

LONDON LUTON AIRPORT EXPANSION
COMPULSORY ACQUISITION HEARING 1 (CAH1)
POST HEARING SUBMISSIONS

**HERTFORDSHIRE COUNTY COUNCIL, NORTH HERTFORDSHIRE DISTRICT
COUNCIL, DACORUM BOROUGH COUNCIL**

1. INTRODUCTION

- 1.1 This document sets out the post hearing submissions and summarises the oral submissions made jointly by Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council (together, “the Host Authorities”) at Compulsory Acquisition Hearing 1 (“CAH1”) held on 26 September 2023 in relation to Luton Rising’s (“the Applicant”) application for development consent for the London Luton Airport Expansion Project (the “Project”).
- 1.2 CAH1 was attended by the Examining Authority (the “ExA”), the Applicant, the Host Authorities, together with a number of other Interested Parties.
- 1.3 Where the ExA requested additional information from the Host Authorities on particular matters, or the Host Authorities undertook to provide additional information during the hearing, the Host Authorities’ response is set out in or appended to this document.
- 1.4 This document does not purport to summarise the oral submissions of parties other than the Host Authorities, and summaries of submissions made by other parties are only included where necessary in order to give context to the Host Authorities’ submissions in response.
- 1.5 The structure of this document generally follows the order of items as they were dealt with at CAH1 set out against the detailed agenda items published by the ExA on 19 September 2023 (the “Agenda”).
- 1.6 In addition, the Host Authorities have appended (at Appendix 1) to this note, responses to the Supplementary Agenda Questions published by the ExA on 19 September 2023, where these are relevant to them.

2. SUMMARY OF ORAL SUBMISSIONS MADE

- 2.1 **Mr George Wilson**, a solicitor and Senior Associate at Pinsent Masons LLP, made the following oral submissions at CAH1 on behalf of the Host Authorities.

Protective Provisions

- 2.2 **Mr Wilson** submitted that the Host Authorities require two ‘sets’ of protective provisions for their benefit to be included within the draft Development Consent Order (“DCO”) (which are not included in the most recent draft), covering:
- 2.2.1 matters relating to the discharge of certain drainage functions, given the legislative disapplications proposed to be implemented through article 43, which are heavily precedented in made DCOs; and
 - 2.2.2 matters relating to the local highway network, which are precedented in, for example, the Silvertown Tunnel Order 2018 (see Part 6 of Schedule 13 to that DCO).
- 2.3 **Mr Wilson** confirmed that these matters would be discussed as part of the on-going engagement between the Host Authorities and the Applicant.

Off-Site Highway Works

- 2.4 **Mr Wilson** submitted that the Host Authorities require further clarity from the Applicant as to the extent of land identified for the off-site highway works. He confirmed that any measures required for off-site mitigation must be suitably secured through an enforceable legal mechanism, including any required land. Mr Wilson further stated that this point goes directly to the efficacy of the provisions of paragraph 29 of Schedule 2 to the draft DCO, but acknowledged this would likely be discussed in further detail in the subsequent Issue Specific Hearings.

APPENDIX 1

HOST AUTHORITIES' RESPONSES TO SUPPLEMENTARY AGENDA QUESTIONS

Number	Subject	Response by	Question/ Clarification	Host Authorities' Response
ARTICLES				
CAH.A.08	Drafting	Applicant and Affected Persons	<p>Article 28 (4) As currently drafted all private rights would be extinguished for as long as the undertaker remains in lawful possession of the land during temporary possession is this reasonable and necessary? Could this be addressed by the insertion of the drafting in bold: 'Subject to the provisions of this article, all private rights over land for which the undertaker takes temporary possession under this Order are suspended and unenforceable , in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken, for as long as the undertaker remains in lawful possession of the land.'</p>	The Host Authorities would support this proposed change, given their land interests impacted by the Project are proposed to be largely subject to powers of temporary possession.