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London Luton Airport Expansion

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**8.54 Summary of Changes to the Draft Development
Consent Order**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.54

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.54 SUMMARY OF CHANGES TO THE DRAFT DEVELOPMENT
CONSENT ORDER**

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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This document sets out Luton Rising's (a trading name of London Luton Airport Limited) (the Applicant's) schedule of changes to the draft Development Consent Order (DCO). It includes changes made both during the pre-examination and examination phases.

2 APPLICANT'S SCHEDULE OF CHANGES TO DRAFT DCO

Provision	Change made to the dDCO	Explanation for change
As a result of Section 51 Advice		
Article 2	Definition of Land Plans and Crown Land Plans	Consequential amendments due to the splitting of the joint Land Plans and Crown Land Plans [APP-015] into two separate sets of plans [AS-011 and AS-024] . Further consequential amendments made at Schedule 5, Schedule 7 and Schedule 9.
Schedule 9	Updated list of certified documents	Consequential amendments due to the splitting of the joint Land Plans and Crown Land Plans [APP-015] into two separate sets of plans [AS-011 and AS-024] ; and due to various chapters, appendices and figures of the Environmental Statement being updated.
As a result of the Rule 9 letter dated 16 May 2023		

Provision	Change made to the dDCO	Explanation for change
Schedule 2 - Requirements	<p>The following typographical errors have been amended:</p> <ul style="list-style-type: none"> - Requirement 2(3) - ‘...approval sought is would not give rise...’. - Requirement 6 - table entry for Luton DART final column to read ‘...and excludes development...’. - Requirement 20(7) - ‘The bodies invited to nominate technical representative..’ to read ‘a technical representative’. - Requirement 20(9) to read ‘Each Technical Panel...’ - Requirement 24(4)(b) to read ‘received the Mitigation Plan...’ - Requirement 24(5) to read ‘A mitigation Plan...’ - Requirement 28 to read ‘with the fixed plant...’ - Requirement 37(14) to read ‘the Department for Levelling Up, Housing and Communities and the Ministry for Housing...’ 	Rectifying typographical errors identified in the Rule 9 letter.
Deadline 2		
Table of Contents	Deletion of Parts 1 and 2 in Schedule 3.	Rectifying a typographical error – Schedule 3 is not separated into “Parts”. There are no public rights of way being stopped up for which a substitute is being provided.
Article 2(1)	Amendment to definition of, “relevant highway authority”. To clarify that National Highways is the	To clarify that National Highways is the “relevant highways authority” for highways within its network.

Provision	Change made to the dDCO	Explanation for change
	"relevant highways authority" for highways within its network.	
Article 7	Correction of typographical error.	There is no "paragraph 2" in this provision.
Article 12(1)	Insertion of "relevant".	This is to ensure all references are to the "relevant highway authority", as intended.
Article 19(11)	Adjustments to the description of the scope of a consent under section 118 of the Water Industry Act 1991.	These amendments were requested by Thames Water. They ensure that article 19(11) is consistent with section 118 of the Water Industry Act 1991.
Schedule 1, Work No. 6d	Correction of typographical error.	There is no work "6dc".
Schedule 2, paragraph 8(1)	Removal of the tailpiece.	This is unnecessary because paragraph 2 of Schedule 2 already makes provision to amend approved plans, details and schemes under Schedule 2, provided certain conditions are met and necessary further approvals obtained.
Schedule 2, paragraphs 29 to 33	Production of these operational plans has now been tied to throughput moving beyond the "cap permitted by the LLAOL planning permission" rather than the implementation of "part of the authorised development". In addition, amendments have been made to tie these plans to the operation of the "airport", rather than the operation of "part of the authorised development".	The Applicant has recognised that the obligation to produce these plans should be tied to accessing the throughput authorised by the DCO, not to the operation of (part of) the authorised development, which could result in unintended effects. Furthermore, it was always intended that these plans by their nature would apply to the operation of the airport (as expanded), not "part" of it.
Schedule 2, paragraph 36	Correction of typographical errors.	All references should be to "discharging authority".
Schedule 8, paragraph 2	Correction of typographical errors.	There was a duplicate reference to "sewerage undertaker".

Provision	Change made to the dDCO	Explanation for change
Deadline 3		
Preamble	Amendments made to refer to a Panel rather a single inspector.	Amendments have been made to reflect the fact that the Examining Authority is a Panel of five members, rather than just a single inspector. This is in response to the Examining Authority's supplementary agenda additional questions ISH1.G.01, ISH1.G.02 and ISH1.G.03.
Article 2	Insertion of the definition of two additional pieces of legislation. Consequential amendments have also been made at: <ul style="list-style-type: none"> - Article 19(7) - Article 19(10) - Article 37(8) - Article 38(4) 	The Examining Authority's supplementary agenda additional question ISH1.A.01 identified two further pieces of legislation that would benefit from being defined. The Applicant has made those changes.

Provision	Change made to the dDCO	Explanation for change
Article 2	<p>The definition of a number of documents listed in Schedule 9 of the Draft DCO as certified documents has been updated. These are:</p> <ul style="list-style-type: none"> - Airport Access Road and Luton DART long section plans; - Airport Boundary Plan; - Book of Reference; - Crown Land Plans; - Environmental Statement; - Land Plans; - Special Category Land Plans; - Streets, Rights of Way and Access Plans; and - Works Plans. 	<p>The amendments have been made in response to the Examining Authority's supplementary agenda additional question ISH1.A.03 in order to provide greater precision.</p>
Article 2	<p>Deletion of the definition of "associated development" and inclusion of "and any other development authorised by this Order" in the definition of "authorised development".</p>	<p>The definition of "associated development" has been deleted from article 2, because it forms part of the "authorised development" as defined by article 2 and set out in Schedule 1.</p>
Article 8	<p>Replacement of the term, "grantee" with "lessee".</p>	<p>Amendment made to bring this in line with usual drafting in DCOs and in response to the Examining Authority's supplementary agenda additional question ISH1.A.07.</p>
Article 10	<p>Insertion of words, "within or" in article 10(1)(a).</p>	<p>The amendments have been made in response to the Examining Authority's supplementary agenda additional question ISH1.A.11, and in order to provide greater precision.</p>

Provision	Change made to the dDCO	Explanation for change
Article 11	Insertion of words, “written” in front of “consent” in article 11(3).	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.13, and in order to provide greater precision.
Article 13	The words, “stopping up” and similar derivatives have been replaced with, “closure” and associated derivatives.	The Applicant notes that, “temporary stopping up” is a recognised and precedented form of DCO drafting in relation to powers to close etc. streets. However, the Applicant has made the amendments suggested in the Examining Authority’s supplementary agenda additional question ISH1.A.16.
Article 13	Insertion of words, “or a class of traffic” in article 13(1)(a).	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.17, and in order to provide greater precision.
Article 17	Insertion of the word, “closure” in article 17(1)(d) and insertion of reference to article 10 in article 17(1)(e).	The first amendment is consequential as a result of the amendment to Article 13 explained above. The second amendment was an unintentional omission that has now been corrected.
Article 18	Reference to Schedule 1 has been replaced with a reference to Schedule 4.	This amendment has been made to correct a cross-referencing error that was brought to the Applicant’s attention as a result of the Examining Authority’s supplementary agenda additional question ISH1.A.20.
Article 19	Insertion of the words, “pursuant to paragraph (1)” in article 19(4).	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.22, and in order to provide greater precision.

