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00:06

Good afternoon, everyone, the time is now 10 to four.

00:13

And I will now know now hand over to Miss Davis to continue this hearing session.

00:20

Hello, everyone, we are now moving on to item six, which is section 131 132, the Planning Act 2008, with particular reference to Wigmore Park and the replacement land. So first of all, I'd like to give the applicant the opportunity to briefly set out the CAA and the TP case against the tests and the act as per the agenda.

00:44

Rebecca platinum for the applicant, yes, thank you. So the book of reference, part five of the book of reference, which is a PP zero 11 special category, land plans as zero to one identify both the existing open space being acquired, and the replacement land that's being acquired. It's shown on sheet 356, and seven of as zero 21, as pink, which is the land sphere acquired. And purple, to the east is the replacement land. And essentially, the existing land is land comprised in the current form of Wigmore Valley Park, and the replacement land is agricultural land and woodland that's to the immediate east. There are six parcels of land open space land that are proposed to be acquired,

01:39

totaling 359,029 square meters.

01:46

The replacement land, there are two parcels of replacement land. And their areas areas in total are 363,824 square meters, so that greater in terms of square meterage, than the open space that is being lost.

02:05

And the statement of reasons deals with the acquisition of this special category land in Section 12.1. That's pages 41 to 45. And that section demonstrates that the replacement land satisfies the tests in Section 131 of the Planning Act. The test in summary are that there's the replacement land is no less in

area than the relevant special category land, and that it's no less advantageous to the public. And in that regard, I just note that there are no persons entitled to specific private rights in that special category land that are being taken. And so I haven't addressed that part of the test, which doesn't apply here. The third test is that it has been the replacement land has been or will be vested in the prospective purchaser and subject to the same rights trusts and incidents as the attached to the lands being acquired. Now dealing with each of those in turn, in terms of it has been not blessing area, as I've explained, the existing area of open space to be acquired within the order limits is 35.9 hectares. And some of that is required for works but there is some of it, which we are going to be carrying out enhancements of and creating new replacement open space as part of the proposed development. So there's 36 point until the draft DCO provides for 36.3 hectares of replacement open space to be compulsorily acquired. And so as I said, in terms of not listen area, it's clear not it's greater an area, but in fact, because we are enhancing some of the existing open land as well as creating new replacement open space. Once the replacement man has been arrested the Wigmore new way more Valley Park will be at least 47.6 hectares because the 11.2 hectares of the existing open space will also remain as open space subsequently so it is no less in area in terms of it being known as advantageous to the public. Firstly, it's worth noting that the main entrance to the park is retained.

04:14

There's going to be in replacement land establishment of natural habitats. There'll be meadow grassland delivered native shrub planting broadleaf woodland as well as mixed species, hedgerows and hedgerow trees, and also upgrading of connections to the surrounding rights away network through the provision of several surface footpaths. There is also going to be the provision of appropriate facilities and signage to support the use of the groups or the park and in due course there may also be additional opportunities for unstructured or natural play. That's the specific requirements in relation to that I have to be determined but they are matters that can be secured through the landscape plans under requirement nine but the required nine It's also worth

05:00

As noting that as a consequence of a commitment secured in the code of construction practice itself secure through requirement eight, replacement land will be made available before the existing open spaces closed to the public. Finally, in terms of the third test, the land will be vested in Luton Borough Council is the existing owner of the open space before ultimately being transferred to a community trust for its ongoing management. And so in all those circumstances, we say that SPP special parliamentary procedure shouldn't apply, because the applicant is acquiring or providing land that is both no less in area and no less advantageous than the land that's being acquired.

05:48

Thank you for that. So my first question relates to the size of the replacement land. Your submissions explained that the replacement land would increase the size of Whitmore Valley Park by at least 10%. I think that reflects the numbers you've just given us.

06:03

And in addition, my understanding of the figures is that while a similar area to that last to see eight would be replaced at least 11.2 hectares of the existing open space would remain. So that means that

new park would be nearly 50 hectares compared to a current size of about 40 hectares. So just wanted to ask you whether or not CA is such a large additional take of land can be justified under Section 131? Or could it be argued that it's more than is reasonably necessary.

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But

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Rebecca clutton for the applicant? Yes, we do consider that the

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acquisition of the full area of replacement land is necessary in this case, obviously, although we are having although we are intending to provide some of the acquired land as enhanced open space and dewclaws ultimately, it is land that has got to be acquired and therefore we do need to make sure that we are providing we are providing an area that is larger than that or at least equivalent to that in our replacement land. It's worth also noting in any event that the land that is being acquired in the replacement land is already in the ownership of Limburg Council, obviously, they are presumably it is in the ownership of Luton risings, the applicant. And so it's land that that we are so happy to provide that has already in our ownership.

07:38

Thank you, the existing use the replacement land, the guidance states that land which is already subject to rights of common or to other rights or used by the public, even informally for recreation cannot usually be given as exchange lands since that would reduce the amount of such land which would be disadvantageous to the persons involved. So I wanted to check what's your understanding of how the replacement or the exchange land is being used at the moment?

08:08

Deputy cotton for the Applicant Yes, madam, the the existing use of the replacement land is agricultural. It's not used for recreation.

08:20

There are a public footpath running across it. And when we did our site visits, it did look possible that it was being used informally for people walking across the land.

08:32

Is that something that you're aware of or taking into account?

08:45

Rebecca Clinton for the applicant at this point, Madam, I'm just going to ask if Mr. Or Anthony Aldridge, Mr. Aldridge can address you Mr. Aldridge is the project lead on behalf of Luke rising and he has a good working understanding of how that land is used. Mr. Rogers is sat behind I'm hoping that you should be able to see and hear him without me moving.

09:09

Thank you, Amanda, who's actually on the applicant. So the proposed repairs replacement land, we've been managing for a number of years for biodiversity gain in anticipation of it becoming a park in the future. So it's quite possible. We haven't sought to fence that off. But it is quite possible that people that are using that informed lives, dogs and have been for

09:35

the last four or three or four years, but it's part of the plan.

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It's effectively early preparation. So that can be well established and the only thing needs to

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do so if it is being used informally. That is something we need to understand so that we can compare what's being provided as an exchange

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To make sure that what's being given isn't disadvantageous compared to what they've got,

10:05

as the test and the guidance requires us to do so, is that something you could give us an assessment of, and give us some ideas of what informal uses being made or the replacement land? Yes, sir. Record club. And for the MME, that's absolutely fine. I suggest that what we do is we take this point away, and we look at what the actual use of the land being made is and the extent over which any informal use might be taking place, just so that we can reassure you that we're not inappropriately including that land in the in the replacement land. That will be very helpful. Thank you.

