



Responses to Issue Specific Hearing (ISH8) Action Points

Application by Luton Rising to extend London
Luton Airport

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1 Introduction

- 1.1 This report provides the response of Luton Borough Council (LBC) as local planning authority (LPA) to the action points arising from Issue Specific Hearing 8 (ISH8).
- 1.2 The response is set out in tabular form identifying the Examining Authority's (ExA) action number, its description and providing the response from LBC to the action. A second table provides responses to questions addressed to LBC by the ExA during the ISH8 session.

2 LBC Action Points arising from ISH8 Environmental Matters

| No. | Description | LBC Response |
|-----------------------------|--|--|
| Noise and vibration | | |
| 4 | If available, provide postcodes of previous piling complaints relating to airport works. | <p>There were seven complaints received on 24 August 2017 to the piling that was associated with Project Curium. The complaints came from six properties, being within the following post codes: LU2 9TX; LU2 9JH (x2); LU2 9TU (x2); LU2 8TB; and LU2 9RZ.</p> <p>The areas covered by these post codes are shown on the extracts attached at Annex 1 below.</p> |
| Health and community | | |
| 11 | To confirm in next Statements of Common Ground (SoCGs) whether they are satisfied with the data sets used. | <p>The SoCG between the Applicant and LBC being submitted for Deadline 6 does not include reference to the data sets, however, at the ISH8 hearing session, David Gurtler confirmed that Luton Borough Council (LBC) had discussed with the Applicant at a meeting on 13 November 2023 the approach taken, and that the Council was satisfied with the approach taken by the Applicant which used ward level data sets for Luton.</p> <p>LBC113 of the SoCG in relation to measures to mitigate the impacts of the development, in terms of health and wellbeing, is agreed.</p> |
| 12 | Confirm whether specific known local receptors require additional specific information to be supplied. | LBC do not have any comment in relation to specific known local receptors. |
| Air quality | | |
| 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. | LBC do not have any comment to make on this matter since Hitchin is within Hertfordshire and it is for the County Council to provide a response. |

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| 22 | <p>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.</p> | <p>LBC received a copy of the Applicant's proposed 'Air Quality – Odour Reporting Process' on the 6 December 2023. The document has been prepared in response to a query flagged by Andrew Loosley (LBC's technical officer responsible for air quality) regarding how operational phase odour complaints will be handled if the expansion goes ahead. Mr Loosley's comments from the ISH8 session are provided in LBC's post hearing submission for ISH8.</p> <p>Having only recently received the document, LBC's initial comments are that bar a couple of points detailed below, the procedure set out in the proposal is acceptable – it follows the guidance in the Environment Agency's H4 H4 Odour Management document fairly closely.</p> <ol style="list-style-type: none"> 1. Considering the high level of digital exclusion within Luton, consideration should be given to providing alternative reporting mechanisms alongside the online complaints system. According to an analysis by Rouge Media, Luton has the highest level of digital exclusion in the UK; in 2020, 22% of adults had either never used the internet or had not used it in the last three months. 2. Although no doubt considered implicit, the five-step process in section 3.1.3 of the proposal does not include recording and informing the complainant of the action taken. These omissions should be remedied (both are recommended in H4). Complainants must also be provided with feedback in a timely manner. <p>LBC considers that the airport is probably best placed to carry out investigations in the first instance as they will be able to identify any issues and also will have easier access to air side where necessary, which may introduce delays for local authority led investigating.</p> |
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| | | <p>On conclusion of an investigation, the person making the complaint should be advised of the outcome and also that, if they have any further concerns, that they can report the matter to the local authority for the area where the odour occurred.</p> <p>The nature of the airport is such that complaints do occur outside of Luton and whilst LBC will assist neighbouring authorities, the statutory duty to investigate complaints of issues in their area does fall on that authority.</p> <p>It would also be useful for an annual review of complaints to be undertaken.</p> |
| 24 | Joint Host Authorities to comment on the potential issue of odour and flies from water treatment plant. | The response is provided in LBC's ISH8 post hearing submission. |
| Climate change and greenhouse gas emissions | | |
| 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. | The application is consistent with 2040 net zero target of the Luton Net Zero Roadmap, this is particularly reflected in the Green Controlled Growth limits for Green House Gases emissions [REP5-020]. |
| Landscape and visual | | |
| 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' | Valued landscapes are not defined in the NPPF and the proposed area of search associated with the possible extension to the Chilterns AONB (National Landscape) is outside Luton's administrative area. LBC therefore does not propose to comment in relation to whether this area should be considered a 'valued landscape'. |
| 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 | <p>LBC concurred with the view expressed by the Applicant in the issue specific hearing, this is summarised below.</p> <p>The Applicant noted that the change to Section 85 of the Countryside and Rights of Way Act 2000 would come into effect on Boxing Day, and that they</p> |

