



London Luton Airport Expansion Development Consent Order

Statement of Reasons

April 2023

TR020001/APP/3.01 | Revision 1

The Planning Act 2008

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

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

3.01 STATEMENT OF REASONS

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EXECUTIVE SUMMARY

This Statement of Reasons relates to the application for development consent made by Luton Rising (a trading name of London Luton Airport Limited) to the Secretary of State for Transport under the Planning Act 2008, to increase the capacity of London Luton Airport (the airport) to 32 million passengers per annum (mppa).

This Statement of Reasons seeks to justify the compulsory acquisition powers sought as part of the application for development consent, and sets out the Applicant's compelling case in the public interest for such powers.

The **Land Plans [TR020001/APP/4.03]** and the **Book of Reference [TR020001/APP/3.02]** clearly set out all of the land subject to powers of compulsory acquisition or temporary possession. A description of the land subject to such powers is set out at Section 6 of this Statement. The works making up the Proposed Development that will take place within the Order limits are described in detail at Schedule 1 to the **draft DCO [TR020001/APP/2.01]**.

The need for and the benefits of the Proposed Development are set out in Section 4 of this Statement. The Applicant is making best use of the existing runway, consistent with government policy. A detailed **Need Case [TR020001/APP/7.04]** for the Proposed Development is included with the application for development consent.

The scope of the compulsory acquisition powers are set out in Section 5 of this Statement. The Applicant is seeking a combination of permanent acquisition of land and rights. The Applicant is also seeking temporary possession of land for some of its works. The majority of the land required for the Proposed Development is either owned by or within the control of the Applicant.

The Applicant has complied with its duty of diligent inquiry in identifying Category 1, 2 and 3 parties. The Applicant has utilised a combination of desktop and other land referencing activities in order to identify those affected by the Proposed Development. Further details are set out in Section 7 of this Statement and at **Appendix C (Land Referencing Methodology)**.

The purpose for which powers are sought is set out in Section 8 of this Statement. The Applicant requires powers of compulsory acquisition so that it may carry out the works necessary for the Proposed Development. **Appendix A** of this Statement sets out the purpose for acquisition by reference to the works carried out in each plot.

Section 9 of this Statement sets out the Applicant's justification for powers of compulsory acquisition with reference to the relevant tests in the Planning Act 2008 and compulsory acquisition guidance.

The Applicant has explored all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development). This has included consideration of an alternative location of Terminal 2 and avoiding use of compulsory acquisition powers wherever possible.

The Applicant's proposed interest in the land is for a legitimate purpose and is necessary and proportionate. The Applicant requires powers of compulsory acquisition in order to implement the Proposed Development and this is supported by the **Need Case [TR020001/APP/7.04]** which accompanies the application for development consent.

The Applicant has a clear idea of how it intends to use the land and the proposed use of each plot within the Order limits is set out at **Appendix A** to this Statement.

There is a reasonable prospect of the requisite funds becoming available, as set out in the Applicant's **Funding Statement [TR020001/APP/3.03]**.

Any interference with the human rights of those with an interest in the land affected is legitimate and proportionate. The Applicant has considered Article 1 of the First Protocol to the European Convention on Human Rights and Articles 6 and 8 of the Convention. No residential property is subject to powers of compulsory acquisition. Interest holders would be entitled to compensation for acquisition of their interests. Further details are set out in Section 13 of this Statement.

The Applicant is satisfied that there is a compelling case in the public interest for compulsory acquisition, particularly in light of the benefits of the Proposed Development set out in the Need Case.

Section 10 of this Statement sets out the Applicant's approach to acquiring land and rights by agreement. The Applicant has met a number of interest holders and has been actively engaging with them. A summary of negotiations is set out at **Appendix B**.

The Proposed Development affects open space land and this is set out in detail at Section 12 of this Statement. The Applicant is carrying out works at Wigmore Valley Park. Replacement land which is no less advantageous is being provided by the Applicant. The Applicant intends for the replacement land to be managed by an independent trust or foundation. There is also Crown land affected by the Proposed Development and this is clearly set out on the **Crown Land Plans [TR020001/APP/4.14]**. The Applicant intends to obtain disclaimers of interests and/or enter into an agreement with the relevant crown bodies prior to the close of examination.

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1 INTRODUCTION

- 1.1.1 This Statement of Reasons (the Statement) relates to the application for development consent to increase the capacity of London Luton Airport (the airport) to 32 million passengers per annum (mppa) (the application for development consent). The application is made by Luton Rising (a trading name of London Luton Airport Limited) (the Applicant), owners of the airport. This application is made by the Applicant to the Planning Inspectorate, acting on behalf of the Secretary of State for Transport, under section 37 of the Planning Act 2008 (as amended) (the Act) (Ref 1.1).
- 1.1.2 The Applicant is proposing to provide this capacity by changes to its landside and airside infrastructure as more fully described in section 3 below (the Proposed Development).
- 1.1.3 The history of the site is briefly described in section 6 of this Statement and a more detailed description can be found in the **Planning Statement [TR020001/APP/7.01]** which accompanies this application for development consent.
- 1.1.4 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway.
- 1.1.5 In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved incrementally to support growth in demand to use the airport.
- 1.1.6 On 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. Since then, the application was called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority. The inquiry to consider the called-in application opened on Tuesday 27 September 2022, and closed on Friday 18 November 2022. At the time of submission of the application for development consent the outcome of the inquiry is still unknown.
- 1.1.7 All of the assessment work to date has been undertaken using a “baseline” of 18 mppa. Nonetheless, in anticipation of LLAOL’s 19 mppa planning application, the environmental assessments included sensitivity analysis of the implications of the permitted cap increasing. The findings of the assessment are presented in the **Environmental Statement (the ES) [TR020001/APP/5.01]** submitted with the application for development consent.
- 1.1.8 The Proposed Development is a nationally significant infrastructure project (NSIP) for the purposes of the Act. This is because the Proposed Development relates to airport development (section 14(1)(i) of the Act), specifically either the alteration of an airport in England or an increase in the permitted use of an airport (section 23(1)(b), (c) and (4)(a) of the Act).

- 1.1.9 Development involving such an alteration is only an NSIP if it is expected to have the effect specified in section 23(5) (in the case of an alteration to an airport) and (8) (in the case of an increase in the permitted use of an airport) of the Act. The relevant effect for this development is that it increases by at least 10 million per year the number of passengers for whom the airport is capable of providing passenger transport services. The existing permitted use of the airport is currently capped at 18 mppa. The Proposed Development will result in a development in excess of that threshold. Therefore, the Proposed Development is an NSIP. Further explanation of this is included in the **Explanatory Memorandum [TR020001/APP/2.02]** which accompanies the **draft Development Consent Order (DCO) [TR020001/APP/2.01]**.
- 1.1.10 As an NSIP, the Proposed Development requires an order for development consent under the Act. This Statement forms part of the application for development consent that has been submitted to PINS, acting on behalf of the Secretary of State for Transport, for their consideration.
- 1.1.11 The following sections contained within this Statement provide the justification for seeking compulsory acquisition powers, including a description of the Proposed Development and the need for it. The Statement provides further detail about the compulsory powers being sought under the **draft DCO [TR020001/APP/2.01]** and the reasoning behind those powers being sought.

2 PURPOSE OF THIS DOCUMENT

2.1 Purpose

- 2.1.1 This Statement has been prepared in compliance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regs) (Ref 2.1) and section 37(3)(d) of the Act, both as amended; and Guidance related to procedures for compulsory acquisition produced by the then Department for Communities and Local Government as updated September 2013 (the Guidance) (Ref 2.2).
- 2.1.2 This Statement is required because the DCO will authorise the compulsory acquisition of land and/or rights in land as described in section 8 and **Appendix A** of this Statement.
- 2.1.3 Paragraphs 31 and 32 of the Guidance acknowledge that the APFP Regs require a statement of reasons and Paragraph 32 advises that:
- 2.1.4 *“The statement of reasons should seek to justify the compulsory acquisition sought, and explain in particular why in the applicant’s opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights”.*
- 2.1.5 This Statement sets out the reasons for seeking powers for the compulsory acquisition of land and/or rights in land, or for the temporary use of land. These powers are being sought to ensure that the Applicant has the requisite powers to construct, operate and maintain the Proposed Development.
- 2.1.6 This Statement shows that there is a compelling case in the public interest for the relevant land to be subject to the powers of compulsory acquisition and certain other powers within the DCO.
- 2.1.7 The use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and any interference with the human rights of those with interests in the land proposed to be acquired is justified.
- 2.1.8 This Statement forms part of a suite of documents accompanying the application submitted in accordance with section 55 of the Act and Regulation 5 of the APFP Regs and should be read alongside those documents. In particular, the Applicant has submitted the following documents relating to the compulsory acquisition powers sought as part of the Proposed Development:
- a. This Statement;
 - b. Plans showing the land over which the various interests or rights over land would be acquired, including the **Land Plans [TR020001/APP/4.03]**, **Crown Land Plans [TR020001/APP/4.14]** and **Special Category Land Plans [TR020001/APP/4.10]**;
 - c. A **Book of Reference (BoR) [TR020001/APP/3.02]** containing details of the interests or rights in land which may be acquired and the names and addresses of all those who may be affected by the proposed acquisition of those interests or rights; and

- d. A statement to explain how the proposals contained in the DCO will be funded (the **Funding Statement [TR020001/APP/3.03]**).

2.2 Structure

2.2.1 This Statement is structured as follows:

- a. Section 3 outlines the description of the Proposed Development;
- b. Section 4 outlines the need for and the benefits of the Proposed Development;
- c. Section 5 summarises the scope of the compulsory acquisition powers and certain other powers set out in the DCO;
- d. Section 6 describes the land over which the compulsory acquisition powers are sought;
- e. Section 7 sets out the diligent inquiry process/methodology;
- f. Section 8 sets out the purpose for which compulsory acquisition powers are sought;
- g. Section 9 provides the justification for seeking powers of compulsory acquisition and certain other powers which are set out in the DCO;
- h. Section 10 outlines the Applicant's approach to the acquisition of land and rights by agreement;
- i. Section 11 identifies other consents which are or may be required in addition to the powers sought in the DCO;
- j. Section 12 covers special considerations and impediments;
- k. Section 13 provides justification of the interference with human rights and addresses equalities issues; and
- l. Section 14 comprises a summary and conclusions.

3 DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 Project Description

- 3.1.1 Full details of the land to be subject to compulsory acquisition powers are set out in the **Land Plans [TR020001/APP/4.03]** and in the **BoR [TR020001/APP/3.02]** accompanying the application for development consent.
- 3.1.2 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity from its currently consented cap of 18 mppa (subject to LLAOL's 19 mppa planning application referred to above at paragraphs 1.1.6 and 1.1.7) to 32 mppa.
- 3.1.3 In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with the short-term requirements for additional capacity.
- 3.1.4 Key elements of the Proposed Development include:
- a. extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;
 - b. new passenger terminal building and boarding piers (Terminal 2);
 - c. earthworks to create an extension to the current airfield platform, the vast majority of material for these earthworks would be generated on site;
 - d. airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
 - e. landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
 - f. enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
 - g. extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
 - h. landscape and ecological improvements, including the replacement of existing open space; and
 - i. further infrastructure enhancements and initiatives to support the goal of zero emission airport ground operations by 2040¹, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and

¹ This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

storage facilities and sustainable surface and foul water management installations.

3.1.5 Schedule 1 to the **draft DCO [TR020001/APP/2.01]** contains a list of numbered works making up the Proposed Development.

4 THE NEED FOR AND THE BENEFITS OF THE PROPOSED DEVELOPMENT

4.1 Introduction

4.1.1 The Act (Ref 1.1) sets out the matters the SoS must have regard to when considering applications for development consent. This includes national policy statements as well as any other matters which the SoS thinks are both important and relevant to its decision. This section provides an overview of the policy context in light of the Act. It considers national aviation policy and the need for and benefits of the Proposed Development.

4.1.2 The policy context is covered in further detail in the **Need Case [TR020001/APP/7.04]** and **Planning Statement [TR020001/APP/7.01]** accompanying the application for development consent and a summary of the policy context that supports the need for the Proposed Development is set out briefly below.

4.2 The legislative and policy context

4.2.1 Section 104 of the Act applies to an application for an order granting development consent if a national policy statement has effect in relation to the Proposed Development.

4.2.2 Section 104(3) of the Act states that the SoS must decide an application in accordance with any “relevant policy statement”. Section 104(2)(a) of the Act makes clear that a “relevant national policy statement” for is one that “has effect” in relation to the development.

4.2.3 Section 105 of the Act applies to the Proposed Development as a national policy statement does not have effect (see paragraph 4.2.4 – 4.2.7). Section 105 provides that in examining an application under this section, the SoS must have regard to—

*“(a) any local impact report (within the meaning given by section 60(3)) submitted to the [Secretary of State] before the deadline specified in a notice under section 60(2),
(b) any matters prescribed in relation to development of the description to which the application relates, and
(c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State’s decision.”*

Airports National Policy Statement (2018) (ANPS) (Ref 4.1)

- 4.2.4 Paragraph 1.40 of the ANPS states that it: *“has effect in relation to the delivery of additional airport capacity through the provision of a Northwest Runway at Heathrow Airport” and at paragraph 1.41 that it “does not have effect in relation to an application for development consent for an airport development not comprised in an application relating to the Heathrow Northwest Runway”.*
- 4.2.5 Nonetheless, paragraph 1.39 of the ANPS makes clear that, alongside the provision of an additional runway at Heathrow, the government supports other airports, including those in the South East of England, making best use of their existing runways:
- “the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.”*
- 4.2.6 Paragraph 1.42 of the ANPS sets out that any such application should be judged on its individual merits and that it may well be possible for existing airports to demonstrate sufficient need for proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow.
- 4.2.7 Paragraph 4.4 of the ANPS provides further detail on weighing the planning balance, including consideration of:
- a. potential benefits, including the facilitation of economic development (including job creation) and environmental improvement, and any long term or wider benefits; and
 - b. potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 4.2.8 The Proposed Development, not being the provision of a Northwest Runway at Heathrow, is not therefore the development for which relevant national policy has effect and section 105 (as set out above) will apply.
- 4.2.9 Paragraph 1.41 of the ANPS states, in terms, that the ANPS will be *“important and relevant”* in relation to other airport development as per section 105 of the Act.

Aviation Policy Framework (2013) (APF) (Ref 4.2)

- 4.2.10 Government policy related to the growth of aviation in the UK was set down within the APF in 2013. The APF did not set out any site-specific policies or recommendations for development at individual airports but sets out the policies which applied to the sector as a whole. The economic contribution of aviation was highlighted:

“We believe that aviation infrastructure plays an important role in contributing to economic growth through the connectivity it helps deliver. For example, it provides better access to markets, enhances communications and business interactions, facilitates trade and investment and improves business efficiency through time savings, reduced costs and improved reliability for business travellers and air freight operations.” (Ref 4.3)

4.2.11 The Government set out a key objective as:

“One of our main objectives is to ensure that the UK’s air links continue to make it one of the best-connected countries in the world. This includes increasing our links to emerging markets so that the UK can compete successfully for economic growth opportunities. To achieve this objective, we believe that it is essential both to maintain the UK’s aviation hub capability and develop links from airports which provide point-to-point services (i.e. carrying few or no transfer passengers). This should be done in a balanced way, consistent with the high-level policies set out in this document and acknowledging Government’s commitment to economic growth“. (Ref 4.4)

and:

“In the short to medium-term, a key priority is to work with the aviation industry and other stakeholders to make better use of existing runway capacity at all UK airports.”(Ref 4.5)

4.2.12 In 2017, the Government began the process of consulting on a new Aviation Strategy, intended ultimately to replace the APF, to take forward the direction of aviation policy in the light of the in-principle decision taken to support the building of a new runway at Heathrow and support for all airports making best use of their runways, as well as in the context of Brexit (Ref 4.6).

Beyond the horizon – the future of UK aviation. Making best use of existing runways (June 2018) (MBU) (Ref 4.7)

- 4.2.13 This policy document, which was published alongside the ANPS, sets out the specific principles applying to the government’s support for airports making best of their existing runways across the whole of the UK. Paragraph 1.29 concludes:
- “Therefore, the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.”*
- 4.2.14 In 2014, planning permission was granted to LLAOL to increase the capacity of the airport to 18 mppa. It was forecast at that time that this would be achieved by 2026/27 at the earliest. Since then, passenger numbers increased rapidly in the period 2015-2019 and this limit was reached in 2019. LLAOL has submitted a planning application to increase the capacity to 19 mppa using the existing infrastructure to meet immediate demand. The latest position on the status of this application is set out at paragraphs 1.1.6 and 1.1.7 above.
- 4.2.15 Taking into consideration the delayed opening of the Heathrow third runway and allowing for the prospective use of the north runway at Gatwick, there is an opportunity for the airport to play a substantially bigger role in the UK aviation market. In order to do this, the airport needs to be able to expand its landside and airside infrastructure to take advantage of the available capacity offered by its existing single runway.
- 4.2.16 There is therefore a clear need to plan for the airport’s long-term future to ensure the regional economy can benefit from this expected growth and it is the Applicant’s responsibility to deliver this to the best of its ability. The Applicant has planned for this growth and publicly launched its ‘Vision for Sustainable Growth 2020-2050’ for the airport in December 2017 (Ref 4.8). This Vision set out the airport’s key principles:
- a. to make best use of the existing runway;
 - b. to maximise benefits to the local and sub-regional economy;
 - c. to deliver good levels of service to customers;
 - d. to minimise and mitigate environmental impacts in line with commitments to responsible and sustainable development; and
 - e. to support Luton Borough Council in the delivery of the ‘Luton Investment Framework’ (Ref 4.9).

Flightpath to the Future (May 2022) (FttF) (Ref 4.10)

- 4.2.17 'Flightpath to the Future' was published in May 2022 and comprises the Government's overarching aviation policy statement, supplementing the 2013 Aviation Policy Framework (Ref 4.2). It includes a 10-point plan, a number of which are directly relevant to the planning system, including:
- a. Recovering and learning lessons from the pandemic and sustainably growing the sector - including commitments to growth and working together towards a future where the sector can recover, grow and thrive in a way that is sustainable, resilient and connected.
 - b. Supporting growth in airport capacity where justified and ensuring that capacity is used in a way that delivers for the UK. Clear support for airport expansion/growth is found in various sections of the document, including confirmation of the relevance of the ANPS (Ref 4.1) and the MBU policy (Ref 4.7) (referred to above). It also includes frequent reference to helping the sector "to "build back better" and a desire to support growth in passenger demand.
 - c. Putting the sector on course to achieve 'Jet Zero' by 2050 – with specific targets for 10% Sustainable Aviation Fuels (SAF) by 2030 and zero emissions flights across the UK this decade including that expansion of any airport must meet its climate change obligations to be able to proceed and making reference to the proposal for airports in England to be zero emissions by 2040.
 - d. Unlocking local benefits and levelling up - including through trade, air freight, aerospace, investment and tourism, as well as allowing people to benefit from improved connections across the union and regions.
- 4.2.18 In FttF the Government confirms that addressing detrimental impacts on local communities associated with air quality emissions and noise from aviation are important aspects of a sustainable future and that the CAA (which now has the functions of the Independent Commission on Civil Aviation Noise) will create a new Sustainability Panel to provide independent expert advice on a range of environmental issues including carbon, noise and air quality.
- 4.2.19 FttF advises that existing planning frameworks comprising MBU (Ref 4.7) and the ANPS (Ref 4.1) are the most up to date policy on planning for airport development and are material considerations in the determination of planning applications.

The Jet Zero Strategy (July 2022) (Ref 4.11)

- 4.2.20 Following consultation, the Government published its *Jet Zero Strategy* in July 2022. This strategy sets out how the Government intends to ensure that it meets the target of net zero flying by 2050, consistent with its broader decarbonisation agenda and the requirements of the Paris Treaty.
- 4.2.21 The *Jet Zero Strategy* sets out how the Government supports continued growth of aviation, repeating language from FttF (Ref 4.10) including the continued relevance of the ANPS and MBU policies:

“The Government remains committed to growth in the aviation sector and working with industry to ensure a sustainable recovery from the pandemic. In our recently published strategic framework for the future of aviation ‘Flightpath to the Future’ – we recognise that airport expansion has a role to play in realising benefits for the UK through boosting our global connectivity and levelling up. The framework is clear that we continue to be supportive of airport growth where it is justified, and our existing policy frameworks for airport planning provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. We have also been clear expansion of any airport in England must meet our climate change obligations to be able to proceed.” (Ref 4.12)

and:

“We will support airport growth where it can be delivered within our environmental obligations. The aviation sector is important for the whole of the UK economy in terms of connectivity, direct economic activity, trade, investment, and jobs. Before COVID-19, it facilitated £95.2 billion of UK’s non-EU trade exports; contributed at least £22 billion directly to GDP; directly provided at least 230,000 jobs across all regions of the country and underpins the competitiveness and global reach of our national and our regional economies. We are committed to enabling a green recovery of the sector, as well as sustainable growth in the coming years. The Government’s existing planning policy frameworks, along with the Jet Zero Strategy and the Flightpath to the Future strategic framework for aviation, have full effect and are material considerations in the statutory planning process for proposed airport development.” (Ref 4.13)

4.3 Need and benefits case

- 4.3.1 The need and benefits case for the Proposed Development is set out in the **Need Case [TR020001/APP/7.04]**. A summary is included below:
- 4.3.2 The Proposed Development is making use of the existing runway, consistent with policy as set out in the ANPS (Ref 4.1) and MBU (Ref 4.7) policy documents. It is being designed in a way that is consistent with the overarching and longstanding principle of balancing the economic benefits and environmental costs of development. The Proposed Development will underpin initiatives to support the sustainable recovery of the sector, improve the competitiveness of the market for airlines seeking opportunities for growth in the South East of England and create opportunities for enhanced connectivity to support the broader economic growth of the UK economy as well as delivering local benefits.
- 4.3.3 The need for growth in airport capacity across the UK and at Luton specifically is set by national, regional and sub-regional economic strategies focussed on building economic growth around linkages with the global economy and supports the Government's Build Back Better agenda that has as a core pillar to secure a Global Britain, which requires enhanced international connectivity.
- 4.3.4 Projections of the future demand to use the airport have been developed using robust econometric methodologies as explained in the Need Case and a range of forecasts set out to reflect the inherent uncertainties in forecasting airport demand over a long time period. These forecasts take into account economic recovery from the pandemic, carbon costs and other future drivers of the cost of air travel consistent with the assumptions used by the Government in modelling future demand taking into account the Jet Zero Strategy (Ref 4.11) targets. Different scenarios for the development of new runways at Heathrow, Gatwick and a combination of the two have also been tested. This provides a range for the demand that London Luton Airport could handle if capacity is expanded. Allowing for the potential delivery of the proposed new infrastructure, specifically Terminal 2, the airport is expected to reach the 32 mppa, for which consent is sought, between 2042 and 2049, with 2043 being the most likely date. This most likely case forms the Core Planning Case and Faster and Slower Growth Cases have also been developed, reflecting uncertainties, for assessment purposes.
- 4.3.5 These growth projections show that additional airport capacity is urgently needed at the airport in order to keep pace with demand. The requirements for new capacity have been derived from the detailed demand forecasts in terms of runway, apron and terminal capacity. The Proposed Development is aimed at ensuring an overall capacity at the airport of 32 mppa, divided between the two terminals.
- 4.3.6 The development would support the Oxford-Cambridge Arc (the Arc) initiative, which is seeking to build on the world class academic and economic assets that are housed within it. As the only major airport within the Arc, a growing London Luton Airport will be central to achieving these aspirations through its ability to facilitate trade, investment and tourism. The area is home to concentrations of economic sectors that are demonstrably reliant on-air travel and that offer significant opportunities for future growth. The international nature of the economy within the airport's 'home' region is demonstrated by the high levels of exports from the region and the high and growing proportion of regional Gross

Value Added (GVA) that is supported by foreign owned companies. The sub-region and region around the airport contain many businesses with a high dependence on air travel.

