



# 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 10: the draft Development Consent Order

Hearing	Date and Time	Location
<b>Issue Specific Hearing 10:</b>  <b>The draft Development Consent Order</b>	<b>Friday 1 December 2023</b>  <b>Hearing starts at 09:30<sup>1</sup></b>  Blended event  Venue registration from: 09:00  Virtual registration from: 09:00 <sup>2</sup>	    Shire 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.

Interested Parties who wish to speak at this event were required to provide notification by Deadline 5. If you haven't notified us that you wish to speak, you must contact the Case Team ([LutonAirport@planninginspectorate.gov.uk](mailto: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

<sup>1</sup> 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.

<sup>2</sup> Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

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.

### **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 5 dated November 2023 [REP5-003].

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 protective provisions (Schedule 8) will be examined at the Compulsory Acquisition Hearing on Tuesday 28 November 2023 at 10:00.**

### **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

<b>Title of meeting</b>	London Luton Airport Expansion Issue Specific Hearing 10 – the draft Development Consent Order (DCO)
<b>Date</b>	Friday 1 December 2023
<b>Time</b>	09.30
<b>Venue</b>	Blended event
<b>Attendees</b>	Invitees

## Agenda

### **1 Welcome, introductions, arrangements for the Hearing**

### **2 Changes to the draft DCO**

- Applicant will be asked to provide a brief overview of the major changes to the draft DCO.
- The ExA will then seek responses to these changes where appropriate from Luton Borough Council (LBC), the joint Host Authorities, Buckinghamshire Council and other Interested Parties.

### **3 Article 44 (interaction with LLAOL planning permission) and the granting of consent to increase the passenger cap to 19 million Passengers Per Annum (MPPA)**

- Applicant will be asked to provide an update on how the recent granting of consent to increase the passenger cap to 19 MPPA affects these articles.
- The ExA to seek an update from the joint Host Authorities and Buckinghamshire Council regarding the conditions and legal agreements attached to the new and existing consents, and whether these need to be captured by the draft DCO and any new section (s) 106 agreements.
- The ExA will then seek responses to these changes and updates from the Applicant, LBC, the joint Host Authorities, Buckinghamshire Council and other Interested Parties.

### **4 Article 45 (Application of the 1990 Act)**

- ExA to seek further clarification regarding Article 45(1) regarding the extent of operational land, and to seek comment from LBC and the joint Host Authorities regarding this.

- Applicant to provide a brief overview of the drafting of Article 45 including consideration of *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UK Supreme Court (UKSC 30) decision.
- The ExA will seek responses where appropriate from LBC and other Interested Parties.

## **5 Schedules 1 and 2 – Authorised Development and requirements (excluding Part 3, Requirements 18 to 25)**

- The ExA will ask questions in relation to Schedule 2, including but not limited to:
  - Requirement 5 (Detailed design, phasing and implementation);
  - deletion of Requirement 7 (notice of commencement of authorised development); and
  - use of ‘substantially in accordance’ in the drafting of a number of requirements.
- The ExA will seek responses where appropriate from the Applicant, LBC, the joint Host Authorities, Buckinghamshire Council 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, LBC, the joint Host Authorities and other Interested Parties.

## **6 Part 3, Requirements 18 to 25 (Green Controlled Growth)**

- The Applicant will be asked to provide a very brief overview of the changes to the drafting of the Green Controlled Growth (GCG) requirements.
- The ExA will then ask questions on the drafting of these requirements in light of the submissions made at previous deadlines and the discussions at ISH9 on GCG, seeking responses from the Applicant, LBC, the joint Host Authorities and other Interested Parties.

## **7 Schedule 9 – Documents to be certified**

- To review the amended layout for 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.

## **8 Consents, licences and other agreements**

- The Applicant will be asked to provide an overview of the s106 agreements that it is proposing to submit, what these will secure, an update on the indicative timescales for completion and, if the s106 cannot be completed by the close of the Examination, whether any of the measures could be secured by requirements.

## **9 Action Points**

## **10 Any other business**

## **11 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;
- LBC;
- Other host local authorities (Hertfordshire County Council, Dacorum Borough Council, North Hertfordshire Council and Central Bedfordshire Council);
- Buckinghamshire Council; 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 website<sup>3</sup> 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, 8 December 2023**.

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