

# TEXT\_LUTON\_ISH9\_SESSION3\_30112023

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## SUMMARY KEYWORDS

applicant, airport, emissions, noise, offsetting, greenhouse gas, numbers, installation, policy, deadline, dco, limits, question, included, insulation, set, phase, framework, rebecca, mitigation

00:06

Good afternoon, everyone, and welcome back. The time is now at 130. I'm going to reopen this hearing, issue specific hearing nine, and to the green controlled growth framework. Before we start just a couple of things, we're going to start, obviously with compensation. And then we'll go back to finishing off noise. Mr. Gertler is advised that his expert needs sleep around four on greenhouse gases. So what we're going to do is swap air quality and greenhouse gases. And that should hopefully resolve that problem. So if I can ask the applicant just to introduce a new team of people that we've got compensation. And then I need to come back to you with regard to an action point before passing over to the rest of the panel.

00:58

Yes, good afternoon. And Rebecca, my name is Miss Rebecca Clutton and counsel for the applicant. And thank you again for accommodating this change in the agenda. For this session, I am joined on my left by Mr. Steven Walker, who was the property lead for the project and Dr. Sharpe, who obviously you've been seeing this morning.

01:21

Thank you. So an item was raised this morning. And Mr. Humphries very kindly passed it on to you to deal with. So hopefully, you can, if not, we can relay over to a written action point. So table three of the funding and statement rep. 5009 sets out the capital cost breakdown with noise installation costs having been split out as a separate row, are the costs of running the green control, green controlled growth, a framework and mitigation that may be required, included in the capital costs

01:55

that Rebecca claim for the applicant? The answer is no, they are not the costs of green controlled growth or not within the scheme costs in the funding statement as they are not capital costs. Those costs are intended to be an ongoing annual revenue cost. And they are also to be shared with the operator.

02:21

Their ongoing, ongoing annual revenue costs. Shared with your question, thank you. I think that results question is How am I going to pass over my colleagues to deal with item seven on the agenda, which is compensation.

02:37

Thank you, Mr. Allen. We'll start with the new eligibility under the ground noise traffic noise criteria and its implications for the funding statement. I think we've largely covered this item off actually, from yesterday's discussions, but we discussed the new eligibility criteria yesterday in relation to ground noise and traffic in the draft compensation policies, measures and community first, document revision for submitted deadline for I understand the applicant stated yesterday, the new criteria don't change the eligibility for noise insulation. The avoidance of doubt can confirm the ground and traffic noise provisions don't change the noise insulation amounts in the funding statement.

03:21

That Rebecca Clutton for the applicant know the costs of any additional costs are within the scope of the funding statement. Would you?

03:30

In addition to new eligibility criteria, the draft policies included a sample based noise installation testing policy, in response to comments raised in written reps. Do the local authorities have any comments on the testing policy?

03:49

interest for the host authorities no doubt any comments?

03:52

And Mr. Lamborn ladder can raise number of comments around monitoring of noise insulation. Do you have any comments on the revised policy?

04:07

We will be contented the revised policy followed the ICANN guidance on best practice for properties to be assessed in relation of the effectiveness of noise insulation after installation compared to the situation before

04:23

and the proposals within the draft compensation policy. I don't believe it follow those. Exactly. So would you have any? Well, perhaps Mr. Sharpe would like to come in and comment.

04:38

Thank you, if I may, yes. Dr. Sharpe for the applicant. So testing is the installation schemes at paragraph six. Point three three of the draft compensation policy document says that the testing policy will be developed in consultation with the noise installation subcommittee of the London Luton Airport Consultative Committee and having regard to best practice, such as that published by the NDP Commission on Civil Aviation noise I can, and it does include the testing of insulation properties before and after installation, which I think is what Mr. Lamborn is referring to.

05:13

Thank you, sir. Underlined morphological info. It's all very well, but the noise insulation subcommittee of the London Luton Airport Consultative Committee has no executive powers in the present, as I understand it, and my understanding, also from Mr. Reddington, who sits on the committee is that the committee primarily decides on which properties are eligible to be insulated and will be insulated in the next round, rather than having any executive power to specify the standard of that installation, or even indeed, having any terms of reference at the moment. But as I say, I restate my position that we'll be content. I'm not quite sure why the installation committees you'd have to ratify accounts best practice, why not follow best practice? By default? Thank you.

06:11

Don't shout you want to add a new currency? Yeah, if

06:14

I just clarify, if I may, it's not the case that the Consultative Committee will ratify anything, it's just that there is an opportunity, the airport operator will come up with a testing regime and it will be done in consultation with a Consultative Committee. So in other words, the Consultative Committee will be able to feedback on those proposals.

06:35

Mr. Edison, did you want to add?

06:40

Thank you, Michael Reddington. I have read the laser proposals from the applicant, and they look like they are heading in the right direction. That there is a testing regime in there. So I think we're nearly there. In terms of agreement. The installation, the noise installation subcommittee has very little teeth. It's essentially driven Well, I'm not talking about this dcl. But the current situation is driven by what the airport operator decides he can afford to spend any year. And as a result, the numbers are pretty low, in terms of what they actually insulate. And so one of the reasons for my being so picky, in my comments, in asking for the very specifics was, so we don't end up in a situation where we think we have some control of the situation. And then we find we don't.

07:46

Can I just nudge you slightly? You said, You think you're almost there, but not quite. Could you just expand on what would you there in terms of

07:55

what normally because I haven't gone through the document in absolute detail. But while I've seen in very quick reading looks reasonable.

08:10

And I'd be grateful there for deadlines, six, you'd be able to provide all those hearings permission, provide your views on the sort of final position?

08:19

It's certainly my intention. Thank you. I have one question, which I don't know whether it's, it's actually in the DCO requirements. I asked a question about whether there was a cutoff date, after which properties built would not be eligible for insulation, irrespective of the location within noise contours. And I was told that that date was the 16th of October 2019. So in other words, any building constructed after 16 October 2019, would not be eligible for installation. That strikes me as draconian. And I'd like to know why that is the case. Because that would imply that the planning people the builder all knew in advance well in advance that this DCR was going to come out. Apparently that 16th of October date is the date in which the dcl went into formal consultation.

09:39

Thank you.

09:42

I believe the Applicant has already responded to this in their written material. I tend you very briefly dot sharp just sort of explained the position.

09:57

Rebecca clapping for the applicant. I think that's probably More for me. The reason that that date selected is because from that point there was a in the public domain information about the project and its effects. And at that point it would have been had regard to in the planning process and the design of buildings, following that date or properly to have taken into account. The presence of the airport and its expansion proposals. That is quite an awkward position to adopt with projects like this. Thank

10:30

you. And can I just confirm with the authorities? Were they happy with that position?

10:38

at funerals to the host authorities, yes, we can tap at that position. Okay.

10:41

Thank you. Reddington.

10:47

Thank you, Michael Reddington. The bit I don't understand is, you're talking about a building that has been constructed by the 16th of October 2019, which means that it must have gone through planning permission. Way before that. And at that point, the planning authorities must have known what the criteria were going to be by which the building will be judged. So I don't understand why that date has been selected.

11:25

Miss Klugman? Are there any exceptions for the position that Miss readings outlines at Rebecca

11:29

club and for the applicant? No, not at the moment. But we will take that point away and give consideration to it and respond to you at deadline six.

11:36

Thank you.

11:37

Thank you.

11:44

The next item I wanted to pick up on was the timing of the online lookup tool. So the Applicants online lookup tool noise installation is now referenced in the draft compensation policies. Can the Applicant explain when tool would be made available to the public? And can the document be updated to explain when that would happen?

12:02

Rebecca, that and for the applicant? I'm gonna pass it over to Mr. Walker for this.

12:08

Good afternoon, Steven Walker for the applicant. Yes. So the the idea is that the lookup tool won't be available until the DCO. Is is triggered is live through through the article 44. Notice how and the reason we don't want it live until then, is for reasons to do with confusion. So So we've we've made the point in the policy that will make transition arrangements between the two schemes. But for anybody wanting to find out about their entitlements prior to the date, the DCO goes live, they'll either need to rely on the improved plans that we have appended to the proposed policy, or make contact with the operator who is managing the current scheme. And that way they can get the responses they need.

13:23

And just in terms of my points about updating the compensation policies to reflect the date, so it's just clear when that would be available.

13:29

Yes, we'll do that.

13:31

Thank you. Conscious is your deadline. Yeah, thank you.

13:44

The next item was ability to deliver noise insulation. based on historic rollout date of the airport. The Applicants response to ISO h3 Action 26 provided information on the ability of other airports to roll out noise insulation. I have to admit, I'd expected the applicant to draw on historic data from Luton, rather than other airports to demonstrate its ability to achieve the predicted rollouts in future can the applicant comments on the number of properties insulated annually, up to now by Luton Airport, or signpost where this information is provided within the application material.

14:22

Rebecca Clutton for the applicant. So that's not information that we've got at the moment. And we do understand that actually, recently more progress has been made with rollout. I think that we consider that future rollout is more likely to be dictated by the matters that are set out in our note, in part because up to date, the scheme that has been operated has been a much smaller scheme and has only proceeded on the basis of one contractor being engaged. Now going forward. The anticipation is that more support contractors will be used. And there's an increase in the scope of the policy. And then it's a matter that makes it more attractive to the market, which means that we are, when I say this. The indications that have been given that multiple contractors will be interested in that we will deliver on that basis. So for our points of view, the historic rollout is a relatively limited relevance. And what's more important is how we intend to go about it going forward, as set out in the note, if you still consider that information would be useful to you, then of course, we'll speak to the operator and see if we can obtain it. But from our perspective, it's going to be of limited significance, given the said, given the single contractor approach.

15:49

Thank you, perhaps Mr. Reddington, having been sat on the committee can rise in common.

15:56

Thank you, Michael Robinson. The rollout of installation, currently is pretty poor. COVID didn't help. But it also has helped that was just one installation contractor. Secondly, that the means by which people have been contacted, has been simply a first class letter dropped to the letterbox. And they're allowed 30 days in which to respond.

16:24

Thank you. I am. I've read your submissions on that point. And so I'm familiar with the issues that you've highlighted. I was just wondering if you could comment specifically on the numbers of properties that have been insulated per year, typically last few years.

16:39

In 2023, I believe it was 230 properties. And last year, I think is about 220. And prior to that, very few because of COVID. So in a non COVID situation, is that a sort of typical figure for rollout that would appear to be the case. And that was determined really by the budget set by the airport operator.

17:12

Okay,

17:13

thank you very much.

17:15

Could I sorry, could I also say, looking at the funding statement, you've got 40 million pounds in for insulation in phase one. And that does not seem my mind to stack up with the numbers that are being stated in your compensation document.

17:39

Mr. Atkinson, I think that's a reasonable point, it would be helpful to have some breakdown of how many cattle cat three interests actually are represented by that budget.

17:53

Rebecca clutton for the applicant? Yes, we can look to provide you with some more information about how our costs have been arrived at and and why they're adequate. I think that might need to be a deadline, seven action if that's okay.

18:09

Thank you. Sorry, Mr. Gorilla.

18:13

Sorry, David Gertler for Luton Borough Council. I do know the figures because we had to provide a report to the Overview and Scrutiny board affiliating Council a week or two ago. So in the airport's monitor, sustainability report. So lols sustainability report on page 51. They say we've a programme to provide noise insulation to local residents. Approximately 18,000 residential properties in the area are eligible for noise insulation funded by the airport. By the end of November, by the end of 2022. We'd offered this to 1400 homes. And in 2022, it's a lower figure than Mr. Reddington mentioned, we insulated 114 properties, the most they've ever insulated in a year. So I can provide you that comment for the next deadline if you like.

19:10

That'd be helpful. If you want the reports, or you couldn't just submit the reference.

19:14

That would be perfect thank you.

19:36

Due to the local authorities have any more comments on the installation provisions

19:42

of Dr. Oz for the hosts that are states that no further comments on that No.

19:50

The next item was the PL mechanism for the noise installation provisions. So the draft compensation policies documents included provisions for appealing the scheme one and three provisions can the applicant explain why the appeal mechanism would only apply to certain noise installation schemes and not others, and whether there's any appeal mechanism relating to initial eligibility.

20:17

Steven Walker for the applicant. So as you say there's a there's an appeal process in the policy under paragraph 6.136. And that's available to those who are on the full compensation package. And they can appeal to the lack. And that's, that's actually in line with the current the existing policy. So in respect of an appeal mechanism for the other schemes, we consider the issues a binary in the sense that the subsidy is fixed on the contour is fixed. And the homeowner can choose a package of insulation based on the proposals that are presented either contract by the contractor after the survey has been carried out. So we consider that a wider appeal process could burden the administration of the scheme and our challenges to the efficiency of the rollout. The recognising some of these questions we have added further in the policy at clause 6.1 point 50. Such that the applicant is going to require his contractor or contractors to run a complaints procedure. In that way, they've got a mechanism to challenge the process. As with all airports, Luton already operates and aircraft noise, inquiries and complaints policy. And that will continue to be available. So that's another channel to be used. And we've also noted that no other airport is currently running an appeal process under noise installation scheme. So we're aligning with industry practice with our approach.

22:14

Can I sorry, so Rebecca, the applicant? It's worth saying as well, that includes current airport expansion proposals in other deseos as well.

22:25

I'm just picking up on one point, you said the contour is fixed. It's clearly stated in some of the documentation that just because you're outside of contour doesn't necessarily mean that you're not eligible. And just because you're inside doesn't necessarily mean you're not you are eligible. So is the console fixed or not?

