

February 2024

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

## **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**

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

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<b>Deadline:</b>	Deadline 11
<b>Planning Inspectorate Scheme Reference:</b>	TR020001
<b>Document Reference:</b>	TR020001/APP/8.54
<b>Author:</b>	Luton Rising

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Issue 1	October 2023	Additional Submission – Deadline 3
Revision 1	November 2023	Additional Submission – Deadline 4
Revision 2	November 2023	Additional Submission – Deadline 5
Revision 3	January 2024	Additional Submission – Deadline 7
Revision 4	January 2024	Additional Submission – Deadline 8
Revision 5	February 2024	Additional Submission – Deadline 10
Revision 5	February 2024	Additional Deadline 11 Submission

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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 <b>Land Plans and Crown Land Plans [APP-015]</b> into two separate sets of plans <b>[AS-011 and AS-024]</b> . 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 <b>Land Plans and Crown Land Plans [APP-015]</b> into two separate sets of plans <b>[AS-011 and AS-024]</b> ; and due to various chapters, appendices and figures of the Environmental Statement being updated.

Provision	Change made to the dDCO	Explanation for change
As a result of the Rule 9 letter dated 16 May 2023		
Schedule 2 - Requirements	<p>The following typographical errors have been amended:</p> <ul style="list-style-type: none"> <li>- Requirement 2(3) - ‘...approval sought is would not give rise...’.</li> <li>- Requirement 6 - table entry for Luton DART final column to read ‘...and excludes development...’.</li> <li>- Requirement 20(7) - ‘The bodies invited to nominate technical representative..’ to read ‘a technical representative’.</li> <li>- Requirement 20(9) to read ‘Each Technical Panel...’</li> <li>- Requirement 24(4)(b) to read ‘received the Mitigation Plan...’</li> <li>- Requirement 24(5) to read ‘A mitigation Plan...’</li> <li>- Requirement 28 to read ‘with the fixed plant...’</li> <li>- Requirement 37(14) to read ‘the Department for Levelling Up, Housing and Communities and the Ministry for Housing...’</li> </ul>	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 “relevant highways authority” for highways within its network.	To clarify that National Highways is the “relevant highways authority” for highways within its network.

<b>Provision</b>	<b>Change made to the dDCO</b>	<b>Explanation for change</b>
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”.
<b>Deadline 3</b>		
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

Provision	Change made to the dDCO	Explanation for change
		Examining Authority's supplementary agenda additional questions ISH1.G.01, ISH1.G.02 and ISH1.G.03.
Article 2	<p>Insertion of the definition of two additional pieces of legislation. Consequential amendments have also been made at:</p> <ul style="list-style-type: none"> <li>- Article 19(7)</li> <li>- Article 19(10)</li> <li>- Article 37(8)</li> <li>- Article 38(4)</li> </ul>	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.
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"> <li>- Airport Access Road and Luton DART long section plans;</li> <li>- Airport Boundary Plan;</li> <li>- Book of Reference;</li> <li>- Crown Land Plans;</li> <li>- Environmental Statement;</li> <li>- Land Plans;</li> <li>- Special Category Land Plans;</li> <li>- Streets, Rights of Way and Access Plans; and</li> <li>- Works Plans.</li> </ul>	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.
Article 2	Deletion of the definition of "associated development" and inclusion of "and any other	The definition of "associated development" has been deleted from article 2, because it forms part of the

Provision	Change made to the dDCO	Explanation for change
	development authorised by this Order” in the definition of “authorised development”.	“authorised development” as defined by article 2 and set out in Schedule 1.
Article 8	Replacement of the term, “grantee” with “lessee”.	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.
Article 10	Insertion of words, “within or” in article 10(1)(a).	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.
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



Provision	Change made to the dDCO	Explanation for change
		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.
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.

Provision	Change made to the dDCO	Explanation for change
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.
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"> <li>- Design Principles</li> <li>- Outline transport related impacts monitoring and mitigation approach</li> <li>- Strategic landscape masterplan</li> </ul>	<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>
Schedule 2, Requirement 1	<p>Insertion of the definition of, "business day".</p>	<p>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.</p>
Schedule 2, Requirement 1	<p>Insertion of the definition of, "infant".</p>	<p>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.</p>
Schedule 2, Requirement 1	<p>Amendment to the definition of, "passenger".</p>	<p>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.</p>
Schedule 2, Requirement 2	<p>Insertion of "design principles" at 2(1)(a).</p>	<p>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 <b>Design Principles [APP-225]</b> in the same way that other "finalised" control documents at (b) to (d) can be subject to future amendment.</p>
Schedule 2, Requirement 5	<p>Amendment in relation to detailed design: this must now be, "in accordance with" the design principles.</p>	<p>As a result of discussions at Issue Specific Hearing 1, the Applicant has reviewed its drafting and agrees that the</p>

Provision	Change made to the dDCO	Explanation for change
		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 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</p>

Provision	Change made to the dDCO	Explanation for change
		<p>than, “reflect” the principles set out in the <b>Drainage Design Statement [APP-137]</b>.</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"> <li>- (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 exceedance. The rationale for this is that the mitigation measures are likely to be similar and/or overlapping.</li> <li>- (7) provides clarification about the process in the instance that a Level 2 Plan has been refused by the Environmental Scrutiny Group (ESG).</li> <li>- (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.</li> </ul>

Provision	Change made to the dDCO	Explanation for change
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"> <li>- (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.</li> <li>- (7) provides clarification about the process in the instance that a Mitigation Plan has been refused by the ESG.</li> </ul>
Schedule 2, Requirement 25	Amendment to 25(1) and insertion of a new 25(5).	<p>To clarify that the undertaker must not only review the implementation of Part 3 of Schedule 2 of the Draft DCO, 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”.	<p>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.</p>
Schedule 2, Requirement 27	Amendment made to remove the possibility for the undertaker to increase the night quota cap.	<p>In response to comments received during the recent issue specific hearings, this provision has been amended to</p>

Provision	Change made to the dDCO	Explanation for change
		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.
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.

Provision	Change made to the dDCO	Explanation for change
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>	<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.</p>
<b>Deadline 4</b>		
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



Provision	Change made to the dDCO	Explanation for change
		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.
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.

Provision	Change made to the dDCO	Explanation for change
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.
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</p>

Provision	Change made to the dDCO	Explanation for change
		<p>new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>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.</p>
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.
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

Provision	Change made to the dDCO	Explanation for change
		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.
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

Provision	Change made to the dDCO	Explanation for change
		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.
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).

<b>Provision</b>	<b>Change made to the dDCO</b>	<b>Explanation for change</b>
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.
<b>Deadline 5</b>		
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.

Provision	Change made to the dDCO	Explanation for change
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.
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.



Provision	Change made to the dDCO	Explanation for change
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 – <b>Appendix 17.6 of the Environmental Statement [TR020001/APP/5.02]</b>. 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 <b>Green Controlled Growth Framework Appendix A [TR020001/APP/7.08]</b> 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.
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

Provision	Change made to the dDCO	Explanation for change
		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 <b>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]</b> .
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 notice under article 44(1) (interaction with LLAOL planning permission) and in any event”.	Amendment made to reflect changes to the process for establishing the Environmental Scrutiny Group included in the <b>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]</b> .
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 <b>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]</b> .

Provision	Change made to the dDCO	Explanation for change
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 <b>Green Controlled Growth Framework Appendix A [TR020001/APP/7.08]</b> 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 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.

Provision	Change made to the dDCO	Explanation for change
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.
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 <b>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]</b> . The proposed drafting will ensure that the proposed review will be carried out within the same timescales.

<b>Provision</b>	<b>Change made to the dDCO</b>	<b>Explanation for change</b>
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.
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.

Provision	Change made to the dDCO	Explanation for change
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.
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.

Provision	Change made to the dDCO	Explanation for change
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.
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.

Provision	Change made to the dDCO	Explanation for change
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.
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.



<b>Provision</b>	<b>Change made to the dDCO</b>	<b>Explanation for change</b>
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.
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

Provision	Change made to the dDCO	Explanation for change
		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 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"> <li>- Airport Access Road and Luton DART Long Section Plans – Regulations 5(2)(o)</li> <li>- Book of Reference – Regulation 5(2)(d)</li> <li>- Crown Land Plans – Regulation 5(2)(n)</li> <li>- Design Principles – Regulation 5(2)(q)</li> <li>- Environmental Statement – Chapter 4 – Regulation 5(2)(a)</li> <li>- Green Controlled Growth Framework – Regulation 5(2)(q)</li> <li>- Outline Transport Related Impacts Monitoring and Mitigation Approach – Regulation 5(2)(q)</li> </ul>	Amendments made to reflect the submission of updated versions of these documents at Deadline 5.
<b>Deadline 7</b>		
Article 2	The definition of “airport” has been amended to specify London Luton Airport which includes the	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

Provision	Change made to the dDCO	Explanation for change
	land shown in both the existing and expanded airport boundary plan.	differentiation between land within the boundaries of the airport before the making of the DCO, and as authorised to be expanded.
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	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>Council under paragraph (1), to allow operation of 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>
Schedule 1	<p>Amendment to Work No. 6e, paragraph (n) which now includes “provision of gantries, provision of maintenance bay”.</p>	<p>This change has been made in response to a request from National Highways.</p>

Provision	Change made to the dDCO	Explanation for change
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.  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.

