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# London Luton Airport Expansion

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**8.136 Applicant's Post Hearing Submission - Issue  
Specific Hearing 9 (ISH9)**

Infrastructure Planning (Examination Procedure) Rules 2010

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**The Infrastructure Planning (Examination Procedure) Rules 2010**

**London Luton Airport Expansion Development Consent  
Order 202x**

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**8.136 APPLICANT'S POST HEARING SUBMISSION – ISSUE  
SPECIFIC HEARING 9 (ISH9)**

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## 1 INTRODUCTION

1.1.1 This document contains Luton Rising's (a trading name of London Luton Airport Limited) (the Applicant) oral summary of evidence and post-hearing comments on submissions made by others at Issue Specific Hearing 9 (ISH9) held on 30 November 2023. Where the comment is a post-hearing comment submitted by the Applicant, this is indicated. The Applicant has also included tabulated responses to each of the action points raised by the Examining Authority (ExA) for ISH9 published on 1 December 2023.

## 2 AGENDA ITEM 1: WELCOME, INTRODUCTIONS, ARRANGEMENTS FOR THE HEARING

2.1.1 The Applicant, which is promoting a proposal to expand London Luton Airport (the Proposed Development), was represented at ISH9 by Michael Humphries KC and supported by the following members of Applicant's team:

- a. Mark Day, Green Controlled Growth Lead, Arup
- b. Robert Henley, Green Controlled Growth, Arup
- c. Louise Congdon, Need Case Lead, York Aviation
- d. Matt Rhodes, Surface Access Lead, Arup
- e. Dr Calum Sharp, Noise and Vibration Lead, Arup
- f. Ian Davies, Greenhouse Gases Lead, Aecom
- g. James Bellinger, Air Quality Lead, Arup
- h. Sam Bradley, Air Quality, Arup

## 3 AGENDA ITEM 2: GREEN CONTROLLED GROWTH (GCG) PRINCIPLES

### 3.1 Update from Applicant regarding recent changes to GCG framework

3.1.1 The Applicant was asked to provide a brief update on changes made to the GCG Framework at Deadline 5.

3.1.2 The Applicant outlined that the key changes made at Deadline 5 were:

3.1.3 Removal of the Transition Period for noise and a significant reduction in length for other environmental topics in scope for GCG as set out in the Applicant's response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and **Issue Specific Hearing 3 Action 28: Green Controlled Growth - Transition Period and Slot Allocation Process ('the Slots Paper') [REP4-072]**.

3.1.4 Introduction of a requirement that the Environmental Scrutiny Group (ESG) and Technical Panels are to be set up 'as soon as reasonably practicable' following service of notice under Article 44(1) as detailed in the **Slots Paper [REP4-072]**.

3.1.5 Introduction of an updated review process for 'out of scope' locations for Air Quality during Phase 2a as set out in the **Applicant's Response to Issue Specific Hearing 5 Action 16: Green Controlled Growth Scope Monitoring [REP4-089]**.

- 3.1.6 Provision of additional time for the ESG to review Level 2 Plans and Mitigation Plans (acknowledging wider timing constraints) in response to representations made from Host Authorities in response to Written Question DCO.1.16 [**REP4-128**].
- 3.1.7 Changes to the Terms of Reference (ToR) for the ESG and Technical Panels in relation to quorum in response to comments from the Host Authorities in response to Written Questions GCG.1.12 and GCG.1.13 [**REP4-128**].
- 3.1.8 The introduction of the principle of the ESG being established as a company limited by guarantee.
- 3.1.9 The provision of funding for all roles on the ESG and Technical Panels in response to representations made by the Host Authorities through ongoing Statement of Common Ground (SoCG) engagement.
- 3.1.10 A mechanism to review Noise Technical Panel membership as part of a Noise Limit Review in response to representations made by Buckinghamshire Council through ongoing Statement of Common Ground (SoCG) engagement.

## **3.2 Membership of the ESG and Technical Panels, quorate decision making and the status of ESG as a limited company**

- 3.2.1 The Applicant was asked to comment on submissions made by Buckinghamshire Council, Dacorum Borough Council and National Highways that each body should have a role on the ESG. In particular, Buckinghamshire and Dacorum Council submitted they should be members of ESG based on forecast noise and traffic impacts.
- 3.2.2 The Applicant's position is set out at Section 2.4 of the **Green Controlled Growth Explanatory Note [REP5-020]**. The Applicant submitted that there is a need for a balance to be struck between capturing a diversity of views and ensuring that membership is in line with the relevance of impacts that are controlled by the GCG Framework. The Applicant submitted there is a need for membership to be focused in support of the ESG's decision-making role whilst balancing the costs of administering GCG.
- 3.2.3 The Applicant noted that therefore a local authority ESG role will be determined based on where relevant impacts are experienced across the whole range of GCG topics. If a particular local authority is only impacted in one area, then a role on the relevant Technical Panel is considered more appropriate.
- 3.2.4 The Applicant detailed the specific baseline figures and scope of impacts which relate to the GCG topic areas. With regard to the noise impacts, The Applicant noted the relevant noise contours controlled through the GCG Framework (54dB<sub>L</sub>Aeq,16h day and 48dB<sub>L</sub>Aeq,8h night) are shown in the ES at [**AS-104, AS-117, AS-109 and AS-113**]. In response to the representations of Buckinghamshire Council who requested ESG membership the Applicant noted that none of the above noise contours extend into to Buckinghamshire and it is on this basis that the Council is not proposed to have a role on the Noise Technical Panel (and as per Paragraphs 3.2.6 and 3.2.6.10 below), as the air quality and surface access impacts controlled by the GCG Framework also do

not extend into Buckinghamshire, the Council is also not proposed to have a role on ESG).

- 3.2.5 In regard to Air Quality, Figure 3.8 of the **GCG Explanatory Note [REP5-020]** sets out the shortlist of monitoring locations, the Applicant noted that there are monitoring locations in Luton, Central Bedfordshire and North Hertfordshire but not the other local authority areas.
- 3.2.6 In relation to surface access impacts, proposed locations for off-site mitigation are detailed at Appendix A of the **Transport Assessment [APP-200]**. The Applicant acknowledged that National Highways and Buckinghamshire Council have requested a role on ESG on the basis of location-specific highways impacts, but this is not the role of the GCG Framework and these impacts will be monitored and mitigated (if necessary) through the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA).
- 3.2.7 In response to the submission of National Highways regarding potential membership on the ESG, the Applicant noted that it considered such a matter to have been already resolved as per Point 4 of the Deadline 4 submission made by National Highways [**REP4-197**] but ongoing engagement would be provided via the SoCG.
- 3.2.8 **ISH19 Action 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.**
- 3.2.9 The Applicant then detailed membership of the Technical Panels which is outlined further at section 2.4 and particularly Paragraphs 2.4.20 - 2.14 of the **GCG Explanatory Note [REP5-020]**.
- 3.2.10 The Applicant set out the approach to Technical Panel membership which is based both on where impacts are experienced, and the body that has the statutory responsibility for managing that impact, which is relevant given the structure of certain Local Authorities. For example, Hertfordshire is a two-tier authority, North Hertfordshire District Council has responsibility for public health and is therefore proposed to be on both the noise and air quality technical panels, whereas Hertfordshire County Council is the highway authority and therefore would have a role on the Surface Access Technical Panel.
- 3.2.11 Section B2.1 of the Technical Panel ToR's [**REP5-026**] requires a member to have appropriate technical expertise. Each Technical Panel will be chaired by an independent technical expert, agreed by the chair of ESG and airport operator and appointed by the Secretary of State and who would be independent of the airport operation or ownership.
- 3.2.12 The ExA then queried changes to the function of the quorum provisions, and specifically whether the changes made at Deadline 5 would allow the ESG to be quorate if the independent chair, independent aviation expert and slot allocation expert were present.
- 3.2.13 The Applicant noted that this is not the current position. Changes were made to quorum provisions at Deadline 3 following a review of the ToR of the ESG.. The Applicant's concern was that Local Authorities were only required to use

reasonable endeavours for attendance but there was an absolute requirement for 50% of members to be present for the meeting to be quorate. On that basis, if Local Authorities representatives could not attend, the meeting of the ESG could not be held and there was therefore a risk that downstream deadlines in relation to the airport operator declaring its capacity would be missed.

3.2.14 **ISH9 Action 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.**

3.2.15 Acknowledging the concerns raised by Interested Parties in response to WQ GCG 1.12 and 1.13 the quorum provision for the ESG has now been amended to require at least one local authority member to attend.

3.2.16 **Post hearing submission:** In response to the query raised by the ExA on this point the Applicant can confirm that this is the correct position in respect of this document, with tracked changes to Paragraph A2.2.1 of document [REP5-025] shown below.

## A2.2 Quorum

A2.2.1 A quorum for an ESG meeting is met where the independent chair, independent aviation specialist, ~~and slot allocation expert~~ (or a substitute agreed as per paragraph A2.1.12) and a minimum of one representative from a local authority (or a substitute as agreed as per paragraph A2.1.13) are present.

3.2.17 The ExA queried the process for appointment of the slot allocation expert and whether they would be independent. The Applicant confirmed that the process for appointment of this expert is the same as for other experts, with the Secretary of State appointing this person following a recommendation from the airport operator. The intention is that this person would be a representative of a body such as the International Air Transport Association (IATA) who are responsible for publication of the Worldwide Slot Allocation Guidelines.

3.2.18 The ExA queried whether it would be appropriate for one local authority member to be Luton Borough Council (LBC) given the perception that there is a conflict of interest between its role on the ESG and its role as owner of the airport. The Applicant confirmed that the Applicant is not drawing a distinction between LBC and other local authorities as LBC is a local authority impacted across the whole range of environmental topics within scope of GCG. The Applicant also noted that the ESG will be an entity independent from the airport and LBC, with the independent chair and independent experts appointed by the Secretary of State.

3.2.19 In respect of any perceived conflict of interest, the Applicant referenced paragraphs 8.1.09 - 8.1.14 of the Inspectors Report to the 19 mppa (21/00031/VARCON) application which stated that LBC have “*followed an entirely orthodox, proportionate and lawful approach of responding to the breaches*” and that “*far from there being any basis for suggesting any improper or less than exacting process of scrutiny of the Airport, the whole history has been characterised by exactly the opposite*”.



- 3.2.20 The Applicant noted that attendance at ESG meetings is strongly encouraged, and it is envisioned that the quorum provision would be seldom required, if at all. The Applicant went on to submit that it seeks the scrutiny that Local Authorities would provide via their attendance, however, the Applicant needs to protect the GCG process and ensure that the airport can continue to function in that context.
- 3.2.21 The Applicant noted in response to a query as to whether a blended event for ESG meetings could be expressed in the ToR's that this would be considered in future updates to the GCG documents.
- 3.2.22 **ISH9 Action 3: Consider use of blended events to enable attendance at ESG meetings.**
- 3.2.23 The ExA asked the Applicant to comment on LBC's position that it may not be appropriate for local authority representatives on the ESG to be planning professionals.
- 3.2.24 The Applicant noted that the broad model that has been adopted for GCG is that of a planning committee, with the ESG making decisions on the basis of recommendations by technical experts. That is the basis for the need for "planning professionals", in order that the ESG exercises its powers in a fair and impartial manner. The Applicant noted this is an open issue and the Applicant will continue to discuss with the Host Authorities.
- 3.2.25 The Applicant responded to the submission of Buckinghamshire Council who requested that the ESG is established quicker than as "soon as reasonably practicable". The Applicant's position is set out in the Slots Paper [REP4-072]. The establishment of the ESG is not within control of the Applicant as there are parts of the process that require involvement of the Secretary of State. Furthermore, the first meeting of the ESG would be after the submission of the first monitoring report therefore at least one calendar year after submission of the Article 44 notice.
- 3.2.26 The Applicant also confirmed that the intention is that the first Monitoring Plans will be approved through the DCO, with monitoring subsequently to be carried out in accordance with these plans. It is acknowledged that there may be a requirement for these Monitoring Plans or other parts of the GCG process to be reviewed in conjunction with the ESG, but the intention is that this would be undertaken once the GCG process had completed for the first time, after submission of the first Monitoring Report(s).
- 3.2.27 **ISH9 Action 6: Review 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 implemented and monitoring under the GCG Framework.**

- 3.2.28 The ExA asked the Applicant to outline the approach to membership of Technical Panels. The approach for membership of the Technical Panels is outlined further at section 2.4 and particularly Paragraphs 2.4.20 - 2.14 of the **GCG Explanatory Note [REP5-020]**.
- 3.2.29 The Applicant set out the approach to Technical Panel membership. This is based on both where impacts are experienced, and the body that has the statutory responsibility for managing that impact, which is relevant given the structure of certain Local Authorities. For example, Hertfordshire which is a two-tier authority as explained earlier.
- 3.2.30 Section B2.1 of the Technical Panel ToR's **[REP5-026]** requires a member to have appropriate technical expertise. Each Technical Panel will be chaired by an independent technical expert, agreed by the chair of ESG and airport operator and appointed by the SoS and would be independent of airport operation or ownership.
- 3.2.31 The ExA then asked the Applicant to explain the reasoning for the proposal for the ESG to be set up as a limited company, and any implications for the GCG Framework. The Applicant noted the concept had been proposed to the Host Authorities in October, and discussions are ongoing. The rationale for this is that firstly this would allow the ESG itself to contract and procure services, providing independence from the airport operator. It would also provide a degree of protection for ESG members as they would not be personally liable.
- 3.2.32 The Applicant in response to the ExA's query on timing expected the matter would be settled by the end of examination and updates can be provided from Deadline 7 onwards.

### **3.3 Principles relating to the transition period**

- 3.3.1 The Applicant noted that the Transition Period was originally proposed to reflect that GCG is a unique process and will require the airport operator to establish a number of new processes and procedures. The Applicant noted there is a need to draw a distinction between noise and other GCG topics for the following reasons:
- a. There are existing planning controls in relation to noise and the Transition Period would have created a theoretical 'gap' in respect of those controls, but there are no equivalent existing controls in other GCG areas.
  - b. There is an established monitoring and reporting process for compliance with these existing noise-related planning controls, which is not the case for other areas.
  - c. Noise is measured over a 92-day period so there is greater scope to move to GCG 'in year' however, other GCG monitoring takes place over a full calendar year and has to present annualised totals or averages. On that basis there is not considered to be value in monitoring over a part-year as results would not be comparable to Limits or Thresholds.
- 3.3.2 The Applicant noted that the changes made to the Transition Period in the Slots Paper **[REP4-072]** result in noise controls applying two years earlier than

originally proposed (and closing the noise control 'gap') and in other areas one year earlier.

