



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
email: LutonAirport@
planninginspectorate.gov.uk

All Interested Parties and Statutory Parties

Your Ref:

Our Ref: TR020001

Date: 13 July 2023

Dear Sir/ Madam

**Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13**

**Application by London Luton Airport Limited for an Order Granting
Development Consent for the London Luton Airport Expansion project**

**Appointment of the Examining Authority, Invitation to the Preliminary Meeting
and Notification of Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out the Examination of the above application I am writing to introduce myself and the other members of the ExA. My name is Jo Dowling and the other members of the ExA are Beth Davies, Sarah Holmes, Richard Hunt and Andrew Robinson. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

The ExA would like to thank those of you who submitted Relevant Representations. These representations have assisted the ExA when considering how it will examine this application.



Invitation to the Preliminary Meeting

As a recipient of this letter, you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.

Date	Start time	Venue and joining details
10 August 2023	Virtual Registration Process from: 09:00 Registration and seating available at venue from: 09:15 Preliminary Meeting starts: 10:00	Riverside Suite, Venue 360 20 Gipsy Lane Luton LU1 3JH and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered

IMPORTANT: The Preliminary Meeting should be completed before 13:00 on 10 August 2023. However, a reserve period has been scheduled for 14:00 on the same day to allow for the meeting to be resumed in exceptional circumstances eg to account for a failure of technology. Normally the reserve period will not be required. Confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the [project webpage](#).

You must register by completing the [Event Participation Form](#) by 27 July 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event, which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **27 July 2023** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **27 July 2023**.

If you are unable to complete the online Event Participation Form please contact the Case Team using the contact details at the top of this letter.



Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to the ExA about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**.

Please see **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when the ExA makes a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

The agenda for the meeting is in **Annex A** to this letter. This has been set following the ExA's Initial Assessment of Principal Issues arising from reading the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process**.

The ExA are now requesting written submissions from recipients of this letter about how the application should be examined. The ExA particularly wish to hear from you if:

- you consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/ or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (23:59 on Thursday 27 July 2023)** (see **Annex D** to this letter).

We request that all submissions are made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A**. **Annex H** to this letter provides further information about using the Make a submission tab.



Requests to participate at the Preliminary Meeting

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **27 July 2023** (see **Procedural Deadline A**).

Any request to participate in the Preliminary Meeting must include the following information:

- name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Event Participation Form](#) on or before **Procedural Deadline A**.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend the Preliminary Meeting, either virtually or in person.

Format of Examination Events – Preliminary Meeting and Hearings

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The ExA will confirm the format of any Hearings, which could be either blended (part in-person and part virtual) and fully virtual events, to be held during the Examination Stage when it provides formal notification of each Hearing at least 21 days in advance of it taking place. However, for this case, the ExA expects that all the Hearings will be blended.



After the Preliminary Meeting

After the Preliminary Meeting the ExA will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

Notification of initial hearings

The ExA has made a Procedural Decision to hold the following initial hearings:

- **Open Floor Hearing 1 (OFH1)** A blended event to be held on Thursday 10 August 2023 from 18:30
- **Open Floor Hearing 2 (OFH2)** A blended event to be held on Friday 11 August 2023 from 10:00

Important information about these hearings is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and procedure that will be followed.

Procedural Decisions made by the Examining Authority

The ExA has made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. In summary, procedural decisions or information in relation to the following has been requested:

- Notification of the Open Floor Hearings.
- The Applicant to make electronic displays of plans and drawings available at the Hearings.
- Statements of Common Ground.
- Principal Areas of Disagreement Summary Statements (PADSS) update.
- Accompanied Site Inspections.
- Additional submissions accepted by the ExA
- Compulsory Acquisition.
- Guide to the Application.
- Statements of Commonality of Common Ground.
- Deadlines for Written Representations and Local Impact Reports.
- Deadlines of the submission of comments and summaries on Relevant Representations.
- Notification by Statutory Parties of a wish to be considered as an Interested Party.
- Requests for further information.



Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land, the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the Planning Act 2008 by completing the [form available on the project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, it aims to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2003', '2004', 'LUTN-0', 'LUTN-AFP', 'LUTN-S57', 'LUTN-APL' you are in Group A. If your reference number begins with 'LUTN-SP' you are in Group B. If your reference number begins with 'LUTN-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.



Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

Management of information

Information, including accepted representations, submitted in respect of this Examination and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

Please note that, in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

Pronouns and titles

Finally, please let the Case Team know if you wish to be referred to by a specific set of pronouns or titles.

We look forward to working with all parties in the Examination of this application.

Yours faithfully

Jo Dowling

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** The Examining Authority's Remarks about the Examination Process
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the Make a submission tab

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



Agenda for the Preliminary Meeting

You must register by completing the [Event Participation Form](#) by 27 July 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **27 July 2023** using the [Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **27 July 2023**.

If you are unable to complete the online Event Participation Form please contact the Case Team using the contact details at the top of this letter.

If you are participating using Microsoft Teams, please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10:00** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting may be subject to change at the discretion of the Examining Authority (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Interested Parties (IPs).