10:44

So moving on to the distance of the park for users to access several people, including Friends of the Earth state that it would be much further away from people's homes. And I've read that most people live too far away from the replacement park, so wouldn't use it. And that support by a considerable number of relevant reps that perceive a loss of close access to Parkland. So I wondered is the distance for users at the park being quantified at all?

11:16

Rebecca Clinton for the applicant, I don't think we've got that set out in the application documents anywhere. But what we can do, again, is take that points away and revert to you with those distances. Certainly, I know that, in the process of considering suitability of the land, we have considered its accessibility for residents. But we can address you on that further and give me some firm statistics as well.

11:42

That will be helpful. Thank you. Related to that, I'm not sure if it's exactly the same point. But Friends of the Earth have also said that many particularly older people who have grown up with the park would be

unable to access it. They're not here today. But I wondered if you'd like to take the chance to respond to that.

12:03

Rebecca Clutton for the applicant, I think I'm that Madam one of the points that I mentioned, when we were talking about the no less advantageous, the first point I mentioned, in fact, was that the main entrance to the park remains. And if it's the case that those elderly people are using probably they would need to remember that the park is already quite large. And if one were traveling to the far end of the park, that will be quite some distance from the main entrance. In any event, I think

12:30

our position on that would be that if those people are using the existing park and probably using the, what I'm describing as the front end of it, perhaps that's closest to the entrance, there will still be areas of park that are there that are available for them to use. So I don't think that that's an issue that we seem to be a real one.

12:54

Okay, I'd probably chase that up with friends of the other thing to see exactly what they mean by that, because I'm not clear. And I suspect it might relate to my next point, which is about the experience of the park. And this idea that it's no less advantageous compared to what users have got now. And this by its nature is harder to quantify, than replacement land, quantity and accessibility. But as examples of qualities that people have raised with us, we've got friends of Wigmore Park and mentioning the impressive views overlooking the countryside. Friends of the Earth, say that the nearest part would have a noisy view of the airport. And I also note that that narrow east to west access to the park would involve walking along a high band until you reach the more open area. And I did wonder if that's in part, what Friends of the Earth are getting out. But that immediate experience won't be equivalent to what they've got now.

13:56

The applicant, Madam it may be that that is because of the reference the elderly I'd understood it to be more about access and mobility. But what I'd like to do at this point, if it's acceptable to you, and if it'd be helpful is to introduce one of our landscape specialists, Mr. Mr. Mobley, who will be able to give you a bit of a better feel

14:22

for the kind of qualitative comparison between the existing open space and the replacement land would be Mr. Model is available online. So whilst he's just coming online, if that is acceptable to Him, and I'll just explain that he is a senior associate town planner and a landscape architect, and he is the

14:43

terms of our project. He is the deputy to the landscape lead.

14:48

That'd be great. Thank you.

14:51

Thank you. Your statement will be to be USP appearing on behalf of the applicant. Yes, I just wondered, firstly, whether you could just go

15:00

Just to reiterate that question, really, madam, just about the experiential aspects.

15:08

I've just struggled to understand slightly about what we're sort of getting out there. Yeah, no, you're quite right, there wasn't a very clear question that it was more a series of observations, and then a chance to come back on it. So I'm trying to

15:22

tie down this more nebulous idea of the experience of the park, we've had quite a few people write to us saying, it just won't feel the same as it does at the moment. So we've had people raise issues of the views that they get. So Outlook as well, the character of the walk in the sense that at the moment, it feels quite rural, if you're not looking at the airport, and that these things are going to change quite significantly. So I needed to try and understand how that experience is different and whether or not it would be any less advantageous than it is now. Does that make sense?

16:01

Probably to be recipe on the healthy dark pocket? And yes, it does. Thank you for clarifying that.

16:07

I think at this stage, I can just say that, obviously, the detailed design of the replacement open spaces is to be determined. But

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you know, we will sort of take that into account in the detailed design, we don't think that the character will be sort of dissimilar,

16:24

or fundamentally dissimilar to to that

16:28

to the existing park. So we and therefore we don't feel it will be any less disadvantageous.

16:35

Okay, so something

16:41

I think what I'm probably looking for is a an assessment of this, it would have to be on a qualitative basis, rather than the other things that you said that you'll provide higher up. But I think we do need to

have some sort of measure of whether or not the experience would be equitable or better, it certainly shouldn't be any less. And at the moment, we don't really have any even qualitative measurements of what that experience feels like for people. So if that's something that you'd be able to provide, I think that would be very helpful to us, when applying this test for the purposes of CA.

17:21

David might be on behalf of the applicants. Yes, thank you, madam. Okay, that well, that's something in take away. And we'll I'll discuss with some with the upcoming

17:29

while I'm here, because it's something that I'm particularly interested in is the view as you look

17:36

down towards the car parks. So all of that new area as you walk into Whitmore Park, as is by phase two B, you're going to have a long bund right alongside you. And then you're going to come to the more open area. And it's on quite a high elevation, which will give you a broad view over what's potentially quite a few car parks.

18:02

The treatment works some fuel storage, and I'd like to understand how it feels to experience that.

18:11

And how long it will be until you get to something that feels more like the rural land that people are used to. Something else that you might want to take into account is we've had reps from people raising how much they like or kid walks, and whether or not the land that you're providing would give some provision for an equivalent of that as well. So if you could go through all of those reps and look at the things that people are saying that they value, and then look at whether or not you'll be providing those or something equivalent as part of the replacement land that would be very helpful to us.

18:45

Okay, thank you, Madam we will do that.

18:50

So then the timing of the replacement land.

18:56

Note that you say that the existing Wigmore Valley Park wouldn't be developed until the replacement park is open. And I want to understand where this

19:06

is captured on the DCO whether or not it's something that you'd be doing as part of the section 106 agreements.

19:17

To BSP on behalf the applicants, I can't just refer back to as close on on that point, please.

19:27

Rebecca clutton for the applicant? Yes, Mr. Mobile is excused here for this one. So, madam, it's in the code of construction practice. And it's at 12 Point 1.1. open brackets, ie close brackets, which says that we will be maintaining access to the existing Wigmore value park until the replacement open spaces completed and accessible to the public.

19:53

And then obviously, the compliance with the code of construction practices secured through requirements eight.

