

Appendix 1-2 EIA Scoping Opinion Preliminary Response

Appendix 1-2
Preliminary Scoping Opinion Responses

Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
1.1.1	General	On 29 March 2019, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from London Luton Airport Limited (LLAL) (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Expansion of London Luton Airport (the Proposed Development).	No response required.
1.1.2	General	In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion 'as to the scope, and level of detail, of the information to be provided in the environmental statement'.	No response required.
1.1.3	General	This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'Future LuToN: Making best use of our runway - Environmental Impact Assessment Scoping Report' (the Scoping Report) and dated March 2019. This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.	No response required.
1.1.4	General	The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.	No response required.
1.1.5	General	Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account: (a) any information provided about the proposed development; (b) the specific characteristics of the development; (c) the likely significant effects of the development on the environment; and (d) in the case of a subsequent application, the environmental statement submitted with the original application.	No response required.

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1.1.6	General	This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.	No response required.
1.1.7	General	The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).	No response required.
1.1.8	General	The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).	No response required.
1.1.9	General	This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.	No response required.
1.1.10	General	Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include: (a) a plan sufficient to identify the land; (b) a description of the proposed development, including its location and technical capacity; (c) an explanation of the likely significant effects of the development on the environment; and (d) such other information or representations as the person making the request may wish to provide or make.	No response required.

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1.1.11	General	The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.	No response required.
1.1.12	General	In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on 'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'.	No response required.
1.1.13	HRA	The Inspectorate notes the submission of a Habitats Regulations Assessment (HRA) Screening Report appended to the Scoping Report (Appendix C) and the potential need to carry out an assessment under Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.	A HRA screening assessment has been undertaken as part of the scoping exercise and determined that there are no likely significant effects on Natura 2000 sites as a result of the Proposed Development and therefore, an appropriate assessment is not required under the Habitats Regulations. The results of this screening were presented in the Scoping Report (Appendix 1-1 Volume 3 of this PEIR). An updated screening assessment will be presented in the ES.
1.2.1	General	In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.	No response required.
1.2.2	General	The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.	No response required.

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1.2.3	General	The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.	A full Scoping Opinion response will be provided in the ES. The PEIR addresses comments from the Planning Inspectorate, which have taken into account responses received from consultation bodies, in this Appendix 1-2 and topic chapters (Chapter 5 to 20).
1.2.4	General	Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.	No response required.
1.3.1	General	On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a period of negotiations regarding the UK's exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.	No response required.
2.0.1	General	The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.	No response required.
2.1.1	General	The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Chapter 3 of the Scoping Report and in the associated figures and appendices.	No response required.

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2.1.2	General	The Proposed Development involves the remodelling and expansion of the existing London Luton Airport (the Airport) to enable an increase in operating capacity from 140,000 air transport movements (ATM) per annum to approximately 212,500 ATM per annum, and from around 18 million passengers per annum (mppa) to 32 mppa. The Scoping Report states that the Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under the terms of section 23 of the PA2008. London Luton Airport is currently operated under concession by London Luton Airport Operations Ltd (LLAOL) with its current planning permission for a capacity of 18mppa. This agreement is in place until 2031.	No response required.
2.1.3	Site location/ Description	The Proposed Development is to be located at the existing site of the Airport and in the surrounding area, approximately 45km north west of London as shown on Figure 2.1 of the Scoping Report. The Scoping Report acknowledges that that uncertainty remains regarding the exact location and design of certain elements of the Proposed Development, but that the key known components of the Proposed Development will be located 'in the zones or envelopes indicated in Figure 3.1' of the Scoping Report. These also being referred to as the following three key aspects/locations: 'Main Application Site'; 'Off-site Car Parks'; and 'Off-site Highway Interventions'. The assessment methodologies have been prepared based on the infrastructure being located within these zones/aspects/locations.	No response required.
2.1.4		The Main Application Site encompasses approximately 360 hectares (ha) and includes Wigmore Valley Park. It lies approximately 4km from Junction 10 of the M1 motorway, with residential development to the north, mixed residential and industrial development to the west, and rural arable fields to the east and south. A closed historical landfill is located in the north of the Main Application Site, over which the Proposed Development will be built. Luton town centre is located approximately 2.5km to the west of the Airport.	No response required.

