

February 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 1 Application Information

**1.01 Application Cover Letter and Section 55 Checklist**

Application Document Ref: TR020001/APP/1.01

APFP Regulation: 5(2)(c)

**The Planning Act 2008**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009**

**London Luton Airport Expansion Development Consent  
Order 202x**

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**1.01 APPLICATION COVER LETTER AND SECTION 55 CHECKLIST**

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<b>Regulation number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference:</b>	TR020001
<b>Document Reference:</b>	TR020001/APP/1.01
<b>Author:</b>	Luton Rising

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Issue 1	February 2023	Application issue

27 February 2023

National Infrastructure  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Dear Planning Inspectorate

**Planning Act 2008  
Application for a Development Consent Order for the proposed expansion of London  
Luton Airport  
Luton Rising  
Application Reference TR020001**

We are pleased to enclose an application, on behalf of Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant'), under Section 14 of the Planning Act 2008 (the Act) for an order to grant development consent (DCO) for the expansion of London Luton Airport ('the airport') to 32 million passengers per annum (mppa) (hereby referred to as the 'Proposed Development').

**1. Subject of the application**

The Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 because:

- a. It comprises the alteration of an airport.
- b. The airport is in England.
- c. The effect of the Proposed Development is to increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services.

As a result, the Applicant requires development consent under the Act in order to construct, operate and maintain the Proposed Development.

Further detail concerning the Proposed Development's status as an NSIP can be found in the prescribed form within the **Application Form [TR020001/APP/1.02]** and the **Explanatory Memorandum [TR020001/APP/2.02]**.

**2. Application fee and documentation enclosed**

The application fee amount of £7,488 has been submitted by BACS transfer to the account of the Planning Inspectorate.

Following a meeting with the Planning Inspectorate on 7 February, it was agreed that the method of submission would be via electronic file transfer. This contains the full suite of Application Documents as listed in the **Electronic Application Index [TR020001/APP/1.04]**

in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.

A completed Section 55 checklist accompanies this letter in **Appendix A**. This provides clear evidence that the application for development consent meets the necessary tests and should be accepted by the Planning Inspectorate.

The **Geographic Information System (GIS) shapefile [TR020001/APP/1.05]** was submitted to the Planning Inspectorate via email on 13 February 2023 and the **Electronic Application Index [TR020001/APP/1.04]** was submitted via electronic file transfer on 20 February, in accordance with the Planning Inspectorate's Advice Note Six: Preparation and submission of application documents.

### **3. Application formalities**

This Application is made in the form required by Section 37(3)(b) of the Planning Act 2008 and application documents comply with Section 37 of the Planning Act 2008 and those set out in:

- a. The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("the APFP Regulations");
- b. The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- c. The Department for Communities and Local Government's 'Planning Act 2008: application form guidance' (June 2013); and
- d. The Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (Version 11).

We request that the Planning Inspectorate does not publish the Application Documents on the Expansion of London Luton Airport project page of the National Infrastructure website during the acceptance period.

We suggest that the following documents should not be published as they contain sensitive information which, if disclosed, may adversely affect the protection of the environment to which the information relates:

- a. **Appendix 8.1** Ecology Baseline Report - Part B [TR020001/APP/5.02] (a public version is also provided).
- b. **Appendix 8.2** Outline Landscape and Biodiversity Management Plan [TR20001/APP/5.02] (a public version is also provided).
- c. **Appendix 8.7** Ecological Mitigation Strategy – Badger [TR020001/APP/5.02].
- d. **Appendix 8.9** Ecological Mitigation Strategy – Bird [TR020001/APP/5.02].

We look forward to hearing from you in relation to a formal acceptance of this application. If we can be of any assistance, please do not hesitate to contact us.

Yours faithfully,



Antony Aldridge  
Head of Programme, Luton Rising

Enc.  
Appendix A – Section 55 acceptance of applications checklist (completed by the Applicant)

## Appendix A - Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which	Yes.	The Proposed Development set out in <b>Schedule 1 of the draft DCO [TR020001/APP/2.01]</b> is a NSIP within sections 14(i), 23(1)(b) and 23(1)(c) of the Planning Act 2008 (the PA2008). The Proposed Development is wholly in England. A full explanation can be found at paragraphs 2.1 and 2.8 in the <b>Explanatory Memorandum [TR020001/APP/2.02]</b> .	

