

ExQ1: Tuesday 10 October 2023

Responses due by Deadline 4: Wednesday 1 November 2023



TR020001: Application by London Luton Airport Limited for the London Luton Airport Expansion Project

The Examining Authority's Written Questions and requests for further information

Issued on 10 October 2023

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information - ExQ1. If necessary, the Examination Timetable allows the ExA to issue a further round of written questions in due course. If this is done the further round of questions will be referred to as ExQ2.

Questions are set out using an issue-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 13 July 2023 [PD-007]. Questions have been formulated as they have arisen from representations, examination of the issues and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could provide a substantive response to all questions directed to them, or indicate that the question is not relevant to them for a reason. This does not preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code, followed by an issue number (indicating that it is from ExQ1) and a question number. For example, the first question on air quality is identified as AQ.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions an [editable version of this table is available in Microsoft Word](#).

Please note these questions were largely drafted prior to Deadline 3. If information was submitted at that deadline which would answer a question, then please signpost the ExA to the relevant submission.

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Abbreviations Used

AAR	Airport Access Road
ACoW	Archaeological Clerk of Works
ACP	Airspace Change Process
AEDT	Aviation Environment Design Tool
ANPR	Automatic Number Plate Recognition
ANPS	Airport National Policy Statement: New runway capacity and infrastructure of airports in the South East of England (June 2018)
AONB	Area of Outstanding Natural Beauty
ATM	Air Traffic Movement
BMV	Best and Most Versatile
BoR	Book of Reference [APP-011]
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CAH1	Compulsory Acquisition Hearing 1 [EV5-001]
CHMP	Cultural Heritage Management Plan [APP-077]
CoCP	Code of Construction Practice [APP-049]
CTMP	Construction Traffic Management Plan [APP-130]
dB	Decibel
DCLG	Department of Communities and Local Government
draft DCO	Draft Development Consent Order [REP2-003]
EIA	Environmental Impact Assessment
EA	Environment Agency
EM	Explanatory Memorandum
ES	Environmental Statement
ESG	Environmental Scrutiny Group
ETS	Employment and Training Strategy [APP-215]
ExA	Examining Authority
FRA	Flood Risk Assessment [AS-046]
GCG	Green Controlled Growth
GHG	Greenhouse Gas
GI	Green Infrastructure
GLVIA3	Guidelines for Landscape and Visual Impact Assessment Third Edition (2013)

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GVA	Gross Value Added
ha	Hectare
ICAO	International Civil Aviation Organisation
INM	Integrated Noise Model
ISH	Issue Specific Hearing
ISO	The International Organisation for Standardisation
JSNA	Joint Strategic Needs Assessment
kg/N/ha/yr	Kilograms of nitrogen per hectare per year
km	Kilometres
LAeq	A weighted continuous equivalent sound level
LIR	Local Impact Report
LOAEL	Lowest Observed Adverse Effect Level
LTFC	Luton Town Football Club
LVIA	Landscape and Visual Impact Assessment [AS-079]
m	Metre
MPPA	Million Passengers Per Annum
NAP	Noise Action Plan
NATS	National Air Traffic Service
NEDG	Noise Envelope Design Group
NO₂	Nitrogen Dioxide
NO_x	Nitrogen Oxide
NPPF	National Planning Policy Framework 2023
NSIP	Nationally Significant Infrastructure Project
PA2008	The Planning Act 2008
PINS	The Planning Inspectorate
PM_{2.5}	Particulate Matter that has a diameter of 2.5 micrometres or less
PV	Photovoltaic
RPG	Registered Park and Garden
RR	Relevant Representation
s	Section
s106	Section 106
SoCG	Statement of Common Ground
SoR	Statement of Reasons [AS-071]
SSSI	Site of Special Scientific Interest

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SSWSI	Site of Specific Written Scheme of Investigation
TPCA90	Town and Country Planning Act 1990
TP	Temporary Possession
UK	United Kingdom
UKHSA	UK Health Security Agency
ZTV	Zone of Theoretical Visibility

The Examination Library

References in these questions set out in square brackets (eg [APP-100]) are documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR020001-000920-London Luton Airport Expansion Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/tr020001-000920-london-luton-airport-expansion-examination-library.pdf)



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ExQ1	Question to:	Question
Broad, general and cross-topic questions		
BCG.1.1	All Local Authorities	<p>Development Plan policies If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.</p> <p>Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents? Are the local planning authorities content with the Applicant's policy analysis?</p>
BCG.1.2	All Local Authorities	<p>Neighbourhood Plans Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you:</p> <ol style="list-style-type: none"> 1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion; 2. Provide a copy of the made plan or a copy of the latest draft. 3. Indicate what weight you consider the ExA should give to these documents.
BCG.1.3	Applicant and Interested Parties	<p>Central Government Policy and Guidance Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>
BCG.1.4	All Local Authorities	<p>Updates on development Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>
BCG.1.5	Applicant	<p>Other consents and permits Application document [APP-008] confirms that other consents, licences and permits would be required for the Proposed Development. Can you:</p> <ol style="list-style-type: none"> 1. Provide an update on progress with obtaining these consents, licences and permits.

ExQ1	Question to:	Question
		2. Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCGs) that are being drafted with the relevant consenting authorities.
BCG.1.6	Applicant and Civil Aviation Authority (CAA)	Airspace Change Process (ACP) Provide an update on the status of the ACP, the timeline for implementation and explain whether this has any implications for the application.
BCG.1.7	Applicant	Current operating levels The Planning Statement [AS-122, paragraph 2.4.4] states that demand is expected to reach 2019 levels by 2024: 1. Confirm if the 2019 level refers to 18 or 19 Million Passengers Per Annum (MPPA). 2. Provide an update as to whether this statement still applies or if the levels have already been reached or will take longer.
BCG.1.8	Applicant	Assessment - Errata regarding conclusions When submitting errata which amend a conclusion on significance from eg 'likely significant operational effects' to 'no likely significant effects during operation', in the interests of transparency for Interested Parties, explicitly reference the change in any covering letter including an explanation/ evidence as to why the change has been made.
Air Quality and odour		
AQ.1.1	Joint Host Authorities	Post-covid air quality data trends Provide air quality monitoring status reports for 2023, where not already provided.
AQ.1.2	Applicant	Bias Adjustment It is noted that Luton Borough Council's air quality monitoring status report for 2023 includes details of bias adjustment factors for air quality monitoring locations. For 2021 and 2022, London Luton Airport Operations Limited monitoring locations use a bias adjustment factor of 0.78 and 0.76 respectively. LLAOL data informs the ES assessment of air quality effects. Explain what the implications, if any, of applying a lower than national average bias adjustment factor to these monitoring results are for the air quality model and the conclusions of the assessment.
AQ.1.3	Applicant	Construction traffic – routeing (also raised under noise and vibration) The Outline Construction Traffic Management Plan (CTMP) [APP-130, Appendix 18.3] explains that whilst the majority of traffic would use the M1/ A1081 to access the site, some use of the A602/ A505 corridor is anticipated. Explain what allowance has been included in the air quality chapter to account for these movements and draw on evidence from distribution of construction traffic for Project Curium works

ExQ1	Question to:	Question
		to demonstrate why this pattern of movements provides a robust assumption for the Proposed Development. <i>You may wish to link the answer to this question with the answer to NO.1.4.</i>
AQ.1.4	Applicant	Assumptions – 85% thrust Provide further justification for the use of 85% thrust rather than the ICAO default 100% thrust as referenced in the ES [AS-028, Appendix 7.1, paragraph 3.7.23] drawing on evidence from actual aircraft operations where possible.
AQ.1.5	CAA	Runway modal split Does the CAA have any comments regarding the 30:70 runway modal split [AS-028, Appendix 7.1 Air Quality Methodology rev1, paragraph 3.7.6 and Table 3.5] used to inform modelling of emissions and the fact that this differs from the 10 year average 23:77 modal split used for the noise model [AS-096 Appendix 16.1, Section 6.15]? <i>You may wish to link the answer to this question with the answer to NO.1.1.</i>
AQ.1.6	Applicant	Project for the Sustainable Development of Heathrow The ES [AS-028, Appendix 7.1 Air Quality Methodology rev1, Table 7.1] references use of the ‘Project for the Sustainable Development of Heathrow’ method for deriving fractions of primary Nitrogen Dioxide (NO ₂). Explain how the methodology can be accessed by the public and/ or provide a copy of the methodology.
AQ.1.7	Applicant	Pollutants and averaging periods The ES [APP-062, Appendix 7.2, Table 1.4] references the running mean for benzene of 16.25µg/m ³ but not the annual mean of 5 µg/m ³ , annual averages are also referenced for toluene, ethylbenzene and xylene but not the short term 1-hour averages. The 24-hour mean is not stated for naphthalene. Explain why some but not all standards have been reported or provide justification for their exclusion.
AQ.1.8	Applicant	Use of generators The ES [APP-065, Appendix 7.5] references the phasing out of diesel generators. Explain how the airport would deal with peaks and troughs in energy/ heat generation from solar panels resulting from adverse weather conditions including diurnal and annual variations, what assumptions have been made regarding the need for backup power generation and how this has been reflected in the modelling.
AQ.1.9	Applicant	Water Treatment Plant sludge handling ES Chapter 4 [AS-074, paragraph 4.8.33] states that sludge produced on site from Moving Biological Bed Reactors and Dissolved Air Flotation would be thickened and stored for tankering off site. Could storing sludge in this way give rise to odour emissions and if so, how would these be minimised?

ExQ1	Question to:	Question
Biodiversity		
BIO.1.1	Applicant	<p>Orchids</p> <p>The mitigation strategy for orchids [AS-035] relies in part on an existing orchid population beyond Wigmore Valley Park County Wildlife Site. It is not clear from the information provided [AS-033 and AS-034] where existing stands of orchids across the site are located. Please provide this information in a level of detail sufficient to inform a site inspection.</p> <p>At ISH6 and in the Applicant’s response at D3 [REP3-053] it is stated that “<i>there have been many examples of natural colonisation [of orchids] occurring very quickly in close proximity to the proposed site</i>”. Provide the evidence to support this statement.</p>
BIO.1.2	Natural England and Joint Host Authorities	<p>Nitrogen deposition</p> <p>Provide comment on the appropriateness of applying the approach advocated in the ‘Design Manual for Roads and Bridges’ to the Local, District and County Wildlife Sites, protected habitats and protected species given the potential sources of nitrogen from the Proposed Development. As part of this, confirm if you are satisfied, or not, with the use of 0.4 kg/N/ha/yr as a maximum dose threshold applied as an average.</p> <p>The effects of atmospheric NO_x (nitrogen oxides) and NO₂ on all receptors are screened out [AS-027, paragraph 8.5.59] because the equivalent concentrations of sulphur dioxide are not anticipated. Confirm whether or not you agree with this approach.</p>
BIO.1.3	Applicant	<p>Nitrogen deposition</p> <p>At ISH6 and in the Applicant’s response at D3 [REP3-053, paragraph 3.1.19] it is stated that agriculture is a significant source of nitrogen and that the proposed removal of land from agricultural production would counterbalance the modelled nitrogen deposition on protected habitats and species.</p> <ol style="list-style-type: none"> 1. Provide an assessment, ideally quantitative, of the anticipated reduction in nitrogen deposition from removal of agriculture and the associated timescales for this. 2. Provide the equivalent assessment of the anticipated reduction in nitrogen deposition from the shift to electric vehicles referred to in [REP3-053, paragraph 3.1.21]. <p>The results of the air quality modelling in Appendix 7.3 [APP-063] and mapping of these [AS-099] are noted. However, the plans are not clear in respect of ecological receptors because cross-referencing is</p>

ExQ1	Question to:	Question
		<p>still required with the results tables. Please provide clear illustrations for the different phases of modelling of:</p> <ol style="list-style-type: none"> 3. Exceedances of the mean NOx critical level and contribution of the Proposed Development to this, highlighting where it is more than 1% [APP-053, Table 3.37]. 4. Exceedances of a 1% increase in nitrogen deposition and the change against the lower critical load [APP-053, Table 3.38]. 5. These should be provided on a background map and scale to clearly illustrate the effects on identified ecological receptors. <p>Table 3.3 [AS-028] sets out the location of sensitive ecological receptors, including transect locations, which are illustrated in Figure 7.3b [AS-099]. It is noted that transects are not shown for (at least) receptors E10, 31, 37, 39, 48, 63, 64, 65, 114, 119, 120 and 121. Receptor locations and transect locations are missing for (at least) E123, 124, 125, 127, 128 and 129.</p> <ol style="list-style-type: none"> 6. Provide an updated Figure 7.3b showing the location of missing receptors/ transects and confirm that no other receptor locations are missing. Transect sub-numbering e.g. E120.x should also be provided.
BIO.1.4	Joint Host Authorities	<p>Citations for Wildlife Sites Provide citations for all County, District and Local Wildlife Sites listed in Table 8.12 of Chapter 8 [AS-027].</p>
BIO.1.5	Applicant	<p>Invertebrates Chapter 8 [APP-027, Table 8.14] recognises that invertebrates identified in the Main Application Site include 'Key Species', those of 'principal importance' and beetles not otherwise identified locally. Table 8.17 [APP-027] describes a loss of habitats supporting a notable assemblage, leading to a 'significant moderate adverse' effect, which would reduce to a minor effect once habitats have established within five years. Mitigation referred to in the Orchid and Invertebrate Mitigation Strategy [AS-035] relates to creation of new habitat areas and management of the wider green corridor network of hedgerows and trees, and translocation of trefoil and orchids, amongst other things.</p> <ol style="list-style-type: none"> 1. Explain in detail how the additional mitigation measures listed in Table 8.17 [AS-027] reduce the assessed effect on invertebrate species from a moderate to minor adverse effect during the first five years. 2. Is it anticipated that the invertebrate populations would increase elsewhere across the site to compensate for the loss during construction and that the existing range of species would be

