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00:04

Hey, good evening, it's quarter past six time to resume this. This hearing session

00:10

just before my colleague does that, we had a brief conversation while we were having our refreshments. And we had already been advised today that the heritage expert for the applicant wasn't actually available. So one of our thoughts is that we will potentially read a roll the heritage questions over to written questions, as we've done for the compulsory acquisition, hearing questions. I don't know if you've seen those action points that should be up on the website, where we roll those over to written questions, but publish them as part of the action points, but still with the same deadline. And then, but what we'll do is when we get to that item on the agenda, if anyone can just have a think around the room, if there's anything that they do want to contribute, before we actually rolled out over otherwise, I'm not going to pass back to my colleague, Mr. Robinson to deal with visual immunity.

01:04

Yes, like see, Mr. Props are you had your hand up? And I think there may be one or two heritage issues that I do have that I could raise with you. But it might just be a case that I could just raise them with you and then the rest of the stuff if that's what you would like to happen. Yes, anything could be rolled over to bring questions because I appreciate you've been waiting for for that agenda item. I

01:33

know that that's fine. But we'll we'll see when we get there. Cheers. Okay.

01:37

Thank you for that. Okay, so visual effects and approach to mitigation. I'm going to touch upon structures on the eastern edge a little bit more generally and designed so I'm going to just ask a couple of questions on the fire training ground. It's probably useful if the applicant had viewpoint 20. Of available to display to display on the screen, which is rep 301 100. Thank you. Could I ask the reasons for the site selection and consideration of any alternative locations related to the fire training ground?

02:33

Rebecca clutton for the applicant. We're just bringing Miss Discraft and backup who will be able to help you with that all.

02:43

Marcus Grafton for the applicant apologist, I was coming in the room as you started the question, could I ask you to repeat the question?

02:47

That's fine. Yeah, it's effectively Could you explain the reasons for the site selection and kids or consideration of any alternatives, locations in finalising the proposed location if the fire training ground

03:05

microscopic for the applicant will alternate is considered there's a number of key constraints related to the location of fire training Alpha tall, it has to be airside because it's an essential training facility for the on site rescue and firefighting surfaces, which are a condition requirement and airport condition requirements for the airport to operate. And they exist to fight fires in the event of an air accident, not domestic fires in the terminal, for example. As a consequence, the fire station and all the staff in the fire station or resource in the fire station, are based airside. So it wouldn't really be practical for them to have it in a landslide location in the event of a fire or an event of a natural emergency response. So that naturally then limits quite severely where you can position this because it is a mock up aircraft, that has to be sufficiently far away from from the runway because of what we call the obstacle limitation surfaces. And by the nature of what it's doing been set on fire, it can look quite dramatic. It can't be there other buildings. So it's a common theme at airports that they are often remote from the buildings often on the opposite side of the runway. So we did identify two locations that location has been selected and the location further along the southern boundary to the west, actually where we'd got the proposed surface movement radar, and we select this one primarily because it's not in the Greenbelt. Whereas the other one, the other opportunity was that there's no real other alternatives realistically for it to be sited elsewhere within the airside boundary.

04:44

Thank you. Yes, because I saw in chapter four of the assets says that it had it would be relocated to an area of available space. It came across that it was that was just, it was located there because that was a an available Will space. So is that's obviously not the case. And what you're saying it's there is practical reasons for it to be in that location. Markers

05:09

government applicant? Yeah, that's correct.

05:15

Thank you. And in terms of the assessment of visual effects, so this is on page 129 in Appendix 14.5 of the IES which is referenced as 139. It's this is an this this is the assessment effects from the footpath to the south of where effectively where this is taken from the footpath hide is a it does not there will be significant effects through the phases. But then with the additional mitigation that is to be implemented the hedgerows that that would reduce it to not significant effects, but then it's states that it would the visual effects would remain discernible from some location. So is the mitigation going to be fully effective at reducing effects if it's still to remain discernible?

06:16

Julian will leave the applicant I think it's just worth clarifying in terms of the visual that we're looking at, we you know, we have taken a Rochdale envelope approach. This is parameters, you know, we are not looking at a building, this is uh, you know, it could be located within this parameter. You know, and on that basis of the mitigation, which which effectively is hydro hydro planting, and obviously, that's

contingent on the establishment of of that hedgerow. It's not shown on this particular view, because it was not one of the five views that examining authority requested to have that that visual sort of illustrative element provides added onto. So I think in summary, subject to the final positioning of it and the the establishment of the mitigation we looked at we can't be absolutely guarantee there won't be any discernible effect, but it's highly unlikely it's highly likely that the mitigation will provide that the screening that's intended.

