

ExQ2: Friday 15 December 2023

Responses due by Deadline 7: Tuesday 9 January 2024



The Planning  
Inspectorate

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

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

**Issued on 15 December 2023**

The following table sets out the Examining Authority's (ExA's) further Written Questions and requests for information – 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]. These have arisen from the review of all representations, examination of the issues and assessment of the Proposed Development against relevant policies. Please note that some topics that were included in the ExA's first written questions and requests for information (ExQ1) are not included in ExQ2 because the ExA does not wish to ask any further questions on these at this point. However, this does not preclude further questions on these topics later in the Examination.

At Deadline 7, the Examination Timetable indicates that the ExA is expecting comments on submissions received at Deadline 6. In the interests of efficiency, the ExA has not considered it necessary to ask general questions on parties' responses to Deadline 6 submissions as it is assumed that these would be provided as a matter of course.

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 prevent 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 and then an issue number (indicating that it is from ExQ2) and a question number. For example, the first question on air quality is identified as AQ.2.1. 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 the table is available in Microsoft Word](#).

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**Responses and information requested is due by Deadline 7: Tuesday 9 January 2024.**

**PLEASE NOTE:**

The ExA has asked a number of questions in relation to the report summarising the outcome of the accounting for Covid-19 in transport modelling, due to be submitted by the Applicant on 15 December 2023. The documents will be published as soon as possible after we receive them and will be in the Additional Submissions section of the Examination Library. The banner on the Examination Library will be updated to alert you when the documents are available. The Examination Library reference will be from AS-159.

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**Abbreviations:**

<b>Abbreviation</b>	<b>Definition</b>
<b>19mppa consent</b>	Ref 15/00950/VARCON granted on 13 October 2023 allowing, among other things, commercial passenger throughput of up to 19 million passengers in any twelve-month period
<b>ACV</b>	Asset of Community Value
<b>AEDT</b>	Aviation Environmental Design Tool
<b>ANPR</b>	Automatic Number Plate Recognition
<b>ANPS</b>	Airports National Policy Statement: new runway capacity and infrastructure at airports in the south-east of England
<b>AONB</b>	Area of Outstanding Natural Beauty now known as National Landscapes
<b>ATM</b>	Air Traffic Movements
<b>CAH</b>	Compulsory Acquisition Hearing
<b>CBC</b>	Central Bedfordshire Council
<b>CHG</b>	Cultural Heritage Gazetteer [REP4-017]
<b>CHMP</b>	Cultural Heritage Management Plan [REP4-020]
<b>CoCP</b>	Code of Construction Practice [ADD REF]
<b>D</b>	Deadline
<b>DALYs</b>	Distribution of Disability Adjusted Life Years
<b>DfT</b>	Department for Transport
<b>DMRB</b>	Design Manual for Roads and Bridges
<b>draft DCO</b>	Draft Development consent Order [REP5-003]
<b>EA</b>	Environment Agency
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>ExQ1</b>	Examining Authority's written questions [PD-010]
<b>ExQ2</b>	Examining Authority's further written questions
<b>GCG</b>	Green Controlled Growth
<b>GDP</b>	Gross Domestic Product
<b>GHP</b>	Green Horizons Park
<b>HCC</b>	Hertfordshire County Council
<b>HoT</b>	Heads of Terms
<b>ICAO</b>	International Civil Aviation Organisation
<b>IEMA</b>	Institute of Environmental Management and Assessment

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<b>Abbreviation</b>	<b>Definition</b>
<b>IPs</b>	Interested Parties
<b>ISH</b>	Issue Specific Hearing
<b>JZS OyO</b>	Jet Zero strategy: one year on (2023)
<b>km</b>	Kilometres
<b>LADACAN</b>	Luton and District Association for the Control of Aircraft Noise
<b>LBC</b>	Luton Borough Council
<b>LLAOL</b>	London Luton Airport Operations Limited
<b>MCERTS</b>	Monitoring Certification Scheme
<b>MPPA</b>	Million Passengers Per Annum
<b>NEDG</b>	Noise Envelope Design Group
<b>NPPF</b>	National Planning Policy Framework
<b>OBR</b>	Office for Budgetary Responsibility
<b>PA2008</b>	Planning Act 2008
<b>PADSS</b>	Principal Areas of Disagreement Summary Statements
<b>PSZ</b>	Public Safety Zones
<b>QALYs</b>	Quality Adjusted Life Years
<b>RIF</b>	Residual Impact Fund
<b>RPG</b>	Registered Park and Garden
<b>s</b>	Section
<b>s106</b>	Section 106
<b>SLAE</b>	Stop Luton Airport Expansion
<b>SoCG</b>	Statement of Common Ground
<b>SoS</b>	Secretary of State
<b>STF</b>	Sustainable Transport Fund
<b>TRIMMA</b>	Transport Related Impacts Monitoring and Mitigation Approach [REP5-041]
<b>UKHSA</b>	UK Health Security Agency
<b>UXO</b>	Unexploded Ordnance
<b>WSI</b>	Written Scheme of Investigation

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### **The Examination Library**

References in these questions set out in square brackets (eg [APP-123]) are documents catalogued in the Examination Library. The Examination Library can be accessed by using the following link:

[TR020001-000920-London Luton Airport Expansion Examination Library.pdf \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk/TR020001-000920-London%20Luton%20Airport%20Expansion%20Examination%20Library.pdf)

The Examination Library will continue to be updated throughout the Examination.

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<b>Broad, cross-topic and general questions</b>		
BCG.2.1	All Interested Parties	<p><b>Written questions following Hearings</b></p> <p>At the Hearings [EV13-006], [EV14-008], [EV15-013] and [EV16-009] a number of questions were converted to written questions to be answered at deadline (D)7. Please provide responses to these questions alongside those requested under further written questions (ExQ2). If you are providing your responses to ExQ2 in a table, the Examining Authority (ExA) is happy for you to include the responses to the hearing questions at the end of the relevant section. For example, questions from EV-014 could be included at the end of the responses to the traffic and transport questions from ExQ2.</p>
BCG.2.2	Applicant	<p><b>Passenger numbers for 2023</b></p> <p>If available, provide the passenger numbers for 2023. If they are not available for the full year, provide the latest available figure.</p>
BCG.2.3	All Interested Parties	<p><b>Central Government policy and guidance</b></p> <p>Are you aware of any updates or changes to Government policy or guidance, including emerging policies, such as the National Planning Policy Framework (NPPF), that may come into force before the end of the reporting period that could be relevant to the determination of this application? If yes, what are the likely implications for the application?</p>
BCG.2.4	All Local Authorities	<p><b>Updates on development</b></p> <p>Provide an update on any applications for planning permission or prior approval that have been submitted/ determined since the ExA's first written questions (ExQ1) [PD-010] that could either affect the Proposed Development or be affected by the Proposed Development and confirm whether these could change the conclusions reached in the Environmental Statement (ES).</p> <p>Could you also provide an update on the following applications:</p> <ol style="list-style-type: none"> <li>1. Wandon End Solar Farm; and</li> <li>2. Bloor Homes application.</li> </ol>
BCG.2.5	Applicant	<p><b>Statements of Common Ground (SoCGs)</b></p> <p>The ExA note that there are a significant number of matters which remain outstanding in the unsigned SoCGs. In addition, it notes that there are numerous references to meetings that are due to occur after D6. Whilst the ExA are encouraged that the Applicant is progressing these matters, given the limited time to the close of the Examination there is a concern that these matters may remain unresolved. To enable the ExA the opportunity, if necessary, to take the</p>

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		appropriate action please provide an update at D7 and D8 on progress with the SoCGs in relation to outstanding matters.
BCG.2.6	Applicant, Luton Borough Council (LBC) and the Joint Host Authorities	<p><b>Section (s)106 – Heads of Terms (HoT)</b>            At D6 the Applicant provided a summary of the s106 HoT [REP6-072]. These differ from those included in the Planning Statement [REP5-016, section 5.8] in that they no longer include a provision for highways works or the reprovision of Prospect Day Nursery. Explain why these are no longer included or if they are still required, where/ how they should be secured.</p>
BCG.2.7	Applicant and LBC	<p><b>s106 – Green Horizon Park (GHP) commitments</b>            The HoT provided at D6 [REP6-072] includes the GHP sports pitch and changing room re-provision contribution to provide a facility at either Stopsley/ Lothair recreation ground or Ely Way/ Lewsey Park recreation ground, with replacement/ improvements to adult changing facilities at the same place. However, the GHP s106 [REP1-008] also includes the following financial contributions:</p> <ul style="list-style-type: none"> <li>• £250,000 public art contribution;</li> <li>• £250,000 county wildlife contribution;</li> <li>• £30,000 biodiversity contribution;</li> <li>• £35,000 replacement tree contribution;</li> <li>• £3.45 million roads and highways improvement contribution;</li> <li>• £35,000 Raynham Way Neighbourhood Park Play contribution; and</li> <li>• £6,000 towards monitoring.</li> </ul> <p>In addition, it requires the provision and layout of Wigmore Valley Park replacement land and includes an employment, skills, procurement and training strategy (Schedule 3 of the s106).</p> <p>Can you explain how/ where these contributions/ commitments would be secured and, if they are not being secured, why they would no longer be required?</p> <p><i>You may wish to combine the response with the answers to questions BCG.2.8, 2.9 and 2.10.</i></p>
BCG.2.8	Applicant and LBC	<p><b>s106 – GHP highways works</b>            The s106 for GHP would deliver £3.45 million contribution towards road and highways improvements in the vicinity of the development including:</p> <ul style="list-style-type: none"> <li>• Castle Street Roundabout;</li> <li>• Junction of Castle Street/ Hibbert Street/ Windsor Street;</li> </ul>

