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London Luton Airport Expansion

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8.39 Applicant's response to Written Representations
- Part 2 Interested Parties subject to a Statement of
Common Ground

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.39

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.39 APPLICANT'S RESPONSE TO WRITTEN REPRESENTATIONS –
PART 2 INTERESTED PARTIES SUBJECT TO A STATEMENT OF
COMMON GROUND**

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4 RESPONSE TO WRITTEN REPRESENTATIONS MADE BY INTERESTED PARTIES SUBJECT TO A STATEMENT OF COMMON GROUND

- 4.1.1 This section provides the Applicant's response to Written Representations made by Interested Parties who have entered into a Statement of Common Ground (SoCG) with the Applicant. Responses to issues are presented as verbatim text taken from the Written Representations on a topic-by-topic basis.
- 4.1.2 The Applicant will continue to engage with all Interested Parties on these matters throughout the course of the Examination. Therefore, this section includes a summary of the status of engagement at the time of submission, recognising that further engagement may be required.
- 4.1.3 In accordance with the Examination timetable, the initial draft SoCGs have also been submitted at Deadline 2.
- 4.1.4 Written Representations were submitted by the following organisations with whom the Applicant has produced a SoCG. This includes the following parties:
- a. The Environment Agency;
 - b. NATS Safeguarding;
 - c. Affinity Water;
 - d. Historic England;
 - e. Natural England;
 - f. Cadent Gas Limited;
 - g. Luton Borough Council; and
 - h. Central Bedfordshire Council.

Table 4.1: Response to Written Representations made by Interested Parties subject to a Statement of Common Ground

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Environment Agency REP1-058	General	<p>Thank you for contacting us regarding the Examination Authorities letter relating to Rules 8, 9 and 13 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).</p> <p>We have previously responded with our Relevant Representations and Principal Areas of Disagreement Summary Statement on 22 June 2023 and are in engagement with the applicants regarding the Statement of Common Ground.</p> <p>We don't have any further comments to provide at this stage but will be registering for any subsequent Issue Specific Hearings relevant to our statutory remit.</p>	<p>Further to the concerns raised by the Environment Agency in its relevant representation, the Applicant notes that it is currently in consultation with Thames Water to determine the feasibility of directing foul water and polluted surface water into the Thames Water foul drainage network for treatment downstream.</p> <p>Following the submission of the Applicant's Response to Relevant Representations [REP1-020 – REP1-027] submitted at Deadline 1, the Applicant has had written confirmation from Thames Water (TWUL) outlining the following:</p> <ul style="list-style-type: none"> • TWUL accepts that it has a statutory duty to receive all domestic foul flows from the proposed buildings in the Terminal 2 development subject to any potential upgrades to the sewer network. • TWUL acknowledge their statutory duty under Section 94 of the Water Industry Act 1991 to use their Permitted Development rights for the necessary sewer network upgrades to accommodate the

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			<p>proposed increase to domestic foul flows within TWUL's network.</p> <ul style="list-style-type: none"> Any necessary upgrades to the East Hyde Treatment Works to accommodate increased flows (Domestic and Trade) from the airport, will be delivered using TWUL's Permitted Development rights. The Applicant notes that TWUL has indicated that East Hyde Treatment Works is landlocked, and expansion possibilities are constrained. Any connections to the public sewer network inside or outside of the Order Limits of the Proposed Development will require consent from TWUL under Section 106 of the Water Act 1991. <p>The Applicant will consider the implications of this latest information from TWUL in the context of the Drainage Design Statement [APP-137] and the drainage aspect of the Proposed Development, and relevant parts of the Environmental Statement, and will engage further with the Environment Agency on this in due course.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
NATS Safeguarding REP1-111	General	<p>I refer to the application quoted above and to the correspondence received 17 August 2023. NATS is currently engaged with the Applicant and its agent, in respect of agreeing a Statement of Common Ground.</p> <p>NATS continues to work together with the Applicant and good progress has been made with the SOCG. This is now being circulated in its final form. Accordingly, the expectation is that this will be submitted to the Inspectorate imminently.</p> <p>At this time therefore, while NATS wishes to be registered as an Interested Party, it does not intend to attend any hearings, unless this is specifically requested by the Inspectorate.</p> <p>We trust this position is clear and acceptable to the Inspectorate. NATS will submit a further representation providing details and SOCG as soon as this has been finalised with the Applicant.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Affinity Water REP1-030	General	<p>1. Affinity Water's status and statutory responsibilities</p> <p>1.1. We are instructed by Affinity Water Limited (Affinity Water) in relation to the application for a development consent order (DCO) made by London Luton Airport Limited (the Applicant) to authorise the expansion of London Luton Airport (the Project). This written representation is made on behalf of Affinity Water ahead of Deadline 1 of the Examination on 22 August 2023.</p> <p>1.2. As detailed in its Relevant Representation, Affinity Water is the largest water-only supplier in the UK and the appointed water undertaker under the Water Industry Act 1991 for certain areas in the south-east of England comprising Bedfordshire, Berkshire, Buckinghamshire, Essex, Hertfordshire, Surrey, the London Boroughs of Harrow and Hillingdon and parts of the London Boroughs of Barnet, Brent, Ealing and Enfield. Affinity Water also supplies water to the Tendring peninsula in Essex and the Folkestone and Dover areas of Kent.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>1.3. As a result, Affinity Water is subject to a number of strict statutory duties for the supply of c. 950 million litres of water each day to a population of more than 3.83 million people.</p> <p>1.4. Affinity Water is the appointed water undertaker for the entirety of the Order limits as defined in article 2(1) of the draft DCO [AS-067] (and the surrounding areas). Affinity Water is therefore a statutory undertaker for the purposes of sections 127 and 138 of the Planning Act 2008</p> <p>1.5. Given its statutory duties, any development in areas where Affinity Water is responsible for providing water services, or over or near land in which Affinity Water maintains assets and/or has other rights for the purposes of discharging its statutory duties (e.g. in respect of abstraction), is carefully considered by Affinity Water and the Project is no different.</p>	

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Affinity Water REP1-030	Draft DCO	<p>2. Objection</p> <p>2.1. At this present time, Affinity Water maintains its objection (as first set out in its Relevant Representation) to the Project. Whilst Affinity Water does not object in principle to the Project, its statutory duties compel it to object to the Project on the basis that, absent of satisfactory protections for its benefit, the Project would cause serious detriment to Affinity Water's undertaking. Affinity Water has the following overarching principal issues with the DCO application at present:</p> <p>2.1.1. the proposed operation of powers contained in the draft DCO authorising the Applicant to construct, operate and maintain works on, across, under, above or adjacent to Affinity Water's operational assets which may impede Affinity Water's ability to ensure the safe, efficient and economical provision of water services and for Affinity Water to discharge its statutory duties;</p> <p>2.1.2. the proposed operation of powers contained in the draft DCO authorising the</p>	<p>The Applicant understands that Affinity Water must maintain its objection until protective provisions have been developed to its satisfaction that mean it can continue to operate its apparatus in the area without undue interference.</p>

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		<p>Applicant to compulsorily acquire land, to compulsorily acquire rights in or over land, extinguish rights in land or take temporary possession of land in which Affinity Water maintains assets and/or has other rights for the purposes of discharging its statutory duties;</p>	
<p>Affinity Water REP1-030</p>	<p>CoCP</p>	<p>2.1.3. the fact that the intention of the Applicant appears to be for Affinity Water to have no formal input into mitigation measures that are directly relevant to its functions (for example in the Code of Construction Practice proposed to be secured by paragraph 8 of Part 2 of Schedule 2 to the draft DCO), and, indeed that the scope of water-related control measures during the operation of the Project appears to be limited;</p>	<p>For the Code of Construction Practice (CoCP), approval from the relevant planning authority in consultation with the relevant highway authority is required as is typical for projects and documents of this type.</p> <p>The CoCP [APP-049] does contain a requirement for the lead contractor to liaise with Affinity Water regarding water use (paragraph 17.6.7) <i>“As part of the water use profiling exercise, the lead contractor will liaise with Affinity Water Ltd. The volumes of water used will be agreed with Affinity Water Ltd and monitored.”</i></p> <p>The Applicant expects to develop protective provisions to the satisfaction of Affinity Water which will protect its relevant interests where required.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Affinity Water REP1-030	Protective Provisions	2.1.4. the absence in the current draft DCO of satisfactory protective provisions for the benefit of Affinity Water;	The Applicant expects to develop protective provisions to the satisfaction of Affinity Water.
Affinity Water REP1-030	Water and Drainage	<p>2.1.5. the lack of clarity at this stage in respect of the measures to be implemented to mitigate foundation works risk to water sources;</p> <p>2.1.6. the lack of clarity at this stage in respect of the measures to be implemented to mitigate risks associated with the discharge of water treated onsite, which may impact water sources; and</p> <p>2.1.7. the lack of clarity around demand for water from the Project, both during construction and operation, given pressures in the local area.</p>	<p>2.1.5 - The Applicant acknowledges a low risk to groundwater has been identified in the Foundation Works Risk Assessment (FWRA) [APP-126] associated with the likely piling methodologies to be adopted.</p> <p>However, in addition to the FWRA [APP-126], an environmental permit will be obtained for the works on the landfill, the application will require supporting documentation including:</p> <ul style="list-style-type: none"> • Hydrogeological Risk Assessment – Piling would be produced at detailed design. The report would include assessment of the risk to groundwater from creation of foundations through the landfill, mitigation measures to remove/reduce these, investigation and action levels to trigger additional control measures. • Construction Quality Assurance Plan (CQA) providing information on detailed piling design, control measures and method statement. • Evidence the appointed lead contractor has the required experience and holds relevant industry qualification.