Provision	Change made to the dDCO	Explanation for change
Article 19	Insertion of the words, “as defined under section 113(1) of the Water Resources Act 1991 and” in article 19(8)(c).	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.22, and in order to provide greater precision.
Article 21	Deletion of the words, “and on the Secretary of State” in article 21(2),	This is an error that is being corrected. It was brought to the Applicant’s attention as a result of the Examining Authority’s supplementary agenda additional question ISH1.A.24, and in order to provide greater precision.
Article 26	Insertion of the words, “(compulsory purchase under the Acquisition of Land Act 1981)” in article 26(1)(a).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.02, and in order to provide greater precision.
Article 27	Insertion of the word, “such” in article 27(1).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.03, and in order to provide greater precision.
Article 28	<p>Insertion of the words, “and restrictions” in article 28(1), 28(3) and 28(4).</p> <p>Replacement of the word, “it” with, “the land” in article 28(7)(a)(ii), 28(7)(a)(iii) and 28(7)(a)(iv).</p> <p>Replacement of the word, “it” with “the agreement” in article 28(b).</p>	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.04, CAH.A.06 and CAH.A.09, and in order to provide greater precision.
Article 29	Insertion of the words, “(compulsory purchase under Acquisition of Land Act of 1946)” in article 29(1).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.10, and in order to provide greater precision.

Provision	Change made to the dDCO	Explanation for change
Article 30	Replacement of, “4” with “5A” in article 30(8)(b).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.11, and in order to correct a cross referencing error.
Article 36	Insertion of the words, “or restrictions for the benefit of” and, “relocate” in article 36(1)(c).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.15, and in order to provide greater precision.
Article 38	Insertion of the words, “(street works in England and Wales)” in article 38(3).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.16, and in order to provide greater precision.
Article 39	Insertion of the words, “lessee or” in article 39(1).	The amendment has been made in response to the Examining Authority’s supplementary agenda additional question CAH.A.17, and in order to provide greater clarity and precision.
Article 42	Insertion of a new article 42(2) which states: “This article does not relieve the undertaker of any requirement to obtain any permit of licence under any other legislation that may be required from time to time to authorise the operation of the authorised development.”	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.28, in order to provide absolute clarity that the undertaker is not absolved of the duty to obtain any other permits, licences or permissions that may be necessary to operate the authorised development.
Schedule 1, Work No. 5a	Replacement of the term, “associated” with “related”.	Consequential amendment as a result of an amendment made to the definition of, “authorised development” in article 2.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 1	<p>The definition of a number of documents listed in Schedule 9 of the Draft DCO as certified documents has been updated. These are:</p> <ul style="list-style-type: none"> - Design Principles - Outline transport related impacts monitoring and mitigation approach - Strategic landscape masterplan 	The amendments have been made in response to the Examining Authority’s supplementary agenda additional question ISH1.A.03 in order to provide greater precision.
Schedule 2, Requirement 1	Insertion of the definition of, “business day”.	This definition was previously found in Requirements 34 and 37, but to avoid duplication the definition has now been moved to the Interpretation section of Schedule 2.
Schedule 2, Requirement 1	Insertion of the definition of, “infant”.	This definition has been added as a result of the amendment to the definition of, “passenger” which has been amended as a result of the Examining Authority’s supplementary agenda additional question ISH1.S2.04.
Schedule 2, Requirement 1	Amendment to the definition of, “passenger”.	This definition has been amended as a result of the Examining Authority’s supplementary agenda additional question ISH1.S2.04 and in order to remove any ambiguity.
Schedule 2, Requirement 2	Insertion of “design principles” at 2(1)(a).	This has been added in tandem with the removal of, “in general accordance” from Requirement 5. It is considered appropriate, given the long term development programme for the expansion of the airport, to have a mechanism to amend the Design Principles [APP-225] in the same way that other “finalised” control documents at (b) to (d) can be subject to future amendment.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 5	Amendment in relation to detailed design: this must now be, “in accordance with” the design principles.	As a result of discussions at Issue Specific Hearing 1, the Applicant has reviewed its drafting and agrees that the detailed design should be, “in accordance with” rather than, “in general accordance with” the design principles.
Schedule 2, Requirement 8	Amendment in relation to Code of Construction Practice (CoCP): this must now be, “in accordance with” the CoCP.	As a result of discussions at Issue Specific Hearing 1, the Applicant has reviewed its drafting and agrees that the authorised development must be carried out, “in accordance with” the CoCP and subsequent plans approved under it.
Schedule 2, Requirement 9	Amendment in relation to landscaping design: this must now be, “in accordance with the principles” set out in the strategic landscape masterplan.	As a result of discussions at Issue Specific Hearing 1, the Applicant has reviewed its drafting and agrees that the landscaping design should be, “in accordance with the principles” rather than simply, “reflecting” the principles.
Schedule 2, Requirement 12	Insertion and deletion of text at 12(2).	To bring the drafting in line with DCO drafting precedent. This point was raised by the Examining Authority’s supplementary agenda additional question ISH1.S2.13.
Schedule 2, Requirement 13	<p>Replacement of “the” with “a” in 13(1).</p> <p>Insertion of, “the lead local flood authority and the relevant sewerage undertaker” in 13(1).</p> <p>Deletion of “reflect” and insertion of “in accordance with” in 13(2).</p> <p>Replacement of “constructed” with “carried out” in 13(3).</p>	<p>The first amendment has been made for clarity and grammatical correctness, and to ensure that this is not read a reference to an existing plan.</p> <p>The second amendment has been made to ensure that the relevant planning authority cannot approve a surface and foul water drainage plan until it has consulted with the lead local flood authority and the relevant sewerage undertaker, in addition to the Environment Agency which had previously already been listed as a consultee. This point was raised by</p>

Provision	Change made to the dDCO	Explanation for change
		<p>the Examining Authority’s supplementary agenda additional question ISH1.S2.14.</p> <p>The third amendment has been made as a result of discussions at Issue Specific Hearing 1. The Applicant has reviewed its drafting and agrees that the surface and foul water drainage plan should be, “in accordance with” rather than, “reflect” the principles set out in the Drainage Design Statement [APP-137].</p> <p>The fourth amendment has been made in response to the Examining Authority’s supplementary agenda additional question ISH1.S2.16.</p>
Schedule 2, Requirement 14	Deletion of, “constructed” and replacement with, “carried out” in 14(3).	Amendment made in response to the Examining Authority’s supplementary agenda additional question ISH1.S2.16.
Schedule 2, Requirement 15	Deletion of, “constructed” and replacement with, “carried out” in 15(3).	Amendment made in response to the Examining Authority’s supplementary agenda additional question ISH1.S2.16.
Schedule 2, Requirement 23	Insertion of new paragraphs (2), (7) and (12), and consequential numerical amendments.	<p>Amendments made to clarify the process in relation to an exceedance of a Level 2 Threshold:</p> <ul style="list-style-type: none"> - (2) Where more than one Level 2 Threshold is exceeded in relation to the same topic, the undertaker may address all of these exceedances in one draft Level 2 Plan, rather than in separate plans for each