- 3.3.3 Buckinghamshire Council and the ExA queried whether the service of the Article 44 notice could be fixed to only be allowed on 1 January in order to allow GCG to commence immediately. The Applicant responded by highlighting that the airport operator would seek flexibility in terms of when notice to implement the DCO is served. The GCG process will apply immediately for noise, and will apply after a short period for the remaining environmental topics within scope. There would only be a very short period between service of the notice under Article 44(1) and all elements of GCG commencing, during which there is little scope for material growth at the airport, and during which the Travel Plan and Greenhouse Gases Action Plan would be in operation. There is therefore no reason to believe that a new or unexpected adverse impact would arise.
- 3.3.4 **ISH9 Action 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.**
- 3.3.5 The Applicant noted that the timing of serving the notice is not entirely within the control of the Applicant as the DCO requires operational plans such as the Travel Plan and Greenhouse Gas Management Plan to be submitted and approved prior to notice being served, which in turn places a restriction on when the Article 44 notice can be served. The Applicant also noted that the requirement for approval and subsequent implementation of these operational plans means that there would be equivalent controls to those secured by either the 18 mppa permission 12/01400/FUL as varied by 15/00950/VAR' or 19 mppa permission (21/00031/VARCON) already in place at the point where notice is served. **Post-hearing submission:** Please also see response to Action Point 7 at Table 1.1.
- 3.3.6 Buckinghamshire Council asked why the monitoring needed to start in January rather than using a rolling 12-month period for monitoring. The Applicant responded with reference to the timings set out in Figure 2.11 of the **GCG Explanatory Note [REP5-020]** which sets out how GCG monitoring and reporting timings have been aligned with timescales for the airport to declare capacity in each year. The Applicant also noted that for the purposes of efficiency, it is considered appropriate for monitoring to be reported across GCG topics at the same time to allow them to be considered by ESG at the same time, rather than requiring multiple meetings of the ESG and Technical Panels.
- 3.3.7 The ExA queried whether the use of retrospective data to inform a capacity declaration would be effective, and whether GCG needed to be more forward looking. The Applicant noted that, whilst the data used for formal reporting under the GCG Framework is retrospective (to ensure it is based on the actual environmental impact of the Proposed Development), it is considered that it would be in the airport operator's interests to monitor proactively and take early

corrective action to avoid formally reporting an exceedance of a Threshold or Limit and the associated constraints on growth.

### 3.4 Capacity Declarations, slot allocation and local rules

- 3.4.1 The ExA queried whether the Applicant could confirm if the need to comply with GCG Limits or Thresholds would constitute ‘*exceptional circumstances*’ to justify a capacity reduction that could impact on historic (grandfather) slots as per the Worldwide Slot Allocation Guidelines. The Applicant noted that the Slots Paper [REP4-072] details the Applicant’s position in relation to the Slot Allocation process. The Applicant noted that the taking away of grandfather rights and historical allocations on a unilateral basis could result in diplomatic issues if this impacted on the slots historically allocated to non-UK airlines, as is currently the case at Schiphol airport.
- 3.4.2 The Applicant noted that one of the reasons for proposing the use of a QC budget, as a proactive management tool, was on the basis of the worked example, submitted at D2 [REP2-032]. This included a review of historic breaches, showing that the use of QC budgets and the GCG Framework would have ensured that those breaches did not arise.
- 3.4.3 The Worldwide Slot Allocation Guidelines (Ref 1) do not allow airports to take away slots from airlines. Whilst the Airport Operator can request that airlines voluntarily forgo historic rights, the chances would be slim given the requirement for a majority at the Coordination Committee to get approval to a local rule, with 96% of votes being assigned to the airlines (and the remainder to the airport and air traffic control operator). This is why proactive mechanisms have been put in place to prevent the need for any such removal of historic slots through the proposal to adopt QC budgets as a planning tool [REP4-072]. However, there are existing processes to seek planning-related approval for conditions which would enable the use of existing processes to take away slots. The introduction of such “operating restrictions” must only be made with approval from the Secretary of State which are subject to the EU 598 process and this provides a backstop position if needed.
- 3.4.4 **Post hearing submission:** the Applicant would note that these rules apply worldwide, and in light of the specific controls and the introduction of a ground-breaking GCG Framework, it does not consider it appropriate for Luton Airport to have a separate slots allocation regime which is different from the existing processes in place.
- 3.4.5 The Applicant considered that a breach of a GCG Limit would be likely to constitute ‘*exceptional circumstances*’ sufficient that the removal of historic rights under the Worldwide Slot Allocation Guidelines could be proposed, subject to the appropriate process being followed.
- 3.4.6 The ExA queried whether a local rule, which restricts slot allocation to meet the noise contour, could be committed to. The Applicant stated that this could be considered but that the proactive use of the QC budgets linked to noise contour Limits as part of the capacity declaration, committed to by the Applicant on an ongoing basis in the Hearing and as set out in more detail in Section 4.4, is the

proposed forward looking mechanism for managing noise impacts. The Applicant's Noise Envelope – Improvements and Worked Example paper [REP2-032] sets out how this would have prevented historic noise breaches. The Applicant also noted that local rules require agreement with airlines, and as such commitment to implementing a local rule could not be made by the Applicant. The Applicant also noted that this is not an issue specific to London Luton Airport or the Proposed Development, and that the same constraints apply at all other airports.

- 3.4.7 However, what is unique about the Proposed Development are the proposed thresholds and limits applied through GCG and the proposed use of QC budgets providing a forward looking mechanism which, together, provide a high level of confidence that limits would only be exceeded in highly exceptional circumstances. The Applicant considered that of itself would be a powerful argument for exceptional circumstances existing to remove grandfather rights.
- 3.4.8 **ISH9 Action 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.**
- 3.4.9 The ExA questioned the use of retrospective data and whether the reporting would be sufficiently proactive if Thresholds are exceeded. The Applicant noted that the breach of the Level 2 Threshold requires a plan to be developed to avoid a further exceedance so in that way retrospective data is being used prospectively. The Applicant further noted that the risk of breaching a Limit provides an economic incentive for the airport operator to manage impacts proactively due to the potential for the ESG to apply constraints to expansion.
- 3.4.10 The ExA queried what would prevent the airport operator from declaring significant amounts of capacity at early stages of expansion. The Applicant outlined that the process for the declaration of capacity requires discussion with the air traffic control operator and Coordination Committee well before the declaration of the coordination parameters for the next but one scheduling season.
- 3.4.11 The airport could not declare a material increase in the amount of capacity as the infrastructure would not be available and this would impact the levels of service, leading to increased flight delays which would not be acceptable to the airlines. The ExA queried what physical capacity is available at the airport today and The Applicant confirmed that as per the Slots Paper [REP4-072] there is only physical capacity for just over 19 million passengers per annum, prior to completion of works to the apron.
- 3.4.12 The Applicant confirmed that it is now proposing to use QC budgets to proactively manage noise impacts at all stages of the Proposed Development and not just when above the Level 1 Threshold for noise.
- 3.4.13 The ExA queried the role of the Coordination Committee and whether airlines would be signed up to the GCG framework. The Applicant noted that airlines are familiar with working within environmental limits and such scheduling restrictions are familiar in Europe. This is not an unprecedented method, rather

there is a specific framework provided in the DCO, this is not dissimilar from how Heathrow undertake co-ordination under their annual movement limit.

- 3.4.14 The Applicant noted that the coordinator has an advisory role on the Coordination Committee. For London Luton Airport, the air traffic control organisation has some input into capacity declarations and annual movements, but the Applicant noted the vast majority of voting rights sit with the airlines.
- 3.4.15 The Applicant noted the Coordination Committee does not have a veto, the airport can decide to declare more or less capacity but it has to consult with the committee and take the views of the Committee into account. If airlines are unhappy with the subsequent capacity declaration there is a process for appealing/lodging a complaint to the Secretary of State.
- 3.4.16 The ExA questioned if it would be appropriate for a member of the Coordination Committee to sit on the ESG. As noted by the Applicant in discussing ESG membership, it was considered important to have a member of ESG that represented the airline community but without a vested interest in the process, whereas a representative from the Luton co-ordination committee may not be perceived to be neutral.
- 3.4.17 The Applicant noted that procuring someone from the International Air Transport Association (IATA) could be an option as a neutral body. Ultimately, this representative would be appointed by the Secretary of State to provide a layer of independence in terms of how that individual is appointed to the ESG.
- 3.4.18 In response to a question as to whether a member of ESG could sit on the Coordination Committee, the Applicant noted that Coordination Committees are governed by international rules, so it would be difficult for an ESG member to have an active role, however it is possible that they could be an observer. This will be further considered by the Applicant who will respond at Deadline 7.
- 3.4.19 **ISH9 Action 9: Provide a further response as to whether a representative from ESG could sit on the Airport Co-ordination committee.**
- 3.4.20 The ExA queried the general effectiveness of the Coordination Committee in light of the historic breaches. The Applicant noted that the historic breaches were not a result of the Coordination Committee process, the airport operator made legitimate attempts to limit the breaches, but the controls put forward proved not to be effective. This is outlined in the **Noise Envelope – Improvements and Worked Example paper [REP2-032]** which has informed the use of proactive forward looking QC budgets.
- 3.4.21 In response to submissions from the Host Authorities on the interaction between the local rules, GCG and the QC budgets, the Applicant noted that the Slots Paper **[REP4-072]** details that the QC budgets would be used to inform capacity declarations.
- 3.4.22 The ExA highlighted that if a Level 2 Threshold is exceeded, the current DCO drafting requires that capacity is not increased until a Level 2 Plan is approved but that slots can continue to be allocated within the declared capacity. The ExA queried whether this is appropriate given that the airport would be approaching

a Limit. The Applicant highlighted the requirements of a Level 2 Plan as set out at Paragraph 2.2.15 of the **GCG Explanatory Note [REP5-020]**.

- 3.4.23 If the Level 2 Threshold is exceeded a Level 2 Plan is required to be submitted. This Level 2 Plan must firstly consider whether continued operations at the declared level of airport capacity are expected to result in the relevant effect increasing above the Limit. If this is the case, the Level 2 Plan should include proposals for additional interventions or mitigation, including timescales for their delivery, to ensure that the Limit will not be exceeded. In a noise context that could for example, be additional restrictions on how slots are being released or the capacity declaration potentially being lowered to reduce any headroom in capacity. However, these requirements reflect the fact that mitigation through capacity declaration and slot allocation is not always going to be the most effective or appropriate way to mitigate environmental impacts.
- 3.4.24 The ExA highlighted that the current DCO drafting only requires consideration of a local rule where an initial Mitigation Plan has not been effective, and a subsequent revised Mitigation Plan is required. The Applicant noted that this drafting does not preclude earlier implementation of a local rule if the airport operator thinks that is the most effective way of controlling impacts to prevent a limit from being breached and subject to the agreement of the Coordination Committee.
- 3.4.25 **ISH9 Action 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.**

### **3.5 Timescales for approval of plans**

- 3.5.1 The Applicant responded to the submissions of the Host Authorities on the timescales for the approval of plans and directed the ExA to Figure 2.11 of the **GCG Explanatory Note [REP5-020]**, which sets out the timings for monitoring, reporting and approvals under the GCG process. The Applicant noted that the timescales are constrained by factors out of the Applicant's control. At the start of the process, monitoring will be undertaken throughout a calendar year, with provision and validation of some monitoring data being reliant on third parties. For example, data from the CAA Departing Passenger Survey is used both for surface access reporting (passenger mode share) and greenhouse gases reporting (surface access emissions) and is typically published at the end of March. Similarly, in order to provide validated air quality monitoring data, it is necessary to use bias factors typically published by Defra at the end of March. There are, therefore, practical constraints in terms of when monitoring data can be collected, analysed reported and put into the GCG process.
- 3.5.2 At the end of the process, the deadline for the airport operator to declare capacity is at the end of September and the capacity declaration requires engagement with airlines and the co-ordinator. The Applicant noted this creates a fixed window for the whole of the GCG process to take place including any data processing and reporting undertaken by airport operator prior to submission to Technical Panels / ESG.

- 3.5.3 The Applicant acknowledged that the timescales are tight for approval of plans, but that they are also tight for the airport operator to report monitoring results and prepare any required plans given the fixed nature of the timescales.
- 3.5.4 The Applicant has amended the time for ESG to approve plans from 21 days to 28 days – this has been achieved by a corresponding reduction in time for the operator to prepare a plan. The Applicant noted this is secured through an amended definition of ‘consultation period’ at Requirement 17 of Schedule 2 of **draft DCO [REP5-003]**.
- 3.5.5 In response to the suggestion by the Host Authorities that the timescale for approval of eight weeks rather than four, the Applicant noted that the GCG process cannot enable such an increase given that reductions would have to be made elsewhere to provide an eight-week review period.
- 3.5.6 The Host Authorities and ExA queried whether there is the potential for varied timescales for different GCG areas. The Applicant noted that there is potential for that to occur in theory, given that noise is monitored over a shorter period of time so the results could be submitted to the Technical Panels earlier to allow for more discussion of those results. The Applicant noted however that the GCG process requires submission of a compiled set of monitoring results in a Monitoring Report and as such there is limited scope to amend the timings associated with this formal reporting.

### **3.6 Whether specific issues should be linked in individual plans**

- 3.6.1 The Host Authorities and ExA queried the efficacy of changes made at Deadline 3 to allow submission of combined Level 2 Plans or Mitigation Plans given the potential for delay if agreement cannot be reached in certain areas. The Applicant noted the changes made to the Draft DCO at Deadline 3 **[REP3-003]** was to recognise that some issues covered under the GCG Framework are linked, for example the breach of a surface access limit could have a knock-on effect on greenhouse gas emissions or air quality. Given the issues are linked there is potential that any required mitigation may also need to be linked. The Applicant committed to updating the Draft DCO drafting at Deadline 7 in that context.
- 3.6.2 **ISH9 Action 12: Review drafting regarding combining issues in the mitigation plans to clarify the circumstances where combining issues is appropriate.**

### **3.7 Circumstances that are outside the control or influence of the airport operator**

- 3.7.1 The ExA queried whether the wording for the revised ToRs for the ESG and the Technical Panels could be amended to be clearer that any works initiated by the Applicant are excluded as exceptions for circumstances beyond the operator’s control. The Applicant noted this will be considered further, and updates will be made to the ToR documents for Deadline 7.
- 3.7.2 **ISH9 Action 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' (e.g. 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**

### **3.8 Sanctions for continued breaches**

- 3.8.1 The ExA questioned whether a mechanism to penalise a continued breach of limits or failure to resolve a breach should be included in the GCG framework. The Applicant responded by outlining two points all referenced in the **GCG Explanatory Note [REP5-020]**. Firstly, the GCG Framework is intended to be self-enforcing in respect of a breach of a Limit. The crux of the issue was a circumstance where something is not being done but ought to be to prevent a breach.
- 3.8.2 The Applicant noted that the GCG explanatory note section 2.7 [**REP5-020**], figure 2.13 details the approach to enforcement. The key mechanism is statutory enforcement under the Planning Act 2008 (Ref 2) ('the Act') and therefore if something is not being done, but ought to be under the requirements of the DCO this would potentially be a breach of the DCO and would be dealt with via the enforcement provisions of the Act.
- 3.8.3 The ExA queried how could other authorities deal with or prompt action to be taken. The Applicant noted that Requirement 40 of Schedule 2 of the **draft DCO [REP5-003]** identifies circumstances in which specified authorities may make representations to LBC requesting that enforcement action is pursued. The Applicant submitted that this Requirement builds on the enforcement provisions in Part 8 of the Act to deal with the concerns that the authorities have expressed.
- 3.8.4 The Applicant noted that, given the proactive measures that GCG puts in place to avoid breaches, a continued breach is considered to be unlikely. The Applicant also noted there is a significant economic incentive for the airport operator to remain within the GCG Limits to avoid constraints being placed on airport growth.
- 3.8.5 The Host Authorities submitted that Requirement 40 is more of a procedural enforcement mechanism rather than a provision to enable procurement of action if there is a breach. The Applicant noted that the initial question was around sanctions with continued breaches, i.e. if there is a breach of the Limits and no action was being taken by the airport operator to address this. The Applicant noted, in that instance, section 161 of the Act could be used to enforce, but also section 171 of the Act could be relevant. Section 171 of the Act allows local authorities to apply for an injunction if they consider it necessary for any prohibited activity to be restrained by injunction.