07:33

Okay, thank you for that. And I've got a question for central Bedfordshire Council on this because your submission deadline five is anybody from Central Bedfordshire Council still here online? This new Mr. Prosser? Yes. Okay. Thanks for the question I've got is it the submission that deadline five states that further information is needed to understand the practical impacts of the fire training ground? And because there's no visual representation showing how it would operate? Could I ask what further information is required to enable you to understand the visual impact of the fire training ground?

08:16

So there are two areas which we have concerns about one that I'm sure in the last hearing. You mentioned that you wanted the applicant to supply, some visuals of the planting, whether it be first year or 15. Year? And the yes, we take on board that from the public footpaths, that plan team will reduce effects but our concerns are from summaries castle, and the operational effects from Luton who the operation effects been as the plumes of smoke come in above the I think it's Bosch word, sir.

09:07

Okay, so are you looking for more information from the visuals from Luton who in some ways Castle rather than viewpoint? 20?

09:16

Well, I think the applicant has said that there won't be any mitigation from Luton who and summaries castle.

09:29

Yes, and I record that there was an attempt to Mr. Prosser in a moment, but because I remember in the previous issue specific hearing, there was discussion that using using hedgerows could affect the way that the landscape was viewed from Luton who so I'll bring you in on this point, Mr. Prosser, if you would just like to expand on that, please.

09:54

Yes, certainly is Jonathan Prosser conservation officer, central Bedfordshire Council and I mean, genuinely, it's very interesting that Mr. Scrutton has just said that in operation, the fire training ground quote can be quite dramatic. I believe those were his actual words about five minutes ago. And it is a concern that we have found it very difficult on the basis of the visuals that have been supplied, and indeed, the information that's been supplied. We know, for instance, about the terms of use, the frequency of use of the solid training ground and the emissions, they've been clarified. But they're kind of indication in real terms in terms of smoke, how that smoke might drift. We've, we, we've picked up

from the Design Principles Document, and we've seen it nowhere else that there is intended to be smoke reduction measures. But we're not given any indication what those smoke reduction measures are. It's just something we picked up in the design principles document. So there is a general lack of clarity or drawing together, in my view, about the actual implications of presumably setting fire to a plane fuselage, and then having it put out by it by training crews. And how that might look both at day and at night. into terms of views from sunrise Castle, which is obviously close and as a scheduled monument. And also across to the west. The views of the open ground that form the backdrop to the registered park and garden were tucked behind Bush pasture, the fire training ground is proposed to be located. So there is still this lack of actual this is what is going to happen. Scenario. As I said, we've had we've had the technical part of it, but we don't we don't we've had no indication of smoke, how that drifts. What this smoke reduction measure that we found mentioned is and how effective it might be. So it is it remains a considerable concern, both in landscape terms and in heritage terms, something that that we will be mentioning, in our response, in our post hearing submission response, it does remain a considerable concern.

13:06

Thank you for your submissions. Mr. Prosser, if

13:10

I can just come back with whilst it might not necessarily help you. But hopefully it will reassure you. The examining authority on Monday afternoon actually witnessed a fire training event. It lasted about 15 minutes, it was a standardised test. So we were able to with this, the flames smoke, the processes that were involved. And so obviously, when we are coming to our conclusion, we will be able to factor that in, we will be producing a site note on that which will then be published. And I think there is a background document from the applicant that was provided to us, which we published with that that explains the process from start to finish so that we could understand what was going on on the other side of the fence because we witness that from Wigmore Valley Park, where the current Fire Training Ground actually is. So in terms of enabling us to assess the proposal, we have actually obviously had the advantage over you that we have actually witnessed one of these fire training events. So I just wanted to let you know that because obviously that's not yet out in the public domain because we haven't yet produced our site notes. But hopefully that will go some way to reassure you that when we're considering the matters that you've raised, we can obviously visualise that when coming to our conclusions.

14:32

Okay, thank you, sir. Anybody else who wants to raise any comments on this item before I move on?

