

AUDIO_LUTON_ISH8_SESSION4_29112023

00:07

Good afternoon, everyone. And welcome back to this issue specific hearing aid. We're going to restart the hearing with item eight climate change and greenhouse gas emissions. I'm going to pass over to Miss Davis to deal with this matter.

00:25

Thank you.

00:27

While I start my questions, can we get inset to one of rep 4078 Up on the screen please?

00:36

The first thing I wanted to talk about was the sensitivity of the assessment to future operational requirements and pace of technological improvements. This is a topic that's been

00:47

sorry, persistently raised by IPs. I've noted the applicants responses to these including that government policy is not open to challenge as part of this process, which is obviously not in dispute. However, several people have stated that the high ambition scenario

01:06

in the jet zero strategy is a trajectory rather than a policy by which reductions in emissions can be measured and monitored rather than policy in the strictest sense.

01:18

So I wondered if the applicant would like to comment further on that

01:24

Adam Yes.

01:28

All right

01:36

yes, I'm Michael Humphries barrister for Luton rising.

01:44

Madam Yes, I

01:47

will go into this issue and and in particular, you will have in mind the rep five comments from

01:57

Buckinghamshire but before I do, so, I'll just, if you'll forgive me just sort of set a little bit of

02:06

context which is important to understand then

02:11

where sensitivity is included and where sensitivity isn't in clued in and we'll obviously discuss the inset so

02:20

much of this we've said before, and therefore I'll do it fairly light touch we start from the first point that government has made it very clear through MBU paragraph one point 11 and following verte

02:36

carbon and greenhouse gas emissions for aviation that are to be dealt with at a national level that's understood and various planning decisions since Bristol airport. And also in fact, Luton. P 19. have endorsed that approach and the courts. Bristol airport High Court decision, for example, also endorsed

02:59

that approach. The government, as you know, has two primary mechanisms at the moment to deliver that one is the UK ETs and you've read about that the other corsia and you will have read about that one is fully enforce. And airlines currently have to give up allowances at the end of the year. corsia is currently partly enforced, but the government has made it very clear and jet zero that it will be brought fully into force no later than 2024.

03:32

Importantly, government has also made it clear in MBU paragraph 120 30 will take

03:38

other measures to mitigate carbon and the courts have recognised this Bristol airport High Court decision around 98

03:48

The vast majority of sites from flights from Luton will fall as you know, under the UK ETS some however, will be under

03:59

corsia

04:01

important in this is an understanding from jet zero strategy, that the allowances under the UK ETs are to be aligned with the jet zero strategy. And therefore, government has made it clear that that capping of carbon emissions, the the allowances and the cap will fall in line with the jet zero strategy. And that's important.

04:30

It's also important to understand

04:33

that as was made clear at the P 19 decision by the secretary of state that the

04:41

both the UK ETs and corsia, as the Secretary of State said,

04:48

are regimes that provide separate pollution control regimes which the NPPF assumes must operate effectively and that time

05:00

indirectly as you will be familiar with paragraph 188 of the MPP F, which tells you that the focus of planning policies and decisions should be on whether the proposal is acceptable use of land, rather than the control of processes or emissions were these are subject to separate pollution control regimes. binding decisions should assume that these regimes will operate effectively. And what the government was saying in paragraph 22 of the P 19. decision letter is that ETs and corsia are separate pollution control regimes.

05:37

It's also important to understand therefore, that in the jet zero work, and the forecasts that underline the jet zero work, government did assume it's only an assumption it's not a predetermination, but an assumption that Lucien will get to 32 million passengers per annum by 2030.

06:02

Now, in that context, the way loot and rising has approached the

06:09

the carbon in

06:13

the inset, I think it's 2.1. There Yes, in step 2.1, is to assume that the government brings forward the policy and legislative measures necessary to drive those changes. But and this is important, in a sense, we don't rely on that in order to cap carbon carbon is capped by the UK, ETs and, and corsia. Now, what some parties have raised, including Buckinghamshire in some of their points is, well, if these technological improvements do not come along, in accordance with government's assumptions in the high ambition strategy, that could lead to higher carbon pricing.

07:08

Now we are in rep 4078, in response to your action point 15. We did discuss this table and we I mean, it was described as in the sense of a form of sensitivity and that you could see what happens if we do nothing. And you could see what each measure did Buckinghamshire say, well, there's not a sensitivity in that it looks at different timings and things. And of course, that's absolutely right.

07:37

But it is in that sense, it allows you to disaggregate the measures,

07:43

Buckinghamshire, then come back and make the point well, if carbon prices are higher, that means that you might not achieve your growth.

07:54

That is in the sense, where we look at sensitivity, because of what was Condon has done, for example, in rep 4104, but in other places, and maybe she needs to talk about this in a moment, is to say, in effect, if the price of carbon is higher, because technological change doesn't come forward at the same pace that is assumed by government.

08:26

And that does have an effect on the price of carbon. She has sensitivity tested that. And she she will explain this, but in broad terms, my sort of non economist understanding that is done both by the Monte Carlo modelling for the for each of the cases, but including the core case, but also importantly, in terms of higher carbon prices, the slower growth tests. So have we sensitivity tested?

08:55

I don't know,

08:57

zero emission aircraft coming forward in a different year that the government has assumed? No, we haven't assumed that we've, we've taken the lead, as we've described in the appendix to chapter 12. So it's chapter 12.2. I think it's called and you can see there the assumptions that underlie this, No, we haven't sensitivity tested that. But what we've sensitivity tested is the cost implications of that not happening through through the forecast and with that, and pausing to draw breath. Condon to, to explain, but I thought, before we got into this, it was important to sort of understand the the architecture, the overall, the overall scope within which we've looked at sensitivity of around these issues. Thank you. Yes, it's always useful to set the scene.

09:48

Before we move on. I just want to check one thing with you, you referred to corsia as a capping scheme, and my understanding is that it's not a capping scheme. It's an offsetting. That's, that's exactly right.

10:00

ait corsia, and if I call it a capping scheme, I apologise that must have been a slip of the tongue. It's, it's, as the name suggests, it's an off setting scheme. It is, of course, the United Nations own offsetting scheme through ICAO, this was set up

10:18

at one of the much earlier cop

10:23

conferences, the one in Kyoto, I can't remember the year I think it was article.

10:29

I think it was article four of the Kyoto Protocol, which was the Kyoto COP meeting and it said that we will take aviation emissions out of everything else and it will be dealt with separately via ICAO and corsia. is what has come out of that and and governments are adopting that there are

10:53

some

10:55

exam exemptions from that for small islands and developing countries but but but that represents less than 1% of all emissions. So basically, all other emissions will be covered by contracting parties to that including the UK

11:12

did you want to call on this conduct now or shall I move over to New

11:17

Why don't you get her to sort of just explained basically what we've done

11:25

and and then Mr. Westerman Smith, you know, from Bucks Can Can

11:32

you hear it can make their point.

11:36

Louise Condon for the applicant, I think just dragged him to point but corsia was costlier at the moment is an offsetting scheme, not a capping scheme. If you look at the Jet 01 year on report from July this year from the Department of Transport, it's fairly clear and very clear signals in there that they regard bringing costs here in full in 2024 as an interim step. And I think, you know, along with EU, both the UK Government and the EU see the likelihood of introducing more stringent measures, something more akin to an ETS scheme for all flights to and from the UK, over the period of the jet zero strategy. And I think in that context, again, you need to bear in mind that around 89% of the flight, even in 2043, are

covered by the EU ETS and the non EU ETS flights. By and large, don't start to emerge until phase two of the scheme well into the 2030s. By which time I personally would expect that the government would have strengthened and tightened up the corsia scheme. In the short term. Most of the non ETS flights, ironically, are those from the UK to and from places like the Channel Islands and the Isle of Man. Because those islands of your islands are not part of UK ETS. And they're obviously small aircraft, low emissions are now turned to the point I'm supposed to be addressing, which is the forecasting one, but I thought I would just put that in to start off with

13:04

I think having looked at the Buckinghamshire responses, and I think there's a perhaps a lack of clarity. And I'll try and make it clear here in our responses about what we've allowed for in terms of the cost of carbon.

13:18

We haven't simply included within the demand forecasts, the ETS trader cost

13:25

we've answered included within the demand forecast and it's all set out in the need case which is as one to five in Section six. We've taken the same carbon line carbon cost line as the Department for Transport using jet zero. And the important point about that carbon cost line for ETS flights is it trends from the current traded price to what is the the best be EIS target appraisal value and that target appraisal value is set at a level which the government believes is necessary in order to incentivize decarbonisation, so to address bucking and produce fear, to the extent that the cost of achieving this or higher costs of sustainable aviation fuels are higher than current fuels are the costs of new technology aircraft are more expensive than current aircraft. Those are built into the concept of using these target appraisal values. So that's why we say in the demand forecast, we have fully internalised the costs of delivering this strategy.

14:46

Thank you. Before I move on, you mentioned

14:51

recent government updates relating to debt zero that indicated a direction of travel that was going to tighten

15:00

upon these things, is that something you could submit to the examination?

15:06

Yes, I'll put a note in that just refers to where it talks about this. It's the government strict 01 year on report from July 23, that was very helpful at our signposts the place.

15:18

Buckinghamshire, did you want to respond to that?

15:22

In part, I'm going to do so by asking David Johnson to respond.

15:31

And in part, I think will reflect on what we've heard and update our position in light of it when we have a chance to talk to Mr. Johnson. But Mr. Johnson, do you want to respond, provide an initial response, if I may?

15:48

I think that's that. So thank you. Thank you. And I think that's been really helpful set of clarifications, because I think it kind of brings us to the salient point that that it's issues. So

15:59

agree first off that 12.4 inset within appendix 038 is not a sensitivity study, because the sensitivity study would look at the difference in those different constituent parts and the effect that that would have upon cumulative emissions.