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2.1.5		As shown in Figure 2.2 of the Scoping Report, the Airport currently comprises a single runway with associated taxiways, stands and aprons. It has a single commercial passenger terminal with supporting hangars, maintenance facilities and airport related offices along with a number of car parks.	No response required.
2.1.6		<p>The key components of the Proposed Development include:</p> <ul style="list-style-type: none"> • creation of an airfield platform: earthworks from on-site excavation; • new terminal with boarding piers; • additional taxiways and aprons (aircraft stands); • vehicle forecourt and multi-storey short stay/mid-stay car parking adjacent to the terminal. Additional mid and long stay surface parking, including replacement where the existing facilities are disturbed; • airfield facilities: Relocated engine run-up bay, compass swing bay and de-icing area, and fire training facilities; • landside facilities: Airport associated support buildings such as snow base, energy centre, logistics centre and service yard, and new fuel line connection and storage facilities; • surface access: Road and infrastructure provision and adjustments. Bus station, taxi ranks and extension of Luton Direct Air to Rail (DART) system to the new terminal; • surface water and foul management, including drainage, interceptors, surface water attenuation and treatment, foul water collection and treatment, effluent storage and discharge to ground; and • landscaping: Improvement or replacement of existing and planned public open space and amenities. 	No response required.

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2.2.1	Scope of ES	<p>The ES should include the following:</p> <ul style="list-style-type: none"> • a description of the Proposed Development comprising at least the information on the site, design, size and other relevant features of the development; and • a description of the location of the development and description of the physical characteristics of the whole development, including any requisite demolition works and the land-use requirements during construction and operation phases 	<p>A description of the Proposed Development, its location, and its physical characteristics are provided in Chapter 2 The Proposed Development of Volume 1 of this PEIR. Final descriptions will be provided in the ES.</p>
2.2.2	Scope of ES	<p>Due to the ongoing nature of the design development, the Scoping Report lacks specific information on the characteristics of elements to the Proposed Development e.g. dimensions, locations or final elevations of various structures to include the form and location of the terminal building, the forecourt configuration, the final number of parking spaces, the height of the new fuel farm and the precise range of ground handling and vehicle holding facilities. It does not provide information on the proposed landside facilities, including the proposed 'energy centre', 'snow base', 'logistics centre and service yard' and 'storage facilities'.</p>	<p>A description of the Proposed Development, its location, and its physical characteristics are provided in Chapter 2 The Proposed Development of Volume 1 of this PEIR. Final descriptions will be provided in the ES.</p>
2.2.3	General	<p>The Inspectorate acknowledges that at this point in the evolution of the Proposed Development a final description may not yet be confirmed, and that there are currently different options for certain works. However, the Applicant should be aware that the description of the Proposed Development provided in the ES must be sufficiently certain to meet the requirements of the EIA Regulations. The ES must include a detailed description of all components of the Proposed Development and should include reference to the location, alignments and dimensions of each individual element, including maximum heights, design parameters and limits of deviation. Where appropriate this information should be accompanied by figures to assist the reader.</p>	<p>A description of the Proposed Development, its location, and its physical characteristics are provided in Chapter 2 The Proposed Development of Volume 1 of this PEIR. Final descriptions will be provided in the ES.</p>
2.2.4	Footprints and heights	<p>With respect to buildings, the description of the development should be defined in terms of their maximum footprints and maximum heights should be expressed as metres Above Ordnance Datum (m AOD). Proposed increases and decreases in ground levels should also be expressed in terms of m AOD.</p>	<p>A description of the Proposed Development, its location, and its physical characteristics are provided in Chapter 2 The Proposed Development of Volume 1 of this PEIR. Final descriptions will be provided in the ES.</p>