14:39

Yes, Julian wooley for the applicant just wanted to state that with regard to the AVR is that they they are intended to provide information on the permanent infrastructure and not the transient effects of use. These not been included in the assessment of the dynamic effects from the five training ground activities cannot be meaningfully modelled or are quantified due to their highly variable natures. I think you've you've both clarified. And just to go back on in terms of the the actual fire training ground, I've

been informed that the rig that they will be using is very similar to the existing rig. So that gives some context of of actually what the proposal is likely to look like.

15:26

Thank you, Mr. Prosser, you still got your hand up? Is that a legacy hand?

15:29

No, I'd like to say to say thank you, Madam, for clarifying the that you have witnessed a test of the fire training ground, I just wanted to ask the question, is this test available? Was it video too, so that other people could look at it? Or is there a video of the thought training ground that we could have a look at?

16:01

I don't know whether there's a video of the fire training ground in operation. I'll put that as an action point for the applicant to look into. We did take some photographs, and I think possibly recording but they are for personal use. And I need to look into whether or not we're able to actually publish those behind that.

16:22

Okay, thank you. Next, I want to move on to the outset. Yes. Yes, sorry. Yes. Sorry.

16:32

Thank you. Thank you, sir. Katie, thank you, for the host authorities, just briefly to pick up on the visual effects and the appropriateness of the planting. In terms of Lcia, we would not be expecting the assessment to be reliant on any photo montages in terms of the mitigation planting. But what needs to be clear in 14.5, in the visual assessment is what elements of the mitigation planting within particular views is pertinent to that view. There in the viewpoint 20, that was shown a moment ago, there is no headrow. In that view, yet, hedgerows are cited as being the main mitigating factor for the buildings. So it would be helpful to have more clarity on the assessment side in terms of that screening effect, both in winter when the hedge is not in leaf, because only about 10% of it, I think is going to be evergreen. So some more robust justification of the screening elements would be helpful in terms of the Elevate LVA to understand the justification for the magnitude reduction as a result of that additional mitigation.

18:10

Okay, so you wanted that or you do consider that that would be best in writing, or as an action point for the applicant? Or does it are you looking for alterations to the viewpoint to demonstrate that no

18:25

alteration to the photo montage is we will put it in writing, but we would like it as an action for the applicants in terms of the clarity of the reporting within 14.5. So that winter, screening is also clearly considered, and a bit more clarity on which screening elements have been identified for which views, the mitigation is largely just blocked, referred to, without any detail of which particular elements are included. So referencing grassland obviously is not going to provide any visual screening. So something that is a little bit more specific would be helpful in understanding the rationale behind their ultimate judgments. Thank you. Thank you.

19:27

It's nuts from Can you just clarify where in the in the appendix that says is that? It's, it's so appendix 14.5? Is the visual effects in the in the environmental statement? Which particular receptor is it that you're wanting that clarification or is it the assessment for footpath hide five A.

19:52

I will confirm in writing we will make a note of which ones in particular could do with a little more clarification. You that's acceptable.

20:02

Thank you. I'm now going to move on to the appropriateness of new planting in winter. We had a discussion on this issue specific hearing six the last time. And there was obviously some, we raised questions on it, as well but action point 19 from ISP six deadline for requested commentary from the applicant unlikely changes between winter and summer cover in the accurate visuals and I've noticed that your response states that you've used some of vegetation to represent native hedgerows and winter vegetation for tree planting, noting that the sum of vegetation for the hedgerows allows the viewer to clearly demonstrate the effectiveness of the mitigation proposals were using winter representative vegetation graphics on the accurate visuals would still provide screening post development, because of the density of the proposed planting lbf filtered views of the proposed development may be possible. How does this approach work in for example, viewpoint 10, B, and 13, which are in document rep 3010. So if you can put that up on the screen, that would be that would be helpful. It can be you can start with 10 B or 13 viewpoint.

21:37

So yeah, the question is, when when the visual loads up is how does that approach work where you've got a combination of both in the visual.