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		<ul style="list-style-type: none"> <li>• Junction of New Bedford Road/ Cromwell Road;</li> <li>• Junction of Windmill Road/ Osborne Road; and</li> <li>• Junction of Old Bedford Road/ Stockingstone Road/ Hitchin Road.</li> </ul> <p>None of these works are included in the current application. Can you explain how these works would now be secured or, if they are no longer secured, why they would no longer be required.</p> <p><i>You may wish to combine the response with the answers to questions BCG.2.7, 2.9 and 2.10.</i></p>
BCG.2.9	LBC	<p><b>GHP s106 – Eaton Green Link Road</b></p> <p>Under the current s106 for GHP the Eaton Green Link Road can only open once the New Century Park (now GHP) access road is built as a fully functioning dual carriageway along its whole length. Would such a restriction still be required in relation to the Airport Access Road? If not, why not, and if it is signpost where/ how this would be secured.</p> <p><i>You may wish to combine the response with the answers to questions 2.7, 2.8 and 2.10.</i></p>
BCG.2.10	Applicant and LBC	<p><b>GHP s106 – Replacement land</b></p> <p>The GHP proposal would result in the loss of parts of Wigmore Valley Park. As a result, the GHP s106 includes a requirement that replacement land as shown on plan LLADCO-3B-CAP-LS-00-DR-LD-0021 rev P01.1 [REP4-073] is provided and laid out. Article 45 of the draft Development Consent Order (DCO) [REP5-003] would enable the implementation of both the GHP consent and the Proposed Development.</p> <ol style="list-style-type: none"> <li>1. The GHP replacement land is now included in the replacement land for the Proposed Development. Given this, confirm whether the implementation of both the GHP consent and the Proposed Development would result in the loss of additional parts of Wigmore Valley Park. If yes, would this result in a need to deliver additional replacement land and, if so, outline how much would be required and how it would be delivered/ secured.</li> <li>2. Plan LLADCO-3C-ACM-WHS-GEN-DR-CE-0001 rev P01 [REP4-073] shows a hybrid industrial quarter on part of Wigmore Valley Park. The plan includes the annotation ‘will not be implemented under either the DCO or the GHP permission’. However, looking at the plans submitted it would appear to be possible to partially, if not wholly, implement this element alongside the Proposed Development. This could result in the further loss of open space from Wigmore Valley Park and create a need for additional replacement land. Explain how the ExA can be confident that this element of the GHP permission would not</li> </ol>

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		<p>be implemented and where this is secured. Alternatively, set out where/ how the additional replacement land needed to mitigate this loss would be delivered.</p> <p><i>You may wish to combine the response with the answers to questions 2.7, 2.8 and 2.9.</i></p>
BCG.2.11	Applicant and all Interested Parties	<p><b>s106 – HoT</b></p> <p>Throughout the Examination the Applicant and various Interested Parties (IPs) have advised that certain mitigation measures would be needed and could be secured through the s106. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• request by Historic England [REP1-070] and [REP4-173];</li> <li>• request by Bedfordshire Fire and Rescue Service [RR-0142];</li> <li>• request by East of England Ambulance Service NHS Trust [RR-0401]; and</li> <li>• various requests from the Joint Host Authorities.</li> </ul> <p>1. <b>Applicant:</b> Explain why these are not included in the current HoT and, if they are required, signpost where/ how these are being secured.</p> <p>2. <b>Interested Parties:</b> List any further mitigation measures that should be included in the HoT with an explanation as to why.</p>
BCG.2.12	Applicant and all Interested Parties	<p><b>s106 – Alternatives</b></p> <p>The Applicant intends to submit a completed s106 agreement at D9 (30 January 2024) [REP6-072]. However, should the s106 not be completed could any of the matters that would have been secured by the agreement be secured through other means eg a requirement? If so, provide details of which elements, how they could be secured and an appropriate form of drafting.</p>
BCG.2.13	Applicant and all Relevant Highway Authorities	<p><b>Traffic modelling – implications for air quality, health, and noise and vibration assessments</b></p> <p>1. <b>Relevant Highway Authorities:</b> Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15th December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactory address the concern(s) by D7.</p>

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		<p>2. <b>Applicant:</b> If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8.</p> <p><i>You may wish to link the answer to this question with your response to question TT.2.1.</i></p>
BCG.2.14	Applicant	<p><b>Review and approval of plans and strategies relied upon by the Code of Construction Practice (CoCP)</b></p> <p>The CoCP [REP6-003] relies on numerous plans and strategies. The review and approval by the appropriate authority of at least three of these plans and strategies do not appear to be secured on the face of the DCO, or elsewhere. These are:</p> <ul style="list-style-type: none"> <li>• appendix 17.7, the 'Groundwater, Ground Gas and Leachate Monitoring plan' [APP-127]</li> <li>• the Construction Surface Water Management Strategy, which will include management of flood risk during construction (referenced in section 18.2 of the CoCP); and</li> <li>• the Employment and Training Strategy [APP-215] (referenced in section 3.7 of the CoCP).</li> </ul> <p>There are also a number of assessments, such as the assessment for unexploded ordnance (see ExQ2 DCO.2.4) that could be in this category.</p> <p>Please signpost where the review and approval of these documents by the appropriate authority is secured. If not secured anywhere, either propose appropriate amendments to the application to achieve this, or explain why this is not required.</p>
BCG.2.15	Applicant	<p><b>Imported material</b></p> <p>ExQ1 PED.1.6 4b [PD-010] asked for details of the off-site locations from which material for the proposed landform would, if needed, be sourced. You confirmed that the imported granular material volume would equate to approximately 543,000 m<sup>3</sup> [REP4-061]. However, your response does not answer where this additional material would be sourced from.</p> <p>Please confirm where this would be sourced from or signpost where in the application documents this information is contained.</p>
BCG.2.16	Applicant and LBC	<p><b>Implementation of 19mppa consent</b></p> <p>At the November Hearings it was indicated that the Airport was in pre-application discussions regarding the submission of the information needed to discharge the conditions to enable the passenger cap to be raised to 19mppa. Can you provide an update/ timetable for the submission of the applications to discharge these conditions.</p>

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<b>Air Quality and odour</b>		
AQ.2.1	Applicant	<p><b>Hitchin Air Quality Management Area</b></p> <p>The Applicant provided an impact assessment summary note for the Hitchin Air Quality Management Area at D6 [REP6-074]. Paragraph 1.3.1 notes that the assessment is based on the core planning case. As the Applicant's Green Controlled Growth framework [REP5-022] assumes faster growth limits, can the Applicant confirm how the assessed levels would change in the faster growth scenario and whether the assessment conclusions would remain the same?</p>
AQ.2.2	Applicant	<p><b>Errata</b></p> <p>In responding to ExQ1 NO.1.6 [PD-010] the Applicant updated the relevant Heavy Goods Vehicle data in the errata document [REP5-036] but did not confirm whether the air quality data required updating. Confirm whether Table 3.22 [AS-028, Appendix 7.1] requires updating and if so, please update and amend the conclusions accordingly.</p>
AQ.2.3	Applicant and LBC	<p><b>Technical note for landfill gas monitoring</b></p> <p>A technical note for landfill gas monitoring is referred to in the SoCG between the parties [REP6-027].</p> <ol style="list-style-type: none"> <li><b>Applicant:</b> Provide a copy of this technical note. If this is not available by the next deadline, indicate the anticipated timescale for delivery.</li> <li><b>LBC:</b> If the note has been received, provide an update on your review of this document and confirm whether the questions in the SoCG [REP6-027] in relation to landfill gas and monitoring are now satisfied. If not, please explain why and what would need to be done to address your concerns.</li> </ol>
<b>Biodiversity</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Climate change and greenhouse gas emissions</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Compulsory Acquisition and Temporary Possession of land and rights</b>		
CA.2.1	Applicant and LBC	<p><b>Quality of replacement open space at the point it becomes accessible to the public</b></p> <p>The ExA note the response provided at D6 [REP6-064, paragraph 4.4.5]. Whilst the ExA recognise that this position is not unique to this application, in this case it would take a significant length of time for the replacement land to be of a similar quality to the current Wigmore Valley Park. In addition, the land adjacent to the new park would be subject to construction works for a</p>

