

November 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 7 Other Documents

**7.08 Green Controlled Growth Framework Appendix
B - Draft Technical Panels Terms of Reference (Tracked
Change Version)**

Application Document Ref: TR020001/APP/7.08

APFP Regulation 5(2)(q)

The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009**

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

**7.08 GREEN CONTROLLED GROWTH FRAMEWORK APPENDIX B
- DRAFT TECHNICAL PANELS TERMS OF REFERENCE
(TRACKED CHANGE VERSION)**

Regulation number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/7.08
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	February 2023	Application issue
Revision 1	October 2023	Additional Submissions – Deadline 3
Revision 2	November 2023	Additional Submissions – Deadline 5

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Appendix B

B1 Introduction

- B1.1.1 Luton Rising (~~the Applicant~~) (a trading name of London Luton Airport Limited (LLAL)) (the Applicant) is promoting an application for a development consent order (DCO) for the expansion of Luton Airport (the airport). As part of the application, the Applicant is putting forward a “Green Controlled Growth” (GCG) Framework to manage growth at the airport within defined environmental limits.
- B1.1.2 Through GCG, the Applicant is proposing a series of clearly specified ‘Limits’ for the individual environmental impacts of the expanding, expanded, and lifetime operation of airport. The ongoing growth of the airport up to the new overall passenger cap will depend on maintaining impacts below these Limits. Limits are defined for each of the following environmental topics:
- Aircraft ~~N~~oise;
 - Air ~~Q~~uality;
 - Greenhouse ~~G~~as ~~E~~missions; and
 - Surface ~~A~~ccess.
- B1.1.3 The GCG Framework, legally enshrining these Limits as part of the DCO, will therefore ensure the airport takes account of the actual impacts of expansion as they manifest over time, rather than predicating all permitted growth up to 32 mppa on the basis of the impacts predicted through the Environmental Impact Assessment (EIA) process at the point of the application for development consent.
- B1.1.4 As part of this approach, it is proposed to establish a new Environmental Scrutiny Group (the ESG) to provide independent oversight of the GCG Framework in operation. The ESG’s role is to provide assurance that the plans put in place under the GCG Framework are appropriate in light of the GCG Limits. The ESG should not be used as a mechanism for limiting growth where it is occurring in accordance with the GCG Framework, or GCG Limits. **Appendix A - Draft ESG Terms of Reference [TR020001/APP/7.08]** sets out the ~~terms of reference~~ Terms of Reference for the ESG.
- B1.1.5 In exercising these powers and functions, the ESG would be supported by four new Technical Panels established by the DCO (one for each of the environmental topics covered by GCG; Air Quality, Noise, Greenhouse Gas Emissions and Surface Access). This document sets out the ~~terms of reference~~ Terms of Reference document for the Technical Panels.
- B1.1.6 Each Technical Panel must operate, meet and make recommendations in accordance with these ~~terms of reference~~ Terms of Reference, unless otherwise agreed by the ESG and airport operator in accordance with the process set out in these ~~terms of reference~~ Terms of Reference.

B1.1.7 As the airport's owner ~~and the Applicant submitting the application for development consent, Luton Rising~~ has a significant role to play in shaping the airport's long-term future. However, Article 8 of the **Draft Development Consent Order [TR020001/APP/2.01]** sets out the proposed mechanism by which the benefit of the order (as defined by Article 7) would be granted by ~~Luton Rising~~ the Applicant, as the undertaker for the Proposed Development, to the airport operator London Luton Airport Operations Limited (LLAOL), pursuant to an agreement between the two parties. This would transfer the restrictions, liabilities and obligations to the airport operator, currently LLAOL, to implement Green Controlled Growth in accordance with the relevant provisions of the DCO. Within this document therefore, when referring to the processes and requirements of the GCG Framework, reference is made to the airport operator, rather than ~~Luton Rising~~ the Applicant, as if the benefit of the order has been transferred and the airport operator is the undertaker for the purposes of the Part 3 of Schedule 2 to the DCO. Similarly, references to ~~Luton Rising~~ the Applicant include any successor organisation that acts as the owner of the airport.

B2 Governance and administration

B2.1 Membership

- B2.1.1 Each Technical Panel will include an independent technical expert in a field directly relevant to that Technical Panel. This technical expert will be appointed by the chairperson of the ESG, from a shortlist of subject matter experts agreed between the chairperson of the ESG and the airport operator.
- B2.1.2 Should the position of independent technical expert become vacant, a new technical expert should be appointed following the same process as the original appointment.
- B2.1.3 Each technical expert will also act as the chairperson for the relevant Technical Panel and will convene and lead the meetings of the Technical Panel in line with these Terms of Reference.
- B2.1.4 ~~The chairperson of each Technical Panel~~ Each independent technical expert must attend all meetings the relevant meeting of the relevant Technical Panel. If for any reason the chairperson of a Technical Panel is unable to attend a particular Technical Panel meeting, the chairperson of the ESG and the airport operator must agree on a suitably qualified substitute to ensure a meeting of relevant Technical Panel is quorate (see Section B2.2)].
- B2.1.5 In addition to the independent technical expert, the airport operator will invite additional members to become a member of each Technical Panel from organisations as shown in **Table 2.1**, subject to meeting the requirements set out in Paragraph B2.1.6~~7~~:

