

CORRECTION NOTICE

THE LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER 2025 (SI 2025 No.463)

SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

20 March 2026

The Secretary of State received a request dated 15 May 2025 (“the request”) from Luton Rising (“the Applicant”) for the correction of errors and omissions in the London Luton Airport Expansion Development Consent Order 2025 (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008 (“the Act”).

In accordance with paragraph 1(7) of Schedule 4 to the Act, on 2 December 2025, the Secretary of State notified each relevant local planning authority of the request for corrections.

The request has been considered, and the Secretary of State has made the following decision on corrections to the Order. Except where stated, the corrections relate to those requested by the Applicant.

Corrections to articles

Article 2 (interpretation)

In article 2, definition of “bridleway”, after “interpretation” insert “)”

Secretary of State’s rationale: to amend a typographical error.

In article 2(10), for “report” substitute “reported”

Secretary of State’s rationale: to amend a typographical error.

Article 13 (temporary stopping up and restriction of use of streets)

In article 13(2), for “stoppclosed” substitute “stopped”

Secretary of State’s rationale: to amend a typographical error.

Article 33 (temporary use of land for carrying out the authorised development)

In article 33(10), after “section 125(c)” delete “of the 2008 Act”

Secretary of State’s rationale: to amend a typographical error.

Article 50 (certification of documents, etc.)

In article 50(3), for “GCG Framework” substitute “green controlled growth framework”

Secretary of State’s rationale: to amend a typographical error.

In article 50(3)(a), for “consistent” substitute “consistently”

Secretary of State’s rationale: to amend a typographical error.

In article 50(3)(b), for “paragraph” substitute “paragraph”

Secretary of State’s rationale: to amend a typographical error.

Correction to Schedules

Schedule 1 (authorised development)

In Schedule 1, Work No. 5(e), for “Off-site” substitute “Offsite”

Secretary of State’s rationale: to amend a typographical error.

Schedule 2 (requirements), Part 1 (general)

In paragraph 1, definition of “substantially in accordance with”, after “the outline document should not give rise to” remove “any new or”

Secretary of State’s rationale: to remove redundant wording within the Order.

In paragraph 2(2), after “sewage undertakers and in relation to” delete “t”

Secretary of State’s rationale: to amend a typographical error.

Schedule 2, Part 2 (requirements pertaining to construction)

In paragraph 6(3)(c), after “of this Schedule” delete “, subject to paragraph 2(1)(g)”

Secretary of State’s rationale: to remove a redundant reference within the Order.

In paragraph 14, amend as follows:

“14.—(1) Prior to commencement of construction, the undertaker is required to carry out an assessment of the latest version of the Flood and Coastal Erosion Risk Data published by the Environment Agency to determine whether it changes the level of risk assessed within the flood risk assessment (Environmental Statement Appendix 20.1, as listed in Schedule 9 to, and certified under article 50 of, this Order).

(2) The undertaker must consult with the Environment Agency and the lead local flood authority on whether an updated flood risk assessment is required as a result of the assessment carried out under sub-paragraph (1).

(3) If any material change in risk is identified as a result of the process undertaken under sub-paragraphs (1) and (2), then the undertaker must prepare an updated flood risk assessment, which must be submitted to and approved in writing by Luton Borough Council, following consultation with the Environment Agency and the lead local flood authority.

(4) The undertaker is required to carry out the authorised development in accordance with any updated flood risk assessment produced by the undertaker as a result of the process under sub-paragraphs (1) to (3).”

Secretary of State’s rationale: to avoid unintended ambiguity as to the process to be followed after the Applicant has assessed the Environment Agency’s quarterly datasets. The Secretary of State is satisfied this process has been agreed between the Applicant and Environment Agency and the amended text provides greater clarity, which more closely reflects the intention in her decision letter.

Schedule 2, Part 3 (requirements pertaining to green controlled growth)

In paragraph 19, definition of “terms of reference”, in sub-paragraph (b), for “paragraph 21(9)” substitute “paragraph 21(10)”

Secretary of State’s rationale: to amend a cross-referencing error.

In paragraph 21(1), after "Environmental Scrutiny Group (“ESG”)" remove “as soon as reasonably practicable following service of the notice under article 44(1) (interaction with LLAOL planning permission) and in any event”

Secretary of State’s rationale: to avoid any unintended implications on compliance with requirement 22, which requires the Applicant to undertake monitoring one year prior to serving notice under article 44(1) and so the ESG will need to be in place at that point, to review the monitoring reports produced.

In paragraph 21(5), for “(or a substitute agreed)” substitute “(or an agreed substitute)”

Secretary of State’s rationale: to amend a typographical error.

In paragraph 21(9), for “sub-paragraph (7)” substitute “sub-paragraph (8)”

Secretary of State’s rationale: to amend a cross-referencing error.