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		considerable length of time. In order to encourage the use of the replacement open space and to maximise the visitor experience during this time what additional measures could be undertaken (eg use of mature replacement planting, enhanced facilities, screening etc) and how/ where could these be secured?
CA.2.2	Applicant and LBC	<p><b>Need for land - alternative locations for car parking to Wigmore Valley Park</b></p> <p>The Friends of Wigmore Valley Park identify land to the north of Percival Way as 'ideal' for a multi-storey car park [REP6-127]. This land is within the Order Limits. They suggest that this would mean Wigmore Valley Park would not need to be removed from public use until Phase 2.</p> <ol style="list-style-type: none"><li>1. <b>Applicant:</b> Provide details of all the locations/ alternatives considered for the provision of parking as an alternative to the use of Wigmore Valley Park, including that identified by the Friends of Wigmore Park and confirm that this search is up to date.</li><li>2. <b>LBC:</b> Provide an assessment of whether there are suitable plots of land for car parking use locally that could reasonably be used as an alternative to Wigmore Valley Park.</li></ol>
CA.2.3	LBC	<p><b>Application of Local Plan Policy LLP6E</b></p> <p>Your response to the application of Policy LLP6E [REP6-104] is noted. However, the question related to the precise wording of Part E of the policy, which states that 'in delivering development and access <i>under clause D (i.e. Century Park) above...</i>'. If the current proposal progresses, Century Park as envisaged in clause D would not be delivered.</p> <p>Given this context, confirm if Part E of Policy LLP6E would still apply to the current proposal and if so, explain why.</p>
CA.2.4	Applicant, LBC, all relevant Local Authorities and Friends of Wigmore Valley Park	<p><b>Previous informal use of the proposed replacement open space</b></p> <p>The recent removal of any permissive informal use of the proposed replacement open space through clear signage is noted [REP6-064]. Please confirm whether, in your opinion, this action operates retrospectively so as to 'erase' any rights that may have arisen before erection of signage.</p> <p>The Friends of Wigmore Park are collating evidence of long-term informal use of the land. If it is demonstrated that the land, or paths across the land, have been used informally by the public over the required period:</p>

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		<ol style="list-style-type: none"> <li>1. Provide an assessment of how, in your opinion, s31 of the Highways Act 1980 applies to this land and any implications of this for its use as replacement open space.</li> <li>2. Provide an assessment of how, in your opinion, the Commons Registration Act 1965 and the Commons Act 2006 apply to this land and any implications of this for its proposed use as replacement open space.</li> </ol>
CA.2.5	Applicant, LBC and Friends of Wigmore Valley Park	<p><b>Wigmore Valley Park Asset of Community Value (ACV) and Compulsory Acquisition</b> The ExA understands that Wigmore Valley Park is an ACV.</p> <ol style="list-style-type: none"> <li>1. Does this have any bearing on the proposed compulsory acquisition of the land?</li> <li>2. If it is a registered ACV does this have any implications for the Book of Reference ie could there be a Category 2 interest?</li> </ol>
<b>Draft Development Consent Order</b>		
<b>Articles</b>		
DCO.2.1	Applicant	<p><b>Article 45 (2), (3) and (4)</b> Provide a more detailed legal submission as to why these provisions are considered necessary. How they would be consistent with any conditions/ planning obligations on the GHP consent or the relevant London Luton Airport Operations Limited (LLAOL) permission which secure any Environmental Impact Assessment (EIA) related mitigation. How this article would operate in practice and which section of the Planning Act 2008 (PA2008) you consider would permit the inclusion of the provision in the DCO.</p>
DCO.2.2	Applicant and LBC	<p><b>Article 45 (2)</b> As currently drafted this paragraph would prevent LBC taking enforcement action against non-compliance with the conditions of the GHP or LLAOL permission for any breaches that would occur after a notice was served under paragraph 1.</p> <ol style="list-style-type: none"> <li>1. <b>Applicant:</b> Can you confirm if such a provision is permissible as it would effectively prevent the Council from undertaking one of its statutory functions.</li> <li>2. <b>LBC:</b> As drafted you would be unable to take enforcement against any breaches of the GHP or LLAOL planning permissions. Is this appropriate and what measures would be available to the Council to remedy any breaches if such a function was removed?</li> </ol>

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DCO.2.3	Applicant	<p><b>Requirement 1 – definition of passengers</b></p> <p>'Passengers' is defined as commercial airline passengers excluding infants, passengers on diverted planes and passengers on emergency flights. Explain whether this definition would include passengers on private jets and, if not, why not and should it?</p>
DCO.2.4	Applicant	<p><b>Requirement 8 – CoCP and Unexploded Ordnance (UXO)</b></p> <p>Section 6.5 of the CoCP [REP6-003] states that '<i>A Detailed UXO Risk Assessment would be obtained by the lead contractor prior to construction</i>'.</p> <p>Should this document be added to the list of those to be approved by the relevant planning authority in requirement 8(2)? If not, why not?</p> <p>If not, the CoCP would require a risk assessment 'prior to construction'. Given that UXO could be encountered during the enabling works permitted under Article 21 of the draft DCO, confirm if this timing is appropriate and, if not, provide alternative wording.</p>
DCO.2.5	Applicant	<p><b>Requirement 17 – definition of emergency flights</b></p> <p>Requirement 17 of the draft DCO [REP5-003] excludes 'emergency flights' from the number of allocated slots to be declared in the summer and winter seasons. Requirement 1 provides a definition of 'emergency flights'. Can the Applicant confirm how the definition provided relates to the matters referenced in Green Controlled Growth Framework (Explanatory Note) [REP5-020, paragraph 2.2.42] and if these are equivalent provisions?</p>
<b>Schedule 8 – Protective Provisions</b>		
DCO.2.6	National Highways	<p><b>Preferred drafting</b></p> <p>The draft DCO [REP5-003] now includes a protective provision for the benefit of National Highways. The Applicant [REP6-068] has advised that this is based on its preferred drafting and the ExA note that National Highways have submitted a marked up DCO [REP6-113]. At Compulsory Acquisition Hearing 2 (CAH2) [EV13-004] the Applicant indicated that it hoped drafting could be agreed before the close of the Examination. However, in case agreement is not reached, if National Highways want the ExA to consider an alternative form of drafting then this needs to be submitted at <b>Deadline 9</b> to allow the Applicant to respond at <b>Deadline 10</b>.</p>
DCO.2.7	Network Rail	<p><b>Request for protective provision</b></p> <p>At CAH2 [EV13-004] the Applicant advised that it was in negotiations regarding the drafting of a protective provision for the benefit of Network Rail, albeit that such drafting was not currently</p>

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		<p>included in the draft DCO. The Applicant indicated that it hoped negotiations would be successfully completed before the close of the Examination. However, in case agreement is not reached, if Network Rail want the ExA to consider an alternative form of drafting to that included in [REP4-200] then this needs to be submitted at <b>Deadline 9</b> to allow the Applicant to respond at <b>Deadline 10</b>.</p> <p>Can you also provide an update as to whether internal clearance has now been obtained?</p>
DCO.2.8	Affinity Water Thames Water Eastern Power Networks Plc UK Power Network Operations Ltd	<p><b>Request for bespoke protective provision</b></p> <p>In your submissions [REP1-030], [REP1-163] and [RR-0402] you requested that the draft DCO should include bespoke protective provisions for your benefit. The Applicant at CAH2 advised that it was in the process of entering into side agreements with each of you and that, in any event, it considered that Part 1, which is a general provision for the protection of electricity, gas, water and sewage undertakers, was sufficient for the protection of your interests. As a result, the Applicant was not proposing to include bespoke provisions for your benefit. If you consider that a bespoke provision would still be required, please provide an explanation why the provisions provided by Part 1 would not be sufficient to protect your interests and provide a form of suggested drafting.</p>
<b>Schedule 9 – Documents to be certified</b>		
DCO.2.9	Applicant	<p><b>Updated documents</b></p> <p>The ExA note that several of the documents listed in Schedule 9 have been superseded by documents submitted at D6. When submitting a new version of the draft DCO at D7 please ensure that this schedule has been updated and reflects the latest version of these documents.</p>
<b>Green Controlled Growth (GCG)</b>		
GCG.2.1	Applicant	<p><b>No stepping back clause</b></p> <p>Provide further justification for the ‘no stepping back’ clause in paragraph 1.2.6 of the GCG Framework [REP5-022]. If Air Traffic Movements (ATMs) decrease over time, the higher limits may not serve to drive use of quieter aircraft. How would this support the policy objective of sharing benefits with the community?</p>
GCG.2.2	All Local Authorities	<p><b>Increase of thresholds, limits and contours</b></p> <p>Confirm whether any additional wording is required in the GCG framework [REP5-022] to limit the circumstances in which an increase in the thresholds, limits or contours could be allowed, for example in paragraph 2.3.4 of the framework.</p>