ExQ1	Question to:	Question
		<p>maintained? If so, explain the mechanism for this in more detail, including for those beetle species currently only identified on the Main Application Site.</p> <p>Table 8.17 [AS-027] notes that work during construction would inevitably result in the death of a range of ground dwelling invertebrates, particularly slower moving, flightless arthropods that cannot avoid the area. Can you:</p> <ol style="list-style-type: none"> 3. Confirm if any of those referred to are protected species. 4. Explain how their loss would be mitigated if they are unable to easily migrate. 5. In light of the above, confirm whether or not the effect on these species should be 'minor adverse'.
BIO.1.6	Natural England, Forestry Commission and the Woodland Trust	<p>Ancient Woodlands</p> <p>In written submissions [REP1-112 and RR-0462] it was stated that a buffer strip should be planted between the car park and Winch Hill Ancient Woodland due to the potential for noise, light and dust pollution, and that measures should be put in place to safeguard ancient woodland at the A1081 roundabout. It was also stated that a larger buffer zone than the standard 15 meters (m) might be necessary where an assessment shows that impact could extend beyond this distance [RR-0462].</p> <p>Please provide an update on your position on this matter in light of the Applicant's comments in 'Response to Relevant Representations – Part 2D of 4' [REP1-024].</p>
BIO.1.7	Wildlife Trusts	<p>General</p> <p>It is understood from the Applicant's submission [REP1-027] that consultation has been undertaken with the local Wildlife Trusts through Technical Working Groups.</p> <p>The Wildlife Trusts are invited to provide comments on the assessment of the potential effects of the Proposed Development on biodiversity [AS-027], the Outline Landscape and Biodiversity Plan [AS-029] and update us on the status of any discussions with the Applicant on these matters.</p>
Climate change and greenhouse gas emissions		
CC.1.1	Applicant	<p>Greenhouse Gas (GHG) Action Plan</p> <p>Explain what these dates associated with implementation of aviation mitigation measures in the GHG Action Plan [APP-081, Table 3] are based on. If these are an estimate, discuss if these should be included in the sensitivity analysis and, if so, update the assessment accordingly.</p>
CC.1.2	Applicant	GHG Action Plan

ExQ1	Question to:	Question
		Tables 3 and 5 of the GHG Action Plan [APP-081] uses phrases such as ‘encourage’, ‘may include’, ‘seek to implement’. How would these proposals be measured and enforced? How much weight should be given to the likelihood of their delivery?
CC.1.3	Applicant	GHG Action Plan Table 3 of the GHG Action Plan [APP-081] states that completing an annual aircraft emissions inventory is a mitigation measure. Is it correct that this is described as a mitigation measure?
CC.1.4	Applicant	GHG Action Plan A GHG Action Plan for each part of the Proposed Development must be provided by Requirement 32 of the draft Development Consent Order (DCO) prior to it being operated. Where is the Requirement for a regular review of the GHG Action Plan to ensure that it is up to date? If there isn’t one, please consider if and where this should be included and provide the preferred drafting.
CC.1.5	Applicant	Airport ground operations Chapter 12 of the ES [APP-038, Section 12.5.12] states that “ <i>as the target for ground operations in the Jet Zero strategy to be net zero by 2040 is only a target outcome, it hasn’t been incorporated in the GHG assessment</i> ”. There does not appear to be an intention in the published consultation document to remove the objective of airport operations meeting net zero by 2040; the purpose of the consultation is to assess how this would be achieved [https://www.gov.uk/government/calls-for-evidence/2040-zero-emissions-airport-target/2040-zero-emissions-airport-target#implementation]. In addition, Luton Borough Council have pledged to become a carbon neutral town by 2040 in response to their declared climate emergency [REP3-100]. <ol style="list-style-type: none"> 1. Given this context, why isn’t the 2040 net zero target for ground operations being treated as ‘policy’ for the purposes of the modelling, equivalent to the other targets in the Jet Zero Strategy, such as Zero Emission Aircraft and Sustainable Aviation Fuels? 2. If the 2040 target for airport ground operations has not been included in the assessment, where has it been demonstrated that this would be achievable in principle? Please provide this if it has not been done already. 3. If there remain significant uncertainties around delivery of this target, consider if this should be included in the sensitivity analysis and, if so, update the assessment accordingly.
CC.1.6	Applicant	Airport ground operations Emissions from airport ground operations have been compared against the entire UK carbon budget in ES Chapter 12 [APP-038, Table 12.27]. Are there any other measures that the operational emissions should be compared against, such as national and local policies or ‘area-based targets’? Include

ExQ1	Question to:	Question
		consideration of Luton Borough Council's 'Net Zero Climate Policy and Action Plan' submitted at Deadline (D)3 [REP3-100].
CC.1.7	Applicant	Fire training ground It is assumed that emissions from the fire training ground would remain constant [APP-038, section 12.5.15]. Is this a reasonable assumption given that the airport is expanding and it is proposed the ground would also be used for external training? If there would be increased emissions, please provide these figures and update any conclusions accordingly.
CC.1.8	Applicant	Surface access journeys Emissions from surface access journeys have been compared against the entire United Kingdom (UK) carbon budget in of Chapter 12 of the ES [APP-038, Section 12.5.47]. Are there any other measures that the operational emissions should be compared against, such as national and local policies or 'area-based targets'? Include consideration of Luton Borough Council's 'Net Zero Climate Policy and Action Plan' submitted at D3 [REP3-100].
CC.1.9	Applicant	GHG emissions assessment methodology <ol style="list-style-type: none"> 1. Has any sensitivity analysis for GHG emissions been undertaken for the peak year(s) of construction? If not, please provide an assessment of the implications of this for the potential adverse effects from these emissions. 2. Have emissions from the faster growth scenario been quantified? Please signpost to this or provide these figures. Alternatively, explain how Insert 12.4 [APP-038] illustrates the faster growth scenario and sensitivity analysis of this, as signposted in the Applicant's previous response. 3. Confirm whether offsetting is included for the Scope 3 emissions in both the GHG assessment [APP-038, Table 12.19], and if not, should it be? Please amend the documents as necessary.
CC.1.10	Applicant	Airports National Policy Statement (ANPS) requirements Section 5.76 states that " <i>The applicant should quantify the greenhouse gas impacts before and after mitigation to show the impacts of the proposed mitigation. This will require emissions to be split into traded sector and non-traded sector emissions, and for a distinction to be made between international and domestic aviation emissions</i> ". Please signpost or provide this information.
Compulsory Acquisition and Temporary Possession of land and rights		
General questions		
CA.1.1	Applicant	Compliance with Department for Communities and Local Government (DCLG) Guidance

ExQ1	Question to:	Question
		Please advise whether the Book of Reference (BoR) [APP-011] is fully compliant with DCLG Guidance ¹ . If it isn't please amend as necessary.
CA.1.2	Affected Persons and Interested Parties	Known inaccuracies Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [APP-011], Statement of Reasons [AS-071] or Land Plans [AS-011] and [AS-024]? If so, please set out what these are and provide the correct details.
CA.1.3	Applicant	Diligent enquiry into land interests Could you summarise where you have not yet been able to identify any persons having an interest in the land, including any rights over unregistered land? What further steps will you be taking to identify any unknown rights during the Examination?
How it is intended to use the land, alternatives and whether rights sought are legitimate, proportionate and necessary		
CA.1.4	All relevant planning and highway authorities and National Highways	Reasonable alternatives/ necessity In your roles as the Local Planning Authority and the Highway Authority are you aware of: <ol style="list-style-type: none"> 1. Any reasonable alternatives to Compulsory Acquisition (CA) or Temporary Possession (TP) for land sought by the Applicant? 2. Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired.
Individual objections, issues and voluntary agreements		
CA.1.5	Affected Persons	Affected Persons' issues and concerns Do any Affected Persons have concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?
CA.1.6	Applicant	The Equalities Act 2010 Could you: <ol style="list-style-type: none"> 1. Clarify how you have had regard to the Equalities Act 2010 in relation to the powers sought for CA and TP? 2. Have any Affected Persons been identified as having protected characteristics? If so, what regard has been given to them?

¹ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

ExQ1	Question to:	Question
Other Matters		
CA.1.7	Applicant	<p>Acquisition of other land or rights Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development could become operational?</p>
CA.1.8	Applicant and named individuals or organisations	<p>Updates on discussions regarding voluntary agreements with parties who did not attend the Compulsory Acquisition Hearing (CAH1)</p> <p>Applicant: Provide an update regarding the status of negotiations with the following individuals or organisations regarding the proposed CA or TP of land which they own or have an interest in, and indicate whether these will be concluded before the close of the Examination. Where indicated, answer the questions posed which would have been asked by the ExA if the party had attended CAH1.</p> <p>Bartholomew Pleydell-Bouverie [REP1-036] Mr Pleydell-Bouviere: Your representation refers to concerns in relation to plots 6-05 and 6-06. Can you confirm that this is correct or whether you object to the CA/ TP of the other plots in your ownership?</p> <p>Network Rail [REP1-113] Network Rail: At the start of your representation [REP1-113] you list nine plots in two tables, one where you own the land and one where you own the rights. However, in paragraph 4.1 you then mention another seven plots of land you have an interest in. Please confirm the number of plots you have an interest in and amend your documentation accordingly.</p> <p>Offley Chase Estates Ltd (represented by Roebuck Land and Planning Ltd) [RR-1288] Offley Chase: According to your Relevant Representation (RR) you have an interest in plots 3-40, 3-42, 7-32, 7-40, 7-44 and 7-46. However, the BoR [APP-011] and the CA Schedule [REP3-041] only list you as having an interest in plots 3-42, 7-43 and 7-46. Can you please confirm which plots you do have an interest in?</p> <p>The trustees of Paul Tompkins Will Trust [RR-1517] Applicant: The CA Schedule [REP3-041] refers to “<i>the executors of Paul Tompkins</i>”. Can you confirm if the trustees of ‘Paul Tompkins Will Trust’ is the same entity?</p> <p>Jaison Property Ltd [RR-0603]/ John Andrew and Jana Ninot Jason [RR-0691]/ Follet Property Holdings Ltd (represented by Keith Murray Consultants) [RR-0461]</p>

ExQ1	Question to:	Question
		<p>Confirm whether all three of these RRs relate to the CA/ TP of the same plots. The CA Schedule shows that you have engaged with Jaison Property Development Ltd. If ‘John Andrew and Jana Ninot Jason’ and ‘Follett Property Holdings Ltd’ are not the same as Jaison Property Ltd provide an update with regards to the progress of negotiations with these individuals and organisation. Please include in future versions of the CA Schedule.</p> <p>Confirm whether it is Jane (as cited in BoR) or Jana (as on the RR) and amend as necessary.</p> <p>ATO Holdings Ltd [REP1-051] In your representation you reference plots 7-18, 7-20 and 7-44 but the BoR [APP-011] mentions 12 other plots. Can you confirm if you are objecting to the CA/ TP of all the plots or just those mentioned in your representation?</p> <p>Cella UK Property Unit Trust (represented by Knight frank) [RR-0209] and [REP1-167] Cella UK Property Unit Trust are not listed in the BoR but appear in the CA Schedule. The plots listed in the CA Schedule appear to tally with those where KW Industrial B Ltd have an interest. Please confirm the relationship or explain which plots Cella have an interest in.</p>
CA.1.9	Applicant and Prospect House Day Nursery	<p>Prospect House Day Nursery s106 Provide an update on progress made with the proposed section (s)106 agreement to secure an alternative site for Prospect House Day Nursery from Phase 2a. Will this be completed before the close of the Examination and, if not, what are the implications of this?</p> <p><i>You may wish to link the answer to this question with the answer to question HAC.1.1.</i></p>
CA.1.10	Applicant and Ace Sandwich Bar	<p>Ace Sandwich Bar Confirm progress towards agreement of alternative premises for the Ace Sandwich Bar and how funds to secure these arrangements would be secured. Will these negotiations be completed before the close of the Examination and, if not, what are the implications of this?</p> <p><i>You may wish to link the answer to this question with the answer to question HAC.1.2.</i></p>
Wigmore Valley Park		
CA.1.11	Applicant	Replacement land

ExQ1: Tuesday 10 October 2023

Responses due by Deadline 4: Wednesday 1 November 2023

ExQ1	Question to:	Question
		<p>The compulsorily acquired replacement land would result in an overall offering of at least 10% more open space than currently, increasing the size of Wigmore Valley Park to nearly 50 hectares (ha) compared to a current footprint of about 40 ha [AS-071].</p> <p>Explain how such a large additional take of land would be justified under s131 of the Planning Act 2008 (PA2008) and how this would meet the test that “<i>no more land is being taken than is reasonably necessary for that purpose</i>” (DCLG Guidance, September 2013).</p>
CA.1.12	Luton Friends of the Earth	<p>Accessibility of replacement land</p> <p>In relation to the replacement for Wigmore Valley Park, your Written Representation [REP1-099] states that “<i>Many, particularly older people who have grown up with the park, would be unable to access it</i>”. Please explain what is meant by ‘unable to access’ the replacement park?</p>
Draft Development Consent Order		
<p>Please note: The references to articles and requirements relate to the numbering of articles and requirements for the draft DCO that was submitted at D2 [REP2-003] and discussed at ISH1, unless otherwise stated.</p>		
DCO.1.1	Applicant	<p>Precedents</p> <p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power/ provision taking into account the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and draft DCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Provide a list of all the previous DCOs that have been used as a precedent for the drafting of this draft DCO or signpost where in the application documentation this can be found.</p>
Articles		
DCO.1.2	Applicant	<p>Article 2(9) and Article 6(3)</p> <p>Article 2(9) of the draft DCO clarifies that the interpretation of materially new or materially different environmental effects must not be construed “<i>so as to include the avoidance, removal or reduction of an</i></p>

ExQ1	Question to:	Question
		<p><i>adverse environmental effect that was reported in the environmental statement as a result of the authorised development”. Article 6(3) also includes the wording “any new or materially different environmental effects”.</i></p> <p>As currently drafted these articles do not include the caveat ‘not materially worse than’ or ‘not environmentally worse than’. Should they and, if not, why not?</p>
DCO.1.3	Joint Host Authorities	<p>Article 24 – compulsory acquisition of land For precision should paragraph 2 include more articles eg 26, 31, 32, 33, 39 and a reference to Schedule 8</p>
DCO.1.4	Applicant	<p>Article 30 – Application of 1981 Act and modification of the 2017 Regulations Paragraph (8)(b) Should this refer to section 5a rather than 4? Paragraphs 17 and 18 Provide a more detailed explanation of why these need to be included.</p>
DCO.1.5	Applicant	<p>Articles 33 and 34 – Temporary use of land for carrying out the authorised development and temporary use of land to maintain the development Paragraph 1 Does this list include everything that needs to be included eg mitigation works?</p> <p>A33, Paragraph 2 Why is the timeframe 14 rather than the usual 28 days?</p> <p>Paragraph 6 Does Part 1 of the 1961 Act need to be defined?</p> <p>Paragraph 7 Is this paragraph reasonable and necessary?</p>
DCO.1.6	Applicant	<p>Article 35 – Special Category Land Provide a more detailed explanation as to why this article is necessary.</p>
DCO.1.7	Applicant and statutory undertakers	<p>Article 36 – Statutory undertakers Paragraph 1 Should the reference to Article 27 be deleted? TWUL have noted this comment and are unaware of how this deletion will impact our position. Paragraph 1(b)</p>

