

November 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.66 Applicant's response to Written Questions - Broad  
and General, Cross-topic Questions**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.66

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.66 APPLICANT'S RESPONSE TO WRITTEN QUESTIONS - BROAD  
AND GENERAL, CROSS-TOPIC QUESTIONS**

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# 1 RESPONSE TO EXAMINING AUTHORITY WRITTEN QUESTIONS (BROAD, GENERAL AND CROSS-TOPIC QUESTIONS)

Table 1.1: Responses to the Examining Authority's Written Questions (Broad, general and cross-topic questions)

PINS ID	Question / Response
BCG.1.1	<p><b>Question:</b> <b>Development Plan policies</b> 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. 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> <p><b>Response:</b> The Applicant notes that this question is directed to the Local Authorities and does not consider it necessary to provide a response at this time.</p>
BCG.1.2	<p><b>Question:</b> <b>Neighbourhood Plans</b> 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: 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.</p> <p><b>Response:</b> The Applicant notes that this question is directed to the Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification.</p> <p>There are no made Neighbourhood Plans that the Applicant believes the ExA should be aware of with respect to the Proposed Development. Hyde Neighbourhood Area (Central Bedfordshire) was designated on 25 April 2019, however a draft Neighbourhood Plan has not been prepared at the time of writing.</p>
BCG.1.3	<p><b>Question:</b> <b>Central Government Policy and Guidance</b> 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> <p><b>Response:</b> The Applicant notes that this question is directed to both the Applicant and Interested Parties.</p> <p>The Applicant is not aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application for development consent that have occurred since it was submitted, except for the Overarching Noise Policy Statement for which the Applicant has provided a detailed response [REP1-012] at Deadline 1.</p>
BCG.1.4	<p><b>Question:</b> <b>Updates on development</b> 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> <p><b>Response:</b> The Applicant notes that this question is directed to the Local Authorities and does not consider it necessary to provide a response at this time.</p>
BCG.1.5	<p><b>Question:</b> <b>Other consents and permits</b> Application document [APP-008] confirms that other consents, licences and permits would be required for the Proposed Development. Can you: 1. Provide an update on progress with obtaining these consents, licences and permits.</p>

PINS ID	Question / Response
	<p>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.</p> <p><b>Response:</b> The latest position on obtaining of the consents, licences and permits required for the Proposed Development is set out below:</p> <ul style="list-style-type: none"> <li>• <b>Badger licence:</b> a letter of no impediment regarding a licence under section 16 of the Wildlife and Countryside Act 1981 and Badger Act 1992, for affecting badgers has been received from Natural England (NE) on 1 August 2023.</li> <li>• <b>Bats licence:</b> a letter of no impediment regarding a licence under section 55 of the Conservation of Habitats and Species Regulations 2017, for affecting bats has been received from NE on 2 August 2023.</li> <li>• <b>Discharging effluent to ground / sewer:</b> there are ongoing discussions with the Environment Agency and Thames Water regarding the drainage strategy and the potential future requirement for an environmental permit to discharge treated effluent to ground. The Applicant expects to have confirmation from Thames Water that discharge of foul water to sewer is feasible and hopes to be in a position to confirm the same at deadline 5. The drainage strategy would then be updated in November/December 2023, in order to then move towards acceptance in principle of a letter of no impediment from the EA. The Environmental Permit would be applied for during the detailed design phase.</li> <li>• <b>Environmental permit for future deposit for recovery regarding wastes from the historic landfill:</b> there are ongoing discussions with the Environment Agency on this. The Waste Recovery Plan has been produced and is in final stages of review. It will be submitted to the Environment Agency via the online submission process with the intention of obtaining an 'agreement in principle'. The permit will be applied for during the detailed design phase.</li> </ul> <p>The above will be reflected in the emerging Statements of Common Ground with the relevant consenting authorities.</p> <p>Applications for consents that will be required from the Civil Aviation Authority (CAA) (including: a. the grant of changes to the aerodrome certificate pursuant to ADR.AR.C.035 'Issuance of certificates' of CAA Regulation UK (EU) No. 139/2014 (Ref. 3.12); and b. Article 212 of The Air Navigation Order 2016 (Ref. 3.13) and CAP791) have not commenced as these are not required pre-consent.</p>
BCG.1.6	<p><b>Question:</b> <b>Airspace Change Process (ACP)</b> Provide an update on the status of the ACP, the timeline for implementation and explain whether this has any implications for the application.</p> <p><b>Response:</b> The Applicant notes that this question is directed to both the Applicant and the CAA.</p> <p>The Applicant's response is that the airspace change effected to the arrival routes to London Luton Airport, known as AD6, has been implemented and is subject to post implementation review by the CAA.</p> <p>In terms of the broader airspace change as part of the overall airspace modernisation programme for the South East of England (known as FASI-S), the specific London Luton Airport change proposals are at Stage 3a of CAP 1616 airspace change process, having Stage 2 gateway in March 2022. Stage 1 involves assessing the requirement and determining the design principles, Stage 2 involves the development and appraisal of options. Stage 3a is preparation for consultation.</p> <p>This stage is currently on hold as the airport is required to wait until the other airports with whom its airspace interacts, Stansted, RAF Northolt, London City and Heathrow, have also reached this stage so that any interactions can be identified and shown for consultation on a combined basis. This is awaiting Heathrow to pass the Stage 2 gateway of the process and this is anticipated to be by the end of October 2023. The process of coordinating interactions is being led by the Airspace Change Coordinating Group (ACOG).</p> <p>The overall process and timelines for the airspace change process is set out in the ACOG masterplan and an update of this is expected by the end of the year. As set out in <b>REP1-028</b>, the Applicant considers the airspace change process to be separate from the DCO process, albeit there are expected to be environmental benefits from the realisation of airspace modernisation.</p>
BCG.1.7	<p><b>Question:</b> <b>Current operating levels</b> The Planning Statement [AS-122, paragraph 2.4.4] states that demand is expected to reach 2019 levels by 2024:</p> <ol style="list-style-type: none"> <li>1. Confirm if the 2019 level refers to 18 or 19 Million Passengers Per Annum (MPPA).</li> <li>2. Provide an update as to whether this statement still applies or if the levels have already been reached or will take longer.</li> </ol>

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	<p><b>Response:</b> This is a reference to the Core Planning Case demand forecasts as set out in Table 6.5 of the <b>Need Case [AS-125]</b>.</p> <p>Whilst demand at the airport is not expected to recover to 2019 levels (18 mppa) in 2023, it is on target to attain 16.4 mppa by the end of the year, which is slightly behind the initial projection for the year set out in the Need Case. It is still the case that the airport is expected to exceed 18 mppa in 2024 but achievement of 19 mppa may be slightly later. This is not considered material to the attainment of the first assessment year forecast of 21.5 mppa in 2027 for the Proposed Development.</p>
BCG.1.8	<p><b>Question:</b> <b>Assessment - Errata regarding conclusions</b> 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.</p> <p><b>Response:</b> The Applicant notes the ExA's request to explicitly reference and explain any such changes (when required) in any future covering letter.</p>