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GCG.2.3	Applicant	<p><b>Circumstances beyond the operator's control</b></p> <p>In the GCG Explanatory Note [REP5-020, paragraph 2.2.39] it states:</p> <p><i>'Generally, where the airport operator puts forward a case that the exceedance of a threshold or breach of a limit is due to circumstances beyond their control, they will be expected to demonstrate that the circumstances were:</i></p> <ul style="list-style-type: none"><li><i>a. not permanent in nature;</i></li><li><i>b. outside of the control or influence of the airport operator; and</i></li><li><i>c. directly related to the measured exceedance of a Threshold or breach of a Limit.'</i><p>Clarify if this statement is intended to mean that all of these circumstances have to be in place to demonstrate that matters are outside their control or only an individual circumstance?</p></li></ul>
GCG.2.4	Applicant	<p><b>Noise contours based on core planning case</b></p> <p>The ExA wishes to understand the difference that using the core case to develop noise contours, limits and thresholds would have on the controls within the GCG framework. Provide an alternative Table 3.1 of the GCG framework [REP5-022] updating the limits and thresholds so that they are based on the core planning case rather than the faster growth case.</p>
GCG.2.5	Applicant	<p><b>Aviation Environmental Design Tool (AEDT) noise model</b></p> <p>The Hertfordshire Local Authorities [REP6-100] expressed concern that a new model developed from scratch might be used to undertake future noise modelling. Confirm whether the AEDT noise model and inputs used to forecast noise impacts from the Proposed Development would be used for any future GCG monitoring rather than a new model and, if not, why not?</p>
GCG.2.6	Applicant	<p><b>Noise Envelope Design Group (NEDG) review of final noise envelope</b></p> <p>In light of comments at Issue Specific Hearing (ISH)8 regarding consultation on the final noise envelope, confirm whether it would be possible for the presently disbanded NEDG to provide comments on the final noise envelope design. Also confirm whether there is time within the examination timetable to allow submission of comments on any NEDG response by IPs prior to the end of the Examination.</p>
GCG.2.7	Applicant	<p><b>Airspace change sensitivity test</b></p> <p>Table 12.40 of Appendix 16.1 Noise and Vibration Information [AS-096] includes a sensitivity test for the worst-case noise impacts arising from the Airspace Change Process and concludes that contour area changes are 2-6% less than predicted in the core case. Since the Airspace Change is predicted to reduce contour areas, explain why, following the discussions at ISH9, the GCG</p>

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		Framework needs to include a mechanism that allows for an increase as well as a decrease in noise contour areas.
GCG.2.8	Applicant	<b>Additional noise monitoring</b> Explain whether any additional noise monitoring is being proposed over and above the basic monitoring that would be required to satisfy any future airspace change. Also clarify whether the quoted distances in paragraph C4.2.3 of Appendix C Aircraft Noise Monitoring Plan [REP5-028] should be 6.5 kilometres (km) from start of roll and <b>2km</b> ( <i>our emphasis</i> ) from the landing threshold, rather than 2.5km? It is understood that the International Civil Aviation Organisation (ICAO) requirement of 2.5km relates to light aircraft.
GCG.2.9	Applicant	<b>Additional air quality monitoring</b> The Applicant's response to ISH9 Action Point 26 regarding air quality monitoring [REP6-076] explains at paragraph 2.2.2 that collocation calibration would be undertaken for the proposed indicative MCERTS air quality monitors. Can the Applicant confirm whether 12 monthly calibration or calibration on moving equipment is secured in the GCG framework [REP5-022]? If not, should it be for consistency with the Environment Agency MCERTS: Performance Standards for Indicative Ambient Particulate Monitors?
GCG.2.10	All Local Authorities	<b>Automatic Number Plate Recognition (ANPR) data</b> Do you consider that a specific mechanism is required in the draft DCO to agree the location and approach to monitoring traffic using ANPR, or similar, to inform air quality impacts in Appendix D of the GCG framework [REP5-030]? If not, why not?
GCG.2.11	Applicant	<b>Short term emissions to air</b> Can the GCG framework [REP5-022] be updated to explain that short-term emissions limits would be monitored for an initial period and that short term limits could be applied in future if initial monitoring determined that there were exceedances of the relevant legal limits and relevant exposure? If not, why not?
<b>Health and community effects</b>		
HAC.2.1	Applicant	<b>Distribution of disability adjusted life years (DALYs)</b> ES Chapter 13 [AS-078, paragraph 13.9.67] suggests that less than one additional day per person would be lost in the affected population compared with the Do Minimum scenario between 2027 and 2043. Confirm whether the distribution of effects is such that it is appropriate to draw conclusions based on average DALYs within the population, or whether the change in DALYs is linked directly to proximity to flightpaths and is therefore spatially restricted, concentrating the impact on the population below the flight path?

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<b>ExQ2</b>	<b>Question to</b>	<b>Question</b>
HAC.2.2	UK Health Security Agency (UKHSA)	<b>Health monitoring</b> If health monitoring was to be secured by requirement, can the UKHSA confirm whether it would want to have an ongoing role in the monitoring or reporting process? If not, who should undertake this role?
HAC.2.3	Applicant	<b>Errata</b> The Errata document [REP5-036] states that Table 13.6 relating to the Study Area should be amended to delete ' <i>Areas within which there are likely to be environmental impacts (e.g noise and visual impacts of the airport, construction and surface access traffic routes)</i> ' as a typographical error. The ExA considers that the explanation that ' <i>Environmental impacts from the construction and operation of the airport are not relevant for the wider study area</i> ' lacks an evidential basis. The Applicant must provide robust justification for this deletion cross referencing the original scope of assessment and explaining whether any agreement has been reached with stakeholders to scope out this matter from assessment. Where such justification cannot be provided, the Applicant should clearly explain how conclusions on such impacts have been factored into the assessment of effects.
<b>Major Accidents and Disasters</b>		
MAD.2.1	Applicant	<b>Public Safety Zone (PSZ)</b> Would the PSZ need to be revised if the airport increased its passenger numbers. If yes, when would it be revised, how would it differ from the current zone and what are the implications for the conclusions of the ES?
<b>Need</b>		
NE.2.1	Applicant	<b>Revised Gross Domestic Product (GDP) forecast</b> The Office for Budgetary Responsibility (OBR) published its economic forecasts in November 2023 including revised GDP figures. Given that the model used for future forecasts in the Need Case uses economic forecasts dating back to March 2022, to allow the ExA to provide a recommendation to the Secretary of State (SoS) based on more up-to-date economic data, please provide revised forecasts for the central, slower and faster planning case based on the November 2023 OBR data and a written commentary of the extent to which the revised economic forecast affects the previous demand forecasts. If this is not considered to be appropriate, please explain why not.
NE.2.2	Applicant and all Local Authorities	<b>Forecasting with Gatwick</b> The forecasting parameters in the Need Case [AS-125] limits growth at Gatwick Airport to 50 million passengers per annum (mppa), although the response to ExQ1 N.E.1.4 [REP4-059]

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		<p>states this could rise to 53.5mppa on a single runway by 2050 (51mppa at 2030 and 52mppa). The post hearing submission response for ISH2 from the Joint Host Authorities [REP3-093] comments that Gatwick Airport has estimated that the airport could accommodate a passenger throughput of 67mppa in a base case without a northern runway (ie do-nothing scenario).</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"> <li>1. Explain why there is a difference between your assumptions and that by Gatwick Airport as quoted by the Joint Host Authorities.</li> <li>2. Explain whether a difference of 14mppa between the figures can be considered 'marginally greater' (using the terminology in your response to ExQ1 NE.1.4 in [REP4-059]) and the implications a difference in increase of 14mppa would have on your forecasting figures.</li> </ol> <p><b>Local Authorities:</b></p> <ol style="list-style-type: none"> <li>3. Provide any comments on this question.</li> </ol>
NE.2.3	Applicant	<p><b>Load factors</b></p> <p>Your response to ExQ1 N.E.1.4 [REP4-059] states low cost carriers, such as those that provide the majority of flights at Luton Airport, tend to operate with higher load factors than the full service airlines, such as British Airways, that play a more substantive role at Heathrow and Gatwick, due to offering different classes of travel and flexibility of tickets.</p> <p>Given that Gatwick also operates as a hub for Easyjet, where the factors quoted in your response would not apply, provide further evidence to justify this statement.</p>
NE.2.4	Applicant	<p><b>Load factors and average seats per flight</b></p> <p>Your response to ExQ1 N.E.1.4 [REP4-059] states it is highly unlikely that load factors could feasibly continue to grow at the pace seen over the period 1999-2019. It is estimated that this would continue at an initial rate of 1% per annum to the mid-2020s, declining to 0.25% per annum.</p> <ol style="list-style-type: none"> <li>1. Explain how the 1% and 0.25% figures have been calculated.</li> <li>2. To allow for greater understanding of how the average seats per flight would change as a result of new generation aircraft being introduced, provide details of a comparison between current average seats per flight at Luton Airport and estimated average seats per</li> </ol>

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		<p>flight on each of the aircraft listed in the Need Case [AS-125, Table 6.12] at each assessment year. Alternatively, explain why this information is not considered necessary.</p> <p>3. To what extent has the continued increase in average seats per flight as a result of transition to new generation aircraft, and the extent of how this could be experienced at other airports, been included in your forecasting model?</p>
NE.2.5	Applicant	<p><b>Forecasts</b></p> <p>A number of parties eg [REP2-064], [REP2-075] refer to the reduction from 70% to 52% in forecast passenger demand growth in the High Ambition Scenario on page 11 of the Jet Zero strategy: one year on (2023)(JZS OyO). In response eg [REP-061] and [REP-065], you acknowledge that the Government projections of air passenger demand in 2050 are slightly lower than their previous projections, state that demand growth is expected to be faster in the near term and slower over the longer term, which means that the estimated passenger market size of 391 million air passengers in 2043 is understated. You also state that economic projections for the UK have been revised upwards and are slightly more optimistic over the medium to long term than those adopted by the Department for Transport (DfT). Given this:</p> <ol style="list-style-type: none"> <li>1. Explain why your forecasts using less optimistic economic assumptions, as noted in your response to Chris Smith Aviation Consultancy Ltd [REP2-042], maintain an increase in passenger demand whereas those used by the DfT in JZS OyO have resulted in a reduced estimated forecast.</li> <li>2. Explain the differences between the data used in your forecasts and those used in the DfT forecasts for JZS OyO.</li> <li>3. Explain why demand in passenger forecast would be faster in the short term when revised GDP figures by the OBR in November 2023 forecasts slower economic growth in the short term.</li> </ol>
<b>Noise</b>		
NO.2.1	All Local Authorities	<p><b>2019 actuals/ consented baseline</b></p> <p>The called-in decision for application ref: 21/00031/VARCON creates a potential 19 mppa fall-back position. On the basis that this fall-back position now exists, can the local authorities provide detailed reasons if, and if so why, they consider it necessary to use a baseline position other than the 2019 actuals that is set out in the ES? If an argument remained to use the 2019 consented baseline as the core case, what specific additional assessment do the Local Authorities consider would need to be submitted (including any health-related assessment) and why?</p>

