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Your Ref: TR020001

Dear Jo Dowling

## **London Luton Airport Expansion Project**

### **Response to Deadline 9 of the Examination**

#### **1. Submissions made at Deadline 9**

Please see Appendix A (Tables 1 and 2) for a list of new and updated documents in clean and tracked change versions submitted by Luton Rising (the Applicant) for Deadline 9 of the Examination of the London Luton Airport Expansion Project.

#### **2. Statements of Common Ground (SoCGs)**

The Applicant is continuing to finalise the SoCGs with Interested Parties ahead of the end of the Examination. The Applicant acknowledges the ExA's Rule 8 letter dated 26 January 2024 [PD-022] which requests the Applicant provide an update confirming the position of all outstanding SoCGs and their proposed submission dates at Deadline 9.

Please refer to the **SoCG Updates Document [TR02001/APP/8.106]** for further details. The Applicant anticipates that all of the signed SoCGs will be submitted at Deadlines 10 and 11.

The following SoCGs, each signed by the Applicant and relevant Interested Party, are submitted at Deadline 9:

- **SoCG between London Luton Airport Limited and Historic England [TR020001/APP/8.05]** – All matters were resolved to agreed or not agreed at Deadline 6 and a copy of the SoCG signed by Historic England was submitted.
- **SoCG between London Luton Airport Limited and the Environment Agency [TR020001/APP/8.07]** – All matters were agreed at Deadline 8.
- **SoCG between London Luton Airport Limited and the Civil Aviation Authority [TR020001/APP/8.10]** – All matters were agreed at Deadline 6.
- **SoCG between London Luton Airport Limited and the Bedfordshire Fire and Rescue Service [TR020001/APP/8.20]** – All matters were agreed at Deadline 6 and

a copy of the SoCG signed by Bedfordshire Fire and Rescue Service was submitted. **SoCG between London Luton Airport Limited and Natural England [TR020001/APP/8.42]** – All matters were resolved to agreed or not agreed at Deadline 8.

### 3. Further responses to the ExA's DCO commentary deferred from Deadline 8

The Applicant has provided further responses to the ExA's DCO commentary on some matters deferred from Deadline 8, as identified in the **Applicant's Response to the Examining Authority's Commentary on the Draft DCO [TR020001/APP/8.173]** submitted at Deadline 9.

The following further information is provided at Deadline 9 in response to the **ExA's commentary on, or schedule of changes to the draft DCO [PD-018]**:

- Offsite highway works – The Applicant has provided further information in the **Applicant's Response to the Examining Authority's Commentary on the Draft Development Consent Order [PD-018] - Proposed Amendments to Schedule 1 Offsite Highway Works Work No. 6e [TR020001/APP/8.183]** to demonstrate the significant adverse impact that the removal of the proposed highway works would have on the operation of the highway network.
- Financial penalties for breaches – The Applicant has responded to the suggestion made by the ExA to impose a financial penalty regime where a prolonged or repeated exceedance of a Limit under the Green Controlled Growth Framework occurs in the **Applicant's Position Statement on Financial Penalties [TR020001/APP/8.187]**.
- Air Noise Management Plan - The Applicant has updated the **Air Noise Management Plan [TR020001/APP/8.125]** to require that the first review must take place no later than 3 years from the date the notice is served under article 44(1) (sub-paragraph 2 of the ExA's recommendations) and to reflect the language in sub-paragraph 4 of the ExA's recommendations. The revised ANMP states that any proposed revision arising from the review will require approval from Luton Borough Council following consultation with the specified authorities. This aligns with the process already provided for in paragraphs 2(1)-(2) of Schedule 2 to the Draft DCO.
- Noise contour and movement limits – The Applicant has prepared a position paper in response to comments made on contour area limits and movement limits by the ExA in their commentary on the draft DCO and in Deadline 8 submissions made by the Host Authorities, LADACAN and St Alban's Aircraft Noise Defence (STAND). Please refer to the **Applicant's Position on Noise Contour and Movement Limits [TR020001/APP/8.184]**. This is also provided in response to the Rule 17 request received from the ExA on 25 January 2024 **[PD-021]** which asked the Applicant for a response to the Deadline 8 submissions referenced above.
- ExA's proposed requirement to secure a noise insulation programme – The Applicant noted at Deadline 8 that it accepted the broad principle of this commitment, but was considering the most appropriate place to secure it. On further reflection, the Applicant has updated the **Compensation Policies, Measures and Community First** document **[TR020001/APP/7.10]**, which is proposed to be secured by the section 106 agreement, with further details on the noise insulation roll-out plan and programme as requested by the ExA. This is the appropriate "home" for the commitment because it needs to dovetail with the role already devised for the Noise Insulation Sub-Committee of the LLACC – which a separate requirement would duplicate and potentially cut across. The Applicant has modified the ExA's drafting to

align with the compensation policies process, but importantly the Applicant has adopted the ExA's recommendation for the roll-out plan to be approved by Luton Borough Council (following consultation with the LLACC) before notice to grow under article 44(1) of the DCO is served.

