



The Planning Inspectorate

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The Applicant, the Relevant Planning Authorities, Natural England and the Chilterns Conservation Board

Your Ref:

Our Ref: TR020001

Date: 25 January 2024

Dear Sir/ Madam

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) –
Rule 17**

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

Request for further information and written comments

The Examining Authority (ExA) writes to the Applicant, the Relevant Planning Authorities, Natural England (NE) and the Chilterns Conservation Board (CCB) under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. Having reviewed the documents submitted at Deadline (D) 8 the ExA requests the following further information and clarifications.

Please note that due to the limited time available this letter has been published in advance of the Examination Library (EL) being updated to include documents submitted at D8. As a result, references to submissions made at D8 do not include an EL reference. The ExA will reissue this letter once the EL has been updated.

**Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment (SQA)
[REP7-046]**

Applicant

1. Paragraph 5.3.4 of the SQA states that *“It is beyond the scope of this assessment to describe and evaluate in detail where contributors to and detractors from relative tranquillity are present or absent within the Study Area. It is evident however that relative tranquillity with the Study Area varies.”* To provide understanding of the existing baseline condition of relative tranquillity and the information in Figures 6.7 to 6.10 (tranquillity mapping) and Figures 6.11 to 6.14 (dark skies), submit further written



information of the areas and/ or receptors that most experience tranquillity and areas of darkness. If this cannot be provided, explain why.

2. Aside from physical impact, confirm whether the experience of people enjoying the Special Qualities of the dramatic chalk escarpment; over 2000ha of common land and 3700ha of open access land; distinctive buildings and attractive places to live and archaeological landscape could be affected by the increase in overflights from the Proposed Development and, if they would be, why these were scoped out of the SQA?
3. Explain:
 - a. whether the increase in 50 overflights per day over areas such as Dagnall and Ivinghoe Beacon and 100-200 overflights over areas such as Gaddesden Row and Jockey End, as shown on Figures 6.5 and 6.6, has been factored into the assessment of 'very low adverse' magnitude of impact and if so, reasons for concluding that the increase in overflights would be small against the existing baseline;
 - b. what consideration has been given to the proportion of increase in overflights in areas where it is stated that relative tranquillity is already impacted due to the current level of overflights;
 - c. which receptors would experience fleeting views of aircraft landing lights and whether the impact on increase in overflights on panoramic viewpoints for relatively dark skies has been assessed. If not, why not?
4. Paragraph 6.3.24 of the SQA appears to provide an assessment of effects for Phase 2b compared to Phase 2a rather than against the baseline. Provide an assessment of effects for Phase 2b against the baseline or explain why this is not required.
5. The overflight information provided in Table 6.1 and Figures 6.3 to 6.6 is for the period 07:00-23:00. Noting that an increase in the number of flights is proposed during the shoulder period (06:00-07:00 and 23:00-23:30), explain why the overflight figures during this period have not been included in the SQA. If the shoulder period was included, explain whether this would result in any change to the assessment findings.
6. Section 7 of the SQA seeks to explain the difference in findings between the effects on 'AONB Special Qualities' and 'Effects on AONB'. Clearly explain the difference between the two assessments and the different conclusions reached. Provide a more detailed description of the factors that make up the 'aesthetic and perceptual qualities of the AONB', expanding on the information presented in section 7.1 of the SQA and paragraphs 14.7.42 to 14.7.46 of ES Chapter 14 [AS-079].

All Relevant Planning Authorities, CCB and NE

7. Please provide your comments on the suitability of the SQA assessment findings, taking into account the Applicant's response to D7 submissions.

Applicant, all Relevant Planning Authorities, CCB and NE

8. The ExA requests comments at **D10** regarding the compliance of the Proposed Development with both national and development plan AONB policies and any comments on the legislative provisions in Section 85 of the Countryside and Rights of Way Act 2000.



Fire Training Ground (FTG) (Work No.2d)

Applicant

9. Page 47 of your D8 response to D7 submissions [REP8-038] states that the reasons for locating the FTG in the proposed location are set out in [REP6-066]. Only a limited commentary of the alternative locations considered is provided. Please provide further written details on this matter.
10. Provide comments as to whether the 'minor adverse effect' identified in paragraphs 10.9.66 and 10.9.67 of ES Chapter 10 [AS-077] and the 'less than substantial harm' identified in the Cultural Heritage Gazette [REP4-017] would preserve the setting of the Schedule Monument.
11. The ExA also requests further details on the lighting associated with the FTG. The Applicant is requested to confirm:
 - a. the maximum height of the 'high mast lighting' in Work No. 2d(c);
 - b. the approximate number of lights required;
 - c. the duration lighting would be needed to be in operation; and
 - d. more detail on the visual effects of lighting from the FTG, particularly, but not limited to, Luton Hoo Registered Park and Garden, noting the findings in section 8 of the Light Obtrusion Assessment [APP-052 and APP-053] which reports exceedances in respect of lighting from the FTG.