Table 2.1: Technical Panel additional members

Subgroup	Additional members
Aircraft Noise	Central Bedfordshire Council, Dacorum Borough Council, Luton Borough Council, North Hertfordshire Council, Stevenage Borough Council, Civil Aviation Authority
Air Quality	Central Bedfordshire Council, Luton Borough Council, North Hertfordshire Council
Greenhouse Gases	Central Bedfordshire Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council
Surface Access	London Luton Airport Transport Forum, Central Bedfordshire Council, Hertfordshire County Council, Luton Borough Council, National Highways

B2.1.6 ~~Members of the Noise Technical Panel may be amended pursuant to Paragraph B4.10.3(e).~~

B2.1.7 ~~Additional members can be added to those listed in Table 2.1 pursuant to a decision made by the ESG to do so following the processes set out in their Terms of Reference and with the agreement of the airport operator.~~

~~B2.1.6~~B2.1.8 Each organisation listed in **Table 2.1** will nominate a single person to represent them on each relevant Technical Panel. Each representative must be suitably qualified (e.g. a chartered professional in the relevant subject area) or have equivalent professional experience to allow the Technical Panel to fulfil its technically-focused remit.

~~B2.1.7~~B2.1.9 The final decision as to whether a nominated representative is suitably qualified rests with the chairperson of the relevant Technical Panel. Suitably qualified alternative representatives will be allowed as substitutes if for any reason the nominated representative of a local authority is unable to attend a particular Technical Panel meeting, subject to prior approval of the nominated substitute by the chairperson of the relevant independent Technical expert Panel in consultation with the airport operator.

~~B2.1.8~~B2.1.10 Any dispute regarding a proposed decision to approve the technical officer's nomination to the Technical Panel will be determined by the chairperson of the ESG in accordance with Article 52 of the DCO.

~~B2.1.9~~B2.1.11 ~~Luton Rising~~The Applicant and the airport operator are permitted to attend the proceedings of the Technical Panels and make representations at the proceedings and present reports and plans.

B2.2 Quorum

B2.2.1 A quorum for a Technical Panel is met where the chairperson of that independent Technical expert Panel and at least one other approved member is present (in the unlikely scenario where no other members are approved, only the chairperson, acting as an independent technical expert, will be required to be present for the Technical Panel to be quorate).

B2.2.2 Reasonable endeavours must be taken to ensure that each meeting is attended by 100% of the members. ~~Luton Rising~~The Applicant and the airport

operator are to be invited to the meetings as soon as practicable after the date of the meeting has been set.

B2.3 Decision Making

B2.3.1 The Technical Panels do not make any decisions but give recommendations and advice to the ESG. Members should use reasonable endeavours to reach agreement on its advice, but in the event of any disagreement, the chair must prepare a written report for the ESG that sets out both a majority recommendation ~~but and~~ also any minority opinions.

~~B2.3.1~~B2.3.2 When acting under these Terms of Reference, members of the Technical Panels will not be personally liable for any advice given or decisions taken by the ESG. For Technical Panels, members will not be treated as acting as ESG employees. Whilst the Technical Panels may provide advice to be adopted by ESG, without prejudice to the requirement for any advice to be provided in good faith and competently, ESG has full discretion in making any final decision.

B2.4 Timescales for Establishment

B2.4.1 The Technical Panels will be established as soon as is reasonably practicable following service of the notice under Article 44(1) of the DCO and no later than 56 days prior to the planned submission of the first Monitoring Report by the airport operator.

B2.5 Technical Panel mMeetings Following eEstablishment

B2.5.1 There is a presumption that each ~~no requirement for any~~ Technical Panel will meet following submission of monitoring results to it by the airport operator, as per the process set out in Section B4.3, but there is no absolute requirement to do so. Any member of the Technical Panel may request that a meeting is held, but the decision to do so will be at the discretion of the chairperson of the relevant ~~independent t~~ Technical expert, acting in their capacity as the Chair of the Technical Panel.

B2.5.2 Where a meeting is to take place, ~~the is Technical Panel must meet on a date to be agreed between the airport operator~~ should be scheduled following receipt of monitoring results from the airport operator to take place and the Technical Panel independent expert, which should be no later than 30th June each year.

B2.5.3 The Technical Panel should provide written feedback on monitoring results to the airport operator within 21 days of receipt of the monitoring results, or within 7-seven days of a meeting being held, whichever is earlier. This written feedback should include a summary of feedback received from the public meetings referred to at Section B2.6.

B2.5.4 Where a draft Level 2 Plan or a draft Mitigation Plan is submitted, the Technical Panel associated with the environmental topic that has triggered the requirement for a Plan must meet, unless otherwise agreed by the chairperson of the relevant ~~independent t~~ Technical expert Panel and the airport operator

(for example, where a Mitigation Plan is required due to a breach of a Surface Access Limit, the Surface Access Technical Panel must meet). This meeting must be held no more than ~~14~~seven days following the date of submission of the draft Level 2 Plan or draft Mitigation Plan to the ESG.

B2.6 Public ~~m~~Meetings ~~f~~Following ~~e~~Establishment

B2.6.1 For each of the four environmental topics within the scope of GCG, the airport operator will organise a public meeting to gather the views of the local community on the monitoring results. The meetings will be held on dates to be agreed between the airport operator and the chairpeople of the Technical Panels~~independent experts~~, and no later than the 30th June each year.