22:48

too sharp for the applicant that specifically in reference to the maps that are in the compensation policy, which are for indicative purposes only. So as we've discussed with with the lookup tool, they are simply indicative, they aren't saying now today, these are the mechanisms for eligibility. So that that statement was simply in relation to those maps. So once you have the lookup tool, it that would be different, it would be definitive. That's correct. Okay, thank

23:12

you. Do the local authorities have any comments on the compensation? Sorry, the appeal mechanism

23:21

you are asked for that was that dirt is no further comments on that.

23:29

The next item was approached installation for listed buildings. So revision for the policies includes updated listing listed building provisions. The excise received a number of representations relating to a property in breach Wood Green, suggesting that wooden double glazing is required to satisfy listed building consent requirements, but that the airport's noise insulation supplier doesn't supply wooden

double glazing units, leaving the homeowners unable to insulate their property. I know it's hard to comment on a case without the full details. But are the joint host authorities able to confirm whether wooden double glazing might be specified as a requirement of certain listed properties? Rather than say secondary glazing, or would normally be a choice?

24:29

I'll just and I didn't realise you're addressing that question to myself.

24:33

But it was to the local authorities generally but yeah.

24:39

Man Holcomb for the host authorities. The noise installation schemes I've read it is remains flexible. So if there are particular properties where alternative installations would be required, I would expect that to be uncovered by those such

25:01

statements within the scheme. The so that's perhaps a question for the applicant as well is that

25:11

it's more specifically given that the local authorities administer listed building consents process. Is there a situation where wooden door glazing would be an absolute requirement?

25:25

Policies funerals, for those that it is I think that's a question that we'll need to take away and respond in writing, please,

25:30

if you could, please, that would be helpful. And by which deadline?

25:35

Yeah, deadline six should be funky.

25:38

If I can turn to the applicant. In the applicant, explain how it will ensure that such properties could be insulated in future if there is a requirement for wooden double glazing rather than plastic,

25:55

Steven Walker for the applicant? Yeah, I think when the when the additional contractors are introduced to provide the mitigation, I think the specification and availability of materials will be broader. And I think that on a case by case basis, the suitability of materials used will be something that gets presented by the contractors following survey.

26:34

In terms of how that is secured within the application, so that people have certainty that there will they will be able to have insulation for the properties in the future. Is there any way that that can be made more explicit within the compensation proposals?

26:51

Stephen, walk with the applicant. We have nothing at the moment, but we'll take it away and have a look at it. I

26:57

think what I'd like to ensure is that there's no risk that you have a kind of catch 22 situation where someone is being impacted by noise, lives in a property that is listed building and then can't have noise insulation installed, which means that they're ultimately subject to significant adverse effects on the health and quality of life.

27:16

That's understood. Thank you.

27:24

And just the usual question in terms of deadline,

27:29

Rebecca clutton for the applicant, we were going to provide you with an updated draft section at Section six, deadline six anyway, because we've said we'll deal with the online lookup tool so we'll consider and make any amendments at the same time. Okay, thank you.

27:43

And the the Baptist Church a breach with green has highlighted that overflights interrupt services including funerals. The representations suggest that no noise installation is possible due to the listed status of the building. Kenny Applicants are the local authorities comments on whether noise insulation is possible for building of this type.

28:06

funerals for the host authorities, I think we need to take that away and respond in writing we can look to do that for deadline six acutely.

28:13

Rebecca to Latin for the applicant, it does seem to me that that's a matter for the local planning authority in the first instance.

28:21

And then, this is a question for the applicant. The church isn't eligible for noise insulation based on the applicants criteria. As it doesn't experience an increase of greater than three decibels in the daytime la Q, however, will experience an additional 100 overflights by 2043. Given the number of overflow cases

directly related to the disruption of services. Should mitigation be provided in respect of overflights for this community resource.

28:46

Rebecca klaten for the applicant will take that specific case away and revert to you d 6/7

28:57

or eighth for the afternoon. If we could do that for deadline seven we'll just obviously need a specific receptor. We'll need to look at that in some detail. Would you mind just repeating please? The receptor we're talking about?

29:06

Sorry, it's Richard Greene Baptist Church. Thank you.

29:15

Miss lemon, and reliable Okay, I want to target a slotting very, very quickly here on a similar basis with the park homes in slip end or pepperstone be eligible for an assessment at least on the basis of perhaps special need because of increased overflows even though not in a contour.

29:38

We did slightly touch on this yesterday but if the Applicant could respond briefly

29:45

after sharp for the applicant. These are the park homes that you've raised in the relevant representation. They are eligible for noise insulation under the existing schemes. They will be eligible for either scheme four or five depending on Which one there?

30:04

Thank you for that confirmation. And the revised policy now includes an enhanced contribution of 2500 pounds towards obtaining listed building consent. Do the local authorities as the recipients of listed building consent applications, consider them an approach based on individual household or applications is the most effective way to deal with this issue.

30:25

Don't harass for the host authorities apologies, but we're gonna have to take that on again, a way to answer it in writing data insights,

30:31

what I'm trying to establish is actually is there a mechanism whereby perhaps the applicant can undertake the preparation of the applications given that they are causing the noise in the first instance, rather than having multiple different applications from householders given that those may be variable qualities competing compared to a single organisation, delivering them

30:55

at Sony, in principle, that sounds like it could be helpful.

30:57

Thank you. Deadlines seven. And I don't know if the Applicant would like to comment on an approach delivered by the Applicant verse and approach to living by householders.

31:13

Rebecca Clinton for the applicant, I think will want to provide a full response in writing, but certainly, at the outset, we'd have real reservations about that approach, not least because in order to prepare those applications, survey access, and the like will be required. A number of those properties may have very different requirements, both in terms of the level of comp mitigation required, installation required, and also in terms of the actual characteristics of the list of buildings themselves, which we would have regarded as being more appropriately dealt with at an individual home owner level. But if there's anything we want to add to that, we'll provide you further in our post hearing note. Thank you. Yeah. Well,

32:01

I'll read that with interest. Are there any other comments on that point? Before we move on?

32:10

The next point I wanted to just touch on was the interaction between the old and new funds at the point of serving notice are under Article four. So can the applicant explain what will happen to the existing noise installation funds, at the point that the article 44 notices served to the dolphins ceased to exist? Or do they effectively sort of just transform into the next pot for the for the new process?

32:33

Steven Walker on behalf of the applicant, that is a an issue that the applicant and the operator are currently working through. So we're not yet not yet in a position where we can advise you as to what is definitely going to happen. All we do have is a very clear commitment from both both the applicant and the operator to have a smooth transition and to make sure there's continuity of the availability of a policy throughout.

33:05

Do you think you'll be in a position to confirm before the end of the examination? What that process will be?

33:11

Steven Walker? Yes, we are working on being able to do that for you.

33:15

Do you would you be able to update at a particular deadline?

33:21

Can I suggest we work to Deadline seven.

33:24

Yep. Yep. Thank you. Thank you.

33:39

To one, just going back a step on the list of buildings. Did the local authorities have any comments on the 2500 pound contribution towards the list of building consent applications for householders?

33:55

Generosity for the host authorities, no media comments, but we'll confirm in our PA students admission.

33:59

Thank you. I'm just turning to the community first fund. The fund would cap at a maximum of 30 million pounds based on a 19 million passenger per annum baseline. Can I just check is that? Assuming I'm assuming that's if the new consent is implemented.

34:23

Rebecca clutton for the applicant? Yes, that's my understanding.

34:28

And can the applicant explain whether this fund is additional to existing community funds, or a replacement for those funds,

34:34

Rebecca clutton for the applicant this is additional to those funds.

34:50

The final match I wanted to touch on was the potential need for the fund to include an unforeseen local impacts mitigation strategy. A number of representations proposed implementation of a ulimit strategy to mirror the approach set out by Heathrow in its environmentally managed growth process. To recognise that even the most robust DS cannot predict with certainty, all of the precise environmental effects are long term and complex development. Now, I appreciate that the green control growth is intended to go some way towards addressing some of those effects. But there are obviously a whole range of issues assessed to the ESA, which had some significant uncertainties. So can the Applicant explain why given the number of assumptions and limitations set out Yes, and the duration of the content of the construction works, and adaptive mitigation mitigation strategy and fund wouldn't be an appropriate precautionary measure to ensure provisions for environmental protection are adequate for any other effects not addressed by green controlled growth?

36:17

Rebecca Clinton for the applicant. So there are there are two principal reasons why we don't regard one as necessary in this case. The first of those is obviously GCG, as you've already mentioned, which is intended to control the effects, I mean, that the whole purpose of that is to ensure that notwithstanding the potential for effects to be different, that they do not actually exceed those that were

identified in the environmental statement in relation to the four principal areas that are three principal areas that are addressed through GCG. The other control that exists in this application is in requirement five, relating to detailed design were one of the matters that is in our proposed DCO. Requirement five three is that the detailed designs for various component parts of the project must not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental outcomes. So we're tied at the design stage through to the environmental statement effects or to those that are effectively equivalent. And then in the operational stage, that's when GCG kicks in.

37:41

We show the green control growth, because there but obviously there are 21 chapters in the ies covering a whole range of environmental topics and which GCG controls for. So is there no need to look at those other issues during operation?

38:13

Rebecca clutton for the applicant. And we can we can address you on this further in our post hearing submission. But Mr. Henderson was just making a very good point that of course, that the requirements deal with far more than just GCG. There's a whole suite of requirements controlling matters like landscaping, visual impacts, contaminated land, surface water management, I think that what might be useful for us to do is just to look at the other chapters of the environmental statement and identify whether requirements control those as well, so that we can kind of give you some reassurance that those are adequately controlled through the DCO itself.

38:53

I think, in doing that, if you can ensure that you've taken into account the range of assumptions and limitations that underpin each one of those challenges, that will be helpful.

39:04

Thank you. We'll take that point away. Thank you, sir. Are

39:07

there any other comments on this particular matter?

39:10

at funerals for the host authorities, the host authorities position is as set out under written representations.

39:16

Thank you.

39:19

Rebecca Clark for the applicant. Apologies. Just to come back on the timing for that. That's not a small task. So if we can come back on deadline seven for that, please. Yes.

39:27

Thank you. That brings us to the end of the items under compensation. Thank you. Thank you Miss Culloden. Does that mean you'll now be Oh, sorry. Mr. Reddington.

39:47

Thank you, Michael Reddington. I have a request of the XA and of the applicant. I've got a number of detailed questions about noise, contours, insulation, etc which would probably board this meeting to death? Will it be possible for me to speak directly to the applicant?

40:08

I think the best solution Mr. Reddington, would be if you are able to submit your comments in writing and the applicant will be able to address them.

40:16

Okay, I was hoping to reduce some of the wording of right. It's

40:22

the applicants discretion if they wish to have a separate conversation with you outside of this meeting. But other what, from my perspective, submitting them in writing is probably best, I would say we aren't going to be having some further discussion about noise late this afternoon. So some of the matters may be covered. Indeed,

40:41

my intent was not to miss out on deadline six. But to try and cut down on some of the potentially further work with clarifications.

40:52

Rebecca klaten. For the applicant, if I can assist, we are obviously content for her to have a discussion with Mr. Reddington, outside of the examination and hope that might narrow some matters as well.

41:02

Okay, thank you. That'd be helpful.

41:03

Thank you very much.

41:11

I'm just conscious of time, and the fact that the greenhouse gas specialists news go and noise has been an issue that tends to drift long in the conversations. So perhaps we could pick up greenhouse gas first, and deal with that matter, and then we'll come back to noise.

41:36

Sorry, just Mr. Reddington. Once you've had your conversation, would you be able to submit some form of summary notes with the applicant?

41:49

Moderating My intention was to try and get clarification so that when I respond on deadline six, it will be shorter. Yes. Yes. Yes.

41:57

Thank you, Mr. Password.

42:02

Thank you, sir. On behalf of National Highways, I'm sitting here at the expense of the public purse. And live to the fact that tremor and surface access are not due to come on until some later stage do you are you able to give us any indication as to timings this afternoon? As obviously, our client would prefer not to be having me attend you unnecessarily.

42:32

If you could give me a moment and it's the best fit.

43:08

Mr Basford, we can potentially do greenhouse gas traffic, and then come back to noise. I would imagine that greenhouse gases and traffic will take approximately two hours.

43:28

Thank you, sir. So traffic, we would expect to be on a bearish now. I'm

43:36

sorry. Sorry. What was that?

43:38

So we would expect traffic to be in advance now.

43:41

Yes, approximately.

43:43

Thank you. I'm very grateful.

43:59

Mr. Humphries, I can see that you've had a change of table. Was there anybody that you needed to introduce?

44:08

That yes, better. Thank you very much. I was I was a bit worried that we hadn't got everyone in the room, but we have Thank you. So we're going on to a greenhouse gases now. Thank you.

44:36

Did you want to introduce anyone that Mr. Humphries or she like crack on?

44:39

Oh, I'm so sorry, madam. Yes, I'm still Michael Humphries. And this is Mr. De and Mr. Davis and Mr. Henley on the end. Thank you. I think you've heard from them all before but I realised for the for the tape and everything and not necessarily apologise. Sorry. Thanks.

44:59

So my first question is about the limits and thresholds. So it'd be useful if we could get table 5.1, rep five, zero to two up on the screen please.

45:24

Thank you. So we've got to thresholds have been put in place to provide a warning that the limits could be reached, if action isn't taken. These thresholds and limits appear to me to be quite close together, you can see in the table so as an example, for airport operations, at phase one numbers are 7644 tonnes of co2 equivalent emissions, then 7262, then 7644. The others follow a similar pattern. And what I'd like to do is get a sense of how quickly those limits can be reached. Because they do look as though they're very close together. In particular, I'm interested to understand if that could happen in less than a year, and therefore a rapid increase occurs that's not then spotted or acted on until after the monitoring period.

