



## The Planning Inspectorate

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

#### Action Points arising from Issue Specific Hearing 8 (ISH8) on environmental matters, health and communities, held on Wednesday 29 November 2023

Action	Description	Action by	When
<b>Noise and Vibration</b>			
1	To review the effect of impact piling if it were to occur and whether it needs to be assessed in the Environmental Statement (ES).	Applicant	Deadline (D) 6
2	Clarification of why ML15 monitoring data should be applied to all receptors in the night-time noise assessment, rather than ML16 data. Explain how use of ML16 data would affect the results of the assessment.	Applicant	D6
3	In post hearing note, provide reference to noise contour figures that explain eligibility for traffic and ground noise insulation, which would exclude the need to give a list of eligible properties.	Applicant	D6
4	If available, provide postcodes of previous piling complaints relating to airport works.	Luton Borough Council (LBC)	D6
5	Discuss with operator the geographic extent of the reduction in noise from the use of the full runway length and provide a map showing where this noise reduction could apply.	Applicant	D6
6	Provide details of minutes referred to in the hearing regarding steeper descents and the understanding that the airlines are not prepared to use them when landing at Luton.	LADACAN	D6
7	LADACAN's comments [REP5-072] on the Applicant's [REP3-060] submission highlights that LLAOL's Quarterly Monitoring Reports in 2022/ 23 show the noise benefit of the A321neo compared to the A321ceo on departure as typically 1dB rather than 2dB used in the Applicant's model. Provide the specific paragraph references that you are drawing on.	LADACAN	D6

Action	Description	Action by	When
8	Submit more detailed comparison table regarding fleetmix (19 MPPA permission vs Application)	Applicant	D6
9	Submit a copy of the airport's quarter three statistics.	LADACAN	As soon as available
<b>Health and Community</b>			
10	Revise ES Chapter 13 to remove references to a significant perception effect during operation, consistent with the errata document. In addition, update the document to include the updated future baseline information submitted to the Examination at D4 [REP4-068]. Update of ES to also include any adjustments that would result from Action Points 14 or 15.	Applicant	D7
11	To confirm in next Statements of Common Ground (SoCGs) whether they are satisfied with the data sets used.	LBC and Joint Host Authorities	D6
12	Confirm whether specific known local receptors require additional specific information to be supplied.	Joint Host Authorities	D6
13	Submit in writing the comments, including any further follow up comments, made on health. The Applicant to make a written response at D7, including the matter of the errata.	Buckinghamshire Council/ Applicant	D6/ D7
14	Council to confirm whether the recent agreement regarding use of local health datasets addresses Local Impact Report [REP1A-002] comments on the absence of Index of Multiple Deprivation scores and income deprivation data.	Central Bedfordshire Council	D6
15	Council to explain what the Healthy Airports checklist referred to in its LIR [REP1A-002] does and what additional benefit using the checklist would provide to the assessment of health and community effects. In addition, confirm whether this is something that can be applied retrospectively. Applicant to respond at following deadline.	Central Bedfordshire Council/ Applicant	D6/ D7
16	Submit Basner reference that sets out how awakenings have been assessed, or relevant extracts if restricted due to copyright.	Applicant	D6
17	Submit a copy of the Euston Station HS2 condition in relation to health monitoring.	UK Heath Security Agency (UKHSA)	D6
18	Provide a suggested form of drafting regarding a potential health monitoring requirement.	UKHSA	D6