### **3.9 The GCG Review Process and Approach to Early Data Warning**

3.9.1 No submissions were made on this agenda item as Buckinghamshire Council no longer wished to pursue their concerns on this item.

## **4 AGENDA ITEM 3: NOISE**

### **4.1 Whether the noise envelope should be integral to the framework or separate**

4.1.1 The ExA queried whether the Noise Envelope should be integral to the GCG Framework or separate.

4.1.2 The Applicant noted that its position on this is set out in Annex B of **Appendix 16.2 of the ES [REP4-023]**, see in particular Table 1.1 of that Annex.

4.1.3 As set out in that Annex, the design and content of the Noise Envelope is not affected by its inclusion within the GCG Framework. The key advantages of integrating the Noise Envelope within the GCG Framework are that the enforcement, control and reporting processes set out within GCG will automatically apply to the Noise Envelope, avoiding the need for duplication of processes and enforcement bodies and providing consistency across the GCG topics. Therefore, having the noise envelope embedded within the GCG framework is beneficial.

4.1.4 The noise Technical Panel that would be formed under the GCG Framework allows for suitable independent technical expertise to be involved in the review and enforcement processes without the need for separate arrangements to those in GCG for a stand-alone Noise Envelope.

### **4.2 Extent to which community engagement has, or needs to, inform the development of the noise envelope**

4.2.1 The ExA queried the extent to which the Noise Envelope had been developed in consultation with community groups and how it had been tailored to local priorities.

4.2.2 The Applicant noted that it has set out in Section 3 of **Appendix 16.2 [REP4-023]** the extent to which community engagement, and hence tailoring to local priorities, has informed the development of the noise envelope. Annex A of this appendix contains the Noise Envelope Design Group (NEDG) Interim and Final Reports, and the Applicant's response to these reports, and how they have informed the Noise Envelope, is presented in Annex B.

4.2.3 The ExA asked the Applicant to explain the status of the Civil Aviation Authority's CAP1129 (Ref 3) and whether compliance with that document is legally binding.

4.2.4 The Applicant clarified that CAP1129 is guidance and there is no legal requirement to comply with it. CAP1129 is correctly listed as guidance in Table 16.4 of **Chapter 16 of the ES [REP1-003]** where it is noted that the guidance

document has been used to inform the development of the Noise Envelope proposals.

- 4.2.5 The ExA noted submissions were received that the final noise envelope was not consulted on and queried how the Applicant consider their approaches to have met the expectations for community engagement for the noise envelope.
- 4.2.6 The Applicant responded and again directed the ExA to Section 3 of **Appendix 16.2 [REP4-023]** which sets out the community engagement undertaken as the noise envelope design progressed which involved the NEDG which includes community representatives. The Applicant also noted that statutory consultation has heavily informed the development of the Noise Envelope which is line with what was consulted on in the 2022 statutory consultation.
- 4.2.7 The Applicant noted that as part of statutory consultation a document was produced on the draft GCG Framework (Ref 4) that included the following:
- a. Listed out and cross referenced to the work of the NEDG and proposed that the noise envelope will form part of the GCG.
  - b. The principles of Limits and Thresholds and the overarching GCG framework (as per the final Noise Envelope Design).
  - c. Proposals to set the Limits and Thresholds using the forecasts from the Environmental Statement, including faster growth (as per the final Noise Envelope Design).
  - d. Provided indicative noise contour area limits and thresholds based on the core case and the faster growth case (i.e. reasonable worst-case), as per the final Noise Envelope Design.
- 4.2.8 The Applicant noted that through consultation it was made clear that the noise contour area limits and thresholds presented were indicative. The final noise envelope would be based on the forecasts and reasonable worst-case noise contours within the Environmental Statement.
- 4.2.9 The Applicant highlighted that the indicative limits were actually wider than what is in the final Noise Envelope design. Therefore, the only substantive change was to tighten the contour area control. Overall, the principles and process were all consulted on as part of the 2022 statutory consultation.
- 4.2.10 Further changes have been made to the noise envelope and wider noise controls following feedback from stakeholders and community groups as part of the examination process.
- 4.2.11 **Post-hearing submission:** updates to the Noise Envelope and wider noise controls that have been made during examination are presented in **Noise Envelope – Improvements and worked example [REP2-032]** and **Comparison of consented and proposed operational noise controls [REP5-014]**.
- 4.2.12 The Applicant noted it had responded to each of LADACAN's written submissions on the design of the Noise Envelope and compliance with CAP1129 (for example, see **[REP3-060]**).

4.2.13 The Applicant responded to LADACAN's submission that the limits were not consulted on and reiterated that the Noise Envelope Limits were consulted on in the 2022 Statutory Consultation. The only change to the numerical value of the limits that has occurred since then was the limits were tightened based on the noise model being updated and validated with increased accuracy.

### 4.3 GCG Noise limits and flexibility

4.3.1 The ExA asked the Applicant to confirm whether the GCG review process would enable an increase in noise Limits as well as a decrease in Limits in future.

4.3.2 The Applicant noted that **Green Controlled Growth Explanatory Note [REP5-020]** states at Paragraph 2.3.4 that *“There will be no ability to change any of the Level 1, Level 2 Thresholds or Limits to permit materially worse environmental effects than those identified in the Environmental Statement (ES).”*

4.3.3 The Applicant has not explicitly stated the noise limits cannot be increased as there may be circumstances where the noise contour area is increased that could have beneficial noise effects. The Applicant considered the most likely situation would be in that instance if there is an airspace change in which a flight path might move to a less populous area. In that circumstance the overall area of the contour could increase but the environmental impacts would decrease. It is therefore important to recognise that there are situations in which noise contour area limits increase but the noise effects decrease.

4.3.4 The Applicant responded to the various submissions on the flexibility of the noise limits and the use of population numbers as a limit. The Applicant noted that the NEDG and the Applicant were in agreement that population numbers is not an appropriate noise control, because population growth and population distribution is outside of the control of the airport operator. Such an approach is consistent with CAA guidance.

4.3.5 **Post hearing submission:** the Applicant mentioned CAP1129 in this context, but it is actually CAP1731 (Ref 5) which is the relevant document and states in Chapter 3: Selection of suitable metrics for health impacts and noise limit schemes that “It was recommended that the number of people within the area should be a reported figure, but this should not be a limit imposed on the aviation sector as the control of the local population at a given location is outside the control of the aviation sector.”

4.3.6 The Applicant noted that the population has been taken into account in the noise assessment in the Environmental Statement but that the best mechanism for control is on the contour area rather than population, consistent with CAA guidance.

4.3.7 In conclusion, the Applicant clarified that limits can be increased only if it can be demonstrated that there would be no materially worse or different environmental impact and that any such changes to Limits would need to be approved by the ESG.

## 4.4 Whether the noise envelope incentivises improvement in future noise levels

- 4.4.1 The ExA outlined that their understanding is that the GCG framework appears to be an expression of the worst-case noise limits based on faster growth case with a small reduction in the extent in future years, consistent with passive improvement in aircraft noise performance. The ExA noted that the limits do not currently include any kind of stretch targets that seek a lower limit or tighter contour than that modelled and forecasted. The ExA asked if the above characterisation was correct.
- 4.4.2 The Applicant noted that this was not a full representation of the process. As set out in the **GCG explanatory note [REP5-020]**, the Noise Envelope secures the incentivisation and transition into the fleet of quieter new generation aircraft, this is shown by the stepping down of noise contour Limits in 2029 and again in 2034. This incentivises and secures improvement in aircraft noise levels that can be quantified at this time based on known performance of new generation aircraft.
- 4.4.3 The Noise Limit Review process will secure further reduction in noise levels from next-generation aircraft if the next ICAO noise chapter specifies that next gen aircraft are to be quieter. The Noise Limit Review requires the airport operator to reduce the limits to below the 2019 Consented baseline (based on the 2017 permission consent not the higher P19 consent) as quickly as is reasonably practicable. The Noise Limit Review is independently overseen by the Noise Technical Panel and subject to approval by ESG.
- 4.4.4 The requirement for five year forward noise forecasts and QC budgets as set out in paragraph 3.1.7 in the **GCG Framework [REP5-022]** as part of the slot allocation and capacity declaration process will drive the airlines to re-fleet to secure growth while meeting the noise Limits in the GCG. At Deadline 7, the GCG document will be updated to require that the forward planning QC budgets are required at all times regardless of being above a Level 1 Threshold.
- 4.4.5 The ExA asked when the QC budgets will be set out.
- 4.4.6 The Applicant clarified that they will be set equivalent to the 92 day summer annual limit and rolled out every five years. The Applicant provided further explanation of how the QC budgets would be set, with reference to **Section 5.1 of the Noise Envelope Improvements and Worked Example paper [REP2-032]**.
- 4.4.7 The QC budgets will be calculated based on the fleet used to set the noise envelope limits so that they are equivalent to the contour area for that limit. As demonstrated in Appendix A of **Noise Envelope Improvements and Worked Example [REP2-032]** there is a good correlation between the QC and the noise contour area however there is a mechanism to review and update that correlation over time (see footnote 1 of paragraph 3.1.7 of the **GCG Framework [REP5-022]**). Therefore, the QC budgets may change over time to align with the contour area limits.

4.4.8 The Applicant clarified that the noise envelope secures the transition to a quieter fleet by setting the upper limit based on fleet forecasts. If next generation aircraft are quieter there could be a continual step down in noise contour as demonstrated in inset 3.5 and 3.6 of **Appendix 16.2 Operational Noise Management (Explanatory Note) [REP4-023]**.

#### **4.5 The balance of growth vs future noise reduction**

4.5.1 This agenda item was carried over from ISH8.

4.5.2 The ExA asked if the Applicant could explain how the noise limits and contours reflect the sharing of benefits or new technology with the community compared to the current permission. The ExA queried if future limits and contours should be more challenging to drive improvements in the fleet performance.

4.5.3 The Applicant noted, with regards to sharing the benefit, there is a balance to be struck in a balance of growth and noise reduction. In terms of the stepping down of noise limits in the current planning permission, the Applicant noted these steps down reflect the transition of current generation aircraft to new generation aircraft. For the DCO, the growth that occurs in the late 2030s and 2040s is when one would expect next generation aircraft so there is no further benefit to be shared.

4.5.4 The Applicant expects there to be a benefit to be shared from next generation, but the Applicant cannot quantify the benefit at this stage, hence why the noise envelope steps up in 2039. The Applicant noted that there is a clear review mechanism to allow the noise limit to step down if needed and if the next-generation of aircraft continue the expected trend of noise reduction the noise limits could continually step down as noted in insert 3.5 and 3.6 of **Appendix 16.2 of the ES [REP4-023]**.

4.5.5 The Applicant further sought to clarify the meaning of sharing the benefits in policy. The Applicant referred to paragraph 3.3 of the Aviation Policy Framework (Ref 6) which states *“We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities.”* At paragraph 3.12, the APF notes (emphasis added): *“The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.”*

4.5.6 Therefore, the Applicant considers that the sharing of benefits is not just concerned with new technology and noise reduction but a broader concept involving the extent to which broader economic benefits outweigh any harms.

4.5.7 **Post hearing submission:** This position is reiterated in the Overarching Noise Policy Statement which makes clear that “We consider that “limit, and where possible reduce” remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and

consumer benefits. In circumstances where there is an increase in total adverse effects, “limit” would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England.”

- 4.5.8 This means that there may be circumstances where noise might increase if there were strong economic and consumer benefits but this would place the emphasis on mitigation and minimising the impacts rather than them necessarily reducing over time. This would still be consistent with the concept of sharing the benefits.
- 4.5.9 The ExA queried if there was provision to ensure the impact of aircraft noise was limited and where possible reduced compared to a historic baseline.
- 4.5.10 The Applicant noted that as part of the Limit Review process there is a requirement to reduce the Limits below the 2019 Consented baseline (as set by the 2017 planning permission) as fast as reasonably practicable, see paragraph 3.3.8c of the **GCG Framework [REP5-022]**.
- 4.5.11 The Applicant responded to the ExA’s query on the timing of the detailed noise policy paper, noting that it was unknown when it will be published but it could be before the end of the year. The Applicant confirmed that it will provide a response on how the policy paper affects the DCO application following its publication.
- 4.5.12 **ISH9 Action 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.**
- 4.5.13 **Post hearing submission:** The Applicant will respond to this action at the deadline following the publication of the detailed aviation noise policy paper.

#### **4.6 Whether increases in capacity should be linked to noise performance**

- 4.6.1 The ExA noted that this agenda item will be rolled over to a written question.

#### **4.7 Ban on scheduled movements during the night**

- 4.7.1 The ExA queried whether there would be a ban on scheduled movements during a particular part of the night in response to the lifting of the movement limit in the 0600 – 0700 period.
- 4.7.2 The Applicant responded that there is no such ban proposed, but there is a robust suite of controls that protect the night-period including:
- a. Night time contour area limits and thresholds for the full eight hour period (23:00 – 07:00);
  - b. QC planning budgets for the full eight hour period (23:00 – 07:00);
  - c. 9,650 movement limit in the Night Quota Period (23:30 – 06:00);
  - d. 3,500 total Quota count limit in the Night Quota Period (23:30 – 06:00); and

- e. a ban on QC2 aircraft and above operating during the full eight hour period (23:00 – 07:00)

## 4.8 Clarification regarding non-summer day noise controls

- 4.8.1 The ExA noted that Night Quota period controls will apply outside the 92 day summer period, and queried whether any other noise controls should apply outside the 92-day summer period.
- 4.8.2 The Applicant detailed that standard practice and Government policy for aircraft noise to be based around the 92-day summer period. The Applicant noted that the 92-day summer is worst case both in terms of aircraft movements and the fact that people are more likely to be outdoors or with windows open. The Applicant also clarified that there are no non-summer daytime controls in the current planning permission (either the 2017 permission or P19 permission).
- 4.8.3 The Applicant noted that the requirement for the five-year forward planning and QC budgets in 3.1.7 of the **GCG Framework [REP5-022]** is linked to the biannual slot allocation process (see in particular bullet c of that paragraph) which applies to the summer and winter periods.
- 4.8.4 The Applicant noted that the surveys undertaken to inform thresholds for aviation noise assessment in the UK were based on the 92 day summer (Ref 7). The Applicant noted that there are no modelled contours for the winter and if there were they would be smaller. The Applicant noted that there has been no change in the overall policy setting which requires the assessment or control of winter aviation noise during the day.
- 4.8.5 **ISH9 Action 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).**
- 4.8.6 **Post hearing submission:** The Applicant will respond to this action at Deadline 7.
- 4.8.7 With respect to the spread of travel, the Applicant noted that the assumptions on the changes in seasonality are set out in section 6 of the **Need Case [AS-125]**.
- 4.8.8 **ISH9 Action 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.**
- 4.8.9 **Post hearing submission:** The Applicant will respond in full to this action at Deadline 7, but notes that information on the spread of travel is provided at paragraphs 6.6.27 to 6.6.29 of the **Need Case [A-125]**. Although there is expected to be some spreading of activity away from the absolute summer peak, this is expected to be mainly into the shoulder periods in June and September, which would still be contained within the 92-day summer period as explained at paragraph 6.6.66 of the **Need Case [AS-125]**.



## 4.9 Dispensation

4.9.1 The ExA noted that this agenda item would be rolled over into a written question.

## 4.10 Day and night quota counts and where there is a need to secure a day time quota count regardless of thresholds

4.10.1 This agenda item was not discussed as it was clarified by the Applicant that the daytime and night-time quota count budget process in paragraph 3.1.7 of the **GCG Framework [REP5-022]** would be required regardless of being above a Level 1 Threshold. The GCG documentation will be updated at Deadline 7 to secure this.