Provision	Change made to the dDCO	Explanation for change
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 <b>Action Points arising from Issue Specific Hearing 8 (ISH8) on environmental matters, health and communities, held on Wednesday 29 November 2023 [EV15-013]</b> 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 will be set out in the <b>Design Principles</b> document <b>[TR020001/APP/7.09]</b> . The DCO has been updated to reflect this.
Schedule 2, Part 2, Paragraph 5	New sub-paragraph 6 inserted: “(6) The undertaker must provide the specified authorities with— (a) an expected programme of works for the initial five-year period as soon as reasonably	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

Provision	Change made to the dDCO	Explanation for change
	<p>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>	<p>“masterplan” established by the DCO extends over a much longer period of time.</p>
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.
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.



Provision	Change made to the dDCO	Explanation for change
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.
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: <del>“then all subsequent Monitoring Reports on or before 31 July is required to be submitted annually thereafter.”</del>	Amendments for the purposes of drafting clarity.

Provision	Change made to the dDCO	Explanation for change
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 <b>Buckinghamshire Council (Post-Hearing Submissions Including Written Submissions of Oral Cases) [REP6-087]</b> 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 <b>Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067]</b> submission.
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 <b>Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067]</b> 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 <b>Written Submissions of Oral Cases) [REP6-087]</b> 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 <b>Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067]</b> 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.

Provision	Change made to the dDCO	Explanation for change
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 <b>Applicant’s Post Hearing Submission – Issue Specific 9 (ISH9) [REP6-067]</b> .
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.
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.

Provision	Change made to the dDCO	Explanation for change
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 ( <b>Deadline 6 Submission – Post hearing submission – ISH10 [REP6-095]</b> ) 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.
Schedule 2, Part 4, Paragraph 35	Sub-paragraph (1)(a), deletion of the words “necessary and”.  Clarificatory amendments also made to sub-paragraph (1)(b)(ii).	In line with submissions from the Host Authorities ( <b>Deadline 6 Submission – Post hearing submission – ISH10 [REP6-095]</b> ), 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.
Schedule 2, Part 4, Paragraph 35	A new charging provision has been inserted at sub-paragraph (4) which reads:  “(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	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.

Provision	Change made to the dDCO	Explanation for change
	<p>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>	
Schedule 2, Part 4, Paragraph 36	Sub-paragraphs (2) and (3) has been amended to align with the consultation mechanisms now contained in Schedule 2 following previous updates to the draft DCO. Sub-paragraph (3) has also been amended in relation to the timescales associated with the “further information” request process.	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 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.

Provision	Change made to the dDCO	Explanation for change
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.
Deadline 8		
General	Cross references updated throughout.	To reflect amended drafting, cross referencing has been checked and updated throughout as required. There are many such instances, therefore this table does not set out each instance.
Contents – Article 22	Amendment of article name to: "Felling, lopping and removal of trees, shrubs and hedgerows"	Consequential amendment as a result of amendments made to article 22.
Contents – Part 7	Insertion of: "53. Funding"	To reflect that there is a new article 53 dealing with Funding.
Contents – Schedules	Insertion of: "Part 8 – For the Protection of Network Rail Infrastructure Limited".	To reflect that Schedule 8 now contains protective provisions for the benefit of Network Rail Infrastructure Limited.
Contents – Preliminary Text	Insertion of: "123 and 147" in the final paragraph before the start of Part 1 of the draft DCO	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.
Article 2	Insertion of new definition: "local highway"	Definition added consequentially due to the updated definition of "relevant highway authority" which refers to this term.
Article 2	Amendment of the definition of: "relevant highway authority"	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  The Applicant's proposed drafting differs from the Examining Authority's proposal but achieves the same

Provision	Change made to the dDCO	Explanation for change
		substantive effect of providing greater clarity in relation to National Highways being consulted on matters affecting roads in respect of which it is the highway authority. The Applicant's revised form of drafting provides greater clarity more generally in relation to how the term "relevant highway authority" is used throughout.
Article 2	Amendment of the definition of: "relevant planning authority".	The definition of "relevant planning authority" has been amended to provide further clarity that it is the planning authority for the area in which "part of the authorised development" to which the provision relates is situated.
Article 2	Insertion of new definition: "strategic road"	Definition added consequentially due to the updated definition of "relevant highway authority" which refers to this term.
Article 2	Insertion of new paragraph (11): "(11) References in this Order to "part" of the authorised development are to be construed as references to stages, phases or elements of the authorised development in respect of which an application is made by the undertaker under Schedule 2, and references to commencement of part of the authorised development in Schedule 2 are to be construed accordingly."	This definition has been moved from paragraph 1 of Schedule 2, and applied to the Order as a whole, by reason of the use of "part" in new article 53 (Funding).
Article 18	Insertion of "local" in front of "highways" in 18(1)	Consequential amendment as a result of the update of the definition of "relevant highway authority".
Article 21	Amendments to 21(2): <ul style="list-style-type: none"> <li>- deletion of "at least"</li> <li>- insertion of "no less than"</li> </ul>	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.

Provision	Change made to the dDCO	Explanation for change
Article 22	Various amendments to article 22 including: <ul style="list-style-type: none"> <li>- insertion of new 22(2)</li> <li>- deletion of previous 22(5)</li> <li>- amendment of article name</li> </ul>	Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant has made some minor consequential amendments to the article heading and other sub-paragraphs in addition to those suggested by the Examining Authority in order to ensure that the drafting aligns.
Article 34	Amendment to 34(13): <ul style="list-style-type: none"> <li>- reference amended from “landscape and biodiversity management plan” in paragraph 10 of Schedule 2, to “landscaping scheme” in paragraph 10(5) of Schedule 2, together with other consequential amendments.</li> </ul>	Correction of typographical and cross referencing error, together with some consequential amendments.
Article 44	Amendment to 44(2): <ul style="list-style-type: none"> <li>- deletion of “shall”</li> <li>- insertion of “must”</li> </ul>	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Article 47	Amendment to 47(1): deletion of (c), (fb) and (h)	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Article 48	Deletion of “be”	Correction of typographical error.
Article 53	Insertion of new article 53 dealing with ‘Funding’	Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. Given the long term phased delivery programme for the proposed development, which is reflected by the 10-year



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		period for exercising compulsory acquisition (CA) powers, the Applicant has made some minor revisions to the drafting to confirm that the form of guarantee or security can also be phased. In other words, the guarantee or security in any phase would relate to the exercise of any specified CA powers for that phase, and not the CA powers necessary for delivery of later phases. The guarantee or security for the later phases would then come forward at the relevant time.
Schedule 1, Work No. 1b	Deletion of extra space	Correction of formatting error.
Schedule 1, Work No. 2c(02)	Deletion of extra space in (d)	Correction of formatting error.
Schedule 1, Work No. 5b(01)	Insertion of a new (g): “play facilities and skate park”.	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 1, Work No. 6a(01)	Amendment: deletion of “form” and insertion of “four”.	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. This is correction of a typographical error.
Schedule 1, Work No. 6e	Amendment of (b) to add: “the replacement or relocation of signage, lighting and gantries, the re-provision of cycle lanes, the re-provision of roadside barriers”  Amendment of (h) to add: “and associated works, provision of a maintenance bay” and deletion of “(no kerb line amendments required)”	Amendment made as a result of a request from Central Bedfordshire Council in its <b>Comments on Deadline 6 Submissions [REP7-083]</b> .