~~B2.6.2~~ The airport operator will be responsible for publicising the meetings and meeting any related costs for their organisation and administration. Where possible, finalised monitoring results should be used at these meetings. However, it is acknowledged that timescales will not always allow for this and as such provisional monitoring results, with appropriate caveats, can also be used for the purpose of these meetings.

~~B2.6.2~~ ~~At this meeting, the operator will present monitoring data results to the public in either draft or if available, finalised form.~~

~~B2.6.3~~ The public meetings will be chaired by the chairpeople of the Technical Panels~~independent technical experts~~, attended by the airport operator, and the remaining members of each Technical Panel should use reasonable endeavours to attend and be available to answer questions from the public.

~~B2.6.3~~

B2.6.4 Each ~~relevant independent technical expert~~Technical Panel chairperson will prepare a written summary of the ~~views~~topics and ~~opinions~~issues expressed at each meeting. Any ~~reasonable~~ administrative support required by the independent technical expert will be provided by the airport operator.

B2.6.5 The written summaries prepared by chairpeople of the Technical Panels~~the independent technical expert~~ will be provided to the other members of the Technical Panel and the airport operator within ~~five working~~seven days of the meeting, for incorporation into the final Monitoring Report submitted to the ESG, as well as to the ESG for early consideration.

B2.7 Administration and ~~C~~costs

B2.7.1 The reasonable costs of the independent technical experts~~s~~ will be funded by the airport operator, although they will be appointed by the chairperson of the ESG. This will include time and/or professional fees and travel to and from ~~ESG~~ meetings, subject to prior agreement with the airport operator.

B2.7.2 The airport operator will ~~fund~~provide the reasonably necessary~~secretarial and administrative~~ costs~~resources~~ of the Technical Panels, ~~or directly provide administrative and secretarial resources itself. These costs will be subject to prior agreement with the airport operator.~~

B2.7.3 The reasonable costs of the involvement of the local authority representatives on the Technical Panels will be funded in accordance with the funding arrangements set out in a separate legal agreement.

~~B2.7.3 The airport operator will pay reasonably incurred and evidenced travel costs of members of the Technical Panels for any travel to and from a Technical Panel meeting. These costs will be subject to prior agreement with the airport operator. It is anticipated these costs will be payable in accordance with the funding arrangements in a legal agreement.~~

B2.7.4 Meeting agendas and papers will be issued by the airport operator no later than ~~five working seven~~five days prior to any Technical Panel meeting. Requests for agenda items from the members must be received by the chairperson no later than ~~ten working~~140 days prior to a Technical Panel meeting.

B2.7.5 Minutes will be produced by the airport operator no more than ~~five working seven~~five days following each meeting and the members must provide comments in writing on the minutes within ~~five working seven~~five days of receipt of the draft minutes. ~~and the independent technical expert, in their role as chairperson,~~ must provide approval of the minutes in writing within ~~five working seven~~five days of receipt of the draft minutes or within seven days of receipt of any comments from members, whichever is later.

B2.8 Participation Principles

B2.8.1 All persons participating in the business of the Technical Panels shall ~~be encouraged to~~ do so in accordance with the following participation principles:

- a. work in a solution focused manner;
- b. read relevant documents and other materials in advance of meetings;
- c. declare any conflicts or potential conflicts of interest (whether in relation to a matter to be considered at a meeting or otherwise) and, if so required by the chairperson of the relevant Technical Panel (where such interest is declared at or in advance of any meeting, such chairperson having consulted with the members present at such meeting, excluding the conflicted member), exclude themselves from any discussion or recommendation concerning the matter which is the subject of the conflict or potential conflict or abide by any restrictions imposed by the chairperson regarding their involvement in such discussion or recommendation;
- d. use reasonable endeavours to complete any actions resulting from Technical Panel meetings within the time period provided, ensuring that deadlines for capacity declarations are met; and
- e. engage with each other in a respectful manner at all times.

B3 Functions

B3.1 Overview

B3.1.1 The prime objective of the Technical Panels is to provide advice and technical support to the ESG, whose primary objective is to fulfil the oversight and approval role in accordance with Part 3 of Schedule 2 to the DCO.

B3.1.2 The ESG will be supported by a number of Technical Panels which cover Greenhouse Gas Emissions, Air Quality, Noise and Surface Access. Each Technical Panel reports to the ESG, and is intended to:

- a. make recommendations to the ESG to facilitate the discharge of its functions in relation to the particular topic area concerned; and
- b. provide technical support to the ESG in its functions.