## 4.11 Monitoring – location, review and timing/reporting

4.11.1 The ExA noted that Appendix C of the **GCG Framework [REP5-028]** states that the Requirement to update noise monitoring terminals will be based on CAA standards, which would be triggered when there is an increase of 100,000 people into the Lowest Observed Adverse Effect Level (LOAEL) contour. The ExA queried if an increase of this magnitude was likely, and if not whether that Requirement was meaningful.

4.11.2 The Applicant acknowledged that such an increase was unlikely, but clarified that this potential trigger for additional monitoring only applies to additional monitors over and above those that are already in place and the additional monitors that are already committed to in paragraph C4.2.3 of the **Aircraft Noise Monitoring Plan [REP5-028]**. The Host Authorities agreed that this approach was acceptable.

4.11.3 The ExA queried the timing of the 2.5km monitors and whether that could be delivered before an airspace change in advance of delivery of the monitors beyond 6.5km.

4.11.4 **ISH9 Action 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).**

## 4.12 Whether GCG should consider impacts on the Chilterns Area of Outstanding Natural Beauty or impacts arising from Airspace Change

4.12.1 Buckinghamshire Council submitted that the GCG framework should specifically consider noise impacts on the Chilterns National Landscape or impacts on the National Landscape arising from Airspace Change.

4.12.2 The Applicant noted that the principles of GCG are to limit and control the overall adverse impacts which means that there is no single receptor or area that is specifically addressed by the Noise Envelope in favour of any other receptor. This in line with the government objective in the Overarching Aviation Noise Policy Statement (Ref 8) (emphasis added): *“The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and*

*where possible reducing, the total adverse impacts on health and quality of life from aviation noise.”*

- 4.12.3 This is consistent with government guidance (Air Navigation Guidance, Ref 9) at paragraph 3.32 which notes “*Given the finite amount of airspace available, it will not always be possible to avoid overflying National Parks or AONB, and there are no legislative requirements to do so as this would be impractical. The government’s policy continues to focus on limiting and, where possible, reducing the number of people in the UK adversely affected by aircraft noise and the impacts on health and quality of life associated with it.*”
- 4.12.4 The Applicant clarified that Chilterns National Landscape would benefit from the overall noise controls in the noise envelope but there is no mechanism for protecting a specific location or receptor.
- 4.12.5 The Applicant noted that the Chilterns AONB is overflowed today and would continue to be overflowed due to the Proposed Development. Wider impacts to the Chilterns (i.e. new or different areas overflowed) could only occur through the Airspace Change Process (ACP). There are specific requirements and methodologies within the Civil Aviation Authority’s methodology for airspace change assessment (CAP1616, Ref 10) and Government guidance (ANG17) which require the consideration of changes to overflights of National Landscapes as part of airspace change proposals. This is evidenced by the airport operator’s Initial Options Appraisal documentation for their airspace change proposal which looks at the impact on the National Landscape for each potential design option.
- 4.12.6 **Post hearing submission:** as noted in Relationship between the **Development Consent Order Process and the Airspace Change Process [REP1-028]**, the airspace change process has a separate assessment and approval process. In line with paragraph 188 of the National Planning Policy Framework (Ref 11) and paragraph 4.54 of the Airports National Policy Statement (Ref 12), the DCO process should assume that the airspace change process will operate effectively and that the controls associated with airspace change should not be duplicated by the DCO. There will be further public consultation on the airport operator’s proposed airspace change at the next stage of the airspace change process (Stage 3), the timelines for which have yet to be announced by the Civil Aviation Authority.
- 4.12.7 The ExA queried whether there was a more than doubling of overflights above receptors such as Ivinghoe Beacon and what that means in terms of a perceptible change in noise.
- 4.12.8 The Applicant noted that the increase in overflight was less than a doubling, and that this would be clarified in a post hearing submission. The Applicant also acknowledged that an increase in overflight could be perceptible, but for these receptors would not result in any adverse effects.
- 4.12.9 **ISH9 Action 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).**

**4.13 The appropriateness of using faster growth assumptions in the GCG framework in light of constraints on noise insulation roll out in Phase 1 and whether the approach would comply with Luton local Plan 2011 – 2031 Policy LLP6(B)(iv-vii) and national aviation policy requirements to avoid significant adverse impacts on health and quality of life from noise**

- 4.13.1 The Applicant noted that the noise insulation rollout and compliance with national aviation policy was discussed at ISH3, and that the position discussed there (see [REP3-050]) applies whether the Faster Growth Case or Core Case occurs.
- 4.13.2 The Applicant reiterated that the policy aim in the Airports National Policy Statement (Ref 12) and Noise Policy Statement for England (Ref 13) to avoid significant adverse impacts on health and quality of life from noise is explicitly in the context of sustainable development. The noise insulation rollout therefore meets the policy aim by prioritising and providing the full cost of insulation for exposure above the Significant Observed Adverse Effect Level (SOAEL), and by rolling out the scheme as fast as reasonably possible, as discussed at ISH3.
- 4.13.3 The Applicant noted that the **Noise Insulation Delivery Programme [REP4-079]** demonstrated that the roll out will be as fast as reasonably practicable based on market research. This is accepted by the other Host Authorities as outlined in their comments on material submitted at Deadline 4 [REP5-066, REP5-068, REP5-076].
- 4.13.4 **Post hearing submission:** With regard to the difference between the core case and faster growth, as was noted in ISH8, contours ‘balloon’ or ‘shrink’ in all directions and hence what appears to be a large difference in contour area is actually a negligible difference in noise level experienced by communities around the airport. For example, the difference in noise level between the core case and faster growth case at all air noise assessment locations listed in **Chapter 16 of the ES [REP1-003]** is 0.3 to 0.6 dB for daytime and 0.2 to 0.3 dB during the night-time.
- 4.13.5 The ExA queried how the proposals would comply with Luton Local Plan 2011 – 2031 Policy LLP6(B)(iv-vii) (Ref 14). The Applicant offered to provide the response to this in writing in the interest of time, which was accepted by the ExA.
- 4.13.6 **ISH9 Action 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.**
- 4.13.7 **Post hearing submission:** Firstly, it is relevant to note that the Luton Local Plan runs only to 2031 and hence only applies to assessment phase 1 of the Proposed Development. The following paragraphs deal with each policy point in turn, for the full sub sections vi) to vii) as requested by Mr Reddington.
- 4.13.8 The Luton Local Plan Policy LLP6B states: “Proposals for development will only be supported where the following criteria are met, where applicable/ appropriate having regard to the nature and scale of such proposals:

- 4.13.9 vi) they fully assess the impacts of any increase in Air Transport Movements on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified.”
- 4.13.10 LLP6Bvi) is met with respect to noise by **Chapter 16 of ES [REP1-003]** which fully assesses noise impact of increased Air Transport Movements, identifies significant adverse effects and identifies the appropriate mitigation required to avoid these effects.
- 4.13.11 "v) achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan”
- 4.13.12 LLP6Bv) is met as follows:
- a. the airport’s most recent adopted Noise Action Plan is 2019 – 2023, which includes 2016 noise mapping and falls under the 2017 planning permission noise contour area limits;
  - b. Comparisons with contour areas using 2016 actuals as well as 2019 actuals and the 2019 Consented baseline were provided in response to WQ NO.1.8 **[REP4-060]**;
  - c. These comparisons show noise reductions for the daytime in each assessment year when compared to any of these baselines;
  - d. Night-time noise reductions are observed by comparison to 2019 Actuals in all assessment years and by comparison to 2016 actuals and 2019 consented in assessment Ph2a;
  - e. For night-time noise increases in assessment Ph1 and Ph2b when compared to 2016 actuals or 2019 Consented, the potential for significant effects on health and quality of life are avoided through noise insulation;
  - f. Furthermore, in line with the OANPS, the total adverse effects of noise are counterbalanced by increased economic and consumer benefits;
  - g. The Noise Envelope secures all noise reductions as described above, and secures further noise reduction if and when quieter next-generation aircraft become available;
  - h. With respect to ground noise, ground noise has also been assessed and in Chapter 16 of the ES [REP1-003] and no residual significant adverse effects are identified. Ground noise controls are secured through the DCO Requirement 28 to submit and gain approval for a Ground Noise Management Plan (Outline GNMP supplied in **[REP4-049]**). All Host Authorities (including LBC) have confirmed the Outline GNMP is acceptable.
- 4.13.13 “vi) include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted”

- 4.13.14 LLP6Bvi) is met by the provision of an effective noise control, monitoring and management scheme, which is summarised in the **Comparison of consented and proposed operational noise controls** document [REP5-015].
- 4.13.15 “vii) include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents”
- 4.13.16 LLP6Bvii) is met as follows:
- a. The Noise Envelope secures noise reductions as described in relation to LLP6bv) above, and secures further noise reduction if and when quieter next-generation aircraft become available;
  - b. The extended noise insulation scheme will avoid all significant effects from air and ground noise and has been extended to cover a much greater proportion of local residents, both in terms of the geographic extent of eligibility and in terms of the monetary value of the insulation schemes.
- 4.13.17 In response to a final comment on noise from the Host Authorities on next-generation aircraft, the Applicant clarified that no noise benefit from next-generation aircraft has been applied to the assessment of likely significant effects or significant effects on health and quality of life in **Chapter 16 of the ES [REP1-003]**.
- 4.13.18 **ISH9 Action 24: Respond to questions rolled over from this hearing into written questions.**

## **5 AGENDA ITEM 4: GREENHOUSE GAS (GHG) EMISSIONS**

### **5.1 Basis for the limits and thresholds**

- 5.1.1 The ExA queried the range between each GHG threshold and limit as detailed at Table 5.1 [REP5-022]. Of interest to the ExA was how quickly those thresholds and limits could be reached.
- 5.1.2 The Applicant noted that the approach to setting thresholds is that the Level 1 and Level 2 Thresholds are 90% and 95% of the limit respectively. The Applicant committed to responding in writing at Deadline 7 to contextualise the Thresholds and Limits and provide reassurance that multiple Thresholds are unlikely to be exceeded in the same year.
- 5.1.3 **ISH9 Action 27: Provide a note contextualising the limits in Table 5.1 of [REP5-022]. Provide a n assessment of the likelihood of all thresholds and limits being exceeded within a year.**
- 5.1.4 The ExA observed that phasing is linked to passenger throughputs and queried how GHG Limits respond to this phasing. The Applicant confirmed that phasing of GCG Limits relative to development is covered in Section 3.1 of the **GCG Explanatory Note [REP5-020]**. The Proposed Development is described in three ‘assessment phases’ for the purposes of EIA: Phase 1, Phase 2a and Phase 2b. In practice however, the Proposed Development will be delivered in undefined increments responding to demand over time, within the parameters of the DCO including GCG, which is intended to ensure that development is

brought forward within the environmental envelope assessed in the ES. On this basis, GCG Thresholds and Limits change when passenger throughput reaches levels aligned with assessment phases (21.5 mppa, 27 mppa, 31.5mppa), as shown in Figure 3.2 of the **GCG Explanatory Note [REP5-020]**.

5.1.5 **ISH9 Action 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].**

5.1.6 The Applicant also confirmed that for airport operations, the difference between Core Case and Faster Growth is considered to be negligible as these emissions are not closely correlated to passenger throughput, and as such Core Case forecasts have been used as the basis for airport operations Limits and Thresholds. Faster growth forecasts are available for GHG emissions associated with staff and passenger travel, and these have been used for surface access Limits and Thresholds.

5.1.7 The Applicant confirmed that each annual Monitoring Report will need to confirm actual passenger throughput for the year monitoring data is being presented for and committed to also reporting the phase that Limits are defined for as part of this reporting.

5.1.8 The ExA queried whether the Applicant could potentially influence emissions stemming from the airlines. The Applicant noted that this would distort the market. Airline operators do not have to operate from London Luton Airport if the airport was to impose additional control on the carbon emissions which do not apply at other airports in the country. This is in line with national policy which states that carbon emissions from aviation are best dealt with at a national level.

## **5.2 Mitigation of Scope 1, 2 and 3 Emissions**

5.2.1 The ExA queried if there was anything else that could be done or would be available to the Applicant to bring emissions down were the GHG Limit to be exceeded. The Applicant noted that the purpose of the GCG framework is to ensure that Limits are achieved, with restrictions on airport growth if they are not. The Applicant referred to discussion in ISH8 over the presently outstanding confirmation of the scope of the Zero Emissions airport operations requirement within the Jet Zero Strategy (Ref 15) which would be brought into the GCG Framework via a review.

5.2.2 The Applicant noted that one key area as an option is a market based approach to purchase Renewable Energy Guarantees of Origin (REGOs). The Applicant also considers there to be measures outside the scope of the DCO itself that can be used.

5.2.3 The ExA asked how quickly carbon offsets can be purchased. The Applicant noted that purchases can be made relatively quickly, over weeks or months rather than years. The Applicant is aligning itself with offsetting requirements set out in the Airport Carbon Accreditation scheme which links back to internationally recognised standards.

5.2.4 The ExA observed that IEMA guidance states that offsetting should be the measure of last resort, and asked the Application to explain how provision is made for other measures in relation to scope 3 emissions to reduce these at source. The Applicant explained that the **outline Greenhouse Gas Action Plan [APP-081]** details the other measures which the Applicant is encouraging to reduce scope 3 emissions. The Applicant also noted that the Framework Travel Plan also provides scope for the reduction of scope 3 emissions through encouraging modal shift to sustainable modes of transport.

5.2.5 **ISH9 Action 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.**

### **5.3 Ability of the Framework to incorporate updated policy and legislation**

5.3.1 The ExA queried how the 2040 Net Zero targets for airport operations and surface access are shown in Table 5.1 of the **GCG Framework [REP5-022]**. The Applicant noted that the Proposed Development does not have defined phases in which it will be brought forward, and that GCG Limits change as passenger throughput increases rather than at a defined point in time. Therefore, the Applicant cannot say by 2040 the Proposed Development will be in a certain GCG phase. The Applicant will consider whether Table 5.1 can be clarified and make any changes at Deadline 7.

5.3.2 The ExA questioned whether the Proposed Development would respond promptly to future policy developments as they arise or whether they would fall within the five yearly period.

5.3.3 The Applicant's position is similar to that set out in its response to Issue Specific Hearing 5 Action Point 18 [**REP4-070**] in respect of air quality that it is not reasonable for requirements to be imposed in future where they would prevent implementation of a planning consent that was policy compliant at the time consent was granted.

5.3.4 This is a well established position considered in the Stansted planning inquiry. Paragraph 142 of the Stansted decision letter (Ref 16) states that *"there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development could be fully implemented. This appeal must be determined now on the basis of current circumstances and the proposed 'condition 15' is not necessary or reasonable"*. If however, legislation was to change in future this would apply to the airport (and all other airports) and it is not considered necessary to duplicate future legislative requirements in GCG.

5.3.5 The Applicant noted that condition 19 to the 19 mppa planning permission (21/00031/VARCON) and the interaction with the P19 Carbon Reduction Strategy would be considered further and detailed in writing.

## 5.4 GCG Framework Appendix E: Greenhouse Gases Monitoring Plan [APP-223] updates

- 5.4.1 The Applicant noted that the monitoring plan is tied to the regime for surface access. The ExA queried why the monitoring is based on CAA data. The Applicant clarified that this aligns the GCG monitoring approach with the way in which ES forecasts have been developed, aligns with the proposed approach to surface access monitoring and is the approach used at present by the airport operator for reporting surface access emissions under the Airport Carbon Accreditation scheme. It is also the approach used by other airports, including Bristol Airport previously highlighted by LBC.