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>The accompanying <b>Cover Letter [TR020001/APP/1.01]</b> states that this is an application for a Development Consent Order under the Planning Act 2008 (the PA2008).</p>
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	<p>The Applicant has demonstrated that the application as submitted is an application for an order granting development consent under the PA2008.</p>
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p>Yes.</p> <p>Screening was not undertaken for the Proposed Development as it was identified at an early stage that due to the nature and scale of the proposal, the Applicant considered the Proposed Development to be Development for which an environmental impact assessment (EIA) would be needed.</p> <p>In accordance with Regulation 8 (1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant notified the Secretary of State in writing via the Planning Inspectorate on 28 March 2019 of its intention to provide an Environmental Statement (ES), presenting the findings of the EIA, as part of the application for development consent.</p> <p>A copy of the notification letter is provided at <b>Appendix C7</b> of the <b>Consultation Report [TR020001/APP/6.02]</b>.</p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

5	Have any Adequacy of Consultation Representations <sup>4</sup> been received from ‘A’, ‘B’, ‘C’ and ‘D’ local authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?	No.  At the time of submission of the application, no Adequacy of Consultation Representations have been received. It is anticipated that following submission of the application for development consent, the Planning Inspectorate will invite relevant local authorities to provide a statement relating to the adequacy of the consultation. This is set out in the Planning Inspectorate’s Advice Note 14.
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**Section 42: Duty to consult**

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p>Yes.</p> <p>The Applicant consulted all persons prescribed by The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended).</p> <p>The Applicant carried out two rounds of statutory consultation, the first in 2019 and the second in 2022.</p> <p>The full list of the persons consulted under s42(1)(a) during the 2019 statutory consultation is at <b>Appendix D</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>The full list of the persons consulted under s42(1)(a) during the 2022 statutory consultation is at <b>Appendix I</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>Further information about how consultation was undertaken can be found in Sections 4 and 6 of the <b>Consultation Report [TR020001/APP/6.01]</b> for the 2019 and 2022 statutory consultations respectively.</p>
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<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)



7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	Not applicable. The Maritime Management Organisation was not consulted because the proposed application will not affect the maritime or coastal environment, or the shipping industry.
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p>Yes.</p> <p>The list of local authorities consulted in the 2019 statutory consultation can be found in paragraphs 4.5.3 and 4.5.4 of the <b>Consultation Report [TR020001/APP/6.01]</b>. The list of local authorities consulted in the 2022 statutory consultation can be found in paragraphs 6.4.4 and 6.4.5 of the <b>Consultation Report [TR020001/APP/6.01]</b>. For the sake of clarity, for the 2019 statutory consultation these were:</p> <p>Host Authorities:</p> <ul style="list-style-type: none"> <li>- Luton Borough Council;</li> <li>- Hertfordshire County Council;</li> <li>- North Hertfordshire District Council; and</li> <li>- Central Bedfordshire Council.</li> </ul> <p>Neighbouring Authorities</p> <ul style="list-style-type: none"> <li>- Aylesbury Vale District Council;</li> <li>- London Borough of Barnet;</li> <li>- Bedford Borough Council;</li> <li>- Buckinghamshire County Council;</li> <li>- Cambridgeshire County Council;</li> <li>- Dacorum Borough Council;</li> <li>- East Hertfordshire District Council;</li> <li>- London Borough of Enfield;</li> <li>- Essex County Council;</li> <li>- London Borough of Harrow;</li> </ul>

<sup>6</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>7</sup> Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<ul style="list-style-type: none"> <li>- London Borough of Hillingdon;</li> <li>- Huntingdonshire District Council;</li> <li>- Milton Keynes Council;</li> <li>- South Cambridgeshire District Council;</li> <li>- St Albans District Council;</li> <li>- Stevenage Borough Council;</li> <li>- Uttlesford District Council; and</li> <li>- Welwyn Hatfield Borough Council.</li> </ul> <p>For 2022 statutory consultation all the local authorities listed above were consulted, however Dacorum Borough Council was consulted as a Host Authority, rather than a Neighbouring Authority, and in addition Three Rivers District Council was consulted as a Neighbouring Authority.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	Not applicable. The project does not fall within Greater London and as a result the Greater London Authority is not a relevant consultee in respect of the project
10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p>Yes.</p> <p><i>2019 Statutory Consultation</i></p> <p>Paragraph 4.5.1 of the <b>Consultation Report [TR020002/APP/6.01]</b> states that all persons identified under s42(1)(d) were consulted. Paragraph 4.5.15 explains that those persons with an interest in land (PILs) were issued letters at the start of the consultation on 14 October 2019.</p> <p>A number of additional persons were identified after the start of statutory consultation and were consulted on 1 November and 12 November. The consultation closed on 16 December 2019. All individuals therefore had a minimum of 33 days to respond.</p> <p>Paragraphs 4.5.7 – 4.5.20 of the <b>Consultation Report [TR020001/APP/6.01]</b> summarise how the Applicant made diligent inquiry to seek to identify and consult</p>

