

Michael Reddington Comments on Deadline 7 Submissions

ID 20037459

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Glossary

19mppa application	Application 21/00031/VARCON on the LBC Planning Portal – submitted by LLAOL to LBC to further increase noise contour limits and the passenger cap
2022 inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application
Airport	London Luton Airport
Airport Operator	London Luton Airport Operations Ltd, currently the concessionaire at the Airport
Applicant	Luton Rising (London Luton Airport Ltd)
Application	This application TR020001 for a Development Consent Order
ATM	Air Transport Movement, hence ATMs is a count of the number of flights
BAP	Bickerdike Allen Partners
KPI	Key Performance Indicator
LBC	Luton Borough Council, ultimate owner of and Local Planning Authority for LLA
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Ltd, the operator of LLA
mppa	'million passengers per annum': a measure of an airport's passenger capacity or actual passenger throughput
NEDG	Noise Envelope Design Group
NIS	Noise Insulation Sub-Committee
noise contour	An outline on a map enclosing an area in which the 8-hour or 16-hour logarithmic average of aircraft noise for an average day in a defined 92-day summer period equals or exceeds a given value, expressed in terms of LAeq for an 8h or 16h period
NTSC	Noise and Track Sub-Committee
Project Curium	Application 12/01400/FUL on the LBC Planning Portal – submitted by LLAOL to LBC in 2012 for development works to increase LLA capacity to 18mppa by 2028

Table 1: Comments on Noise and Vibration Information [REP7-013]

ID	Para.	Comment
1	Tables 8.3, 8.4, 8.5	<p>The Applicant has stated in REP7-056 No. 2.8 that Ground Noise is modelled only, and not monitored.</p> <p>In REP7-013 the Applicant compares Ground Noise for 'DS' against that of 'DM' for 2027 (Table 8.3), 2038 (Table 8.4) and 2043 (Table 8.5).</p> <p>In every case the increase in Ground Noise between the 'DM' and 'DS' case is typically less than 1 dB - and even in some cases the ground noise for 'DS' is actually less than for 'DM'.</p> <p>This does not make sense as there will be little difference in the type of aircraft utilised over the period whether 'DS' or 'DM' yet there will be typically a 50% increase in ATMs for 'DS'.</p> <p>I commented in REP6-153 'Need Case' that the ATM figures for the 'DM' case over the whole of the Project were greater than they should be given newer, larger aircraft. I expected the Need Case to be amended appropriately or at least elicited a response from the Applicant. REP6-153 is reproduced in Appendix B for information.</p> <p>If these 'DM' ATM figures (130,000 ATMs per annum consistently) are being used to advise Ground Noise contours then they must be amended.</p> <p>In respect of monitoring Ground Noise the Applicant has advised that it is difficult to extract Ground Noise from Traffic noise or Air Noise</p> <p>Comments on the modelling and measurement of Ground Noise are to be found in responses to REP6-067</p>

Table 2 Comments on Compensation Policy and Measures [REP7-037]

ID	Para.	Comment
1	Page 4:	Could the Applicant please confirm if these lands were procured after the initial public consultation for this DCO
2	1.1.4: (i)	'..by 2040 ' can the Applicant please confirm that domestic flights also have to be carbon neutral by 2040 .
3	1.1.7:	<p>The current S106 Agreement for Project Curium: "12_01400_FUL-S106-612615" does not provide any deadline by which insulation will be implemented in a timely manner nor are there any remedies in place to achieve these deadlines. Bear in mind there is both a Residential and a Non-residential insulation scheme involved which must be financed from the same fund..</p> <p>In addition this S106 only required LLAOL ('the Applicant') to lodge £100k in a bank account from which all insulation must be delivered. This was totally unrealistic even at the time – 2014 – in which it was mooted.</p> <p>A copy of 12_01400_FUL-S106-612615 is provided separately for information.</p> <p>in the 19mppa permission letter APP/B0230/V/22/3296455 under 'Agreed Matters' (p. 30 of the pdf file) it states in relation to the funding of insulation:</p> <p><i>"• The proposal provides for an enhanced Noise Insulation Scheme (NIS), secured by planning conditions and obligations, providing a fund of £4,500 per property (index linked) with an uncapped annual fund. The Applicant [LLAOL] intends to allocate £8.5M to the scheme to ensure all properties meeting the relevant criteria can be insulated within 5 years. This is compared to the existing NIS which has an annual capped fund of £100,000pa (index linked) and a 'per property' fund of £3,000 (index linked). A current estimate is that it would take 33 years to complete with a fund of approximately £3.5M (based on current uptake of the scheme of approximately 50%), at best deployment could take 16 years."</i></p>
4	1.1.7	In the current DCO application the Applicant (Luton Rising) expects to make allowance for some £60m for insulation - £42m in Phase 1 and £18m in Phase 2, ref. Table 3 of the Funding Statement REP5-009]. The ExA has asked the Applicant under Action #37 of EV16-009 to: '... provide a breakdown of Category 3 interests....'. This has been responded to under [REP7-072] below.
5	Table 1.1:	See comments under REP7-013 above in relation to Ground Noise
6	5.1.5 (c):	Cut-off date is a major point of disagreement. The Applicant has responded in REP6-067 Item #35. The reasoning against this position were set out in Appendix B of REP6-154 (attached as Appendix C for reference).
7	6.1.1:	The current Scheme has an Air Noise as well as a Ground Noise contour, and also a limit of 90dB SEL at least once per night.
8	6.1.13	The Noise Insulation Sub-Committee remit is set out in document "NTSC -Noise Insulation Scheme (07.03.16) FINAL", attached as Appendix A.

ID	Para.	Comment
		<p>Essentially, the LLACC sub-committee only decides which properties to prioritise each year. IT does not decide on testing, materials, budget or reports. The Sub-Committee is not fit for purpose mainly because control of budget lies with LLAOL and it is the budget (refer to Project Curium S106, provided separately), which defines progress in insulating eligible properties. Extracts from the document are provided below:</p> <p>The Process LLACC sub-committee will decide which properties to prioritise each year</p> <ul style="list-style-type: none"> • The scheme has a £100,000 budget each year and each property can have a maximum spend of £3,000. • The committee will be responsible for prioritising the eligible properties (both residential and non-residential). It is suggested that the committee splits the properties into a series of groups preferably in similar geographical locations in order to be treated in order. • The committee will comprised of LLACC members with decision making authority. There will also be representatives from LLA Flight Operations team and BAP for information purposes only. • The number of properties will be reported quarterly at NTSC meetings and the number of properties and road name will be published on the LLACC website. <p>The Process</p> <p>Contact Owners of Property</p> <ul style="list-style-type: none"> • Property owners will receive a letter from LLA which will include details of the scheme, rooms which are eligible, the ways of contacting LLA (email and phone line), consent to pass contact details onto contractor, directions to more information on website and an explanation that their property may need to be part of a before and after analysis. • Two properties will be selected for independent testing carried out by Bickerdike Allen Partners (BAP). • All details will be logged in a database by the LLA flight operations team. • Property owners must respond within 30 days from date of the letter to express an interest. <p>The Process</p> <p>Works Complete</p> <ul style="list-style-type: none"> • LLA will give satisfaction survey to property owner. • BAP may then need access to property in order to undertake noise assessment, if required.
9	6.1.16	Refer to response against 6.1.1. above.
10	6.1.21	Suggest replace 'public' by 'Community'
11	6.1.31	The Applicant has only considered Crawley Green Road, but Wigmore Lane will also be subject to vastly increased traffic between the