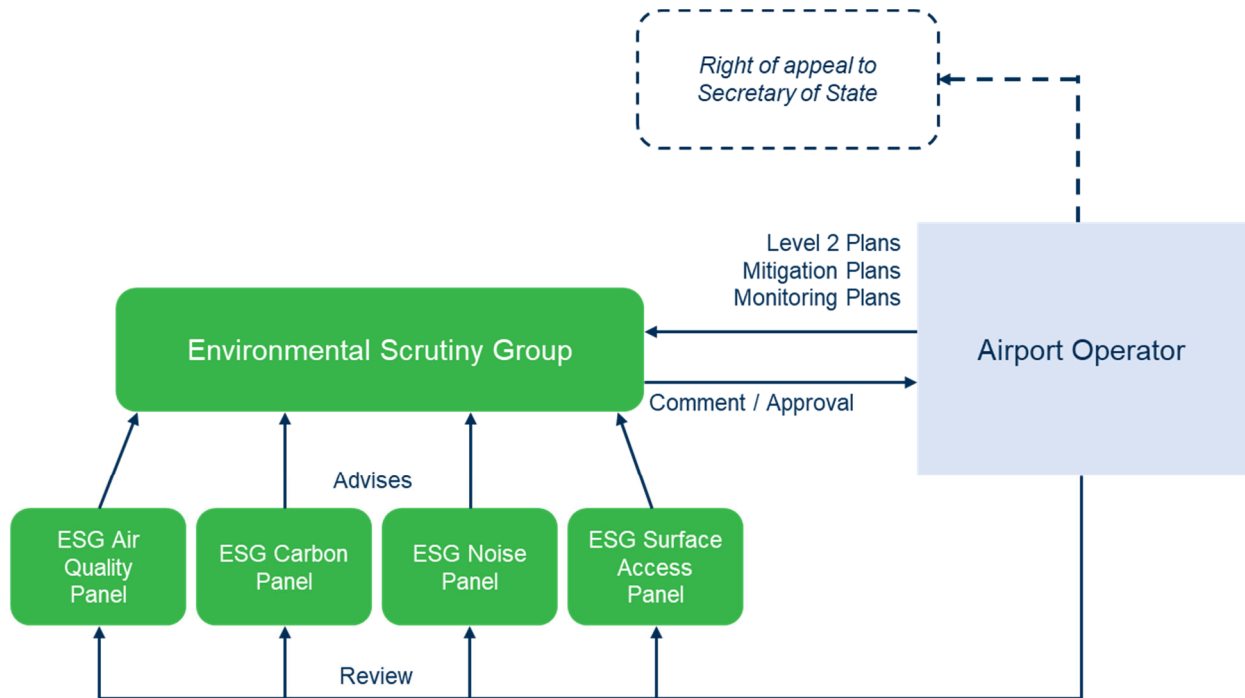
B3.1.3 **Table 3.2** below sets out a delineation of the functions of the ESG, and each Technical Panel:

Table 3.2: Functions of the ESG

Function	ESG	ESG Technical Panel
Reviewing Monitoring Results	No	Yes
Providing commentary on Monitoring Reports	Yes, having regard to advice from Technical Panel	Provide advice to ESG where necessary
Approving Level 2 Plans	Yes, having regard to advice from Technical Panel	Provide recommendation to ESG
Approving Mitigation Plans	Yes, having regard to advice from Technical Panel	Provide recommendation to ESG
Forum for consideration of statutory enforcement representations	Yes	No
Agreeing proposals to amend Monitoring Plans or Terms of Reference	Yes	Provide advice to ESG where requested
Approving proposals to amend GCG timeframes, Level 1 Thresholds, Level 2 Thresholds or Limits	Yes	Provide advice to ESG where requested

B3.1.4 The relationship between the ESG, the **ESG-four** Technical Panels and other bodies is shown diagrammatically in **Figure 3.1** below.

Figure 3.1: Proposed governance arrangements within GCG Framework



B3.2 Relevant eConsiderations in dDischarging functions

B3.2.1 Members of a Technical Panel must have due regard to the following in discharging their functions:

- a. The need to ensure that the Limits identified as part of the GCG Framework are not exceeded.
- b. The need to ensure the safe and efficient commercial operation of the airport.

B3.2.2 The Technical Panels must accept the principle of the growth consented under the DCO and their functions shall be limited to considering how such growth aligns with the Limits.

B3.2.3 Members of a Technical Panel must act independently and reasonably in performing their functions. Members' involvement in the Technical Panels is to be in a non-political and professional capacity. Members of the Technical Panels must not unreasonably withhold or delay recommendations or advice required under these Terms of Reference.

B4 Technical panel operating procedures

B4.1.1 Please refer to the Terms of Reference for the ESG for further details of the procedure for preparing and approving the plans required under the GCG Framework. These Terms of Reference set out the relevant procedures for the Technical Panels only.

B4.2 Time periods

B4.2.1 The airport operator, ESG and Technical Panels will comply with the time periods associated with procedures in these Terms of Reference unless another time period is agreed between the airport operator and ESG.

B4.3 Procedure for Reporting of mMonitoring dResults at

B4.3.1 The procedure for reporting of monitoring results aligns to that of the public meeting, set out in section BB2.6, as the start of the process being the organisation of the public meeting. The process is repeated here for fullness.

B4.3.2 For each of the four environmental topics within the scope of GCG, the airport operator will organise a public meeting to gather the views of the local community on the monitoring results. The meetings will be held on dates to be agreed between the airport operator and the Technical Panel independent experts chairpeople of the Technical Panels, and no later than the 30th June each year.

B4.3.3 The airport operator will be responsible for publicising the meetings, preparing any material to be presented to the public at the meeting, and meeting any related costs for their organisation and administration.