- 4.3.7 More broadly, the Local Enterprise Partnership areas around the airport and the Arc have a focus on the growth of high value sectors and the development of the international economy. The connectivity of the region is a key strength in this regard and further development of the airport will be important in achieving these aspirations.
- 4.3.8 The airport has grown rapidly in recent years, providing evidence of its economic importance in terms of providing opportunities for business travel and inbound tourism, specifically to/from Europe, better serving the needs of its catchment area. The airport is showing strong recovery from the effects of the pandemic and is on track to attain 2019 traffic levels by 2024. It commands a high market share of the passenger demand in the areas around it, specifically the Three Counties of Bedfordshire, Buckinghamshire and Hertfordshire and also extending into North London along the Thameslink corridor. Growth at the airport has the potential to greatly enhance the connectivity that the airport will be able to offer and to increase its wider economic contribution. The Proposed Development will enable the airport to provide some long-haul services to points in the USA and Middle East, primarily.
- 4.3.9 The airport's role is also vital in the context of the 'levelling up' agenda. Despite apparent high levels of prosperity in the local area, there remain substantial and persistent pockets of deprivation. Luton itself is identified as a highest priority area for the Levelling Up Fund and has recently been awarded £20m from the fund (Ref 4.14). The role of the airport in supporting regeneration in many of these areas is already recognised and future growth in line with Proposed Development will substantially increase this role.
- 4.3.10 The future economic strategy for Luton is seeking to secure significant economic growth, including through initiatives to regenerate the town centre, supported through the Levelling Up Fund, and exploiting the potential of the Enterprise Zone status of the area around the airport. It is seeking to develop higher value added employment, more job opportunities and to clawback current out-commuting to higher paid jobs. The potential of the aerospace sector and aviation, including the airport, to support these aspirations is well recognised as well as opportunities to attract green technology enterprises to the local area. This is fundamental to the objective to reduce levels of deprivation in the local area and the growth at the airport with the Proposed Development can play a major role both through direct job generation during the construction and operational phases as well as acting as a catalyst to attracting new businesses and making it easier for existing businesses to trade internationally and expand. Specifically, growth at the airport represents a significant opportunity to create jobs directly and through its supply chain.
- 4.3.11 The airport is already a significant economic driver in terms of its operations, supporting 11,800 jobs in Luton, 16,500 jobs in the Three Counties of Bedfordshire, Buckinghamshire and Hertfordshire, and 28,400 jobs in the UK through direct, indirect and induced impacts. The airport's total impact on GDP once indirect and induced effects are included is estimated to be around £830

million in Luton, £1.1 billion in the Three Counties and £1.8 billion across the UK as a whole.

- 4.3.12 The development of the airport to handle 32 mppa would offer substantial operational employment benefits with the Core Planning Case supporting:
- a. around £698 million in additional GDP and 4,400 more jobs in Luton compared to 2019;
 - b. around £0.9 billion in additional GDP and 6,100 more jobs in the Three Counties compared to 2019; and
 - c. around £1.5 billion in additional GDP and 10,800 more jobs across the UK compared to 2019.
- 4.3.13 These operational GDP and employment benefits offer substantial socio-economic opportunity to address deprivation and 'level up' areas that surround the airport.
- 4.3.14 The Proposed Development also has the potential to support wider economic benefits through improved connectivity for business travellers and increased inbound tourism. In the Core Planning Case, business traveller productivity effects could support:
- a. around £14 million in additional GDP in Luton compared to 2019;
 - b. around £108 million in additional GDP and 250 more jobs in the Three Counties compared to 2019; and
 - c. around £495 million in additional GDP and 2,390 more jobs across the UK compared to 2019.
- 4.3.15 Growth in inbound tourism could support:
- a. around £5 million in additional GDP and 50 more jobs in Luton compared to 2019;
 - b. around £60 million in additional GDP and 490 more jobs in the Three Counties compared to 2019; and
 - c. around £758 million in additional GDP and 6,410 more jobs across the UK compared to 2019.
- 4.3.16 These wider economic impacts strongly support the aspiration to drive the international economy to increase productivity, grow prosperity and ultimately, improve quality of life for the population in Luton, the Three Counties and across the Arc.
- 4.3.17 Users would benefit from the Proposed Development in terms of reduced journey times compared to having to use alternative more distant airports, with £232 million accruing to users in Luton over a 60-year appraisal period and £1.6 billion across the Three Counties.
- 4.3.18 Luton Rising also makes a direct social contribution through the revenues received from the operation of the airport. As these revenues grow with the Proposed Development, it is intended that these local and community investments will increase pro-rata to growth. Overall, these direct social

contributions will be substantial and in excess of similar schemes in place at other UK airports. This adds further to the potential beneficial impacts of the Proposed Development.

- 4.3.19 Overall, there is a strong need for the Proposed Development. The principle of development to make best use of the airport's existing runway is supported in policy, as confirmed in the recent Jet Zero Strategy (Ref 4.11). The area served by the airport is highly international and these businesses need enhanced aviation connectivity in order to remain globally competitive and deliver growth in productivity and output.
- 4.3.20 Notwithstanding Covid-19, there is evidence of a strong recovery in demand for air travel, with the market recovering to 2019 levels by around 2024. This growth is expected to continue and additional capacity will be required at London Luton Airport shortly thereafter if it is to continue to deliver the aviation connectivity that the area around it requires.
- 4.3.21 Expansion of the airport will deliver very substantial economic benefits in terms of jobs and a boost to economic activity in the local area, which will be very valuable in the context of the Government's 'levelling up' agenda and support other initiatives to grow the economy in Luton and beyond.

5 SCOPE OF COMPULSORY ACQUISITION

5.1 Introduction

- 5.1.1 The application for the Proposed Development is made under sections 23, 114, 115, 117(4), 120 and 122 of the Act and in accordance with the APFP Regs (Ref 2.1).
- 5.1.2 The scope of the compulsory acquisition powers sought by the Applicant is set out in full in Part 5 of the **draft DCO [TR020001/APP/2.01]**.
- 5.1.3 The Applicant seeks to permanently acquire land and rights in land in the draft DCO to construct, operate and maintain the Proposed Development. For these purposes, the Applicant seeks authority for the compulsory acquisition of land and rights over land. The Applicant already owns or controls the majority of the land required for the Proposed Development. The extent of land subject to compulsory acquisition (permanent or rights) outside of the Applicant's freehold or control is approximately 77.6 hectares out of a total Order land (land subject to compulsory acquisition) size of 405.3 hectares. Including land subject to temporary possession, this amounts to 106.1 hectares outside of the Applicant's freehold or control, out of a total 435.7 hectares (land subject to compulsory acquisition and temporary possession). Some land is within the control of the Applicant as it belongs to the Applicant's owner, Luton Borough Council (LBC) (approximately 86.6 hectares). Approximately 81% of land within the Order land belongs to (or is within the control of) the Applicant and approximately 19% is owned by third parties and subject to compulsory powers.
- 5.1.4 The **Land Plans [TR020001/APP/4.03]** and **BoR [TR020001/APP/3.02]** submitted with the application set out the land subject to outright compulsory acquisition, the land subject to compulsory acquisition of permanent rights and the imposition of restrictive covenants, and the land subject to powers of temporary occupation only. This Statement seeks to justify the inclusion of such rights and powers in the DCO.
- 5.1.5 Several plots of land are shaded grey on the **Land Plans [TR020001/APP/4.03]** and are marked as "*Land in which no interests, rights or possession are sought (Operational Airport Land)*". This area, known as "Operational Airport Land" is either owned by, or under the control of the Applicant. This land is part of the existing airport boundary and has been included in the Order limits so that it is subject to, and continues to benefit from its status as part of the operational airport, and the increased capacity in passenger numbers authorised by the DCO, i.e. these areas align with the land currently subject to the 18 mppa planning consent. This land remains within the Order limits as the entire airport needs to receive the benefit of development consent to construct, operate and maintain the authorised development. The Order limits are therefore not limited to just those parts that require compulsory acquisition for specified works. These grey areas are marked on the **Land Plans [TR020001/APP/4.03]** with the letter "G" and an accompanying number for ease of reference. No works (as set out in Schedule 1 to the **draft DCO [TR020001/APP/2.01]**) are expected to be carried out on this land (other than works within the main terminal building which the Applicant has control of and will liaise with LLAOL on) and permanent

rights or temporary possession powers are therefore unnecessary and not sought. Private rights in this land are also not subject to extinguishment.

- 5.1.6 A small number of plots of land are shown as white on the **Land Plans [TR020001/APP/4.03]** and are marked as “*Land not subject to DCO powers*”. These areas were removed from the scope of the **draft DCO [TR020001/APP/2.01]** following refinements to the Order limits shortly before submission of the application for development consent. No part of the application for development consent applies to these areas, nor are any works to take place in these areas. For the avoidance of doubt, this land should be treated as though it is outside the Order limits, and it is not affected by the **draft DCO [TR020001/APP/2.01]**.
- 5.1.7 Regulation 5(2)(i)(i) of the APFP Regs requires that the land plans identify “*the land required for, or affected by, the proposed development*”. The grey land is affected by the Proposed Development as set out above. The **Land Plans [TR020001/APP/4.03]** clearly explain that the white land is not affected by the Proposed Development and that DCO powers do not apply.
- 5.1.8 Regulation 7 of the APFP Regs sets out the prescribed contents of a **BoR [TR020001/APP/3.02]**. Regulation 7(1)(a) requires:
- “Part 1 [of the Book of Reference] contains the names and addresses for service of each person within Categories 1 and 2 ... in respect of any land which it is proposed shall be subject to-*
- (i) powers of compulsory acquisition;*
 - (ii) rights to use land, including the right to attach brackets or other equipment to buildings; or*
 - (iii) rights to carry out protective works to buildings;”*
- 5.1.9 The Applicant has gathered details of the relevant interest holders in the grey and white areas. This information was gathered as part of the Applicant’s diligent inquiry exercise. However, as the grey and white areas of land are not subject to the matters prescribed by Regulation 7(1)(a)(i) – (iii), those areas do not appear in the **BoR [TR020001/APP/3.02]**. Details are not provided elsewhere in order to protect the personal data of interest holders. This information can be provided to the Planning Inspectorate if requested.
- 5.1.10 In accordance with Regulation 7(2) of the APFP Regs, any Category 3 interest (i.e. those with the right to make a relevant claim) must be noted in Part 2 of the **BoR [TR020001/APP/3.02]**. While the Applicant is not seeking interests, rights or possession from owners or occupiers of the grey or white land as described above, the Applicant has taken a precautionary approach towards identifying Category 3 parties.
- 5.1.11 The **BoR [TR020001/APP/3.02]** therefore notes Category 3 parties with an interest in the grey and white land, where such interests are deemed to exist. Further details on how the Applicant has identified Category 3 parties is set out in section 7 (Diligent inquiry/process/methodology).

5.2 Description of compulsory acquisition and other powers sought that interfere with third party rights

5.2.1 Compulsory acquisition powers in the **draft DCO [TR020001/APP/2.01]** include the following articles that relate to compulsory acquisition or interference with third party rights. These powers apply to the land shaded pink, blue or green (as applicable) on the **Land Plans [TR020001/APP/4.03]**.

Article 24 – Compulsory acquisition of land

5.2.2 The Applicant would have the power to acquire compulsorily so much of the Order land which is necessary to construct, operate and maintain the Proposed Development or is incidental to it or necessary to facilitate it.

Article 26 – Time limit for exercise of authority to acquire land compulsorily

5.2.3 This limits the Applicant's ability to serve a notice to treat or a general vesting declaration to a period within ten years from the granting of the DCO. The justification for this period is set out at section 9 and in the **Explanatory Memorandum [TR020001/APP/2.02]**.

Article 27 – Compulsory acquisition of rights and imposition of restrictive covenants

5.2.4 This article allows the Applicant to compulsorily acquire rights, or impose restrictions, over the Order land insofar as they are necessary to construct, operate and maintain the Proposed development or are incidental to it or necessary to facilitate it. The rights over the land shaded blue on the **Land Plans [TR020001/APP/4.03]** are set out in Schedule 5 of the **draft DCO [TR020001/APP/2.01]**.

Article 28 – Private rights over land

5.2.5 This article allows for the extinguishment of private rights over land.

Article 31 – Acquisition of subsoil or airspace only

5.2.6 This article permits the Applicant to acquire land (interests) below or above the surface, rather than having to acquire all of the land.

Article 34 – Statutory undertakers

5.2.7 This article allows the Applicant to acquire land, or rights over land, belonging to statutory undertakers in so far as it falls within the Order limits. The Applicant can extinguish the rights of, or remove or reposition apparatus belonging to, statutory undertakers. Schedule 8 of the **draft DCO [TR020001/APP/2.01]** sets out the protective provisions for the protection of statutory undertakers.

Article 32 – Rights under or over streets

5.2.8 This article grants the Applicant the right to enter on and appropriate subsoil of or airspace over any street within the Order land, as may be required for the Proposed Development.

- 5.2.9 Regulation 5(2)(h) of the APFP Regs requires a statement of reasons for seeking a DCO to authorise “*the compulsory acquisition of land or an interest in or right over land*”. Regulation 5(2)(h) does not therefore require the statement of reasons to extend beyond the outright acquisition of land or interests in or rights over land.
- 5.2.10 This, however, does not capture other powers sought in the DCO which similarly relate to land, and which will or may interfere with property rights and interests.

5.3 Temporary possession powers

Article 33 – Temporary use of land for carrying out the Proposed Development

- 5.3.1 The purpose of this article is to allow the land set out in Schedule 7 to the draft DCO to be occupied temporarily while the works are carried out. This is land which is required during construction of the Proposed Development but is not required permanently. This article also allows for the temporary occupation of any of the land for permanent acquisition that has not yet been taken possession of.
- 5.3.2 Article 33(1)(a)(i) allows the land set out in Schedule 6 to be occupied temporarily while the works are carried out. This is land which is required during construction of the Proposed Development but which is not required outright permanently, and includes land which will be occupied temporarily and then subject to permanent rights (e.g. diversion of utilities apparatus).
- 5.3.3 Article 33(9) prevents this land from being acquired permanently, but also confirms that the Applicant is not precluded from acquiring rights over this land, or subsoil/airspace only (in accordance with the powers in Part 5 of the draft DCO), and that such rights are required in respect of certain parcels.
- 5.3.4 Likewise, some land taken temporarily will have permanent works undertaken to it which the Applicant will not be required to restore as they form part of the Proposed Development (see further sub-paragraph (4) of this article).
- 5.3.5 Article 33(1)(a)(ii) allows for the temporary occupation of any of the land that is subject to the powers of permanent acquisition, but in respect of which no process for acquisition has yet been commenced. The rationale for this is that it potentially reduces the amount of land that is required to be subject to outright acquisition. Thus article 24 in conjunction with article 33(1)(a)(ii) makes it possible for the Applicant to occupy land temporarily initially and only proceed to acquire permanently that part which is necessary for the Proposed Development as constructed. The benefits of this are lesser impacts on landowners and lower cost to the Applicant, which is in the public interest. In line with this, paragraph (1)(d) confirms that the Proposed Development as listed in Schedule 1 can be undertaken on land that has been temporarily occupied.

Article 34 – Temporary use of land for maintaining the Proposed Development

- 5.3.6 This article would enable the Applicant to take temporary possession of certain land at any time during the maintenance period i.e. in relation to any part of the Proposed Development, 5 years from the date on which that part is first opened for public use. The land to which this article applies is any land within the Order limits of the DCO.
- 5.3.7 Article 34(1)(b) would allow the construction of temporary works and buildings on the land, so far as is reasonably necessary for maintenance purposes.
- 5.3.8 The powers are subject to a time limit with the Applicant only able remain on the land for so long as reasonably necessary to carry out the maintenance works. Before giving up possession there is a requirement to remove all temporary works and restore the land to the owner’s reasonable satisfaction.
- 5.3.9 An owner or occupier suffering loss or damage would be entitled to claim compensation.

Other powers

- 5.3.10 Other powers which the **draft DCO [TR020001/APP/2.01]** confers on the Applicant on all land within the Order limits (not including the white land which is not subject to DCO powers) are:

Article 10 – Street works

- 5.3.11 This article permits the Applicant to enter streets within the Order limits for the purposes of breaking up, tunnelling, placing apparatus, maintaining apparatus, or executing works incidental to such actions.

Article 11 – Power to alter layout, etc., of streets

- 5.3.12 This article permits the Applicant the right to alter any street within the Order limits, for the purposes of operating or maintaining the Proposed Development, subject to consent of the street authority.

Article 13 – Temporary stopping up and restriction of use of streets

- 5.3.13 This article would enable the Applicant to temporarily stop up, alter, divert or restrict the use of streets and public rights of way and to use any such street as a temporary working site. The power would only be exercisable for the purpose of constructing the Proposed Development. The Applicant is only permitted to stop up/restrict the use of streets for a reasonable period of time.
- 5.3.14 The power to prevent pedestrian access would be subject to the obligation to provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion if there would otherwise be no access.
- 5.3.15 The exercise of this article could potentially interfere with private rights (i.e., rights vested in a person rather than the public at large), such as rights to drive vehicles along a stopped-up street. In that event the right in question would be suspended. A person suffering loss due to such suspension would be entitled to

compensation. The amount of compensation, if not agreed, would be determined in the same way as compensation for outright acquisition.

Article 14 – Permanent stopping up of public rights of way

- 5.3.16 This article allows public rights of way named in Parts 1 and 2 of Schedule 3 to the draft DCO to be stopped up (i.e. the legal right of way along them to be extinguished).

Article 15 – Access to works

- 5.3.17 This article would permit the Applicant to form and layout means of access, or improve existing means of access, within the Order limits as reasonably required for the purposes of the Proposed Development, subject to street authority consent.

Article 19 – Discharge of water

- 5.3.18 This article permits the Applicant to use any watercourse or any public sewer in connection with the carrying out or maintenance of the Proposed Development. This may include laying down, taking up or altering pipes and making openings into and connections with the watercourse, public sewer or drain.
- 5.3.19 Consent from the owner of the relevant watercourse, public sewer or drain must be obtained before any water is discharged into it. The Applicant must ensure that as far as reasonably practicable, steps are taken to secure that water discharged into the watercourse, public sewer or drain is as free as possible from gravel, soil or other solid materials. This article does not authorise groundwater activity or water discharge activity for which an environmental permit is required.

Article 20 – Protective work to buildings

- 5.3.20 This article enables the Applicant to carry out such protective works to buildings lying within the Order limits as it considers necessary or expedient. Protective works may be carried out prior to commencing construction of the Proposed Development, during construction of the Proposed Development or up to five years after the Proposed Development has been completed.
- 5.3.21 The Applicant may enter and survey any building for the purpose of determining how the functions under this article are to be exercised.
- 5.3.22 Relevant notices must be served on the owners and occupiers of the building or land as set out in Article 20(5). An owner or occupier suffering loss would be entitled to compensation.

Article 21 Authority to survey and investigate the land

- 5.3.23 This article permits the Applicant to enter any of the land within the Order limits for the purposes of surveys. Landowners are entitled to notice and compensation for loss or damage as a result of the Applicant's survey works.

Article 22 – Felling or lopping of trees and removal of hedgerows

- 5.3.24 This article allows the Applicant to fell or lop any tree or shrub within, or overhanging, the Order limits. It also enables the Applicant to remove hedgerows within the Order limits.

Article 35 Special Category Land

- 5.3.25 This article provides that special category land is not to vest in the Applicant until replacement land has been acquired in the Applicant's name or in the name of the persons who owned the special category of land on the date the powers were exercised and the SoS has certified that a scheme for the provision of replacement land has been received from the Applicant.
- 5.3.26 Further details on special category land are set out in Section 12 (Special considerations affecting the land).

Article 37 Apparatus and rights of statutory undertakers in stopped up streets

- 5.3.27 This article governs what happens to statutory undertakers' apparatus under streets that are stopped up by the DCO.

Article 39 – Crown rights

- 5.3.28 This article confirms that the Applicant is unable to use, enter upon, or interfere with any land or rights belonging to the Crown or any government department without their consent in writing. This does not apply to interests which for the time being are held otherwise than by or on behalf of the Crown. There is Crown land within the Order limits and this cannot be acquired without consent. Crown land is set out on the **Crown Land Plans [TR020001/APP/4.14]**

6 DESCRIPTION OF LAND SUBJECT TO COMPULSORY ACQUISITION AND OTHER POWERS

6.1 Site and site history

- 6.1.1 The Proposed Development is being constructed within the Order limits. This area is set out on the **Land Plans [TR020001/APP/4.03]** and clearly presented on a single sheet on the **Location Plan [TR020001/APP/4.01]**. The Location Plan visually presents the Order limits against the surrounding area.
- 6.1.2 The area of the Proposed Development (the Order limits) is approximately 474 hectares (ha) (of which only 435.7 hectares is subject to powers of compulsory acquisition or temporary possession). For the purposes of the description below, the Order limits have been split into four distinct geographical components:
- a. the Main Application Site;
 - b. Off-site Car Parks;
 - c. Off-site Highways Interventions;
 - d. Off-site Planting.
- 6.1.3 The Main Application Site, Off-site Car Parks, Off-site Highways Intervention boundaries and locations for Off-site Planting are shown in **Figure 2.2** of the **ES [TR020001/APP/5.03]**. All of these areas comprise the Order limits.
- 6.1.4 Further details on the Application Site, its history, and surroundings can be found within **Chapter 2** of the **ES [TR020001/APP/5.01]**.