19:59

Can you just read out

20:00

The first part of that again, because I lost you for a moment, was it just the access that's going to be maintained the existing Whitmore Park? Or was it the entirety of Wigmore Park as it is now?

20:11

Well, my understanding is that it's maintaining access to the park. So it's to the park as it is now. Not just that the access on its own, but perhaps if we can look at the drafting of that and make sure that that's clear. Because elsewhere, I've read it to mean that you wouldn't start developing on weak ballpark until the replacement land is accessible or open.

20:38

Yes, that's nice. You're so differently.

20:43

I think, well, let's, let's be clear, and Rebecca. And for the applicant, the intention is that Wigmore Valley Park will remain open and accessible to the public, until such time as the

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replacement open spaces completed and accessible to the public. And only at that point, will development be carried out upon it. But what we can do is take away an action to make sure that our application documentation is consistent on that point, and that it deals with point that we intended to do it. Thank you, that would be helpful if you could set that out. And also, what open means in terms of the replacement land, is it just laid out? Or is it expected that it's developed to a certain extent, we're going to need that defined somewhere as well?

21:32

We'll make sure we take that away.

21:36

So there's there's an aspiration to vest in a new community trust to manage the replacement land, as you just mentioned, is this also something that you'd intend to include in a section 106? Where where are you hoping to capture that?

21:55

Rebecca slotland for the applicant, I'm not clear on the answers that point at the moment. But again, I can we can can clarify that in writing for you.

22:05

Thank you.

22:08

I wanted to take the opportunity then to explore alternatives to the removal of the existing land at Wigmore Park.

22:18

Your submissions refer me to Chapter Three to look at alternatives, but it doesn't really deal with why the park has to be developed the way it is, it doesn't get down to that level of granularity. So for instance, I'm interested in understanding why all the car parks have to be ground level rather than multi storey car parks, why they have to be at this location and whether or not alternatives have been considered

22:48

Rebeca clutton for the applicant, Madam on that one. And that is obviously a matter relating to design that we would need our design witnesses available for. Obviously, we have got a section on design on Fridays, issues specific hearing number six, unconscious that time is tight on that particular day, whether or not there's scope for at least giving you an outline of that position then or whether we come back to your writing what you would find most convenient, I think put it in writing. You're absolutely right. I think Friday's gonna be quite busy. I would prefer it if we get it set out very clearly what alternatives have being looked at it everything that's going to be going on with more park because there's a coach station as well amongst other things. So I do need to understand why it has to go there and why it couldn't go anywhere else.

23:37

Do note and something else I'd like an answer to is that slay.

23:42

They've said that the proposal now for the green horizons Park equivalent is for a smaller footprint size than the original New Century Park. And they suggest that it could therefore be located on brownfield land to the south of the airport. So we'll be looking for a response to that as well.

24:00

So we'll we'll address that to Madame. Thank you.

24:07

And then turning to the existing park, having recently been designated as an asset of community value under the localism act 2011. This could result in a moratorium on a purchase of the land by the applicants, during which period third parties might have the right to step in and acquire the land.

24:27

Would you like to give us an update on that situation?

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Rebecca Clutton for the applicant. As far as I'm aware, there haven't been any expressions of interest in the acquisition.

24:44

Forgive me, can I just take my mistake instructions

25:21

It doesn't, it doesn't affect our house position, Rebecca Clark with the app, and thank you for allowing me that moment. So there was a process undergone some some time ago about from Sudan and is currently owned by Luton Borough Council, there was a process undergone were the expressions of interest sought for the disposal of the asset of community value. There was no acquisition,

25:46

thought at that time, it's anticipated that it will be necessary for that process to be gone through again, prior to the acquisition by the applicant, but ultimately the backstop on this and that's a matter for Luton Borough Council. But ultimately the backstop on this mme is that it doesn't affect our powers and compulsory acquisition. If that

26:09

part were required as an ACV by a third party, our powers of acquisition would ultimately still be effective against them as they would in the same way as any other property that's transferred from the current industry party in the book of reference to a new owner.

26:27

Thank you.

26:32

Thanks so much for that. That's all of my questions on that section. So I'm now going to pass you back to miss Downing for Item seven on the agenda.

26:42

Thank you very much. So item seven, section 135 of the Planning Act 2008. Crown land, there's 16 plots of land where the crown hold the interests of these you're seeking to temporarily possess six plots and compulsory acquire the remaining 10 plots.

27:00

The compulsory acquisition schedule that you submitted at deadline to a doesn't provide any information on the status from negotiations with either the crown commissioner or the relevant government department going forward, can this be included in virtue of future versions? And could you put off possibly provide me with a verbal update now?

27:21

Rebecca,

27:22

Madam Yes, we note that request and we'll make sure that the compulsory acquisition schedule is updated to include crown interests, I'm going to hand over to Mr. Walker to give you an update on on where we are with discussion as they would with the crown.

27:38

Thank you, my name is Steven Walker, the applicant. As as you've stated, 16 plots are in the book of reference states to the Crown land. Two of the parcels are in the name of the Secretary of State of defense. They relate to covenants from a conveyance dated in February 1955. And I think you've already referenced the fact that they're underneath the runway.

28:02

After detailed inquiry, we've been advised by the Secretary of State for defense that they no longer have any interest in the area. But they're not aware of who Current Beneficiary of those rights are.

28:16

To our intention, with regard to those plots, those two plots is for them to be

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removed as Crown land in the book of the updated book of reference. And there'll be stated as an unknown owner interest going forward.

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There is one parcel in the name of the Secretary of State

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Department for housing leveling up and the communities.

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Book of reference makes provision to exclude that interest

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will not be affected by the proposed development.

28:58

That should resolve that plot. So there are 13 left and they're all owner that can't hear 12 or under one dissolve company from February 2015. And another one under a dissolve company in February 2020.

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So we've been in contact with the government legal department who are still undertaking their review. So we've been following up for GLD

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but still haven't heard back, we're actually expecting the response to confirm that the interests have been disclaimed. Should that be the case? The plots won't counters Crown land going forward so gonna be removed? Or we're narrowing down issues on Chroma

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and just on the matter of one of the cantiere Have you also got any ash Outland what is shatter never know has been answered.

30:03

I'm not aware, as I sit here today that we have no. Okay, thank you. And

30:11

thank you for that update. And obviously, it's something that we will need to keep an eye on. Because the implication is if Crown land consent is not forthcoming by the close of the examination, it means that you would need to put in a section 135 case as to how scheme could go ahead without the benefit of Crown land.

30:32

Can you let me know that? I propose it's not currently in the timetable. But if that could be provided by deadline nine, which is the 30th of January 2024.