ID	Para.	Comment
		junctions with Ashcroft Road (traffic leaving/joining the A505) and Eaton Green Road (traffic entering/leaving Terminal 2)
12	6.1.39	Refer to response against 6.1.13. above.
13	6.1.49	The Applicant is Luton Rising but the Scheme will be implemented by the Airport Operator. The Applicant needs to set the budget for each year, and how this is to be done. The Airport Operator must not be allowed to control these issues.
14	6.1.49	There has to be some remedy if the Scheme fails to insulate properties within specified timescales. Needs to be spelled out.
15	8.1.6	LBC as the sole shareholder in the Airport must surely be a beneficiary of successful airport operation (e.g. income per passenger). These revenue streams should benefit social care, education etc. which are statutory requirements and for which demand will only rise. Otherwise the Airport is run for the benefit of the Operator and Luton Rising alone. This is not clear from the DCO
	Appendix C.	Draft Terms of Reference for NIS
16	11.1.6	This is a welcome addition and expands upon the current NIS remit. Further details are needed. For example: 1. What parties constitute the NIS and of them, who would have decision-making powers and who would attend for information purposes only 2. What constitutes a quorum for the NIS 3. Who sets the annual budget and how 4. How does the NIS now sit within the LLACC 5 Key Performance Indicators (KPIs) for the NIS.
17	11.1.6 f	'consider and comment.'. Means nothing. The NIS must be able to intervene, and with remedy, if enough members consider that the Scheme is not being run effectively or if funding has not been made available either for insulation (Applicant) or for testing (LLAOL).
18	11.6.1 g	Suggest this is changed to 'Receive an annual report from the Airport Operator who will be the executor of the insulation Scheme, to include as a minimum: (i) List of all properties eligible for all forms of insulation -air, ground, traffic. (ii) Status of each eligible property for example, when approached, if agreed and when, insulated and when, tested and when. If not agreed: the reason why - positive rejection or timed-out. (ii) Date 'rejected' eligible property to be approached again.
19	11.1.6 h	'To be consulted on testing policy' means nothing. The NIS should define the testing policy.

Table 3: Comments on Applicant's response to Written Questions [REP7-048]

ID	Para.	Comment
ISH9 - WQ1	<p>[The Applicant notes that this question is directed not only to the Applicant but also to the Local Authorities].</p> <p>Applicant/Local Authorities Question: Phasing of growth</p> <p>Noting that the Airports National Policy Statement (ANPS) states that government expects the applicant to make particular efforts to avoid significant adverse noise impacts, can the Applicant explain whether a phased capacity release requirement eg linking growth to the deployment of noise insulation could be a means to avoid significant observed adverse effects and provide residents assurance that the Applicant is delivering noise reduction via noise insulation as well as growth.</p>	
	<p><i>Local authorities to provide their views on phasing of capacity release.</i></p>	
	<p>Response:</p> <p><i>(Paras. 1-3 deleted for readability)</i></p> <p>As described in the Planning Statement [AS-122], the compensatory mitigation measures for the Proposed Development (Draft Compensation Policies Measures and Community First [TR020001/APP/7.10]) have been developed so that in combination with the embedded noise management measures as secured by the Noise Envelope within the GCG Framework [TR020001/APP/7.08], they comply with the Airports National Policy Statement requirements to avoid significant adverse effects from noise and to mitigate and reduce to a</p>	

ID	Para.	Comment
	<p>minimum adverse effects of noise.</p> <p>In terms of linking growth to noise insulation, DCO, Hybrid Bill and Town and Country Planning Act decision precedent is that the offer of a full noise insulation package above the Significant Observed Adverse Effect Level (SOAEL), combined with employing all reasonable and practicable measures to provide the insulation is sufficient to meet the policy aims of the Noise Policy Statement for England (NPSE, Ref 6) and the Airports National Policy Statement (ANPS, Ref 7) to avoid significant adverse noise effects on health and quality of life. The NPSE and ANPS are both clear that all aims (including the first aim to avoid significant adverse noise effects) must be considered within the context of sustainable development, i.e. taking what is reasonable and practicable into account. The Applicant has demonstrated that it will deliver the noise insulation scheme as quickly as practicable, see Noise Insulation Delivery Programme [REP4-079] and response to Written Question NO.2.15 [TR020001/APP/8.156].</p> <p>It is notable that the Host Authorities have stated in their Deadline 5 submissions [REP5-066], [REP5-068] and [REP5-076] that the proposed rollout is <i>“commended by the Host Authorities. The expected timeframes involved with rolling out the scheme and assuming a 100% take-up are positively received as they are materially faster than both the existing scheme and other comparable schemes”</i>.</p> <p>The Applicant is not aware of any precedent where the phasing of a development has been linked to the pace of rollout of a noise insulation scheme. Furthermore, it is not clear how such a</p>	<p>Comments on REP4-079: “Noise Insulation Delivery Programme” were provided by Deadline 6 as REP6-155: “ Response to Issue Specific Hearing No. 9 [EV16-009] Action 34”.</p> <p>No response has been received.</p> <p>The delivery programme should be secured as part of a S106 Agreement.</p> <p>Suggestion:</p> <ol style="list-style-type: none"> 1. The within six months of the Applicant serving notice on

ID	Para.	Comment
	<p>requirement would work in practice. Whilst the airport operator will take all reasonable steps in providing noise insulation, the rate of uptake is not within the airport operator's control as it requires homeowners to respond to the offer. It is therefore not clear what rate of rollout, uptake or install could be set as a basis for a requirement linking noise insulation deployment to growth. The Applicant's view is that such a requirement would not be 'reasonable' or 'enforceable' and would therefore not meet paragraph 56 of the National Planning Policy Framework (Ref 8).</p>	<p>the relevant planning authority under article 44(1) of the DCO identify what properties are eligible*, and for what level of insulation, and reflect this in the Look Up database. This may entail the Applicant obtaining information from Project Curium and from the 19mppa Application on the insulation status of each property (Residential and Non-residential).</p> <ol style="list-style-type: none"> 2. The Applicant must have by 6 months after serving such notice, identified, vetted and employed suitable subcontractors who have the ability to scale up and down as required. 3. By 7 months of the commencement of Development* the Applicant must have prioritised - the most significantly impacted first – and contacted the owner of every property, and confirmed those who wish to have insulation installed. 4. By 8 months after commencement of Development of Phase 1 The Applicant must have estimated the cost of the first year of insulation installation based on acceptances, and opened an interest-bearing bank account and deposited therein sufficient funds for the next year's insulation for those properties that have accepted plus a 'float' of £2 million. 5. Within 9 months of the commencement of Development* the Applicant must have contacted (and recorded the event) by recorded mail, telephone, social media, internet and by door-knocking, all remaining owners and obtained either an acceptance or rejection. Rejections should be recorded either verbally or in writing, so that the Applicant can demonstrate to the satisfaction of the NIS that all reasonable attempts