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2.2.5	Extent of site Figures	<p>In describing the Proposed Development and the scope of the assessments, the Scoping Report refers to three key aspects/locations: the 'Main Application Site'; 'Off-site Car Parks'; and 'Off-site Highway Interventions'. However, the precise extent of each of these areas, particularly the extent of the 'Main Application Site', is not clear from the plans provided. Figure 2.1 to the Scoping Report shows each of these areas using the same red line, making it difficult to distinguish each area. The ES should clearly describe the Proposed Development and ensure that textual description is supported by clear and legible plans to aid the reader.</p>	<p>Figure 2-2 in Volume 2 of this PEIR provides a clarification of the key Proposed Development areas. The ES will include a clear description of the Proposed Development supported by clear legible plans.</p>
2.2.6	General	<p>The Scoping Report states that the Off-site Highway Interventions will be largely within the existing highway boundary. However, there is ongoing uncertainty with regards to the precise location, nature and extent of the Offsite Highways Interventions. The Scoping Report proposes to scope out matters from a number of aspect chapters on this basis. The lack of certainty affects the understanding of the current baseline and the extent to which likely significant effect would occur. The ES should provide detailed information on the Off-Site Highways Intervention areas, supported by clear and legible plans and figures.</p>	<p>A description and the locations of the Off-site Highways Interventions are provided in Section 2.5 of Volume 1 of this PEIR and Figure 2-1 of Volume 2. Final descriptions will be provided in the ES.</p>
2.2.7	General	<p>The Scoping Report refers to both 'ancillary aviation supporting facilities' and 'ancillary buildings' in the description of development. The Applicant should clearly define in the draft DCO (dDCO) which elements of the Proposed Development are integral to the NSIP and which are ancillary matters. Any proposed works and or infrastructure identified as ancillary to the Proposed Development should be assessed as part of an integrated approach to the environmental assessment.</p>	<p>The PEIR identifies facilities and principal assets indicating their functions in Chapter 2 The Proposed Development (Volume 1 of this PERI). Final descriptions will be provided in the ES, included in the draft DCO.</p>

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2.2.8	Relationship with other developments	<p>Section 2.4 of the Scoping Report refers to a number of airport related developments that are currently approved and under construction, or currently under consideration by the local planning authority including: Project Curium; Luton DART; the reuse and placement of soil from Project Curium and Luton DART; and the Enterprise Zone development to include Bartlett Square and New Century Park. The description of development in the ES should explain the relationship between the Proposed Development and other developments. The ES description should be clear in stating which works have been assessed and whether they form part of the DCO application. Where these works are not to be included in the DCO application, the ES should ensure that they are adequately assessed in the cumulative effects assessment where significant effects are likely.</p>	<p>A description of airport related developments which are currently approved and/or under construction is provided in Section 2.4 Existing airport related developments Volume 1 of the PEIR.</p> <p>Where appropriate, these developments have been included in the Cumulative Effects Assessment, as described in Chapter 20 In-combination and cumulative effects of Volume 1 of the PEIR.</p> <p>Final descriptions will be provided in the ES.</p> <p>The Proposed Development is described in Section 2.5 Description of the Proposed Development of Volume 1 of the PEIR.</p>
2.2.9	Public infrastructure linkages	<p>The Scoping Report references public transport infrastructure to access the airport such as the Luton DART. The ES should take account of any potential overlap between the expansion proposal and proposed public transport infrastructure links, detailing the outcome of relevant consultations with Network Rail.</p>	<p>Luton DART is a committed project that is under construction and therefore forms part of the future baseline.</p> <p>As part of the Proposed Development, the DART will be extended to Terminal 2 as described in Section 2.5 of Volume 1 of the PEIR.</p> <p>Presently, no other relevant proposed public transport infrastructure links in the vicinity of the airport are being considered.</p>