## 6 AGENDA ITEM 5: AIR QUALITY

### 6.1 Applicant to update on any agreement with local authorities regarding the need to apply short term emissions thresholds, monitor ultrafine particulates and locate air quality monitors on the boundary of the Airport

- 6.1.1 The Applicant noted that all of these issues are presently ongoing and a technical note will be provided to the HA's on short term and boundary monitoring. Agreement has been reached regarding Ultra Fine Particulates (UFP), it is agreed by all local authorities that no UFP monitoring is required as there are no standards for UFPs.
- 6.1.2 In regard to short term emissions, it was the Applicant's position that there are no likely short term exceedances of the short term objectives as detailed in Chapter 7, paragraphs 7.7.7 - 7.7.8 of the ES [AS-076]. The Applicant acknowledged that given that continuous monitoring is proposed, short term monitoring is feasible.
- 6.1.3 The Applicant noted that the short term targets being discussed by the Host Authorities are the World Health Organisation target rather than any national guidance or legislation. The Applicant noted that boundary monitoring will be carried out as has been requested by the Host Authorities, however this monitoring is separate to the GCG process and carried out at the discretion of the airport operator.
- 6.1.4 **ISH9 Action 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.**
- 6.1.5 **Post Hearing Submission:** The Applicant has confirmed with the airport operator that short term monitoring data will be provided within the annual monitoring summary reporting. This monitoring data will be provided for information only, and it is not proposed that the GCG Framework incorporates Limits or Thresholds for short term emissions for the reasons set out in the Applicant's Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [TR020001/APP/8.147].



- 6.1.6 In response to the submissions of LBC on the specific instrument sought for use and quality control, the Applicant noted that there will be continued consultation in order to reach agreement with LBC by Deadline 7 and that the technical note mentioned (in relation to short term monitoring and boundary monitoring) would include the quality assurance and quality control process of the monitoring data. This note was submitted at Deadline 6.
- 6.1.7 **ISH9 Action 26: Continue to work with the relevant local authorities to develop a robust QA/QC monitoring process.**

## **6.2 Whether the revised review process for Phase 2a should apply to all out of scope locations**

- 6.2.1 The Applicant explained the process for arriving at 'in scope' and 'out of scope' locations. The Applicant looked at receptors where airport impact on pollutants is greatest for each pollutant and each forecast year and this list of receptors has been simplified to a shortlist of 15 monitoring locations given that a number of receptors are in close proximity to each other. These are either 'in scope' or 'out of scope' for GCG based on whether airport impacts are forecast to be negligible or non-negligible. This is shown at Figure 3.7 of the **GCG Explanatory Note [REP5-020]**.
- 6.2.2 Changes were made to the approach to monitoring and review for Assessment Phase 2a based on concerns raised by the ExA at ISH5, which were set out in the response to ISH5 Action 16 paper [**REP4-089**].
- 6.2.3 The **REP4-089** paper needs to be read in the context that the Applicant has confidence in the air quality forecasts, which have been carried out on a conservative basis and show no non-negligible airport-related impacts across all three pollutants for Assessment Phase 2a.
- 6.2.4 This means for Assessment Phase 2a there are no 'in scope' locations and a more responsive approach to review was sought to ensure this remained the case. This is not the case for the other assessment phases, which have in-scope locations (Table 4.2 of **Green Controlled Growth Framework [REP5-022]**).

## **7 AGENDA ITEM 6: SURFACE ACCESS**

### **7.1 Staff mode share targets**

- 7.1.1 The ExA queried why the Applicant considered it appropriate to compare staff mode share targets to Stansted Airport. The Applicant will respond in writing on this point at D6.
- 7.1.2 **ISH9 Action 30: Explain why it is appropriate to compare the surface access assumptions for Luton to Stanstead given the different in proximity to residential areas where staff live.**
- 7.1.3 The ExA queried where in the application material is the explanation of staff mode share percentages. The Applicant noted that the majority of the

explanation is within **Chapter 9** of the **Transport Assessment [APP-205]**. This sets out how staff mode shares have changed between the baseline, the future baseline and the modal shift assumptions that are linked to that.

- 7.1.4 **ISH9 Action 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.**

## **7.2 The benefit supplied by GCG in relation to surface access**

- 7.2.1 The Hertfordshire District Council relevant representations (**RR-0558 and RR-1119**) raised concerns on masked increases in network impacts, the Applicant was asked to explain how mode share relates to network impacts.
- 7.2.2 The Applicant noted that GCG had been put forward by the Applicant to provide stakeholders with reassurance and to provide certainty around the long term outcomes for the airport given the programme for expansion and gradual growth over time. GCG is a positive commitment to proactive monitoring and management of environmental impacts, with the intention that these do not exceed the forecast impacts that formed the basis of the application for development consent. GCG therefore includes an explicit commitment to link performance to growth therefore if impacts (including surface access) exceed Limits, the airport cannot continue to grow until these are addressed.
- 7.2.3 In relation to mode share and specific comments on controls for highways impacts, the Applicant noted that GCG seeks to control mode share at a high level, and highways mitigation at specific locations is proposed to be controlled via the TRIMMA. Whilst GCG is an important control, the Host Authorities should look at the entire suite of comprehensive controls in respect of transport and highways mitigation.
- 7.2.4 The Applicant noted that the highway modelling which underpins the Transport Assessment is based on a reasonable worst case scenario of traffic on the network. The Applicant has mitigated the impact of the Proposed Development based on these mode shares, with the temporal delivery of this 'Type 1' mitigation controlled through the TRIMMA. The TRIMMA also includes proposals to bring forward 'Type 2' mitigation to address unforeseen impacts.
- 7.2.5 The ExA queried whether the modelling assumptions that underpin the TRIMMA are different from the mode share Limits in GCG. The Applicant confirmed that the GCG mode share Limits are the same as the mode share assumptions that have been used in traffic modelling to inform the Transport Assessment and ES and are therefore also used for TRIMMA. However, it is acknowledged that GCG is seeking to control mode share at a high level whereas TRIMMA provides location-specific monitoring and mitigation, for example in respect of impacts at M1 J10. The Applicant considers that National Highways' concerns around impacts on J10 are best addressed through the more targeted monitoring in the TRIMMA rather than through GCG.

7.2.6 The ExA questioned if the Applicant had considered limits on the number of car trips to control impacts from staff travel, as was proposed in conjunction with Heathrow expansion. The Applicant noted that the Heathrow mode share and car trip targets were set out specifically for Heathrow in the Airports National Policy Statement (Ref 12), and that there are likely to be a number of practical concerns around how staff car trips numbers can be monitored and reported accurately.

### **7.3 Level of confidence that the surface access mode shares will remain within the limits of each of the Phases**

7.3.1 The ExA noted that the GCG limits for growth and surface access table detailed in response to WQ TT.1.09 provides 2022 data for passenger and staff travel, which show mode shares below the Phase 1 GCG Limits. The ExA queried whether GCG Limits would be reached in light of the 2022 data.

7.3.2 The Applicant noted that if the mode share is outside the limits the airport cannot grow. The Applicant referred to **Appendix H of the Transport Assessment [APP-202]** and noted that public transport usage is returning to pre covid levels and as such it is considered that the mode share limits are achievable. Further detail is provided at Table 6.3 of the **Transport Assessment [AS-123]** which details the summary of mode shares from 2012 to 2020. The Applicant acknowledged that the levels are presently below the target but is confident as measures are introduced which encourages higher usage of public transport that the limits can be reached.

7.3.3 **ISH9 Action 32: Provide updated passenger mode share using provisional data set from Civil Aviation Authority (CAA) for 2023 but caveated this is not the whole data set for 2023.**

### **7.4 Monitoring**

7.4.1 The Applicant explained the monitoring approach set out in **GCG Framework Appendix F – Surface Access Monitoring Plan [REP5-032]**. The monitoring approach is designed to build on current surveys, with a move from biannual to annual monitoring undertaken by an independent survey company. The monitoring approach also reflects changes to how people are typically working post-Covid, asking staff to respond in terms of how (and if) they travel in a particular week. For passengers, the Applicant proposes to use the CAA departing passenger survey.

7.4.2 The Applicant noted that the CAA carry out a detailed process to validate and weight results from the departing passenger survey, with 11,052 interviews carried out at Luton in 2019. The Applicant noted that the Surface Access Monitoring Plan at Appendix F to the **Green Controlled Growth Framework [REP5-032]** requires that the airport operator use reasonable endeavours to survey all airport ID pass holders, and that the survey must be open for a minimum of 28 days for responses.

## **7.5 The relationship between GCG, Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA), Sustainable Transport Fund and Framework Travel Plan**

- 7.5.1 The Applicant explained the surface access flow diagram which has now been submitted to the inquiry [EV16-002].
- 7.5.2 GCG acts as a headline control mechanism to ensure impacts do not exceed the assessed reasonable worst case. GCG monitoring in line with the GCG Surface Access Monitoring Plan [REP5-032] will be carried out and reported to the surface access Technical Panel and ESG, and any mitigation that is required is pursuant to an approved Level 2 Plan or Mitigation Plan would need to be funded separately by the airport operator, in line with the GCG Requirement that these plans need to demonstrate that the relevant effect will be reduced below the Limit as soon as reasonably practicable.
- 7.5.3 For sustainable transport, the Surface Access Strategy informs the Framework Travel Plan (FTP), which sets out measures that the Applicant may deploy to promote sustainable transport to and from the airport and will include targets to seek further ambition beyond the GCG Limits on sustainable mode share that are refreshed on a five-yearly basis. Measures would be funded by the Sustainable Transport Fund (STF) with governance via the Airport Transport Forum Steering Group, with the STF funded via a levy on car parking at the airport.
- 7.5.4 The ATF Steering Group would also be responsible for governance of the TRIMMA. Funding in relation to TRIMMA Type 1 highway mitigation is secured via the DCO and any unforeseen impacts (Type 2 mitigation) are brought forward through the ATF Steering Group and funded by the Residual Impacts Fund (RIF), if agreed. The RIF is a capped fund secured by the section 106 agreement. Type 2 mitigation would include measures to mitigate unforeseen traffic and junction capacity impacts, as well as measures to address fly parking. .
- 7.5.5 The Applicant noted that there is a link between those mode shares in the Transport Assessment that are used as the basis for Limits in the GCG Framework, and those Limits act as a starting point for the stretch targets in the FTP.
- 7.5.6 The Applicant clarified the use of the STF in respect of mitigation. Mitigation measures required to address a breach of a GCG Limit would be funded outside of the STF. The STF is used to fund measures in the FTP which will seek greater levels of ambition on sustainable transport mode share than GCG. If the measures funded by the STF are successful in achieving the FTP targets there will be no breach of the CGC limits. In response to a question from CBC, the Applicant acknowledged that the terms of use for the STF may require changes at a future deadline to acknowledge this interaction.
- 7.5.7 The Applicant noted that both the GCG Framework and the TRIMMA will provide an additional layer of reassurance for stakeholders over transport impacts, beyond the Travel Plan requirements that are typical for major projects

of this nature. GCG seeks to ensure that mode shares are in line with those assessed in the EIA, and the TRIMMA seeks to ensure that committed mitigation is brought forward at the right time and in the right way given the long-term nature of the Proposed Development, and that unforeseen impacts are mitigated.

- 7.5.8 The Applicant noted that the GCG Framework is deliberately not prescriptive about what mitigation measures would be implemented as part of a Level 2 Plan or Mitigation Plan given the length of time over which the Proposed Development will take place. However, there is likely to be significant overlap between the 'toolbox' of measures that could be used for mitigation under GCG and those that could be used in the Travel Plan.

## 8 AGENDA ITEM 7: COMPENSATION POLICIES

### 8.1 New eligibility under the ground noise/traffic noise criteria and its implications for the funding statement

- 8.1.1 The ExA noted that the funding statement, **REP5-009** sets out the capital cost breakdown with noise installation costs, the ExA queried if the costs of running the GCG are included in the capital costs. The Applicant clarified that they are not, the costs of GCG are not within the scheme costs in the funding statement as they are not capital costs. Those costs are intended to be an ongoing annual revenue cost.
- 8.1.2 The ExA asked the Applicant to confirm if the ground and traffic noise provisions do not change the noise insulation amounts in the funding statement.
- 8.1.3 The ExA noted that a testing regime has been added to the compensation policies in response to comments raised in written representations. The Host Authorities had no comments on the testing regime. LADACAN noted they would be content with the testing regime if it took into account guidance from the Independent Commission on Civil Aviation Noise (ICCAN) and includes testing of insulation before and after insulation.
- 8.1.4 The Applicant clarified that as per paragraph 6.3.3 of **Draft Compensation Policies, Measures and Community First [REP4-042]** the testing regime will be developed in consultation with the noise installation subcommittee of the London Luton Airport Consultative Committee and having regard to best practice, such as that published by ICCAN and it does include the testing of insulation before and after installation as referred to by LADACAN. The Applicant further clarified that it will be the responsibility of the airport operator to develop a testing regime but that this will be done in consultation with the consultative committee, i.e. they will have an opportunity to provide feedback on the proposals.
- 8.1.5 The Applicant responded to questioning of why the cut off date for scheme eligible buildings was homes that were built after October 16 2019. The Applicant noted this was the date that information on the project was in the public domain.

- 8.1.6 **ISH9 Action 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.**
- 8.2 Explanation of the timing of the provision of the online lookup tool**
- 8.2.1 The Applicant stated that to avoid confusion the look up tool will not be available until the Article 44 notice has been served, to make the DCO live.
- 8.2.2 **ISH9 Action 36: Confirm the date when the ‘look up tool’ for eligibility for noise insulation programme would be made available.**
- 8.3 Ability to deliver noise insulation drawing on historic rollout data for the airport**
- 8.3.1 The ExA noted that the Applicant’s response to ISH3 Action Point 26 – Noise Insulation Delivery Programme [REP4-079] provided information on other airports’ roll out noise insulation rather than drawing on information from London Luton Airport. The Applicant was asked to comment on the number of properties insulated annually by the operator of London Luton Airport.
- 8.3.2 The Applicant noted that is not information the Applicant has currently. The Applicant stated that the roll out would be dictated by the matters outlined in REP4-079. The Applicant noted that the scheme is presently being undertaken by one contractor and at a much smaller scale. The increase in the scope of the policy is anticipated to draw more market interest to deliver on that basis. That is why the Applicant considers the historic, Luton specific data to be of little relevance.
- 8.3.3 The Applicant responded to a query on the costs and how they were arrived at by the ExA and noted that a response will be provided at deadline 7.
- 8.3.4 **ISH9 Action 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.**
- 8.4 Applicant will be asked to explain its position on an appeal mechanism for noise insulation provision**
- 8.4.1 The ExA noted that the draft compensation policy documents included provisions for appealing the scheme one and three provisions, the Applicant was asked to explain why it has excluded other provisions.
- 8.4.2 The Applicant explained that the appeal policy provided for in paragraph 6.1.36 and that people on full compensation package can appeal to LLAC which is line with the current existing policy. In respect to other schemes the Applicant considered the issue to be binary as the subsidy is fixed in relation to the contour. Homeowners can choose a package based on the proposals that are

presented after a survey is carried out. A wider appeals process would burden the administration of the scheme. In response to concerns on the appeals process generally, the Applicant has included additional policy at paragraph 6.1.50. The Applicant will require the contractor to manage and operate a complaints procedure.