Any requests to participate in the Preliminary Meeting, whether virtually or in-person, **must include** the following information:

- Name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- confirmation of whether you will be participating virtually or in person; and
- the agenda item on which you wish to speak and a list of the points that you wish to make.

Date: Thursday 10 August 2023

Registration Process: from 09:00

Meeting start time: 10:00

Venue: Blended event at
Riverside Suite, Venue 360
20 Gipsy Lane
Luton
LU1 3JH
and
By virtual means using **Microsoft Teams**
Full instructions on how to join online or by phone
will be provided in advance to those who have pre-
registered

Attendees: **The Applicant and Interested Parties who have pre-registered**

Agenda for the Preliminary Meeting	
09:00	<p>Virtual Registration Process</p> <p>Please log in between 09:00 and 09:30 to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and registered. This will allow for any questions to be asked about taking part virtually.</p> <p>Virtual attendees will be given further instructions at 09:45. This will be hosted by the Case Team and cover the housekeeping arrangements for the meeting.</p>
09:15	<p>In-person Registration Process</p> <p>Registration and seating available at venue for in-person attendees</p>
10:00 Item 1	<p>Preliminary Meeting</p> <p>The Preliminary Meeting will formally open at 10:00. The Examining Authority will welcome participants and lead introductions.</p>
Item 2	<p>The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter</p>
Item 3	<p>Initial Assessment of Principal Issues – Annex C to Rule 6 letter</p>

Item 4	Procedural Decisions – Annex F to Rule 6 letter
Item 5	Draft Examination Timetable – Annex D to Rule 6 letter
Item 6	Any other matters <ul style="list-style-type: none">• Buckinghamshire Council
Close of the Preliminary Meeting	

The Examining Authority's (ExA) Remarks about the Examination Process

This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read it carefully, as the ExA will only present a summary of the key points at the Preliminary Meeting, to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The ExA will introduce themselves at the start of the Preliminary Meeting.

The ExA will be supported by the Planning Inspectorate Case Team. Siân Evans is the Case Manager for the application. For those attending virtually, a member of the Case Team will welcome participants and will be available to answer questions by email before and after the meeting. The contact email address is: LutonAirport@planninginspectorate.gov.uk.

Format

The Preliminary Meeting, Open Floor Hearings and Hearings will consist of blended events. This means that they will be held in person, with some participants opting to attend virtually either online by using Microsoft Teams or by telephone. Aware of videoconferencing fatigue, the ExA will try to ensure that regular breaks are taken. More details will be provided in the relevant agendas for such meetings, if required.

The purpose of the Preliminary Meeting

The Preliminary Meeting is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the London Luton Airport Expansion project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the Preliminary Meeting and Examination as the 'Proposed Development'. The application has been made by London Luton Airport Limited, who will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the [project webpage](#) of the National Infrastructure Planning website. The project webpage has links to the Examination Timetable, Relevant Representations, Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the Preliminary Meeting is to discuss the arrangements for the Examination of the application. It focuses **on the process only**, and it will not be looking at the substance of the proposals. Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin after the close of the Preliminary Meeting.

The Preliminary Meeting will be your opportunity to influence the process that the ExA intends to follow. The agenda for the Preliminary Meeting is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you during the course of the Preliminary Meeting as you may need to refer to them. Hard copies will not be provided at the Preliminary Meeting so you may wish to print these in advance.

In summary, the Preliminary Meeting will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the relevant Secretary of State to consider and decide the application. In doing so, the ExA will have regard to the timing and/ or availability of:

- The positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant Secretary of State's decision.

Preliminary Meeting invitees

The Applicant is invited to the Preliminary Meeting and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an IP and has been invited to the Preliminary Meeting. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the Preliminary Meeting. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the Preliminary Meeting. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

Further information on your status can be found at:

[What is My Status in the Examination?](#)

Conduct of the Preliminary Meeting

The ExA estimate that the Preliminary Meeting will take between two and three hours to complete.

During the Preliminary Meeting participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will try to provide breaks during the Preliminary Meeting as appropriate.

A digital recording of the Preliminary Meeting will be made available on the project webpage as soon as practicable following the close of the meeting. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the Preliminary Meeting (and any other hearings) in public. In this regard, **anyone speaking at the Preliminary Meeting will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the Preliminary Meeting will also be produced and published as soon as practicable following its close.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. As a result, participants are advised to do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the Secretary of State's decision on the DCO. If you actively participate in the Preliminary Meeting, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda (provided in **Annex A**). If you prefer not to have your image recorded, if you are attending virtually you can switch off your camera at any point. If you are attending in person then please let the Case Team know so that the appropriate arrangements can be put into place.

The Examination process

The starting point is that the relevant legislation, section 87 of the Planning Act 2008 (PA2008), states that *“it is for the Examining Authority to decide how to examine the application”*.