30:43

That would be helpful because having experienced the situation with Crown consent on a number of these applications, now, it's often useful if we have the opportunity if it's not worth coming to potentially issue rule 17 letter to try and get the crown commissioner to get things moving. So if we could use that as a sort of deadline to try and resolve this issue by and if it hasn't been resolved, then there is the opportunity, probably the XA to step in on your behalf and see if we can get that resolved. Would that be all right?

31:12

For the applicant that I'm grateful with, we're happy to meet that deadline. And that's a sensible course of action.

31:19

I've got no other questions with regards to Crown land. And so now if anyone else has any questions with regards to Crown land, I was proposing proposing to move on to Item eight, which is funding.

31:31

So, just to provide some context, because I know funding is a big issue for a lot of people in and around Luton with regards to the airport, under Regulation five, two haitch of the infrastructure planning applications, prescribed forms and procedure regulations 2009. If a proposed order would authorize the compulsory acquisition of land or an interest or right overland, a statement of reasons and a statement indicate how an order that contains the authorization the CA is proposed to be funded are required. The applicant has provided both a statement of reasons which is a sr 71 and a funding statement, which is a PP o 12.

32:14

Under the dclg guidance, the applicant has to demonstrate that there is a reasonable prospect of the requisite funds for acquisition being available. And the funding statement should provide as much information as possible about implications for both acquiring land and implementing the project for which land is available. The reason behind this is is that if the DCO is granted, just as we've discussed today, it would give the right to the applicant to acquire land. And what we don't want to happen is where an applicant is able to acquire the land but then chooses not to proceed with the scheme. Because the only reason that the compulsory acquisition was allowed in the first place was in order to enable the scheme to go ahead.

32:55

I'm very aware from information that's been submitted by significant number of interested parties that there are concerns regarding the finances of Luton Borough Council and the financial implications for the council if they presuppose proposed to proceed with the proposed development. However, I want to make it very clear that this is not something that the examining authority can consider. The decision as to whether it is prudent for Luton Borough Council to proceed with investing in the proposed development is the decision for Luton Borough Council and its select members. The examining authority can only consider whether it's a reasonable prospect that the funds needed to cover the scheme can be secured, and that this would include the amount of money needed to cover the cost of acquiring the land.

33:40

Having said that, what I want to raise this afternoon is that, in our opinion funding statement, as submitted does not deliver this. It is an exceptionally high level document and provides no detail as to how the funding was calculated or how it would be acquired. So for example, paragraph 3.1 point two states that the current cost of the proposed scheme would be in the region of 2000 700 million pounds, which I'm taking to mean 2.7 billion at 2022 2023 prices. However, there is no breakdown of how this figure has been arrived at and whilst it indicated that phase two a and two B would cost 23.3 5 billion that is at 2022 23 prices and no indication of what the expected costs will be in either 2037 or 2043. Or phase two a and two B are proposed to be delivered, and how this would affect the overall calculation of cost. Paragraph 3.1 point four indicates the estimated project cost plan purchase compensation and blight would be approximately 110 million broken down to 10 million in phase one and 100 million for phase two A into B. Whilst I note later on in the funding statement, the document that CBRE have looked at land acquisition and acquired sa

35:00

estimate. Again there is no breakdown as to how this figure has been arrived at. I note at paragraph 4.43 That the reason for not providing the breakdown of the land cost elements is due to the commercial sensitivity of land negotiations. However, whilst I note this, I do not consider that there is anything to stop the applicant providing a high level breakdown, or even a more data detailed breakdown in a confidential report

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in terms of how the 2.7 billion will be funded the statement advocates at paragraph 4.1 point one, that in the long term the cost of the proposed development will be funded by the net revenues from the airport operation but recognizes that until passengers grow finance will need to be raised, which we repayable over time. According to the funding funding statement. It's envisaged that London Luton Airport operations limited would deliver phase one. For the delivery of phase one three possible approaches have been outlined. approach one which would you use to implement the 2012 planning permission is to extend the current concession on the basis that London Luton Airport operations limited delivered phase one approach two would be where the current condition would not be concession would not be extended. And L L A o I would not need to raise commercial finance to conduct phase one, with the cost of the finance being offset against the additional revenue being generated and any outstanding finance amount being repaid by Luton Borough Council at the end of the concession

36:27

approach three load Borough Council would raise the money through rates available to it and will then lend the money to Luton rising to pay for phase one with payback by the net additional revenue generated by the airport. London Luton Airport operation limited will continue to operate the airport and oversee delivery of phase one alongside Luton rising. Phase two will be delivered through a similar approach with delivery through a new long term concession or other commercial arrangement.

36:53

The reason given for the reasonable prospect that the funding would be obtained and the scheme would proceed is that Luton Borough Council who else the set sole shareholder of Luton rising have already made significant investment in the application in terms of the dark and Bartlett square, and that they are invested in delivery as it is key to the delivery of their vision, Luton 2040 and securing economic growth. However, this isn't a reassurance that there is a reasonable prospect that the funds would be secured. It simply indicates that Luton Birkhauser invested in applying for the funding, not that there is a reasonable prospect that the funds could be secured. So I'd like to ask the applicant, what reassurances for the benefit of compulsory acquisition, can you provide to me that the funding for the scheme would be available, and that the funding for the right amount, the cost the scheme would be available.

37:46

Rebecca club and for the applicant, madam, thank you for those indications, which have been very helpful, I think, two points that I'm going to make. Firstly, obviously, our cost estimates on our

38:00

selection of the three options have been informed by professional advice, including advice from an infrastructure funding expert, who is available today. However, point to I think that given the concerns that you've expressed about this, what the best thing for us to do will be to provide you with a supplement to the funding statement at a future deadline that addresses all of the matters that you've raised in much greater detail, hopefully, then that will provide you with the necessary reassurance that you require. So just on that, I mean, in my opinion, the funding statement does need to be enhanced and some of the information as to how you've got the figures and the calculations needs to be provided so that we can be reassured that they are a reasonable estimate, and that the funding available would be there is a reasonable chance that that will be available.

38:56

I suggest that potentially, I've had a look around for you. And I suggest that you potentially have a look at the funding statement provided by North Somerset District Council for the Portishead national infrastructure project. Because it's a similar situation where it was a local authority that was applying for the development consent order.

