5 to 10 years (before assessment phases 2a and 2b are commissioned).
- 4.1.5 The Applicant was confident that this can be achieved in terms of the relevant water quality treatment standard before the water runoff, contaminated surface water runoff or foul water runoff can be infiltrated into the ground. The Applicant noted that it was also taking into account the position put forward by the Environment Agency (EA) during the engagement of pre and post application submissions and looking at options to consider the balance between TW statutory duty and the SuDS (sustainable drainage system) principles, in order to come up with a solution that can be agreed in SoCGs with a statutory service provider (TW) and a statutory stakeholder (EA).
- 4.1.6 The Applicant confirmed that its position is that this was a change request because the drainage design strategy does not currently include the proposal to discharge to the TW Network. The Applicant acknowledged that the change was minor but considered it significant enough to submit a change notification.

The Applicant noted that it had made one change notification at this stage of the Examination. The Applicant would be prepared to accept that this change request should not be included if the ExA advises so.

- 4.1.7 The Applicant explained the hydrogeological conceptual model is presented in the **Hydrogeological Characterisation Report [REP1-004]** and referenced in the **Flood Risk Assessment [AS-046]** and **Hydrogeological Risk Assessment Report – Drainage [APP-139]**. With respect to flood risk, the Applicant was aware of historical flooding in Kimpton village in 2000-2001. This was due to extreme weather. Groundwater level monitoring had not been observed in the preceding 50 years by the Environment Agency (EA) in the Luton area.
- 4.1.8 The Applicant explained that to build the conceptual model, it had looked at British Geological Survey (BGS) publications, EA data and the EA Hertfordshire groundwater model. The model has been updated in the last few years and is used by the EA for strategic water resource management and characterisation in the area. The Applicant noted that within the assessment, it has monitoring of groundwater levels and water quality across the site within the landfill, and also within the proximity of the two proposed soakaways to the north and south. The Applicant has extrapolated the results of the EA Hertfordshire modelling with on-site groundwater levels to re-simulate the 2001 peak level that has been observed.
- 4.1.9 The Applicant has then applied the site-specific information and noted that the existing influence on groundwater was regional flow, regional groundwater divides and existing arrangements associated with soakaways and localised mounting. The Applicant explained that in terms of maximum design level, it has used the groundwater model contours, applied the uplift from the site monitoring and used a maximum level based on those factors. The levels within the groundwater model are approximately 10 metres lower than site monitoring due to local issues; the 2000-2001 event observed is very rare.
- 4.1.10 The Applicant explained that within the different soakaway locations, it has looked at the unsaturated zone, where it is maintained that there is no direct discharge. In terms of the impact assessment, the Applicant is proposing upstream storage to mitigate the effects of the soakaway, to ensure that it does not exceed historical observations. The Applicant has confirmed that, with the attenuation storage, the amount of water going back into the aquifer in that location is expected to be no more than is previously there. The Applicant is envisaging increased rainwater harvesting and water efficiency, through use of water that would potentially have otherwise discharged into the aquifer, thereby reducing the flood potential.
- 4.1.11 The Applicant noted that in terms of groundwater quality, the elements to consider are construction, and potential pollution from earthworks, which are assessed within the **Chapter 20 of the Environmental Statement [AS-031]** and reference secured mitigation set out in the **Code of Construction Practice [APP-049]**. The Applicant noted that in terms of effluent risk from discharges to the aquifer, there is surface water discharge into the current central soakaways, which has been a long-standing activity. Within the proposed phases one and

two, the Applicant is proposing changes to the arrangements of that discharge. The northern infiltration would be for treated foul and treated surface water, and the southern would be for surface water discharge.

- 4.1.12 The Applicant also noted that it has assessed the characteristics of potential effluent that could be treated to remove the amount of potential contaminants into the discharge arrangement, as described in the **Drainage Design Statement [APP-137]**. The Applicant has also used the hydrogeological conceptual model understanding within a tiered assessment approach, the result of which demonstrated some contaminants below drinking water standards, some of which have been carried forward for further assessment.
- 4.1.13 The Applicant has used the EA infiltration risk worksheet assessment, which is an analytical assessment to analyse the potential impact of discharges on groundwater. The Applicant noted that it is still in discussions with the EA in relation to the tiered approach, but that the assessment has produced results which show no significant effect.
- 4.1.14 In response to the ExA, the Applicant confirmed that it would respond in writing in relation to the proposed hydrogeological changes at Netherfield Spring.
- 4.1.15 In response to the ExA, the Applicant explained that the monitoring system is included in the **Drainage Design Statement [APP-137]**, and includes pollution or potential contamination detection, and how runoff is separated into cleaner surface water and potentially contaminated surface water. The Applicant confirmed that it would consider other monitoring systems for leaks through the network system, noting that there will also be measurements of flows and volumes to detect, prevent and repair leaks in the system, in accordance with good drainage design practice.
- 4.1.16 The Applicant confirmed in response to the ExA, that it has three levels of mitigation measures. The first is working within a controlled environment in the airport. The most significant contaminant would come from de-icing and anti-icing activities which are pre-planned based on factors such as weather forecast, temperature, and rainfall. There is an option to divert all surface water away from the groundwater infiltration manually, without depending on a monitoring system.
- 4.1.17 A second mitigation measure would be passive treatment systems (such as oil interceptors and rubber mats on drainage gullies). These would be in place before the contaminant goes into the system. A third measure would be different options of monitoring in order to monitor water all the time, such as an online system. The Applicant has selected Total Organic Carbon monitors as their response time can be between 60 seconds to 15 minutes.
- 4.1.18 The Applicant is also allowing sufficient distance between monitoring point and the actuated valve, in a diversion chamber which will divert the contaminated runoff to give sufficient reaction time for the automated valve to operate, or for manual intervention when contaminants are picked up by the monitoring system.

