

27 July 2023

Email: FutureLuton@lutonrising.org.uk
Phone: 0800 538 5203 (leave a voicemail)

Jo Dowling
Lead Member for the Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref: TR020001

Dear Jo Dowling

London Luton Airport Expansion Project

Response to Rule 6 Letter: Procedural Deadline A

On 13 July 2023, the Examining Authority (“ExA”) issued a letter setting out a number of Procedural Decisions, under sections 88 and 89 of the Planning Act 2008 (as amended) and Rules 4, 6, 9 and 13 of The Infrastructure Planning (Examination Procedure) Rules 2010 (“the Rule 6 Letter”), for the examination of the Development Consent Order (“DCO”) application for the London Luton Airport Expansion Project.

This letter is Luton Rising’s (“the Applicant’s”) response to the matters raised within the Rule 6 Letter for Procedural Deadline A on Thursday 27 July 2023.

1. Preliminary Meeting

The Applicant will attend the Preliminary Meeting in person on Thursday 10 August 2023 and will be represented by Tom Henderson of BDB Pitmans, legal advisers to Luton Rising. The Applicant will speak primarily on item 5 (the draft Examination Timetable) of the Preliminary Meeting agenda, as explained in further detail below. The Applicant will also respond to representations made by Interested Parties when asked to do so by the ExA and respond to any questions the ExA may have.

Members of the project team will also be in attendance in an observational capacity.

The relevant members of the Applicant’s project team have completed the online Event Participation Form to confirm their participation in the Preliminary Meeting as requested in the Rule 6 Letter.

2. Open Floor Hearings

The Applicant will attend the Open Floor Hearings ('OFH1' and 'OFH2') in person on Thursday 10 and Friday 11 August 2023. The Applicant will be represented by Tom Henderson of BDB Pitmans, with support (should it be required) of the following members of the project team:

- Lee Tearle, BDB Pitmans
- Antony Aldridge, Luton Rising
- Chris Stocks, Arup
- Louise Congdon, York Aviation
- Marcus Scrafton, AECOM

Further members of the project team will also be in attendance in an observational capacity.

The relevant members of the Applicant's project team have completed the online Open Floor Hearings Event Participation Form to confirm their participation in OFH1 and OFH2 as requested in the Rule 6 Letter.

3. Initial Assessment of Principal Issues

The Applicant acknowledges the ExA's Initial Assessment of Principal Issues as set out in Annex C of the Rule 6 Letter which will be raised under item 3 of the Preliminary Meeting agenda. The Applicant is satisfied that this identifies the principal issues, noting there are other issues that are material and important, such as the need case and the national and local policy context, which the Applicant assumes will naturally form part of the examination.

4. Examination Timetable

The Applicant has considered the draft Examination Timetable set out in Annex D of the Rule 6 Letter and wishes to make the following comments, which will also be made orally at the Preliminary Meeting.

- The Applicant requests that Deadline 2 on Tuesday 12 September 2023 (item 7 in Annex D) is moved one week later to Tuesday 19 September 2023. This is to enable sufficient time for the Applicant to consider and respond to Written Representations and Local Impact Reports, which are due to be submitted on Tuesday 22 August 2023, and which are anticipated to be extensive.
- It is recognised that the ExA will need the information submitted at Deadline 2 to set the agendas for the first set of Issue Specific Hearings and Compulsory Acquisition Hearing. The Applicant therefore requests that the timings of the hearings commencing on Tuesday 26 September 2023 (items 8-12 of Annex D) are rescheduled to the following week, commencing Tuesday 3 October 2023. There are two additional supporting reasons for this. Firstly, if the hearings are held during week commencing 26 September, the location of the hearings would have to be split between two venues due to venue availability. Secondly, Counsel for the Applicant are not available for the week commencing 26 September but are more likely to be

available if the hearings are deferred by one week, particularly for the proposed hearings on “environmental matters”.

- If the request to move those hearings back by one week is accepted, then moving Deadline 2 is not anticipated to have a consequential impact on the timetable as it would still enable sufficient time for the consideration by the ExA of the material submitted in response at Deadline 2 and the preparation of the hearing agendas.
- The Applicant appreciates that changes to the Examination Timetable can have impacts on later deadlines. Considering the requests collectively, the one-week delay to Deadline 2 and to the Issue Specific and Compulsory Acquisition hearings in September would have an impact on Deadline 3 (item 13), the publication by the ExA of the first round of Written Questions (item 14), Deadline 4 (item 15) and Deadline 5 (item 16). The proposed new dates for these items are set out in Table 1 below, and there is no change to length of time between deadlines for these items.
- The Applicant further requests that the timings of the hearings reserved for the week commencing Monday 27 November 2023 (item 17 in Annex D) are rescheduled to the following week commencing Monday 4 December. This is due to a lack of a suitable venue being available during the week commencing 27 November – there is currently no venue available on 28 November, and the for the remainder of that week the venue that is available has a shortage of break-out rooms.
- In considering the changes to the second round of hearings, the Applicant has proposed a change to Deadline 6 (item 18), the publication of the second round of Written Questions by the ExA (item 19) and Deadline 7 (item 20) as set out in Table 1 below. With regards to the proposed reduction of time for the second round of Written Questions, it is the same time allowed for the first round of Written Questions in October, 3 working days after the previous deadline, which the Applicant hopes would be acceptable to the ExA.
- Following Deadline 7, the Applicant suggests no other amendments are made thereby avoiding any impact on later deadlines and enabling the Examination to be concluded within the six-month statutory period, by the 10 February 2024.