- ExA's proposed amendments to the CoCP requirement – the Applicant has recognised that, at Deadline 8, two of the recommendations made by the ExA in relation to the CoCP requirement were not addressed by the Applicant. To address these now:
  - Proposed new sub-paragraph (3) for plans with outline documents secured separately from the CoCP – the Applicant has not adopted the ExA's drafting because all construction management plans are referred to within, and form part of, the management framework established by the CoCP. Instead, at Deadline 9 the Applicant has made alternative drafting amendments to the CoCP requirement to provide further precision and clarity.
  - Proposed new sub-paragraph (3)(c) – the Applicant has not secured the “outline strategy report for groundwater, ground gas and leachate monitoring”. This is because this document was created specifically to address required monitoring during the *examination* period. Monitoring for groundwater, ground gas and leachate post DCO consent forms part of the Outline Remediation Strategy, compliance with which is secured in paragraph 17 of Schedule 2 of the draft DCO.

An updated **Draft DCO** has been provided at Deadline 9 [TR020001/APP/2.01]. For an explanation of the latest round of changes, please refer to the **Summary of Changes to the Draft Development Consent Order [TR020001/APP/8.54]** and updated **Explanatory Memorandum [TR020001/APP/2.02]** both also provided at Deadline 9.

The Applicant will provide at Deadline 10, its preferred final form of the draft DCO in clean, tracked and word versions along with a final draft DCO in the SI template with the SI validation report.

#### 4. Section 106 Obligations

A **Draft Section 106 Agreement [TR020001/APP/8.167]** has been submitted at Deadline 9. The Applicant continues to try to settle the section 106 agreement with the relevant local authorities and, with negotiations well advanced, hopes to submit a final signed version at Deadline 11 as requested in the ExA's Rule 8 letter issued 26 January 2024 [PD-022].

The Applicant has submitted drafts of the alternative options should the section 106 agreement not be signed by the end of Examination. Please refer to the **Alternative Mechanisms to the Section 106 Agreement [TR020001/APP/8.185]** submitted at Deadline 9.

The Applicant is considering whether the Residual Impact Fund and Sustainable Transport Fund (STF) commitments should sit within the DCO even in circumstances where a section 106 agreement is concluded. The version of the **Sustainable Transport Fund [TR020001/APP/8.119]** submitted at Deadline 9 includes placeholders in the text pending the decision.

If the STF is secured by a DCO requirement, the STF document will become a “certified document” and contain the detail currently secured within the draft section 106 agreement.

This will be resolved as part of ongoing discussions with the Host Authorities and a final decision and version of the STF will be presented at Deadline 11.

## 5. Rule 17 Requests

The Applicant notes the requests for further information from the ExA in the Rule 17 letter dated 17 January [PD-019] and in the letter dated 25 January 2024, re-published on 26 January 2024 with Deadline 8 references added [PD-021].

The Applicant has provided a response to the remaining two items requested for Deadline 9 in the **Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 – Deadline 9 [TR020001/APP/8.179]**.

The Applicant has provided a response to all items requested for Deadline 9 in the **Applicant's Response to Examining Authority's Rule 17 Request dated 25 January 2024 [TR020001/APP/8.186]**.

Please do not hesitate to get in touch should you have any further comments or questions.

Yours sincerely,



Antony Aldridge  
Head of DCO Programme

## APPENDIX A – DEADLINE 9 LUTON RISING DOCUMENTS SUBMITTED

Table 1: List of new documents submitted by the Applicant for Deadline 9

Document Title	Document Number
<b>Applicant's Response to Deadline 8 Submissions</b>	
Applicant's Response to Deadline 8 Submissions	TR020001/APP/8.177
<b>Applicant's Response to Rule 17 Requests</b>	
Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 – Deadline 9	TR020001/APP/8.178
Applicant's Response to Examining Authority's Rule 17 Request Dated 25 January 2024	TR020001/APP/8.186
<b>Additional Documents</b>	
Section 127 Submission	TR020001/APP/8.182
Response to Examining Authority's Commentary on the Draft Development Consent Order [PD-018] – Proposed Amendments to Schedule 1 Offsite Highway Works Work No.6e	TR020001/APP/8.183
Applicant's Position on Noise Contour and Movement Limits	TR020001/APP/8.184
Alternative Mechanisms to the Section 106 Agreement	TR020001/APP/8.185
Applicant's Position Paper on Financial Penalties	TR020001/APP/8.187