ExQ1	Question to:	Question
		<p>Should 'and' be replaced with 'or' - 'acquire existing rights, create and acquire new rights or impose restrictive covenants...'</p> <p>Yes</p> <p>Paragraph 1 (c) Should the following additional wording be added 'extinguishing or suspend the rights of or restrictions for the benefit of, or remove, relocate or reposition apparatus belonging to...'. No</p> <p>Paragraph 1 (d) and (e) Provide further detail as to how this would work with the proposed protective provisions. TWUL has noted this question. Further details should be provided by the applicant.</p>
DCO.1.8	Applicant, Relevant Highways Authorities and Statutory Undertakers	<p>Article 37 – Apparatus and rights of statutory undertakers in stopped up streets Is this article necessary given you are not stopping up any streets? TWUL has noted this question. Further details should be provided by the applicant.</p>
DCO.1.9	Applicant	<p>Articles 40 – disregard of certain improvements etc and Article 41 – set off for enhancements in value of retained land These articles appear to attempt to restrict what the Lands Tribunal can and cannot consider, how does this meet the test for articles to be reasonable or necessary?</p>
DCO.1.10	Joint Host Authorities	<p>Article 47 – defence to proceeding in respect of statutory notice As currently drafted the article carves out a significant number of paragraphs from the Environmental Protection Act 1990 and would also cover both construction and operation. Are you satisfied with the paragraphs that are being carved out and if not, why not?</p>
DCO.1.11	Joint Host Authorities and Interested Parties	<p>Article 52 – arbitration In order to manage expectation and ensure consensus should further detail about how the arbitration process would work be included in a Schedule?</p>
Schedule 1		
DCO.1.12	Applicant	<p>Work No 4a Work No 4a would allow the construction of a hotel, can you:</p> <ol style="list-style-type: none"> 1. Provide further detail why this is part of an application for National Infrastructure; and

ExQ1	Question to:	Question
		2. Explain if this hotel is instead of, or in addition to, the hotel granted consent under the Green Horizons Park planning consent. If it is in addition to has the impact of two hotels been included in the environmental assessment and, if so, signpost where this can be found?
Requirements		
DCO.1.13	Applicant and Joint Host Authorities	Requirement 10 – Landscape and biodiversity management plan Should (1) include the requirement for the relevant planning authority to consult with Natural England?
DCO.1.14	Applicant and Joint Host Authorities	Requirement 18 – Interpretation To improve precision should the interpretation of Level 2 Plan (b) have ‘including timescales’ inserted after implementation ie ‘the proposed programme for the implementation including timescales ’? Mitigation Plan (a) includes the phrase ‘as soon as reasonably practicable’ how does this meet the test for precision and enforceability? Slot regulations are defined with respect to Airport Slot Allocation Regulations 2006 – does the drafting need to allow for any future variation of those regulations eg ‘or successor Regulations’? Technical panel a) refers to Environmental Scrutiny Group (ESG) which isn’t included in interpretations (as it’s covered by Requirement 20) but should this be in full? And for precision after ESG should ‘as set out in the terms of reference’ be included?
DCO.1.15	Applicant and Joint Host Authorities	Requirement 20 – Environmental Scrutiny Group Paragraph 2 Applicant: A number of organisations have raised concerns about the appointment of the independent chairperson and independent aviation specialist, the concern being that, whilst their appointment would need to be approved by the Secretary of State, their selection would be by Luton Borough Council in consultation with the airport operator – what do you think could be done to alleviate these concerns? Paragraph 6 Everyone: As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?
DCO.1.16	Applicant and Joint Host Authorities	Requirement 23 – Exceedance of Level 2 threshold Paragraph 2 Applicant: As drafted this refers to the ESG certifying that a Level 2 threshold has been exceeded. Given the ESG is not a regulatory body, can it certify this or should it be ‘confirmed in writing’?

ExQ1	Question to:	Question
		<p>Paragraphs 4 and 6 Sets out that the ESG have 21 days to approve or refuse a plan, otherwise it is a deemed consent. Unlike other requirements this does not include the ‘unless otherwise agreed in writing’ tailpiece so, as drafted, there is no flexibility to extend the timescale by agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p>
DCO.1.17	Luton Borough Council and the Applicant	<p>Requirement 28 – Fixed plant noise management plan Further to ISH5 and the Joint Host Authorities’ post hearing submissions, confirm whether agreement has been reached on the 10 decibels (dB) below background noise levels criteria for the Fixed Plant Noise Mitigation Plan?</p> <p>Applicant: Why is there a difference between the consented scheme and the current application?</p> <p>Both: Should the noise levels be secured in the requirement?</p>
DCO.1.18	Applicant	<p>Requirement 38 – Matters to be considered in an appeal by the Secretary of State The requirement as drafted would appear to seek to restrict the matters that the Secretary of State could consider in an appeal. Given that the Secretary of State is bound by legislation over what matters they can consider at an appeal why is this necessary?</p>
DCO.1.19	Joint Host Authorities	<p>Requirement 39 – Application of Part 8 of the Planning Act 2008</p> <ol style="list-style-type: none"> 1. As currently drafted, this would appear to seek to limit the requests for enforcement action to the two scenarios listed in the requirement. Is this appropriate? 2. As currently drafted, there is no right of appeal against a situation where a request for enforcement action has been declined. Should there be and should this be dealt with by Article 52 (arbitration) or should the appeal be to the Secretary of State?
DCO.1.20	Joint Host Authorities	<p>Phasing Many of the requirements refer to ‘no part of the authorised development may commence until a...for the construction of that part has been submitted to...’. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced.</p> <p>In order to manage the discharge of requirements and to ensure certain elements of the scheme don’t come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting.</p>

ExQ1	Question to:	Question
DCO.1.21	Applicant and Joint Host Authorities	<p>Decommissioning</p> <p>Should the draft DCO include a requirement to deal with decommissioning? If not, why not? If it should, provide suitable drafting, and, given the duration of the Proposed Development, consider whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?</p>
DCO.1.22	Applicant and Joint Host Authorities	<p>Register of requirements</p> <p>Given the number of proposed requirements that would require discharging, some of which would need to be discharged multiple times over an extended period of time, is a requirement that would require the undertaker to establish and maintain an electronic register of requirements that require further approvals needed? If not, why not? And if yes would the suggested drafting below be appropriate?</p> <p>Suggested Drafting:</p> <ol style="list-style-type: none"> (1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the joint host authorities and other interested bodies a register of those requirements contained within Part 1 of this schedule that provide for further approvals to be given by the relevant planning authority, the relevant highway authority or the Secretary of State. (2) The register must set out in relation to each requirement the status of the requirement in terms of whether any approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details. (3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.
DCO.1.23	Applicant	<p>Operational Ground Noise</p> <p>At Issue Specific Hearing (ISH) 3 the Applicant stated that it intended to submit an outline operational ground noise management plan with a final plan secured by requirement. Please provide a copy of the outline plan and suggested requirement wording.</p>
DCO.1.24	Joint Host Authorities, any other public authority, body or organisation affected by the Proposed	<p>Missing requirements</p> <p>Review the requirements as drafted. If you consider that there are requirements that are currently not included provide details including any preferred drafting and an explanation of why they would need to be included.</p>

ExQ1	Question to:	Question
	Development and Interested Parties	
Green Controlled Growth (GCG)		
Please note: The references to GCG measures relate to the application version of the GCG framework, explanatory note and appendices and which were discussed at ISH1 and ISH3, unless otherwise stated. Where any matters identified below are addressed by updates to the GCG documentation submitted at D3, signpost to where this information is now provided.		
GCG.1.1	Applicant	GCG – ESG/ GCG process Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].
GCG.1.2	Applicant	GCG – Fixed noise monitoring [REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise monitoring stations in line with ‘ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports’ and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was ‘necessary’ and the provisional programme for agreeing locations for additional permanent noise monitors.
GCG.1.3	Applicant	GCG – controls on early/ late flights The ExA welcomes the Applicant’s proposal in Noise Envelope – improvements and worked example [REP2-032], that early/ late running flights would not be dispensed from the noise contour calculations. Can the Applicant explain what measures would be taken to avoid or minimise late running flights?
GCG.1.4	All Local Authorities and CAA	GCG - Appendix C – Annex C1 DCO noise model assumptions Confirm whether the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling.
GCG.1.5	All Local Authorities	Quota Counts Confirm whether the approach to calculating day and night-time quota counts in Noise Envelope – improvements and worked example [REP2-032] would form an acceptable basis for noise control on exceedance of a Level 1 and Level 2 thresholds.
GCG.1.6	Applicant	Noise Action Plan (NAP) Provide a copy of the 2024-2029 NAP for Luton Airport.
GCG.1.7	Applicant	NAP

ExQ1	Question to:	Question
		At ISH3 on noise and vibration, the Applicant stated that the operator's quarterly monitoring reports contained a host of information considered relevant to the community that have been developed over time and that there is no expectation that these would change. However, the Applicant also explained that the NAP would be updated to take account of GCG controls replacing any current planning related commitments. Can the Applicant explain whether quarterly reporting would be retained and how the various reporting requirements would be retained if these were not explicitly referenced in the GCG framework or secured by the DCO?
GCG.1.8	Applicant	GCG framework [REP3-017] – In scope locations Explain why Crawley Green Road 2 monitoring location has been removed from being in scope in this document revision.
GCG.1.9	Applicant	GCG framework [REP3-017] – Table 4.3 As currently drafted the limits relating to PM _{2.5} are confusing, as 12 microgram/m ³ limits are shown in Phase 2b and in the full operating capacity scenario. Phase 2b spans the period during which the 10 microgram/m ³ legal limit would be introduced. Similarly, although the row with PM _{2.5} states '10 microgram/m ³ limit (post 2040)' the lower limits are shown in Phase 1 and 2a. Provide an amended table to avoid any confusion between the two thresholds.
GCG.1.10	Applicant	GCG framework [REP3-017] and GCG Appendix D – Air Quality Monitoring Plan [REP3-025] – Automatic Number Plate Recognition (ANPR) reference/ proportional contribution Reference to use of ANPR has been removed as a means of demonstrating the proportional contribution made by the airport. Instead, Appendix D suggests that an indicative approach to further analysis could include consideration of an emissions inventory and publicly available background/ regional air quality data in order to understand changes in airport-related traffic flows. Expand on your response in the ISH5 post hearing submission as to why ANPR is no longer considered an appropriate basis for monitoring given that it has potential to provide detailed information on traffic flows /origins for cars parking at the airport. In the absence of ANPR data, provide a detailed explanation of the specific data sets and methods that could be used to determine the airport's proportional contribution.
GCG.1.11	Applicant	GCG framework – Revision of limits and thresholds in light of changing legal limits Explain the circumstances in which it would be acceptable for the operational controls under the GCG framework [REP3-017] not to align with new UK legal limits (or interim targets) as stated in paragraph 4.4.2 and why new pollutants should be excluded from consideration as stated in paragraph 4.4.1.
GCG.1.12	Applicant and Joint Host Authorities	GCG Appendix A – Draft ESG Terms of Reference [REP3-019] Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from "where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present" to "where the independent

ExQ1	Question to:	Question
		<p><i>chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present”.</i></p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>
GCG.1.13	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021] Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from “<i>where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present</i>” to “<i>where the independent technical expert is present.</i>”</p> <p>Joint Host Authorities: Is this change acceptable and if not, why, not?</p>
GCG.1.15	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021] Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1.</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>
Need		
NE.1.1	Applicant	<p>CAA Passenger survey data A large amount of the underlying data quoted within the Need Case [AS-125] relies on CAA passenger survey data. To allow the ExA to have more understanding of the context of the data, can you provide further details on how it is collected and the number of respondents?</p>
NE.1.2	Applicant	<p>Government policy The Planning Statement [AS-122, paragraph 9.1.12] states “<i>Government policy on aviation is clear that increases in aviation capacity are necessary and that they bring significant socio-economic benefits</i>”. Explain what government policy is being referenced.</p>
NE.1.3	Applicant	<p>Existing Airport Capacity in the South East The Rule 6 letter [PD-007, Annex F, Section 13] requested information relating to flight and passenger information. In addition to the information requested in the bullet points, it was also requested that information containing the current caps on passenger and/ or aircraft movement at Heathrow, Gatwick, Stansted, London City and Southend Airports and the total number of passengers and/ or aircraft movements to each of these airports in the year 2019 be submitted, along with any changes to restrictions that have taken place since 2019. This is to allow for better understanding of the current situation regarding capacity and current restrictions attached to airports located in the south east of</p>

ExQ1	Question to:	Question
		<p>England. The ExA notes the submission in [REP1-016] which contains the requested information relating to London Luton Airport but this does not contain the information relating to other south east airports.</p> <p>Can you confirm whether this information was submitted? If so, please signpost to where in the application documents this information has been provided. If not, please submit at Deadline 4.</p>
NE.1.4	Applicant	<p>Airport Capacity in the South East Based on the information in the report by Chris Smith Aviation Consultancy Limited [REP2-057, Table 3.3], it is understood that neither Heathrow nor Gatwick have passenger cap restrictions although Heathrow is subject to a restriction of 480,000 Air Traffic Movements (ATM) and Gatwick 283,000. Stansted has obtained permission for a further 8MPPA. Passengers per ATM in 2019 at Heathrow and Gatwick were 168.6 and 164.7 respectively (Luton was 165). In the absence of a passenger cap at Heathrow and Gatwick, to what extent can spare capacity in the London airspace be currently met at these airports by the number of passengers per ATM increasing?</p>
NE.1.5	Applicant	<p>Oxford to Cambridge Arc The Need Case [AS-125, paragraph 2.4.7] states if the sectors within the Oxford to Cambridge Arc are to thrive in a globally competitive market and deliver enhanced economic performance to the benefit of the wider region and to the whole of the UK, this will require improved global connectivity directly to the Arc.</p> <ol style="list-style-type: none"> 1. What evidence do you have that businesses within the Arc require improved global connectivity? 2. Where in the documentation available on the Oxford to Cambridge Arc does it state that the expansion of Luton Airport, or any other airport, is needed to deliver the aspirations for the Arc? 3. The New Economics Foundation [REP1-115] advise that there has been no net new growth in business passengers since 2006 and that the largest growth at Luton is expected to be in UK Leisure [REP1-115, table 6.5]. Furthermore, the Need Case [AS-125, table 5.4] shows that three of the top four business destinations were in the UK (Edinburgh, Glasgow and Belfast). Given this how would the Application deliver the global connectivity directly to the Arc?
NE.1.6	Applicant, All Local Authorities and Harpenden Society	<p>Exports The Need Case [AS-125, Section 4.4] focuses on trade and the percentage of exports in goods by sector for this region where it is stated 30% of Gross Value Added (GVA) in the East of England derives from exports, reflecting that the region has a strong international focus with growing need for international connectivity. Given that the Need Case identifies limited growth in cargo operations, where any additional cargo would only occur when longer haul flights are potentially introduced in the later phases of the development, how significant a contribution could growth at the airport have to exports in the East of England?</p>