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			<ul style="list-style-type: none"> Groundwater monitoring programme, during the pre-construction, construction and post construction phases. <p>Refer to matter 3.2.1 of the Statement of Common Ground between the Applicant and Affinity Water [TR020001/APP/8.08].</p> <p>2.1.6 - The Applicant acknowledges the potential risks to the water environment from the discharge of treated effluent to ground, and the drainage design for the airport is to be further developed at the detailed design stage.</p> <p>Table 8.1 of Appendix 20.4 Drainage Design Statement [APP-137] of the Environmental Statement (ES) sets out the design principles to be followed at the detailed design stage. Compliance with this document is secured through Requirement 13 of Schedule 2 of the Draft Development Consent Order [AS-067].</p> <p>Requirement 13 of Schedule 2 of the Draft DCO also notes that 'no part of the authorised development is to commence until for that part written details of the surface and foul water drainage plan, including means of pollution control and monitoring have been submitted and approved in writing by the relevant planning authority</p>

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			<p>following consultation with the Environment Agency on matters related to its functions.'</p> <p>The Applicant is currently in consultation with Thames Water to determine the feasibility of directing foul water and polluted surface water into the Thames Water foul drainage network for treatment downstream. Please refer to the Applicant's response to the Written Representation from the Environment Agency (earlier in this table) for a summary of the current position.</p> <p>2.1.7 - Table 8.1 of Appendix 20.4 Drainage Design Statement [APP-137] of the ES sets out the design principles to be followed at the detailed design stage. Compliance with this document is secured through Requirement 13 of Schedule 2 of the Draft Development Consent Order [AS-067].</p> <p>This includes design principles DDS.003 and DDS.004 which note: <i>"The detailed design will incorporate water efficiency measures with the aim of minimising any net increase in Affinity Water's supply requirements to the Terminals resulting from the operation of the expanded airport"</i> And:</p>

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			<p><i>“The drainage design will include measures that maximise water reuse, such as greywater reuse and rainwater harvesting. The development of these measures would be informed by the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02]) to be completed with reference to guidance from LBC.”</i></p>
Affinity Water REP1-030	Engagement	<p>3. Engagement between Affinity Water and the Applicant</p> <p>3.1. As a preliminary point, it is worth noting that the Applicant has sought to engage positively with Affinity Water to date, particularly on certain technical matters, which is welcomed. Whilst discussions have not yet started on the form of a legal agreement that would be the vehicle for addressing many of Affinity Water's concerns, it is understood that the Applicant is willing to actively engage on this with a view to reaching agreement during the DCO examination. Affinity Water would actively encourage this and will work with the Applicant to achieve this as far as reasonably practicable.</p>	Noted
Affinity Water REP1-030	Water and Drainage	<p>4. Further Detail on the impact of the Project on Affinity Water</p> <p>4.1. Below is a summary of the key issues</p>	4.2 Noted. The design of the Proposed Development is outline at this stage and detailed design will only take place after consent. However,

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		<p>that Affinity Water has identified that need to be resolved.</p> <p>Water Supply</p> <p>4.2. It should be noted that whilst Affinity Water and the Applicant have been positively engaging on technical matters relating to the Project, the precise impacts on Affinity Water's water supply apparatus (and required mitigation) will very much depend on the detailed design of the Project, given the extent of the Order limits and powers sought over them.</p> <p>4.3. Given this, on-going engagement with the Applicant is required.</p> <p>4.4. It is acknowledged many (or all) of these points could be adequately addressed through satisfactory protective provisions for the benefit of Affinity Water. As such, Affinity Water wishes to engage with the Applicant on these as soon as possible.</p>	<p>the outline design has been shared and discussed with Affinity Water and engagement will continue during Examination.</p> <p>4.3 Noted. See response to 4.2 above.</p> <p>4.4 Noted. The Applicant is engaging with Affinity Water on the preparation of protective provisions and is similarly hopeful that the outstanding issues can be resolved.</p>
Affinity Water REP1-030	Land access	<p>Land Interests</p> <p>4.5. Having reviewed the powers sought over land in the draft DCO, Affinity Water does not have any specific concerns at this stage in respect of any of its land-holdings, aside from where it maintains</p>	<p>Noted. The Applicant continues to engage with Affinity Water to review suitable access to existing Affinity Water operational assets within the Order Limits during both construction and operation of the Proposed Development.</p>

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		<p>rights to maintain apparatus (on which, see above).</p> <p>4.6. However, suitable access to any existing operational land will need to be maintained during both construction and operation of the Project.</p>	
Affinity Water REP1-030	Water and Drainage	<p>Water Sources</p> <p>4.7. Given its statutory duties, Affinity Water has a particular interest in ensuring any activities associated with the Project would not adversely affect any of its water sources.</p> <p>4.8. In this regard, Affinity Water has two primary concerns which, to date, have not been adequately addressed by the Applicant.</p> <p>4.9. Firstly, foundation works associated with the Project present a risk to water sources. In this regard, Affinity Water requires commitments from the Applicant in relation to:</p> <p>4.9.1. engaging with (and seeking agreement from) Affinity Water on the proposed method of works that could impact Affinity Water's water sources, as well as the Hydrogeological Risk Assessment and Construction Quality Assurance Plan (both of which are</p>	<p>4.7 Noted.</p> <p>4.8 Noted.</p> <p>4.9 The Applicant acknowledges that there are risks from foundation works. The proposed Hydrogeological Risk Assessment – Piling and Construction Quality Assurance Plan to be prepared as part of gaining the required environmental permit for the works will outline risks and mitigations. The Environment Agency are the regulatory body for the environmental permit required for the works. The Applicant is currently in negotiations with Affinity Water (reported in the Statement of Common Ground, where these points have been raised, refer to points 3.2.2 and 3.2.3.</p> <p>4.10 - 4.11 The Applicant acknowledges the potential risks to the water environment from the discharge of treated effluent to ground, and the</p>

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		<p>mentioned in Appendix 17.6 (Foundation Works Risk Assessment [APP-126]) of the Environmental Statement;</p> <p>4.9.2. providing monitoring data to Affinity Water in a timely manner, as well as an interpretative report of that data; and</p> <p>4.9.3. engaging with (and seeking agreement from) Affinity Water to any measures necessary where additional control/mitigation measures are required to avoid impacts on its water sources.</p> <p>4.10. Secondly, Affinity Water is concerned that the discharge of treated water from the proposed onsite drainage water treatment plant (listed at Work No. 4d in Schedule 1 to the draft DCO) into the soakaway or otherwise could cause issues with the water sources used by Affinity Water for potable supplies.</p> <p>4.11. The systems being proposed by the Applicant to control the water system appear complex and Affinity Water is not aware of them being used before. Affinity Water therefore seeks a commitment from the Applicant that active monitoring will be undertaken to ensure the system is operating properly (and reaching a particular performance specification in</p>	<p>drainage design for the airport is to be further developed at the detailed design state.</p> <p>Table 8.1 of Appendix 20.4 Drainage Design Statement [APP-137] of the ES sets out the design principles to be followed at the detailed design stage. Compliance with this document is secured through Requirement 13 of Schedule 2 of the Draft Development Consent Order [AS-067].</p> <p>This includes:</p> <p><i>“DDS.042 The drainage and water treatment systems will be designed so that all discharges to ground do not intentionally contain hazardous substances, as defined in WFD (Ref. 2.1), and are non-polluting, due to the underlying chalk being a Principal Aquifer and the infiltration tanks being proposed within a SPZ3.</i></p> <p><i>DDS.048 The detailed design will include specification of influent and effluent monitoring which will be continued post installation of the water treatment plant, in line with environmental permit requirements, to understand any long-term variations and to confirm the water treatment plant is operating in accordance with the design and relevant permits.</i></p> <p><i>DDS.049 The detailed design will include specification of real-time continuous monitoring of contaminants which would be undertaken</i></p>