16:18

Also, kind of note the point that the UK ETS, of course here is essentially relied upon as a backstop in effect. So if the technical developments don't come forward at the pace that's anticipated in the assumptions of the Jitsi, or a document, then the applicants sort of position is that that's effectively covered us off by ETS. And course here, I think the inspectorates point about CORSIA being an international agreement is really important, because within the Jitsi read documents themselves, it states that the trend for CORSIA price of tonne of carbon to trend to the same as the ETS would require significant international cooperation, which is, which is a risk. So is that something that we can rely on or not? That's a question. But But I think that the key point, this does come out, I think in paragraph 104 from the applicant pages eight to nine, which is the as I understand it, and I'd welcome some clarification on this variation in carbon prices has been assessed and presumably a wide variation of a range of carbon prices. But they also state that it's not possible to model the effect of higher or lower carbon prices on cumulative GHG emissions due to the volume of data. But more importantly than that, I as I understand it, there's not a specific analysis that says if for example, sustainable aviation fuel is developed and comes forward at a slower rate than our central assumption, then the effect upon that, so the increase in price in carbon that is needed to sort of maintain that cap is x. And that, for me, is the critical point. So as I understand it, the kind of saying, yes, there are plausible scenarios over here on the left hand side. And on the right hand side, we've got, you know, probably hundreds or maybe even 1000s of different price developments that have been analysed. But you couldn't point and say, well, if zero emission aircraft don't come forward, this is the resulting price, if sustainable Asian aviation fuel doesn't come forward, this is the sort of price that we'll have to develop. And I think that's important, because what what is the effect? what price do you end up with? Does the price become so high that at some point, it's prohibitive? And you get all kinds of issues? Which mean that, that it's sort of not actually realistic? So I think if that is correct, if I've understood that, and I'm very happy to be corrected on that, then I think as a minimum, and this is actually what we requested, I think, following the previous should be, can the applicant, please just make really clear

for the three sort of central assumptions. So system efficiency improvements of 2% per annum, sustainable aviation fuel take up and zero emission aircraft. If those things don't come forward at the anticipated rate, then these are the price kind of curves that you can expect. And this is the effect on demand. Just so it's there's a real clear causal link and a sensitivity study in that way. I think that would be really, really helpful.

19:29

Thank you.

19:31

Mr. Johnson. I mean, I think that's, I think that's

19:36

helpful. Mr. Johnson, quite rightly referred to rep 4104.

19:43

On page 10, we say this and it may be that what Mr. Johnson is asking for is

19:50

a little bit more detailed, but what it says is this if the price for ETS or course your allowances are higher than expected, this reflects a world in which it has been more difficult and more

20:00

expensive to bring forward technologies to enable decarbonisation, this is reflected through the passenger forecast by the slower growth case. If all measures did not come forward, then there could be further constraints on growth as this would raise the price of carbon further. However, very importantly, this is not the basis for policy as set out in the jet zero strategy and is therefore, not considered an appropriate basis on which to assess this application. And of course, the point is, in that world where allowances are coming down, and we presuppose there is no

20:36

further development of these things, the consequences of that are not unique to Luton or the UK.

20:44

Those are global, but for

20:48

airlines, and clearly, governments internationally, and the UK government, in particular, who have looked at this very closely have

21:00

come up with their forecasts, which are reflected in the high ambition scenario and what they intend to do to bring that forward. And we know as early as recently, as sorry, as Monday, the

21:15

Virgin Atlantic did their 100% SAF flight to New York, it was a test flight. It's not a regular commercial flight. But it shows you I think, the level of ambition and when you look at

21:31

when you look at the chart, the blue, I can't see it, I don't know whether it's my eyes or the screen, but I can't see it. But the blue is basically efficiencies, those are things that are happening. Now this is more efficient aircraft, and more efficient flight paths. This is

21:49

why we're going through these

21:53

airspace changes. That's what that's about. The second one is SAF. So I think the orange one and again that that is something that is happening now I point to the Virgin Atlantic flight. It's only when you start to get to the others. Zed yeas, zero emission aircrafts, you can see that the incremental addition from zero emission aircrafts is, is quite small, obviously, if there were zero emission aircrafts, they would be in effect, displacing the other things. But the addition for z, Zed DA is on top of those two other things, which are pretty secure, is small. And then I think the yellow is the residual and that's reflecting in effect, the forecast and the higher ambition. trajectory.

22:52

Thank you, Mr. Johnson, you put your hand up.

22:56

Thank you. I just wanted to clarify, one, one small point. And I think the rest of you probably respond in our written comments, which was savings from efficiency. So within the assumptions of jet zero, the assumption is that those efficiency savings proceed at a rate of 2% per annum versus the current rate of 1%. So it's not the case that current efficiencies are sufficient to deliver this. You're also looking at effectively a doubling of the rate of per annum efficiency improvements. And I think that's just just just an important clarification. I think the rest of our comments we'd add in in writing, but thank you very much for the opportunity to speak.

23:38

Thank you, Mr. Johnson.

23:41

If I might just come back on the last point very, very quickly, because I know we're pressed for time. I think just to stress again, if

23:49

the rate of the efficiency improvements, the rate of introduction of SAS is slower, and the cost of buying a permit to emit carbon increases, that is already accounted for. In the carbon cost assumptions, which are the target appraisal values, they trend to those target appraisal values. And those target appraisal

values allow for costs well above ETS costs in the longer term, because they allowed for the cost of abatement the power cost of SAS in a generic way they haven't looked at individually because like, it will be very difficult for anyone individually to say, well, if this didn't happen, this will be the effect on the ETS trader price. And that's one of the reasons why all aviation forecasters

24:39

DHA, ourselves and other responsible forecasters are using that trend line toward or towards the appraisal values. We've not just tested a central line. As Mr. Humphrey said earlier we've tested a lower line in because SAS may turn out to be cheaper than everyone thought it may be easier to do. There's a lot of progress

25:00

Restaurant serves being made in the short term. Equally, it may be more difficult. So we've tested a higher carbon cost line, that trend stores the bears upper bound value. And all of that is set out in a Monte Carlo analysis that we're describing in an extra year to the naked eye. So we've tried to test in terms of the impact on the demand forecast, a very wide range of possible outcomes against that central case trajectory.

25:28

Thank you.

25:29

Was there anybody else that wanted to contribute to this discussion, I understand that ladder can have recently joined the call. And I know you've raised concerns on this issue in your representations.

25:43

Thank you very much, Madam.

25:46

We've listened with interest to what's been said.

25:49

And we'll come back in writing if we have any further points to make Thank you.

25:54

Thank you, Mr. Iamborn.

26:02

I'd like to move on to the next item and which is the likelihood of the 2014 net zero target for ground operations being achieved. So the applicants acknowledge that modelling of the greenhouse gas emission shows residual emissions for ground operations in 2040. They've committed to reviewing the results of the government's consultation, and within three months developing plans as to how they'll meet this, I want to understand whether it's possible or likely that the applicant can meet this target.

26:34

So I note that the majority of emissions at this point will be from the generation of red electricity, that's something that I'd like you to think about when you respond as well, and that the applicant is exploring private connections to renewable energy sources outside of the DCO.

26:51

We need to understand what the likelihood of those coming forward as the scheme is entirely reliant on those for reaching the 2040. Net Zero target for grant operations.

27:02

And modelling, this is one where I'll immediately hand over to Mr. Davis, because it's a technical point. I'm not very good on those.

27:12

Thank you very much. Good afternoon, Madam Ian Davies on behalf of the applicant.

27:19

Yeah, so just sort of, again, a bit bit of context, obviously, we're talking now that the question was put to us around the net zero emissions by 2040. And we'd actually say jet zero goes beyond that, and talks about zero emissions by 2040. And absolutely, when the results when that consultation come forward, we'll be fully

27:37

seeing that if that's put forward into policy, then Luton Airport will have to comply with a policy. So it's highly likely that it will happen if not definite,

27:47

obviously, there was a call for evidence last year on the to get views on how that 2040 zero emissions approach could be met. And that call for evidence ran to the fifth of May, this year. Then in in jet 01. year on the there was a there was a requirement there our commitment to publish an independent research project later this year, to understand the commercial feasibility of adopting zero carbon emissions that will be required for airport operations to be zero 40. And that report will provide further evidence on the feasibility of that 2040 target.

28:28

And again, Jet 01. You're on Also, earlier this year, talked about publishing and consultation consultation early next year, setting out the government's proposals for implementing that 2040 target. So certainly, we're looking for that come forward.

28:45

Yes, we do show some residual emissions at this stage 2040. And as you say, it is predominantly grid electricity. We can't say exactly what will be done to pick up those residual emissions. But there are including linking to renewable energy schemes, private wire offline, renewable energy schemes could be one option. But there will be other options as other technologies come forward. But we're just

waiting for, say that definition from government on what zero emissions for airport operations will look like in order to properly define that. And then and then set forward, as I say, within three months what the position will be for Luton.

29:30

I mean, we've demonstrated in chapter 12 in the greenhouse gas chapter, table 1219.

29:36

That emissions, those emissions from EPA operations reducing from 17,020 19 down to

29:46

less than 3000 in 2040. So there is that still, that residual amount, but there are a number of things that will be brought forward

29:55

in time once that definition has been put forward.

30:00

To show how that will be met.

30:03

Also, it's worth noting that the green can troll green controlled growth Framework also has commitments in place there to review the outputs on that government consultation on zero emissions by 2040. And two

30:19

responses to that within three months to set out how that zero emissions target by 2040 will be met for the airport.

30:30

That's all understood. If we assume that there are still residual emissions, as you suggested that there might be come 2040 What confidence can I have that there will be a solution to that? Because at the moment, I don't have anything very specific or any details apart from possible reliance on private renewable energy schemes, none of which have

30:56

applied for or given permission yet.

31:01

As I say, we were waiting for the exact definition of what airport operations are what falls within I understand that. But let's get over that bit. Because we just don't know and assume that there are some residual missions. And you if are there, things that I can be fairly confident in that can be delivered to make sure that you can reach that target?

31:23

Yeah, in David's on behalf of the applicant. I mean, I think we are confident that things can be done to meet that target. I'd say at this moment time, we can't say exactly what they will be until we know the exact definition of what will be included within them. But renewable energy of sight is one option that will be considered.

31:40

And it may be worth it in the weather. Mr. Davis, indeed, Mr. day want to just touch on GCG and airport carbon accredited tation. For offsetting and what that what that is,

31:56

because obviously important, and I think this is an underlying your question as well. How are you going to do it? What things would you do invest in in order to offset so

32:10

which of them just wants to touch on what ACA

32:15

accreditation is

32:19

marked a on behalf of the applicant? I think that might be something we come to in one of the subsequent agenda points. But I think there is some context around the green controlled growth framework. I mean, as Mr. Davis has said, part of the problem about providing confidence, being able to achieve the jet zero 24 style is that we don't understand what that target is precisely yet. And so it is quite hard for us to say absolutely, that we will do X Y Zed specific things to be able to meet it. However, through including the review mechanism back here, including the review mechanism. Within the green controlled growth framework, we've made a commitment to reviewing what needs to be done once that scope and that pathway is better understood, and to bring forward measures that allow us to meet that in order to allow for the continued growth of the airport.

