

# TEXT\_LUTON\_ISH9\_SESSION1\_30112023

00:07

Good. Good morning, everyone. Hopefully, before I begin, can I just confirm that it can be seen and heard clearly. And I also just confirm with Mr. Burney that the live streaming of this event has commenced. Thank you. So the time is now 930. And this issue specific hearing in relation to the London Luton Airport Expansion Project is now open. At today's issue specific hearing, we will be considering the green control, green controlled growth framework and the applicant's compensation policies. My name is Joe Dowling. I'm a planning inspector and a charter town planner and I have been appointed by the Secretary of State to be the lead member of the panel. Today I will be going through the management of the event and introductions I'd now like to ask my colleagues to introduce themselves starting with Miss Holmes.

00:58

Good morning. My name is Sarah Holmes. I'm a plan inspector and a chatters devil engineer. My name is Beth Davis. I'm a planning inspector and a chartered geologist.

01:10

Good morning. My name is Richard Hunt. I'm a planning inspection that you asked environmentalist.

01:16

Together with Andrew Robinson, we formed the examining authority. I can confirm it all members of the examining authority have made a formal declaration of interests and that there are no known conflicts of interest with regard to us examining this application. There are other colleagues from the planning Inspectorate with us today. Those of you online will have spoken to Jennifer Savage in the adjoining conference. I'd also like to introduce Mr. Emile Burnie the case officer for this project, who is today supported by Gina shoreland. Together with Sean Evans, they make up the case team for the project. If you have any questions regarding the application process in general, please email these to the case team or speak to them at the back of the room and they will be happy to help. Before we consider the items on the agenda today, we can just need to deal with a few housekeeping matters and I'll try to get through these as quickly as possible. Good everyone in the room attending please make sure that your phone is switched off or turned to silent. There is no fire test planned for today should an alarm sound it isn't an emergency and we will need to vacate the building. Three emergency exits are to the left located to the left of me and a further emergency exit is the door through which you entered. Please make your way through to the carpark where the fire assembly point can be found at the front of the hotel. If anyone needs assistance in evacuating the building. Can you please let the case team no toilet facilities including disabled facilities can be found in the lobby. If you have driven here today and parked in the hotel carpark, you will need to have registered your number plate on the portal system found at the main reception desk. We've been informed that any vehicle not registered with the hotel may be subject to a charge of 100 pounds. As far as I'm aware, no request to be made for any special measures or arrangements to enable participation in this hearing. If anyone needs any special

measures or arrangements Please can you speak to the case team at the back for the purpose of identification and for the benefit of those who may listen to the digital recording later, I will ask that at every point at which you speak you please give your name and if you are representing an organisation or an individual who it is that you represent. For those attending virtually can repeat the requests made in your maintenance conference. That to minimise background noise, you also make sure that all audible notifications are turned off, and that you stay muted with your camera turned off unless you are speaking as this is a blended event it has been structured in such a way that questions or points that you may wish to raise can be done so at the relevant point in the proceedings. When we get to those points. I would ask that if you want to speak you switch your camera on and either use the raise hand function in MS teams or asked to speak at the appropriate time. Please be aware that there may sometimes be a delay before we acknowledge this, but that your patience while waiting to be heard is appreciated. Can it also remain mild people that the chat function on teams will not work so please do not try to use this to ask any questions or to post any comments. Do we have any members of pressing attendance? Nope. We will adjourn for a short break at convenient points on the agenda ideally no more than every 90 minutes or so. If for medical or other reasons anyone requires a break at a specific time. Could you please let the case team know and we can if possible it just the programme to meet your needs. So are there any comments or questions regarding the general management of today's event either in the room or online?

04:48

There is a digital recording being made of this hearing and this was made available on the project page of the national infrastructure website. If you take part in the hearing, it is important that you understand that your comments will be recorded and that the digital recording will be published and retained, usually for five years, a period of five years and the Secretary of State's decision. As such, the planning inspectorate is subject to the General Data Protection Regulation, it is very unlikely that the examining authority will ask you to put sensitive personal information such as email addresses, and economic financial, cultural or health related matters into the public domain. Indeed, we would actively encourage you not to do that. However, if for some reason you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance, we will then explore with you whether the information can be provided in original format, which could then be appropriately redacted before being published. Does anyone else intend to film or record the event? Please bear in mind that the only official recording of the proceedings is the digital recording that will be placed on the project page of the website, tweets blogs and similar communications arising out of this meeting will not be accepted as evidence and examination of this application. Today's issue specifically hearing is being held at the request of the examining authority, who wish to explore a number of matters already in respect of the green controlled growth framework. The agenda was placed on the inspectorates website on Monday the 29th of November 2023, and can be found in the examined eye examination at the library at reference EB 16 Dash 001. Today's hearing will be a structured discussion with Dr. Hunt, Miss Davis and Miss Holmes will lead based on the published agenda. I'd like to remind everyone that the examination is a predominantly written process and you will see an examination timetable that there are opportunities for the examining authority to ask further written questions if they're needed. The purpose of this examination is for the examination authority to examine the information submitted both by the applicant and also by interested parties, other persons and affected persons. I'd like to reassure you that while we may not ask a question on the topic, it does not

necessarily mean that we believe the matter to have been fully addressed. It could be that it has been examined at an earlier hearing, or that we propose to ask further written questions on it. We are familiar with the documents that you have sent in. So when answering question you do not need to repeat at length, something that has already been submitted. If you want to refer to information already submitted, we will be very grateful if you can please use the appropriate examination Library Reference. Could I ask that the first time that you use an abbreviation or acronym that you give the full title as there will be people here today or listening on the digital recording who may not be as familiar with the application or documents as you are? We're expecting that most of today's contributions will be from parties that have already requested to speak. However, this is a public examination. And there is a point that you want to make please do raise your hand if you are in the room or raise your virtual hand and switch your camera on if you're attending virtually so that we can hear from you. I'd like to remind everyone that this is not an inquiry and unless we specifically requested there will be no formal presentation of cases or cross examination. This means that any questions that you have for other parties need to be asked through the examining authority. Rule 14 to have examination procedure rules requires started the hearing examining authority shall identify matters to be considered at the hearing. These are set out in the agenda for these hearings, which was placed on the inspection website on the 20th of November 2023. And for expediency, I do not intend to repeat those matters now. Today's agenda is for guidance only and we may add other issues as we progress. Should this take longer than in participated it may be necessary to prioritise prioritise matters and defer some matters to further written questions. Finally, it is important that we get the right answers to the questions that my colleagues are going to ask. At this stage. It's worth reiterating that this is a predominantly written process. Therefore, if you cannot answer the question that you are being asked or required to find to get the information requested, then rather than give a restricted or potentially incorrect answer, please indicate that you need to respond in writing. We can then defer the response either to an action point to be submitted at a deadline six, which is Friday, the eighth of December 2023, or two written questions. Are there any questions at this stage about the procedural side of today's hearing in the room, or online? The case team have provided provided me with a list of those interested in other parties who have expressed a wish to be heard today. I'm now going to ask those of you who are participating in today's hearing to introduce yourselves to the examining authority and the people who are watching the livestream of this event. When I say your name please introduce yourself including how you'd like to be referred to for example, Dr. Mrs. Mas, Mr etc. And if you are a person Until someone who it is that you represent. If you're attending virtually then please switch on your camera and microphone when I call your name. So I'm going to start off by asking the applicant to introduce themselves and their team. Thank you.