21:47

Julian Willie for the applicants. In terms of the hedgerow planting, obviously, this is hedgerow planting, being a positive landscape contribution and enhancements, you know, in terms of, you know, landscape character. Again, we were coming back to the point that we we haven't done the detailed design for these elements, obviously, you know, the the assumption that will be taken, I think we're all making is it is going to be a native hedgerow, which would be entirely appropriate with species that are typically inherent to the local area. The landscape architects for the host authorities speculated there would be temps and evergreen, we don't know what the actual contribution of species will be. In terms of typical planting for native headrow. It could be beach hornbeam, both are deciduous species that have, in particular beach have a very high leaf retention during winter. So you know, a combination of, let's say, typically beach hornbeam, probably some holly being again, a native species, and then maybe some other species would still provide strong leaf cover through winter, winter months. When we talk about density, we're talking about how we're going to propose this planting. So we could be talking about a double staggered row, ie, you know, every other things, every if it's one of those things, it's almost easier to draw it, then then probably explain it. But if we went a double staggered row, you would still you'd get filtered views through there would still be physical elements, ie, the, the, the stem

of the plant and the branches, any remnants of foliage, if we went to a triple, triple stated row, which again would probably be the approach we're taking for robust, you know, strong hetero planting, again, that that we're talking about three, three rows of planting, which again, reduces the visual, reduce or reduces visibility, you know, you would still go to be looking at source, they'd still be filtered views. Say for example, if we take the view of dig, save the existing source scrubby planting, that's in the forefront of that view. Imagine that replicated three times and taller you could you could see how that would provide still quite strong screening during winter months.

24:43

You mentioned about the three screening is that actually stated in the application documents anywhere.

24:49

Julian Willie for the applicant no this is detailed design. So this is this is BB slightly hypothetical. We are talking about establishing hedgerows, but we haven't got to that level. The detail, we are talking about the principles of development and how we're going to mitigate that.

25:08

Okay, going back a step in terms of what the visuals represent, because obviously these are the documents in front of us. This is what interested parties and the reader is looking at how how does the reader understand the likely changes in the different seasons using these visuals when you've used a, a hedge that represents a summer visual and trees that represent a winter visual in situation in the same viewpoint? On the same photo montage?

25:40

Julian will Eva the applicant? I agree, sir, that it is it is confusing. I think the the honest answer is there's limitations with what's available in terms of graphics. So in terms of winter views of trees, that is more easy, more readily available to provide so it's very clearly a tree in terms of the hedgerow what we're trying to demonstrate was that it was a mixed net mixed hedgerow. And you don't you're unable to convey that with with the limitation in available graphics to show that.

26:24

Okay, so

26:26

those are the visuals that are in printers. Does that represent a worst case situation? In terms of the guidance, that's in G L. Vi, E. Three, has that been properly represented in these visuals?

26:48

Julian Morley for the applicant? No, they don't. They're not showing worst case scenario, but they are purely illustrative.

27:00

Okay, thank you. And I'm just going to ask the Hartford cheer Council, sorry, the host authorities, because you've obviously raised concerns with with this in your submissions about the visual. So I just want to ask whether you've got any comments on what what you've heard there

27:18

at funerals further Hertfordshire host authorities if I could ask you to come back in here again, please.

27:23

Thank you. Yes. Casey Mayhew on behalf of the host authorities. I think our previous comments on this still stand and we'll put them again in writing. But just to clarify on where I got the 10% evergreen from. And that was from the outline landscape and Biodiversity Management Plan, which states specification of the hedgerows with 10% Holly and the rest being deciduous. So just to clarify that point.

27:57

Okay, thank you for that. Is there any further comments on that matter before I move on? Okay.

28:16

Okay, I'm going to now move on to the lighting assessment. In particular here, can the applicant explain why a light obtrusive assessment has been undertaken in line with recommendations from the Institute for lighting professionals guidance as opposed to undertaking a lighting assessment based on the guidelines for visual impact assessment three.

28:49

Rebecca clapping for the applicant, sir. That's a, unfortunately don't have our lighting assessor consultant available to us at the moment, he had prepared a response for me to read on what we thought was going to be the question that's sort of framed slightly differently. So I'm free. I think we will have to come back on that question in writing, in terms of whether you're interested in nighttime LDA. Still, certainly the team here will be able to deal with that aspect. But in terms of the choice between the two, I think we'll have to revert to you in writing, I'm afraid.

29:27

Yes, because one of my questions was actually going to be because in the light of tuition assessment, it includes some photographs. And I was going to ask, how how does that meet the landscape Institute's technical guidance for visual representations? Because obviously they are at a better quality than what's in in that it's something that you can provide a response to now Rebecca clapping

29:58

for the applicant. No, sir. I'm afraid Not okay.