B4.3.4 The public meetings will be chaired by the chairpeople of the Technical Panels, and the remaining members of each Technical Panel should use reasonable endeavours to attend and be available to answer questions from the public.

B4.3.5 Each Technical Panel chairperson will prepare a written summary of the topics and issues expressed at each meeting. Any reasonable administrative support required by the independent technical expert will be provided by the airport operator.

B4.3.3B4.3.6 The written summaries prepared by chairpeople of the Technical Panels will be provided to the other members of the Technical Panel and the airport operator within seven days of the meeting, for incorporation into the final Monitoring Report submitted to the ESG, as well as to the ESG for early consideration.

B4.3.4 Each meeting will be chaired by the relevant independent technical expert. At the meeting, draft monitoring results will be presented by the airport operator where appropriate. The remaining members of each Technical Panel should use reasonable endeavours to attend and be available to answer questions from the public.

~~B4.3.5 Each relevant independent technical expert will prepare a summary of the views and opinions expressed at each meeting. Any administrative support required by the independent technical expert will be provided by the airport operator.~~

~~B4.3.6 The summaries prepared by the independent technical expert will be provided to the other members of the Technical Panel and the airport operator within seven days of the meeting, for incorporation into the final Monitoring Report submitted to the ESG.~~

B4.3.7 Separately, monitoring results for each of the individual environmental topics that inform the Monitoring Report must be submitted by the airport operator to the relevant Technical Panels prior to the submission of the Monitoring Report to the ESG as soon as reasonably practicable, and no later than 30th June each year.

~~B4.3.8 There is a presumption that each Technical Panel will meet following submission of monitoring results to it by the airport operator, but there is no absolute requirement to do so. Any member of the Technical Panel may request that a meeting is held, but the decision to do so will be at the discretion of the chairperson of the relevant Technical Panel.~~

~~B4.3.8 There is no requirement for any Technical Panel to meet following submission of monitoring results to it by the airport operator. Any member of the Technical Panel may request that a meeting is held, but the decision to do so will be at the discretion of the relevant independent technical expert.~~

B4.3.9 Where a meeting is to take place, the Technical Panel must meet no more than 14 days following the date of submission of monitoring results to the relevant Technical Panel (which should be no later than the 30th June for data covering the preceding calendar year), unless otherwise agreed with the airport operator.

B4.3.10 The Technical Panel should provide written feedback on monitoring results to the airport operator within 21 days of receipt, or within ~~7~~ seven days of a meeting being held, whichever is earlier. This written feedback should include a summary of feedback received from the public meetings referred to at section B2.6.

B4.3.11 Topic-specific monitoring results, including feedback received from the Technical Panels and the summary of public feedback, will then be combined by the airport operator into a single, compiled Monitoring Report to be submitted to the ESG.

B4.4 Procedure for Level 2 Plans

B4.4.1 A 'Level 2 Plan' is a plan which sets out:

- a. details of any proposed actions which are designed to avoid or prevent exceedances of a Limit; and
- b. the proposed programme for the implementation of those actions.

- B4.4.2 Within 14 days of receipt of a draft Level 2 Plan, the relevant Technical Panel must provide a written report and ~~written~~-recommendation for ESG to:
- approve draft Level 2 Plan; or
 - request changes to draft Level 2 Plan
- B4.4.3 The report must include the reasons for the recommendation. The airport operator should also be sent a copy of the report.
- B4.4.4 Within ~~7~~ seven days of receipt of a final Level 2 Plan, the relevant Technical Panel must provide a written report and ~~written~~-recommendation for ESG to:
- approve Level 2 Plan; or
 - refuse Level 2 Plan
- B4.4.5 The report must include the reasons for recommendation. The airport operator should also be sent a copy of the report.

B4.5 Procedure for Mitigation Plans

- B4.5.1 “Mitigation Plan” means a plan which sets out—
- details of the proposed mitigation and actions which are designed to ~~avoid or prevent~~remove exceedances of a Limit as soon as reasonably practicable; and
 - the proposed programme for the implementation of that mitigation and those actions.
- B4.5.2 Within 14 days of receipt of a draft Mitigation Plan, the relevant Technical Panel must provide a written report and ~~written~~-recommendation for ESG to:
- approve draft Mitigation Plan; or
 - request changes to draft Mitigation Plan.
- B4.5.3 The report must include the reasons for the recommendation. The airport operator should also be sent a copy of the report.
- B4.5.4 Within ~~7~~ seven days of receipt of a final Mitigation Plan, the relevant Technical Panel must provide a written report and ~~written~~-recommendation for ESG to:
- approve Mitigation Plan; or
 - refuse Mitigation Plan.
- B4.5.5 The report must include the reasons for the recommendation. The airport operator should also be sent a copy of the report.