- 4.1.19 The Applicant confirmed that it is preparing a written response to the EA's concerns.
- 4.1.20 The Applicant explained that there is existing site investigation which provides a broad characterisation of the site and is supplemented by the long-standing historical understanding of the chalk aquifer. The Applicant explained that there are boreholes around the northern soakaway and some approximately 50 - 60 metres away from the proposed southern soakaway. There is therefore information to be aware of in relation to the general characteristics of the chalk, as set out in the **Hydrogeological Characterisation Report (Appendix 20.3 of the ES [REP1-004])**. The Applicant noted that it has been precautionary in terms of parameters.
- 4.1.21 The Applicant noted that the **draft DCO [REP2-003]** does not explicitly require site investigation works to be undertaken, but that there is an implicit requirement for this in the Design Principles in **the Drainage Design Statement [APP-137]**. The Applicant added that there would be further site investigation required in other secured documents such as the **Outline Remediation Strategy [APP-125]**. In relation to existing soakaways on site, the Applicant explained that replacement soakaways would be engineered with known conditions following site investigations at the time, and that the infiltration characteristics would be detailed. The Applicant added that if there were requirements to manage infiltration, there would be opportunities within storage or in ground improvement measures locally.
- 4.1.22 The Applicant confirmed that it is aware that the River Basin Management Plan (RBMP) cycle 3 was published in 2022, during the development of the proposals. The Applicant checked at the time of submission in terms of reworking the **Water Framework Directive (WFD) Compliance Assessment [APP-135]**, but does not envisage this being required, as the conditions of the water bodies of concern are either the same or better. This does not therefore undermine the credibility or accuracy of the assessment presented.
- 4.1.23 In response to the ExA, the Applicant confirmed that the WFD approach had been discussed with the EA and the position on RBMP cycle 3 will be captured in the SoCG with the EA.
- 4.1.24 The Applicant confirmed that in relation to water supply, its position remains that it does not anticipate any additional water being required as part of the development. The Applicant noted that the **Water Cycle Strategy [APP-138]** details the conversation the Applicant had with Affinity Water (AW) and shows that incremental increases in phases one and two would be maintained in respect of the 2019 baseline being 7.5 litres per second. The Applicant confirmed that it had been using that within the water cycle study to demonstrate how the Applicant could ensure that the incremental increase in assessment phases one and two would not increase that particular potable water demand required through substitution, reuse and efficiency.
- 4.1.25 The Applicant confirmed in response to AW, that it will consider and respond in relation to AW's concern about future demand cycle assessments and consider whether anything can be done about the commitment elsewhere in the **dDCO [REP2-003]**.

5 AGENDA ITEM 4 - LAND-USE

- 5.1.1 The Applicant confirmed that NE specifically sought clarification on the magnitude and the quantum of areas of best, most versatile land that was required by the Applicant permanently. The Applicant confirmed that the table of the information requested would be provided to NE and that the Applicant would provide an update in writing at Deadline 3 (D3) to confirm the position.
- 5.1.2 The Applicant explained that the amount of best, most versatile land within the main site area has been investigated through agriculture and classification surveys by the Ministry of Agriculture, and where areas were not surveyed, the Applicant has carried out its own surveys to identify where the best and most versatile land is, which is all sub-grade 3A at the lowest end of the best or most versatile scale, as identified on plans. The results of this are shown on **Figure 6.1 of the ES [APP-146]** and are described in **Appendices 6.1 [APP-055]** and **6.2 [APP-056]** of the ES.
- 5.1.3 The Applicant explained that with regards to the identification of the poorest quality land, the whole plateau of airport land has been shown to effectively be a chalk plateau overlain by clay with flints, which gives rise to mixture of primarily subgrade 3A and 3B land. The Applicant would have expected this quality of land to be widespread over the wider plateau area. The Applicant noted that some of the best most fertile land could not be avoided due to proximity and necessary engineering requirements.
- 5.1.4 The Applicant confirmed that it could provide more information on the alternatives considered in relation to avoid best and most versatile land. The Applicant noted this action and will address at the relevant deadline.
- 5.1.5 In response to the ExA, the Applicant confirmed that a Waste Recovery Plan has now been produced and that the Applicant anticipates submitting this to the EA in the near future. The Applicant confirmed that it had received no feedback from the EA on this to date.
- 5.1.6 The Applicant clarified, following Issue Specific Hearing 5 (Air Quality) on 28 September 2023, that it is not proposing to transport contaminated material across the site using a static conveyor belt. For this reason, it has not been assessed. The Applicant added that conveyors may be used within controlled processing sites and that would be subject to its own consenting requirements.

6 AGENDA ITEM 5 - LANDSCAPE AND VISUAL

- 6.1.1 The Applicant acknowledged the ExA's suggestion that the approach to methodology of the Landscape and Visual Impact Assessment would be addressed in written questions following the hearing.
- 6.1.2 The Applicant highlighted that some photomontages have some typographical errors in Appendix 14.7, and that the Applicant is intending to resubmit those at D3.
- 6.1.3 The Applicant explained that in relation to accuracy of the visualisations, it has considered the wintertime in all baseline photomontages to ensure that they

demonstrate the worst-case scenario. The Applicant confirmed that it had produced photomontages showing illustrative planting, but that the Applicant could further consider whether specific hedgerow planting in winter would be necessary in the photomontages to understand the effects.