10:15

Good morning, madam. My name is Michael Humphries. I'm a barrister, Kings counsel. And I'm representing Luton rising and to my left, I have members of the team who will be speaking today. There are others at the back of the room, but I'll ask them to introduce themselves.

10:39

Good morning. I'm Mark de. I'm an associate at Arup, and I'm speaking on behalf of the applicant on the green control growth framework.

10:50

Good morning. My name is Robert Henley. I'm a senior transport

10:54

planner are speaking on behalf of the applicant today.

10:59

Luis Co Founder and Managing Partner of your creations speaking on behalf of the applicant, mainly on issues to do with stock allocation but a few other issues that may crop up during the day.

11:11

Thank you if I could not ask Luton Borough Council to introduce themselves.

11:18

Good morning, David Gertler for Luton Borough Council. We have officers scattered through the room and will probably change seats. I will let Kat introduce herself.

11:32

Canada, South Applicant, head of climate change Edlin Council.

11:37

Can I also just say sorry, David Gertler again. Bianna Ross from Pinsent Masons who will be representing us on a number of items. If we have to provide additional information. We will do that. Thank

11:49

you. So if I could now ask Miss Ross to introduce herself on behalf of the jointer thought host authorities.

11:54

Thank you and good morning. I'm Fiona Ross and solicitor Pinsent Masons representing the Hartfordshire host authorities, so that's Hartfordshire county council, North hearts Council and dacorum Borough Council, central Bedfordshire Council and Luton Borough Council in relation to GCG principles and noise and as David says on another matters in relation to Luton, and representing the hypertrichosis authorities and in central Bedfordshire Council in relation to surface access and air quality, we're likely to have very little to say on greenhouse gases. Thanks.

12:24

Thank you. If I can then move to Buckinghamshire Council.

12:30

Good morning. My name is Mark Westman and Smith, I'm a barrister representing Buckinghamshire Council. To my right is Steven Braund, who's the Environmental Protection Team Leader at the council and we'll address noise matters. And to his right is Tim Pierce, who's a planner and Associate Director

in the planning environmental consenting and communities team at Atkins RELLIS. We've also got Mr. Duncan, dealing with surface access and Mr. Johnson online dealing with climate change, you may want to contribute later in the day.

13:08

Thank you and then I believe we have a representative from Central Bedfordshire in line Mr. Panther.

13:16

Good morning, madam jester adventurer from Central Bedfordshire Council, speaking with regard to the surface access element of green control grossest,

13:24

if required. Thank you. Thank you, and then I believe that we should have Mr. Basford on behalf of National Highways who's online.

13:37

Good morning, madam. Howard Bassford. I'm a solicitor and partner at the law firm DLA Piper and I represent national highways.

13:47

Thank you. And then in terms of interested persons, I believe we have Mr. Lamborn NAVCOM. If you'd like to introduce yourself,

13:55

wandering welcome. Andrew Lamborn, Chair of Ladder Karna community group.

14:01

Mr. Reddington, if you'd like to introduce yourself.

14:07

The morning my name is Michael Reddington. I'm representing myself.

14:12

So before we move on to the confirm that we've heard from everyone who wishes to participate in today's hearing, first of all in the room, Miss Ross,

14:20

apologies. I forgot to introduce our technical experts. I have Ben Holcomb to my right. And also in the room. I have Stephanie Biggs on surface access, and Andy Talbert from DSP on air quality.

14:32

Thank you. So, first of all, is anyone I've missed in the room who's going to speak? Now? Is there anyone online who's going to speak? No. Can I just remind people to please try and speak into the microphones? I've just had a problem from the case team because we obviously recording it so they do

need to pick up your voices. So I know it's a bit off putting but if you can Do that. Great. Before I pass over to my colleagues, I just want to cover a couple of points. At the end of yesterday's issue specific hearing, Miss Clinton asked when we will be dealing with Agenda Item seven compensation, which he will be leading on on behalf of the applicant. Whilst I'm hopeful that we should be able to finish in a timely manner today, I'm sure you're all glad to hear that. I'm happy to advise that we have been able to rearrange the agenda. And we will now take this item immediately after the lunch break. I'd also like to advise everyone to look

15:32

gorgeous, who very grateful to that. Thank you.

15:35

That's no problem. I'd also like to advise everyone that the action points for the open floor hearing compulsory acquisition hearing to and issue specific hearing seven have been published on the planning Inspectorate website. The action points for issues specific hearing seven yesterday were unfortunately issued without a table of questions that were rolled over to written questions. I do apologise for this, however, as the deadline for response to these questions is deadline seven, I do not consider that anyone has been disadvantaged, disadvantaged by this. The action points for issues for seven issues specific hearing seven have been reissued today with the accompanying question table. And I'm hopeful that the action points for issue specific hearing aid will also be published before the end of today. The final point I'm going to raise before I pass over to Dr. Hunt to deal with the next item on the agenda is, it is incredibly warm in here. So if you do feel you need to remove your jackets, please feel free to do that. I have been assured it should get cooler as the day goes on. It's just a quirk of the air conditioning. So I'm not going to pass over to Dr. Hunt to deal with the next item on the agenda.

16:41

Thank you, Miss darling. As you'll have seen from the agenda for this hearing, we've broken down the session by talking about the overarching principles of the framework first, and its management and then we'll move on to the more topics specific discussions relating to the four subject areas, the green controlled growth or GCG framework is intended to control. We may well return some matters tomorrow in the DCEO hearing if there are any adjustments that arise from the discussions today. And so if we started with the overarching principles, before we get into the details, I know that we've received a new suite of GCG documents and deadline five, with the applicant like to provide an update regarding the key changes made to the revised GCG framework.

17:27

Thank you, sir. Yes, and I think for much of today, Mr. Day To my immediate left will be responding to questions. So, I will be keeping out of things unless there are particular legal points. And he will be supplemented as you get to the for sort of topic areas by the specialists in those areas. So Mr. De will do most of the speaking today. So

17:56

thank you, Mark day on behalf of the applicant. So as you said, we made a number of changes at deadline five to various screen controlled growth related documents. Those are in the examination

library at rep 50202 rep 5033. I think we will probably pick up on a lot of the changes we made as we go through the agenda. So I won't go into huge amounts of detail now. But the main changes that we made at deadline five, were the removal of the transition period for aircraft noise and a significant reduction in the length of the transition period in the other three green control growth areas. That follows to the submission we made it rep 4072 which has got a very long official name. So I'll just probably call this lots of paper as we go through if that's okay. Also flagged up in the slots paper which we then change the deadline five was some changes to how the environmental scrutiny group and technical panels are set up. So there's now a requirement for those groupings to be set up as soon as reasonably practicable. That's reflected in both the GCG documents and the wording of the draft development consent order. In response to discussions that we had an issue specific hearing five and our response to the action points associated with that, we have also introduced an updated review process for air quality in phase two a, which I think we'll come back to a bit further down the agenda. And then we've also made various changes to the terms of reference for both the environmental scrutiny group and the technical panels picking up on written questions that were asked after the last round of issue specific hearings and the responses made to those by the host authorities in particular. So we have provided some additional time for the environmental scrutiny group to review level two mitigation plans and for those to be approved. We have introduced the concept of the environmental scrutiny group as company limited by guarantee and I acknowledge that this stage we've probably not provided a huge amount of detail on that. It's something that we are discussing at the moment through ongoing statement of common ground discussions with the host authorities. And we're hoping to be able to progress that in later submissions of EGCG documents. Similarly, we've also been discussing with the host authorities how the applicant funds roles on the environmental scrutiny group and the technical panels. So again, we've provided some additional detail, but there are ongoing discussions about the exact mechanics of that. Finally, we've also introduced a review, specifically of the membership of the noise technical panel, as we undertake any future noise limit reviews, that was in response to representations made by Buckinghamshire council about the potential for future noise change in their concerns around that.

