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00:05

Good morning, everyone. The time is now 1115. And I'm going to pass back to my colleague Dr. Hunt to resume with the agenda for this issue specific hearing nine.

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Thank you, Mr. Allen.

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We as I mentioned before the break, we're moving on to capacity declarations, slot allocation local rules, and it is h three we discussed the importance of slot allocation and local rules for noise control, and their relationship to the twice yearly capacity declaration.

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The Applicants deadline for paper explaining the transition period in the slot allocation process, confirmed that slots protected by grandfather rights and operated correctly by an airline must be honoured. Although the paper also quoted a provision in the world slots allocation guidelines that a capacity reduction that cannot accommodate historic slots must be avoided, except in exceptional circumstances, could the Applicant confirm whether the need to comply with GCG threshold or limit would constitute exceptional circumstances?

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Please comment for the applicant. I think there's another layer that we did cover in that paper, which is the process by which you could take away grandfather rights historic slots, and that's called the EU 598 process which is still applicable within the UK.

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That is a consultation process that's very wide ranging, and would have to be initiated by the Secretary of State. Ultimately, with the Secretary of State decision as to whether or not slots historic slot rights could be taken away from airlines. The reason for that process is because as you might have seen, if you've been following what's been happening in Schiphol if a unilateral action is taken to withdraws historic slots from airlines, particularly those airlines aren't UK based or resident airlines, it can lead to international diplomatic incident incidents effectively, where the Dutch threatened to take away slots from airlines at Schiphol and the Americans and the Canadians pointed out that that was in breach of

international treaty obligations, which is why it's a process that goes up to the Secretary of State. So a process does exist. And it's being looked at and being used in the Netherlands to try and seek a reduction in capacity at Schiphol. Similarly, the process was looked at in the context of Dublin and their night flying restrictions. So there is a mechanism there is a process. And I think if the exceptional circumstances of a breach of a limit arose, we would envisage that the operator would go to Secretary of State and seek under those conditions for that process to be initiated.

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It seems like a overly complicated process to remove slots when the airport is or the green control growth process is driven by the need to maintain growth.

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I would have thought sort of the normal slot allocation and local rules process would be a more usual method on a day to day basis to control slots.

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With condom for the applicant, I think just taking a step back from this ultimate need possibly to have to remove historic rights from airlines, which is where the complexity kicks in. One of the reasons we've now proposed the use of QC budgets proactively as a means of control is, you know, following our pay per deadline to where we looked at the historic breaches and what would have been effective in remedying those is we're confident that we can use the budgets in place and administered through the capacity declaration process, that that should

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minimise to, you know, a very negligible risk, the risk of actually having to go down the road of taking the historic slots away from people. I think the reality is that the worldwide slot guidelines and the processes don't allow an airport to take away slots without either going through an EU 598 process or getting agreement of all of the airlines through a local rule process. So yes, it would be possible to bring forward a local rule prompt process and seek to get the airlines to agree that because a noise limits been breached, or another limits been breached, they should forego their historic rights. But I think we recognise that we've got to recognise that the chances of the airlines all agreeing because effectively, the Coordination Committee rules mean that a fairly strong majority of the airlines operating at the airport would have to agree to that. That you know, if you're an airline sitting there with historic rights, and somebody

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says you're going to have to give some of those up. There's a very high likelihood that that wouldn't be the case, which is why we've put the proactive mechanism in place to try and minimise to an absolute minimum the risk of that leading to to happen. But recognising that there is a process, a backstop process that could be put in place through the Secretary of State, should that unlikely event arise.

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That's useful context. Thank you. Would you be able to answer the specific question around whether the GCG threshold would constitute an exceptional circumstances?

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I am not aware of a legal definition of what would constitute exceptional circumstances unless Mr. Humphries corrects me. I would, personally from my experience, slash allocation over a long period of time, I would expect that it would constitute and I would be surprised if it was not considered to be a reason for embarking upon that process. But as I say, I've never seen a strict legal definition of it.

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Thank you.

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So

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from my perspective, and I think from what you were saying, as well, use of slot allocation as a control mechanism for noise is best used in a forward looking way and hence, discussing the quota, the quota count, process being applied.

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And Luton Airport, local rule three currently restricts slot allocation so as to avoid exceeding the passenger cap. Can the Applicant explain why the airport couldn't introduce a local rule from the start of DCO operations, that restricted slots allocations to meet the relevant noise contour? And is this something that the airport could commit to?

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I think we'll lose Congress, the applicant, I think we will need to take away whether or not that could be a commitment. But certainly the intention is with the proactive use of the budget. And that would be embodied in the capacity declaration, that that effectively would be the mechanism. So it wouldn't be a commitment to a contour area, but it would be a commitment to a QC budget. That's equivalent to that. But whether or not it could be a commitment up front, if we can take away and just clarify that and come back at D six. But yes, that that is the intention is to use the QC budget proactively to try and minimise the risk of of a limit ever being exceeded? Thank you. I think. So the problem was, as you will know, from the note with the

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local rule is obviously that's done by agreement, and we can't give you a commitment that airlines would agree to something

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in the future.

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In a sense, the problem you're identifying of exceeding some sort of contour cap

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is one that exists at

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every airport.

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in the country, this is not something unique, because you appreciate what is different, I think, here is this

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sort of thresholds and limits of value so that the intention is and the expectation we never actually get to exceed a limit because

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it would have stopped and the point that was condensed referred to and maybe this will come up in the noise.

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Part of this hearing later relating to the use of QC uses of forward looking mechanism is really an a hugely important change, I think impart prompted by comments from yourself and others but is a hugely important change, which really gives us a very high level of confidence that we would never exceed a limit but in those absolutely exceptional circumstances. i My view is i i You know, I agree with Miss Condon's

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view that breach sexual image and the consequences and this being contained in a DCO would would be a very powerful argument for arguing that this was an exceptional circumstances circumstance for removing grandfather rights slots.

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Mr. Condon? Yeah, there is Congress, the Applicant if I can just add through one further clarification about the capacity declaration process.

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The there's no difficulty in an airport making a capacity declaration that limits in a forward sense, it's capacity, that it's able to, to offer to airlines. It only becomes a problem when you're seeking to take away those historic rights. So something that's forward looking at said we can't accept more than, you know, let's go back to the traditional runway movement, right? We can't accept more than 40 movements an hour. Even if the airport's not operating at 14 movements an hour it can set that as a limit. And it's not disadvantaged thing or distorting competition between airlines

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It only becomes an issue when you're taking away that historic entitlement.

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Thank you for that clarification. Yeah, I fully agree the forward looking approach is the appropriate mechanism. But obviously, the way that the green control growth is set up is is automatically retrospective, because of the years delay in getting any monitoring data and then putting in place any corrective action if needed. So there is still the potential within the framework to allow for substantial release of slots at the point of article 44 notices being served. And then the kind of cats out of the bag as it were, and, and the slots have been released. And there is no way then to claw back. So it becomes a retrospective approach, not a proactive approach. So I think I think the point here is, is the level one and the level two thresholds. Because in that way, even though you're looking at retrospective data,

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the fact that you've gone through a threshold and that You therefore have to produce a plan that makes sure that you don't go through limit means that the use of that retrospective data is being used in a prospective,

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a prospective way. And actually, in that

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paper, that deadline to Deadline three, I think it was deadline two that looked at the historic breaches, which caused us to change some of the

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way in which some other thresholds work to tighten this up to make sure that something like that couldn't happen in the future. So So of course, I accept your point that we're looking at last year's data, but we're looking at last year's data.

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Firstly, at much lower levels than the limit value that you're trying to stop so that you started taking action before you get to the limit value.

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Except that but obviously, there is the potential for two capacity declarations to be made in the intervening period before you've even got the monitoring data, where you could substantially ramp up the capacity at the airport, and the number of flights. So if that in any way breached the threshold within the first year, you would you would have no way to call them back will bridging the the threshold are the limits? Well, it would be unlikely that you would breach the limit that would that would imply an absolutely massive increase in capacity. I mean, misconduct want to

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comment

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on this. But, you know, from the airport's point of view, indeed, from the airline's point of view, they don't want to breach a limit, because that then does create all sorts of problems, including potentially a cap on growth. The last thing the airport wants to do, therefore, is

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is breached limit. And that's why these

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change in thresholds

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and the way in which they

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are the way in which they are triggered. And what happens with those thresholds is perspective. That's what it's that's what it's for. And as you know, no need to take us back to that worked example in the historic breach paper. But but but that actually is pretty informative as how that wouldn't happen under green controlled growth.