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		<p>respect of discharge levels that Affinity Water should be consulted upon and approve prior to the water treatment plan coming into operation). In addition, where such monitoring reports any issues with the system, both Affinity Water and the Environment Agency should be made aware of this as soon as possible, to ensure appropriate mitigation is discussed, approved and implemented as soon as possible.</p>	<p><i>throughout the lifecycle of the installation to ensure that any contaminated runoff would be treated to an appropriate level prior to discharging to the underlying aquifer via the infiltration tanks."</i></p> <p>Requirement 13 of Schedule 2 of the Draft Development Consent Order [AS-067] also notes that <i>"no part of the authorised development is to commence until for that part written details of the surface and foul water drainage plan, including means of pollution control and monitoring have been submitted and approved in writing by the relevant planning authority following consultation with the Environment Agency on matters related to its functions."</i></p> <p>The Applicant is currently in consultation with Thames Water to determine the feasibility of directing foul water and polluted surface water into the Thames Water foul drainage network for treatment downstream. Please refer to the Applicant's response to the Written Representation from the Environment Agency (earlier in this table) for a summary of the current position.</p>
Affinity Water REP1-030	Water and Drainage	<p>Water Demand 4.12. Through engagement to date between Affinity Water and the Applicant, Affinity Water has been clear as to the</p>	<p>Noted. The Applicant is engaging with Affinity Water on the preparation of protective provisions to sufficiently address outstanding issues.</p>

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		<p>pressures it faces in respect of demand for water in the area of the Project. As part of those discussions, it is Affinity Water's understanding that the Applicant does not propose to increase its demand for water as a result of the Project from the current baseline, aside from short term peaks during construction activities.</p> <p>4.13. Affinity Water is content with these proposals from the Applicant but is concerned to ensure that this commitment is secured by some form of legally binding arrangement. Without this, Affinity Water could be subject to unexpected increased demand on an on-going basis, which will only exacerbate its ability to supply water to residents and businesses in its supply area.</p> <p>4.14. It is hoped that the current engagement between Affinity Water and the Applicant will ensure this issue is sufficiently addressed, but no suitable mechanism for enforcement has yet been entered into.</p>	
Affinity Water REP1-030	CoCP	<p>DCO Requirements</p> <p>4.15. Affinity Water acknowledges that the requirements contained in Schedule 2 to the draft DCO are the primary means</p>	As is typical for requirements relating to projects and documents of this type, the Applicant's approach is to seek approval from the relevant planning authority (in consultation with identified

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	Draft DCO/Legal	<p>through which mitigation is to be secured in relation to the construction and operation of the Project.</p> <p>4.16. However, Affinity Water is concerned that it appears the Applicant does not intend for Affinity Water to have any formal role in relation to requirements of interest to it. For example, the measures contained in the Code of Construction Practice [APP-049] secured by paragraph 8 of Schedule 2 to the draft DCO are of material interest to Affinity Water, given the risks to its water sources (see above). However, Affinity Water was not provided with a draft of that document prior to the DCO application being submitted and nor does it appear to have any formal role under it, aside from in relation to water use profiling which is but one issue Affinity Water has an interest in.</p> <p>4.17. Affinity Water is seeking an approval role in relation to certain water-related matters to ensure its interests are sufficiently protected, specifically in relation to, for example:</p> <p>4.17.1. the construction surface water management strategy (paragraph 8(2)(c));</p>	<p>statutory consultees where appropriate, which could include Affinity Water).</p> <p>The Applicant expects to develop protective provisions to the satisfaction of Affinity Water which will protect its relevant interests where required.</p>

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		<p>4.17.2. the pollution incident control plan (paragraph 8(2)(g)); and</p> <p>4.17.3. the dust management plan (in respect of dust suppression techniques) (paragraph 8(2)(h)).</p> <p>4.18. In addition, Affinity Water notes that various other construction requirements in Schedule 2 to the DCO (e.g. in relation to contamination in paragraph 12, surface and foul water drainage in paragraph 13 (which is particularly critical, given it is understood this will set the performance standards of the water treatment plant mentioned above) and remediation in paragraph 17) contain no formal role for Affinity Water, even though it has a clear interest in these. As such, as a minimum, Affinity Water seeks some form of commitment from the Applicant that engagement will be undertaken on these matters between the parties, prior to any formal submissions being made by the Applicant under these requirements.</p>	
Affinity Water REP1-030	Draft DCO	4.19. Finally, Affinity Water is surprised to see no mention of water-related matters in Parts 3 and 4 of Schedule 2 to the draft DCO, which deal with the operational	The Applicant expects all issues relating to Affinity Water's interests to be covered by protective provisions and is not proposing to vary the legal regime for water regulation. However, it is open to

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		<p>phase of the Project. Affinity Water therefore queries how water-related matters are intended to be dealt with during this phase. For example, the regulatory regime in respect of the onsite water treatment, which is of concern to Affinity Water as set out above.</p> <p>4.20. Given all of these issues, Affinity Water would welcome further engagement with the Applicant on these matters with a view to ensuring Affinity Water can be provided with commitments that sufficient mitigation and control measures will be in place for the Project (and it will have some form of role in relation to these) to protect its ability to discharge its statutory duties.</p>	<p>suggestions for provisions for inclusion in the requirements relating to water and these can be included in any discussions with Affinity Water.</p>
Affinity Water REP1-030	Fees	<p>Other</p> <p>4.21. All of Affinity Water's professional fees, and any third-party compensation it is required to pay when implementing diversions or related works, should ultimately be payable by the Applicant during the construction, operation and maintenance of the Project. This should include expenses incurred in discharging various functions directly related to the</p>	<p>The Applicant will develop a fee liability arrangement as part of the protective provisions for Affinity Water.</p>

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		Project (e.g. the approval of designs and methods).	
Affinity Water REP1-030	Protective Provisions	<p>5. Protective Provisions</p> <p>5.1. Affinity Water notes the 'standard' set of protective provisions for the benefit of statutory undertakers contained in Part 1 of Schedule 8 to the draft Order. As has been communicated to the Applicant, these are unsatisfactory to Affinity Water in a number of areas. Affinity Water wishes to engage with the Applicant with a view to reaching agreement on a satisfactory form of protective provisions for the benefit of Affinity Water, to deal with the impacts on its interests so as to avoid serious detriment to its undertaking arising from the Project. It is considered likely that all the issues raised above could be resolved through such means.</p>	<p>The Applicant will develop protective provisions with Affinity Water that will either appear on the face of the draft Order or be an agreement to vary the standard provision on the face of the Order. Even though Affinity Water does not consider the standard set of provisions to be adequate, they will at least apply as a backstop should agreement not be reached between the Applicant and Affinity Water.</p>

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Historic England REP1-070	General	<p>Historic England's written representation considers in more detail the main concern we have already raised in relation to the impact of the proposed airport expansion upon the significance of Luton Hoo Estate (Grade I listed building & grade II* listed Park & Garden) through development within its setting. We will also discuss the impact upon Someries Castle (Scheduled Monument).</p> <p>In coming to this view we have taken into consideration specific historic environment visualisations chapter and the Historic Environment Chapter of the Environmental Statement. We have also put this position in relation to Planning Policy, and we recommend that in determining the application the examining authority should take into consideration the significance of the heritage assets and weigh the harm which would be caused to their significance against the public benefits of the proposed development. Consideration should be given as to whether the applicant has taken all possible steps to avoid the harm, or if this is not deemed possible by the examining</p>	Noted.

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		authority, to minimise the harm the development would cause.	
Historic England REP1-070	General	The Historic Buildings and Monuments Commission for England (HBMCE), known as Historic England, are the Government's adviser on all aspects of the historic environment in England - including historic buildings and areas, archaeology and historic landscape – and have a duty to promote public understanding and enjoyment. HBMCE are an executive Non-Departmental Public body sponsored by the Department for Digital Culture, Media and Sport (DCMS) and we answer to Parliament through the Secretary of State for Digital	Noted.