46:25

marked a on behalf of the applicant. So the approach that we've taken in setting thresholds is essentially to set the level one and level two at 90% and 95%, of the limit respectively. So that's where those numbers have been derived from. Mr. Davis may be able to talk a little bit more about the sort of practicalities of how those numbers might then happen in reality, and about what we might expect to see in terms of change year on year.

46:56

Thank you, Ian Davies on behalf of the applicant. So within our greenhouse gas management plan, we've set out a range of mitigation measures, which have been included in our in our modelling. But there is also some further mitigation as well that we will include there, setting out how those numbers will be reached, and how those reductions will be made over time.

47:25

Okay, so my question is, I hear what you're saying about them being 70% and 90%, I can understand where the numbers are coming from. But what does that actually mean in terms of emissions on the ground? So the difference between something like 7644 and 7262 Looks to me to be quite small, is that the equivalent of 100 cars that aren't accounted for? What What would need to go wrong to reach that limit? Or what would need to go beyond what you've modelled? Or is it quite a small change that you're going to go through those limits potentially very quickly?

48:18

Are you able to give me one minute just to bring up some numbers so we can try and put that into context for you?

48:22

We'll see.

49:14

So in David's on behalf of the applicant, so the majority of those emissions that you can see they're coming from the use of natural gas in buildings for heating and efficient hot water, grid electricity and from vehicles owned and controlled by the airport. Then there will be factors built in over time, which is showing that reduction such as the decrease the number of rounds, the decarbonisation of the grid, which is factored into that, which is showing some of that decrease. Obviously, that's that those those numbers are showing this fairly small differences to start off with. But that'll be reflected over time as the grid further decarbonize is and the other mitigation around the uptake of electric vehicles come into bit come into place.

49:59

Okay, so that may be the Ace operations, but the things that aren't in your control, like the airport operation emissions that aren't in your control, and then the surface access emissions? Again, those differences look very small to me. What What? What does it mean on the ground? How many cars beyond what you've modelled? For instance, with the surface access? Are we looking at? And is that something that is likely to happen? What's the what's the uncertainty around the modelling for that surface access in this context?

50:37

I suspect, madam, for this one. What we would need to do is take this away, and I can see that Mr. De has the sort of most enormous sort of spreadsheet of numbers with colours well beyond my comprehension. And I think what would be most useful is if, if a CAD could produce a note, but I understand the point, in fact, what you want us to try and do is to bring to life what those numbers so 7644 tonnes of co2 per year, what, you know, what is what does a tonne of co2 mean, in some sort of physical sense, and therefore, where there's a difference between the 7644 and the 72762? You know, is is that a lot of cars is that a lot of gas, it

51:35

is the difference that I'm interested in, and the uncertainty around your modelling and whether or not that difference is something that could quite quickly happen, and that that's a reasonable scenario, that it's not just a kind of worst case. But it potentially could happen. I've got the greenhouse gas methodology and data appendix in 12.2. But that just gives the emission factors and then lumps the numbers. So it could be that the information you have in front of you, if you could package that up in a different way that would really help us to answer that question. And ultimately, the question that I'm trying to answer is whether or not you could zip through those limits. Within a reporting period,

52:18

yes, whether in effect, something could happen or not happen, which, which causes a rapid escalation in carbon. And what we'll do is try and explain those data and sort of give you some insight into that in a fact, but it is a useful way for an inspector reporting on something. That's exactly it. Thank you for Tokyo.

52:54

My next question is around phasing. So I can see that the phases are linked to the passenger throughputs. At the beginning of the explanatory memorandum, I can also see that the passenger throughput will report to the ESG. Although that's not explicitly stated. Oh, that is explicitly stated, what phase that you're in is not necessarily explicitly stated. And I think that would be useful to confirm. Is that something that you can include?

53:27

Mark, say on behalf of the applicant? Yes, we can make sure that's included in the reporting requirements, just

53:32

to make it as easy to enforce as possible. So to be completely clear on this in the EIA, it said that the phases are for the purposes of assessment only. But the phasing in the explanatory man memorandum and the definitions in there. It's a certified document. So I'm assuming that those numbers attached to the phases in the GCG framework are therefore secured.

54:08

So yes, just to confirm the phases Sorry, I'm gonna move this closer just to confirm the phases that have been mentioned are phases for the purposes of assessment. It's not intended that the development is delivered in defined phases. The applicant is seeking to preserve the flexibility to deliver the development within the envelope set out by the environmental statement is that that is secured by green controlled growth, essentially ensuring that the environmental impacts of the development are no worse than had been assessed. We talked before about the need to ensure on that basis that the limits for green controlled growth are aligned with the environmental statement forecasts. And it's for that reason that we've defined these phases within green controlled growth that therefore then aligned to the levels of passenger throughput that have been assumed for that assessment. But it's not the intention that the development itself is brought forward in defined phases. So I don't know if there's anything you'd like to add on that Mr. Humphries? No?

55:29

Thank you. I might follow that up with a written question when I've got my thoughts together after what you've just said. And I wanted to ask you what the limits and thresholds based on and I know, you've just said about the 70 90%. So thank you for that. That's already answered the first part. But the final limit, where's that number from I haven't found a clear explanation of anywhere. So if you could sign post me towards that, that'd be great. And explain us a link to the call planning case as well, because I couldn't spot an obvious link between the two

55:59

so markedly on behalf of the applicant. So apologies by my microphone, just confirm those apologies. By final limits are essentially in the table, which I think has disappeared from the screen, there are four columns. So we set out phase one, phase two, a phase two, B and full operating capacity. So that is set out in Section 3.1, that approach to phasing of GCG, relative to the assessment phases. In terms of how we've arrived at those, essentially, what we have is that there are three phases of the free assessment phases that have been used for the purposes of the environmental statement. And essentially, we are using the ends of each of those phases as the sort of trigger points for green controlled growth if you'd like. So we have a baseline within the ES. And then we have phase one, phase two, A and phase two B forecasts. So we have four sets of numbers that are being reported through the environmental statement. Within green control growth, what we've sought to do is to make sure that the limits respond to that phase. And what that means is set out in figure 3.2, of the green control growth explanatory note, which is rep five zero to zero. What that means is the phase one limit has to apply between the baseline position. And the point where you reach your Phase One forecast, which is when phase one has the assessment, phase one has concluded you reach 21 and a half MPa, and the phase one limit applies over that period. So we've set it to be basis, press

57:42

pause for a second, you'll find that figure

57:47

three, figure 3.2 is on page 52 of rep 520. If

57:53

that's hope that's helpful. I don't I this isn't a document they asked to be put up. But if the applicant could put it up in the background, and we'll carry on talking but it might be useful just for everybody else who's watching so they can see it as well.

58:08

Yes, it's definitely an issue that's easier to talk about with a diagram in front of us, I think. Yes, essentially, the way that the limits have been defined as because there are limits that apply through that assessment phase, the environmental statement does not and is not required to forecast every single year of development, we have these defined assessment forecast assessments phases for forecasting, the GCG limits have been set in a way that represents the highest level of impact each end of that phase. So essentially, it sets out the cap in terms of environmental impact for that phase. And when the next phase is reached, which is triggered by passenger throughput aligned to the as assessment phases, the limit would then step up or down, depending on what's happening with the forecast at that point. And it's a requirement that as you reach the end of that phase, you have to have reached that level of throughput in order for the airport to continue to grow. Otherwise, you would then automatically be above the GCG limits and the sort of GCG mitigation processes would kick in. Thank you.

59:12

So for me to understand where those numbers are derived from you're signposting me towards this section 3.1. And then that figure,

59:19

so section three figure 3.2 In section 3.1. sets out Yes, actually how we've set the limits. And that's the same across all four of the GCG topics for greenhouse gases. I think I'm right in saying that the impacts step down for all emissions as we progress the assessment phases. So on that basis, the phase one limit for greenhouse gases will be set with reference to the baseline. Phase two A would be set with reference to the Phase One forecast and so on as you progress through the expansion of the airport. Yeah, I

59:54

can understand the concept but that's what this chapter gives me as a kind of high level conceptual idea of what's been but actually understand where the numbers come from from numbers themselves. Absolutely.

1:00:05

But I mean, if they act on the diagram is what you want to understand as where does the green line come from?

1:00:13

So, ultimately, yes, okay,

1:00:16

I think that's if we explained that maybe that helps. So

1:00:20

marked a on behalf of the applicant. So again, in Section 3.1, paragraph 3.1. Point seven, we've explained that, for green control growth, we've aligned limits and thresholds with the faster growth case. And that's to ensure that the impacts of expansion don't exceed the reasonable worst case, the greenhouse gases, specifically, the faster growth case was not reported quantitatively there was considered qualitatively in table 12.23, which is in chapter 12, environmental statement, that's rep three double oh seven. For airport operations, and table 3.6 of the green control growth expansion, it sets out the different activities that are included within the scope of airport operations, we consider that there is really a negligible difference between the core case and the faster growth case, as Mr. Davis outlined earlier on the bulk of emissions associated with airport operations come from heating and lighting the buildings around the airport effectively. So they're not things that will scale with passenger growth. And on that basis for airport operations, we have used the core case forecast because we just considered that the difference in numbers between the two cases would be negligible. For surface access, we do have faster growth forecasts in respect of annual emissions for passengers and staff. And it's those that have been used as the basis for the green, the green control growth limits and thresholds. I

1:01:42

might stop you there, because I think this is probably too much to just talk about, I could really do with this being packaged up and submitted so that I've got it all in front of me in writing. So I'd give it proper consideration. So apologies to add tweak to your workflow. But would you mind putting together a note

on that, just to explain where these numbers for greenhouse gas emissions have been derived from? I think deadline seven is probably reasonable. I

1:02:05

think if we wrap it into the the other note, we mentioned earlier, we can produce that as one that deadline. Certainly, yes. Thank you.

1:02:11

Thank you. Mr. Johnson. I can see you've got your hand up online.

1:02:18

Thank you, Madam David Johnson, future counsel. It was it was just to say that that question that you've just outlined was a question we had as well. So we're now asked that, but we would find the information that you've just requested incredibly helpful, and would welcome sight of that also. Thank you very much.

1:02:40

Thank you, Mr. Johnson.

1:02:46

Before I move on to the next bit, was there any thing else that anybody wanted to add to that discussion?

1:03:01

I wanted to explore a bit further emissions from aviation, which aren't included as part of this, and I can completely understand the justification for it not least that the emissions are ultimately controlled at a national level. I'd like to explore the potential for this a bit more, though, I understand that the emissions are controlled by the aircraft operators. However, elsewhere in the framework, the applicant has indicated that they can encourage the operators to adopt measures to reduce emissions, such as provision for cleaner fuels. That's in the mitigation section of chapter 12. So the applicant can therefore potentially influence the emissions. And you could argue that a similar thing has been done for surface emissions and noise as well. In addition, in this case, the applicant can buy offsets at any time as per the surface emissions in the framework. So given all that, in principle, is there anything to stop the applicant from including the aviation emissions? Could the applicant be more ambitious in trying to offset those environmental impact to deal with this?

1:04:24

Madam the problem potentially or a potential problem with that is one simply sorry, when simply distorts the market? Airport. Airline operators do not have to operate from Luton if Luton starts imposing additional controls on the carbon emissions which don't apply it all other airports in the UK, then you're interfering with the normal competition within the market, obviously, as far as things like Sustainable aviation fuels are concerned, you know, the government does have its SAF mandate. And it's talked about how it will, you know, over time increase the percentage of SAF that are required. I think it's perfectly normal and acceptable for an airport to want to encourage, facilitate, help, all of those things,

but I think to set a sort of binding requirement on that would simply mean that any airport operate any airline operator that wanted to avoid that would just say, right, well, we'll go and fly from Stansted because they don't have this. So I think that is why we touched on Kyoto yesterday and how ICAO was to sort of oversee this for aviation. That's That's why government has has very clearly indicated that this is a national matter. It's it's something so that overall and nationally, we can we can tackle this particular problem rather than trying to deal with it in a piecemeal way

1:06:17

all understood. It's I picked up that the applicant describes itself as committed to being an industry leader in sustainable aviation, I wondered if this would be an opportunity for the applicants demonstrate that?

1:06:32

Well, madam, there are lots of things that the airport and indeed airlines do outside the controls of the planning system, all sorts of things that they do, and the airport will continue to strive to be a leader in these things without a requirement. The point that I'm making is that these things do not need to be set out as a sort of requirement that has to be done and an additional level of legal control, which is what they would be in the DCO. You know, I'm sure the airport could could could explain the operator could explain that it's, it's general policies to encourage these sorts of things. But that's a rather different. That's a rather different matter, I think from GCG, which is what we're what we're discussing.

1:07:28

Thank you. Does anybody else want to make any comments on that topic.

1:07:40

Moving on to mitigation of scope, one and two emissions were offsetting isn't proposed to mitigate against the effects. above level one, the monitoring report must include commentary on the avoidance of the exceedance of a limit. And then further action has to be taken at level to local and to some extent, national policies and the latest ima guidance encourage carbon emissions to be reduced as far as possible. And that's honoured through the greenhouse gas emission management documents submitted to the DCA to this application, including the commitments in the greenhouse gas action plan and sustainability statement. If as much as being done as is reasonably possible. I'd like to know what else is available to the applicant to bring those missions down. What levers are available to the applicant for mitigation beyond what you're already doing.