ID	Para.	Comment
		<p>have been made. <i>Owners who have still not responded to be catalogued and contacted again by recorded mail to advise that they were not on the current schedule but would be contacted again in five years.</i></p> <p>6. The Applicant must have insulated all properties that have accepted the offer, by the end of the particular Phase of the works.</p> <p>7. Every year on the anniversary of opening the bank account the Applicant must top up the funds to ensure there is sufficient to cover the next 12 month's insulation plus a 'float' of £2 million.</p> <p>8. On the 3rd anniversary plus 8 months of the commencement of Development* the Applicant shall within a further month contact all properties that initially refused insulation to confirm if they have changed their minds. Should they now accept the offer they will be added to the insulation schedule.</p> <p>*of each Phase</p>

Table 4: Comments on Air Quality and Odour [REP7-050]

ID	Para.	Comment
1	General	<p>Residents have reported a very strong odour of volatile chemicals, possibly Jet-A1 fuel., at intervals.</p> <p>There does not seem to be a process whereby (a) residents can complain and (b) have a high level of confidence that the matter will be investigated immediately.</p> <p>Neither REP4-053 (TR020001-002351-7.08 GCG Appendix D - Air Quality Monitoring Plan) nor REP5-030 (TR020001-002232-8.67 Applicant's Response to Written Questions - Air Quality and Odour) nor this REP7-050 contain any processes whereby this issue can be investigated and dealt with.</p>

Table 5: Comments on Applicant's Responses to Written Questions - Noise [REP7-056]

PINS ID	Para.	Comment
NO 2.8	<p>Schedule 7 Question: to LBC, Central Bedfordshire Council and North Herts Council Monitoring for ground noise impacts Do you consider that any additional noise monitoring should be undertaken in proximity to the airport in respect of ground noise impacts? If so, where should this be?</p>	<p>'Compensation Policies'.</p>
	<p>Response: The Applicant notes that this question is directed to the Host Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification. The Applicant would like to note the practical difficulties in monitoring ground noise. Monitoring of specific sound sources requires the ability to be able to clearly distinguish between sound sources. For road traffic noise this can be achieved by measuring at the side of the road where road traffic noise is clearly dominant. For aircraft air noise this is achievable when the monitors are positioned close to flightpaths in areas that are relatively free of other sound sources. Even in areas where other sources of sound are present, it is possible to separate discrete aircraft air noise events from other more continuous sound sources such as road and ground noise. Monitoring ground noise (i.e. noise emissions from aircraft taxiing between stand and runway, engine testing and Auxiliary Power Units) however is extremely difficult, as it is generally not possible to distinguish this continuous sound source from other sound sources such as road traffic noise, or the sound of aircraft either in the air or on the runway in the landing and take-off cycle (which is also air noise, see paragraph 16.1.2 of Chapter 16 of the ES [REP1-003]). As a result, the Applicant and the airport operator have been unable to identify any location in which it would be possible to accurately monitor ground noise.</p>	<p>Refer to response ID1 to REP7-013 above</p>
NO.2.16	<p>Question: Testing of insulation scheme Confirm what the proportionate sample size would be for the noise insulation</p>	

PINS ID	Para.	Comment
	<p>testing [REP4-042, paragraphs 6.1.34 and 6.1.35], who the results of the noise insulation testing would be reported to and what mechanism would be in place to implement remedial action if required.</p>	
	<p>Response: As noted in paragraphs 6.1.34 of Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] the Applicant confirms that details of the testing policy will be developed in consultation with the Noise Insulation Sub-Committee of the London Luton Airport Consultative Committee (LLACC) within six months of the Applicant serving notice on the relevant planning authority under article 44(1) of the DCO. Details of the testing policy, including specification of the sample size, are therefore not yet defined. Furthermore, there are no standards or guidance for what an appropriate sampling size would be. The Independent Commission on Civil Aviation Noise (ICCAN) review of noise insulation schemes (Ref 7) recommends development of a sampling strategy but does not provide recommendations of what such a sample size would be. The technical review by the Building Research Establishment (Ref 8) that informed the ICCAN's review states <i>"it is not possible at this stage to recommend specific sampling rates. It is unlikely to be necessary to test every property to ensure good outcomes, and it is likely that the rate of testing will need to be informed by condition, noise exposure and construction of property."</i> Following this guidance, the sampling strategy will be developed in consultation with the Noise Insulation Sub-Committee and is likely to require provision of a proportionate coverage of: each noise insulation scheme (which covers a wide range of noise exposures); each insulation type or product; each insulation contractor; the range of building types and building conditions within each scheme; and individual unique building types as necessary. Similarly, the mechanism for implementing remedial action would be part of</p>	<p>Key parameters are yet to be defined – namely what are the acceptable levels of noise within a property as a result of the various noise sources,</p> <p>These parameters have to be taken in tandem with the fact that noise attenuation by insulation alone may not be sufficient.</p> <p>Properties without air conditioning may need to keep windows open during hot periods thus undermining noise attenuation significantly, particularly at night.</p> <p>During cold periods windows may be kept closed but there may be a build-up of condensation due to the insulation.</p> <p>Additional ventilation therefore may also need to be provided and this may require a testing regime in and of itself.</p> <p>Testing policy will likely be driven by confidence and experience. Initially, high number of properties may need to be tested in order to build up a database of property type and their responses.</p> <p>Similar property types with similar orientations may respond in the same way BUT each property is different in that flooring, furniture and room size may impact the outcome.</p> <p>Should it be identified that the insulation provided gives</p>

PINS ID	Para.	Comment
	<p>the policy to be developed as noted in paragraph 6.1.36 of Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10]. As noted in that paragraph the mechanism is likely to involve providing reports of the sound reduction performance of tested insulation packages to the Noise Insulation Sub-Committee and providing commentary on the implications (if any) of the measured sound reduction performance on the quality control and improvement of the scheme going forward. This could include, for example, reporting of any learnings related to contractor workmanship or the availability, access to and performance of different insulation packages or products. Any remedial work on complete installations would be limited to correcting any issues with poor workmanship during installation, in the unlikely event this were to occur.</p>	<p>internal noise levels of well below the acceptable values, the need for testing may reduce.</p> <p>This regime should be the subject of regular review.</p>
NO.2.19	<p>Question: Noise insulation sub-committee Explain when the noise insulation sub-committee of London Luton Airport Consultative Committee referenced in the compensation policies [REP4-042] and Noise Insulation Delivery Programme documents [REP4-079] would be established in relation to serving of a notice under Article 44 and outline the terms of reference for the sub-committee. In responding, explain how this would ensure timely implementation of the updated noise insulation programme and where/ how this would be secured.</p>	
	<p>Response: The Noise Insulation Sub-Committee is already in existence and fulfils a similar role for the airport operator in connection with the current noise insulation scheme. The draft Terms of Reference for the Noise Insulation Sub-Committee will be finalised and agreed with LLACC, and are as follows:</p> <ol style="list-style-type: none"> 1. To be responsible for prioritising the eligible properties (both residential and non-residential) under 7.10 Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] as approved by the DCO. 2. To have authority to make decisions about the prioritisation of eligible properties to be offered noise insulation under the policy, such prioritisation to be based upon those most affected by noise with the committee having discretion to accelerate special cases. 	<p>It has become clear that there are many loose ends that need to be tidied up as a result of the DCO process, before an agreement can be secured, as elements are to be found in diverse sections of the documentation. For example:</p> <ol style="list-style-type: none"> 1. Eligibility criteria for Insulation against Air, Ground and Traffic Noise (we still do not agree about new build moratorium for example) 2. Credibility of Ground Noise modelling assumptions and significance. 3. Feasibility of testing and monitoring, particularly Ground and Traffic noise