In paragraph 22, amend as follows:

“22.—(1) The undertaker must, in accordance with the Monitoring Plans, monitor noise, air quality, greenhouse gas emissions and surface access from at least 1 year

prior to the date that notice is served under article 44(1) (interaction with the LLAOL planning permission).

(2) The undertaker must prepare and submit to the ESG:

(a) the first Monitoring Report—

(i) on the date notice is served under article 44(1) (interaction with LLAOL planning permission); and

(ii) no later than 31 July in the calendar year in which that notice is served;

(b) all subsequent Monitoring Reports on or before 31 July annually thereafter.”

...

(6) The undertaker must make a Monitoring Report publicly available as soon as reasonably practicable following submission under sub-paragraph (2).

Secretary of State’s rationale: to provide additional clarity following the amendment made to requirement 21 above and to ensure alignment with the Secretary of State’s intention set out in her decision letter. In the case of 22(6), to amend a cross-referencing error.

In paragraph 24(2), for “paragraph 21(6)(a), (b), (c) or (d)” substitute “paragraph 21(7)(a), (b), (c) or (d)”

Secretary of State’s rationale: to amend a cross-referencing error.

In paragraph 24(9), for “sub-paragraph (2)” substitute “sub-paragraph (3)”

Secretary of State’s rationale: to amend a cross-referencing error.

In paragraph 24(10), for “artricle” substitute “article”

Secretary of State’s rationale: to amend a typographical error.

In paragraph 24(10)(b), for “sub-paragraph (5)(b)” substitute “sub-paragraph (5)”

Secretary of State’s rationale: to amend a cross-referencing error.

In paragraph 24(11):

for “paragraph 24” substitute “paragraph 25”:

for “paragraph 21(6)(a), (b), (c) or (d)” substitute “paragraph 21(7)(a), (b), (c) or (d)”; and

for “paragraph 26(10)” substitute “paragraph 25(10)”.

Secretary of State's rationale: to amend cross-referencing errors.

In paragraph 25(7)(a), for “lodge an appeal under paragraph 40 (appeals to the Secretary of State)” substitute “resolve the disagreement under article 52 (arbitration)”

Secretary of State's rationale: to amend a cross-referencing error.

In paragraph 25(15), for “paragraph 21” substitute “paragraph 22” and after “has been exceeded,” add “and except where sub-paragraph (3) applies,”

Secretary of State's rationale: to amend a cross-referencing error and provide consistency across requirement 25.

In paragraph 25(16), for “by the Secretary of State under paragraph 40 (appeals to the Secretary of State)” substitute “by resolution under article 52 (arbitration)”

Secretary of State's rationale: to amend a cross-referencing error.

Schedule 2, Part 4 (requirements pertaining to other operational matters)

In paragraph 27, after “may operate” insert “the airport”; and after “under this Order” delete “the airport”

Secretary of State's rationale: to ensure consistency and clarity.

In paragraph 28(1), amend as follows:

after “must not operate” insert “the airport”;

after “under this Order” delete “the airport”;

after “23:30-06:00” insert “local time”; and

after “12-month period,” insert “in accordance with the air noise management plan,”.

Secretary of State's rationale: to provide consistency in references, ease of reading and provide certainty that the Air Noise Management Plan is referenced on the face of the Order as agreed with the Host Authorities.

In paragraph 29, amend as follows:

In sub-paragraph (1), for “air traffic movement”, in both places where it occurs, substitute “air traffic movements”; and

after “06:00-07:00” insert “local time”.

In sub-paragraph (2), for “airport” substitute “aircraft”; and

after “non-scheduled service” insert “, excluding exempt flights”.

Secretary of State’s rationale: to amend for consistency, and to provide clarification for the exemption of certain flights in the annual air traffic movement cap.

In paragraph 33(1), in table 1, heading of column (3), for “2039–2033” substitute “2029–2033”, and in paragraph 33(2) – for “GCG framework” substitute “green controlled growth framework”.

Secretary of State’s rationale: to ensure consistency and clarity.

In paragraph 33, amend paragraph (3) as follows:

(3) The undertaker must comply with the contour limit values set out for the time periods indicated. Where the airport is operated in excess of the contour limit values, it is not a breach of the terms of this Order for the purposes of Part 8 of the 2008 Act—

(a) if the exceedance is due to action taken in emergency circumstances in which there was reasonable cause for apprehending injury to persons or serious damage to property;

(b) if the exceedance results from circumstances which the ESG has certified are beyond the undertaker’s control.

Secretary of State’s rationale: to amend a typographical error in (a) and an omission in relation to (b).

In paragraph 33, add new paragraph (4) as follows:

“(4) The undertaker may make a written request to the Secretary of State to change the contour limits, following consultation on such changes with Luton Borough Council and where appointed, the ESG. The Secretary of State may approve changes to contour limits where the undertaker has demonstrated that such changes would not result in materially new or materially different noise effects than those assessed in the environmental statement.”

