



The Planning Inspectorate

Application by London Luton Airport Limited for an Order granting Development Consent for the London Luton Airport Expansion

Action Points arising from Issue Specific Hearing 9 (ISH9) on Green Controlled Growth (GCG), held on Thursday 30 November 2023

Action	Description	Action by	When
Overarching principles			
1	Meet with National Highways to clarify concerns regarding membership of Environmental Scrutiny Group (ESG) that have arisen as a result of points made at ISH9.	Applicant/National Highways	Deadline (D) 6
2	At D5 [REP5-026] the requirement for at least 50% of the local authorities to be present for the ESG to be quorate was removed. Either fully justify this change or reinstate this requirement.	Applicant	D6
3	Consider use of blended events to enable attendance at ESG meetings.	Applicant	D6
4	Continue to discuss as part of Statement of Common Ground process the concerns regarding the ESG chairperson having the final say as to whether an ESG member is suitably qualified.	Applicant, Luton Borough Council (LBC) and Joint Host Authorities	On-going
5	Provide ongoing updates on discussions regarding the need for the ESG to be a limited company, with the aim of resolving matters before the close of the Examination. In the first update, explain if there are any implications from this for the efficacy of the GCG Framework.	Applicant	On-going
6	Review the environmental monitoring conditions attached to 19million passenger per annum (mppa) permission (21/00031/VARCON) and confirm whether these would fulfil a similar function to the proposals for monitoring of greenhouse gas emissions, surface access and air quality for the purposes of the GCG Framework. If so, consider whether this monitoring could be used to remove the gap in monitoring in the transition between Article 44 being	Applicant	D6

Action	Description	Action by	When
	implemented and monitoring under the GCG Framework.		
7	Consider whether a pre-commencement requirement for monitoring could be inserted into the draft DCO to ensure that there would be no gap in monitoring of greenhouse gas emissions, surface access and air quality during the transition period between Article 44 being implemented and monitoring for emissions under the GCG Framework.	Applicant	ISH10/ D6
8	Provide a response on whether the airport could introduce a local rule from the start of DCO operations that would restrict slot allocations to meet the relevant noise contour/ noise quota count point limit. If this is the case, confirm if the Applicant could commit to this.	Applicant	D7
9	Provide a further response as to whether a representative from ESG could sit on the Airport Co-ordination committee.	Applicant	D7
10	Revisit the wording in the GCG Framework to clarify that use of a local rule could be a consideration in an initial mitigation plan.	Applicant	D6
11	To include in post hearing submission any remaining concerns regarding the timescales for approvals/ activities set out in the GCG Framework and any proposed alternative timescales.	Joint Host Authorities	D6
12	Review drafting regarding combining issues in the mitigation plans to clarify the circumstances where combining issues is appropriate.	Applicant	D6
13	The revised Terms of Reference for ESG and technical panels at D5 [REP5-024] and [REP5-026] include exceptions for circumstances beyond the operator's control. These were updated to exclude 'works carried out by the airport operator' (eg para A.4.5.4l and B4.6.4l). Consider if this wording could be amended to be clear that any works initiated by the Applicant are excluded, for example by using 'the airport operator or any other organisation working on their behalf'. The same applies in relation to the reference to significant engineering works in para A4.5.4j and B4.6.4j.	Applicant	D6

Action	Description	Action by	When
14	At present the GCG Framework provides no mechanism to sanction the airport operator for an ongoing breach of limits, or failure to resolve a breach. Provide detail/ drafting as to how such a mechanism might work.	Joint Host Authorities	D7
15	If appropriate, include in post hearing submission the quote (or reference to the quote) read out at ISH9 regarding the noise envelope and set out the outstanding issues regarding the noise envelope and consultation.	Mr Lambourne, LADACAN	D6
16	Submit details of the additional metrics that the authorities stated should be included in the noise envelope that were referred to in ISH9.	Joint Host Authorities	D6
17	The Applicant confirmed that the review process outlined in dDCO Requirement 24 would enable revision of GCG levels and limits in the future and that an increase or decrease in the noise levels/ limits would be possible. Provide comments/ views on whether this would or would not be appropriate.	Joint Host Authorities	D6
18	Provide commentary on the implications of the detailed aviation noise policy statement if published by Department for Transport prior to the close of Examination.	Applicant	Deadline immediately following publication of the statement
19	Provide indicative quota count point limits to enable a benchmarking exercise against equivalent data (eg Air Traffic Movements (ATM), quota count point limit and contour limits for other similar airports).	Applicant	D7
20	Provide information on the spread of travel into the non-summer season (see section 6 of need case [AS-125]). Clarify whether the quota count point limit should be defined for both the summer and winter periods.	Applicant	D7
21	Review the location of monitors at 2.5km and 6km and whether those at 2.5km could be installed earlier (ie in advance of an airspace change).	Applicant	D6
22	Provide clarification of the number of overflights above Ivinghoe and Whipsnade. Figure 16.7 shows the 2019 actuals overflights (20 overflights per day at the Beacon) and Figure 16.69 shows the 2043 predicted overflights (50 flights per day).	Applicant	D6