<b>Action</b>	<b>Description</b>	<b>Action by</b>	<b>When</b>
19	Confirm whether Regulation 21(c) of the Infrastructure Planning (EIA) Regulations 2017 would be engaged by the request from UKHSA for monitoring.	Applicant	D6
20	Applicant and UKHSA/ Office of Health and Improvement and Disparities (OHID) to meet to discuss possible health monitoring and an agreed position statement/ way forward	Applicant/ UKHSA/ OHID	D7
<b>Air Quality</b>			
21	Submit a copy of the note prepared by the Applicant on the Hitchin Air Quality Management Area (AQMA). Joint Host Authorities to provide their response to the note.	Applicant/ Joint Host Authorities	D6
22	Submit a copy of the Applicant's proposed outline fuel odour control procedure, LBC to provide a response. Discuss a mechanism for LBC to engage with the procedure and explain how the procedure would integrate with any airport environmental management system.	Applicant/ LBC	D6
23	Response/ update on the implications of the change request for odour and flies and any discussions with the Environment Agency regarding potential odour controls.	Applicant	D6
24	Joint Host Authorities to comment on the potential issue of odour and flies from water treatment plant.	Joint Host Authorities	D6
25	Update regarding how potential complaints in relation to odour could be made and managed, and how this would be secured. Interested Parties (IPs) to comment on subsequent deadline.	Applicant/ IPs	D6/D7
<b>Biodiversity</b>			
26	Confirm proximity of Winch Hill Wood to the nearest proposed car park and explain the implications for the assessment of effects if it is closer than the 64m advised at D5.	Applicant	D6
27	Confirm the extent of likely topographical changes in proximity to Winch Hill Wood. Provide a more detailed assessment of the effects of this on the hydrology beneath the Woodland and the potential effects of this, or explain why this is not required.	Applicant	D6
28	Review whether any other sensitive sites should also be considered in terms	Applicant	D6

Action	Description	Action by	When
	of the potential impacts of significant topographical changes on hydrology.		
29	If Actions 26, 27 and 28 result in changes to the assessment of environmental effects, re-visit the assessment of cumulative assessments on these sites.	Applicant	D7
30	It has been confirmed that all protected woodland and trees have a buffer zone of at least 15m. However, Natural England guidance and IP representations recommend that this is a minimum and may need to be extended depending on the circumstances. Provide further justification regarding the extent of buffer zones around woodland and protected trees.	Applicant	D6
31	Confirm whether a location for the relocation of tree T343 has been identified and, if not, whether this is something that could be secured in the draft DCO.	Applicant	D6
<b>Water</b>			
32	Listen to agenda item 6, bullet point 2 and provide a written response, if needed, to any of the points discussed.	Environment Agency	D6
33	Review the proposed changes to the landform upgradient of the infiltration tanks and describe how this might affect groundwater levels, including whether there would be any implications for the risk of flooding.	Applicant	D6
<b>Land Use</b>			
34	Clarify whether Best and Most Versatile (BMV) land was a factor when optioneering the land requirements. If not, confirm whether it should have been and if this would have resulted in a different outcome.	Applicant	D6
35	Explain how retention of Wigmore Valley Park would have resulted in a greater loss of BMV land.	Applicant	D6
36	[REP4-070] advises that the area set aside for replacement park in the Green Horizons Park permission was required for excavation of material to construct the aviation platform. This was considered environmentally preferable to importing material. However, the overall environmental impact is also a function of the effects on BMV land. Please confirm if this factor was	Applicant	D6

Action	Description	Action by	When
	considered as part of the balance in this case.		
<b>Climate Change and Greenhouse Gas Emissions</b>			
37	Provide a copy of the Government's update 'Jet Zero Strategy: one year on' (July 2023) with signposting to the sections referred to by the Applicant regarding likely future evolution of policy.	Applicant	D6
38	LADACAN (and any other IPs) to raise any further comments they wish to make with regards to the sensitivity of the assessment to future operational requirements and pace of technological improvements.	LADACAN/IPs	D6
39	Review the application against the aims of the 'Luton Net Zero: Climate Policy and Action Plan' and whether the proposals would be consistent with this.	LBC	D6
40	Submit any evidence and/or additional comments that Ms Timmins wishes to make regarding incidents on the M1, the implications for diversion of traffic onto the surrounding road network, pollution and greenhouse gases.	Jane Timmins MBE	D6
41	Provide a full response to the suggestion that there are methods available to assess the effects of non-carbon dioxide emissions by NEF, including those at D3 [REP3-131]. If there is no proposal to use these methods, please explain why not.	Applicant	D7
<b>Landscape and Visual</b>			
42	Submit draft of the assessment on the special qualities of the Chilterns National Landscape <sup>1</sup> with completed report to be submitted at the following deadline.	Applicant	D6/ D7
43	Review whether the special qualities assessment report can be accompanied by a table showing baseline overhead flights within the National Landscape compared to increased flights. If possible, this should include both the percentage increase and numerical increase split between different flight paths. In addition, the report to be accompanied by a map showing flightpaths over affected areas.	Applicant	Review by D6/ Table and map if to be provided D7

<sup>1</sup> As of 22 November 2023 Areas of Outstanding Natural Beauty (AONB) were renamed National Landscapes