- 6.1.4 **Post-hearing note:** The Applicant will provide some commentary at D4 on the likely changes at each of the provided viewpoints during winter months.
- 6.1.5 In response to the ExA, the Applicant confirmed that the photomontages are illustrative in respect of hedges and trees ahead of detailed design stage, but that the Applicant intends on submitting more detailed plans at detailed design stage. The Applicant clarified that Requirement 9 of the **draft DCO [REP2-0003]** states that no part of the authorised development containing landscaping mitigation can commence until this has been submitted and approved by the relevant planning authority. The Applicant is not anticipating submitting any detailed design plans during this Examination.
- 6.1.6 In response to the ExA, the Applicant confirmed that it would continue discussions with the Host Authorities. It would submit its position in writing at the relevant deadline in relation to the issues raised.
- 6.1.7 The Applicant confirmed that it has produced a public right of way plan **[Figure 14.6 [AS-102]]** and a viewpoint location plan **(Figure 14.8 [AS-102])**. The Applicant can provide a separate plan showing all visual receptors as requested by the ExA. The Applicant will address at the relevant deadline.
- 6.1.8 The Applicant confirmed that it will discuss with Hertfordshire County Council the possibility of additional cross-section plan requirements with respect to the **Accurate Visual Representation Viewpoint 28 [AS-143]**.
- 6.1.9 In response to the ExA, the Applicant confirmed that all hedgerow planting proposed in assessment Phase 1 is as shown on **Figure 14.11 [AS-102]**.
- 6.1.10 In respect of the **Accurate Visual Representations Views 23, 24, 25 [AS-142]** and in response to the ExA, the Applicant explained that it felt it appropriate to use wireframes to illustrate the Fire Training Ground. It is appreciated that it is close up and notes existing local obstructions to ensure that the visual impacts could be seen more clearly.
- 6.1.11 Central Bedfordshire Council (CBC) raised concerns regarding the operation of the Fire Training Ground. The Applicant noted that operational effects have been considered in the ES.
- 6.1.12 The Applicant confirmed that it is currently preparing a document addressing further assessment of the Area of Outstanding Natural Beauty (AONB). A timeframe for this will be confirmed and the document will be shared with NE
- 6.1.13 The Applicant confirmed that it had consulted with NE in respect of the Chilterns AONB special qualities assessment document to date. It intends to submit this to the Chilterns Conservation Board for review. The Applicant agreed that it would engage with the councils that would like to be involved in the Chilterns AONB special qualities assessment document.

- 6.1.14 The Applicant confirmed that, in relation to the special qualities methodology, there are no specific guidelines in England available. To help the process, the Applicant has used Nature Scotland's assessment of AONBs.
- 6.1.15 The Applicant submitted a methodology to NE in July 2023. NE responded on 22 August 2023 stating that it agreed with the methodology. The Applicant added that it is looking at relevant special qualities that apply to the area in question.
- 6.1.16 The Applicant confirmed that it is considering the Chiltern AONB management plan, which has helped inform its assessments.
- 6.1.17 The Applicant confirmed that it will respond in writing at the relevant deadline in respect of the ability to avoid overflying the Chiltern AONB.
- 6.1.18 The Applicant confirmed that it is not intending on producing a larger Zone of Theoretical Visibility, noting that the current one shows the study area with insets, had been agreed through consultation and stakeholder engagement. The Applicant explained that there is no visibility, as Ivinghoe Beacon is over 10km away. There is a considerable amount of intervening vegetation and infrastructure in between.
- 6.1.19 The Applicant's position is that a 5km study area, with the area where aircraft are below 7000 ft over the AONB, is sufficient. The Applicant explained that this has been a long-term iterative process and that as part of the LVIA, it established a working group with the Host Authorities in which the locations were agreed. The Applicant's position is that a very thorough approach to the LVIA has been established. In relation to the special qualities assessment, the Applicant understands that further consideration to other locations relevant to the special qualities and the suggestion to work with Chiltern Conservation Board would be a good opportunity to discuss this.
- 6.1.20 The Applicant confirmed that consideration of Airport National Policy Statement paragraph 5.222 will form part of its submission.
- 6.1.21 The Applicant confirmed that it would submit a written response at the relevant deadline in relation to the reasons for providing residents with medium receptor sensitivity, as set out in the **Light Obtrusion Assessment [APP-052 and APP-053]**.
- 6.1.22 The Applicant confirmed that the **Strategic Landscape Masterplan [APP-172]** is an illustrative plan showing the Proposed Development and is based upon plans provided for public consultation. The Applicant confirmed that it did engage with landscape officers from Host Authorities to agree its content and that the document went through a number of iterations prior to submission.
- 6.1.23 In response to the ExA's query relating to the SoCG with NE, the Applicant confirmed that it does not anticipate further consultation.
- 6.1.24 The Applicant confirmed that a 5-year period as in **Requirement 9 of the dDCO [REP2-003]** is standard for this type of clause. The Applicant understood the point raised about the length of the landscape management plan. The Applicant will consider this and respond in writing at the relevant deadline.

- 6.1.25 The Applicant confirmed that the list at Requirement 9 is an inclusive list, rather than exhaustive. The Applicant would expect Host Authorities to request further information as necessary. The Applicant confirmed that it would consider the request put forward by CBC. **Post-hearing note:** Applicant to consider ExA's comments in relation to Requirement 9 and respond at D4.
- 6.1.26 The Applicant clarified in relation to concerns raised during CAH1 on 26 September 2023 that, the Applicant understands after reviewing the plans that there may be some confusion in relation to orange hatching and blue lines in respect of hedgerow planting. The Applicant noted that some affected parties have assumed that along some rights of access the Applicant is proposing hedgerows, but it is not. The Applicant will continue discussions relating to hedgerow restoration and clarify this in writing at the relevant deadline.
- 6.1.27 **Post-hearing note:** Applicant to respond in writing in relation to hedgerow planting at D4.