20:37

I'm very sorry to interrupt you, we have a problem with a live stream, and there are 29 people watching. So if we could just is going to have to be taken down, sort of stopped mid flow. So is it back up again now? Sorry? That was all very short, then thank you very much. Would

20:53

you like me to start my response again? Or am I okay, just to pick up where I left off? Let

20:58

me just the size of the casing. How long was it down for two minutes, I think we're probably fine.

21:05

Just carry on. I only have one other point to make anyway. So the last thing was changes to the terms of reference, particularly in terms of how the ESG annotated panels are caught. Right. And that was in response to some of the comments again made by the host authorities in response to written questions that were asked after the previous round of hearings.

21:28

Thank you. I want to start by asking about the environmental scrutiny group, as described in Annex A of the green control growth framework. From the outset, there's been a difference in position regarding the membership of ESG with decorum and bucking and share councils both maintaining that they should be represented in the group. And can the council's confirm that this is still their position?

21:52

If you want to ask for the host authorities, yes, the current Borough Council are still not included and am still we'd like to be included in the membership of the ESG.

22:04

Yes, so the short answer is yes. Occupancy Council remains the view that it should be a member of the ESG we understand entirely, the desire for the membership to be proportionate, and that as a principle is accepted. But to all intents and purposes, all the other local authorities to quorum aside are proposed to be members. And it's proposed that membership relates to where their local authority experiences more impacts in more than one of the four areas. And if it's only one then a technical panel is appropriate. Well, in the situation box finds itself in it is it has been invited to the ATF which forms part of the surface access technical panel. So that's one and then we're grateful for the modifications that have just been referenced in the terms of reference. That mean that we would be invited to the noise technical group should the noise contours change to cover Buckinghamshire at that would be too. And as things stand in any event, Buckinghamshire does experience significant effects through noise in that the applicant accepts the significant adverse effects on tranquillity in the AONB in bucks. And that's recorded in the statement of common ground between ourselves and the applicant rep. 3037 page 45. And in terms of surface access, the east west route to the airport is recognised as an important route. The surface access under the GCG framework operates as to a mood share level that doesn't indicate or leave us with any clear idea as to whether that nature will be derived, in part at least from improvements to sustainable travel options on the east west. Link from Aylesbury. So we are invested in at least those two areas. And we acknowledge the ability for us to contribute to the ETF and surface access technical panel potentially noise but those the technical panels are not decision making bodies they recommend to the ESG and given bucks interest in the process and the outcomes importantly into the in the future. We still remain of the view it'd be appropriate and proportionate, just to have bucks added to the membership of the ESG So that remains opposition.

25:02

Thank you. I note that Mr. bassford wishes come in. But just before we go to Mr. bassford, can I ask the John host authorities to expand on their reasons for being members? Thank

25:13

you, Dr. Ross for the host authorities. So adding the justification and provided by the applicant, the applicant is that a balance has to be struck. And so as Mr. Was Marlon Smith said, unless the authority is affected by sort of two or more aspects, then they would not be included in the ESG. And what was not clear to us is why GHG impacts are less for decorum, for example, than they are for other host authorities noticing that, obviously, greenhouse gas emissions don't respect administrative boundaries,



that would reflect two areas in which decorum Borough Council had an interest and would seem to us to provide a basis for them being included in the ESG obviously, is an important point because without representation on the ESG decorum, Bart dacorum Borough Council is not able to have effective oversight enforcement in relation to matters affecting communities in its area, including, for example, noise. So that's the kind of rationale and justification on which we would seek to be included.

26:17

Thank you, Mr. bassford.

26:24

Thank you, Sir Howard Bassett on behalf of National Highways, noting that authority to be included on the ESG is and therefore in the decision making body has to be affected by two topic areas. National Highways is, of course, a single topic area entity. But is it has been mooted that it'd be part of the technical panel. But decisions taken in relation to mitigation affecting the strategic road network, therefore are taken outside national highways purview. And the position of national highways is the ditch should be involved in decision making, where it's high, whereas highway network is affected and that is courtesy extended to the other local highway authorities also the local highway authorities but the SRN is not protected in the same way. We think that that is not an appropriate division.

27:26

Thank you, Mr. Massad, can I hand over to the applicant to respond on those points

27:33

marked a on behalf of the applicant. So as some of the local authority representatives in the room have talked about, we think there is a need to secure a balanced and appropriate balance in terms of the membership of the environmental scrutiny group. And we think is necessary to balance the need to capture the diversity of views that provides the independent oversight for GCG. But very specifically, as well, the relevance of the views to the impacts controlled by GCG. There are certain things that we are seeking to control through GCG we want to draw a link between those impacts and the membership of the ESG. We also need to ensure that the membership is focused in support of the ESG decision making role. And also we need one eye on the cost of administering the ESG particularly as we have made an offer now from the applicant fund all of the roles on the ESG and that is set out in Section 2.4 of the green controlled growth explanatory notes and specifically paragraph 2.4 point 13. Within each of the topic areas, for noise we have the relevant noise contours. So the 54 decibel daytime contour and the 48 decibel nighttime console, those are shown and we can probably submit this in writing but various figures. So for the baseline figures 16.5 and 16.6 of the environmental statement, which is as 104 for phase one, 16.91 and 16.92 in as 117 Phase Two a 16.41 and 16.42 as 189 and for phase two B figure 16.65 and 16.66 in as 113. So, turning to Mr. Westman Smith's representations in particular, none of those contours extend into Buckingham share and it's those contours that green controlled growth will seek to control. So on that basis, we don't see there being specific GCG relevant noise impacts that extending to Buckingham share and that sort of the logic by which we've we've set up the membership of ESG in terms of its relevance to Buckinghamshire similarly for air quality figure 3.8 of the green controlled growth explanatory notes which is rep five zero to zero, sets out at shortlisted 15 monitoring locations. So we acknowledge that there are locations within Luton Borough Council on the

boundary at least with central Bedfordshire Council and extending into north half a chair so we think all three of those local authorities will experience the air quality impacts that GCG is seeking to control and Then similarly, for surface access, Appendix A of the transport assessment, which is a pp 200, sets out the off site locations where we are seeking to implement mitigation. So essentially where the surface access impacts are seen to be sufficiently significant that we need to mitigate. And again, those extend across Luton central beds and North Hertfordshire, but not into other local authority areas. So on that basis, we see that those three local authorities are the three local authorities that are impacted across the range of green controlled growth topics. We do acknowledge their north half issue as a two tier system. So we have both the county and the district and on that basis, we've invited Hertfordshire and North Hertfordshire share, because we appreciate that their responsibilities will be different depending on which topic we're seeking to control. We've talked about the potential for broader surface access impacts in particular. So if Mr. Basford was talking about impacts on the M, one, Mr. Western Smith was talking about potential for surface impacts in Buckinghamshire, we acknowledge there are potential for sort of broader offsite impacts at specific locations, we don't feel that GCG is the right mechanism to control those more location specific impacts. That's the reason that we've developed a tremor framework that I think that will come on later on today. But through tremor, and through the governance around tremor, and the role of the ATF in terms of how that then controls tremor. We think that's the appropriate mechanism to control those locations specific surface access impacts. I was slightly surprised by Mr. Bass, but just because in discussions with national highways, I thought we had resolved this position. And I thought we had accepted that they were not seeking a role on the environmental scrutiny group. But I think that's something we can bring up in ongoing socg discussions after this. I think that's probably my response. Thank you.