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<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

persons with an interest in land. The Applicant consulted with all such persons who were identified as part of the due diligence exercise carried out at that time.

A sample of the letter sent is provided at **Appendix C2** of the **Consultation Report Appendices [TR020001/APP/6.02]**.

*2022 Statutory Consultation*

Paragraph 6.4.1 of the **Consultation Report [TR020002/APP/6.01]** states that all PILs identified under s42(1)(d) were consulted. Paragraph 6.4.8 confirms that a total of 16,130 PILs were identified. All PILs were sent a letter notifying them of the consultation. A copy of the letters sent to Category 1 and 2, and Category 3 PILs can be found in **Appendix H** of the **Consultation Report Appendices [TR020001/APP/6.02]**.

The persons consulted under s42(1)(d) are listed in **Appendix I** of the **Consultation Report Appendices [TR020001/APP/6.02]**.

A sample of the letter sent is provided at **Appendix H3** of the **Consultation Report Appendices [TR020001/APP/6.02]**. **Appendix H5** and **H6** of the **Consultation Report Appendices [TR020001/APP/6.02]** provides a copy of letters sent to additional PILS in May 2022.

The list of S42(d) consultees for the 2022 statutory consultation can be found in the **Book of Reference [TR020001/APP/3.02]**. As a result of the Applicant's ongoing diligent inquiry into land interests affected by the Proposed Development, the Applicant carried out additional checks prior to finalising the **Book of Reference [TR020001/APP/3.02]** and in advance of submission of the application for development consent. As is often the case, especially where there are so many PILs, this process identified 421 PILs who have not previously been consulted on the proposals. This position is explained more fully in paragraphs 13.3.1 to 13.3.9 of the **Consultation Report [TR020002/APP/6.01]**. These new PILS are listed in **Appendix N** of the **Consultation Report Appendices [TR020001/APP/6.02]**.

**Section 45: Timetable for s42 consultation**

11	Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?	<p>Yes.</p> <p>For the 2019 statutory consultation letters were sent to s42 consultees on 14 October 2019, 1 November 2019 and 12 November 2019. Letters notified consultees that the deadline for responses was 16 December 2019, therefore allowing a minimum of 33 and a maximum of 63 days to respond.</p> <p>For the 2022 statutory consultation letters were sent to s42 consultees on 8 February 2022. Letters notified consultees that the deadline for response was 4 April 2022, therefore allowing 54 days to respond.</p> <p>Sample letters sent to Section 42 consultees as part of the 2019 and 2022 statutory consultations are provided in <b>Appendix C</b> and <b>Appendix H</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
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#### Section 46: Duty to notify the Planning Inspectorate of proposed application

12	Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	<p>Yes.</p> <p>The Applicant gave notice for the purposes of Section 46 that they intended to commence consultation pursuant to Section 42 of the Act by letter on 14 October 2019 for the 2019 statutory consultation and 4 February 2022 for the 2022 statutory consultation.</p> <p>For the 2019 statutory consultation this notification was provided on the date of commencing consultation under s42. For the 2022 statutory consultation, this notification was provided before commencing consultation under s42.</p> <p>A copy of the letters, and the notification acknowledgement letters from the Planning Inspectorate can be found in <b>Appendix C5</b> and <b>Appendix H7</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
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#### Section 47: Duty to consult local community