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Yes, I did read the example, which is helpful. Mr. Condon, we is going to be happy to just pick up a couple of sort of further points on that. One is that of course, as we pointed out in the deadline for paper

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slot restrictions may not be the appropriate mitigation for some of the other breaches, it clearly is likely to be for a noise breach, which is why we're suggesting now to address it with through QC budget budgets, which are forward looking. But some of the other issues may well be other mitigations that don't actually involve the slot process. But also importantly, as we pointed out in the deadline for paper, the declaration of capacity is also a process that has to be discussed with the airlines and with the air traffic control operator. And so for example, at the point of triggering article 44, the airport is unlikely highly unlikely to be able to get away with declaring a massive amount of capacity in advance, because it simply won't have the infrastructure in place. And the capacity declaration process requires the airport to demonstrate to the airlines that they can declare that increased capacity in a way that isn't going to be detrimental to levels of service. So for example, they could suddenly dramatically increase the number of slots available in the morning peak period until they built the additional apron infrastructure and gone through the processes to enable that apron infrastructure to be brought into use so that there are processes in place which I do

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Designed fundamentally in the first place to protect the airline industry and protect the efficiency of the system because airlines scheduling globally doesn't want massive amounts of delay building up because a flight departing late from Luton or arriving late into Luton will have knock on consequences at another airport at the other end of the route that may equally have its own capacity concerns. So it

there are checks and balances through the whole system that would prevent that over declaration in the first place.

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Thank you for giving

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our previous set of hearings, I thought we'd established that effectively, there was capacity for approximately 21 point 5 million passengers. Now it was longer for the applicant know, as we set out in the deadline for paper, there's only capacity for 1990 and plus a little bit million with the standards that they're providing at the moment, they would have to build additional apron infrastructure to get to 21 and a half million.

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Thank you for that clarification.

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Mr. De apologies, Mark day, on behalf of the applicant. I thought it was just worth saying. And we were intending to cover this when we got to the noise part of the agenda, but Miss Condon has talked about the use of quote account budgets in forward planning. So we have that forward. Look, we are now proposing to introduce the requirements those are used throughout the expansion programme. And not just when we are above a level one threshold, again to make that forward planning process for noise more robust.

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Thank you. That's welcome. And that removes at least one of my questions from later on in the agenda him. Okay.

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I think if I can just pause and confer with all my colleagues.

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I'm just going to hand over to my colleague Miss Davies.

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It was about

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the role of the Luton Airport coordinating committee. So the capacity declaration is made by the airport operator having first consulted by with the Luton Airport Coordinating Committee, which is the main airlines, air traffic control and the operator.

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These organisations signed up to the green control growth framework, or will it just be a factor in their decision making?

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It will have to be a factor in their decision making the airlines won't sign up to a process but but they are familiar with the concept of airports operating under environmental limits. It's not unusual. It's not been a web encasing point at the moment, there are live issues there. Skip on every coordinated Airport has to have a Coordination Committee. And the processes and procedures are pretty much standard. Certainly throughout Europe, I'm not gonna speak for the USA. But the process of procedures and constitutions are all very similar for these these processes. So it's nothing new.

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We've just putting in place a in a badged specific framework to deal with the DCO. But it's no different than the processes and procedures that will be in place at Heathrow say, to administer their annual movement limit, or indeed, you know, where it places at other airports where they've got binding, planning limits that they have to adhere to. So they haven't signed up per se. I mean, the coordinator is there. It's not there in a voting capacity. The coordinator is there in an advisory capacity at a Coordination Committee, the Air Traffic Control Agency, I haven't to do retract the Luton constitution, but it is based on the Manchester constitution that I drafted back in the day, the etheric control operator will have a vote in the process because if the air traffic control operator thinks it's unsafe cooperate, more movements, they have to have some ability to say that it's unsafe, but the vast majority of voting rights are with the airlines.

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So just to be clear, clear, if you did want to make a decision on not increasing the number slots or even reducing the number of slots, it would have to go to that committee and it could be that that committee doesn't follow the advice of those slots being removed or not increased.

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The committee doesn't have a veto. It is possible for the airport to declare more or less capacity, but it has to consult with that body and take their views into account. If ultimately the airlines are unhappy with a capacity declaration, they can complain to secret

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various state, I had personal experiences that were some of the airlines that Manchester didn't like a capacity declaration I made ahead of runway two. But the complaint wasn't upheld in that case. But there are mechanisms again, where if the airlines don't agree, in this case that they didn't agree with a reduction in capacity. But I have discussed this issue with poor coordination limited. And their view is that if you're reducing capacity for an environmental reason, in a way that doesn't impact on anybody's historic slots, that is a likely to raise the same concerns, as it would do if you're taking somebody's historic right away.

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Thank you, that's very helpful.

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One of my colleagues has just asked whether or not it would be sensible to have someone from the coordinating committees sitting on the ESG

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Wiscon for the applicant, I think that's one of the options that Mr. De highlighted might be a route. I think when we were talking about ESG, I think we felt it was important to have somebody that represented the airline community, but not somebody who had a vested interest in the process, which is why we have been having discussions with the International Air Transport Association and their world airports lot guideline committee, who would be a, you know, a global international neutral body in the context of Luton? I think there was a slight concern that the airport coordinator for Luton might be perceived to have some degree of vested interest. But I don't think we've rolled out either option, I think the idea is to have somebody who can properly reflect airline industry reviews and processes. But without themselves, as I say, having a specific interest and mastery marked down on behalf of the applicant. Ultimately, that person will be appointed by the Secretary of State rather than just being put in place by the airport operator. So we still have got that layer of independence in terms of how that individual gets put on the ESG. Thank you for that clarification.

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Mr. lamborn so and thank you, Miss Davis, who was in relation to that question. Bearing in mind, what was Congress has said about the Coordination Committee, unless its structure and way of working has changed since 2016?

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Can we be confident that it is able to avoid breaching limit because it must have been in place at that time? And didn't avoid that? So, you know, are we being advised that whatever went wrong has been fixed, going forwards in relation to that committee? And second point was, I think we'd suggested

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rather than a member of that committee being on ESG, maybe a member of the ESG, could be involved upstream in the decision making about slot release. So it'll be interesting through you to hear a comment on that. Thank you.

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And could the abcam respond on those two points, please, do please condom for the applicant. I think in terms of the first point about the work either Coordination Committee, I don't think the matter of breaches in the 2016 2019 period was, could be laid at the door of the Coordination Committee and how it functions in the Coordination Committee responds to measures proposed by the airport in terms of how it proposes to declare capacity. And it goes back to our deadline to paper, where we looked at the reasons why the attempts that the airport operator made legitimate attempts that they made to try and limit global breaches didn't work. And that's why we've got the lessons learned paper in the proposal to use proactive and forward looking QC budgets. But it wasn't a failure of the Coordination Committee process, as I say, it was that there wasn't enough understanding about what might have

controlled the breaches, which by having that retrospective look, we've been able to identify now, what would have been a very, very effective control mechanism. I think in terms of weather yesterday, Chris touched on the Coordination Committee. I think that's much more problematic because Coordination Committees, as I say, are governed by a set of international rules, at least in so long as the UK is following EU source allocation regulations that may change the department met may change over time, but we can't prejudge that. They've been attempting to change the allocation regulations. To my knowledge for at least 30 years, they were first introduced. So I'm not confident there'll be fundamental changes anytime soon. So I don't think it'd be possible for yesterday to sit on the Coordination Committee, they might be able to attend as an observer.

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Uh, but I don't think constitutionally it would be possible for them to play an active role.

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But you know, I

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we can take that away and have a look at it, but I think it's highly unlikely

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if you'd be able to come back on that point, we seen deadline six otherwise deadline seven.

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Thank you.

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Were there any more comments?

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Join host authorities.

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Fiona Ross, for the joint host authorities. I think it seems to us that there is still scope. I'm obviously not in the immediate term. But ultimately, there is scope for an over declaration of capacity, and I need to call back slots. I'm just going to hand over to Ben Holcomb to elaborate on how local rules could help mitigate that.