39:17

It is fairly recent. And it's the only one that I can think of with regards to an NI project where the local council were funding the scheme. But you do need to bear in mind and they're just to put it in context. Yours is a nine page funding statement. There's was a 51 page funding statement and the Secretary of State still found that short when they were in reporting. So if you want to have any chance of this application being successful in terms of us being reassured that the funding would be available to fund the scheme and obviously fund the CEA then I think there's a bit of work to be done to provide that evidence to us.

39:59

For that

40:00

Think that into the Applicant, Madam message received loud and clear. And I'm grateful for your taking the time to find a model that you thought was would be of utility to us and to the examining authority. So we will take that away and and provide it to you in due course. Thank you just want to ask Does anyone else was raise anything with regard to funding? I know that Mr.

40:24

Phillips from the Harpenden society appeared at this morning's

40:29

issue specific hearing. And we we did redirect into this tissue specific here at this compulsory acquisition hearing, given his regards with regards to funding, but I would say, Mr. Phillips, I have read the representations that you submitted. And to as I say, can you look at it in the context of what I said in that I can't look at whether or not it's a wise decision, Gutenberg counsel to invest in his application, all I can look at is whether there's a reasonable prospect that the money would be there to cover the costs.

41:03

Mr. Phillips, could I merely reference you to the comments by Ernst and Young the auditors of Luton Borough Council, the cause called phase two highly speculative. And also note that our LDCs own financial advisors concluded that Phase two would have a much reduced net present value, which will raise serious questions about the financial finance stability of this whole project. I think that's the only thing I can legitimately add in response to your comments earlier.

41:39

Thank you.

41:41

Does anyone else want to raise anything with regard to finance?

41:46

No. Well, then I'm going to move on. Oh, sorry. There's a hand up. Mr. Shipley.

41:53

Yeah, David Shipley,

41:56

private individual.

41:58

Thank you very much for that very clear

42:02

exposition of where the application is in terms of funding.

42:10

I imagine that in response to your very clear directions, the applicant will be producing a more detailed planning funding statement.

42:25

Just like to know will interesting parties be able to respond to that some future date when it comes into the inquiry?

42:36

Yes, Mr. Shipley, anything that comes in, which is published, you have the ability to comment on so the way that it normally works with is it's submitted at one deadline. And then written comments are submitted at the following deadline. So you have the opportunity to sort of take the time to read it, and then write in with anything. So if I, I don't want to put the applicant on the spot, because it might take them a bit of time to do the work. But I doubt it will be available at deadline three. But if I could just have a quick

43:08

discussion with Miss Clutton, do you have any idea at this point in time, how long that piece of work might take and when we might expect it?

43:16

The Rebecca Clutton to the Applicant man, we've just been having a discussion amongst ourselves about that before you raise this point, and our view is that deadline five is likely to be realistic for that piece of work. Thank you. So Mr. Shipley Watch out at deadline five. And hopefully that document will come in and then you'll have the opportunity to comment on it at deadline six. That's great.

43:36

Thank you very much, but nothing else to add. Thank you. Is there anything else anyone wants to raise with regards to funding before I move on to Item nine category three persons.

43:52

So

43:53

category three includes parties who the applicant think would or might if the DCO were made at the implemented be entitled to make a relevant claim for compensation under Section 10 of the compulsory purchase act 1965. And or Part One of the land Compensation Act 1973 And or section 1523 of the act.

44:15

I note from the statement of reasons that all properties and buildings that were identified as those that might be entitled to make a relevant claim. As a category three interests were identified following assessment of noise impacts of the proposed development.

44:30

The applicant is category three boundary was based upon a contour significantly wider than the 51 DB la EQ eight hour thicker and incorporated a 200 meter buffer in accordance with the Atkins precautionary approach towards identifying category three parties. The first question I want to therefore ask, are the category three people identified in the book of the reference the same as those that would be eligible to make a claim under the Noise Compensation Scheme? And if not, why not and how

45:00

Do they differ?

45:10

Oh, just, if I could just take some instructions again. Yeah, sure no problem.

45:45

to a strip club. Rebecca, Rebecca Clutton for the Applicant values. Sorry to take a few moments there. I'm not sure we've actually got the right person to answer that specific question in the room with her. So

I'm sorry, can we can we take that point away, it may be possible that we could come back to actually in orally on that point when we deal with noise, in which I think we've got down for three, which is tomorrow afternoon.

46:09

And

46:11

then if that is really important, I get the right answer to this question. So I'm happy for you to take the time to get the right answer. The reason why I'm exploring it in compulsory acquisition is that if it is the same, or if it's different, I need to be sure that I can be satisfied that the applicant has sufficient funding to cover the cost of the compensation.

46:34

And I just wanted to take the opportunity to look at the Noise Compensation measures to see if they were fit for purpose, and whether they need to be amended. And if so what implications that would have for the funding. If you just bear with me, I just now need to have a word with one of my colleagues has to do with next elements of the agenda, so just bear with me.

47:13

So if I can just clarify with Miss clutton, do you have available to you this afternoon? Any noise experts?

47:25

Yes, madam we do. Okay, so I think on that basis, we may try and proceed but obviously realize, we may need to roll the question over to a written response or over to another issue specific hearing, because what we were trying to explore here, as I say is, what the indications are in terms of compensation and the funding for that compensation. But what we need to look at what first of all was, what the noise mitigation measures were, and how much they were going to cost. So I'm just going to pass to my colleague, Dr. Hunt now if that's okay.

48:01

Rebecca can wash for the Applicant wash, you just pass over to Dr. Hunt, what I would say is it's we've we've obviously got a Mr. Walker here dealing with compensation. And we do have Dr. Dr. Sharpe, who deals with noise, but it's it's the overlap between the two and just making sure that they've spoken and got you got the answer straight about about the relationship between the two. That is, what's giving me some anxiety. Yes, and it's fine. And I want to reassure you please, at any point, stop and say, Look, no, we need to come back to you on that. Because it's really important that on this point, because of concerns that we have with regards to noise or other people have learned to have with regards to noise, we get the right answers so that we can understand what the impacts are and how they may potentially be mitigated. And what though, in this instance, what those implications are in terms of funding potential funding compensation, and again, whether that will be available to the applicant to do so. If you can't answer it, just say so. And we're working on the way of getting the answer. But if we can get the answer today, that will be helpful. So I'm just going to pass it over to Dr. Hunt.

49:08

Thank you. And I have a number of questions relating to the draft compensation policies, measures and community first revision three,

49:18

which is examination Library Reference rep 2005, which I'll refer to as the compensation policies from now on for gravity. I wanted to start with a couple of points on a residential hardship policy. Paragraph five point 1.5 B of the compensation policies uses the eligibility criteria, not having received an offer within 15% of a reasonable asking price. And to qualify, the individual must also be able to attribute the reason for no sale to the proposed development.