33:07

Is that something that you would like to pick up tomorrow where obviously you'll you'll have Mr. day he'll be back here? And it's one of the topics you have we will potentially but I'm not sure it's answering my question even now, because the framework will prevent you from expanding if you can't make that 2040 target. But my question is a step back from that, which is, Is it achievable in principle. And I'm trying to understand what tools you have in your toolbox to reassure me that there are ways that you can do this. And so far all I've heard is that there might be private renewable energy schemes. And with their question about offsetting, for instance, my understanding is that you can't use offsetting when it's against something that's this is the point the commission Yes, that is the point in a sense that goes to what is an airport emission. So for example,

34:06

if it's surface access, it's it's it's people driving to the airport, and they drive to the airport once a year. They're not obviously going to buy an electric car to drive to the airport. Once a year, we can't force them to have an electric vehicle. And yet, if the definition of airport operations includes cars, that passengers are driving to the airport, then it will be extremely difficult for us to

34:34

be zero emissions because that would count against us now. We assume

34:43

that government will So define zero emissions for airport operations in 2014 in a way that allows airports to actually comply

34:56

with that, but but that we await the cause

35:00

rotation, I think Miss conlang would like to jump in to his calendar for the applicant, if I might assist. I know from conversations with the department and also with the airport operator here that the department recognise the challenge of power supply. So our residual emissions that we have it 2040 are basically from the grid and the department in considering as they are at the moment, what to include within scope of that. zero emissions ground operations 2040 Target, one of the things that they are considering and what to do about is a problem. It's not just specific to Luton, it's across the industry as a whole is how do they address that concern? If there can't be absolute certainty that grid electricity is zero carbon. So

35:49

it's my understanding, although these things do slip, that the department are planning to respond to the consultation that took place earlier in the year, by the end of this year. If they do respond to that consultation by the end of this year, then we will be much clearer before the end of the examination. Exactly what will be in scope. But at the moment, you know, I don't think we should assume necessarily, that the grid and the power supply will be included within that target. It may be it may not be as we sit here today,

36:21

the

36:24

transport people are taking to get to the airport.

36:28

That's just been referred to that's not included in your current estimate of residual emissions, is it?

36:38

I mean, I'll let this marine Mr. Davies comment on what's included. But ground operation, surface transport is not part of an airport ground operational incidents that are right, I don't need any more detail. It was more that if they do include that as as being possibly implied, and that would make the residual residual emissions even greater and possibly a bigger problem to offset? It is my understanding is with us be vehicles operating within the airport, good to not have vehicles outside of the airport. That was my understanding as well.

37:10

That's outside of

37:16

Was there anybody else that wants to comment on that item? And that's the likelihood of the 2040. Net Zero target for ground operations at the airport being achievable.

37:31

Mr. Davey, you've got your microphone on. Did you want to say something? Sorry.

37:36

Okay. Moving on to the next bit, which was application of the Luton netzero climate policy and Action Plan, which was submitted it rep three 100. I can't see any evidence that this has been considered as part of the applicants assessment. So my first question is, has it been considered?

37:54

Yeah, Ian Davies on behalf of the applicant. So the Luton borough Council's netzero climate policy and Action Plan sets out their commitments, they have net zero commitment for the council estate and operations to net zero.

38:11

It doesn't explicitly require the airport to zero as part of that, however, and also within that strategy does talk about key policy or being the growth of the airport

38:23

or the airport is mentioned several times throughout that plan.

38:27

And a key part of a section four, where there is before you go on. So it hasn't been included in the application. So far. I was just having just missed it.

38:40

But I'm not sure whether the plan has explicitly been included in the application that I can answer that question. Okay.

38:47

But the details set out within section four in that plan, do mirror that which is around the mitigation that will be undertaken by the airport does mirror the mitigation that's been included within the greenhouse gas Action Plan, which is in the application and the mitigation in the climate change chapter.

39:09

Thank you. So question for Mr. Gertler, probably earlier than Borough Council.

39:15

And that's the status of this document because it appears to be policy. So it's something that should be taken into account and given similar way to the local development plan.

39:26

Thank you, Sue frost on behalf of the council.

39:32

It doesn't have development plan status. Now. It's it's purely a council policy. But that has been officially gone through all the various committee processes to be adopted, but it doesn't have weight as a planning document.

39:48

Have you had a chance to review what the applicants submitted that might not specifically refer to that policy but that they think probably does meet the requirements of it

39:59

might

40:00

colleague who isn't here today, unfortunately, Caprese Oscar has been looking at that in detail, but she is here tomorrow. And she'll be responding on the green control growth mechanism. I mean, insofar as the council just just to clarify, the roadmap that we have adopted does cover the whole of the town, it's not just the council's emissions. And so surface access for us in terms of meeting that net zero, target of 2040, is really quite significant. It's one of the main emission areas. So any increase from the airport is obviously going to have an impact on that. So we are trying to, obviously encourage as far as possible reduction in surface access by car by car, and looking at sustainable transport modes

40:58

in order to, I suppose achieve that we need a robust sort of mechanism for monitoring. And I think that's one of the points where we're going to look at tomorrow through GCG as well.

41:12

Because obviously, we need to be able to quantify the carbon impact, which I think at the moment, lots of local authorities are struggling with measuring carbon anyway, but but we would want to work with the airport to ensure we can do that going forward.

41:28

Thank you, Miss Ross. And welcome. Seeing your colleague tomorrow. The review she's done against this policy, is that something that she's intending to submit to the examination?

41:44

Sue frost on behalf of Lynn Council, yes, I think we will be submitting that examination. Yes. Great. Thank you.

41:55

Was there anything anybody else had to add on application of the loop Net Zero climate policy and action plan?

42:03

Timmons?

42:06

Thank you, Jen. Thomas.

42:10

I just wanted to I've got two questions for the applicants. One is the two reports by the Climate Change advisory committee to the government 2020 and 2023. Are they which advise that there should be no further expansion of airports if they were to achieve net zero by 2050? We're now talking about 2040. So

42:36

has the jet zero policy overtaken the the climate changes? Sorry, climate change committee's advice? And how it was, in the view of the climate change committee.

42:54

only possible to get to net zero by 2050. How come that they can do it by 2040. Without with this huge expansion? That's my first question. My second question is, and it relates to this access on by road.

43:13

The area I'm

43:16

a counsellor in is Hartfordshire. The M one runs very close to a number of places in Hartfordshire, which mainly access Luton Airport, but a lot of people.

43:30

And that is getting more and more congested. And this is without an extra

43:36

X million more passengers accessing the airport. It's already very congested. I did a Freedom of Information request to police to find out

43:48

how many incidents have had been on the one in the first six months between junction eight and junction 11. Both ways and there were 642, which is considerable, a lot of those result in

44:01

a lot of traffic going on in small lanes and roads all outside the one in Hartfordshire. That creates a lot of gases and carbon emissions. And I just think that is something that should be considered certainly for local people, that is communities that has quite a

44:19

impact. Thank you. Thank you. With regard to the first part of your second point, we had an issue specific hearing yesterday on traffic and transport. So I don't know if you're able to listen into it. If you do have evidence that you want to pit in about congestion, then my colleagues appreciate that you're very welcome to submit that in writing for consideration.

44:46

With regard to the admissions part of transport locally to you, and with your first point, which was about climate change committee advice, I will turn to the applicant

45:00

To respond to that very briefly, but I would say we've had quite a bit of discussion about the status of the committee advice already, so we probably won't do it. Don't worry at all. It's it's good to hear what you've got to say. But we probably won't get into that in detail now. But the question about

45:19

that aiming for 2050. And now, the applicants aiming for 2040, I think is one that if you could very briefly respond to Mrs. Timmis. That would be helpful.

45:31

Yes, thank you. The 2050.

45:36

Date is enshrined in

45:42

section one, section one, one of the Climate Change Act 2008. And that hasn't changed. And that is,

45:49

what in

45:51

in brief I will summarise is that the net zero target. Section four of that Act talks about five yearly budgets, but that's the 2050. Net Zero target. The Committee on climate change over a number of reports making recommendations to government has talked about different pathways to achieve that, and in one of its reports, talked about wondering called the balance pathway, which made certain assumptions about the growth of aviation emissions.

46:25

It also recommended that there should be no new capacity at airports the government has rejected

46:34

that advice, which has been made more than once by the Committee on climate change. And in effect, the jet zero strategy sets out the government's view on this, which, as I say, does not

46:48

does not accept the recommendation of no new capacity. The gender strategy has brought forward for aviation emissions,

46:57

a, what it's called the high ambition

47:03

scenario, and within that for aviation, well, as part of that the what is called the trajectory to get to 2050. In fact, the residual emissions from the high emission scenario will lower than the balanced

47:19

pathway. The 2040 date that we were talking about a few minutes ago was a slightly different

47:27

thing that's relating to airport emissions rather than aviation emissions.

47:35

And there they as was explained, just now, they've talked about zero emissions at 2044 airports has in effect the ground operations.

47:46

But that doesn't apply to to aviation emissions at the aircraft. And it doesn't change the Section One One. Climate change at Target.

48:00

Thank you, Mr. Chairman.

48:03

Mr. Johnson, online, I can see that you've got your hand up. Would you like to contribute? Thank you. I'll be very quick. It was just to say, a one question really on the action plan. So it was submitted under

rep three dash 100. And in chapter four, which deals with a kind of actions around Luton Airport, there's one action under innovation, aviation support the airlines and the uptake of sustainable aviation fuels, electric aircraft, deadline 2040. And the action owner is loot and rising. And that's important because within the plan, there were kind of indications of which measures are particularly important with regard to emissions reductions. And that line has three down arrows suggested that's very important. So it will just be interesting. And that may be something they could submit after the hearing to know what action legalising cannabis or intends to take in supportive of that item from the plan. Thank you.

49:02

Thank you, Mr. Johnson. So turning to the applicant, you thought that you'd already responded to most of the things that were contained in that policy anyway, as an action point, could you confirm if you think that's already included? And if not, could you submit something to answer Mr. Johnson's question? Yes. Thank you.

49:26

Moving on to the next item, which is the implications of the Secretary of State's assessment of the significance of emissions following the decision to approve application reference 21 000 31 var car when

49:39

when compared to the increase in emissions from the proposed development?