7 AGENDA ITEM 6 – DESIGN

- 7.1.1 The Applicant explained that the design approach is set out within Volume 1 of the DAS [AS-049] and was framed by the Applicant's Vision for London Luton Airport's Sustainable Growth 2020 – 2050 (published in December 2017) with the stated aim *"To make the best use of the existing runway at LTN [.....] and to actively manage environmental impacts"*. The Applicant noted that it assembled an experienced design team to implement their Vision which was developed into a series of strategic objectives. A range of alternative concept design options were developed at macro-level and configured in relation to the existing airport infrastructure, drawing on inputs from the full range of technical specialists within the team.
- 7.1.2 The Applicant explained that alongside this, a Sift Criteria was developed, based on best practice, referencing the Airport Commission's appraisal framework. The Applicant added that the concept design options were scrutinised by a wide range of team members against the Sift Criteria, in an open-minded way, to identify the best performers. The Applicant noted that two rounds of Sift took place with the criteria being refined and the concept design being developed in more detail, followed by a Non-Statutory Consultation to consider the preferred option with wider stakeholder engagement. These options were then refined further in Sift Three, where a preferred option was established and a follow-up Statutory Consultation in late 2019 was carried out.
- 7.1.3 In response to the ExA's questions, the Applicant explained that the existing terminal is somewhat landlocked and extensively constrained, partly due to the existing taxiway network which loops around the terminal, and due to the taxiway bridge over the main access road. As a result, a single terminal option was not taken forward, as to replace the existing terminal would logistically have been very challenging.
- 7.1.4 The Applicant noted that undertaking construction works on an airport site is particularly challenging, due to impact on aircraft operations. The Applicant added that strict working practices have to be adhered to in order to maintain safe and secure operations. The temporary loss of taxiways and airport stands

can significantly reduce operational efficiency, the complications of which, can be particularly difficult and increase risk and cost.

- 7.1.5 The Applicant explained that the existing terminal will be enhanced in assessment Phase 1a within the bounds of the existing taxiway and airfield constraints as described above.
- 7.1.6 The Applicant clarified that the role of the **Design Principles document [APP-225]** is to set out the design principles that are to be adhered to at the detailed design stage post-DCO consent so that future designers incorporate design standards, parameters and commitments to stakeholders. The Applicant added that the design principles will be secured through **Requirement 5 in Schedule 2 of the dDCO [REP2-003]**.
- 7.1.7 The Applicant noted that the design principles seek: (i) to provide stakeholders with assurance on how the design of the project will be developed following the grant of consent; (ii) to mitigate the effects of the Proposed Development; and (iii) to safeguard a minimum standard of design quality. The Applicant added that there are five overarching design principles which include good design and some more specific detailed design principles. In response to the ExA, the Applicant clarified that the design principles reflect the fact that at this stage, the design is an outline design, appropriate for an outline planning permission. The detailed designs would be submitted to and approved by the relevant local planning authority and the design principles provide a benchmark against which the detailed designs can be assessed.
- 7.1.8 The Applicant confirmed in response to the ExA, that design detail which has not yet been developed will be secured through the design principles and engagement with the relevant local planning authority, which will be responsible for approval. The Applicant confirmed that the Applicant is open to adding design principles during the examination and is willing to engage with other stakeholders to provide clarity. The Applicant confirmed that it considers the design principles to be a live document.
- 7.1.9 The Applicant added that it can update the design principles, but that this can primarily be done in response to stakeholder feedback in respect of which the Applicant noted it has received limited response.
- 7.1.10 The Applicant noted the submissions made in relation to specific design principles and will take those into consideration. The Applicant added that there are design principles set out in some other application documents, which could be brought together into the **Design Principles document [APP-225]**.
- 7.1.11 The Applicant confirmed that a full analysis of the relevant design policies and how the Applicant meets these is contained in the **Planning Statement [AS-122]**. The Applicant confirmed that it will review the references in the **Design and Access Statement [AS-049]** and the Planning Statement and submit in writing at Deadline 5 how these have been adhered to. **Post-hearing note:** Applicant to address the relevant design policies in writing at Deadline 5.
- 7.1.12 In response to the ExA's questions, the Applicant confirmed that all design elements would follow the local authority approval process, and that the

Applicant is certainly open to refining and developing the design elements. The Applicant confirmed that it would consider the suggestions made by the ExA in relation to refining the design-related Requirements and respond at the relevant deadline. **Post-hearing note:** Applicant to respond in writing in relation to Requirement 5 at D4.

- 7.1.13 The Applicant noted that **the Works Plans [AS-012 – AS-017]** show the administrative boundaries, which cover different council boundaries. The Applicant will consider a way of developing the Requirements to align with the ExA's suggestions. The Applicant clarified that it may be able to provide further detail around the process for securing detailed approval of proposed works, but that the Applicant was wary of being too prescriptive because some flexibility is required in order to adapt particular types of works, in accordance with discussions with the relevant planning authority at the detailed design stage.
- 7.1.14 The Applicant highlighted that it did not wish to commit at this stage to particular phases of works for commercial reasons, noting that the airport would expand in relation to demand. The Applicant also noted that it has used "assessment phases" to demonstrate the likely significant effects of the Proposed Development. The ultimate build-out of the development would be in response to growing demand. In summary, the Applicant is seeking flexibility to develop the Proposed Development in phases that cannot be defined at this stage.