49:52

Can the Applicants explain how the figure of 15% has been set and whether this could limit the use of the hardship policy, since it restricts that

50:00

locations that have not undervalued, undervalued property by 15%

50:07

Rebecca cluttons for the applicant.

50:10

So the 15% figure is one that's well precedented in other discretionary hardship policies. The 15% figure is that that was used by hS to in its need to sell policy. It's also a figure that's applied by national highways and some of its discretionary sale policies as well. And underlying that, ultimately, our decisions of the upper tribunal allows his chamber in relation to material detriment. And there's the point at which

50:43

material detriment is likely to arise. So that's where that figure has been applied from it's consistent with other similar schemes.

50:51

Okay, thank you for this helpful. And in terms of the evidence that a resident would be required to demonstrate the lack of sale was due to the proposed development, what type of evidence would need to be supplied?

51:04

Rebecca clutton for the applicant? I imagine typically on schemes like that it's usually statements from

51:12

estate agents who will who are active in the area and who are familiar with the reasons for, for lack of a sale, often reports are provided in that form, or they get responses from prospective purchasers who

confirm that they were interested in like the property, but actually, it wasn't, you know, unsuitable for them because of the impact of the scheme. It's that sort of thing.

51:37

Would it be possible to provide

51:39

some clarification to that effect in the compensation document? Because at the moment, it just says evidence should be produced, but no guidance is provided? or would there be some form of associated guidance to support the compensation document?

51:55

Rebecca into the applicant, I'm sure that's something that we can look we can look to do. I mean, if we could provide, it would obviously be illustrative examples because we don't want to combine people if they've got evidence that that they think supports the physician book, which doesn't strictly fall within one of the categories that we've set out but I can appreciate that it will be helpful for us to provide some sort of indication as to what we would find acceptable and we can we can get that updated that's not difficult to do. Thank you.

52:23

Section six and table 1.1 of the policies describe the eligibility criteria for noise insulation and reference contributions for agreed noise insulation. And can you explain what is meant by agreed in this context? Does it refer to a prescribed prescribed or restricted set of measures or simply to the agreed specification works with the pre procured contractor

52:55

and I'm gonna pass I'm going to ask pass over to Mr. Walker and see if he can assist you with that point. Now.

53:01

Stephen, was Walker the applicant?

53:04

So did you just direct me to the paragraph that you were referring to again, please

53:11

It's in Section six. I'm afraid I don't have a paragraph referenced in front of me.

53:18

Give me a second unable to find it.

53:44

So Becker gluttons for the applicant, we've just had a look at it now and it refers to the latter it's this the noise is no the actual measures that have been agreed between the parties.

53:55

Sorry, you broke up slightly. Can you say that again? It's the second of your options

54:03

okay.

54:16

So, in terms of the

54:20

in terms of the options, could you explain

54:25

Sorry, just give me a second just checking through my notes.

54:33

Can you explain why you have a single provider of

54:39

noise insulation,

54:42

rather than a number of providers given the number of properties that are required to be insulated

54:49

as states Steven walk up for the applicant so so the

54:55

the existing operator who's running a noise insulation policy, as a

55:00

A single provider, we have

55:05

consulted with Heathrow Airport and national highways in connection with similar noise installation schemes that they

55:16

roll out countrywide. And

55:21

it's fair to say that on the volume that we're anticipating rolling out policy

55:29

can be dealt with by a single provider, there are only a few providers in the marketplace. And the wisdom seems to be to, to have a single provider for these types of policy.

55:46

The reason I'm asking the question is obviously,

55:50

part of the

55:54

part of the proposed development is to potentially use a faster growth scenario for green controlled growth in terms of the

56:01

increase in noise. If there is a

56:06

rapid increase in noise levels, there is the potential identified within the documentation to have non insulated properties suffering from increased noise levels for a protracted period of time. So having one supplier with a lot of properties to insulate seems to be potentially an issue with the with the process.

56:30

Stephen Walker on behalf of the applicant? Well, I think there's no doubt that we will procure all the services of a specialist contractor to carry out the work. And I don't think we've ruled out the concept of appointing more than one provider should they come forward and both provide

56:50

suitable is of a way in mind as well that we need to

56:56

roll out a policy as quickly as can be practically achieved.

57:03

Thank you.

57:06

Table 1.1 sets out the proposed scale of contributions for noise insulation, and in light of recent inflationary pressures. Can you explain what work has been done to assess whether the proposed contributions remain adequate to provide an effective level of insulation?

57:22

Now, as compared to when the application was put together?

57:33

See more on behalf of the applicants undermined the inflationary pressures and well known.

57:40

We have set the levels at a very generous level, we've

57:48

moved on background work to establish what it has been costing, generally others to carry out similar packages of installation. And, and we've, we've gone beyond those levels, the purchase of the policy, and also for the purposes of our budget. So I think inflation would come in more widely across the

58:17

funding of the project. But as far as this policy is concerned,

58:21

we think it's still adequate for the work that is going to be needed in these properties.

58:30

Do you have any evidence to demonstrate what the the installation offer still provides a meaningful contribution? Is there anything that

58:41

sort of set out what what monies actually deliver for an individual property?

58:51

Student more. Yeah. Because I'm going to take that question away. I may respond in writing.

59:03

Okay, thank you.

59:23

Yes, in terms of the breakdown, don't just be helpful for those, obviously, where there are defined sums rather than where you are obviously, talking about a full contribution.

59:35

Yet Steven Walker mask the argument is just being sent to me as well. But obviously, we have an unlimited contribution to full packages of measures on the number of our schemes, but we'll we'll deal with the contribution levels. Thank you.

59:56

Paragraph 5.8 point 10

1:00:00

The planning statement states the offered sums will be tied to the greenhouse gas obligation,

1:00:08

the green controlled growth obligations rather than index linked, can you explain what this means, in practical terms for increases in the value of any contributions over time?

1:00:25

For a better club to the applicant, so I'm afraid that's another question that we're going to have to come back to writing on.

1:00:33

Okay, thank you. Obviously, we would be keen to understand whether the contributions are index linked, obviously, given the duration of the project.

1:00:42

With inflation as well, that some, whilst generous now might become less so in future

1:00:48

if that's understood, and we can address that in the in the note when we're looking at what the money actually buys you as well.

1:00:55

Thank you.

