

Transport Infrastructure Planning Unit
Great Minster House
33 Horseferry Road
London, SW1P 4DR

Your Ref
TR020001
Our Ref
SRR/TGH/165993.0001
Date
23 August 2024

By Email

Dear Sir or Madam

London Luton Airport Expansion Project (Reference Number TR020001)

We act for Luton Rising ('the Applicant') in relation to its application for a development consent order ('DCO') for the London Luton Airport Expansion Project ('Project').

We write to you on behalf of the Applicant with regard to the recent judgment by the Supreme Court in *R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others* [2024] UKSC 20 ('*Finch*')¹, which determined that in carrying out an environmental impact assessment of a project for the extraction of oil, the authority was required to assess, as an indirect effect of the project, the environmental effects of greenhouse gas emissions arising from the ultimate combustion of the oil once refined and used as fuel.

The *Finch* judgment and the need to assesses particular indirect effects has been raised by interested parties in the examination of the Gatwick Airport Northern Runway DCO and prompted the examining authority to ask a written question on the relevance or otherwise of the judgment to Gatwick Airport Limited's DCO application.² In response to the written question and representations by interested parties, Gatwick Airport Limited has provided further information³ on the implications of the *Finch*

¹ <https://www.supremecourt.uk/cases/docs/uksc-2022-0064-judgment.pdf>

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR020005/TR020005-002773-GATW%20ExQ2%20FINAL.pdf>

³ [Gatwick Airport Limited's Response to the Examining Authority's Written Questions \(ExQ2\) – Climate Change and Greenhouse Gases](#); [Gatwick Airport Limited's Supporting Greenhouse Gas Technical Notes](#); [Gatwick Airport Limited's response to submissions on Finch](#).

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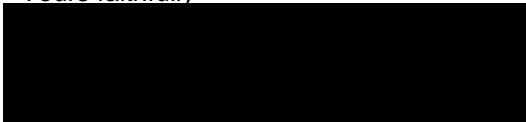
judgment and specifically provided further assessment of greenhouse gas emissions associated with inbound flights and well-to-tank emissions.

The Applicant wishes to enquire whether the Secretary of State intends to ask for representations on the relevance of the *Finch* judgment to the Project and whether she would wish to receive information similar to that provided by Gatwick Airport Limited on the Gatwick DCO. If requested to do so, the Applicant could be in a position to provide such information by 6 September 2024. This could include updated information on assessments of effects, and address any implications for the proposed Green Controlled Growth Framework.

We would be grateful if you could please advise as soon as possible if such additional information would be of assistance to the Secretary of State.

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

Yours faithfully



Tom Henderson
Partner
For and on behalf of BDB Pitmans LLP

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