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		<p>exceedance. The rationale for this is that the mitigation measures are likely to be similar and/or overlapping.</p> <ul style="list-style-type: none"> - (7) provides clarification about the process in the instance that a Level 2 Plan has been refused by the Environmental Scrutiny Group (ESG). - (12) Similarly to (2), where both a Level 2 Threshold and a Limit have been exceeded and both relate to the same topic, the undertaker may address all exceedances in the same Mitigation Plan. The rationale for doing so is the same as set out for (2) above.
Schedule 2, Requirement 24	Insertion of new paragraphs (2) and (7), and consequential numerical amendments.	<p>Amendments made to clarify the process in relation to an exceedance of a Limit:</p> <ul style="list-style-type: none"> - (2) Where more than one Limit is exceeded in relation to the same topic, the undertaker may address all of these exceedances in one draft Mitigation Plan, rather than in separate plans for each exceedance. The rationale for this is that the mitigation measures are likely to be similar and/or overlapping. - (7) provides clarification about the process in the instance that a Mitigation Plan has been refused by the ESG.
Schedule 2, Requirement 25	Amendment to 25(1) and insertion of a new 25(5).	To clarify that the undertaker must not only review the implementation of Part 3 of Schedule 2 of the Draft DCO,

Provision	Change made to the dDCO	Explanation for change
		<p>but that the review also relates to any Monitoring Plans in place.</p> <p>The insertion of paragraph (5) allows for the Terms of Reference of the ESG to be deemed varied in the case of the scenario falling under sub-paragraphs (2) and (3), which allows the undertaker to apply for a modification to the specified periods of time.</p>
Schedule 2, Requirement 26	Removal of the phrase “comprised in the authorised development”.	In response to comments received at ISH1, the Applicant is no longer employing the phrase “airport comprised in the authorised development”. Instead, this requirement will apply the passenger cap to the operation of the “airport” under the Order. This wording is now consistent with Requirement 27.
Schedule 2, Requirement 27	Amendment made to remove the possibility for the undertaker to increase the night quota cap.	In response to comments received during the recent issue specific hearings, this provision has been amended to remove the in-built “tail piece” mechanism to vary this cap, that was previously contained in Requirement 27 .
Schedule 2, Requirement 28	Replacement of “authorised development” with “airport”.	This amendment applies the requirement to the “airport”, consistent with the approach taken in the other operational Requirements (26-27 and 29-33).
Schedule 2, Requirement 34	Deletion of the definition of, “business day”.	Consequential amendment as a result of the insertion of this definition in Requirement 1.
Schedule 2, Requirement 34	Amendment to the definition of, “discharging authority”.	Amendments made to refer to the fact that a discharging authority is one from whom a consent, approval or agreement, “referred to in Part 1, Part 2 or Part 4” of Schedule 2 is required or requested. Amendment has been made for greater precision.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 34	Insertion of definition of, “specified period”.	Amendments made for clarity to define what a specified period means so that it can be used as a defined term in later requirements.
Schedule 2, Requirement 35	Amendment to 35(1).	Consequential amendments as a result of changes to the definition of, “discharging authority” and the addition of the definition of “specified period” in Requirement 34.
Schedule 2, Requirement 36	Amendments to 36(2) and 36(3) to refer to, “paragraph” rather than “requirement”.	The change has been made for consistency to ensure that references within Schedule 2 are to paragraphs within the schedule rather than requirements. Amendment made in response to the Examining Authority’s supplementary agenda additional question ISH1.S2.01.
Schedule 2, Requirement 37	Deletion of the definition of, “business day”.	Consequential amendment as a result of the insertion of this definition in Requirement 1.
Schedule 6	<p>Insertion of the words, “(measure of compensation in case of severance)” in 2(2).</p> <p>Insertion of the words, “or imposed on” in 2(2)(a)</p> <p>Insertion of the words, “(powers of entry)” and “(as modified by paragraph 7 of Schedule 6 to the London Luton Airport Expansion Project Development Consent Order 202[])” in 3(2)(a)</p> <p>Replacement of “13” with “12” in 3(2)(b).</p> <p>Insertion of the words, “Part 1 of” in the heading above paragraph 4.</p> <p>Insertion of the words, “of the London Luton Airport Expansion Project Development Consent Order 202[]” in 10 – (1) of Schedule 2A.</p>	The amendments have been made in response to the Examining Authority’s supplementary agenda additional questions CAH.S6.01, CAH.S6.02, CAH.S6.03 and CAH.S6.04 , and in order to provide greater precision.

Provision	Change made to the dDCO	Explanation for change
Deadline 4		
Contents	Schedule 8 updated to refer to a new Part 4 and Part 5.	Amendments made to reflect that the draft DCO now contains protective provisions for Cadent Gas Limited and National Highways Limited.
Article 2	Amended definition of “LLAOL planning permission”	Amendment made to reflect the new planning permission granted on 13 October 2023.
Article 2	Insertion of definition of “LLAOL section 106 agreement”	Amendment made to reflect that this is now referred to in article 44.
Article 2	Amended definition of “relevant planning authority”	Amendment made to provide greater clarity to the term “relevant planning authority”.
Article 2	Insertion of definition of “scheme layout plans”	Amendment made to reflect that these plans are referenced in Schedule 9 as a certified document.
Article 22	Insertion of, “Subject to paragraph 9 of Schedule 2 to this Order” at the start of article 22(1).	This insertion clarifies that any felling or lopping of trees and removal of hedgerows is subject to the undertaker complying with a landscape and biodiversity management plan, in accordance with Requirement 9.
Article 24	Insertion of references to articles 26 and 39 in article 24(2).	Amendment made to provide greater clarity.
Article 33	Substitution of 14 days with 28 days in article 33(2).	Amendment made to increase the notice period from 14 to 28 days, having regard to the Examining Authority’s first written questions.

Provision	Change made to the dDCO	Explanation for change
Article 33	Amendment of article 33(9) to make reference to Schedule 5 and to remove reference to article 31.	Amendment made to provide greater clarity in terms of what the undertaker is permitted to do in relation to the compulsory acquisition of rights over land subject to temporary possession.
Article 44	Substitution of “the relevant planning authority” with “Luton Borough Council” in article 44(1).	Amendment made to clarify that this article refers to notice being served specifically on Luton Borough Council rather than a “relevant planning authority”.
Article 44	Insertion of the words, “and the LLAOL section 106 agreements is abrogated” in article 44(2)(b).	The insertion clarifies that in the instance that the LLAOL planning permission ceases to have effect, the associated section 106 agreement is abrogated.
Schedule 1	Work No. 3d updated to include the provision of soft landscaping.	Amendment has been made for clarity.
Schedule 1	Work No. 3i updated to include the provision of hard and soft landscaping.	Amendment has been made for clarity.
Schedule 1	Work No. 4e updated to include specific components of this work.	Amendment has been made to clarify what would be included in the solar energy battery storage facility.
Schedule 1	Work No. 4k(02) update to include the provision of hard and soft landscaping.	Amendment has been made for clarity.
Schedule 2, Requirement 1	Insertion of a new definition for, “outline ground noise management plan”.	Consequential amendment as a result of this plan now being referenced in Requirement 28.
Schedule 2, Requirement 1	Deletion of “b” in the definition of “outline transport related impacts monitoring and mitigation approach”.	Correction of typographical error.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 2	Insertion of new sub-paragraph (5).	Amendment made to set out specifically what information must be provided when an application for amendments to approved details is made.
Schedule 2, Requirement 5	Various amendments and new provisions inserted.	<p>In view of the comments made in ISH1 and ISH6, in written submissions by Interested Parties, and in response to the Examining Authority's first written questions, the Applicant has made substantial revisions to Requirements 5 and 7 in the Draft DCO submitted at Deadline 4. Requirement 7 has been merged and expanded into an amended Requirement 5 (now "<i>Detailed design, phasing and implementation</i>").</p> <p>Amended Requirement 5 references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised.</p> <p>The Requirement is now more prescriptive about the information requirement to be included in an application for detailed approval, and requires that the phase of works must be in accordance with the design principles, within the limits shown on the works plans, within the parameters set out in paragraph 6, and must not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p>