8.4.3 The Applicant noted that no existing airport operation or prospective expansion proposals require an additional appeals process under the noise insulation scheme and therefore the Proposed Development aligns with industry practice.

8.4.4 The ExA observed that whilst the Applicant has stated the contour is fixed, documentation suggests that the contours for eligibility are indicative. The Applicant clarified that the maps provided in Appendix A of **Draft Compensation Policies, Measures and Community First [REP4-042]** are indicative, once the look up tool is live it would be definitive.

## **8.5 Approach to insulation for listed buildings**

8.5.1 The ExA asked the Applicant to explain how it will ensure listed properties with certain building requirements could be insulated in the future. The Applicant noted that when the additional contractors are procured the specification and availability of materials will be broader. The approach will be on a case by case basis. The Applicant will consider and confirm later how that could be secured in the DCO itself at deadline 6.

8.5.2 **ISH9 Action 40: Review the noise insulation programme regarding listed buildings to ensure that the compensation measures would be sufficient to ensure the impacts can be mitigated.**

8.5.3 The ExA queried whether noise insulation is possible for a building such as the Breachwood Green Baptist Church.

8.5.4 **ISH9 Action 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.**

8.5.5 The ExA noted that the Breachwood Baptist Church is not eligible for noise insulation as it does not experience an increase of greater than 3dB during the daytime, however it will experience an additional 100 overflights by 2043. The ExA asked the Applicant to comment on whether mitigation should be provided.

8.5.6 **ISH9 Action 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.**

8.5.7 The Applicant confirmed that park homes are eligible to apply for the Noise Insulation Schemes.

8.5.8 The Applicant will respond in writing to the suggestion of the ExA of having the Applicant make applications for the Noise Insulation Scheme on behalf of homeowners. However, the Applicant noted that such an approach would not be viable due to access requirements and general mitigation which the Applicant requires should be actioned at the homeowner level.

8.5.9 **ISH9 Action 44: Respond to the potential option that the Applicant submits listed building consent applications, including feasibility of this and implications.**

## **8.6 Interaction between the old and new funds at the point of serving notice under Article 44 of the draft Development Consent Order**

8.6.1 The Applicant noted that the issue of what would happen to existing noise insulation funds is still a matter of discussion between the Applicant and the airport operator. This will be reported on at deadline 7.

8.6.2 The Applicant responded to a query of the ExA and noted that the existing community first fund would cap at a maximum of 13 million pounds per year based on a 19 million passenger per annum baseline.

8.6.3 **ISH9 Action 45: Explain what happens to the existing noise insulation funds at the point of serving the Article 44 notice.**

## **8.7 Potential need for the fund to include an Unforeseen Local Impacts Mitigation Strategy**

8.7.1 The Applicant does not consider the fund needs to include an unforeseen local impacts mitigation strategy. The Applicant outlined that this is for two reasons. Firstly, as GCG is intended to control effects and seeks to ensure that notwithstanding the potential for effects to be different that they do not actually exceed the impacts identified in the environmental statement in relation to the four principal areas addressed through GCG. Secondly, Requirement 5 of Schedule 2 of the **Draft DCO [REP5-003]** which related to detailed design requires the design to not give rise to any materially new or different environmental effects in comparison with those reported in the environmental statement.

8.7.2 Whilst the Applicant understands that GCG is related to only four of the 21 topics outlined in the ES. The Applicant outlined that the requirements deal with far more than just GCG. The requirements control a range of matters including but not limited to matters such as landscaping, visual impacts, contaminated land, surface water management. The Applicant will provide a note as to how other chapters in the ES are accounted for and controlled at deadline 7. Mr Reddington requested through the ExA whether he could discuss issues relating to noise contours with the applicant directly. The Applicant confirmed they would be happy to discuss with Mr Reddington.

8.7.3 **ISH9 Action 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.**



- 8.7.4 **ISH9 Action 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.**
- 8.7.5 **Post hearing submission:** The Applicant can confirm that Dr. Sharp has discussed noise matters with Mr. Reddington and provided points of clarification both in person around the hearings and in subsequent email communications.
- 9 AGENDA ITEM 8: ACTION POINTS**
- 9.1.1 See table 1.1 below for the Applicants response to action points for ISH9.
- 10 AGENDA ITEM 9: ANY OTHER BUSINESS**

Table 1.1: Applicant's Response to ISH9 Action Points (NB: Any missing action below was addressed to another third party)

| Action | Description   | When       | Applicant's response   |
|--------|---|------------|--|
| 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.                                 | Deadline 6 | It has not been possible to find a time when the Applicant, National Highways and their respective legal teams are available prior to Deadline 6. A meeting is scheduled for Friday 15 <sup>th</sup> December and the Applicant will provide a further update at Deadline 7.   |
| 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. | Deadline 6 | <p>As set out at the Hearing and in the Applicant's Comments on Responses to Written Questions by Interested Parties <b>[REP5-052]</b> in relation to GCG.1.12mo and GCG.1.13, the changes made at Deadline 5 that the ESG will be quorate where at least one local authority member is present are considered appropriate.</p> <p>Whilst it is acknowledged that with the use of blended events (as set out in the response to Action Point 3 below) the situation where local authority members do not or cannot attend a meeting of the ESG is unlikely, it remains the case that the <b>ESG Terms of Reference</b> [APP5-024] do not include an absolute requirement that these members attend, only that they use reasonable endeavours to do so.</p> <p>In this (unlikely) scenario there would be no quorum and the GCG process could not be moved forward. It is acknowledged that there is a limited window of time for the GCG process to be</p> |

| Action | Description  | When       | Applicant's response  |
|--------|--|------------|---|
|        |  |            | <p>completed ahead of the capacity declaration deadline at the end of September, and these timescales would make rearranging a meeting of the ESG challenging. There is therefore a concern that without the ability for a quorate meeting to be held, the airport operator would not be able to properly declare their capacity, impacting on the operation of the airport for the following year.</p> <p>The changes to quorum made at Deadline 5 have therefore been made to protect the Applicant in this position. Notwithstanding this, the Applicant welcomes and encourages local authority attendance at ESG meetings and the independent oversight this provides.</p> |
| 3      | Consider use of blended events to enable attendance at ESG meetings.   | Deadline 6 | The Applicant is happy to make changes to the ESG Terms of Reference [ <b>REP5-024</b> ] to make it clear that virtual or blended meetings can be used by the ESG. These changes will be made at Deadline 7, and the same change will be made to the Technical Panels Terms of Reference [ <b>REP5-026</b> ].   |
| 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 | Deadline 6 | <p>It is noted that the 19 mppa planning permission has not yet been implemented, and as such a number of conditions associated with the permission have not yet been discharged.</p> <p>Notwithstanding this, the Applicant has reviewed conditions 18 (Travel Plan) and 19 (Carbon</p>  |

| Action | Description  | When | Applicant's response  |
|--------|--|------|---|
|        | <p>Framework. If so, consider whether this monitoring could be used to remove the gap in monitoring in the transition between Article 44 being implemented and monitoring under the GCG Framework.</p> |      | <p>Reduction Strategy), as well as the following 19 mppa application documents:</p> <ul style="list-style-type: none"> <li>a. 19mppa Travel Plan dated 18 December 2020</li> <li>b. Environmental Statement dated January 2021</li> <li>c. Outline Carbon Reduction Plan dated 21 May 2021</li> <li>d. Section 106 and Section 106A Agreement dated 9 December 2022</li> </ul> <p>With respect to greenhouse gas emissions, Schedule 4 of the Section 106 Agreement outlines requirements associated with Sustainability and Carbon Reduction, and Schedule 7 secures annual monitoring and reporting against the targets in the Carbon Reduction Strategy secured in Schedule 4. At the time of writing no Carbon Reduction Strategy has been approved by LBC as the local planning authority, and it is therefore not possible to state what these targets will be. There are a number of targets included within the Outline Carbon Reduction Plan but these do not include annual emissions targets and do not align with the GCG Limits. The Outline Carbon Reduction Plan also does not set out any requirements for monitoring and reporting of emissions in the same way as Appendix E to the <b>GCG Framework [APP-223]</b>. It is therefore considered that</p> |

| Action | Description | When | Applicant's response  |
|--------|-------------|------|---|
|        |             |      | <p>Condition 19 of the 19 mppa permission could not be used to assess performance against GCG Greenhouse Gases Limits, and nor does the P19 permission appear to specifically secure monitoring and reporting of annual emissions. There is not therefore considered to be any 'gap' in monitoring.</p> <p>With respect to surface access, Schedule 7 of the Section 106 Agreement secures annual monitoring and reporting requirements in line with the operation of the Travel Plan. This includes at Paragraph 1(B)(ii) a requirement to report 'Numbers and percentages of (i) staff and (ii) passengers travelling by car, bus, train and other modes of transport'. Whilst this could potentially fulfil the monitoring requirements for surface access in the GCG Framework, there are no requirements in the 19 mppa Travel Plan specifying how monitoring will be carried out. On this basis, it cannot be confirmed that monitoring will be carried out in accordance with Appendix F of the <b>GCG Framework [REP5-032]</b> and would therefore be suitable to assess performance against GCG Surface Access Limits.</p> <p>Notwithstanding this, there will be no 'gap' in monitoring for surface access, as monitoring will be undertaken for the purposes of compliance with the DCO Travel Plan, which will be in place from</p> |

| Action | Description   | When       | Applicant's response  |
|--------|---|------------|---|
|        |   |            | <p>the point at which notice under Article 44(1) is served.</p> <p>There are no environmental monitoring conditions on the 19 mppa permission for air quality that could be used for the purposes of the GCG Framework.</p>   |
| 7      | <p>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.</p> | Deadline 6 | <p>The Applicant does not consider such a Requirement to be necessary or appropriate.</p> <p>As set out in the response to Action Point 6 above, for greenhouse gases Condition 19 of the 19 mppa permission secures a Requirement to implement a Carbon Reduction Strategy, informed by the carbon mitigation targets and measures in the Outline Carbon Reduction Plan.</p> <p>There is already an equivalent provision at Requirement 32 of the <b>draft DCO [REP5-003]</b>, which requires implementation of a Greenhouse Gas Action Plan in substantial accordance with the <b>Outline Greenhouse Gas Action Plan [APP-081]</b> from the point at which the DCO is implemented by serving notice under Article 44(1).</p> <p>There is therefore no 'gap' in provision, with the Green Controlled Growth Framework providing an additional layer of protection by setting annual Limits on aggregate emissions across the whole</p> |

| Action | Description | When | Applicant's response   |
|--------|-------------|------|--|
|        |             |      | <p>range of activity under airport operations and surface access, which is not secured on the 19 mppa permission.</p> <p>For surface access, Condition 18 of the 19 mppa permission secures a Requirement to implement Travel Plans. There is already an equivalent provision at Requirement 30 of the <b>draft DCO [REP5-003]</b>, which requires implementation of a Travel Plan in substantial accordance with the <b>Framework Travel Plan [REP4-044]</b> from the point at which the DCO is implemented by serving notice under Article 44(1).</p> <p>There is therefore no 'gap' in provision, with the Green Controlled Growth Framework providing an additional layer of protection by setting Limits on mode share that are explicitly linked to ongoing growth at the airport, which is not currently secured by the 19 mppa permission.</p> <p>As set out in the response to Action Point 6 above, there is no monitoring or controls on air quality impacts secured on the 19 mppa permission and therefore no gap in permission. The Green Controlled Growth Framework therefore provides protection in respect of air quality impacts that is not currently provided for within the 19 mppa application.</p> |

| Action | Description  | When       | Applicant's response  |
|--------|--|------------|---|
|        |  |            | <p>It is also noted that the maximum amount of time between notice being served under Article 44(1) and the GCG Framework being implemented is 364 days (assuming notice is served on 2nd January). As per Paragraph 2.3.4 of the Applicant's response to ISH1 Action Point 20 set out in [REP4-072], the current airport can only accommodate a marginal increase in capacity above 19 mppa prior to works to the apron being carried out. On this basis, it is considered extremely unlikely that the Proposed Development will give rise to environmental impacts of a magnitude that would require the new GCG controls to be implemented in this 364 day period.</p> |
| 8      | <p>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.</p> | Deadline 6 | Deferred to Deadline 7  |
| 9      | <p>Provide a further response as to whether a representative from ESG could sit on the Airport Co-ordination committee.</p>  | Deadline 6 | Deferred to Deadline 7  |
| 10     | <p>Revisit the wording in the GCG Framework to clarify that use of a local rule could be a consideration in an initial mitigation plan.</p>  | Deadline 6 | <p>Paragraph 23(11)(a) of Schedule 2 of the draft DCO [REP5-003] will be updated at Deadline 7 as follows (changes in red):</p>   |



| Action | Description  | When       | Applicant's response   |
|--------|--|------------|--|
|        |  |            | <p>(a) Without limitation to seeking a local rule in relation to a Mitigation Plan under sub-paragraph (1) or Level 2 Plan under Paragraph 22(1), identify whether the application of a local rule...</p> <p>Equivalent changes to drafting will also be made to the GCG Explanatory Note [REP5-020].</p>  |
| 12     | Review drafting regarding combining issues in the mitigation plans to clarify the circumstances where combining issues is appropriate. | Deadline 6 | <p>Paragraph 22(2) of Schedule 2 of the draft DCO [REP5-003] will be updated at Deadline 7 as follows (changes in red):</p> <p>(2) Where a Monitoring Report assesses that more than one Level 2 Threshold has been exceeded in respect of a matter identified in paragraph 19(6)(a), (b), (c) or (d), the undertaker may address exceedances which are reasonably considered to be related to one another in the same draft Level 2 Plan for the purposes of sub-paragraph (1) and in the same Level 2 Plan for the purposes of sub-paragraph (5).</p> <p>Equivalent changes to drafting will also be made to Paragraph 23(2) of Schedule 2 of the draft DCO and to the GCG Explanatory Note [REP5-020], including illustrative examples of circumstances where exceedances may be considered to be linked and it would be appropriate to combine issues.</p> |

| Action | Description   | When                              | Applicant's response  |
|--------|---|-----------------------------------|---|
| 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' (e.g. 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 | Deadline 6                        | The suggested changes will be made to the ESG Terms of Reference [REP5-024] and Technical Panels Terms of Reference [REP5-026] at Deadline 7.   |
| 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.  | As required following publication | The Applicant will respond to this action at the deadline following the publication of the detailed aviation noise policy paper   |
| 19     | Provide indicative quota count point limits to enable a benchmarking exercise against equivalent data (e.g. Air Traffic Movements (ATM), quota count point limit and contour limits for other similar airports).  | Deadline 6                        | Deferred to Deadline 7.   |
| 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   | Deadline 7                        | The Applicant will respond in full to this action at Deadline 7, but notes that information on the spread of travel is provided at paragraphs 6.6.27 to 6.6.29 of the Need Case [A-125]. Although |