Description of Main Application Site

- 6.1.5 The Main Application Site is located approximately 45 kilometres (km) north west of London in the south east of England. It is located to the east of Luton town centre and lies within the administrative boundaries of LBC as well as Central Bedfordshire Council and North Hertfordshire District Council (NHDC). The Main Application Site encompasses approximately 428ha to the east of the airport, across Luton and North Hertfordshire.
- 6.1.6 The airport is located on a raised platform at the north eastern end of the Chiltern Hills. Land to the north of the Main Application Site is predominantly residential and mixed industrial residential to the west, and rural with arable fields to the east and south.
- 6.1.7 Wigmore Valley Park is located within the boundary of the Main Application Site, directly east of the airport. It provides open space and recreational facilities including Wigmore Valley Park Pavilion (which is currently vacant and in need of refurbishment), and children's play facilities including a skate park.
- 6.1.8 A closed historical landfill, which forms part of Wigmore Valley Park, is located in the north of the Main Application Site and Order limits, partly beneath and adjacent to the existing eastern boundary of the airport. This landfill site was operated by LBC between 1937 and 1978. Part of the Proposed Development would be constructed over the disused landfill.

- 6.1.9 The east of the Main Application Site is largely agricultural with arable fields and with hedgerow boundaries with scattered trees. This area crosses the LBC and NHDC administrative boundary, which also marks the Green Belt boundary to the east of LBC. The Main Application Site is bordered by Darley Road to the north and intersected by Winch Hill Lane, a rural road running through the area of Winch Hill in the east of the Main Application Site. There is a network of Public Rights of Way in this area including the Chiltern Way which follows approximately the alignment of Darley Road. There is a ridge with a band of woodland running approximately north west to south east through this area, and Winch Hill Wood, a block of ancient woodland, in the south east.
- 6.1.10 There are no residential properties in the Order limits. There are isolated barns, and properties at Wandon End close to, but outside of, the Main Application Site boundary.
- 6.1.11 Luton town centre is approximately 2.5km to the west of the airport. The town has a population of approximately 218,000 people. The town was traditionally dominated by manufacturing (Vauxhall Motors and others), however, the area is now strongly supported by service industries, including the airport.
- 6.1.12 The Main Application Site is approximately 4km from Junction 10 of the M1 motorway. The A1081 connects the M1 to the airport. The A505 passes through Luton connecting the town to Dunstable in the west and Hitchin in the north east.
- 6.1.13 The Midlands Mainline railway line passes to the west of the Main Application Site. Luton Airport Parkway railway station will be directly connected to the airport via the Luton DART which will be operational in 2023. Further details on the Luton DART are provided in Section 2.4 of the **ES [TR020001/APP/5.01]**.

Description of Off-site Car Parks

- 6.1.14 The two locations for the proposed Off-site Car Parks to be delivered as part of the Proposed Development are to the south west of the airport, adjacent to either side of the Midlands Mainline railway line. This land is owned by the Applicant and refers to car parks that are proposed, and will be controlled, by the Applicant or the airport operator.
- 6.1.15 The larger of the two sites is located to the north of the Midland Mainline and is currently a trailer park, generally used as parking for Heavy Good Vehicles. The smaller site, which is located to the south of Midland Mainline, is a disused area of hardstanding which was previously used as a car park. The sites are located in a commercial area dominated by existing transport infrastructure; bordered by Parkway Road and the A1081 to the south, New Airport Way and the A1081 to the east, Kimpton Road and industrial units to the north. The Midlands Mainline railway line passes between the two sites. Each site contains a border of trees and scrub.
- 6.1.16 These sites are partially located in the airport's Public Safety Zone, an area at the end of runways within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing, as shown in **Figure 15.3** of the **ES [TR020001/APP/5.03]**. The development of long stay and employee car parking

(where the minimum stay is expected to be in excess of six hours) in this zone is permitted.

- 6.1.17 The Off-site Car Parks are shown in **Figure 2.2** of the **ES [TR020001/APP/5.03]**. The areas of the sites where the southern and northern Off-site Car parks would be located are 10,420m² and 24,070m² respectively. The existing sites are 110m Above Ordnance Datum (AOD) and 128m AOD respectively.

Description of Off-site Highways Interventions

- 6.1.18 The Proposed Development would include several sites where highway improvements may be required to facilitate the increasing airport capacity. The location and nature of these interventions has been determined by detailed traffic modelling. These locations are shown in **Figures 4.1 to 4.3** of the **ES [TR020001/APP/5.03]**. In total an area of approximately 24ha is included within the Order limits for Off-site Highways Interventions. These Off-site Highway Interventions exclude the proposed Airport Access Road, which is considered as part of the Main Application Site.
- 6.1.19 The proposed works at M1 Junction 10 would include minor slip roads widening within the highway boundary, widening of the circulatory system to provide an additional lane within the existing roundabout, and changes to white lines and signals, and space for an adjacent temporary construction compound. The total area of the works would be around 7.7ha.

Description of Off-site Planting

- 6.1.20 The Proposed Development would include sites where Off-site Planting is required to mitigate likely effects identified through the EIA process. These are shown on **Figure 2.2** of the **ES [TR020001/APP/5.03]** and would consist of agricultural field margins both to the north east and south of the Main Application Site.
- 6.1.21 The Order limits include areas for access and maintenance of the proposed 7km of hedgerows. In total, an approximate area of 16ha is included in the Order limits for delivery and maintenance of Off-site Planting.

7 DILIGENT INQUIRY/PROCESS/METHODOLOGY

7.1 Introduction

- 7.1.1 As required in accordance with the Act (Ref 1.1), the Applicant was required to identify individuals in one or more of the categories set out in sections 44 and 57 of the Act. This included undertaking “*diligent inquiry*” to identify parties within Categories 1, 2 and 3, as defined in sections 44 and 57 of the Act.
- 7.1.2 Category 1 includes owners, lessees, tenants and occupiers of the land within the Order limits. Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limits. Category 3 includes parties who the Applicant thinks would or might, if the DCO were made and implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 (Ref 7.1) and/or Part 1 of the Land Compensation Act 1973 (Ref 7.2) and/or section 152(3) of the Act.
- 7.1.3 A professional land referencing firm was employed to undertake diligent inquiry to identify these land interests. The following processes were undertaken as part of the methodology to identify and consult with those with an interest in affected land. This is further set out in **Appendix C** (Land Referencing Methodology). Details on land referencing activities for the purposes of consultation are set out in the **Consultation Report [TR020001/APP/6.01]**.

7.2 Setting the Land Referencing Limits

- 7.2.1 The Land Referencing Limits were set to include the following:
- a. all land within the Order limits required for the proposals; and
 - b. all properties and buildings that were identified as those that might be entitled to make a “*relevant claim*” as a Category 3 interest. These were identified following an assessment of the noise impacts of the Proposed Development (see **ES Chapter 16 (Noise and Vibration) [TR020001/APP/5.01]**).
- 7.2.2 With regards to the noise assessment, the Applicant commissioned professional environmental consultants to calculate the noise footprint of the Proposed Development based on the types of aircraft expected to use it and have also taken advice from valuation consultants as to the decibel contour that a landowner could make a “*relevant claim*”.
- 7.2.3 The advice received was that that consideration should be given to the levels that government guidance suggests airport operators should offer to subsidise sound insulation for affected properties as well as the threshold at which a property valuation may be affected. In their December 2018 consultation: ‘Aviation 2050: The future of UK aviation’ (Ref 7.3) the government consulted on extending the noise insulation policy threshold beyond the current 63dBL_{Aeq,16h} contour to 60dBL_{Aeq,16h}. The Applicant’s category 3 boundary was based upon a contour significantly wider at 51dBL_{Aeq,8h} and incorporated a 200m buffer in accordance with the Applicant’s precautionary approach towards

identifying Category 3 parties. Details of how Category 3 parties were identified are also set out in the Land Referencing Methodology at **Appendix C**.

7.2.4 The result of this assessment was the creation of noise contour mapping. This ‘*wider referencing zone*’ was sufficiently wide to incorporate those parties who might be entitled to make a “*relevant claim*” in relation to effects from noise, as well as vibration, smell, fumes, smoke, artificial lighting and discharge, and those who could make a claim under section 10 of the Compulsory Purchase Act 1965 (Ref 7.1). The land referencing team conducted diligent inquiry to identify potentially affected parties prior to consultation within this ‘*wider referencing zone*’.

7.3 Desktop Referencing

7.3.1 HM Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans were obtained and reviewed. All relevant freehold and leasehold title information, together with the beneficiaries of relevant mortgages, charges, private rights, easements and restrictive covenants were identified within the Land Referencing Limits and stored in a land referencing database.

7.3.2 Updates were requested from HM Land Registry on a regular basis, ensuring updates were received ahead of key milestones and this ensured that any changes that occurred prior to section 42 consultation, and again in December 2022 before the submission of the **BoR [TR020001/APP/3.02]**, were captured, with follow up undertaken where new interests were revealed.

7.3.3 Additional desktop activities were undertaken to confirm, verify and further investigate interests in land. For example, Companies House searches were undertaken to ensure registered companies’ details were verified and the registered office was appropriate for the service of notices and other correspondence. Online data sources were also investigated to identify further potential occupiers and interests. Where occupiers were unconfirmed, i.e. they were untraceable and unknown, “The Occupier” of that address was added to the database to ensure the property was contacted in order to confirm interests and they received notification of the consultation.

7.4 Other Land referencing activities

7.4.1 Consultation with landowners has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process since prior to non-statutory consultation in 2018, above and beyond the desktop searches explained above.

7.4.2 A record of land referencing activities since non-statutory consultation in 2018 is set out below at **Table 7.1**.

Table 7.1 - Land Referencing Activities

Activity	Dates
Non Statutory Consultation Letter	June 2018
Land Interest Questionnaires (LIQs) / Request for Information (RFIs)	July 2019
Site visits	September 2019
Statutory Consultation	October 2019
LIQs and RFIs	September 2020
Site visits	October 2020
LIQs and RFIs	September – December 2021
Site visits	August 2021 – Jan 2022
Statutory Consultation	February 2022
Statutory Undertaker Letters	April 2022
Statutory Undertaker letters requesting responses to earlier mail out	June 2022 – Ongoing to submission
Confirmation Schedules	December 2022 – Ongoing to submission
Mail out to newly identified parties pre-submission	February 2023

- 7.4.3 As set out in **Table 7.1** above, in addition to the desktop referencing detailed at section 7.3, formal land referencing questionnaires (LIQs and RFIs) were issued to all identified affected parties within the Order limits and the ‘wider referencing zone’ in July 2019. Further formal land referencing questionnaires (LIQs and RFIs) were issued to all identified potentially affected parties to confirm and fully understand their interests as they became known to the land referencing team and this is an ongoing exercise.
- 7.4.4 Further letters were sent to potential statutory utilities/undertakers in April 2022 that were believed to possibly hold an interest in the area to determine their interests. Statutory undertakers were identified following site inspections (for apparatus) and information from the Applicant’s design engineers, as further described in the Land Referencing Methodology (**Appendix C**).
- 7.4.5 Site visits and follow up enquiries were undertaken to chase the completion of these questionnaires and confirm the validity of information held. To further confirm the accuracy of information held, formal confirmation of interest

questionnaires were sent to all identified affected parties within the Order limits and the 'wider referencing zone'. Prior to submission of the application for development consent, confirmation schedules were issued to identified affected parties to ensure their details were up to date. This ensured the accuracy of information held prior to the submission of the **BoR [TR020001/APP/3.02]**.

7.4.6 In the case of unregistered land, where information could not be obtained from HM Land Registry and other referencing processes, site notices were affixed on or adjacent to the land inviting persons with an interest in this land to come forward. When erected, site notices were checked on a regular basis and replaced as necessary.

7.4.7 The combination of the above land referencing activities produced a list of interest holders for statutory consultation under the Act, which commenced in October 2019. A further round of statutory consultation was carried out in February 2022. As any new interests were identified they were included in the next round of consultation. A more detailed description of the abovementioned consultation activities can be found in the **Consultation Report [TR020001/APP/6.01]**.

8 PURPOSE FOR WHICH POWERS ARE SOUGHT

8.1 Purpose

- 8.1.1 **Appendix A** of this Statement sets out the purpose for which powers are sought over each plot of land.
- 8.1.2 Without the powers to acquire rights and interests in land compulsorily there would be insufficient certainty about the Applicant's ability to deliver the Proposed Development in totality and within the necessary timescale. The Applicant therefore requires such powers to be included in the DCO, notwithstanding its preference to acquire the necessary interests in land and acquisition/extinguishment of rights by voluntary agreement.
- 8.1.3 All the land included in the Order limits is considered to be necessary to enable the delivery of the Proposed Development; however, due to the nature of the design process and the timing of the consenting process, the Applicant requires a degree of flexibility as to where certain parts of the Proposed Development can be constructed within the defined limits of deviation which are provided for in the **draft DCO [TR020001/APP/2.01]**. The Applicant is satisfied that all the land included in the Order limits is necessary to enable the delivery of the Proposed Development.
- 8.1.4 In common with other projects, detailed design may avoid acquisition of some of the land that is within the scope of compulsory acquisition powers in the application; only land that is required for the Proposed Development will be acquired.

9 JUSTIFICATION FOR POWERS OF COMPULSORY ACQUISITION

9.1 Requirements

- 9.1.1 Section 122 of the Act (Ref 1.1) provides that a DCO that includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the Act are met.
- 9.1.2 The first condition (section 122(2)) requires one of three criteria to be met, as follows:
- a. the land is required for the development to which the development consent relates; or
 - b. the land is required to facilitate or is incidental to that development; or
 - c. the land is replacement land to be given in exchange under section 131 or 132 of the Act.
- 9.1.3 The second condition (section 122(3)) is that there is a compelling case in the public interest for compulsory acquisition.
- 9.1.4 Paragraphs 12 and 13 of the Guidance (Ref 2.2) also identify that for the second condition to be met the SoS will need to be persuaded that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.
- 9.1.5 The Guidance sets out the following general matters which a promoter of a proposed development must be able to demonstrate to the satisfaction of the SoS so as to justify an order granting development consent:
- a. that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored – this is dealt with in paragraph 9.2 below;
 - b. that the proposed interest in the land is for a legitimate purpose and is necessary and proportionate – this is dealt with in paragraph 9.4 below;
 - c. that it has a clear idea of how it intends to use the land which it is proposing to acquire – this is dealt with in paragraph 9.5 and **Appendix A** to this Statement;
 - d. that there is a reasonable prospect of the requisite funds becoming available- this is dealt with in paragraph 9.6 below and in the **Funding Statement [TR020001/APP/3.03]**; and
 - e. there is justification for interfering with the human rights of those with an interest in the land affected – this is dealt with in paragraphs 9.7 and in section 13.2 of this Statement.
- 9.1.6 Together with this Statement, the Land Plans **[TR020001/APP/4.03]**, Crown Land Plans **[TR020001/APP/4.14]**, Special Category Land Plans **[TR020001/APP/4.10]**, the Works Plans **[TR020001/APP/4.04]** and the BoR **[TR020001/APP/3.02]** show how and why the land included in the draft DCO **[TR020001/APP/2.01]** is required and how such land would be used. In the case of each plot of land, the powers sought by the Applicant are necessary to

deliver the proposals and are proportionate to the degree of interference with any private rights.

9.1.7 The following paragraphs explain how the section 122 conditions are met in the case of the Proposed Development.

9.2 Alternatives to the proposed site and layout

9.2.1 As set out in **Chapter 3** of the **ES [TR020001/APP/5.01]** and in the **Consultation Report [TR020001/APP/6.01]**, the Applicant has considered various alternatives in terms of both an alternative location of Terminal 2 and internal layouts of the Application Site prior to the making of the application for development consent.

9.3 Alternatives to compulsory acquisition

9.3.1 In order to construct, operate and maintain the Proposed Development, land and rights in the ownership of parties other than the Applicant would need to be acquired. Given the location and the nature of the Application Site, acquisition and/or use of third-party land cannot be avoided.

9.3.2 The **BoR [TR020001/APP/3.02]** and the **Land Plans [TR020001/APP/4.03]** show the land and rights in land that are required for the Proposed Development and identify persons with an interest in the land. In each case the land and/or rights sought are necessary to deliver the Proposed Development and are proportionate to the degree of interference with the interests and rights of landowners.

9.3.3 As set out at section 6 of this Statement, the Applicant already owns or controls much of the land and rights in land required for the Proposed Development and will continue to seek to acquire all land and rights it needs by voluntary agreement, subject to the DCO being made. The Applicant has undertaken two rounds of statutory consultation and is pursuing engagement with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition. For further details, please see section 10 below.

9.3.4 This approach to making the application for development consent in parallel to conducting negotiations to acquire rights in land by agreement is in accordance with paragraph 25 of the Guidance.

9.3.5 Notwithstanding its preference to acquire all land by agreement, the Applicant still seeks to acquire land and rights compulsorily through the DCO in circumstances where the voluntary acquisition of land or rights is ultimately unsuccessful.

9.3.6 Some of the land subject to permanent acquisition and shaded pink on the **Land Plans [TR020001/APP/4.03]** also encompasses land which is already in freehold ownership of the Applicant. This is to provide powers to deal with any unforeseen interests/defects in title which could emerge when it comes to undertaking any works in relation to the plot in question. Hence the exercise of such powers in these areas is only likely to be required by exception.

9.3.7 The Applicant seeks compulsory powers to acquire land and rights in land under the DCO from all relevant landowners, notwithstanding that voluntary

agreements for purchase of land and/or the grant of rights may have, or will be, entered into, for the following reasons:

- a. An option may be obtained by agreement prior to the application for development consent or during the application process, rather than the substantive right itself. The compulsory powers therefore provide a fallback should the voluntary agreements fail and cover instances where the person with an interest in land is unwilling to, or cannot, grant the relevant land interest or right at the time when the option is exercised.
- b. Including all interests in the DCO allows all required land or rights to be obtained in the same way and through one process, potentially through General Vesting Declaration (GVD).
- c. Compulsory acquisition by GVD is effective against all interests in the land, so avoiding the risk of a failure to disclose a relevant interest; the GVD is effective even against unknown interests.
- d. Compulsory powers are also more readily enforceable, so reducing additional risk, cost and delay.
- e. Without the powers of compulsory acquisition, the national need for the Proposed Development could not be met because the land and rights required in the land subject to the DCO may not be assembled, uncertainty as to the ability to construct, operate and maintain the Proposed Development will continue and the Applicant considers that its objectives would not be achieved.

9.4 The proposed interest in the land is legitimate, necessary and proportionate

- 9.4.1 The need for the Proposed Development is explained in the **Need Case [TR020001/APP/7.04]** and compulsory acquisition of land and rights in land is necessary to enable the Applicant to meet that need and deliver the Proposed Development.
- 9.4.2 Without the compulsory acquisition of the necessary interests in land, the delivery of the Proposed Development cannot be guaranteed. As contemplated by the Act it is a proportionate use of compulsory acquisition powers to acquire land and rights in land for the Proposed Development.
- 9.4.3 Steps have been taken to ensure that the land and interests acquired are proportionate. Where appropriate, the Applicant has sought to take powers to temporarily use land, rather than the compulsory acquisition of land or rights. In particular, the Applicant has included within the Order limits no more land than is reasonably required for the purposes described in the table in **Appendix A** such that its proposed use of land, for the purpose of delivering the Proposed Development, is proportionate and justifiable.
- 9.4.4 Where lesser interests or rights are sufficient, this is identified in the **BoR [TR020001/APP/3.02]**.
- 9.4.5 Compensation is payable for the compulsory acquisition of land or rights under the foregoing powers. Compensation is also payable for loss or damage caused by the exercise of any power of temporary use of land. Any dispute in respect of

the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

9.5 Clear idea of intentions of how land proposed to be acquired will be used

9.5.1 The Applicant has a clear idea of how the land is intended to be used. This Statement sets out at **Appendix A** the particular purposes for which each plot of land is proposed to be compulsorily acquired or used temporarily. The tables in **Appendix A** demonstrate, as advocated by the Guidance (at paragraph 9), that the Applicant has “*a clear idea of how [it intends] to use the land which [it proposes] to acquire.*”

9.6 Availability of funds for compensation

9.6.1 The Guidance indicates that an applicant should be able to demonstrate that there is a “*reasonable prospect*” of the requisite funds becoming available. The **Funding Statement [TR020001/APP/3.03]** which accompanies the application sets out how the Proposed Development would be funded and demonstrates that there is a reasonable prospect of the requisite funds being available both to pay any compensation arising from the exercise of the compulsory acquisition and temporary use powers and, indeed, to construct the Proposed Development.

9.7 Justification for interfering with the human rights of those with an interest in the land affected

9.7.1 In preparing the DCO, including the seeking of powers to acquire land compulsorily and to use land temporarily, the Applicant has had regard to the relevant provisions of the European Convention on Human Rights (see section 13 below).

9.7.2 In particular, as is explained in detail in **Appendix A** of this Statement, the Applicant has given consideration to the purposes for which the land is required, namely the delivery of the Proposed Development, in the context of the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 of the Convention. The particular reasons why the proposed acquisition of land and interference with private property rights are considered to be legitimate and proportionate, and therefore justified, are set out in section 13 below, and are matters on which the SoS will need to be satisfied in deciding whether powers of compulsory acquisition should be included in any grant of development consent for the Proposed Development.

9.8 Compelling case in the public interest

9.8.1 The Applicant is satisfied that the condition in section 122(3) of the Act is met and that there is a compelling case in the public interest for compulsory acquisition.

9.8.2 The need for and the benefits of the Proposed Development are set out in section 4 of this Statement and in the other application documents, including the **Need Case [TR020001/APP/7.04]** which demonstrates the very strong and

compelling case in the public interest for the Proposed Development to be delivered.

- 9.8.3 In particular, as set out the **Need Case [TR020001/APP/7.04]** expansion will lead to new jobs. At 32 million passengers per annum, the airport is projected to support 4,400 more jobs in Luton compared to 2019 as well as new jobs across the UK, including in its supply chain. The operational GDP and employment benefits offer substantial socio-economic opportunity to address deprivation and 'level up' areas that surround the airport. The Proposed Development will also generate economic benefits locally and regionally by providing connectivity benefits making the area more attractive for businesses to locate within, saving time and money for passengers living nearby, and bringing inbound tourism.
- 9.8.4 The above clearly demonstrates that there would be substantial public benefits arising from the implementation of the Proposed Development.
- 9.8.5 The Applicant acknowledges that it is usual practice for compulsory acquisition powers to be granted for five years, however, there is a compelling case in the public interest with regards to the Proposed Development that powers of compulsory acquisition be granted for the full 10 years, in order to ensure that the Proposed Development can be fully implemented and its benefits realised.
- 9.8.6 Sections 154(3) and (4) of the Act allow the Order to prescribe a period longer than five years for the exercise of such powers. The rationale for the longer period is set out below:

Incremental approach

- 9.8.7 The Proposed Development would deliver additional capacity incrementally in response to the forecast growth in demand. Assets and facilities would be delivered only when they are anticipated to be required and it is anticipated that, (as has been assumed for assessment purposes), the final construction stage would not commence until around 2037, with incremental increases in capacity from 27 mppa to 32 mppa occurring by around 2043.
- 9.8.8 The Applicant believes this incremental approach to be a proportionate and justifiable approach.