13	Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	<p>Yes.</p> <p>The Applicant prepared a Statement of Community Consultation (SoCC) for both the 2019 and 2022 statutory consultations. A copy of the Draft and Final SoCCs can be found in <b>Appendix B1 and B5</b> and <b>Appendix G1 and G4</b> respectively of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
14	Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p>Yes.</p> <p>For the 2019 statutory consultation a copy of the draft SoCC was sent to the relevant authorities on 13 June 2019 with a deadline for receipt of comments of 17 July 2019 (34 days in total). Further information on this can be found in section 3.2 of the <b>Consultation Report [TR020002/APP/6.01]</b>. A copy of the letter sent and the draft SoCC can be found in <b>Appendix B1, B2 and B3</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>The following authorities were consulted:</p> <ul style="list-style-type: none"> <li>- Central Bedfordshire Council</li> <li>- Hertfordshire County Council</li> <li>- Luton Borough Council</li> <li>- North Hertfordshire District Council</li> <li>- Barnet Council</li> <li>- Bedford Borough Council</li> <li>- Buckinghamshire Council</li> <li>- Cambridgeshire County Council</li> <li>- Dacorum Borough Council</li> <li>- East Hertfordshire District Council</li> <li>- Enfield Council</li> <li>- Essex County Council</li> <li>- Harrow Council</li> </ul>

		<ul style="list-style-type: none"> <li>- Hillingdon Council</li> <li>- Huntingdonshire District Council</li> <li>- Milton Keynes Council</li> <li>- South Cambridgeshire District Council</li> <li>- St Albans City &amp; District Council</li> <li>- Stevenage Borough Council</li> <li>- Uttlesford District Council; and</li> <li>- Welwyn Hatfield Borough Council</li> </ul> <p>For the 2022 statutory consultation a copy of the draft SoCC was sent to the relevant authorities on 6 August 2021 with a deadline for receipt of comments of 17 September 2021 (32 days in total). Further information on this can be found in section 5.2 of the <b>Consultation Report [TR020002/APP/6.01]</b>. A copy of the Draft SoCC and accompanying cover letter can be found in <b>Appendix G1</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>The authorities consulted were the same as those for the 2019 statutory consultation.</p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p>Yes.</p> <p>The Applicant had regard to all relevant comments received on the 2019 Draft SoCC and 2022 Draft SoCC. A description of the changes made to the 2019 and 2022 Draft SoCCs can be found in Sections 3.3 and 5.3 respectively of the Consultation Report [TR020001/APP/6.01]. For the 2022 Draft SoCC a note sent to the Host and Neighbouring Authorities responding to their comments can be found in <b>Appendix G2</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p>Yes.</p> <p>The Applicant made the 2019 SoCC available for inspection by the public on a dedicated website (<a href="http://www.futureluton.lal.org.uk">www.futureluton.lal.org.uk</a>) which was available from the start of the consultation period on 16 October 2016, and in hard copy format at each of the consultation events and at the 32 Document Inspection Venues (with an additional venue (Leighton Buzzard Library) added during the consultation period). 2019</p>

		<p>consultation events are listed in Table 4.4 and Document Inspection Venues are listed in Table 4.5 of the <b>Consultation Report [TR020001/APP/6.01]</b>.</p> <p>Newspaper notices publicising where and when the SoCC could be inspected were published at the start of consultation. Table 3.2 of the Consultation Report lists the newspapers and date of publications. Copies of notices can be found in <b>Appendix C1</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>The Applicant made the 2022 SoCC available for inspection by the public on a dedicated website (LutonRising.org.uk) which was available from the start of the consultation period on 8 February 2022, and in hard copy format at each of the consultation events and at the Document Inspection Venues. 2022 consultation events are listed in Table 6.4 and Document Inspection Venues are listed in Table 6.5 of the <b>Consultation Report [TR020001/APP/6.01]</b>.</p> <p>Newspaper notices publicising where and when the SoCC could be inspected were published at the start of consultation. Table 5.3 of the Consultation Report lists the newspapers and date of publications. Copies of notices can be found in <b>Appendix H</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes.</p> <p>Section 1 of the 2019 SoCC confirms that the Proposed Development is EIA Development, and that Preliminary Environmental Information will be consulted on as part of the consultation. A copy of the 2019 SoCC can be found in <b>Appendix B5</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p> <p>Section 2.2 of the 2022 SoCC confirms the Proposed Development is EIA Development and that Preliminary Environmental Information will be consulted on as part of the consultation. A copy of the 2022 SoCC can be found in <b>Appendix G4</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	Yes.