31:57

Yes, I have to admit, I had read that the SOG confirms the position on ESG for national highways. Mr. Bassett, if you could just come in back in on that point.

32:13

Cannabis representative in ways you will recall, perhaps from Tuesday afternoon session that Mr. Humphries informed us that the green controlled growth, we're not anticipating being here today, the green controlled growth was the overarching means of controlling highway impacts. And therefore, we are position has had to change given that submission on on Tuesday. So if it is to be the means by which these impacts are controlled, and it does become important, then obviously national highways has to be involved. So there needs to be some clarity from obviously, we will work with the applicant, we can we can look at but given the change position on Tuesday, but that rather changes the cover of our need for involvement. So with respect, there was no change. On Tuesday, we were talking about green control growth and what that controls, which is the overall mode shares, as you're aware, there is also tremor, and some of the mitigation type one things for that tremor are also in the DCO. There is no change. And in any event, whatever I said on Tuesday, doesn't document that say and national highways is well aware of what the documents say. So I reject that entirely.

33:54

And to resolve this position, would it be possible for you to have a separate conversation with national highways outside of this meeting? To confirm your position? And could we see that for either deadline six or seven?

34:11

Mark day on behalf of the applicant? Yes, absolutely. Deadlines setting might be more realistic. I just know that everyone's going to be quite busy up till that Yep, six, Mr. Password.

34:21

It's unacceptable. Of course national highways would be glad to participate in such a discussion. But I would ask through you that the report about whether it happens or not be a bit more accurate than the reporting on Tuesday, however.

34:35

I'm sorry, just before Mr. Progress is given I've got the role of action points. Can I just confirm with Mr. Humphries that unless otherwise, it will be deadline six. And it will back to be back to the discussion about possibly deferring some to Deadline seven.

34:49

Yes, I think I think I think that's right. And we'll we'll obviously we're going through a process of trying to identify what can be done by deadline six.

34:59

Thanks. Sorry to interrupt.

35:00

Thank you best was the National Congress. So is this a deadline six or deadlines? Seven action, please? Well, I think I understand it to be deadline six unless we indicate that we because of the number of actions, so simply can't do it by that deadline, in which case we will indicate. Thank you, sir, madam, through her best national memory. So it's not terribly helpful for us in terms of our planning. So it would be useful to have an indication from the applicant and it can be outside this, this area, but today, what's the what's the deadline? Mr.

35:34

Bassett? I think we were saying deadline six, unless that's not achievable, and the applicant will confirm with you.

35:41

Thank you. I'm very grateful to Mr. Humphries. Mistake

35:45

I'd just like to clarify in terms of the logic around the vacuum shear and decorum not being part of the membership. Obviously, although the noise contours don't extend into Buckingham share, the overflight and the supplementary matrix do extend into Buckingham share into areas of the affecting the a&b or I

should say national landscapes now. So there are aviation noise effects, that will that will impact on Buckingham share and suddenly within decorum, there is likely to be an increase in traffic to the off site carparks. Whilst that's not in the control of the airport, there are clearly impacts on decorum and central Bedford, say beneficiary from that. So is there not a basis for the membership on those grounds?

36:43

Mug day on behalf of the applicant? I think the answer to that question goes back to my point about the relevance of the impacts that are controlled through uncontrolled growth specifically, and I'm sure this is something we'll come back to at later points in the agenda. But in terms of other noise controls, for example, that are being secured through the DCO. Those are being secured as more traditional DCO requirements if you'd like so they're not subject to the same governance process as green controlled growth, they would be simply sort of fairly binary controls on what needs to be secured. Similarly, I think going back to the same point around surface access, we've looked at this in the sense of where we are having sufficient highways impacts that we feel that offsite mitigation is necessary. That's not to say that the applicant doesn't acknowledge there may be broader highways impacts, but we feel that the appropriate mechanism for controlling those is the tremor framework, which is subject to its own separate governance process.

37:46

Thank you. Is there a sort of compromised position where some form of selective voting rights is possible within ESG? Or effects? Are you saying, because the mechanisms are all elsewhere, there is no necessity.

38:06

I think our position on that would be that the voting would be in respect, again, of the impacts that are being controlled by green controlled growth. So just I guess, putting some practical examples against it. Green controlled growth is intended to control the size of the noise control, notwithstanding that there are other noise controls that we are securing elsewhere. decisions around noise that will be made by the ESG will be in respect of that noise control. And so we feel it's appropriate for the local authorities that are the right word, but overflowed by that noise console where that noise going to interact with the local authorities to have that decision making role. As I say, that's not to say that we don't accept that there will be other noise impacts but they will be controlled in different ways and subject to separate governance processes.

38:51

Thank you, we'd like the Mr.

38:54

Westerman Smith, Margaret Smith Smith, or Buckinghamshire counsel on that basis, then would the applicant consider the following potential compromise that if the noise contours were to change, and following the amendments that have already been made to the terms of reference of the noise, the technical panels, there would be an invitation to bucks to be on the noise technical panel in these circumstances would be on to technical panels and an invitation could then be provided to be a

member of the ESG on the basis that we would then be overflowed by the or covered by the noise contours, as the applicant is just referred to.

39:45

And thank you, I believe that mechanism is already present within the revised version of the framework but if the applicant would like to respond and

39:53

Mark day on behalf of the applicant, so as you said, Dr. Hunt, deadline five we've added a clause into the technical panel Terms of Reference ans, which is Section B four point 10 of the terms of reference, which, as Mr. Western Smith has said means that where we undertaken noise limit review and the shape of the noise contour changes, we will add members to the noise technical panel in response to the change of that shape. I would just like to clarify at the moment that whilst Bucknam share has a role on the airport transport forum that is a separate body to the surface access technical panel that's has more of a role in the governance of the sustainable transport fund and trimmer. The ATF will nominate a representative to sit on the surface access technical panel. But it's not the intention that every member of the ATF has a separate role on the surface access technical panel. The other change that we did make it deadline five is we have included another clause within the Title panel terms of reference, which is b two point 1.7, which allows additional members to be added on to technical panels by agreement between the environmental scrutiny group and the airport operator that reflects a similar clause in the ESG Terms of Reference at a two point 1.3 that allows additional members to be added via that same mechanism. So there is potential for future members to be added. But at the moment, I think we've added in the the noise limit review that we feel should address Buckingham she has concerns about future noise impacts in response to airspace change. But at that point, it would just be the roll on the noise technical panel. And they would be in a similar position to decor and Borough Council and in respect of being affected by noise. And the noise impacts control by GCG. But not in the other areas.

41:31

Thank you, Mr. Bass.

41:34

And I think I think mistakes just kind of clarify the point. But I think your question was that was the mechanism there already. And our request was for not just a membership of the noise technical panel as a result of the amendment. But then that kind of the halfway house the to be invitation invitation onto the ESG as well. And I think Mr. days just clarify that that is not the case. It is only the nice technical panel, and we would still press for that membership of the ESG as a result of the change and the noise contours.

42:06

Noted. Mr. De Do you wish to comment?

42:10

I think nothing better to have at this stage. Thank you.