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And Holcomb for the host authorities,

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I think, Dr. Hahn, your questions really hit the nail on the head. And the need to look forwards is the most important. And it seems from what the applicant is saying is that if local rules were proposed to be

put in place the word forward looking then that possibly be good agreement with the airlines and everyone else that that that would be reasonable. So

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the suggestion that would be proposed would be having local rules put forward in advance that agree with these AIA assessments and all of the proposed GCG thresholds as a worst case, more threatened JCG limits as a worst case.

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So that everybody is on the same page, the local rules would then appear to draw a line through everything else, you'd have the airport using their QC forward looking budget, you'd have the local authorities having the green control growth

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inputs. And then you'd also have a local rule that had the airlines and everyone else involved at the airport site on the same page so that everybody would be aware forward looking of what constraints were kicking in when. And it would be interesting to see that done perhaps in the five yearly cycle on the same terms as the GCG process just to have a step process rather than

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I appreciate that there's other capacities as I've been mentioned on new terminals and new aprons. But if you put a step process in place, you again minimise the risk of ever needing to get towards or breaching the limit. And that's that's a much safer approach than

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arguing about what happens beyond.

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Thank you, Miss

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the respondent for the applicant. Just to clarify in the deadline for paper, we did actually say that those QC budgets would be included in the capacity declarations. So effectively, that will do what Mr. Holcomb suggests.

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Thank you.

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Just one more point around slots

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if level two threshold is exceeded plan is required no more than 21 days after submission in the monitoring report. At this point, there can be no further increasing capacity declaration but spare slots can be allocated.

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Should this bill be allowed given that the applicant may be approaching reached a limit?

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Mark day on behalf of the applicant.

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I think it's important to note what a level two plan that needs to be submitted. When a level two threshold is exceeded needs to do.

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It's set out in excuse me figure 2.4 of the green controlled growth explanatory note which is rep five zero to zero. And at paragraph two point 2.15. It says the level two plan will firstly need to consider whether continued operations are the declared level of airport capacity are expected to result in the effects creasing above limit. If this is the case, the level two plan should include proposals for additional interventions or mitigation, including timescales for their delivery. So ensure that the limit will not be exceeded. So in a noise context that could for example, be additional restrictions on how slots are being released or the capacity declaration potentially being lowered to reduce some of that headroom. But the wording that we've used I think recognises the fact that across the piece where green controlled growth restrictions through capacity declaration and slots are not always going to be the most effective or the most appropriate way to mitigate impacts. So that enables

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other measures to be considered where that would be more effective or where it would result in environmental effects being lowered or the potential for increasing being

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juiced faster than via the capacity declaration or by local rules.

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Taking the example of noise,

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I know we're jumping ahead to the agenda slightly, but what other options would be available to you to actually reduce noise?

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I would feel more comfortable. If one of my colleagues with a more of a sort of noise technical background answer that if we were able to come to that house, we can come back to that in the noise section, the agenda.

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Were there any other

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comments in relation to that point?

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Respond with the applicant just for leaping ahead, and then we're going to come back to it. But for example, it might be that you put, you didn't take away the ability to allocate more slots. But you put restrictions, for example, on the cute account, quote, account value of the aircraft that would be able to take up those new slots. So that might be a sort of mitigation that you could put in place that would be much less controversial than then stopping growth. The key point about level two threshold is that you're not at the limit. And what you don't want is for the airport, not to be able to carry on growing in those circumstances, if you have a mechanism to make sure that the limit isn't going to be breached. So striking that fine balance between those two positions.

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I suppose it's that uncertainty of whether whether you will or not, and whether it's therefore appropriate to limit the further sauce allocation on a precautionary basis effectively, so you don't breach that limit.

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Okay, that's helpful. Thank you. We can move on.

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And

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present the GCC framework any requires? Sorry, there's one more question around local rules.

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The present the framework only requires local rules to be a consideration of a subsequent mitigation plan, when an initial mitigation plan has failed to address the exceedance of a limit.

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Given the lag time between identifying an issue and implementing a rule, is there any reason why consideration of local rule wouldn't necessarily have to be considered but could be part of the considerations for the initial mitigation plan?

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monta on behalf of the applicant? I agree, I'd certainly don't think we are precluding consideration of a local rule as part of an initial mitigation plan or even prior to a mitigation plan being required if the airport operator thinks that's the most effective way of controlling impacts to prevent a limit from being breached. That requirement was added in essentially in recognition that, at that point, a mitigation plan

that had been agreed with ESG had not been effective in the timescales it was meant to be. And therefore there was a requirement sort of give that very explicit consideration at that point, but we're certainly not trying to preclude the airport operator from considering that and bringing it in as necessary at an earlier stage. I think at present the to an external reader, it reads as though the use of local rules out that first stage is precluded at the moment, and it's only at the second stage where it could occur. So perhaps you could be able to revisit that wording to make it more transparent that local rule is something that could be considered the first stage marked down path the applicant absolutely do that. Thank you.

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I'd like to move on to timescales for approval of plans. Host local authorities of priests who previously expressed concerns regarding timescales for approvals and activities set out in the GCG framework.

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Are the host authorities now satisfied with the provisions in the deadline five revision of the framework with the increases to 21 days or reductions? 21 days for the Applicants, roles?

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Generals for the host authorities, I think the position of the host authorities is the timescales are still really very tight. And I appreciate that from the perspective of perhaps a level two plan that could play into capacity declarations, but not so sure that that's the case where there is a mitigation plan on the basis that there is not scope to grow further at that point. Obviously, there's various things that need to be taken into account when commenting on those plans. So local authorities, we look for as much time as possible. And it might be that different timescales could apply in the case of the mitigation plan versus the level two plan.

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I'm also conscious that at the moment, the proposal is that there will be a deemed acceptance of both of those plans in the event that those timescales are not complied with. I think that our position is that that's that's not appropriate, particularly given that there are tight timescales I think we would need to look at and we'll work with the applicant to see how that could be amended to.

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To enable the local authorities to

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and have that oversight. So I think we still think that those timescales are tight, particularly for the mitigation plan. And similarly, in terms of meeting agendas and papers, I think it's only five days not even five business days in advance for the meeting that these are to be provided, which doesn't give a lot of time for local authorities to get up to speed on the issues ahead of any meeting.

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The local authority is able to set out the specific timescales that they're seeking for the applicant.

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If you are asked to the host authorities, yes, we'll include this in our post hitting submit. Thank you.

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Does the applicant want to respond?

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Mark de on behalf of the applicant, I think the key thing to look at is figure two point 11 In the green controlled growth expansion notes, which is rep 520. That sets out the outline timeline for the annual monitoring reporting. And essentially, the key thing within that is that there are externally imposed constraints both at the beginning and at the end of the process. So in terms of monitoring, we've talked before about how we need to monitor through a calendar year, there are also some aspects of that monitoring that we are going to be reliant on third party school. So for both surface access and greenhouse gas emissions, we are relying on the CIA's departing passenger survey that is typically published around Easter for the previous year. Similarly, we are monitoring air quality over a calendar year. But for final verified results, we need air quality bias factors from Defra, which tend to be published at around the same time around Easter for the previous year. So there are constraints in terms of when monitoring data can be collected, analysed, reported and put into the GCG process. At the other end, we've talked about the deadline for the capacity Declaration, which is at the end of September, I think was the 28th of September this year. And I think it's Ross has accepted that the process needs to be concluded by that point. That's both so that if any specific constraints on growth are needed sort of pursuant to the level two plan or a mitigation plan that those can be reflected. But we've also put explicit constraints on growth above a levels whose threshold and above limit within the GCG framework, and those would need to be reflected in the capacity declaration. So effectively, we have a fixed window for the green control growth process to be gone through.

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We do acknowledge that there are aspects of the timescales that are tight, they're tight, I think, for all parties in the process.

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But effectively, we, if we're giving a particular part of this process more time, it has to be taken away from somewhere else, we can't extend the length of the overall process. So the changes that we made a deadline five to allow the ESG 28 days to consider and approve a plan. We did that through taking a week away from the airport operator in terms of the time that they have to be able to prepare the plan. So now the host authorities have suggested eight weeks would be a more reasonable timescale. But I'm afraid we just don't have the sort of fat in the overall process to be able to find another four weeks from somewhere else that we could take away to enable that to happen.