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2.2.10	Road closure and diversion	Road closures and diversions are referenced at Sections 14.5.10 and 15.6.3 of the Scoping Report but limited information has been provided in respect of these. The ES should contain a full explanation of such closures and diversions, including whether they are temporary or permanent, and associated impacts should be fully assessed. This information should also be depicted on figures in the ES to provide further clarity.	Some local routes will be particularly affected during the construction of the CPAR Phase 2 and the New Wigmore Valley Park works with some roads temporarily closed and others having temporary diversions, traffic lights and/or lane restrictions. The Draft Code of Construction Practice (CoCP) contained within Appendix 2-1 Volume 2 of this PEIR provides preliminary details of management measures, such as advance warning to, enable affected parties to consider alternative routes or travel arrangements. Further details will be provide in the ES.
2.2.11	Utility diversions	Section 3.6.6 of the Scoping Report also refers to the 'installation of new drainage and diversions and disconnections'. Limited information is provided in respect of these works. The ES should contain a full explanation of such diversions and disconnections, including whether they are temporary or permanent, and any associated significant effects should be fully assessed.	Changes to drainage infrastructure will be defined in appropriate engineering documents accompanying the DCO application, and any associated significant effects will the assessed and described in the final ES.
2.2.12	Material quantities	Table 13.6 of the Scoping Report outlines the material resources required for, and the waste to be generated by, the Proposed Development but does not provide any indication of likely quantities. This should be clearly set out in the ES. The nature and volume of materials should also be included in the description of the Proposed Development, including justification of any key assumptions made. It is also noted that the Scoping Report refers to five sites for the disposal of spoil; however, Figure 2.3 only shows four. This should be clarified in the ES and clearly shown on accompanying figures.	Please refer to Chapter 10 Soils and Geology and Chapter 12 Waste and Resources of Volume 1 of this PEIR for further details regarding nature and volume of materials required for the Proposed Development. Further available details will be provided in the ES.

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2.2.13	Capacity	<p>The Inspectorate notes that Table 3-2 states that the existing terminal capacity is set to increase from 18mppa to 21mppa in 2022. However, Section 7.6.6 of the Scoping Report states that this increase is not due to take place until 2024. Furthermore, Table 3-2 then shows a reduction in the capacity of the existing terminal from 21mppa to 18mppa in 2027, but has not provided an explanation for this. The Applicant should ensure that the finalised phases of the Proposed Development, the expected capacity of both the existing and new terminals, and the activities to be undertaken in each phase, are clearly explained in the ES and consistently reflected in the aspect assessments. Where uncertainty exists and flexibility is required the assessment should be based on worst case assumptions, particularly in respect of the duration of construction phases. The ES should assess the potential significant effects from construction activities occurring in conjunction with the operational activities of the Airport.</p>	<p>An explanation of the projected phasing of the Proposed Development is provided in Section 2.6 Phasing and Construction in Volume 1 of this PEIR.</p>
2.2.14	Demolition	<p>The Scoping Report makes various references to ‘demolition activities’ but does not provide any in-depth description of what these activities involve. As part of the description of physical characteristics of the Proposed Development, the ES should provide full details of the proposed demolition works and it should be clear at what point in the construction programme the demolition activities would occur. The Applicant should ensure that the ES aspect chapters assess the likely significant effects resulting from demolition activities taking into account their extent and duration.</p>	<p>A description of the demolition activities is provided in Section 2.5 of Volume 1 of the PEIR. Further information can be found in the Scheme Development and Construction Report available as part of the Statutory Consultation documentation. Final details will be provided in the ES and other supporting documents of the DCO application.</p>