42:13

Thank you. Do the Joint host authorities have any further comments on the membership arrangements

42:20

on a roster for the host authorities and just to reiterate that Am Dacorum Borough Council is within the noise couldn't come to her. And currently, based on current proposals, we didn't have an effective oversight in relation to noise matters because it's not a member of the the ESG.

42:36

Thank you. If there are no other comments on this item, I think we'll move on now. Miss Davies,

42:44

I wanted to seek clarification on another change that was made to the terms of reference at deadline five. So this is rep five, zero to six. It relates to whether or not the ESG is core it. So section a two to one originally said that a quorum for an ESG meeting is met where the independent chair and an independent aviation specialist and at least 50% of other representatives are present. That's now been changed to include a slot allocation experts. But there's no longer a requirement for at least 50% of the other representatives to be present. So I wanted to check that that is the correct understanding and that the ESG can be correlate with just a chair and aviation specialist. And the new slot allocation experts present

43:45

marked a on behalf of the applicant. So yes, apologies we've made a number of changes to quorum within those terms of reference, the initial changes that we made a deadline three, we're in response to an internal review of those terms of reference. And the rationale for the changes that were originally made to quorum were that whilst there was only a requirement for local authority members to use reasonable endeavours to attend meetings of the ESG there was an absolute requirement for at least 50% of members to be present in order for the ESG. To be quarried. We then had a concern that if local authority members were not able to attend for whatever reason, we would not be able to hold for a meeting of the ESG the process would not be able to move forward. And there was a concern that we would then meet failed to meet sort of downstream deadlines in respect of the airport doing things like declaring their capacity for the following summer season. So that was the reason for the changes that were made at deadline three. We do acknowledge that those changes were not well received by the proposed host authority members. And as such, we've made changes that deadline five so just to confirm at paragraph a two point 2.1 of the ESG terms of reference, which is rep five zero to four. We are now saying that the quorum is met It's where the independent chair and the two specialists, and at least one representative from a local authority are present. So from our perspective, that's, that's essentially a compromised position between the concerns that we had and the concerns raised by the host local authorities in response to the previous round of written questions.

45:18

So the version I have doesn't say that there needs to be a member of the local authority there.

45:25

And I double check them because I know I heard you mentioned rep five, zero to six in your introduction. So that is the technical panel's Terms of Reference as opposed to the ESG terms of reference.

45:35

This specifically refers to ESG. Perhaps?

45:42

Rep. Five spontaneous? Yes, I mean, it definitely, I'm looking at the track change version, paragraph.

45:51

Two point 2.12. Point 2.1. And

45:52

it very definitely says, adds the words and a minimum of one representative from the local authority. I suspect. Madam, this is, you know, there are various versions, and we'll sort this out. But the intention very much is it's there. And maybe we can just clarify this offline. Policy.

46:13

Thank you. So Mister picked up on the wrong version? Because mine definitely doesn't say the slot allocation expert, do they need to be independent? What's the process for appointing them? Yes,

46:24

they they will start Monday on behalf of the applicant. Yes, they will be independent. So the process for their appointment is the same as the process for appointment of the other independent experts, which is that they are appointed by the Secretary of State, following a recommendation that's made by the airport operator as part of the establishment of the environmental scrutiny group. The intention is that they are an independent specialist at the moment, we do not have a specific person in mind, but it would be along the lines of someone from, for example, the International Air Transport Association who are responsible for producing the worldwide slot allocation guidelines, or someone from an airport coordinator, but that has that experience of the slot allocation process. Thank

47:06

you. The local authority presumably could be Luton Borough Council

47:14

marked down on behalf of the applicant? That's correct. We're not distinguishing between the local authority members so Luton Borough Council are a local authority impacted across the whole range of environmental impacts, as are the other local authority members. So

47:26

if you had the minimum for the court, you'd have three independent people on that panel and also leaving Borough Council

47:33

marked on behalf of the applicant? That's correct. Thank

47:36

you. Sterling, I think you've got a question. Sorry, I

47:40

just want to pick up on the point here. So obviously, the concern with regards to this is that there's the potential that members of the ESG would be able to tend who are representing councils, from memory from the DCO hearing, when we had a discussion with regards to the green control growth framework requirements, which are again, we're going to discuss tomorrow, but I just think it's relevant to this conversation. Now. I'm fairly sure there was something in the that I read that they were able to co opt or delegate to somebody else if that Representative wasn't available. So there is the option if the person who normally sits on the ESG couldn't come, they were able to substitute someone else. So given that is the case, how unlikely would it be that you would have less than 50% of the ESG in place at any one time?

48:34

Mark day on behalf of the applicant? That's absolutely correct. It is unlikely. And just to be clear, we absolutely encourage the local authority members to attend ESG meetings to be part of the ESG. We want that independent oversight and scrutiny. Essentially, we are just trying to protect the process, make sure that the airport can continue to function. So if there is a circumstance, no matter how unlikely that could prevent that from happening, we want to ensure that there's sufficient protection in place.

49:04

And again, just to see that points given the availability, given that we've all sort of moved on through COVID, and there is the availability of a ability, this is we are today holding a blended event, again, could ESG meetings not be held in a blended way to enable people to participate so that that wouldn't happen?

49:29

Mark day on behalf of the applicant. I don't know if that's any something that we've specifically considered or reflected in the terms of reference, but we'd be happy to take that away.

49:40

Madam, I think it also it's important to stress that this is not amending the quorum for the group like this is not not attempt to say that people shouldn't attend indeed for exactly the reasons you've said the ability to substitute people attending online. It does make it very Unusual that that we would ever bump up against the quorum provision. But if for whatever extraordinary reason we did, then it's important that the ESG can continue to function and therefore as with most organisations, you want to set a quorum that allows the the particular body to continue to carry out its its functions in those albeit unlikely circumstances.



50:30

And given public feeling regarding transparency and behaviours to the airport Council, and I draw no conclusions on that I'm just expressing views that have been expressed in representations previously. Why does the applicant consider that it's appropriate to allow for just Luton Borough Council and the independent panel members to make decisions in the absence of other members and other councils

50:58

marked a on behalf of the applicant? I mean, as as we've said, I guess, we would strongly encourage the other local authority members to attend when we're not planning for a situation where only Luton Borough Council would attend. Having said that, though, the membership of ESG we have designed in a way to be independent of the airport operator. So the independent experts from the chair people are appointed by the Secretary of State rather than being appointed directly by the airport operator, Luton Borough Council has its statutory planning and enforcement functions. They are as a local authority, a local authority that is impacted in environmental terms by the airport. And I think it's also in terms of, as you say, maybe the public perception of a potential conflict of interest worth referencing the EU 19 decision letter as potential conflicts of interest there were raised in terms of Lutens role as the enforcement body. Under paragraphs 8.109 to 8.114 of the inspectors report, it was noted that Luton Borough Council have followed an entirely orthodox proportionate and lawful approach of responding to previous planning breaches, and that far from there being any basis for suggesting any improper or less than exacting process of scrutiny of the airport. The whole history has been characterised by exactly the opposite.

52:25

Thank you, would Luton like to respond?

52:29

Yes, David Gertler for Luton Borough Council. I just reaffirm what Mr. De said, we as host authorities are actually saying we want more representation on it. So we would like Mr. Ross said to quorum Borough Council to be on ESG as well. We as local authorities also think that there should be adequate time set in advance so that we know when the meetings are going to take place so that we can have the right person attend, we think it may be at quite a high level within in the council rather than someone that has sort of high level attending the meeting. So we would need adequate time. We are talking about the number of people who attend from at the moment five hosts authorities. So we hadn't envisaged that it was going to be three independent representatives and Luton Borough Council attending on their own every time we are anticipating that the other house authorities will be there. And we are one of one of five. And as Mr. Day says the others are independent, the three representatives. Thank you.