Physical works

- 9.8.9 The construction programme includes a significant period of necessary earthworks, which subsequently require a much longer implementation period of time to allow time for the earthworks to settle. These physical works impact the Applicant's programme and mean that a longer period of time is required in order to exercise compulsory acquisition powers.
- 9.8.10 The Proposed Development involves an incremental approach to the programme, including an incremental approach to the construction of the Proposed Development as is explained above.
- 9.8.11 This approach is required to ensure that the construction responds to demand, so as the airport expands incrementally to meet such demand, further physical works will be required, and the Applicant may need access to land for its works. For example, the land required for improvement and widening works to M1

Junction 10 (plot 8-01 and 8-02, within Dacorum Borough Council's area) is not anticipated to be required until the later phases of the development. The Applicant would not want to take possession of this (or any other area) early before any physical works were required. The Applicant believes this to be a proportionate approach.

Scale of works

- 9.8.12 The 10 year period also is necessary reflecting the complex nature and large scale of the Proposed Development. The considerable scale of the works, as set out on the **Works Plans [TR020001/APP/4.04]** and described in Schedule 1 to the **draft DCO [TR020001/APP/2.01]**, including sitewide works to enable development, necessitate the need for longer compulsory acquisition powers.

Other reasons

- 9.8.13 The 10 year period is precedent for other significantly large schemes (see article 45 of the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (Ref 9.1) which also includes a 10-year period).
- 9.8.14 The Applicant requires flexibility as too limited a time period may inhibit the Applicant's ability to implement the Order (owing to its incremental approach set out above), and avoids the need to seek further powers. This flexibility allows the Proposed Development to be implemented in a more sustainable manner, as opposed to acquiring all land and carrying out all works immediately. In order to fully realise the benefits of the Proposed Development, the Applicant would need to acquire land for subsequent works forming part of the Proposed Development in the application. Without compulsory acquisition powers to do so, this would add unnecessary cost and uncertainty to the Proposed Development, which is a NSIP.
- 9.8.15 The Applicant already owns or controls most of the land required for the Proposed Development. The Applicant would continue to work closely with affected persons to mitigate the impacts of its compulsory acquisition powers, for example by offering assurances (where reasonably practicable) on when land will be required.
- 9.8.16 For the reasons stated above, the Applicant believes that it is proportionate and reasonable and justifiable for the Applicant to seek to extend the period for exercise of powers of compulsory acquisition.

10 APPROACH TO ACQUIRING LAND AND RIGHTS IN LAND BY AGREEMENT

10.1 Guidance (Ref 2.2)

10.1.1 The Applicant has entered into negotiations to acquire other parties' interests voluntarily and is progressing those discussions. These negotiations are not yet complete. The current position on these negotiations is set out at **Appendix B** of this Statement. The Applicant is aware of the requirement in paragraph 25 of the Guidance to seek to acquire land by negotiation wherever practicable. The power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.

10.1.2 At the same time, the Applicant notes that the Guidance also recognises that where proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiated agreement. As the Guidance states, "*Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.*"

10.2 Status of Negotiations

10.2.1 During the pre-application stage of the application for development consent, the Applicant has contacted in writing all Category 1 persons within the Order limits, seeking to advance engagement as to the land and rights required and over which compulsory powers are sought.

10.2.2 The Applicant is in the process of continuing to engage with a significant proportion of landowners with regard to the acquisition of land by agreement; and negotiations with this objective will be ongoing throughout the DCO process and even after the making of any order for development consent, up until the point at which the programme dictates that land must be compulsorily acquired.

10.2.3 As part of its ongoing engagement on proposals for the Proposed Development the Applicant has consulted at length with landowners, tenants and those with an interest in land as listed in the **BoR [TR020001/APP/3.02]**. As the proposals have been amended and refined, the number of affected parties has varied, as have the issues and identities of the affected parties. The Applicant has offered to hold a meeting with affected parties, and has successfully held meetings with a number of parties. **Appendix B** to this Statement shows the status of the Applicant's negotiations with landowners.

10.2.4 The Applicant has taken the cautious approach of seeking powers of compulsory acquisition (or rights of use) in respect of all parcels of land required for the Proposed Development, even where it already holds an interest in the land which is subject to works (with the exception of Crown land – see section 12.2 for details). The Applicant has taken this approach to ensure that it has the right to acquire the interests it needs in the whole of the Order limits – even where an unidentified owner later asserts an interest in land which the Applicant believes it owns.

London Luton Airport Operations Limited (LLAOL)

- 10.2.5 Following discussions with LLAOL who are the airport operator, the Applicant has agreed to restrict its use of compulsory acquisition powers over land held by LLAOL. This is secured via protective provisions in the **draft DCO [TR020001/APP/2.01]**. The Applicant has agreed this approach with the operator in order to protect the airport operator and its tenants from compulsory acquisition. The Applicant understands that the operator has communicated this to its tenants in advance of submission of the application for development consent. Compulsory acquisition powers, however, remain in the **draft DCO [TR020001/APP/2.01]** over these interests to ensure that there are no impediments to the implementation and delivery of the Proposed Development.

Luton Borough Council (LBC)

- 10.2.6 As the Applicant's sole shareholder, LBC is fully aware of all matters relating to its interests in land included within the application for development consent, including any crossovers between interests belonging to LBC and the Applicant. The Applicant has kept LBC updated on the extent of land required for the Proposed Development. The Applicant has entered into a licence with LBC for Wigmore Valley Park and intends to enter into a lease of this land. Commercial negotiations are ongoing.

11 RELATED APPLICATIONS, ORDERS, CONSENTS

11.1 Other consents

- 11.1.1 The DCO will be the principal consent required to allow the Proposed Development to proceed. In addition, there are other consents, licences and permissions that the Applicant will require from relevant authorities to allow certain elements of the development to proceed.
- 11.1.2 The Applicant is in discussion with all relevant bodies and is not aware of anything that is likely to prevent the grant of consent. The need for these other consents does not, therefore, present any obstacle to the implementation of the Proposed Development.
- 11.1.3 These additional consents are listed in the **Consents and Agreements Position Statement [TR020001/APP/2.03]**

12 SPECIAL CONSIDERATIONS AFFECTING THE LAND

12.1 Special Category Land – Open Space

Wigmore Valley Park (WVP) and Replacement Open Space

- 12.1.1 The Application will be seeking rights over Special Category Land, more specifically classed as ‘public open space’ at WVP, which is shown on the **Special Category Land Plans [TR020001/APP/4.10]**. Part 5 of the **BoR [TR20001/APP/3.02]** also specifies the plots identified as public open space.
- 12.1.2 Section 131 of the Act (Ref 1.1) applies to the compulsory acquisition of any land forming part of a common, open space or fuel or field garden allotment. Section 132 of the Act applies to the compulsory acquisition of any rights over land forming part of a common, open space or fuel or field garden allotment. Sections 131 and 132 make provision for Special Parliamentary Procedure (SPP) to apply where a DCO authorises the compulsory acquisition of such land or of rights over such land.
- 12.1.3 The Applicant is not seeking compulsory acquisition of any rights over such land and section 132 therefore is not applicable. As regards the compulsory acquisition of special category land, section 131 provides that the DCO will be subject to SPP unless the Secretary of State is satisfied that one of the following four circumstances apply:
- a. replacement land (being land not less in area than the relevant special category land to be compulsorily acquired under the DCO and which is no less advantageous to the persons entitled to rights over common over it (if any) and to the public) will be given in exchange for the land to be compulsorily acquired; or
 - b. the land to be acquired does not exceed 200 square metres or is required for the widening or drainage of an existing highway and the giving of land in exchange is unnecessary; or
 - c. for open space land only, replacement land in exchange is not available or is only available at a prohibitive cost, but it is strongly in the public interest for the Proposed Development to proceed sooner than SPP would allow; or
 - d. for open space land only, the land is only being compulsory acquired for a temporary (although possibly long-lived) purpose.
- 12.1.4 Replacement land is land being provided for the purposes of replacing Special Category Land.

12.1.5 The statutory test for replacement land (summarised at (a) above) is that the replacement land is no less advantageous than the land being compulsorily acquired.

Public Open Space land subject to acquisition

12.1.6 The land currently designated as public open space is within the eastern part of the Main Application Site. This land is principally arable but includes also WVP, a designated District Park and area of public open space. WVP is recognised to form part of the Luton Green Infrastructure Network (Ref 12.1), is used for dog walking and recreation, and includes mown open grassland, scrub grassland, woodland, allotments, a playpark, skate park, car park and a pavilion building. The Pavilion has been disused for a number of years. The total existing area of open space within the Order limits subject to permanent acquisition covers an area of 35.9ha.

12.1.7 The land that is public open space is set out in Part 5 of the **BoR [TR020001/APP/3.02]**.

Replacement Open Space

12.1.1 The replacement open space is an integral part of the Proposed Development, which, in line with policy, is needed to replace existing public open space that would be lost to development in the western part of WVP.

12.1.2 Land further to the east of WVP and to the south of Darley Road is currently in agricultural use and would be used for the replacement open space for WVP, (as shown on **Figure 14.11** of the **ES [TR020001/APP/5.03]**). Replacement land will be provided for all open space plots to be compulsorily acquired. The Proposed Development aims to maintain as much of Wigmore Valley Park as possible, and provide at least 10% more public open space than currently exists. The existing area of open space within the Order limits covers an area of 35.9ha. While some of this land will be required for works, the Applicant will be carrying out enhancements to open space (Work no. 5b(01)) and creating new replacement open space (Work no. 5b(02)) as part of the Proposed Development. The **draft DCO [TR020001/APP/2.01]** provides for 36.3ha of replacement open space to be compulsorily acquired (this land is set out in **Table 12.1**). This satisfies the first element of relevant test as replacement land, not less in area than the relevant land to be compulsorily acquired is being provided.

12.1.3 As set out in **Chapter 4** of the **ES [TR020001/APP/5.01]**, following the Applicant’s enhancement and creation of new replacement open space, WVP will be at least 47.6ha.. At least 11.2ha of the existing open space would remain as open space.

12.1.4 Details of the public open space and replacement open space land to be provided are set out in Part 5 of the **BoR [TR020001/APP/3.02]**. A summary of replacement open space is set out below at **Table 12.1**.

Table 12.1 - Replacement open space land

Plot number	Description	Owner
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5-13	172136 square metres of Agricultural field, woodland and public footpath (Kings Walden FP 043), (Winch Hill Farm)	The Applicant
6-20	191688 square metres of Agricultural field and hedgerows (Wandon End Farm)	The Applicant

- 12.1.5 The replacement open space is no less advantageous to the persons entitled to rights over it.
- 12.1.6 The replacement open space would retain the existing main entrance into WVP, adjoining Wigmore Hall and Wigmore Pavilion, and would incorporate several of the enhanced facilities proposed in this area as part of Green Horizons Park (i.e. the improved skate park and play facilities and the refurbished Wigmore Pavilion).
- 12.1.7 The replacement open space would focus on the establishment of natural habitats, delivering areas of meadow grassland, native shrub planting, broadleaf woodland, and mixed-species hedgerows with hedgerow trees, as well as several surfaced footpaths to upgrade connections to the surrounding rights of way network.
- 12.1.8 The replacement open space has been designed to include the following landscape features to avoid, minimise, replicate and/or replace landscape and visual effects:
- a. the restoration of boundary hedgerows where necessary adjoining Darley Road and Winch Hill Road;
 - b. the planting of screening hedgerows and woodland to the southwest of PRow Kings Walden 041, where forming part of the Chiltern Way; the planting of boundary hedgerows for screening, adjoining excavation areas on the southwest boundary of the replacement open space;
 - c. the planting of woodland on the ridgeline of Winch Hill, between the retained mature woodland/hedgerow vegetation and coniferous plantation and the retained hedgerow vegetation on the southeast boundary of the existing WVP, to provide screening and improve connectivity; and
 - d. the planting of hedgerow trees within restored and screening hedgerows at regular spacings; and the creation of improved meadow and mown grassland within the area of replacement parkland.
- 12.1.9 A range of users will be encouraged to make use of the replacement open space. These users have been identified through the open space surveys (further details can be found in **Appendices 13.1** and **13.2** of the **ES [TR020001/APP/5.02]**) which provide information on the number and types of usage which includes but is not limited to: families, teenagers, school groups, the elderly, walkers, joggers, plane spotters, cyclists, dog walkers, skaters and horse riders. The proposals would accommodate appropriate signage and facilities to help support these various user groups. It is envisaged that the replacement open space would deliver additional opportunities for unstructured

or natural play and would also include some additional recreational facilities, the specific nature of which is still to be determined but could potentially include additional picnicking facilities, play equipment, gym equipment or trim-trail measures.

- 12.1.10 Once the replacement park is open, part of the existing park will be taken for construction of the Proposed Development. Several features will be retained but some of the semi-improved grassland, tall ruderal herb and scrub vegetation in the west of the park will be lost. This loss will be fully mitigated by:
- a. the enhancement of existing facilities, such as the upgrading of existing footpaths and new signage;
 - b. the provision of a larger area of publicly accessible open space; and
 - c. the continuation of accessibility to the park through the existing main entrance and within the replacement open space through the upgrading of existing rights of way and new surfaced paths which further improve public accessibility.
- 12.1.11 The Applicant therefore considers the replacement land to be no less advantageous than the existing open space land and that the test in section 131 of the Act is satisfied.
- 12.1.12 The public open space is currently owned by LBC (who are also owners of the Applicant). The Applicant has entered into a licence with LBC for this land and has to right to manage it as open space. This licence permits the Applicant to apply for the application for development consent which includes the public open space. It is the Applicant's intention to enter into a long-term lease of this land with LBC, who have consented to the inclusion of the land within the application for development consent. While discussions have progressed with LBC, WVP has since been designated as an asset of community value under the Localism Act 2011 (Ref 12.2). This could result in a moratorium on a purchase of the land by the Applicant, during which period third parties may have the right to step in and acquire the land.
- 12.1.13 While the Applicant intends to enter into an agreement with LBC for the acquisition of the public open space and for the future management of the replacement open space, in order to ensure that the Proposed Development can be implemented, all of the public open space is currently within the scope of compulsory acquisition powers in the application for development consent. The Applicant is the owner of the replacement open space. However, this land is included within the scope of compulsory acquisition powers so that the land may be designated as open space and if required, transferred to the former the owner of the Open Space Land (in accordance with the Act).
- 12.1.14 If an agreement is not reached between the Applicant and LBC, all of the replacement land will be secured by compulsory acquisition under the Act and will in due course be vested in the owner of the corresponding open space land (LBC) and subject to the same rights, trusts and incidents as the special category land which is to be acquired compulsorily in accordance with Article 35 of the **draft DCO [TR020001/APP/2.01]**.

- 12.1.15 The Applicant's aim is to ultimately arrange for the replacement open space to be managed by a community trust alongside other land belonging to the Applicant, so that it may be run as public open space.
- 12.1.16 A more detailed open space assessment can be found in the **Planning Statement [TR020001/APP/7.01]**.

12.2 Crown Land

- 12.2.1 The Applicant's land referencing team have identified Crown land within the of the Order limits. This land is set out on the **Crown Land Plans [TR020001/APP/4.14]** described in Part 4 of the **BoR [TR020001/APP/3.02]**.
- 12.2.2 Crown land is not limited to land owned and managed by the Crown Estate. Section 227 of the Act defines 'Crown land' as any land in which there is a Crown interest. A Crown interest includes, amongst others, an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department.
- 12.2.3 Section 135 of the Act provides protection for Crown land against compulsory acquisition. It provides that a DCO may authorise, with the consent of the Crown, the compulsory acquisition of an interest held in Crown land which, for the time being, is held otherwise than by or on behalf of the Crown, and the appropriate Crown authority consents to the acquisition. Any interests held wholly by the Crown are not capable of being compulsorily acquired. The Proposed Development affects interests held wholly by the Crown and section 135 of the Act therefore does not apply. The Applicant will engage directly for a voluntary transfer or disclaimer of such interests (as appropriate).
- 12.2.4 The Proposed Development includes Crown land interests belonging to:
- Secretary of State for Defence (SSfD)**
- 12.2.5 The SSfD benefits from rights reserved by a conveyance dated 4 February 1955. The Applicant will investigate these rights further discuss the release of such rights (if they continue to apply) with the SSfD and hopes to reach an agreement prior to the close of examination.
- Secretary of State for Levelling Up, Housing and Communities (SSfLUHC)**
- 12.2.6 These crown interests are leasehold interests which expired in 2022, however the Applicant has included the interest on a precautionary basis while it awaits confirmation on whether the interest subsists, as the SSfLUHC may be remaining on the land while negotiating a new lease. As tenants of LLAOL, the airport operator, their interests are not subject to acquisition without the consent of their landlord. The Applicant will discuss these interests with LLAOL and the SSfLUHC in order to obtain an appropriate consent prior to the close of examination, if such interests continue to apply.
- Government Legal Department Bona Vacantia Division (GLD)**
- 12.2.7 In carrying out its diligent inquiry exercise, the Applicant identified two dissolved companies with potential interests within the Order limits. The effect of these companies having land interests vested in them at the time of dissolution means

that the interests are now bona vacantia (i.e. ownerless) and have passed to the Crown. The GLD deal with such interests and are able to disclaim them. Once disclaimed, the interests cease being Crown interests. GLD policy is to generally not take steps to manage or control the interest.

- 12.2.8 The Applicant has been in contact with the GLD in order to obtain disclaimers for the relevant interests. In February 2023 the GLD informed the Applicant that it was still undertaking a review of the interests but that a response could be expected shortly. The Applicant expects that a disclaimer can be obtained prior to the close of examination.

Overall position on Crown land

- 12.2.9 The Applicant has made contact with the relevant Crown entities prior to submission of the application for development consent. Updates on the status of negotiations will be provided throughout the examination period.
- 12.2.10 For the avoidance of doubt, in accordance with article 39 of the **draft DCO [TR020001/APP/2.01]**, nothing in the draft DCO authorises the Applicant to take, use, enter upon or interfere with any Crown land without consent of the relevant Crown body.

12.3 Statutory undertakers' land

- 12.3.1 The **draft DCO [TR020001/APP/2.01]**, if made, will authorise the compulsory acquisition of land and rights in statutory undertakers' land. This land is held by various statutory undertakers for the purposes of carrying out their statutory undertakings.
- 12.3.2 Statutory undertakers' and other apparatus owners that are known to have equipment on, in or over Order limits are included in the **BoR [TR020001/APP/3.02]**. A list of these statutory undertakers, the nature of their interests in the Order limits, and the extent of acquisition is set out in **Appendix D (Table of Statutory Undertakers' land)**. For ease of reference, Appendix D also includes private pipeline operators who may not necessarily have a statutory undertaking but own apparatus that may benefit from statutory protections.
- 12.3.3 Section 127(3) of the Act (Ref 1.1) provides that a DCO may only authorise the compulsory acquisition of statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the SoS is satisfied that:
- a. the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
 - b. if purchased, the land can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.
- 12.3.4 Section 127(6) of the Act provides that a DCO may only authorise the compulsory acquisition of rights over statutory undertaker land where a representation has been made by the statutory undertaker objecting to the acquisition if the SoS is satisfied that:

- a. the rights can be acquired without any serious detriment to the carrying on of the undertaking; or
- b. any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by using of other land belonging to or available for acquisition by the undertaker.

- 12.3.5 The Applicant has, during preparation of the application for development consent, been in discussions with various statutory undertakers. A summary of discussions is set out in **Appendix B** and further updates will be provided throughout the examination period.
- 12.3.6 Adequate protection for statutory undertakers' assets is included within the protective provisions in Schedule 8 to the **draft DCO [TR020001/APP/2.01]**. These well precedented safeguards protect electricity, gas, water and sewage undertakers (Part 1 of Schedule 8) by (amongst other things) preserving Part 3 of the New Roads and Street Works Act 1991 (Ref 12.3), protecting rights of access, and restricting the Applicant's ability to acquire any apparatus without consent. Where necessary, agreements may also be entered into between the Applicant and statutory undertakers in order to protect apparatus.
- 12.3.7 The Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertaking as a result of the compulsory acquisition of the land or as a result of the acquisition of rights over land. The tests set out in sections 127(3) and 127(6) of the Act are therefore satisfied.
- 12.3.8 Section 138 of the Act applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land.
- 12.3.9 For the purposes of section 138, 'relevant right' means
- a. a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land which is vested in or belongs to statutory undertakers for the purpose of carrying on their undertaking; or
 - b. is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network
- 12.3.10 'Relevant apparatus' means:
- a. apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking; or
 - b. electronic communications apparatus kept installed for the purposes of an electronic communications code network.
- 12.3.11 In accordance with section 138(4) of the Act, a DCO may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the SoS is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the DCO relates.
- 12.3.12 The **draft DCO [TR020001/APP/2.01]** includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus

belonging to statutory undertakers (or operators of electronic communications code networks), in connection with the delivery of the Proposed Development.

- 12.3.13 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 8 of the **draft DCO [TR020001/APP/2.01]** which apply to electricity, gas, water and sewage undertakers as well as operators of electronic communications code networks (Part 2 of Schedule 8). These protective provisions contain constraints on the exercise of the powers in the **draft DCO [TR020001/APP/2.01]**, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Proposed Development, as authorised by the **draft DCO [TR020001/APP/2.01]**, to proceed. The Applicant therefore considers that the test set out in section 138 of the Act is satisfied.

13 JUSTIFICATION FOR INTERFERENCE WITH HUMAN RIGHTS AND EQUALITIES IMPACTS

13.1 The Human Rights Act: Relevant Convention Rights

- 13.1.1 The European Convention on Human rights (the Convention) was applied within UK domestic law by the Human Rights Act 1998 (the HRA) (Ref 13.1).
- 13.1.2 The articles of the Convention that are relevant when determining whether a DCO should be made, which includes powers of compulsory acquisition, are Article 1 of the First Protocol to the Convention, Article 6 and Article 8.
- 13.1.3 The SoS must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are sufficient to justify interfering with the human rights of those with an interest in the land.
- 13.1.4 Article 1 of the First Protocol to the Convention protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by relevant national and international laws. Any interference with possessions must be proportionate and in determining whether a particular measure is proportionate, a “fair balance” should be struck between the demands of the general interest and the protection of the individual’s rights.
- 13.1.5 Article 6 entitles those affected by powers sought for the proposed development to a fair and public hearing by an independent and impartial tribunal. These requirements could be secured by the availability of judicial review if the decision making is not considered to be independent within the meaning of Article 6.
- 13.1.6 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. No public authority may interfere with these interests except if it is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic well-being of the country. As with Article 1 of the First Protocol to the Convention, any interference if justified, must be proportionate.
- 13.1.7 The Proposed Development has the potential to infringe the human rights of persons who own property within the Order limits or have rights over the land within the Order limits. Such infringement is authorised by law provided that:
- a. the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
 - b. any interference with any Convention right is proportionate to the aim served.