PINS ID	Para.	Comment
	<p>3. To receive quarterly reports on the number of properties being offered and taking up the noise insulation offered under the policy.</p> <p>4. To monitor and provide guidance to the Applicant regarding feedback from homeowners who have issues with the scope and specification of noise insulation being offered under the policy.</p> <p>5. To receive and resolve appeals from homeowners dissatisfied with the full package of insulation offered under Schemes 1 and 3 in the policy.</p> <p>6. To engage with the Applicant to maximise take up of noise insulation being offered under the policy and comment on ways that might help accelerate the roll out and assist those most affected by noise.</p> <p>7. To consider and comment on the administration, operation and development of the policy.</p> <p>8. To engage in the periodic review of the Policy to ensure levels of contribution are maintained over time.</p> <p>9. To be consulted on the development of a rolling testing policy to be introduced and maintained by the Applicant.</p> <p>10. To be maintained as a committee throughout the programme of delivery of the Proposed Development.</p> <p>For the implementation and retention of the sub-committee see paragraph 6.1.39 of the Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10], and see also the terms of reference at Appendix C of that document. In relation to the timely implementation for the noise insulation programme, and where / how this would be secured, see the response to NO.2.15 above.</p>	<p>4. Role, remit and operation of the Noise Insulation Sub-Committee</p> <p>5. Insulation Delivery Programme to include Ground, Air and Traffic noise</p> <p>6. Update of all relevant documents to reflect</p> <p>7. Update of S106 Agreement.</p> <p>It is recommended that informal discussions be held with the Applicant's acoustics experts to determine an agreed protocol.</p>

Table 6: Comments on Applicant’s Response to November Hearing Actions (Compulsory Acquisition Hearing 2 and Issue Specific Hearings 7 - 10) [REP7-072]

PINS ID	Para.	Comment
ISH9 – AP37	<p>Action: 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 Revised Funding Statement [REP5-009] have been determined.</p>	<p>The Applicant has provided a response (below).</p> <p>However this response is limited to Air Noise Schemes 1-5 compensation and not Ground Noise which attracts a further set of charges</p> <p>Secondly it is not possible to determine if Non-residential properties are included and whether there would be any impact on funding potentially extensive works.</p> <p>Furthermore the figures quoted against each Scheme 1-5 are incorrect with respect to Compensation Policies [REP7-037] Table 1.1: Scheme 1 – unlimited for all habitable rooms; Scheme 2 – up to £20,000; Scheme 3 – Unlimited for bedrooms Scheme 4: Up to £6,000; Scheme 5: Up to £4,000.</p>

Table 6: Comments on Applicant’s Response to November Hearing Actions (Compulsory Acquisition Hearing 2 and Issue Specific Hearings 7 - 10) [REP7-072]....extract from REP7-072

PINS ID	Action Point / Response																																																																																	
ISH9 – AP37	<p>Action:</p> <p>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 Revised Funding Statement [REP5-009] have been determined.</p> <p>Response:</p> <p>Provided below is a breakdown of the number of properties potentially eligible for noise insulation which is a larger number than those identified as Category Three interests. By including the larger dataset the figures align with the data as set out in the Revised Funding Statement [REP5-009], consistent with the commitments made by the Applicant in Compensation Policies, Measures and Community First [TR020001/APP/7.10]</p> <table border="1" data-bbox="517 724 1771 1056"> <thead> <tr> <th>Scheme</th> <th>No. of Cat 3 Properties - Core Case</th> <th>Cost Per Property</th> <th>Expected % Take Up</th> <th>Budget Cost of Policy - Core Case</th> <th>No. of Cat 3 Properties - Faster Growth Case</th> <th>Budget Cost of Policy - Faster Growth Case</th> <th>Additional Cost of 100% Take up - Core Case</th> <th>Additional Cost of 100% Take up - Faster Growth Case</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>150</td> <td>£ 20,000</td> <td>80%</td> <td>£ 2,400,000</td> <td>400</td> <td>£ 6,400,000</td> <td>£ 600,000</td> <td>£ 1,600,000</td> </tr> <tr> <td>2</td> <td>1300</td> <td>£ 18,500</td> <td>80%</td> <td>£ 19,240,000</td> <td>1300</td> <td>£ 19,240,000</td> <td>£ 4,810,000</td> <td>£ 4,810,000</td> </tr> <tr> <td>3</td> <td>500</td> <td>£ 20,000</td> <td>80%</td> <td>£ 8,000,000</td> <td>650</td> <td>£ 10,400,000</td> <td>£ 2,000,000</td> <td>£ 2,600,000</td> </tr> <tr> <td>4</td> <td>2450</td> <td>£ 6,000</td> <td>50%</td> <td>£ 7,350,000</td> <td>2550</td> <td>£ 7,650,000</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td>3350</td> <td>£ 4,500</td> <td>50%</td> <td>£ 7,537,500</td> <td>3950</td> <td>£ 8,887,500</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>£ 44,527,500</td> <td></td> <td>£ 52,577,500</td> <td>£ 44,527,500</td> <td>£ 52,577,500</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Contingency</td> <td>£ 8,905,500</td> <td>20%</td> <td>£ 10,515,500</td> <td></td> <td></td> </tr> <tr> <td></td> <td>Total</td> <td></td> <td>Total</td> <td>£ 53,433,000</td> <td></td> <td>£ 63,093,000</td> <td>£ 51,937,500</td> <td>£ 61,587,500</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> • Actual Budget in Funding Statement is £60m - high mid point between core and faster growth cases • Estimated take up rates showed cost of faster growth case as £52.5m • Contingency of 20% recognised uncertainty at submission stage • Funding has cost of inflation added elsewhere, £60m being a Day One cost • Cumulative take up columns show sufficient funding to complete 100% of Schemes 1-3 from contingency were that to arise 	Scheme	No. of Cat 3 Properties - Core Case	Cost Per Property	Expected % Take Up	Budget Cost of Policy - Core Case	No. of Cat 3 Properties - Faster Growth Case	Budget Cost of Policy - Faster Growth Case	Additional Cost of 100% Take up - Core Case	Additional Cost of 100% Take up - Faster Growth Case	1	150	£ 20,000	80%	£ 2,400,000	400	£ 6,400,000	£ 600,000	£ 1,600,000	2	1300	£ 18,500	80%	£ 19,240,000	1300	£ 19,240,000	£ 4,810,000	£ 4,810,000	3	500	£ 20,000	80%	£ 8,000,000	650	£ 10,400,000	£ 2,000,000	£ 2,600,000	4	2450	£ 6,000	50%	£ 7,350,000	2550	£ 7,650,000			5	3350	£ 4,500	50%	£ 7,537,500	3950	£ 8,887,500							£ 44,527,500		£ 52,577,500	£ 44,527,500	£ 52,577,500				Contingency	£ 8,905,500	20%	£ 10,515,500				Total		Total	£ 53,433,000		£ 63,093,000	£ 51,937,500	£ 61,587,500
Scheme	No. of Cat 3 Properties - Core Case	Cost Per Property	Expected % Take Up	Budget Cost of Policy - Core Case	No. of Cat 3 Properties - Faster Growth Case	Budget Cost of Policy - Faster Growth Case	Additional Cost of 100% Take up - Core Case	Additional Cost of 100% Take up - Faster Growth Case																																																																										
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Table 6: Comments on Applicant’s Response to November Hearing Actions (Compulsory Acquisition Hearing 2 and Issue Specific Hearings 7 - 10) [REP7-072]....continued