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The

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the

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the timescales obviously set out in a block across all of the elements of the framework, Is there potential for variable timescales for say noise as opposed to air quality as opposed to greenhouse gases, given that you're reliant on different types of data for different parts of the framework?

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Mark day on behalf of the applicant? To an extent, yes, so the timescales that we've put in our deadlines effectively by which monitoring results and monitoring reports have to be submitted. You're right that because noise is measured over a shorter period of time, there's probably a bit more float with noise, and there is another areas. And what that means is that noise results in terms of monitoring results could probably be submitted to the relevant noise technical panel earlier and allow for more discussion of those results and the implications of them in terms of any mitigation that might need to be secured. But as we covered earlier on, we think it's important that we align the pros, the sort of more formal process in terms of the compiled monitoring report and the need to go through plans and things. So we've still got the overall timescales for them. But there is a little bit more time for noise at the beginning of the process to allow discussions to be had to inform that later stages and to try and reduce the number of surprises that might get thrown up. So as a compromise permission, though, compromise position, though there might be the ability to flex the timescales in certain certain sections

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markedly on behalf of the applicant. So I think essentially, the way that we've tried to split this up is there's a period of time for monitoring results to be submitted to the technical panels and for the technical panels to provide their comments. There's an a period of time for a monitoring report to be submit

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To the ESG. And then a period of time for any level two plans or mitigation plans to be reviewed and approved or abused. I think the first step, the submission of the monitoring data, the technical panels, that's where there's the potential for more time, and to allow more discussion between the airport operator, the technical panel and potentially up to the ESG. Around the results, the implications of the results and anything that might need to be secured sort of pursuant to the results.

40:27

Thank you.

40:29

Were there any other comments on that point.

40:37

The next item was whether specific issues should be linked in individual plans. So the green control growth framework allows for the possibility of more than one issue, as well as more than one exceedance being combined into an individual individual mitigation plan. Also, I can understand the Atkins desire to create a streamlined process, this does create the potential for approval of mitigation

plans to be delayed. If agreement cannot be reached on parts of a mitigation plan that takes into account different matters.

41:06

Are the host authorities satisfied with the approach of combining issues? And would a Combined Plan ensure a sufficiently responsive approach to mitigation,

41:16

funerals for the host authorities? And just just to clarify, do we mean and combining? Do we mean combining monitoring plans for outside the GCG framework with those within the gct framework or doing a combined monitoring plan covering all aspects, combined monitoring plan covering more than one aspects. So for example, an air quality and a noise issue being wrapped up in one plan

41:40

just turns the outcome briefly. That is my my understanding is correct that you could combine, say a noise issue and a an air quality issue in one Combined Plan Monday on behalf of the applicant. So just to clarify, the intention is that the monitoring report always cover all topics, the changes that we made a deadline three to the DCO drafting were around allowing a level two plus single levels who'd land on mitigation plan to be submitted to cover exceedances of thresholds or limits in more than one area. And the rationale for that is essentially that some of these issues are linked. So if you breach your surface access limit that might have knock on implications for greenhouse gases or for air quality, because there are more cars on the road, for example. So because those issues are linked, because the mitigation that may be needed may be linked. We thought it was more efficient to combine into a single plan at that point.

42:33

Yeah, so it's are you happy to have combined plans, in that sense, funerals for the host authorities? I think that does sound sensible. Where the matters are linked, I suppose where the matters are not linked and feeding back into the timescale discussion that we've just had and the potential to sort of highlight particular aspects on two different timescales, then that might be a rationale for you know, unless they are linked including them in separate plans.

43:02

The amplicon want to respond to so we're happy with that position marked down half the applicant will take that away and review the drafting in that context. Okay.

43:12

T 67.

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Lem,

43:29

us

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we'll move on to circumstances that are outside the control or influence of the airport operator.

43:45

The revised Terms of Reference for ESG and the technical panels deadline five, include exceptions for circumstances beyond the operators control, and these are updated to exclude works carried out by the airport operator. And could this wording be amended to be clear that any works initiated by the applicant are excluded, for example, by using the wording, the airport operator or any other organisation working on their behalf?

44:10

monta on behalf of the applicant, we're happy to consider that and respond that deadline. So, there are two references. There is also reference to significant engineering works. So the paragraph references are a 4.5 point for J and B, four point 6.4 J and a four point 5.4 L and B four point 6.4 I.

44:38

Thank you.

44:41

We'll move on to sanctions for continued breaches. At present the GCG framework provides no Meccan mechanism to penalise the airport operator for an ongoing breach of limits or failure to resolve a breach. Do the host authorities consider that a mechanism to penalise

45:00

As a continued breach should be included in the framework

45:04

at

45:06

funerals for the host authorities, and yes, we think that there does need to be such a mechanism to deal with continued breaches. At the moment, it looks to us like there could be a mitigation plan in place. Indeed, there's reference in the documentation to your mitigation plan being in place for over a year without being updated. So that does give an indication of the potential length of time that a breach could be or a breach of a limit could be ongoing. So I think there does need to be a mechanism to deal with that, effectively.

45:33

Can the local authorities just one such mechanism might work?

45:40

funerals for the host of diocese, I'm afraid I'll need to take that one away and respond in writing, please.

45:45

Thank you, and would the applicant like to respond?

45:49

Yes, there are two or three things on this. Firstly, obviously, the GCG mechanism is intended to be

45:59

self

46:01

enforcing. Now the premise of the question is in effect, that something is not being done, that ought to be done. And

46:14

in the explanatory note, the latest version of it, section 2.4 2.7. So this is rep 5020. Section seven deals with compliance with the framework and figure two point 13 shows the approach to enforcement. And you can see from when you look at it, the box on the right there is bringing statutory enforcement by the Planning Act, and the sections are identified. So firstly, it's intended to be self enforcing. Secondly, if it's something is not being done, that ought to be done, that is potentially a breach of the DCO. And therefore, the ACT already has enforcement provisions to deal with the

47:05

issue that

47:08

well, you know, how can other authorities

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How can other authorities deal with or prompt action to be taken, we introduced what was requirements 39. Now, requirement 40,

47:24

which identifies that specified authorities may make representations to Luton Borough Council

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requesting that it the need to pursue enforcement action. And that's intended as the explanation sets out to kind of build on the statute, not change the statutory framework, but add to it by giving various other authorities

47:47

the ability to to, in fact make representations to Luton Borough Council that he should take take action, we feel that that

47:58

both respects the enforcement provisions in part eight of the act itself, which obviously we can't we wouldn't want to do amend, but actually builds on that to deal with some of the concerns that local authorities have expressed.

48:18

marked down on behalf of the applicant. I would also just say that whilst you're absolutely correct that we have made provision within the draft DCO. For a mitigation plan to be an effective and a new mitigation plan to be required, we do consider that that would be extremely unlikely, in order to be in that position.

48:37

Any early action that the airport operator would have taken for example, through the use of quote accounting budgets would have had to have been an effective, then a level two plan agreed with ESG is the most effective way of preventing a breach would need to be an effective and then a mitigation plan, again, agreed with ESG would need to be ineffective. So we feel we're very unlikely to be in that position. Having said that, we have also explicitly linked green controlled growth to the ongoing growth of the airport. So

49:07

in terms of sanctions, if there was an ongoing or multiple breaches, whilst that was happening, the airport would not be able to grow. That therefore gives the airport's operator a very significant commercial incentive not to be in that position.

49:25

Thank you. And Miss Ross, do you want to come back on that point? Or can you well, as well, could you confirm when you would be able to come up with your proposal for the enforcement mechanism and funerals for the host authorities? I will could we come back on deadline seven please unconscious that deadline six is sort of upon us. I also did just want to come back on the the enforcement position because certainly my reading of it within the framework is that it's a procedural enforcement mechanism. So there is nothing in the framework to enable and

50:00

And the host authorities to procure that a limit is no longer a breach. So effectively to procure that outcome. And my understanding is that enforcement is around the procedural aspects of the framework.

