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Dear Sir / Madam

## Planning Act 2008 (as amended) – Section 55

### Application by London Luton Airport Limited for an Order Granting Development Consent for the Expansion of London Luton Airport

#### Adequacy of consultation request

Thank you for your letter dated 28<sup>th</sup> February 2023 regarding the above.

Dacorum Borough Council (“the Council”) has also had sight of the response being sent by Hertfordshire County Council. We agree with its contents and do not intend here to repeat the various comments made within it. The comments specific to Dacorum Borough Council are made below.

#### 1. Section 42

1.1 The Council has received two s42 Duty to Consult consultations relating to the First (2019) and Second (2022) Statutory Consultation exercises described in sections 4 and 6 of the Volume 6 Consultation Report (6.01 Consultation Report), that it was notified of the deadline for the receipt of responses and that the period of consultation was in excess of 28 days.



1.2 The Council has no reason or evidence to assume that the contents of the 6.01 Consultation Report are other than generally correct with regard to the requirements of s42 and that those requirements have been satisfied.

1.3 An exception to this, as recognised within the Report, is in relation to s42 (1)(b) Duty to Consult each local authority that is within s43 insofar as this applies to the Council.

1.4 Until 9<sup>th</sup> February 2022 the Council had been incorrectly classified by the applicant as a s43(2)(aa) authority – i.e. a neighbouring authority (6.02 Appendix H1).

1.5 In terms of the First Statutory Consultation this meant that the Council was incorrectly consulted as a neighbouring authority, rather than a host (6.01 Consultation Report, Paragraph 4.5.3 footnote 2 and paragraph 6.4.6).

1.6 In terms of the Second Statutory Consultation it appears the Council was correctly consulted as a host authority (6.01 Consultation Report paragraphs 6.4.4-6.4.6 and 6.02 Appendix H1).

## 2. Section 47

### **Section 47 (2)**

2.1 The Council confirms that it has received two s47(2) consultations in 2019 and 2022 on a draft Statement of Community Consultation (6.02 Appendix B1 and 6.02 Appendix G1) and that the period of consultation was that stipulated within s47(3).

2.2 As stated above, until 9<sup>th</sup> February 2022 Dacorum Council was incorrectly classified as a neighbouring rather than a host authority.

2.3 In terms of the Appendix B1 this has meant that Council had been incorrectly classified by the applicant as a s43(2)(aa) authority – i.e. a neighbouring authority, rather than a host authority in both the draft (Appendix B1, paragraph 1.14) and published (Appendix B5, page 5) Statement of Community Consultation 2019.

2.4 In terms of Appendix G1 this has meant that the Council had been incorrectly classified by the applicant as a s43(2)(aa) authority – i.e. a neighbouring authority, rather than a host authority in both the draft (Appendix G1, paragraph 2.1.8) and published (Appendix G4, paragraph 2.1.9) Statutory Consultation 2022 Statement of Community Consultation.



## Section 47(5)

2.5 With regard to s47(5), the Council responded (attached as Appendix 1 and 2) to consultations on 6.02 Appendix B1 and 6.02 Appendix G1. The Consultation Report identifies the regard the applicant has had to the Council's comments. *Future LuToN Statement of Community Consultation (SoCC) Statutory Consultation – January 2022 (6.02 Appendix G1)*

2.7 'Table 5.1: Summary of consultation on 2022 draft SoCC and regard had to responses received' (and insofar as this table replicates Appendix G2) is an accurate reflection of the Council's comments. The Council, however, remains extremely disappointed at the severe reduction in public engagement venues and that no document deposit points are within its administrative area, especially given the Council's status as a host authority.

## Section 48

2.8 The Council has had regard to the Consultation Report and has no reason or evidence to assume that the contents of that report are other than correct and that the section 48 Duty to publicise has been satisfied.

## 3. Wider Consultation/Engagement Issues

3.1 The host authorities' collective response to the two statutory consultations are attached to the County Council's response and are not repeated here for the sake of conciseness. Both these documents (Section 2 of both responses) raise concerns about the quality of the consultation materials and of the applicant's engagement with the host authorities. Whilst the host authorities were of the view that the second statutory consultation represented a significant improvement on the first, they remained of the view that further engagement was required in the period up to submission.

*'2.6 Overall, we consider that this consultation provides a significant step forward. In preparing this response we have sought to be constructive and reasonable and to establish a further platform from which to focus our ongoing engagement in the period up to submission and beyond.'*

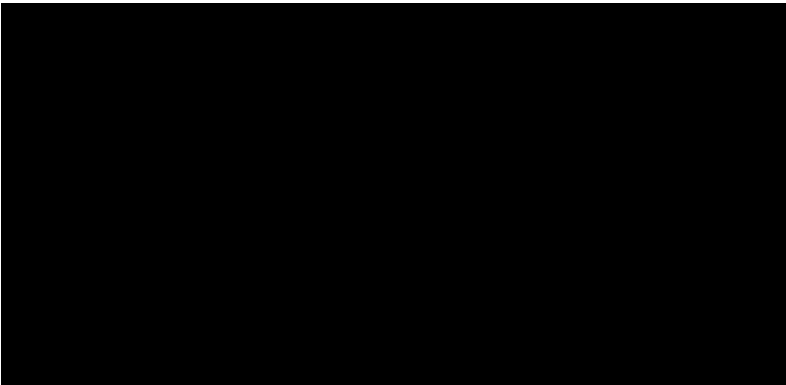
3.2 The Council supports Hertfordshire County Council's comment in paragraph 4.1 of its response that whilst there has been engagement since the second statutory consultation, the host authorities have continued to raise concerns relating to the need for a more constructive engagement in advance of submission. For example, the response of:



- the host authorities to an informal consultation by the applicant on a selection of draft submission documents (attached as Appendix 3).
- the host authorities to an informal consultation by the applicant on a draft Statement of Common Ground (attached as Appendix 4).
- Hertfordshire County Council to an informal consultation by the applicant on a draft Statement of Common Ground (attached as Appendix 5).

3.3 The consequence of this is that there unfortunately remains a considerable number of outstanding issues that have not been the subject of sufficient engagement between the applicant and the host authorities in advance of submission and that therefore remain unresolved as set out in paragraph 4.3 of Hertfordshire County Council's response.

Yours faithfully,



**Alex Robinson**

**Assistant Director for Planning**