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<p>In 2019 consultation was undertaken in accordance with the 2019 SoCC. Some additional activities were undertaken, and these are described at Section 3.5 of the <b>Consultation Report [TR020001/APP/6.01]</b>.</p> <p>In 2022 consultation was undertaken in accordance with the 2022 SoCC with the following exceptions:</p> <ul style="list-style-type: none"> <li>- The Stevenage consultation event was rescheduled due to a red weather warning.</li> <li>- There was a slight delay in some properties receiving a newsletter at the start of the consultation.</li> </ul> <p>Further details are provided at Section 5.5 of the <b>Consultation Report [TR020001/APP/6.01]</b>. As in 2019 some additional activities were also undertaken and are also described in Section 5.5.</p>
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**Section 48: Duty to publicise the proposed application**

19	<p>Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?</p>	<p>Yes.</p> <p>The Applicant prepared and publicised the application in the prescribed manner set out in Regulation 4 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 by publishing a S48 notice within newspapers at the start of both the 2019 and 2022 consultation periods. Full list of publications and dates can be found in Table 3.2 and Table 5.3 of the <b>Consultation Report [TR020001/APP/6.01]</b> which list the newspapers and publication dates for the 2019 and 2022 statutory consultation respectively. These notices provided details of the consultation, including the Document Inspection Venues and duration of the consultation period.</p> <p>A copy of the Section 48 Notices can be found in <b>Appendix C4</b> and <b>Appendix H4</b> respectively of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b>.</p>
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		Newspaper(s)	Date
a)		2019 statutory consultation	



for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	Barnet Borough Times	17 October 2019 and 24 October 2019
	Biggleswade Chronicle	11 October 2019 and 18 October 2019
	Bucks Free Press	11 October 2019 and 18 October 2019
	Bucks Herald	9 October 2019 and 16 October 2019
	Cambridge News	8 October 2019 and 15 October 2019
	Dunstable Gazette	9 October 2019 and 16 October 2019
	Harrow Times	10 October 2019 and 17 October 2019
	Hemel Hempstead Gazette	9 October 2019 and 16 October 2019
	Hertfordshire Mercury	10 October 2019 and 17 October 2019
	Herts Advertiser	10 October 2019 and 17 October 2019
	Hitchin Comet	10 October 2019 and 17 October 2019
	Hunts Post	9 October 2019 and 16 October 2019
	Leighton Buzzard Observer	8 October 2019 and 15 October 2019
	Letchworth & Baldock Comet	10 October 2019 and 17 October 2019
	Luton & Dunstable Herald & Post	10 October 2019 and 17 October 2019
	Luton News	9 October 2019 and 16 October 2019
	Milton Keynes Citizen	10 October 2019 and 17 October 2019
Royston Crow	10 October 2019 and 17 October 2019	

	Stevenage Comet	10 October 2019 and 17 October 2019
	Watford Observer	11 October 2019 and 18 October 2019
	Welwyn & Hatfield Times	9 October 2019 and 16 October 2019
	<b>2022 statutory consultation</b>	
	Barnet Borough Times	10 February 2022 and 17 February 2022
	Biggleswade Chronicle	11 February 2022 and 18 February 2022
	Bucks Free Press	11 February 2022 and 18 February 2022
	Bucks Herald	9 February 2022 and 16 February 2022
	Cambridge Evening News	8 February 2022 and 15 February 2022
	Hemel Hempstead Gazette	9 February 2022 and 16 February 2022
	Herts Advertiser	10 February 2022 and 17 February 2022
	Hertfordshire Mercury	10 February 2022 and 17 February 2022
	Hitchin Comet	10 February 2022 and 17 February 2022
	Hunts Post	9 February 2022 and 16 February 2022
	Leighton Buzzard Observer	8 February 2022 and 15 February 2022
	Letchworth & Baldock Comet	10 February 2022 and 17 February 2022
	Luton News & Dunstable Gazette	9 February 2022 and 16 February 2022
	Milton Keynes Citizen	10 February 2022 and 17 February 2022

		Royston Crow	10 February 2022 and 17 February 2022
		Stevenage Comet	10 February 2022 and 17 February 2022
		Watford Observer	11 February 2022 and 18 February 2022
		Welwyn & Hatfield Times	9 February 2022 and 16 February 2022
b)	once in a national newspaper;	The Times	8 October 2019
		The Times	8 February 2022
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	London Gazette	8 October 2019
		London Gazette	8 February 2022
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable as the application does not relate to offshore development.	Not applicable.
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<p>Yes.</p> <p>The Section 48 Notice is provided in <b>Appendix C4</b> and <b>Appendix H4</b> of the <b>Consultation Report Appendices [TR020001/APP/6.02]</b> for the 2019 and 2022 statutory consultations respectively. Both notices contain the required information as set out below:</p>	
<b>Information</b>		<b>Paragraph</b>	
a)	the name and address of the Applicant.	2019: Paragraph 1, Page 1	b)
		a statement that the Applicant intends to make an application for development consent to the Secretary of State	2019: Paragraph 1, Page 1