ExQ1	Question to:	Question
NE.1.7	Applicant	<p>Global connectivity The Need Case [AS-125, paragraph 4.7.3] states <i>“Conversely, it should also be recognised that if the airport cannot grow and the region around the airport falls behind in terms of relative global connectivity, then it is likely that some of the businesses that currently support this demand will move away or refocus their growth to areas that can support their needs”</i>.</p> <p>What evidence exists to support this claim?</p>
NE.1.8	Applicant	<p>Short haul connectivity The last sentence in paragraph 5.3.2 of the Need Case [AS-125] states <i>“This illustrates the importance of the airport being able to deliver enhanced air connectivity, particularly to short haul markets, if these areas are to keep pace with other areas of the UK in terms of the air connectivity available to them”</i>.</p> <p>Explain further what is meant by ‘these areas are to keep pace’ and what the impact to these areas would be if enhanced air connectivity in the short haul air travel market wasn’t available.</p>
NE.1.9	Applicant	<p>Business prospects The Need Case [AS-125, paragraph 4.7.3] states <i>“If the airport was not able to expand to accommodate growth, it is likely that the route network would consolidate back to high volume leisure routes, which would be detrimental to business prospects within the Three Counties as business passengers from these areas are likely to have to travel further to access air services not available from London Luton Airport”</i>.</p> <p>Explain further why ‘the route network would consolidate back to high volume leisure routes’ in the absence of expansion and how a lack of expansion would be detrimental to business prospects within the three counties given that Heathrow already has the largest share of business passengers in 2019, notwithstanding the comments in paragraph 5.3.10 of the Need Case [AS-125] regarding the potential to clawback leakage?</p>
NE.1.10	Applicant	<p>Operating timetables The Need Case [AS-125, paragraph 6.6.34] states <i>“It is important to note that, whilst the timetables are based on realistic operating patterns, they remain indicative of the profile of traffic, generic assumptions as to the destinations likely to be served and the types of airlines which may operate”</i>.</p> <p>Given this statement, what weight can the ExA give to the indicative operating timetables and increase in flights envisaged when drafting its recommendations for this application?</p>

ExQ1	Question to:	Question
NE.1.11	Joint Host Authorities and Chris Smith Aviation Consultancy Limited	<p>Impacts on forecasting assumptions</p> <p>In respect of the comments made in the Initial Review of DCO Need Case [REP2-057, paragraph 3.37], which sets out potential weaknesses in the assumptions used by York Aviation, what effect of Brexit, long term effects of the pandemic and the Russian invasion of Ukraine have on the forecast assumptions? Would this be a major effect on the forecast assumptions or simply delay the anticipated growth?</p>
Noise		
NO.1.1	CAA	<p>Statement of no impediments</p> <p>Confirm whether the CAA considers that it will be able to provide a 'no impediments statement' to the ExA in respect of the Proposed Development, as referenced in the CAA Policy on Minimum Standards for Noise Modelling (CAP2091) and whether the CAA has any comments on the noise modelling information, assumptions (including modal split) and monitoring presented or the appropriateness of the modelling approach set out in ES Chapter 16 [REP1-003], in particular Sections 6 to 9 ES Appendix 16.1 [AS-096]. <i>You may wish to link the answer to this question with your answer to AQ.1.5.</i></p>
NO.1.2	CAA	<p>Airspace Capacity</p> <p>Confirm whether the CAA has updated its position since submission of its Relevant Representation [RR-0257, paragraph 3.5] that states "<i>We were not aware of any evidence within the consultation documents to conclude that the projected increase in air traffic movements as proposed by the DCO can be accommodated within the existing airspace structure</i>". Paragraph 4.3 of the representation appears to reconfirm this position in relation to the DCO proposals.</p>
NO.1.3	CAA	<p>Independent Commission on Civil Aviation Noise (ICCAN)</p> <p>At D3 [REP3-113] the CAA provided a summary of ICCAN functions that the CAA would continue to perform. The letter makes reference to a number of outputs such as an Annual Report on UK aviation noise, aviation noise attitude surveys, noise action plans and work on metrics. Is the CAA able to confirm the programme for publication of any such documents that are likely to be of relevance to the Examination? If so, please submit copies as they become available.</p>
NO.1.4	Applicant	<p>Construction traffic - routeing (also raised under air quality)</p> <p>The outline CTMP [APP-130, Appendix 18.3] explains that whilst the majority of traffic would use the M1-A1081 to access the site, some use of the A602/ A505 corridor is anticipated. Explain what allowance has been included in the noise and vibration chapter to account for these movements and draw on evidence from distribution of construction traffic for Project Curium works to demonstrate why this pattern of movements provides a robust assumption for the Proposed Development. <i>You may wish to link the answer to this question with the answer to AQ.1.3.</i></p>

ExQ1	Question to:	Question
NO.1.5	Applicant	<p>Noise monitoring data</p> <p>The Applicant's post hearing notes for ISH3 [REP3-050] provides a response to Actions 5 and 13 providing additional information in respect of noise monitoring at ML2, ML15, ML26, ML28, ML29, ML41 and ML43. Explain why ML2 would not be affected by reflections from the low walls photographed and why ML41 would not be affected by reflections from the tree shown directly behind the sound level meter. Explain why Table 4.4 of ES Appendix 16.1 [AS-096] states that ML2 and ML15 were used to inform construction noise assessments, whereas the ambient noise monitoring data and survey sheets [AS-120] states that only ML15 was used.</p>
NO.1.6	Applicant	<p>Construction traffic – data</p> <p>The ExA has identified several apparent discrepancies between the traffic data set out in ES Chapter 18 [AS-030] and data referenced in Appendix 18.3 [APP-130, Table 4.1], the noise assessment [REP1-003, Chapter 16] and air quality assessments [AS-028, Appendix 7.1, Table 3.22]. Specifically, the vehicle movements presented in:</p> <ul style="list-style-type: none"> • Table 4.1 vs ES paragraph 18.9.4 vs ES 16.9.71 vs Table 3.22; • Table 4.1 vs ES paragraph 18.9.45 vs ES paragraph 16.9.71 vs Table 3.22; and • Table 4.1 vs ES paragraph 18.9.102 vs ES paragraph 16.9.71 vs Table 3.22. <p>Provide confirmation of the correct vehicle movement numbers, taking into account any variations due to the transport rescoping work, and update any dependent assessments where relevant.</p>
NO.1.7	Applicant	<p>Future baseline noise levels</p> <p>The operational traffic noise and fixed plant assessments rely on future assessments to conclude whether noise insulation would be required and the noise levels to be achieved at the boundary. Explain how the monitoring and mitigation approach would ensure that 'creep' in the baseline noise levels (due to an expanded airport) would not avoid, limit or reduce the noise mitigation requirements in future scenarios.</p>
NO.1.8	Applicant	<p>2013 baseline comparison</p> <p>Paragraph 5.58 of the Airports National Policy Statement (ANPS) requires that <i>"The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission"</i>. Acknowledging that the Airports Commission focussed specifically on Heathrow, expand on the response in ISH3 post hearing submission [REP3-050] explaining how the Proposed Development otherwise meets this policy requirement. <i>You may wish to link the answer to this question with the answer to question NO.1.9.</i></p>
NO.1.9	Applicant	<p>2019 actuals baseline</p>

ExQ1: Tuesday 10 October 2023

Responses due by Deadline 4: Wednesday 1 November 2023

ExQ1	Question to:	Question
		ES Chapter 16 [REP1-003, paragraph 16.9.8] explains that the 2019 actuals baseline determines the number of properties last experiencing significant adverse effects on health and quality of life. This is used for comparison purposes against future scenarios. Explain how the figures for changes in total population exposure would differ if the last year of noise contour compliant operation (2016) were adopted as a comparator rather than the 2019 actuals or consented baseline datasets. <i>You may wish to link the answer to this question with the answer to question NO.1.8.</i>
NO.1.10	Applicant	Surface access noise ES Appendix 18.2 [APP-129, Table 1.4] highlights an increase in 2039 PM peak flows of 825.7%. Confirm whether this is a typographic error or explain what the cause of this increase is. Similarly, Brendon Avenue (between Eaton Green Road and Fermor Crescent; and between Fermor Crescent and Crawley Green Road) is predicted to experience increases in 2039 AM (07:00-10:00) peak flows of 140-156% and PM (16:00-19:00) peak flows of 149-163%. For both locations in light of more than doubling traffic flows, which equates to at least 3dB increase in noise levels, explain whether there is potential for a significant adverse noise effect requiring mitigation and if so, what would this be and how would it be secured?
NO.1.11	Applicant and Luton Borough Council	Future fleetmix – larger aircraft Explain whether use of larger aircraft in future scenarios would lead to different modes of operation at the airport e.g. due to runway length or flight profiles and if so how would this effect the conclusions of the ES?
NO.1.12	Applicant	Future fleetmix – assumptions regarding new generation aircraft REP1-023, 8.31 states in response to RR-1416 that fleetmix comprises 31% new generation aircraft in 2023, whereas in response to RR-0226 a figure of 40% is used. Confirm which figure is correct and amend as necessary.
NO.1.13	Applicant	Future fleetmix assumptions – next generation With reference to CAP1766 ‘Emerging Aircraft Technologies and their potential noise impact’, explain why an assumption of next generation noise levels being less than or the same as new generation aircraft is robust.
NO.1.14	Applicant	Future fleetmix assumptions – corrections ES Appendix 16.1 [AS-096, Table 6.2] sets out corrections applied to different aircraft but excludes the Boeing 737 max on the basis that it was not operating in 2019. Now that Boeing 737 max aircraft are operating at Luton, provide monitoring data to support the use of the default data and profiles in the Aviation Environment Design Tool (AEDT).
NO.1.15	Applicant	Future fleetmix assumptions – load factors

ExQ1	Question to:	Question
		Confirm how the modelled flight departure profiles [AS-096, Section 6] in future years account for potential changes in load factors due to increased passenger numbers.
NO.1.16	Applicant	Conversion between Integrated Noise Model (INM) and AEDT model ES Appendix 16.1 [AS-096, section 6.16] explains that INM contour area limits show a relatively good fit with AEDT contour area limits, although there is some difference for 25 departure routes. This is assumed to be acceptable on the basis that 2019 radar data shows good correlation between departure profiles on both runways. Is radar data available for other years to support this assumption?
NO.1.17	Applicant	Cumulative impacts ISH3 post hearing submission [REP3-050] implies that noise of overflight from multiple airports was addressed in ES Chapter 21 [AS-032]. Can the Applicant signpost to where the assessment is provided?
NO.1.18	Applicant	Cumulative impacts The Applicant's post hearing submission for ISH3 [REP3-050] states that it is technically possible but not appropriate to add dB levels from different noise sources together as this would not account for the difference in how noise levels are experienced for example 'aircraft noise which is intermittent'. Given that the assessment of aircraft noise is based on the $L_{Aeq,16hour}$ because it is correlated with annoyance and that consideration of traffic noise is based on the $L_{A10,18hour}$ metric (converted to a $L_{Aeq,16hour}$ value), also correlated with annoyance, provide further justification for not combining L_{Aeq} noise levels at receptors close to the airport. In the absence of a relevant combined noise standard, explain why the ES significance criteria could not be used as a comparator.
NO.1.19	Applicant	The Noise Insulation Regulations 1975 Can the Applicant explain how the provisions of The Noise Insulation Regulations 1975 apply to the Proposed Development and whether this places any additional obligations on the Applicant to those assessed in the ES.
NO.1.20	Luton Borough Council	Luton Borough Council Environmental Protection - planning and noise guidance Explain the status of the Luton planning and noise guidance and the extent to which the Proposed Development should be subject to achieving the 55 dBLAeq (1hr) criteria for outdoor amenity.
NO.1.21	Applicant	Conveyor In response to Action Point 2 for ISH3 [REP3-050, Table.1.1], the Applicant stated that the ES had assessed a reasonable worst-case assumption that excavated material would be moved by traditional trucks /dump trucks. For the avoidance of doubt, provide information to confirm that a static conveyor system would be quieter than traditional trucks/ dump trucks.
NO.1.21	Applicant	Carriage way widths

ExQ1	Question to:	Question
		In response to Action Point 14 for ISH3 [REP3-050, Table 1.1], the Applicant referenced the Transport Assessment Appendix F but did not provide actual widths. For the avoidance of doubt, state the carriageway width assumptions used to model traffic noise on Vauxhall Way.
NO.1.22	Applicant	Airline orders In response to Action Point 21 for ISH3 [REP3-050, Table 1.1], the Applicant provided three figures extracted from airline presentations. No explanation is provided as to which aircraft would be based at Luton or how the information provided has informed the development of the future fleet forecasts. The ExA requests that the Applicant provide a detailed explanation of how this information has informed the future forecast and confirmation from the airlines that the future fleet forecasts are representative of the proposed airline operations.
NO.1.23	Applicant	Historical flight paths In response to Action Point 29 for ISH3 [REP3-050, Table 1.1], the Applicant provided flightpath maps for the period 2017-2023. Confirm whether averaged data for each of the main flight corridors (ie Olney, Compton and Detling) for the 3 rd quarter can be provided on a single plan to enable comparison of the flightpaths and whether this data can be provided back to 2013. Section 1 of the document also contains a number of reference errors. Please provide any updated information with cross references corrected.
Noise insulation scheme		
NO.1.24	Applicant	Compensation and Community First Fund - Eligibility It is noted that paragraph 5.245 of the ANPS references use of single mode easterly and westerly contours to inform eligibility for the Heathrow noise insulation scheme. Explain why average contours have been adopted for the Proposed Development and whether use of single mode contours would provide greater certainty that the Proposed Development would avoid significant adverse impacts on health and quality of life from noise for affected receptors.
NO.1.25	Applicant	Compensation and Community First Fund – Health and vulnerability of tenants The UK Health Security Agency (UKHSA) [RR-1546] suggests that tenants may have poor health or be considered vulnerable. The Applicant suggests that proactive measures would be taken to encourage take up of noise insulation by tenants. Explain what these proactive measures would be and how they are secured in the draft DCO or noise compensation scheme.
NO.1.26	Applicant	Compensation and Community First Fund – Notice period [REP2-005, paragraph 7.1.2] states that a 14-day temporary possession notice would be served on affected businesses. Provide justification for this notice period.
NO.1.27	Applicant	Compensation and Community First Fund – Unspent funds