| Action | Description   | When       | Applicant's response   |
|--------|---|------------|--|
|        | defined for both the summer and winter periods.   |            | there is expected to be some spreading of activity away from the absolute summer peak, this is expected to be mainly into the shoulder periods in June and September, which would still be contained within the 92-day summer period as explained at paragraph 6.6.66 of the Need Case [AS-125].   |
| 21     | Review the location of monitors at 2.5km and 6km and whether those at 2.5km could be installed earlier (i.e. in advance of an airspace change). | Deadline 6 | The commitment to install additional monitors at 2.5km from the runway was in response to the NEDG recommendation that “Additional monitoring locations closer to the airport should be considered for the monitoring of noise abatement procedures, but not linked to fining.” (see Section 2.3.3 of the NEDG Interim Report in Annex A of <b>Appendix 16.2 of the ES [REP4-023]</b> ). The recommendation was not explicit that the location should be exactly 2.5km from start of roll, just that it should be closer to the airport. As such, and given the practicalities of finding and obtaining landowner consent for a suitable location for permanent noise monitors as outlined in response to WQ GCG.1.2 <b>[REP5-090]</b> , it may be that a suitable identified location, whilst still closer the airport than the existing monitors in line with the NEDG recommendations, is further than 2.5km from start of roll. For example it is noted that 2.5km from start of roll for westerly departures is around the area where the A1081 crosses the B653 and the railway line which is unlikely to be a suitable location for noise monitoring. As such it is not possible to say at this stage whether a suitable location closer to the airport than the existing |

| Action | Description  | When       | Applicant's response  |
|--------|--|------------|---|
|        |  |            | noise monitors, would not be affected by airspace change.   |
| 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). | Deadline 6 | <p>The daytime overflight contours below 4,000ft in Figure 16.7 and 16.69 are banded and show that the overflights in 2019 actuals around the Ivinghoe area were between 20-50 and the predicted overflights in 2043 are between 50-100. The Ivinghoe Beacon itself sits just outside these contours and would experience a change in overflights between 2019 and 2043 from 8 to 13. Areas around Ivinghoe closer to the flightpath such as the Ivinghoe Beacon Circular Walk Carpark would experience a change in overflights between 2019 and 2043 from 38 to 61. Locations in Whipsnade such as Whipsnade Zoo would experience a change in overflights between 2019 and 2043 from 38 to 63. These approximately 60-65% increase in the number of overflights is in line with the forecast increase in commercial aircraft.</p> <p>Government and Civil Aviation Authority guidance (Ref 9), 10) is clear that overflight metrics, particularly when outside the LOAEL, are supplementary metrics for illustration/communication and do not relate to noise impacts. For example, CAP1616 states overflights “are based upon a perception of overflight – they do not illustrate noise impacts.”</p> <p>The areas of Ivinghoe and Whipsnade are outside of the LOAEL, below which the Government’s</p> |

| Action | Description  | When        | Applicant's response  |
|--------|--|-------------|---|
|        |  |             | <p>Planning Practice Guidance for noise (Ref 1), states: "Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life." This is consistent with the noise assessment in <b>Chapter 16 of the ES [REP1-003]</b> which does not identify any adverse effects on receptors, including outdoor areas, below the LOAEL.</p>    |
| 23     | <p>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.</p>    | Deadline 6  | See response in Section 4.13  |
| 24     | <p>Respond to questions rolled over from this hearing into written questions.</p>  | Deadline 7. | <p>The Applicant has agreed to consider this point further and will provide a full written response at Deadline 7</p>   |
| 25     | <p>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.</p> | Deadline 6  | <p>The Applicant has confirmed with the airport operator that short term monitoring data will be provided within the annual monitoring summary reporting.</p> <p>This monitoring data will be provided for information only, and it is not proposed that the GCG Framework incorporates Limits or Thresholds for short term emissions for the reasons set out in the <b>Applicant's Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [TR020001/APP/8.147]</b>.</p> |

| Action | Description   | When       | Applicant's response  |
|--------|---|------------|---|
| 26     | Continue to work with the relevant local authorities to develop a robust QA/ QC monitoring process.   | Deadline 7 | The Applicant had agreed to share a technical note including the QA/QC monitoring process proposed for the GCG monitoring. The Applicant has agreed to submit this also at Deadline 6 ( <b>Applicant's Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [TR020001/APP/8.147]</b> ).  |
| 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.                  | Deadline 6 | Deferred to Deadline 7  |
| 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].   | Deadline 6 | See detailed response provided in <b>Appendix A</b> .   |
| 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. | Deadline 6 | <p>The <b>GCG Framework [REP5-022]</b> should be read alongside the <b>Outline Greenhouse Gas Action Plan (OGGAP) [APP-081]</b>. Requirement 32 of the <b>draft DCO [REP5-003]</b> sets out that notice under Article 44(1) cannot be served until a Greenhouse Gas Action Plan (GGAP), substantially in accordance with the OGGAP is approved by the relevant planning authority, and that the airport must be operated in accordance with the approved GGAP.</p> <p>The OGGAP sets out the measures and commitments made by the Applicant to minimise</p> |

| Action | Description   | When              | Applicant's response   |
|--------|---|-------------------|--|
|        |   |                   | <p>greenhouse gas emissions to support achievement of the GCG Limits and the UK's 2050 net zero target. The requirement to operate the airport in line with the detailed GGAP will mean these measures to reduce emissions at source prior to the use of any offsetting will be secured, and the GGAP will be periodically reviewed and refreshed in line with UK Government carbon budget periods.</p> <p>Whilst it is therefore agreed that emissions should be reduced at source before relying on offsetting, it is not considered necessary to secure these emissions reductions measures through the GCG Framework (which is focused on outcomes) as these will be secured by the OGGAP and Requirement 32 of the DCO.</p> |
| 30     | <p>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.</p> | <p>Deadline 6</p> | <p>A number of steps were undertaken when considering comparators with London Luton Airport with regards to Public Transport.</p> <p><b>Step 1</b><br/>The purpose of the benchmarking exercise was to provide an indication of the levels of Public Transport share that could reasonably be achieved at London Luton Airport by comparing demand, catchment and transport supply characteristics of similar UK airports.</p> <p>An initial sift of airports compared the following factors:</p>  |

| Action | Description | When | Applicant's response  |
|--------|-------------|------|---|
|        |             |      | <ul style="list-style-type: none"> <li>• 2016 passenger demand</li> <li>• Route type</li> <li>• Air passenger purpose split</li> <li>• Public Transport mode split</li> <li>• Passenger mean income</li> <li>• Bus and coach services</li> <li>• London Influence/relative position</li> </ul> <p>All airports were scored and the following airports selected as the highest performing benchmarks</p> <ul style="list-style-type: none"> <li>• Gatwick,</li> <li>• Stansted,</li> <li>• Birmingham,</li> <li>• Manchester</li> <li>• and Edinburgh.</li> </ul> <p>Edinburgh was discarded due to its remoteness from Luton.</p> <p><b>Step 2</b><br/>Step 2 looked in greater depth at each airport and its suitability as a baseline for Luton:</p> <ul style="list-style-type: none"> <li>• Manchester airport represents a higher UK based share of demand and its catchment is significantly different to London Luton</li> <li>• Birmingham Airport's catchment area is wider than Luton's and it is not influenced by Greater London in the same measure. The lower influence of Greater London and the more</li> </ul> |



| Action | Description | When | Applicant's response  |
|--------|-------------|------|---|
|        |             |      | <p>widespread nature of Birmingham Catchment means it is not a suitable benchmark</p> <ul style="list-style-type: none"> <li>• Gatwick Public Transport network (especially rail) presents characteristics that are quite different from both London Luton and Stansted. The following figures provide a high level measure of the accessibility by Public Transport at the three London airports. Public Transport accessibility to/from Greater London and Gatwick airport is significantly better than at both Stansted and London Luton.</li> <li>• Stansted key difference to London Luton is it's higher share of foreign based passengers who are more likely to choose public transport, this is however likely to change due London Luton Airport's growth.</li> </ul> <p><b>Staff</b></p> <ul style="list-style-type: none"> <li>• The primary use of Stansted Airport as a comparison to London Luton Airport was not due to its location but due its similar characteristics primarily as the airport is located a similar distance from London with a similar size and employment make up, it also has a fairly similar level of bus and rail provision to Luton.</li> <li>• Whilst Stansted geography is different to London Luton there are a limited number of</li> </ul> |

| Action | Description   | When       | Applicant's response   |
|--------|---|------------|--|
|        |   |            | <p>airports and the unique attributes of the airport employment mean a local but different employer would not represent the airport well and the options which would be employed to support mode shift. For example, shift patterns at airports and the variety of employment types and number employers.</p> <ul style="list-style-type: none"> <li>• Staff mode share by Public Transport at Stansted was 12.5% in 2006 but has now grown to 26.9% by 2015 through a set of targeted programmes. The nature of these interventions (incentives, improved services, improved transport facilities with linked capacity and services) are not likely to be limited to a specific geography.</li> </ul> |
| 31     | <p>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.</p> | Deadline 6 | Deferred to Deadline 7   |
| 32     | <p>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.</p>  | Deadline 6 | <p>The updated passenger mode share using the provisional data set from the CAA for the first three quarters of 2023 is set out in the table below.</p>  |

| Action  | Description   | When       | Applicant's response   |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
|---|---|------------|--|---|--|-----------|-----|------|-----|-------------------------|------------|---------------|-----|----------|-----|---|------------|--------------|-------------|
|   |   |            | <table border="1" data-bbox="1288 284 1877 678"> <thead> <tr> <th colspan="2">2023 CAA (until end of Q3) Passenger Mode Share %</th> </tr> </thead> <tbody> <tr> <td>Bus/coach</td> <td>16%</td> </tr> <tr> <td>Rail</td> <td>21%</td> </tr> <tr> <td><b>Public Transport</b></td> <td><b>37%</b></td> </tr> <tr> <td>Drop off/taxi</td> <td>45%</td> </tr> <tr> <td>Car Park</td> <td>18%</td> </tr> <tr> <td><b>Private Car Total (incl Rental Cars)</b></td> <td><b>63%</b></td> </tr> <tr> <td><b>Total</b></td> <td><b>100%</b></td> </tr> </tbody> </table> <p>The latest data shows an increase in sustainable mode share from 35% in 2022 to 37% for the first three quarters of 2023.</p> | 2023 CAA (until end of Q3) Passenger Mode Share % |  | Bus/coach | 16% | Rail | 21% | <b>Public Transport</b> | <b>37%</b> | Drop off/taxi | 45% | Car Park | 18% | <b>Private Car Total (incl Rental Cars)</b> | <b>63%</b> | <b>Total</b> | <b>100%</b> |
| 2023 CAA (until end of Q3) Passenger Mode Share % |   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| Bus/coach   | 16%   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| Rail  | 21%   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| <b>Public Transport</b>                           | <b>37%</b>  |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| Drop off/taxi                                     | 45%   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| Car Park  | 18%   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| <b>Private Car Total (incl Rental Cars)</b>       | <b>63%</b>  |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| <b>Total</b>                                      | <b>100%</b>   |            |  |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |
| 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. | Deadline 6 | <p>The Applicant will make clear in its policy that whilst the cut-off date of 16 October 2019 will remain, it may be lifted for those able to demonstrate that the application for planning consent to build their property pre-dated 16 October 2019 and as such the housebuilder could not reasonably have known about Airport Expansion at the time.</p> <p>The Applicant will make an amendment to the Draft Compensation Policies, Measures and Community First document to clarify this point and the updated document will be submitted at Deadline 7.</p>   |   |  |           |     |      |     |                         |            |               |     |          |     |   |            |              |             |

| <b>Action</b> | <b>Description</b>   | <b>When</b> | <b>Applicant's response</b>  |
|---------------|--|-------------|--|
| 36            | Confirm the date when the 'look up tool' for eligibility for noise insulation programme would be made available.   | Deadline 6  | The tool will go live once the Article 44 notice in the DCO has been served. The Applicant will make an amendment to the Draft Compensation Policies, Measures and Community First document to clarify this point and the updated document will be submitted at Deadline 7.  |
| 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. | Deadline 7. | The Applicant has agreed to consider this point further and will provide a full written response at Deadline 7.  |
| 40            | Review the noise insulation programme regarding listed buildings to ensure that the compensation measures would be sufficient to ensure the impacts can be mitigated.  | Deadline 6  | <p>The Applicant will set out in its Noise Insulation Policy that, in respect of listed buildings, in circumstances where replacement windows and doors are particularly specified in a consent to alter a listed building, the Applicant will ensure its contractors are able to offer the stated specification to enable the identified impacts to be mitigated.</p> <p>The Applicant will make an amendment to the Draft Compensation Policies, Measures and Community First document to clarify this point and the updated document will be submitted at Deadline 7.</p> |
| 41            | The Baptist Church at Breachwood Green has highlighted that overflights interrupt services, including funerals [RR-0156].  | Deadline 6  | The extent to which noise insulation could be provided would need to be determined through a detailed survey and consideration of the listed   |

| Action | Description  | When       | Applicant's response   |
|--------|--|------------|--|
|        | <p>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.</p>   |            | <p>status of the building. However, the Applicant can confirm that it is aware of precedent where it has been possible to provide noise insulation through listed building consent to a listed church in the form of internal secondary glazing to lunette windows and new seals provided to doors. However, as noted in the ISH9 discussions, the building is not eligible for noise insulation.</p>  |
| 42     | <p>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 &gt;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.</p> | Deadline 6 | <p>The eligibility criteria for noise insulation does not require that a receptor experience an increase of &gt;3dB in the daytime LAeq and there is no minimum requirement for noise increases, eligibility is based on absolute noise exposure. The reason why the Breachwood Green Baptist Church is not eligible is because it does not meet the eligibility criteria of 63dBLAeq,16h for community buildings which is in line with government policy (Ref 6) on provision of noise insulation for noise sensitive non-residential receptors (see paragraph 6.1.19 of <b>Draft Compensation Policies, Measures and Community First [REP4-042]</b>). The highest predicted exposure for the Breachwood Green Baptist Church is 60dBLAeq,16h in 2043. As an additional clarification, it is not the case that the Baptist Church would experience an additional 100 overflights by 2043. As noted before, the contours are banded and the actual increase of daytime overflights below 4,000ft from 2019 to 2043 is an increase from 39 to 64. As noted in response to Action 22, overflights do not relate to noise impacts and the methodology for identifying likely significant effects is based on LAeq in line</p> |

| Action | Description  | When        | Applicant's response   |
|--------|--|-------------|--|
|        |  |             | with Government guidance, CAA guidance and policy. No likely significant effects are identified for the Breachwood Green Baptist Church in <b>Chapter 16 of the ES [REP1-003]</b> and therefore no mitigation is proposed. |
| 44     | Respond to the potential option that the Applicant submits listed building consent applications, including feasibility of this and implications  | Deadline 7. | The Applicant has agreed to consider this point further and will provide a full written response at Deadline 7.  |
| 45     | Explain what happens to the existing noise insulation funds at the point of serving the Article 44 notice.   | Deadline 7. | The Applicant has agreed to consider this point further and will provide a full written response at Deadline 7.  |
| 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. | Deadline 7. | The Applicant has agreed to consider this point further and will provide a full written response at Deadline 7.  |
| 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   | Deadline 6  | The Applicant can confirm that Dr. Sharp has discussed noise matters with Mr. Reddington and provided points of clarification both in person around the hearings and in subsequent email communications.                   |

# Appendix A - Applicant's Response to ISH 9 Action Point 28

## Action Point 28

A1.1.1 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 (GHG) emissions in [REP5-022].

### Applicant's Response

#### Use of Faster Growth Case Forecasts

A1.1.2 As described in paragraph 3.1.7 of the **Green Controlled Growth Explanatory Note [REP5-020]**, the GCG Limits are aligned to the assessment results from the Faster Growth Case. **Chapter 12 Greenhouse Gases** of the **Environmental Statement [REP3-007]** reported a qualitative sensitivity analysis of the potential impacts, changes and likely effects of the Faster Growth Case in Table 12.23 of Chapter 12.