~~**B4.6 Procedure for amending the Monitoring Plan**~~

- ~~B4.6.1 The ESG may request input from the Technical Panels to amend a Monitoring Plan.~~

~~B4.6.2 Where a request is made under Paragraph B4.6.1 the Technical Panel shall provide its written recommendations in the timeframes specified in the request including a summary of the reasons for recommendations.~~

B4.6 Circumstances beyond the Operator's Control

~~B4.6.1 Where the airport operator submits a Monitoring Report showing an exceedance of a Level 2 Threshold or Limit, they will have the ability to put forward a case that this exceedance has been caused by factors beyond their control.~~

~~B4.6.2 Generally, where the airport operator puts forward a case that the exceedance of a Threshold or breach of a Limit is due to circumstances beyond their control, they will be expected to demonstrate that the circumstances were:~~

- ~~a. not permanent in nature;~~
- ~~b. outside of the control or influence of the airport operator; and~~
- ~~c. directly related to the measured exceedance of a Threshold or breach of a Limit.~~

~~B4.6.3 Where the airport operator can demonstrate to the ESG that the exceedance of a Level 2 Threshold or breach of Limit is due to circumstances beyond the operator's control (having regard to Paragraph B4.6.2) B4.10.2 the ESG, acting reasonably, should certify that the exceedance of a Level 2 Threshold or breach of a Limit is due to circumstances beyond the operators control. Where the ESG has provided this certification, no Level 2 Plan or Mitigation Plan (as appropriate) will be required for that exceedance or breach and the ESG should treat the relevant environmental topic as if no exceedance or breach had occurred.~~

~~B4.6.4 Indicatively, examples of circumstances where these criteria could apply include:~~

- ~~a. Flights involving VIPs (royal family, heads of state, senior government officials – not sports people or celebrities).~~
- ~~b. Emergency relief flights.~~
- ~~c. Other emergencies.~~
- ~~d. Military aircraft during hostilities.~~
- ~~e. Exceptional circumstances (such as the Icelandic Volcanic Ash Crisis).~~
- ~~f. Government-mandated changes to airspace (for example to accommodate Royal flypasts).~~
- ~~g. Abnormal disruption (for example, due to fire or hijacking; the dispensations are explicit that this does not cover strike action by baggage handlers as this is within the control of the airport operator).~~
- ~~h. Pandemics or epidemics such as Covid-19.~~
- ~~i. Grounding of specific aircraft (e.g., B737MAX) impacting noise performance.~~

- j. Strikes by public transport operators, or significant engineering work / other disruption to public transport services leading to more car use, in turn leading to impacts on air quality, greenhouse gases or surface access.
- k. Significantly abnormal weather conditions leading to restricted ability to generate solar power impacting greenhouse gases, or leading to dust storms / ash clouds impacting on air quality.
- l. Road works or other construction activity (except where this is work carried out by the airport operator) leading to additional delay or diversions on the highway network, impacting on air quality.

B4.6.5 The ESG may request input from the Technical Panels where the airport operator puts forward a case that the exceedance of a Threshold or breach of a Limit is due to circumstances beyond their control.

B4.6.6 Where a request is made under Paragraph B4.6.5, the Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for the recommendations.

B4.7 General Procedure for Review of Information

B4.7.1 The ESG may request input from the Technical Panels on other matters relevant to the operation of the GCG Framework.

B4.7.2 Where a request is made under Paragraph B4.7.1, the Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for the recommendations.

B4.8 Procedure for Responding to Requests to Modify Aspects of GCG

B4.8.1 Where the ESG receives an application from the airport operator under paragraph 24(3) of Schedule 2 to the DCO to modify the definition of a Level 1 Threshold, Level 2 Threshold and Limit (as defined in the DCO), the ESG may request input from the relevant Technical Panel in determining the application.

B4.8.2 Where a request is made under Paragraph B4.8.1, the Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for the recommendations.

B4.8.3 When making its recommendations under paragraph B4.8.2, the Technical Panel must consider the matters set out in section 2.3 of the **GCG Framework** [TR020001/APP/7.08]. There will be no ability to change any of the Level 1 Thresholds, Level 2 Thresholds or Limits to permit materially worse environmental effects than those identified in the **Environmental Statement** [TR020001/APP/2.01].

B4.9 Procedure for Amending a Monitoring Plan

B4.9.1 Where the ESG receives an application by the airport operator under paragraph 24(4) or paragraph 25(3) of Schedule 2 to the DCO to amend a Monitoring Plan, the ESG may request input from the relevant Technical Panel in determining the application.

B4.9.2 Where a request is made under Paragraph B4.9.1, the Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for recommendations.

B4.8B4.10 Procedure for Noise Limit Reviews

B4.8.1B4.10.1 Section 3.3 of the GCG Framework document sets out the circumstances in which a Noise Limit Review will be triggered by publication of a new ICAO chapter or approval of a proposal for airspace change.

B4.8.2B4.10.2 Within six months of publication of a new ICAO chapter or approval of a proposal for airspace change, the airport operator must prepare and submit to the Noise Technical Panel a Noise Limit Review in writing that will set out proposals to reduce the GCG Limits and Thresholds for Aircraft Noise (or will demonstrate that no reduction is possible).

B4.8.3B4.10.3 The Noise Limit Review must:

- a. permit the airport growth granted by the DCO;
- b. reduce the Aircraft Noise Limits if reasonably practicable; ~~and~~
- c. where b identifies opportunities to reduce Aircraft Noise Limits, to do so in order that they are below the '2019 cap'¹ as quickly as is reasonably practicable; ~~and~~;
- d. Identify whether changes to the forecast shape of the 54dBLeq,16h and 48dBLeq,8h noise contours have occurred, such that noise impacts are experienced by different local authorities from those originally identified and included as part of the Noise Technical Panel;
- e. Where (d) identifies changes to the forecast shape of the 54dBLeq,16h and 48dBLeq,8h noise contours, set out any necessary amendments to the local authorities included as part of the Noise Technical Panel.