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Department of Levelling Up, Housing and Communities. This is an application for Development Consent. For the examination of nationally significant infrastructure projects the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project this is the Secretary of State for Transport. **It is the Secretary of State who will make the decision on the application, not the ExA.**

The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. **Questioning or cross-examination of witnesses by other parties will not generally be allowed.**

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 states that if they are provided, they must be considered by the Secretary of State in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the Secretary of State and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA’s written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agree, and if it would be useful for this to be clarified. SoCG most usefully extend to catalogue matters that are not agreed or are outstanding.
- In addition to those IPs identified by the ExA in its letter of the 9 May 2023 [PD-005] other IPs may be asked to produce a Principal Areas of Disagreement Summary Statement (PADSS). These will sit alongside SoCG but will instead focus on those matters IPs identify as areas of major concern with the application. The PADSS will be submitted in a table format which will be updated throughout the Examination. Their purpose is to identify more

quickly those areas of concern and assist in focusing the Examination at an early stage.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties could be deemed to be unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the **six-month period** beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable (see **Annex D**) includes provision for hearings, at which the ExA takes oral evidence from the various parties.

The Rule 6 letter provides notification of two Open Floor Hearings.

In addition any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they **should not simply repeat matters previously covered in the written submission.** Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the OFH.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing (CAH)**. If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA also has the discretion to hold **Issue Specific Hearings (ISHs)** if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the Preliminary Meeting.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the Secretary of State decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/ information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes a Procedural Deadline A (**Thursday, 27 July 2023**) for participants to notify the ExA that they wish to speak at an OFH.

Unaccompanied, Access Required and Accompanied Site inspections

The ExA undertook a number of Unaccompanied Site Inspections (USI) during the week commencing 22 May 2023. The notes of these visits can be found in the Examination Library [EV1-001 to EV-007]. As a result of these visits the ExA considers that it has a good understanding of the site and surroundings but will be reviewing whether further USIs may be required throughout the Examination.

In addition, as part of the application site includes an operational airport, the ExA propose to undertake an Access Required Site Inspection (ARSI) to view the airside elements of the Proposed Development. Due to health, safety and security considerations, attendance at the ARSI will be restricted to members of the ExA who will be accompanied by a representative from the Planning Inspectorate's Case Team and escorted by a representative from the Airport who is not involved with the application.

The ExA may not wish or need to hold an Accompanied Site Inspection (ASI). Nevertheless, the draft Examination Timetable in **Annex D** makes provision for one to be held. At **Deadline 1 (Tuesday, 22 August 2023)**, the ExA requests the submission of suggestions for sites/ locations which may need to be visited on an accompanied basis should an ASI be considered necessary. Before submitting suggestions, IPs should first read the USI notes [EV1-001 to EV1-007]. The ExA is unlikely to need to revisit sites already seen without very good reason for doing so.

Please note that it is not possible at an ASI to make further oral representations. If after considering these requests the ExA consider that an ASI is necessary, then the draft Examination Timetable includes a date (**week commencing 27 November 2023**) when this could be held.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues (IAP) raised by the London Luton Airport Expansion Project prepared as required under section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application;
- the Principal Areas of Disagreement Summary Statements (PADSS); and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of all relevant matters, and it also represents a snapshot in time. New issues may arise. Some of the issues identified here may increase in relevance and weight during the Examination and others may decrease or cease to be principal issues. Inevitably, some issues will overlap or interrelate.

The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report

The order of the issues listed does not imply any order of prioritisation or importance; they have been listed alphabetically. The bulleted items under each issue are indicative and do not preclude other sub-items being considered.

Legal, policy and consenting requirements and documents associated with the PA2008 or with the practice of planning more broadly form an integral part of the Examination and are therefore not set out as separate Principal Issues.

There are a number of matters that will be taken into account as overarching or integral components of the IAP. These include:

- the achievement of good design;
- the achievement of sustainable development;
- the effects of the Proposed Development;
- the effects of linkages/ overlap between issues; and
- the effects of the Proposed Development in relation to human rights and equality duties.

The ExA will conduct all aspects of the Examination with these in mind.

Principal Issues

The overarching principal issue is whether the need for the Proposed Development and any socioeconomic and other benefits that the Proposed Development would deliver would be outweighed by any adverse effects on the environment and living conditions with particular reference to:

1	Air Quality and odour	
2	Biodiversity	<ul style="list-style-type: none"> • Effects on existing ecological receptors including designated sites

3	Climate change and greenhouse gas emissions	
4	Compulsory Acquisition and the temporary possession of land and rights	
5	The draft Development Consent Order (DCO), planning obligations, agreements and the adequacy of security for project delivery and mitigation	
6	Green Controlled Growth	
7	Noise	<ul style="list-style-type: none"> • Effects of air and road traffic • Assessment and modelling assumptions including use of 2019 baseline • Night flights • Mitigation measures - including use of limits and quota counts
8	Physical effects of development and operation	<ul style="list-style-type: none"> • Historic environment – effects on designated and non-designated heritage assets • Landscape and visual impacts • Loss of trees and hedgerows • Effect on water resources, water quality and drainage
9	Social, economic and land-use considerations	<ul style="list-style-type: none"> • Social effects – including differential effects on communities and equalities considerations • Economic effects • Health and community effects • Wigmore Valley Park • Effects on agricultural land • Effect on safety • Land use effects and the planning framework
10	Traffic and Transportation	<ul style="list-style-type: none"> • Transport Assessment Methodology, including how COVID-19 is accounted for in the modelling • Effects from construction and operation on the strategic and local road networks • Surface access • Parking