Table 1 below sets out the Applicant’s proposed changes to the draft Examination Timetable, including any changes to the proposed time period between activities, for consideration by the ExA.

Table 1. The Applicant's proposed changes to the draft Examination Timetable

Item	Current deadline	Time period from previous deadline	Proposed revision	Change in time period from previous deadline?
PM and OFHs	10-11 August	-	-	-
Deadline 1	22 August	7 working days	-	-
Deadline 2	12 September	15 working days	19 September	Yes – increases to 22 working days
Hearing block 1	26-29 September	9 working days	3-6 October	None
Deadline 3	5 October	4 working days	12 October	None
1st WQs published	10 October	3 working days	17 October	None
Deadline 4	1 November	16 working days	8 November	None
Deadline 5	14 November	9 working days	21 November	None
Hearing block 2	28 November - 1 December	9 working days	5-8 December	None
Deadline 6	8 December	5 working days	14 December	Yes – reduces to 4 working days
2nd WQs published	15 December	5 working days	19 December	Yes – reduces to 3 working days
Deadline 7	9 January	14 working days	11 January	None
ExA comments on DCO	16 January	5 working days	-	Yes – reduces to 2 working days
Deadline 8	23 January	5 working days	-	-
Deadline 9	30 January	5 working days	-	-
Deadline 10	5 February	5 working days	-	-
Close of Exam	10 February	5 working days	-	-

5. Procedural Decisions made by the Examining Authority

The Applicant acknowledges the Procedural Decisions made by the ExA contained within Annex F of the Rule 6 Letter and confirms that it will observe the actions assigned to it therein. The Applicant takes the opportunity to comment on the following specific items.

Item 2 – Visuals for the Hearings

With reference to Item 2 of Annex F, the Applicant will make provision for the electronic display of relevant plans and documents as required by the ExA during the Issue Specific and Compulsory Acquisition Hearings.

Item 3 – Statements of Common Ground

Item 3 of Annex F requests the submission of initial draft Statements of Common Ground (SoCGs) at Deadline 1 on Tuesday 22 August 2023. The list of SoCGs being developed by the Applicant was listed in the Introduction to the Application [AS-002, paragraph 4.3.11] and reflects the status at the time of submission in February 2023.

Since submission, further discussions have been held with Shell UK Ltd and Network Rail and it has been agreed with these two parties that SoCGs are no longer required. The ExA is therefore requested to consider removing these from the list of SoCGs required.

The Applicant can confirm that the requests made by the ExA in Procedural Decision PD-005 with regard to SoCGs will be met. These relate to the provision of individual SoCGs with the host local authorities and the development of three additional SoCGs with Buckinghamshire Council, East of England Ambulance Service and Bedfordshire Fire and Rescue Service. The initial draft of these SoCGs will be submitted by the Applicant at Deadline 1.

Item 6 – Other Procedural Decisions made by the Examining Authority

On 16 May 2023, the ExA issued a Procedural Decision [PD-005] requesting the Applicant review its transport modelling in light of the interim advice produced by the Department for Transport (DfT) regarding the treatment of the COVID-19 pandemic in transport modelling. The ExA requested that the modelling and application documentation, including any dependent assessments, be updated as necessary by 23 June 2023. If this was not achievable by that date, the ExA requested the Applicant should provide a detailed timetable explaining when the information would be submitted, why the additional time is needed and any implications this might have for the Examination.

The Applicant submitted a response on 31 May 2023 providing an indicative timetable for undertaking the transport modelling [AS-051]. This showed a proposed end of October 2023 submission.

In response to the submission on 31 May 2023, the ExA issued a Procedural Decision [PD-006] on 13 June 2023 requesting that the Applicant review its transport modelling considering the updated DfT guidance published in May 2023 regarding the treatment of the COVID-19 pandemic in transport modelling, which supersedes the interim advice note referenced in PD-005. The ExA requested that the Applicant also engage with relevant stakeholders, including National Highways and the Local Highway Authorities, and provide a detailed programme.

The Applicant submitted a response in Appendix A of the letter of 27 June 2023 [AS-064] which provided additional information and detail on the update of the transport modelling. The detailed programme shows that the various technical, stakeholder engagement and reporting tasks would commence in July 2023 and conclude in December 2023.

The December submission accounts for the work required to update the transport modelling in line with the DfT guidance and time to engage with stakeholders, as requested by the ExA. The Applicant can confirm that initial discussions have taken place with National

Highways on 18 July and the Local Highway Authorities on 21 July 2023 to discuss the method and programme for undertaking the transport modelling.

Item 13 – Requests for further information

The Applicant acknowledges the requests for further information under item 13 and can confirm that these will be submitted at Deadline 1.

6. Additional submissions

The Applicant requests the ExA's permission to submit an errata document at Deadline 1. This would capture minor errors identified in the DCO application documents which do not impact on the assessment or conclusions of any of the documents.

As the errata identified would be minor in nature, it is proposed that the application documents would not be re-issued, but instead should be referenced against any changes identified in the errata document. If an updated application document is required in due course for reasons other than minor changes, any related errata will be captured in the re-submitted document.

Please get in touch should you have any further comments or questions.

Yours sincerely,

p.p. 

Antony Aldridge
Head of DCO Programme