B4.8.4B4.10.4 The Noise Technical Panel will complete a review of the Noise Limit Review and respond to the airport operator in writing within one month. The Noise Technical Panel review must have due regard to parallel consideration of noise information by the CAA with regard to any Airspace Change Process.

~~B4.8.5 The airport operator will then update the Noise Limits Review in response to the Noise Technical Panel review and formally submit it to ESG for determination in accordance with paragraph 25(3) of Schedule 2 to the DCO. The airport operator will provide a note documenting its response to the Noise Technical Panel's review on the draft Noise Limits Review and any parallel consideration of noise information by the CAA. This note is submitted to ESG in support of the application for ESG to approve the final Noise Limits Review.~~

~~B4.8.6 ESG must determine the airport operator's request for approval within 56 days, or the application is deemed to have been approved.~~

¹ The short term day and night noise contour area limits set by condition 10 to the planning permission 15/00950/VARCON dated 13 October 2017 as calculated using the 'DCO noise model'

~~B4.8.7 The decision of the ESG to accept or reject the Noise Limits Review will be published on the airport operator's website.~~

~~B4.8.8~~B4.10.5 Following the determination of the first Noise Limits Review, the ~~A~~airport operator must prepare a Noise Limits Review and submit for ESG approval every five-years following the same steps set out above, always taking account of the latest information available.

B4.11 Procedure for Air Quality Limit Reviews

B4.11.1 Within six months of any change to UK legal limits for concentrations of NO₂, PM₁₀ or PM_{2.5}, the airport operator will prepare and submit to the ESG an Air Quality Limit Review that will consider the potential for the Air Quality Limits and Thresholds to be changed to reflect the new legal limits, and whether any shortlisted air quality monitoring locations should be brought into or out of scope of the GCG Framework.

B4.11.2 The ESG will respond to the airport operator in writing within one month. The ESG may ask the Air Quality Technical Panel for input at its discretion.

B4.11.3 Where a request is made under Paragraph ~~B4.11.2~~B4.12.2, the Air Quality Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for recommendations.

B4.12 Procedure for Greenhouse Gases Limit Reviews

B4.12.1 Within three months of the UK government clarifying the scope and pathway to achieving the policy ambition set out in the Jet Zero Strategy of achieving zero emissions airport operations by 2040, the airport operator will prepare and submit to the ESG a Greenhouse Gases Limit Review that will consider how to align the Greenhouse Gases Limits and Thresholds with this policy objective. This may include changes to the definition of 'Airport Operations'.

B4.12.2 The ESG will respond to the airport operator in writing within one month. The ESG may ask the Greenhouse Gases Technical Panel for input at its discretion.

B4.12.3 Where a request is made under Paragraph ~~B4.12.2~~B4.12.2, the Greenhouse Gases Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for recommendations.

B4.13 Procedure for Surface Access Limit Reviews

B4.13.1 The airport operator may review the definitions of the surface access mode share Limits and apply to the ESG to update them where necessary.

B4.13.2 The ESG will respond to the airport operator in writing within one month. The ESG may ask the Surface Access Technical Panel for input at its discretion.

B4.13.3 Where a request is made under Paragraph ~~B4.13.2~~B4.13.2, the Surface Access Technical Panel shall provide its written recommendations in the timeframes

specified in the request, including a written summary of the reasons for recommendations.

~~B4.9~~B4.14 Procedure for ~~M~~making ~~r~~Representations on ~~s~~Statutory ~~e~~Enforcement by Luton Borough Council

~~B4.9.1~~B4.14.1 The ESG may request input from the Technical Panels on any representations as to potential breaches of the GCG procedures.

~~B4.9.2~~B4.14.2 Where a request is made under Paragraph ~~B~~B4.14.1, the Technical Panel shall provide its written recommendations in the timeframes specified in the request, including a written summary of the reasons for the recommendations.

~~B4.10 — Circumstances beyond the operator's control~~

~~B4.10.1~~ Where the airport operator submits a Monitoring Report showing an exceedance of a Level 2 Threshold or Limit, they will have the ability to put forward a case that this exceedance has been caused by factors beyond their control.

~~B4.10.2~~ Generally, where the airport operator puts forward a case that the exceedance of a Threshold or breach of a Limit is due to circumstances beyond their control, they will be expected to demonstrate that the circumstances were:

- ~~a. not permanent in nature;~~
- ~~b. outside of the control or influence of the airport operator; and~~
- ~~c. directly related to the measured exceedance of a Threshold or breach of a Limit.~~

~~B4.10.3~~ Where the airport operator can demonstrate to the ESG that the exceedance of a Level 2 Threshold or breach of Limit is due to circumstances beyond the operator's control (having regard to Paragraph B4.10.2 the ESG, acting reasonably, should certify that the exceedance of a Level 2 Threshold or breach of a Limit is due to circumstances beyond the operators control. Where the ESG has provided this certification, no Level 2 Plan or Mitigation Plan (as appropriate) will be required for that exceedance or breach and the ESG should treat the relevant environmental topic as if no exceedance or breach had occurred.