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2.2.15	Construction options	<p>Limited further information is provided on construction options. It is explained in Section 3.3.28 of the Scoping Report that an environmental appraisal of the key reasonable construction options for the Proposed Development will be undertaken as the design develops. The Applicant should ensure that the ES provides specific information on which construction activities are to take place in the different areas of the Proposed Development site and should explain the length of time that each activity shall last. Information should also be provided on the number, size and location of any construction compounds, and the potential significant effects from the use of construction compounds should be taken into consideration for each relevant aspect assessment.</p>	<p>Details of design evolution and construction options will be provided within Scheme Development and Construction Report accompanying the DCO application. Section 2.6 of Volume 1 of the PEIR provides an outline description of projected phasing and construction. Details of the construction phasing and siting in the Proposed Development site will be finalised and provided in the ES.</p>
2.2.16	Construction	<p>In addition to the above, the ES should also include a description of the anticipated:</p> <ul style="list-style-type: none"> • Construction methods and activities associated with each phase of construction; • Numbers of workers and the hours of working; • Types of plant and machinery; • Lighting equipment/ requirements, in particular any lighting at construction compounds; • Number, type, movements and parking of construction vehicles (both heavy goods vehicles (HGVs) and staff vehicles); • Noise; and • The draft Code of Construction Practice (CoCP) referred to in section 3.6.8 of the Scoping Report (see also comments in Section 3.2 of this Opinion). 	<p>Preliminary details of the construction methods and activities are provided in Section 2.6 of Volume 1 of the PEIR of the PEIR. A Draft CoCP with preliminary details is also available in Appendix 2-1 of Volume 3 of the PEIR. Final anticipated methods and activities will be provided in the ES.</p>
2.2.17	Alternatives	<p>The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.</p>	<p>No response required.</p>

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2.2.18	Alternatives	The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects	A preliminary description of reasonable alternatives considered to date has been provided in Chapter 3 Assessment of Alternatives of Volume 1 of the PEIR. Any further design evolution will be described in the ES.
2.2.19	Flexibility	The Inspectorate notes the Applicant's desire to incorporate flexibility into their dDCO and its intention to apply a Rochdale Envelope approach for this purpose. Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst case scenario. The Inspectorate welcomes the reference to Planning Inspectorate Advice Note nine 'Using the 'Rochdale Envelope'' in this regard.	No response required.
2.2.20	Flexibility	The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.	Chapter 2 The Proposed Development, Section 2.5 of Volume 1 of the PEIR provides greater detail of the present proposals and the maximum parameters upon which the EIA is based. Sufficient detail will be provided in the ES to comply with the requirements of Regulation 14 of the EIA Regulations.
2.2.21	Flexibility	It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.	No response required.

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2.2.22	Airspace Change Process	<p>Paragraph 5.3.12 and Section 5.5 explain that air space is being redesigned across the South East of England as a separate process outside of the Proposed Development and separate to the DCO process. This programme is referred to as the 'Future Airspace Strategy Implementation (FASI) South' and is being led by the National Air Traffic Services (NATS) under the supervision of the Department for Transport and the Civil Aviation Authority (CAA). Any air space change needs to follow the process outlined in the CAA's Civil Aviation Publication 1616 (CAP 1616). It is a collaborative process involving all London airports and in respect of Luton, London Luton Airport Operations Ltd (LLAOL), as the aerodrome licence holder, will be developing the proposal to fit with FASI South implementation, which is targeted at 2026. The Scoping Report confirms that LLAOL will be developing their proposals to fit with the FASI South implementation, in parallel to the DCO process and working in collaboration with the Applicant, subject to a programme outside of the control of the Applicant.</p>	No response required.
2.2.23	Airspace Change Process	<p>Paragraph 5.5.4 states the 'timescale for this exercise means that confirmed flight paths will not be available for consideration in the assessment for this DCO application as they will not be available within the project programme. Therefore, the assessment in the ES will be based on existing flight path designs.' The Scoping Report also states that 'should emerging flight path designs become available within a timeframe suitable to be included in the DCO application, consideration will be given to their inclusion in the assessment as a sensitivity test to illustrate potential environmental improvements that may be achievable as a result of the broader airspace redesign being undertaken by NATS.'</p>	No response required.

