



The Planning Inspectorate

Planning Act 2008 – Section 92

Application by London Luton Airport Limited for an Order granting Development Consent for London Luton Airport Expansion

Agenda for Compulsory Acquisition Hearing

Hearing	Date and Time	Location
Compulsory Acquisition	Tuesday 26 September 2023 Hearing starts at 14:00¹ Virtual event Virtual Registration from: 13:30 ²	By virtual means using Microsoft Teams

Hearings Guidance: Please see Annex A of this Agenda

All Affected Persons are invited to attend the Compulsory Acquisition Hearing. If you haven't notified us that you wish to speak then you must contact the Case Team (LutonAirport@planninginspectorate.gov.uk) as soon as possible.

Each Affected Person is entitled to make oral representations at hearings. However, this is subject to the power of the Examining Authority (ExA) to control the conduct and management of hearings.

The event will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of written questions.

¹ If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

² Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to written questions.

Please Note:

In order to ensure timely publication of this agenda, it has largely been drafted before the receipt of submissions for Deadlines 2 and 2A. Consequently, the ExA may need to adjust the agenda at the meeting to allow for representations received at these deadlines.

Purpose of this Compulsory Acquisition Hearing:

The main purpose of the compulsory acquisition hearing is:

- To consider the compulsory acquisition and related provisions within the draft Development Consent Order (DCO);
- to consider whether the conditions relating to the purpose for which compulsory acquisition may be authorised would be met;
- to discharge the ExA's duty to hear persons affected by Compulsory Acquisition (CA) and Temporary Possession (TP) proposals (Affected Persons) who requested to be heard; and
- to address related matters.



The Planning Inspectorate

Agenda

Title of meeting	London Luton Airport Expansion Compulsory Acquisition Hearing
Date	Tuesday 26 September 2023
Time	14:00
Venue	Virtual event
Attendees	Invitees

1 Welcome, introductions, arrangements for the Hearing

2 Matters arising from the supplementary agenda

3 Part 5 of the draft DCO (Articles 24 to 41) and Schedule 6

- The ExA will ask questions in relation to the drafting of the articles in Part 5 of the draft Development Consent Order (DCO), including but not limited to:
 - Article 24 (Compulsory acquisition of land);
 - Article 30 (Application of the 1981 Act and modification of the 2017 Regulations)
 - Articles 33 (Temporary use of land for carrying out the authorised development) and 34 (Temporary use of land for maintain the authorised development);
 - Article 35 (Special category land);
 - Article 36 (d) and (e) (Statutory undertakers);
 - Article 37 (Apparatus and rights if statutory undertakers in stopped-up streets);
 - Article 40 (Disregard of certain improvements, etc); and
 - Article 41 (Set off for enhancement in value of retained land).

4 Schedule 8 of the draft DCO – Protective Provisions

- Applicant to provide an update on the progress with the drafting/ agreement on Protective Provisions.
- Review of whether additional protective provisions need to be included within Schedule 8.

5 Section 122 and 123 of the Planning Act 2008 (PA2008)

- The Applicant to briefly outline the case for Compulsory Acquisition (CA) and Temporary Possession (TP) and whether it meets the tests of the Planning Act 2008 (PA2008) including whether all reasonable alternatives have been considered; whether the rights to be acquired are reasonably necessary and proportionate and whether there is a compelling case in the public interest for the land to be acquired.
- The Applicant to provide a brief update on the progress of negotiations and deadlines for their conclusion.

- Affected Persons to briefly set out any outstanding concerns that have not already been discussed.

6 Section 131 and 132 of the PA2008 with reference to Wigmore Valley Park

- The Applicant to set out the case for CA and TP with regards to sections 131 and 132 (Commons, Open Space or Fuel or Field Allotments).
- Examining Authority to examine loss of Wigmore Valley Park and the proposed replacement land.

7 Section 135 of the PA2008 – Crown land

- Applicant to confirm whether all Crown land has been identified in Part 4 of the Book of Reference (BoR) and on the Crown land plans given that all plots which the Crown has an interest in should be identified.
- Whether the draft DCO would effectively prevent CA of any interest held by or on behalf of the Crown with particular reference to Article 39.
- Applicant to provide a brief update on the progress of obtaining Crown consent.