Provision	Change made to the dDCO	Explanation for change
		Finally, provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity.
Schedule 2, Requirement 6	Substitution of (5) with (6).	Correction of typographical error.
Schedule 2, former Requirement 7	Removal of former paragraph 7 relating to the notice of commencement of authorised development.	This paragraph has been deleted as it is now superseded by revised paragraph 5, which provides information about the level of detail that is to be provided to the relevant planning authority before any part of the authorised development commences. Paragraph 5 also provides for notice of commencement and completion of an approved phase of works.
Schedule 2, Requirement 8	Insertion of, “and the design principle” in 8(2).	This reflects the fact that the design principles document has been updated to include principles in relation to landscaping design.
Schedule 2, Requirement 8	Removal of sub-paragraph (5).	This sub-paragraph (5) has now been moved to Paragraph 9 as a new sub-paragraph (4).
Schedule 2, Requirement 9	Insertion of a new sub-paragraph (4).	This has been moved from Paragraph 8 as it is better reflected in the provision relating to the biodiversity management plan. It has also been amended to refer to, “specified period” rather than “5 years” to reflect that the landscaping and biodiversity management plan is capable of prescribing other periods of time.
Schedule 2, Requirement 9	Insertion of a new sub-paragraph (5).	Consequential amendment made as a result of the change from “5 years” to “specified period”.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 12	Insertion of, “drainage principles set out in the design principles” and deletion of, “set out in the drainage design statement.	This reflects the fact that the design principles document has been updated to include principles in relation to the drainage design.
Schedule 2, Requirement 19	Insertion of, “a slot allocation expert” and deletion of, “an airline industry body” in sub-paragraph (2)(e).	This amendment has been made to clarify the specific expertise required for this member of the ESG.
Schedule 2, Requirement 19	Insertion of a definition of, “a slot allocation expert” in sub-paragraph (13).	Consequential amendment as a result of the insertion of “slot allocation expert” in paragraph 19(2)(e).
Schedule 2, Requirement 23	Substitution of “Level 2” with “Mitigation” in sub-paragraph (7)(b).	Correction of typographical error.
Schedule 2, Requirement 24	Insertion of, “or Monitoring Plan” in sub-paragraph (3).	Correction of typographical error.
Schedule 2, Requirement 27	Insertion of, “from the date the notice is served in accordance with article 44(1) (interaction with LLAOL planning permission) of this Order”, at the start of the paragraph.	Amendment made to clarify that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission unless it is done so in accordance with the fixed plan noise management plan.
Schedule 2, Requirement 28	Insertion of new paragraph 28 relating to the ground noise management plan.	This insertion provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until a ground noise management plan has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 29	Various amendments made to sub-paragraphs (1) and (3).	The amendment provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until a transport related impacts monitoring and mitigation approach has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.
Schedule 2, Requirement 30	Various amendments made to sub-paragraphs (1) and (5).	The amendment provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until a travel plan has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.
Schedule 2, Requirement 30	Substitution of “8.1” with “7.1”.	Correction of referencing error.
Schedule 2, Requirement 31	Various amendments made to sub-paragraphs (1) and (3).	The amendment provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until an operational air quality plan has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 32	Various amendments made to sub-paragraphs (1) and (3).	The amendment provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until a greenhouse gas action plan has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.
Schedule 2, Requirement 33	Various amendments made to sub-paragraphs (1) and (3).	The amendment provides confirmation and clarity that the airport cannot be operated above the passenger cap permitted by the LLAOL planning permission until an operational waste management plan has been submitted to and approved in writing by the relevant planning authority. It also clarifies that from the date notice is served in accordance with article 44(1), the airport must be operated in accordance with that plan, and that notice cannot be served until the plan is approved.
Schedule 2, Requirement 34	Insertion of a definition of “discretionary consultee”	Consequential amendment as a result of this term being used in paragraph 35(2)(b). See further commentary of paragraph 35 below.
Schedule 2, Requirement 34	Substitution of, “parties” with “undertaker and the discharging authority”.	Amendment made to clarify which two parties are being referred to.
Schedule 2, Requirement 35	Insertion of new provision to provide the discharging authority with discretion to consult with the consultees listed in Requirement 24, if the relevant conditions are met .	This amendment has been included in response to a request made by Buckinghamshire Council.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 35	Insertion of a new sub-paragraph (2).	The amendments clarify that where consultation is required, the discharging authority may rely on consultation that has taken place by the undertaker during the pre-application stage in order to discharge any requirement to consult a body in Part 1, Part 2 or Part 4 of Schedule 2, and in determining whether consultation with any discretionary consultee is required under paragraph 35(1)(a).
Schedule 2, Requirement 37	Insertion of new requirement relating to the Register of requirements.	This requirement commits the undertaker to establishing and maintaining a register of requirements contained within Parts 1, 2 and 4 of Schedule 2. The Applicant has included this in response to a request from the Examining Authority.
Schedule 2, Requirement 40	Substitution of, “relevant planning authority” with “Luton Borough Council” in sub-paragraphs (1) and (2).	Amendments made to clarify that it is Luton Borough Council who is the body responsible for enforcement action through the ESG, and not a relevant planning authority.
Schedule 8, Part 3	Substitution of, “relevant planning authority” with “Luton Borough Council” in paragraph (19)(2)(a).	This amendment clarifies that notice under article 44(1) is to be served to Luton Borough Council specifically.
Schedule 8, Part 4	Insertion of a new Part 4, providing protective provisions for the benefit of Cadent Gas Limited.	This reflects the fact that these protective provisions have now been agreed between the parties.
Schedule 8, Part 5	Insertion of a new Part 5, providing protective provisions for the benefit of National Highways Limited.	This reflects the fact that these protective provisions have now been agreed between the parties.
Schedule 9	Extensive updates made to the list of documents to be certified.	Amendments have been made in order to bring greater clarity in relation to which version of documents is to be the certified documents. These amendments are made in response to comments received from the Examining Authority.

Provision	Change made to the dDCO	Explanation for change
Deadline 5		
Contents	Schedule 8 updated to refer to a new Part 6 and Part 7.	Amendments made to reflect that the draft DCO now contains protective provisions for Local Highway Authorities and Local Drainage Authorities.
Article 2	“Permit scheme” definition – deletion of ‘.’ and insertion of ‘;’.	Minor formatting correction.
Article 6	Amendment of work numbers in article 6(2)(a); from 6b(01), 6b(02) and 6b(03) to 6a(01), 6a(02) and 6a(03).	Correction of typographical error in order to correctly identify the relevant work numbers.
Article 9	In paragraph 9(4), insertion of correct cross referencing.	Cross referencing correction.
Article 24	Amendment of “Time” to “time”.	Minor formatting correction.
Article 33	In article 33(9): Insertion of space between “from” and “acquiring”. Insertion of “land in which only new rights etc. may be acquired”.	Minor formatting corrections.
Article 33	In article 33(11), amendment of footnote placement.	Minor formatting correction.
Article 43	Deletion of article 43(1)(a): “the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991”.	Amendments have been made to remove this disapplication. This reflects the fact that, following ongoing engagement with the Environment Agency and further investigation, the Applicant does not consider there to be any byelaws made under the Water Resources Act 1991 that affect the Proposed Development.

