



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
e-mail: LutonAirport@planninginspectorate.gov.uk

The Applicant, the Civil Aviation
Authority, Luton Borough Council,
North Hertfordshire Council and
Central Bedfordshire Council

Your Ref:

Our Ref: TR020001

Date: 6 February 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 parties listed above, under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, following Deadline (D) 10 on Monday 5 February 2024. Having reviewed the documents submitted at this deadline the ExA request the following further information.

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 D10. As a result, references to submissions made at D10 do not include an EL reference. The ExA will reissue this letter with EL references once the EL has been updated.

**Cumulative effects assessment provided in the Applicants Response to
Examining Authority's Rule 17 Request dated 17 January 2024 – D9**

Applicant: The Applicant's assessment [REP9-052] is noted to be somewhat contradictory. For example, in Table 2.1 the Applicant's air quality assessment states "*There is potential for construction activities to occur for both developments simultaneously in 2025*", whereas health and community and landscape and visual conclude that "*The Solar Farm would be substantially in place before construction of the Proposed Development and form part of the Future Baseline*" and noise and vibration states "*The Solar Farm would be constructed before construction of the Proposed Development commenced*". Other sections reference "*substantially constructed*". Provide an updated Table

2.1 and conclusions that provide clarity on the likely overlap in the projects, or further justification for these differing statements.

Quota Counts and Green Controlled Growth (GCG)

Applicant: The Applicant's D7 submission [REP7-077] provides an explanation of the Applicant's approach to quota count noise controls and outlines how the Applicant would convert noise thresholds and limits into quota count controls. The GCG Framework revision 4 submitted at D10 only requires that level 2 thresholds and limits are converted to quota counts. Provide an updated GCG Framework document including provision for level 1 quota counts or provide justification to explain why the approach outlined in [REP7-077] has been amended.

LADACAN D10 submission – Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010

Applicant: LADACAN's D10 submission [REP10-078], which responds to the Rule 17 letter dated 31 January 2024 [PD-023] includes comments relating to the functioning of the compensation policies and the Noise Insulation Subcommittee of the Luton Airport Co-ordination Committee [REP9-032]. Noting that a subsequent revision to the policies has been provided at D10 [REP10-029], respond to these comments. Where relevant, provide a further update to the compensation policies, measures and community first document, and any additional DCO requirements to secure the policies in the event that the section (s)106 agreement is not signed.

Fuel dumping complaint – outstanding information

Applicant: Further to the local authorities' comments at ISH8 [REP7-069] about a suspected fuel dumping incident and the response [REP6-066] at D6, provide an update on progress obtaining the information highlighted at ISH8 from the Civil Aviation Authority.

Civil Aviation Authority: Provide comment/ information on the suspected fuel dumping incident reported at ISH8 [REP7-069] and the frequency of such incidents.

Funding elements in the National Landscape

Applicant: The Hertfordshire Host Authorities' Further Response to the Examining Authority's Rule 17 Letter (Dated 25 January 2024) [REP10-054] refers to the potential for funding in respect of adverse effects on the Chilterns National Landscape. Confirm whether the definitions of projects eligible for community first funds could be extended to offset such effects or whether an alternative funding mechanism would be available.

Agricultural holdings

Applicant: The agricultural tenancy at Winch Hill was terminated in 2020 [REP9-057]. This land is subject to a temporary agricultural tenancy '*which will expire prior to construction*' [REP9-009, paragraph 6.7.35], although the ExA

note that this is potentially, at least for Phase 1, contradicted in paragraph 6.9.22 [REP9-009]. The implication of this is that if construction does not take place, the temporary agricultural tenancy would continue. The result would be that an agricultural tenancy would be lost if the development occurs. A tenant farm may be of low sensitivity [REP9-009, Table 6.12] but if the loss of the land farmed is more than 20% then this would still result in a significant adverse effect [REP9-009, Table 6.13].

Please confirm how much of the land farmed at this holding would be lost in the context of Table 6.9 [REP9-009] so that a full assessment of the potential effects of the Proposed Development can be made. Alternatively, clearly explain why the agricultural tenancy would not continue in some form if the Proposed Development does not go ahead.

Conservation Area Character Appraisals

Luton Brough Council / North Hertfordshire Council / Central Bedfordshire Council: Confirm whether any conservation area character appraisals exist for the conservation areas listed in paragraph 10.7.45 of ES Chapter 10 [AS-077]. If so, please submit copies of these and advise whether there are any matters contained within them that are relevant in the assessment of the application.

Applicant: Confirm whether consideration was given to any conservation area character appraisals in the assessment findings in ES Chapter 10 [AS-077]. If so, explain how this has informed the findings in the assessment and if not, explain why not.

Outstanding documents/ responses

The ExA wishes to highlight that all outstanding documents and responses need to be submitted at **D11**. Anything submitted after this date is subject to the discretion of the ExA as to whether it is accepted as a late submission. In any event anything received after 10 February 2024 will not be available to the ExA when writing its report. The ExA therefore request that if you are relying on any information or documents that have not yet been submitted/ updated then these be submitted as soon as possible.

The ExA requires responses by **Deadline 11, Thursday 8 February 2024**.

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

This communication does not constitute legal advice.

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