49:44

So I picked up on a couple of things. It's

49:49

probably not the only things we're going to have to ask on this but for the purpose of this hearing, so in its deadline for response, Luton Borough Council reiterates that the airport could

50:00

exert greater influence on surface access emissions, as per the inquiry findings, recommend a requirement to encourage a shift to more sustainable modes. So I'll start with Luton Borough Council, did you want to expand on that at all?

50:23

David get levolution Borough Council.

50:28

I might defer to our colleague who's who's coming tomorrow. Whether that will help you during the GCG. We anticipated the mechanism there. We, I think I've said before that we're expecting three applications from

50:44

law, the airport operator. One is in relation to the carbon reduction strategy. Another, my colleague, Anthony Swift, who was here yesterday on traffic is discussing with them the updated travel plan. And that also goes with the ACS, the airport sector strategy.

51:06

At the public inquiry into the 19 million, the inspectors were very clear that they thought ambitious targets should be stressed that the 2012 application did not really have that ambitious travel plan targets and we didn't properly have in place a mechanism to make them review it. So we did use the a SaaS, which is reviewed every five years as our means to try and improve things. At the public inquiry, it was quite clear that the inspector was supported. I think they were described as stretch targets. And so Mr. Swift is discussing that with the airport, we do think that they have the opportunity to do that.

51:51

And we are pressing them to see how they can improve things going forward.

51:57

Thank you for that update. I'm glad to hear that there are discussions going on.

52:01

It sounds as though the person who's really involved with this is coming tomorrow instead then are they

52:10

sorry, David Gertler, Luton Borough Council tomorrow, you will have both Anthony swift and cat.

52:17

I can never say her surname, I'm sorry.

52:20

I just call a cat. She'll be here speaking on climate change issues. So both both of people will be here tomorrow. Hopefully you should be able to address things. Thank you, Mr. Gala. If it's okay with the applicant, I will move that until tomorrow. And we can have that conversation then when we've got the right people in the room.

52:41

Turning to Buckingham Council in your deadline for response, you welcomed condition nine of the permission,

52:51

which requires the creation of a carbon management strategy when passenger throughput exceeds 18 million passengers over a 12 month period that has to be reviewed by a third party. And then you go on to say that you think this approach could be applied to this DCO linked to defined passenger throughput triggers. Did you want to expand on that?

53:13

I can I just check with Mr. Johnston, whether he he does from my perspective, I think that was the sum of the point but Mr. Johnson could come in if you want to expand, nothing further to add from the mark. Thank you.

53:28

Thank you. So Mr. Haven't phrased as somebody on your team want to respond?

53:34

Well, in effect,

53:37

you know, what the P 19. Permission has done with its its things is without disparaging that is a pale shadow of hot green control growth is I mean, that is a very sophisticated mechanism for

53:53

controlling and bringing forward

53:56

mitigation and other measures in relation to

54:00

airport emissions.

54:04

Obviously, we have the advantage with a development consent order. That is in effect legislation that we can do things pursuant to the DCO that in a planning permission they they simply can't do but I note that a paragraph 24 of the Secretary of State's decision he says with regard to service, access emissions. Secretary State agree that subject to the provision of the obligation in conditions the carbon reduction and updating sustainability strategy would provide a robust framework to ensure action to focus on reducing non aviation emissions can be maximised and the effects are mitigated and therefore it accords with policy. We would say that that is absolutely right. And but GCG goes well beyond that.

54:56

So only a question Mr. Johnson.

55:00

I'm

55:01

going back to what you're asking for. And what you've just heard from the applicants.

55:09

Was you're because the framework does have third party scrutiny. So I think that probably answers that part of your question. And if you can confirm that, that'd be great. But was your question more related

to the fact that the carbon management strategy in the inquiry was related to the number of passengers?

55:31

The second of those comments is more accurate.

55:37

And I'll confirm that in writing, if that's okay, those six of the comments, were prepared by a colleague of mine. So I just want to make sure that I don't misrepresent the detail if that's okay, I just clarify that and come back in writing, if that would be acceptable. That'd be very helpful. Thank you, Mr. Johnson, if you could explain why you think it needs to be linked to passenger numbers and why the framework doesn't deliver the sorts of controls that you're looking for.

56:00

That'd be very helpful as well. Yes, of course, thank you so much.

56:05

I'll just matter as to how it frees us to do to, to give you a an overview of things clearly, it may be that we get into this more tomorrow. But just to wrap up that piece. I'll ask him now just to comment if if that's acceptable, yes, thank you. I'm so marked a on behalf of the applicant. So within the green control growth framework, we have limits, and those limits change in line with passenger throughput, which we've aligned with the assessment phases used in the environmental statement. So we will have carbon reduction targets that are linked explicitly to passenger throughput. And the green controlled growth mechanism essentially means that if those are not met, the airport cannot continue to grow beyond that point, which probably provides, as Mr. Humphrey said, a more robust mechanism for ensuring those carbon reduction targets are met and what's associated with the P 19. Application. Thank you for that clarification. I think we probably will revisit that tomorrow. Thank you.

57:03

Was there anybody else that had questions, or comments they wanted to make on the outcome of the inquiry for 90 million?

57:15

So moving on to my last section, which is looking at

57:21

Oh, Mr. Iamborn your hands gone up? Would you like to comment? Thank you, Madam Angela. More for that, again, it was really just to note that there's a certain amount of

57:33

uncertainty about whether or not the 19 million permission is implemented during the examination, because reference has been made to carbon reduction strategies and airport surface access strategies, which are being worked on. And some of those are required by that permission. But if the permission isn't implemented, do those still stand? Are they still needed? Are they going to be taken account off?

Where do they fit in? The permission may never be implemented, so that I'm just not clear on that myself. And maybe everybody else is. Thank you.

58:13

Thank you, Miss Lamborn. Mr. Johnson, your hand is up again.

58:19

Up I'll be very quick if that's okay. Sorry. It was it was just to say that I think the forecast for that was based upon the minimum fleet mix growth scenario, which is one possible pathway of the renewal and replacement of aircraft. So I think our point was that that should be monitored subsequently to ensure that if the development of the actual fleet renewal with new aircraft and so on is different, that has implications for the actual emissions, that that would be kept under under a sort of appropriate monitoring framework. That's all.

58:55

Thank you, Mr. Jones, I'm

59:01

moving on to emissions other than carbon dioxide.

59:05

So it doesn't seem to be in dispute that there would be negative environmental effects from emissions other than carbon dioxide.

59:13

My understanding is that these haven't been included in the assessment of environmental effects because of the uncertainty around modelling of their effects and a lack of agreed methodology available. I think the applicant says there's no recognised benchmark. However, several IPS have said that there is evidence of severe effects

59:35

on these emissions and that a precautionary approach should be applied.

59:41

The New Economics Foundation, including at rep 3131 provided several options for assessment of these missions. So I'd like to explore further whether

59:54

any of the options that have been put before us, which include some department for trial

1:00:00

Some sports modelling and some Bayes conversion factors

1:00:05

could be applied. And even if they don't give us an exact outcome, whether or not it would be something that would allow me to take forward some idea of the significance of the environmental effects from these non carbon dioxide emissions.

1:00:26

Madam, again, in part,

1:00:30

this is a legal matter, because this has been raised a number of times in a number of different inquiries and consistently, inspectors and indeed the courts have understood that this is not something that can be quantified it can't be measured against anything, the approach that the applicant has adopted here of identifying this point but not seeking to qualify it is consistent with all the decision making. As far as the precautionary approach is concerned, this was one of the points in the Supreme Court case. On the airport National Policy Statement paragraph 165 says in in on non co2 says in terms the precautionary principle adds nothing to the argument in this context is just not just not an appropriate principle here. The problem with

1:01:39

non co2 Firstly, you can't measure it against the carbon target and the carbon budgets because that's a carbon target. And the Climate Change Act following again Kyoto when I think it was annex one or annex two to Kyoto includes six

1:02:00

emission types of which carbon is the greatest but the Climate Change Act 2008 reflects those that can't remember which section it is, but it lists what are the targeted greenhouse gases. What we're talking about with these non co2 emissions are things such as

1:02:22

cirrus clouds or contrails you know, the drill the the white lines that come out of the wings of aircraft.

1:02:30

And so, they may have, they may have a radiating forcing effect, but the problem is they may only last for a few hours. And then it's dissipated, it's unlike carbon, which accumulates

1:02:45

all of those things are you know, and the uncertainty is is well recognised. And

1:02:54

you know, the approach very much has been taken to this point, which is what we have done is to recognise non co2 effects, not to try to quantify them. So methodologies, such as using the company carbon reporting, I think was the base work on company carbon reporting. Again, the High Court in Bristol Airport has made it clear that that's not appropriate. That was what banzi see one of the objectives at

1:03:25

the Bristol airport inquiry

1:03:28

argued. So,

1:03:30

you know, my very strong submission to you on on on this is the approach we have taken is entirely in accordance with

1:03:40

the law, and the proper approach has been taken out by a number of inspectors.

1:03:48

That's appreciated as is your point about consistency. However, I don't know what those

1:03:54

inquiries enquiries had before them. And in this case, we have got a rep that suggests that a quantitative assessment can be made as a sensitivity test using Department for Transport modelling and they quoted the Department for Transport view as set out in web tag is that a quantitative assessment can be made as a sensitivity test and they go on to say the current guidance is to apply a multiplier set out the Department for Energy Security and Net Zero document 2023. It's all part of this rep. 3131. So I need to bottom out why those things can't be applied here. And so far, the applicant hasn't directly addressed that in their responses to Chapman from an EF was one of the objectors at the Bristol inquiry. He's one of your vectors next week at the London City Airport.

1:04:47

Inquiry he has perfectly properly from his perspective, raised these points on a number of occasions.

1:04:57

Our view is that they are wrong

1:05:00

And that's matter it and it is,

1:05:04

you know, those sorts of submissions that were raised in relation to,

1:05:10

as I say the the the company reporting data, but but the company reporting data is not for the purpose of assessing

1:05:21

greenhouse gases in the context of planning inquiry.

1:05:26

So for the purposes of this examination, that point hasn't been explained in any detail, yet, there hasn't been a full response to what the new economic foundation has suggested. So what I could do is for you to submit that to this examination,

1:05:45

so that I can review those arguments in the context of what's been put before me. And if you want to go back to those previous findings of inspectors, if there are useful things in there, then please do put those in front of me, but at the moment, I've got nothing to counter

1:06:03

the argument.