30:11

Okay, because obviously you haven't got your your representative here. We can roll these over to two questions. That's the first one questions. But before I move on to the next agenda item, is there any certain anybody wants to raise anything in particular with regards to lighting? I know we've raised questions on this, particularly the host authorities guy. No, this was an issue that was raised in your first

ring questioned obviously, it is something that impacts your aim. We've heard that in the open floor hearings as well, for members of the public who's hiding areas like breach Wood Green. So have you got any comments that you want to add to this at this stage?

30:54

funerals for the Hartfordshire host authorities again, if I can ask Casey to come in on this point thanking me Thank you, Katie Mayhew on behalf of the host authorities. Yes, we would like to continue raising our concern that there isn't a GL VIIa three compliant nighttime visual assessment that has been undertaken. And those guidelines do state that whilst quantitative analysis of lighting levels from lighting engineers can inform a nighttime assessment, that nighttime assessment should be based on a quality, tentative assessment. So the light of tuition study is not GLBA three compliant and we would reiterate that we would be very keen to see a nighttime assessment that is GLBA three compliant was

31:56

that was it just the moment we will put the rest in writing? I can't find my other bit of text just at the moment. Apologies. Okay.

32:05

Thank you, Miss Newell. We have a another hand up online. And just being here, sorry, missing you. Yes. You've got your hand up.

32:12

Hello, Carol Neal from Central Bedfordshire Council, just to say that myself and a colleague went to Luton, who last Friday, Thursday night to have a look at the baseline conditions on the Luton drive. And based on that, we would well, we would request to have a nighttime assessment. Because we feel that it would be significant harm from Luton who regarding the multi story car park p one.

32:53

Okay, thank you for that. So yes, if you can put that in your in your submissions. And we've got a hand up from Michael stirpes. The Children's conservation body.

33:04

Thank you, sir. Dr. Microsoft's terms conservation board just to say I support those previous points on the nighttime assessment. What would interest us is the view from warden and galley Hill. And as I understand it, some of the aircraft stands that would be required to presumably accommodate aircraft to the east of the development would be 25 metres high with a floodlit column. So what interests me is in part B, of the lighting attrition assessment, which is a pp 053, and Part B, it does say the existing airport is a visually prominent feature within views from the surrounding area, including children way, children by cycle routes, and in distant views from the Children's AONB near water, which is elevated, and I've done a quick calculation, it's about five to 5.4 kilometres, so you're looking across the urban area. So we would support that, and we'd be very interested to see an assessment from that point. And we can put that in writing too. So

34:10

yes, if you could, that would be very useful. Thank you, is that everybody who wants to make a comment on this particular item? We've got some more hands up online. Yes. Yes.

34:25

Thank you, Katie. Thank you on behalf of the hosting authorities, just an additional point relating to the lighting where effects from transient lighting have not been included in the light of truth in assessment part A, because they can't be modelled. So again, that is just highlighting why the use of the lighting technical. Experts methodology is not appropriate for the nighttime assessment. and effects from transient lighting is obviously pertinent to the AONB as well, because it's not just relating to fixed, static lighting, but also aircraft movement vehicles, and so forth. And therefore, we would expect the qualitative assessment to be picking up the transient lighting effects, not just static lighting. Thank you, sir.

35:27

Thank you for that. Dr. Stubbs, you still got your hand raised? Is that a legacy hand?

35:34

Apologies. Yes, sir. I'll delete that. Thank you. Okay, thank you.

35:38

So if I can just draw the discussion on lighting to a conclusion, what I've done is I've made an action point for the applicant, or however you want to respond to something

35:49

truly, and really for the applicant, sorry, to interrupt, I just wanted to make the point that nighttime assessment was not requested as part of the scoping opinion. And as part of the ongoing consultation for the LVA, with the working group, that consisted of the various members of the host authorities, on the third of March the stake, the open space, LVA stakeholder stakeholder meeting, agreed that the use of the lighter perfusion survey to report on to informed judgments on nighttime effects.

36:27

What I was going to say was, I've made an action point that requests that your lighting expert watched his this element of the live stream, and then maybe provides a written response to those comments that have been made. Thank you.

36:41

Thank you, we'll now move on to item 10. And there's a few of these matters that I'm actually probably got I will take two first written questions, particularly the design principles that was submitted at deadline five. I know, there's been quite a lot of changes to that. And the council's haven't sorry, the yes, the council's haven't had a chance to respond to it. So I think it'd be best on that one. But we just wait for their responses to that documented deadline six, and then we can pick up anything in first written questions.