ExQ1	Question to:	Question
		[REP2-005, Section 8] describes the Community First fund. The Applicant confirmed in [REP2-035, paragraph 8.39] that unspent funds in a financial year would be rolled over to subsequent financial years, provide a revised compensation document that confirms this position and indicate how this would be secured in the draft DCO.
NO.1.28	Applicant	Compensation and Community First Fund - Grant application [REP2-005, Section 10] describes the administration of the Community First fund by an awards panel. Confirm how many grant applications the board would be able to process each year and why a £25,000 cap has been set for grants.
NO.1.29	Applicant	Compensation and Community First Fund – Parked mobile homes Drawing on information from your current insulation provider, confirm whether parked mobile homes, such as those present near Pepperstock and Woodside Park, are capable of being insulated to a level that would ensure that effects above the Significant Observed Adverse Effect Level would be avoided.
NO.1.30	Applicant	Compensation and Community First Fund – Appeal Confirm whether there is any right of appeal mechanism for decisions made by the Applicant, or its supplier, relating to noise insulation. If not, why not and, if there is, signpost where this is detailed and explain how it would be secured?
Physical effects of development and operation		
Design		
PED.1.1	Applicant	Alternatives Chapter 3 of the ES [AS-026] describes the approach to alternatives, where three different options were identified and each were supplemented with sub-options. <ol style="list-style-type: none"> 1. What consultation was undertaken on the methodology for the alternatives assessment? 2. Whilst noting that Sift Report 1 [APP-209] explains that the strategic objectives were based on the Airports Commission Appraisal Framework (April 2014), were there any other factors that informed the choice of criteria used for the alternatives assessment and was any consultation undertaken to inform the final choice? 3. In respect of Strategic Objective 5, all options are considered to ‘maintain and where possible improve’ the quality of life for Luton’s residents and the wider population. Provide a justification for this statement.
PED.1.2	Applicant (1 only), Luton Borough Council (1 and 2),	Masterplan It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011-

ExQ1	Question to:	Question
	and All Local Authorities (2 only)	<p>2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by Luton Borough Council.</p> <ol style="list-style-type: none"> 1. Are the proposals in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport which has been adopted by Luton Borough Council? If yes, please submit details. 2. If no, should there be a requirement added to the draft DCO for a detailed masterplan to be developed post-consent to set out in more detail how the Proposed Development would be delivered, including phasing of works?
PED.1.3	Applicant	<p>Solar Energy Battery Storage (Work No. 4e) The parameters of the authorised development in Requirement 6 set a maximum height of 7.2m which, based on the indicative solar battery storage elevations drawing in General Arrangement Drawings Part 2 of 3 [AS-019], appears to be required to accommodate a building.</p> <ol style="list-style-type: none"> 1. Explain what this building is and why it has not been included in the list of works under Work No. 4e in the draft DCO. 2. Clarify the extent of works required for the solar energy battery storage facility, such as battery storage containers, earthworks, any landscaping, boundary treatment etc., and include these within Work No. 4e in the draft DCO. 3. Under Greenhouse Gases in Table 3.4 in Chapter 3 of the ES [AS-026], criterion f. (page 42) states the design has ‘flexibility’ to allow for battery storage. Does this mean that the battery storage facility may not be implemented? If not, has the possibility of not implementing the battery storage facility been accounted for in the assessments in the ES, such as on greenhouse emissions and air quality?
PED.1.4	Applicant	<p>Airport Operational Road (Work No. 6c(03)) The indicative scheme layout plan for Phase 2 [AS-072] and works plans [AS-017, Page 16] illustrates a road proposed to the south of proposed car park P10 traversing the raised land levels and connecting to a road within the main airport grounds (Work No. 6c(03)). A similar road is also proposed as part of Phase 2a (Work No. 6c(02)). Based on the information contained on the indicative airfield fencing layout in [AS-019], it appears this access road is to provide access between the main airport site and the fuel storage facility (Work No. 4c(01)).</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. Explain if this is correct and whether the road is required to supply fuel to Terminal 1 (based on comments in the Design and Access Statement [AS-124, paragraph 5.22.10]). 2. If so, explain why this route has been chosen given the need for tankers to navigate around proposed terminal 2. 3. Explain why provision has not been made for the proposed access road (Work No. 6c(03)) to connect to the airfield access road upgrade (Work No. 2c(04)) further to the east of the Engine Run Up Bay (ERUB) (Work No. 2q), which would reduce the extent of new road infrastructure and potentially the visual impact of an access road constructed onto the raised landform.
PED.1.5	Luton Borough Council	<p>Design review Paragraph 133 of the National Planning Policy Framework (NPPF) states local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. Paragraph 133 goes on to state that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.</p> <p>Given the proposed size and scale of development and the extent of post approval consents that will be required by Requirement 5 of the draft DCO to authorise detailed aspects of the development, please explain:</p> <ol style="list-style-type: none"> 1. what processes the Council currently has when assessing the design suitability of large-scale development; and 2. whether it would be appropriate for any post consent approval process to be subject to a design review process that would be carried out by an independent design review panel to ensure that the highest standards of design are secured.
PED.1.6	Applicant	<p>Earthworks</p> <ol style="list-style-type: none"> 1. The Design and Access Statement [AS-049, paragraph 2.4.26] states significant earthworks would be required to construct an earth platform to support the airport expansion, as the airfield would need to be at similar levels to the existing runway to comply with the relevant international standards and interface with the proposed terminal building. Explain what international standards are being referred to? 2. Explain what regard has been had to the landscape character assessments referred to in Chapter 14 of the ES [AS-079, paragraph 14.7.5] in considering the design approach to the proposed landform.

ExQ1	Question to:	Question
		<p>3. Under Chapter 3 of the ES [AS-026, Table 3.4, criterion b] states where it is not possible to mitigate the risk of slope failure on-site (as part of the earthworks design and gradient of slopes), an engineered solution would be provided. Explain further what the design approach of the engineered solution would be and whether this has been factored into the findings in the Landscape and Visual Impact Assessment and if not, why not?</p> <p>4. The Design and Access Statement [AS-124, paragraph 5.6.4] explains that an estimated 3.7 million m³ of material would need to be excavated from a variety of locations within the site to provide the required platform, albeit it does go on to state that “<i>some imported granular materials will required for specific engineered fill where not available on site</i>”. Can you:</p> <ol style="list-style-type: none"> Clarify in cubic metres how much ‘some imported granular material’ involves. Notwithstanding the above question, using the approximate volumes in Figures 4.11 to 4.15 of ES Chapter 4 [AS-042], the volume of cut material amounts to approximately 3,119,000m³ and the volume of fill amounts to approximately 3,586,000m³. Please clarify where the additional 467,000m³ would be imported from and if from off-site locations, where this would be from and whether this has been factored into the assessments in the ES.
PED.1.7	Applicant	<p>Airport operations and maintenance building (Work No. 3i). The Indicative plans in General Arrangement Drawing 1 of 3 [AS-018] and parameters in the draft DCO seek a maximum height of 15.2m for Work No. 3i. Noting the description of these works in paragraph 5.11 of the Design and Access Statement [AS-124], please explain what functions justify the proposed building to require this height.</p> <p>Further to Action Point 33 in ISH6 [EV11-009], please also include this element of the Proposed Development when explaining how the designed siting and height has had regard to the requirements of Luton Borough Council Policy LLP6 part F(ii).</p>
Historical Environment		
PED.1.8	Applicant	<p>Methodology In assessing Archaeological Potential, Appendix 10.1 of the ES [APP-072, paragraph 3.5.4] states the potential for an area to contain archaeological remains is rated ‘high’, ‘medium’, ‘low’, ‘negligible’, or ‘unknown’. Section 5.4 provides an assessment of the archaeological potential of the Order Land relating to periods where the findings for ‘Late Prehistoric’, ‘Anglo-Saxon / Early medieval’ and ‘Medieval’ suggest a potential for findings of ‘medium to high’, ‘low to medium’ and ‘medium to high’ respectively for these periods.</p>

ExQ1	Question to:	Question
		Explain how these assessments have been arrived at against the methodology set out in paragraph 3.5.4.
PED.1.9	Applicant	<p>Assessment of heritage assets Chapter 10 of the ES [AS-077, table 10.1] identifies the Planning (Listed Buildings and Conservation Areas) Act 1990 as relevant legislation. Given that the application is for National Infrastructure, should the application also be considered against Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010?</p>
PED.1.10	Applicant	<p>Designated Assets RR-0698 states that Appendix 10.2 - Cultural Heritage Gazetteer [APP-073] fails to list Historic England entry 1102442.</p> <p>Please confirm whether this asset has been omitted. If so, it is requested that the Cultural Heritage Gazetteer [APP-073] and Figure 10.2 in the Cultural Heritage Figures [APP-150] is updated along with any assessment of effects in the ES.</p>
PED.1.11	Joint Host Authorities	<p>Heritage Assets scoped out of the ES Comments have been raised in submissions raising concerns that designated heritage assets have been scoped out of the assessment that should have been included.</p> <p>Based on the content of Section 10.7 of ES Chapter 10, can you advise what assets should be included in the assessments that appear to have been scoped out and why?</p>
PED.1.12	Applicant	<p>Impact Assessment for St. Paul's Walden Bury Grade I listed Registered Park and Garden (RPG) Chapter 10 of the ES [AS-077, paragraph 10.9.88] states that the noise change contours for assessment Phase 2a and assessment Phase 2b operation [APP-150, Figures 10.7 and Figure 10.8] show an increase from the future baseline of between 1dB and 1.9dB above 51dB_{L_{Aeq,16h}} but below 63dB_{L_{Aeq,16h}} where this would be a negligible change to the park's noise environment. Looking at Figure 10.8, at Phase 2b it appears that parts of the park would represent a change of between 2dB and 2.99dB.</p> <p>Please confirm if this is correct and if so, provide any updates to the assessment in Chapter 10 of the ES.</p>
PED.1.13	Historic England	<p>Mitigation at Luton Hoo Your Written Representation [REP1-070, paragraph 2.19] seeks mitigation in the form of financial contributions towards the conservation management of Luton Hoo Estate to be secured through a s106 agreement as this is the asset that you consider would be most affected in respect of noise.</p>

ExQ1	Question to:	Question
		<p>Please explain what conservation management measures any contribution would be put towards, an indicative costing for the suggested measures, the extent that they would mitigate the harm caused and the policy justification for requesting them.</p>
PED.1.14	Applicant	<p>Assessment Findings in Planning Statement The Planning Statement [AS-122, paragraph 8.13.14] states that for the majority of heritage assets presented in Chapter 10 of the ES, where effects have been assessed as not significant, it is concluded that the harm caused to these assets falls within the less than substantial category and at the lower level of the spectrum.</p> <p>Explain what is meant by ‘lower level of the spectrum’, particularly against the requirement in both the NPPF (paragraph 199) and ANPS (paragraph 5.200) for great weight to be given to an asset’s conservation, irrespective of level of harm.</p>
PED.1.15	Applicant and Joint Host Authorities	<p>Cultural Heritage Management Plan (CHMP) Applicant: The CHMP [APP-077, paragraph 10.1.3] states that if the local planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10m of the remains until provision has been made for further investigation and recording in accordance with details set out in a Site Specific Written Scheme of Investigation (SSWSI) which will be submitted to, and approved in writing by, the relevant local planning authority in consultation with Historic England, as applicable.</p> <p>The wording ‘which will be submitted to, and approved in writing by, the relevant local planning authority’ implies that the relevant local planning authority are automatically bound to approve a SSWSI. Please reword this paragraph.</p> <p>Joint Host Authorities: Section 2.1 of the CHMP states that the Applicant would appoint an Archaeological Clerk of Works (ACoW) who would manage the programme of archaeological investigation and ensure compliance with the CHMP and each SSWSI.</p> <p>Are the councils content that the appointment process of the ACoW, who would ultimately have responsibility amongst other matters for ensuring compliance with the DCO, rests solely with the Applicant? If not, should provision be made for the local authorities to approve the appointment of the ACoW?</p>

ExQ1	Question to:	Question
		<p>Joint Host Authorities: Except for Section 9 in respect of air quality monitoring at Someries Castle, which is subject to further review, are you otherwise in agreement with the measures in the CHMP?</p>
<p>Landscape and Visual Impacts</p>		
<p>PED.1.16</p>	<p>Applicant and Joint Host Authorities</p>	<p>Methodology Chapter 14 of the ES [AS-079, paragraph 14.5.7] advises of the distinction between the terms ‘impact’ and ‘effect’ in the Guidelines for Landscape and Visual Impact Assessment third edition (2013) (GLVIA3) and that the term ‘impact’ should not be used to mean a combination of several effects. The paragraph then goes on to state that the Landscape and Visual Impact Assessment (LVIA) varies from this advice and refers to ‘magnitude of impact,’ even when describing a combination of several effects.</p> <p>Chapter 5 of the ES [AS-075, paragraph 5.4.40] states that to provide consistency across topics within the Environmental Assessment, the methodology as described in Chapter 5 will be adopted, although where topic-specific alternatives exist (following industry-wide guidance or best practice) these have been presented within the relevant aspect assessment chapters of this ES.</p> <p>Applicant: Given the guidance in GLVIA3, which contains a topic-specific alternative, explain further why the term ‘magnitude of impact’ has been used as opposed to ‘magnitude of effect’ when judging the significance of effects in the LVIA. Explain further why this variance does not compromise the assessment, as stated in paragraph 5.6.1 of Appendix 14.1 of the ES [AS-036].</p> <p>Joint Host Authorities: Do you have any comments on the approach adopted to the methodology and use of terminology in the LVIA?</p>
<p>PED.1.17</p>	<p>Applicant and Joint Host Authorities</p>	<p>Methodology Applicant: Appendix 14.1 of the ES [AS-036, Tables 5.3 and 6.8] sets out the judgements of the magnitude for both landscape and visual impacts being recorded as high, medium, low, very low or no change for both adverse and beneficial. Recognising the comments in ES Volume 5, Appendix 1.4 [APP-047, page 77/ electronic page 80], please explain further:</p> <ol style="list-style-type: none"> 1. why a category of ‘very high’ has not been included but a ‘very low’ category has; and 2. the extent to which the inclusion of a ‘very high’ category, or removal of the ‘very low’ category, would change the assessment of effects.