13.2 Compliance with the Convention and the Human Rights Act

- 13.2.1 The Applicant is satisfied that, although Convention rights are likely to be engaged, the Proposed Development will not conflict with Convention rights and will be proportionate in that there is a compelling case in the public interest for the Proposed Development which outweighs the impact on individual rights. In this context, it is relevant that those affected will be entitled to compensation.
- 13.2.2 With regard to Article 1, First Protocol and Article 8, the Applicant has weighed up any interference with these Convention rights as a result of including compulsory powers within the DCO against the potential public benefits if the DCO is made. First, the Applicant considers that there would be very significant public benefit arising from the grant of the DCO. That benefit can only be realised if the DCO includes the grant of powers of compulsory acquisition and temporary use. The Applicant has concluded that the significant public benefits outweigh the effects of the DCO upon persons who own property in the Order limits such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Proposed Development is clear and is of national importance, as detailed in section 4. Second, those affected by the exercise of compulsory acquisition or temporary use powers will be entitled to compensation and the Applicant has the resources to provide such compensation.
- 13.2.3 As for Article 6, third parties have been able to make representations on the application for the DCO whilst it is being prepared. In accordance with Part 5 of the Act, the Applicant consulted persons set out in the categories contained in section 44 of the Act. This included the known owners and occupiers of land within the Order limits and those who might be able to make claims either under section 10 of the Compulsory Purchase Act 1965 (Ref 7.1) in respect of injurious affection, or under Part 1 of the Land Compensation Act 1973 (Ref 7.2) in respect of compensation for depreciation caused. The beneficiaries of restrictive covenants and other rights that would be overridden by the exercise of powers in the DCO would be capable of making claims under section 10 of the Compulsory Purchase Act 1965 (Ref 7.1).
- 13.2.4 Furthermore, representations can be made by way of objections to the application in response to any notice given under section 56 of the Act ('Notifying persons of accepted application'). The Act provides for a detailed examination of any application for a DCO by an independent Examining Authority (ExA). The examination includes careful scrutiny of any powers of compulsory acquisition or other compulsory powers, to ensure that they are justified and proportionate. Although the examination is a process mainly conducted in writing, where the ExA received one or more requests for a compulsory acquisition hearing from affected persons within the date specified, it must cause a hearing to be held. All affected persons are invited to these compulsory acquisition hearings, and have the opportunity to make oral representations about the compulsory acquisition requests.
- 13.2.5 Should the DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out. In relation to disputes about compensation, affected persons

have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.

13.2.6 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code. Furthermore, Article 27 of and Schedule 6 to the **draft DCO [TR020001/APP/2.01]** provide a mechanism by which an entitlement to compensation may arise in the context of the compulsory acquisition of new rights. The Applicant has the resources to pay such compensation as demonstrated in the **Funding Statement [TR020001/APP/3.03]**.

13.2.7 For these reasons, the Applicant considers that the inclusion of powers of compulsory acquisition would not breach the Convention rights of those whose are affected and that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

13.3 Consideration of duties under the Equality Act 2010

13.3.1 In order to assist the SoS in discharging his duties under s149 of the Equality Act 2010 (Ref 13.2), the Applicant has had due regard to the need to:

- a. eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.3.2 The Applicant has also carried out an **Equality Impact Assessment (EqIA) [TR020001/APP/7.11]** to ensure that the Proposed Development does not discriminate against any disadvantaged or vulnerable people and this includes recommendations for ongoing monitoring. The EqIA identifies groups with protected characteristics, including but not limited to: age i.e. children under 16, young people (16-24), older people (65+), race or sex. The EqIA then examines in detail the identified effects on such groups. Table 10.1 of the **EqIA [TR020001/APP/7.11]** summarises the key findings.

14 CONCLUSIONS

- 14.1.1 This Statement sets out why compulsory acquisition and temporary powers have been sought in the application for development consent and explains why the Applicant considers such powers to be necessary, proportionate, and justified.
- 14.1.2 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the Proposed Development meets the conditions of Section 122 of the Act (Ref 1.1) as well as the considerations in the Guidance (Ref 2.2).
- 14.1.3 The Applicant owns or controls the majority of land required for the Proposed Development. The acquisition of land and rights (including restrictive covenants) and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is no more than is reasonably required to facilitate or is incidental to the Proposed Development.
- 14.1.4 Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the **draft DCO [TR020001/APP/2.01]**, the **Land Plans [TR020001/APP/4.03]**, **Crown Land Plans [TR020001/APP/4.14]**, **Special Category Land Plans [TR020001/APP/4.10]**, **Works Plans [TR020001/APP/4.04]** and other information both in this Statement and in other documents accompanying the application.
- 14.1.5 The Applicant has provided details of the need for and benefits of the Proposed Development at section 5 of this Statement and in the **Need Case [TR020001/APP/7.04]**. The Proposed Development is being designed in a way that is consistent with the overarching and longstanding principle of balancing the economic benefits and environmental costs of development. The Proposed Development would offer substantial operational employment and economic benefits, including around £1.5 billion in additional GDP and 10,800 more jobs across the UK compared to 2019.
- 14.1.6 Users of the airport would benefit from the Proposed Development in terms of reduced journey times compared to having to use alternative more distant airports.
- 14.1.7 The existing area of open space subject to acquisition is 35.9ha. The replacement open space provided as part of the Proposed Development will be at least 36.3ha in size. Following completion of the enhancement works to the existing open space, and the creation of new replacement open space, WVP will be 47.6ha. The Applicant considers that the test in section 131 of the Act is met and the replacement land provided is no less advantageous. The Applicant intends to enter into an agreement with the owner of the open space land. and.
- 14.1.8 All main reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development (see section 4 above) and the support for it found in policy, as well as the suitability of the Order limits (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of

interests, rights and restrictive covenants and the suspension or extinguishment of matters affecting the Order limits identified by the Applicant for the Proposed Development is justified.

- 14.1.9 The Applicant has consulted all persons affected by the compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the Proposed Development. It has consulted such persons during preparation of the application for development consent and in the design of the Proposed Development to address their concerns and to ensure that any impacts are reduced or removed. The Applicant is seeking to acquire any interests in the land by agreement wherever practicable. The status of discussions with affected landowners for the acquisition of their land interest is set out in **Appendix B** to this Statement and further updates will be provided during the examination period.
- 14.1.10 The proposed interference with the human rights of those with an interest in the Order limits is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition of the Order land would decisively outweigh the private loss that would be suffered by those whose land is to be acquired.
- 14.1.11 The Applicant has set out clear and specific proposals regarding how the Order land will be used. The purpose for which each part of the land is required is set out in **Appendix A** to this Statement.
- 14.1.12 Without the grant of compulsory acquisition and temporary possession powers, the Applicant considers that it will not be possible to construct the Proposed Development, or realise the public benefits arising from it.

GLOSSARY AND ABBREVIATIONS

Term	Definition
ANPS	Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (June 2018)
dB	Decibel
DCO	Development Consent Order
ES	Environmental Statement
FttF	Flightpath to the future: a strategic framework for the aviation sector (May 2022) (Department for Transport)
LBC	Luton Borough Council
LLAOL	London Luton Airport Operations Limited
MBU	Making Best Use – refers to the policy document ' <i>Beyond the Horizon: The future of UK aviation – Making best use (MBU) of existing runways</i> ' (June 2018)
mppa	million passengers per annum
PRoW	public right of way
The Act	Planning Act 2008

REFERENCES

- Ref 1.1 Planning Act 2008, c.29
- Ref 2.1 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2009/2264)
- Ref 2.2 Planning Act 2008: Guidance related to procedures for compulsory acquisition produced by the then Department for Communities and Local Government (September 2013) (Department for Communities and Local Government)
- Ref 4.1 Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (June 2018) (Department of Transport)
- Ref 4.2 Aviation Policy Framework (March 2013) (Department of Transport)
- Ref 4.3 Ibid, para 1.2.
- Ref 4.4 Ibid, para. 9.
- Ref 4.5 Ibid, para. 10.
- Ref 4.6 Beyond the horizon: the future of UK Aviation, A call for evidence on a new strategy, Department for Transport, July 2017, Foreword.
- Ref 4.7 Beyond the horizon – the future of UK aviation. Making best use of existing runways (June 2018) (Department of Transport)
- Ref 4.8 London Luton Airport Vision for Sustainable Growth 2020-2050
- Ref 4.9 Luton Investment Framework (Luton Borough Council)
- Ref 4.10 Flightpath to the future: a strategic framework for the aviation sector (May 2022) (Department for Transport)
- Ref 4.11 Jet Zero Strategy – delivering net zero aviation by 2050 (July 2022) (Department for Transport)
- Ref 4.12 Ibid, para 3.56.
- Ref 4.13 Ibid, para 3.61.
- Ref 4.14 Case study: A £20 million boost for new development in Luton (January 2023) (Department for Levelling Up, Housing and Communities) (Online)
- Ref 7.1 Compulsory Purchase Act 1965, c.56
- Ref 7.2 Land Compensation Act 1973, c.26
- Ref 7.3 Aviation 2050 The future of UK aviation (December 2018) (Department for Transport)
- Ref 9.1 Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014; SI 2014 No. 2384
- Ref 12.1 A green infrastructure plan for Luton (March 2015) The Greensand Trust
- Ref 12.2 Localism Act 2011, c.20
- Ref 12.3 New Roads and Street Works Act 1991, c.22
- Ref 13.1 Human Rights Act 1998, c.42
- Ref 13.2 Equality Act 2010, c.15

A APPENDIX A - PURPOSE FOR WHICH LAND IS SOUGHT

A1.1.1 As set out above, the Applicant already owns or controls most of the land required for the Proposed Development. This Appendix identifies each plot within the scope of compulsory acquisition powers and the purpose for which the land is required with reference to the corresponding Work No. (see Schedule 1 to the **draft DCO [TR020001/APP/2.01]** for work descriptions). These plots are set out on the **Land Plans [TR020001/APP/4.03]** and the work numbers are set out on the **Works Plans [TR020001/APP/4.04]**.

A1.1.2 Table A1 sets out permanent land (pink on Land Plans). Table A2 sets out rights land (blue on Land Plans). Table A3 sets out temporary possession land (green on Land Plans)

Table A1: Permanent land

Plots	Purpose for which the land is required (Work No.)
1-18	4g
1-19	4g
1-22	4g
1-23	2c(04)
1-24	4g
1-25	4g
1-25a	4g
1-30	4g
1-36	4g
1-38	4g
1-39	4h
1-40	4h
1-42	4h
1-44	4h
1-45	4h
1-46	4h
1-47	4h
1-48	4h
1-51	4h
1-52	4h
1-55	4h
1-56	4h
1-71	6a(01), 6a(02)
1-72	4i, 6a(01), 6a(02)
1-73	2b(01), 2b(02), 2c(04), 2d, 2h(01)
1-79	6a(02)
1-83	4i
1-84	6a(01), 6a(02)
1-86	6a(02)

Plots	Purpose for which the land is required (Work No.)
1-89	4i
1-91	5a
1-96	5a, 6a(02)
1-97	5a, 6a(02)
1-98	5a, 6a(02)
1-101	4c(01)
1-102	5a, 6a(02)
1-103	4c(01)
1-104	5a, 6a(02)
1-105	4c(01)
1-106	5a, 6a(02)
1-107	4c(01)
1-108	5a, 6a(02)
1-109	4c(01)
1-110	5a
1-113	4c(01)
1-114	4c(01)
1-115	4c(01)
1-116	4c(01)
1-117	4c(01)
1-118	4c(01)
1-119	4c(01)
1-120	2b(01), 2b(04), 2c(04), 2d, 2h(01)
1-121	4c(01)
1-122	4c(01)
1-123	4c(01)
2-01	5a, 6a(02)
2-02	5a, 6a(02)
2-10	5a, 6a(02)
2-19	5a, 6a(02)
2-24	4t(01), 5a, 6a(02)
2-26	2c(03), 3a(01), 3a(02), 3a(03), 3a(04), 3a(05), 3g, 4c(01), 4j, 6c(01)
2-28	4u
2-29	4t(01), 4t(02), 5a, 6a(02)
2-30	4t(01), 4t(02), 5a, 6a(02)
2-31	4t(02), 4u
2-32	4u
2-33	4u
2-34	4t(02)
2-36	4u, 6a(02), 6a(03)
2-37	5a

Plots	Purpose for which the land is required (Work No.)
2-38	4t(02), 5a, 6a(02)
2-39	5a, 6a(02)
2-40	4t(02), 6a(02), 6a(03)
2-41	1a, 1b, 2a(01), 3a(03), 3a(05), 6c(01)
2-43	4t(06), 6a(02), 6a(03)
2-44	4t(02), 5a, 6a(02)
2-45	4t(02), 5a, 6a(02)
2-46	4t(02), 4t(06), 5a, 6a(02), 6a(03)
2-47	6a(03)
2-48	4t(06), 6a(03)
2-49	4t(02), 6a(02), 6a(03)
2-50	4t(06), 6a(02), 6a(03)
2-51	4t(06), 6a(02), 6a(03)
2-52	6a(03)
2-53	4t(02), 6a(02)
2-54	4s, 4t(06), 6a(02), 6a(03)
2-55	4s, 6a(03)
2-56	6a(02)
2-57	6a(03)
2-58	4t(02)
2-59	4s, 6a(02), 6a(03)
2-60	6a(03)
2-61	4t(06), 6a(02), 6a(03)
2-63	6a(02), 6a(03)
2-64	2c(03)
2-69	6a(02), 6a(03)
2-72	2c(03), 3a(01), 3a(02), 3a(03), 3a(04), 3a(05), 3g, 4c(01), 4j, 6c(01)
2-73	2c(03), 4b, 6a(02)
2-74	4b
2-75	2c(03), 4b
2-76	2c(03), 4b, 6a(02)
2-77	2c(03)
2-78	2c(03), 4b, 6a(02)
2-81	4b, 4t(04)
2-82	6a(03)
2-83	4b, 6a(02)
2-85	2c(03), 4b, 4t(04)
2-86	2c(03), 4t(04)
2-88	2c(03), 4b, 4t(04)
2-88a	2c(03), 4b, 4t(04)
2-89	4b

Plots	Purpose for which the land is required (Work No.)
2-91	2c(03)
2-92	6a(02), 6a(03)
2-94	4b, 4t(04), 6a(02), 6a(03)
2-95	6a(02), 6a(03)
2-97	6a(03)
2-98	4b
2-100	4b
2-102	4b
2-103	2c(03)
2-104	2c(03), 4t(04)
2-105	2c(03)
2-106	4b
2-107	4b
2-109	4b
2-110	6a(03)
2-111	4b
2-112	2c(03), 4b, 4t(04), 6a(02), 6a(03)
2-115	2c(03), 4b
2-119	4b
2-122	4b
2-123	4b
2-124	4b
2-125	4b
2-127	4b
2-131	4b, 6a(02)
2-132	6a(02), 6b(01)
2-135	6a(02)
2-136	6a(02)
2-137	6a(02)
2-138	4o(01), 4t(05)
2-140	6a(02), 6b(01)
2-141	1a, 4o(01), 6a(02), 6b(01)
2-142	1a, 4o(01), 4t(05), 6a(02), 6b(01)
2-145	1a, 4o(01), 4o(02), 4t(04), 4w, 6a(02)
2-146	4w
2-147	1a, 4o(01), 4o(02), 4t(05), 6a(02)
2-148	4w
2-149	1a, 4o(02), 6a(02)
2-150	4o(01), 4o(02)
2-151	1a, 4o(01), 4o(02), 4w, 6a(02)
2-152	1a, 1b, 4o(02), 6a(02)
2-159	6a(02)

Plots	Purpose for which the land is required (Work No.)
3-01	1a, 1b, 4l(01), 5b(01), 5b(02), 5b(03), 5c(01), 6e(f)
3-03	1a, 1b, 5b(01), 5c(01), 6a(02)
3-10	5b(01), 5c(01)
3-12	5b(01), 5c(01)
3-13	6e(f)
3-43	6a(02)
4-10	1a, 1b, 2a(01), 2b(03), 2b(04), 2c(01), 2c(02), 2c(04), 2e, 2f, 2g, 2h(01), 2h(02), 3a(01), 3c(01), 3c(02), 3g, 4c(01), 5b(04), 6c(02)
4-11	2d
4-12	1a, 2a(02), 2b(04), 2c(02), 2h(01)
5-01	1a, 1b, 2c(01), 2c(02), 2c(04), 2g, 2h(01), 2h(02), 4c(01), 4q(01), 4q(02), 4v, 5b(04), 5c(02), 6c(02)
5-02	1a, 1b, 2a(01), 2b(03), 3b(01), 3c(01), 3g, 3h, 4k(01), 4k(02), 4l(01), 4x, 6a(02), 6b(01), 6c(01)
5-03	1a, 1b, 2c(01), 2c(02), 2c(04), 2g, 2h(01), 2h(02), 4c(01), 4c(02), 4d, 4e, 4p(01), 4p(02), 4q(01), 4q(02), 4v, 5b(02), 5b(04), 5c(02), 6b(02), 6c(02), 6c(03)
5-06	1a, 1b, 2b(03), 2c(01), 3b(01), 3b(02), 3c(02), 3d, 3e(01), 3e(02), 3f, 3g, 3h, 3i, 4f, 4l(01), 4m(01), 4m(02), 4n, 4q(01), 4q(02), 4r, 4v, 5c(02), 6a(02), 6b(01), 6c(02)
5-07	1a, 1b, 6a(02), 6b(01)
5-08	6a(02), 6b(01)
5-09	1a, 1b, 3d, 3i, 4a, 4e, 4f, 4m(02), 4n, 5c(02), 6a(02)
5-10	6a(02), 6b(01)
5-12	1a, 1b, 3d, 3e(01), 3e(02), 4l(01), 4l(02), 4m(01), 4m(02), 4o(02), 4r, 6a(02), 6b(01)
5-13	1a, 5b(02), 5b(03), 5b(04), 5b(07)

Plots	Purpose for which the land is required (Work No.)
5-14	1a, 1b, 2b(03), 3b(01), 3g, 3h, 4l(01), 4o(02), 6a(02), 6b(01), 6e(f)
5-15	1a, 1b, 3d, 3e(02), 4a, 4e, 4l(01), 4l(02), 4m(01), 4m(02), 4r, 5b(01), 5b(02), 5c(01), 5c(02), 6a(02), 6b(01), 6b(02)
5-16	1a, 1b, 4o(02), 6a(02)
5-17	1a, 1b, 4o(02), 6a(02)
5-18	1a, 1b, 4o(02), 6a(02)
5-19	1a, 1b, 4o(02), 6a(02)
5-20	1a, 1b, 4o(02)
5-21	1a, 1b, 4o(02)
5-22	1a, 1b, 5b(01), 5c(01)
5-23	1a, 1b, 5b(01), 5c(01), 6a(02)
5-24	1a, 1b, 4o(02)
5-25	1a, 1b, 6a(02), 6e(f)
5-26	5b(02), 5b(07)
6-02	1a, 4c(02)
6-09	4c(02), 5d(02)
6-10	4c(02), 5d(02)
6-11	4c(02), 5d(02), 6d
6-12	5d(01)
6-16	5d(01)
6-17	5d(01)
6-18	5b(05), 5d(01), 5e
6-20	5b(02), 5b(05), 5b(06), 5b(07)

Table A2: Permanent Rights

Plots	Purpose for which the land is required (Work No.)
1-41	4g
3-32	5e
3-40	5e
3-41	5e
3-42	5e
4-01	5e
4-02	5e
4-03	5e
4-04	5e
4-05	5e
6-01	5b(04)
6-03	4c(02)
6-04	4c(02), 5d(02)
6-05	5e
6-06	5e
6-07	5e
6-08	5e
6-21	5d(01), 5e
6-21a	5d(01), 5e
7-03	5e
7-04	5d(01)
7-05	5d(01)
7-06	5d(01)
7-07	5d(01)
7-09	5b(02)
7-10	5e
7-12	5e
7-13	5e
7-14	5e
7-15	5e
7-16	5e
7-17	5e
7-18	5e
7-19	5e
7-20	5e
7-21	5e
7-23	5e
7-24	5e
7-25	5e
7-26	5e
7-27	5e

Plots	Purpose for which the land is required (Work No.)
7-28	5e
7-29	5e
7-30	5e
7-31	5e
7-32	5e
7-33	5e
7-34	5e
7-35	5e
7-36	5e
7-37	5e
7-38	5e
7-39	5e
7-40	5e
7-41	5e
7-42	5e
7-43	5e
7-44	5e
7-45	5e
7-46	5e

Table A3: Temporary Possession

Plots	Purpose for which the land is required (Work No.)
1-01	6e(f)
1-02	6e(f)
1-03	6e(f)
1-04	6e(f)
1-05	6e(f)
1-06	6e(f)
1-07	6e(f)
1-08	6e(f)
1-09	6e(f)
1-10	6e(f)
1-11	6e(f)
1-12	6e(f)
1-13	6e(f)
1-14	6e(f)
1-15	6e(f)
1-16	6e(f)
1-17	6e(f)
1-20	6e(f)
1-21	6e(f)
1-26	6e(f)
1-27	4g
1-28	6e(f)
1-29	6e(f)
1-31	4g
1-32	4g
1-33	4g
1-34	4h
1-35	6e(f)
1-37	4h
1-43	4h
1-49	4h
1-50	4h
1-53	4h
1-54	4h
1-57	4h, 6e(c)
1-58	6e(c)
1-59	4h
1-60	6e(c)
1-61	4h
1-62	6e(c)
1-63	4h, 6e(c)