		2022: Paragraph 1, Page 1			2022: Paragraph 1, Page 1
c)	a statement as to whether the application is EIA development	2019: Paragraph 6, Page 1  2022: Paragraph 1, Page 2	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	2019: Paragraphs 1, 4 and 5, Page 1  2022: Paragraphs 1 and 5, Page 1
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps	2019: Paragraph 1, Page 2  2022: Paragraph, 2, Page 2	f)	the latest date on which those documents, plans and maps will be available for inspection on the website	2019: Paragraph 1, Page 2  2022: Paragraph 2, Page 2
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	2019: Paragraph 1, Page 5  2022: Paragraph 1, Page 4	h)	details of how to respond to the publicity	2019: Paragraph 2, Page 6  2022: Paragraph 3, Page 4
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days	2019: Paragraph 3, Page 6			

	following the date when the notice is last published	2022: Paragraph 4, Page 4	
21	Are there any observations in respect of the s48 notice provided above?		
	N/A		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<p>Yes.</p> <p>The copy of the Section 48 notice was included in the consultation packs sent to the consultee bodies, those falling within Section 42(1)(a) - (c), in order to comply with Regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This is explained in sections 4.9.1 and 6.8.2 of the <b>Consultation Report [TR020001/APP/6.01]</b> for the 2019 and 2022 statutory consultations respectively.</p>	
<b>s49: Duty to take account of responses to consultation and publicity</b>			
23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes.</p> <p>The Applicant has had due regard to all responses received in the 2019 and 2022 statutory consultations. The tables in <b>Appendix L of the Consultation Report Appendices [TR020001/APP/6.02]</b> set out the feedback received, by who and the Applicant's response to them for the 2019 statutory consultation.</p> <p>The tables in <b>Appendix M</b> set out the feedback received, by who and the Applicant's response to them for the 2022 statutory consultation.</p>	
<b>Guidance about pre-application procedure</b>			

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	The Applicant has had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process'. Section 13 of the <b>Consultation Report [TR020001/APP/6.01]</b> sets out how this has been complied with.
25	<b>Summary: Section 55(3)(e)</b>	The Applicant has demonstrated that the Application as submitted has complied with the preapplication procedure under the PA 2008.
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme?</li> </ul>	<p>Yes.</p> <p>The application is made in the prescribed form as set out in Schedule 2 of the APFP Regulations.</p> <p>A statement which explains why the application falls within the remit of the Secretary of State is provided in section 4 of the <b>Application Form [TR020001/APP/1.02]</b> and paragraph 2.1 to 2.8 of the <b>Explanatory Memorandum [TR020001/APP/2.02]</b>.</p> <p>Section 6 of the <b>Application Form [TR020001/APP/1.02]</b> provides a brief statement that describes the location of the Proposed Development.</p> <p>The location of the Proposed Development is shown on the <b>Location Plan [TR020001/APP/4.01]</b>.</p>
27	Is it accompanied by a Consultation Report?	<p>Yes.</p> <p>The <b>Consultation Report [TR020001/APP/6.01]</b> and <b>Consultation Report Appendices [TR020001/APP/6.02]</b> are included as part of the application for development consent.</p>