**Table 2: List of updated documents submitted by the Applicant for Deadline 9**

<b>Document Title</b>	<b>Document Number</b>
<b>Volume 1</b>	
Application Document Tracker	TR020001/APP/1.06
<b>Volume 2</b>	
Draft Development Consent Order Draft Development Consent Order (Tracked Change Version)	TR020001/APP/2.01
Explanatory Memorandum Explanatory Memorandum (Tracked Change Version)	TR020001/APP/2.02
<b>Volume 3</b>	
Book of Reference Book of Reference (Tracked Change Version)	TR020001/APP/3.02
<b>Volume 5</b>	
Environmental Statement Chapter 16 Noise and Vibration Environmental Statement Chapter 16 Noise and Vibration (Tracked Change Version)	TR020001/APP/5.01
Environmental Statement Chapter 6 Agricultural Land Quality and Farm Holdings Environmental Statement Chapter 6 Agricultural Land Quality and Farm Holdings (Tracked Change Version)	TR020001/APP/5.01
Environmental Statement Appendix 14.3 Arboricultural Impact Assessment Environmental Statement Appendix 14.3 Arboricultural Impact Assessment (Tracked Change Version)	TR020001/APP/5.02
Environmental Statement Appendix 16.1 Noise and Vibration Information Environmental Statement Appendix 16.1 Noise and Vibration Information (Tracked Change Version)	TR020001/APP/5.02
Environmental Statement Appendix 7.5 Outline Operational Air Quality Plan Environmental Statement Appendix 7.5 Outline Operational Air Quality Plan (Tracked Change Version)	TR020001/APP/5.02
Environmental Statement Chapter 20 Water Resources and Flood Risk Figures 20.1-20.7	TR020001/APP/5.03
<b>Volume 7</b>	
Green Controlled Growth Explanatory Note Green Controlled Growth Explanatory Note (Tracked Change Version)	TR020001/APP/7.07
Green Controlled Growth Framework	TR020001/APP/7.08

Document Title	Document Number
Green Controlled Growth Framework (Tracked Change Version)	
Green Controlled Growth Framework Appendix A – ESG Terms of Reference Green Controlled Growth Framework Appendix A – ESG Terms of Reference (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix B – Technical Panels Terms of Reference Green Controlled Growth Framework Appendix B – Technical Panels Terms of Reference (Tracked Change Version)	TR020001/APP/7.08
Green Controlled Growth Framework Appendix D – Air Quality Monitoring Plan Green Controlled Growth Framework Appendix D – Air Quality Monitoring Plan (Tracked Change Version)	TR020001/APP/7.08
Design Principles Design Principles (Tracked Change Version)	TR020001/APP/7.09
Compensation Policies, Measures and Community First Compensation Policies, Measures and Community First (Tracked Change Version)	TR020001/APP/7.10
<b>Volume 8</b>	
Statement of Common Ground between London Luton Airport Limited and Historic England	TR020001/APP/8.05
Statement of Common Ground between London Luton Airport Limited and the Environment Agency Statement of Common Ground between London Luton Airport Limited and the Environment Agency (Tracked Change Version)	TR020001/APP/8.07
Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority (Tracked Change Version)	TR020001/APP/8.10
Statement of Common Ground between London Luton Airport Limited and Bedfordshire Fire and Rescue Service	TR020001/APP/8.20
Statement of Common Ground between London Luton Airport Limited and Natural England Statement of Common Ground between London Luton Airport Limited and Natural England (Tracked Change Version)	TR020001/APP/8.42
Summary of Changes to the Draft Development Consent Order	TR020001/APP/8.54
SoCG Updates Document <i>Please note that a tracked change version has not been provided because the update at Deadline 9 is provided in the adjacent column to the update at Deadline 8.</i>	TR020001/APP/8.106

Document Title	Document Number
Sustainable Transport Fund Sustainable Transport Fund (Tracked Change Version)	TR020001/APP/8.119
Air Noise Management Plan Air Noise Management Plan (Tracked Change Version)	TR020001/APP/8.125
Schedule of Changes to the Book of Reference	TR020001/APP/8.124
Draft Section 106 Agreement Draft Section 106 Agreement (Tracked Change Version)	TR020001/APP/8.167