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of **six months** beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the Rule 6 letter including any written submissions on the Examination procedure and draft Examination Timetable • Requests to be heard orally at the Preliminary Meeting including which agenda items you wish to speak on, points you wish to make and why these need to be made orally rather than in writing • Request by Interested Parties to be heard orally at the Open Floor Hearings 	Thursday 27 July 2023
2	Preliminary Meeting	Thursday 10 August 2023 at 10.00
3	Open Floor Hearing (OFH1)	Thursday 10 August 2023 at 18:30
4	Open Floor Hearing (OFH2)	Friday 11 August 2023 at 10:00
5	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Examination Timetable 	As soon as practicable after the close of the Preliminary Meeting
6	<p>Deadline 1</p> <p>For receipt by ExA of:</p> <ul style="list-style-type: none"> • Comments on any updates to application documents submitted by the Applicant before or at the Preliminary Meeting • Comments on Relevant Representations (RR) • Summaries of all RR exceeding 1500 words • Written Representations (WRs) 	Tuesday 22 August 2023

Item	Matters	Date
	<ul style="list-style-type: none"> • Summaries of all WRs exceeding 1500 words • Local Impact Reports (LIRs) • Notification by Statutory Parties of their wish to be considered an Interested Party (IP) by the ExA • Notification of wish to be heard at an Issue Specific Hearing (ISH) • Request to be heard at a Compulsory Acquisition Hearing (CAH) • Request by IPs to be heard at any subsequent Open Floor Hearings (OFH) • Provision of suggested locations and justifications for an Accompanied Site Inspection (ASI) for consideration by the ExA (if held) • Post-hearing submissions including written submissions of oral cases put at OFH1 and OFH2 • Initial Statements of Common Ground (SoCGs) requested by the ExA (see Annex F) • Statement of Commonality of SoCG • Guide to the Application • Submission of information requested in Annex F • Notification of wish to have future correspondence received electronically • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/ submissions accepted by the ExA 	
7	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on the LIRs • The Applicant's revised draft Development Consent Order (draft DCO)(if required) • Status of Negotiations/ Compulsory Acquisition Schedule • Applicant's draft itinerary for the ASI (if held) • Updated Principal Areas of Disagreement Summary Statements (PADSS) 	<p>Tuesday 12 September 2023</p>

Item	Matters	Date
	<ul style="list-style-type: none"> • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 1 	
8	Issue Specific Hearing (ISH1) on the draft DCO (if required)	Tuesday 26 September 2023
9	Compulsory Acquisition Hearing (CAH1) (if required)	Tuesday 26 September 2023
10	Issue Specific Hearing (ISH2) on Environmental Matters (if required)	Wednesday 27 September 2023
11	Issue Specific Hearing (ISH3) on Environmental Matters (if required)	Thursday 28 September 2023
12	Issue Specific Hearing on Environmental Matters (ISH3 continued, if required)	Friday 29 September 2023
13	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases • The Applicant's revised draft DCO (if required) • Status of Negotiations/ CA Schedule • Updated SoCG • Updated Statement of Commonality of SoCG • Updated PADSS • Updated Guide to the Application • Comments on the Applicant's draft itinerary for the ASI (if held) • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 2 	Thursday 5 October 2023
14	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Written Questions (ExQ1) 	Tuesday 10 October 2023

Item	Matters	Date
15	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Response to the ExA's Written Questions (ExQ1) • Comments on the Applicant's revised draft DCO (if submitted) • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 3 	<p>Wednesday 1 November 2023</p>
16	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Notification of wish to attend the ASI (if held) • Comments on responses to the ExA's Written Questions (ExQ1) • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 4 	<p>Tuesday 14 November 2023</p>
17	<p>Dates reserved (if required) for:</p> <ul style="list-style-type: none"> • Any Compulsory Acquisition Hearing • Any Issue Specific Hearing • Any Open Floor Hearing • Accompanied Site Inspection (if required) 	<p>Week commencing Monday 27 November 2023</p>
18	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases (if held) • The Applicant's revised draft DCO • Status of Negotiations/ CA Schedule • Updated SoCG • Updated Statement of Commonality of SoCG 	<p>Friday 8 December 2023</p>

Item	Matters	Date
	<ul style="list-style-type: none"> • Updated PADSS • Updated Guide to the Application • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 5 	
19	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required) • Report on the Implications for European Sites (RIES)(if required) 	Friday 15 December 2023
20	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Response to the ExA's Further Written Questions (ExQ2) (if required) • Comments on the Applicant's revised draft DCO • Comments on the RIES (if required) • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions received by Deadline 6 	Tuesday 9 January 2024
21	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's commentary on, or schedule of changes to the draft DCO (if required) 	Tuesday 16 January 2024
22	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the ExA's commentary on, or schedule of changes to the draft DCO (if required) • Final PADSS • Any further information requested by the ExA under Rule 17 of the Infrastructure 	Tuesday 23 January 2024