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 1	Insertion of new definition: “discharging authority”.	This definition has been moved from paragraph 35 (previously paragraph 34) of Schedule 2 to the draft DCO, as it is now a term used more widely than just in Part 5 of Schedule 2.
Schedule 2, paragraph 1	Insertion of new definition: “highway works”.	This definition has been added as a consequence of the term now being used in paragraph 6 of Schedule 2 to the draft DCO.
Schedule 2, paragraph 1	Insertion of new definition: “landscaping mitigation”.	Amendment made as a result of <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested inclusion of this definition.
Schedule 2, paragraph 1	Insertion of new definition: “light obstruction assessment”.	Amendment made as a result of <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested inclusion of this definition.
Schedule 2, paragraph 1	Insertion of new footnote in the definition of, “relevant sewerage undertaker”.	Correction of typographical error.
Schedule 2, paragraph 1	Insertion of new definition: “specified authorities”.	Amendment made as a result of <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment, subject to one additional amendment. Depending on the nature of a work and the local authority area in which it takes place, one of the “specified authorities” will be the authority deciding the application under a Requirement. Hence it would be perverse for them to form part of the group of “specified authorities” being consulted. In view of this, the Applicant has added the

Provision	Change made to the dDCO	Explanation for change
		<p>following rider to the definition: “...but excluding any of those authorities where they are the discharging authority”.</p>
<p>Schedule 2, paragraph 1</p>	<p>Insertion of new definition: “substantially in accordance with”.</p>	<p>Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s inclusion of this definition.</p>
<p>Schedule 2, paragraph 1</p>	<p>Removal of sub-paragraph (2)</p>	<p>As noted above, this has been moved and inserted as new paragraph (11) of article 2.</p>
<p>Schedule 2, paragraph 2</p>	<p>Various amendments to paragraph 2, including insertion of new (2) and deletion of (4).</p>	<p>Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.</p> <p>The Applicant has made a number of amendments to paragraph 2 to better clarify and spell out its purposes, effect and process, including providing greater clarity in relation to which local authority is responsible for granting approval.</p> <p>Amendments to sub-paragraphs (1) and (2) confirm that amendments to “finalised” plans (a) to (f), and amendments to any parameters, must be consulted upon with the “specified authorities” (i.e. all of the “host” authorities) before a decision is made by Luton Borough Council on the application.</p> <p>Amended sub-paragraph (2) then deals with amendments to plans etc. for which an approval is required (based upon an outline) under another paragraph of Schedule 2. This employs “relevant planning authority” or the “relevant</p>

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		<p>planning authority” as the approving body, as the identity of that body will vary depending on where the works are taking place, and what kind of works they are.</p> <p>For completeness, it should be noted that at Deadline 8 the “airport boundary plan (expanded)” has been added to the list of documents capable of revision under sub-paragraph (1). This is because the precise location of this boundary will be dependent upon the future detailed design, in respect of which there is a proportionate degree of flexibility. Hence the same degree of flexibility is necessary for adjusting the plan, should that prove necessary in the future.</p>
<p>Schedule 2, paragraph 5</p>	<p>Insertion of new paragraph 5 titled, “Phasing of authorised development”</p>	<p>Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b>.</p> <p>The Applicant has incorporated a phasing requirement in the Deadline 8 version of the Draft DCO as requested by the ExA, but has made some adaptations to ensure the Applicant has reasonable and proportionate flexibility to deliver the authorised development in “parts” which may be increments of a phase shown in the scheme layout plans. Commenting on the specific paragraphs in turn:</p> <p>(1) and (4): The Applicant strongly disagrees that the phasing scheme should be subject to consultation and approval. The DCO application proposes phased growth and contains scheme layout plans which show how that growth would be realised, along with forecasts and assessments to demonstrate when and how that growth</p>

Provision	Change made to the dDCO	Explanation for change
		<p>would come forward. If the DCO application is granted development consent, then the phased growth proposed by the application has been accepted by the Secretary of State and should not be “re-litigated” under a requirement. Thus a phasing plan under a requirement should be an “informative” document, not a document for consultation and approval. In this respect the Applicant’s proposal has precedent in requirement 3 of the Southampton to London Pipeline DCO scheme, a similar large, phased development.</p> <p>The Applicant emphasises, in relation to the ExA’s comment about ensuring that “the necessary mitigation would be in place to ensure compliance with the ES”, that requirement 6 already contains a provision to the effect that detailed design applications must not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement. Detailed design is subject to local planning / highway authority approval already, so it is not necessary or proportionate to include a further approval process in relation to phasing, which would duplicate requirement 6.</p> <p>(2) The Applicant has added a caveat to this paragraph, to the effect that a phasing plan must not prevent the incremental delivery of parts / stages of the authorised development within the phases. nor require the delivery of a part within in a specific phase, provided in either case that this does not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement. That addresses the ExA’s concern about necessary mitigation, whilst</p>

Provision	Change made to the dDCO	Explanation for change
		<p>maintaining essential delivery and commercial flexibility for the Applicant.</p> <p>(3) The Applicant maintains its position that five years is an acceptable review period, which is aligned with the airport master planning process under the Town and Country Planning Act 1990 regime. The Applicant emphasises that a five yearly review cycle was in fact recommended by the host authorities.</p> <p>(5) The Applicant is strongly resistant to this provision. The works sought by the DCO application are permissive, and will come forward in response to the demand that provides the commercial justification for them to be built. In this context, the Applicant cannot be under an obligation to carry out the overall phasing scheme. As noted above, the phasing scheme is an “informative” and is subject to update and change. The approval of works, and the obligation to deliver works in accordance with an approval, sits under requirement 6. Requirement 5 should not duplicate it.</p> <p>Finally, the Applicant’s new phasing requirement contains a further sub-paragraph setting out, for precision and certainty, what a “written scheme” means.</p>
<p>Schedule 2, paragraph 6 (previously paragraph 5)</p>	<p>Amendment of title to, “Detailed design” from “Detailed design, phasing and implementation”.</p>	<p>Consequential amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.</p>

Provision	Change made to the dDCO	Explanation for change
<p>Schedule 2, paragraph 6 (previously paragraph 5)</p>	<p>Amendment to (1):</p> <ul style="list-style-type: none"> <li>- insertion of, “(excluding highway works)”</li> <li>- deletion of, “following consultation with the relevant highway authority on matters related to its functions”</li> </ul>	<p>Consequential amendments as a result of wider changes to paragraph 6 (see the full explanation in relation to new sub-paragraph 6(3) below).</p>
<p>Schedule 2, paragraph 6 (previously paragraph 5)</p>	<p>Amendment to (2):</p> <ul style="list-style-type: none"> <li>- deletion of previous introductory text to “(b)”</li> <li>- insertion of “Schedule 1” in new “(b)”</li> <li>- insertion of new text in “(c)”</li> <li>- amendment of “(e)”, which was previously “(d)”</li> <li>- insertion of new “(h)” and new “(i)”</li> </ul>	<p>Clarificatory amendments to paragraphs (b) and (c) which do not change the substantive effect.</p> <p>Amendments to (e) as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. Two additional works (the Dart Station and the Bus Station) have been included in the design review process.</p> <p>New paragraphs (h) and (i) are added in response to the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. Operational lighting under has been added to the detailed design requirement as a new sub-paragraph under (h), rather than as a standalone requirement. It retains the substantive effect requested by the Examining Authority, but allows for a more efficient and streamlined discharge of requirements, avoiding duplication and potential confusion.</p> <p>It is noted that sub-paragraph (2) excludes highway works, but approval for highway lighting is comprehensively dealt with under new paragraph (3) of requirement 6.</p>

Provision	Change made to the dDCO	Explanation for change
<p>Schedule 2, paragraph 6 (previously paragraph 5)</p>	<p>Insertion of new (3) which deals with matters of detailed design approval for all highway works, and subsequent updating of numbering and cross referencing.</p>	<p>The Applicant considers that this provides greater clarity, precision and drafting efficiency, for the following reasons.</p> <p>The Applicant highlights that Schedule 8 to the Draft DCO contains protective provisions for both National Highways and local highway authorities. Both of these sets of protective provisions require approval of works by the relevant highway authority prior to the works commencing (the Applicant has made this concession in the Deadline 8 protective provisions for local highway authorities, in response to written submissions from those authorities).</p> <p>The nature of the plans requiring approval under Schedule 8 are very detailed and specific to highways, and differ from the detailed design information required under sub-paragraph (2) of the “Detailed design” Requirement, which is principally directed at airport development rather than highways.</p> <p>Consequently this change gives much greater clarity to both local authorities and the Applicant in terms of what a specific detailed design application should contain, depending on the nature of the works. It also avoids any duplication between the “detailed design” Requirement and the protective provisions of Schedule 8 relating to road works.</p> <p>By reason of new sub-paragraph (3), there is no need for the relevant highway authority to be listed as a consultee under sub-paragraph (2), because they now hold an approval function for works which affect their assets:</p>



Provision	Change made to the dDCO	Explanation for change
		<ul style="list-style-type: none"> <li>• under new sub-paragraph (3) the relevant local highway authority will now approve works to local roads and to other local highways (e.g. footpaths and bridleways); and</li> <li>• for works in relation to strategic roads, approval will be required from both the relevant highway authority (National Highways) under Schedule 8, and the relevant planning authority under sub-paragraph (3).</li> </ul> <p>By reason that the nature and scale of detailed design applications under sub-paragraphs (1) and (3) will vary considerably in size (due to the phased delivery of works), the Applicant does not consider it proportionate to list specific consultees in the detailed design requirement. Instead the relevant planning authority or relevant highway authority (as the case may be) will be best placed to determine consultation requirements when exercising their role as “discharging authority” on an application.</p> <p>Furthermore the Applicant notes that, following Deadline 8 amendments recommended by the ExA, the “discharging authority” under Part 5 is now under a duty to consult the relevant bodies listed under Part 5 of Schedule 2 where the relevant conditions which engage them are met.</p>
<p>Schedule 2, paragraph 6 (previously paragraph 5)</p>	<p>Amendment to (5):</p> <ul style="list-style-type: none"> <li>- deletion of “by the relevant planning authority”</li> <li>- insertion of “and (3)” after “sub-paragraphs (1)”.</li> </ul>	<p>Consequential amendments as a result of wider changes to paragraph 6 (see above).</p>