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NO.2.2	Applicant	<b>Fleet forecasts</b> Appendix A of the Applicant's post hearing submission for ISH8 [REP6-066] includes forecast data to explain the differences between the 19mppa consented forecasts for 2028 and the Proposed Development's 2027 core and faster growth cases. Can the Applicant explain why their forecasts assume: <ul style="list-style-type: none"><li>• no Embraer aircraft movements in future but allow for this in other scenarios;</li><li>• a trend of B737-800/ 73H reductions in future years but an increase in the core/ faster growth cases;</li><li>• a reduction in the B737-max against a trend of increasing B737-max aircraft; and</li><li>• proportionately greater increase in A320ceo in the faster growth case in 2027 than A320neo compared with the core case?</li></ul>
NO.2.3	All Local Authorities	<b>Disregarded movements</b> The Air Noise Management Plan [REP6-051, paragraph 2.6.1] includes a list of movements to be disregarded. Confirm whether the grounds for dispensation are acceptable, given that certain matters identified may be within the control or influence of the airport. Confirm whether the Applicant should reference any particular guidelines on dispensation.
NO.2.4	Applicant and all Local Authorities	<b>Noise violation limits</b> The Air Noise Management Plan [REP6-051] includes a proposed reduction in the noise violation limits from 2028, consistent with the current permission. Given the long-term nature of the Proposed Development, should the plan seek to include additional reductions in those limits in subsequent phases?
NO.2.5	Applicant and all Local Authorities	<b>ATM cap</b> Noting the Applicant's comments about the crudeness of simple movement caps [REP1-003], can the Applicant and Local Authorities confirm what the numeric value of a total ATM cap should be if one were to be applied to the airport. Should the cap vary over time?
NO.2.6	Applicant and all Local authorities	<b>Shoulder period noise controls</b> If additional ATMs were consented during the night shoulder periods, as proposed by the Applicant, can you suggest what would be suitable shoulder period quota count point limits and/or ATM limits?
NO.2.7	Applicant	<b>Quota count zero implications</b> In light of the emergence of Quota Count zero aircraft, explain how the quota count point limits would ensure that aircraft noise is controlled in the future?

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<b>ExQ2</b>	<b>Question to</b>	<b>Question</b>
NO.2.8	LBC, Central Bedfordshire Council and North Herts Council	<b>Monitoring for ground noise impacts</b> Do you consider that any additional noise monitoring should be undertaken in proximity to the airport in respect of ground noise impacts? If so, where should this be?
NO.2.9	Applicant and all Local Authorities	<b>Cargo, business and private ATM movements</b> The impact of night flights has been raised as a significant concern by residents, in particular late night/ early morning cargo flights.  <ol style="list-style-type: none"><li>1. <b>Applicant:</b> explain what specific restrictions apply to cargo, business and private flights during the night-time period if different from commercial flights.</li><li>2. <b>Local authorities:</b> Given the proposed increase in commercial flights during the night period, should additional constraints now be placed on any cargo, business and private flights? If not, why not, and if yes what should they be?</li></ol>
NO.2.10	Applicant	<b>Noise abatement procedures</b> Discussions at ISH8 and post-hearing submissions [REP6-134] suggest that noise abatement procedures such as continuous descent approach are already operating at Luton Airport and steeper descent approaches are not considered to be viable at present [REP6-140]. Confirm whether any viable noise abatement procedures remain available to the Applicant that have not already been implemented?
NO.2.11	Applicant	<b>Insulation of residential outbuildings</b> At CAH1 the Applicant confirmed that residential outbuildings would be eligible for noise insulation but not buildings such as sheds or garages. The compensation policies [REP4-042] were revised at D4 but did not clarify this point. Can the Applicant supplement the text in 6.1.8 of the compensation policies [REP4-042] to clarify that the policy would also cover residential outbuildings?
NO.2.12	Applicant	<b>Early morning traffic movements</b> Explain the likely surface access noise impact arising from early morning traffic movements to the airport and whether such peaks would be likely to give rise to significant changes in noise during these periods compared with the Do Minimum situation. Draw on traffic and noise modelling data and provide commentary on specific areas such as Buckinghamshire, where specific concerns have been raised about traffic flows in the early morning period [REP6-087].



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NO.2.13	Applicant	<p><b>Errata</b></p> <p>The Errata document [REP5-036] states that there was a typographical error in Table 6.40. Confirm whether ES Appendix 16.1 [AS-096] now contains the correct data or provide this information and confirm that the revised information does not change any of the ES conclusions. ES Appendix 16.2 [REP4-023] still includes text on use of a rating level not more than 5dB above background (eg paragraph 5.1.3), which is inconsistent with the updated requirements in ES Appendix 16.3 [REP4-025]. This should be identified in the errata document or a revised version of the appendix for certification.</p>
<b>Noise insulation scheme</b>		
NO.2.14	Applicant	<p><b>Confirmation of compensation commitments for Sue Ryder Centre Stagenhoe and Woodside Nursing and Residential Home</b></p> <p>Confirm the absolute noise level predicted and the change in noise exposure in Phases 1, 2a and 2b at the Sue Ryder Centre at Stagenhoe, and Woodside Nursing and Residential Home. The air noise insulation scheme eligibility should be confirmed for each property and the Applicant should explain whether these receptors would qualify for noise insulation if they were treated as non-residential receptors rather than residential receptors.</p>
NO.2.15	Applicant	<p><b>Noise insulation delivery</b></p> <p>The Applicant's response to ISH3 Action Point 26 [REP4-079] outlines initial work on a process to market test availability of contractors with the results of this exercise to be shared prior to close of the Examination. What assurance can the Applicant give to the SoS that a new noise insulation scheme and delivery programme can be implemented and that this is secured by the draft DCO?</p>
NO.2.16	Applicant	<p><b>Testing of insulation scheme</b></p> <p>Confirm what the proportionate sample size would be for the noise insulation testing [REP4-042, paragraphs 6.1.34 and 6.1.35], who the results of the noise insulation testing would be reported to and what mechanism would be in place to implement remedial action if required.</p>
NO.2.17	LADACAN	<p><b>Insulation of parked mobile homes</b></p> <p>LADACAN's comments on the Applicant's [REP3-060] submission [REP5-072] suggest that around 40% of Park Home properties are less substantially built/ potentially not capable of being insulated and that a noise survey should be done. Can LADACAN explain what the aim and purpose of such a noise survey would be?</p>

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NO.2.18	Applicant	<p><b>Effect of inflation on compensation proposals</b> Respond to CAH1, Action Point 25 [EV5-007] on the impact of inflation on compensation contributions, or signpost to where this information has been provided in the application documentation.</p>
NO.2.19	Applicant	<p><b>Noise insulation sub-committee</b> Explain when the noise insulation sub-committee of London Luton Airport Consultative Committee referenced in the compensation policies [REP4-042] and Noise Insulation Delivery Programme documents [REP4-079] would be established in relation to serving of a notice under Article 44 and outline the terms of reference for the sub-committee. In responding, explain how this would ensure timely implementation of the updated noise insulation programme and where/how this would be secured.</p>
<b>Physical effects of development and operation</b>		
<b>Design</b>		
PED.2.1	Applicant	<p><b>Design Codes</b> At ISH8 [EV15-001], it was stated by LBC that the development of Heathrow Terminal 5 benefited from a Design Code.</p> <p>Given the previous use of a Design Code for the expansion of a UK airport and concerns raised in submissions from parties regarding the generality of the Design Principles [REP5-034], explain further why you do not consider such a mechanism would be necessary (in addition to the reasons provided in your response to Action Point 31 for ISH6) [REP4-070].</p>
PED.2.2	Applicant	<p><b>Design principles</b> The updated Design Principles [REP5-034] contains a number of references to design aspects complying with existing industry standards or technical design criteria, such as, but not limited to, Civil Aviation requirements and the Design Manual for Roads and Bridges (DMRB).</p> <ol style="list-style-type: none"> <li>1. Given these are existing standards that any detailed design would be required to follow, explain what value adding references to these has to the Design Principles and how it would contribute to securing good design.</li> <li>2. Has any consideration been given as to whether any of the standards referred to may not be appropriate, or would be contrary to, securing good design and placemaking (ie which require functional solutions that may not be visually appealing)?</li> </ol>