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		<p>Culture, Media and Sport. Our remit in conservation matters intersects with the policy responsibilities of a number of other government departments – particularly the Ministry of Housing, Communities and Local Government, with their responsibilities for land use planning matters.</p>	
Historic England REP1-070	General	<p>In previous correspondence in relation to this project and in our Section 56 Representation we noted that the applicants had provided a thorough and comprehensive Environmental Statement, the contents of which we are in broad agreement. However, we identified that this development had the potential to impact upon the historic environment to some degree. We also stated that specific points would be addressed in our full Written Representation in relation to Historic Environment sections of the Environmental Statement. This letter will therefore provide that additional detail in relation to the impact of the proposed development.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Cultural Heritage	We have previously highlighted that whilst there are no designated heritage assets within the actual site, there are various heritage assets in relative proximity whose settings may be affected. Our records indicate that within 2km there are : 8 conservation areas; 4 registered park and garden; 217 listed buildings and 2 scheduled monuments.	Noted and agreed. All designated heritage assets identified as recorded on the National Heritage List for England (NHLE) dataset, as discussed with Historic England, are listed in Appendix 10.2 of the Environmental Statement Cultural Heritage Gazetteer [APP-073] .
Historic England REP1-070	Cultural Heritage	We note that an initial study area of 2km radius has been used to identify core baseline conditions for heritage assets, along with a supplementary wider study area based upon ZTV information. This identifies heritage assets beyond the core 2km study area that may be impacted as a result of the physical presence of the proposed development and/ or by an increase in their existing noise environment that affects their appreciation and heritage significance. We are satisfied that this is an appropriate assessment methodology.	Noted.
Historic England REP1-070	Cultural Heritage	We do not wish to comment on grade II listed buildings or individual nondesignated heritage assets as these are outside the remit of Historic England. We are content to defer to the Local	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>Planning Authorities and their conservation and archaeological advisors on those matters and we refer the examining authority to their submissions as relevant.</p>	