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 6 (previously paragraph 5)	Deletion of previous (6) and (7).	Consequential amendments as a result of wider changes to paragraph 6, as a result of a new phasing requirement being added at paragraph 5 of Schedule 2.
Schedule 2, paragraph 8 (previously paragraph 7)	Amendment to (2): <ul style="list-style-type: none"> <li>- insertion of “and other measures”, “for” and “those plans”</li> <li>- deletion of “following consultation with the relevant highway authority on matters related to its functions”</li> </ul>	<p>The Applicant considers that the term “relevant highway authority” is more uncertain in relation to the impact of construction management plans listed under this requirement. However, it disagrees with the ExA’s proposal for these to be consulted upon instead with all of the “specified authorities”.</p> <p>Such a blanket obligation to consult all host authorities on every draft management plan would frequently result in disproportionate consultation obligations for management plans which have no impact beyond the immediate locality. For example, for highway works taking place in Hitchin, it would be disproportionate for Hertfordshire County Council to have to consult distant local authorities on a dust management plan for those highway works</p> <p>By reason that discrete parts of the development, delivered incrementally, will vary considerably in size, the Applicant does not consider it proportionate to list specific consultees for management plans listed in this requirement. Instead the relevant planning authority will be best placed to determine appropriate consultation requirements when exercising their role as “discharging authority” on an application.</p> <p>Furthermore, the Applicant notes that, following Deadline 8 amendments recommended by the ExA, the “discharging</p>

Provision	Change made to the dDCO	Explanation for change
		authority” under Part 5 is now under a duty to consult the relevant bodies listed under Part 5 of Schedule 2 where the relevant conditions which engage them are met.
Schedule 2, paragraph 8 (previously paragraph 7)	Amendment to (2): - Insertion of new “(j)”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  The Applicant has added (j) (construction lighting plan) as a new obligation under paragraph 8, rather than as a standalone requirement, as this is covered by the Code of Construction Practice. It retains the substantive effect requested by the Examining Authority, but allows for a more efficient and streamlined discharge of requirements, avoiding duplication and potential confusion.
Schedule 2, paragraph 9 (previously paragraph 8)	Amendment to (2)(d): insertion of “including colour, boundary treatment”	Amendment made as a result of <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 9 (previously paragraph 8)	Insertion of new (2)(f): insertion of “any change to existing land levels, including cross sections showing slope profiles and gradients of any permanent earthworks”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 9 (previously paragraph 8)	Amendment to (4): insertion of “and thereafter maintained in accordance with the relevant landscape and biodiversity management plan for that part approved under paragraph 10”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 10 (previously paragraph 9)	In (1), insertion of, “nor may powers under article 22 (felling, lopping and removal of trees, shrubs and hedgerows) be exercised in relation that part”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant has accepted the Examining Authority’s drafting save with an additional amendment to confirm alignment with the ability to deliver the scheme in “parts”.
Schedule 2, paragraph 10 (previously paragraph 9)	Insertion of: “uprooted, destroyed” in (4)	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 11 (previously paragraph 10)	In (2), insertion of “following consultation with Natural England”.	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 12 (previously paragraph 11)	Amendment of paragraph heading to: “Previously unidentified land contamination and contaminated groundwater”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 12 (previously paragraph 11)	Amendment of (2): <ul style="list-style-type: none"> <li>- deletion of “contaminated”</li> <li>- addition of “contamination”</li> <li>- addition of “consequent to the risk assessment in sub-paragraph 12(1)</li> <li>- deletion of “on matters related to their functions”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 12 (previously paragraph 11)	Amendment of (5): <ul style="list-style-type: none"> <li>- deletion of “Prior to the relevant part of the authorised development being occupied”</li> <li>- addition of “The relevant part of the authorised development may not be brought into use until</li> <li>- deletion of “on matters related to their functions</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 13 (previously paragraph 12)	In (1), deletion of, “on matters related to their functions”.	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 13 (previously paragraph 12)	Amendment of (4): “Work” to “Works”.	Correction of typographical error.
Schedule 2, paragraph 14 (previously paragraph 13)	Amendment of (1): <ul style="list-style-type: none"> <li>- insertion of “specified authorities and Buckinghamshire Council and National Highways”</li> <li>- deletion of “relevant highway authority on matters related to its function”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  The Applicant agrees with the ExA that the term “relevant highway authority” is more uncertain in relation to the impact of the construction traffic management plan (CTMP), and so it agrees with the ExA’s proposal for the CTMP to be consulted upon instead with the “specified authorities” (as defined above). National Highways has also been added as a consultee, given that the CTMP will address routes for construction traffic.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 15 (previously paragraph 14)	Amendment of (1): <ul style="list-style-type: none"> <li>- insertion of “specified authorities and Buckinghamshire Council”</li> <li>- deletion of “relevant highway authority on matters related to its function”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  The Applicant agrees with the ExA that the term “relevant highway authority” is more uncertain in relation to the impact of the construction worker travel plan (CWTP), and so it agrees with the ExA’s proposal for the CWTP to be consulted upon instead with the “specified authorities” (as defined above).
Schedule 2, paragraph 16 (previously paragraph 15)	Amendment to (1): insertion of “site-specific”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 16 (previously paragraph 15)	Amendments to (2): <ul style="list-style-type: none"> <li>- insertion of “site-specific” twice</li> <li>- insertion of “incorporating the details set out in”</li> <li>- deletion of “reflecting”</li> <li>- deletion of “on matters related to its functions</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 16 (previously paragraph 15)	Amendment to (3): <ul style="list-style-type: none"> <li>- insertion of “relevant part of the”</li> <li>- insertion of “to which the site-specific written scheme of investigation relates”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 17	In (1), deletion of “on matters related to their functions”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.

Provision	Change made to the dDCO	Explanation for change
(previously paragraph 16)		The Applicant agrees with the Examining Authority's suggested amendment.
Schedule 2, paragraph 18 (previously paragraph 17)	Insertion of new definition: "competent person"	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.
Schedule 2, paragraph 18 (previously paragraph 17)	Amendment to definition of "Monitoring Report"	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.
Schedule 2, paragraph 20 (previously paragraph 19)	In (3)(a), insertion of: "and the slot allocation expert"	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.
Schedule 2, paragraph 20 (previously paragraph 19)	Insertion of new (4)(b): "or where the ESG has not been established in accordance with sub-paragraph (1), otherwise agreed by the bodies listed in sub-paragraph (4)(a) to (d) and the undertaker."	This amendment ensures that if changes to the terms of reference are sought and agreed prior to the establishment of the ESG, this can be implemented. This responds in particular to the Host Authorities' comments that changes may be required prior to the service of the article 44(1) and the establishment of the ESG.
Schedule 2, paragraph 21 (previously paragraph 20)	Insertion of new (4): "Monitoring Plans in respect of noise must include details of dispensed movements for the previous 12 months, including reasons for the dispensation and what measures, if appropriate, would be introduced to reduce these incidents in the future."	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 23 (previously paragraph 22)	Insertion of comma in (11).	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 24 (previously paragraph 23)	Insertion of brackets in (11).	Correction of a typographical error.
Schedule 2, paragraph 29 (previously paragraph 28)	In (1), insertion of “Luton Borough Council” as the approval body.	This change is made for precision and clarity, because Luton Borough Council is the relevant planning authority for this airport operational plan.
Schedule 2, paragraph 30 (previously paragraph 29)	In (1): <ul style="list-style-type: none"> <li>- deletion of “the relevant planning authority”</li> <li>- insertion of “Luton Borough Council” as the approving body</li> <li>- deletion of “relevant highway”</li> <li>- insertion of “specified authorities, Buckinghamshire Council and National Highways” as consultees</li> <li>- deletion of “on matters related to its function”</li> </ul>	Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  Insertion of Luton Borough Council as approving body, and the “specified authorities” as consultees, brings greater clarity and precision. In a similar vein, Buckinghamshire Council and National Highways have been expressly listed as consultees.



Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 30 (previously paragraph 29)	In (3): <ul style="list-style-type: none"> <li>- deletion of “planning” and replacement with “highway”</li> <li>- deletion of “following consultation with the relevant highway authority on matters related to its function.”</li> </ul>	The Applicant has changed the approval body to be the relevant highway authority. This aligns with the TRIMMA process. Reference to consultation with the other bodies (e.g. the local planning authority) is not necessary here as that process is dealt with under requirement 6 (“detailed design”) and Part 5 of Schedule 2.
Schedule 2, paragraph 30 (previously paragraph 29)	In (3): <ul style="list-style-type: none"> <li>- deletion of “on matters related to its function”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.
Schedule 2, paragraph 31 (previously paragraph 30)	In (1): <ul style="list-style-type: none"> <li>- deletion of “the relevant planning authority”</li> <li>- insertion of “Luton Borough Council”</li> <li>- deletion of “relevant highway authority”</li> <li>- insertion of “specified authorities, Buckinghamshire Council and National Highways”</li> <li>- deletion of “on matters related to its function”</li> </ul>	Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  Insertion of Luton Borough Council as approving body, and the “specified authorities” as consultees, brings greater clarity and precision. In a similar vein, Buckinghamshire Council and National Highways have been expressly listed as consultees.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 31 (previously paragraph 30)	In (3): <ul style="list-style-type: none"> <li>- deletion of “the relevant planning authority”</li> <li>- insertion of “Luton Borough Council”</li> <li>- deletion of “relevant highway authority”</li> <li>- insertion of “specified authorities, Buckinghamshire Council and National Highways”</li> <li>- deletion of “on matters related to its function”</li> </ul>	Amendments made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024.  Insertion of Luton Borough Council as approving body, and the “specified authorities” as consultees, brings greater clarity and precision. In a similar vein, Buckinghamshire Council and National Highways have been expressly listed as consultees.
Schedule 2, paragraph 32 (previously paragraph 31)	In (1), insertion of “Luton Borough Council” as the approval body.	This change is made for precision and clarity, because Luton Borough Council is the relevant planning authority for this airport operational plan.
Schedule 2, paragraph 33 (previously paragraph 32)	In (1), insertion of “Luton Borough Council” as the approval body.	This change is made for precision and clarity, because Luton Borough Council is the relevant planning authority for this airport operational plan.
Schedule 2, paragraph 34 (previously paragraph 33)	In (1), insertion of “Luton Borough Council” as the approval body.	This change is made for precision and clarity, because Luton Borough Council is the relevant planning authority for this airport operational plan.
Schedule 2, paragraph 35 (previously paragraph 34)	Deletion of definition of “discharging authority”	This definition has now been moved to Part 1 of Schedule 2 to the draft DCO.
Schedule 2, paragraph 35 (previously paragraph 34)	Amendment of (k) and (l).	Correction of typographical error to ensure definitions are listed alphabetically.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 36 (previously paragraph 35)	Amendment of (1)(a): <ul style="list-style-type: none"> <li>- deletion of “may”</li> <li>- insertion of “must”</li> <li>- deletion of “discretionary”</li> <li>- insertion of “Part 5”</li> <li>- insertion of “necessary and”</li> <li>- deletion of “discretionary”</li> <li>- insertion of “Part 5”</li> </ul>	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.  In view of this change to “must” instead of “may” (i.e. no longer “discretionary”) the Applicant has: <ul style="list-style-type: none"> <li>- re-inserted “...necessary and appropriate...”, which was omitted from the Deadline 7 version of the Draft DCO; and</li> <li>- also employed the phrase “Part 5 consultee” rather than “discretionary consultee”.</li> </ul>
Schedule 2, paragraph 36 (previously paragraph 35)	Amendment of (2)(b): <ul style="list-style-type: none"> <li>- deletion of “discretionary”</li> <li>- insertion of “Part 5”</li> </ul>	Consequential amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024 to clarify that the consultees are those for which provision is specifically made in Part 5 of Schedule 2.
Schedule 2, paragraph 36 (previously paragraph 35)	New sub-paragraph (4): “Where consent, agreement or approval is refused, the discharging authority must provide its reasons for that decision with the notice of the decision.”	Amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority’s suggested amendment.
Schedule 2, paragraph 36 (previously 35)	Insertion of new footnote in (4) after the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Regulations 2012.	Correction of typographical error. NB. this change is not shown in tracked changes.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 37 (previously paragraph 36)	Amendment of (3): - deletion of “discretionary” - insertion of “Part 5”	Consequential amendment made as a result of the <b>Examining Authority’s commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024 to clarify that the consultees are those for which provision is specifically made in Part 5 of Schedule
Schedule 2, paragraph 37 (previously paragraph 36)	Amendment of (3)(c)(i): deletion of “a”.	Correction of typographical error.
Schedule 2, paragraph 41 (previously paragraph 40)	In (1), (2) and (4): - insertion of “designated” - deletion of “local”	Since the term “specified authorities” is now used extensively in Schedule 2, the relevant authorities under this paragraph have been renamed “designated authorities” to avoid confusion.
Schedule 4	Insertion of “Local” in column 1.	Amendment to clarify that the highways listed in Schedule 4 are Local Highways and not those forming part of the Strategic Road Network.
Schedule 8, Part 5	Paragraph 37(2): amendment of the definition of “the bond sum”	Amendment as a result of further liaison with National Highways.
Schedule 8, Part 5	Paragraph 37(2): amendment of the definition of “condition survey” to delete a duplicate “that”	Correction of typographical error.
Schedule 8, Part 5	Paragraph 37(2)(t): deletion of extra space	Correction of typographical error.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 5	Paragraph 39: <ul style="list-style-type: none"> <li>- insertion of new (1)(c)(iv)</li> <li>- amendment of (1)(d)</li> <li>- insertion of new (1)(e)</li> <li>- amendment of (1)(i), previously (1)(h)</li> <li>- insertion of new (2)(h), (i), (j)</li> <li>- amendment of (1)(6)</li> </ul>	Amendment as a result of further liaison with National Highways.
Schedule 8, Part 5	Paragraph 40: <ul style="list-style-type: none"> <li>- insertion of new (1)(b)</li> </ul>	Amendment as a result of further liaison with National Highways.
Schedule 8, Part 5	Paragraph 41: <ul style="list-style-type: none"> <li>- Amendment of (1) and (1)(d)</li> </ul>	Amendment as a result of further liaison with National Highways.
Schedule 8, Part 5	Paragraph 50: <ul style="list-style-type: none"> <li>- insertion of “any costs, claims”</li> <li>- insertion of “damages, losses and”</li> <li>- deletion of “and damages”</li> <li>- amendment of “neglect” to “negligence”</li> </ul>	Amendment as a result of further liaison with National Highways.
Schedule 8, Part 5	Paragraph 51(4): <ul style="list-style-type: none"> <li>- deletion of extra space.</li> <li>- Amendment of “applies” to “apply”</li> </ul>	Correction of typographical error.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 6	Paragraph 54: <ul style="list-style-type: none"> <li>- insertion of new definition: “commuted sum”</li> <li>- deletion of definition of “detailed design”</li> <li>- amendment of definition of “detailed design information”</li> <li>- amendment of definition title of, “local highway” to “local road”</li> <li>- amendment of definition of “relevant works”</li> <li>- insertion of new definition: “specification for Highways Works”</li> </ul>	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Paragraph 55: <ul style="list-style-type: none"> <li>- amendment of (1)</li> <li>- deletion of (2), (3), (4)</li> <li>- amendment of new (2), previously (3)</li> </ul>	Amendment as a result of further consideration of local highway authority representations. The amendments here link design approval to the changes to paragraph 6 of Schedule 2, for streamlining purposes and to avoid duplication.
Schedule 8, Part 6	Paragraph 56: <ul style="list-style-type: none"> <li>- amendment of (1)(a) and (b)</li> <li>- amendment of (2)</li> </ul>	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Insertion of new paragraph 57, and subsequent renumbering of paragraphs.	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Insertion of new 58(7), (8) and (9) – previously paragraph 57	Amendment as a result of further consideration of local highway authority representations. In particular this provides the step-in rights that have been requested.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 6	Insertion of new paragraph 60, and subsequent renumbering of paragraphs.	Amendment as a result of further consideration of local highway authority representations. In particular this provides the costs provisions that have been requested.
Schedule 8, Part 6	Paragraph 61, previously 59: <ul style="list-style-type: none"> <li>- amendment of (1)</li> <li>- amendment of (2), including insertion of (a) and (b)</li> <li>- amendment of (3)</li> <li>- deletion of (4)</li> </ul>	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Paragraph 63(1)(e): insertion of “design”.	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Paragraph 64: <ul style="list-style-type: none"> <li>- deletion of “local”</li> <li>- insertion of “relevant”</li> </ul>	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Paragraph 65: throughout, deletion of “highway” and replacement with “road”	Amendment as a result of further consideration of local highway authority representations.
Schedule 8, Part 6	Insertion of new paragraph 66, and subsequent renumbering of paragraphs.	Amendment as a result of further consideration of local highway authority representations. In particular this provides for the payment of commuted sums that has been requested.
Schedule 8, Part 6	Insertion of new paragraph 67, and subsequent renumbering of paragraphs.	Amendment as a result of further consideration of local highway authority representations. In particular this provides the insurance provisions that have been requested.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 6	Insertion of new paragraph 68, and subsequent renumbering of paragraphs.	Amendment as a result of further consideration of local highway authority representations. In particular this provides the indemnity that has been requested.
Schedule 8, Part 7	Renumbering of paragraphs.	Consequential amendment as the result of insertion of new paragraphs in Schedule 8, Part 6.
Schedule 8, Part 8	Insertion of new protective provisions for the benefit of Network Rail Infrastructure Limited.	Insertion as a result of liaison with Network Rail.
Schedule 9	Insertion of new certified document: "Green Controlled Growth Framework Explanatory Note"	Amendment made as a result of the <b>Examining Authority's commentary on, or schedule of changes to the draft DCO [PD-018]</b> published on 16 January 2024. The Applicant agrees with the Examining Authority's suggested amendment.
Schedule 9	Amendment to document version numbers.	Amendments made as a result of updates to documents and their submission to the Examination.
Deadline 9		
Contents	Deletion of: "Part 7 – For the protection of drainage authorities" in Schedule 8	Consequential deletion as a result of the removal of Part 7 of Schedule 8.
Contents	Amendment of: "Part 8" to "Part 7"	Consequential amendment as a result of renumbering due to the deletion of the previous Part 7.
Article 2	Insertion of new definition: "airport boundary plans"	Definition inserted to reflect that the document previously referred to as the "airport boundary plan" has been updated to become a suite of documents including the "airport boundary plan (existing)" and the "airport boundary plan (expanded)".
Article 2	Amendment of definition: "airport boundary plan (existing)"	Consequential amendment as a result of the insertion of the definition of "airport boundary plans".