1:06:08

You know, for example, paragraphs 201 202 of the Bristol airport decision in the High Court counsel for the objector states that even if the base multiplier was one referenced in the decision letter, then contrary to the panel's conclusion, the multiplier had plainly emerged and goes on to say I don't, the judge goes on to say I don't accept those submissions, however, the claimant may seek to invoke the base 1.9 multiplier, they're very far from being any scientific consensus that this is a relevant tool in determining non co2 emissions from aviation, other than in the context of company reporting.

1:06:48

I think the point is Mr. Humphries that we actually need that evidence put to us. So it's all very well suited out. But what we actually need is those arguments put into us so that we can consider them we balanced the exercise. So I know it may feel like you're on a sort of endless loop of repeating the same arguments, but unfortunately, you know, this is a new inquiry, and we have to be honest with you on the evidence in front of us. What I will

1:07:13

do is make sure that we produce a bit of a short and concise hopefully note on this that will some of these things together, I'm not going to promise it

1:07:26

by deadline six because I'm you know, already pretty unpopular, unpopular in the room behind but we will do that as soon as as soon as we can. And it will just simply pull together what what has been done elsewhere. Well, thank you. I think deadlines everyone's probably sensible for that isn't if that will be acceptable. Thank you.

1:07:47

And that brings me to the end of my questions about greenhouse gases and climate change. But that any other comments that anybody in the room or online wanted to make on that topic before we move on to landscaping Fisherville?

1:08:04

Thank you, I am guessing we've got another rotation of people coming up Okay.

1:09:56

So Miss Clutton Before we get

1:10:00

On to the next agenda item. We've got an item that was rolled over from earlier in the day regarding confirmation of whether an occasion for the relocation of treaty 343 has been identified. I believe it was this set of witnesses that could potentially answer that question. So if after you've introduced your team and before, Mr. Robinson starts his questions with regards to landscaping visual, if you could answer that question, or advise you want to respond in a written response. That'd be great. Thank you.

1:10:33

Yes, thank you, Matt and Rebecca Clutton for the applicant. So for this session, I'm joined by again two witnesses who were previous issues specific hearing. To my immediate left, I've got Mr. Julian Wooley, who's landscape architect, and leading on this topic and to his left, Mr. David Mobley, who is supporting and also a landscape architect. I'm going to ask Mr. Wooley just to address you on the point about tree 347343 Okay.

1:11:08

Julian Willie, pick every rod for the applicants in rep 4070 We set out

1:11:16

a methodology for the translocation of treaty 343

1:11:23

In terms of a suitable location, Windchill would ancient woodland is the closest ancient woodland to the tree

1:11:36

in terms of the translocation methodology, because it will be a sizable tree and it may require tracks depending on you know, the extent of how that tree is moved to the closest suitable location is is is the preference

1:11:54

with ancient woodlands, obviously, the soil horizon is is the is the asset. So, having an ancient woodland in such close proximity would provide the most suitable location

1:12:07

I think as we set out in, in the rep

1:12:11

due to the timescales, between phase one and two a, I think we have about nine nine to 10 years, which allows us to do the translocation methodology methodology proving the roots making sure giving the chair the tree the best opportunity to

1:12:30

to thrive in it when it's located. And as part of while we we would be undertaking the work to the tree, we would be preparing a suitable location within Windchill would whether that is an existing blade or whether as part of our ongoing management when sure would we would be identifying a suitable location for that tree. Thank you this may just be a rather naive follow up question but you'll have to bear with me this is not my topic area. I just wanted to double check that winch Hill wood is of a type of woodland where this tree would be is appropriate. It's not as though you're moving a tree to like a pine forest or anything else. I just want to clarify that it you've obviously talked about it being useful and its nature woodland, but is it the right type of instrument and Julian Morley for the applicant? Insured Madam Yes, it is. Just Just note on 3343 and we have raised in the red. It is an ash tree. And obviously within ash trees within the UK there's the projected 80% loss due to ash die back.

1:13:41

I'm not going to pass to Mr. Robinson, who's going to deal with landscape and visual matter.

1:13:48

Thank you. Yes, the first item on the agenda relates the children's AONB. However the agenda was published before all designated areas of outstanding natural beauty in England and Wales became national landscape. So I will try and substitute that wording and throughout this item. The first thing that I would like to touch upon is

1:14:13

I would like to gain an understanding of the current position in respect of the preparation and timescales for submission of the assessment on the special qualities of the Children's National Landscape. And so firstly, could the OP can provide an update on the current position with details of the discussion has been held with bodies because I'm aware there was some meetings took place at the beginning of November, summary of the feedback that's been provided the current scope of the assessment and importantly,

1:14:41

the timescales for the submission of this document.

1:14:46

Julian Willie, are the applicants?

1:14:50

As you say, sir, we have following issues specific hearing sets we undertook to engage with the relevant host authorities Natural England and the

1:15:00

The Children's conservation board.

1:15:03

I think all of those parties made it made it

1:15:09

start getting

1:15:11

set out that they wished to be consulted within the hearing. We've engaged positively with these parties via correspondence and we held a virtual meeting on the 13th of October, where we at following a first draft of the the special qualities assessment, just just for my obviously with the national landscape A and B, I will probably keep referring to it as an AMD but just just to clarify that.

1:15:38

So,

1:15:40

said we said we issued a draft and then and then held a meeting to discuss that. We've collated feedback

1:15:49

from from each stakeholder,

1:15:52

which again, in summary, there was a set out there was a need for the assessment to align with the findings of the ETS.

1:16:01

They requested a more fulsome method tranquillity methodology. There was a number of special qualities that we had scoped out fair assessment which they requested to be scoped in.

1:16:17

And we discussed additional mapping,

1:16:21

including tranquillity dot skies, and then the identified AONB national landscape, characters, areas to be to be overlaid just to to clarify the extents of the AONB that that we are reviewing. And I think it's important to set out that we are, you know, the children's AONB, or national landscape is one of the largest aonbs. Within the UK, we're actually only touching on a very small fragment of, of this designated landscape.

1:16:57

So in terms of the current scope, as I said, the comments have been received,

1:17:02

we have undertaken additional site investigation

1:17:08

where we identified and agreed,

1:17:11

or that's the purpose of the report for additional viewpoints. And each viewpoint was within each of the host authorities

1:17:22

land.

1:17:25

Again, I think in terms of the scope, we've identified them as viewpoints. But in reality,

1:17:33

we're not necessarily assessing the view. And we're not necessarily assessing the physical landscape. And again, this is important because it sets it apart from the Yes. And the LVA, which has been undertaken which have within terms of our remit is very much are we physically affecting it? No, we're not we are three kilometres away. Can we see it from say ivinghoe beacon? No, we can't wait 10 kilometres away.

1:18:03

In terms of the special qualities we are, it's more about the perceptual qualities of visitors, users, reset earth, all of these aspects, these special qualities of the OMB national landscape.

1:18:22

In terms of timescales, we are aiming to issue a draft report to the state stakeholders, so stick stakeholders on the eighth of December. So deadline six, with an aim, following, hopefully, a successful review to submit the final report to the examining authority for deadlines seven.

1:18:51

Thank you, I know there's a hand up online and I will be coming to the children's conservation board in due course. So if you just bear with me a second, and I will come for your views in a second. It's just a couple of things that I want to pick up on that.

1:19:09

Will the assessment

1:19:12

just to allow us particularly to understand the likely increase in flight. So I know that in the figures to the landscape and visual impact assessment, we've got figures 1414 to 1417, that shows the different sort of

1:19:27

increases in flights on a map, would it?

1:19:31

Would it be possible within the assessments somewhere if there was actually that D, that information put as a table that sort of showed the baseline overhead flights within the national landscape compared to increased flights. And that's to include both percentage increase in numerical increase split between the different flight paths and that's also a map so we can so that it's easier to sort of see the areas and sort of define that a little bit.

1:20:00

More.

1:20:01

And I know there's some information on sort of, like passing the documentations. But it will be important to see that within the context of that document, is that something that's been considered?

1:20:12

Julian will leave for the applicants in? I'm going to answer the easy part first. So in terms of the mapping,

1:20:20

the overflight contours

1:20:23

will have been used over the tranquillity mapping the dark skies and the landscape, character areas that are referred to throughout the document.

1:20:33

I think we'd need to

1:20:39

take take a view on on a table.

1:20:42

I think, obviously, that the difficulty is we are talking about such,

1:20:48

we still, even though I do stress that it's a small fragment of the RMB, it's still obviously, quite large area, which covers a number of local authorities not not, notwithstanding that we have the two areas of

the area of the national landscape, so to the north and to the west. And there's slight differences between the overflights between the two which I'm guessing is where some of the confusion that you've just alluded to comes from,

1:21:18

from from a review,

1:21:21

I think generally between one and phase one and to be I think, again, large generalisation, but it's, you know, it's looking like 10 overflights per day up to 20 overflights a day and don't quote me completely on those figures. But, you know,

1:21:38

I think we can probably take a view on on whether a table is an appropriate approach. I look at David to confirm

1:21:47

and mark that down as an action point. And if you can take it away and review it, that'd be great.

1:21:56

Okay,

1:21:58

well the assessment also touch upon visual intrusion of aircraft both day and night.

1:22:13

You willing to the applicant? In short, no.

1:22:24

I think at this stage, I'm going to come on to the timescales after I've listened to what the other parties are going to say. So I'm now going to hand over to the children's conservation board who had their hand up before. Could you just provide some comments on the applicant summary and any other comments that you wish to add, please?

1:22:49

Thank you, sir Matt Thompson for the children's conservation board. I'm going to in a little while hand over to my colleague, Dr. Stubbs, who has been engaging directly on the on the assessment, but just two points, I think of context that might be useful to everyone. The first thing is that while the

1:23:13

the aonbs have been rebranded as national landscapes, they are still legally and in terms of planning policy. They're still areas of outstanding natural beauty and I think it would probably help everybody if we just stuck to that nomenclature for the time being,

1:23:30

until the laws change. And the other thing is just with regard to the observation about the impacts, only affecting a small corner of the AONB.