Item	Matters	Date
	Planning (Examination Procedure) Rules 2010 <ul style="list-style-type: none"> • Comments on any further information/ submissions received by Deadline 7 	
23	Deadline 9 For receipt by the ExA of: <ul style="list-style-type: none"> • Final version of the draft DCO in clean, tracked and word versions • Final draft DCO to be submitted by the Applicant in the SI template with the SI validation report • Final Book of Reference (BoR) and schedule of changes to the BoR • Final status of Negotiations/ Compulsory Acquisition Schedule • Final SoCG • Final Statement of Commonality of SoCG • Final Guide to the Application • Signed and dated planning obligations (if required) • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/ submissions received by Deadline 8 	Tuesday 30 January 2024
24	Deadline 10 For receipt by the ExA of: <ul style="list-style-type: none"> • Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/ submissions received by Deadline 9 	Monday 5 February 2024
24	The ExA must complete the Examination of the application within six months.	Saturday 10 February 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is **23:59** on the relevant date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda for all hearings alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings, agendas may not be published.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be taken into account as part of the ExA's recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017.

Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

Date	Hearing	Start time	Venue and Joining details
Thursday 10 August 2023	Open Floor Hearing (OFH1)	Registration and seating available at venue from: 18:00 Virtual Registration Process from: 17:30 Hearing starts: 18:30	Riverside Suite, Venue 360, 20 Gipsy Lane, Luton, LU1 3JH and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
Friday 11 August 2023	Open Floor Hearing (OFH2)	Registration and seating available at venue from: 09:00 Virtual Registration Process from: 09:00 Hearing starts: 10:00	Riverside Suite, Venue 360, 20 Gipsy Lane, Luton, LU1 3JH and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre- registered
<p>NOTE: If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the project webpage, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			

You must register by completing the [Open Floor Hearings Event Participation Form](#) by 27 July 2023 if you intend to participate in any of the hearings and provide all the information requested (see below).

If you simply wish to observe any of the hearings then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical hearing at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **27 July 2023** using the [Open Floor Hearings Event Participation Form](#). Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **27 July 2023**.

If you are unable to complete the online Open Floor Hearings Event Participation Form please contact the Case Team using the contact details at the top of this letter.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/ organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Requests to participate should be made using the [Open Floor Hearings Event Participation Form](#) on or before **Procedural Deadline A**.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.

Hearing agendas

Agendas are not normally published for Open Floor Hearings. However, depending upon the number of people who register a wish to attend to enable IPs to prepare for these Hearings the ExA may choose to publish details of how they propose to run the Hearings on the project webpage at least five working days in advance of the hearing date.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

1. Notification of Open Floor Hearings on 10 and 11 August 2023

In relation to the notice that needs to be given by the Applicant of the forthcoming Open Floor Hearings to be held on the 10 and 11 August 2023, the ExA has made a procedural decision to direct the Applicant to carry out its duty in accordance with Rule 13(6)(c) of the Infrastructure Planning (Examination Procedure) Rules 2010 as soon as reasonably practicable.

Rule 13(6) (c) states that unless the ExA otherwise directs, the Applicant must not later than 21 days before the date fixed for the commencement of a hearing – *‘(c) publish a notice of the hearing by local advertisement in the area in which the proposals contained in the application are to have effect’*.

Please note that, in accordance with Rule 13(6) (a) and (b), the site notices and other public notices will be posted 21 days before the date fixed for these Open Floor Hearings.

2. Visuals for the Hearings

For the Issue Specific and Compulsory Acquisition Hearings the ExA may wish to refer to plans and drawings to assist in discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and documents. The ExA will provide details in advance of which plans and drawings will be required.

For Interested Parties (IPs) joining virtually, the ExA considers the most appropriate way of participation would be for persons to have access to the Examination Library (EL). As each plan or drawing is uploaded, the ExA will notify those persons attending virtually of the EL reference number (eg APP-001) and IPs will then be able to upload the document themselves. The ExA consider this to be preferable to the alternative of low-resolution plans and drawings being prepared and screened on Microsoft Teams by the Applicant which, despite best intentions, are often difficult to see and navigate for online users.

3. Statements of Common Ground (SoCG)

The Applicant [AS-002, paragraph 4.3.11] has identified that it will develop SoCG with the following IPs:

- The host local authorities (Luton Borough Council, Central Bedfordshire Council, North Hertfordshire District Council, Hertfordshire County Council and Dacorum Borough Council);
- Affinity Water;
- Bedfordshire Police;
- Civil Aviation Authority;
- Cadent Gas;

- Environment Agency;
- Historic England;
- National Highways;
- Natural England;
- NATS;
- Network Rail;
- Prax Downstream UK plc;
- Shell UK Ltd;
- Thames Water;
- UK Health Security Agency and Office for Health Improvement and Disparities; and
- World Fuel Service.