8 AGENDA ITEM 7 - HERITAGE

- 8.1.1 In response to the ExA, the Applicant acknowledged the extent of landscape of the Luton Hoo Registered Park and Garden (RPG), and the design principles of the RPG which extend beyond the boundary of the park. The cultural heritage baseline assessment (paragraph 10.7.31 Section 10.7 of **Chapter 10 Cultural Heritage of the ES [AS-077]**) discusses these features. The Applicant clarified that there is no feasible solution to mitigate noise impacts within a park setting and it is not recommended to screen new development within a designed landscape with additional planting, which is acknowledged in the ES (Paragraph 10.10.9 Section 10.10 of Chapter 10 Cultural Heritage of the **ES [AS-077]**). This has been discussed and agreed with the Conservation Officer for CBC and Historic England (HE). The Applicant noted that additional planting may in itself result in an impact because it would conflict with the original design intent of the RPG. Therefore, it is reported in the ES that the operational effect of the Proposed Development, with regards to visual and noise impacts, would result in a moderate adverse effect, which is considered to be significant.
- 8.1.2 The ExA raised HE's response to mitigation and the Applicant confirmed that HE's comment regarding detailed specification for choice of materials was being considered. In the event that there is a reason for further detail not being adopted, the Applicant would provide this in writing.
- 8.1.3 The Applicant clarified that with regard to acid erosion, sulphur dioxide was scoped out of the Environmental Impact Assessment (EIA) as it was agreed with PINs and local authorities (**SoCG with Central Bedfordshire [REP2-021]**) that it would not be a pollutant of concern as it was not likely to exceed threshold limits. The Applicant clarified regarding the potential impacts to the

fabric of Someries Castle that the assessment detailed in Chapters 7 Air Quality and 10 Cultural Heritage of the ES does include operational activities including use of the Fire Training Ground.

- 8.1.4 The Applicant explained that the air quality model predicts a negligible change in the concentrations of airborne pollutants at this location. Based on these data, there is assessed to be no impact to the fabric of the castle from airborne pollutants. The Applicant noted that the **Cultural Heritage Management Plan (Appendix 10.6 of the ES [APP-077])** is currently being updated in consultation with Host Authorities. This will include air quality monitoring that the Applicant is committed to.
- 8.1.5 The ExA queried the assessment in **Appendix D Heritage Assessment of Planning Statement [APP-198]** of temporary construction effects on Wigmore Hall Farmhouse which would introduce change within its rural setting, and potentially affect the ability to appreciate its rural context and relationship with the surrounding countryside for a construction period of approximately 20 years. The Applicant explained that the ES (**Chapter 10 Cultural Heritage of the ES [AS-077]**) acknowledges that the setting of the farmhouse has been eroded by the loss of its agricultural land. It also notes that the parkland at Luton Hoo is not contextually relevant to the farmhouse's function, and does not contribute to its heritage significance, but does provide a sympathetic backdrop.
- 8.1.6 The Applicant considers its reporting in the ES as accurate. Construction will comprise episodes of temporary activity and will not be constant at all times. When assessing the impacts to Wigmore Hall Farmhouse and harm to assets, the assessment confirms that no physical impacts are proposed to the building. It recognises that the change, as a result of temporary construction activities, would be to a component of the asset's visual setting that does not make an important contribution to its heritage significance. This is because it is not contextually associated, and the change would not affect the farmhouse's historic and architectural interests which define its heritage significance. The impact is assessed as low, which is in line with the criteria set out in the agreed methodology (Table 10.8 Section 10.5 of Chapter 10 Cultural Heritage of the **ES [AS-077]**), resulting in a minor adverse effect and less than substantial harm.
- 8.1.7 The ExA queried whether the cultural heritage assessment of effects in ES also reported against 'harm' from planning policy perspective, particularly if no significant effect was to be considered as equivalent to 'less than substantial harm'. The Applicant clarified that it was not its intention to conflate the EIA process with the assessment of harm. The Applicant has agreed with the statutory authorities that **Appendix 2: Cultural Heritage Gazetteer [APP-073]** will be updated to include a summary of the impact and harm for all assets and the Applicant will address at the relevant deadline.
- 8.1.8 LBC queried the lack of inclusion of Hart House in the EIA. The Applicant confirmed in response to LBC that Hart House is included in the **desk-based assessment [APP-072]** and is listed within the **Gazetteer [APP-073]** and is recorded in the Historic England database as Office Block, Vauxhall Motors (NHLE Ref: 1249000). The Applicant added that the building is scoped out of the impact assessment as there would be no physical impact and no change to

its setting from the Proposed Development. This impact assessment is set out in the updated **Gazetteer [APP-073]** to be submitted at the relevant deadline.

- 8.1.9 The ExA queried the assessment of impacts on the setting of designated assets as a result of noise. The Applicant explained that the methodology used for assessing impacts from noise, through changes to setting, is in line with current guidance and best practice and was agreed with statutory consultees including HE. A record of the discussion with HE where this methodology was agreed is set out in Table 10.6: Stakeholder Engagement, in **Chapter 10: Cultural Heritage of the ES [AS-077]**.
- 8.1.10 The methodology is based on guidance from HE (Historic England. 2017. Historic Environment Good Practice Advice in Planning Note 3. The Setting of Heritage Assets) and supplemented by English Heritage guidance (Temple Group Ltd. 2014. English Heritage Report, Project No. 6865. Aviation Noise Metric – Research on the Potential Noise Impacts on the Historic Environment by Proposals for Airport Expansion in England) and is set out in Paragraphs 10.5.20 and 10.5.29 Section 10.5 of **Chapter 10: Cultural Heritage of the ES [AS-077]**.
- 8.1.11 The Applicant confirmed that the ES (**Chapter 10 Cultural Heritage of the ES [AS-077]**) has considered impacts from increased frequency of aviation noise on heritage assets. The Applicant noted that for Luton Hoo RPG, the assessment concludes that the increased frequency of aviation noise would impact the aesthetic appreciation of the park and would result in a moderate adverse effect, which is considered to be significant. For St Paul's Walden Bury RPG, the assessment concludes that the noise change contours for the operational phases show a negligible change to the park's noise environment, which would result in imperceptible change to the park's setting and would result in no effect to its heritage significance.
- 8.1.12 The Applicant has adopted a holistic approach when assessing impacts within a designed space and all assets are assessed as a whole. This approach was agreed with Historic England and is stated in Paragraph 10.7.39, Section 10.7 of **Chapter 10 of the ES [AS-077]**. All potential impacts to all assets, including those assets located within RPGs, have been assessed.
- 8.1.13 For clarity, it has been agreed with the Conservation Officer for CBC that an impact assessment of each individual heritage asset will be articulated in the updated Appendix 10.2 Cultural Heritage Gazetteer **[APP-073]**, to be submitted at the relevant deadline.
- 8.1.14 In response to the ExA and with regards to St Paul's Walden Bury RPG, the Applicant noted that change could be noticeable. The assessment considers an asset's sensitivity to noise, informed by whether a specific soundscape forms an important part of its setting which contributes to its understanding and heritage significance. The Applicant added that modelled noise contours were then used to establish where there would be an increase in noise levels by comparison to the future baseline so that the magnitude of any change to a heritage asset and the potential effect on its significance could be assessed.