Plots	Purpose for which the land is required (Work No.)
1-64	6e(c)
1-65	6e(c)
1-66	6e(c)
1-67	6e(c)
1-68	4i, 6a(01), 6a(02)
1-69	6a(01), 6a(02)
1-69a	6a(01), 6a(02)
1-70	6a(02)
1-71a	6a(01), 6a(02)
1-74	6a(02)
1-74a	6a(02)
1-75	6a(02)
1-76	6a(02)
1-77	6a(02)
1-77a	6a(02)
1-78	6a(01), 6a(02)
1-80	6a(01), 6a(02)
1-81	6a(01), 6a(02)
1-82	6a(01), 6a(02)
1-85	6a(01), 6a(02)
1-87	4i, 6a(01), 6a(02)
1-88	6a(02)
1-90	6a(01), 6a(02)
1-92	4i, 6a(01), 6a(02)
1-93	6a(01), 6a(02)
1-94	6a(02)
1-95	5a, 6a(02)
1-99	6a(01), 6a(02)
1-100	6a(01), 6a(02)
2-05	5a, 6a(02)
2-08	5a, 6a(02)
2-09	5a, 6a(02)
2-16	5a, 6a(02)
2-27	4t(01), 4t(02), 6a(02)
2-62	6e(r)
2-65	6e(r)
2-66	6a(02)
2-67	6a(02)
2-68	2c(03), 4b, 6a(02)
2-70	6e(r)
2-71	2c(03)
2-79	6e(r)
2-80	6e(r)

Plots	Purpose for which the land is required (Work No.)
2-84	6a(02), 6a(03)
2-87	6a(02), 6a(03)
2-90	6a(02), 6a(03)
2-93	4t(03)
2-96	6a(02), 6a(03), 6e(q)
2-96a	6a(02), 6a(03), 6e(q)
2-99	4t(03)
2-101	4t(03), 6a(02), 6a(03)
2-108	4t(03)
2-113	6e(q)
2-114	4t(03), 4t(04), 4w, 6a(02)
2-116	6e(q)
2-117	6a(02), 6a(03)
2-120	6e(q)
2-121	6e(q)
2-126	6e(q)
2-128	6a(02)
2-133	4t(03), 4t(04), 4w, 6a(02)
2-134	6a(02)
2-139	6b(01)
2-144	6e(d)
3-02	6a(02)
3-04	1a, 1b, 6a(02)
3-05	1a, 6a(02), 6e(f)
3-06	1a, 1b, 6a(02), 6e(f)
3-08	1a, 6a(02)
3-11	1a, 6a(02), 6e(f)
3-14	6e(f)
3-15	1a, 6e(f)
3-17	1a, 6e(f)
3-18	5b(01), 5c(01), 6e(f)
3-19	5b(02), 5b(07)
3-20	5b(02), 5b(07)
3-21	5b(02), 5b(07)
3-22	6e(f)
3-23	6e(f)
3-24	6e(f)
3-25	6e(f)
3-26	6e(f)
3-27	6e(e), 6e(f)
3-28	6e(e), 6e(f)
3-29	6e(e), 6e(f)
3-30	6e(e)

Plots	Purpose for which the land is required (Work No.)
3-31	6e(j)
3-33	6e(j)
3-34	6e(j)
3-35	6e(j)
3-36	6e(e)
3-37	6e(e)
3-38	6e(e)
3-39	6e(e)
5-11	1a, 1b, 6a(02)
7-02	5b(02)
8-01	6e(o), 6e(p)
8-02	6e(o), 6e(p)
8-03	6e(n), 6e(o), 6e(p)
8-04	6e(o), 6e(p)
8-05	6e(n), 6e(o), 6e(p)
8-06	6e(n), 6e(o), 6e(p)
8-07	6e(n), 6e(o), 6e(p)
8-08	6e(n), 6e(o), 6e(p)
8-09	6e(n), 6e(o), 6e(p)
8-10	6e(n), 6e(o), 6e(p)
8-11	6e(n), 6e(o), 6e(p)
8-12	6e(n), 6e(o), 6e(p)
8-13	6e(n), 6e(o), 6e(p)
8-14	6e(n), 6e(o), 6e(p)
8-15	6e(n), 6e(o), 6e(p)
8-16	6e(n), 6e(o), 6e(p)
8-17	6e(n), 6e(o), 6e(p)
8-18	6e(n), 6e(o), 6e(p)
8-19	6e(n), 6e(o), 6e(p)
8-20	6e(h)
8-21	6e(p)
8-22	6e(n), 6e(o), 6e(p)
8-23	6e(n), 6e(o), 6e(p)
8-24	6e(g)
8-25	6e(g)
8-26	6e(g)
8-27	6e(g)
9-01	6e(a)
9-02	6e(a)
9-03	6e(a)
9-04	6e(a)
9-05	6e(a)
9-06	6e(a)

Plots	Purpose for which the land is required (Work No.)
9-07	6e(a)
9-08	6e(a)
9-09	6e(a)
9-10	6e(i)
9-11	6e(i)
9-13	6e(i)
9-15	6e(i)
9-17	6e(i)
9-18	6e(i)
9-19	6e(i)
9-20	6e(i)
9-21	6e(i)
9-22	6e(i)
9-23	6e(i)
9-24	6e(i)
9-25	6e(i)
10-01	6e(m)
10-02	6e(m)
10-03	6e(m)
10-04	6e(m)
10-05	6e(m)
10-06	6e(m)
10-07	6e(l)
10-08	6e(k)
10-09	6e(k)

B APPENDIX B - SCHEDULE OF NEGOTIATIONS

- B1.1.1 The tables below show the progress of negotiations with landowners (Table B1) and statutory undertakers (Table B2) subject to compulsory acquisition as a result of the Proposed Development. While accurate at the date of submission, there have been updates in correspondence with various statutory undertakers and the Applicant intends to submit further updates of this schedule post-application, either when appropriate or as directed by the Examining Authority.
- B1.1.2 Table B1 identifies the current status of the negotiations with key landowners and the plots over which the Applicant is seeking powers of compulsory acquisition (including rights) for the purposes of the Proposed Development.
- B1.1.3 Table B2 identifies the current status of negotiations with statutory undertakers. A detailed list of land interests held by statutory undertakers is available at Appendix D.
- B1.1.4 As this schedule is part of the application documentation it should be read in conjunction with the **Land Plans [TR020001/APP/4.03]** the **Book of Reference [TR020001/APP/3.02]** and the **draft DCO [TR020001/APP/2.01]**.

Table B1: Progress of negotiations with landowners

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
A.T. Oliver & Sons Limited	Cat 1	7-44	No Further Action Pre-DCO	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 18/08/22. The Interest Holder's agent requested a fee undertaking to undertake work relating to engagement. A response from the agent was received on 17/11/22 stating there would be no negotiation prior to the outcome of application for development consent.</p> <p>Contact Log 18/08/22 – contacted by email 18/08/22 01/08/22 – request for fee undertaking from Interest Holder's agent, Bidwells. Request for plan of land to be acquired, sent by the Applicant's land and property advisors on 24/08/22. 18/10/22 – email and fee undertaking sent to agent. 17/11/22 – follow up with request for a meeting. 17/11/22 – response from agent, no further action until post application for development consent.</p>
AEM Limited	Cat 1	2-76, 2-78, 2-81, 2-85, 2-86	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22 with an offer to meet sent on 08/09/22. Due to no response, follow up correspondence was sent on 18/10/22 which was replied to on 19/10/22. The Applicant's land and property advisors followed up with the Interest Holder on 17/11/22 with a request for a date to discuss the Proposed Development, with a follow up email sent on 11/01/23. A meeting has been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 29/07/22 – contacted by email 29/07/22, response from Interest Holder accepting offer to meet. L&P the Applicant's land and property advisors sent an email 8/09/22 with dates and times for a virtual meeting. 18/10/22 – follow up email from the Applicant's land and property advisors L&P advisors to get some dates for a meeting. 19/10/22 – reply from Interest Holder, times for virtual meeting exchanged. 17/11/22 – follow up to Interest Holder for more dates. 11/01/23 – chaser email for dates sent to Interest Holder.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Asda Stores Limited	Cat 1	3-26	Settled	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. The Applicant was and were informed by the interest holder's freeholder that Asda's the lease was amended to remove the land in question. No further discussions with Asda are therefore anticipated. No further discussions with Asda are therefore anticipated.</p> <p>Contact Log 29/07/22 – contacted by email. 29/07/22 10/10/22 – freeholder of plot confirmed land included not in Asda lease therefore no interest in land.</p>
David Berryman Limited	Cat 1	2-93, 2-97, 2-99, 2-101	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/2022. Meetings have been held after a protracted time trying to find the appropriate contact. Actions are being resolved and discussions continue.</p> <p>Contact Log Contacted by email 29/07/22. 18/10/22 – email follow up to same address 16/11/22 – the Applicant's land and property advisors L&P advisors contacted freeholder of business park, Legal & General for contact details. 24/11/22 – contact detail obtained from occupier on site visit. 24/11/22 – email redirected to Nicola Woolley (David Berryman) to interest holder and invited to meet w/c 28/11/22. 25/11/22 – David Berryman acknowledged correspondence. 01/12/22 – Request for meeting from David Berryman and response with offer of dates w/c 05/12/22. 12/12/22 – meeting with David Berryman, actions to be followed up.</p>
First Class Cars (FCC Economy Limited)	Cat 1	2-89	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 11/11/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 12/10/22 – the Applicant's land and property advisors Applicant L&P advisors confirmed occupation in Kensal House. 11/11/22 – email to general mail box asking for a contact with whom we can engage. 11/11/22 – introductory email sent to Ian Oakham (First Class Cars). 23/11/22 – invite sent to meet w/c 28/11/22. 25/11/22 – meeting in diary for 29/11/22. 29/11/22 – meeting held on site. 11/01/23 – follow up email sent regarding car parking requirements.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Gate Gourmet	Cat 1	2-95, 2-144	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22 after confirmation from the Applicant's engineers that the plot would be impacted by the Proposed Development. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 29/07/22 – contacted by email 29/07/22.</p> <p>18/10/22 – email follow up to same address. 19/10/22 – response from who was thought to be Gate Gourmet, arrangements to meet on site, date options exchanged. 27/10/22 – meeting on site arranged for 09/11/22 09/11/22 – met previous tenant on site. Wrong contact. Email to new contact with introductory details. 16/11/22 – response from Gate Gourmet - meeting post 23/11/22 17/11/22 – meeting on site offered w/c 28/11/22. 24/11/22 – meeting in diary for 01/12/22. 01/12/22 – meeting on site took place, actions to follow.</p>
GKN Aerospace Services Limited	Cat 1	2-61, 2-63, 2-69, 2-113, 2-116	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22 with various meetings having been undertaken by the Applicant and their land and property advisors. Actions are being resolved and Heads of Terms are being approved by the Applicant. Discussions continue.</p> <p>Contact Log 29/07/22 – contacted by email 29/07/22. Various meetings held by the Applicant. Applicant's land and property advisors L&P advisors wrote to BDBP (Interest Holder's lawyers) to advise on legal undertaking. Meeting with Interest Holder's lawyers arranged for 26/10/22. 26/10/22 – Applicant's land and property advisors L&P advisors have assigned actions from meeting to deliver.</p> <p>21/01/23 – Applicant's land and property advisors L&P advisors issued draft heads of terms for a pre-agreement. 31/01/23 – Interest Holder phoned and then emailed in response with a request for a meeting. 01/02/23 – arrangements for meeting and site inspection made for 16/02/23.</p>
Jaison Property Development Co. Limited	Cat 1	2-09, 2-10, 2-27, 2-29, 2-30, 2-38, 2-39 2-38, 2-39, 2-73, 2-74, 2-	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the interest holder on 18/08/22. A fee undertaking was provided to the Interest Holder's agent. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 18/08/22 – contacted by email 18/08/22, Looking to sell all three properties, Fee undertaking requested - 03/10/22 – email for more info on fees requested.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
		76, 2-78, 2-81, 2-83, 2-86, 2-89, 2-92, 2-94		18/10/22 – email chaser from the Applicant’s land and property L&P advisors. 19/10/22 – response received from Interest Holder’s agent who has instructions from the Interest Holder and will write to the Applicant’s land and property advisors, L&P. 28/10/22 – meeting dates shared, to be arranged. 09/11/22 – meeting with Interest Holder in Luton.
John Ernest Keeble and Shirley Dulcie Keeble. Trustees of Twinjet Retirement and Death Benefit Scheme Pension Fund	Cat 1	1-102, 1-108, 1-122, 1-971-108	Assurance Given	Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 29/07/22. The Applicant has held discussions with the landowner and provided a letter of assurance on use of potential compulsory acquisition powers. This has alleviated the landowner’s concerns. Discussions continue. Contact Log 29/07/22 – contacted by email 29/07/22. 18/08/22 – response from Interest Holder on 18/08/22 accepting offer of meeting. Meeting arranged by the Applicant’s land and property advisors L&P advisors on 04/10/22. 05/10/22 – Meeting on site with the Applicant and their land and property advisors L&P advisors. Letter of assurance regarding timing of acquisition requested by the Interest Holder. 16/11/22 – Letter of Assurance sent to the Interest Holder.
Lasnek Limited (Jaison tenant)	Cat 1	2-89, 2-94	In Negotiation	Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 29/07/22 and followed up via emails until 22/11/22. A meeting has been held and actions are being resolved. Discussions continue. Contact Log 29/07/22 – contacted by email. 29/07/22 18/10/22 – email follow up to same address. 17/11/22 – another email follow up. 29/11/22 – meeting held at Kensal House - updated contact information. 11/01/23 – email to the Applicant sent to the Applicant regarding car parking configuration.
Legal & General Property Partners (Industrial Fund) Limited (North Site)	Cat 1	2-101, 2-108, 2-110, 2-112, 2-114, 2-117, 2-120, 2-123, 2-126, 2-131, 2-133, 2-134, 2-136,	In Negotiation	Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 10/11/21. Meetings have been held with the appointed landowner agent appointed. Discussions continue. Contact Log 29/07/22 – contacted by email. 29/07/22 18/10/22 – response from Interest Holder contact, with colleague’s contact details with whom we discussions can progress. 28/10/22 – email from the Applicant’s land and property advisors L&P advisors with suggestion of dates for a meeting.