Multi-storey car park P1 (Work No. 4g)

Applicant

12. Given the concerns raised by CBC on the visual impact of the car park and request for its removal in the PADSS at D8 [REP8-053], the Applicant is requested to provide comments on this request, further details of the visual impact on Luton Hoo Registered Park and Garden beyond those in [REP7-067] and [REP6-066] and explain what mitigation could be proposed to reduce any impacts.

Shoulder period Air Traffic Movement (ATM) cap

Applicant

13. Provide comment on the proposed shoulder period caps set out at D8 including those by the host local authorities [REP8-054], LADACAN [REP8-076] and St Albans Aircraft Noise Defence (Stand) [REP8-083]. Signpost to the flight and noise data assessed in the Environmental Statement (ES) to demonstrate how the 13,000 ATM shoulder cap has been derived from the ES worst case assessment.

Core growth limits

Applicant

14. Provide a detailed explanation of how the core growth and faster growth limits set out in Applicant's Response to Written Questions – Green Controlled Growth (GCG) [REP7-054] relate to the assessment tables provided in ES Appendix 16.1: Tables 7.40, 7.43, 7.46, 7.49, 7.52 and 7.55 [REP7-013] that set out the Applicant's assessed likely and worst case(s). In responding explain why interpolation would mean that values were set higher than an individual peak year.

Environmental Scrutiny Group (ESG) as a limited company

Applicant

15. Provide the reasons for making ESG a limited company and explain what the implications would be for the GCG framework [REP7-020] and the membership of ESG.

Noise insulation scheme

Applicant

16. Michael Reddington's D8 submission 'comments on any further information/submissions received by Deadline 7' [REP8-078] notes that "*The current Scheme has an Air Noise as well as a Ground Noise contour, and also a limit of 90dB SEL at least once per night*". Explain why this criterion has not been included within the noise insulation policy and, where relevant, update the policy to include this criterion.

Requirement 19 – Exceedance of air quality Level 2 Threshold or Limit

Applicant

17. Provide a worked example to demonstrate how the 5% criteria would apply to an exceedance of a limit. The ExA currently understands that in applying 5% to the criteria in Table 4.2 of the GCG Framework [REP7-020] it would be possible to make between 6-18% contribution to an air quality effect before triggering the need for action under the requirements of the framework, even in the event of an exceedance of a limit. For example, at Dane Street: 13% airport contribution + 5 percentage points = 18%. Also explain why this specific control needs to be a Requirement rather than part of the process set out in the framework and why the scaled criteria in Table 6.3 of the EPUK and Institute of Air Quality Management (IAQM) guidance 'Planning for Air Quality' 2017 would not apply.

Effects on European Sites

NE

18. The ExA notes your conclusion that the Proposed Development is not likely to result in significant effects on the Chilterns Beechwoods Special Area of Conservation. Could you also provide a clear statement of your conclusion on the potential effects on the other European Sites referenced in the Habitats Regulation Assessment No Significant Effects Report' [Appendix 8.3, APP-171], including Lee Valley Special Protection Area and Ramsar site.

Agricultural land and holdings [Chapter 6, APP-033]

Applicant

19. Sections 6.9.42 and 6.9.50 conclude that the loss of Best and Most Versatile land would result in a significant major adverse effect. Please confirm that omission of this from the assessment summary is a typographical error.
20. In addition, the ExA notes that no significant effects on agricultural holdings are anticipated. Given the eventual loss of a large area of land at the Winch Hill holding, explain how this conclusion has been reached with reference to Table 6.9 where loss of more than 20% of land farmed is a 'high' impact.



Statements of Common Ground (SoCG)

Applicant

21. The ExA note that the SoCGs submitted with Historic England [REP6-013] and Bedfordshire Fire and Rescue [REP6-041] have only been signed by the Interested Party. For completeness can the Applicant please sign these documents.
22. The ExA notes the comments made in the Applicant's D8 submission regarding the potential late submission of SoCGs. The ExA will be responding separately on this matter in conjunction with the Applicant's subsequent request regarding the late submission of a number of other documents.

Response to further written question BCG.2.4 [REP7-087]

Applicant

23. Provide comment on the implications of the developments identified by the relevant planning authorities for the conclusions of the ES Chapter 21 In-combination and cumulative effects assessment [AS-032], if any.

Rule 17 Applicant - Response to ISH9 Action Point 37 [REP8-040]

Applicant

24. The Applicant's D8 response to ISH9 Action Point 37 explains that "*The mitigation being offered under the new Noise Insulation Scheme includes for properties inside the 54dB_LA_{eq}, 16h and therefore includes more properties than are within Category Three*". Paragraph 7.1.2 of the Statement of Reasons [AS-071] states that "*Category 3 includes parties who the Applicant thinks would or might, if the DCO were made and implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 (Ref 7.1) and/or Part 1 of the Land Compensation Act 1973 (Ref 7.2) and/or section 152(3) of the Act.*" If additional parties within the 54dB_LA_{eq} 16hour contour are eligible to make a claim, explain why they do not qualify as Category 3 interests.

Deadlines

The ExA requires responses by **Deadline 9, Tuesday 30 January 2024** unless otherwise indicated in the request.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Jo Dowling

Lead Member of the Examining Authority