8.1.15 Aviation noise from overhead aircraft is already a component of St Paul's Walden Bury RPG's setting, so the assessed negligible level of the change is considered to be not significant. The Applicant confirmed that the assessment included those assets that are located partially within the study area and/or within the noise contour model. The heritage assets located within the park whose setting is defined by the park, are assessed using the holistic approach as agreed with Historic England. The Applicant explained how assessing the assets as a whole does not diminish the assessment of impact. The Applicant reconfirmed that the noise change may be noticeable, but that it would not interfere with the ability to appreciate the heritage interests of the RPG and would result in no effect to its heritage significance.

9 AGENDA ITEM 8 - ANY OTHER MATTERS

9.1.1 The Applicant confirmed that the **Glint and Glare Assessment [AS-146]** is based on an outline design. The Applicant will consider the ExA's comment in relation to the ability to mitigate impacts from solar panels, particularly those proposed on car parks P1 and P2, in the absence of a detailed assessment. It will provide a response in writing at the relevant deadline.

10 AGENDA ITEM 9 - ACTION POINTS ARISING FROM THE HEARING

10.1.1 The Applicant did not make any submissions under this Agenda Item.

10.1.2 A response to ISH6 Action Points is provided in Table 1.1.

11 AGENDA ITEM 10 - ANY OTHER BUSINESS

11.1.1 The Applicant requested in respect of the hearings that are due to take place in November that sufficient notice is given so that the Applicant can ensure that the relevant specialists are available and in attendance at the scheduled hearings. Therefore, the Applicant requested to have the notice of the hearings sufficiently in advance.

12 AGENDA ITEM 11 - CLOSE OF HEARING

12.1.1 The Applicant did not make any submissions under this Agenda Item.

Responses to Action Points from ISH6

Table 1.1: Responses to Action Points from ISH6

| Action | Description | When | Applicant's response |
|---------------------|---|------|--|
| 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 | D3 | <p>This query was raised in the ISH6 hearing specifically in relation to Wigmore Park CWS.</p> <p>The Proposed Development has been designed, as far as possible, to avoid effects on biodiversity through option identification, appraisal, selection and refinement. Mitigation measures have been integrated (embedded) into the Proposed Development for the purpose of minimising effects related to ecological receptors.</p> <p>The landscape design for the Proposed Development includes large areas of habitat creation to partially mitigate the loss of habitats from construction of the Proposed Development, within a large area of provision of open space, Terminal Approach and landscape restoration areas. The provision of open space will connect to the retained areas of Wigmore Park, providing east west connectivity within the Main Application Site and wider landscape.</p> <p>This area of open space will include habitat creation measures to mitigate, once established, for those habitats lost within Wigmore Park CWS.</p> <p>As this forms part of the design of the Proposed Development, and it will be guaranteed as part of the DCO Requirements including management for 50 years, it can be described as mitigation. Wigmore Park CWS of 15.4ha will be almost all lost, with the embedded design including 47.6ha of replacement habitats. Furthermore, a further 43ha of Habitat Creation Area is included as part of additional mitigation within the design.</p> |

| Action | Description | When | Applicant's response |
|--------|---|------|--|
| | | | <p>Compensation is noted as <i>where there are significant residual negative ecological effects despite mitigation proposed, these should be offset by appropriate compensatory measures. Compensation describes measures taken to offset residual effects resulting in the loss of, or permanent damage to, ecological features despite mitigation.</i> If all habitat creation must be stated as compensation, then no habitat creation can be considered as part of embedded or additional mitigation when considering the effects of a development and can only be taken into account after residual effects, and thereby ignoring all the habitats provided within the scheme design.</p> <p>Even if the habitats created to replace Wigmore Park CWS of 15.4ha are considered as compensation, and therefore requiring a 2:1 replacement under the Airports National Policy Statement, the total habitat areas created within the embedded design (47.6ha) and additional mitigation (43ha) would provide far in excess of this requirement.</p> |
| 2 | <p>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.</p> | D3 | <p>This query was raised in the ISH6 hearing specifically in relation to Wigmore Park CWS.</p> <p>The text within section 8.11 of Chapter 8 of the Environmental Statement (ES) [AS-027] on 'residual effects' does state that there will be a temporary minor adverse residual effect until the new habitat creation areas are established. It goes on to state that this will decrease to a residual negligible effect following maturation after 10-15 years due to the increased area, which is not significant. This draws on the Biodiversity Net Gain timescales for achieving the established habitats. These residual effects are given after both the embedded and the additional mitigation is taken into account.</p> <p>In Section 8.9.3, which is the initial assessment, it does describe it as a 'significant adverse effect'. It states - <i>This loss could be of high magnitude, on the structure and function of the county value site, which equates to a major adverse effect, which is significant. However embedded habitat mitigation reduces this to moderate adverse in the medium term, which remains</i></p> |