50:14

So, almost some priests, yes. i That's why I said that the

50:22

juicy juicy, off in the sense selfing are our enforcement mechanisms, if you like, within that and and those should operate in the way set out in the both framework and the explanatory note, the point I was making, because the question was not about

50:46

what happens if there's a breach? The question was about sanctions with continued breaches. In other words, there's a breach, and nothing is being done about it. And, yeah, that, obviously, without knowing the specifics of it would seem pretty clearly if nothing was being done about it. ESG or the relevant bodies, we're not implementing plans, we're not following plans to be a potential breach of the terms of the DCO itself, which is what brings in Section 161 of the Act, that particular part and

51:23

also under section.

51:26

If I can bring it up 171 of the act as well, a local authorities may apply for an injunction if it considers it necessary or expedient for any actual or apprehended, prohibited activity to be restrained by injunction. So in other words,

51:42

you know, maybe not just something that people think has gone wrong, but something is about to go wrong, or he's not going wrong. So there are fairly wide enforcement provisions there. Because, you know, this is we're talking about criminal sanctions under Section 161. This is really something that

52:06

an airport operator does not want to happen. This is pretty draconian measures. And there's, you know, that is what the Planning Act has provided, there's no reason to believe that that is not an effective mechanism.

52:23

Thank you. If we can move on the green controlled growth review process and approach to early warning data is the next item on the agenda.

52:35

Okay, Misha Council suggests that the use of a five yearly review cycle for the GCP framework is too long, and there's no need to align it with a nice action plan cycle. The revised framework deadline five includes a review no less than three years from the date of serving the first notice. And then on a five yearly cycle, does Buckinghamshire Council still consider that a more frequent review cycle is necessary? And can you explain what the basis for this is?

53:09

So I think on the basis of the annual monitoring allied with the five yearly review, this is a point that we're no longer going to pursue.

53:21

Thank you for that.

53:23

Do any of the joints authorities have comments on the review cycles? And so if you interact with the host authority is not in relation to noise? Thank you.

53:42

Okay, so if I can pass to my colleague, Miss Holmes.

53:46

Thank you. I just have a quick question regarding the funding of GCG. Table three of the funding statement. So that's rep 509. sets out the capital cost breakdown. Can I just ask if the cost of render GCG and mitigation that may be required are included in the capital costs? I only say that because I know that noise insulation has been separated out.

54:13

Now,

54:15

Madam sorry,

54:18

I don't know the answer that I haven't been dealing with those aspects of the funding statement. I know.

54:27

As was indicated, first thing up the afternoon some of the compensation provisions for what was agenda item.

54:36

Seven are being moved forward and Mr. Barton will be here for that with various members of the team so could could that be raised with them? Yes.

54:52

brings us to the end of the overarching principles items before we move on to noise does anyone know

55:00

have any other comments on this sort of overarching process or, or issues that they wish to raise?

55:11

Now, no one in the room and no one online.

55:16

Just please come up

55:39

Mr. Humphries, just for the recording, would you like to introduce the colleagues that arrived at the table?

55:46

Yes, sir. There are members of the

55:50

noise team. There's Dr. Sharp I can actually see. Sharp

55:56

Oh, yeah, sorry.

55:58

Just Dr. sharpens. Sorry. It's just Dr. Sharpe, who will be speaking.

56:03

Thank you. And the first question around noise and vibration is whether the noise envelopes should be integral to the framework or separate. So a number of representations have suggested that noise envelope should be separate from the from the green control growth framework. And do the local authorities consider that having noise requirements on the face of the DCO or separate from the GCG process would make a material difference to the control of noise arising from the proposed development.

56:33

funerals for the host authority, there's a key is how it is secured and enforced or whether it is in what enforcement provisions apply around whichever whether that's within the GCG or outside of the GCG unconscious that that potentially something that university can further controls on energy, CG context. So as long as it is properly enforceable, I think is the key. So from a local authority perspective, it's fair to say you don't mind whether it's in the DCO, or in green control growth framework, as long as it's got that appropriate control mechanism around it. Yep.

57:07

Thank you. Any other comments from the local authorities on this point? Sir, could I invite Mr. Steve Braun to comment?

57:17

Thank you, Steven bronze from Buckinghamshire Council,

57:21

I would recommend that the

57:25

nose envelope is removed from the green control grown the the GCG framework to give it a proper position. So it doesn't become obscured outside a bit better, as it doesn't become obscured by the by the mechanism that the applicant is proposing.

57:44

The GCG sorry, the noise envelope is prescribed by cap 1129. It's very clear, and it's part of aviation policy. And, in my view, having tried to understand how it's become part of the GCG, I have struggled to some extent. And I personally would like to see it well, from the point of view of my employer would like to see it removed so that at the very least the

58:15

the Planning Specialist has a view to has a chance to view it separately and judge it in the way in which it was proposed in the original guidance.

58:29

Taking Ross points.

58:32

If it's appropriately enforced and controlled through the green controlled growth framework, what difference does it make having it on the face of the DCO?

58:42

Simply clarity, as we've already heard earlier on this morning, the noise theme is problematic to win related to aircraft and airports. And it's also some it's a theme, which has been around for many, many years. And the monitoring has been done for many, many years. And I just feel that the applicants innovative proposals, the green control growth have tended to have tended to hide the principles of capitalism 29. And, and and I don't disagree that the applicant has done what it should do. And it's actually come up with a noise envelope. I just feel that it should be clearer and perhaps become a certified document in his own right.

59:35

Thank you can I ask the applicant to respond to that point?

59:39

Doc short for the applicant.

59:41

So I think our position on this is fairly clear. We've set it out at the time of the DCR submission and the situation hasn't changed. So Annex B of appendix 16.2. We set out the reasoning for why the noise envelope is contained within the GCG framework. It's of course important to note that the actual design

1:00:00

The content or the noise envelope itself isn't influenced by the fact that it sits within GCG. And we see that the benefits of the overarching GCG framework outweigh any.

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You know, they're they're significant and would be lost if they were separated. So we have the enforcement within the GCG, we have the control and the reporting process that automatically applies

and is very compatible with the noise envelope, and avoids the need for duplication of processes and enforcement bodies. We have the noise technical panel, we have the environmental scrutiny group, those are all important aspects of the noise envelope design and the process. I think, actually separating it out, I don't think that would make it clear, I think it would make it more complicated because we would have to have separate processes, separate regimes, separate bodies to sit in with a noise envelope.

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So here we see it as a very beneficial thing actually having the noise envelope embedded within the green controlled growth framework.

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To any other parties have comments on this point.

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slomo

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thanks, Sir Andrew Lambo for that again. As you know, we have made comments

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on this aspect, particularly bearing in mind that the noise envelope design group itself recommended that the noise envelopes should be a standalone, easily identifiable entity.

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I think

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clearly,

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effectiveness is the most important aspect of this.

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Recent concerns started to focus more on a possible separation of parameters. And by parameters, I mean, a control and the limit being split between two different entities that Ecco draft is your document and the green controlled growth documents. And it would seem sensible, there's no better word for it to have collected together in one place, all of the aspects that relate to

1:02:14

noise control, whether directly or indirectly, whether binary as per yesterday's discussion, or, or analogue, I think it's sensible to have them all together. That's That's our only remaining concern. Thank you. Thank you.

1:02:37

And the next item is the extent to which community engagement has or needs to inform the development of the noise envelope.

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The airport's National Policy Statement emphasises the importance of community engagement in the development of noise envelope, and that such envelopes should be tailored to local priorities. And first of all, can the applicant explain which elements of the noise envelope have been tailored to local priorities?

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Short for the applicant. We've set out in

1:03:08

section three of appendix 16 Point to the extent to which community engagement has taken into account and the noise envelope design process. Of course, within that appendix, we have included the noise envelope design group interim and final reports. In Annex A and in Annex B, we set out our response to those

1:03:29

recommendations and how they have been taken into account and those are the local priority local priorities that have been discussed with the noise envelope design group. So for example, the key indicator of being the agreed noise contrary a limit for D and nighttime. And then that should be set at the 54 decibel and 48 decibel contour that was specifically agreed as a local circumstance for the airports.

1:03:54

And yeah, the various other things within that appendix which have been taken on board in terms of the noise envelope design group recommendations. And of course, as I'm sure we will go into in later

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in the later session, there have been some additional controls which have been brought in as well in line with both the host authorities, requests and the noise envelope design group recommendations.

1:04:16

Thank you.

