

November 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.101 Applicant's Response to Issue Specific Hearing 5
Action 16: Green Controlled Growth Scope Monitoring

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.101

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.101 APPLICANT'S RESPONSE TO ISSUE SPECIFIC HEARING 5
ACTION 16: GREEN CONTROLLED GROWTH SCOPE MONITORING**

Deadline:	Deadline 4
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.101
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Version	Date	Status of Version
Issue 1	November 2023	Additional Submission – Deadline 4

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1 BACKGROUND

- 1.1.1 Issue Specific Hearing 5 (ISH5) was held on 28 September 2023 covering air quality. Agenda Item 6 of the hearing covered the Green Controlled Growth (GCG) Framework and associated air quality aspects of GCG.
- 1.1.2 As part of the hearing (as described in Section 7.1 of the **Applicant's Post Hearing Submission - Issue Specific Hearing 5 (ISH5) [REP3-052]**), the Applicant explained how the GCG monitoring locations were identified, including the difference between 'in scope' and 'out of scope' monitoring locations, as set out in paragraph 4.1.5 of the **GCG Framework [REP3-017]**. The filtering process considers the total airport impact on air quality for each pollutant at each location (i.e. the air quality impacts not just of the Proposed Development but also of the existing airport). Where the total airport impact is forecast to be negligible, in line with industry-standard guidance from Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) (Ref 1), the location is treated as 'out of scope' for that pollutant and assessment phase.
- 1.1.3 On the basis of the air quality assessment results, all air quality impacts associated with the total operation of the airport relevant to GCG were determined to be negligible in Assessment Phase 2a, and therefore all monitoring locations were determined to be out of scope for GCG in Phase 2a. As set out in the **Applicant's Post Hearing Submission – Issue Specific Hearing 5 (ISH5) [REP3-052]** the air quality assessment has adopted conservative assumptions in relation to future background concentrations of pollutants and is considered to be robust. In this context, it is considered unlikely that national air quality objective limits will be exceeded at any out of scope locations in Phase 2a.
- 1.1.4 However, the Examining Authority (ExA) has raised concerns about the potential absence of controls on air quality as part of GCG in Phase 2a, and has requested a response to the following action point set out in **Action Points arising from the Issue Specific Hearing on air quality related effects (ISH5) held on Thursday 28 September 2023 [EV10-006]**:

Action 16: Applicant to provide a note regarding strengthening of the Green Controlled Growth (GCG) Framework for Phase 2a in the absence of any in scope monitoring commitment.

2 AMENDMENTS TO GCG FRAMEWORK

2.1.1 The Applicant has considered the matter and is proposing to make the following amendments to the GCG Framework, to apply to Phase 2a:

- a. Where an air quality Level 2 Threshold (or Limit) at an out of scope location has been exceeded the Applicant commits to undertaking a review of the airport's contribution to any increase in the pollutant concentration at that location.
- b. The purpose of this review (undertaken by the airport operator) is to determine whether that location should come in scope, with the findings to be shared with the Environmental Scrutiny Group (ESG) and Air Quality Technical Panel as part of the annual Monitoring Report for the year in which the exceedance occurred (unless otherwise agreed with the ESG that more time is required).
- c. The decision for a location either to remain out of scope, or to be brought in scope must be approved or refused by the ESG following submission of the Monitoring Report (and as any decision made by the ESG, would be subject to appeal to the Secretary of State by the airport operator, pursuant to requirement 37 of the **Draft DCO [REP3-003]**).
- d. The criteria applied for determining whether a location should change from out of scope to in scope will be the same as those applied originally for determining in scope vs out of scope monitoring locations, with reference to the IAQM guidance on describing air quality impacts (Ref 1) – i.e. locations where total airport impacts have remained negligible will remain out of scope. This approach is described in paragraphs 3.3.9 – 3.3.10, Table 3.2 and Figure 3.7 of the **Green Controlled Growth Explanatory Note [REP3-015]**.