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PED.2.3	Applicant	<p><b>Design principles – site wide works</b></p> <p>With reference to Design Principle SW.01 [REP5-034], explain why the detailed design of earthworks being in accordance with DMRB and which particular aspects of DMRB, would ensure good design.</p>
PED.2.4	Applicant and the Local Authorities	<p><b>Design principles – highway works</b></p> <p><b>Applicant:</b> Design Principle HW.01 [REP5-034] refers to the detailed design being in accordance with the DMRB and Local Authority Highway Design Requirements. Has any consideration been given to design being in accordance with the DfT guidance Manual for Streets, particularly in areas where public realm functions are proposed? If not, why not?</p> <p><b>Local Authorities:</b> Are there any aspects of Manual for Streets where the design of highway works would be applicable or should be applied in your respective areas? If so, indicate where and if not, why not?</p>
PED.2.5	Applicant	<p><b>Lighting mitigation</b></p> <p>The Light Obtrusion Assessment - Part A [APP-052] contains a mitigation measure in section 7.1 for shielding by structure on car parks. Identify where this is included in the Design Principles [REP5-034]. If this hasn't been included, why not and should it be?</p>
PED.2.6	Applicant	<p><b>Errata</b></p> <p>Confirm whether the 'waste and recycling centre' excluded from Appendix 4.1 Construction Method Statement [AS-082] in the D5 Errata document [REP5-036] is the Tidy Tip. Confirm if as a result of this whether the Tidy Tip should be excluded from the red line boundary and, if so, please update the relevant plans.</p>
<b>Historical Environment</b>		
PED.2.7	Historic England	<p><b>Increased frequency of flights and impacts on designated heritage assets</b></p> <p>Question 14 in [EV15-013] asked the Applicant to explain why the assessment for Luton Hoo in Chapter 10 of the ES [AS-077] has considered how the increased frequency of aviation noise would affect the aesthetic appreciation of that asset (in addition to changes in noise contours) but this has not been considered for other designated assets scoped into the assessment, particularly those located under the flight paths.</p> <p>Should the assessment of effects and harm on designated heritage assets, in particular Registered Parks and Gardens (RPG), consider the implication of increased frequency of flights and how this would or would not impact on the setting of individual assets? If not, why not?</p>

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PED.2.8	Applicant and Central Bedfordshire Council (CBC)	<p><b>Excavation of Roman settlement (HER 10808)</b> Originally the Applicant proposed that the Late Iron Age/ Early Roman and Roman occupation site (Historic Environment Record (HER) 10808) would be preserved in situ. However, following a request from the Archaeology Advisor for CBC, section 9.1 of the Cultural Heritage Management Plan [REP4-020] includes a methodology for archaeological excavation of the site. The Cultural Heritage Gazetteer (CHG) [REP4-017] considers there would be a minor adverse/ not significant residual effect in the ES and a less than substantial harm on this asset.</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"> <li>1. Given the proposal would now result in the loss of this heritage asset, justify the assessments provided on page 75 of the CHG [REP4-017].</li> </ol> <p><b>CBC:</b></p> <ol style="list-style-type: none"> <li>2. Are you in agreement with the assessments on this asset provided by the Applicant in the CHG? If not, why not?</li> <li>3. Noting the content of footnote 68 on page 57 of the NPPF, is this non-designated heritage asset of archaeological interest demonstrably of equivalent significance to scheduled monuments? If it is does would this change the conclusions of the assessment and if not, why not?</li> </ol> <p><b>Applicant and CBC:</b></p> <ol style="list-style-type: none"> <li>4. Provide justification for the loss of this non-designated heritage asset against relevant policies in the NPPF, Airports National Policy Statement (ANPS) and development plan.</li> <li>5. Given the proposed excavation of this heritage asset, in accordance with paragraph 205 of the NPPF, would there be an opportunity for the understanding of the asset and archaeology in this part of the Proposed Development to be advanced through measures incorporated into the Strategic Landscape Masterplan?</li> </ol>
PED.2.9	Applicant	<p><b>Written Scheme of Investigation (WSI) for trial trench evaluation in Hertfordshire</b> Paragraph 8.1.2 of the Cultural Heritage Management Plan (CHMP) [REP4-020] states further trial trenching is proposed in areas of the Main Application Site that fall within the administrative area of Hertfordshire County Council (HCC), where the scope was agreed with the Archaeology Advisor for HCC in a WSI prepared by AECOM (2022).</p>

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		Given this is referenced in the application documents, with paragraph 8.1.4 stating that additional trial trenching would be undertaken in accordance with the approved WSI and an updated Site Specific WSI, should the previously approved WSI not form part of the application documents? If not, why not?
PED.2.10	Applicant and Hertfordshire Host Authorities	<p><b>Trees in Hitchin</b></p> <p>Pages 79 and 80 of Appendix 14.4: Detailed Landscape Impact Assessment of the ES [AS-086] provides an assessment on the townscape of Hitchin, identifying significant effects due to the permanent loss of some mature trees to accommodate off-site highway improvements (Work Nos. 6e(k), 6e(l) and 6e(m)). Some of these trees are afforded protection due to their location within a Conservation Area,</p> <p><b>Applicant:</b></p> <ol style="list-style-type: none"><li>1. Confirm how many trees would be lost because of the proposed works and exactly where these trees are located.</li><li>2. What the assessment of effects and harm on the Hitchin Conservation Area would be in the absence of this being included on page 49 in the CHG [REP4-017].</li></ol> <p><b>Hertfordshire Host Authorities:</b></p> <ol style="list-style-type: none"><li>3. Provide your views on proposed loss of trees, including but not limited to, impacts on the Hitchin Conservation Area and compliance or otherwise with policies in the NPPF and development plan.</li></ol>
PED.2.11	Buckinghamshire Council	<p><b>Heritage impacts from highway works/ noise</b></p> <p>Your Principal Areas of Disagreement Summary Statement (PADSS) maintains that there is a lack of clarity regarding the impact of the scheme on heritage assets and seeks updated noise modelling and a CTMP.</p> <ol style="list-style-type: none"><li>1. Provide details on which heritage assets are most of concern.</li><li>2. Should assets of concern be identified with an assessment of likely effects/ harm in the CHG [REP4-017]?</li></ol>
PED.2.12	Applicant and all Local Authorities	<p><b>Assessment on harm</b></p> <p>The CHG [REP4-017] identifies a number of heritage assets where 'less than substantial' harm would arise.</p>

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		What weight should be given to the cumulative impact of several cases of 'less than substantial' harm to heritage assets'?
PED.2.13	Applicant	<p><b>Policy assessment for Luton Hoo Grade II* RPG</b></p> <p>Page 218 of the planning policy compliance table [REP5-018] advises that there are a number of designated assets and structures within the RPG, such as the Grade I listed house and Luton Hoo Conservation Area. The compliance commentary states: <i>“While the setting of these assets, namely the park, will experience change as a result of the operational assessment phase of the Proposed Development, there will be no harm to the significance of the assets themselves. Therefore, this matter is considered policy compliant”</i>.</p> <p>However, the assessment of impact and harm in the Heritage Statement in Appendix D of the Planning Statement [APP-198] concludes that the Proposed Development would result in 'less than substantial harm' to the significance of this asset. Clarify how this is compliant with Paragraph 200 of the NPPF, which states <i>“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”</i> and explain further the 'clear and convincing justification' that exists.</p>
PED.2.14	Applicant	<p><b>Luton Hoo Grade II* RPG</b></p> <p>Your response to paragraph 5.4.20 of Central Bedfordshire Council's Local Impact Report states, in respect of noise to Luton Hoo RPG, <i>“The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 of the ES”</i>.</p> <p>Explain exactly what the 'reasonably practicable measures' in Chapter 16 are that would apply to Luton Hoo.</p>
PED.2.15	Historic England	<p><b>Contribution towards Luton Hoo</b></p> <p>Question 15 from the Action Points to ISH8 [EV15-013] asked for CBC views about the merits of seeking a contribution towards offsetting the residual impact of the proposal that could be put towards conservation management at Luton Hoo. In their response [REP6-090], they have stated <i>“Mitigation measures, of which none are proposed for Luton Hoo, should address specific issues where impact and harm can be actively reduced. Financial contributions to offset measures would not constitute mitigation”</i>.</p> <p>Please provide your response to this.</p>

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PED.2.16	Applicant and North Herts Council	<p><b>Bendish Conservation Area</b> Table 10.11 in Chapter 10 of the ES [AS-077] includes this asset in the impact assessment because the potential for impact arising from aural intrusion was identified. However, there appears to be no specific assessment on this asset in paragraphs 10.9.95 – 10.9.99 of Chapter 10. Page 3 of the CHG [REP4-017] scopes this asset out of the ES because it is concluded that it would not be harmed by the Proposed Development.</p> <ol style="list-style-type: none"> <li><b>Applicant:</b> Given that this asset would experience a change in noise contours, in addition to its position under the flightpath, explain why no assessment of this asset has been included in paragraphs 10.9.95 – 10.9.99 in Chapter 10 of the ES [AS-077], the reasons for scoping out this asset in the CHG [REP4-017] and how the conclusion on harm was reached.</li> <li><b>North Herts Council:</b> Is further assessment on the effects of this asset required? If not, why not?</li> </ol>
PED.2.17	Hertfordshire Host Authorities	<p><b>Scoping out of Assets</b> Your PADSS submitted at D6 [REP6-099] raised concerns that the updated CHG [REP4-017] provides no explanation as to why assets have specifically been scoped out and there is no explanation as to how setting contributes to assets' significance.</p> <p>Are there any assets, except for St. Paul's Walden Bury RPG and Bendish Conservation Area referred to in PED.2.15 above, where further clarification is required and, if so, provide the reasons for this.</p>
<b>Landscape and visual impacts</b>		
PED.2.18	Applicant and all Local Authorities	<p><b>Hedgerows</b> Work No. 5e proposes planting hedgerows alongside public footpaths across nearby fields as proposed 'additional mitigation' to screen the Proposed Development. However, it was noted during site inspections [EV1-021] that a number of these would be planted within open fields where views of the wider landscape, including towards the airport, could be considered to form part of the enjoyment and recreational value of these receptors.</p> <ol style="list-style-type: none"> <li><b>Applicant:</b> To what extent has this been considered in determining the suitability of planting hedgerows as a mitigation measure?</li> </ol>