<p>Historic England REP1-070</p>	<p>Cultural Heritage</p>	<p>Comments in relation to Volume 5.01 Chapter 10 – Cultural Heritage; Environmental Statement Chapter 14 - Landscape and Visual Impact; Environmental Statement Chapter 16 – Noise and Vibration</p> <p>2.1. As discussed above, Historic England’s concerns relate to the impact of the proposed airport expansion upon the setting of Luton Hoo Estate and Someries Castle.</p> <p>Significance of Heritage Assets affected</p> <p>Luton Hoo</p> <p>2.2. Luton Hoo is an exceptionally fine historic country estate. The grand classical mansion stands on a plateau of high ground at the heart of the expansive historic designed landscape which retains many of its historic ancillary buildings and features. The estate lies immediately to the south-west of the application site</p> <p>2.3. The house has an impressive and finely detailed exterior and interior, the product of several phases of design involving leading architects. The well-known 18th century architect Robert Adam was responsible for the initial design (as well as that of the stable block). This was subsequently remodelled by Robert Smirke in the early 19th century. A further extensive and grand</p>	<p>Historic England's concerns are noted. The introduction of new built forms into the wider settings of Someries Castle scheduled monument and Luton Hoo Registered Park and Garden (RPG) is assessed in section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077]. A minor adverse effect, which is not significant, is noted for Someries Castle and a moderate adverse effect, which is significant, is noted for Luton Hoo Registered Park and Garden.</p>
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		<p>remodelling took place for the diamond merchant Julius Wernher in 1903. He employed the architect Charles Mewes, of Mewes Davies the architects of the Ritz.</p> <p>2.4 The house commands a prominent position within its associated landscape park. This encompasses an extensive area, including the surrounding plateau and gently sloping encircling hillsides and dry side valleys, as well as part of the River Lea valley bottom to the north and north-east. It was designed by the pre-eminent landscape designer of the 18th century, Lancelot 'Capability' Brown for the 3rd Earl of Bute and illustrates his distinctive style.</p> <p>2.5 Much of the parkland is encircled by a tree belt with denser woodland planting to the north and south and numerous parkland trees in the central area. In addition to the woodland, the principal features and focal point within the landscape are the two large sinuous lakes in the valley bottom to the east of the house. These were created by damming the River Lea. There are sweeping views from the house eastwards to the lakes and wider 'borrowed' landscape beyond. The historic drives from each of the four compass points bisect the landscape, affording myriad views over parts of the parkland on the route to and from the house.</p> <p>2.6 Large parts of Brown's pleasure</p>	
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	<p>grounds survive to the south and south east. This includes Flower Garden Wood, designed by Brown to provide a shelter belt to the north and east of his octagonal walled garden. This contained some of the Earl's extensive collection of exotic plants (second only to the Royal Botanic Gardens, Kew which he helped to found).</p> <p>2.7 The gardens close to the house were partly remodelled at the same time as the house in the early 20th century to Mewes's designs. The terraces and pavilions responding to the classical formality of the house.</p> <p>2.8 The significance of the site is reflected in the designations. The mansion and formal garden structures to the south elevation are listed grade I. The landscape park is registered at grade II*.</p> <p>Many of the other buildings and structures within the site are also individually designated as listed buildings including the grade II* stables by Robert Adam. The historic core is also a conservation area.</p> <p>Somerles Castle</p> <p>2.9 Somerles Castle is the ruined remains of a mid to late 15th century fortified manor house built by Sir John Wenlock, which lies approximately 250 metres south of the application site. It is thought to be one of the earliest brick buildings in England. The name "Somerles Castle" is derived from William de Somerles who</p>	
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		<p>had a residence on this site. The mansion was partly demolished in the 18th century. The brickwork can still be seen in the remains of the gatehouse, incorporating the chapel and lodge, which still stands. Other features also survive including a spiral stair and various arches.</p> <p>2.10 The significance of the site is recognised in its designation as a Scheduled Monument.</p>	
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Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Cultural Heritage	<p>Impacts of the development</p> <p>The proposal is for expansion of the existing airport in order to increase overall passenger capacity from 18 million passengers per annum (mppa) to 32 mppa. We note the detail of the development that is described in Chapter 4 of the ES, an in summary the works include:</p> <ul style="list-style-type: none"> * Extension to and remodelling of the existing passenger terminal * Construction of new terminal and associated facilities * Construction of additional airside and landside facilities * Additional/enhanced transport (road and rail) infrastructure <p>We understand that the structures would vary in height ranging from 9.4 metres up to a maximum height to 27.5 m (hangar building).</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
<p>Historic England REP1-070</p>	<p>Cultural Heritage</p>	<p>The proposed development would introduce additional bulky and tall structures within the wider setting of both Someries Castle and Luton Hoo estate which are likely to be apparent in some long views from parts of these assets, as demonstrated in the visualisation provided (Viewpoints 18, 19 and 25 (vol 5.02 Appendix 14.7)).</p> <p>Viewpoint 18 illustrates how the existing horizon has a thick tree-belt and no discernible built form or development other than the 'fin' of the dart bridge. The subsequent images show the visual effect of the proposed building and suggest that it would be somewhat prominent in this view above the skyline. Whilst we appreciate that this may not necessarily be considered to be a key or designed view that is intrinsic to the significance and understanding of the heritage assets, we believe that the presence of the new structure would have a somewhat negative effect upon the way this part of the parkland is experienced and enjoyed.</p> <p>Viewpoint 19 indicates that additional</p>	<p>The introduction of new built forms into the wider settings of Someries Castle scheduled monument and Luton Hoo Registered Park and Garden (RPG) is assessed in section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077]. A minor adverse effect, which is not significant, is noted for Someries Castle and a moderate adverse effect, which is significant, is noted for Luton Hoo Registered Park and Garden.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>building would effectively infill the existing gap between the existing airport buildings – already prominent in this view by virtue of their brightly coloured cladding, thereby further consolidating the built form to some extent.</p> <p>Similarly viewpoint 25 suggest that the horizon would be interrupted by new building(s), which would be prominent in easterly views of Someries Castle.</p>	
Historic England REP1-070	Landscape and Visual	We accept that the wider settings of both Someries Castle and Luton Hoo have been substantially compromised by the presence of the airport and the expansion of Luton around the north and north-west, so much so that the contribution that setting contributes to their significance has been severely diminished not only in	Noted. Please refer to the response above.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>visual/landscape terms, but also by way of other environmental effects - in particular noise and vibration. Notwithstanding this we believe that it is somewhat regrettable that the existing negative effect on the visual experience would be further compounded.</p>	
Historic England REP1-070	Landscape and Visual	<p>Mitigation of visual impact</p> <p>We understand that no mitigation measures are proposed in this regard. Therefore we suggest that the visual effects of the proposed new buildings and structures and the impact that they have in terms of setting might be mitigated to some extent through the choice of materials, colour palette and finishes used on the elevations and roofs.</p>	<p>Requirement 5 of the Draft Development Consent Order (DCO) [AS-067] requires submission and approval of the detailed design in general accordance with the Design Principles [APP-225]. This document includes a set of principles to be adopted in the detailed design, to mitigate potential adverse effects including consideration of landscape and historical character (DQ.01, DQ.02) finishes on elevations to reduce visual impact (T.02).</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Noise and Vibration	<p>Operational impacts</p> <p>With regard to other environmental effects, we note the assessments and observations within Chapter 16 of the ES of Noise and Vibration which is crossreferenced in the Cultural Heritage chapter. We appreciate that the settings of these heritage assets are already affected by the activity associated with the operation of the airport to some extent. However, the assessment suggests that the increase in aircraft movements would result in increased noise levels which would impact upon the experience of heritage assets. This would be most apparent throughout the Registered Park and Garden (RPaG) but would be particularly apparent at the northern edge and would have a somewhat negative effect upon the sensory experience of the RPaG. We note that the assessment judges that the impact would be moderate adverse.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Legal	<p>Mitigation measures</p> <p>We note that no mitigation is proposed in terms of noise impact that would be experienced within the RPaG. Whilst noise mitigation measure may be possible in certain situations, we appreciate that in this particular instance it would be very challenging. In light of this we suggest that the harm might be reconciled in the planning balance, by way of seeking financial contributions through S106 agreement towards the conservation management of Luton Hoo Estate – the asset that would be most affected in this regard.</p>	<p>The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [AS-080].</p> <p>No mitigation specific to the Luton Hoo Estate has been identified and therefore none is proposed. The Applicant has considered entering into a s106 agreement but does not consider there to be sufficient justification to do so.</p>
Historic England REP1-070	Cultural Heritage	<p>Impacts from construction</p> <p>We note the assessment of the construction effects and the likely impact in terms of setting that would result from the development phases 1, 2a and 2b. This includes things such as the visual impact of tower cranes/construction equipment and noise and disturbance associated with additional construction traffic and activity. We accept the conclusions of the assessment and are</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		satisfied that the impacts would be minor and temporary.	
Historic England REP1-070	Cultural Heritage	We note the reference in the Cultural Heritage Chapter (paragraph 10.8.4) to the Code of Construction Practice (CoCP) which sets out best practice measure in avoidance or minimisation of construction side effects such as noise, dust, vibration and light spill. We welcome the commitment of the developer to adhere to this guidance as detailed in the Cultural Heritage Management Plan (CHMP) in order to mitigate against any negative effects that would impact upon settings of heritage assets.	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Cultural Heritage	<p>Policy context</p> <p>In relation to Historic Environment Policy the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, paragraph 199. It continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, paragraph 200. The significance should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal, paragraph 195. Where a development proposal will lead to less than substantial</p>	<p>An assessment of harm to the significance of designated heritage assets is presented in Planning Statement Appendix D [APP-198] and can be considered during examination and in the decision on whether development consent should be granted.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, paragraph 202.	
Historic England REP1-070	General	<p>We have provided detailed advice in our written representation about the scheme, the assessment and comments on the documents that have been submitted for examination.</p> <p>We have some concerns in terms of the impact of the proposed airport expansion on the significance the designated heritage assets as described above.</p>	Section 10.9 of Chapter 10: Cultural Heritage of the ES [AS-077] assesses the impact of the Proposed Development upon the heritage significance of Luton Hoo Estate (Grade I listed building & grade II* listed Park & Garden) and Someries Castle Scheduled Monument through development within their setting, and it also assesses potential impacts arising from construction and operational noise and vibration.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Historic England REP1-070	Cultural Heritage	<p>In relation to these heritage assets, we have concluded that the development would result in harm to these designated heritage assets. We have, however, concluded this would be less than substantial in NPPF terms.</p> <p>Therefore, in accordance with planning policy the harm would need to be weighed against the public benefits of the proposal. As stated in the NPPF any harm requires clear and convincing justification and we would want to be reassured that should the DCO be granted the balancing exercise has been undertaken and that the public benefit can clearly be demonstrated to outweigh this harm.</p>	<p>An assessment of harm to the significance of designated heritage assets is presented in Planning Statement Appendix D [APP-198] and can be considered during examination and in the decision on whether development consent should be granted.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Natural England REP1-112	General	<p>Part I: Summary and Conclusions of Natural England's</p> <p>We require further information in order to evaluate the potential impacts arising from the application on the special qualities of the Chilterns Area of Outstanding Natural Beauty (AONB) and we are in the process of reviewing the applicant's proposed methodology for this assessment. We would like to see clarification of the information on best and most versatile (BMV) soils; the applicant has provided us with further details but these did not fully address our request. However, we expect that these issues can be resolved satisfactorily. We have received additional information to verify the air quality impacts on nationally designated sites scoped in to the assessment and we have no further concerns regarding the impact of the proposed development on SSSIs. We have received draft protected species licence applications for bats and badger and have now issued Letters of No Impediment. We have made further advisory comments on Biodiversity Net Gain and Green Infrastructure. We agree with the</p>	<p>The Applicant has received comments from Natural England on the proposed methodology for a specific assessment of the potential impacts on the special qualities of the Chilterns AONB. Natural England will also be consulted during the preparation of this assessment as part of ongoing engagement and the final report provided will be submitted to the Planning Inspectorate for consideration during examination.</p> <p>Ongoing engagement with Natural England will include discussion on the information requested regarding soils and how best to include, the Applicant agrees these issues should be resolved satisfactorily.</p> <p>The Applicant confirms receipt of the two Letters of No Impediment with thanks and welcome agreement with the conclusions of the Habitats Regulations Assessment, and the confirmation of no concerns with regards to air quality effects on the SSSIs.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		conclusions of the Habitats Regulations Assessment.	
Natural England REP1-112	General	<p>1.1. Part I of these written representations provides a summary (above) and overall conclusions of Natural England's advice. This advice identifies whether any progress in resolving issues has been made since submission of our relevant representations (RR – 1080). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:</p> <ul style="list-style-type: none"> • International designated sites • Nationally designated sites • Protected species • Biodiversity net gain • Nationally designated landscapes • Soils and best and most versatile agricultural land • Ancient woodland and ancient/veteran trees • Other valuable and sensitive habitats and species • Access and green infrastructure <p>1.2. Our comments are flagged as red, amber or green:</p> <ul style="list-style-type: none"> • Red are those where there are fundamental concerns which it may not be possible to overcome in their current form 	Noted. A number of these matters are being progressed in the Statement of Common Ground between the Applicant and Natural England [TR020001/APP/8.42] which has been submitted at Deadline 2.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<ul style="list-style-type: none"> • Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy. • Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured) 	
Natural England REP1-112	Biodiversity	<p>Internationally designated sites</p> <p>1.3. Natural England's position regarding internationally designated sites has not changed since submission of our Relevant Representations (RR-1080).</p> <p>1.4. Our position regarding impacts on internationally designated sites is as set out in our Relevant Representation (RR – 2.1); see below:</p> <p>Natural England is satisfied that the proposed development is not likely to result in significant effects on the Chilterns Beechwoods Special Area of Conservation (SAC). Due to the distance between the application site and the Chilterns Beechwoods SAC, there is unlikely to be a</p>	Noted. The Applicant welcomes Natural England's agreement that there will be no adverse effect on internationally designated sites with thanks.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>significant effect arising from air quality changes at the internationally designated site due to increased aircraft movements or vehicle emissions either alone or in combination with other plans and projects. In addition, there are no other likely impact pathways to notified features, e.g. hydrological changes.</p>	
Natural England REP1-112	Biodiversity	<p>Nationally designated sites</p> <p>1.5. Natural England's position regarding nationally designated sites has changed since submission of our Relevant Representations [RR-1080].</p> <p>1.6. Our updated advice regarding impacts on nationally designated sites on the basis of further information submitted is set out below:</p> <p>The applicant has supplied us with a detailed breakdown of the air quality assessment which was carried out for the five Sites of Special Scientific Interest (SSSIs) which were scoped in to the assessment. Following receipt of this information (see Appendix A), we are satisfied that the application will not have an adverse impact on the interest features of nationally designated sites.</p>	Noted. The Applicant welcomes Natural England's agreement that there will be no adverse effect on the SSSIs with thanks.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Natural England REP1-112	Biodiversity	<p>Protected species</p> <p>1.7. Natural England's position regarding European protected species has changed since submission of our Relevant Representations [RR-1080].</p> <p>1.8. Our updated advice regarding impacts on protected species on the basis of further information submitted is set out below: Natural England has received draft protected species licence applications for review. We have issued Letters of No Impediment (LoNIs) with caveats for bats and badger (see Appendix B).</p>	<p>Noted. The Applicant welcomes Natural England's issue of Letters of No Impediments for bats and badgers with thanks, and an open dialogue will be maintained with Natural England as requested.</p>
Natural England REP1-112	Biodiversity	<p>Biodiversity Net Gain Provision</p> <p>1.9. Natural England's position regarding provision of biodiversity net gain has not changed since submission of our Relevant Representations [RR-1080]. As BNG is pre-mandatory, we are not able to require specific measures. However, there are some aspects of the BNG proposals that we wish to provide additional advice on.</p> <p>1.10. Our position regarding Biodiversity Net Gain is as set out in our Relevant Representation (4.3 – 4.9). Further detail on our reasoning to support our relevant representation is set out below (included</p>	<p>Further information will be provided to Natural England, including in relation to the condition scores, this is being discussed through ongoing engagement with Natural England.</p> <p>The Applicant considers that the issue raised regarding the targets for BNG within the Oxford-Cambridge Arc, was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] pages 27-28, in response to Natural England's RR-1079.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		separately in rows later in this table).	
Natural England REP1-112	Landscape	<p>Nationally designated landscapes</p> <p>1.20 Natural England's position regarding nationally designated landscapes has not changed since submission of our Relevant Representations [RR-1080].</p> <p>1.21 Our position regarding nationally designated landscapes is as set out in our Relevant Representations (4.10 - 4.22) and Table 1. However, we have recently received a proposed methodology for carrying out an assessment of how the development scheme would affect the special qualities of the Chilterns AONB which is being reviewed by our specialists. Further detail on our reasoning to support our relevant representation is set out in our Written Representation Part II.</p> <p>[Please refer to Table 1 following paragraph 1.21 of Natural England's Written Representation, which has not been replicated here]</p> <p>1.22-4 Natural England provided its Relevant Representation for 'Assessing effects on the special qualities of the AONB'</p>	<p>The Applicant has received comments from Natural England on the proposed methodology for the specific assessment of the potential impacts on the special qualities of the Chilterns AONB. Natural England will also be consulted during the preparation of this assessment as part of ongoing engagement and the final report will be submitted to the Planning Inspectorate for consideration during Examination.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Natural England REP1-112	LVIA	<p>The core LVIA methodology</p> <p>1.25 The LVIA methodology correctly assigns a very high value to the AONB, however, it only rates the sensitivity of receptors within the AONB as 'high' rather than very high. It would be helpful to have the process and application of professional judgement used to justify this separately explained, along with consideration of whether and how an increased sensitivity would affect any of the conclusions.</p>	<p>The Applicant considers that the issue raised regarding the sensitivity of receptors in the AONB was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 39, in response to Natural England's RR-1079.</p>
Natural England REP1-112	LVIA	<p>Increased air traffic over the AONB</p> <p>1.26 We note that the LVIA identifies significant effects from increased air traffic over the designated landscape for the operational phase of the scheme, but that no mitigation is proposed. The table on page 22 of document 5.02 Appendix 14.4 Detailed Landscape Impact, identifies a moderate adverse (which is rated significant) residual effect from aircraft movements on the aesthetic or perceptual characteristics of the landscape within the Chilterns AONB.</p> <p>1.27 We appreciate that landscape consultants are not necessarily able to consider and model alternative uses of airspace across the AONB (and therefore</p>	<p>The Applicant considers that the issue raised regarding aircraft/airspace over the AONB was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 13 to 14, in response to Natural England's RR-1079.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>more widely across the east and south-east of England) to relieve pressure on the AONB. This is, however, a potential mitigation measure which the applicant should be required to address. Whilst alternatives may prove unworkable for air safety and practical operational reasons the need to explore such potential mitigation measures is fully justified by the designation status of the Chilterns AONB.</p> <p>1.28 In relation to air traffic, we would like to know on what basis a flight level of below 7,000 ft above mean sea level has been selected for considering effects on tranquillity within the Chilterns AONB.</p>	
<p>Natural England REP1-112</p>	<p>Surface Access</p>	<p>Road traffic impacts</p> <p>1.29 Increased road traffic generated by the airport expansion scheme could lead to an increase of traffic on minor roads in nearby parts of the AONB. This could be local traffic and drivers 'in the know' displaced onto more minor routes and using rat runs to escape more heavily trafficked main roads. This displaced traffic could impact on the relative tranquillity of the AONB and create pressures for more road signage, lighting, kerbing and other interventions to enable those minor lanes to carry that traffic safely.</p>	<p>The Transport Assessment [APP-203, AS-123, APP-205, APP-206] provides a significant amount of detail on surface access, including the proposed mitigation measures which are designed to accommodate airport related traffic growth, together with growth associated with background traffic and consented developments.</p> <p>The Applicant has provided additional information at Deadline 1, Trip Distribution Plans [REP1-019] which shows the traffic distribution for airport users. The distribution</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>That road engineering would alter the character of those lanes and the character of the landscapes they sit within. It would be helpful to know whether this scenario has been considered by the applicant and their consultants.</p>	<p>plots show that the vast majority of the trips to and from the Airport access from the west via the M1 Junction 10. The volume of trips close to the AONB are small in comparison. Please see Section 8 of the Transport Assessment [APP-203, AS-123, APP-205, APP-206] sets out the approach to traffic generation and distribution.</p> <p>In addition, the Applicant and operator will continue to work with local authorities to understand the impacts of the airport through ongoing monitoring as set out within the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) (Appendix I of the Transport Assessment [APP-202]). There is an opportunity through this process to identify any impacts that are being realised in future and seek to investigate the potential implementation of traffic management and/or parking control measures in rural areas within the AONB, in order to dissuade vehicles from using these roads to access the airport.</p>
Natural England REP1-112	LVIA	<p>Chilterns AONB Boundary Review 1.30 The proposed NSIP is located within a proposed area of search which Natural England is considering as a possible boundary variation to the Chilterns Area of Outstanding Natural Beauty (AONB).</p>	<p>The Applicant considers that the issue raised regarding the search area for a potential extension to the AONB was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 15</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>Although the assessment process does not confer any additional planning protection, the impact of the proposal on the natural beauty of this area may be a relevant matter in the determination of the development proposal. Natural England considers the Chilterns to be a valued landscape in line with paragraph 174 of the National Planning Policy Framework (NPPF). Furthermore, paragraph 176 of the NPPF states that development in the settings of AONBs should be sensitively located and designed to avoid or minimise impacts on the designated areas. An assessment of the landscape and visual impacts of the proposal on this area should be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. Any infrastructure development should reflect or enhance the intrinsic character and natural beauty of the area and be in line with relevant National Policy Statements and development plan policies.</p> <p>1.31 An extension to an existing AONB is formally designated once a Variation Order, made by Natural England, is confirmed by the Defra Secretary of State. Following the</p>	to 17, in response to Natural England's RR-1079.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>issue of the designation order by Natural England, but prior to confirmation by the Secretary of State, any area that is subject to a Variation Order would carry great weight in decisions on planning and infrastructure proposals. For more information about the boundary review process, please read these Frequently Asked Questions.</p>	
Natural England REP1-112	Soils	<p>Soils and best and most versatile agricultural land</p> <p>1.32 Natural England's position regarding soils and the best and most versatile agricultural land has not changed since submission of our Relevant Representations [RR-1080]. We have been supplied with additional information but this has not addressed our request satisfactorily.</p> <p>1.33 Our position regarding soils and best and most versatile agricultural land is as set out in our Relevant Representation (4.23 – 4.31). Further detail on our reasoning to support our relevant representation is set out in our Written Representation Part II. Our Relevant Representation is given below:</p> <p><i>1.34-41 Natural England repeated its Relevant Representation on soils and</i></p>	<p>Engagement with Natural England is ongoing and includes discussion on the information requested regarding soils and BMV agricultural land, and how best to include this information/requirement in application documentation.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<i>agricultural land</i>	
Natural England REP1-112	Biodiversity	<p>Ancient woodland and ancient/veteran trees</p> <p>1.42 Natural England's position regarding ancient woodland and ancient/veteran trees has not changed since submission of our Relevant Representations [RR-1080].</p> <p>1.43 Our position regarding ancient woodland and ancient/veteran trees is as set out in our Relevant Representation (2.12); see below:</p> <p><i>1.44 Natural England repeated its Relevant Representation on ancient woodland</i></p>	<p>The Applicant considers that the issue raised regarding Ancient Woodland and Ancient/veteran trees was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 25 to 26, in response to Natural England's RR-1079.</p>
Natural England REP1-112	Biodiversity	<p>Other valuable and sensitive habitats and species</p> <p>1.45 Natural England's position regarding has not changed since submission of our Relevant Representations [RR-1080].</p> <p>1.46 Our position regarding priority habitats and species is as set out in our Relevant Representation (2.13 – 2.15); see below:</p> <p><i>1.47-50 Natural England repeated its Relevant Representation on loss of CWS/DWSs, priority habitats and species of importance, mitigation hierarchy, and effects on water dependent priority habitats and species noted by the EA.</i></p>	<p>The Applicant considers that the issue raised regarding priority habitats and species of importance was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 24 to 25, in response to Natural England's RR-1079.</p> <p>Mitigation hierarchy was integral to the design of the Proposed Development, and designs were adapted to avoid habitats such as Ancient Woodland, as detailed in Section 8.8 of Chapter 8 of the ES [AS-027]. Alternatives and design</p>