Action	Description	Action by	When
44	Submit the latest version of Frequently Asked Questions for the possible extension of the National Landscape, including the updated timeframes.	Chilterns Conservation Board	D6
45	Refer in post hearing note to the new measures announced on 29 November including the potential search for a new National Park and any implications for the Application.	Chilterns Conservation Board	D6
46	Provide a written response regarding the application of paragraph 174(a) of the National Planning Policy Framework (NPPF) and whether the landscape that is within the proposed area of search of a possible extension to the Chilterns National Landscape should be considered a 'valued landscape'	Applicant, LBC, Joint Host Authorities and Central Bedfordshire Council	D6
47	Provide a response to Natural England request [REP4-198] to re-evaluate judgements around the 'susceptibility of visual receptors' and the 'value of views' for visual receptors in the Chilterns AONB Sensitivity Test [APP-107]. Confirm whether the existing judgement is to be reconsidered and, if not, explain why.	Applicant	D6
48	Submission of written response on the implications of Section 245(6) of The Levelling-up and Regeneration Act 2023, which would amend Section 85 of the Countryside and Rights of Way Act 2000	Chilterns Conservation Board, Joint Host Authorities and Central Bedfordshire Council	D6
49	If possible, provide a video of the fire training ground in operation that could be made available to Mr Prosser (Central Bedfordshire Council) to enable an understanding of the visual effects of a fire training event.	Applicant	D7
50	Joint Host Authorities to provide further detail on the clarity they are seeking regarding the reporting of winter screening set out in Appendix 14.5 of the ES [AS-139]. Applicant to respond at following deadline.	Joint Host Authorities/ Applicant	D6/ D7
51	Respond to questions on lighting to be asked as written questions as the Applicant's lighting expert was not available (see table below).	Applicant	D7
52	Applicant to watch the live stream of the section that deals with concerns regarding lighting and respond to the	Applicant	D6

Action	Description	Action by	When
	points made by the Interested Parties on these matters.		
<b>Design</b>			
53	Applicant and LBC to further discuss how design would be reviewed to ensure good design as required by paragraphs 4.29 to 4.35 of the Airport National Policy Statement and paragraph 126 of the NPPF, if it is not to be delivered through an independent design review panel.	Applicant/ LBC	On-going
<b>Heritage</b>			
54	Questions on heritage to be asked as written questions as the Applicant's heritage expert was not available (see table below)	As stated in table	D7

No	Question to	Question
<b>Remaining questions for Landscape and Visual / Design</b>		
1	Applicant	Explain why a light obstruction assessment has been undertaken in line with recommendations from Institute for Lighting Professions Guidance as opposed to undertaking a lighting assessment based on Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3.
2	Applicant	Explain how the Viewpoint HDR Images in Appendix B of the Light Obstruction Assessment [APP-052] meet the Landscape Institute Technical Guidance Note 06/19 Visuals Representation of Development Proposals.
3	Applicant	Explain how the Light Obstruction Assessment [APP-052] using Institute for Lighting Professions Guidance would allow for a reasoned conclusion on the likely significant effects of the Proposed Development.
4	Applicant	For the earth bund illustrated in general arrangement drawing [AS-018] provide a further explanation for the design rationale for the earth bund and, noting its steep gradient and change in levels, how the design approach has had regard to the landscape character assessment for HLCA Area 200 – Peters Green Plateau.
5	Applicant	In respect of the earth bund design, and with reference to paragraph 5.218 of the Airports National Policy Statement, explain how the approach has aimed to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.
6	Applicant	Your response to PED.1.6 in ExQ1 [REP4-063] states an earthwork solution is the preferred approach but other options may be considered where this is not possible, which could include retaining walls. However, your response states this has not been factored into the findings in the Landscape and Visual Impact Assessment (LVIA) as this is not the preferred solution, and alternative solutions will only be considered during detailed design. Given that