PINS ID	Para.	Comment
ISH9 – AP45	<p>Action: Explain what happens to the existing noise insulation funds at the point of serving the Article 44 notice.</p>	
	<p>Response: At the point at which notice is served under Article 44(1) of the DCO the new noise insulation policy will be introduced. At this time any approved or part completed noise insulation applications being processed under the existing scheme will be seen through to completion under the funding provided for the existing scheme. This point has been added to the updated policy submitted for Deadline 7, see para 6.1.47 of Compensation Policies, Measures and Community First [TR020001/APP/7.10]. Once the new noise insulation policy has been introduced it will be fully funded from the Proposed Development as set out in the Funding Statement [REP5-009].</p>	<p>We understand that before-and-after-insulation testing of eligible premises will be carried out by the Airport Operator AT THEIR COST. We would greatly appreciate this being clarified so that there is no conflict in the future nor any barrier to timely insulation installation.</p>

Table 7: Comments on Draft Section 106 Agreement [REP7-074]

ID	Para.	Comment
1	Schedule 7 Para. 1.1	<p>'Compensation Policies'.</p> <p>This section merely refers to TR0200001/App/7.10 "Compensation Policies, Measures and Community First".</p> <p>Previous Section 106 documents such as that provided under Project Curium: "12_01400_FUL-S106-612615 have provided:</p> <ol style="list-style-type: none"> 1. Schedule of Definitions of terms 2. Schedule of obligations and remedies 3. Schedule of formal reports, their contents and intervals <p>This para.1.1 merely refers the reader to the Compensation Policies document as if it was set out in a formal legal fashion. It is not.</p> <p>This draft S106 document needs to be reviewed in detail and potentially expanded by several Schedules (one for each policy perhaps) so that the agreements are clear, unambiguous and enforceable.</p> <p>The Project Curium S106 document is available on the Gately Hamer website from the 2022 Luton Airport Enquiry as follows:</p> <p>https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/c5/f1/c5f19331-4802-45e3-b8e8-48755fc454e1/s106_varcon_legal_agreement_690622_oct_2017.pdf</p> <p>or:</p> <p>Google the Gately Hamer Website, under 'Decision Announced', then 'Luton Airport', go to 'Inquiry docs', then 'Core docs,, 'LADACAN initial docs' and it's CD8.42</p>

Appendix A: "NTSC -Noise Insulation Scheme (07.03.16) FINAL"

16 pages following

NTSC – Noise Insulation Scheme

9th March 2016
Version 1.0



Section 106 Agreement

Project

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The Noise Insulation Scheme forms part of our obligations of Section 106.

Noise insulation works to residential dwellings that meet the residential criteria and are situated in any local authority area will be funded by the operator.

The Non-residential noise insulation scheme will incorporate non-residential buildings situated in any part of the local area.



Who is eligible?

Residential Eligibility Criteria means any of the following:

Airborne Aircraft Noise

- i) Any habitable rooms at dwellings within the Actual **63dB contour** or;
- ii) Any habitable rooms which are used as bedrooms at dwellings within the Actual **55dB Night contour**.
- iii) Any habitable rooms which are used as bedrooms at dwellings where the airborne noise level in excess of **90 dB SEL occurs externally at an annual average frequency of once or greater during the night-time (23:00hrs – 07:00hrs)**

Ground Noise

- i) Any habitable room at dwellings which are exposed to a free field noise level in excess of **55dB LAeq daytime** (07:00 – 23:00) based on actual aircraft operations at the airport for the summer period (16th June to 15th September) in the immediately preceding calendar year.
- ii) Any habitable rooms which are used as bedrooms at dwellings which are exposed to free field noise level in excess of **45dB LAeq night-time** (23:00-07:00) based on actual aircraft operations at the Airport for the summer period (16th June to 15th September) in the immediately preceding calendar year.

Traffic Noise

- i) Any habitable rooms at dwellings with a façade incident noise level in excess of **66dB LAeq 16hr daytime** (07:00hrs to 23:00hrs); and
- ii) which are subject to the **predicted road traffic noise increase of not less than 1dB** as a result of the development. .



Who is eligible?

Non-Residential

Non-residential buildings eligible are those:

- i) Any noise sensitive rooms within non-residential buildings within the **63dB LAeq average mode summer daytime (07:00hrs- 23:00hrs) airborne noise contour** based on actual aircraft movements at the Airport for the summer period (16th June to 15th September) in the immediately preceding calendar year.
- ii) Any noise sensitive rooms which are used at night within non-residential buildings within the **55dB LAeq,8h average mode summer night-time (23:00hrs-07:00hrs) airborne noise contour** based on actual aircraft movements at the Airport for the summer period (16th June to 15th September) in the immediately preceding calendar year.