Provision	Change made to the dDCO	Explanation for change
Article 2	Amendment of definition: “airport boundary plan (expanded)”	Consequential amendment as a result of the insertion of the definition of “airport boundary plans”.
Article 2	Insertion of definition: “highway works”	Definition moved from Schedule 2, paragraph 1 as the term “highway works” is now also used in the main body of the draft DCO, in Article 8(4)(j).
Article 2	Insertion of definition: “LLAOL”	Definition moved from Schedule 8, paragraph 19 as the term “LLAOL” is used in the main body of the draft DCO.
Article 2	Insertion of new (12) and (13)	Inserted in order to provide comfort to discharging bodies. The provision provides that where a deemed consent provision applies anywhere within the Order, it is only effective if the undertaker has included a statement notifying the discharging body of its effect as part of the application for consent. This provides any such bodies with sufficient notice that if they do not respond within the allocated timeframe, consent will be deemed to have been given.
Article 8	Amendment of (4)(j) to read: “in relation to a transfer or a grant of any highway works, the relevant highway authority”	Amendment made to provide greater clarity.
Article 22	(2)(a): insertion of footnote for the Planning (Listed Buildings and Conservation Areas) Act 1990	Correction of formatting error. Please note that this change is not shown in tracked changes.
Article 22	(2)(b): insertion of footnote for the Town and Country Planning (Tree Preservation) (England) Regulations 2012	Correction of formatting error. Please note that this change is not shown in tracked changes.
Article 35	In (1): insertion of “satisfactory” in line 5	Amendment as a result of <b>Host Authorities’ Response at Deadline 8 to DCO Matters [REP8-052]</b> , paragraph 8.7.

Provision	Change made to the dDCO	Explanation for change
Article 43	Deletion of paragraph (1)	Amendment as a result of <b>Host Authorities' Response at Deadline 8 to DCO Matters [REP8-052]</b> , paragraph 9. The Applicant agrees with the Host Authorities' comments.
Article 45	(2): deletion of: “, or any power or right exercised under this Order” (3): deletion of: “, or the exercise of any power or right under this Order” (4): deletion of: “or exercising any other power or right under this Order” (6): insertion of new (b) to provide a definition of “inconsistency”	Amendment as a result of the <b>Host Authorities' Response at Deadline 8 to DCO Matters [REP8-052]</b> , paragraph 11.
Article 45	(2): amendment of “or” to “of”	Correction of typographical error.
Article 53	(2): Amendment of title of article 33	Correction of typographical error.
Schedule 2, paragraph 1	Deletion of definition: “highway works”	Definition moved to Article 2 as the term “highway works” is now also used in the main body of the draft DCO, in Article 8(4)(j).
Schedule 2, paragraph 8	(1): insertion of “with” , “management” (1): deletion of “the code of construction practice pursuant to” (1): insertion of “and (3)” (2): insertion of “referred to or” (2): deletion of “and other measures”, “for”, “those plans have been” Insertion of new (3)	Amendments in paragraphs (1) and (2) made to provide greater clarity in relation to how the authorised development is to be carried out.  Insertion of new paragraph (3) included to better frame the pre-existing construction lighting plan commitment.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 10	(3): insertion of “and maintained”	Amendment as a result of the <b>Host Authorities’ Response at Deadline 8 to DCO Matters [REP8-052]</b> , paragraph 23.
Schedule 2, paragraph 18	(4): amendment of “24” to “23”, and amendment of “25” to “24”	Correction of cross referencing error.
Schedule 2, paragraph 20	(13): deletion of the definition of “officers”, and replacement with the definition of “competent officer”: “means a local authority officer that has sufficient training and experience or knowledge to consider reports from technical specialists and use these to support a decision-making function linked to a planning consent”  Consequential amendments to (2), (3) and (3)(b).	Amendment made to reflect changes to the <b>Green Controlled Growth Framework Appendix A [TR020001/APP/7.08]</b> being submitted at Deadline 9.
Schedule 2, paragraph 20	(13): movement of the definition of “independent chairperson”	Correction of formatting error – moved so that it is now in correct alphabetical order.
Schedule 2, paragraph 30	(1): insertion of (“TRIMMA”) (2): deletion of “approach” and replacement with “TRIMMA” (2): deletion of “transport related impacts monitoring and mitigation approach” and replacement with “TRIMMA” (3): deletion of “carry out monitoring in accordance” and replacement with “implement and comply” (3): deletion of “approach” and replacement with “TRIMMA” (3): deletion of “and where this monitoring identifies that mitigation is required in accordance with the approach, the undertaker must submit a mitigation	Amendments to paragraph 30 have been made to simplify the provision and to provide greater clarity that the undertaker must “implement and comply with the TRIMMA, rather than “implement mitigation under the TRIMMA”. This reflects the evolution of the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [TR020001/APP/8.97]</b> over the course of the Examination, and the range of mitigation scenarios it provides for.

Provision	Change made to the dDCO	Explanation for change
	scheme to the relevant planning authority for approval in writing” Deletion of (4)	
Schedule 2, paragraph 34	Insertion of numbering (3) for the last sub-paragraph	Correction of formatting error. Please note that this change is not shown in tracked changes.
Schedule 2, paragraph 36	(3): deletion of “taken” and replacement with “deemed”	Correction of typographical error to provide greater clarity.
Schedule 8, paragraph 19	Deletion of (c), the definition of “LLAOL”	This definition has now been moved to Article 2 as the term is used throughout the Order.
Schedule 8, paragraph 49	Removal of square brackets around £10,000,000.00.	Correction of formatting error.
Schedule 8, paragraph 54	In definition of “detailed design information”, amendment of: (m) to refer to “local road”, rather than “local highway” (n) to refer to “local road”, rather than “local highway”	Correction of typographical error. Part 6 of Schedule 8 contains provisions for the protection of local highway authorities. The provisions are intended to apply to vehicular highways and not footpaths and bridleways hence the amendment from “local highway” to “local road”.
Schedule 8, paragraph 54	Amendment of definition of “local road” to exclude, “any highway forming part of the strategic road network”	Amendment made to provide further clarity that Part 6 of Schedule 8 is not intended to apply to the strategic road network.
Schedule 8, paragraph 57(b)	Insertion of footnote for the Traffic Signs Regulations and General Directions 2016	Correction of formatting error. Please note that this change is not shown in tracked changes.
Schedule 8, paragraph 57(c)	Insertion of footnote for the Construction (Design and Management) Regulations 2015	Correction of formatting error. Please note that this change is not shown in tracked changes.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, paragraph 67	Amendment of the insurance provisions in relation to local highway authorities.	Amendment made to reflect that public liability insurance does not need to be at a minimum sum of £10,000,000.00 but rather that an appropriate figure can be reasonably required by the local highway authority. This is a more appropriate provision given that the provisions of Part 6 are to apply to local roads rather than the strategic road network.
Schedule 8, Part 7	Deletion of Part 7 of Schedule 8.	Amendment made to reflect that the authorised development does not affect any ordinary watercourses. There is therefore no need for provisions for the protection of drainage authorities.
Schedule 8, paragraphs 70-87	Amendment of various cross references.	Amendments made as a result of the deletion of Part 7 of Schedule 8.
Schedule 8, paragraph 70	Definition of “network licence”: insertion of footnote for the Railways Act 1993	Correction of formatting error. Please note that this change is not shown in tracked changes.
Schedule 8, paragraph 70	Definition of “Network Rail”: insertion of footnote for the Companies Act 2006	Correction of formatting error. Please note that this change is not shown in tracked changes.
Schedule 8, paragraph 70	Amendment in definition of “railway property”: “licencee” amended to “licensee”	Correction of typographical error.
Schedule 8, paragraph 78	(5): amendment of “the” to “this” in front of “sub-paragraph” (6): insertion of space after “sub-paragraph”	Correction of typographical errors.
Schedule 9	Version numbers updated throughout	Amendments made to reflect that certain documents have been updated for Deadline 9.

