



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 2

Hearing	Date and Time	Location
Compulsory Acquisition 2	Tuesday 28 November 2023 Hearing starts at 10:00¹ Blended event Venue registration from: 09:30 Virtual Registration from: 09:30 ²	 The Shires Suite, Hilton Garden Inn Luton North, Butterfield Business Park, Hitchin Road, Stopsley, Luton LU2 8DL 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 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.

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.

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.

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 been drafted largely before the receipt of submissions for Deadline 5. Consequently, the ExA may need to adjust the agenda at the meeting to allow for representations received at this deadline.

Purpose of the 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.

PARKING AND ARRIVAL INFORMATION

On arrival, please inform hotel reception that you are attending the Luton Airport Hearings, and you will be directed to the Shire Suite where the hearings are being held.

Car parking for those attending a hearing will be free provided that on arrival you register your vehicle with the hotel.

If you have driven to the hotel you **must register your vehicle with reception** using the portal system found at the reception desk. If you have any issues, please contact a member of the hotel reception team who will be able to help you with registering your vehicle.

PLEASE NOTE: Any vehicle that is **NOT registered with the hotel will receive a parking charge of £100.**



The Planning Inspectorate

Title of meeting	London Luton Airport Expansion Compulsory Acquisition Hearing 2
Date	Tuesday 28 November 2023
Time	10:00
Venue	Blended event
Attendees	Invitees

Agenda

1 Welcome, introductions, arrangements for the Hearing

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

- Applicant to provide a brief update on the progress of negotiations for voluntary agreements and deadlines for their conclusion.
- Affected Persons to briefly set out any outstanding concerns that have not already been discussed.

3 Sections 122 and 131 of the PA2008 with reference to Wigmore Valley Park

- Applicant and Luton Borough Council to provide update on negotiations for purchase or leasing of Wigmore Valley Park and future management of replacement open space.
- Review the need to acquire Wigmore Valley Park and the replacement land.
- Review potential informal use of the replacement land and recent signage.
- Review of anticipated experience by users of the replacement land over time from the point that it is 'accessible to the public', including potential loss of pathway from Eaton Green Road.

4 Sections 127 and 138 of the PA2008 and 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 135 of the PA2008 – Crown Land

- Applicant to provide a brief update on the progress of obtaining Crown consent.

6 Funding

- Applicant to provide a brief overview of the updated funding statement submitted at Deadline 5 [REP5-009].
- Review of the resource implications of both acquiring the land and implementing the project for which the land is required.
- Whether adequate funding would be available to cover the cost of CA/TP within the statutory period following the draft DCO being made, if the Application is approved.

7 Whether the purposes of the proposed compulsory acquisition are legitimate and would justify interfering with the human rights of those with interest in the land affected

- Application of Articles 6 and 8 of the European Convention of Human Rights (ECHR) and Article 1 of the First Protocol.
- The degree of importance attributed to the existing uses of the land proposed to be acquired.
- The weighing of any potential infringement of ECHR rights against the potential public benefits if the draft DCO is made.

8 Consideration of duties under the Equality Act 2010

- The Applicant to provide an update in relation to compliance with any duties under section 149 of the Equalities Act 2010 with particular reference to Category 3 persons.

9 Action Points arising from the Hearing

10 Any other business

11 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;
- Network Rail;
- Thames Water;
- Cadent Gas;
- Friends of Wigmore Valley Park;

- Stop Luton Airport Expansion (SLAE); and
- Fisher German on behalf of Eastern Power Networks Plc and UK Power Network Operations Ltd.

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

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

These should be the people 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 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 6, Friday 8 December 2023**.

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