



## The Planning Inspectorate

### Application by London Luton Airport Limited for an Order granting Development Consent for the London Luton Airport Expansion

#### Action Points arising from Compulsory Acquisition Hearing 2 (CAH2) on Tuesday 28 November 2023

Action	Description	Action by	When
1	Provide an updated Compulsory Acquisition Schedule reflecting the status of negotiations as set out at the Hearing	Applicant	Deadline (D) 6
2	Discuss whether there is a need to re-provide Ace Sandwich Bar at ISH8	ExA	ISH8
3	Mr White to submit his comments in writing.	Mr White, Friends of Wigmore Park	D6
4	Provide an update on the progress of discussions about establishing a Community Trust for the future management of Wigmore Valley Park (indication that this would be secured by means of Section 106)	Applicant/ Luton Borough Council (LBC)	D7
5	Confirm whether the Application site falls within an area where there is a deficit of open space and, if it does, explain the policy implications	LBC	D6
6	Provide a response on how policies LLP6 and LLP27 should be applied with particular reference to loss of Wigmore Valley Park	LBC	D6
7	If possible, provide evidence of continued informal use of the proposed replacement land for approximately 40 years. This could take the form of written submissions from members of Friends of Wigmore Valley Park who have used the land in this capacity.	Mr White, Friends of Wigmore Park	D6
8	Submit the correspondence from the relevant representatives for the Crown Estate confirming that they no longer have an interest in the plots previously identified as having a crown interest	Applicant	D6
9	Provide further details regarding what the concession fee is used to fund including a breakdown for the last five years of 'normal' operation (ie not years affected by the pandemic) of what the concession fee was and the number of passengers for that year	Applicant	D6

Action	Description	Action by	When
10	Provide the ExA with a copy of the Financial Report for Luton Rising for the financial year 2022/23 if it is agreed before the close of the Examination	Applicant	As soon as it is available
11	Remaining questions from the script to be asked as written questions (see separate table below)	Applicant	D7

No	Question to	Question
1	Applicant	Paragraph 3.1.2 in previous funding statement [APP-012] gave the estimated total project cost as £2,700 million in 2022/23. In the new funding statement [REP5-009] it has two figures, capital cost estimate £2,612m in 2022/23 or approx. £3,400m in forecast outturn prices. Please explain the difference between the two sets of figures and why one of these figures is lower than previously stated given that since the original funding report was prepared (27 Feb 2023) interest rates and material and labour prices have increased.
2	Applicant	Table 3 [REP5-009] provides a very high-level breakdown of capital cost under the headings of airfield/ landside/ platform/ terminal 1/ terminal 2/ noise insulation scheme. However, there is no further detail, with the exception of the noise insulation scheme, behind how these figures were achieved or what they consist of eg where would the cost for DART extension between T1 and T2 sit? Is it possible to provide some further detail of the works that would sit under these headings? Given capital cost over runs do these figures include a contingency budget or is this a separate figure and if so what is it?
3	Applicant	Can you provide further explanation regarding what constitutes third party investments (low carbon heating and cooling energy centre, new fuel farm and pipeline connection, new hangars, new hotel and Solar PV, Battery and EV charger investments) ie is the assumption that these would be funded and provided by a third party or funded by the Applicant and provided by a third party and would any of them deliver a future revenue stream for the Airport?
4	Applicant	Table 5 [REP5-009] provides details of what inflation rate was used for the capital cost, given that inflation rates are currently rising have the figures been stress tested for higher inflation rate scenarios, if not, why not and if so at what level?
5	Applicant	Please expand on what you mean in paragraph 4.2.3 [REP5-009] and how this would affect funding?
6	Applicant	Given concerns about the state of the Council's finances/ number of local councils who have financial issues and having to declare themselves bankrupt, if the Council did have to issue a 114 Notice how would this impact deliverability of scheme/ securing of finances given one of the finance options would be for the Council to raise the funding?
7	Applicant	The ExA asked a question regarding how the Applicant has had regards to the Equalities Act in relation to Compulsory Acquisition (CA) and Temporary Possession (TP) and asked whether any

		<p>Affected Persons have been identified as having protected characteristics and if so what regard has been had to them [Question CA.1.6, PD-010].</p> <p>You did provide a response at D4 [REP4-056] where the ExA were directed to the Statement of Reasons [AS-071] and the Equality Impact Assessment (EIA) [AS-129]. The EIA makes a broad assessment of impacts on various groups but as far as I can see does not contain any specific reference to CA and TP. It talks about mitigations in broad terms and section 13.3 of the Statement of Reasons [AS-071], which consists of the consideration of duties under the Equality Act, refers back to the EIA it does not provide a specific assessment in relation to CA/ TP.</p> <p>So in context of CA and TP are there any people or groups who have been identified as having protected characteristics who would be affected and if there are, has an assessment been undertaken? If not, why not and should it be?</p> <p>Did the assessment include Category 3 parties, if not why not? And should it, as there are a significant number of Relevant Representations (RR) who have referred to the impacts on the elderly, disabled, children, mental health etc.</p>
8	Applicant	<p>Have either the Statement of Reasons [AS-071] or the EIA [AS-129] been reviewed since the application was submitted and in particular in light of RRs to ensure that everything has been done to ensure anyone with protected characteristics has been captured and assessed to ensure compliance with the Equality Act 2010?</p>
9	Applicant and Luton Borough Council	<p>The reprovision of Prospect Day Nursery appears to be based on an assessment of need at time of relocation. Given the loss of the facility is highlighted as a major significant effect in the Environmental Statement and would be affecting persons with protected characteristics, why is its reprovision subject to this proviso? Is it acceptable?</p>