1:04:18

The CIA's documents cap 1129 noise envelopes response to aviation policy policy framework informing the development of the noise envelope concept. Count one one to nine places emphasis on the need for community engagement in developments noise envelopes. Can the Applicant explain the status of Capital One one to nine and whether compliance with the wording of the document is a legally binding requirement?

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Yeah as the the

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civil aviation

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guidance is that it is clearly guidance

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There are some

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things guidance on the layout of runways and things like that that obviously take on a somewhat different status and separation distances. But, but this is guidance. I think it is important to stress however, and perhaps Dr. Sharpe can explain this, that the proposals here for the noise envelope and GCG generally have gone through very extensive consultation with local communities and taking that on board. Obviously, that's a legal requirement under the Planning Act, but

1:05:36

but the the CA, P guidances, as I say, is guidance.

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Thank you for that.

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Excuse me. Thank you for that clarification. And we have received representations that the final noise envelope was not consulted on how does the applicant consider their approaches met the expectations for community engagement for noise envelope,

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having not consulted on the final parameters of the envelope.

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Short for the applicant has indeed again in section three of appendix 16.2, we've set out extensive, extensive community engagement that was undertaken as the noise envelope design progressed, that involved the noise envelope design group, which involves community representatives, but also statutory consultation. And I think it's important to note that the final design of the noise envelope is completely in line with what was consulted upon in the 2022 statutory consultation. So as part of that statutory consultation, there was a consultation document on the draft green controlled growth framework that listed out and cross references to work at the noise envelope design group.

1:06:57

It proposed that the noise envelope would be part of the green controlled growth framework as as we've discussed, as is in the in the final design, it sets out the principles of limits and thresholds and the overarching GCG framework. In line with the final design.

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It set out that the proposals to set the limits and thresholds would be based on the forecasts from the environmental statement, as in the final design. And in even provided indicative noise contour area limits and thresholds based on the core case, and the first gross case, the reasonable worst case, contours available at that time, again, in line with the final design. And it was clear within that consultation, that those limits were indicative and would be updated with the environmental statement forecasts.

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It's also worth noting those limits were actually wider than are in the current noise envelope design. So

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the substantive change is actually a tightening of of the contour area control. But the overall design, the principles, the process, were all consulted on as part of that statutory consultation.

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And then, of course, there have been developments that have been improvements that have been updates to that process as part of the noise envelope design group process, and in response to statutory consultation feedback.

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And indeed, We have received public and community feedback throughout the examination process through relevant representations, written representations, engagement with host authorities, and indeed these examinations which we have taken on board and use to inform and update the design of the noise envelope. Again, I think, point being that the overall principles and processes were all fully consulted upon.

1:08:41

Thank you, Mr. lamborn lascannons flagged its concerns with the noise envelope and that the final noise envelope has not been adequately informed by community engagement. Do you consider that the current iteration of the noise envelope addresses your concerns regarding the noise envelope design group involvement and previous work?

1:09:05

Thank you Sir Andrew l'amour ladder can.

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Your question was really about the current iteration of the envelope.

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The envelope has moved the currently further towards what the noise envelope design group agreed.

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That is accepted

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as a result of this process that I also accept. I'm not technically sure whether this process counts as public consultation or whether this is a process of examination, but I tend to feel this is a process of examination.

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We are still have the firm view that the way in which Cap Im 29 guidance which is the only available guidance on how to create a noise envelope, which itself is something that is

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required by applying policy. We're not convinced that the process of approaching the design of that envelope follows that guidance. And we've set out most particularly in rep five, dash O seven one, a summary of why we feel that is the case,

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in particular, that the initial approach didn't seek to achieve a magnitude if you want to use that word for a noise envelope, which represented as is firmly and clearly set out in the guidance.

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An appropriate balance between minimising noise impacts and maximising sustainable growth.

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And that is in the context on page 39 of capital and 29 have a paragraph which talks about setting the parameters, but elsewhere in the document.

1:11:02

Parameters are clearly indicated it has meaning the controls and the limits. And the noise envelope design group itself didn't see the limits until the very end of its work. So therefore, couldn't have been clearer on what the final magnitude of the noise envelope would be.

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I note that in the covering letter, which the independent chair of the noise envelope design group sent to the members, along with the

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the interim report, it said,

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and this was sixth of November 2021, we're awaiting the outcome of realistic growth modelling based on aviation forecasts, before we can consider many of the values that we might recommend be attached to the metrics, we've agreed.

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So those weren't available to the group at that time. And in an email later, from on behalf of the chair, it was clear that

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as it says, quote, and I can put this into the

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our written submission afterwards, while we made representations, their interim report as to the various metrics and elements that should be included within the noise envelope, we are not in a position to put final values on the metrics recommended, this outstanding work needs to be completed, I had hoped we'd be able to put values against the various elements before the DCO went to public consultation. So we would maintain that the envelope that was proposed, initially, at least, hadn't been consulted on a new envelope that was proposed initially at least, only had the one control, in other words, the noise contour subsequently during this process that has been revised. But that isn't our core point. Our core point is that the things should have been consulted on in the way that cap 1129. prescribes.

1:13:21

Can I just pick up on that when you've been? You've said that the noise envelope has moved closer to where you would expect to be, Could you outline exactly which elements of the noise envelope you think is still outstanding,

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and should be added to the the noise envelope design.

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In terms of

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work of the group we identified

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controls, we're now moving closer towards having the controls that the group identified.

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The key area that that doesn't conform and these outstanding is, as I said, just now the process of actually

1:14:09

with the group, striking that appropriate balance between minimising noise impacts and maximising sustainable growth.

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In other words, that the magnitude of the envelope wasn't something which was agreed as being partway between the forecasts of what growth at the airport could achieve.

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It was set up that the limits was set with that level of forecasts we we want that will be coming on to limits in the next item actually. So I suppose my question to you is there anything else beyond those limits that you feel it still missing from the envelope or is that really the kind of area of focus now? For me, that's the crunch area that the magnitude hasn't been properly consulted on?

1:15:01

Thank you to the amplicon like to respond? There's simple point I'll make sense and let Dr sharp

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in chapter 16 of the IES the

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Policies section

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in table 16.4, which is noise and vibration guidance, it does correctly identify cap level and 29 there is guidance. First of all, it also says the document guidance document has been used to inform the development of the noise envelope see section 16.8 below and within section 16.8 starting at paragraph 16. Point 8.8 is a whole section of text which explains the evolution of the noise envelope. So

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it is pretty clear that the guidance has been taken into account and and used Dr. Sharpe may want to add to that

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sharply Applicant Yes, that's correct. And of course, we've we've received the representations from Mr. Lambert and about 1129 compliance and we've responded to those at the various deadlines outlining how we feel we follow that process. And that guidance fully noting again, that is going to just just one final point as well, in terms of the limits not being consulted on. Again, as I said in the 22 statutory consultation, that green controlled growth framework that did provide that limits, the numerical numbers have changed. But that's simply a result of the noise model being updated and validated and being more accurate. The extent to which those limits have been set with regards to the forecast is unchanged, and that was consulted on as part of the 22 statutory consultation. Thank you.

1:16:58

It is the council's wishes to come in.

1:17:01

And Holcomb for the host authorities, I think you only need to look at the level of pushback that the original proposed noise envelope from the applicant as received as to see that it's simply not what was discussed. The noise envelope design group was an extensive extensive consultation that lasted multiple years. And I mean, I've reviewed the Gatwick Airport DCO. Their noise envelope design group equivalent is much less extensive from what they've put forward.

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And it's also worth bearing in mind what that process was, before each meeting, the applicant would put forward a noise metric, and the positives and the benefits, positives and the negatives and how they were proposing that it would be involved. And that then formed the discussion around it.

1:17:56

We therefore drafted the interim report on the basis of here's the suite of metrics how they all interlink, as we've discussed several times. And then the end of it, the applicant said, and we should be using one of those metrics.

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And we we essentially had no time in any meeting to discuss

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why that was happening.

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And it has formed, it has been in pads for the local authorities. It's been in multiple documents as to as to why that's all disappeared. So

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Dr. Sharpe is correct in that

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there has been elements that do align with what's happened. But then

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the pushback that is occurring is all down to the fact that

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the applicant put forward a reasonable well rounded

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noise envelope and that then

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didn't carry through into the documentation. So yes, there are still additional noise metrics that the host authorities want to see involved as well.