1:23:43

As you point out that case law and decisions have frequently upheld the position that impact on

1:23:54

on a part of their MB is impact on the AONB. That it's harm to natural beauty in that location. That's the important thing, not the percentage of the AONB that is being harmed by the development. And I think that's an important

1:24:14

perspective to set out at the start. So, so if I can hand over to my colleague, Dr. Stubbs for any comments that he has on the the assessment itself, thank you. Yes, thank you, sir. Can you hear me? Okay? Yes, I can hear you. Okay, better. Well, I just quickly say, Sir, on the first bullet, thank you for inviting us back on the first bullet. And thank you to Mr. Woolley. Could I ask through you, sir, would it be that we would see the second draft on December the eighth but we should comment to user by deadlines seven have I understood that correctly?

1:24:56

My understanding of what we said is that you would

1:25:00

and receive a copy at deadline six to put comments in a deadline seven. But I'm going to touch upon that in after this discussion on the timescale.

1:25:14

So I'll just pop that one for the moment.

1:25:18

Thank you. That's okay. And just for brevity, so just to say, well, we're very grateful to Mr. Woodley and his team, they've invited us to a meeting we had on the 30th of October, and we sent our comments to on the 27th of October, and we've been in touch with Natural England and a very for brevity Natural England, in their rep five Dash 0805 Dash a toe

1:25:43

have asked that they are happy to rub off on us and they support our approach towards the special quality study. So I've got nothing more to say on bullet ones, because I think bullet one is progressing quite well. So we can work with the applicant on that and produce that document.

1:26:03

Hey, thank you for that update. One query I had from your response to the action points to the previous issues specific hearing, as you stated that you're promoting a more detailed menu of criteria that impact

tranquillity so that any submitted methodology can be both long lasting and potentially transferable. Should any AONB Boundary Expansion comes into play? And could you explain what you mean by transferable to any AONB boundary extension and the relevance of this to the current assessment? Well, Mr. Willie, quite rightly talked about the special qualities. So in the document that they produced on their first draft, they went through a number of special qualities are not wishing to go through it forensically. Now, because they're progressing their work. We wanted more special qualities put into that document. So for example, in essence, in shorthand, the aesthetic and perceptual character of being in the landscape, so your appreciation of the landscape from a perception and an aesthetic point of view derived from the landscape Institute's work, so what we asked for is that a more fulsome explanation of what would be in the special qualities of the AONB so that if the boundary is changed, and is extended, because that will be in a few years, and this project may last many years, that the transferability is that those special qualities can therefore be applied to the land to the east of the airport, should that be a D. So in shorthand, really, so we wanted more of the special qualities in the management plan to be considered

1:27:51

alongside tranquillity others as well including archaeology, for example, and that's good character.

1:28:02

Okay, so it's it's, it's really so it's it is it's so that there are special qualities can be identified in any extension to the AONB. Is that Is that what you're saying? Yes, in essence, yes, absolutely. That's an excellent way of

1:28:19

encapsulating.

1:28:21

Okay, thank you for that update.

1:28:24

I will just quickly ask the council's whether they want to quickly summarise what involvement they've had in these discussions. And I'll start with Luton Borough Council, if you could just add to your comments, please. Yes, we were at David Gertler, Luton Borough Council, we were invited to the same meeting. Trevor tween, who's our ecologist was was present and provided comments. I can't remember if he's written anything specifically to Luton rising. But it was actively involved in that meeting. So we have been engaged. We listened to what what the CCB said as well. It was a positive positive meeting with Lucien rising taking away comments from the meeting.

1:29:08

Thank you and for the Hartford share joint authorities, funerals for the Hartfordshire host authorities. And if I could ask Katie me who please who's online to comment on this at this point.

1:29:23

Hello there, hopefully you can hear me okay. We can Yes. Thank you. Yes, just to confirm that we have also been involved and we have supplied comments to the applicant. So we look forward to receiving the next draft so that we can further engage with the applicant on moving that forwards

1:29:48

Okay, thank you for your comments.

1:29:51

Have we got a tentative booking and share counsel because I can see you in the room? Yeah, so I think we don't have anything to add online.

1:30:00

Say we've had three full discussions earlier in the process and got to a settled position that's recorded in the statement of common ground.

1:30:10

Thank you. Is anybody from Central Bedfordshire Council still here?

1:30:17

Yes, Carol Carol O'Neill.

1:30:22

Hello, sir. Yes. We have engaged with the sorry. It's Carol Newell from Central Bedfordshire. Yes, we have engaged with the applicants. We've given them our comments, and we're waiting some quick feedback.

1:30:40

Okay, thank you for that before I move on to the next item, I want to go back to the timescales. And you said

1:30:48

you will submit a second draft a deadline six to the parties for them to comment deadline seven. Was that correct?

1:30:57

Julian, only three Applicant Yes.

1:31:00

What concerns me about that is as a an examining authority, it's potentially leaving until mid January deadline seven before we're even going to see this document and it gives very limited time for us to examine the document or to even

1:31:16

like to me,

1:31:19

I would request that we actually have the documents submitted a deadline six, bearing in mind that there's second written questions that we'll be following a week later. And the reason I'm asking for that is because whilst it may well be a draft, it is still something that allows parties to provide the response. And it also provides us as an examining authority to

1:31:44

see what's in this assessment and to maybe ask some questions on it. If we have it. bringing it forward a deadline, I can see well written potentially remove pressure at the end. So

1:31:59

could it be

1:32:02

in draft form, Rebecca Clutton for the applicant. So that was just exactly the point I was going to suggest that we'll supply it as a draft.

1:32:11

A well advanced draft or supply as a draft to the examining authority for deadline six, and then that provides you with the opportunity to set ask any questions that you want on it as well as at the same time as allowing others to comment on it. That's absolutely fine. Okay, thank you. Well, we'll add that as an action point for that to be announced, said deadline six. And before I move on, does anybody want to raise any

1:32:39

comments on this particular item?

1:32:43

I don't see any hands. So I'll move on to the proposed extend extension to the AONB. And the question on this natural England's relevant representation, which was submitted back in June or July actually, contained to linked to the children's area of outstanding natural beauty review project frequently asked questions which set out timescales for potentially submitting an order to the Secretary of State at the end of 2024. In respect of the potential designation of any extension to the children's AONB be based on these timetables, what I would like to obtain party views on this to the weight that the examining authority can give to the proposed boundary extensions and its recommendations to the secretary of state. I've seen the applicants comments on this in the planning stream. So I'm going to come to you last on this particular one. And I'd like to start with the Children's conservation Buddy, please.

1:33:48

So it's Matt Thompson from the Children's conservation board. Again,

1:33:52

I think the first thing I'd say is probably since that

1:33:58

information was submitted to the examination, the timescales of the

1:34:05

of the boundary review project have probably changed. So I think one of the things that we should do is make sure that the examination is equipped with the latest version of the frequently asked questions with the updated timetable. So we can take that as a as an action given that Natural England dog with us today.

1:34:28

Could you submit that deadline six, if possible, do yes. Thank you.

1:34:36

And then, would you want me to go on further into the question of the

1:34:43

so yeah, I mean, our

1:34:46

position I think this is backed up by Natural England as well is

1:34:51

that for the time being, limited weight should be applied to the extension

1:35:00

Project, because it is still early days, and particularly because there's nothing in the public domain yet about the the areas that are being considered or have been assessed, although the areas have been assessed, and stakeholders, particularly local authorities, many of whom are in the room with you have are currently helping Natural England with making sure that they've got all the correct evidence on which to make their assessment. So

1:35:42

the other aspect is Natural England have been advising local authorities in the sort of children's region who might be affected by the the boundary review, that

1:35:57

they should consider land in their area as being a valued landscape in terms of paragraph 174. Of the NPPF. And therefore seek to protect and enhance that landscape in their decision making and policymaking processes. But consistent with its status, and that kind of consistent with its status. caveat, obviously, doesn't add much, I think, at the moment to the

1:36:28

the position, I think that limited weight is all that can be applied to this project.

1:36:35

As we speak today, I think,

1:36:40

you know, depending on how long the examination goes on for and how long it takes for the

1:36:46

the examining authority to recommend a decision to the Secretary of State and then for the Secretary of State to make his or her decision on the DCO application. We need to sort of keep on track with the the progress of the

1:37:03

the extension of the boundary review project, bearing in mind that the current timetable, I think, is that there will be a statutory public consultation in the middle of next year. And it's at that point, I think that the

1:37:19

the the information about where the

1:37:23

boundary review may take place, will get into the public domain for the first time.

1:37:31

And at that point, obviously, more significant weight can be applied to the

1:37:37

the the recommendations of Natural England.

1:37:46

Thank you for that. And you actually touched upon my second question, actually. But I'll come back to that in a second. So thanks for your contributions that that. Can I tend to lean Borough Council, please on your views on that question.

1:38:00

David gerflor Luton Borough Council we support that position as well, we would say limited weight. It's been on the cards for years and in discussions. So we've given it limited weight in in terms of previous applications we've dealt with.

1:38:14

Okay, and just is that a similar view from the other councils?

1:38:19

Gonna ask for the Hartfordshire host authorities if I could ask Katie Mayhew to come in on this point again, please.

1:38:25

Yes, thank you, Katie Mayhew on behalf of the host authorities. We are of a similar position. Yes, that there would be limited wait given to it at this moment in time, certainly in terms of the E S.

1:38:35

Thank you.

1:38:37

Thank you.

1:38:40

All right. I'll let the applicant have a right to respond on on those comments made. Miss Clinton. Yes, Rebecca, for the applicant. Thank you, sir. It's helpful to hear that the other party has confirmed that they think only limited wage should be afforded to it, though we're obviously closer together than I thought that perhaps we were. Our position, as you know, was set out in the planning statement. And the view was that we should afford no weight to it. We do maintain that position. Really, because as as has been said, this is a proposal that's been in the offing for for a number of years, it hasn't progressed. There does now seem to be a timetable for

1:39:19

all the process to be gone through.

1:39:23

But as matters stand, as you'll be aware, so in order for designation to occur, there has to be technical work that's undertaken that informs the scale of the extension. That information is not yet known to be complete or in the public domain, even to the extent it is complete. There's no certainty that Natural England will propose a brand new extension or indeed the lead precise location of that, as has been rightly acknowledged, there's been no public consultation on that. There's no decision as to the submission of a variation order. There's therefore even if that

1:40:00

submitted at the end of the year, which is the indication that's currently given on the Constitution conservation Board's website. Even if we get through all these hurdles and something is submitted, there's then the question of whether the Secretary of State has an inquiry, we don't know what the output of that would be, who will participate, what the recommendation would be. And then even after that process, we don't know whether the Secretary of State would grant it or in what form and so we say we are really akin to the very earliest stages of a local plan process or something like that, where we're really no way it can be afforded because

1:40:34

even the identification of the extension is not even known at this stage. But I say ultimately, it seems there's a relatively small sliver of daylight between the parties on this.