~~B4.10.4~~ Indicatively, examples of circumstances where these criteria could apply include:

- ~~c. Flights involving VIPs (royal family, heads of state, senior government officials — not sports people or celebrities).~~
- ~~d. Emergency relief flights.~~
- ~~e. Other emergencies.~~
- ~~f. Military aircraft during hostilities.~~
- ~~g. Exceptional circumstances (such as the Icelandic Volcanic Ash Crisis).~~

- ~~h. Government mandated changes to airspace (for example to accommodate Royal flypasts).~~
- ~~i. Abnormal disruption (for example, due to fire or hijacking; the dispensations are explicit that this does not cover strike action by baggage handlers as this is within the control of the airport operator).~~
- ~~j. Pandemics or epidemics such as Covid-19.~~
- ~~k. Grounding of specific aircraft (e.g., B737MAX) impacting noise performance.~~
- ~~l. Strikes by public transport operators, or significant engineering work / other disruption to public transport services leading to more car use, in turn leading to impacts on air quality, greenhouse gases or surface access.~~
- ~~m. Significantly abnormal weather conditions leading to restricted ability to generate solar power impacting greenhouse gases, or leading to dust storms / ash clouds impacting on air quality.~~
- ~~n. Road works or other construction activity (except where this is work carried out by the airport operator) leading to additional delay or diversions on the highway network, impacting on air quality.~~

B4.11B4.15 Document management

B4.11.1B4.15.1 Recommendations of the Technical Panels, including the reasons for the recommendations, shall be published on the airport operator's website as soon as reasonably practicable following the issuing of a decision by the ESG.

B4.11.2B4.15.2 Where information is commercially sensitive, the airport operator shall mark those documents "confidential and commercially sensitive" and the members of a Technical Panel shall ensure that those specified documents are distributed amongst themselves in a safe and secure manner. If there is any doubt as to whether a document or part thereof is confidential and commercially sensitive, the members shall engage with the airport operator to confirm the position.

B4.11.3B4.15.3 Where information is marked as confidential, that information shall be treated as confidential and in accordance with applicable laws, except to the extent that:

- a. disclosure is required by law; or
- b. the information otherwise enters into the public domain (except than through unauthorised disclosure).

B4.11.4B4.15.4 If a ~~statutory member~~local authority has to disclose confidential information pursuant to sub-paragraph B4.15.3(~~'a'~~), it shall, to the extent permitted by law, use all reasonable endeavours to give the other members as much notice of this disclosure as possible and take into account the representations raised by the airport operator as to the disclosure.

B4.11.5B4.15.5 Where required in order to protect commercially sensitive information, the airport operator may require that any member or third party who participates in the business of the Technical Panels, including any

independent chair, enters into a non-disclosure agreement in a form reasonably acceptable to the airport operator.

~~B4.11.6~~B4.15.6 Nothing in these Terms of Reference shall impose an obligation on the airport operator to disclose information that it considers to be confidential and/or commercially sensitive or which it is not legally permitted to disclose.

GLOSSARY AND ABBREVIATIONS

Term	Definition
2019 Cap	The short term day and night noise contour area limits set by condition 10 to the planning permission 15/00950/VARCON dated 13 October 2017 as calculated using the 'DCO noise model'
CA	Civil Aviation Authority
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ESG	Environmental Scrutiny Group. The ESG will be established through the DCO to independently oversee operation of the GCG Framework. Its membership will include an independent chair, an independent aviation expert, representatives of local authorities and an airline industry body. The ESG will have a range of powers enshrined in its Terms of Reference, that can be utilised at its discretion.
GCG Framework	Green Controlled Growth Framework
ICAO	International Civil Aviation Organisation
Level 1 Threshold	A defined level of environmental effect, below the Limit and Level 2 Threshold levels, which triggers additional requirements for the airport operator, to avoid a future exceedance of a Limit.
Level 2 Plan	A report produced by the airport operator, which is triggered by an environmental effect being demonstrated to be in excess of a Level 2 Threshold, but below a Limit. It must contain details of how an exceedance of a Limit will be avoided, including what, if any, additional growth can be implemented, and any mitigation measures required to be delivered.
Level 2 Threshold	A defined level of environmental effect, below the Limit level, which triggers additional requirements for the airport operator, to avoid a future exceedance of a Limit.

Term	Definition
LLAL	London Luton Airport Limited
LLAOL	London Luton Airport Operations Limited
Mitigation Plan	A report produced by the airport operator, which is triggered by an environmental effect being demonstrated to be in excess of a Limit. It must set out the airport operator’s plan for bringing the environmental effect(s) back below the Limit.
Monitoring Plan	Individual plans secured through the DCO for each of the four environmental topics of the GCG Framework, setting out the monitoring and reporting requirements associated with the relevant Limits of that topic.
Monitoring Report	A report (or reports) produced by the airport operator annually, to set out the monitoring results for each of the GCG Limits, with its content defined by the Monitoring Plans.
mppa	million passengers per annum
Technical Panel	Technical Panels will be established through the DCO for each of the four environmental topics within the GCG Framework. They will be staffed by a combination of independent experts and representatives of local authorities, in order to review information submitted by the airport operator (Monitoring Reports, Level 2 Plans, Mitigation Plans) and providing comments and recommendations <u>in writing</u> to the ESG.