1:00:58

Paragraph 6.14 and table 1.1 of the policies set out noise installation scheme eligibility based on various contours, the contours provide mitigation for effects exceeding sole and low the significant observed adverse effect level and the lowest observed adverse effect level in the daytime, but no nighttime, low, lowest observed adverse effect level console is identified. Can you explain how the current console eligibility satisfies the noise policy statement England requirements to mitigate and minimize effects between local and so for the nighttime period reduce with a slightly lengthy question.

1:01:43

So Rebecca, cutting for the applicant? I think that's a matter that we're going to cover during Wednesday's Agenda Item four issues specific hearing three. So can we come back to you on on that point on that occasion? Yes, we can pick that up tomorrow.

1:02:04

Paragraph six

1:02:07

point 1.8. A of the compensation policies excludes insulation of outbuildings and rooms used solely for leisure activities. I wonder if you could explain what is meant by rooms used solely for leisure activities.

1:02:42

Rebecca clutton for the Atkins. So that's another point that we'll just have to pick up on frayed during the

1:02:49

day our response on the compensation policy. Okay. Thank you. And I just wanted to clarify if outbuildings were residential in nature, for example, a granting annex? would these be excluded from the provisions.

1:03:09

Rebecca button for the applicant, so no, I don't think that would be the intention. I think if they if they were providing residential accommodation, then they will forward in the scope of the policy. It's certainly not the applicants intention to exclude those sorts of outbuildings. But I think it really is referring to outbuildings that are not used as residential habitable accommodation. Okay, thank you. I think it would be helpful to have that clarification within the document.

1:03:38

We are going to take that away, sir.

1:03:44

The applicant previously provided a statement explaining that it would not be able to provide an eligibility tool for Noise Compensation until after DCO consent had been authorized. As there might be confusion with the existing scheme,

1:03:58

I suppose. My question is, why could the tool not be provided a head of a consent with appropriate warnings about the DCO process to provide reassurance and clarity to local people regarding their likely eligibility under the new scheme?

1:04:24

Rebecca clutton for the applicant. And so

1:04:28

our understanding is that, in fact, in practical terms, that the experience has been that that where there are tools in place that does lead to confusion, notwithstanding warnings that are given and again, we are just seeking to avoid that.

1:04:43

I suppose, from my perspective is difficult to think of another type of mitigation were recipients of that mitigation would have limited ability to understand actually whether or not they would benefit from it and what it might be in their circumstances. Before a consent decision had been made.

1:05:16

Rebecca clutton for the applicant. So the other point is that the noise contours that are applicable are already in the policy. And the document does refer to the applicant taking a proactive approach. And so hopefully that's sufficient in app preamps at all in the pre consent period, to assist people with understanding whether they will be eligible.

1:05:38

So if I was a member of the Luton public, wanting to understand whether I had eligibility, and my property was sort of close to a boundary, how would I understand that at this moment in time,

1:05:54

Rebecca clutton So the applicant I think that's probably where it comes down to our position that we will be looking to be proactive. If people come to us and approach as an ask us that question, then we will look to assist them with the answer to that.

1:06:20

Okay, thank you.

1:06:26

Paragraph six, point one nine of the policies states that homeowners with eligibility for more than one scheme would be given the option as to which schemes take up

1:06:37

what information would be provided to eligible residents regarding the differences or relative benefits between the schemes.

1:06:49

Steven Walker on behalf of the applicant, so So part of the process, the contractors will send a surveyor around to the property to carry out the full

1:07:02

review of

1:07:04

what can be provided, there will be a matter for the homeowner to act was from the suite of options are prepared by the contractor to move forward. But recognizing that in a number of cases, there'll be a financial cap. And also there'll be options as to where that money is spent throughout the property depending on how they use the property.

1:07:33

Same goes

1:07:37

it's just gonna say so the same goes for for a property that happens to sit in, in within to ski

1:07:45

within the boundaries of two different schemes whose options will be made available

1:07:51

at that time for the homeowner to choose.

1:07:56

Okay, thank you. That's helpful clarification.

1:07:59

Can you explain why the scheme three provisions are limited to bedroom noise insulation, whereas the overlapping scheme forgives eligibility for general noise insulation contribution based on the daytime la q 60. Now suggesting that daytime noise is also an issue in this area.

1:08:22

Stephen Walker on behalf of the applicants scheme threes specifically there to mitigate against nighttime effects. And

1:08:33

Sumption is that nighttime, be in the bedrooms have the properties and therefore the insulation is targeted.

1:08:42

roof level and other things.

1:08:46

Sorry, I didn't catch the last part of that you're breaking up slightly because you just repeat the last part.

1:08:52

I heard sorry. And roof insulation

1:08:58

as does right, so that's where the insulation would would be targeted in a nighttime noise scheme.
Other

1:09:06

which is why it's limited to bedrooms of the property and the potentially the loft insulation.

1:09:22

And thank you.

1:09:25

Paragraph six point 1.14 of the policies explains that noise insulation will be subjected to progressive rollouts prioritizing the most effective properties. And assuming that all of the eligible properties took up an offer. How long would it take to deliver noise insulation by contour area?

1:09:50

Rebecca clutton for the applicant which will check that answer and come back to you during issues civic hearing three if that's okay, sir. Thank you. I mean, it ties into the first

1:10:00

point about the potential for properties to be uninsulated whilst affected by significant noise levels. It doesn't I think, though, there's an agenda item for tomorrow's hearing, which talks about noise policy statement during names. Oh, the ANPS. Sorry, aims in terms of noise and consistency of our scheme with that in terms of delivering rollout, I think posts for up to 2027. But I think that's today, but we just want to check that so we can we can deal with that point in the context of that answer to that agenda item.

1:10:44

I suppose just a corollary to those questions, head of tomorrow.

1:10:49

The other questions that sort of tie in to that would be

1:10:54

how many properties would be impacted? Well, subjects, noise levels and excessive soul price mitigation being delivered and for what length of time.

1:11:05

And whether you have any examples of from your current noise insulation processes as to the quantum and speed of delivery of noise insulation, as a comparison,

1:11:20

back to the Applicant So yes, we can address all those as part of that answer tomorrow.

1:11:25

Thank you.

1:11:27

I wanted to move on to slightly different topics. So the

1:11:32

compensation policies document now includes provisions in respect of list buildings, namely a 500 pound contribution towards obtaining consent. And whilst it's positive, see that listed buildings are now considered in the compensation policies.

1:11:48

Could you explain why the applicant themselves wouldn't prepare the listed building consent applications on behalf of the occupier?