37:19

I do want to touch upon the need for a master plan, though and or design code. It's a couple of responses that were made at our questions to this. And particularly this difference of opinion. So question PE D 1.2, of all first written questions, was asking really whether further master plan is required to be secured as part of the DCO. And it's the view of the applicant and Luton Borough Council that that's not the case, because the DCO would, if approved, would effectively act as a master plan. And that view isn't shared by the other councils. My question is, given the flexibility that is sought in respect of when parts of the proposed development would come forward, could the applicant explain what clarity interested parties and members of the public would have as to the plans of implementing the proposed development over the long term period and when they would come forward?

38:41

Thank you, sir. Tom Henderson for the applicant on this one. And I think the answer to your question, if I've understood it might be that the amendments that we've made to requirement five and elsewhere in sheduled, two CCO which, obviously, I think matters for discussion on Friday. I could give you a sort of brief overview now or I wonder, in the interest of time, we could have a no,

39:05

that's for Friday, where we will get we can look at the wording in more detail I was more concerned about effectively, whether a further master plan is required more to set out how or another document that actually sets out how the development is going to be implemented in phases, because if this application is approved, it could be 1010 years before the other phases come. And I'm queering, what certainty members of the public or other councils would have as to when that is likely to come forward? Because the way the DCO is worded at the minute is effectively, you would just submit those parts of the development seemingly when the applicant is ready to submit them with eight weeks for those to be determined. So I'm wondering or asking the question whether something needs to come before that that actually do He's providing an update as to when these parts of the development are likely to come forward. Tom

40:07

Anderson, the applicant? I mean, I do think the answer to this does lie within requirement five and the changes that we've made to that. I mean, in brief terms, we don't think there's a need for a separate master plan. Opposition is that the DCO application, not not just the sort of plan form of it, but the technical assessments within it, more than adequately, are comparable to what a master plan would do. And I hesitate to speak for the pollutant bearer accounts, but I think they're in agreement with us on that, on that point, what we have done in the changes to the DCO that we've made through deadline four, and deadline five is to certify the scheme layout plans. And as far as, as we're concerned, they comprise the Master Plan layout for the development of the airport through the period of growth, the DCI seeks to secure within requirement five, there are additional mechanisms to when an application comes through to identify for that particular phase or park development, which parts of the master plan those words relate to so if you think of it as a jigsaw, the scheme that plans the jigsaw, when you're bringing forward pieces of the jigsaw, you need to identify which pieces those are, which pieces of Jigsaw have already been built. And that it's so there's there's a lot more to say on this, which we could go into on Friday. And there's, you know, other components of the requirements, like the register of

requirements, provision that we've added, which would be a public record of how this all hangs together. So this, there's probably quite a lot to say, but I do think the answer does lie within the DCO. We took your guidance looked at other DCS. And we do think what we've included now provides this information through how requirement five would work in practice. So I think that's the sort of frontline answer at this stage.

42:04

Okay, I think then we will discuss that probably more on Friday. And I will also touch upon design review panel as well as part of that. And because there's really the questions, I have sort of centres around how potentially that could be secure. But that might be better for Friday, then, if that's included in that was Mr. Gertler, would you like to make any comments on on this point?

42:34

Yes, David Gertler loose America. So we, we obviously agreed in our representations that we put in rep for 192 and 4187, that we consider that the information that was provided was sufficient in terms of the master plan, definitely looking at the guidance that the government produced. First of all, probably going back to the air transport white paper back in 2003, or four, and then subsequently is obviously a much shorter section in the APA, if this information is sufficient for a master plan. We'll talk about design principles on Friday.

43:19

Okay, thank you for that. Would you like to have the response? Miss cook?

43:22

Yes, sir. So Rebecca Clinton for the applicant, just in relation to Design Review Panel point. Obviously, Mr. Henderson will be here on Friday to deal with any drafting points that you might want to consider in relation to but that but in relation to the substance of whether one's required. With your permission, I'd like to ask Dr. Patrick Clark, who is our master planning, master planning lead to to address you on the substance of why we don't think it's appropriate. Yes, sir.