<sup>11</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	Yes. Key plans are provided to show the relationship between different sheets.												
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes. The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Document</th> <th style="width: 25%;"></th> <th style="width: 25%; text-align: center;">Information</th> <th style="width: 25%; text-align: center;">Document</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">a)</td> <td style="vertical-align: top;">Where applicable, the Environmental Statement required under the EIA Regulations<sup>13</sup> and any scoping or screening opinions or directions</td> <td style="vertical-align: top;">           Yes, the application is supported by the following:  <b>Environmental Statement [TR02001/APP/5.01].</b>  <b>Environmental Statement Appendix [TR020001/APP/5.02].</b>  <b>Environmental Statement Figures [TR020001/APP/5.03].</b>            Environmental Statement <b>Non-Technical Summary [TR020001/APP/5.04].</b>            The EIA Scoping Report is provided as <b>Appendices 1.1 and 1.2</b> of the <b>ES [TR020001/APP/5.05].</b>            The EIA Scoping Opinion is available in <b>Appendix 1.3</b> of the ES <b>[TR020001/APP/5.05].</b> </td> <td style="vertical-align: top;">b)</td> <td style="vertical-align: top;">The draft Development Consent Order (DCO)</td> <td style="vertical-align: top;">The <b>Draft Development Consent Order [TR020001/APP/2.01]</b> is provided.</td> </tr> </tbody> </table>				Information	Document		Information	Document	a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	Yes, the application is supported by the following: <b>Environmental Statement [TR02001/APP/5.01].</b> <b>Environmental Statement Appendix [TR020001/APP/5.02].</b> <b>Environmental Statement Figures [TR020001/APP/5.03].</b> Environmental Statement <b>Non-Technical Summary [TR020001/APP/5.04].</b> The EIA Scoping Report is provided as <b>Appendices 1.1 and 1.2</b> of the <b>ES [TR020001/APP/5.05].</b> The EIA Scoping Opinion is available in <b>Appendix 1.3</b> of the ES <b>[TR020001/APP/5.05].</b>	b)	The draft Development Consent Order (DCO)	The <b>Draft Development Consent Order [TR020001/APP/2.01]</b> is provided.
	Information	Document		Information	Document									
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	Yes, the application is supported by the following: <b>Environmental Statement [TR02001/APP/5.01].</b> <b>Environmental Statement Appendix [TR020001/APP/5.02].</b> <b>Environmental Statement Figures [TR020001/APP/5.03].</b> Environmental Statement <b>Non-Technical Summary [TR020001/APP/5.04].</b> The EIA Scoping Report is provided as <b>Appendices 1.1 and 1.2</b> of the <b>ES [TR020001/APP/5.05].</b> The EIA Scoping Opinion is available in <b>Appendix 1.3</b> of the ES <b>[TR020001/APP/5.05].</b>	b)	The draft Development Consent Order (DCO)	The <b>Draft Development Consent Order [TR020001/APP/2.01]</b> is provided.									

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<b>Explanatory Memorandum</b> to draft Development Consent Order <b>[TR020001/APP/2.02]</b> explains the purpose and effect of the provisions of the draft DCO.	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	A <b>Book of Reference [TR020001/APP/3.01]</b> is provided.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	A <b>Flood Risk Assessment</b> is provided <b>[TR020001/APP/5.07]</b> .	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	A <b>Statement of Statutory Nuisance [TR020001/APP/5.06]</b> is provided.
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<b>Statement of Reasons [TR020001/APP/3.01]</b> and <b>Funding Statement [TR020001/APP/3.02]</b> are provided.	i)	A Land Plan identifying:- (i) the land required for, or affected by, the Proposed Development; (ii) where applicable, any land over which it is proposed to exercise powers of	The application is accompanied by <b>Land Plans and Crown Land Plans [TR020001/APP/4.03]</b> and <b>Special Category Land Plans [TR020001/APP/4.10]</b>  The Land Plans accord with Regulation 5(2)(i) of the APFP Regulations and identify:



			<p>Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	<p>all land that is required for or affected by the project;</p> <p>any land over which it is proposed to exercise powers of compulsory acquisition or rights to use land; and</p> <p>any land in relation to which it is proposed to extinguish easements, servitudes or other private rights.</p> <p>The Special Category Land Plans show the special category land and proposed replacement land.</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	<p>The application is accompanied by <b>Works Plans [TR020001/APP/4.04]</b>. The works plans also consist of a covering key plan.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>
				<p>The application is accompanied by <b>Streets, Rights of Way, and Access Plans [TR020001/APP/4.08]</b>.</p>