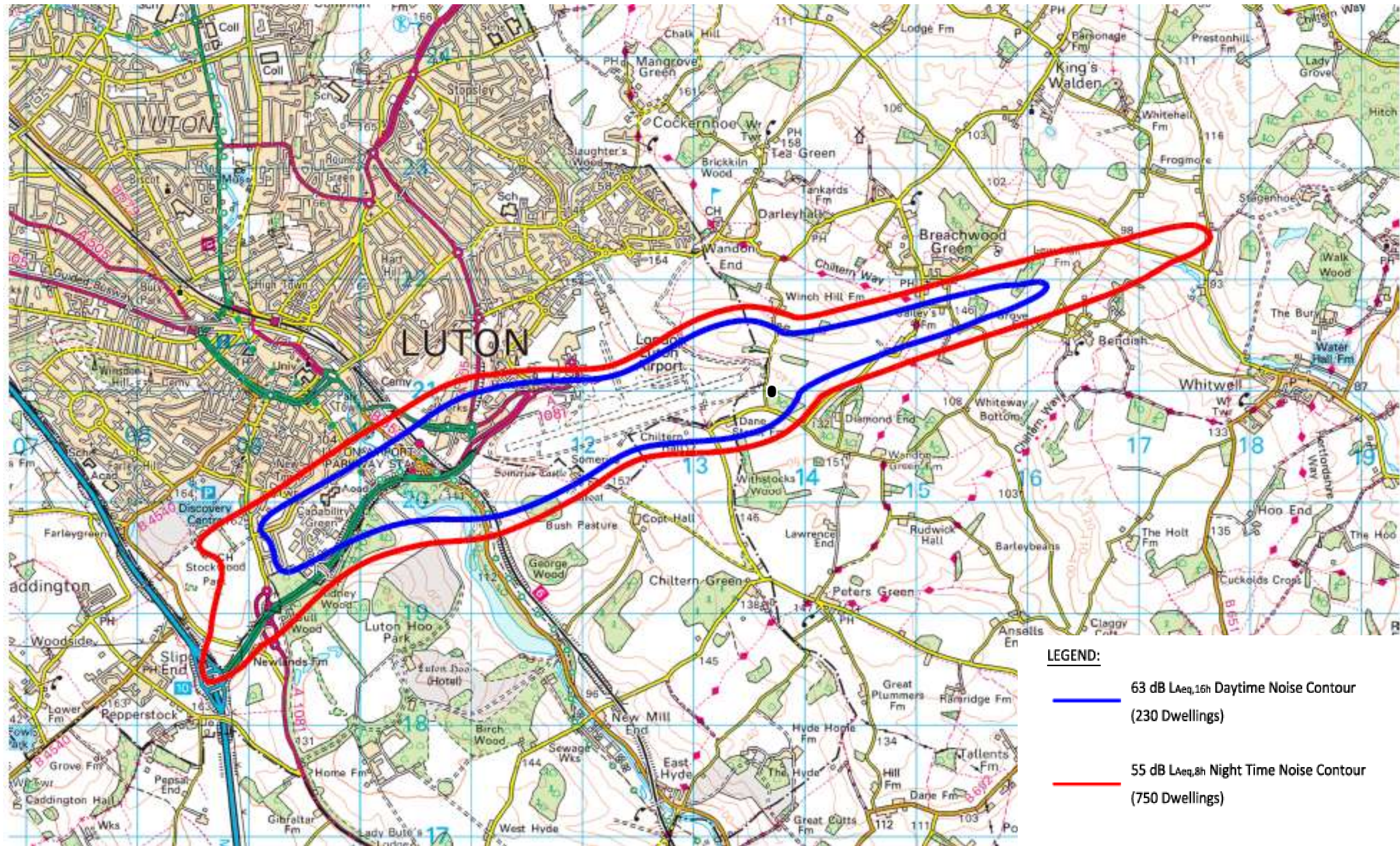
Noise Contours

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Types of Insulation

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The primary methods of improving sound insulation is the installation of;

- Secondary glazing.
- Double glazing.

Where glazing works are undertaken it may also be necessary to install **sound attenuated ventilation units**. These will provide background ventilation and would normally be external walls.

Where treated rooms have an external door, the works may also provide improved **sound insulation external doors**.

There will be no cash alternative offered if property already has all types of insulation.



Granville Noise Insulators Ltd.

Granville Noise Insulators Ltd have been appointed the contractor to undertake the works and assessments for the scheme.

They have previous experience of working with aircraft noise and also work with London City Airport with their Noise Insulation Scheme. They have also undertaken work to install noise insulation due to disturbance from trains.

<http://www.granvillenoise.co.uk/>

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The Process

Bickerdike Allen Partners (BAP) will determine eligible properties based on the noise contours.

- Provide LLA Flight Operations team with list of addresses—both residential and non-residential.

Determine the eligible properties.

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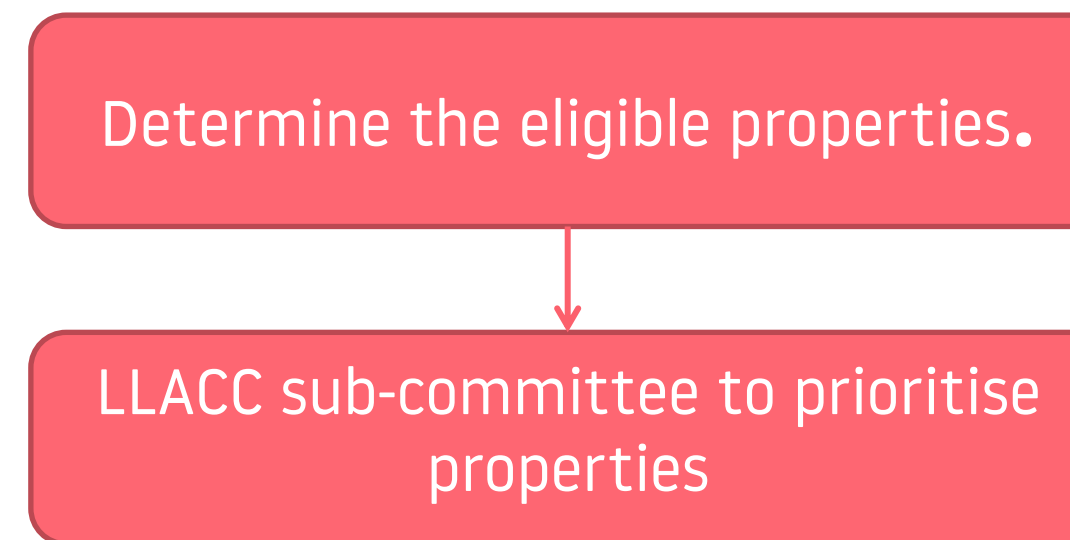
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The Process

LLACC sub-committee will decide which properties to prioritise each year

- The scheme has a £100,000 budget each year and each property can have a maximum spend of £3,000.
- The committee will be responsible for prioritising the eligible properties (both residential and non-residential). It is suggested that the committee splits the properties into a series of groups preferably in similar geographical locations in order to be treated in order.
- The committee will be comprised of LLACC members with decision making authority. There will also be representatives from LLA Flight Operations team and BAP for information purposes only.
- The number of properties will be reported quarterly at NTSC meetings and the number of properties and road name will be published on the LLACC website.



The Process

Contact Owners of Property

- Property owners will receive a letter from LLA which will include details of the scheme, rooms which are eligible, the ways of contacting LLA (email and phone line), consent to pass contact details onto contractor, directions to more information on website and an explanation that their property may need to be part of a before and after analysis.
- Two properties will be selected for independent testing carried out by Bickerdike Allen Partners (BAP).
- All details will be logged in a database by the LLA flight operations team.
- Property owners must respond within 30 days from date of the letter to express an interest.



The Process

If owner accepts insulation:

- LLA give owners details to Appointed Contractor. The appointed contractor will have two weeks to make an appointment with owner to discuss the noise insulation options for the property.
- The appointment must be within 1 month of making contact with owner (subject to owners availability).

If owner declines insulation (in writing) or does not reply:

- Contact again in 5 years.
- If owner still declines insulation or doesn't reply then no further contact will be made.



The Process

Appointed Contractor will meet with property owner

- Appointed Contractor will undertake survey of property and provide their opinion on the works needed on the property. The appointed contractor will give this information and costs to LLA, within 2 weeks of meeting owner. This will be recorded by LLA flight operations team.
- There will be a contract in place between the property owner and the appointed contractor to complete works.