43:50

Patrick Clark for the applicant. On the subject of Design Review Panel, in current view, as the Design Principles Document, has been, has been developed to secure a good standard of design at the detailed design stage. And that's been updated that deadline five in response to feedback and the provisions. Mr. Henderson's just guidelines, revisions of requirement five have also been re strengthened in respect of detailed design requirements. So it's not just to be in general conformity, but must be in conformity with the design principles. And the scheme layout plans have also been certified within the DCO to effectively provide a well defined master plan for the project. Independent design review is referenced in the NPPF as one of a number of tools for securing good design, but it's not referenced in the A en PS. The NPS encourages independent design advice of the type the applicant is taken in the development of the end development of the design of the scheme. We've reviewed other DCO projects, and identified very few that have included an independent design review process. We don't think it's appropriate in this instance. Because the projects a highly complex, long term programme of development with many interdependencies between the principal components, and with

many aspects of the design that are governed and driven by international standards, and the requirement of statutory and other Regulatory Council T's. The external appearance of the proposed terminal is clearly an important consideration that people are rightly concerned about. But that can't be entirely separated from the internal configuration of the building, which is driven by a series of operational security and other stakeholder requirements. So the detailed design of that building to take that as a for example, will require extensive engagement with a range of different stakeholders, and very careful coordination with a number of different design and technical teams. So just to look at the security stakeholders understands that they would include the Department for Transport Security, the Centre for protection of national infrastructure, landside security, UK Border Force, immigration, customs, and Bedfordshire place, that's just the you know, the security things. And so that what I suppose I'm trying to unpack and understand for everybody's benefit is just the complexity of that engagement and getting alignment and agreement between those stakeholders to enable the design to be move through forward and ultimately frozen, for, for delivery and submission. And so we feel that a process of independent Design Review overlaid on that already complicated process would add forever significant complexity to the process. We think there's a risk that comments from a design review panel may not have the experience and understanding of how those sort of international standards and operational requirements influence the internal configuration, and therefore the external appearance of the building could result in some degree of confusion between the stakeholders during the detailed design stage. And that's clearly something that we would seek to avoid.

47:49

Also, perhaps just highlight that a number of other sort of complex projects and infrastructure programmes have created their own design review panels, partly to mitigate some of those issues. And so I'd sort of highlight the London 2012 Olympic Design Review Panel, and I was, I was a member of the NHS Design Review Panel, and the HS two design review panel. So those those are examples of other large scale complex infrastructure projects, seeking to balance the need for design, review and maintain the ability to deliver the project. In this case, as with other CCOs, we feel that requirement five and the Design Principles Document provide an appropriate approach to securing good design, the design principles document remains live. And we've had good engagement with the host authorities around the design principles of how they may be amplified and refined. The applicant is open and keen to refine the design principles forever. And I think if there are issues of particular concern in relation to lighting or individual buildings, or hedgerows, and so forth, then there's the opportunity to develop and refine the the design principles to provide that level of design direction to provide confidence to all stakeholders about the ability to secure a good design outcomes until you were providing a response, written response to a written question on design review for deadline six. And the discussions we've been having with the host authorities and the discussion this evening will will help to inform that

49:41

cafe and I'll make a final point here because obviously we appreciate one to wrap up but I did notice that it did last submissions that there was discussions to be had with with Luton Borough Council because the comments from the Council were very supportive of it Design Review Panel based on what you do. With major development projects at the moment, so is there anything that you would just like to respond to that?

50:08

Yes, you could give examples where design review, and we obviously didn't support design codes. But if you look at Terminal five, which is probably the case that led to the introduction of the SEO process, there were significant design codes with that scheme. This is an outline scheme effectively.

Requirement five, doesn't give us any confidence requirement five has the developer handing us their scheme on a plate, and we as a local authority can then only choose to approve it or refuse it. There's got to be better involvement. You You've got involvement with Stansted Airport, obviously, it was up for listing just recently, that's a major significant structure there, you could end up with a very bland building, which just meets purely functionality. It's great if the applicant is offering Design Review Panel, as part of the will what the applicant might do might do like HS two. And also with the Olympic Park, that would end up with the council's involved in it. We aren't doing anything saying anything onerous. The Design Review SE has thinking southeast might just be South sorry, has the ability to choose experts on different subjects, I except, again, you can look at something like terminal two at Heathrow. That's a fantastically designed building. I would suggest that you we quote, local plan policy which supports this, we do think that the MPF support is good design, the NPPF specifically changed to encourage good design. And we think the design review panel is the mechanism for achieving.