1:40:46

Thank you for that.

1:40:48

Mr. Thompson, you have your hand up.

1:40:53

Thank you. Yes, I was just going to cite Matt Thompson from the Tools conservation board. Again, I

1:41:01

think it's it's important to emphasise that the

1:41:06

position has changed since

1:41:09

the applicant

1:41:12

made their decision to the

1:41:17

project should carry no weight. And that is that the project is actually underway. Yes, it has been talked about for a number of years. But it is in process now. And and work has been done on it. A work has been done to the extent that stakeholders know what the assessment is in that area. But we're unable to speak about that publicly yet in terms of what areas it actually affects. So I do think the especially with natural England's advice about treating the area as a valued landscape. While the work is going on.

1:41:55

That I think we need, we should really agree that limited weight, that some weight, but albeit limited, needs to be given. I also think

1:42:07

it's worth mentioning that today, the government has announced a range of

1:42:17

new measures relating to the conservation and enhancement of nature and landscapes in England today, including the proposal to search for a new national park to be designated in England.

1:42:35

I

1:42:38

I mentioned this because the Glover landscapes review recommended that the Chilterns should become a national park and indeed said that it was the obvious choice for re designation as a as a national park.

1:42:56

The alongside the announcements today, the government's published its full, I hope response to the

1:43:04

to the Glover landscapes review. I'm not saying that any of that should be given a great deal of weight. But I just think it's worth noting, because it's you know, it's actually happened today. That

1:43:19

it it's it's something that that should just be noted, even if it doesn't affect the decision that examining office the examining authority comes to because I think we'll we'll all end up looking pretty silly if we don't, if we don't talk about it. By the time a recommendation is made to the Secretary of State, you can you can make that comment in obviously, in your post hearing submission. If any parties want to make any comments on that, then obviously they they are entitled to do that. One thing I was to say before I move on to you is you've mentioned about the timescale, just I will just quickly run through the timescales of what what we are The examination will close on the 10th of February 2024 and the examining authority are required to submit a report to the Secretary of State

1:44:11

by the 10th of May, next year 2024. And then the Secretary of State has three months to consider that report. So that's the timescales that that we are looking at.

1:44:25

Okay, next question. You sort of second why you guess my next question, really, and it was

1:44:34

aside from the proposed extension is should the landscape is within the proposed area of search which Natural England is considering? Should it be considered a valued landscape under in light of paragraph 174, a of the National Planning Policy Framework and I'll ask the applicant

1:44:56

Rebecca Platten for the applicant, so that's a matter that we'd asked to come back to you on in writing if that's

1:45:00

Okay

1:45:02

came then we can use that for something for deadline six that you could do.

1:45:10

And I'll ask the same question to Luton Borough Council.

1:45:16

Your views on on that particular question David Gertler, Luton Borough Council, I'm going to follow their lead because I haven't got my experts here, I'm afraid.

1:45:27

And the harvest year councils because obviously chunk of this area falls within your area. So could I have your comments on that please?

1:45:40

Sorry, Katie Mekhi. On behalf of the host authorities,

1:45:45

we would

1:45:48

coing concur with the AONB board in terms of considering it

1:45:56

with limited weight, but it would should still be considered as a valued landscape. And that's, that's the stance that we would prefer to take.

1:46:12

Okay, thank you. Central Bedfordshire Council.

1:46:23

Yes, Miss New.

1:46:26

As Carol Newell from Central Bedfordshire Council, we would like to put it in writing plays in deadline six.

1:46:34

That's fine. Thank you. And finally, I'll just tend to booking share counsel, whether you want to make any comments on that you don't want to make any comments. That's fine. Okay. Moving on. I want to ask about the sensitivity assessment that was submitted, which is a PP. 107. We obviously asked question on this in our first written questions that P D 1.23. And

1:47:03

in response to interested parties comments to this question, who considered that the visual sensitivity of receptors would also increase your response at deadline five to that is that the sensitivity of a visual receptor is determined by visual importance slash value rather than landscape value could explain? Could you explain why this is the case?

1:47:31

Julian will leave for the applicants. It is our view that the introduction of the designation

1:47:39

into an existing view doesn't doesn't mean the value of that view is necessarily being increased

1:47:49

the susceptibility of the visual receptors

1:47:54

or sorry, or that the susceptibility the visual receptors should be should also be increased. It's the the view

1:48:03

doesn't change, regardless of the designation.

1:48:11

Okay, so

1:48:13

receptors such as public rights of way, so just including the children's way or the system cycle routes, they would not benefit from a higher value. So every sector who would be using those views to appreciate a national landscape designation, you don't consider that that would have a higher value

1:48:32

Giuliani for the applicant, we acknowledge that obviously, the designation is a landscape designation, but I think the enjoyment of that view does not change because of that designation.

1:48:51

Thank you for that.

1:48:53

We have Dr. Stubbs.

1:48:58

You've got your hand up, sir. I thought I have two hands up. So policies I could ask Mr. wooley through user or indeed ask you when we're looking at the guidance by the landscape Institute.

1:49:11

Landscape sensitivity is determined by comparing value with susceptibility to change. So all just for today for the convenience of brevity. So

1:49:22

if it were to become AONB, then I'm sure Mr. Williams will be happy with me that landscape value would increase, wouldn't it?

1:49:31

Yeah, I think

1:49:33

the sensitivity assessment does acknowledge that the landscape in terms of a landscape

1:49:42

value that would I've been querying the assessment has been made in respect of visual effects. So that yeah, so that's what I'm queering as to whether that is a correct assessment. Yeah. I don't think we share Mr. Willis views but I don't

1:50:00

I think it's probably productive for us to

1:50:03

argue that point in this format, sir. So, but I'm grateful that you've, the panels are happy with the landscape sensitivity points. And thank you. Miss me here, you've got your hand up.

1:50:20

I do. It was just Thank you, Katie, may you on behalf of the host authorities it was in relation to sensitivity in terms of visual sensitivity. And just if I could direct the applicant through you, in terms of the our industry standard guidance, the guidelines for landscaping, visual impact assessment, Third Edition, section 6.37.

1:50:49

Where visual sensitivity is influenced by value, and that includes evidence of value such as

1:51:02

areas designated on a tourist map that is an area in guidebooks or similar and you would expect that an AONB would be identified on tourists maps, and guidebooks, and so on, which is an indicator of value, and that has an influence on the visual sensitivity as a result. So the value of that view increases. So it, it is not just

1:51:33

a separate that the landscape value has increased the value to the views of, for example, tourists visiting that area increased as a result, because they would be expecting a higher quality of landscape that they're visiting,

1:51:52

management and so on associated with that designated landscape. And that includes views. So it is not a separate issue, that the value of the landscape has increased, it is the value of the visual receptor in terms of

1:52:11

the quality of that landscape that is influencing that the visual receptor susceptibility. So we would strongly disagree with the applicant that there is not going to be a change to visual sensitivity in relation to the extension area.

1:52:28

Thank you, sir.

1:52:30

Thank you for those comments.

1:52:33

I'll go to the applicant for you to respond. If I'll let you respond to that first, and then I'll ask my next question on the same topic. Julian really, for the applicant, the the LBI A's original judgement, effectively takes into account the value of the views that may may may merit designation.

1:52:56

And in response to the comment regarding paragraph 6.37, the G bear, GL vi three.

1:53:07

It's, it's our view that, you know, that is related to to current views.

1:53:14

Not future potential designation. Again, it's it's this At what point does it does it stop?

1:53:27

Thank you. And I'm going to ask one final question on this because obviously Natural England have disagreed with your opinion on this. And they've requested that the sensitivity assessment be updated with real value judgments for the viewpoints. And you've just mentioned there that the LV AIA

1:53:46

had considered the different viewpoints. I didn't see a direct response to natural England comments in your last deadline. Could you provide one now?

1:54:25

Rebecca Clinton for the applicant just on this, and obviously it's our view that as expressed by Mr. Woolley, that it's not necessary to do this. The judgments that have been ascribed in our sensitivity analysis are the ones that we consider to be appropriate. I do just want to ask the question about

whether it's proportionate exercise for us to go through this as well given that all parties are agreed that at most this proposed extension has carries limited weight and I do therefore wonder whether even if you'd like us to do it as a what we would regard as an academic exercise where

1:55:00

If that's actually proportionate and necessary in circumstances where everyone's agreed that best limited weight will be attached to the proposed extension,

1:55:10

I get your point on proportionality, I'm just trying to sort of establish the views as the best way to go first as to whether this is actually needed. First, Natural England have made that request, and I hadn't seen a response to it. That was the that was really where the current position was. So we haven't made any judgement on on that. But obviously, there is a sensitivity assessment that has been submitted with the application, which will be in front of the Secretary of State when a decision is made. And the more important thing for us is to ensure that the findings within that are either are correct. Or if there's not, we need to be in a position where we can make a recommendation to the Secretary of State as to whether that's the case or not,

1:55:57

in the time zone type notice as a action point that you're going to respond to whether or not you want to agree with that request. And if you're not going to agree with the request, why, and then obviously we've got an audit trail in front of us in terms of response to the Secretary of State. Yes, Rebecca, and for the applicant. That's that's accepted.

1:56:16

Thank you. So anybody else who wants to be our city? Doctor steps as you have your hand up? Thanks. I'll be very brief. If it's an action point, that's great. It's been dealt with by your colleague, thank you. Just to say sir, that in document EPP 107, paragraph 2.1 point two and two point 2.3. And we'll put this in our writing I did like six, the applicant talks about there being a potential to change judgments on sensitivity. Theoretically, that must be correct. And then the applicant makes the point that they accept that the value of some landscape receptors would increase. And they talk about landform, narrow, winding lanes isolating farmsteads public rights away to the use, if you made that point earlier. So so they have accepted this in the papers at http 107. But I think so for brevity, we'll put that to use a quick summary point.

1:57:12

Thank you. Okay. I think that's the case. And then you unless you want to respond to that, no. Yes. Rebecca, clapping for the applicant. Just to close that off, if possible, I think that relates to the landscape receptors rather than visual receptors, which is what I understand we're talking about now.

1:57:29

Yep. Yes, that's that's that strikes me as correct. Yeah.

1:57:33

Okay.