Provision	Change made to the dDCO	Explanation for change
Schedule 9	Amendment of name of a document to be certified: From, “Airport Boundary Plan” to, “Airport Boundary Plans”	Amendment made to reflect that the document previously referred to as the “airport boundary plan” has been updated to become a suite of documents.
Schedule 9	Insertion of six new separate documents: “Green Controlled Growth Framework – Appendix A” “Green Controlled Growth Framework – Appendix B” “Green Controlled Growth Framework – Appendix C” “Green Controlled Growth Framework – Appendix D” “Green Controlled Growth Framework – Appendix E” “Green Controlled Growth Framework – Appendix F”	These documents were previously included in the document titled, “Green Controlled Growth Framework”. Throughout the examination, however, each of these appendices has been amended and each now has a different version number. They have therefore now been listed separately for clarity.
<b>Deadline 10</b>		
Article 2	Movement of definition: “street authority”	Formatting correction: moved to be in correct alphabetical order.
Article 2	Amendment of definition of: “streets, rights of way and access plans” - amendment of “street” to “streets”	Correction of typographical error.
Article 2	Amendment of definition of: “streets, rights of way and access plan – Airport Access Road” - capitalisation of “Airport Access Road”	Correction of typographical error.
Article 2	Insertion of new definition: ““streets, rights of way and access plan – A1089 / Gipsy Lane” means the	Insertion of new definition to reflect an addition to Schedule 4 ‘Designation of Highways’.

Provision	Change made to the dDCO	Explanation for change
	plans of that description contained in the street, rights of way and access plans”	
Article 12	Insertion of new sub-paragraph (3): “Paragraphs (1) and (2) are subject to Parts 5 and 6 of Schedule 8 to this Order.”	Amendment made to reflect Deadline 9 comments received from the Host Authorities in their <b>Comments on any further information / submissions received by Deadline 8 [REP9-063]</b> .
Article 34	Amendment of sub-paragraph (13): <ul style="list-style-type: none"> <li>- insertion of “a”</li> <li>- insertion of “referred to in paragraphs 9 and 10 of Schedule 2 to this Order,”</li> <li>- insertion of “that”</li> <li>- deletion of “a”</li> </ul>	Amendment made to better clarify that the landscaping scheme referred to in article 34(13) is one referred to paragraphs 9 and 10 of Schedule 2 to the draft DCO.
Article 52	Amendment of sub-paragraph (1): <ul style="list-style-type: none"> <li>- amendment of “37” to “40”</li> <li>- insertion of: “resolved in accordance with this article”</li> </ul> Insertion of new sub-paragraphs (2): <p>“(2) The parties must use reasonable endeavours to settle any difference to which paragraph (1) applies through negotiations undertaken in good faith by senior representatives of the parties.”</p> Amendment of new sub-paragraph (3): <p>“(3) Any difference which is not resolved to the satisfaction of the parties under paragraph (2) within ten working days of the dispute arising (or such longer period as may be agreed) must be ...”</p>	The Applicant has amended Article 52 to include an escalation process to reflect comments received at Deadline 9 from National Highways in its document <b>National Highways position on the OTRIMMA [REP9-073]</b> .

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 1	Amendment of definition of “passengers”: - deletion of “all other”	Amendment made to remove redundant wording in the definition of “passengers”.
Schedule 2, paragraph 1	Deletion of “and” after definition of “strategic landscape masterplan”	Consequential amendment due to the insertion of a further definition.
Schedule 2, paragraph 1	Insertion of new definition: ““sustainable transport fund” means the document certified by the Secretary of State as the sustainable transport fund for the purposes of the Order under article 50 (certification of documents, etc.) referenced in Schedule 9 (documents to be certified.”	Consequential amendment due to the insertion of a new requirement 32 relating to the Sustainable Transport Fund.
Schedule 2, paragraph 2	(1)(f): deletion of “and”	Consequential amendment due to the insertion of a new (1)(h).
Schedule 2, paragraph 2	(1)(g): insertion of “and”	Consequential amendment due to the insertion of a new (1)(h).
Schedule 2, paragraph 2	(1): insertion of new “(h) the sustainable transport fund”	Amendment made to confirm that the undertaker may apply to Luton Borough Council for approval to amend the sustainable transport fund, in the same way that it can the other documents referent to in paragraph 2(1) which are not “outline” (i.e. they are “final” at the point of any decision to grant development consent).



Provision	Change made to the dDCO	Explanation for change
<p>Schedule 2, paragraph 6</p>	<p>(1): deletion of “(excluding highway works)”</p> <p>(2)(c): - deletion of “, a plan which”</p> <p>(2)(c)(i): - insertion of “a plan which” - insertion of “identifies any other parts of the scheme layout plans for which an approval under sub-paragraph (1) has already been obtained; and”</p> <p>(2)(c)(ii): - insertion of “a statement identifying the current passenger throughput of the airport, in million passengers per annum, and an indicative estimate of the amount of any passenger throughput increase, if any, expected to be facilitated by implementation of that part of the authorised</p>	<p>Amendments have been made to reflect comments received at Deadline 9 from the Host Authorities in their <b>Comments on any further information / submissions received by Deadline 8 [REP9-063]</b>.</p> <p>The Applicant recognises that the discharging process falls on the Host Authorities, so it has made changes to accommodate their request for what they consider to be a “conventional” approach.</p> <p>As a result, previous sub-paragraph 6(3) has been omitted and all highway works applications fall to be approved by the local planning authority under sub-paragraph (1). The Applicant has made some consequential amendments to sub-paragraph (2) to make clear which elements do / do not apply to highways design applications.</p> <p>The protective provisions for local highway authorities have been amended to require approval of the relevant highway on the “technical matters” which relate to highways under those provisions. Those provisions now apply to all forms of highway, and not just roads, as requested by the Host Authorities.</p>

Provision	Change made to the dDCO	Explanation for change
	<p>development and the indicative timescales for realising that increase in throughput”</p> <p>- deletion of “identifies any other parts of the scheme layout plans for which an approval under sub paragraph (1) has already been obtained”</p> <p>Deletion of the following provisions:</p> <ul style="list-style-type: none"> <li>- 2(f)</li> <li>- 2(j)</li> <li>- (3)</li> </ul> <p>(3)(c) – previously (4)(c): amendment of “2(1)(f)” to “2(1)(g)”</p> <p>4 – previously 5: deletion of “and (3)”</p>	
Schedule 2, paragraph 23	<p>(7)(a): amendment of “39” to “40”</p> <p>(10): amendment of “39” to “40”</p> <p>(11): amendment of “39” to “40”</p>	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.
Schedule 2, paragraph 24	<p>(7): amendment of “39” to “40”</p> <p>(16): amendment of “39” to “40”</p>	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.
Schedule 2, paragraph 25	<p>(7): amendment of “39” to “40”</p>	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 30	(1), line 5: deletion of “highway”	Correction of typographical error. This paragraph now refers to “specified authorities” to align with the definition in paragraph 2 of Schedule 2.
Schedule 2, paragraph 32	Insertion of new paragraph 32 relating to “sustainable transport fund”	<p>At Deadline 10 the Applicant has taken the decision, as foreshadowed at Deadline 9, to secure the Sustainable Transport Fund via a requirement in Schedule 2 to the DCO, with the document setting out how the fund will work being added as a “certified document”.</p> <p>The new provision commits the undertaker to implementing and operating the sustainable transport fund from the date the notice is served in accordance with article 44. This commitment was previously contained in the Section 106 agreement.</p>
Schedule 2, paragraph 36 (previously paragraph 35)	Amendment of (a) in the definition of “specified period”: insertion of “3d” and “3g”	Correction of typographical error. This paragraph now aligns with paragraphs 6 and 38 of Schedule 2.
Schedule 2, paragraph 37 (previously paragraph 36)	(1)(b)(ii): amendment of “37” to “38” (2): insertion of “referred to” (2)(b): - insertion of “by the discharging authority” - amendment of “paragraph 36(1)(a)” to “sub-paragraph (1)(a)”	<p>Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.</p> <p>Other changes made to correct cross referencing and to further clarify the wording of the provision.</p>