53:38

Thank you, Jordan postal authorities.

53:41

Thank you Fiona Ross for the Android authorities. And just picking up on the the court decision making point and accepting that, you know that Be Exceptional Circumstances potentially where whereby those parties are not present, I think we would still look for a greater number of local authorities to be required to be represented for decision making to be queried, we would suggest three on the basis of there being five local authorities on the ESG.

54:09

Thank you. Were any other comments on this matter? In that case, if we can move on, are the local authority satisfied with the ESG chair having the final say as to whether an ESG member is suitably qualified? And what would happen if the airport concluded the member was not suitably qualified? So first question for the council's and then second question for the outcome.

54:37

Fiona Ross for the joint host authorities. I think we've we've already raised concerns in Soc G's, for example and regarding the limitations around the requirement for local authority representatives on the ESG to be planning professionals and again feeding into the point that Mr. Cartledge has made around those parties having to have the ability to make decisions on behalf of the local authorities. So we've already suggested that that'd be really drafted to outline In the requirement for local authority representatives to have the appropriate professional qualifications, and the ability to make decisions on behalf of their respective local authority, I think it's important that they are so empowered. So I think it would be difficult to have, you know, oversight and approval of that party buy by the chair and another person.

55:22

Thank you do any of the other councils wish to come in?

55:30

Mark Preston Smith for bucks Council, no, don't need to I just endorse what Miss Ross has just said.

55:38

Thank you, and

55:41

Mark day on behalf of the applicant, essentially, in developing the architecture for the ESG and the technical panels, that the model that we sort of used is a planning committee, so a panel of people who are informed by technical experts and make a decision on the basis of the recommendations that are made by those technical experts. It's for that reason that we have suggested that local authority representatives on the environmental scrutiny group should be those appropriately qualified planning professionals. And that is on the basis that those are people who are used to decision making on the basis of receiving technical reports in that way, and also making decisions in a in a fair and impartial manner. And again, that goes back we think, to the point of the ESG being independent and being able to make those impartial decisions in terms of how Apple growth is brought forward.

56:36

So are you saying that you maintain that that clause should be included?

56:42

That's our current President marked down behalf of the applicant? That's our current position? Yes. Thank you.

57:20

Would it be possible to take an action point to continue to discuss that with the local authorities as part of the statement Common Ground process and updates on any revised position?

57:33

marked on behalf of the applicant? Absolutely, yes, it's an open issue and our current statements of common ground so we'd be happy to do that. Thank you.

57:46

With respect to setting up ESG, the joint host authorities deadline for and five responses seem to support setting up an ESG as soon as reasonably practicable. And in any event no later than 56 days prior to the due date for submission of the first monitoring report. followings serving of the article 40 board notice. Buckingham shares representation does seem to indicate that they would prefer to be sooner acknowledging that Buckingham share at present is not part of ESG. And does can the applicant explain why setting up ESG in earliest stages would not be appropriate. I know you've outlined this partially in your deadline five responses. But if you could just expand on that point now.

58:37

Marked day on behalf of the applicant. Yes, as I mean, as you've said, we covered this in the the slots and transition period paper which is rep 4072. Essentially, there are likely to be some actions that can be taken to establish the environmental scrutiny group prior to notice being served within the DCO for example, identifying potential independent experts or chair people. But we are also conscious firstly, that there are the the establishment of the ESG is not entirely within the gift of the airport operator. There are things that are required to be done by third parties. For example, the Secretary of State needs to appoint those independent experts. And secondly, the first time that the environmental scrutiny group will be will need to meet will be in response to submission of the first monitoring report. Submission of that first monitoring report will not take place until the first round of monitoring has happened. So that will inevitably be in the calendar year after notices served under Article 44 One of the development consent order so we see no real benefits of the environmental scrutiny group being set up earlier. We do not feel that they need to be in place at the time that the notice is served because that At that point, there will be no no functions for them to undertake.

1:00:05

So just so I'm clear, there's no, there's no point at which during the setting up of the initial monitoring, there is a need for engagement with ESG. To ensure that the setup of the monitoring is correct, the scenario vision is that you set up the monitoring, have a year of monitoring, and it gets to the point where there's submission is made. And then ESG determines that monitoring is not adequate in some

fashion. For example, if you had ESG, from the outset, and at the start of the monitoring, any issues then could be ironed out before the first monitoring reports are received.

1:00:39

marked a on behalf of the applicant. So in respect to monitoring the intention is that the monitoring approach is secured through the monitoring plans, which have been submitted as appendices to the green control growth framework. So monitoring will be undertaken in accordance with those approved plans. We do accept that there may be a point where you need to review the approach to monitoring or even the review to the GCG process more generally, but it is for that reason that we've included a review clause following submission of that first monitoring report so that we essentially have the first go through the whole process, can then undertake a review and make sure it's worked as it was expected and make any changes that are necessary for that subsequent round of monitoring.

1:01:22

You could begin to just articulate their logic around earlier engagement.

1:01:35

Thank you, sir. I think our logic was there are there are other factors that could cause or require review? Certainly yesterday processes be that legislation changes, citing peers for backups or cancel legislation changes or changes in airspace, which I believe the SEC should be able to take into account in reviewing its processes, if those are to happen in advance the first monitoring report that I don't see how the ESG would be able to act appropriately.

1:02:09

Thank you, Mr. Pierce. Do the joint house authorities have any additional comments to make

1:02:14

generous for those authorities no further comments other than to say that we obviously we'd like to see the ESG set up in good time and ahead of the monitoring report.

1:02:24

Thank you. The deadline five draft Terms of Reference for ESG. And the technical panels include a mechanism to review the shape of the noise contour, and the local authorities that attend ESG. And the panels. We have already touched on this slightly. But do the joint host authorities have any views on that? mechanism?

1:02:49

funerals for the host authorities, I think the authorities consider that that there should be a minimum of one representative from a minimum of two local authorities to Representative from two local authorities, whether there are three on the panel or indeed a substitute as agreed, recorded decision making.

1:03:18

Sorry, so this was specifically about amending where whether a local authority is a member of ESG when the noise console changes, if it changes, say for example, with an airspace change. Are you

satisfied that it is would it be appropriate to change the membership based on the change in the noise? Contour?

1:03:40

Apologies for the authorities? Yes, I think the noise control changes, then the technical panel should be changed to reflect

1:03:45

that. It's also ESG. Membership. Yes, and

1:03:50

flowing through TSG membership. Yeah, sorry.

1:04:02

Just moving on to membership of the technical panels. Can the applicants explain why the quorum and Buckinghamshire Council are excluded from technical panels when, for example, Steven, which is included

1:04:17

marked a on behalf of the applicant. So maybe if I could just outline the general principles in terms of technical panel membership, we feel it's appropriate for membership to be offered to a public body where that body has a responsibility for managing a relevant impact and where it is again forecasts that that impact in terms of the impacts that GCG is looking to control would be experienced. And what that means is there is therefore a slight distinction in terms of how we are looking at the different technical panel membership, particularly in respect of Hertfordshire where they are a two tier local authority. So the Environmental Health remit within half a chair is held at the district level and that is fly for example, North Herts are on the noise technical panel and the air quality technical panel because that's where that responsibility sits. Half a chair are then the highways authority with responsibility for managing highways impacts. So North Herts have a role on the surface access technical panel that is held by Hertfordshire as the county council instead. Just to be clear on the noise technical panel, we have used the shape of the noise contour so the figure references in chapter 16 of the ies that I referenced earlier, and we've looked at which local authorities interact with that noise contour. So looking at the daytime and night nighttime noise contours that are controlled by green controlled growth at the eastern end, those extended Stevenage in at the western end into decor and when it's on that basis that we've invited those local authorities to have a role on the noise technical panel.