A1.1.3 Two categories of GHG emissions are included within the **GCG Framework [REP5-022]**: airport operations and surface access. For airport operations emissions, it was considered that any difference between the Core Planning Case and Faster Growth Case would be negligible, as many airport operations activities do not scale directly with passenger throughput. For example, emissions from heating and lighting of the terminal building do not directly correlate to passenger numbers. On this basis, the GHG emissions forecasts from the Core Planning Case have been used to define the Limits. This is considered a robust position, as it requires the additional passenger growth (above the Core Planning Case) to be delivered without additional increases in airport operations emissions.

A1.1.4 For surface access emissions, the Applicant has produced separate GHG emissions forecasts for the Faster Growth Case, as emissions from passenger and staff travel do directly correlate with passenger throughput.

A1.1.5 The forecasts for the baseline and three future assessment phases used to set the GHG Limits are set out in Table A1.1.

Table A1.1: GHG Emissions forecasts used for setting GCG Limits

| Activity                           | Baseline | Phase 1 Forecast | Phase 2a Forecast | Phase 2b Forecasts |
|------------------------------------|----------|------------------|-------------------|--------------------|
| Airport Operations – Scope 1 and 2 | 7,644    | 4,969            | 236               | 280                |
| Airport Operations – Scope 3       | 8,938    | 7,204            | 2,884             | 2,699              |

| Activity   |         |   | Baseline | Phase 1 Forecast | Phase 2a Forecast | Phase 2b Forecasts |
|--|---------|---|----------|------------------|-------------------|--------------------|
| Surface Access   | Scope 3 | – | 184,754  | 199,440          | 114,179           | 86,557             |
| (Faster Growth)  |         |   |          |                  |                   |                    |
| <i>All values in tonnes of Carbon Dioxide Equivalent per year (tCO2e/yr)</i> |         |   |          |                  |                   |                    |

**Setting Limits from Forecasts**

- A1.1.6 Section 3.1 of the **Green Controlled Growth Explanatory Note [REP5-020]** sets out the approach for setting the GCG Limits on the basis of the forecasts reported in the ES. The key distinction is that the ES forecasts have been produced on the basis of the three future assessment phases, aligned to certain levels of passenger growth being achieved in specified future years. However, GCG is intended to take account of the potential future variation in passenger growth, and so the Limits are instead aligned to the levels of passenger throughout corresponding to the ES assessment phases, rather than to specific years utilised for the purpose of the environmental impact assessment<sup>1</sup>.
- A1.1.7 Figure 3.2 of the **Green Controlled Growth Explanatory Note [REP5-020]** illustrates the conceptual approach for setting Limits between assessment phases, aligned to the ES forecasts. As noted in paragraph 3.1.16, this only reflects a scenario where environmental effects decrease over time, and Figure 3.11 and Figure 3.13 illustrate that for Scope 1 and 2 airport operations and surface access emissions, GHG emissions do not decrease between every assessment phase (although emissions do still significantly reduce overall). This can also be seen in the magnitude of the GHG emissions set out in Table A1.1.
- A1.1.8 As described in paragraph 3.1.6 of the **Green Controlled Growth Explanatory Note [REP5-020]**, the value of the Limits between each assessment phase are set according to the highest level of forecast environmental effect, either associated with the assessment year preceding or the assessment year following a given point. Figures 3.11, 3.12 and 3.13 from the GCG Explanatory Note are all reproduced below, with the emissions forecasts from Table A1.1 also plotted, to illustrate how the Limits have been set with respect to GHG forecasts.
- A1.1.9 From Figure 3.11, it is evident how the forecasts decrease from the ES baseline (2019) to Assessment Phase 2a, with the Limits set with a corresponding reduction over time. For Assessment Phase 2b, there is a small forecast increase in emissions, and so the GCG Limit for the ongoing operation of the airport increases slightly. However, it must be noted that this is subject to further review once the Government clarifies the scope of the Jet Zero target for airport operations emissions by 2040, and the Applicant is

<sup>1</sup> However, noting that certain Limits are also proposed to change at specific years to reflect legislative requirements, including the Jet Zero requirement for zero-emissions airport operations by 2040.



committed to aligning the GCG GHG Limits with this target once it has been defined.

- A1.1.10 For Figure 3.12, forecast emissions continually decrease over time, and therefore the GCG Limits also decrease over the same period.
- A1.1.11 For Figure 3.13, forecast surface access emissions initially increase above the 2019 ES baseline, before then dropping – largely as a result of the wider decarbonisation of the vehicle fleet, which is outside of the control of the Applicant. The Assessment Phase 1 and Assessment Phase 2a GCG Limits are therefore defined by the Phase 1 forecast, consistent with the principles set out in paragraph 3.1.6 of the **Green Controlled Growth Explanatory Note [REP5-020]**. The significantly lower Assessment Phase 2b Limit requires the airport operator to reduce surface access emissions by the point at which a throughput of 27 million passengers per annum is reached, to ensure that the Assessment Phase 2b Limit is not breached once that milestone is achieved.

Figure 3.11: Airport Operations CO2e emissions (Scope 1 and Scope 2)

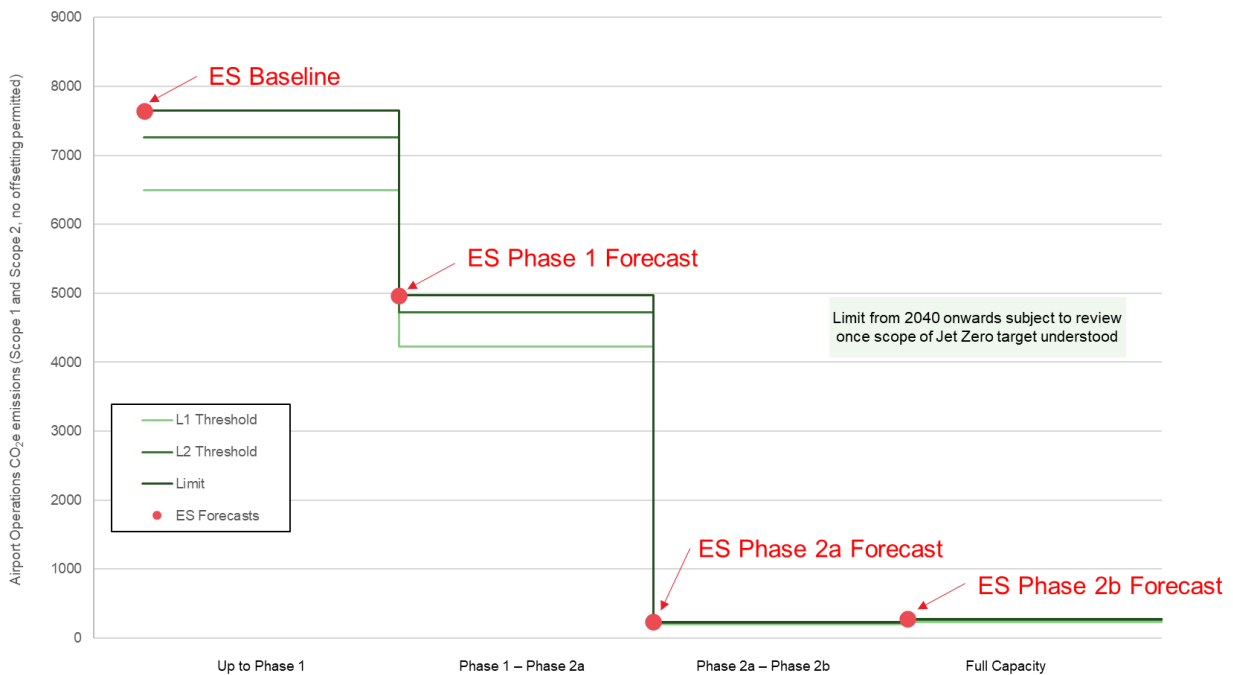


Figure 3.12: Airport Operations CO2e emissions (Scope 3, inclusive of offsetting)

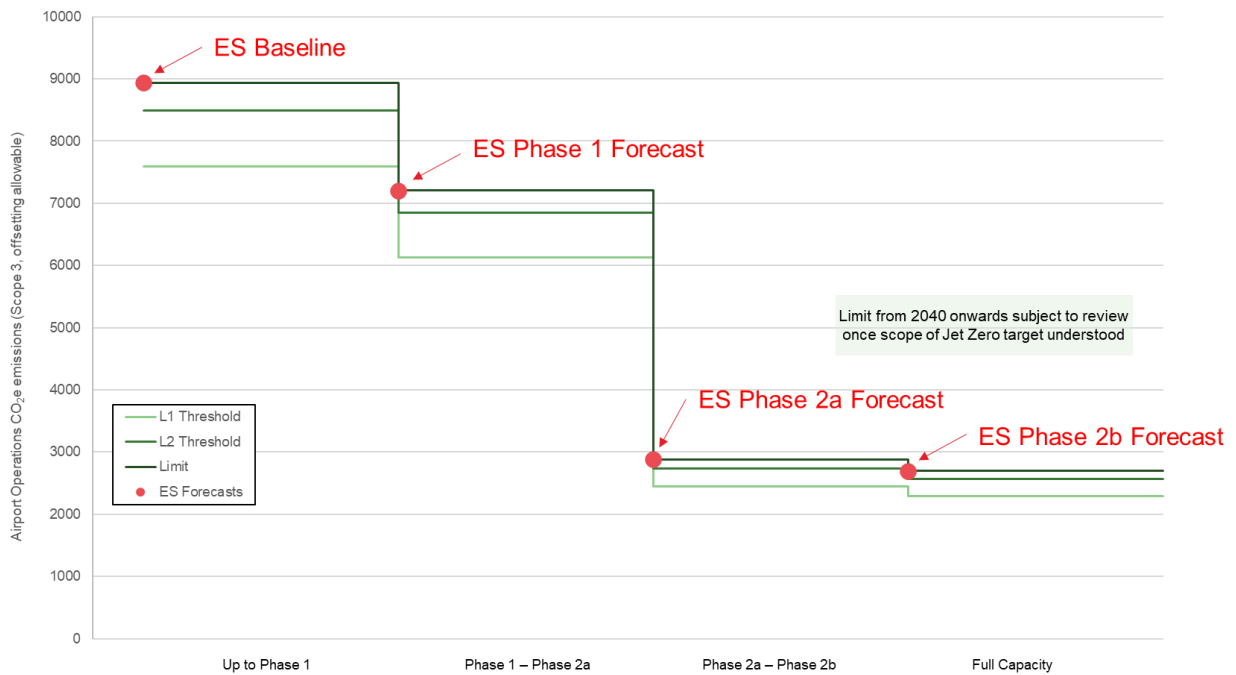
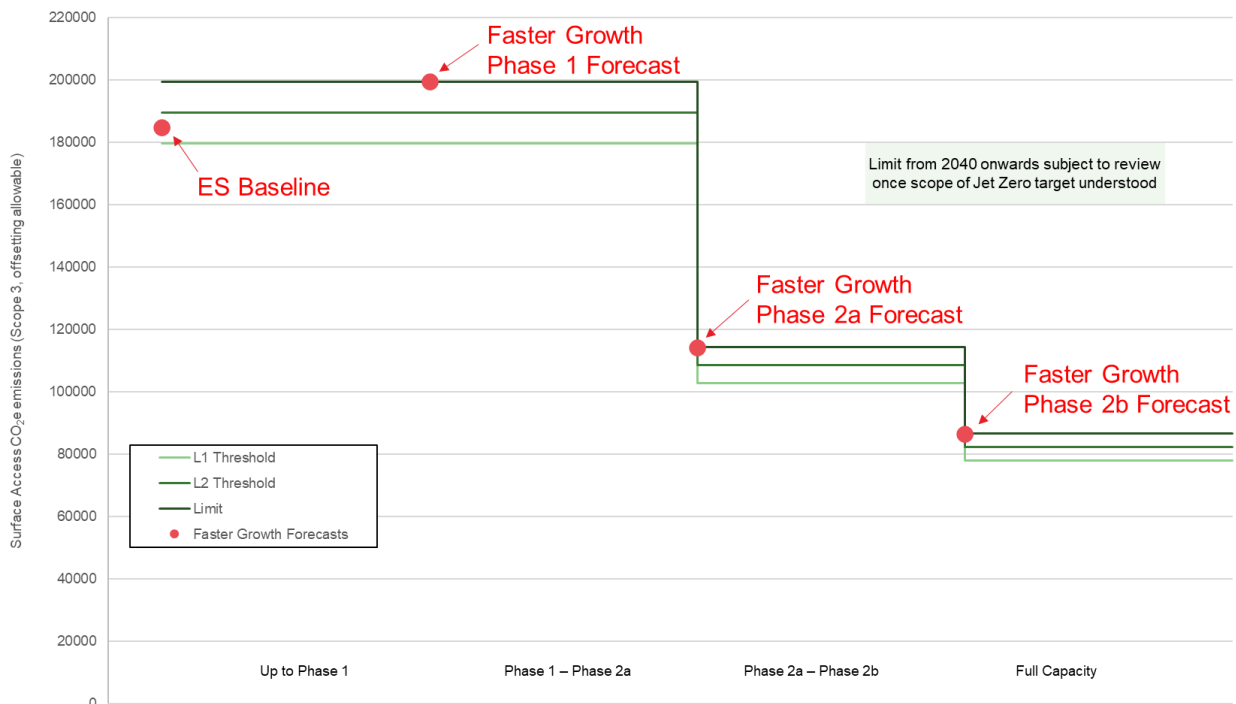


Figure 3.13: Surface Access CO<sub>2</sub>e emissions (Scope 3, inclusive of offsetting)



### Deriving Thresholds

A1.1.12 The magnitude of the Level 2 Thresholds and Level 1 Thresholds are set at 95% and 90% of the Limits respectively. These percentages were considered to provide sufficient early-warning of GHG emissions increasing towards the

Limit, to enable early action to be taken to prevent the breach of a Limit. Further detail will be provided at Deadline 7 in this regard, in response to Action 27 [**EV-16-011**].

## REFERENCES

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- Ref 1 International Air Transport Association (effective April 2024), *Worldwide Airport Slot Guidelines Edition 3*
- Ref 2 Her Majesty's Stationery Office (2008), *The Planning Act*
- Ref 3 Civil Aviation Authority (2013), *CAP1129 Noise Envelopes*
- Ref 4 Luton Rising (2022), *Statutory Consultation 2022: Draft Green Controlled Growth Proposals*
- Ref 5 Civil Aviation Authority (2019), *CAP1731: Aviation Strategy: Noise Forecast and Analyses, Version 2*
- Ref 6 Her Majesty's Stationery Office (2013), *The Aviation Policy Framework*
- Ref 7 Civil Aviation Authority (2021), *CAP1506: Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition*
- Ref 8 Department for Transport (2023), *Policy Paper: Overarching Aviation Noise Policy*
- Ref 9 Department for Transport (2017), *Air Navigation Guidance*.
- Ref 10 Civil Aviation Authority (2021), *CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information, Version 4*
- Ref 11 Ministry of Housing, Communities & Local Government (2023), *National Planning Policy Framework*
- Ref 12 Department for Transport (2018). *Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England*
- Ref 13 Department for Environment Food and Rural Affairs (2010), *Noise Policy Statement for England*
- Ref 14 Luton Borough Council (2017), *Local Luton Plan 2011-2031*.
- Ref 15 Department for Transport (2022), *Jet Zero Strategy*
- Ref 16 The Planning Inspectorate (2021), London Stanstead, Planning Appeal Ref: App/C1570/W/20/3256619 Airport Decision Letter