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		<p>2. <b>Local Authorities:</b> Are there any areas of proposed hedgerow located within your areas that raise concern in this respect?</p>
PED.2.19	Applicant and North Herts Council	<p><b>Hedgerow and hedgerow tree planting to footpath KW 005</b></p> <p>The ExA undertook a site inspection along the route of footpath KW 005 where it observed the undulating landform in views towards the airport and existing tree planting [EV1-021]. The ExA also note the content of pages 123-125 of the assessment of effects in Chapter 14.5 of the ES [AS-139] and that the mitigation would be required to reduce significant effects during the construction phases.</p> <p>In addition to PED.2.18 above, the ExA wishes to understand in more detail the justification for additional hedgerow and hedgerow tree planting at this location, given the land is proposed to be compulsorily acquired.</p> <p>1. <b>Applicant:</b> Provide further details of the visibility of the Proposed Development along this footpath, the extent to which planting the hedgerows would affect views of the surrounding landscape and justify in detail why the hedgerow is required.</p> <p>2. <b>North Herts Council:</b> Do you consider the proposed hedgerow and tree planting works in this location would be required and, if so, why?</p>
PED.2.20	Applicant	<p><b>Photomontages</b></p> <p>Representative Viewpoint 17A (2<sup>nd</sup> Floor, Luton Hoo House) [REP3-010] refers to Appendix 14.6 of the ES for the corresponding viewpoint information. However, this has not been included in [AS-090] or the preceding [APP-095].</p> <p>Please submit this information or signpost to where in the application documents this information is contained.</p>
PED.2.21	Applicant and all Local Authorities	<p><b>Ash dieback</b></p> <p>Has the potential effect of ash dieback and the implications this could have on the proposed mitigation measures been considered in the Landscape and Visual Impact Assessment? If not, why not and should it be?</p>



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PED.2.22	Applicant and CBC	<p><b>Glint and glare</b></p> <p>Your response at D6 [REP6-056] to CBC D5 submission [REP5-066] states the mitigation proposed in the Glint and Glare assessment [REP4-040] to reduce the impact on airport operations would also reduce any impact that there may be on the sensitive landscape.</p> <ol style="list-style-type: none"><li>1. <b>Applicant:</b> Explain how you have come to this conclusion in the absence of reference to landscape within the assessment.</li><li>2. <b>CBC:</b> Does this response address your concerns?</li></ol>
PED.2.23	Applicant	<p><b>Viewpoint accuracy</b></p> <p>Representative Viewpoint 10B [REP3-010] at Phase 1 illustrates Work No. 3a(01) Terminal 1 New Pier C and External Canopy. Given this work is proposed alongside the multi-storey car park which is not evident in the photo, clarify if this annotation is correct.</p>
PED.2.24	Applicant	<p><b>Additional viewpoint request at Luton Hoo</b></p> <p>Appendix 1 of the post hearing submission for ISH6 from CBC [REP3-087] requests additional viewpoints within the grounds of Luton Hoo because Capability Brown's work would be most evident at these positions. A response to Question 17 from the Action Points to ISH8 [EV15-013] from CBC is provided in [REP6-090].</p> <p>Please provide your position on this matter and explain any reasons why you agree or disagree with the request.</p>
PED.2.25	Applicant	<p><b>Planning Policy Assessment - NPPF</b></p> <p>The Policy Compliance Table in Appendix E of the Planning Statement [REP5-018], under the topic of Landscape and Visual on page 240, provides no assessment as to whether the proposed development complies with paragraph 174(a) of the NPPF and the reference to protecting and enhancing valued landscapes, nor paragraph 176 which requires 'great weight' to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB)(now National Landscapes) amongst other designations.</p> <p>Please provide this.</p>
PED.2.26	Applicant	<p><b>Planning Policy Assessment - ANPS</b></p> <p>The assessments against paragraphs 5.219 and 5.222 of the ANPS on pages 73 and 74 of the Policy Compliance Table in Appendix E of the Planning Statement [REP5-018] do not explain whether or not the proposed development would comply with these paragraphs.</p>

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		Please provide this.
PED.2.27	Applicant	<p><b>Planning Policy Assessment - ANPS</b>            With respect to the assessment against paragraph 5.223 of the ANPS on page 75 of [REP5-018] which refers to landscapes and townscapes that are highly valued:</p> <ol style="list-style-type: none"> <li>1. Explain where in section 14.7 of Chapter 14 of the ES [AS-079], aside from the Chilterns National Landscape, the areas of landscape that are highly valued locally are identified.</li> <li>2. How the assessment in Chapter 14.9 of the ES, which informs judgements on the value of a landscape receptor and the magnitude of impact on a landscape receptor, demonstrates compliance with policy.</li> </ol>
PED.2.28	Applicant	<p><b>Chilterns AONB Draft Special Qualities Assessment [REP6-075]</b>            To what extent has consideration been given to the Landscape Institute's 'Tranquillity – An Overview, Technical Information Note 1/17' or guidance from the local authorities, such as the Central Bedfordshire Tranquillity Strategy, when considering relative tranquillity in the draft assessment?</p> <p>Should the assessment incorporate guidance from these documents? If not, why not?</p>
<b>Green Belt</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Effects on safety</b>		
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>		
<b>Socio-economic effects</b>		
SE.2.1	Applicant	<p><b>Previous job creation</b>            Following ISH2 [EV7-006, Action Points 5 and 6] you were asked to provide details of the number of jobs created as a result of the grant of consent to allow the airport to expand to 18 MPPA. In response, copies of the London Luton Airport annual monitoring report for 2014 to 2019 have been provided. Whilst each report does contain a section on employment can you please provide the information requested in table form setting out:</p> <ol style="list-style-type: none"> <li>1. the number of jobs generated by the airport over the relevant period compared to the number of jobs that it was indicated would be delivered in the application; and,</li> <li>2. the number of jobs that were in existence prior to the increase in the passenger cap.</li> </ol>

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		Where possible can you provide the actual number rather than the number rounded to the nearest hundred.
<b>Traffic and transport</b>		
TT.2.1	Applicant and all Relevant Highway Authorities	<p><b>Transport modelling</b></p> <ol style="list-style-type: none"> <li><b>Relevant Highway Authorities:</b> Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15th December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactorily address the concern(s) by D7.</li> <li><b>Applicant:</b> If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8.</li> </ol>
TT.2.2	Applicant	<p><b>Environmental Assessment</b></p> <p>Chapter 18 of the ES [AS-030] explains that the assessment of significant effects has been defined in accordance with the Institute of Environmental Assessment Guidance: Guidance Notes No. 1, Guidelines for the Environmental Assessment of Road Traffic (1993). However, the latest version of this guidance was published in July 2023 (Institute of Environmental Management and Assessment (IEMA) Guidelines: Environmental Assessment of Traffic and Movement). Explain what the implications are for the assessment presented in Chapter 18 of these replacement guidelines.</p>
TT.2.3	Applicant	<p><b>GCG</b></p> <p>The relevant representations from the relevant highway authorities raised concern that the mode share percentages could be masking increases in traffic on the highway network. Explain how the mode share percentages relate to traffic on the network and signpost to exactly where in the application documents this is explained.</p>
TT.2.4	Applicant	<p><b>Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)</b></p> <p>In the TRIMMA [REP5-041] the extent of the proposed monitoring in terms of programme during the year is not defined. Explain how the data collected are representative of a typical level of traffic.</p>

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TT.2.5	Applicant	<b>TRIMMA</b> [REP6-057] responds to the D5 submissions of the Hertfordshire Host Authorities [REP5-068]. Point 17 on Table 1.1 has not been responded to appropriately. The concern was that the monitoring locations proposed were not suitable to capture traffic using off-site car parks. However, the Applicant's response referred to section 3.4 of the Outline Transport Related Impacts Monitoring and Mitigation Approach [REP5-041] that simply describes the Applicant's position regarding offsite car parking and did not address the monitoring concern. Provide an appropriate response.
TT.2.6	Applicant	<b>TRIMMA</b> Consider if the TRIMMA [REP5-041] could or should be amended so that expenses incurred in evidencing schemes to be funded by the Residual Impact Fund (RIF) would be reimbursed if found to meet the requirements of the TRIMMA mitigation type 2. If this is not possible explain why not.
TT.2.7	Applicant	<b>TRIMMA</b> The Hertfordshire Host Authorities post hearing submission [REP6-097] included a post hearing note which raised seven clarification questions regarding the RIF. Please provide a response.
TT.2.8	Applicant	<b>Framework Travel Plan</b> [REP4-044] states that the targets in the first Travel Plan will be set with reference to the most recent staff survey data. In [REP5-068] the Hertfordshire Host Authorities queried the sample size of the staff survey. The Applicant responded in [REP6-057] stating staff survey was distributed to every London Luton Airport employee with an ID pass and that based on the total staff numbers, a response rate of 6-7% was estimated. The Applicant stated that it recognised that the staff survey response rate was low but would work to increase this rate for future surveys with measures to increase awareness of the survey and incentivise staff to complete it when distributed. Explain how would staff be incentivised to complete the annual staff travel survey in the future and what response rate would you consider is sufficient and why.
TT.2.9	Applicant	<b>Framework Travel Plan</b> Confirm how Travel Plan mode share targets, which are more ambitious than those within the Green Controlled Growth Framework, would be secured in the DCO.
TT.2.10	Applicant	<b>Sustainable Transport Fund (STF)</b> In ISH7 the Applicant indicated that it is not the intention for the STF to cease when the airport reaches 32mppa, and that this would instead represent an appropriate time to review how the STF is structured. Confirm how the retention of the STF after the airport reaches 32mppa would be secured in the DCO.