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			<p>evolution, including environmental considerations during this process, is described in Chapter 3 Alternatives and Design Evolution of the ES [AS-026].</p> <p>Mitigation provided both as embedded mitigation and additional mitigation. The provision of open space (47.6ha) is provided as part of the robust design of the Proposed Development and therefore is included as embedded mitigation. This includes replacement habitat for Wigmore Park CWS (15.4ha). Additional mitigation provided includes the habitat creation area (over 43ha), as detailed in Section 4.9 of Chapter 4 of the ES [AS-074], and Section 8.8 of Chapter 8 of the ES [AS-027].</p> <p>The Outline Landscape and Biodiversity Management Plan (Appendix 8.2 of the ES [AS-029]) will ensure appropriate management of the habitats for 50 years with monitoring included to identify the need for adjustments to the management as required.</p> <p>The Applicant considers that the issue raised regarding water dependent priority habitats and species was answered within the Applicant's Response to Relevant Representations Part</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			4 of 4 (SoCGs and Additional Submission) [REP1-027] page 40, in response to Natural England's RR-1079.
Natural England REP1-112	Biodiversity	<p>Access and green infrastructure</p> <p>1.51 Natural England's position regarding access and green infrastructure has not changed since submission of our Relevant Representations [RR-1080].</p> <p>1.52 Our position regarding access and green infrastructure is as set out in our Relevant Representation (2.16 – 2.20). Further detail on our reasoning to support our relevant representation is set out below:</p> <p><i>1.53-7 Natural England repeated its Relevant Representation on access and green infrastructure</i></p>	<p>The Applicant considers that the issue raised regarding Green Infrastructure was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 31 to 32, in response to Natural England's RR-1079.</p> <p>The Applicant has engaged with the developer of the proposed solar farm where this Proposed Development includes hedgerow restoration, regarding potential locations where the developments interact. At present, it is understood there is no impediment to hedgerows being restored as proposed. Further engagement regarding timing, access and management will take place as both developments progress through planning.</p>
Natural England REP1-112	General	<p>Natural England's overall conclusions</p> <p>1.58 The main issue raised by this application is the lack of information that we require in order for us to make an evaluation of the impact of the proposal on protected landscapes and best and most versatile</p>	<p>The Applicant has received comments from Natural England on the proposed methodology for a specific assessment of the potential impacts on the special qualities of the Chilterns AONB.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>(BMV) soils in accordance with our statutory remit. We would like to see an assessment of the potential impacts on the special qualities of the Chilterns AONB and a consideration of possible mitigation measures for loss of tranquillity; we are now in the process of reviewing the applicant's proposed methodology for this assessment. We have reviewed the further information that has been provided on best and most versatile soils but it did not address our request satisfactorily. We have reviewed the further information that has been provided regarding air quality impacts for nationally designated sites and have no further concerns. We have received draft protected species licence applications for bats and badger and have provided the applicant with Letters of No Impediment. We have provided some additional advisory notes on the assessment of Biodiversity Net Gain and Green Infrastructure.</p>	<p>Natural England will also be consulted during the preparation of this assessment as part of ongoing engagement and the final report will be submitted to the Planning Inspectorate for consideration during examination.</p> <p>Engagement with Natural England is ongoing and will include discussion on the information requested regarding soils and BMV land and how best to include this in the application documentation.</p> <p>The Applicant confirms receipt of the two Letters of No Impediment with thanks and welcomes Natural England's agreement with the Applicant's conclusions of the assessment of air quality effects on designated sites and the Habitats Regulations Assessment.</p> <p>Further information will be provided to Natural England, including in relation to the condition scores for BNG, this is being discussed through ongoing engagement.</p>