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
		2-144, 2-146, 2-87, 2-93, 2-95, 2-96, 2-96a, 2-97, 2-99 2-87, 2-90, 2-93, 2-95, 2-97, 2-99, 2-101, 2-108, 2-114, 2-121, 2-133, 2-134, 2-146		<p>31/10/22 – response from Interest Holder’s agent with dates to meet later this week. The Applicant’s land and property advisors L&P advisors responded offering 10/11/22 or 11/11/22.</p> <p>10/11/22 – virtual meeting with Interest Holder’s agent. The Interest Holder has appointed land and property L&P advisors to advise, who will be in touch.</p> <p>14/11/22 – follow up email from the Applicant’s land and property advisors Applicant’s L&P advisors to Interest Holder’s agent to share contact details for occupiers.</p> <p>01/02/23 – the Applicant’s land and property advisors Applicants L&P advisors email to the Interest Holder’s advisors asking for a meeting to review representations responses to made at the 2022 Statutory Consultation.</p>
Legal & General Property Partners (Life Fund) Limited (South Site)	Cat 1	4-01, 4-02, 8-08, 8-204-02	In Negotiation	<p>Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 10/11/21. Contact has been made with the Interest Holder’s agent and a meeting is scheduled .in February 2023. Discussions are expected to continue.</p> <p>Contact Log 10/11/21 – contacted by email. on 10/11/21 01/02/23 – email response by Interest Holder’s agent. on 01/02/23 Meeting arranged with Interest Holder’s agent for 16/02/23.</p>
Prospect House Day Nursery Ltd	Cat 1	2-38, 2-39	In Negotiation Assurance Given	<p>Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 29/07/22. The Applicant has held discussions with the landowner and has provided and agreed a letter of assurance on use of potential compulsory acquisition powers. This has alleviated the landowner's concerns Discussions continue.</p> <p>Contact Log 29/07/22 – contacted by email 29/07/22, meeting arranged. 27/10/22 – meeting took place on site with Property Manager for owner. 16/11/22 – letter of assurance drafted and issued to owner for comment. 09/12/22 – owner confirms agreement to terms of assurance letter. 20/12/22 – assurance letter reviewed. 25/01/23 – final signed assurance letter sent to owner. 27/01/23 – owner signed and returned completed assurance letter.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Trumpf Limited (L & G Tenant)	Cat 1	2-95, 2-114	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 18/10/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log</p> <p>18/10/22 – Introduction email sent to contact address. 17/11/22 – Follow up email sent not having heard back, 23/11/22 – Meeting invite sent for 29/11/22, 24/11/22 – Meeting in diary 29/11/22, 29/11/22 – Meeting on site took place on site. Information shared and property inspected.</p>
TUI	Cat 1	1-101, 1-102, 1-103, 1-104, 1-113, 1-120, 1-122, 1-123, 1-72, 1-73, 1-89, 1-97, 2-09, 2-10, 2-140, 2-149, 2-159, 2-16, 2-19, 2-26, 2-29, 2-36, 2-38, 2-39, 2-40, 2-43, 2-44, 2-45, 2-46, 2-49, 2-51, 2-53, 2-60, 2-67, 2-77, 2-88, 2-91, 4-10, 4-11, 4-12, 2-138, 2-139, 2-141, 2-142, 2-149,	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved. The Applicant confirms that a letter was issued to the Interest Holder which amongst other points, addresses car parking concerns. Discussions continue regarding land concerns.</p> <p>Contact Log</p> <p>29/07/22 – Contacted by email 29/07/22, Interest Holder responded on 18/08/22 – Interest Holder responded accepting offer of meeting.</p> <p>The Applicant's land and property advisors L&P advisors arranged meeting., will take place on 04/10/22 05/10/22 – Meeting held with the Applicant and their land and property advisors L&P advisors - car parking concern in relation to Wigmore Place. 16/11/22 – The Applicant informs the Interest Holder that a letter went out was issued w/c 05/10/22 with car parking assurances.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
		2-152, 3-04, 3-06, 5-02, 5-07, 5-08, 5-10, 5-12, 5-14, 5-16, 5-17, 5-18, 5-19, 5-20, 5-21, 5-22, 5-23, 5-24 2-53		
Ace Sandwich Bar	Cat 1	2-36, 2-43, 2-51	On hold	Negotiations are on pause pending the outcome of a legal matter with the Interest Holder who is a tenant of the Applicant. This is currently scheduled for March 2023. Following the outcome, the Applicant intends to discuss further with this interest holder.
BAE Systems Pension Funds Trustees Limited	Cat 1	3-25, 3-26	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved by the Interest Holder's agent. No further complex discussions regarding this plot are anticipated.</p> <p>Contact Log 29/07/22 -- Contacted by email. 29/07/22 04/08/22 – Response received with instruction to contact Interest Holder's fund manager for further response. Email 08/09/22 – email sent to Interest Holder's fund manager with times to meet. Response received and date agreed for 6/10/22. 10/10/22 – Interest Holder's fund manager to take to management board, access dropped out of lease for highways works - Interest Holder's consider it adopted highway, concern around continuity of access to retail park.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Dermot Christopher Daly, Sir Francis George Windham Brooke,	Cat 1	5-03, 5-13, 6-02, 6-09, 6-10, 6-11, 6-12, 6-16, 6-17, 6-18 5-03, 5-13, 6-02, 6-09, 6-10, 6-11, 6-12, 6-16, 6-17, 6-18 6-08, 6-20, 6-21, 6-21a, 7-04, 7-05, 7-06, 7-07, 7-10, 7-19, 7-21, 7-23, 7-24, 7-26, 7-27, 7-28, 7-30, 7-31, 7-33, 7-34, 7-35, 7-37, 7-38, 7-41, 7-42, 7-45	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held with legal advice sought by The Applicant on the alternative to compulsory acquisition powers. A letter has been issued to the Interest Holder detailing this alternative being sought and discussions continue.</p> <p>Contact Log 29/07/22 – Contacted by email 29/07/22. Response received which asked for Interest Holder's agent to be brought in before a meeting could be arranged. 08/09/22 – Response received from agent 08/09/22, recontacted on 09/09/22 and meeting now arranged for 04/10/22. 05/10/22 – Meeting held with Applicant and their land and property advisors their L&P advisors – to confirm maintenance agreement and consider nature of acquisition. 1/11/22 – The Applicant's lawyers to advise. 25/11/22 – legal advice received and letter issued to Interest Holder offering alternative to compulsory acquisition powers.</p>
Edwina Jennifer Holden	Cat 1	4-01, 4-04, 4-05	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved. The Interest Holder has appointed an agent to manage discussions, which are ongoing.</p> <p>Contact Log 29/07/22 – Contacted by email 29/07/22. 18/10/22 – email follow up to same address. 23/10/22 – response from Interest Holder, provided new details for daughter. Email received from daughter. 26/10/22 – email to Interest Holder's daughter with link to project information about the Proposed Development</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
				<p>and an invitation to meet. 17/11/22 -- follow up email to offer a meeting. 23/11/22 -- Meeting arranged for 29/11/22 Nov, location to be agreed.</p> <p>29/11/22 – Meeting held with Interest Holder. 09/01/23 – the Applicant’s land and property advisors L&P advisors contacted the Interest Holder’s agent with fee undertaking. 10/01/23 – Interest Holder’s agent response responded.</p>
General Motors Limited	Cat 1	1-63, 1-65	In Negotiation	<p>Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log Freehold interest in Thurlow Nunn - subject to temp land take - need to engage with. Have requested copies of letters to be re-sent to Interest Holder’s agent - estates manager. 18/10/22 – the Applicant’s land and property advisors L&P advisors sent into an introductory letter by email to the Interest Holder. 21/10/22 -- the Interest Holder’s Estate Manager responded, wants to meet in Luton mid-November. 28/10/22 – email from the Applicant’s land and property advisors L&P advisors with suggested dates to meet. 17/11/22 – emailed and offered w/c 28/11/22 to meet on site. 23/11/22 – follow up regarding dates to meet w/c 28/11/22. 24/11/22 – Meeting in iary 01/12/22. 01/12/22 – Meeting with owner Interest Holder on site for inspection and discussion. 02/12/22 – the Applicant’s land and property advisors L&P advisor respondedse to the Interest Holder with information requested at the meeting.</p>
Harrods Aviation Limited	Cat 1	2-105, 2-132, 2-135, 2-138, 2-139, 2-141, 2-142, 2-145, 2-91, 5-07, 5-08, 5-10, 5-14	In Negotiation	<p>Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved. Discussions continue</p> <p>Contact Log 29/07/22 – Contacted by email, 29/07/22 - out of office received by return. 18/10/22 – email follow up to same address. 19/10/22 – response from the Interest Holder’s Agent, meeting date options exchanged. 27/10/22 – meeting on site took place with Interest Holder and agent.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
High Flying Food Limited	Cat 1	2-114, 2-133	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the interest holder on 29/07/22. Meetings have been held and actions are being resolved. Discussions continue</p> <p>Contact Log 29/07/22 – Contacted by email 29/07/22. 18/10/22 – email follow up to same address. 19/10/22 – Meeting arranged with Interest Holder on 27/10/22. 27/10/22 – Meeting held, request from the Interest Holder to be kept informed.</p>
Kames Capital UK Active Value Nominee 1 Limited, Kames Capital UK Active Value Nominee 2 Limited,	Cat 1	2-152, 3-04, 3-14, 3-15, 3-27, 5-16, 5-17, 5-18, 5-19, 5-20, 5-21, 5-24 3-05, 3-14	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the interest holder on 29/07/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 18/10/22 – Letter sent by email. on 18/10/2022 19/10/22 – response from the Interest Holder's agent received, offered meeting and seeking to agree time and date for site visit 21/10/22 – response from the Interest Holder's agent received, this investment going to be managed by DTZ Investors... Meeting to be held in London together. 28/10/22 – sent email to Interest Holder's agent's with dates for a meeting w/c 14/11/22. 14/11/22 – Meeting held, no immediate concerns raised by the Interest Holder, request for plans and number of car parking spaces to be re-provided. to be sent.</p>
KW Industrial B Ltd (Kennedy Wilson)	Cat 1	1-120, 1-70, 1-72, 1-73, 1-74, 1-74a, 1-77, 1-77a, 1-79, 1-81, 1-86, 1-88, 1-89, 4-10, 4-11, 4-121-74, 1-74a, 1-86, 1-88	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 29/07/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 29/07/22 – Contacted by email 29/07/22. 18/08/22 – date shared for meeting to update Interest Holder's representative. 19/10/22 – Email sent to owner Interest holder, dates missed can we schedule again. Virtual meeting now fixed, confirmed for 26/10/22. 26/10/22 - meeting took place with owner interest holder, project Proposed Development discussed and points to action agreed.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Signature Flight Support London Luton Limited Signature Flight Support Limited	Cat 1	1-101, 1-105, 1-107, 1-109, 1-123, 2-138, 2-139, 2-140, 2-142	Discussions ongoing	<p>Summary Relates to airside car park adjoining hangars. Direct lease from the Applicant extended to 2057. The Applicant has confirmed that while the interest is inside the Order limits, it is not required for the Proposed Development. The lease expires prior to other Signature Flight Support interests.</p> <p>Contact Log 16/11/22 – letter sent. 16/01/23 – reply from Interest Holder. 19/01/23 – The Applicant’s land and property advisors respond with offer to provide a general update on expansion plans. The Proposed Developments given potential impacts for business operations despite no land being required for the Proposed Development taken.</p>
Bartholomew Richard Pleydell-Bouverie, Harriot Isobel Pleydell-Bouverie	Cat 1	1-120, 1-72, 1-73, 1-89, 4-10, 4-11, 4-12, 6-01, 6-05, 6-06, 6-2	In Negotiation	<p>Summary The Applicant’s land and property advisors made initial contact with the Interest Holder on 06/09/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 06/09/22 – Contacted by letter. 06/09/22 3/10/22 – Response from Interest Holder’s agent. 14/10/22 – Plan issued and meeting offered. Meeting arranged for 31/10/22. 31/10/22 – Meeting held, the agent is taking instructions from client the interest holder but no immediate concern. 02/11/22 – Email from agent, suggested alterations that would achieve better solution. Shared with the Interest Holder’s lawyers and await reply. 11/11/22 – Interest Holder’s lawyers confirm by agreement solution with neighbour could achieve same aims. Respond on suggested alterations 25/11/22 – Wrote to Interest Holder’s agent regarding use of neighbouring landowner’s property for requirement that could only be achieved by agreement.</p>
Dawn Allen, Pal Trustees Limited, Raymond George Allen	Cat 1	7-136-06	No Response Received	<p>Summary The Applicant’s land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – follow-up Chaser letter sent. 11/01/23 – Chaser follow-up letter sent.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Dean Clive Eldridge, Linda Anne Eldridge	Cat 1	5-03, 5-13, 6-04, 6-187-13	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact with the landowner on 05/10/22. Meetings have taken place and actions are being resolved. Discussions continue.</p> <p>Contact Log The Applicant is in discussions with the Interest Holder, as per previous negotiations. The Applicant to contact 05/10/22. meeting to be arranged. 18/10/22 – the Applicant's land and property advisors L&P advisor email Interest Holder offering meeting either 25/10/22 or 26/10/22. 19/10/22 – Meeting at Winch Hill arranged for 27/10/22. 27/10/22 – site meeting took place with Interest Holder including property inspection. Applicant's land and property advisors L&P advisors to write to inform claimant on potential delivery timescales. 14/12/22 – email from Interest Holder's agent with request for fee undertaking. 20/12/22 – the Applicant's land and property advisors L&P advisors issue fee undertaking.</p>
Easy Jet (Easyjet Airline Company Limited)	Cat 1	1-110, 1-91, 1-95, 1-98, 2-104, 2-112, 2-119, 2-122, 2-123, 2-124, 2-125, 2-127, 2-128, 2-62, 2-65, 2-916-04	Discussions ongoing	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder by letter on 06/09/22 with a chaser letter sent in November 2022. Meetings have taken place. Discussions continue.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow-up letter sent. 12/12/22 – Response from Interest Holder, to meet virtually on Teams 16/12/22. 16/12/22 – Meeting held.</p>
Grant Anthony Lawrence	Cat 1	2-62	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in Nov-November 2022 and January- 2023. There has been no response received to date.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – follow up Chaser letter sent. 11/01/23 – follow up Chaser letter sent.</p>
Greene King Retailing Limited	Cat 1	10-01	In Negotiation	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date. This line is not a duplicate of the line below and relates to a different public house managed by a different part of the owner's estate.</p> <p>Contact Log</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
				06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent.
Greene King Retailing Limited	Cat 1	10-06	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. Further information on the Proposed Development was requested by the Interest Holder which was provided to alleviate concerns.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – follow up chaser letter sent. 11/01/23 – Chaser follow up letter sent. 12/01/23 – Response from Interest Holder. 01/02/23 – the Applicant's land and property advisors L&P advisor's send Interest Holder plans and drawings to show proposals and offer a meeting to discuss.</p>
Latimer Land (Luton) Limited	Cat 1	1-1089-09	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date.</p> <p>06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent.</p>
Lucia Maria Phillips	Cat 1	1-34, 1-42, 1-47, 1-598-08	In negotiation	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in Nov-22November 2022 and January 2023. Further information on the Proposed Development was requested by the Interest Holder which was provided to alleviate concerns.</p> <p>Discussions continue.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent. 13/01/23 – Interest Holder's agent responded to letter. 01/02/23 – the Applicant's land and property advisors L&P advisor sent plans and drawings to show requirement on Interest Holder's land with offer of meeting.</p>
Offley Chase Estates Limited	Cat 1	3-42, 7-43, 7-464-03	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Paul Tompkins	Cat 1	3-32, 3-40, 7-11, 7-12, 7-13, 7-14, 7-29, 7-403-42, 7-43, 7-46	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent.</p>
SIG Trading Limited	Cat 1	3-40, 7-13, 7-14, 7-15, 7-409-07	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. There has been no response received to date.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 11/01/23 – Chaser follow up letter sent.</p>
The Governing Body of Ashcroft High School	Cat 1	9-07	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 06/09/22 with follow up letters sent in November 2022 and January 2023. Further information on the Proposed Development was requested by the Interest Holder which was provided to alleviate concerns. Discussions continue.</p> <p>Contact Log 06/09/22 – Contacted by letter 06/09/22. 30/11/2022 – Chaser follow up letter sent. 16/12/23 – Interest Holder email response to letter. 01/02/23 – the Applicant's land and property advisors L&P advisors send plans and drawings to show requirement on school land with offer of meeting.</p>
Tameside Metropolitan Borough Council	Cat 1	1-15, 1-18, 1-24, 1-39, 1-40, 1-43, 1-46, 1-49, 1-53, 1-54, 1-59, 1-61, 1-67, 9-08	No Further Action Pre-DCO	<p>Summary The Applicant's land and property advisors made initial contact with Interest Holder on 18/10/22 after receiving correct contact details. A meeting has been conducted with the appointed agent; not concerned about the Proposed Development as premises is sublet for the next seven years. No further correspondence expected until the expiry of the current lease.</p> <p>Contact Log 29/07/22 – Contacted by email 29/07/22 29/07/22 – Response received advising LaSalle no longer represent Interest Holder.</p> <p>18/10/22 – email to new contact. 28/10/22 – Schroders now managing asset. Contact made and meeting dates offered. 31/10/22 – Virtual meeting arranged for 10/11/22 10/11/22 – Met Interest Holder's agent who are not concerned. Premises sublet for next seven years.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
EasyJet Airline Company Limited	Cat 1	1-43, 1-48, 1-49, 1-54, 1-61	Discussions ongoing	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 16/11/22. Meetings have been held and actions are being resolved. Discussions continue.</p> <p>Contact Log 16/11/22 – Letter sent. 12/12/22 – Response from Interest Holder, virtual meeting scheduled for on Teams 16/12/22. 16/12/22 – Meeting held online. Discussed the Proposed Development and Interest Holder plans for new Headquarters. Will continue to liaison to continue.</p>
DOT Group International Limited	Cat 1	2-100, 2-104, 2-112, 2-122, 2-127, 2-128, 2-91, 2-982-119, 2-122, 2-123, 2-124, 2-125	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact with the Interest Holder on 16/11/22. The Applicant has further been in contact regarding lease renewal and the Proposed Development. Discussions continue.</p> <p>Contact Log 16/11/22 – Letter sent. The Applicant has been in contact regarding the application for development consent and lease.</p>
GBA Services (Unit 4 Airport Executive Park) (G.B.A. Services Limited)	Cat 1	2-104, 2-107, 2-112, 2-127, 2-128, 2-912-98, 2-100	Discussions ongoing	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. Contact made and meeting held. No issues raised by the Interest Holder.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent. 25/01/23 – The Applicant make contact direct with the Interest Holder. 25/01/23 – Interest Holder responds with request for meeting. 02/02/23 – Meeting held between the Applicant's land and property advisors L&P advisor and Interest Holder..</p>
Integrated De-icing Services (U3 Airport Executive Park)(IDS Limited)	Cat 1	2-104, 2-111, 2-112, 2-127, 2-128, 2-91	Discussions ongoing	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22. Meetings have been held with no actions to resolve. Discussions continue between the Applicant and the Interest Holder.</p> <p>Contact Log 16/11/22 – Letter sent. 18/11/22 – Response from Interest Holder and meeting w/c 28/11/22 offered. 29/11/22 – The Applicant's land and property advisors L&P advisors and the Applicant visited premises and met with the representatives of the owner. Discussions held and no actions arising.</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
National Sameday Limited (U1 Airport Executive Park)	Cat 1	1-34, 1-42, 1-47, 1-59, 2-104, 2-109, 2-112, 2-127, 2-128, 2-91	Discussions ongoing	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 23. Contact and meeting held. Discussions to continue.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent. 25/01/23 – The Applicant make contact direct with Interest Holder. 26/01/23 – The Applicant's land and property advisors L&P advisors held meeting with Interest Holder. Discussed Proposed Development and agreed actions.</p>
Hertz (UK) Limited Hertz (Plot 22 Percival LH)	Cat 1	2-138, 2-139, 2-141, 2-142, 2-145, 2-147, 2-150, 2-151, 2-60	No Further Action Pre DCO	<p>Summary Discussions ongoing The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. Now established that owner has left the premises which are now occupied by Assured Group. Contact made with Assured Group and who confirmed no meeting was required after initial information was shared.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent. 30/01/23 – The Applicant received contact from Assured Group who had not had any communication regarding the Proposed Development. 31/01/23 – the Applicant's land and property advisors L&P advisors contacted Assured Group, provided project Proposed Development information and Assured Group now content with position. Supportive of the Proposed Development and no need for a meeting.</p>
Bishop Long Leasehold (Units 1 & 2 Provost Centre LLH)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. There has been no response received to date.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent.</p>
Shirmer & Quince (Units 3 & 4 Provost Centre LLH)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. There has been no response received to date.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser letter sent.</p>
Airline Services (Units 3 & 4 Provost Centre LH)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. There has been no response received to date.</p> <p>Contact Log</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
				16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent.
Fiduciary Corporation (U5 Provost Centre)	Cat 1		Response Received	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22. A response was received requesting plans. A meeting has been offered to discuss with no response received.</p> <p>Contact Log 16/11/22 – Letter sent. 22/11/22 – Response from owner, requesting plans. 23/11/22 – Link to website provided and offer to meet made.</p>
Ryebridge Autos (Building 124 Provost Way)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in January 2023. There has been no response received to date.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent.</p>
TUI (Voyager House, 142 Prospect)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22. There has been no response received to date.</p> <p>Contact Log 16/11/22 – Letter sent.</p>
Signature (Incat, 142 Prospect)	Cat 1		Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in Jan-23 January 2023. Response from Interest Holder confirms no longer in building so not impacted. No further action required.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent. 16/01/23 – Email reply from Interest Holder, no longer occupy building, so no impact. 19/01/23 – The Applicant's land and property advisors & P advisors email reply respond via email offering general engagement meeting to bring signature the Interest Holder up to date with the Proposed Development more generally, given Signature business operations around the airport. No response received.</p>
Avion Flight Training Centre UK Ltd (Building/Hanger 26)	Cat 1	2-36, 2-48, 2-51	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in Jan-January 2023. There has been no response received to date.</p> <p>Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent.</p>
Aelia (Building 126)	Cat 1	2-28, 2-36	Initial Contact Made	<p>Summary The Applicant's land and property advisors made initial contact by letter on 16/11/22 with a follow up letter in</p>

Interest Holder	Interest Type	DCO Plot Ref No.	Engagement Status	Status of Negotiations
Percival Way)				January 2023. There has been no response received to date. Contact Log 16/11/22 – Letter sent. 11/01/23 – Chaser follow up letter sent.

Table B2: Progress of negotiations with statutory undertakers

Statutory Undertaker / Telecoms Operator / other	Status of negotiations
Affinity Water Limited	<p>Summary</p> <p>Protective provisions for the benefit of water and sewage undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. The Applicant is engaged with this party on a draft Statement of Common Ground.</p> <p>Correspondence log</p> <p>16/12/19 – mail/letter - Response submitted to the 2019 statutory consultation.</p> <p>13/01/20 – Meeting/MS Teams - First meeting following the 2019 statutory consultation: Proposed Development presentation.</p> <p>16.03.20 – Meeting/MS Teams - Second meeting following 2019 statutory consultation: Proposed Development presentation.</p> <p>10/09/20 – Meeting/MS Teams - Pre-meeting to discuss critical items ahead of next meeting on 24/09/20.</p> <p>24/09/20 – Meeting/MS Teams - The chemical composition of the Water Treatment Plant effluent.</p> <p>19/10/21 – Meeting/MS Teams - The water supply forecast.</p> <p>23/06/22 – Meeting/MS Teams - Recap and update on design, review of water supply and discharge numbers and forecasts, water quality of discharge from Water Treatment Plant</p> <p>08/07/22 – Email Correspondence - Affinity Water requested clarity on the Hydrogeological Characterisation Report.</p> <p>26/09/2022 – Email Correspondence - The Affinity Water request received on 08.07.22 was resolved in an email on 26.09.2022.</p> <p>22/11/22 – Email Correspondence – Affinity Water provided comments on draft application documents.</p>
Arqiva Limited	Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO.
BT Limited/BT Group plc	Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO.

Cadent Gas Limited	<p>Summary</p> <p>Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. The Applicant is engaged with this party on a Statement of Common Ground.</p> <p>Correspondence log</p> <p>16/12/19 – Email/letter - Response submitted to the 2019 statutory consultation. 04/04/22 – Email/letter - Response submitted to the 2022 statutory consultation. 20/04/22 – Meeting /MS Teams - Engagement with Cadent to discuss the proposals and statutory consultation response including an overview of the Proposed Development and the proposed works in proximity of Cadent apparatus. 19/05/22 – Meeting/MS Teams - Engagement with Cadent to discuss the medium and low pressure Cadent apparatus. 30/09/22 – Email Correspondence - draft application documents shared. 01/02/23 – Cadent provided comments on draft Statement of Common Ground.</p>
Cityfibre Holdings Limited	<p>Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO. While this interest holder is not on the Ofcom register of persons with powers under the Electronic Communications Code, the interest is listed in this schedule on a precautionary basis.</p>
GTC Infrastructure Limited	<p>Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. While this interest holder is not on the Ofgem list of gas licensees the interest is listed in this schedule on a precautionary basis.</p>
GTC Pipelines Limited	<p>Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus.</p>
Independent Pipelines Limited	<p>Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus.</p>
Independent Power Networks Limited	<p>Protective provisions for the benefit of electricity undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus.</p>
London Luton Airport Operations Limited (LLAOL)	<p>The Applicant and LLAOL have held significant discussions on the Proposed Development. Protective provisions are included in the draft DCO restricting compulsory acquisition of LLAOL interests.</p>

National Highways Limited	<p>Summary</p> <p>The Applicant has had discussions with National Highways on the impacts of the Proposed Development. Those discussions are expected to continue and conclude within the examination period. The Applicant is engaged with this party on a Statement of Common Ground.</p> <p>Correspondence log</p> <p>07/12/18 – Meeting - Surface access approach 15/03/19 – Meeting - Surface access progress update 16/12/19 – Email/letter - Response submitted to the 2019 statutory consultation. 01/10/20 – Meeting/MS Teams - Update on Proposed Development. 09/06/21 – Meeting/MS Teams - Update on the revised key forecasting assumptions and programme in general. 13/08/21 – Meeting/MS Teams - Discussion regarding the traffic modelling results of the 21.5 mppa for 2027 design year scenario. 13/10/21 – Meeting/MS Teams - Engagement to collect ideas and views for promoting sustainable travel at the airport. 17/12/21 – Meeting/MS Teams - Surface access travel plan workshop. 17/03/22 – Meeting/MS Teams - Consultation feedback discussion. 04/04/22 – Email/letter - Response submitted to the 2022 statutory consultation. 10/05/22 – Meeting/MS Teams - Consultation feedback discussion and on-going liaison. 23/05/22 – Meeting/MS Teams - Sensitivity testing. 25/07/22 – Meeting/MS Teams - Update on sensitivity testing. Significant engagement has continued since November 2022 up until submission of the application for development consent.</p>
Network Rail Infrastructure Limited	<p>Summary</p> <p>The Applicant has had discussions with Network Rail on the impacts of the Proposed Development. Those discussions are expected to continue and conclude within the examination period. The Applicant is engaged with this party on a draft Statement of Common Ground.</p> <p>Correspondence log</p> <p>16.12.19 – Email/letter - Response submitted to the 2019 statutory consultation. 04.04.22 – Email/letter - Response submitted to the 2022 statutory consultation.</p>
Openreach Limited	<p>Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO.</p>

<p>Prax Downstream UK plc</p>	<p>Summary</p> <p>The Applicant has had significant discussions with Prax. Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. While this interest holder is not on the Ofgem list of gas licensees the interest is listed in this schedule on a precautionary basis.</p> <p>Correspondence log</p> <p>13/07/21 – Meeting/MS Teams - Proposed Development update provided by the project team and discussions around the fuel strategy, Sustainable Aviation Fuels (SAFs) and any updates from Prax.</p> <p>12/08/21 – Meeting/MS Teams - Prax and the project team both provided updates since the last meeting. Discussion points: Statements of Common Ground, SAFs and the fuel strategy.</p> <p>27/04/22 – Meeting/MS Teams - Progress discussion around the fuel strategy and developing a Statement of Common Ground.</p> <p>25/05/22 – Meeting/MS Teams - Discussion around Table 3 of the draft Statement of Common Ground and any ongoing issues.</p> <p>01/06/22 – Meeting/MS Teams - Discussion around fuel storage facility and draft created for Table 3 of the Statement of Common Ground.</p> <p>29/09/22 – Email - Draft application documents shared for comment, in advance of finalising them for submission to the Planning Inspectorate.</p> <p>12/10/22 – Meeting/MS Teams - Proposed Development update, discussion on fencing of the AGI and application documents. Prax is actioned to have legal team check over application documents.</p> <p>10/02/23 – Prax provided comments on the draft Statement of Common Ground</p>
<p>Quadrant Pipelines Limited</p>	<p>Protective provisions for the benefit of gas undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus.</p>

Thames Water Utilities Limited	<p>Summary</p> <p>Protective provisions for the benefit of water and sewage undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. The Applicant is engaged with this party on a Statement of Common Ground.</p> <p>Correspondence log</p> <p>18/10/18 – Meeting - Introduce and discuss the proposed drainage strategy 25/04/19 – Meeting/Luton Town Hall - Introduce and discuss the proposed drainage strategy 16/12/19 – Email/letter - Response submitted to the 2019 statutory consultation. 11/02/20 – Meeting/MS Teams - 2019 Statutory Consultation meeting 1 – Proposed Development presentation 10/09/20 – Meeting/MS Teams - 2019 Statutory Consultation meeting 2 – Proposed Development presentation 21/10/21 – Meeting/MS Teams - Water supply and discharge forecast 30/11/21 – Meeting/MS Teams - Feedback pre-meeting. 15/12/21 – Meeting/MS Teams - Review forecast provided by Thames Water on East Hyde capacity. Additional site and apron allowance in calculations. Foul allowance in Thames Water forecast. 04/04/22 – Email/letter - Response submitted to the 2022 statutory consultation. 21/06/22 – Meeting/MS Teams - Recap and update on design. 13/09/22 – Meeting/MS Teams - Closing out outstanding actions. 27/09/22 – Email/letter - Responded to overflow pipe query. 07/11/22 – Meeting/MS Teams - Discussion regarding the documents which the Applicant sent to Thames Water on 29/09/22.</p>
The Electricity Network Company Limited	<p>Protective provisions for the benefit of electricity undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus.</p>

UK Power Networks (and Eastern Power Networks)	<p>Summary</p> <p>The Applicant has had significant discussions with UKPN. Protective provisions for the benefit of electricity undertakers are included at Part 1 of Schedule 8 to the draft DCO. These provisions restrict compulsory acquisition of, and protect apparatus. The Applicant is engaged with this party on a draft Statement of Common Ground.</p> <p>Correspondence log</p> <p>25/05/2019 – Meeting - Gresham St, London - Introduce the proposals to UKPN to explain the key requirements and timeframes.</p> <p>30/09/2021 – Meeting/Microsoft Teams - Update of Proposed Development since statutory consultation in October 2019, including design changes, load phasing and timing, capacity and demand, aerodrome requirements and Ofgem issues</p> <p>05/05/2022 – Meeting/Microsoft teams - Update of Proposed Development since statutory consultation in March 2022, including design, load phasing and timing, renewables, capacity and demand, and Ofgem update.</p> <p>29/09/2022 – Email to UKPN - Draft application documents shared for comment, in advance of finalising them for submission to the Planning Inspectorate.</p> <p>10/11/2022 – Meeting/Microsoft teams - Overview of Proposed Development with new members of UKPN team. Discussion included demand profile, on-site generation, application process and the draft Statement of Common Ground.</p> <p>14/11/2022 – Email to UKPN - Following up on email dated 29/09/2022.</p> <p>16/11/2022 – Email from UKPN, they are to review draft application documents and will revert once reviewed.</p>
Virgin Media Limited	Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO.
Vodafone Limited	Protective provisions for the benefit of electronic communications code network operators are included at Part 2 of Schedule 8 to the draft DCO.