		<p>an alternative solution, such as retaining walls, could result in different landscape and visual effects, confirm:</p> <ol style="list-style-type: none"> <li>1) Whether the LVIA assesses a 'worse case' situation.</li> <li>2) Whether the requirement for retaining walls as opposed to an earthworks solution result in a materially new or worse environmental effect if required at detailed design stage.</li> </ol>
7	Applicant	<p>Inset 5.5 from the Construction Method Statement [AS-082] shows an illustrative sequence of works to the landfill. Explain what the edge of the platform is indicating and whether this is proposed to be a retaining wall.</p>
8	Applicant	<p>Paragraphs 4.21 to 4.24 of GLVIA3 identifies mitigation measures in respect of landscape and visual effects with reference to both primary and secondary measures. Can the applicant explain what primary mitigation measures were considered in respect of the siting, layout and parameters of buildings and structures in the Proposed Development.</p>
9	Luton Borough Council	<p>Design Codes: Your responses to ExQ1 PED1.5 [REP4-187] and action point 31 from ISH6 [REP4-190] considers that design codes would not be appropriate in relation to the DCO as, unlike the New Century Park application which encompassed numerous buildings delivered in phases, the DCO includes only two buildings that would be public facing (Terminal 2 and its plaza and the 400 bed hotel). Given that a number of buildings / structures from the Proposed Development would be visible from a wider area, provide further justification for this position.</p>
<b>Heritage</b>		
10	Joint Host Authorities	<p>Confirm if the update to the Gazetteer at D4 [REP4-017] provides the level of detail sought or whether this needs to be supplemented.</p>
11	Applicant	<p>Explain why there are several assets identified in the Cultural Heritage Gazetteer [REP4-017] as experiencing less than substantial harm but Appendix D of the Planning Statement [APP-198] only provides a detailed assessment of two of the assets.</p>
12	Central Bedfordshire Council	<p>Paragraph 5.4.29 of the Local Impact Report [REP1A-002], reiterated in your submissions at D3 and D5, states that the public heritage benefits should be itemised in respect of individual heritage assets within the control of the Applicant, and itemised in respect of the reduction of risks/mitigation measures to individual heritage assets beyond the Applicant's control. Signpost where this policy requirement can be found and explain where in the application documentation this should be included.</p>
13	Applicant	<p>It appears that a number of assets where changes in noise contours are shown in Figures 10.6-10.8 of ES Chapter 10 Figures [APP-150], such as, but not limited to, Church of all Saints in St Paul's Walden Bury and Bonners Farm, have not been included in the Cultural Heritage Gazetteer [REP4-017]. Confirm if this is correct and either include these or explain why this is not being done.</p>



14	Applicant	<p>At ISH6, there was a discussion on whether the increased frequency of flights should be factored into the assessment of more heritage assets. Paragraph 8.1.11 of your post hearing submission for ISH6 [REP3-053] states that Chapter 10 of the ES [AS-077] considered impacts from increased frequency of aviation noise on heritage assets with reference to Luton Hoo RPG where the increased frequency of aviation noise would <i>impact the aesthetic appreciation</i> of the park and would result in a moderate adverse effect, which is considered to be significant. For St Paul's Walden Bury RPG, the assessment concludes that the noise change contours for the operational phases demonstrate a negligible change to the park's noise environment, which would result in no effect to its setting or heritage significance.</p> <p>Explain why the assessment for Luton Hoo has considered how the increased frequency of aviation noise would impact the aesthetic appreciation of the asset (in addition to changes in noise contours) but this has not been considered for other designated assets located under the flight paths.</p>
15	Central Bedfordshire Council	<p>In their response to ExQ1 PED.1.13 [REP4-173], Historic England consider that a financial contribution could be a way towards offsetting the residual impact of the proposal that could be put towards conservation management at Luton Hoo. Any costing would be a matter to be negotiated between the Applicant and the local authority. Could you advise whether you have had any negotiations with the Applicant and your views as to whether this would be a suitable form of mitigation?</p>
16	Applicant	<p>It is stated [REP5-052] that the Applicant has considered Historic England's request for a financial contribution towards the conservation management of Luton Hoo Estate, but does not consider there to be sufficient justification to do so. Expand on the reasons for this.</p>
17	Central Bedfordshire Council	<p>Appendix 1 of your post hearing submission for ISH6 [REP3-087] requests additional viewpoints within the grounds of Luton Hoo because Capability Brown's work would be most evident at these positions. The ExA understands that the grounds of Luton Hoo are private land. Please describe the likely receptors and how accessible they are.</p>
18	Applicant	<p>The updated Cultural Heritage Management Plan [REP4-020] has included further details on monitoring of brick erosion at Someries Castle. Explain what mitigation measures would be put in place if monitoring subsequently finds brick erosion is occurring.</p>