ExQ1	Question to:	Question
		Joint Host Authorities: Noting the comments on this point in the report by Vincent and Goring - Response to Scoping Report (on behalf of the host authorities) [APP-168], Electronic Page 184 (report page 46) in paragraphs 4.148 and 4.149, please provide further comments on this matter and a response to point 2 above.
PED.1.18	Applicant	<p>Significance of Effect Methodology Chapter 14 of the ES [AS-079, Table 14.1] provides a matrix for determining the significance of effect. In respect of sensitivity of receptor, the table identifies low, medium and high. Taking the findings in paragraph 14.9.27 of ES Chapter 14 [AS-079] as an example, it states visitors to Wigmore Valley Park are considered to be of medium to high sensitivity, which is assumed to have been arrived at by combining visual susceptibility and visual value.</p> <ol style="list-style-type: none"> 1. Explain clearly how Table 14.7 is used to determine significance of effect. 2. Should sensitivity of receptors in Table 14.7 be expanded to include matrices for medium-high or low-medium so that it is clear how the significance of effect has been determined?
PED.1.19	Applicant and Joint Host Authorities	<p>Assessment of Significant Effects Applicant: There appear to be some discrepancies in the assessment of significance effects in Appendix 14.5 of the ES [AS-139]. For example, in the table in Section 2 'Construction Phase 2a – Visitors to Wigmore Valley Park' (page 41) the assessed effect is to remain a moderate adverse effect which is stated to be 'not significant' but Phase 2b, which is considered to also have a 'moderate adverse' effect, is stated to be 'significant'. Explain why a different conclusion on significance is reached for the same judged effect?</p> <p>If this is a typographical error, please review all findings to ensure that the correct assessment of effects is reported.</p> <p>Joint Host Authorities: Are you in agreement with the assessment findings on significant effects on the receptors assessed in Appendices 14.4 [AS-086] and 14.5 [AS-139]? If not, advise where disagreement on the findings exist and how this may affect conclusions.</p>
PED.1.20	Applicant	<p>Zone of Theoretical Visibility (ZTV) Figure 14.1 in [AS-102] identifies a study area of 5 kilometres (km) yet the ZTVs in Figures 14.2 and 14.8 do not cover the full 5km Study Area as identified in Figure 14.1.</p> <p>Please submit revised Figures ZTVs showing theoretical visibility in the whole study area.</p>
PED.1.21	Applicant	ES Assumptions

ExQ1	Question to:	Question
		<p>Chapter 14 of the ES [AS-079, paragraph 14.6.1(a)] notes that the assessment assumes all existing vegetation unaffected by the Proposed Development would remain in situ. It goes on to state ‘...<i>unless otherwise identified for removal or impacted as a consequence of proposed woodland enhancements....</i>’.</p> <p>Confirm the size and location of these areas and how the assessment has taken the potential for removal into account.</p>
PED.1.22	Natural England	<p>Chilterns Area of Outstanding Natural Beauty (AONB) Please provide an update on the review of the Applicant’s methodology for the assessment of the effects on the special qualities of the Chilterns AONB.</p>
PED.1.23	Applicant, All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board	<p>Chilterns AONB Sensitivity Test [APP-107] Applicant: Paragraph 2.4.2 states that extension to the boundary of the Chilterns AONB would neither change the judgements of magnitude of impact resulting from the Proposed Development nor those on the sensitivity of a visual receptor. This is because judgements on sensitivity are a product of the activity one is performing when experiencing a view, which would not be altered by the future designation of this land.</p> <p>Please explain further the rationale for this statement, given that introducing a statutory landscape designation would likely increase the value of the receptor and its susceptibility to change.</p> <p>All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board: Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?</p>
PED.1.24	Applicant	<p>Countryside and Rights of Way Act 2000 The Chiltern Society [RR-0226] states that the Applicant, as a statutory undertaker, has a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB under Section 85 of the Countryside and Rights of Way Act 2000.</p> <p>Can you confirm the accuracy of this statement and what implications it would have for the assessment.</p>
PED.1.25	Applicant	<p>Landscape Proposals The Design and Access Statement [AS-049, Paragraph 3.3.7] states that the landscape proposals support the sustainability aspirations of the airport by promoting solutions that:</p> <ol style="list-style-type: none"> nurture wildlife; conserve water and energy; reduce soil and water pollution; reduce construction waste; and

ExQ1	Question to:	Question
		<p>e. decrease surface water run-off.</p> <p>Explain further how the landscape proposals support the aspirations listed.</p>
PED.1.26	Applicant	<p>Photomontages Chapter 14 of the ES [AS-079, Table 14.5, Section 4.13.21] states that photomontages from three viewpoint locations that show the effectiveness of proposed landscape mitigation ahead of assessment Phase 2a and at the year of maximum passenger capacity have been included in Appendix 14.7 of the ES [AS-141 to AS-144 and AS-149].</p> <p>Identify these viewpoints and where this information is shown.</p>
PED.1.27	Applicant	<p>Solar Energy Generation The Proposed Development includes the installation of solar photovoltaic (PV) panels and canopies to support PV panels attached to the roof of proposed buildings (New Terminal 2 building and car parks P1, P5, P9 and P12) and constructed within surface car parks (P2, P10 and P11).</p> <p>In the absence of any reference, clarify if the findings in Appendices 14.4 [AS-086] and 14.5 [AS-139] of the ES has included consideration of the effects of solar energy generation for both landscape and visual impacts?</p>
PED.1.28	Applicant	<p>Natural England’s 15 Green Infrastructure Principles Natural England’s RR [RR-1079] states that the Proposed Development should be designed to meet the 15 Green Infrastructure Principles. The Applicant’s response to these comments [REP1-027] states that the Strategic Landscape Masterplan [APP-172] provides high level principles for green infrastructure which have taken into account the Green Infrastructure (GI) Principles set out in Natural England’s GI Framework.</p> <ol style="list-style-type: none"> 1. Explain in more detail how the design approach to the Strategic Landscape Masterplan has taken into account the principles for green infrastructure. 2. Explain whether any regard has been had to the Green Infrastructure Planning and Design Guide in preparing the Strategic Landscape Masterplan and if so, what measures have been incorporated. 3. Further to the comments on page 32 of [REP1-027] in response to Natural England’s comments, in the absence of any reference to the Green Infrastructure Principles in the Strategic Landscape Masterplan, explain how the draft DCO [REP3-003] includes a requirement to develop further detailed plans reflecting the GI principles set out in the Strategic Landscape Masterplan.

ExQ1	Question to:	Question
PED.1.29	Applicant	<p>Site Lighting Paragraph 7.1 in Appendix 5.2 [APP-052] lists embedded mitigation measures with regard to the lighting design strategy.</p> <ol style="list-style-type: none"> 1. Explain where this, and other mitigation measures referred to within the assessment, are secured in the draft DCO. 2. Paragraph 7.2.4 in Appendix 5.2 [APP-052] and Paragraph 5.5.8 in Appendix 4.2 [APP-049] states during the construction phase, particular attention would be paid to the likelihood of sky glow and light intrusion beyond each construction site and that, when lighting is used, it shall be visually checked from likely sensitive receptors (eg nearby residential properties) and any necessary adjustments made to ensure that visibility and intensity is reduced to a minimum. <ol style="list-style-type: none"> a. Explain further how lighting shall be visually checked, duration and periods when this would take place, and what adjustments could be made to reduce visibility and intensity to a minimum. b. What measures would be in place to investigate and resolve any complaints regarding light pollution?
PED.1.30	Applicant and Hertfordshire Authorities	<p>Light Obtrusion Assessment / Night-time assessment Applicant:</p> <ol style="list-style-type: none"> 1. Explain the extent of consultation that has been undertaken when identifying the key receptors that are most likely to be affected by light obtrusion. 2. Aside from sky glow, given concerns that have been raised in Relevant Representations (for example [RR-0636] and [RR-0903]) regarding the extent of lighting omitted from buildings within the airport, such as the existing multi storey car park, to what extent does the light obtrusion assessment assess the effects of lighting omitted from proposed buildings forming part of the Proposed Development to surrounding rural areas, such as Breachwood Green? <p>Hertfordshire Authorities: [REP1-069, page 63] requests submission of a night-time assessment based on the LVIA Methodology rather than simply relying on the light obtrusion assessment.</p> <ol style="list-style-type: none"> 1. Do you therefore disagree with the findings in Table 8.3 of the light obtrusion assessment that there would be no significant effects through light obtrusion? If so, please advise where those areas of disagreement are. 2. Do the councils have any planning guidance in respect of lighting that can inform the proposals? If so, please submit this.

ExQ1	Question to:	Question
		3. Aside from the Chilterns AONB, are there any other sensitive receptors that the lighting obstruction assessment should include, such as views from rural villages and areas to the east of the airport?
PED.1.31	Applicant	<p>Unacceptable levels of harm Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.31] states <i>'it is evident that whilst that will be an adverse impact on the surrounding landscape (including the Chilterns AONB) and visual impact caused by the Proposed Development, in most instances this will not amount to unacceptable levels of harm'</i>.</p> <p>Describe the instances where unacceptable levels of harm would arise.</p>
PED.1.32	All Local Authorities	<p>Landscape and the planning balance Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.32] concludes that, allowing for mitigation measures, landscape and visual impacts should be accorded only limited weight in the planning balance.</p> <p>Do you agree that landscape and visual impacts should only be accorded limited weight? If not, why not and what weight should they be given?</p>
PED.1.33	Applicant	<p>Landscaping – Terminal Approach The Design and Access Statement [AS-124, Paragraphs 5.29.9 and 5.29.10] explains the approach to the landscape design for the proposed terminal approach, including the Airport Access Road (AAR); the areas of which are illustrated in Figure 5.36.</p> <ol style="list-style-type: none"> 1. Explain where this element of the proposed landscape works is secured in the works plans/ draft DCO. 2. Advise where in the Design Principles document [APP-225] further information relating to landscape treatments adjoining the AAR is contained.
Green Belt		
PED.1.34	Applicant	<p>Green Belt Assessment The Planning Statement [APP-196, Appendix B, paragraph B6.1.3] concludes in respect of the elements that constitute inappropriate development that <i>"In both of these cases, it has been demonstrated that the identified harm to the Green Belt that would result from these elements is clearly outweighed by the benefits they would deliver and that very special circumstances exist"</i>. Explain where 'benefits' is a consideration under the relevant policies of the NPPF.</p>
PED.1.35	Applicant	Work No 5b (02) - Replacement Open Space

ExQ1	Question to:	Question
		<p>The Planning Statement [APP-196, Appendix B, paragraph B1.1.6] does not consider the replacement open space in the Green Belt Assessment because there are no physical works associated with it. However, the Strategic Landscape Masterplan [APP-172] and Work No. 5b (02) in the draft DCO [REP3-003] identifies hard landscaping and footpaths, installation of street furniture, earthworks and the erection of boundary treatments that would constitute physical works.</p> <p>Given that the proposed replacement open space would involve a material change in the use of land and the works outlined above, discuss whether it would preserve openness and why it would not conflict with the purposes of including land within the green belt, as required by paragraph 150 of the NPPF.</p>
PED.1.36	Applicant	<p>Work No 2a (02) - Surface Movement Radar</p> <p>The conclusion that this would comprise inappropriate development in the Green Belt is noted [APP-196, paragraph B3.1.5] but that very special circumstances apply. In these circumstances, it must be demonstrated that the potential harm to the Green Belt is clearly outweighed by other considerations.</p> <ol style="list-style-type: none"> 1. Explain how a steel lattice support tower with a maximum height of 14.3m can be considered an open structure with limited harm to the visual openness of the Green Belt and how this work would cause 'negligible' harm to the Green Belt. 2. Confirm if the red 'construction light' on the top would be a permanent feature and the character of this. If so, what would be the effect on the openness of the Green Belt from the light? 3. The assessment of harm to the Green Belt from Work No. 2a (02) should include all works associated with the radar, including the access road, security fencing and power and communication cable connections. The assessment that the works 'would be seen in the context of, and as part of the existing airport' and that they are open structures [APP-196, B3.1.8] is noted. Please provide a more detailed assessment of the effect of the harm from the proposals on the openness of the Green Belt. 4. The discussion of why the radar must be located in this position is noted [APP-196, paragraph B3.1.7]. Given that the proposed location is in proximity to the Green Belt boundary, explain why it is not possible to move it the short distance beyond the boundary.
PED.1.37	Applicant	<p>Work No 4c (02) - Fuel Pipeline and associated works</p> <p>The conclusion that this would comprise inappropriate development in the Green Belt is noted [APP-196, Appendix B, B4.1.6] but that very special circumstances apply. In these circumstances, it must be demonstrated that the potential harm to the Green Belt is clearly outweighed by other considerations.</p>

ExQ1	Question to:	Question
		<p>Work No. 4c (02) also comprises earthworks, monitoring systems, fuel pumps, landscaping, security fencing, lighting gates and a vehicle access track from highway to provide access, parking and loading area (approximately 460m² hardstanding). Some equipment would be up to 4.2m in height.</p> <ol style="list-style-type: none"> 1. It is noted that because the Above Ground Installation (AGI) and fencing would be open structures and there would be a low degree of activity, the harm would be limited [APP-196, paragraph B4.1.8]. Please provide a more detailed assessment of the effect of the harm from the proposals on the openness of the Green Belt, including all elements of the proposal. 2. Signpost the drawing illustrating where the existing fuel pipeline runs and confirm that it is only located within the Green Belt. If the existing pipeline runs outside the Green Belt, provide an explanation of why the AGI could not be located at this location. 3. Explain how the access track can be considered 'local transport infrastructure' and how it would preserve openness even if built at grade, noting changes in land topography.
PED.1.38	Applicant	<p>Infiltration basin (part of Work 4v) It is noted that the infiltration basin has been considered an 'engineering operation' that would preserve openness and would therefore not be inappropriate development for the purposes of paragraph 150 of the NPPF [APP-196, paragraph, B4.2.3].</p> <ol style="list-style-type: none"> 1. Describe in detail extent of changes to landform required to install the basin, and the likely timescale needed for the landscape to restore following implementation. 2. Confirm that there would be no above ground elements to this element of the proposal.
Effects on safety		
PED.1.39	Applicant	<p>Work No 4e – Solar energy battery storage facility Provide an assessment of the likely significant effects to the environment in the event that Work No 4e caught fire and provide details of how the risk arising from such an event would be managed/ mitigated or signpost where in the application documentation this information can be found.</p>
Water environment		
WE.1.1	Applicant	<p>Hydrogeological conceptual model in the area of the infiltration tanks (Work No. 4v) Figure 5 [REP1-004] does not appear to show any monitoring boreholes in the area of, or down-gradient from, the infiltration tanks (Work No. 4v), with the possible exception of borehole CPBH27. The discharge from the infiltration tanks would be into or close to dry valleys [REP1-004, Figure 1].</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. The ExA notes reference to monitoring of groundwater levels in dry valleys in [AS-031, section 20.7.18]. Confirm what investigation of hydrogeological properties and monitoring of groundwater levels has been undertaken in these areas. If this is limited, provide an assessment of the appropriateness of extrapolating from other monitoring data in the area, given the likely variability of the properties of the Chalk over short distances and given the likely coincidence of the infiltration tanks with dry valleys. 2. It is stated that the Environment Agency (EA) has designated the dry valleys to the east and south-east of the airport as having the potential for groundwater flooding. Is there any evidence that the dry valleys within the Order Limits flood or could flood? 3. Could the location of the infiltration tanks above dry valleys lead to faster movement of effluent than the modelled average velocity used in the assessments in Appendix 20.6 [APP-139]? 4. Clarify the relative position (height and distance) of Netherfield Spring and whether this should be considered a potential receptor for groundwater from the area.
WE.1.2	Applicant	<p>Maximum groundwater levels The discussion of the effect of climate change on groundwater levels in Section 5.10 [REP1-004] is noted.</p> <ol style="list-style-type: none"> 1. Please confirm whether the potential increases in levels from climate change are included in the modelling of maximum groundwater levels? 2. If not, provide an assessment of the implications of this for the thickness of the unsaturated zone over the long term. 3. Does the 40% allowance for climate change referred to in section 6.2.8 of [REP1-004] refer to groundwater levels or surface water runoff? <p>In relation to the maximum groundwater levels [REP1-004]:</p> <ol style="list-style-type: none"> 4. The use of an ‘uplifted’ dataset to reproduce the high groundwater levels in 2001 is acknowledged (section 5.8 and Appendix D). How have these been validated for the area around the infiltration tanks if there is limited groundwater monitoring? 5. Section 5.8.11 [REP1-004] states that the outputs from the contour mapping are conservative because mounding is occurring due to the current soakaways on site. It is acknowledged that the location of the soakaways would be different from Phase 2 onwards, but groundwater mounding would still occur. How is the infiltration from the new basins incorporated in the predicted maximum levels and the uplift modelling?