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| | | <p>did not consider that it would have any material implications for the assessment of the Proposed Development.</p> <p>The amendment would place a stronger obligation on relevant authorities who are exercising functions which affect AONBs to seek to further those purposes of conservation or enhancement of the natural beauty of the AONB (the current requirement being to have regard to the purpose of conserving or enhancing the natural beauty of the AONB).</p> <p>The Applicant was of the view that the change does not require any substantive outcome, and that the ANPS (para 5.219) and the NPPF (para 176) go further than that proposed by the change, since they require great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs. There is therefore already an obligation on the Secretary of State as the determining authority to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB, and the Applicant has addressed the implications for the AONB, both in their application documents and in their oral submissions.</p> |
| 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. | LBC have no comments to make on this matter. |
| Design | | |
| 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. | <p>LBC has provided a response on design in the post hearing submission for ISH10, noting that a meeting is arranged with the Applicant for 12 December to discuss design.</p> <p>This is therefore an on-going action.</p> |

3 Questions to LBC arising from ISH8 Environmental Matters

| No. | Question | LBC Response |
|--|--|---|
| Remaining questions for landscape and visual/design | | |
| 9 | 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>With regard to design codes covering other buildings/structures proposed as part of the development, many of these are purely operational structures, such as the surface movement radar, engine ground run up bay, water treatment plant or fuel storage facility, and others are functional buildings such as multi-storey car parks, piers, hangars, solar battery storage buildings, and ancillary buildings in the fire training area.</p> <p>Other buildings shown on the scheme layout plans are associated with the Green Horizons Park development, with full details having been provided for the airport operator's technical services building, and the offices, hotel, and warehouses being covered by design codes required under that permission.</p> <p>The proposed new terminal and the large hotel are therefore the two buildings that LBC consider should have design codes, being significant buildings, with public access and providing a gateway to visitors using the airport.</p> |
| Heritage | | |
| 10 | Confirm if the update to the Gazetteer at D4 [REP4-017] provides the level of detail sought or whether this needs to be supplemented. | The points raised by LBC in REP3-106 and REP4-187 have previously been addressed and the detail within REP4-017 is satisfactory. |

Annex 1: Post code locations

This screenshot shows the Google Maps interface for the post code LU2 9TX. The search bar at the top left contains "Warton Grn, Luton LU2 9TX". The left sidebar displays the location name "LU2 9TX", the address "Warton Grn, Luton", and the postcode "Postcode". It also shows the weather as "Mist · 5°C" at "11:35". Below this are icons for "Directions", "Save", "Nearby", "Send to phone", and "Share". The main map area shows a street view of Warton Grn, with a red dashed box highlighting the location. Other nearby points of interest include Asda Luton Superstore, Active Fitness Club, and Wigmore Church.

This screenshot shows the Google Maps interface for the post code LU2 9JH. The search bar at the top left contains "Lalleford Rd, Luton LU2 9JH". The left sidebar displays the location name "LU2 9JH", the address "Lalleford Rd, Luton", and the postcode "Postcode". It also shows the weather as "Mist · 6°C" at "11:37". Below this are icons for "Directions", "Save", "Nearby", "Send to phone", and "Share". The main map area shows a street view of Lalleford Rd, with a red dashed box highlighting the location. Other nearby points of interest include Asda Luton Superstore, Active Fitness Club, and Wigmore Church.

Linbridge Way, Luton LU2 9TU

LU2 9TU
Linbridge Way
Luton
Postcode

Mist · 5°C
11:38

Directions Save Nearby Send to phone Share

Iconic Hemel Hempstead

Restaurants Hotels Things to do Museums Tr

Wigmore Ln
Dawn Sawyer Fitness
Wigmore Church
Richmond Hill School East
Asda Luton Superstore
Active Fitness Club
Corbridge Dr
WIGMORE

Layers Google

Claverley Grn, Luton LU2 8TB

LU2 8TB
Claverley Grn
Luton
Postcode

Mist · 5°C
11:40

Directions Save Nearby Send to phone Share

Iconic Hemel Hempstead

Restaurants Hotels Things to do Museums Tr

Buckingham Dr
Wigmore Ln
Dawn Sawyer Fitness
Wigmore Church
Richmond Hill School East
Asda Luton Superstore
Active Fitness Club
Corbridge Dr
WIGMORE

Layers Google

Barnston Cl, Luton LU2 9RZ

LU2 9RZ
Barnston Cl
Luton
Postcode

Mist · 5°C
11:41

Directions Save Nearby Send to phone Share

Iconic Hemel Hempstead

Restaurants Hotels Things to do Museums Tr

Wigmore Primary School
Asda Luton Superstore
Active Fitness Club
The Wigmore All-Day Dining
GCB Roofing Contractors Luton
Enterprise Car Hire Luton Airport
Luton Borough Council Tidy Tip (Household...)
Wigmore Park

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