



The Planning Inspectorate

Planning Act 2008 – Section 91

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

Agenda for Issue Specific Hearing 1 dealing with the draft Development Consent Order

Hearing	Date and Time	Location
Issue Specific Hearing 1: The draft Development Consent Order	Tuesday 26 September 2023 Hearing starts at 09:30¹ Virtual event Registration from: 09:00 ²	By virtual means using Microsoft Teams

Hearings Guidance: Please see Annex A of this Agenda

Interested Parties who wish to speak at this event were required to provide notification by Deadline 1. If you haven't notified us that you wish to speak, you must contact the Case Team (LutonAirport@planninginspectorate.gov.uk) as soon as possible.

Each Interested Party 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 Issue Specific hearing:

The purpose of the Hearing is to examine the draft Development Consent Order (DCO) Articles and Schedules. The agenda has been drafted based on the draft DCO submitted at Deadline 2 dated September 2023 [REP2-003].

In particular to:

- clarify issues around how the draft DCO is intended to work – including the scope of the consent, the extent of the powers and what requirements, provisions and agreements are proposed;
- identify any possible issues of prevention, mitigation or compensation not covered by the DCO as currently drafted; and
- establish or confirm the views of Interested Parties as to the appropriateness, proportionality and efficacy of the proposals.

Please note that matters relating to the powers of acquisition and possession (Part 5), modifications of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants (Schedule 6) and protective provisions (Schedule 8) will be examined at the Compulsory Acquisition Hearing on Tuesday 26 September 2023 at 14:00.



The Planning Inspectorate

Agenda

Title of meeting	London Luton Airport Expansion Issue Specific Hearing 1 – the draft Development Consent Order
Date	Tuesday 26 September 2023
Time	09.30
Venue	Virtual event
Attendees	Invitees

1 Welcome, introductions, arrangements for the Hearing

2 Matters arising from the supplementary agenda

3 Articles and Schedules of the draft DCO (excluding Schedules 1, 2, 8 and 9)

- Applicant will be asked to provide a very brief overview of the draft DCO.
- The ExA will then ask questions in respect of:
 - Article 2 (Interpretation);
 - Article 6 (Limits of works);
 - Articles 10 (Street works), 13 (Temporary stopping up and restriction of use of streets), 14 (Permanent stopping up of public rights of way) and 15 (Access to works);
 - Articles 44 (Interaction with LLAOL planning permission) and 45 (Application of the 1990 Act);
 - Article 47 (Defence to proceedings in respect of statutory nuisance); and
 - Article 52 (Arbitration)

seeking responses where appropriate from the Applicant, Luton Borough Council, the joint Host Authorities, the relevant Highways Authorities and other Interested Parties.

- The ExA will seek to explore whether there are any other articles that should be included within the Order seeking responses where appropriate from the Applicant, Luton Borough Council and other Interested Parties.

4 Schedules 1 and 2 – Authorised Development and Requirements (excluding Part 3, Requirements 18 to 25)

- The Applicant will be asked to provide a very brief overview of the Proposed Development as set out in Schedule 1.

- The ExA will ask a number of questions and clarifications in relation to Schedule 1 seeking responses where appropriate from the Applicant, Luton Borough Council and other Interested Parties.
- The ExA will ask questions in relation to Schedule 2, including but not limited to:
 - Requirement 2 (Amendments to approved details);
 - Requirement 4 (Time limits);
 - Requirement 8 (Code of Construction Practice);
 - Requirement 16 (Archaeological remains);
 - Requirement 26 (Passenger cap for the authorised development);
 - Requirement 27 (Night quota cap);
 - Requirement 28 (Fixed Plant Noise Management Plan);
 - Requirement 38 (Matters to be considered in an appeal to the Secretary of State) and
 - Requirement 39 (Application of Part 8 of the Planning Act 2008).

seeking responses where appropriate from the Applicant, Luton Borough Council, the joint Host Authorities, the relevant Highways Authorities and other Interested Parties.

- The ExA will seek to explore whether there are any other requirements that should be included in the Order seeking responses where appropriate from the Applicant, Luton Borough Council, the joint Host Authorities and other Interested Parties.

5 Part 3, Requirements 18 to 25 (Green Controlled Growth)

The Applicant will be asked to provide a very brief overview of the drafting of the Green Controlled Growth requirements.

The ExA will then ask questions on the drafting of these requirements seeking responses from the Applicant, Luton Borough Council, the joint Host Authorities and other Interested Parties.

6 Schedule 9 – Documents to be certified

To review the documents to be certified and seek views as to how this is laid out, whether the list is complete and, if not, what additional documents should be included.

7 Consents, licences and other agreements

The Applicant will be asked to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing the indicative timescales for completing the proposed section 106 agreements.

8 Action Points arising from the Hearing

9 Any other business

10 Close of Hearing

Attendees:

All Interested Parties 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;
- Luton Borough Council in its role as the Local Planning Authority;
- Luton Borough Council in its role as the Local Highways Authority; and
- Any other public authority, body or organisation affected by the proposed development.

Conduct and Management of Hearings

The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the Examining Authority (ExA) 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 in the course of 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>