| Action | Description | When | Applicant's response |
|--------|--|------|--|
| | | | <p><i>significant, decreasing to a minor adverse effect when vegetation reaches maturity in the long term (within 10-15 years), which is not significant.</i></p> <p>As the chapter outlines within the text above this, within the introduction of Section 8.9 Assessment, <i>this section presents the results of the assessment of likely significant effects with the embedded and good practice mitigation measures, described in the previous section, in place. This assessment is made prior to additional mitigation being applied, as per Section 8.10, and before residual effects are then presented in Section 8.11. 8.9.2 A summary of the assessment of full effects is provided in Table 8.17 in Section 8.14.</i></p> <p>The initial assessment describes what the effect could be but then takes into account the embedded design and mitigation, concluding an initial effect of minor adverse once vegetation has reached maturity. The residual effect then takes into account the additional mitigation within the Habitat Creation Area and concludes a minor adverse effect reducing to negligible in the long term once vegetation has reached maturity.</p> <p>Table 8.17 repeats these assessments in summary. The assessments take into account the time lag taken for maturity of the habitats and reduces the effect accordingly. The outline LBMP (Appendix 8.2 of this ES [AS-029]) ensures appropriate management is in place for these habitats for 50 years.</p> |
| 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 | D3 | <p>The effect on Wigmore Park CWS is stated as negligible only in the long term when habitat creation, both embedded and additional, has had time to establish in accordance with BNG timescales, and not just after the Proposed Development. This is following the creation of 47.6ha of habitats embedded as part of the design of the Proposed Development, and a further 43ha as additional mitigation.</p> <p>All of which would be managed for a period of 50 years as part of the outline LBMP (Appendix 8.2 of the ES [AS-029]) to ensure establishment and long-</p> |

| Action | Description | When | Applicant's response |
|---------------|---|----------------------------|---|
| | accurately described as a significant adverse effect that is being compensated. | | term retention. The area of CWS lost will be 98.7% of 15.4ha which is significantly less than what will be provided. See response to ISH6 – 1 for compensation vs mitigation. |
| 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. | LBC – D3 Applicant - D4 | Applicant to respond at D4. |
| 5 | Provide a clear plan of all habitats and species of principal importance, including Winch Hill Wood. Include detailed information about the anticipated development proposed in the vicinity of all of these. | D4 | Applicant to respond at D4. |
| 6 | Provide further detail describing the potential effects of construction and operation, including the effects of changing | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|--------|--|------|--|
| | hydrology and mitigation, on habitats and species of principal importance. | | |
| 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> | D3 | <p>There are two stages of mitigation for the orchids, embedded and additional.</p> <p>The embedded mitigation which forms part of assessment Phases 1, 2a and 2b construction includes creation of neutral and calcareous grassland, and also bare chalk slopes, which are highly suitable for pyramidal and bee orchids, which will be managed to encourage a diverse flora including orchids. As discussed at ISH6, orchid seed dispersal is via wind and creating suitable areas for colonisation for these species is part of the habitat design.</p> <p>The existing orchid populations within the set-aside areas of the arable fields, that will be used to create the provision of open space, will be retained and protected during the construction of the Proposed Development, and long-term management will be implemented to encourage long term viability of the existing orchids population in this area.</p> <p>The design of the provision of open space includes establishing pathways to encourage the public away from these areas, along with signage on their importance.</p> <p>The orchid translocation is the additional mitigation and uses two receptor sites, one within the provision of open space and one within the Habitat Creation Area. This relocates the existing orchids turfs and their soils from the areas of lost Wigmore Valley Park (and Wigmore Park CWS as these are two different entities). These receptor sites include areas where existing orchids grow adjacent to the receptor site already and were chosen for increased success, which will be backed up with the appropriate soil and hydrology studies, translocation methodology and subsequent management for 50 years as part of the Outline LBMP (Appendix 8.2 of this ES [AS-029]).</p> |

| Action | Description | When | Applicant's response |
|--------|--|------|---|
| | | | <p>Retention of set-aside habitat within the provision of open space and additional replacement habitat is included within landscape design. However, the embedded mitigation which forms part of assessment Phases 1, 2a and 2b construction includes creation of neutral and calcareous grassland, and also bare chalk slopes as detailed within the Outline LBMP (Appendix 8.2 of this ES [AS-029]).</p> <p>As discussed in ISH6, it is understood that the 2018 translocation occurred in an exceptionally hot and dry period. This is also stated in the additional submission from Janet Ingham [AS-153].</p> <p>Section 6 of the method statement for orchid translocation [AS-035] includes prescriptions to undertake the translocation in September in conditions when turf and minimum 300mm underlying soils are sufficiently damp, and also includes provision for additional watering as required.</p> |
| 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. | D4 | Applicant to respond at 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. | D3 | The Applicant notes, as a point of generality, that the current drafting is well precedented and is important as it provides the undertaker with the necessary flexibility to fell or lop trees which will obstruct or interfere with the authorised development, or which may constitute a danger to persons using the authorised development. |

| Action | Description | When | Applicant's response |
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| | | | <p>That said, the Applicant notes the points made during ISH6 around the interface between this provision and vegetation that is intended to be protected or preserved. The Applicant is considering this matter further and will provide updated drafting at Deadline 4 to address this.</p> |
| 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 enhance these species.</p> <p>Paragraph 174 of the National Planning Policy Framework (NPPF) requires that impacts on</p> | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|------------------------------------|--|-------------|---|
| | biodiversity are minimised. Para 179 of the NPPF states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; this is reflected in local policies. How does the approach described by the Applicant meet these policy requirements? | | |
| Water resource and drainage | | | |
| 12 | The ExA and the Applicant to consider further whether there is a need for a change request given the changes proposed. | ASAP | The Applicant will respond as soon as possible. |
| 13 | Provide information about the potential groundwater dependent terrestrial ecosystems referenced in Chapter 8 of the ES [AS-027]. This should include ecological, | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|--------|---|------|---|
| | <p>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> | | |
| 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> | D6 | Applicant to respond at D6. |
| 15 | <p>Confirm how the monitoring outlined in the drainage design statement would be secured by the draft DCO. If it is not secured, should it be and if not, why not?</p> | D3 | <p>The monitoring outlined in the Drainage Design Statement [APP-137] would be secured by Requirement 13 of the draft DCO [REP2-003], now amended to read:</p> <p>Surface and foul water drainage</p> <p><i>13.—(1) No part of the authorised development may commence until for that part written details of the a surface and foul water drainage plan, including means of pollution control and monitoring, have been submitted and approved in writing by the relevant planning authority following consultation with the Environment Agency, the lead local flood authority and the relevant sewerage undertaker, on matters related to its their functions.</i></p> |