1:08:38

So, so in days on behalf of the applicant, that's kind of the purpose of green, the green control growth framework is to ensure that these limits are achieved. And so we lay out in the greenhouse gas outlined greenhouse gas action plan, how we will get those down as far as possible. I think we discussed yesterday around the key bit that's left over is is from the grid electricity. And so we are waiting for the outcome of this government consultation, where they will describe exactly what sits under zero emissions airport. At that point, that's when we will review the situation. There are going to be a number of sources mainly from grid electricity, but also a bit from dia de ICERs. Where at the moment, there isn't a solution to reduce those as they are there's no sort of technological solution. But certainly with

the grid emissions, for example, in our application, depending on how we're reporting that you can choose to report the scope two emissions either using a market based mechanism, which means you can use some specific factors to account for your missions, or what we've done which is more conservative, which has a locations base, so we're just using the average grid emissions, which is why you get left with this residual. So one key area has been looked at as an opportunity as an option, but by government in terms of how airports might meet the zero emissions is say, for example, to market based approach. So that could be things like buying redoes. So renewable energy guarantees of origin, which allows if for every kilowatt hours of electricity that are bought, then can actually be classed as zero emissions. That could be one key way of meeting that requirements. And that's certainly one area that's being looked at at the moment, and can be taken forward as a way of ensuring that that zero emissions target is reached.

1:10:40

That's helpful. Thank you. So what I'm hearing from you is that because the greenhouse gas action plan will be implemented anyway, regardless of the framework that's baked in to the application and the proposals. So all those things are going to be done anyway. And if you're still exceeding your limit, I want to be sure that there are things that you can do leftover to bring it down. And from what you're saying, it sounds like you do have things in your back pocket that won't be being done, necessarily through the greenhouse gas action plan.

1:11:17

endeavours on behalf yet applicant? That's correct. So there will be things outside of the DCO application that can be done that are not inside of the action plan that we've put forward. Thank

1:11:27

you. Was there anyone else that wanted to come in on that?

1:11:38

offsets? I'm interested to understand that how quickly you can buy them having never bought any offsetting credits, what how quickly does this happen? Is it something that's overnight or does it take months

1:11:59

in days on behalf of the applicant, before you can buy them there is a process in place where they have you have to sort of verify the the the carbon emissions and then have a third party verify those emissions as well. So to make sure they're properly verified, we counted for them various markets available to buy greenhouse gas emissions from and it can be done relatively quickly, but you're putting in a bidding the amounts of allowances to get them back out. So it's it's more sort of weeks, weeks, maybe months than years to purchase these things and or green controlled growth, for example, we're aligning with the airport carbon accreditation method of offsetting, which links back into sort of internationally recognised standards. And it's all around carbon integrity, and environmental integrity of those emissions that are bought, making sure they're all additional making sure there's no double counting. And they feed into mechanisms, for example, such as the United Nations Framework on on climate change. So those are the types of mechanisms but there is a little bit of time the buying and

trading of it. So I'm not sure the exact timing for each of the different different mechanisms. But it's certainly bought the schemes will work on an annual basis and have to be bought relatively quickly within that period.

1:13:25

Thank you that's useful. Number seven, for the scope three emissions offsetting appears to be the immediate recourse for the framework. The latest ima guidance says that offsetting should be the last resort. And we seem to be relying on the offsetting in this case. So I appreciate that the scope three emissions are strictly out of your control. But in chapter 12 references made to encouraging and facilitating the uptake of mitigation measures, like we've already mentioned that things like encouraging public transport as well. So given that offsetting should arguably be a last resort should provision be made for actions before this in relation to the scope three emissions.

1:14:11

So the outlying greenhouse so in David's on behalf of the applicant and the greenhouse gas Action Plan does show how we are encouraging the uptake of active travel alternative methods of transportation, including the allowance of electric vehicle charging, and so on and so forth. But, as you say, ultimately, that's outside of the control of the airport, particularly surface access, which is where the majority of those emissions come from, will largely be controlled by government policy, the transport decarbonisation plan which has a key part to play in decarbonizing transportation.

1:14:47

I guess the question for me is one of principle and whether or not it's okay in the framework to say that if you exceed those limits for scope three emissions then you automatically by offset adds or whether or not, they should at least be a pause and a look at whether or not there's anything else you could be doing prior to moving straight to offsets, even if, you know the answer is quite often going to be no, they're not practical, but whether or not that should be part of that process. So that it's not an automatically jump to offsetting that

1:15:18

will be in David's on behalf of the applicant that will be good practice to do that. So you know, always buying offsets will always be the last resort. It's a case of trying to do what you can within your gift within your control first, to be able to reduce those emissions and only then falling back on those.

1:15:35

So would it be better if that's made explicit to the framework? Yes, absolutely.

1:15:41

marked on behalf of the applicant. I think the one thing that I would say is that the applicant would take the position that they are doing that maybe not explicitly through the greenhouse gas portion of green controlled growth. But through mechanisms like the framework travel plan, when we're talking about surface access emissions, essentially, emissions reductions at source for surface access are firstly around discouraging the use of cars and encouraging the use of public transport. And then secondly, where you have residual car trips, encouraging those to be made, you know, with higher levels of

occupancy using cleaner vehicles. Those are the sorts of things we're anticipating would be picked up through the framework travel plan and the ongoing travel plan process. So we feel that we are going to be bringing those forward, those sorts of measures forward. But we do want to retain the option of offsetting because as we've all said, ultimately, there's a lot of things that are beyond the direct control of the airport and the airport operator. Okay,

1:16:36

the framework is the ultimate control on all of this. But what you're saying then is that those things will be happening in the background anyway. So when it lands on the ESG desk, and it turns out that the limits are being exceeded. It's okay for them to say they've been solved just with offsets that they aren't because the free work doesn't give them any opportunity to say have you done everything else before you get to offsets. Now, I appreciate that the framework can't duplicate everything that Sydney Yes. And all of the mitigation that's proposed. But I think for that particular one, because it is frowned upon to go straight for offsets. Is it worth giving ESG the power to say what else has been done before we buy those offsets in this particular instance? I'm not suggesting you duplicate everything in the framework. I know that's not its purpose.

1:17:34

marked on behalf of the Applicant I think it's probably best if we take that one away and just respond in writing, given the potential sort of overlap between the different control regimes and sort of governance processes, if that's okay.

1:17:43

Yes, thank you. Was there anything anybody else wanted to add to that? The 2040 targets, the applicants set out that they intend to meet the 2040. Net Zero targets for airport operations and surface access. And they don't appear to be reflected in that table, one that we had up earlier, and why not?

1:18:09

marked a on behalf of the applicant. So mostly just to try and make the table legible. So I think we do have rows in the table which say from 2014, the limit will be zero regardless of which phase the development is in.

1:18:22

So why not just make it zero now.

1:18:26

So we talked earlier about, sorry, Monday on behalf of the applicant, we talked earlier about the phasing of green controlled growth relative to the phasing of the development. So as I said at the time, we don't have defined phases in which the development has been brought forward, that the phases within green control growth are linked specifically to passenger throughput rather than to particular points of time. So at the moment, what we can't do is say, within 2040, we will be in phase two B will be x. So we've tried to reflect it just through having separate rows in the table. We're happy to go and consider whether there's a way we can make it clear, but that's the reason it's been presented.

1:19:02

Let's finally understand that now. Thank you.

1:19:11

Then keeping it keeping the framework updated in terms of those limits, I and I note the commitment to an update in response to both the jet zero strategy and the decarbonizing transport document within three months and then being published. That's obviously welcome. They'll almost certainly be other policy developments over the lifetime of the site and the framework. So is there any committing to commitment to reacting to those quickly as well? Or do they just fall into the five yearly review?

1:19:45

Mark day on behalf of the applicant. So just to clarify the requirement for carbon neutrality from 2044. Surface access is in response to the applicants own netzero strategy which has already been published outside of the DCO I think it was published last year. So that's an existing commitment that's been made by the applicant, which we've brought into the GC G framework. You're absolutely right that we've made a commitment to respond to sort of known future changes in policy through the jet zero requirement for zero emissions airport operations. But I think we've we've probably covered similar grounds in our response on action point 18. And issue specific hearing five, where we were asked a similar question about air quality and our ability to change limits in future in response to future changes in legislation around air quality. Our position is that we don't consider it reasonable for requirements to be imposed, where they'd be prevented implementation of a planning consent that was policy compliant at the time consent was granted. We think that's a reasonably well precedented position. I know it was discussed in the Stansted planning appeal, where the local authority was seeking a similar condition that would reassess carbon emission limits in light of potential future changes of policy and that wasn't accepted by the planning Inspectorate as part of that.

1:21:07

It is perhaps worth making just very briefly the point, of course, if there are future changes of legislation that apply to airports then they would apply. We see no reason why they would not yep,

1:21:19

I was assuming that was given this was about policy and guidance. And following best practice and whether or not there was any provision to update the framework. But it does sound as though there was a moment I only mentioned

1:21:31

that station because it was mentioned in your agenda item and just wanted to make sure that that was ticked off as well.

1:21:39

Did anyone else have anything that they wanted to say on the matter?

1:21:43

Yes, David Gertler, Luton Borough Council, probably pressing through you. But the applicant of condition 19 of the 19 million planning permission, has a number of accreditations and actions for the carbon reduction strategy. And part five of that says as and when you national policies or targets are published, the carbon reduction strategies shall be updated to reflect those new policies and targets. So just wondered if that fitted with the type of question you were asking just now. Yeah,

1:22:15

it certainly does applicant would you like to respond to that? Condition line team? Sorry, was that part five?

1:22:34

Is that one that it will be better to take away so that you've got some time to consider it?

1:22:37

I think it probably would be if that's okay. Thank you.

1:22:41

Well, oh, not for the benefit. Mr. Nash, Mr. Hancock, you are here to learn. I'm not here to write. I think it's always gonna be picked up at the DCO hearing, because we had a discussion last time around. Because obviously, article 44 wipes out consents and about weather conditions needed to be rolled rolled over into requirements or onto the face of the DCA. So maybe it can also be picked up there again, and also in writing?

1:23:03

Possibly, yes, this seems to relate to the nine P 19 COMM reduction strategy, which obviously isn't going to apply. rolling forward, I always need assistance. Yeah, perfect. I don't know whether you heard that. But Mr. Henderson's going to come back to that tomorrow.

1:23:34

Are there any other comments from around the room about not keeping the framework up to date with developments in policy guidance and best practice? That my last question is a very short one. And I think it's one that I can probably answer myself, which was an updated greenhouse gas monitoring plan. The only reason I put this on was because I saw that all the appendices have been updated. But this one wasn't. So I wanted to check that it wasn't an error. The last version we've got is a PP two to three

1:24:11

Mark day on behalf of the applicant. No, that's that's not an error. We're not aware of any issues being raised in respect of the monitoring plan, we've not considered it necessary to make any changes. That's

1:24:21

great. Thank you. Those are all my questions on greenhouse gases. Is there anything anybody else wants to contribute to that discussion? Mr. Cutler, your colleague?

1:24:38

Yes, David Gertler captured I try and pronounce your name. So I will try cat. We sauce.

1:24:47

Countless heads Caloocan Borough Council. It's probably a question to the applicant to three Ms. Davis. In terms of the monitoring, monitoring plan for about greenhouse gas emissions, I find it slightly perplexing that, at this point in time, it's not connected, a bit tighter to the monitoring regimes for surface access, since surface access is sort of the main contributing factor to carbon emissions. And specifically, the monitoring relies on a MC ca survey. And it's not validated by more sort of technical online live monitoring, as its proposed for for trimmer, or based on the automated plate recognitions or other sort of techniques.

1:25:51

Thank you. I think that might be one that you have responded to in writing previously, but would you like to give us a summary of that now,

1:26:00

excuse me marked on behalf of the applicant aid may also be something we want to come back to when we come to surface access. I think there's an agenda point there around monitoring. I think essentially, the point is that that the the use of the CAA departing passengers survey data is aligned with the surface access monitoring approach. So it's the same data set that we are proposing to use for compliance with the surface access limits within green control growth. It is how the airport monitors and reports on its surface access missions currently under the airport carbon accreditation framework. And as far as I'm aware, it is how most airports that I have worked with report their surface access missions as well. I know Mr. Gertler, we had some discussions about this a few months ago, and you'd asked if we could look into how Bristol did it, which I think is the same way that we are proposing to do it as well.

1:26:57

Thank you for that clarification. Was there anything else anybody wants to add to go?

1:27:06

Was it yesterday that question was going to be passed on to us about emissions. When my expert on climate change greenhouse gases was here, and I can't remember exactly your your quote. I think it was probably from rep for where I'm referring.

1:27:43

To Good afternoon, everyone, and welcome back. The time is now 130. I'm going to reopen this hearing, issue specific hearing nine, and to the green controlled growth framework. Before we start just a couple of things, we're going to start, obviously with compensation. And then we'll go back to finishing off noise. Mr. Gertler has advised that his expert needs sleep around four on greenhouse gases. So what we're going to do is swap air quality and greenhouse gases. And that should hopefully resolve that problem. So if I can ask the applicant just to introduce a new team of people that we've got compensation. And then I need to come back to you with regard to an action point before passing over to the rest of the panel.

1:43:55

Yes, good afternoon. And Rebecca, my name is Miss Rebecca Clutton and counsel for the applicant. And thank you again for accommodating this change in the agenda. For this session, I am joined on my left by Mr. Steven Walker, who is the property lead for the project and Dr. Sharpe, who obviously you've been seeing this morning.

1:44:19

Thank you. So an item was raised this morning. And Mr. Humphries very kindly passed it on to you to deal with, so hopefully you can, if not, we can roll it over to a written action point. So table three of the funding and statement rep. 5009 sets out the capital cost breakdown with noise insulation costs, having been split out as a separate row are the costs of running the green control, green controlled growth framework and mitigation that may be required. Included in the capital costs,

1:44:53

that Rebecca Clutton for the applicant? The answer is no they are not the costs of green controlled growth. Growth are not within the scheme costs in the funding statement as they are not capital costs. Those costs are intended to be an ongoing annual revenue cost. And they are also to be shared with the operator.