1:05:54

Thank you. Mr. Lamborn.

1:06:02

Thank you. So I just wanted to make a point here, which pertains to what I was saying yesterday. The impacts on community aren't just from average noise there from individual noise events and so to us as people on the ground and those we represent, taking account of the noise contour based on the EQ and the inner path contour would be appropriate when considering whether an authority should be

represented, and we certainly would strongly support the inclusion of decorum. And I speak there as a decorum resident and also one who represents many decorum residents. And you heard counsel that Tim is from decorum yesterday, equally concerned, although in a personal capacity. Thank you.

1:06:55

Thank you. The deadline five revised Terms of Reference for ESG proposed ESG would be set up as a limited company, can the applicant explain why it's necessary to set ESG up as a limited company, and what the implications are for the GCG framework, if any?

1:07:23

Yes, the proposal to set ESG up as a company limited by guarantee was put to and discuss with local authority members in October this year. And discussions are, as I understand it on ongoing and clearly much detail needs to be resolved, we did include in the version five or the sorry, deadline five version of the appendix A paragraph a one point 1.6, this proposal to set ESG up as a as a company. The rationale behind this is a number of reasons really, but it would allow ESG, for example, to contract for services wouldn't have to be the chair personally that entered into a contract to procure a son service, we think that that is appropriate, it provides we think, in a sense, a greater degree of independence from from the airport itself, because it is a separate legal company. But also, and this applies not to just to the local authority members, but other members as well. It provides them with agree degree of if I can put it like this protection for the making of decisions, local authority members would not therefore be personally responsible for the decisions the decision would be through the company that would be therefore no personal liability in that particular way. And therefore, we think that this is more appropriate. As I say, we're discussing this with the authorities. It's it's clearly important, and there's detail that would need to come forward. And I can't tell you any more about that, because I simply don't know it's an ongoing process. But that is that's the thinking behind this, this this ability to contract for services, but it's a corporate entity that then has made a decision separation from the airport because it's a separate corporate and identity rather than you know, many football cricket clubs are set up as sort of unincorporated associations. which don't have that kind of that they're not separate legal personalities, they are just made up off the members. So that's the thinking. Thank

1:10:09

you. That's helpful. And do the local authorities have any views on that matter

1:10:14

at funerals for the giant hosts authorities and as the applicant is that we're continuing to discuss the matter, and we'll welcome some further detail as and when that develops

1:10:25

and any of the other local authorities? Okay.

1:10:36

Can you can the applicant confirm and that's likely to be resolved by the end of the examination?

1:10:45

So it's certainly my expectation that it will be and and I believe those involved in those discussions are very much working towards that, and that you're going to the expectation is that you will, you know, at the end of the examination want to be sort of told broadly, you know, what the position what the position is. So that's very much the that's very much what is intended.

1:11:11

Thank you. I think it would be helpful to have updates at the different deadlines on progress on that matter.

1:11:19

I'm sure that can be I suspect, for deadline suits, there won't be any more update than what I've just given you. But, but we'll put that in as an action just generally to make subsequent

1:11:29

deadlines. Thank you. If we can move on now to principles relating to the transition period. So the deadline five framework GCG framework explanatory notes, explains that the transition periods been removed from noise, as you mentioned, your introductory presentation as well mistake. And that was to address concerns relating to like noise controls during the transition period. And the deadline for slots allocation paper explains that transition periods needed for other topics because of the new processes. And because topics such as air quality need a full year of modelling. As we touched on the previous round of hearings, the transition period seems to allow a substantial period of time with no monitoring, no control, and a lag time of potentially several years until in any corrective action is undertaken effects occur. Can you explain why? The article 44 notification couldn't be aligned to allow a first year of monitoring, and then reporting for all topics addressed in the framework.

1:12:41

marked a on behalf of the applicant. So I think in retrospect, I probably didn't explain the changes, we've made the transition period as well as I could have done in the slots of paper a deadline for so just to be clear, we are drawing a distinction between noise and the other GCG topics. And that is because that the noise there are as you said, existing planning controls in place an established methodology for monitoring and reporting on aircraft noise pursuant to those planning controls, which is being done now will be done in future and will be done up until the point where notices being served. That is not the case. For the other three areas. Those will require new monitoring processes to be put in place and there is a time requirement associated with that. The other point is that noise is measured over a defined 92 day period so sits over the summertime it's from the 16th of June to the 15th of September. Whereas for the other GCG areas we are proposing the monitoring takes place throughout the calendar year and we're reporting either annualised averages or annualised cumulative totals in terms of performance against the GCG limits. So what that means, for example, and just sort of setting out what that could be, let's assume that the airport operator serves that notice on the first of September, that would allow them to report noise for GCG. So we said no transition period applies noise, because they will have been doing that noise monitoring in any event in any respect. And therefore GCG will apply for noise immediately. In those other areas, they would only be able to do the three months of monitoring that have taken place. So that wouldn't provide comparative monitoring results that could be used to assess performance against the limits. So for greenhouse gases, for example, you would only have

three months worth of emissions data. And you'd be comparing that to limits which are based on 12 months worth of emissions, so the results would be fairly meaningless. What we're therefore proposing is that GCG would apply from the first of January in that calendar year following the service of notice, and it would apply immediately from that point. So all thresholds or limits would apply immediately and your monitoring would commence then. That then means that you can align GCG with the monitoring requirements that are set out in the monitoring plans. And the net effect of the changes that were made a deadline five is that noise controls will now apply two years earlier than previously proposed, and in all the other areas one year earlier than previously proposed.

1:15:22

I don't think that's quite answered my question, Mr. Day, that it's entirely within the gift of the airport to decide or within Applicants gift to decide when serve the article 44. Notice, my question is why you can't simply prepare your monitoring proposals to align with the serving the the article 44 Notice, so that the processes commence from the point of serving notice. It's not it's not an entirely new facility that is coming into operation, it is a continuance of existing operations.

1:15:57

Mark day on behalf of the applicant so So whilst you're right, that it's a continuance of existing operations, those operations don't currently incorporate the monitoring that we are proposing needs to be done for the purposes of green controlled growth. So if I understood your question, right, in order for that to be workable, you would need to ensure that you could only serve your notice on the first of January for monitoring to commence from that point and to take place over the whole of the calendar year. Maybe one for Mr. Humphreys to comment on, but I would suggest that the the applicant, the operator may require more flexibility around the timing of the service of the notice rather than being restricted to a single day in the year.

1:16:41

That was by implication, yes.