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2.2.24	Airspace Change Process	The Inspectorate notes the intention to produce the ES based on current flight paths and not those associated with the air space change on the basis that these may not be available and/or may only be developing not final flight paths, but that should they become available, consideration will be given to their inclusion through sensitivity testing. The Inspectorate understands the relationship between the Proposed Development and the future air space change process, which may not run in parallel. However, the Inspectorate considers that the ES methodology should be compatible with the methodological approaches outlined in the CAA’s CAP 1616 and CAP 1616a documents to ensure consistency and continuity between the two assessment processes. Where the ES methodology is not consistent with the CAA’s CAP approach, this should be identified and explained.	Please refer to Chapter 2 The Proposed Development Section 2.5 Description of the Proposed Development and Chapter 4 Environmental Assessment Methodology Section 4.8 Air Space Change for an explanation of the consideration of CAP 1616 and CAP 1616a within the EIA.
3.0.1	General	This section contains the Inspectorate’s specific comments on the scope and level of detail of information to be provided in the Applicant’s ES. General advice on the presentation of an ES is provided in the Inspectorate’s Advice Note Seven ‘Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements’ ¹ and associated appendices.	No response required.
3.0.2	General	Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant’s Scoping Report.	No response required.

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3.0.3	General	The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/ matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.	No response required.
3.0.4	Securing mitigation	Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.	References to preliminary mitigation measures are provided in the topic chapters and summarised in Chapter 21 Summary of Effects of Volume 1 of the PEIR which will be finalised within the ES to include details of mechanisms to secure their implementation.
3.1.1	NPS	Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government’s objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.	The Airports National Policy Statement (ANPS) does not meet criteria (a) of Section 104(2) of the Planning Act and will not “have effect” in relation to the Proposed Development at LTN. It will however be an important and relevant consideration in the determination of a DCO application for LTN. A summary of the ANPS policies of relevance to specific environmental topics have been provided in the relevant topic chapters of the EIA Scoping Report with further detail provided in topic chapters (Chapters 5 to 19) of Volume 1 of this PEIR.

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.1.2	NPS	<p>The designated NPS relevant to the Proposed Development is the Airports National Policy Statement (ANPS). The Scoping Report states that nature and extent of works that may be required at or near Junction 10 of the M1, as part of the Proposed Development, or implemented by the Applicant during the development programme for the Proposed Development, is not yet fully known. However, the Scoping Report further states that should the NPS for National Networks found relevant to the Proposed Development, it will be taken into consideration.</p>	<p>The Off-site Highways Interventions proposed for the Proposed Development, especially M1 J10, do not constitute NSIPs as defined by Section 22 of the Planning Act 2008. Therefore, the NPS for National Networks does not have effect in relation to the Proposed Development.</p>
3.2.1	General HRA	<p>The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:</p> <ul style="list-style-type: none"> • to demonstrate how the assessment has taken account of this Opinion; • to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects; • to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (e.g. a dDCO requirement); • to describe any remedial measures that are identified as being necessary following monitoring; and • to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES. 	<p>The information recommended will be included within the ES.</p>

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.2.2	Associated Development	The Inspectorate considers that where a DCO application includes works described as 'Associated Development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between; effects that primarily derive from the integral works which form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as Associated Development. This could be presented in a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.	There are no proposed "associated developments" that constitute improvement of a highway as defined in accordance with Section 22 of the Planning Act 2008. Works described in Chapter 2 The Proposed Development define the extent of the Proposed Development.
3.2.3	Off-site works	As identified in Section 2 above, the Scoping Report does not provide detailed information about the proposed Off-site Highway Interventions to inform the description of likely significant effects. The ES should assess the likely significant effects which could arise from the Proposed Development as a whole, including any off-site works.	A description of the proposed Off-site Highway Interventions is provided in Chapter 2 The Proposed Development, Section 2.5 of Volume 1 of the PEIR and will be included within the ES.
3.2.4	Baseline	The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	Preliminary baseline scenarios with and without the Proposed Development have been defined in Chapter 4 Environmental Assessment Methodology or within topic chapters (Chapter 5 to 19) of Volume 1 of this PEIR. Final definitions will be provided within the ES.
3.2.5	Forecasting Methods or Evidence	The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.	Details of the timescales upon which surveys have been undertaken are included in the topic specific chapters (Chapter 5 to 19) of Volume 1 of the PEIR and will be included in the ES.
3.2.6	Forecasting Methods or Evidence	The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.	Chapter 4 Environmental Assessment Methodology of Volume 1 of the PEIR sets out the overarching methodology for the assessment. Individual methodologies are defined in topic specific chapters (Chapter 5 to 20). Full methodologies will be included in the ES.