52:05

Thank you. I think just quickly going back to a point that you raised about refining the design principles. Obviously the Design Principles Document can only be part of this process can only be refined up until February. And it is that gap. If if this application was to be approved as to what happens in at the minute, the way that it is set up is effectively it is within it is for the applicant to submit an application to as part of requirement five, and it's that does there need to be a process or there that actually feeds into that? Could I leave the firm further discussions on this matter?

52:45

Thank you Sorry, it's just been sprung on us just now. So it comes as a bit of a surprise that the applicant would turn it down straightaway

52:55

by flight and for the applicant. So I do I do just want to emphasise that in relation to what's handed to the local planning authority, plainly, we do get to elect the form in which we present our detailed applications to the local planning authority. But those plans have to be in accordance with the design principles that have been set out. And if they're not, then the local planning authority will be entitled to refuse that application. Now, if the local planning authority thinks that the design principles are not robust enough to secure good design, then that's a matter on which they can comment. And as I say, it is a live document. It's an iterative process up until the close of examination, and we'd be happy to receive that feedback. We think they are sufficiently robust to ensure good design. And I said the local planning authority is the the arbiter of that local level and then ultimately, obviously the Secretary of State through any appeals process.

53:51

Okay, thank you for that I'm going to bring this item to a close and given the time now and also the fact that the applicant doesn't have their heritage person here today, I am going to roll over the questions

that I had on to written questions on this particular item. So on that point, I think we will move to to close the meeting.

54:17

Thank you very much, Mr. Robinson. Just to pick up on the last point with regards to design and potential need for a design review panel. I think one of the things that has been stated throughout the application documents is that this is one of the fifth best this is the fifth busiest airport in the UK. It is a major gateway into UK and I think that's one of the reasons why we are so closely looking at design. We will be seeking some kind of exemplar building along the mind says Stansted or terminal five and we would hope that that's something that you're wanting to achieve. I suppose what we are doing by looking at the condition five which again will come to a requirement five sorry. Take the camera out have local planning authority, but you can't take conditions away. Requirement five. And I think we'll look again at this on Fridays, if we can be reassured that that will be secured through the way that's currently drafted, then the need for a design review panel may fall away. But I think the concern is that, as currently drafted, we all have concerns that we're going to get what we're told, we're going to get at the end of the process. So anyway, off my design, soapbox, just on to any other business, I've been keeping a note of the action points, I'm not going to read them out. But I will just want to bring up the fact that the action points for the April hearing, the compulsory acquisition hearing, and she's specific human seven are up on the website, they don't have exam library reference numbers. And in particular, I wanted to draw that to the attention of the applicant, because they were concerned about the number of points that were racking up. And they were going to review them and just see if there was anything that needed to be rolled over. So obviously, if we can deal with that this week, that will be helpful. I'm going to take the opportunity to remind you that the timetable is examination requires that parties provide any post hearing documents on or before deadline six, which is Friday, the eighth of December 2023. And the examining authority is likely to be issuing its second written questions on Friday the 15th of December 2023, with sponsors due at deadline seventh, which is Tuesday, the ninth of January. The next hearing will be tomorrow on green control growth, which will start at 930. In this room or online. I'd like to thank you all very very much for your time. Oh, Mr. Clanton, sorry.

56:31

I'm sorry. Rebecca Clark, the deputy and just a matter of housekeeping in relation to tomorrow's hearing. And there are seven agenda items on that the seventh of which is compensation matters, which will be dealt with by me, Mr. Humphries, we'll be dealing with the remainder of the items. We've got quite a full agenda. And obviously we've we've sat, we sat late both days, I do actually have a commitment in London in the evening. And we were wondering, obviously, if there's no scope for moving that to earlier in the day, I will attend, and so be it. But if there is any scope at all, possibly hearing that a little bit earlier in the day, so that I'm able to deal with that, and who takes points way over? So I

57:11

think to deal with that dynamically, can you raise that again, at the lunch recess, because we will obviously be going into the afternoon. It's quite a meaty subject. And then we can also review where we're at and see if we can reduce that round. I think the reason that compensation comes last is in order to be able to go through all of the elements of green comparable growth, and then look at how the

compensation would deal with that. So that's why it appears where it is in the agenda. But I do recognise that obviously, we would like your input into that and we'll see what we can do to address that. And I'm very grateful. Thank you. So the time is now 12 minutes past seven. Thank you so much for everyone who's participated today. I'm going to close this eighth issue specific hearing for the proposed Luton London airport expansion project. And you're now all free to go home.