1:45:19

Their ongoing, ongoing annual revenue costs. Shared With Operator Thank you. I think that resolves. The question is how am I going to pass over my colleagues to deal with item seven on the agenda, which is compensation.

1:45:35

Thank you, Mr. Allen. We'll start with new eligibility under the ground noise traffic noise criteria and its implications for the funding statement. I think we've largely covered this item off actually, from yesterday's discussions, but we discussed the new eligibility criteria yesterday in relation to ground noise and traffic in the draft compensation policies measures and community first, document revision for submitted deadline for I understand the Applicant stated yesterday, the new criteria don't change the eligibility for noise installation. The avoidance of doubt kind of confirmed the ground and traffic noise provisions don't change the noise insulation amounts in the funding statement.

1:46:19

Rebecca Clutton for the applicant know the costs of any additional costs are within the scope of the funding statement.

1:46:26

Would you? In addition to new eligibility criteria, the draft policies included a sample based noise installation testing policy. In response to comments raised in written reps. Do the local authorities have any comments on the testing policy?

1:46:47

Or asked for the most authorities no doubt many comments. And

1:46:50

Mr. Iamborn letter can raise a number of comments around monitoring of noise insulation. Do you have any comments on the revised policy?

1:47:05

We will be conservative. The revised policy followed the ICANN guidance on best practice for properties to be assessed in relation of the effectiveness of noise insulation after installation compared to the situation before.

1:47:21

And the proposals within the draft compensation policy. I don't believe it follow those. Exactly. So would you have any? Well, perhaps Mr. Sharpe would like to come in and comment.

1:47:36

Thank you, if I may, yes. Dr. Sharpe for the applicant. So testing and installation schemes at paragraph six. Point 1.33 of the draft compensation policy document says that the testing policy will be developed in consultation with the noise insulation subcommittee of the London Luton Airport Consultative Committee and having regard to best practice, such as that published by the Independent Commission on Civil Aviation noise I can and it does include the testing of insulation properties before and after installation, which I think is what Mr. Landlord is referring to.

1:48:11

Thank you, sir. Underlined morphological information. It's all very well, but the noise insulation subcommittee of the London Luton Airport Consultative Committee has no executive powers in the present, as I understand it, and my understanding also from Mr. Reddington, who sits on the committee is that the committee primarily decides on which properties are eligible to be insulated and will be insulated in the next round, rather than having any executive power to specify the standard of that insulation, or even indeed, having any terms of reference at the moment. But as I say, I restate my position that we will be content. I'm not quite sure why the installation committee should have to ratify Canada's best practice, why not follow best practice? By default? Thank you.

1:49:09

But shall do you want to add any comments it? Yeah, if

1:49:12

I just clarify, if I may, it's not the case that the Consultative Committee will ratify anything. It's just that there is an opportunity, the airport operator will come up with a testing regime and it will be done in consultation with a Consultative Committee. So in other words, the cont the Consultative Committee will be able to feedback on those proposals.

1:49:33

Mr. Edison, did you want to add?

1:49:38

Thank you, Michael Reddington. I have read the laser proposals from the applicant and they looked like they are heading in the right direction that there is a testing regime in there. So I think we're nearly there in terms of agreement. The installation, the noise installation subcommittee has very little teeth. It's essentially driven Well, I'm not talking about this dcl. But the current situation is driven by what the airport operator decides he can afford to spend any year. And as a result, the numbers are pretty low in terms of what they actually insulate. And so, one of the reasons for my being so pernickety, in my comments, in asking for the very specifics, was, though, we don't end up in a situation where we think we have some control over that situation. And then we finally don't.

1:50:44

Can I just nudge you slightly? You said, You think you're almost there, but not quite. Could you just expand on what were you there in terms of

1:50:53

lonely because I haven't gone through the document in absolute detail. But what I've seen in very quick reading looks reasonable.

1:51:08

And I'd be grateful if deadlines six, you'd be able to provide not all those hearings me submission, provide your views on the final position.

1:51:17

It's certainly my intention. Thank you. I have one question, which I don't know whether it's, it's actually in the DCO requirements. I asked her a question about whether there was a cutoff date, after which properties built would not be eligible for installation, irrespective of the location within noise contours. And I was told that that date was the 16th of October 2019. So in other words, any building constructed after 16th, October 2019, would not be eligible for installation. That strikes me as draconian. And I'd like to know why that is the case. Because that would imply that a the planning people, the builder, all knew in advance were events that this dcl was going to come out. Apparently, that 16th of October date is the date in which the dcl went into formal consultation.

1:52:37

Thank you. I believe the Applicant has already responded to this in their written material. I tend to be very briefly dot sharp just sort of explain the position.

1:52:55

Rebecca clutton for the applicant, I think that's probably more for me. The reason that that date selected is because from that point, there was a in the public domain information about the project and its effects. And at that point, it would have been had regard to in the planning process and the design of buildings, following that date or properly to have taken into account the presence of the airport and its expansion proposals. That is quite an awkward position to adopt with projects like this. Thank

1:53:28

you. And can I just confirm with the authorities? Were they happy with that position?

1:53:36

at funerals to the host authorities, yes, we can tap at that position. Okay.

1:53:39

Thank you. Reddington.

1:53:45

Thank you, Michael Reddington. The bit I don't understand is, you're talking about a building that has been constructed by the 16th of October 2019, which means that it must have gone through planning permission. Way before that. And at that point, the planning authorities must have known what the criteria were going to be by which that building will be judged. So I don't understand why that date has been selected.

1:54:23

Ms. Club, and are there any exceptions for the position that Miss Reddington outlines at Rebecca

1:54:27

clutton for the applicant? No, not at the moment, but we will take that point away and give consideration to it and respond to you at deadline six.

1:54:34

Thank you.

1:54:35

Thank you.

1:54:42

The next item I wanted to pick up on was timing of the online lookup tool. So the Applicants online lookup tool for noise insulation is now referenced in the draft compensation policies. Can the applicant explain when the tool would be made available to the public? And can the document be updated to explain when that would happen? Rebecca

1:55:00

satin for the applicant, I'm going to pass over to Mr. Walker for this.

1:55:06

Good afternoon, Steven Walker for the applicant. Yes. So the, the idea is that the lookup tool won't be available until the DCO. Is is triggered is live through through the article 44. Notice how and the reason we don't want it live until then, is for reasons to do with confusion. So, so So we've we've made the point in the policy, that we'll make transition arrangements between the two schemes. But for anybody wanting to find out about their entitlements prior to the date the DCA is live, they'll either need to rely on

the improved plans that we have appended to the proposed policy, or make contact with the operator who is managing the current scheme. And that way they can get the responses they need.

1:56:21

And just in terms of my point about updating the compensation policies to reflect the date, so it's just clear when that would be available. Yes, we'll do that. Thank you. unconscious, asked you a deadline. Yeah, thank you.

1:56:42

The next item was ability to deliver noise insulation. based on historic rollout date of the airport. The Applicants response to is h three action 26 provided information on the ability of other airports to roll out noise insulation, I have to admit, I'd expected the applicant to draw on historic data from Luton, rather than other airports to demonstrate its ability to achieve the predicted rollouts in future can the applicant comments on the number of properties insulated annually, up to now by Luton Airport, or signpost where this information is provided within the application material.

1:57:20

Rebecca clutton for the applicant. So that's not information that we've got it at the moment. And we do understand that actually, recently, more progress has been made with with rollout. I think that we consider that future rollout is more likely to be dictated by the matters that are set out in our in our note, in part, because up to date, the scheme that has been operated has been a much smaller scheme, and has only proceeded on the basis of one contractor being engaged. Now going forward, the anticipation is that multiple contractors will be used, and there's a the increase in the scope of the policy. And then it's a matter that makes it more attractive to the market, which means that we are, so there's the indications that have been given that multiple contractors will be interested and that we will deliver on that basis. So for our points of view, the storage rollout is relatively limited relevance, and what's more important is how we intend to go about it going forward, as set out in the note, if you still consider that information would be useful to you, then of course, we'll speak to the operator and see if we can obtain it. But from our perspective, it's going to be of limited significance, given the said given the single contractor approach.

1:58:47

Thank you, perhaps Mr. Reddington, having been sat on the committee can write some comments.

1:58:54

Thank you, Michael Robinson. The rollout of insulation currently is pretty poor COVID didn't help. But it also has helped raise just one insulation contractor. Secondly, that the means by which people have been contacted, has been simply a first class letter drops through the letterbox and they're allowed 30 days in which to respond.

1:59:22

Thank you. I am. I've read your submissions on that point. And so I'm familiar with the issues that you've highlighted. I was just wondering if you could comment specifically on the numbers of properties that have been insulators per year, typically last few years.

1:59:37

In 2023, I believe it was 230 properties. And last year, I think is about 220. And prior to that, very few because of COVID. So in a non COVID situation is that a sort of typical All figure for rollout that would appear to be the case. And that was determined really by the budget set by the airport operator.

2:00:10

Okay, thank you very much.

2:00:13

Could I sorry, could I also say, looking at the funding statement, you've got 14 million pounds in for insulation in phase one. And that does not seem my mind to stack up with the numbers that have been stated in your compensation document.

2:00:37

Mr. Atkinson, I think that's a reasonable point, it would be helpful to have some breakdown of how many cattle count three interests actually are represented by that budget.

2:00:51

Rebecca clutton for the applicant? Yes, we can look to provide you with some more information about how our costs have been arrived at and why they're adequate. I think that might need to be a deadline, seven action if that's okay.

2:01:07

Thank you. Sorry, Mr. Gerlach.

2:01:11

Sorry, David Gertler for Luton Borough Council. I do know the figures because we had to provide a report to the Overview and Scrutiny board of Luton Council a week or two ago. So in the airport's monitor, sustainability reports lols sustainability report on page 51. They say we've a programme to provide noise insulation to local residents. Approximately 18,000 residential properties in the area are eligible for noise insulation funded by the airport. By the end of November, by the end of 2022. We'd offered this to 1400 homes. And in 2022, it's a lower figure than Mr. Reddington mentioned, we insulated 114 properties, the most they've ever insulated in a year. So I can provide you that comment for the next deadline if you like. And

2:02:07

that'll be helpful if you want the reports, or you can just submit the reference. That'd be perfect. Thank you Thank you.

2:02:34

Due to the local authorities have any more comments on the installation provisions?

2:02:40

FERS for the hosts that are says no further comments on that.

2:02:48

The next item was the peel mechanism for the noise insulation provisions. So the draft compensation policies documents includes provisions for repealing the scheme one and three provisions. Can the applicants explain why the appeal mechanism would only apply to certain noise insulation schemes and not others, and whether there's any appeal mechanism relating to initial eligibility.

2:03:15

Steven Walker for the applicant. So as you say there's a there's an appeal process in the policy under paragraph 6.136. And that's available to those who are on the full compensation package. And they can appeal to that the lack and that's that's actually in line with the current the existing policy. So in respect of an appeal mechanism for the other schemes, we considered the issues are binary, in the sense that the subsidy is fixed, and the contour is fixed. And the homeowner can choose a package of installation based on the proposals that are presented by the contract by the contractor after the surveys been carried out. So we consider that a wider appeal process could burden the administration of the scheme and our challenges to the efficiency of the rollout. The recognising some of these questions we have added further in the policy at clause 6.1 point 50. Such that the applicant is going to require his contractor or contractors to run a complaints procedure. In that way they've got a mechanism to challenge the process. As with all airports Luton already operates an aircraft noise, inquiries and complaints policy now will continue to be available so that's another channel to be used. And we've also noted that no other airport is currently running an appeal bro SS hundra noise installation scheme? So we're aligning with industry practice with our approach.

2:05:12

Can I? Sorry? So Rebecca, I'm the applicant, it's worth saying as well, that includes current airport expansion proposals and other deseos as well.

2:05:23

I'm just picking up on one point, you said the contour is fixed. It's clearly stated in some of the documentation that just because you're outside of contour doesn't necessarily mean that you're not eligible. And just because you're inside doesn't necessarily mean you're not you are eligible. So is the console fixed or not?

2:05:46

Or sharp for the applicant, that specifically in reference to the maps that are in the compensation policy, which are for indicative purposes only. So as we've discussed with with the lookup tool, they're simply indicative, they aren't saying now today, these are the mechanisms for eligibility. So that that statement was was simply in relation to those maps.

2:06:06

So once you have the lookup tool, it that would be different, it would be definitive. That's correct. Okay, thank you. Do the local authorities have any comments on the compensation sorry, the appeal mechanism.

2:06:19

You are asked for the host that is no further comments on that.

2:06:27

The next item was approached against installation for listed buildings. So revision for the policies includes updated listing listed building provisions. The excise received a number of representations relating to a property in breach with green, suggesting that wooden double glazing is required to satisfy a listed building consent requirements, but that the airport's noise insulation supplier doesn't supply wooden double glazing units, leaving the homeowners unable to insulate their property. I know it's hard to comment on a case without the full details. But are the joint host authorities able to confirm whether wooden double glazing might be specified as a requirement for certain listed properties? Rather than, say, secondary glazing? or would there normally be a choice?

2:07:27

I'll just and I didn't realise you're addressing that question to myself.

2:07:31

But it was to the local authorities generally, but

2:07:37

then I'll come to the host authorities. The noise insulation scheme, as I've read it is remains flexible. So if there are particular properties where alternative installations would be required, I would expect that to be in covered by those

2:07:59

statements within the scheme. The so that's perhaps a question for the applicant as well, is that

2:08:09

it's more specifically given that the local authorities administer listed building consent process. Is there a situation where wouldn't deglazing would be an absolute requirement?