1:19:01

Just picking up on that point, could you expand on which additional metrics you consider should be included? And Holcomb for the host authorities. My list here says a future reduction in the nighttime QC below 3500. So this in the current planning conditions, this is at 3500 reducing down in the future to 2800. The noise envelope design group recommendations don't set a limit they just want to reduce the number below three and a half 1000.

1:19:36

We'll discuss later but reducing noise contours over time.

1:19:40

And annual movement cap as I think we've mentioned yesterday,

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and there's an existing condition on the night shoulder period in the morning of six till seven now there's currently a movement limit

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the any DG recommendations whether that could protect

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actually become a QC limit, but

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some sort of limit in that shoulder mourning period.

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Did I clarify that 6am till 7am. Thank you.

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Thank you.

1:20:14

unconscious, we're going to come back onto that point. So I think let's move on now.

1:20:23

Yeah, would it be possible to submit those points as an action point?

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Yes, yep. Thanks.

1:20:34

So,

1:20:37

if we come on to GC noise limits and flexibility, the green control growth framework sets out some proposed future noise contour thresholds and limits. The XA knows that there's provision to reduce the limits in future years where circumstances permit. I know that DCA requirement 24 allows revision of levels and limits in future. But there is nothing to prevent a relaxation rather than a tightening of the thresholds. Can the applicant confirm whether the GCG review process would also enable an increase in levels as well as a decrease in levels and limits in future?

1:21:11

To short for the applicant.

1:21:14

Green controlled growth, the explanatory note does it does have a mechanism to ensure this doesn't happen. So at paragraph two, point 3.4. It states that there will be no ability to change any of the level one level two thresholds or limits to permit materially worse environmental effects and those identified in the environmental statement.

1:21:36

That doesn't quite answer my question. Could the limits increase?

1:21:41

I think the reason why don't show up for the applicant. We are haven't explicitly said that the limits cannot be increased is because there are circumstances within which there may be a noise contrary increase that could actually have beneficial noise effects. Principally, we're thinking of airspace change, in which a flight path might move. So it's no longer over a more populous area, the overall area of the contour may increase, but the environmental effects would decrease. So it's important to be able to recognise that in that situation, there could be a circumstance in which the contour area limit could increase, but the noise would not be materially worse and would in fact be better than in the environmental statement.

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Those authorities have any comments on that point?

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Fiona Ross further hosted there authorities if we can take up right away, please send and respond in our post hearing submission. Thank you.

1:22:49

Box.

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Any other policies, Mr. Mandel.

1:22:58

Thank you, sir Angela Merkel out again.

1:23:03

Think this, this goes to the point that I was making earlier. And I want to clarify

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what I was saying about the noise envelope not having been consulted on

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that is

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the key concern. But the concern about the magnitude of the noise envelope is more fundamental that even though the applicant consulted on the contour area larger than the current

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what we're saying is

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process you'd have started by agreeing what kind of noise footprint would be imposed on local communities. And the responses to that consultation.

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Insofar as they were heavily against the additional noise impact is testament to the fact that that noise impact was at the upper extreme of where the bargaining about the content should have started in the lower extreme was no growth and somewhere in the middle is where we should be. So regardless of any sweets or bring control growth mechanisms, were enforcing the wrong envelope. It's too big. That's to be very clear. As far as whether things reseed reduce over time. That's part of the magnitude. Its magnitude which changes over time.

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Thank you. That's noted.

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Mr. Pittman.

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Mr. Pittman, you have a hand up

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I think you might be on mute Mr. Pittman.

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You're still on mute Mr. Pittman.

1:25:00

Hello, I can hear you now. Sorry, can you can you hear me now? Hello? Yes, we can, I apologise.

1:25:09

I just really want to emphasise one point which has just come out in this discussion, which is the inadequacy of the contours to actually take account of population size affected, the real issue ought to be if there's going to be a clear assessment of impact on local populations, that populations within the contour area is taken account off. That's the point I wish to make. Thank you.

1:25:39

Thank you, to the Applicant ones who responded.

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Dr. Sharpe for the applicant.

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This is one of the areas again extensively discussed with with the noise envelope design group, and actually one where we did reach agreement and so tailored to local priorities. As we discussed earlier, the noise envelope design group and the applicant was in agreement that population control hazard population numbers is not an appropriate noise control, because the population growth and distribution is outside of the control of of the applicant, or sorry, of the airport operator.

1:26:16

That's consistent with the CEA guidance we've long been discussing 1129, which which notes the same thing and versus an area for that particular reason. But it is, of course, important to note that population is very much taken into account in environmental impact assessment. And the limits are set against that outcome. So the effect on people is, is has been assessed, that is what we're looking to control. But the mechanism, the best mechanism to control that is the contour area rather than population.

1:26:48

Thank you.

1:26:57

And if I can just turn to the councils to provide certainty to local communities that effect Sunday worse than assessed to the council's considered limits presented in the framework should explicitly be kept.

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An outcome for the host authorities

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ie the limit should be expressed as the maximum limit and no increase in those limits is permissible.

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And holding for those authorities that was my understanding of what they were as as limits is that they are capped. If it needs to be made more explicit, then I'd only support that.

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But every every discussion on this point with the applicant,

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their response has always been that this there'll be no worsening of impacts than what is put forward. I mean, that they're already using the faster growth case. So

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it is the worst case of what they should be expecting. And if it was beyond that, then

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these limits should definitely be kicking in. Yes, they should be viewed as as stringently as possible. And thank you.

1:28:14

So short for the Applicant if I just may make a clarification about what we're discussing in terms of a potential increase to limits if it can be demonstrated that there's no materially worse, they would have to be approved by the Environmental scrutiny group as well.

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Just so I've got this correct. So we are saying there is potential to increase the limits

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that are currently expressed in the framework. But they would not be allowed to exceed the effects assessed in ies. And then there is the control that ESG has final scrutiny over those. Those are the three kinds of strands that

1:29:05

are sharply Applicant. That's correct. Thank you.

1:29:13

The next item I want to touch on is whether the noise envelope incentivizes improvements in future noise levels. And we've sort of slightly touched upon this, going through Mr. landlord's comments already, and the Luton Airport Planning Commission and the successor 90 million passengers per annum permission set progressively decreasing noise control limits over time, to ensure sharing of growth and driving benefits and improve technology with the community. The proposed limits in the

GCC framework appear to be an expression of the worst case noise limits based on fast growth scenarios with a small reduction in the extent in future years, consistent with passive improvement in aircraft noise performance. The limits don't currently include any kind of stretch targets that sets

1:30:00

to lower limit or tighter contour than that model and forecast, can the app can just confirm whether my understanding is correct.

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Or too short for the applicant?

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I'm not sure that's a fair representation of the process all outline our view? If that's okay, just say yes, please. So the noise envelope, secures the incentivization, and transmission of quieter new generation aircraft into the fleet. And that's shown by the stepping down of the contour area limits in 2029, for five years, and then in 2034, again, for five years. So there's a continual stepping down until 2039.

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And the reason why we've only been able to secure that stepping down of the noise envelope limits, as we've long discussed is to do with the new generation aircraft. And by the time we reach sort of 2039, phase two is almost 100% new generation aircraft within the fleet. So there's no further noise benefit to be shared, we cannot yet quantify the next generation aircraft noise benefit. I know, again, long when discussed about whether there will or will not be a noise benefit. But our view is that there there will be. And if that occurs, there is of course, the noise envelope limit review, which requires that the noise limits are reduced, if possible, as a result of the next generation aircraft. And actually, before they enter the fleet. So that would be an incentivization to bring those into the fleet. And that noise limit review process must be undertaken in consultation with the noise technical panel, and it must be approved by the Environmental scrutiny group.

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I think it's also important to note, you talk about sort of stretch targets and things being set below the limit. That, of course, is the sort of process between

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with the level one and level two thresholds to try and maintain below the limit as far as possible, and avoid any risk of reaching the limit by by indeed, approaching it.

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So the updates that we've made to the noise envelope, and in particular the forward five year plan and the QC budgets, which as Mr. De outlined are now just a general requirement that will apply always, regardless of being above a level one threshold that requires that these these forward looking budgets are actually used in discussions with the airlines to

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incentivize the adoption of quieter aircraft. And as part of that slot allocation and capacity declaration process.