Provision	Change made to the dDCO	Explanation for change
Article 44	In article 44(2), deletion of ‘,’ and insertion of ‘—’.	Minor formatting correction.
Schedule 2, Requirement 1	In definition of, “ESG”, insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 12	In paragraph 12(1), insertion of, “water and” and amendment of “its” to “their”.	Amendments made to reflect that consultation has been extended to the relevant water undertaker in relation to the surface and foul water drainage requirement.
Schedule 2, Requirement 16	<p>Insertion of new paragraph 16(1)(b) to refer to: “a foundation works risk assessment”.</p> <p>Insertion of new paragraph 16(3) dealing with the content of the foundation works risk assessment.</p> <p>Amendment of paragraph 16(4) to refer to the foundation works risk assessment.</p>	<p>Expanding this requirement to secure a foundation works risk assessment has been undertaken in response to a request from the Environment Agency.</p> <p>The reference to the “outline foundation works risk assessment” is not to a new document but to an existing document that forms part of the application – Appendix 17.6 of the Environmental Statement [TR020001/APP/5.02]. This document will be updated for Deadline 6 to make it clear that this is an outline foundation works risk assessment. Any foundation works risk assessment submitted and approved under Requirement 16 is to be substantially in accordance with that outline document.</p>
Schedule 2, Requirement 17	In definition of, “consultation period”, amendment of “21 days” to “28 days”.	Amendment made to reflect changes to the Green Controlled Growth Framework Appendix A [TR020001/APP/7.08] being submitted at Deadline 5, in response to comments made by the Host Authorities at Deadline 4 seeking additional time for the review and approval of Level 2 Plans and Mitigation Plans.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 17	In definition of, “Level 2 Threshold”, insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 17	In definition of, “Limit”, insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 17	In definition of, “Mitigation Plan”, deletion of “avoid or prevent” and insertion of “remove”.	Amendment made to clarify that a Mitigation Plan will seek to address the exceedance of a Limit which has already occurred through removing that exceedance. The previous drafting referred to “avoiding or preventing” an exceedance of a Limit which, in circumstances where a Mitigation Plan is required, would already have occurred so could not strictly speaking be prevented or avoided.
Schedule 2, Requirement 17	In definition of, “Technical Panel”, insertion of correct cross referencing at (a) and (b).	Cross referencing correction.
Schedule 2, Requirement 17	In paragraph 17(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 17	Deletion of paragraph 17(4).	Amendment made to reflect changes to the Transition Period included 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 [REP4-072] .
Schedule 2, Requirement 17	In newly renumbered paragraph 17(4), insertion of correct cross referencing in two places.	Cross referencing correction.
Schedule 2, Requirement 19	In paragraph 19(1), insertion of, “as soon as reasonably practicable following service of the	Amendment made to reflect changes to the process for establishing the Environmental Scrutiny Group included in the Applicant’s Response to Issue Specific Hearing 1

Provision	Change made to the dDCO	Explanation for change
	notice under article 44(1) (interaction with LLAOL planning permission) and in any event”.	Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [REP4-072].
Schedule 2, Requirement 19	Movement of the definition of “slot allocation expert” so that it now sits in the correct alphabetical order.	Minor typographical amendment.
Schedule 2, Requirement 20	Amendment of paragraph 20(1) to include further details on what the undertaker must monitor in accordance with the Monitoring Plans.	Amendment made to reflect changes to the Transition Period included 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 [REP4-072].
Schedule 2, Requirement 21	In paragraph 21, insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(1), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(1), amendment of “28 days” to “21 days”.	Amendment made to reflect changes to the Green Controlled Growth Framework Appendix A [TR020001/APP/7.08] being submitted at Deadline 5 in response to comments made by the Host Authorities at Deadline 4 seeking additional time for the review and approval of Level 2 Plans and Mitigation Plans. The overall timescales for the Green Controlled Growth process have been designed to work within constraints externally imposed by the fixed deadline for the airport to declare its capacity, and as such the increase in time from 21 days to 28 days included in Schedule 2 Requirement 17 needs to