Bedfordshire Police	<p>Summary</p> <p>The Applicant has engaged with Bedfordshire Police in respect of the impact on the Proposed Development. The Applicant is engaged with this party on a draft Statement of Common Ground.</p> <p>Correspondence log</p> <p>21/05/19 – Meeting - Introduction to the Proposed Development and introductory discussion on the approach to the assessment of major accidents and disasters within the Environmental Impact Assessment (EIA)</p> <p>03/07/19 – Meeting - Design review of the Proposed Development, including a design review of measures relating to safety and security.</p> <p>01/04/20 – Meeting/MS Teams - Meeting to review the comments made in Bedfordshire Police’s response to the 2019 statutory consultation.</p> <p>10/09/21 – Email - Parameters for emergency assembly area.</p> <p>15/10/21 – Meeting/MS Teams - Meeting to provide an update about the Proposed Development and the statutory consultation, and discuss the major accidents and disasters methodology and preliminary assessment results.</p> <p>24/11/21 – Meeting/MS Teams - Meeting to provide an update about the Proposed Development and discuss the design changes and the terminal layout in particular.</p> <p>17/08/22 – Meeting/MS Teams - Meeting to progress the discussions regarding the terminal layout and the discuss the production of a draft Statement of Common Ground.</p> <p>16/11/22 – Meeting/MS Teams - Details of existing and proposed site discussed, along with the draft Statement of Common Ground. Identified that commercial arrangements of new policing need to be considered.</p>
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<p>Shell International Petroleum Company Limited</p>	<p>Summary</p> <p>The Applicant has held discussions with Shell on the impact of the Proposed Development on its interests. The party has confirmed that it does not wish to enter into a Statement of Common Ground.</p> <p>Correspondence log</p> <p>13/08/20 – Meeting/MS Teams - Meeting to discuss the potential opportunity of installing and maintaining the fuel farm. 26/08/20 – Meeting/MS Teams - Meeting to discuss the fuel supply options and benefits going forward. 26/06/21 – Meeting/MS Teams - Meeting to provide an update on the latest progress with the Proposed Development. 08/10/21 – Meeting/MS Teams - Progress discussions and an update on the Proposed Development, including a potential Statement of Common Ground. 04/04/22 – Email/letter - Response submitted to the 2022 statutory consultation. 26/04/22 – Meeting/MS Teams - Points discussed: design update, draft population of the Statement of Common Ground, update on SAF production, Environmental, social, and corporate governance (ESG) benefits, tanker deliveries and hydrant supply to Terminal 1. 24/05/22 – Meeting/MS Teams - Review of previous minutes and progression of the draft Statement of Common Ground. 30/01/23 – confirmation from Shell on status of Statement of Common Ground.</p>
<p>World Fuel Services</p>	<p>Summary</p> <p>The Applicant has held discussions with World Fuel Services on the impact of the Proposed Development on its interests. The Applicant is engaged with this party on a draft Statement of Common Ground.</p> <p>Correspondence log</p> <p>13/08/20 – Meeting/MS Teams - Meeting to discuss the potential opportunity of installing and maintaining the fuel farm. 26/08/20 – Meeting/MS Teams - Meeting to discuss the fuel supply options and benefits going forward. 26/06/21 – Meeting/MS Teams - Meeting to provide an update on the latest progress with the Proposed Development. 08/10/21 – Meeting/MS Teams - Progress discussions and an update on the Proposed Development, including the Statement of Common Ground. 04/04/2022 – Email/letter - Response submitted to the 2022 statutory consultation. 26/04/22 – Meeting/MS Teams - Points discussed: design update, draft population of the Statement of Common Ground, update on SAF production, ESG benefits, tanker deliveries and hydrant supply to Terminal 1. 24/05/22 – Meeting/MS Teams - Review of previous minutes and progression of the draft Statement of Common Ground.</p>

C APPENDIX C - LAND REFERENCING METHODOLOGY

C1 Purpose of the document

- C1.1.1 The purpose of this document is to set out the land referencing methodology applied by Luton Rising (a trading name of London Luton Airport Limited, hereafter referred to as the Applicant) for the Proposed Development. The Proposed Development seeks to expand London Luton Airport (the airport) in line with the Applicant's 'Vision for Sustainable Growth 2020-2050', published in December 2017 (Ref 1.12) to increase its capacity to 32 million passengers per annum (mppa) and make the best use of their existing runway.
- C1.1.2 The Proposed Development is categorised as a Nationally Significant Infrastructure Project (NSIP) and consent to implement the proposals would be by application for development consent under the Planning Act 2008 (the Act) (Ref 1.1).
- C1.1.3 The proposed Development Consent Order (DCO) will affect parties with an interest in land (as explained in more detail below) and the land referencing process has been undertaken on behalf of the Applicant, to meet certain statutory obligations set out in the Act and the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP 2009) (Ref 1.2). The methodology set out in this document has been used to identify all interests in land through diligent inquiry in order to consult under Section 42(1)(d) of the Act, to produce the **Book of Reference [TR020001/APP/3.02]** as part of application for development consent and complete the process of issuing notices under Section 56 of the Act, should the application be accepted.

C2 Introduction

- C2.1.1 The legislation requires certain persons to be identified through a process of diligent inquiry, to be consulted about the proposals and their land interests and rights recorded and categorised prior to the application for development consent being made.
- C2.1.2 Diligent inquiry is not defined in the Act. For the purpose of this application, diligent inquiry is to be regarded as the completion of the land referencing as set out in the remainder of this document (and set out in the Statement of Reasons to which this document is appended).
- C2.1.3 The categories of persons that require identification for the purposes of consultation and notification under Sections 42 and 56 of the Act are set out in Sections 44 and 57 of the Act. This involves undertaking diligent inquiry to identify persons grouped into three types of interest in land, namely:
- a. Category 1 includes all owners, lessees, tenants (whatever the tenancy period) and occupiers of the land within the Proposed Development area (the Order limits).
 - b. Category 2 includes all persons with an interest in the land or who have the power to sell, convey or release the land within the Order limits.

- c. Category 3 includes all persons that the Applicant thinks that, if the Order sought by the application were made and fully implemented, the person would or might be entitled to make a relevant claim for compensation under Section 10 of the Compulsory Purchase Act 1965 (Ref: 1.17), Part 1 of the Land Compensation Act 1973 (Ref: 1.18) or Section 152 of the Act. This comprises persons with land interests inside and outside the Order limits.

C2.1.4 This document sets out how the Applicant identified and categorised these persons with interests in land inside and outside the Order limits by establishing clear 'Land Referencing Limits' and taking account of the potential impact of the exercise of compulsory acquisition powers sought in the **draft DCO [TR020001/APP/2.01]** on their interests.

C2.1.5 In addition to the above categories, in compiling the Book of Reference, the Applicant must record and categorise certain other types of interests that are subject to special procedures in relation to compulsory acquisition powers and in accordance with the Act. These are as follows, and the method of identifying these are described in this document. Such categories of land include:

- a. Commons, fuel/field allotments and open space.
- b. Interests held by the National Trust.
- c. Interests held by statutory undertakers and local authorities.

C2.1.6 This document describes the methods used to compile and maintain the **Book of Reference [TR020001/APP/3.02]**, which is the document that records such information that is required as part of the application for development consent.

C3 Setting the Land Referencing Limits

C3.1 Consultation

C3.1.1 The Land Referencing Limits were set to the widest extent that the Applicant considered parties may have a relevant claim for compensation.

C3.1.2 The Land Referencing Limits for consultation by the Applicant were identified as follows:

- a. All interests in the draft Order limits (freeholders, leaseholders, tenants, occupiers, rights, beneficiaries, mortgagees etc. of all land and property) The Land Referencing Limits were determined with reference to the land interests that may be directly affected by the exercise of the compulsory acquisition powers sought in the **draft DCO [TR020001/APP/2.01]**.
- b. All relevant interests identified as having a potential claim for compensation under Section 10 of the Compulsory Purchase Act 1965 or Section 152 of the Act.
- c. All relevant interests identified as having a potential claim for compensation under Part 1 of the Land Compensation Act 1973. These were identified as being owner occupiers of all residential,

commercial and agricultural units within a calculated noise contour for operational airport activity in 2043. The contours representing a noise impact of 51dB during the night were used, with a 200m buffer added to include adjacent properties and receptors. These were considered by the Applicant's noise specialist and agreed with the Applicant's compensation advisors as incorporating the widest extent of receptors that may have a potential compensation claim as a result of operational noise under Part 1 of the Land Compensation Act 1973.

- d. All receptors identified as being likely to be significantly affected by operational vibration, smell, fumes, smoke, artificial lighting and/or discharge of any solid or liquid substances from the Proposed Development. On the basis of professional judgement from the Applicant's specialists, all receptors affected by these environmental factors were considered to fall within the wider limits of the noise contour above.

C3.1.3 A precautionary approach (e.g. the 200m buffer referred to above) was taken in determining Category 3 parties on the basis of information available ahead of the consultation.

C3.2 Book of Reference submission

C3.2.1 The above parameters were revisited prior to the compilation and completion of the **Book of Reference [TR020001/APP/3.02]** to support the application, as more information became available and the design was finalised for submission. While the Order limits were amended to account for changes in the design in response to consultation feedback, Category 3 parties identified for the purposes of consultation were reviewed. This allowed the removal of certain interests where it was reasonable to conclude that the nature of the interest would not give rise to a "relevant claim" (e.g. rights holders; mortgagees where the bank was not in possession; owners not in occupation etc). A refined list of parties was included in the **Book of Reference [TR020001/APP/3.02]**. The reviews accorded with the Applicant's duty of diligent inquiry.

C4 Desktop Referencing

C4.1 HM Land Registry

C4.1.1 Land Registry data was received in the form of a digital shape file (a GIS layer) and digital copies of the Official Copy Registers and Title Plans. All relevant freehold, leasehold, mortgagee, beneficiary, other charges, private rights and restrictive covenant information was reviewed, extracted and stored in a land referencing database. The GIS layer obtained from Land Registry was manually compared to the Official Copy Title Plans to confirm the extent of ownership of registered land.

C4.1.2 From this data the landownership parcels were created. The land ownership parcels were drawn to reflect unique ownership information and were stored spatially on a GIS application.

- C4.1.3 Where land was not registered, additional parcels to complete these gaps were created based on OS mapping and site data. As a result, all land within the Land Referencing Limits was parcelled and given unique reference numbers.
- C4.1.4 Updates were requested from Land Registry on a biannual basis, prior to consultation and prior to the submission of the application for development consent to capture any land interest changes.
- C4.1.5 All changes were incorporated into the land referencing database. Any newly identified parties following the conclusion of the consultation period ascertained through Land Registry updates were sent a late consultation letter and Land Interest Questionnaire (explained further below). An ongoing refresh will continue to be maintained during the examination of the application, so that any updates and changes are monitored, accounted for and recorded.

C4.2 Other desktop activities

- C4.2.1 Additional desktop activities were undertaken to confirm information received through site enquiries and Land Registry. Electoral roll checks, foreign companies registers, the Charity Commission, Google Maps, 192.com and searches of phone books were carried out where no other information has been received for an occupier of a property. Searches for statutory undertaker and council held information were also undertaken.
- C4.2.2 Companies House searches were undertaken to ensure registered companies' details were verified and the registered office was appropriate for the service of notices and other correspondence. Online data sources such as 192.com were also investigated to identify further potential occupiers and interests.
- C4.2.3 Where the identity of interest holders were unconfirmed on conclusion of these desktop activities, "The Occupier" of that address was added to the database to ensure the property was contacted in order to confirm interests and they received notification of consultation.

C5 Contact referencing

C5.1 Land Interest Questionnaires (LIQs)

- C5.1.1 Prior to undertaking contact site visits, LIQs were posted using Royal Mail to all known interest holders under section 44 and 56 of the Act at the time of issuance to confirm their interest and request further information. This included a request for information about a recipient's own interests, associated third party interests and the spatial extent of the property. Included with the questionnaires were individual plans showing the anticipated land ownership boundaries.
- C5.1.2 Respondents were asked to complete the questionnaires, amend the boundary plans where required, and return the completed documents to the Applicant's land referencing team in pre-paid envelopes provided.
- C5.1.3 The Applicant's land referencing team analysed the returned information and entered it into the land referencing database or contacted the respondents to resolve any queries or conflicting information.

C5.1.4 Recipients of the LIQ were also offered the means to respond or ask questions via email or via a dedicated hotline. The land referencing team recorded all information received and responded to any queries. See further below regarding the steps taken when an LIQ was not returned by an interest holder.

C5.2 Major Land Owners (MLOs)

C5.2.1 Land interest information was requested from MLOs, including local authorities, statutory utilities and other landowners with multiple land ownerships through letter and email requests for information.

C5.2.2 Highways and public rights of way were identified through requests for information from the local authorities and other desktop validation processes. Highway boundaries have been parcelled according to Land Registry (or through gap analysis of unregistered land between two registered titles) and compared with the local authority provided highway information. This was then fed back to the local authority in order to confirm the information had been interpreted correctly and to confirm the highway boundaries were accurate.

C5.2.3 Statutory utilities/undertakers that were believed to have a possible interest in the Order limits were contacted to determine their interests. A list of undertakers/utilities was compiled using data provided by the design engineers for the Proposed Development and desktop research (including gas transporters and distribution network operators as specified by OFGEM), land interest information, site information and experience on other projects. Requests were then made with the relevant statutory utilities / undertakers to confirm their interest/s within the Order limits and the locations of any equipment and apparatus. The results of these enquiries and research was mapped resulting in a plan of interests and relevant apparatus.

C5.2.4 Any existing information or stakeholder data relating to MLOs gained in the course of property discussions or consultation were recorded.

C5.3 Site observations

C5.3.1 Site visits were undertaken over all land within the Order limits in order to gain an understanding of the physical attributes on the ground such as occupation, use and potential likely ownership as well as to further familiarise the Applicant's land referencing team with the land and to identify potentially complicated sites (i.e. identify and examine sites that may have larger populations, unregistered land or probable multiple rights of access issues). All land parcels were visited where access was available by public highway or rights of way, or by permission of the landowner if relevant.

C5.4 Unregistered land

C5.4.1 In the case of unregistered land, where information could not be obtained from HM Land Registry and other referencing processes, site notices were affixed on or adjacent to the land inviting persons with an interest in this land to come forward. Site notices were checked regularly and replaced as necessary. Further research was undertaken through enquiries with adjacent landowners, council enquiries and further desktop research to identify potential lines of

investigation and historic interests. Where an interest remained unknown, a notice was placed on or near the land, and the entry “Unknown” was listed in the **Book of Reference [TR020001/APP/3.02]**. Further site notices will be placed on the land if the application is accepted under Section 56 of the Act.

C5.5 Contact site visits / land information investigations

C5.5.1 Contact site visits to all land parcels were undertaken where LIQs have not been returned in order to speak to interest holders at their properties and identify and confirm the ownership and occupation details. This was in addition to confirming details which may have been gathered through desktop methods.

C5.5.2 Where there was no response at a property, a calling card was left for the occupants to request they contact the Applicant’s land referencing team to provide land ownership information by post, email or telephone. All updates were recorded in the land referencing database and GIS.

C5.6 Confirmation Schedule

C5.6.1 In order to confirm the accuracy of information held in the land referencing database, confirmation schedules were issued to all interested parties identified. These consisted of a pre-populated questionnaire per land interest. The request for confirmation was sent alongside land ownership boundary plans and posted by first class mail. Recipients were requested to confirm information or amend it by providing corrections and/or updates and return the documents by email, telephone or by post in pre-paid envelopes provided. The land referencing database was updated with any new information.

C5.7 Section 52 – requirement to provide information

C5.7.1 Section 52 of the Act sets out that where an applicant is refused information, they can submit a request to the Secretary of State who can require that the information is to be provided. The Planning Act 2008: Infrastructure Planning (Fees) Regulations 2010 (Ref 1.27) guidance prescribes a fee to be paid to the Secretary of State at the same time as any request is made. Applicants are expected to act reasonably, first seeking to obtain relevant information directly from the relevant interest holder before seeking authorisation under these provisions. Specifically, applicants should only submit requests for those aspects of information where they consider they have been unreasonably refused that information.

C5.7.2 While it was understood an application under Section 52 could be made, it was expected that the land referencing methodology would prove sufficient for obtaining information on interested parties and so it was not expected that a Section 52 application would be required. This provision was only proposed to be engaged if a party was known to be withholding a significant amount of information that could have resulted in the omission of other third parties from being included in consultation or the **Book of Reference [TR020001/APP/3.02]**, and this information could not have been gleaned through any other method.

C5.8 Data Management

- C5.8.1 All information on potentially affected persons with an interest in land is stored on the land referencing database, PinPoint. This includes the nature of their interest and contact details. All correspondence was uploaded and attached to the relevant person with an interest in land. This includes LIQs and Request for Confirmation forms received by post or completed on site, incoming and outgoing emails, records of telephone conversations, letters and all project related correspondence such as notices. In order to ensure diligent inquiry has been carried out, the dates, times and outcomes of all site visits were recorded.
- C5.8.2 Land Registry titles and plans were uploaded against the relevant parcel and interested parties to not only show a detailed history of the investigation but to provide an easily available source for all land and property.
- C5.8.3 All data collected was (and continues to be) held in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR), the Data Protection Act 2018 (Ref 1.28) and is covered by the scope of the Applicant's land referencing consultant's ISO 27001 Information Security accredited policies and processes using it solely for the Proposed Development.

C6 Special category and Crown land

C6.1 Types of special category land

- C6.1.1 Sections 130 to 132 of the Act govern DCOs that seek the compulsory acquisition of land and rights in land (including temporary acquisition) of "special category land".
- a. "Special category land" is defined as "...the land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment..."
 - b. These categories of land are further defined as follows:
 - i. "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;
 - ii. "fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;
 - iii. "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground; and
 - iv. "National Trust land" means any land owned by the National Trust under sections 130(4)-(5) of the Act.

Commons

- C6.1.2 Commons were identified through desktop research processes by identifying any such restrictions listed on Land Registry records and Ordnance Survey features, and using online mapping systems to ascertain Department for

Environment, Food and Rural Affairs (DEFRA) records of registered commons, town and village greens. Each local authority was also requested to provide information relating to commons, town and village greens, and the land referencing team accessed commons records held by relevant local authorities to review the information available.

- C6.1.3 Site visits were also undertaken to identify any land that appeared to be a common (such as being known locally as a common or through inspection of signage), and a full review of aerial photography to identify areas that have the characteristics of a common or green (such as location in a village centre, or being a Site of Special Scientific Interest (SSSI)). In these cases, further investigation was undertaken with the local authority to query these locations, and if no confirmation is received, they were included on a precautionary basis.

Allotments

- C6.1.4 Allotments were identified through a request to each local authority for their records. Site visits were also undertaken to identify any land that appears to be an allotment (such as being known locally as an allotment or through inspection of signage), and a full review of aerial photography to identify areas that have the characteristics of allotments (such as a patchwork of individual gardens or peat works). In these cases, further investigation was undertaken with the local authority to query these locations, and if no confirmation is received, they were included on a precautionary basis. On provision of land ownership information, if a party identified an area of land they occupy as being an allotment, it was included as such. While the above definition only includes those allotments set out under an Inclosure Act, the Proposed Development has taken a precautionary approach to include all allotments given this information is not necessarily reliable.

Open space

- C6.1.5 Open space was identified through desktop research processes using online mapping systems to ascertain DEFRA records of registered parks and gardens, publicly accessible leisure facilities and playing fields and publicly accessible nature reserves. Each local authority was also requested to provide information recorded and considered to be open space. Site visits and reviews of aerial photography was also undertaken to identify any land that appears to be open space (such as being set out as a public garden), appearing to be a disused burial ground (old gravestones etc.), used by the local community for recreation (sports, games, dog walking etc.), with evidence of potential recreational activities (such as park benches, picnic benches, local clubs (such as fishing or yachting clubs)). While the above definition can be considered to be subjective, the Proposed Development has taken a precautionary approach to include all land that could be considered to be open space.

National Trust Land

- C6.1.6 National Trust land was identified from both contact and non-contact referencing set out in this appendix at sections 3 and 4. No National Trust land exists in the Order limits.

Crown Land

- C6.1.7 Section 135 of the Act sets out the requirements that need to be satisfied with respect to a DCO authorising the compulsory acquisition of an interest in "Crown land".
- C6.1.8 Checks and searches were undertaken (through the methodology contained in this document) to identify Crown land and interests (including His Majesty in right of his Crown, an interest belonging to a government department and other Crown interests noted under Section 227 of the Act). The findings have been recorded in Part 4 of the **Book of Reference [TR020001/APP/3.02]** and engagement is progressing with the relevant bodies as regards the Proposed Development requirements and seeking necessary consent.
- C6.1.9 Where the successor of an interest cannot be ascertained it may be transferred to the Bona Vacantia Division, and thus considered as Crown interest. Bona Vacantia means vacant goods and is the name given to ownerless property, which by law passes to the Crown. Where an interest is believed to be passed to Bona Vacantia communication has been made via Land Interest Questionnaire for confirmation.

C7 Deliverables

C7.1 For Consultation

- C7.1.1 The land referencing activities outlined above culminated in the production of a Book of Interest, comprising a schedule of names and addresses to be sent consultation material under Section 42(1)(d) of the Act.
- C7.1.2 As per PINS guidance on the pre-application process (Ref 1.21), the Applicant's land referencing team continued to identify new and additional interests within referencing limits throughout and after the conclusion of Section 42 consultation but before the application for development consent was submitted.
- C7.1.3 Where new interests in land were identified after formal statutory consultation and before the submission of the application for development consent, the Applicant has engaged these interest holders in the process and will continue to do so if the application is accepted for examination.

C7.2 For submission with the application for development consent

- C7.2.1 The land referencing information data was used to produce the **Book of Reference [TR020001/APP/3.02]** and associated plans (including the **Land Plans [TR020001/APP/4.03]**, **Crown Land Plans [TR020001/APP/4.14]**, and **Special Category Land Plans [TR020001/APP/4.10]**) for submission as part of the application for development consent, and will be used to populate and issue notices under Section 56 of the Act should the submitted application be accepted by the Planning Inspectorate.

D APPENDIX D - TABLE OF STATUTORY UNDERTAKERS