| Action | Description | When | Applicant's response |
|--------|---|------|---|
| | | | <p>(2) The details submitted under sub-paragraph (1) must reflect be in accordance with the principles set out in the drainage design statement.</p> <p>(3) The authorised development must be carried out constructed in accordance with the details approved under sub-paragraph (1).</p> <p>Requiring the authorised development to be 'carried out' in accordance with the principles in the drainage design statement rather than constructed.</p> |
| 16 | Provide an update on progress of discussions with Natural England in relation to soil and Best and Most Versatile (BMV) land. | D3 | <p>Tables providing the breakdown of soils and Agricultural Land Classification (including BMV) impacted for each phase and component, as described as ongoing under the SoCG [REP2-041] have been prepared and are under internal review. These will be provided to Natural England for review before submission into Examination.</p> <p>As this includes consultation with a third party, the Applicant will provide a timescale for this at a later stage.</p> |
| 17 | Provide evidence that alternatives to use of BMV land have been considered, including for the proposed replacement land for Wigmore Valley Park. The response can be included with evidence of the consideration of | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|--------|---|------|--|
| | alternatives to use of Wigmore Valley Park required as an action point in CAH1. | | |
| 18 | Submit revised visualisations from Appendix 14.7 [AS-141 to AS-145] to address typographical errors. | D3 | Revised submissions have been submitted at Deadline 3. Changes are recorded in the updated Guide to Application. |
| 19 | Provide written commentary on likely changes between winter and summer cover in accurate visualisations. | D4 | Applicant to respond at D4. |
| 21 | WSP to discuss whether or not some key views with fully rendered images of the Proposed Development would aid understanding of the proposals. | D4 | Applicant to respond at D4. |
| 23 | Provide an additional plan illustrating the locations of the 48 visual receptors. | D4 | Applicant to respond at D4. |
| 25 | Liaise with Chilterns Conservation Board and councils on content of further assessment being | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|--------|--|------|---|
| | undertaken on the Chilterns Area of Outstanding Natural Beauty (AONB). | | |
| 26 | Confirm how achievable it is for the proposed increase in flights to avoid the AONB. | D4 | Applicant to respond at 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]. | D4 | <p>Receptor sensitivity is designated in Table 4.2 of the Light Obtrusion Assessment [APP-052]. <i>Medium</i> sensitivity is attributed to dwellings because of the capacity to absorb change. Windows to dwellings typically have adjustable shades (blinds or curtains) to rooms. This means that a change to the exterior lighting environment can be mitigated easily without substantial change to the character of the property.</p> <p>The <i>very low</i> magnitude of change is described in Table 4.3 of the Light Obtrusion Assessment [APP-052]. This is reserved for when very little change is experienced from baseline conditions. For the residential receptors only three viewpoints exceed source intensity limits. The limits are exceeded only by a single luminaire of the fire training facility. This is not expected to be in operation post-curfew for long periods, therefore the limits would be breached only on an irregular basis and therefore is considered a very small change from the baseline condition.</p> |
| 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 | D4 | Applicant to respond at D4. |

| Action | Description | When | Applicant's response |
|---------------|---|------|--|
| | draft DCO, notwithstanding wording in Requirement 9(2). | | |
| 29 | Consider comments made by ExA in respect of 5-year timescale in Requirement 9 and need for a longer period of maintenance. | D4 | Applicant to respond at 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. | D4 | Applicant to respond at 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. | D4 | Applicant will respond at D4. |
| 32 | Consider the comments made in respect of specific design points during the Hearing to include in the Design | D4 | The Applicant will provide this as a revision to the Design Principles Document at D4. |

| Action | Description | When | Applicant's response |
|-----------------|--|------|--|
| | Principles Document [APP-225]. | | |
| 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. | D5 | The Applicant will review the references in the relevant documents and submit in writing at D5 how these have been adhered to. |
| 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, e.g., terminal works, highway works and fuel pipeline. | D4 | Applicant will respond at D4. |
| Heritage | | | |
| 35 | Consider the comments made about Luton Hoo and incorporate | D4 | Applicant will respond at D4. |

| Action | Description | When | Applicant's response |
|--------------------------|---|------|--|
| | <p>suggestions into Design Principles Document [APP-225].</p> | | |
| 36 | <p>Provide a table setting out significance of effects on heritage assets and harm.</p> | D4 | <p>The Applicant will provide this as a revision to Appendix 10.2 Cultural Heritage Gazetteer as an Additional Submission at Deadline 4.</p> |
| Any other matters | | | |
| 39 | <p>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.</p> | D4 | <p>Applicant will respond at D4.</p> |
| 41 | <p>Liaise with Case Team regarding the best way to track changes within documentation.</p> | ASAP | <p>The Applicant has considered the comments made by the ExA at the close of ISH6 regarding the updating of documents and the request for the Applicant to make it clearer the changes being made.</p> <p>The Applicant confirms that from Deadline 3 onwards, that both a track changed and clean version of existing documents which have been updated will be submitted.</p> <p>This will also be noted in the Application Document Tracker at each deadline.</p> |