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.2.7	Forecasting Methods or Evidence	Given the scale of the development, temporary construction impacts may be of considerable duration. The ES should define the timescale of impacts defined as ‘temporary’ and consider how the duration of particular construction activities will influence the magnitude of the impacts identified. It will also be important to consider how the time period of impacts and resulting effects may be extended due to cumulative effects.	Individual methodologies are defined in topic specific chapters of the PEIR (Chapter 5 to 19). Full methodologies will be included in the ES.
3.2.8	Forecasting Methods or Evidence	The Scoping Report refers to the use of professional judgement for various matters within the aspect chapters. The application of professional judgement used within the assessment should be clearly identified and fully justified in the ES.	A full list of the competent experts who have contributed to the EIA and their professional experience will be provided within the ES. Full justifications for application of professional judgements will be included in the ES.
3.2.9	Forecasting Methods or Evidence	The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	Assumption and limitations to assessments to date have been defined in topic chapters (Chapter 5 to 20) of Volume 1 of the PEIR and will be defined within the ES.
3.2.10	Residues and emissions	The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.	An estimate of expected residues and emissions by type and quantity will be provided within topic assessments of the ES. Preliminary findings have been provided in Chapters 5 to 20 of Volume 1 of the PEIR.
3.2.11	Residues and emissions	The Inspectorate notes the intention to produce a standalone lighting assessment; however, it is not clear from the Scoping Report where the lighting assessment will be located within the ES. The lighting assessment should be clearly signposted from the relevant aspect chapters in the ES, including (but not limited to) the Biodiversity, Landscape and Visual, and Cultural Heritage aspect chapters. Specific comments with respect to lighting are provided in Tables 4.12, 4.13 and 4.14 of this Opinion.	A lighting assessment has been undertaken as part of the EIA and has informed topic assessments. A preliminary Lighting Assessment is available in Appendix 4-2 Volume 2 of this PEIR . Clear cross references have been included in topic chapters Chapter 16 Biodiversity, Chapter 17 Landscape and Visual and Chapter 18 Cultural Heritage of Volume 1 of this PEIR and will be provided in the ES.

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.2.12	Mitigation	Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements. The Inspectorate advises that the approach to mitigation in the ES should follow the mitigation hierarchy of avoidance, mitigation, and finally compensation.	Mitigation measures and residual effects identified as part of the EIA have been included in topic chapters Chapters 5 to 20 of Volume 1 of the PEIR a summary of which has been provided in Chapter 21 Summary of Effects . These will be finalised to be included in the ES.
3.2.13	Mitigation	The Inspectorate notes that a draft CoCP is to be submitted as part of the DCO application, which will include draft plans such as the following: Construction Environmental Management Plan; Site Waste Management Plan; Construction Traffic Management Plan; Materials Management Plan; Soils Management Plan (SMP); Construction Noise Management Plan; Air Quality Management Plan; and Surface Water Management Plan. Where the ES relies upon mitigation measures which would be secured through management plans, it should be demonstrated (with clear cross referencing) where each measure is set out in the management plan. Paragraph 17.8.2 of the Scoping Report also states the intention to submit a Landscape and Biodiversity Management Plan. The Applicant should provide draft copies of these documents appended to the ES and/or demonstrate how they will be secured.	A Draft CoCP is available in Appendix 2-1 of Volume 2 of this PEIR and contains details of construction management measures. Final management plans will be prepared and submitted with the ES as part of the DCO application.

