

Meeting note

Project name	Luton Airport
File reference	TR020001
Status	Final
Author	The Planning Inspectorate
Date	2 May 2018
Meeting with	London Luton Airport Ltd (LLAL)
Venue	Teleconference
Attendees	The Planning Inspectorate Susannah Guest – Infrastructure Planning Lead Marie Shoosmith – Senior EIA and Land Rights Advisor Conor Rafferty – EIA and Land Rights Advisor Michele Gregory – Case Manager James Bunten – Case Officer The Applicant Anita Gackowska – Development Director, LLAL Tom Henderson – Partner, Bircham Dyson Bell Chris Stocks – EIA Lead, Arup Paul Woods – Director, GL Hearn Fergus McMorro – Infrastructure and DCO Lead, GL Hearn
Meeting objectives	Project update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant provided an update with regards to recent changes to its project team and outlined its preferred lead contacts going forward.

The Applicant explained that the scheme was midway through its 'optioneering' phase and noted on-going high-level sifting of options to help refine the proposal ahead of non-statutory consultation. The Applicant stated that it planned to commence non-statutory consultation in June/ summer 2018.

The Inspectorate queried the length of the non-statutory consultation. The Applicant stated its current programme allowed for eight weeks. The Applicant noted it had already begun drafting the suite of consultation documents and that once finalised, would be happy to share with the Inspectorate.

The Applicant stated that it had considered the Inspectorate's previous advice and decided to not request a Scoping Opinion from the Secretary of State during the same period as the non-statutory consultation. The Applicant intends to apply for a Scoping Opinion in quarter four 2018. The Inspectorate welcomed this decision.

The Applicant noted on-going dialogue with the Department of Transport (DfT) Aviation Team and agreed to provide the Inspectorate with an appropriate contact.

The Applicant acknowledged initial dialogue with relevant local authorities – Luton Borough Council, Hertfordshire County Council and Central Bedfordshire Council – with regards to agreeing assessment methodologies for the Environmental Impact Assessment (EIA) and relevant studies and highlighted progress on the drafting of the Scoping Report.

The Applicant provided a brief update on dialogue with key environmental Statutory Consultees and noted progress on scheduled working groups. The Inspectorate queried whether the working groups were discipline based. The Applicant noted they were following feedback from Statutory Consultees.

The Inspectorate requested an update on the Applicant's environmental survey work to date and queried whether any survey work had been agreed with key Statutory Consultees. The Applicant acknowledged that as the ecology survey season had started for a number of species, an ecology walkover survey had taken place, together with newt and habitat survey work. The Applicant also highlighted the continuation of badger, dormouse, bat and reptile surveys. The Applicant noted that dialogue with Natural England had been attempted. The Inspectorate welcomed the intention to agree survey work with key Statutory Consultees in advance of Scoping.

The Applicant noted on-going and scheduled air quality, landscape/ visual and noise monitoring work with the aim of ensuring a robust assessment to enable a phased delivery of the scheme.

The Applicant stated it was in the process of compiling a list of developments to be assessed as part of its cumulative assessment and noted its aim of dovetailing the scheme with the New Century Park and Luton DART developments to help reduce cumulative effects.

The Inspectorate questioned whether there were any issues in accessing the land to conduct survey work. The Applicant noted minor gaps with regards to access; however, the majority of the site was within the Applicant's ownership.

The Inspectorate queried as to whether the Applicant would be Scoping on the refined scheme, following the non-statutory consultation, or a larger scheme area. The Applicant noted that this would depend on the outcome of the consultation.

The Applicant queried whether it could provide the required information on Transboundary effects within the Scoping Report or whether it should complete a proforma as suggested by the Planning Inspectorate's Advice note twelve¹. The Inspectorate advised that although a completed proforma would be helpful, providing the information within the Scoping Report would also be adequate.

¹ Advice Note twelve: Transboundary Impacts and Process

The Inspectorate queried whether there would be any Water Framework Directive (WFD) work required. The Applicant stated that WFD will be needed for groundwater matters and noted engagement with the Environment Agency and the lead local flood authorities to ascertain whether an assessment on the effects on the River Lea is required. Habitats Regulations Assessment (HRA) was briefly discussed, with the Applicant confirming that it would be completing a screening, but also noting that the nearest European site is around 25km from the Proposed Development.

The Inspectorate drew the Applicant's attention to a recent Court of Justice of the European Union (CJEU) judgment in respect of HRA screening and reliance on mitigation measures, being: [C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta \(2018\)](#).

The Inspectorate questioned whether the Applicant was looking at providing indicative measurement/ building heights within the non-statutory consultation documents. The Applicant stated that suite of documents would not include that level of detail but instead would be masterplan framework based, providing potential zones for development to focus on the overall vision.

The Inspectorate highlighted other works within the vision that would not be included within the Development Consent application and queried how they would be covered in non-statutory and statutory consultations respectively. The Applicant explained that the non-statutory consultation would focus on the scheme vision and where/ how the scheme would be phased, as well as clearly setting out the PA2008 consenting regime process. The statutory consultation would only focus on the works included within the Development Consent Order (DCO).

The Applicant also acknowledged that some works could be subject to separate applications through the Town and Country Planning 1990 Act regime.

The Applicant stated that it aimed to conduct its statutory consultation mid-2019, ahead of an anticipated submission at the end of 2019.

There was discussion regarding a potential site visit to coincide with the non-statutory consultation in the summer. It was agreed that each party would provide convenient dates and that the next project update meeting would be facilitated at the same time.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant to provide an update on the date of the non-statutory consultation period.
- Both parties would provide suitable dates for a site visit/ next meeting.
- The Applicant would provide a contact for the DfT Aviation Team.
- The Planning Inspectorate to provide a link to the recent CJEU judgment regarding HRA screening and mitigation measures – *included above*.