Provision	Change made to the dDCO	Explanation for change
		be balanced by a corresponding reduction from 28 days to 21 days here.
Schedule 2, Requirement 22	In paragraph 22(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(7), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(10), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(11), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 22	In paragraph 22(12), insertion of correct cross referencing in four places.	Cross referencing correction.
Schedule 2, Requirement 23	In paragraph 23(1), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 23	In paragraph 23(1), amendment of “28 days” to “21 days”.	As per Schedule 2, Requirement 22.
Schedule 2, Requirement 23	In paragraph 23(7)(a), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 23	In paragraph 23(7)(b), deletion of “Level 2” and insertion of “Mitigation”.	Amendment to correct a typographical error.
Schedule 2, Requirement 23	In paragraph 23(10), amendment of “28 days” to “21 days”.	As per Schedule 2, Requirement 22.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 23	In paragraph 23(12), amendment of “21 days” to “28 days”.	As per Schedule 2, Requirement 17.
Schedule 2, Requirement 23	In paragraph 23(15), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 23	In paragraph 23(16), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 24	In paragraph 24(1), deletion of, “12 months following the end of the transition period set out in paragraph 18(4) (interpretation)” and insertion of, “no later than 3 years from that date the notice is served under article 44(1) (interaction with LLAOL planning permission)”.	Amendment made to reflect changes to the Transition Period included 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 [REP4-072] . The proposed drafting will ensure that the proposed review will be carried out within the same timescales.
Schedule 2, Requirement 24	In paragraph 24(7), insertion of correct cross referencing.	Cross referencing correction.
Schedule 2, Requirement 29	In paragraph 29(1), insertion of “)”.	Minor formatting correction.
Schedule 2, Requirement 30	In paragraph 30(5), movement of “)” to correct place.	Minor formatting correction.
Schedule 2, Requirement 31	In paragraph 31(1), insertion of “)”.	Minor formatting correction.
Schedule 2, Requirement 33	In paragraph 33(1), deletion of “0” after “planning permission”.	Minor typographical correction.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Requirement 35	In paragraph 35(1)(a)(ii), deletion of “-” and insertion of “;”	Minor formatting correction.
Schedule 2, Requirement 37	Minor amendments made to the wording of paragraph 37.	These amendments have been made at the request of the Hertfordshire Host Authorities’ Responses to the Examining Authority’s First Written Questions submitted for Deadline 4 [REP4-127].
Schedule 8, Part 1	In paragraph 4(1), insertion of: “land in which the” in two places; and “subsists” in two places.	Amendments made to clarify that the apparatus is in the land which forms part of the public right of way.
Schedule 8, Part 1	In paragraph 4(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 1	In paragraph 8(1): insertion of, “in land”, deletion of “utility”; and insertion of “in question”.	Amendments made to clarify that the apparatus is in the land which forms part of the public right of way.
Schedule 8, Part 4	In definition of “Cadent”, insertion of footnote reference.	Minor formatting correction.
Schedule 8, Part 4	In definition of “Cadent’s undertaking”, insertion of footnote reference.	Minor formatting correction.
Schedule 8, Part 4	Heading above paragraph 22: amendment of “Street” to “street”.	Minor typographical correction.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 4	In paragraphs 22(1)(a) and 22(1)(b), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 22(3), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 23(1), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 23(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 25(3), insertion of, "Part of this".	Amendment made for clarity.
Schedule 8, Part 4	In paragraph 25(4), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 25(6), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 26(1), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 26(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 27(2), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 28(8), insertion of correct cross referencing.	Cross referencing correction.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 4	In paragraph 28(10), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 29(1)(a)(i), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 29(1)(g), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 29(3)(b), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 32(1), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 34, insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 4	In paragraph 35, insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 5	Insertion of a new paragraph 36(2).	The new paragraph clarifies that an agreement under paragraph (1) which departs from the provisions in this Part of Schedule 8 includes agreements made under article 17, and under the Highways Act 1980.
Schedule 8, Part 5	In paragraph 36(3), insertion of footnotes.	Minor formatting correction.
Schedule 8, Part 5	In paragraph 37(2), in definition of, “the bond sum”, deletion of, “]” and, “the”.	Minor typographical corrections.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 5	In paragraph 37(2), in definition of, “the health and safety file”, insertion of footnote.	Minor formatting correction.
Schedule 8, Part 5	In paragraph 37(2), in definition of, “utilities”, insertion of footnote.	Minor formatting correction.
Schedule 8, Part 5	In paragraph 39(1)(c)(i), insertion of footnote.	Minor formatting correction.
Schedule 8, Part 5	In paragraph 39(c)(iv), deletion of, “and”.	Minor typographical correction.
Schedule 8, Part 5	In paragraph 39(2)(e), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 5	In paragraph 39(2), insertion of a new (g) to provide reference to, “article 15 (access to works)”.	Amendment made to clarify that this provision also applies to the exercise of rights under article 15 of the DCO. This change has been made in response to comments from National Highways at Deadline 4.
Schedule 8, Part 5	In paragraph 39(4), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 5	In paragraph 39(6), insertion of correct cross referencing.	Cross referencing correction.
Schedule 8, Part 5	In paragraph 39(7), insertion of correct cross referencing and reference to, “of this Schedule” inserted.	Cross referencing correction.
Schedule 8, Part 5	In paragraph 40(3)(b), insertion of footnote.	Minor formatting correction.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 5	In paragraph 40(3)(c), insertion of footnote.	Minor formatting correction.
Schedule 8, Part 5	In paragraph 41(5), deletion of, “above”.	Minor typographical correction.
Schedule 8, Part 5	In heading above paragraph 42, amendment of, “Certificate” to “certificate”.	Minor typographical correction.
Schedule 8, Part 5	In heading above paragraph 45, amendment of, “Period” to “period”.	Minor typographical correction.
Schedule 8, Part 5	In heading above paragraph 46, amendment of, “Certificate” to “certificate”.	Minor typographical correction.
Schedule 8, Part 5	In paragraph 51(4), amendments of, “shall apply” to, “applies”.	Minor drafting correction.
Schedule 8, Part 5	In heading above paragraph 52, amendment of, “Determination” to “determination”.	Minor typographical correction.
Schedule 8, Part 6	Insertion of Part 6 for the protection of local highway authorities.	Insertion of protective provisions for the benefit of local highway authorities. These provisions are intended to integrate with, and augment, other provisions in the Order which regulate works to local highways – e.g. articles 9 to 18, and Parts 1, 2 and 4 of Schedule 2.
Schedule 8, Part 6	Insertion of Part 7 for the protection of drainage authorities.	Insertion protective provisions for the benefit of drainage authorities. These are included in recognition of the disapplication, under article 43(1), of sections 23 (prohibition of obstructions, etc. in watercourses), 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act

Provision	Change made to the dDCO	Explanation for change
		1991, and any byelaws made under section 66 (powers to make byelaws) of that Act.
Schedule 9	<p>Version Numbers updated for the following documents:</p> <ul style="list-style-type: none"> - Airport Access Road and Luton DART Long Section Plans – Regulations 5(2)(o) - Book of Reference – Regulation 5(2)(d) - Crown Land Plans – Regulation 5(2)(n) - Design Principles – Regulation 5(2)(q) - Environmental Statement – Chapter 4 – Regulation 5(2)(a) - Green Controlled Growth Framework – Regulation 5(2)(q) - Outline Transport Related Impacts Monitoring and Mitigation Approach – Regulation 5(2)(q) 	Amendments made to reflect the submission of updated versions of these documents at Deadline 5.
Deadline 7		
Article 2	The definition of “airport” has been amended to specify London Luton Airport which includes the land shown in both the existing and expanded airport boundary plan.	Definition expanded for clarity generally, i.e. to make it clear that the operational provisions of the DCO apply to the airport as expanded, but also to take note of the latest drafting amendments at Part 3 of Schedule 8 which require differentiation between land within the boundaries of the airport before the making of the DCO, and as authorised to be expanded.

Provision	Change made to the dDCO	Explanation for change
Article 2	An amended definition of “airport boundary plan” has been inserted to make reference to “existing” airport boundary plan.	See above.
Article 2	A new definition of “airport boundary plan (expanded)” inserted.	See above.
Article 2	The definition of “LLAOL planning permission” has the additional word “reference” added.	Change made for clarity and consistency.
Article 2	A new definition of “National Highways” inserted.	Added at the request of National Highways.
Article 2	The original inclusion of North Hertfordshire Council under the definition of “relevant planning authority” changed to include the word “District”.	Change made to reflect the accurate name of North Hertfordshire District Council.
Article 8	Reference to “Thames Water Limited” has been updated to “Thames Water Utilities Limited”.	Change made to reflect the accurate name of Thames Water Utilities Limited.
Article 35(3)	Reference to “special category land” has been changed to “replacement land”.	The original inclusion of “special category land” in this provision was an error.
Article 35(4)	The definition of “specified person” has been updated from “special category land” to “land”.	The original inclusion of “replacement” in this provision was an error.
Article 44(2)	A new paragraph (2) has been inserted requiring the Applicant to inform “Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council; and North Hertfordshire District Council” once notice has been served to Luton Borough Council under paragraph (1), to allow operation of	This has been inserted at the request of certain Host Authorities to receive such notification.

Provision	Change made to the dDCO	Explanation for change
	<p>the airport above the passenger cap permitted by the LLAOL planning permission (article 44(1) notice).</p>	
<p>Article 44(3)-(7)</p>	<p>Paragraph (3) has been amended such that, rather than “removing” entirely the LLAOL planning permission upon service of article 44(1) notice, there is a positive obligation to implement the DCO operating regime, and the LLAOL planning permission conditions cease to have effect (which includes conditions relating to airport operation).</p> <p>This is subject to new paragraph (4), which “preserves” those conditions under the LLAOL planning permission which either require built development not completed at the point article 44(1) notice is served, or involve an ongoing monitoring / management regime for built development which should continue beyond service of that notice.</p> <p>The specific conditions that paragraph (4) applies to are listed in new paragraph (7), and take account of whichever airport planning permission (i.e. 18 mppa vs 19 mppa) constitutes “the LLAOL planning permission” at the relevant time. Paragraph (4) provides that the condition will be “preserved” until it has been discharged, or Luton Borough Council certifies that an equivalent DCO obligation (e.g. in</p>	<p>This change has been made in response to comments from Luton Borough Council, and in discussion with London Luton Airport Operations Limited, which has confirmed the relevant planning conditions which should be “carried over”. These conditions do not conflict with the operating regime for the airport under the DCO.</p>