The Process

Within 1 month of owner agreeing to works, appointed contractor will complete the works on the property.



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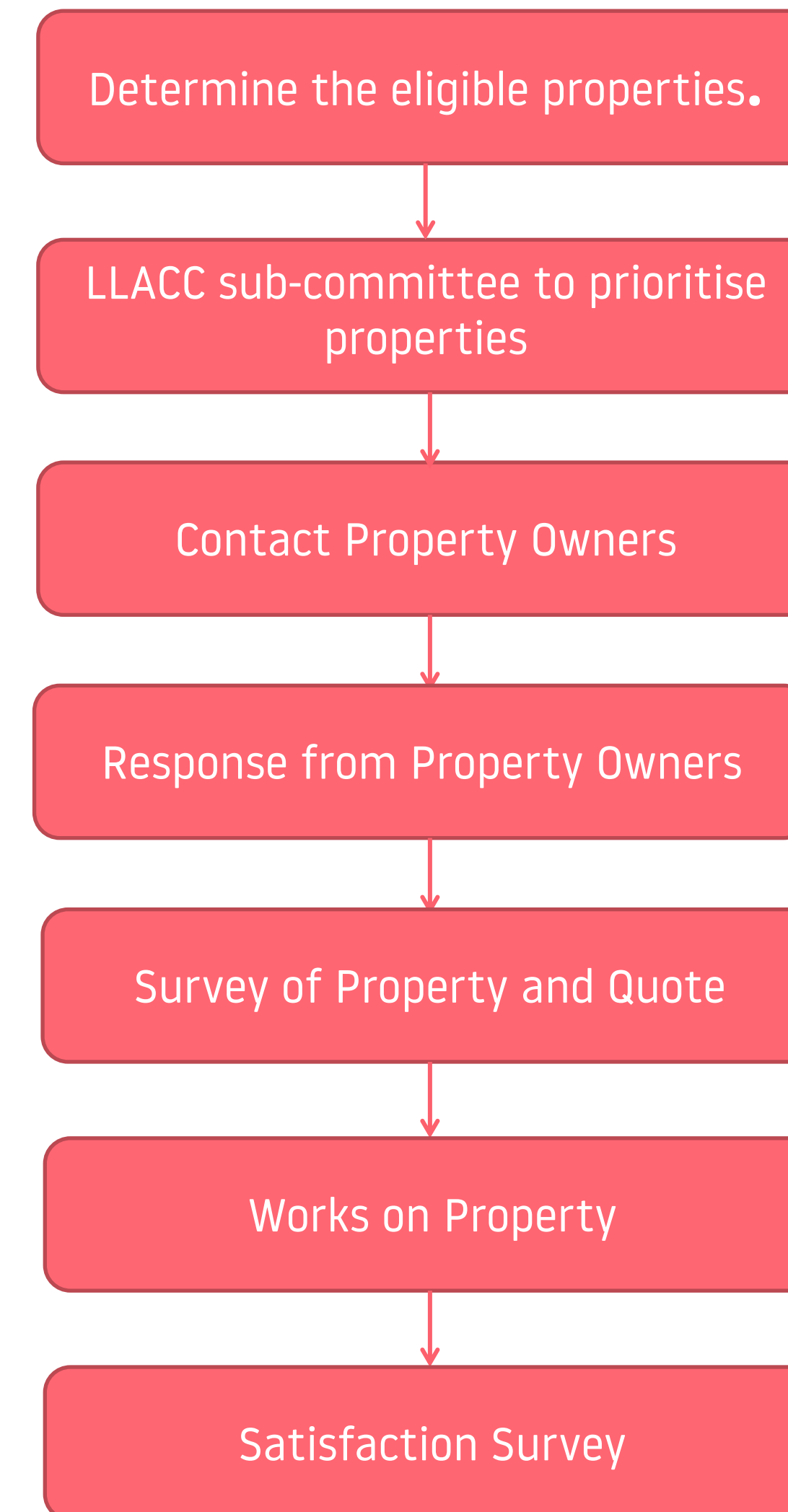
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The Process

Works Complete

- LLA will give satisfaction survey to property owner.
- BAP may then need access to property in order to undertake noise assessment, if required.



Next Steps

- Decide on LLACC Noise Insulation Sub-Committee and arrange first meeting. – Aim for meeting before end of April.
- List of Properties from BAP – By LLACC meeting 11th April
- LLA will meet to discuss the scheme in more detail with Granville in – Scheduled for 17th March.
- Finalise the information leaflet and update the LLA website accordingly.



Common Questions

I rent the property, can I get insulation? – Only the property owner can accept insulation, so the information will need to be passed to property owner.

How long can I expect the works to take? - From initial appointment to completion of works should be no longer than 3 months, subject to owners availability.

What happens if damage is caused in my property? – Appointed contractor will make good any damage to the property. Property owner should also contact LLA Flight Operations team.

Can I talk to someone about the scheme? - Noise Telephone Number: 01582 395382 or Email: Noise.Insulation@ltn.aero



Appendix B: "REP6-153 Comments on AS-125 Need Case Revision 1"

3 pages following.

REP6-153

Comments on AS-125 Need Case Revision 1

Author: Michael Reddington

Unique Reference: 20037459

- 1 Our position is that local residents will pay the price for this DCO in the form of increased emissions, congestion and – particularly – increased noise.
- 2 Noise compensation in the form of insulation is only effective indoors, and only to those deemed eligible for insulation.
- 3 Noise does not stop at the lowest eligibility contour either – it is all around. It is outdoors that the greatest impact will be and it is here that resident’s gardens become no-go areas because of Air and Ground noise.
- 4 We residents have already absorbed a doubling in total ATMs between 2014 (75,616) and 2019 (141,858) with consequential impact on our ability to enjoy our outside spaces. The Applicant is intending to increase the number of ATMs to 209,000 under the Core Planning case in Need Case [AS-125] Table 6.9. This is an increase in the number of ATMs of almost 200% since 2014. This can only be defined as SIGNIFICANT in any language.
- 5 Yet the Applicant presses ahead with ‘mitigation’ and ‘compensation’ comparing ever-increased baselines, so as to make this DCO appear to have less significant impacts and therefore hoping to meet the letter of the Local Plan LLP6 iv which specifically mentions the word ‘Significant’.
- 6 Note that in Need Case [AS-125] Table 6.9 under ‘Without Development’ the Applicant has maintained the number of ATMs as a constant 138,100 per annum. This is misleading since under normal conditions – and as assumed in the Do Something case - Next generation and New generation aircraft will come into service just as they would when fleets cycle. Airlines are not going to keep maintaining or buying obsolescent aircraft. Thus larger aircraft will take more passengers per ATM, thereby reducing the ATMs and by association, overall noise impact even for the Do Minimum case..
- 7 Figure 6.13 of the Need Case reinforces this in that passengers per aircraft increases over time for the Do Something case but not for the Do Minimum.
- 8 Chapter 16: Noise and Vibration [REP1-003] Tables 16.26, 16.34, 16.41, 16.48 show the Evolution of daytime air noise and Tables 16.27, 16.35, 16.42, 16.49 show the evolution of night-time air noise baseline. In all cases the ‘Do Minimum’ results in a lowering of contour area over time which -if full capacity is assumed – can only mean a reduction in ATMs or noise per ATM, or a combination of both.
- 9 Furthermore Figure 6.13 has a start date of 2024 (does not specify where within that 12 month period) assuming permission is granted. This is contrary to what one would expect, i.e. all the different PATM graphs should start from the same point since there will be no

physical infrastructure development at that stage.