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.2.14	Decommissioning	<p>The Scoping Report proposes that decommissioning impacts are to be scoped out of the ES for two specific aspect chapters: Chapter 8 Climate Change and Chapter 9 Greenhouse Gas. Paragraph 5.2.5 also states that the assessment of potentially significant effects arising from the decommissioning of the Proposed Development is proposed to be scoped out of the ES. The Inspectorate therefore infers that the Applicant intends to scope out decommissioning impacts from the ES entirely. Having regard to the nature and characteristics of the Proposed Development the Inspectorate agrees that decommissioning can be scoped out of the ES. The Inspectorate does however, advise that the ES includes details of any infrastructure elements predicted to be decommissioned over a shorter time period and give consideration to the potential for likely significant effects to arise in relation to these elements.</p>	<p>It is considered that the airport, once operational, will be a permanently functional airport, and that the site will not be undertaking activities that pose a long-term risk requiring detailed decommissioning plans or assessment. There are no foreseen elements of the airport which will become redundant during the lifespan of the Proposed Development.</p> <p>Any shorter timescale decommissioning identified will be appropriately described and considered in the ES. Future decommissioning which arises after the consent of the Proposed Development will be subject to appropriate planning and assessment requirements</p>
3.2.15	MA&D	<p>The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development’s susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development’s potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.</p>	<p>Refer to Chapter 19 Major Accidents and Disasters of Volume 1 of this PEIR.</p>

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.2.16	MA&D	Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	No response required.
3.2.17	Climate change	The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.	Refer to Chapter 7 Climate Change and Chapter 8 Greenhouse Gases of Volume 1 of this PEIR.
3.2.18	Transboundary	Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES.	No response required.
3.2.19	Transboundary	The Scoping Report concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State and proposes that transboundary effects do not need to be considered within the ES. The Inspectorate notes the Applicant’s conclusion in the Scoping Report; however, recommends that for the avoidance of doubt the ES details and justifies this conclusion.	The Transboundary Screening provided by the Planning Inspectorate has been included in Appendix 4-1 of Volume 2 of this PEIR. The Inspectorate concluded based on the information provided in the EIA Scoping Report that the Proposed Development is not likely to have significant effects on the environment in another EEA State.
3.2.20	References	A reference list detailing the sources used for the descriptions and assessments must be included in the ES.	No response required.

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Scoping ID	Theme	Scoping Opinion Comment	How/where addressed in the PEIR or ES
3.3.1	Confidentiality	In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.	No response required.
4.1.1-4.1.12	Air Quality		See Chapter 5 Air Quality of this PEIR.
4.2.14.2.13	Traffic and Transportation		See Chapter 6 Traffic and Transportation of this PEIR.
4.3.1-4.3.5	Climate Change		See Chapter 7 Climate Change of this PEIR.
4.4.1-4.4.7	Greenhouse Gases		See Chapter 8 Greenhouse Gases of this PEIR.
4.5.1-4.5.15	Noise and Vibration		See Chapter 9 Noise and Vibration of this PEIR.
4.6.1-4.6.9	Soils and Geology		See Chapter 10 Soils and Geology of this PEIR.
4.7.1-4.7.14	Water Resources		See Chapter 11 Water Resources of this PEIR.
4.8.1-4.8.9	Waste and Resources		See Chapter 12 Waste and Resources of this PEIR.
4.9.1-4.9.8	Economics and Employment		See Chapter 13 Economics and Employment of this PEIR.
4.10.1-4.10.13	Health and Community		See Chapter 14 Health and Community of this PEIR.
4.11.1-4.11.6	Agricultural Land Quality and Farm Holdings		See Chapter 15 Agricultural Land Quality and Farm Holdings of this PEIR.

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4.12.1-4.12.13	Biodiversity		See Chapter 16 Biodiversity of this PEIR.
4.13.1-14.13.21	Landscape and Visual		See Chapter 17 Landscape and Visual of this PEIR.
4.14.1-4.14.10	Cultural Heritage		See Chapter 18 Cultural Heritage of this PEIR.
4.15.1-4.15.18	Major Accidents and Disasters		See Chapter 19 Major Accidents and Disasters of this PEIR.
4.16.1-4.16.11	In-combination and Cumulative Effects		See Chapter 20 In-combination and Cumulative Effects Assessment of this PEIR.