Provision	Change made to the dDCO	Explanation for change
Schedule 2, paragraph 38 (previously paragraph 37)	(2): amendment of “36” to “37” twice (3): amendment of “36” to “37” (5): amendment of “36” to “37”  (3)(b)(i): insertion of “3d” and “3g” (3)(c)(i): insertion of “3d” and “3g”	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.  Correction of typographical error to now align with paragraphs 6 and 36 of Schedule 2.
Schedule 2, paragraph 40 (previously paragraph 39)	40(1)(c): amendment of “37” to “38” 40(1)(d): amendment of “37” to “38”	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.
Schedule 2, paragraph 41 (previously paragraph 40)	41: amendment of “39” to “40”	Amendment of cross-referencing due to insertion of new paragraph 32 in Schedule 2.
Schedule 4	Insertion of new row 2 in relation to “Junction of A1081 New Airport Way and Gipsy Lane”	Following ongoing discussions with Central Bedfordshire Council, it was identified that proposed works to this junction will extend a small distance beyond the existing highway boundary into vegetated land owned by the Council. The DCO has therefore been amended to ensure the land on which these works take place is duly designated as highway for which the Council is highway authority. A plan identifying the new area of highway has been added to the Streets, Rights of Way and Access Plans at Deadline 10.
Schedule 8, Part 4, paragraph 22	(3)(a): amendment of “shall” to “is to”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 5, paragraph 36	(3): amendment of “shall continue” to “continues”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Schedule 8, Part 5, paragraph 37	In definition of “defects period”: - amendment of “shall” to “is to”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Schedule 8, Part 5, paragraph 37	Insertion of new (4): “For the purposes of its obligations to procure a bond under this Part of this Schedule, the undertaker may procure a bond in relation to the specified works, and a separate bond in relation to the commuted sums, and in those circumstances references in this Part to “bond” and “bond sum” means both bonds together.”	This amendment has been made in recognition that the “bond sum” must cover both construction works and commuted sums. It is foreseeable that the contractor for the specified works may not be best positioned to secure a bond for commuted sums, which may instead need to come via a separate bond procured by the Applicant.
Schedule 8, Part 5, paragraph 39	(5)(d): amendment of “shall be” to “if”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Schedule 8, Part 5, paragraph 40	(2): amendment of “shall” to “is to”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.

Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 5, paragraph 46	<p>(3): deletion of “46”</p> <p>(4)(a): deletion of “11”</p> <p>(4) tailpiece: amendment of “shall” to “is to”</p> <p>(5) insertion of new (5): “The issue of a final certificate by National Highways amounts to an acknowledgement by National Highways that the construction, alteration or diversion (as the case may be) of the highway has been completed to its reasonable satisfaction for the purposes of article 12 of this Order.”</p>	<p>First two amendments: cross referencing tidying up.</p> <p>Third amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.</p> <p>New sub-paragraph (5) ensures that the protective provisions for National Highways align with article 12 of the DCO. The same provision appears in the protective provisions for local highway authorities.</p>
Schedule 8, Part 5, paragraph 51	(2): amendment of “shall” to “is to”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Schedule 8, Part 6	Substantial amendments to Part 6, paragraphs 53 to 69.	<p>Amendments made to reflect ongoing dialogue between the Applicant and the Host Authorities on the provisions for the protection of local highway authorities.</p> <p>The Applicant has used the term “specified works” rather than “relevant works” for precision, but this has no effect on the effect of the provisions. The Applicant has also introduced new paragraph 53(3) to align with the National Highways protective provisions.</p> <p>Otherwise the amendments to Part 6 have been made to accommodate drafting changes requested by the Host</p>

Provision	Change made to the dDCO	Explanation for change
		Authorities. The protective provisions now: apply to all forms of local highway; provide for a bond sum and cash surety; employ their preferred certification and road safety audit procedures; and provide for prior approval road space booking.
Schedule 8, Part 7	Paragraphs renumbered as a result of changes to previous parts of Schedule 8 and also to Part 7. Cross references amended throughout.	Amendment of cross-referencing due to insertion of new paragraphs in Schedule 8.
Schedule 8, Part 7, paragraph 73	(2): - insertion of “approval or” - insertion of “and,” - amendment of “shall be” to “is”	First two amendments made to provide greater clarity and drafting accuracy.  Third amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.
Schedule 8, Part 7, paragraph 78	(c): - amendment of “shall be” to “is”	Amendment made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.

Provision	Change made to the dDCO	Explanation for change
<p>Schedule 8, Part 7, paragraph 79</p>	<p>(2): - insertion of “(unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).”</p> <p>(6) - insertion of “a specified work” in place of “the authorised development” - insertion of “that specified work” in place of “the authorised development” - insertion of “works” in place of “apparatus”</p> <p>(7)(a): insertion of “works” in place of “apparatus”</p> <p>(9): amendment of “shall be” to “is”</p> <p>(10): amendment of “Institution of Civil Engineers shall” to “Secretary of State is to”</p>	<p>Amendment to (2) has been made as a result of further engagement with Network Rail.</p> <p>Amendment to (6) and (7)(a) made for greater clarity and drafting precision.</p> <p>Amendment to (9) made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.</p> <p>Amendment to (10) has been made as a result of further engagement with Network Rail and at Network Rail’s request.</p>



Provision	Change made to the dDCO	Explanation for change
Schedule 8, Part 7, paragraph 83	<p>(1): insertion of new (1)(c) to (1)(e)</p> <p>(1) tailpiece: amendment of “shall” to “does”</p> <p>(2)(b): amendment of “sole” to “joint”</p> <p>(5): amendment of “shall” to “is to”</p>	<p>First amendment has been made as a result of further engagement with Network Rail and at Network Rail’s request.</p> <p>Second and fourth amendments have been made to reflect appropriate drafting practice. The word “shall” is no longer considered modern drafting practice.</p>
Schedule 8, Part 7, paragraph 88	Insertion of new paragraph 88.	Insertion of new paragraph has been made as a result of further engagement with Network Rail and at Network Rail’s request, save that the notification provision has been limited to a transfer of powers in relation to a specified work. The Applicant considers this to be a reasonable and proportionate compromise.
Schedule 8, Part 7, paragraph 89	Amendment of: “a set of those documents to Network Rail in a form of a computer disc with read only memory” to “an electronic set of those documents to Network Rail in a form to be agreed with the undertaker”.	Amendment has been made to modernise the provision of electronic documents.
Schedule 8, Part 7, paragraph 90	Insertion of new paragraph 90.	Amendment has been made as a result of further engagement with Network Rail, to align with their preferred arbitration process.
Schedule 9	Version numbers updated throughout	Amendments made to reflect that certain documents have been updated for Deadline 10.
Schedule 9	Insertion of new document: “Sustainable Transport Fund”	This document has been added as a result of the insertion of new paragraph 32 of Schedule 2 and the commitment given therein.

Provision	Change made to the dDCO	Explanation for change
Post Deadlines 10 and 11, and before the close of the Examination		
Schedule 7	Amendment of row 1 to: <ul style="list-style-type: none"> <li>- correct the plot reference numbers in column 1;</li> <li>- correct the description in column 2; and</li> <li>- refer to the correct Work No in column 3.</li> </ul>	Correction of error which has arisen due to the inclusion of a new work number earlier in the Examination. For clarity, this does not affect any extra plots of land but simply lists them against the correct work numbers. This row now correctly refers to Work No. 6e(b).
Schedule 7	Insertion of new row 19 to: <ul style="list-style-type: none"> <li>- list the plot reference numbers in column 1;</li> <li>- provide a description in column 2; and</li> <li>- refer to Work No. 6e(f) in column 3.</li> </ul>	As in the row above, this change has been made in order to correct an error which has arisen due to the inclusion of a new work number earlier in the Examination. For clarity, this does not affect any extra plots of land but simply lists them against the correct work numbers.
Schedule 8, Part 5, paragraph 36(2)	Amendment to include the following wording: “provided that the agreement expressly refers to this paragraph 36 of this Schedule.”	Amendment agreed with National Highways after Deadline 10.
Schedule 8, Part 5, paragraph 37(2)	Amendment of the definition of “the bond sum”	Amendment agreed with National Highways after Deadline 10.
Schedule 8, Part 5, paragraph 40(1)	Insertion of a new (1)(a): “as soon as reasonably practicable following service of notice under article 44(1), inform National Highways that such notice has been served”	Amendment agreed with National Highways after Deadline 10.
Schedule 8, Part 5, paragraph 42	(1): deletion of “reasonable” in line three	Amendment agreed with National Highways after Deadline 10.
Schedule 8, Part 6, paragraph 55	Deletion of 55(2).	Amendment agreed with the Host Local Authorities after Deadline 10.

<b>Provision</b>	<b>Change made to the dDCO</b>	<b>Explanation for change</b>
Schedule 9	Version numbers updated throughout	Amendments made to reflect that certain documents were updated for Deadline 11.