- 10 Paragraph 6.6.18 refers to the airport reaching 18mppa capacity in 2023. This contradicts Table 6.5 which shows 16.8mppa in 2023. The Airport Operator has been granted an extension to 19mppa which we assume is intended to be applied in 2024, as shown in Table 6.5.
- 11 Table 6.8 gives the number of Passenger ATMs for 2024 as 105,000 for the Do Minimum and 110,890 for the Core Planning case. However since as stated in Paragraph 6.6.18 the airport will reach 18mppa capacity in 2023, and CAA figures for Passenger ATMs in 2019 (18mppa) was 112,209 this implies a reduction in ATMs of approximately 7,000 for the same passenger numbers. This trend is not likely to decrease either as fleets change.
- 12 Currently, passenger aircraft do not fly direct from Luton Airport to Orlando or Cancun and the Applicant has advised in footnote 193 page 110 of the Need Case [AS-125] that this used to be the case. The Applicant does not explain the reasons why this has stopped – was it lack of demand or a high Quota Count on departure/arrival because of the short runway, or some other reason. If so the expectation of a resurgence in long haul flights is presumably based on technological improvements (Next Generation/noise reduction/fuel efficiency perhaps) that are some distance into the future. Current projections imply that zero-emissions aircraft will not come into service until the late 2030s and even then, one of the greatest challenges is range. Yet the 32mppa includes some 2.2mppa long haul, which seems optimistic.

14 Glossary

ATM	Air Traffic Movement
ICCAN	Independent Commission on Civil Aviation Noise
JZMF	Jet Zero Modelling Framework
LA	Local Authority
LBC	Luton Borough Council
LR	Luton Rising
LOAEL	Lowest Observable Adverse Effect Level
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Limited
NAP	Noise Action Plan
NAPDM	National Air Passenger Demand Model – econometric model of unconstrained trip demand by passenger markets
NIS	Noise Insulation Sub-committee (of the Consultative Committee)
NOEL	No Observable Effect Level
mppa	million passengers per annum
SOAEL	Significant Observed Adverse Effect Level
UAEL	Upper Adverse Effect Level
UKHSA	UK Health Security Agency

Appendix C: "REP6-154 Appendix B: Moratorium Date for Eligibility for Insulation"

3 pages attached.

REP6-154 Appendix B Moratorium Date for Eligibility for Insulation

Author: Michael Reddington

Introduction

With reference to **Draft Compensation Policies, Measures and Community First Tracked Change Version [REP4-043]** paragraph 6.1.16 and discussions at **ISH9** on 30/11/2023 about Applicant's response **REP5-054 ID #71**.

1. Moratorium
The current position as stated in REP5-054 ID 71 is that any building constructed after 16th October 2019 will not be eligible for insulation under the provisions of the DCO **Draft Compensation Policies, Measures and Community First Tracked Change Version [REP4-043]** irrespective of its location within the noise contours. (*16th October 2019 is the date when the DCO allegedly went out to formal consultation.*)
2. Applicant's position
The Applicant's position is that this is 'usual practice'. Our contention is that this is draconian.
3. Our Position
 - (a) The requirements for noise insulation will depend upon the building's location within noise contours. These requirements can vary depending on proximity to the runway. There is going to be either one overarching set of requirements that apply to all buildings (i.e. worst case) or a tiered system depending upon exposure.
 - (b) The date of 16th October 2019 is a date when the DCO document was released for *formal consultation*. There was no guarantee that the DCO would be permitted so why would a builder take it upon himself to include additional constraints that may never be realised, within his design ? Builders are not psychic.
 - (c) In order to enforce additional constraints Host Authorities would have had to include any such constraints within the relevant Planning Department's processes and procedures PRIOR to the granting of Planning Permission ('PP') for any building;
 - (d) This would necessitate Planning Departments' prior knowledge of the Applicant's specific construction requirements and an instruction (by whom ?) to include within their procedures.
 - (e) Did the Applicant inform the Host Authorities Planning Departments of any particular requirements for inclusion within Planning procedures in a timely manner to influence granting of Planning Permissions; AND with sufficient leeway to allow a builder to construct a property to completion before 16th October 2019 ?
4. Extensions
How would these constraints apply to building extensions that also require PP ?
5. Elapsed Time
Even assuming the original date of 16th October 2019 was 'reasonable' [we think not] and the Applicant's requirements were clearly communicated to the Host Authorities, five years have elapsed since 16th October 2019 and the DCO is still not finalised since it is subject to a Planning Inspectorate decision. Therefore, it is not possible to say with any certainty that requirements will be added, amended or deleted related to the construction of properties affected by airport noise, thus rendering buildings constructed before 16th October 2019 ineligible for insulation, through no fault of their own.

6. Activity Schedule

Attached is a simplified activity schedule (without durations) showing the steps required for a building to be completed before 16th October 2019,

Also shown in the attached Activity Schedule are the steps we believe should be taken to secure the correct level of noise insulation.

7. Recommendation

The moratorium date of 16th October 2019 should be dispensed with immediately. Once requirements are finalised and development is permitted, the Applicant should advise Host Authorities so that these requirements can be included in their Planning processes. Any Planning Permission granted thereafter would then secure that any new buildings are compliant with latest Regulations and hence ineligible for insulation under the DCO specification.

Task No.	Task Description	Start Date	End Date	Color
London Luton Airport 32mppa DCO - suggested Activity Schedule for buildings to be ineligible for insulation.				
1	Applicant develops DCO 2017 onwards	2017	2017	Orange
2	Applicant Provides Construction requirements to Host Authorities	2017	2017	Green
3	Host Authorities instructed to include requirements in Planning procedures and processes	2017	2017	Blue
4	Contractor Planning Application received	2017	2017	Purple
5	Planning Permission Granted for building	2017	2017	Green
6	Building construction Commences and completes by 16/10/2019	2017	2019	Green
7	DCO Released for Formal Consultation 16/10/2019; Moratorium on insulation eligibility	2019	2024	Yellow
8	DCO Consultations and Planning Inspectorate assessment 2019-2024, <u>FIVE YEARS</u>	2019	2024	Orange
9	What we believe SHOULD happen.....			
10	32mppa Expansion Granted - assume June 2024	2024	2024	Red
11	Final Construction Requirements MAY WELL HAVE CHANGED FROM 2019	2024	2024	Green
12	Applicant provides Construction Requirements to Host Authorities	2024	2024	Green
13	Host Authorities instructed to include new Regulations in Planning procedures and processes	2024	2024	Blue
14	Contractor Planning Application received	2024	2024	Purple
15	Planning Permission ('PP') Granted	2024	2024	Purple
16	Moratorium: Building constructed with PP to the new Regulations after this date to be ineligible for insulation compensation	2024	2024	Yellow