2:08:23

Policies funerals for the host authorities? I think that's a question that we'll need to take away and respond in writing please,

2:08:27

if you if you could lose that would be helpful. And by which deadline is a deadline six should be Thank you. Thank you. If I can turn to the applicant. In the applicant, explain how it will ensure that such properties could be insulated in future if there is a requirement for wooden double glazing rather than plastic,

2:08:53

Steven Walker for the applicant? Yeah, I think when the when the additional contractors are introduced to provide the mitigation, I think the specification and availability of materials will be broader. And I think that on a on a case by case basis, the suitability of materials used will be something that gets presented by the contractors following survey.

2:09:32

In terms of how that is secured within the application, so that people have certainty that there will they will be able to have insulation for their properties in the future. Is there any way that that can be made more explicit within the compensation proposals?

2:09:49

Stephen Moore walk with the applicant. We have nothing at the moment, but we'll take it away and have a look at it.

2:09:54

I think what I'd like to ensure is that there's no risk that you have a kind of catch 22 situation where so One is being impacted by noise, lives and property that is listed building and then can't have noise insulation installed, which means that they're ultimately subject to significant adverse effects on health and quality of life.

2:10:14

That's understood. Thank you.

2:10:22

Just util question in terms of deadline,

2:10:27

Rebecca and for the applicant, we were going to provide you with an updated draft at section, Section six, deadline six anyway, because we've said we'll deal with the online lookup tool so we'll consider a make any amendments at the same time. Okay, thank you.

2:10:41

And the the Baptist Church a breach we Green has highlighted that overflights interrupt services including funerals. The representation suggest that no noise installation is possible due to the listed status of the building. Kenny Applicants are the local authorities comments on whether noise insulation is possible for a building of this type.

2:11:04

Fiona Ross for the host authorities, I think we need to take that away and respond in writing. We can look to do that for deadlines next, acutely.

2:11:11

Rebecca, for the applicant, it does seem to me that that's a matter for the local planning authority in the first instance.

2:11:19

And then, this is a question for the applicant. The church isn't eligible for noise insulation based on the applicants criteria. As it doesn't experience an increase of greater than three decibels in the daytime la Q, however, will experience an additional 100 overflights by 2043 Given the number of overflights is directly related to the disruption of services. Should mitigation be provided in respect of overflights for this community resource.

2:11:44

Rebecca klaten for the applicant will take that specific case away and revert to you d six, seven

2:11:55

shuffle the alphabet. If we could do that for deadline seven we'll just obviously need a specific receptor. We'll need to look at that in some detail. Would you mind just repeating please? The receptor we're talking about?

2:12:04

Sorry, it's Richard Green Baptist Church.

2:12:08

Thank you. Keep

2:12:13

me slumbered and reliable. Okay, I wonder if I could just slot in very, very quickly here. On a similar basis with the park homes in slip end or pepper stop be eligible for an assessment at least on the basis of perhaps special need because of increased overflows even though not going to contour.

2:12:36

We did slightly touched on this yesterday. But if the applicant could respond briefly

2:12:43

after sharp really applicant. These are the park homes that you've raised in the relevant representation, they are eligible for noise insulation under the existing schemes. They will be eligible for either scheme four or five depending on which one they are.

2:13:02

Thank you for that confirmation. And the revised policy now includes an enhanced contribution of 2500 pounds towards obtaining listed building consent. Do the local authorities as the recipients of listed building consent applications? Consider them an approach based on individual household or applications is the most effective way to deal with this issue?

2:13:23

Do you harass for the host authorities apologies but I'm afraid we're gonna have to take that one again a way to answer it in writing deadline sites.

2:13:29

What I'm

2:13:30

trying to establish is actually is there a mechanism whereby perhaps the applicant can undertake the preparation of the applications given that they are causing the noise in the first instance rather than having multiple different applications from householders given that those may be of variable qualities competing compared to a single organisation delivering them?

2:13:52

And certainly in principle, that sounds like a helpful thank you

2:13:57

to line seven. And I don't know if the Applicant would like to comment on an approach delivered by the Applicant verse and approach to living by householders. Rebecca

2:14:11

clutton for the applicant, I think we'll want to provide a full response in writing but certainly at the outset, we'd have real reservations about that approach, not least because in order to prepare those applications, survey access, and the like will be required. A number of those properties may have very different requirements, both in terms of the level of comp mitigation required, installation required, and also in terms of the actual characteristics of the listed buildings themselves, which we would have regarded as being more appropriately dealt with at an individual home owner level. But if there's anything we want to add to that, we'll provide you further in our post hearing note. Thank

2:14:58

you. Yeah, well I'll read that with interest. Are there any other comments on that point before we move on?

2:15:08

The next point I wanted to just touch on was the interaction between the old and new funds at the point of serving notice are under Article four. So can the applicant explain what will happen to the existing noise insulation funds, at the point that the article 44 notices served to the office and ceased to exist? Or do they effectively sort of just transform into the next pot for the for the new process?

2:15:31

Steven Walker on behalf of the applicant, that is an issue that the applicant and the operator are currently working through. So we're not yet not yet in a position where we can advise you as to what is definitely going to happen. Or we do have a very clear commitment from both both the applicant and the operator to have a smooth transition and to make sure there's continuity of the availability of a policy throughout.

2:16:03

Do you think you'll be in a position to confirm before the end of the examination? What that process will be?

2:16:09

Steven Walker? Yes, we are working on being able to do that for you. Do

2:16:14

you would you be able to update at a particular deadline?

2:16:18

Can I suggest we work to Deadline seven. Yep.

2:16:22

Okay, thank you. Thank you.

2:16:37

To one, just going back a step on the list of buildings. Did the local authorities have any comments on the 2500 Japan contribution towards the listed building consent applications for householders?

2:16:53

Gonna ask for the host authorities, no media comments but will confirm in our PA students admission.

2:16:57

Thank you. I'm just turning to the community first fund. The fund would cap at a maximum of 30 million pounds based on a 19 million passenger per annum baseline. Can I just check is that? Assuming I'm assuming that's if the new consent is implemented.

2:17:21

Rebecca clutton for the applicant? Yes, that's my understanding.

2:17:26

And can the applicant explain whether this fund is additional to existing community funds or replacement for those funds, Rebecca clutton

2:17:33

for the applicant this is additional to those funds. Okay.

2:17:48

The final matter I wanted to touch on was the potential need for the fund to include an unforeseen local impacts mitigation strategy. A number of representations proposed implementation of a ulemas strategy to mirror the approach set out by Heathrow in its environmentally managed growth process. To recognise that even the most robust DS cannot predict with certainty all of the precise environmental effects of a long term and complex development. Now, I appreciate that the green control growth is intended to go some way towards addressing some of those effects. But there are obviously a whole

range of issues assessed in the ESA, which had some significant uncertainties. So can the Applicant explain why given the number of assumptions and limitations set out the Yes, and the duration of the consent of the construction works, and adaptive mitigation mitigation strategy and fund wouldn't be an appropriate precautionary measure to ensure provisions for environmental protection are adequate for any other effects not addressed by green control growth?

2:19:15

Rebecca Clinton for the applicant. So there are there are two principal reasons why we don't regard one as necessary in this case. The first of those is obviously GCG, as you've already mentioned, which is intended to control the effects I mean, that the whole purpose of that is to ensure that notwithstanding the potential for effects to be different, that they do not actually exceed those that were identified in the environmental statement in relation to the four principal areas that are three principal areas that are addressed through GCG. The other control that exists in this application is in requirements five, relating to detailed design were one of the matters that is in our proposed DCO. Requirement five three is that the detailed designs for various component parts of the project must not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental outcomes. So we're tied at the design stage through to the environmental statement effects or to those that are effectively equivalent. And then in the operational stage, that's when GCG kicks in.

2:20:39

We show that green control growth is there. But obviously, there are 21 chapters in the ies covering the whole range of environmental topics and which GCG controls for. So is there no need to look at those other issues during operation?

2:21:11

Rebecca clutton for the applicant. And we can we can address you on this further in our post hearing submission. But Mr. Henderson was just making a very good point that of course, that the requirements deal with far more than just GCG. There's a whole suite of requirements controlling matters like landscaping, visual impacts, contaminated land, surface water management, I think that what might be useful for us to do is just to look at the other chapters of the environmental statement and identify whether requirements control those as well, so that we can kind of give you some reassurance that those are adequately controlled through the DCO itself.

2:21:51

I think, in doing that, if you can ensure that you've taken into account the range of assumptions and limitations that underpin each one of those chapters, that will be helpful.

2:22:02

Thank you. We'll take our points away. Thank you, sir.

2:22:04

Are

2:22:05

there any other comments on this particular matter?

2:22:08

at funerals for the host authorities, the host authorities position is our said and written representations.

2:22:14

Thank you.

2:22:17

Rebecca, clap for the applicant. Apologies. Just to come back on the timing for that. That's not a small task. So if we can come back on deadline seven for that, please. Yes.

2:22:25

Thank you.

2:22:31

That brings us to the end of the items under compensation. Thank you. Thank you, Mrs. Clinton. Does that mean you'll now be Oh, sorry. Mr. Reddington.

2:22:45

Thank you, Michael Reddington. I have a request of the XA. And of the applicant. I've got a number of detailed questions about noise contours, installation, etc, which would probably bore this meeting to death. Will it be possible for me to speak directly to the applicant?

2:23:06

I think the best solution Mr. Reddington would be if you are able to submit your comments in writing and the applicant will be able to address them.

2:23:14

Okay, I was hoping to reduce some of the wording of write

2:23:19

it's the applicants discretion if they wish to have a separate conversation with you outside of this meeting. But otherwise, from my perspective, submitting them in writing is probably best. I would say we aren't going to be having some further discussion about noise late this afternoon. So some of the matters may be covered.

2:23:36

Indeed, my intent was not to miss out on deadline six. But to try and cut down on some of the potentially further work with clarification. Rebecca

2:23:49

Cullen for the applicant, if I can assist, we are obviously content for her to have a discussion with Mr. Reddington outside of the examination and hope that might narrow some matters as well.

2:23:59

Okay, thank you. That'd be helpful.

2:24:01

Thank you very much.

2:24:09

I'm just conscious of time and the fact that the greenhouse gas specialist and these go and noise has been an issue that tends to drift long in the conversations so perhaps we could pick up greenhouse gas first and deal with that matter, and then we'll come back to noise.

2:24:34

Sorry, just Mr. Reddington. Once you've had your conversation, would you be able to submit some form of summary notes with the applicant?

2:24:47

Moderating My intention was to try and get clarification so that when I respond on deadline six, it will be short it Yes.

2:24:55

Thank you. Mr. basswood.

2:25:00

Thank you, Sir Howard Bassett on behalf of national highways. I'm sitting here at the expense of the public purse and live to the fact that trimmer and surface access and not to to come on until some later stage do you are you able to give us any indication as to timings this afternoon as obviously, I'm flat would prefer not to be having me attend you unnecessarily

2:25:30

if you could give me a moment and it's the best fit.

2:26:06

Mr. Basford, we can potentially do greenhouse gas traffic, and then come back to noise. I would imagine that greenhouse gases and traffic will take approximately two hours.

2:26:26

Thank you, sir. So traffic, we would expect to be in a bearish

2:26:34

trade? Sorry, what was that?

2:26:36

So we would expect traffic to be in advance now.

2:26:39

Yes,

2:26:41

approximately.

2:26:41

Thank you. I'm very grateful.

2:26:56

Mr. Humphries, I can see that you've had a change of table. Was there anybody that you needed to introduce?

2:27:06

Yes, madam. Thank you very much. I was I was a bit worried that we hadn't got everyone in the room, but we have. Thank you. So we're going on to a greenhouse gases now. Thank you.

2:27:34

Did you want to introduce anyone there, Mr. Humphries, or shall I crack on?

2:27:37

I'm so sorry, madam. Yes, I'm still Michael Humphries. And this is Mr. De and Mr. Davis, and Mr. Henley on the end. Thank you. I think you've heard from them all before, but I realised for the, for the tape and everything and not necessarily apologise. Sorry.

2:27:57

Thank you. My first question is about the limits and thresholds. So it'd be useful if we could get table 5.1 rep five, zero to two up on the screen please.

2:28:21

Thank you. So we've got to thresholds have been put in place to provide a warning that the limits could be reached, if action isn't taken. These thresholds and limits appear to me to be quite close together, you can see in the table. So as an example, for airport operations at phase one numbers are 7644 tonnes of co2 equivalent emissions, then 7262, then 7644. And the others follow a similar pattern. And what I'd like to do is get a sense of how quickly those limits can be reached. Because they do look as though they're very close together. In particular, I'm interested to understand that that could happen in less than a year. And therefore a rapid increase occurs that's not then spotted or acted on until after the monitoring period.

2:29:23

marked a on behalf of the applicant. So the approach that we've taken in setting thresholds is essentially to set the level one and level two at 90% and 95% of the limit respectively. So that's where those numbers have been derived from. Mr. Davis may be able to talk a little bit more about the sort of

practicalities of how those numbers might then happen in reality, and about what we might expect to see in terms of change year on year.

2:29:54

Thank you, Ian Davies on behalf of the applicant. So within our greenhouse gas Management Plan, we've set out a range of mitigation measures which have been included in our modelling. But there was also some further mitigation as well that we will include there, setting out how those numbers will be reached and how those reductions will be made over time.

2:30:23

Okay, so my question is I hear what you're saying about being 70% and 90%, I can understand where the numbers have come from. But what does that actually mean in terms of emissions on the ground. So the difference between something like 7644 and 7262 Looks to me to be quite small is that the equivalent of 100 cars that aren't accounted for what what would need to go wrong to reach that limit, or what would need to go beyond what you've modelled for? Is it quite a small change that you're going to go through those limits potentially very quickly?

