

August 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.25 Applicant's Post Hearing Submission - Preliminary Meeting

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.25

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

8.25 Applicant's Post Hearing Submission - Preliminary Meeting

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Contents

	Page
1 Introduction	1
2 Item 2 – Examining Authority’s (ExA) opening remarks about the Examination process (annex B to Rule 6 Letter)	1
3 Item 3 – Initial Assessment of Principal Issues (Annex C to Rule 6 Letter)	1
4 Item 4 – Procedural Decisions (Annex F to Rule 6 Letter)	1
5 Item 5 – Draft Examination Timetable (Annex D to Rule 6 Letter)	2
6 Item 5 – Statements of Common Grounds (SoCGs) and timing of submission	2
7 Item 6 - Any other matters	3

1 INTRODUCTION

- 1.1** This document summarises the oral submissions put by Luton Rising (the Applicant), at the Preliminary Meeting (PM) which took place at Venue 360 on 10 August 2023.
- 1.2** In what follows, the Applicant's submissions on the points raised broadly follow the Agenda for the PM set out in the Examining Authority's (ExA) letter which was published on the Planning Inspectorate's website on 13 July 2023 (the Rule 6 letter).
- 1.3** Tom Henderson (TH), Partner at BDB Pitmans LLP, represented the Applicant.

2 ITEM 2 – EXAMINING AUTHORITY'S (EXA) OPENING REMARKS ABOUT THE EXAMINATION PROCESS (ANNEX B TO RULE 6 LETTER)

- 2.1** In response to LADACAN's request to supply tracked changed versions of all application documents, TH noted that due to the extremely large amount of paperwork associated with the application, to produce a tracked change version of every document would add to the burden for both the Applicant and recipients of that information. TH noted, therefore, that generally the Applicant would not want to submit every single document in tracked and clean formats.
- 2.2** In response to the ExA's suggestion, TH confirmed that any changes to documents and plans will be recorded within the "Guide to the Application" document.

3 ITEM 3 – INITIAL ASSESSMENT OF PRINCIPAL ISSUES (ANNEX C TO RULE 6 LETTER)

- 3.1** The Applicant confirmed it was broadly happy with the list of principal issues save for two matters that it thought should be included, being: (1) the need case; and (2) the national and local policy context. TH noted that Luton Borough Council and the Hertfordshire authorities had made the same point in their Procedural Deadline A submissions, and so the Applicant would be supportive of those matters being added to the list.

4 ITEM 4 – PROCEDURAL DECISIONS (ANNEX F TO RULE 6 LETTER)

- 4.1** In relation to the ExA's request for updated transport modelling, TH confirmed that the Applicant remained on track to deliver the outputs by December 2023. TH advised that (subject to seeing the detailed outputs) the Applicant's current expectation is for the updated modelling to result in a small reduction in the

levels of traffic. This would affect the timing, but not design of the proposed highway mitigation, which in any event is adaptive and is not committed to a specific year. Regarding environmental effects, the Applicant does not expect the updated traffic modelling to result in any materially new or materially different environmental effects.

5 ITEM 5 – DRAFT EXAMINATION TIMETABLE (ANNEX D TO RULE 6 LETTER)

- 5.1** TH confirmed that the Applicant had no additional comments on the timetable beyond what had previously been raised in the Applicant's Procedural Deadline A letter.
- 5.2** TH noted that whilst recognising it is a matter for the ExA, it seemed to the Applicant that there is some flexibility at the back end of the draft programme to allow for some additional time being allowed at the front end of the programme which could solve the issue of venue and Counsel availability.
- 5.3** TH noted that some of the "host" local authorities were seeking more time for Deadline 1. If the ExA were to accede to that, TH advised that the Applicant's request still stood for more time between Deadlines 1 and 2. This was to ensure that the Applicant had time to thoroughly respond to the Local Impact Reports and Written Representations, which were expected to be extensive.

6 ITEM 5 – STATEMENTS OF COMMON GROUNDS (SOCGS) AND TIMING OF SUBMISSION

- 6.1** TH noted that the Applicant was grateful for the ExA's decision to remove the request for SoCGs with Shell and Network Rail.
- 6.2** TH confirmed that the vast majority of the SoCGs requested by the ExA would be ready to submit by Deadline 1. However, TH noted that Deadline 1 was proving to be an increasing challenge for the completion of draft SoCGs with the "host" local authorities and the UK Health Security Agency and Office for Health Improvement and Disparities. This was due to a combination of resource availability at this time of year, and the accelerated nature of the timetable.
- 6.3** In terms of options to resolve this, TH suggested that Deadline 1 could be delayed, or that these SoCGs (i.e., those listed in paragraph 6.2 above) could be submitted at Deadline 2. A further option would be to submit a "unilateral"

SoCG at Deadline 1, i.e., not reviewed / agreed by the other party to the SoCG, but this was considered to be sub-optimal.

7 ITEM 6 - ANY OTHER MATTERS

- 7.1** In response to National Highways' request for an additional issue specific hearing after the updated traffic modelling is available, TH noted that the Applicant is not opposed to this being scheduled, for instance, in the second half of January. TH acknowledged that there will be new information that will need to be considered.