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Natural England REP1-112	General	<p>Part II: Natural England's detailed advice</p> <p>Part II of these representations updates and where necessary augments Part II of the Relevant Representations. It expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues which have been agreed since our Relevant Representations (RR-1080) (subject always to the appropriate requirements being secured adequately).</p> <p>Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.</p>	Noted. Please note that the Applicant has only listed the 'red' and 'amber' issues below to respond to.
Natural England REP1-112	Biodiversity	<p>Biodiversity net gain (Advisory only)</p> <p>Natural England requests further justification as to why the condition scores have been chosen, as well as more detail regarding measures to manage and mitigate impacts from visitors (where relevant). In particular this should include:</p> <ul style="list-style-type: none"> - Proposed other neutral grassland ("good 	Further information will be provided to Natural England, including in relation to the condition scores, which is being discussed through ongoing engagement with Natural England.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>condition") habitats within areas of public access</p> <ul style="list-style-type: none"> - Proposed woodland creation/enhancement - Proposed high/very high distinctiveness habitats (e.g. lowland meadows and lowland calcareous grassland) 	
Natural England REP1-112	Biodiversity	The applicant should provide additional detail as to how each condition criteria will be met.	Further information will be provided to Natural England, including in relation to the condition scores, which is being discussed through ongoing engagement with Natural England.
Natural England REP1-112	Biodiversity	The Urban Tree Calculator should be used to assess individual trees that do not contribute towards the definition of another broad habitat type (e.g. woodland) so that they are adequately factored into the overall assessment of net gain.	The Applicant considers that the issue raised regarding the inclusion of individual trees, was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 28, in response to Natural England's RR-1079.
Natural England REP1-112	Biodiversity	<p>Natural England also advises that further detail is provided within the proposals to justify the following:</p> <ul style="list-style-type: none"> - The process and reasoning for assigning "medium strategic significance" to relevant habitats. - Further detail regarding creation and 	The Applicant considers that the issue raised regarding the assigning of "medium strategic significance" to relevant habitats, was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 24, in response to Natural England's RR-1079.