ExQ1	Question to:	Question
		<p>Appendix 20.3 [REP1-004, section 5.4.3] states that the groundwater flooding event of February 2001 is the only recorded historical event within the dry valleys downgradient of the Proposed Development and that such flooding is only associated with extreme groundwater levels.</p> <p>6. Does climate change make these events more likely?</p>
WE.1.3	Applicant	<p>Groundwater mounding and flooding The Hantush equation has been applied to calculate the height of groundwater mounding from the discharge beneath the infiltration tanks [REP1-004, Appendix E]. It is noted that the modelling assumes that discharge from the infiltration tanks is for a single day.</p> <ol style="list-style-type: none"> 1. Does this reflect the likely pattern of discharge from the tanks? 2. If discharge was continuous or very regular, is this an appropriate model and duration to use? If not, please re-assess the likely effect of the infiltration tanks on water levels in the area. 3. It is noted that the storage in the unsaturated zone has not been included [REP1-004, section 6.2.15]. How long would it take before the unsaturated zone storage is 'used up' and the underlying ground saturated? 4. Could continuous or regular discharge below the infiltration tanks cause the properties of the subsurface to change? If so, how could this affect the effectiveness of the discharge and risk of groundwater flooding? <p>Chapter 20 [AS-031, section 20.13.6] states that <i>'there will be monitoring of levels to ensure no significant flood risk in the area surrounding the infiltration tanks'</i>. Where is this monitoring detailed and secured in the draft DCO?</p>
WE.1.4	Applicant	<p>Design of infiltration tanks 2 (southern) and 3 (northern) The infiltration rate for both infiltration basins has been assumed to be 0.085 m/hour [APP-137, Figure LLADCO-3C-CAP-INF-DRN-DR-CE-5510].</p> <ol style="list-style-type: none"> 1. Has this infiltration rate been based on samples from the proposed location of the infiltration tanks? 2. If not, where are the infiltration data derived from? How much confidence is there in this value given the variability of the Chalk?

ExQ1	Question to:	Question
		<p>3. If the infiltration rate in this area, which could potentially vary over orders of magnitude, is less than that used in the modelling, could this have significant implications for the size of the infiltration basin required?</p>
WE.1.5	Applicant	<p>Modular tank system The modular tank system has been developed '<i>cognisant of the risk of chalk degradation as a result of infiltration</i>' [AS-031, section 20.8.20]. The same section states that the tanks would be perforated rather than granular backfilled to reduce erosion potential.</p> <p>1. Explain what is meant by 'chalk degradation as a result of infiltration'. 2. Explain why perforated tanks would reduce erosion potential compared to granular backfill.</p>
WE.1.6	Thames Water	<p>Thames Water capacity during Phase 1 It is intended that numerous discharge streams, including contaminated surface water and discharge from the long stay car park (P5) would be diverted during Phase 1 to Thames Water infrastructure [AS-031, section 20.8 and the Drainage Design Statement, APP-137].</p> <p>Please confirm that you are content to take all the flows as described and that you would have sufficient capacity available from the beginning of Phase 1? At this stage we cannot confirm that we can take all flows as described in Phase 1. We would need the applicant to confirm the volumes of run-off expected and the percentage of hydrocarbons in that run-off.</p>
WE.1.7	Thames Water	<p>Thames Water capacity during Phase 2 Please confirm (or not) that foul sewage from the Proposed Development would be classified as '<i>domestic foul sewage</i>' under Section 94 of the Water Industry Act 1991. Yes</p> <p>If consent were to be granted in 2024, when would funding approval likely be sought from Ofwat for upgrades to meet your statutory obligations and in which Asset Management Plan cycle is the funding likely to fall? We will follow up our typical procedures and be phased into our AMP once we have a clearly outlined DCO outcome and a finalized build programme for the DCO.</p> <p>Thames Water's D3 response [REP3-142] states that '<i>upgrades at similar sized STWs to accommodate increased flows can take between 5 and 15 years to deliver in full</i>'. When would this timescale begin? Is this, for example, from the point that the funding becomes available?</p>

ExQ1	Question to:	Question
		<p>Yes, it will be commenced when funding becomes available and as above when we have a finalized build programme for the DCO.</p> <p>Your response at D3 [REP3-142] states that ‘non-domestic foul sewage’, including contaminated surface water, could potentially be accepted through a Trade Effluent Consent.</p> <ol style="list-style-type: none"> 1. The statutory obligation to consider future increase to trade effluent flows discharging into the public sewer is noted. What does ‘consider’ mean in terms of delivery of the necessary infrastructure? We will work closely with the Applicant to understand the requirements and assess our capacity regarding those requirements before considering it. 2. Have the volumes that would need to be discharged under a Trade Effluent Agreement been discussed and/ or agreed with the Applicant? If so, are Thames Water able to accommodate the volumes and, if additional works are required, over what timescale is this likely to be? Discussions are currently ongoing with the Applicant but we have not yet agreed the Trade Effluent discharge for the expansion. We will continue to work with the Applicant to understand the volumes and proposed increases due to the expansion. 3. If additional infrastructure works were necessary, would the Applicant be required to fund these? The Applicant may be required to contribute to the total cost of any additional infrastructure works. We will continue to work with the Applicant to understand any additional works required and what contribution would be required from them.
WE.1.8	Applicant and Affinity Water	<p>Water supply</p> <p>The catchment has ‘no water available’ [REP1-004, Section 4.2.6]. It is stated that additional water would not be required as part of the development, apart from short term phases during construction. Affinity Water has expressed concerns about being able to supply additional water [REP1-030].</p> <ol style="list-style-type: none"> 1. Is the commitment to not seek additional water secured in the draft DCO? If not, should it be and can you provide a preferred form of drafting? 2. Have there been discussions between Affinity Water and the Applicant to understand whether the additional water during construction can be provided? Would there need to be any controls on what is required and for how long?

ExQ1	Question to:	Question
		3. If additional water was needed above that agreed between Affinity Water and the Applicant, how would this be addressed?
WE.1.9	Applicant	<p>Effects on surface water and groundwater catchments Chapter 20 [AS-031, section 20.9.19] states that the drainage philosophy is to maintain existing net contributions from the surface water catchments to the existing groundwater catchments. However, Section 5.3.5 of the Drainage Design Statement [APP-137] states that ‘As a result of the proposed airside drainage infrastructure approximately 9 ha currently discharging into the River Lea catchment will be diverted to the proposed drainage systems which would ultimately discharge into the River Mimram catchment’. Please explain this apparent anomaly.</p>
WE.1.10	Applicant	<p>Landfill capping at Phase 2 Chapter 20 [AS-031, section 20.9.19] states that the capping layer on the landfill during Phase 2a and 2b would ‘close’ the potential pathway for contaminants, leading to a very low beneficial impact on the underlying aquifer. The Drainage Design Statement [APP-137, section 5.8.1] describes the cap as ‘impermeable’.</p> <ol style="list-style-type: none"> 1. Is it correct to state that no water would infiltrate a low permeability cap over the long term? 2. If not, and given that waste would remain below the ground, should the placement of a cap as being ‘beneficial’ to the aquifer over the long term be revised? 3. Has an assessment of the potential for increased leaching when the landfill is being excavated been considered? If so, please signpost where this can be found in the application documentation, otherwise please provide an assessment.
WE.1.11	Environment Agency	<p>Landside drainage attenuation tank It is proposed that an attenuation tank (later a rainwater harvesting tank) of 8,750 m³ would be placed above the landfill [APP-137, section 4.4.7]. Section 5.8.4 of APP-137 states that geotechnical surveys indicate the landfill is still settling and any below ground installations would need to allow for differential settlement.</p> <p>Does the EA have any comments on the risks of this operation to groundwater quality, including the consequences of any future tank failure, and the suitability of the proposal?</p>
Socio-economic effects		
Social effects		
SE.1.1	Applicant and Joint Host Authorities	Equity

ExQ1	Question to:	Question
		The New Economics Foundation [REP1-114, paragraphs 75 to 79] have highlighted that key impacts of the scheme have not been assessed through an equity lens. Why has this assessment not been undertaken and given the emphasis that has been placed on how the Proposed Development would contribute to delivering the levelling up agenda should it be and, if not, why not?
Economic effects		
SE.1.2	Applicant	<p>Out-commuting</p> <p>The Need Case states the future economic strategy for Luton is seeking to develop higher value-added employment, more job opportunities and to clawback current out-commuting to higher paid jobs. It is stated that the potential of the aerospace sector and aviation, including the airport, to support these aspirations is well recognised as well as opportunities to attract green technology enterprises to the local area. Please explain:</p> <ol style="list-style-type: none"> 1. What are the current levels of out-commuting to higher paid jobs, locations in the vicinity of the airport where this is being experienced and how expansion of the airport will help to claw this back; and 2. Provide examples of how airport expansion has attracted green technology enterprises.
SE.1.3	Applicant	<p>Demand for private rented homes</p> <p>The Planning Statement [AS-122, paragraph 8.3.31] considers that the private rented homes sector would be the principal sector for accommodating demand from 'non-home based' construction workers, which considers that sufficient supply to meet demand exists based on figures from 2018. It is noted that paragraphs 8.3.44 to 8.3.46 describe 'Hotel Need' although only considers need from passengers and other airport related visitors as a consequence of the proposed growth at the airport.</p> <p>Explain whether any assessment of the potential demand on hotel accommodation from 'non-home based' construction workers has been undertaken. If not, to what extent would demand from 'non-home based' construction workers during the construction phases affect the supply of available hotel rooms.</p>
SE.1.4	Applicant and Luton Borough Council	<p>Employment and training strategies</p> <p>The s106 agreement attached to the current planning consent for the airport requires the delivery of an employment, skills and recruitment plan:</p> <ol style="list-style-type: none"> 1. Under the s106 agreement annual monitoring of this plan should have occurred. Can you provide details of what outcomes has it delivered since the granting of consent? 2. What would happen to this strategy given Articles 44 and 45 in the draft DCO [REP2-003] ie would it be in addition to or replaced by the proposed Employment and Training Strategy (ETS)?

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 3. The Green Horizons Park s106 requires the delivery of an employment, skills, procurement and training strategy. Would the ETS be in addition to or replace this strategy? 4. Given what the ETS is delivering should it be secured through a requirement rather than a s106 agreement as has been done on other DCOs? If not, why not, and what is the advantage of securing it through a s106 as opposed to a requirement?
SE.1.5	Applicant	<p>Availability of construction workers</p> <ol style="list-style-type: none"> 1. The ES [APP-037] uses a sixty-minute commute time when assessing availability of construction workers who would not therefore need to live/ move to Luton. Whilst this might be appropriate in less dense/ urban areas where workers are used to commuting for longer periods for work, why is a sixty-minute commute distance appropriate in this instance? 2. Buckinghamshire Council [REP1A-001, paragraph 3.6.12] highlighted that there are a number of other major infrastructure projects which are either under construction or likely to be constructed at the same time as the Proposed Development (eg HS2 and the East-West rail link) which could affect the availability of construction workers to work on the Proposed Development. Has this been assessed, if so signpost where in the documentation this can be found and if it hasn't, explain why not and whether it should be? 3. Explain whether the answer to these questions would affect the conclusions contained in the ES.
SE.1.6	Applicant	<p>Local procurement</p> <p>One of the potential economic benefits highlighted in the application documents is the opportunities to local companies and businesses during both construction and operation.</p> <ol style="list-style-type: none"> 1. Are there the companies and businesses locally that could deliver the resources to meet the needs of construction/ operation opportunities? 2. How would these benefits be secured?
SE.1.7	Applicant	<p>Displaced jobs</p> <p>The ES [APP-037] only considers jobs that would be physically displaced as a result of the construction of the Proposed Development ie because the land/ building is needed to enable it. Has any assessment of displacement of jobs from current businesses by employees choosing to work for the airport either during construction/ operation been assessed? If so signpost where in the documentation this can be found and if not, why not and should it be?</p>
SE.1.8	Applicant	<p>Displaced jobs</p> <p>The ES [APP-037, paragraph 11.9.10] calculates the impact of job displacement as 1 job for every 36m² of floorspace. Given that it is known which organisations would be affected:</p>