The ExA requested [PD-005] and the Applicant has agreed [AS-051] that it will develop individual SoCG with the host local authorities rather than a joint SoCG as initially proposed.

In addition, having reviewed the application documents and the Relevant Representations (RR) the ExA considers that the Applicant should seek to develop SoCG with the following IPs:

- Buckinghamshire Council;
- East of England Ambulance Service; and
- Bedfordshire Fire and Rescue Service.

The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 1 (Tuesday, 22 August 2023)** for submission of initial draft SoCG.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**. The draft Examination Timetable at **Annex D** to this letter therefore establishes the deadlines in which drafts and final submissions are expected.

All of the SoCG listed above should cover the Articles and Requirements in the draft Development Consent Order (DCO). Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

Where a particular SoCG cannot be agreed between the parties or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant** to **Deadline 7**. The position of the relevant Interested Parties should then be confirmed in the

course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 8**.

4. Principal Areas of Disagreement Summary Statements (PADSS) – Update

As set out in its Procedural Decision letter of the 16 May 2023 [PD-005] the ExA took the decision to request PADSS from a number of IPs. The ExA requested that the IPs identify matters on which major and principal areas of concern arise, to provide clear focus for the Examination. Following a request from Buckinghamshire Council [AS-052] the ExA expanded the list to include them [PD-006].

PADSS were received from:

- Buckinghamshire Council [AS-053];
- Central Bedfordshire Council [AS-054];
- Chilterns Conservation Board [AS-055];
- Environment Agency [AS-056];
- LADACAN [AS-058];
- Luton Council [AS-059];
- National Highways [AS-062];
- National Trust [AS-060]; and
- Natural England [AS-061].

A joint PADSS was submitted on behalf of Hertfordshire County Council, Dacorum Borough Council and North Herts Council [AS-057].

No PADSS were received from the Civil Aviation Authority (CAA) and NATS. In its RR the CAA have advised that they have no principal areas of disagreement and therefore the ExA is satisfied that a PADSS is not required. However, in its RR NATS indicated that it had a number of outstanding concerns and the ExA therefore wishes to repeat its original request [PD-005] that NATS submit a PADSS.

The ExA has set out in the draft Examination Timetable at **Annex D** where it expects PADSS to be updated **by IPs** (ie not the Applicant) during the Examination with a final PADSS to be submitted by **Deadline 8 (Tuesday, 23 January 2024)**. In so doing, the ExA ask that Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire District Council, who submitted a joint PADSS, focus more clearly on a summary of such matters, rather than provide detailed comments. There will be an opportunity to provide detailed comments through either the Local Impact Report or Written Representation. In addition, could they please add an additional column to the table which indicates whether the area of disagreement applies to all three Councils or is a specific concern for a specific council(s).

5. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes a date during the week commencing 27 November 2023 which is reserved for an Accompanied Site Inspection (ASI).

The ExA requests that IPs submit suggested locations for the ExA to visit as part of an ASI by **Deadline 1 (Tuesday, 22 August 2023)**. The request must include:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

IPs should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development. However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 2 (Tuesday, 12 September 2023)**. This should include:

- relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted at **Deadline 1**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 3 (Thursday, 5 October 2023)**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the proposed date of the ASI.

6. Additional Submissions

The ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- Applicant's response to Section 51 advice [PD-002] received on 28 April 2023;
- Applicant's response to Rule 9 [PD-005] received on 31 May 2023;
- Huntingdonshire District Council [AS-036]; and
- Applicant's response to Rule 9 [PD-006] received 27 June 2023.

7. Compulsory Acquisition

The ExA requests that where indicated in the Exam Timetable, the Applicant provides a Compulsory Acquisition Schedule which provides the most up to date information regarding the status of negotiations on voluntary agreements with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP). A final version must be submitted **by Deadline 9 (Tuesday, 30 January 2024)**.

8. Guide to the Application

The ExA requests that the Applicant provide a Guide to the Application. This is a 'living' document which should capture all updates/ revisions to the application documents along with any new documents submitted into the Examination by the Applicant. The Exam Timetable indicates where the ExA would wish to see this document updated. A final version must be submitted by **Deadline 9 (Tuesday, 30 January 2024)**. This document should form part of the certification of plans identified within the draft Development Consent Order and should not be removed from subsequent drafts if submitted during the Examination.

9. Statement of Commonality of SoCG

The ExA requests that where indicated in the Examination Timetable, the Applicant provides a Statement of Commonality of SoCG which is a 'living' document that provides a table showing commonality on specific points between the various SoCG. The purpose of this document is to provide the ExA with an overview of the position between the Applicant and the relevant parties. A final version must be submitted by **Deadline 9 (Tuesday, 30 January 2024)**.

10. Deadline for the submission of Written Representations and Local Impact Reports

In order to maximise the time available to examine the application the ExA has made the Procedural Decision to request Written Representations (WRs) and Local Impact Reports (LIRs) at **Deadline 1 (Tuesday, 22 August 2023)**. For the avoidance of doubt, the ExA wishes to make it clear that WRs and LIRs are two separate documents and must be submitted separately and independently of each other.

