

[Hertfordshire County Council and North Hertfordshire District Council are attending the Preliminary Hearing are available to address any questions/queries]

Agenda Item 2 The Examining Authority's remarks about the Examination process – Annex B to Rule 6 letter
The Hertfordshire host authorities (the 'authorities'):

- do not all individually have general internal capacity to engage in the process.
- do not internally have services relating to a range of issues generated by the proposals and are therefore heavily reliant upon securing external specialist technical consultancy and legal support.

Where the authorities do internally have services relating to the issues raised by the proposal, there is insufficient capacity to engage in the process. They are therefore similarly reliant upon external specialist technical consultancy and legal support.

To enable the authorities to engage in the process most effectively and in the interests of the efficient use of limited resources the authorities would wish, wherever possible, to engage in the Examination process as a collective. So, for example, pre-Examination they have already submitted a joint Relevant Representation for which they were substantively reliant upon consultancy support. Moving forward they are seeking to employ the same approach wherever possible, with regard to the submission of a joint written representation, joint Local Impact Report, responding to ExA questions, and so on. The authorities appreciate that they are already under a requirement to produce separate Statements of Common Ground and Principal Areas of Disagreement Summary Statements. They also appreciate that there may be occasions where they will need to engage individually.

The authorities would welcome confirmation that this approach is acceptable.

Item 3 Initial Assessment of Principal Issues – Annex C to Rule 6 letter

The authorities are generally comfortable that the principal issues are comprehensive in their coverage. However, one might have expected to see other themes. For example:

- National/Strategic Need/Policy Justification/Compliance [including forecasting (excluding economy/economic forecasting, which are assumed to be captured by Principal Issue 9)].
- Aware that others raise issues relating to the robustness of the finance arrangements for the delivery of the proposal (though this is possibly covered by Principal Issue 5).
- Community First – principle of, geographic scope, split of funding Luton/non-Luton, eligibility.
- Funding of future interventions – particularly in relation to surface access (matters identified in future Travel Plans, interventions required to address adverse impacts that are currently not predicted/TRIMMA, etc).

The identification of Principal Issue sub-issues seems to be very varied, with some not having sub issues at all. By way of example:

- Principal Issue 6 Green Controlled Growth – could have sub-issues including the robustness of the proposed mechanism/enforceability and the proposed limits in the four GCG topic areas.
- no reference within the Principal Issue 7 Noise to the noise insulation scheme.
- no reference within Principal Issue 8 Physical Effects of Development and Operation to the Chilterns AoNB.
- no reference to Travel Plan/Outline TRIMMA within Principal Issue 10 Surface Access.
- and much the same applies to other of the Principal Issues.

However, the authorities acknowledge and welcome the recognition that the list is not intended to be comprehensive or exclusive and that it is intended to be flexible over time to reflect changing circumstances.

Item 4 Procedural Decisions – Annex F to Rule 6 letter

The authorities are extremely concerned that Deadline 1 is within the height of the summer period. They do not have the resources internally to effectively fulfil the range of Deadline 1 requirements of them and will be almost wholly reliant upon specialist technical consultancy and legal services support to do so. However, due to the summer holiday timing of the deadline, that specialist consultancy support has already indicated that meeting Deadline 1 will be challenging. The authorities' ability to effectively contribute to the process, particularly in relation to Local Impact Report(s) and Written Representations, is potentially compromised.

The authorities are also particularly concerned that the timing of Deadline 1 and of the Open Floor Hearings may compromise the ability of individuals and community groups to engage in the process in the manner in which they have perhaps hoped to do so.

Item 5 Draft Examination Timetable – Annex D to Rule 6 letter

Whilst acknowledging Item 17 of the Draft Examination Timetable, the authorities consider that there is a strong likelihood of a need for Issue Specific Hearings (if required) on Surface Access and Green Controlled Growth and that perhaps it would be wise to identify this now.