1:16:49

Yes, I mean, I think on this the, you know, the operator would have various reasons want flexibility as to when it served the article 44 notice and in effect, and the new provisions, take effect and override those previous provisions, obviously, in some respects, and it's a topic that we'll come over later for air noise, for example, some of the existing noise controls have, in effect already been rolled over or included. We'll come on to that. Now, just just

1:17:31

to be clear, I'm happy with the situation on the noise controls, really the other processes the other

1:17:37

three, you're awesome, yes, we're talking about a very short period on the so for example, on air quality and some of these other things, all that is happening is that the existing situation where those sorts of controls, do not exist will just continue for a few months for the rest of that first year. But the new control regime will then kick in when we have a full year of a full year of data. I mean, we can obviously go



away and think about it, but at the moment, we think that that is the appropriate balance and that there is no reason to believe that some some some new or unexpected or adverse impact is suddenly going to arise in the very few months during that transition. Thank you.

1:18:43

Yesterday, sorry, Mark day on behalf of the applicant. Mr. Henley has also just reminded me that the timing of the serving of notice is not entirely within the applicants control. There are various DCA requirements that require plans to be approved by Luton Borough Council as the planning authority prior to the service of notice. So for example, the travel plan, the operational air quality plan, and the operational greenhouse gases plan would all need to be approved. That doesn't mean that the timing of the service notice is to an extent outside of the operator's control. But it also does mean that the protection offered by those various operational plans will be in place from the point where so notices served.

1:19:24

Thank you, my colleague, Miss Davis wanted to come in.

1:19:31

Just to immediately pick up on that article. I mean, I realised that the requirements and the discussions today there is a bit of overlap and we are looking at the drafting and that is one of the points where we'll be picking up tomorrow.

1:19:46

Thank you. That's helpful. Mr. Henderson is going to be here tomorrow to deal with dark drafting but I'm sure he will have picked that up.

1:19:58

A question for Mr. Day. What you were saying? You've got noise, monitoring and modelling already in place, so you can start it day one with that and the other three, there isn't an equivalent. Is it correct to say that there won't be an equivalent under the new 90 million permission that you could then similarly to noise use that monitoring and modelling from that permission to move into this DCO? That would mean that you don't end up with this big gap?

1:20:36

Mark day on behalf of the applicant? I don't believe so. But I'm happy to take that away and confirm it in discussion with the various technical experts that have informed the development of GCG.

1:20:49

Could you just confirm which deadline that would be for?

1:20:53

I think the line is deadline six unless we confirm otherwise. Right.

1:20:59

Mr. Bassford, you've been waiting with hand up? Would you like to come in?

1:21:06

Thank you, sir, baskets on behalf of national highways. Taking your point about the gaps in the availability of data. Surely the solution is that the notice should be accompanied by the first lot of data, the need to serve the notice is not going to be a surprise that will have been considerable planning before the majors under Article 44 is served, the airport operator will be fully aware of the the operations of the airport and it would be elegant to require the information to accompany the notice. That would of course mean that quicker progress could be made with the app by the applicant and implementation and there would be a lower risk of missing data. Thank you.

1:22:08

Mr. Davies would like to come in? And

1:22:12

I think something that we'd be curious to answer is whether or not the monitoring and modelling that's required, could be done effectively as a pre commencement condition. Before article 44, reserved, sorry, but it'll be a requirement, in this case be the equivalent of a man's brain condition.

1:22:35

If the Mark said on behalf of the applicant, if it's okay, I'd like to take that away. And maybe we could respond in line with the P 19. point as well.

1:22:44

Thank you. Yes, I think that's useful, because because you need a full year of monitoring, if you serve the notice in June, that would mean you'd have had to start at the monitoring 18 months. before and I I'm just not sure whether how the timescales work on that and whether you know whether that imposes constraint, but can we can we just take that away and have a have a look at that and see whether that is either possible or indeed appropriate. Thank you. Sorry,

1:23:18

again, just interject, give me are discussing it. If there is an opportunity to maybe have money over overnight and maybe touch again tomorrow?

1:23:27

Possibly, yeah. If you've

1:23:29

had any thoughts overnight, let's mark it as an item that could be rolled over to tomorrow.

1:23:33

I'm not promising because I suspect that would require getting rising to have discussions and get the agreement to the airport operator, because it would be the airport operator, I imagine that would be

doing this and whether or not the channels of communication. Can Can I resolve that that quickly? I just don't know.

1:23:58

Thank you, Mr. Pierce.

1:24:01

Thank you, sir. Just 10 PS, I can use your counsel. Just a point of clarity before we could possibly move on from this. This topic. Good. Will the applicant be able to explain why it's a January start 12 month monitoring period and why that couldn't be a rolling 12 month period.

1:24:23

marked on behalf of the applicant. So this may be something we cover in one of the later agenda points as well. But effectively it's around the timings of the green control growth process, and how that works in relation to the way that the airport declares its capacity and grows. So the timings have been set up to allow the GCG process to inform the capacity declaration so that any constraints on growth that may be required by GCG can be secured by that process, which isn't an external constraint. It's not something that we can amend through the DCO. We also don't feel that it would be efficient for there to be sort of more Multiple monitoring reports across multiple topics requiring multiple meetings of the environmental scrutiny group. So we've very deliberately designed the process both to align with how a lot of these things are being monitored and reported on at the moment. So for example, my understanding is that local authorities will generally report on 12 month, January to January air quality, annual average concentrations, but so that all of that monitoring information can be considered at the same time and in the round by the Environmental scrutiny group and decisions made on that basis.

1:25:36

Thank you do the Joint host authorities have any comments on that point, funerals

1:25:40

for the joint host authorities so that the point that the examining authority has been probing is one that has been raised and PVS representations from the host authorities. So we do consider that every effort should be made to align with service of the notice. So that monitoring commences from that point onwards, rather than having the transition period. And as the kind of annual annual average point, we've also made representations that are more adaptive approach, rather than, you know, waiting till the end of the year to then review the position and seek to seek to address that is appropriate. So I think that also feeds into this discussion.

1:26:17

Thank you. And I have to admit, given that many of the impacts are related to release of capacity. And understanding the capacity to be released is a sort of very much a forward looking matter, the retrospective approach of looking at 12 months and monitoring backwards, and then deciding what happens next does seem to be a less effective way potentially, then to have some kind of forward view and rolling, live stream, real time type monitoring.

1:26:51

Mark day on behalf of the applicant, I think the one thing I would say is that we believe it would be strongly in the airport operators interests to do exactly that. Essentially, if they can see that there is a risk of a level two threshold or limit being exceeded in year and take action to prevent it in that year. That would mean that they would avoid having to formally report the exceedance of a level two threshold or a limit at the end of the year, and then avoid the constraints on growth that are associated with both of those things. So I think it's worth probably differentiating between if I can call it the formal green controlled growth process in terms of monitoring the actual results over that 12 month period. And going through the process of producing level two plans or mitigation plans as appropriate, with the sort of slightly informal, ongoing monitoring that the airport operator will inevitably have to do in order to manage the environmental impacts, and to encourage that more proactive action to be taken by the airport operator. So they can avoid that sort of formal exceedance of a level two threshold or limit at the end of the year. And the implications that come with that.

1:28:01

Thank you. Did any of the other panel members wish to come in at all? Any other comments from the authorities? No.

1:28:19

So sorry, I'm just pausing moments here confer with my colleagues.

1:28:46

I just want to garner an opinion from the people in the room. It the time is 11 o'clock, and we're coming up to having been going for an hour and a half. We're about to go on to capacity declaration slot allocations and local rules, which is likely to be a lengthy item on the agenda. Do people want to take a brief break? Because he has to get there's nothing it's hard on that basis. Just bear with me. I'm just going to check how long we're gonna take. Okay, we're going to take 15 minute break now so we can all be back at 1115 and people be glad to note that they corrected that clock so it is right