Action	Description	Action by	When
23	Explain how the proposed approach to increased noise levels relative to the 18 or 19mppa consents meets the requirements of Luton Local Plan policies LLP6Bv and LLP6Bvii.	Applicant	D6
24	Respond to questions rolled over from this hearing into written questions. These are presented in an additional table at the end of this action list.	Applicant	D7
Air Quality			
25	Confirm with airport operator that short term emission monitoring data can be provided for an initial period to determine whether there is a need for longer term monitoring.	Applicant	D6
26	Continue to work with the relevant local authorities to develop a robust QA/ QC monitoring process.	Applicant/Joint Host Authorities	D7
Greenhouse Gases			
27	Provide a note contextualising the limits in Table 5.1 of [REP5-022]. Provide an assessment of the likelihood of all the thresholds and limits being exceeded within a year.	Applicant	D7
28	Provide an explanation of how the conceptual approach illustrated in Figure 3.2 [REP5-020] has been applied to derive the thresholds and limits for greenhouse gas emissions in [REP5-022].	Applicant	D6
29	The latest IEMA guidance (February 2022) states that offsetting should be the 'last resort'. Consider whether the GCG Framework should include other actions before committing to offsetting.	Applicant	D6
Surface Access			
30	Explain why it is appropriate to compare the surface access assumptions for Luton to Stansted given the difference in proximity to residential areas where staff live.	Applicant	D6
31	The Applicant's response to ExQ1 TT.1.8 [REP4-069] refers to the Public Transport Strategy Summary Report [APP-202] to explain how the staff mode share targets were determined. There is only a small part of this document which is specifically about staff mode share. Please signpost the documents where staff mode share has been determined, or provide further explanation.	Applicant	D7

Action	Description	Action by	When
32	Provide updated passenger mode share using provisional data set from Civil Aviation Authority (CAA) for 2023 but caveated that this is not the whole data set for 2023.	Applicant	D6
33	Submit document displayed during hearing showing relationship between transport documents and GCG Framework, including the amendment to show where the Framework Travel Plan would link to GCG. Local Authorities/National Highways to review the document and respond at D7.	Applicant/ Local Authorities/ National Highways	D6/D7 This is now available on the project page of the National Infrastructure Planning website
Compensation			
34	Review final position regarding noise insulation programme and submit comments.	Mr Reddington	D6
35	Review the 16 October 2019 cut-off date for eligibility for the noise insulation programme given the likelihood that certain properties would have been consented but not fully built out prior to knowledge of the Proposed Development and therefore may not have been designed to address potential noise effects.	Applicant	D6
36	Confirm the date when the 'look up tool' for eligibility for noise insulation programme would be made available.	Applicant	D6
37	Provide a breakdown of the number of Category Three interests that have been assumed to be eligible for noise insulation, including the numbers eligible for each of the compensation categories, to demonstrate how the provisional sums in the funding statement have been determined.	Applicant	D7
38	Provide the extract from the Council report that was read out which sets out the figures for the eligible properties for the current noise insulation compensation measures and the number of properties per year that have been insulated.	LBC	D6
39	Confirm whether there might be situations where wooden double-glazed units might be required to obtain listed building consent as opposed to secondary glazing.	Joint Host Authorities	D6
40	Review the noise insulation programme regarding listed buildings	Applicant	D6

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	to ensure that the compensation measures would be sufficient to ensure the impacts can be mitigated.		
41	The Baptist Church at Breachwood Green has highlighted that overflights interrupt services, including funerals [RR-0156]. The representations suggest that no noise insulation is possible due to the listed status of the building. Confirm whether noise insulation is available for a building of this type.	Applicant/ North Hertfordshire District Council	D6
42	The Baptist Church at Breachwood Green would not be eligible for noise insulation based on the Applicant's criteria as it does not experience an increase of >3dB in the daytime LAeq. However, it would experience an additional 100 overflights by 2043. Given that the number of overflights is directly related to the disruption of services, consider whether mitigation should be provided in respect of overflights for this community resource.	Applicant	D6
43	Do the local authorities, as the recipients of listed building consent applications, consider that an approach based on an individual householder applying is the most effective way to deal with this issue or would they prefer applications to be submitted by the Applicant on behalf of the householder?	Joint Host Authorities	D7
44	Respond to the potential option that the Applicant submits listed building consent applications, including feasibility of this and implications.	Applicant	D7
45	Explain what happens to the existing noise insulation funds at the point of serving the Article 44 notice.	Applicant	D7
46	Comment as to whether the £2,500 proposed to cover the cost of applying for listed building consent would be sufficient and if not recommend an appropriate amount.	Joint Host Authorities	D7
47	Review the Chapters of the ES to assess if effects (and any underpinning assumptions) falling outside of the GCG chapters are sufficiently controlled through Requirements, or whether there is any basis for requiring an unidentified local impacts mitigation fund.	Applicant	D7

Action	Description	Action by	When
48	Dr Sharp and Mr Reddington to have a discussion regarding his concerns about noise and Mr Reddington to adapt his post submission note accordingly.	Applicant/ Mr Reddington	D6

No	Question to	Question
1	Applicant/Local Authorities	<p>Phasing of growth Noting that the Airports National Policy Statement (ANPS) states that government expects the applicant to make particular efforts to avoid significant adverse noise impacts, can the Applicant explain whether a phased capacity release requirement eg linking growth to the deployment of noise insulation could be a means to avoid significant observed adverse effects and provide residents assurance that the Applicant is delivering noise reduction via noise insulation as well as growth.</p> <p>Local authorities to provide their views on phasing of capacity release.</p>
2	Applicant/Local Authorities	<p>Early and late running aircraft At D5 the Applicant provided commentary on the reasons for early and late running flights [REP5-090, GCG.1.3].</p> <p>The response explains the basis for applying a 5% delay factor. How does a change in delay factor affect the noise model and the extent of the modelled noise contours?</p> <p>Do the local authorities support the use of this delay factor?</p>
3	Applicant	<p>Dispensation Can the Applicant confirm whether capacity related delays have been dispensed at Luton? If so can the Applicant confirm whether there is an exceptional underlying cause for these delays?</p> <p>What measures would the Applicant take to ensure that such delays would be avoided in future?</p>