	Is this of a satisfactory standard?		Is this of a satisfactory standard?	
I)	<p>Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>The application is accompanied by the following:</p> <p><b>Figure 8.1</b> Ecological Statutory Designated Sites [TR020001/APP/5.03].</p> <p><b>Figure 8.2</b> Ecological Non-Statutory Designated Sites [TR020001/APP/5.03].</p> <p><b>Figure 8.3</b> Ecological Constraints Plan [TR020001/APP/5.03].</p> <p><b>Figure 20.2</b> Groundwater Features [TR020001/APP/5.03].</p> <p><b>Figure 20.4</b> Water Framework Directive Water Bodies [TR020001/APP/5.03].</p> <p>The assessment of effects are included in the following chapters of the ES [TR020001/APP/5.01]:</p> <p>Chapter 8: Biodiversity</p> <p>Chapter 14: Landscape and Visual</p> <p>Chapter 20: Water Resources and Flood Risk</p>	m)	<p>The application is accompanied by the following:</p> <p><b>Figure 10.1</b> Location of Designated Cultural Heritage Assets (Plan 1 of 2) [TR020001/APP/5.03].</p> <p><b>Figure 10.2</b> Location of Designated Cultural Heritage Assets (Plan 2 of 2) [TR020001/APP/5.03].</p> <p><b>Figure 10.3</b> Location of Non-Designated Cultural Heritage Assets [TR020001/APP/5.03].</p> <p>The assessment of effects included in <b>Chapter 10</b> of the ES [TR020001/APP/5.01].</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?	

n)	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Land Plans and Crown Land Plans [TR020001/APP/4.03]</b> are provided.	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>General Arrangement Drawings [TR020001/APP/4.09], Scheme Layout Plans [TR020001/APP/4.02], Airport Access Road and DART Long Section Drawings [TR020001/APP/4.11] and Strategic Landscape Masterplan [TR020001/APP/5.10]</b> are provided.
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	There are no documents within Regulation 6 of the APFP Regulations which are applicable to the Proposed Development.	q)	Any other documents considered necessary to support the application	The application comprises other documents considered necessary to support the application, as listed in section 23 of the <b>Application Form [TR020001/APP/1.02]</b> . These documents are:  <b>Application Cover Letter and Section 55 Checklist [TR020001/APP/1.01]</b> <b>Application Form [TR020001/APP/1.02]</b> <b>Introduction to the Application [TR020001/APP/1.03].</b> <b>Electronic Application Index [TR020002/APP/1.04]</b> <b>GIS Shapefile of application boundary [TR020001/APP/1.05]</b>

				<p><b>Consents and Agreements Position Statement [TR020001/APP/2.03]</b></p> <p><b>DCO Validation Report [TR020001/APP/2.04]</b></p> <p><b>Mitigation Route Map [TR020001/APP/5.09]</b></p> <p><b>Planning Statement [TR020001/APP/7.01]</b></p> <p><b>Transport Assessment [TR020001/APP/7.02]</b></p> <p><b>Design and Access Statement [TR020001/APP/7.03]</b></p> <p><b>Need Case [TR020001/APP/7.04]</b></p> <p><b>Employment and Training Strategy [TR020001/APP/7.05]</b></p> <p><b>Sustainability Statement [TR020001/APP/7.06]</b></p> <p><b>Green Controlled Growth Explanatory Note [TR020001/APP/7.07]</b></p> <p><b>Green Controlled Growth Framework [TR020001/APP/7.08]</b></p> <p><b>Design Principles [TR020001/APP/7.09]</b></p> <p><b>Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10]</b></p> <p><b>Equality Impact Assessment [TR020001/APP/7.11]</b></p>
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				<b>Surface Access Strategy</b> <b>[TR020001/APP/7.12]</b>  <b>Framework Travel Plan</b> <b>[TR020001/APP/7.13]</b>  <b>Airport Boundary Plan</b> <b>[TR020001/APP/4.12]</b>
	Are they of a satisfactory standard?			Are they of a satisfactory standard?
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
	No			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? <sup>14</sup>	Yes. A <b>Habitat Regulations Assessment (HRA) No Significant Effects Report [TR020001/APP/5.08]</b> is provided.		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans <sup>15</sup>	No paper copies requested.		
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and	Yes.		

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

	has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	The statutory guidance 'Planning Act 2008: Application form guidance' has been used to prepare the <b>Application Form [TR020001/APP/1.02]</b> . The Applicant believes that the application has been prepared to the standards that the Planning Inspectorate considers satisfactory.
34	<b>Summary - s55(3)(f) and s55(5A)</b>	Yes, it is considered that the Application and its supporting documents are of a standard that the Secretary of State will find satisfactory, having developed the application in accordance with s55(3)(f) and s55(5A) of the PA2008.
<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>		
<b>Fees to accompany an application</b>		
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?	Yes, a payment of £7,488 has been made.

<b>Role</b>	<b>Electronic signature</b>	<b>Date</b>
Case Manager		
Acceptance Inspector		

<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