2:31:16

You able to give me one minute just to bring up some numbers so we can try and put that into context for you. We'll see you.

2:32:12

So in David's on behalf the applicant, so the majority of those emissions that you can see they're coming from the use of natural gas in buildings for heating and efficient hot water, grid electricity and from vehicles owned and controlled by the airport, then there will be factors built in over time, which is showing that reduction such as the decrease the number of round the decarbonisation of the grid, which is factored into that, which is showing some of that decrease. Obviously, that's that those those numbers have shown this fairly small differences to start off with. But that'll be reflected over time as the grid further decarbonize and the other mitigation around the uptake of electric vehicles come into bit come into place.

2:32:57

Okay, so that may be the case of operations, but the things that aren't in your control, like the airport operation emissions, that aren't in your control, and then the surface access emissions? Again, those differences look very small to me. What what, what does it mean on the ground? How many cars beyond what you've modelled? For instance, for the surface access? Are we looking at? And is that something that is likely to happen? What's the what's the uncertainty around the modelling for that surface access in this context?

2:33:35

I suspect, Madam for this one. What we would need to do is take this away, and I can see that Mr. De has the sort of most enormous sort of spreadsheet of numbers with colours well beyond my comprehension. And I think what would be most useful is if, if a CAD could produce a note, but I understand the point, in fact, what you want us to try and do is to bring to life what those numbers so

7644 tonnes of co2 per year, what you know, what is what does a tonne of co2 mean in some sort of physical sense, and therefore, where there's a difference between the 7644 and the 72762? You know, is is that a lot of cars is that a lot of gas, but

2:34:33

it is the difference that I'm interested in and the uncertainty around your modelling and whether or not that difference is something that could quite quickly happen, and that that's a reasonable scenario, that it's not just a kind of worst case, but it potentially could happen. I've got the greenhouse gas methodology and data appendix in 12.2. But that just gives the emission factors and then lumps the numbers so It could be that the information you have in front of you, if you could package that up in a different way that would really help us to answer that question. And ultimately, the question that I'm trying to answer is whether or not you could zip through those limits. Within a reporting period,

2:35:16

yes, whether in effect, something could happen or not happen, which, which causes a rapid escalation in carbon. And what we'll do is try and explain those data. And sort of giving you some insight into that in a phone booth, like there's a useful way for an inspector reporting on something.

2:35:45

That's exactly it. Thank you for Tokyo.

2:35:52

My next question is around phasing. So I can see that the phases are linked to the passenger throughputs. At the beginning of the explanatory memorandum, I can also see that the passenger throughput will report to the ESG. Although that's not explicitly stated. Oh, that is explicitly stated, what phase that you're in is not necessarily explicitly stated. And I think that would be useful to confirm. Is that something that you can include

2:36:25

marked on behalf of the applicant? Yes, we can make sure that's included in the reporting requirements, just

2:36:30

to make it as easy to enforce as possible. So to be completely clear on this in the EIA, it said that the phases are for the purposes of assessment only. But the phasing in the explanatory man memorandum and the definitions in there. It's a certified document. So I'm assuming that those numbers attached to the phases in the GCG framework are therefore secured.

2:37:06

So yes, just to confirm the phases Sorry, I'm gonna move this closer just to confirm the phases that have been mentioned are phases for the purposes of assessment, it's not intended that the development is delivered in defined phases. The applicant is seeking to preserve the flexibility to deliver the development within the envelope set out by the environmental statement, and is that that is secured by green controlled growth, essentially ensuring that the environmental impacts of the development are

no worse than had been assessed. We talked before about the need to ensure on that basis that the limits for green controlled growth are aligned with the environmental statement forecasts. And it's for that reason that we've defined these phases within green controlled growth that therefore then aligned to the levels of passenger throughput that have been assumed for that assessment. But it's not the intention that the development itself is brought forward in defined phases. So I don't know if there's anything you'd like to add on that Mr. Humphries. No.

2:38:27

Thank you. I might follow that up with a written question when I've got my thoughts together after what you've just said. And I wanted to ask you what the limits and thresholds based on and I know you've just said about the 70 90%. So thank you for that. That's already answered the first part. But the final limit, where's that number from I haven't found a clear explanation of anywhere. So if you could sign post me towards that, that would be great. And explain us a link to the call planning case as well, because I couldn't spot an obvious link between the two

2:38:56

so markedly on behalf of the applicant. So apologies by my microphone, just confirm those apologies. On both final limits are essentially in the table, which I think has disappeared from the screen, there are four columns. So we set out phase one, phase two, a phase two, B and full operating capacity. So that is set out in Section 3.1. That approach to phasing of GCG, relative to the assessment phases. In terms of how we've arrived at those. Essentially, what we have is that there are three phases of the free assessment phases that have been used for the purposes of the environmental statement. And essentially we are using the ends of each of those phases as the sort of trigger points for green controlled growth if you like. So we have a baseline within the ES and then we have phase one, phase two A and phase two B forecasts. So we have four sets of numbers that are being reported through the environmental statement. Um, within green controlled growth, what we've sought to do is to make sure that the limits respond to that phase. And what that means is set out in figure 3.2 of the green control growth explanatory notes, which is rep 5020. What that means is the phase one limit has to apply between the baseline position and the point where you reach your Phase One forecast, which is when phase one has the assessment, phase one has concluded you reach 21 and a half mppa. And the phase one limit applies over that period. So we've set it to be basis,

2:40:39

press pause for a second, you'll find that figure

2:40:45

three is bigger 3.2 is on page 52. Of rep. 520. If that's hope

2:40:51

that's helpful. I don't I this isn't a document that I asked to be put up. But if the applicant could put it up in the background, we'll carry on talking but it might be useful just for everybody else who's watching so they can see it as well.

2:41:06

Yes, this is definitely an issue that's easier to talk about with a diagram in front of them. So thank you, yes, essentially, the way that the limits have been defined is because they are limits that apply through that assessment phase, the environmental statement does not and is not required to forecast every single year of development, we have these defined assessment forecasts, assessments phases, for forecasting, the GCG limits have been set in a way that represents the highest level of impact each end of that phase. So essentially, it sets out the cap in terms of environmental impact for that phase. And when the next phase is reached, which is triggered by passenger throughput aligned to the assessment phases, the limit would then step up or down, depending on what's happening with the forecast at that point. And it's a requirement that as you reach the end of that phase, you have to have reached that level of throughput in order for the airport to continue to grow. Otherwise, you would then automatically be above the GCG limits and the sort of GCG mitigation processes would kick in. Thank you.

2:42:10

So for me to understand where those numbers are derived from, you're signposting me towards this section 3.1. And then that figure,

2:42:17

so section three, figure 3.2, in Section 3.1, sets out Yes, actually how we've set the limits. And that's the same across all four of the GCG topics. For greenhouse gases. I think I'm right in saying that the impacts are down for all emissions as we progress through assessment phases. So on that basis, the phase one limit for greenhouse gases will be set with reference to the baseline. Phase two, A would be set with reference to the Phase One forecast and so on as you progress through the expansion of the airport. Yeah, I

2:42:52

can understand the concept. But that's what this chapter gives me as a kind of high level conceptual idea of what's been done by actually understand what the numbers have come from the numbers themselves. Absolutely.

2:43:03

But I mean, if effect on the diagram is what do you want to understand as where does the green line come from?

2:43:11

So ultimately, yes, okay.

2:43:14

I think that's if we explained that maybe that helps. So

2:43:18

marked a on behalf of the applicant. So again, in Section 3.1, paragraph 3.1. Point seven, we've explained that, for green control growth, we've aligned limits and thresholds with the faster growth case. And that's to ensure that the impacts of expansion don't exceed the reasonable worst case, the

greenhouse gases, specifically, the faster growth case was not reported quantitatively, it was considered qualitatively in table 12.23, which is in chapter 12, environmental statement that's read three double oh seven. For airport operations, and table 3.6 of the green control growth expansion, it sets out the different activities that are included within the scope of airport operations, we consider that there is really a negligible difference between the core case and the faster growth case, as Mr. Davis outlined earlier on, the bulk of emissions associated with airport operations come from heating and lighting the buildings around the airport effectively. So they're not things that will scale with passenger growth. And on that basis for airport operations, we have used the core case forecasts because we just considered that the difference in numbers between the two cases would be negligible. For surface access, we do have faster growth forecasts in respect of annual emissions for passengers and staff. And it's those that have been used as the basis for the green, the green control growth limits and thresholds. I might

2:44:41

stop you there, because I think this is probably too much to just talk about, I could really do with this being packaged up and submitted so that I've got it all in front of me in writing, so I'd give it proper consideration. So apologies to add tweak to your workload. But would you mind putting together a note on that just to explain where these numbers of greenhouse gas emissions have been? To buy from I think deadline seven is probably reasonable. I

2:45:03

think if we wrap it into the the other note we mentioned earlier, we can produce that as one that deadline. Certainly. Yes. Thank you.

2:45:09

Thank you. Mr. Johnson. I can see you've got your hand up online.

2:45:16

Thank you, Madam David Johnson, Buckinghamshire Council, it was it was just to say that that question that you've just outlined was a question we had as well. So I won't now ask that. But we would find the information that you've just requested incredibly helpful, and would welcome sight of that also. Thank you very much.

2:45:38

Thank you, Mr. Johnson.

2:45:44

Before I move on to the next bit, was there any thing else that anybody wants to add to that discussion?

2:45:59

So I wanted to explore a bit further the emissions from aviation, which aren't included as part of this, and I can completely understand the justification for it not least that the emissions are ultimately controlled at a national level. I'd like to explore the potential for this a bit more, though, I understand that the emissions are controlled by the aircraft operators. However, elsewhere in the framework, the

applicant has indicated that they can encourage the operators to adopt measures to reduce emissions, such as provision for cleaner fuels. That's in the mitigation section of chapter 12. So the applicant can therefore potentially influence the emissions. And you could argue that a similar thing has been done for surface emissions and noise as well. In addition, in this case, the applicant can buy offsets at any time as per the surface emissions in the framework. So given all that, in principle, is there anything to stop the applicant from including the aviation emissions? Could the applicant be more ambitious in trying to offset those environmental impact

2:47:18

to deal with this? Madam, the problem potentially or a potential problem with that is one simply sorry, one simply distorts the market. Airport, airline operators do not have to operate from Luton, if Luton starts imposing additional controls on the carbon emissions, which don't apply at all other airports in the UK, then you're interfering with the normal competition within the market, obviously, as far as things like sustainable aviation fuels are concerned, you know, the government does have its SAF mandate. And it's talked about how it will, you know, over time increase the percentage of saps that are required. I think it's perfectly normal, unacceptable for an airport to want to encourage, facilitate, help, all of those things, but I think to set a sort of binding requirement on that would simply mean that any airport operator, any airline operator that wanted to avoid that would just say, right, well, we'll go and fly from Stansted because they don't have this. So I think that is why we touched on Kyoto yesterday and how ICAO was to sort of oversee this for aviation that's that's why government has very clearly indicated that this is a national matter. It's it's something so that overall and nationally, we can we can tackle this particular problem rather than trying to deal with it in a piecemeal. That's

2:49:15

why all understood. It's I picked up that the applicant describes itself as committed to being an industry leader in sustainable aviation. I wondered if this would be an opportunity for the applicant to demonstrate that,

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well, madam, there are lots of things that the airport and indeed airlines do outside the controls of the planning system, all sorts of things that they do and the airport will continue to strive to be a leader in these things without a requirement. The point that I'm making is that these things do not need to be set out as a Have a sort of requirement that has to be done and additional level of legal control, which is what there would be in the DCO.

2:50:10

You know,

2:50:11

I'm sure the airport could could could explain the operator could explain that it's it's general policies to encourage these sorts of things. But that's a rather different. That's a rather different matter, I think from GCG, which is what we're what we're discussing.

2:50:26

Thank you. Does anybody else want to make any comments on that topic?

2:50:38

Moving on to mitigation of scope one and two emissions where offsetting isn't proposed to mitigate against the effects. Above level one, the monitoring report must include commentary on the avoidance of the exceedance of a limit. And then further action has to be taken at level to local and to some extent, national policies and the latest IMA guidance encourage carbon emissions to be reduced as far as possible. And that's honoured through the greenhouse gas emission management documents submitted to the DCA to this application, including the commitments in the greenhouse gas action plan and sustainability statement. If as much as being done as is reasonably possible, I'd like to know what else is available to the applicant to bring those emissions down. What levers are available to the applicant for mitigation beyond what you're already doing.

2:51:36

So enables on behalf of the applicant, that's kind of the purpose of green, the green control growth framework is to ensure that these limits are achieved. And so we lay out in the greenhouse gas outlined greenhouse gas action plan, how we will get those down as far as possible. I think we discussed yesterday around the key bit that's leftover is from the grid electricity. And so we are waiting for the outcome of this government call consultation, where they will describe exactly what sits under zero emissions airport. And at that point, that's when we will review the situation, there are going to be a number of sources mainly from grid electricity, but also a bit from Di Di says we're at the moment, there isn't a solution to reduce those as they are there's no sort of technological solution. But certainly with the grid emissions, for example, in our application, depending on how we're reporting that you can choose to report the scope two emissions either using a market based mechanism, which means you can use some specific factors to account for your missions, or what we've done, which is more conservative, which is a location space. So we're just using the average grid emissions, which is why you get left with this residual. So one key area has been looked at as an opportunity as an option. But by government in terms of how airports might meet the zero emissions is say, for example, to market based approach. So that could be things like buying redoes. So renewable energy guarantees or origin, which allows if for every kilowatt hours of electricity that are bought, then can actually be classed as zero emissions. That could be one key way of meeting that requirements. And that's certainly one area that's being looked at at the moment, and can be taken forward as a way of ensuring that that zero emissions target is reached.