ExQ1	Question to:	Question
		<ol style="list-style-type: none"> 1. Are the actual job numbers known? If so, could these be used, and would they result in a different conclusion? 2. If the actual job numbers are not known are the industries/ organisations affected known and, if so, could a more refined formula based on the type of floorspace (eg office, warehouse, production) be used for calculating the jobs that would be displaced and would this result in a different conclusion? If not, why not?
SE.1.9	Applicant	<p>Impact of COVID-19 The studies done by Oxford Economics are based on employment levels in and around the airport in 2019. During COVID a significant number of staff directly employed by the airport were furloughed/ laid off. In addition, post COVID many industries which furloughed staff have reviewed their operating procedures/ employment needs and subsequently do not employ as many people or employ in the same way. Has any assessment of changing employment practices post-COVID been included in the employment and economic assessments? If so, please signpost where this can be found. If not, why not and should it be?</p>
SE.1.10	Applicant and Joint Host Authorities	<p>Monitoring The ES [APP-037, paragraph 11.13.1] concludes that there would be no requirement for continued monitoring during construction or operation of the Proposed Development.</p> <p>Applicant: Provide further detail as to how this conclusion was reached.</p> <p>Joint Host Authorities: Should economic and employment effects during construction/ operation be monitored? If so why and how should this be secured?</p>
SE.1.11	Applicant	<p>Air fare savings The New Economics Foundation submission [REP1-115, paragraph 65] has highlighted that air fare savings accruing to foreign residents have been included in the Cost Benefit Analysis. Provide further explanation as to how these were assessed, why they were included and what would happen if they were removed from the assessment. If a response to this point has already been provided signpost where in the application documentation it can be found.</p>
SE.1.12	Applicant and Luton Borough Council	<p>International connections The Planning Statement [AS-122, paragraph 2.5.1] states that there are a large number of businesses with international connections in the area served by the airport and these businesses need enhanced aviation connectivity in order to remain globally competitive, and to deliver growth in productivity and</p>

ExQ1: Tuesday 10 October 2023

Responses due by Deadline 4: Wednesday 1 November 2023

ExQ1	Question to:	Question
		output. Please provide the evidence behind this statement, including details of the companies you refer to.
Health and community effects		
HAC.1.1	Applicant/Prospect House Day Nursery	<p>Reprovision of Prospect House Day Nursery Explain what the implications are if this facility is not re-provided.</p> <p><i>You may want to link the response to the response to question CA.1.9</i></p>
HAC.1.2	Applicant	<p>Ace Sandwich Bar Explain what the implications are if this facility is not re-provided.</p> <p><i>You may want to link the response to the response to question CA.1.10</i></p>
HAC.1.3	Applicant and Joint Host Authorities	<p>Joint Strategic Needs Assessment (JSNA) The ExA requests that the Applicant and the Joint Host Authorities meet to agree any specific datasets relating to local health inequalities within the JSNA document(s) relevant to the Proposed Development that are necessary to ensure that the assessment, receptor selection and any consequent mitigation is representative of the likely significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.</p>
HAC.1.4	Applicant	<p>Future baseline Future baseline information is provided for the Luton administrative area in the ES [AS-078, Section 13.7]. Can the Applicant provide a proportionate description of the future baseline for the wider study area?</p>
HAC.1.5	Applicant	<p>Community assessment ES Chapter 13 [AS-078, Table 13.6] states that population within the lowest observed adverse effect level (LOAEL) contour and population affected by issues such as economic growth and employment are scoped out of the community assessment. Provide further justification for scoping these matters out and evidence of any agreement with relevant local authorities regarding this approach.</p>
HAC.1.6	Applicant	<p>Assessment - Sensitivity ES Chapter 13 [AS-078, Table 13.20] states that receptor sensitivity is medium (based on average prevalence of children and young people and people living in areas known to exhibit poor economic and/or health indicators). The baseline assessment in AS-078 ES Chapter 13 [AS-079, section 13.7] and in the Equality Impact Assessment [AS-129] indicates that areas such as Wigmore, Crawley, Farley Ward and South Ward have younger than average populations and some below average health and economic</p>

ExQ1: Tuesday 10 October 2023

Responses due by Deadline 4: Wednesday 1 November 2023

ExQ1	Question to:	Question
		indicators, and that Caddington and Hitchwood and Offa and Hoo have higher than average populations in the 65+ age group, with some below average health indicators. Explain why a medium rather than high level of sensitivity has been applied when considering these factors and why this represents a worst case for health effects on affected populations.
HAC.1.7	Applicant	Assessment - Receptors ES Appendix 13.1 [APP-083, paragraph 2.1.4] references quality assessments in seven locations including four locations that are not explicitly referenced in ES Chapter 13 [AS-078, Tables 13.20 and 13.21] (Wigmore allotments, Lea Valley Walk, Someries Castle and Raynham Way Recreation Ground). Explain how these quality assessments have been taken into account in the assessment of community impacts.
HAC.1.8	Applicant	Assessment - Receptors Confirm how the assessment has taken into account impacts on the Sue Ryder Neurological Care Centre at Stagenhoe, including any effect on long term residential receptors.
HAC.1.9	Applicant and Luton Borough Council	Assessment – Receptors Provide an update on ongoing discussions regarding effects of asylum seekers on local housing market assessment assumptions.
HAC.1.10	Applicant	Assessment – Effects on Raynham Way Recreation Ground ES Appendix 13.2 [APP-084, Table 2.3] identifies a moderate adverse in-combination significant effect on Raynham Way Recreation Ground. Explain why this is not reported in ES Chapter 13 [AS-078] assessment summary tables and what, if any, mitigation is required to address this effect.
HAC.1.11	Applicant	Assessment – Errata regarding conclusions Provide further justification for amending a conclusion of ‘likely significant operational effects on perception and uncertainty’ in ES paragraph 13.9.3 [AS-078] to ‘no likely significant effects during operation’ within the errata document provided at D1 [REP1-015]. Whilst it is clear that some uncertainty would be removed once the Proposed Development was constructed, it is unclear whether all of the perception issues eg as identified in ES paragraph 13.9.5 (a to h) would be resolved. The amendment does not appear consistent with the following text in ES paragraph 13.9.4 which states “ <i>Public concern is likely to be highest during the planning and construction stages</i> ”, implying that concerns are still likely during operation, or with the conclusions presented in the Cumulative Effects chapter (and there may be other instances within the ES), which reference all assessment phases for perception and uncertainty.
HAC.1.12	Applicant	Assessment – Impacts on Neighbourhood Quality ES Chapter 13 [AS-078, Table 13.20] suggests that no effect will arise in relation to Neighbourhood Quality during operation. Explain how this conclusion was reached and why, for example, the Proposed

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		Development would not result, over time, in an increase in the proportion of rental properties, which could lead to a lower neighbourhood quality (or perception of lower quality) due to perceived lower maintenance standards and adverse effects on neighbourhood quality.
HAC.1.13	Applicant	Assessment – Impacts on community spaces Explain how the Health and Community chapter [AS-078] has taken account of other public parks within Luton that are likely to experience an increase in overflights or an increase in noise levels above the baseline (eg Luton Hoo Memorial Park and Stockwood Park).
HAC.1.14	UKHSA	Monitoring of health effects The UKHSA [RR-1546] recommended that health monitoring should be undertaken in light of the scale of adverse noise impacts from the Proposed Development. Explain what specific, proportionate monitoring could be undertaken to enable understanding of impacts on health and quality of life for affected communities and how this could be used to inform future mitigation requirements.
HAC.1.15	Joint Host Authorities	Need for requirements in relation to health and wellbeing The Joint Host Authorities' LIR [REP1A-003, paragraphs 7.8.7 to 7.8.9] concludes that the Proposed Development would create adverse health and wellbeing effects on residents during operation and recommends that additional requirements should be included in the draft DCO to mitigate this negative impact. Please provide further detail of the requirements that should be included, including any preferred drafting.
Traffic and transportation including surface access		
TT.1.1	Applicant	Cumulative Impacts In relation to the North Hertfordshire's Local Plan 2011-2031 allocation sites EL1, EL2 and EL3 can the Applicant confirm if there would be any transport related impacts (both during construction and once this site is built and occupied) and, if so, how has this been included in the modelling?
TT.1.2	Applicant	Cumulative Impacts In Written Representation [REP1-160] Stop Luton Airport Expansion raise a concern about the potential impact of Luton Town Football Club (LTFC) in light of the fact that they have planning permission for a new stadium which could hold up to 23,000 people. The Applicant's response to Stop Luton Airport Expansion's Written Representation stated that the modelling exercise focuses on the typical weekday AM and PM peak periods, which would not include activity associated with the football club. In addition, the planning permission associated with LTFC includes various forms of highway improvements, which the football club would be required to provide in order to mitigate the effects of traffic associated with the stadium relocation. Does the Applicant have any details of these highway improvements and if there would be any cumulative effects with the proposed airport related highway works? Does the Applicant

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		have any information as to how this potential influx of people on a weekend would affect public transport capacity for those passengers and staff travelling to and from the airport on a weekend. If yes please signpost where this can be found and if no, why not and how might this affect the current conclusions?
TT.1.3	Applicant	Cumulative Impacts Can the Applicant confirm if there would be any transport related impacts to the proposed Application in relation to the construction of the Wandon End Solar farm and if so have these been accounted for in the transport assessment. If yes please signpost where this can be found and if no, why not and how might this affect the current conclusions?
TT.1.4	Applicant	Traffic In the response to [RR-0472] the Applicant states ' <i>Some people may choose to take alternative routes and we have therefore taken steps to provide capacity improvements to the local network to ensure that if they do, local traffic is not adversely impacted.</i> ' Please signpost where in the application documentation it explains how these alternative routes have been determined and their locations.
TT.1.5	Applicant	Traffic Natural England [REP1-112] raised a concern that increased road traffic generated by the airport expansion scheme could lead to an increase of traffic on minor roads in nearby parts of the AONB and that any proposed road engineering measures to mitigate this could alter the character of those lanes and the character of the landscapes they sit within. Provide details as to what specific mitigation measures could be applied within the AONB that would not alter the character of the landscape.
TT.1.6	Applicant	Traffic A significant number of Relevant Representations raised a concern about the increase in traffic that would be generated by the proposed expansion. Transport for London [RR-1543] stated ' <i>The Proposed Development should not be dependent on any increase in car trips or car parking and the Applicant needs to set out a concrete package of measures to ensure this</i> '. The ANPS states ' <i>Heathrow Airport has committed to ensuring its landside airport-related traffic is no greater than today.</i> ' While this is not necessarily a requirement for this application, can the Applicant explain what they are doing to achieve a similar outcome?
TT.1.7	Applicant	GCG The Applicant states in their response to Transport for London [REP1-024] that the mode share targets identified in the Framework Travel Plan would be more ambitious than those set out in the Green Controlled Growth Framework. Please can the Applicant clarify by signposting to the relevant section within the Framework Travel Plan or provide detail as to the value of these more ambitious mode share targets.
TT.1.8	Applicant	GCG

ExQ1	Question to:	Question
		Can the Applicant explain how the surface access mode share targets [APP-218] were set for airport staff and why the percentage of airport staff travelling by non-sustainable means is set higher than that for passengers.
TT.1.9	Applicant	GCG What are the current surface access mode share percentages for passengers and staff?
TT.1.10	Applicant	GCG The relevant and written representations highlighted a general lack of confidence that the mode share targets would be achieved. Central Bedfordshire Council LIR [REP1A-002] notes that in 2018, 24% of staff and 33% of passengers were using public transport to access the airport. However, this dropped to 5% for staff and 9% for passengers in 2020. Can the Applicant explain why they are confident that the surface access mode share targets that they have proposed are achievable?
TT.1.11	Applicant	Parking In relation to the number of parking spaces, what evidence does the Applicant have to demonstrate the current level of utilisation for the existing car parks?
TT.1.12	Applicant	Parking Can the Applicant supply details regarding how many people book on site car parking in advance compared to the number who turn up on the day? Are there occasions when vehicles turn up without pre-booking and have nowhere to park? If yes, how many and how often does this happen, and does the Applicant have a protocol for dealing with these people in terms of providing information about alternative places to park if they cannot park on-site?
TT.1.13	Applicant	Parking In Chapter 18 of the Environmental Statement [AS-030] it states, ' <i>As part of the strategy to reduce travel by car and encourage use of public transport, parking provision will not be increased on a pro rata basis.</i> ' The Public Transport Strategy Summary Report Appendix H [APP-202] states that Luton Airport has identified Stansted as the main comparator in a benchmarking exercise. Within Appendix H it states that at 32MPPA Luton would be providing around 500 spaces per million passengers compared to Stansted, which in 2017 provided 1107 spaces per million passengers. However, Stansted airport is not closely surrounded by residential areas. Has the Applicant considered that by providing the reduced number of spaces to encourage the mode shift to sustainable transport it could aggravate the fly parking issue, and, if so, what does it propose to do to mitigate this issue?
TT.1.14	Applicant	Rail Luton Borough Council LIR [REP1A-004] raises a concern that the draft DCO is not clear how maximising the number of rail services calling at Luton Parkway Station would be achieved. The Applicant responded [REP2A-007] that future engagement with the Council on this matter is required. Please can the Applicant

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		confirm that it is engaging with the Council on this matter and describe what progress is being made. If they are not engaging yet, what is the timescale for this?
TT.1.15	Applicant	DART Is there any plan to reduce the DART fares in the future to encourage usage, and if so how would this be secured?
TT.1.16	Applicant	DART Will passengers (and staff) be able to use the proposed DART extension for free for travel between terminal 1 and the proposed terminal 2.
TT.1.17	Applicant	Bus and Coach Can the Applicant provide a summary of the discussions it has had with bus providers (which aimed to increase the coverage and frequency of services to the airport), and, considering these discussions, does the Applicant have confidence that the additional proposed spaces can and would be utilised by operators?
TT.1.18	Applicant	Bus and Coach Can the Applicant confirm that if proposed new routes are not initially commercially viable that the sustainable transport fund would be used to support operators in running these services until the demand is such that they are able to operate commercially? If yes, how would this be secured so that the ExA can afford it weight when reporting to the Secretary of State? And if no, why not?
TT.1.19	Applicant	Cycling and Walking How has the Applicant taken account of the Department for Transport Cycle Infrastructure Design guidance (Local Transport Note 1/20) in the design of the proposed off-site highway works? If there are any locations where the recommendations in LTN1/20 cannot be achieved identify the location(s) and detail the reasons why.
TT.1.20	Applicant	General ISH4.SA.01 [EV9-002] stated <i>'The Applicant's responses to John A Smith's and Christopher Smith's Open Floor Hearing 1 submission are incorrectly referenced. Please provide the correct references.'</i> The Applicant's response [REP3-074] did not answer this question. Please provide an appropriate response.
TT.1.21	Applicant	General ISH4.SA.04 [EV9-002] stated <i>'Several Relevant Representations raised concern that construction of the proposed Eaton Green Link Road would breach the local plan adopted in 2017. Can the Applicant signpost the ExA to where it has responded to this concern.'</i> The Applicant's response [REP3-074] did not answer this question. Please provide an appropriate response specifically in relation to the concern that the Eaton Green Link Road breaches the local plan.

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TT.1.22	Applicant	Parking in Wigmore Valley Park Stop Luton Airport Expansion [REP1-162] raised a concern that Wigmore Valley Park car park may become overcrowded due to air passengers using it inappropriately for 'kiss and fly' and longer stay parking due to its proximity to the proposed Terminal 2. Can the Applicant detail what measures it would propose to implement to prevent this issue and how these would be secured.