8 Funding

- The resource implications of both acquiring the land and implementing the project for which the land is required.
- Whether adequate funding is likely to be available to enable CA to proceed within the statutory period following the DCO being made.

9 Category Three persons

- Whether all Category Three persons have been identified in the BoR.
- The compensation available to these persons and whether it is sufficient.

10 Action Points arising from the Hearing

11 Any other business

12 Close of Hearing

Attendees:

All Affected Persons are welcome to attend the hearing. However, the ExA considers that representatives for the following parties should consider attending because the ExA believes that the material that they have submitted raises issues that may need to be explored at the hearing:

- The Applicant;
- Affected Persons objecting to the granting of CA and/ or TP powers;
- Luton Borough council in its role as the Local Planning Authority;
- The Crown Estate;
- Affinity Water;

- Inspired Villages;
- Network Rail;
- Gowling WLG (UK) LLP on behalf of Bloor Homes Ltd;
- Thames Water;
- Weldon Beesly LLP on behalf of Bartholomew Pleydell-Bouviere;
- Cadent Gas;
- Fisher German on behalf of Eastern Power Networks Plc and UK Power Network Operations Ltd;
- Kevin and Miranda Folds;
- Bidwells on behalf of ATO Holdings;
- The Trustees of the Paul Tompkins Will Trust;
- GKN Aerospace Services Ltd;
- David Williams on behalf of Charles Simpson Rentals Limited/ Charles Simpson Organisation Ltd;
- Keith Murray Consultants on behalf of John Andrew and Jana Ninot Jason/ Follet Property Holdings Ltd/ Jason Property Development;
- Lichfields on behalf of Openwide Investments Ltd;
- Knight Frank LLP on behalf of Cella UK Property Unit Trust;
- Friends of Wigmore Park;
- Brown & Co on behalf of the Eldridge Family;
- Roebuck Land and Planning Ltd on behalf of Offley Chase Estates Ltd.

The Applicant is requested to have people with the following expertise to assist the hearing:

- Land Agents;
- Chartered Surveyors; and/ or
- Legal advisors

who are responsible for the drafting of the CA and TP powers in the draft DCO; for the selection of land and the assembly of portfolios of permanent and temporary land and rights necessary for the delivery of the proposed development; for the provision and maintenance of the CA and TP documents including the Land Plans, Book of Reference and Statement of Reasons and for the due diligence process over land and rights.

This list may also assist other Interested Parties in preparing for the hearing.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA that will probe, test and assess the evidence at hearings through direct questioning of persons making oral representations. Questioning at this Hearing will therefore be led by the ExA. Cross questioning of the person giving evidence by another person will **only** be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that a person has had a fair chance to put their case. Parties wishing to make a representation will be invited to do so at the ExA's discretion.

The ExA will begin the Hearing with opening comments and introductions, then will run through housekeeping matters and explain how the Hearing will be conducted. The ExA's expectation is that each hearing session will typically last for two to three hours. However, the actual duration will depend on the progress made on the day and will be subject to the ExA's powers of control over the conduct of the Hearing.

The agenda may be amended by the ExA at the start of the Hearing or throughout its course. Furthermore, the ExA may wish to raise matters arising from oral submissions, Relevant Representations and Written Representations, and pursue lines of inquiry that are not listed on the agenda during the discussion.

The Hearing is being held at the discretion of the ExA to consider matters that it considers to be important and relevant to the effective and robust examination of the application. Consequently, the business of the Hearing will be limited to the matters identified in the agenda or otherwise raised by the ExA.

Active participation is at the invitation and discretion of the ExA. Oral submissions must address the matters and questions identified on the Hearing agenda or raised by the ExA at the hearing. Oral submissions on other subject matters or from persons who have not been invited to speak by the ExA may only be heard at the discretion of the ExA, who may decide that such matters are not heard in the interests of relevance, efficiency or fairness.

A recording and transcript of the Hearing will be published by the Planning Inspectorate on the project page of the national infrastructure website³ and any Interested Party may make a written submission on the specific matters either included in the agenda or arising at the Hearing by **Deadline 3, 5 October 2023**.

³ <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/london-luton-airport-expansion/?ipcsection=overview>