2:53:38

That's helpful. Thank you. So what I'm hearing from you is that because the greenhouse gas action plan will be implemented anyway, regardless of the framework that's baked in to the application and the proposals. So all those things are going to be done anyway. And if you're still exceeding your limit, I want to be sure that there are things that you can do left over to bring it down. And from what you're saying it sounds like you do have things in your back pocket that won't be being done, necessarily through the greenhouse gas action plan enables

2:54:15

on behalf of the applicant. That's correct. So there will be things outside of the DCO application that can be done that are not inside of the action plan that we've put forward. Thank

2:54:25

you. Was there anyone else that wanted to come in on that?

2:54:36

offsets I'm interested to understand that how quickly you can buy them having never bought any offsetting credits. What's how quickly does this happen? Is it something that's overnight or does it take months

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in days on behalf of the applicant? Um, before you can buy them, there is a process in place where they have, you have to sort of verify the, the the carbon emissions, and then have a third party verify those emissions as well. So to make sure they're properly verified, we counted for them various markets available to buy greenhouse gas emissions from and it can be done relatively quickly, but you're putting in and bidding the amounts of allowances to get them back out. So it's, it's more sort of weeks, weeks, maybe months than years to purchase these things and or green control growth, for example, we are aligning with the airport carbon accreditation method of offsetting, which links back into sort of internationally recognised standards. And it's all around carbon integrity, and environmental integrity of those emissions that are bought, making sure they're all additional making sure there's no double counting. And they feed into mechanisms, for example, such as the United Nations Framework on on climate change. So those are the types of mechanisms but there is a little bit of time the buying and trading of it. So I'm not sure the exact timing for each of the different, different mechanisms. But it certainly but these schemes will work on an annual basis and have to be bought relatively quickly within that period.

2:56:23

Thank you that's useful. Some of the the scope three emissions offsetting appears to be the immediate recourse for the framework. The latest ima guidance says that offsetting should be the last resort. And we seem to be relying on the offsetting in this case. So I appreciate that the scope three emissions are strictly out of your control. But in chapter 12, references made to encouraging and facilitating the uptake of mitigation measures, like we've already mentioned that things like encouraging public transport as well. So given that offsetting should arguably be a last resort should provision be made for actions before this in relation to the scope three emissions.

2:57:09

So the outlying greenhouse so in Dave's on behalf of the applicant, and the greenhouse gas Action Plan does show how we are encouraging the uptake of active travel, alternative methods of transportation, including the allowance of electric vehicle charging, and so on, so forth. But, as you say, ultimately, that's outside of the control of the airport, particularly surface access, which is where the majority of those emissions come from, will largely be controlled by government policy, the transport, decarbonisation plan which has a key part to play in decarbonizing transportation,

2:57:45

I guess the question for me is one of principle and whether or not it's okay in the framework to say that if you exceed those limits for scope three emissions, then you automatically buy offsets or whether or not, there should at least be a pause and a look at whether or not there's anything else you could be doing prior to moving straight to offsets, even if, you know the answer is quite often going to be no, they're not practical, but whether or not that should be part of that process. So that it's not an automatically jump to offsetting that

2:58:16

will be sorry, in Dave's on behalf of the applicant that will be good practice to do that. So you know, always buying offsets will always be the last resort. It's a case of trying to do what you can within your gift within your control first, to be able to reduce those emissions and then falling back on those.

2:58:33

So would it be better if that's made explicit at the framework? Yes, absolutely.

2:58:39

marked a on behalf of the applicant. I think the one thing that I would say is that the applicant would take the position that they are doing that maybe not explicitly through the greenhouse gas portion of green controlled growth. But through mechanisms like the framework travel plan, when we're talking about surface access emissions, essentially, emissions reductions at source for surface access are firstly around discouraging the use of cars and encouraging the use of public transport. And then secondly, where you have residual car trips, encouraging those to be made, you know, with higher levels of occupancy using cleaner vehicles. Those are the sorts of things we're anticipating would be picked up through the framework travel plan and the ongoing travel plan process. So we feel that we are going to be bringing those forward, those sorts of measures forward. But we do want to retain the option of offsetting because as we've all said, ultimately, there's a lot of things that are beyond the direct control of the airport and the airport operator.

2:59:32

Okay, the framework is the ultimate control on all of this. But what you're saying then is that those things will be happening in the background anyway. So when it lands on the ESG desk, and it turns out that the limits are being exceeded. It's okay for them to say they've been solved just with offsets that They because the framework doesn't give them any opportunity to say, have you done everything else before you get to offsets. Now, I appreciate that the framework can't duplicate everything that's in the Yes. And all of the mitigation that's proposed. But I think for that particular one, because it is frowned upon to go straight for offsets, is it worth giving the ESG the power to say what else has been done before we buy those offsets? In this particular instance? I'm not suggesting you duplicate everything in the framework. I know that's not its purpose.

3:00:32

marked out on behalf of the applicant, I think it's probably best if we take that one away and just respond in writing, given the potential sort of overlap between the different control regimes and sort of governance processes, if that's okay.

3:00:41

Yes, thank you. Was there anything anybody else wanted to add to that? The 2040 targets, the applicants set out that they intend to meet the 2040. Net Zero targets for airport operations and surface access. And they don't appear to be reflected in that table, one that we had up earlier, and why not?

3:01:07

marked a on behalf of the applicant. So mostly just to try and make the table legible. So I think we do have rows in the table which say from 2014, the limit will be zero, regardless of which phase the development is in. So why

3:01:20

not just make it zero now.

3:01:24

So we talked earlier about the stock market on behalf of the applicant, we talked earlier about the phasing of green controlled growth relative to the phasing of the development. So as I said at the time, we don't have defined phases in which the development has been brought forward, that the phases within green control growth are linked specifically to passenger throughput rather than to particular points of time. So at the moment, what we can't do is say, within 2040, we will be in phase two, B will be x. So we've tried to reflect it just through having separate rows in the table. We're happy to go away and consider whether there's a way we can make it clear, but that's the reason it's been presented.

3:02:00

Let's finally understand that now. Thank you.

3:02:09

Then keeping it keeping the framework updated, in terms of those limits, I and I note the commitment to an update in response to both the jet zero strategy and the decarbonizing transport document within three months and then being published. That's obviously welcome. They'll almost certainly be other policy developments over the lifetime of the site and the framework. So is there any committing to commitment to reacting to those quickly as well? Or do they just all into the five yearly review?

3:02:43

marked a on behalf of the applicant? So just to clarify the requirement for carbon neutrality from 2014, for surface access is in response to the applicants own netzero strategy, which has already been published outside of the DCO. I think it was published last year. So that's an existing commitment that's been made by the applicant, which we've brought into the GCG framework. You're absolutely right, that we've made a commitment to respond to sort of known future changes in policy through the jet zero requirement for zero emissions airport operations. But I think we've we've probably covered similar grounds in our response on action point 18. And issue specific hearing five, where we were asked a similar question about air quality and our ability to change limits in future in response to future changes in legislation around air quality. Our position is that we don't consider it reasonable for requirements to be imposed, where they'd be prevented implementation of a planning consent that was policy compliant

at the time consent was granted. We think that's a reasonably well precedented position. I know it was discussed in the Stansted planning appeal, where the local authority was seeking a similar condition that would reassess carbon emission limits in light of potential future changes of policy and that wasn't accepted by the planning Inspectorate as part of that.

3:04:05

It is also worth making just very briefly the point of course, if there are future changes of legislation that apply to airports then they would apply. We see no reason why they would not

3:04:17

Yeah, but I was assuming that was given this was about policy and guidance. And following best practice and whether or not there was any provision to update the framework. But it doesn't sound as though there is at the moment only mentioned

3:04:29

legislation because it was mentioned in your agenda item and just wanted to make sure that that was ticked off as well.

3:04:37

Did anyone else have anything that they wanted to say on the matter?

3:04:41

Yes, David Gertler, Luton Borough Council, probably pressing through you were the applicant of condition 19 of the 19 million Planning Commission has a number of accreditations and actions for the carbon reduction strategy. And part five of that says as and when new national policies or targets are published, the carbon reduction strategy shall be updated to reflect those new policies and targets. So just wondered if that fitted with the type of question you were asking just now. Yeah,

3:05:13

it certainly does applicant would you like to respond to that? In addition line team times that part five?

3:05:32

Is that one that it will be better to take away so that you've got some time to consider it?

3:05:35

I think it probably wouldn't be if that's okay. Thank you. Well,

3:05:40

not for the benefit. Mr. Natalie mystamp. You are here tomorrow? No, no, not here tomorrow. I think it's gonna it's gonna be picked up at the DCO hearing, because we had a discussion last time around. Because obviously, article 44 wipes out consent and about weather conditions needed to be rolled rolled over into requirements or onto the face of the DCA. So maybe it can also be picked up there again, and also in writing?

3:06:01

Possibly, yes, there seems to relate to the nine P 19 carbon reduction strategy, which obviously isn't going to apply. rolling forward, I always need assistance. Yeah, perfect. I don't know whether you heard that. But Mr. Henderson's going to come back to that tomorrow.

3:06:32

Are there any other comments from around the room about not keeping the framework up to date with developments in policy guidance and best practice?

3:06:49

My last question is a very short one. And I think it's one that I can probably answer myself, which was an updated greenhouse gas monitoring plan. The only reason I put this on was because I saw that all the appendices have been updated. But this one wasn't. So I wanted to check that it wasn't an error. The last version, we've got this AP to do three

3:07:09

month day on behalf of the applicant. No, that's that's not an error. We're not aware of any issues being raised in respect of the monitoring plan, we've not considered it necessary to make any changes. That's

3:07:19

great. Thank you. Those are all my questions on greenhouse gases. Is there anything anybody else wants to contribute to that discussion? Mr. Gertler, your colleague.

3:07:36

Yes, David Gertler captured I try and pronounce your name. So I will try cat. We saw

3:07:45

countless HUDs clucking Borough Council. It's probably a question to the applicant to three Ms. Davis. In terms of the monitoring, monitoring plan for greenhouse gas emissions, I find it slightly perplexing that, at this point in time, it's not connected, a bit tighter to the monitoring regimes for surface access, since surface access is sort of the main contributing factor to carbon emissions. And specifically, the monitoring relies on a MC ca survey. And it's not validated by more sort of technical online live monitoring, as its proposed for for trimmer, or based on the automated plate recognitions or other sort of techniques.

3:08:49

Thank you. I think that might be one that you have responded to in writing previously. But would you like to give us a summary of that now?

3:08:58

Excuse me marked down on behalf of the applicant. It may also be something we want to come back to when we come to surface access. I think there's an agenda point there around monitoring. I think essentially, the point is that that the the use of the CEA departing pasture survey data is aligned with the surface access monitoring approach. So it's the same data set that we are proposing to use for

compliance with the surface access limits within green control growth. It is how the airport monitors and reports on its surface access permissions currently under the airport carbon accreditation framework. And as far as I'm aware, it is how most airports that I've worked with, report their surface access permissions as well. I know Mr. Gertler, we had some discussions about this a few months ago, and you'd asked if we could look into how Bristol did it, which I think is the same way that we are proposing to do it as well.

3:09:55

Thank you for that clarification. Was there anything else anybody wants to add to Gertler

3:10:04

was it yesterday that question was going to be passed on to us about emissions? When my expert on climate change greenhouse gases was here, and I can't remember exactly your, your quote, I think it was probably from rep for where I'm referring to the 19 million permission, and whether emissions from other sources, surface access might be controlled. I'm trying to remember exactly what your quote was.

3:10:37

If you just bear with me, I've got the direct action points here that helps

3:10:40

I think we caught it as an action point for you. So it's probably in there somewhere,

3:10:45

since we haven't obviously haven't published them yet. So it was it quality under remember what it was under?

3:11:01

to apologise, sorry, since David Gertler, again, I think the quote was from my rep, or possibly 188, which said, with regard to serve, I think it's this one with regard to surface access submissions, the panel noted that the airport, this is the inspectors panel on the 90 million, the panel noted that the airport could exert greater influence on these and noted that the ACS, the airport surface access strategy needed to be ambitious and robust. local planning, authorities supported this position at the public inquiry and recommended planning condition to encourage a shift to more sustainable modes and with support similar in relation to the DCO I think that was the quote that sounds familiar. And and I copped out. You want me to give the answer? I think you are too far away otherwise. So we think that the solution would be through the airport encouraging various sustainable modes. So whether that is, for instance, for staff, it would be the cycle, cycle routes, subsidies, subsidies to Dart, and I think the airport owner would the applicant sorry, would tell us that some of these things are already in place. I think at one of our meetings, you've said that anyone who's going to pass at the airport, automatically get subsidised transport on the Dart incentivization, possibly through salary sacrifice for cars. So that would be for staff and I'm so in terms of driving down emissions for passengers. Again, it goes back to the Eevee charging points at the airport carpark management pricing, encouragement. So it's the carrot and stick. So hopefully that that saves further answer, but I'll we'll we'll put it in our oral response. That's great. Thank

3:12:59

you. Mr. Gertler. Did the applicant want to respond to that now? Or will you respond when you respond to the hearing notes?

3:13:08

I think we'll respond when we respond to the hearing those Thank you.

3:13:10

Thank you. That brings me to the end of the greenhouse gas section. I think we are going to take a very short break. We've been going a while now but also unconscious. There's a change of personnel coming up. So it's probably a good time to take one just so that you can be prepared. We will be coming back to surface access. The time now is one minute past three. I've been told to take minute 10 minutes but that gets us to 11 minutes past three and I prefer to round it up. So if I said quarter past can we make it very prompt for quarter past? Thank you