Provision	Change made to the dDCO	Explanation for change
	<p>relation to surface water management) has superseded it.</p> <p>Paragraph (5) adjusts the pre-existing enforcement provision of article 44 to take account of new paragraph (4).</p>	
Article 45(1)	<p>Revised paragraph (1) clarifies that development consent granted under the DCO is to be treated as specific planning permission only where it relates to “land forming part of the airport” or where it “authorises works to apparatus of statutory undertakers on, under or over land”, and the relevant development in question has been carried out.</p>	<p>Following discussion at ISH10 with host authorities and the ExA, this change has been made to clarify the extent of article 45 in terms of the conferring of permitted development rights. It provides comfort that newly created airport permitted development rights would be limited to the land beyond the existing airport boundary that will fall within the expanded airport boundary, and only at the point at which DCO development over that land is carried out.</p>
Article 45(2)-(5)	<p>Clarificatory amendments have been made to paragraphs (2) and (3) to confirm that the provisions only take effect once development is carried out, or a power is exercised, which gives rises to an inconsistency.</p> <p>New paragraph (5) has been added to require the undertaker, where it identifies an inconsistency between permissions referred to in paragraph (2)-(4), to notify the relevant local planning authority about the inconsistency and how it proposes to proceed.</p>	<p>These changes have been made in response to comments and specific suggestions from the host authorities and the ExA at ISH10 and in post-hearing submissions.</p> <p>The amendments confirm that conditions will not be rendered unenforceable before an inconsistency actually arises, and it ensures that the relevant local planning will be notified where an inconsistency in considered to have arisen, which will allow the local authority to engage with the matter as it sees fit (e.g. via discussions with the undertaker, and ultimately enforcement action if it takes a different view). Accordingly, there would be no “gap” in enforcement.</p>

Provision	Change made to the dDCO	Explanation for change
Schedule 1	Amendment to Work No. 6e, paragraph (n) which now includes “provision of gantries, provision of maintenance bay”.	This change has been made in response to a request from National Highways.
Schedule 2, Part 1, Paragraph 1	A new definition of “air noise management plan” inserted.	New definition inserted in tandem with revised requirement 26.
Schedule 2, Part 1, Paragraph 1	Definition of “emergency flights” changed to “exempt flights”, with an amendment to part (c) for the purposes of clarity and consistency in drafting. Note that the definitions of “ESG” and “European protected species” have been moved simply to maintain alphabetical ordering, and have not changed.	Change made for clarity in response to the Examining Authority’s further written questions, at DCO.2.5.
Schedule 2, Part 1, Paragraph 1	“movements by aircraft” definition deleted.	Definition no longer required as a result of changes to requirement 26.
Schedule 2, Part 1, Paragraph 1	Definition of “night quota period” deleted.	Definition no longer required as a result of changes to requirement 26.
Schedule 2, Part 1, Paragraph 1	A new definition of “outline foundation works risk assessment” inserted.	Definition has been added followed submission of this document at Deadline 6.
Schedule 2, Part 1, Paragraph 1	Definition of “passengers” amended to include general aviation passengers, and “emergency flights” re-defined as “exempt flights”.	Change made in response to the Examining Authority’s further written questions, at DCO.2.3 and DCO.2.5.

Provision	Change made to the dDCO	Explanation for change
		The Applicant notes that whilst the previous definition would not have included general aviation passengers (including passengers on private jets), with such exception reflective of their very small number, the Applicant has agreed to scope them into the definition.
Schedule 2, Part 1, Paragraph 1	New definition of “relevant sewerage undertaker” inserted.	Reference to “relevant sewerage undertaker” has now been included in a number of paragraphs within Schedule 2 meaning a definition is required.
Schedule 2, Part 1, Paragraph 1	New definition of “relevant water undertaker” inserted.	Reference to “relevant water undertaker” has now been included in a number of paragraphs within Schedule 2 meaning a definition is required.
Schedule 2, Part 1, Paragraph 2	Insertion of “air noise management plan” at sub-paragraph 2(1)(a)	Following the inclusion of the air noise management plan at requirement 26, it has been added to paragraph 2(1)(a), consistent with other plans which are “full”, rather than outline.
Schedule 2, Part 2, Paragraph 5	Paragraph 5 includes a new subparagraph (2)(c): “(c) where relevant to the Schedule 1 works to which the application relates, a report setting out how the design review process set out in the design principles has been taken into account;”.	In response to Action Point 53 from Action Points arising from Issue Specific Hearing 8 (ISH8) on environmental matters, health and communities, held on Wednesday 29 November 2023 [EV15-013] Luton Borough Council and the Applicant discussed how design would be reviewed to ensure good design as required by paragraphs 4.29 to 4.35 of the Airport National Policy Statement and paragraph 126 of the NPPF. The Applicant and Luton Borough Council agreed for the introduction of a design review process for Terminal 2 (Work Nos. 3b(01 and 3b(02) , T2 Plaza (Work No. 3f) and the Hotel (Work no 4a) and that the process