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Thank you, just on the QC budgets. I don't believe we've seen those yet. And have we

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will, when will they be set out?

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Dr. Shark for the applicant, we've said that they will be set equivalent to the 92 day summer annual limit. So it would just be an equivalent process, they would need vary. I mean, when will we actually see them? The detail of them?

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They will be rolled out every five years as part of that. I mean, in terms of the examination, will you be submitting that information at a particular deadline?

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So we will be confirming it deadline six that will be making that update and the changes will go into the documents? Probably deadline seven. Okay, thank you. But while you're on the subject, or what the content would be, if you carry on please that will be helpful to

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determine for the applicant indeed.

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So I think there won't be any any surprises any additional information in there, it will just be a clarification that there's that that process will occur regardless of whether it's above the level one threshold or not.

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You were just outlining how the QC budgets would be set.

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So if you could carry on with that explanation that would be helpful to understand that that's already clarified within within that document. So they would be calculated based on the fleet that's been used to set the noise envelope limits. So it'd be a QC budget that is equivalent to the contour area for that limit. We've also set out because we demonstrate within the appendix of that noise envelope improved mints,

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paper that there was a good correlation between the court account and the noise contrary limit. But there is a requirement to continually review that correlation and actually calculate calculate it based on

historic performance, and changing aircraft types and so on. So the QC budgets would change over time just to make sure that those

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limits are aligned as best as they can be. So we can't exactly quantify them now because they will be updated as time goes on to make sure there the correlation remains appropriate. And thank you very much today on behalf the applicant just to confirm that is section 5.1 of paper rep 2032

1:35:02

Thank you. So just going back to my original point, in terms of how the contours of develop have been developed, they,

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they do just reflect the

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forecast fleet movements in the future. And the noise that would arise from those

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that they're not, they don't in any way sort of seek to drive performance change. Because in reality, what you're taking into account in developing the contour in the first place, is just the turnover of lanes by the operators, which you've outlined in your fleet, modernization and forecasts. So there's, there's nothing that actively drives in your application, that improvement.

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to draft for the applicant, what it does is it drives and secures what we are expecting to happen as part of that transition process. And of course, that's the upper limit, which shall not be exceeded. So in reality, the various parameters within the green controlled growth framework and the thresholds in the Ford plan dry actors and incentivization to be below that limit, risk to to growth. But the framework does explain that it's very likely within phase one, that thresholds will be exceeded, which is why you've had to apply the faster growth

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parameters. So in reality, they're not really driving performance, they're acknowledged as something that will be exceeded. And and you'll be coming close to the limits

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the truck for the applicant just to clarify that that's in relation to level one threshold, but not the level two threshold, which obviously has more restrictive requirements when breached. Thank you.

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And

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can the applicant explain how these limits and contours reflect sharing of benefits or new technology with the community compared with the current permission?

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Should the future limits and contours Be more challenging than currently set out to drive genuinely drive improvements in the fleet performance and appreciate this slight duplication the question or discussion we've already had, but in the current consent, there is a consistent step down over a period of time.

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Whereas at the moment, effectively, you step down from phase one to phase two slightly, and then you're almost eventually back to the Phase One levels in the face to be.

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Sharp for the applicant, I think, in considering showing the benefit, of course, we have to. And as I think the agenda item, notice a balance of growth and noise reduction. So I can I'll talk about the noise reduction point. And then I'll have no return to this comment and talk about the benefits of growth.

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As you're going to explain policies clear that sharing the benefits and the reduction of noise must be considered in the context of of growth and socio economic benefits.

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I think really, that I don't have much more to add in terms of the noise reduction, other than what we've just discussed. Really, the key here is the in terms of the stepping down within the existing permissions, those are all within the transition of current generation aircraft. So the growth that we have within the development that occurs in the late 2030s and 2040s. When we are fully 100% new generation aircraft, there's no further benefit to be shared. We expect there to be benefit to be shared from next generation, but we simply can't quantify it at this stage. That is why the noise envelope steps up in 2039. We've discussed Of course, that the reason for doing that is because we are assessing the reasonable worst case, we can't quantify and rely on the benefit of next generation aircraft at this time. So we haven't taken into account in our assessment. There's good reasons for that. We've discussed why there are there are some uncertainties associated with that. However, there's a clear mechanism and a process that if they do occur, the noise limit will will step down. We've demonstrated that within

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insert 3.5 and 3.6 of appendix 16.2 of the environmental statement, that's rep 4023. And if the next generation aircraft continued to exhibit the same noise benefit performance that we've seen for decades and the same noise benefit performance that are assumed by ICAO and Civil Aviation Authority and their forward forecasting

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then we will see that continual step down in the process. But it's simply as the long term effect of this proposal that it makes it different from existing permission where the step down is in quite a short term.

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Thank you, and did miss her cousin want to come in? Yes. So Louise gone for the applicant, just just briefly, I think sometimes there's a bit of a misconception about what sharing the benefits, means and motor originated. If you go back to the aviation policy framework, which is where the concept was sort of first fully articulated, para 3.3. And I'm gonna read it, there's only a brief para, it's very clear, we want to strike a fair balance between the negative impacts of noise on health, immunity, quality of life and productivity, and the positive economic impacts of flights.

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As a general principle, the government therefore expects that future growth in aviation should ensure that the benefits are shared between the aviation industry and local communities. So it goes on later in the API for power 312, to talk about the concept of limiting and where possible, reducing the number of people affected by noise. But it makes clear that only as part of sharing the benefits, I think sometimes there's a tendency to take sharing the benefits as just being sharing the benefits of new technology in terms of noise reduction, it's actually a broader concept.

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Thank you.

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conscious that we're coming out to lunchtime. I had one last question on the

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issue of limits, which was that

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he throws environments in managed growth proposals, consultation stage, there was proposition to ensure the impact of aircraft noise was limited and where possible reduced compared to the 2013 console.

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Is there any equivalent provision within the framework

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to show up for the applicant explicitly as part of the noise envelope limit review, there is a requirement to reduce the limits below the 2019 consented baseline as far as as fast as reasonably practicable. That hasn't been changed with the P 19. Approval, although that, you know, current consented limit has increased we're retaining that at the 2019 consented baseline set by the 2017 permission.

1:43:02

Miss lemon,

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Andrew lemma for letter again.

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I just want to add as a postscript to what Miss Coleman says the final sentence of APR 3.3. So I'm not sure she read out. But I'll read anyway, as noise levels fall with technology improvements, the aviation industry should be expected to share the benefits

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from these improvements. And we read that as only as noise levels for the industry. So you get some benefit

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in the round one has to look at that entire paragraph

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three point 3.3. That yes, there are negatives. Yes, there are positives.

1:43:51

Yes, they should try and mitigate as capacity grows, and industry can share the benefits as noise levels fall. Thank you.

1:44:03

Thank you, Miss lamborn. Miss complimented you wish to respond?

1:44:07

Louise longer for the applicant? Just very briefly, I take the point that Mr. lamborn makes, but I think you also then have to look more recently at the overarching aviation noise policy statement. And it says there about overall policy on aviation noises to balance the economic and consumer benefits of aviation against the social and health impacts. So I think there's there's a lot that says it's broader than just noise, but noise is an important part of that.

1:44:37

Thank you. Just we obviously asked for an update on the position on the overarching aviation noise policy statement. There is supposed to be a detailed statement emerging in the autumn Does anyone do you have any knowledge of when that might be coming board? No, no, there's specific knowledge. It's not unprecedented for the DF

1:45:00

To put out documents immediately prior to Christmas, though, autumn or within this year may well turn out to be just before Christmas. Thank you

1:45:19

just my colleagues just prompted me that we'd like an action point there, if the updated statement comes out for the outcomes prior to comments on how that affects the current application.

1:45:32

Thank you.

1:45:34

That was all I wanted to raise at the moment. And before we break for lunch, and so many other immediate points that people have, there will be other noise points following lunch when we're not finished on the noise agenda item. But I think let's wrap up there for if we come back at half past one.

1:45:51

Is we restarting with compensation? That is very good point. Yes. Well, we'll restart on compensation and then pick back up on without the noise acceptable. Thank you.