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TT.2.11	Applicant	<b>STF</b> [REP6-057] stated ' <i>It is noted that the Applicant would consider pump priming routes to improve their commercial viability if they are shown to be the appropriate routes to improve connectivity to the airport.</i> ' Explain how the STF would have grown sufficiently to allow for pump-priming of services if contributions to the fund would not start until notice to grow (under Article 44(1)) has been served.
TT.2.12	Applicant	<b>STF</b> At the Hearings you advised that mitigation measures required to address a breach of a GCG limit would be funded outside of the STF. Explain how this is secured in the DCO.
TT.2.13	Applicant	<b>Proposed off-site highway works</b> Action Point 26 [EV14-008] stated ' <i>Provide detail to explain why the scale of the works is required to Crawley Green Road/ Wigmore Lane and Eaton Green Road to mitigate airport related traffic.</i> ' [REP6-065] provided a response which included a table presenting the AM and PM peak hours for two-way airport vehicle trips on Wigmore Lane for each of the development phases. To date the ExA has been supplied with limited evidence to justify the scale of the proposed off-site highways works to Crawley Green Road/ Wigmore Lane and Eaton Green Road. In order to aid the ExA's understanding of the impact of airport related traffic in this area, please supply the following information;  <ol style="list-style-type: none"><li>1. baseline flows for the AM and PM peaks each of the assessment phases for Wigmore Lane; and</li><li>2. highway capacity for Wigmore Lane.</li></ol> [REP6-065] only supplied data for Wigmore Lane. Clarify that this is because there is no airport related traffic using Crawley Green Road or Eaton Green Road or supply the equivalent data for these roads.
TT.2.14	Applicant	<b>Proposed off-site highway works</b> Table 18.9 of Chapter 18 of the ES [AS-030] lists the East Luton highway improvements as non-airport related. The Eaton Green Road/ Frank Lester Way junction is listed in this table but is also included as Works No.6e(q). Confirm if the proposed mitigation works to Eaton Green Road/ Frank Lester Way junction are required for the proposed expansion? If yes, why are they listed with the East Luton highway improvements? If no, should they be included as proposed highway mitigation works?

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TT.2.15	Applicant and Relevant Highway Authorities	<b>Proposed off-site highway works</b> Provide an update on the ongoing discussions regarding the proposed off-site highway works to the three junctions in Hitchin, including a roadmap to resolution.
TT.2.16	LBC	<b>Eaton Green Link Road</b> Action Point 27 from ISH7 [EV14-008] asked ' <i>Explain whether or not Local Plan Policy LLP6 applies to the current application and the reasons why.</i> ' The action specifically applied to the proposed Eaton Green Link Road; a previous planning application had included this link road even though the planning officer's committee report concluded that it was contrary to policy LLP6 because it provided access to Eaton Green Road. The specific policy was LLP6D(i) which states ' <i>details of the proposed access, which shall be via the extension of New Airport Way (which connects the airport to M1 J10A) and shall link Percival Way through to Century Park (as shown by the arrow on the Policies Map), such access shall be designed so as to ensure that no use is made of Eaton Green Road to provide access to Century Park or the Airport, except for public transport, cyclists, pedestrians and in case of emergency.</i> ' Explain whether, or not, Local Plan Policy LLP6D(i) applies to the current application and the reasons why.
TT.2.17	Relevant Highway Authority	<b>Parking</b> Mr Smith submitted a post hearing submission restating his concern over fly parking in Harpenden [REP6-157]. Confirm if you consider there is an airport related on-street car parking issue in Harpenden. If yes, detail the engagement with the Applicant on this matter and the steps proposed to resolve this.
TT.2.18	LBC	<b>Parking</b> [REP6-105] stated that it is the Council's policy that parking permits are funded by the permit holder. The ExA are aware of several Councils where local businesses fund parking permit schemes so that the residents who would be inconvenienced by the parking associated with that business do not incur any cost. Consider if this could be implemented in Luton and, if not, explain why not.
TT.2.19	Applicant and LBC	<b>Parking</b> Is the Applicant aware of how other airports such as Stansted, Gatwick or Heathrow manage on-street airport related parking issues. Could any of the strategies used by these airports be used for Luton and if not, why not?
TT.2.20	Applicant	<b>Parking</b> The Applicant's response to D3 submissions [REP4-099] included a list of staff car parking charges. These were charges payable to London Luton Airport by each operator. Please can the Applicant confirm what charges are passed on to staff for the use of each car park.

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TT.2.21	Applicant	<p><b>Parking</b></p> <p>What are your proposals for monitoring the provision of off-site parking (supplied by third parties, including privately rented driveways)? How would you ensure that if lower than anticipated provision of car parking occurs in the future it can be identified and mitigated before it causes any issues such as fly-parking?</p>
TT.2.22	Network Rail	<p><b>Rail</b></p> <p>Action Point 20 from ISH4 [EV9-007] was for Network Rail to provide ‘<i>Assessment as to whether the increased passengers numbers will create any rail capacity issues (as noted in [REP1-113]).</i>’ Network Rail were unable to submit a response to this action point at D6. The ExA wish to emphasise that due to the late stage in this Examination it is imperative that this submission is provided for D7.</p>
TT.2.23	Applicant	<p><b>Cycling</b></p> <p>Confirm if staff would be charged for taking bicycles on the DART.</p>
Water environment		
WE.2.1	Environment Agency (EA)	<p><b>Discharge to ground</b></p> <p>In the most recent PADSS [REP6-111] the EA stated that ‘<i>based on the information submitted to date we cannot confirm whether the ‘reserve’ option discharge would be acceptable. However...we feel that...groundwater quality concerns relating to the ‘reserve’ option can be managed</i>’, and ‘<i>the EA believes that outstanding concerns relating to the preferred option can be resolved by way of updated designs based on specific design principles</i>’. The response to Action Point 32 (ISH8) [EV15-013] stated that ‘<i>the reserve option may be acceptable after further detailed design</i>’ and that the EA is ‘<i>more confident that a permit in future may be granted</i>’.</p> <p>Please provide a clear statement on whether there is still the potential for the reserve option for discharge to be refused in principle, or if the EA is now satisfied that a compliant discharge is possible within the parameters of the proposal if adequate information and engineering are provided.</p> <p>If the latter, please state if you require the ‘updated designs based on specific design principles’ before the end of the Examination or whether you are satisfied that the required information is secured via the draft DCO. If not, please provide recommended drafting to ensure provision of the required information.</p>

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WE.2.2	EA	<p><b>Additional design principles</b></p> <p>The EA requires additional ‘design principles’ to be developed [REP6-111], including:</p> <ul style="list-style-type: none"><li>• the full characterisation of surface water effluent streams;</li><li>• revision of the hydrogeological risk assessment;</li><li>• an assessment of the treatment of surface water to demonstrate that SuDS is feasible;</li><li>• an assessment of the ability of the Water Treatment Plant to reach an acceptable standard;</li><li>• assessment of the design and location of infiltration tanks; and,</li><li>• details of the drainage monitoring system.</li></ul> <p>Can you confirm if this information is required prior to the close of the Examination? If not, is the EA satisfied that provision of this information is secured in the draft DCO? If not, please provide recommended drafting to ensure provision of the required information.</p>
WE.2.3	Applicant and LBC	<p><b>Drainage in the period between Project Curium and Phase 2 of the proposed development</b></p> <p>The Project Curium permission included a number of conditions requiring that the surface water drainage system was updated to prevent pollution. These works remain outstanding and this was, at least in part, reflected in conditions 10, 11, 15 and 16 of the 19 mppa consent ‘for the protection of groundwater’.</p> <p>For the benefit of Article 44 either of these planning permissions could constitute the LLAOL planning permission. Serving of notice under Article 44 would mean that the LLAOL planning permission in place at the time that the notice was served and the conditions of that permission would cease to have effect and would not be enforceable except in respect of a breach that predated the serving of the notice.</p> <p>If the works required by Project Curium/ the 19mppa permission are not carried out before the DCO came into force, then drainage improvements may not be implemented until Phase 2. LBC has expressed concern that this could give rise to a potential gap in drainage improvements between Project Curium/ the 19 mppa consent and the Proposed Development [REP6-027].</p> <p>Provide an update on discussions on this matter.</p>