Provision	Change made to the dDCO	Explanation for change
		will be set out in the Design Principles document [TR020001/APP/7.09]. The DCO has been updated to reflect this.
Schedule 2, Part 2, Paragraph 5	<p>New sub-paragraph 6 inserted:</p> <p>“(6) The undertaker must provide the specified authorities with—</p> <p>(a) an expected programme of works for the initial five-year period as soon as reasonably practicable following the service of notice under article 44(1);</p> <p>(b) an expected programme of works for each subsequent five-year period, prior to the completion of the previous five-year period;</p> <p>(7) In paragraph (6), “specified authorities” means Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council and North Hertfordshire District Council.”</p>	This new provision has been inserted in response to ongoing engagement with the host authorities, where there was a request for the DCO to commit to production of a rolling five year programme of works, noting that the “masterplan” established by the DCO extends over a much longer period of time.
Schedule 2, Part 2, Paragraph 8	Additional wording “and in line with the requirements of an environmental permit applicable to the works” inserted at sub-paragraph (3).	Amendment inserted as a response to a request from the Environment Agency.
Schedule 2, Part 2, Paragraph 11	Sub-paragraphs (1) to (5) have been amended to require consultation with the “relevant water undertaker”.	Amendments made in response to a request from Affinity Water.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Part 2, Paragraph 11	Subparagraph (5) amended to include the following additional wording: “following consultation with the Environment Agency”	This was erroneously omitted from earlier versions of the DCO.
Schedule 2, Part 2, Paragraph 12	New subparagraphs (2)(a), (2)(b) and (2)(c) and (4) inserted setting out the specific details that should be provided to the relevant planning authority under subparagraph (1).	Amendments made in response to a request from Affinity Water.
Schedule 2, Part 2, Paragraph 16	Sub-paragraph (1) has been amended to require consultation with the “relevant water undertaker”.	Amendment made in response to a request from Affinity Water.
Schedule 2, Part 3, Paragraph 17	Reference to “emergency flights” replaced by reference to “exempt flights”.	Amendment as a result of changes made to the definition in paragraph 1 of Schedule 2.
Schedule 2, Part 3, Paragraph 17	An amendment to the definition of “Monitoring Plans” to include “or any variations approved under paragraph 20(4) of this Schedule”.	The additional sentence has been inserted to widen the scope of the definition to include any amended Monitoring Plans as agreed by the undertaker and ESG under paragraph 20(4).
Schedule 2, Part 3, Paragraph 18	“unless otherwise agreed between the undertaker and the ESG” inserted at paragraph 18.	This amendment has been made to allow the ESG and the undertaker a mechanism to avoid the need for instigate monitoring e.g. when it is already clear that there are reasons for an exceedance which do not relate to airport growth.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Part 3, Paragraph 18	Paragraph 18(b) has been amended so that the “annual average concentration of a pollutant has increased by 5 percentage points greater than the contributions specified in Table 4.2 of the green controlled growth framework relative to the Limit” rather than being at least 5 percentage points greater without reference to the “relative Limit”.	These amendments have been made for the purposes of clarity.
Schedule 2, Part 3, Paragraph 20	Reference to “the first Monitoring Report no later than” deleted from the main body of subparagraph (2) and inserted at subparagraphs (2)(a) and (2)(b). Sub-paragraph 2(c) reworded as follows: “then all subsequent Monitoring Reports on or before 31 July is required to be submitted <u>annually thereafter.</u>	Amendments for the purposes of drafting clarity.
Schedule 2, Part 3, Paragraph 22	Sub-paragraph (1) deletion of “prepare and” and inclusion of “and consult the ESG on,”.	Amended in response to Buckinghamshire Council (Post-Hearing Submissions Including Written Submissions of Oral Cases) [REP6-087] specifically addressing concerns that whilst there is reference to “consultation period”, there is no express obligation to consult.
Schedule 2, Part 3, Paragraph 22	Sub-paragraph (2), “which are reasonably considered to be related to one another” has been inserted.	Amendment previously agreed in the Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067] submission.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Part 3, Paragraph 22	Sub-paragraph (5)(b) time limit for approval or refusal increased to 28 days.	Extension of the approval period to 28 days.
Schedule 2, Part 3, Paragraph 22	At sub-paragraph (12) “which are reasonably considered to be related to one another” has been inserted.	Amendment previously agreed in the Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067] submission.
Schedule 2, Part 3, Paragraph 23	Sub-paragraph (1) deletion of “prepare and” and inclusion of “and consult the ESG on,”.	Amended in response to Buckinghamshire Council (Post-Hearing Submissions Including Written Submissions of Oral Cases) [REP6-087] specifically addressing concerns that whilst there is reference to “consultation period”, there is no express obligation to consult.
Schedule 2, Part 3, Paragraph 23	Sub-paragraph (2), “which are reasonably considered to be related to one another” has been inserted.	Amendment previously agreed in the Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067] submission.
Schedule 2, Part 3, Paragraph 23	Sub-paragraph (5)(b) time limit for approval or refusal increased to 28 days.	Extension of the approval period to 28 days.
Schedule 2, Part 3, Paragraph 23	Sub-paragraph (11), “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),” has been inserted.	Amendment confirmed in the in the Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067] .
Schedule 2, Part 3, Paragraph 23	In sub-paragraph (15)(b), reference to “emergency flights” have changed to “exempt flights”.	Amendment made as a result of changes to the definition at paragraph 1.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Part 3, Paragraph 24	Sub-paragraph (1) now includes “and arrangements for funding”.	Amendment made to ensure the GCG review process includes a review of funding.
Schedule 2, Part 4, Paragraph 26	<p>“Night quota period scheduled movements cap” replaced with “Air noise management plan” and the following wording:</p> <p>“From the date that notice is served in accordance with article 44(1) (interaction with LLAOL planning permission) of this Order, the airport must be operated in accordance with the air noise management plan.”</p>	In response to Luton Borough Council’s post-hearing submission relating to the planning conditions attached to the 19mppa planning permission potentially creating targets and requirements that are higher than those associated with the DCO, the Applicant has secured a raft of existing noise-related conditions under the terms of the air noise management plan (secured under Requirement 26 of Schedule 2). This plan includes the night quota period schedule movement cap previously committed to on the face of the DCO.
Schedule 2, Part 4, Paragraph 34	The original inclusion of North Hertfordshire Council under the definition of “discretionary consultee” is not “North Hertfordshire <u>District</u> Council”	Change made to reflect the accurate name of North Hertfordshire District Council.
Schedule 2, Part 4, Paragraph 34	The “relevant water undertaker; and” “the relevant sewerage undertaker” have been included within the definition of “discretionary consultee”	Change made in response to engagement with Affinity Water and Thames Water.
Schedule 2, Part 4, Paragraph 34	The definition of “specified period” has been amended to include “(a) 13 weeks for any application under paragraph 5 of this Schedule for detailed design approval of Works Nos. 3b(01), 3b(02), 3f and 4a; (b) 8 weeks for all other applications for approval under Part 1, Part 2 or Part 4 of this Schedule”.	The Applicant has made changes to paragraph 34 following submissions from the Host Authorities (Deadline 6 Submission – Post hearing submission – ISH10 [REP6-095]) on discharge periods. An extended approval period has been allowed for in respect of requirement 5 applications for Terminal 2, the plaza and the hotel.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, Part 4, Paragraph 35	<p>Sub-paragraph (1)(a), deletion of the words “necessary and”.</p> <p>Clarificatory amendments also made to sub-paragraph (1)(b)(ii).</p>	<p>In line with submissions from the Host Authorities (Deadline 6 Submission – Post hearing submission – ISH10 [REP6-095]), the Applicant agrees that the power of consultation in paragraph 35 should remain discretionary and has made a minor amendment to 35(1)(a) (deletion of “necessary”) to bring further clarity in that respect.</p>
Schedule 2, Part 4, Paragraph 35	<p>A new charging provision has been inserted at sub-paragraph (4) which reads:</p> <p>“(4) Where an application is made to the discharging authority for any written consent, agreement or approval referred to in Part 1, Part 2 or Part 4 of this Schedule, the fee contained in regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (as may be amended or replaced from time to time) is to apply and must be paid to that authority for each application.</p> <p>(5) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(c)(b) the discharging authority failing to determine the application within the specified period.”.</p>	<p>This provision was included in the Drax Power (Generating Stations) Order 2019 at paragraph 4 of Schedule 11. It is considered appropriate in the case of this application, so that the charging regime for applications under Schedule 2 is clear.</p>
Schedule 2, Part 4, Paragraph 36	<p>Sub-paragraphs (2) and (3) has been amended to align with the consultation mechanisms now contained in Schedule 2 following previous updates</p>	<p>These changes are essentially for clarity and certainty. For further information requests from consultees, there is an extended period to respond whether the application is</p>

Provision	Change made to the dDCO	Explanation for change
	to the draft DCO. Sub-paragraph (3) has also been amended in relation to the timescales associated with the “further information” request process.	made under requirement 5 of Schedule 2 in relation to the Terminal 2, the plaza and the hotel.
Schedule 2, Part 6, Paragraph 38	Sub-paragraph (1)(c), additional wording added “(or consultee, as the case may be)”.	Inclusion of “consultee” to reflect the latest changes made to paragraph 36 of Schedule 2 to the DCO.
Schedule 2, Part 6, Paragraph 40	A new sub-paragraph 40 (c) has been included to recognise that local authorities may also submit a request to Luton Borough Council to pursue enforcement action where relevant plans have not been consulted on or submitted within the specified time limits.	The Applicant included this new provision as a result of submissions made by the Host Authorities.
Schedule 8, Part 3, Paragraph 19	Subparagraph (2) includes additional wording “shown” and “boundary plan (existing)”	This changes reflects the revised approach to airport boundary plans (existing and expanded). London Luton Airport Operations Limited has confirmed agreement to this amendment.
Explanatory Note	Insertion: “...or any other registered office that may exist at the time of such inspection.”	Amended to account for any changes to the Applicant’s registered office.