1:57:35

Thank you. I'm now going to move on, because I want to discuss the implications of

1:57:42

the levelling up and regeneration act 2023. That came into force on the 26th of October. And as examining authority, we'd noted that section 245. Part Six is to amend section 85 of the countryside and rights of way act. And I want to have the part I want to explore the views of parties of what the implications of this change in the legislation will have on the assessment of this application. I will start with the outcome.

1:58:11

Rebecca Thubten for the applicant, I'm going to start with the short answer. The question is that we don't think that in substance the change to Section 85, which will come in on Boxing Day has any material implications for the assessment of this particular project, and starting point to notice that the amendment to section 85 is acknowledged to place a stronger obligation upon relevant authorities which would include the Secretary of State who are exercising functions which affect areas of outstanding natural beauty. The current requirement is obviously to have regard to the purpose of conserving or enhancing the natural beauty of the AONB. The change that's introduced by Lura strengthens that so that you have to seek to further those purposes of conservation or enhancement of the

1:59:02

natural beauty of the area of out of the AONB. The Secretary of State is going to be empowered or is empowered to make regulations about how that duty should be exercised. But as far as we're aware, no such regulations have been laid at this time. And so we have to make a judgement about what that means. And in our view, in having to seek to further those purposes, the position is that the relevant authorities will have to look for opportunities to further the purposes so far as is reasonably practicable within the context of any applications. Now, we know it's in particular that this

1:59:38

provision has been introduced into context where nationally significant infrastructure projects even within aonbs are supported, provided that the benefits outweigh the disadvantages or the impacts and so that it plainly must continue to be the case that development within

2:00:00

or affecting, in this case aonbs can be consented. We know that the change falls short the change to Section 85 falls short of requiring any substantive outcome. So it only requires you to seek to further those purposes. It doesn't actually require you to further those purposes. Now,

2:00:22

in our view, national policy, national planning policy both in the ANPS and the NPPF goes further than that, because that does require you to attach great weight to actually conserving or enhancing the the

AONB. Paragraph 176 deals with that in the NPP F and I think it's 5.21. Yes, 5.219 of the ANPS that deals with that the airport's national policy statement. And as you'll be aware, our planning statement already sets out why we consider that we apply comply with the relevant national policies and so,

2:01:02

giving you the long answer to the long explanation of the short answer that I gave, we're in a situation here where of course the proposal does not actually involve development in the AONB. significant effects are predicted for phase to be on the AONB, but only from aircraft noise. The aircraft noise is per se, a function of the airspace management which is obviously a matter that's not within our gift and is obviously subject to the CIA's

2:01:35

current airspace change considerations. We do seek to mitigate noise impacts and on the AONB as far as practicable through the use of the green control growth framework. And through the other measures that you've obviously discussed at length this morning. In our view, it's not possible to mitigate those effects further, short of not having development at the scale proposed and obviously we say that the benefits of those impacts outweigh and so we say nothing further can reasonably be done in terms of conserving and enhancing the natural beauty of the AONB through this application, although we have sought to conserve that as far as reasonably possible, given the nature of the application.

2:02:22

Okay, thank you for that. You mentioned that it was the Secretary of State to make regulations.

2:02:30

I'm assuming you're referring to clause five c one a where it states the Secretary of State may by regulations meet provision by use of the term may by does that mean that the Secretary is obliged to make those regulations? Or could it or not Rebecca Clutton for the applicant? No, that's in the discretion of the Secretary of State to make such regulations.

2:02:55

Anecdotally, in relation to many other accidents, there's there are quite a few acts that have been passed in recent years relating to the planning, and particularly the compulsory purchase fear, where regulations, there have been the opportunity to lay regulations that the secretary of state hasn't yet taken for various reasons. So

2:03:14

we, I don't know whether there's any, any proposals that the department has at the moment for laying those regulations, but certainly they haven't been laid As yet, as far as we're aware. And given that this is coming into force on Boxing Day, and that we're approaching the festive period, I imagine that we're unlikely to get any, in the immediate future.

2:03:35

Okay, thank you for that. I'll turn to the children's conservation body now for your view, because you've raised this in your submissions previously, and I believe you've got your hand up as well. So here's your opportunity to make your comments on this.

2:03:49

Thank you, sir. It won't surprise you to know that we disagree with the appellants assessment. And we will need to put something something in writing about this. And it's

2:04:04

it's a rapidly changing context, of course, because this is a very new provision, it came out of a very

2:04:14

late amendments to the bill. So there's been not a great deal of, of time to digest exactly what was intended. But what we have picked up from the discussions from colleagues at different Natural England is that the intention is that the the amendment is a game changer for

2:04:40

protected landscapes in England that emphasises that they are

2:04:47

the

2:04:50

components of the nation's social, economic and environmental infrastructure that have the full backing of ministers and are

2:05:00

but

2:05:01

it is the intention that they should be taken seriously and

2:05:07

when considering

2:05:09

other decisions, including decisions on on development.

2:05:14

So the idea that a nationally significant infrastructure project necessarily

2:05:22

Trump's

2:05:24

a national policy on

2:05:28

on protected landscapes is one of the things that this

2:05:34

this new

2:05:38

the amendment to section 85 is bent to overcome. That's our understanding.

2:05:44

And I think there's lots of things that that needed to be unpacked for what you've just heard, sir. I think one is that the

2:05:55

the characterization of the national planning policy framework, a policy regarding protected landscapes as being to conserve or enhance, in fact, the policy and the legislation with regard to protected landscapes is to conserve and enhance and that's another issue that this amendment is hoping to

2:06:22

address and disabuse people of that, that issue so hence, seek to further the purposes of construct conserving and enhancing the Protected Landscape. We've also heard that this should only apply to proposals in an AONB, but the legislation talks about

2:06:49

the functions of public bodies relating to functions that affect land in an AONB. So, the

2:07:00

the functions

2:07:02

are not necessarily related to activities take place within an AONB or other projects landscape itself.

2:07:11

And I think the this this goes to the the

2:07:16

one of the issues that we have greatest difficulty with

2:07:20

the tools conservation board with the proposals for the expansion of Luton Airport, which is they

2:07:28

the focus is on attempting to mitigate the harm that it is known that these proposals are going to cause to the A and B. And the change to Section 85 of the countryside and rights of way act

2:07:45

clearly means that merely mitigating those impacts isn't good enough. You've got to have sought to further the objectives of the

2:07:56

of the of the AONB. Now clearly, Luton Borough Council and Luton rising and the airport can't. They've only got the choice of expanding their airport. But the Secretary of State has the choice of saying actually we could we could meet the needs for increased air travel

2:08:19

elsewhere in the country that doesn't affect

2:08:23

and AONB in this harmful way. And so the, in my view, and the view of the board is that if the expansion of Luton Airport is unable to demonstrate that it can further the objectives of the AONB in some way, then quite simply, the Luton Airport shouldn't be expanded. And that's really, as far as we're concerned the only way in which you can interpret

2:08:54

this policy with regard to this this new duty with regard to this

2:09:02

proposal, other than to say that the need for this

2:09:09

expansion in aviation in this location cannot be met elsewhere and has to happen here. In which case, I think we need to start talking about how the expansion itself can support more by way of the enhancement of the AONB

2:09:30

because of course, the legislation refers to the conservation and enhancement, not the conservation or enhancement which this proposal does neither of

2:09:46

Thank you, sir.

2:09:49

Okay, so would you be expecting the or would you be hoping that the assessment of special qualities that is to be submitted would at least be touching upon this in more

2:10:00

detail.

2:10:03

Yeah, I think I think it absolutely has to be that's clearly the intention, the government's intention in making the significant change to the legislation governing the conservation and enhancement of protected landscapes.

2:10:21

And thank you for your comments there.

2:10:24

I'll turn to the council's now as to your views on this, I start with Luton Borough Council,

2:10:30

David Gertler, Luton Borough Council.

2:10:33

I had the feeling that the CC be misrepresented what the applicants actually said.

2:10:41

I didn't hear,

2:10:43

conserve or enhance the applicant also said paragraph 176 of the NPPF is actually very strong. And it specifically says to conserve and enhance.

2:10:54

So I'm

2:10:57

the, the response we just had now I felt changed some of what the applicant had actually said.

2:11:04

I thought that was a very succinct responses to what this does. I'm I'm not convinced it provides the greater weight that the CCB seemed to be saying.

2:11:23

Then can I have the half a chair Council? Most authorities response please join us for the Hartfordshire hospitality dedicated kids command this point please. Certainly Thank you. It's Katie Mae here on behalf of the host authorities, we will put our response in writing.

2:11:39

But the the section 85 amendments does strengthen the wording relation to aonbs and just touching on the special qualities and a point that the applicant made that

2:11:52

impact was in relation to aircraft noise we would be looking for in LVA terms and looking at the aesthetic and perceptual qualities that goes above and beyond just simple aircraft noise when you're looking at the AONB and impacts upon it. So given the strengthening of wording, we were just encouraged that

2:12:16

the full perceptual qualities and are considered and included within the special qualities assessment and in the LPA in relation to the AONB.

2:12:29

Thank you.

2:12:32

Thank you for your comments there.

2:12:35

Could I hear from Central Bedfordshire Council, please.

2:12:40

Oh, Terrell Newell from Central Bedfordshire Council, after the discussion that's just been there, but just just now, I think we would like to

2:12:52

give more detailed written comments in the deadline six.

2:13:01

Okay, thank you. And that would be that can be in a post hearing submission. Yeah.

2:13:08

The booking share counsel wants to add any views on this? Right.

2:13:13

Does anybody have any comments they wish to raise on this before we before we move on?

2:13:20

Rebecca Clanton for the applicant. So yes, there's just one point I would like to clear up so that it's on the record, which is I did not say that the duty does not apply. Because the because the proposed development is outside the effect. The AONB in this case, plainly does apply. But it was part of the reason why we say actually that ultimately, it makes no difference. So it's about this, it's about the

application of the test rather than the scope of the test. It does apply in the Secretary of State will have to apply it in this case.

2:13:51

Okay, thank you for that. We have been going now for over two hours.

2:13:59

So what I'm proposing to do is have a short break for 10 minutes and then we will

2:14:07

carry on with the rest of the agenda which I think we will try to aim to finish fourth seven o'clock. If we can, we can. We could do that. But I think we have a 10 minutes break and we come back a quarter past six.

2:14:23

Okay, so I'm going to adjourn this meeting and we'll return at quarter past six is hearing sorry.