2.1.2 This process is summarised at Figure 2.1.

Figure 2.1: Proposed approach to monitoring out of scope locations in Phase 2a

Activity	Year 1	Year 2	Year 3 on
Ongoing monitoring of out of scope locations			
Exceedance of Level 2 Threshold identified at out of scope location		♦	
Review of out of scope location where exceedance is identified			
Year 1 Monitoring Report submitted – decision on whether to bring into scope*		♦	
Monitoring of location(s) brought into scope			
Year 2 Monitoring Report submitted – if location brought into scope, GCG process applies			♦

*Decision on bringing location into scope based on extent of airport impacts – where these remain negligible the location will remain out of scope

2.1.3 These amendments will be formalised as part of a future update to the **GCG Explanatory Note [REP3-015]**, the **GCG Framework [REP3-017]** and its appendices and the **Draft Development Consent Order [REP3-003]** where required, at a future examination deadline.

3 APPLICANT'S COMMENTARY ON AMENDMENTS

- 3.1.1 The proposed amendments are considered by the Applicant to be a pragmatic and proportionate approach to strengthening the controls on air quality from Phase 2a onwards. The Applicant stands by the findings of the Air Quality Assessment reported in **Chapter 7 Air Quality** of the **Environmental Statement [AS-076]** which has found that all air quality impacts for NO₂, PM₁₀ and PM_{2.5} will be negligible in assessment Phase 2a. It is therefore appropriate that no controls are needed initially (in the form of in scope GCG monitoring locations) on the basis of these findings.
- 3.1.2 Nevertheless, it is recognised that future air quality concentrations may vary from those forecast in the ES, and that a more timely approach to reviewing the cause of significant variations should be included, in addition to the existing requirement for the periodic review of all monitoring locations every five years.
- 3.1.3 However, in this specific context relating to out of scope locations, given such changes are more likely to be wholly unrelated to the operation of the airport (on the basis of the negligible impact of the airport identified by the Air Quality Assessment [AS-076]), a review mechanism, as set out previously, is considered to be an appropriate first step to identify the causes of any increase.
- 3.1.4 By requiring this review to take place when a Level 2 Threshold is exceeded, this requires action to be taken prior to a Limit being exceeded.
- 3.1.5 It is also considered proportionate for locations to be able to remain out of scope where the total airport impact remains negligible (with reference to the relevant IAQM/EPUK guidance (Ref 1)), including where concentrations are above the Limit. This hypothetical scenario (where background concentrations have increased such that a Limit is exceeded) would still correspond to no new adverse environmental effects being identified during the operation of the airport, and therefore align with the conclusions of the ES.
- 3.1.6 In these circumstances, it will have to be demonstrated to the satisfaction of the ESG that the cause of any exceedance is a result of factors unrelated to the airport, and the airport is not resulting in the deterioration in local air quality at the relevant monitoring location, including potential non-compliance with the relevant legal targets. Where this is the case, any responsibility for mitigation (of non-airport related sources) would fall to the relevant Local Authority pursuant to their duties under Part IV of the Environment Act 1995 (as amended by the Environment Act 2021) for local air quality management) (Ref 2), and there should be no requirement for controls on growth through GCG.
- 3.1.7 Where this is not the case, and a location is brought in scope for GCG, the full GCG process as set out previously would then apply at that new in scope location.

GLOSSARY AND ABBREVIATIONS

Term	Definition
DCO	Development Consent Order
ESG	Environmental Scrutiny Group
EPUK	Environmental Protection UK
GCG	Green Controlled Growth
IAQM	Institute of Air Quality Management

REFERENCES

Ref 1 Moorcroft and Barrowcliffe. et al. (2017) EPUK & IAQM Land-use Planning & Development Control: Planning for Air Quality. v1.2, 2017. Institute of Air Quality Management, London
Ref 2 Environment Act 1995, Part IV Air Quality. Available at:
<https://www.legislation.gov.uk/ukpga/1995/25/part/IV>