For the purposes of Rule 10(2) of the Examination Procedure Rules, the 'period of 21 days' with reference to which the ExA must provide notice for the submission of WRs commences on 13 July 2023. This is a date before the

start of the Examination. However, as the deadline for submission of WRs is set at **Deadline 1 (Tuesday, 22 August 2023)** is more than the 21 days' notice, the ExA is satisfied that IPs have been permitted sufficient time in which to draft and submit WRs.

By providing early notice, the ExA is ensuring that all IPs will have a reasonable time period in which to draft their WRs, before the deadline for submission.

11. Deadline for the submission of comments and summaries on Relevant Representations (RR)

It is normal for the ExA to request that summaries and comments are provided for RRs where the original representations exceed 1500 words in length. The ExA has therefore made a Procedural Decision to request the submission of summaries and comments by **Deadline 1 (Tuesday, 22 August 2023)**.

12. Notification by Statutory Parties, or certain Local Authorities of their wish to be considered as an IP

The ExA has made the Procedural Decision that, in order to facilitate a timely start the Examination, Statutory Parties and certain Local Authorities who have not yet done so should decide whether they wish to be considered as an IP. They need to notify the Planning Inspectorate of their decision by **Deadline 1 (Tuesday, 22 August 2023)**.

13. Requests for further information

Roles and responsibilities of Luton Borough Council

For this application for Development Consent Luton Borough Council is the Host Local Authority but also has an interest in the application by virtue of being the owners of the Airport. The Applicant is requested to provide a document which sets out the how the roles and responsibilities for the two interests have been demarcated. This should include details of the procedures for response to the Examination. If this information has already been provided can the Applicant signpost where in the application documentation this information can be found. This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**.

If the Applicant needs guidance on the type of document/ information that the ExA are seeking, then they are directed to look at Appendix 2 of the Explanatory Memorandum for the Portishead Branch Line-MetroWest Phase 1B application for Development Consent (REP7-009 of the EL for that application) where North Somerset District Council was both the applicant and the relevant local authority.

Green Horizons Park

The Planning Statement [APP-194, paragraph 5.9.8] advises that the application would supersede much of the development consented as New

Century Park (LBC ref: 17/02300/EIA) but now referred to as Green Horizons Park (GHP). However, the Applicant [paragraph 5.9.9] then advises that it anticipates that some of the elements of GHP would be implemented. To enable the ExA to understand the proposed interface for the implementation of the GHP consent and the Proposed Development, the Applicant is requested to provide the following further information, or if this has already been provided signpost where this information can be found.

1. A copy of the GHP consent including a copy of the decision notice, committee report(s), relevant plans (including any indicative layouts) and any legal agreements.
2. Details of which elements of the GHP consent the Applicant is proposing to proceed with separately to the Proposed Development.
3. A plan showing the GHP scheme overlaid with the relevant elements of the Proposed Development that would supersede/ replace those elements of the GHP consent.
4. An update as to whether any submissions for Reserved Matters have been made. If submissions have been made, then the Applicant is requested to provide the details of those submissions including the indicative time frames for determination.

This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**

Flight and passenger information

To assist in understanding the current operating conditions of the airport, the ExA requests the following information is submitted (in addition to that presented in Chapter 5 of the Need Case [APP-213]):

- In a table format, provide a list of all destinations currently served by the airport, the airlines and the type of aircraft which fly to those destinations, and the number of flights to the destinations per day or per week if daily flights to those destinations are not available. Identify which of these destinations are Alpha, Beta and Gamma cities.
- Separate graphs showing the total number of daily, weekly and monthly aircraft movements and passengers throughout 2019.
- Typical flying schedule for the airport during the day, taken in each of the four seasons during 2019, including times of flights and set out in the same format as the table in Appendix C of the Need Case [APP-214], although substituting the flight reference number with the airline.
- In a single table, provide a breakdown of the total number of annual passengers in the years 2016 to 2019 split between leisure (with leisure showing the split between leisure and visiting friends and relatives) and business purposes, including figures for inbound and outbound passengers.
- Breakdown of the number of flights annually between scheduled, chartered and private jet in 2019.
- Provide a definition for Business Aviation and provide a breakdown of private jet flights that are used for business or leisure/ personal purposes.

- Table showing top destinations for leisure passengers in 2019, as a comparison to similar information that has been presented in Table 5.4 in the Need Case [APP-213] relating to top destinations for business passengers.

In addition to the above information, to allow for better understanding of the current situation regarding capacity and current restrictions attached to airports located in the south east of England, the ExA requests that information containing the current caps on passenger and/ or aircraft movement at Heathrow, Gatwick, Stansted, London City and Southend Airports and the total number of passengers and/ or aircraft movements to each of these airports in the year 2019 is submitted. Please also identify any changes to current restrictions that have taken place since 2019.

If this information has already been provided, then the Applicant is requested to signpost where in the application documents this information can be found.

