

22 September 2023

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Your Ref: TR020001

Dear Jo Dowling

## **London Luton Airport Expansion Project**

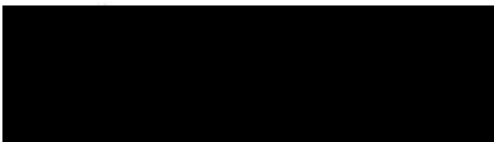
### **Applicant's first notification to submit a request for proposed change to the application for development consent**

- 1.1.1 The Applicant is writing to advise the Examining Authority that it has identified a change it is intending to make to the application for development consent (the application) in respect of the expansion of London Luton Airport (the Proposed Development).
- 1.1.2 Since the submission of the application, the Applicant has continued to engage with stakeholders with a view to addressing their comments and agreeing common ground, while also continuing with detailed scheme development.
- 1.1.3 The Applicant has undertaken a review of the modifications that it intends to make to the application. In doing so, the Applicant has considered the information provided in the Planning Inspectorate's (2023) Advice Note Sixteen: Requests to change applications after they have been accepted for examination (version 3) ('Advice Note Sixteen'). The Applicant has considered:
  - a. Whether the modifications would result in a change to the proposals that would require a formal request to change the application in accordance with Advice Note Sixteen. Modifications that met this criterion are referred to as 'proposed change' in this document and are subject to the Examining Authority's decision to accept the change.
  - b. Whether the 'proposed change' would be so substantial as to constitute a materially different project, in accordance with paragraph 2.1 of Advice Note Sixteen. The Applicant considers that the identified change does not meet this criterion.

- c. Whether, having regard to paragraph 2.4 of Advice Note 16, the modifications would not necessitate a formal request to change the application, and would instead be subject only to the Examining Authority's decision to accept relevant additional or updated documents. The Applicant considers that the modifications would not meet this criterion.
- 1.1.4 Through this review, as set out in the attached **Change Notification – Drainage Strategy [TR020001/APP/8.61]**, the Applicant has determined that the proposed modifications constitute a single proposed change.
- 1.1.5 The proposed change is a result of ongoing discussions with statutory stakeholders and relates to the **Drainage Design Statement (DDS) [APP-137]**, particularly the preferred option for the treatment and discharge of foul water and contaminated surface water from development works subject to the application.
- 1.1.6 The following submissions and correspondence from statutory stakeholders are of direct relevance to the proposed change:
- a. the **Environment Agency's Relevant Representation [RR-0444]**, dated 22 June 2023;
  - b. the **Environment Agency's Principal Areas of Disagreement Summary Statement (PADSS) [AS-056]**, dated 22 June 2023; and
  - c. a letter from Thames Water Utilities Limited, dated 1 September 2023, and included as Appendix A the **Change Notification – Drainage Strategy [TR020001/APP/8.61]** enclosed with this submission.
- 1.1.7 The Applicant has considered Advice Note Sixteen and seeks to present its request for the proposed change having regard to the principles and processes set out in Advice Note Sixteen.
- 1.1.8 This letter and the enclosed **Change Notification – Drainage Strategy [TR020001/APP/8.61]** constitutes Step 1 of Figure 1 of Advice Note Sixteen, in which the Applicant informs the Examining Authority in writing of its intention to request a change to the accepted application.
- 1.1.9 The Applicant considers that the proposed change is not so substantial as to constitute a materially different project to the Proposed Development which was the subject of the application for development consent. As such, it considers that it is a matter which can be progressed under the process shown in Figure 2 of Advice Note Sixteen.
- 1.1.10 The Applicant intends to carry out a targeted non-statutory consultation with relevant stakeholders for the proposed change prior to making the formal change request, having regard to the principles and process set out in Advice Note Sixteen.

- 1.1.11 The consultation is proposed to take place in early October 2023 and run for a minimum of 14 days. The consultation is proposed as non-statutory without the publication of notices. This is due to the technical/specialised nature of the proposed change. Therefore, the Applicant proposes to undertake targeted consultation, writing to the following stakeholders who are directly affected by the proposed change:
- a. the Environment Agency;
  - b. Thames Water Utilities Limited;
  - c. Affinity Water; and
  - d. the Lead Local Flood Authority (Luton Borough Council, Hertfordshire County Council and Central Bedfordshire Council).
- 1.1.12 A consultation period of 14 days is considered appropriate in the circumstances as the relevant bodies have already been made aware of the proposed change.
- 1.1.13 The views of the Examining Authority are sought on the proposed consultation.
- 1.1.14 Following the conclusion of the consultation, it is the Applicant's intention to submit a request asking the Examining Authority to examine the change application, which will include a summary of the responses received and how the Applicant has considered them. The Applicant is currently intending to make this submission at Deadline 5 (14 November 2023).
- 1.1.15 The Applicant understands that once the proposed change has been submitted, the Examining Authority will need to make a Procedural Decision whether or not to accept the proposed change into the Examination.
- 1.1.16 For more information, please refer to the **Change Notification – Drainage Strategy [TR020001/APP/8.61]** enclosed with this submission.
- 1.1.17 I would be grateful for your confirmation of receipt of this letter. If you have any questions on any of the matters outlined above, please contact me.

Yours sincerely



Antony Aldridge  
Head of DCO Programme