Secretary of State’s rationale: to include text which was erroneously omitted from the Order.

In paragraph 34(4), after “insulated to a satisfactory level” add “or it is satisfied that the undertaker has taken all reasonable and practicable steps to insulate all eligible properties.”

Secretary of State’s rationale: to provide additional clarity by referencing text within the Overarching Aviation Noise Policy Statement.

In paragraph 34(5), for “environment” substitute “environmental”

Secretary of State’s rationale: to amend a typographical error.

In paragraph 36(2), for “submitted to” substitute “submitted for approval”.

Secretary of State’s rationale: to ensure consistency and clarity and to amend an omission.

In paragraph 42, omit sub-paragraphs (1), (2), (3) and (4) and replace with “Not used”

Secretary of State’s rationale: to amend for consistency and clarity.

Schedule 5 (land in which only new rights etc. may be acquired)

In the row containing “6-04” in column (1) and “The rights and restrictive covenants to construct, operate, access, protect, and maintain a habitat mitigation area.” in column (2), omit entire row.

Secretary of State’s rationale: to ensure consistency following the amendment of article 27 (compulsory acquisition of rights and imposition of restrictive covenants) in the final Order.

Schedule 7 (land of which temporary possession may be taken)

In the first row, column (2), for “A505 Gipsy Lane” substitute “A505 Gipsy Lane”

Secretary of State’s rationale: to amend a typographical error.

Schedule 8 (protective provisions), Part 1 (for the protection of electricity, gas, water and sewage undertakers)

In paragraph 10(2), for “subparagraph” substitute “sub-paragraph”

Secretary of State’s rationale: to amend a typographical error.

Schedule 8, Part 5 (for the protection of National Highways Limited)

In paragraph 37(1), for “subparagraph” substitute “sub-paragraph”

Secretary of State’s rationale: to amend a typographical error.

Corrections made in response to comments from Luton Borough Council

Article 21 (authority to survey and investigate the land)

In paragraph (1)(b), for “ground water” substitute “groundwater”

Secretary of State rationale: to ensure consistency within the Order.

Schedule 2, Part 4 (requirements pertaining to other operational matters)

paragraph 36(1) for “Off-site” substitute “Offsite”

Secretary of State rationale: to ensure consistency within the Order. The Secretary of State will explore the possibility for a correction slip to amend the heading.

Proposed corrections not made

Preamble and explanatory notes

The Applicant’s request included proposed corrections to the preamble and the explanatory notes

Secretary of State’s rationale: Neither the preamble nor the explanatory notes are operational parts of the Order text and therefore it is not considered that these constitute correctable errors within the meaning of the Act. However, the Secretary of State will explore the possibility of a correction slip.

Article 36 (Statutory undertakers)

In Article 36(1)(c), after: “extinguish or suspend the rights of,” add “or restrictive covenants for the benefit of,”

Secretary of State’s rationale: The Applicant’s request includes the addition of text to allow the rights of statutory undertakers to be extended to cover any restrictive covenants in their favour. This is not a position adopted by the Secretary of State in transport Development Consent Orders and this text was originally proposed by the Applicant but omitted by the Secretary of State in the final Order to reflect her position. Therefore, this does not constitute a correctable error within the meaning of the Act.

Schedule 2, Part 4 (Requirements pertaining to other operational matters)

In paragraph 33, amend paragraph (3) as follows:

(c) in circumstances where sub-paragraphs (a) and (b) do not apply, until two successive Mitigation Plans have not removed the exceedance which gave rise to the requirement for those Mitigation Plans, within the time period stated in those plans to achieve compliance.”

Secretary of State’s rationale: The Applicant’s request includes the addition of sub-paragraph (c) to account for circumstances where the ESG have approved a mitigation plan to address a breach in the air noise contour limits but which has not yet operated to remove the exceedance. The Secretary of State considers the mechanisms to address exceedances are already clearly set out in the Order at Schedule 2 paragraph 24 and in the green controlled growth framework and so further addition is unnecessary. Further, it was not the Secretary of State’s intention to delay the resolution of an exceedance of the air noise contour limits. Therefore, this does not constitute a correctable error within the meaning of the Act.

In paragraph 36:

In the paragraph heading, for “highway works” substitute “Highway Works”

In sub-paragraph (1), for “Highway Works No.” substitute “Highway Works, Work Nos.”

Secretary of State’s rationale: As the heading is not the operable part of the Order, its correction does not constitute a correctable error within the meaning of the Act. The current heading text is also consistent with the previous paragraph heading. However, the Secretary of State will explore the possibility of a correction slip.

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(4) of the Act, a decision under paragraph 1 of Schedule 4 to correct an error in an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order making the correction is published. The London Luton Airport Expansion Development Consent (Correction) Order 2026 is to be published on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR020001>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Correction Order referred to in this notice is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).