This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**

Revision to Figure 1 (topographical map of the proposed development) in Appendix 20.3: Hydrogeological Characterisation Report [APP-136]

This map includes a large insert box over the area to the immediate south of the airport, including the location of Netherfield Spring. The insert box should be moved elsewhere or re-produced as a separate figure so that the underlying information in Figure 1 can be fully viewed. This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**.

Trip Distribution Plans

To consolidate and simplify the information contained within the application in relation to traffic the ExA requests that the Applicant provide Trip Distribution Plans (for base year and each of the future assessment years). The plans should show graphically where the trips to the airport originate and include the Annual Average Daily Traffic flow values for the 'Do-Minimum' and 'Do-Something' scenarios. If this information has already been provided, then the Applicant is requested to signpost where in the application documents this information can be found. This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**.

Overarching Aviation Noise Policy Statement

On 27 March 2023, a policy paper entitled 'Overarching aviation noise policy' <https://www.gov.uk/government/publications/aviation-noise-policy-statement/overarching-aviation-noise-policy> was published. Please provide commentary on the implications of the policy paper, if any, for the Proposed Development. This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**.

Environmental Improvement Plan Interim Target for PM_{2.5}

The Environmental Improvement Plan (EIP) includes interim targets for PM_{2.5} <https://www.gov.uk/government/publications/environmental-improvement-plan>. Provide a commentary on the implications of the EIP interim targets, if any, for the Green Controlled Growth limits and thresholds for air quality and the conclusions of the air quality impact assessment. This information is to be submitted at **Deadline 1 (Tuesday, 22 August 2023)**.

Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you will need to bring a form of identification and may need to register as a member/library member to use a computer at these locations.

Local authority	Venue/address	Opening hours	Printing costs
Hertfordshire County Council	Harpenden Library 27 High Street Harpenden Hertfordshire AL5 2RU	Monday: 9:00am to 18:00pm Tuesday: 13:00pm to 18:00pm Wednesday: closed Thursday: 9:00am to 19:00pm Friday: 13:00pm to 18:00pm	A4 BW 20p A4 COL 60p

		Saturday: 9:00am to 17:00pm Sunday: closed	
Local authority	Venue/address	Opening hours	Printing Costs
Hertfordshire County Council	Hertfordshire County Council Offices Hertfordshire County Hall Pegs Lane Hertford SG13 8DQ	Monday: 8:00am to 18:00pm Tuesday: 8:00am to 18:00pm Wednesday: 8:00am to 18:00pm Thursday: 8:00am to 18:00pm Friday: 8:00am to 18:00pm Saturday: Closed Sunday: Closed	A4 BW 20p A4 COL 60p A3 BW 40p A3 COL £1.20
Local authority	Venue/address	Opening hours	Printing Costs
Hertfordshire County Council	Hitchin Library Paynes Park Hitchin Hertfordshire SG5 1EW	Monday: 13:00pm to 18:00pm Tuesday: 10:00am to 19:00pm Wednesday: closed Thursday: 10:00am to 18:00pm Friday: 10:00am to 18:00pm Saturday: 10:00am to 17:00pm Sunday: closed	A4 BW 20p A4 COL 60p A3 BW 40p A3 COL £1.20
Local authority	Venue/address	Opening hours	Printing Costs

Annex G

Luton Borough Council	Luton Central Library Information and Stock Services Team Fourth Floor Luton Central Library St George's Square Luton, LU1 2NG	Monday: 9:00am to 19:00pm Tuesday: 9:00am to 18:00pm Wednesday: closed Thursday: 9:00am to 18:00pm Friday: 9:00am to 18:00pm Saturday: 9:30am to 17:00pm Sunday: 11:00am to 17:00pm	A4 BW 20p A4 COL 40p A3 COL 80p
Local authority	Venue/address	Opening hours	Printing Costs
Hertfordshire County Council	Stevenage Central Library Southgate Stevenage Hertfordshire SG1 1HD	Monday: 10:00am to 17:00pm Tuesday: 10:00pm to 18:00pm Wednesday: 10:00pm to 18:00pm Thursday: 10:00pm to 18:00pm Friday: 10:00pm to 18:00pm Saturday: 10:00am to 17:00pm Sunday: 12:00pm to 16:00pm	A4 BW 20p A4 COL 60p A3 BW 40p A3 COL £1.20
Local authority	Venue/address	Opening hours	Printing Costs
Luton Borough Council	Stopsley Library Information and Stock Services Team Fourth Floor Luton Central Library St George's Square	Monday: 11:00am to 19:00pm Tuesday: 9:00pm to 19:00pm	A4 BW 20p A4 COL 40p A3 COL 80p

	Luton, LU1 2NG	Wednesday: 9:00pm to 19:00pm Thursday: 9:00pm to 19:00pm Friday: 9:00pm to 17:00pm Saturday: 9:30am to 17:00pm Sunday: 10:00pm to 16:00pm	
--	----------------	---	--

Information about the Make a submission tab

The [Make a submission tab](#) is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top of your letter or email from the Planning Inspectorate) beginning either '2003', '2004', 'LUTN-0', 'LUTN-AFP', 'LUTN-S57', 'LUTN-APL'. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.