1:12:00

Stable walk on behalf of the applicant. So we've made it a responsibility of the of the homeowner

1:12:08

on the basis that it's likely that they as owner of a listed building, have the duties and responsibilities to ensure that the works are all done in accordance with that listing? And

1:12:24

seems more efficient for

1:12:27

the homeowner to do it for that reason.

1:12:32

Do you have any feel for the scale of costs involved with obtaining listed building consent?

1:12:41

BY STEVEN Walker, the app doesn't work there is there is no there's no charge, per se for listed building consent. But you do have to go through bombings. So there's a there's a fee that is paid. And it's in the 170 pounds at the moment, in numerous rounds for resubmission of one of those applications.

1:13:02

I was

1:13:05

I was thinking more in terms of the level of design during information that might be required to support such an application and whether actually, the 500 pounds went anywhere close to covering the costs of obtaining listed building consent.

1:13:19

Clearly, obviously, the point I'm trying to get to is

1:13:25

residence will be put to the cost and expense of obtaining an application for an impact that is triggered by the increase in the airport scaling of activities. So is it reasonable to expect the individuals to bear those costs?

1:13:47

significantly? Your your points well made. Take that away.

1:13:54

Thank you.

1:13:56

On that one, since we're going to be looking at the defined sums in terms of noise insulation policies, it might make sense for us to add the sufficiency of the 500 pounds to that base work because it's also going to be looking at the what what the 500 pounds gets you. Yeah, I'd be happy to have that all wrapped up in one place. Thank you.

1:14:16

I wondered whether the local authorities had the particular views on that point

1:14:23

given that they would be responsible for processing applications.

1:14:41

No comments from the local authorities. case we will move on

1:14:51

the addition of testing for insulation schemes in paragraph six point 1.41 And six point 1.42 revision two of the policies

1:15:00

His again considered to be a positive addition to the policies and impasse addresses comments made by the Independent Commission for civil aviation noise ICANN,

1:15:11

regarding the need to consider the effectiveness of noise mitigation details of the testing policy, as stated to be established within six months at the application of the amplicon serving notice under Article 44, three of the DCO Is it possible to include a set of minimum requirements for the testing policy to provide certainty regarding the future process prior to the point of consent?

1:15:36

Rebecca cotton for the applicant say yes, we'll take that away and look at just improving some of the text in six point 1.42.

1:15:45

Okay, thank you.

1:15:52

Paragraph 7.1 point two

1:15:57

apologies, just one sec.

1:16:11

Sorry, I don't need to answer that question.

1:16:15

I'll hand back to my colleague, Mr. Allen.

1:16:21

Thank you very much, I suppose it comes back to the start of the cycle on the agenda was the reason that we are discussing it under compulsory acquisition is obviously the impact on category three residents. And what we need to be assured of is that there is the funding available to cover the costs of the schemes that would be needed to require to mitigate the impacts on those category three people.

1:16:46

I suppose what I'm trying to now just seek is how what we've talked about is being secured.

1:16:57

If it's through section 106 agreement this morning, we flagged up the fact that section 106 agreements, federal control orders are not made subject to Section 106. So we actually need the section 106. And so what we wanting to know is whether that will be coming in before the close the examination, because to put it bluntly, if we don't receive it, then it's not a material consideration. So the noise mitigation strategies you're putting forward wouldn't exist. So I just asked, What's the situation with that, please?

1:17:29

Yes, Rebecca, for the applicant. We can deal with it through the section 106 as as indicated, but if there were a problem with that for any reason, we would before the end of the examination, we're looking for an alternative means to secure it, whether through a requirement or or through a unilateral undertaking or or, or similar. So we will make sure that that policy document proposals are secured.

1:17:56

I think we've you know, hopefully we can deal with that in the usual way. Thank you. So I'm just going to check before I hand back to Mr. Robinson to deal with the remaining items on the agenda, whether there's anything that anyone else wants to raise under this giant end agenda item, or in fact, anything else that's been on the agenda.

1:18:18

I can't see any hands up. So I'm going to pass back to Mr. Robinson to deal with the remaining items on the agenda.

1:18:26

Thank you, Miss darling. Given the number of action points from today's session, rather than go through these in detail now. They will be published on the project page on the national infrastructure website. In due course.

1:18:40

We have not been notified that anyone wishes to raise any other business this is relevant to this hearing. But before we close, can I ask if there are any other matters that any party wishes to raise?

1:18:55

Those see any hands up so I'll move on to the close of the session. If there are no other items that are relevant to this hearing, may I remind you that the timetable for this examination requires that parties provide any post hearing documents on or before deadline three, which is Thursday, the fifth of October 2023 may also remind you that the recording of this hearing will be placed on the inspectors website as soon as practicable after this hearing. The next event for this application will be issue specific hearing to on need socio economic matters, greenhouse gases and climate change, which will be held on Wednesday the 27th of September 2023 and starting tomorrow morning. This is a blended event which will be conducted both online and in person at venue 360 in Luton. The agenda for this event is available on the project pi page at the National Infrastructure website. And I'll take the opportunity this meeting will start at 9:30am I see a hand that has been raised by

1:19:59

this whole

1:20:00

from Luton rising.

1:20:03

Yes, Rebecca Clinton for the applicant. So I just wanted to pick up the point about the supply of all information for deadline three. Obviously, in relation to the matters relating to the supplemental funding statement, those we've already indicated that need to be addressed by deadline five. And also in relation to a number of draft protective provisions, we've already indicated that they will be provided the deadline for. And there are, as you've noted, a number of actions coming out of this particular hearing, some of which require will require quite a bit of work that is unlikely to be undertaken by deadline three, what we would propose is that where we can complete an action, thought by deadline three, that we will do so and that we will provide that next week. But it what we will do if we can't if we need more time to deal with an action, we will set that out in our summary of today's hearing. And we'll set we'll provide an indication as to when we think that document or piece of work can be provided. So hopefully that will be a deadline. For that we'll have to just take a view on that once we know the full extent of the work required.

1:21:10

Thanks for that clarification, there will be some documents that we will recognize them the action points that we've discussed today, where we will include the deadline that we stated and you've said in this hearing session, we will include that in the action points for those documents that we're aware of. Okay,

so before we close, we would like to thank everybody for today's participants for their time and assistance during the course of this meeting. We shall consider all of your responses carefully and they will inform the examining authorities decision whether further written questions and or further round of hearings will be necessary. Time is now 11 minutes past five and this compulsory acquisition hearing for the proposed London Luton Airport Expansion is now closed