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		<p>enhancement measures for proposed habitats, and the reasoning behind the selection of either approach.</p> <ul style="list-style-type: none"> - How the orchid translocation and the areas of high invertebrate interest have been accounted for within the BNG calculations. - Clarity on the functionality of smaller habitat parcels. This should take into account guidance within the Metric User Guide. 	<p>Further information will be provided to Natural England regarding creation and enhancement measures for proposed habitats, this is being discussed through ongoing engagement with Natural England.</p> <p>The Applicant considers that the issue raised regarding how the orchid translocation and areas of high invertebrate interest were incorporated into BNG, was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 28, in response to Natural England's RR-1079.</p> <p>The Applicant considers that the issue raised regarding the functionality of small habitat parcels within BNG, was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 20, in response to Natural England's RR-1079.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Natural England REP1-112	LVIA	<p>National designated landscapes</p> <p>Assessment of the impact on the special qualities of the Chilterns AONB.</p> <p>The need to explore potential mitigation measures is fully justified by the designation of the Chilterns AONB.</p> <p>Agreed strategy for the implementation of any reasonable practicable identified mitigation and monitoring measures within a Landscape Management Plan.</p>	<p>The Applicant has received comments from Natural England on the proposed methodology for the specific assessment of the potential impacts on the special qualities of the Chilterns AONB. Natural England will also be consulted during the preparation of this assessment as part of ongoing engagement and the final report will be submitted to the Planning Inspectorate for consideration during examination.</p> <p>Reasonably practical mitigation will be considered however the Applicant considers that the issue raised regarding aircraft/airspace over the AONB was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 13 to 14, in response to Natural England's RR-1079.</p>
Natural England REP1-112	LVIA	<p>The LVIA methodology correctly assigns a very high value to the AONB it only rates the sensitivity of receptors within the AONB as 'high' rather than very high.</p> <p>It would be helpful to have the process and application of professional judgement used to justify this separately explained, along with consideration of whether and how an increased sensitivity would affect any of the conclusions.</p>	<p>The Applicant considers that the issue raised regarding the sensitivity of receptors in the AONB was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (SoCGs and Additional Submission) [REP1-027] page 39, in response to Natural England's RR-1079.</p>

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Natural England REP1-112	Soils	<p>Soils and best and most versatile agricultural land</p> <p>We advise that the applicant should provide simple land take breakdowns for each phase and component. For example, total agricultural area impacted by scheme (split by scheme phase and by Agricultural Land Classification (ALC) grade), and total BMV agricultural area permanently and temporarily required for the development (split by phase).</p>	Engagement with Natural England is ongoing and will include discussion on the information requested regarding soils and how best to include this is application documentation.
Natural England REP1-112	Soils	<p>A soil balance should be prepared to clearly identify the surplus of different soil types and identify opportunities for the sustainable re-use of this resource on site. We advise that the applicant should provide simple soil volume breakdowns for each phase and soil type. For example, total soil volume impacted by scheme (split by scheme phase and by soil type). The balance (soil re-use and surplus) should be consistent with the proposals set out in the outline Landscape and Biodiversity Management Plan (oLBMP).</p>	Engagement with Natural England is ongoing and will include discussion on the information requested regarding soils and how best to include this is application documentation.
Natural England REP1-112	Soils	<p>The Soil Management Plan (SMP) needs to be clearer that the aim is for BMV agricultural land subject to temporary development or a change in land use, to be returned to, or retain, its original land quality.</p>	Engagement with Natural England is ongoing and will include discussion on the information requested regarding soils and how best to include this is application documentation.

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Natural England REP1-112	Draft DCO	Part III: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents <i>Natural England set out four comments in support of aspects of the draft DCO</i>	The supportive comments from Natural England in respect of the drafting of identified requirements is noted.

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<p>Cadent Gas Limited REP1-043</p>	<p>Protective provisions</p>	<p>2. THE DRAFT DCO 2.1 The dDCO does not include adequate protection for Cadent's apparatus and the gas distribution network. It does not include the specific protection provisions that Cadent requires to prevent serious detriment to his undertaking. 2.2 Cadent require all promoters carrying out development in the vicinity of their Apparatus to comply with various guidelines including: GD/SP/SSW22 – Safe Working in the vicinity of Cadent High Pressure's Gas Pipelines and Associated Installations; IGE (Institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations; and the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services. 2.3 The industry standards referred to above have the specific intention of protecting: the integrity of the pipelines and thus the distribution of gas; the safety of the area surrounding gas pipelines; and the safety of personnel involved in working with gas pipelines.</p>	<p>The Applicant is happy to discuss the inclusion of protective provisions for Cadent either on the face of the DCO or as a variation to the standard provisions in the DCO and will consider the draft that Cadent has included in its Written Representation.</p> <p>The Applicant will of course seek to comply with all relevant industry standards when constructing the authorised development.</p>

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		<p>2.4 Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus.</p> <p>2.5 Cadent's preferred form of protective provisions are included at Appendix 1 (the Cadent Protective Provisions). The Cadent Protective Provisions are in Cadent's standard form and have been developed to afford full protection to Cadent and its undertaking.</p> <p>2.6 In addition to securing compliance with industry standards, the Cadent Protective Provisions include necessary insurance and security measures which are required to be put in place before works which may affect Cadent's apparatus. These are required given the nature of the Promoter.</p> <p>2.7 The Promoter has not included a form of protective provisions in the order for the benefit of Cadent.</p> <p>2.8 In the current energy and security of supply crisis, providing full and proper protection to the gas distribution network is increasingly important. The Cadent Protective</p>	

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		<p>Provisions will help to achieve this and to avoid serious detriment to Cadent's undertaking.</p> <p>2.9 The Cadent Protective Provisions have been included in substantially the same form in a number of previous DCOs in order to afford protection to Cadent's undertaking.</p> <p>2.10 Cadent would be willing to enter into a side agreement to secure the Cadent Protective Provisions with the Promoter. Cadent has sought to engage in discussions with the Promoter to agree the Cadent Protective Provisions.</p>	
<p>Cadent Gas Limited REP1-043</p>	<p>Protective provisions</p>	<p>3. DIVERSIONS</p> <p>3.1 Any proposed diversions in respect of Cadent's existing assts have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed.</p> <p>3.2 At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such diversions as design studies will need to influence these requirements. Cadent will not decommission its existing apparatus and/or commission new apparatus until it</p>	<p>The Applicant is happy to discuss the inclusion of protective provisions for Cadent either on the face of the DCO or as a variation to the standard provisions in the DCO and will consider the draft protective provisions that Cadent has included in its Written Representation.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. The Cadent Protective Provisions will secure this	
Cadent Gas Limited REP1-043	Protective provisions	4. NEXT STEPS 4.1 Cadent request that the Examining Authority recommend that the final DCO, if made, includes the protective provisions in the form of the Cadent Protective Provisions.	See confirmation above that the Applicant is happy to discuss the inclusion of protective provisions for the benefit of Cadent and will consider the draft protective provisions that Cadent has included in its Written Representation.
Luton Borough Council REP1-098	General	The main issues to the local planning authority associated with the proposed expansion were set out in our relevant representation letter of 23 June 2023. The Council is submitting its Local Impact Report (LIR) separately in line with the amended timetable set out in the Rule 8 letter of 17 August 2023. The LIR will expand upon these issues and so it is not proposed to repeat them in this letter.	Noted. The Applicant responded to Luton Borough Council's (LBC) Relevant Representation in the Deadline 1 Submission – Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] . The Applicant will respond to Luton Borough Council's Local Impact Report at Deadline 2a.
Luton Borough Council REP1-098	General	As with the recent call-in inquiry into the increase in passenger numbers from 18 million passengers per annum (mppa) to 19mppa, the local planning authority recognises the importance of the direct	Noted. The Applicant will respond to Luton Borough Council's Local Impact Report at Deadline 2a.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>and indirect employment and the socio-economic benefit to the local and regional economy that the proposed expansion will bring. The local planning authority is also aware that the expansion can have negative impacts which we refer to in the LIR and consequently there will need to be appropriate measures in place to address and mitigate any adverse impacts. The Council will continue to engage with the Applicant to address these matters and assist the Examining Authority in its task.</p>	
<p>Central Bedfordshire Council REP1-046</p>	<p>General</p>	<p>1. Introduction 1.4 CBC have prepared a Local Impact Report (LIR), which is a detailed technical report focusing on the environmental, social and economic impacts raised by the proposed development and summarising the positive, neutral and negative impacts. The LIR should be read in conjunction with the WR. In addition, CBC have also prepared a Principle Areas of Disagreement Summary Statement (PADSS), a copy of which has already been submitted to the Examining Authority (ExA). 1.5 CBC have been in consultation with Luton Rising over the proposed scheme for a lengthy period, providing detailed</p>	<p>Noted. The Applicant welcomes Central Bedfordshire Council's (CBC) engagement with the process to date and will continue to engage with CBC as Examination progresses. The initial Statement of Common Ground between the Applicant and CBC is submitted at Deadline 2 [TR020001/APP/8.14].</p> <p>The Applicant will respond to CBC's Local Impact Report at Deadline 2a.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		responses to the statutory preapplication consultations. CBC are continuing to engage with the applicant to progress the Statement of Common Ground (SoCG). Further engagement on this will be undertaken throughout the DCO process.	
Central Bedfordshire Council REP1-046	General	<p>2. Summary of Key Issues</p> <p>2.1 Based on the assessment in the LIR the proposals would have significant negative impacts in respect to air quality, cultural heritage, health and community, landscape and visual, noise and vibration and traffic and transport both during construction and operational phases.</p> <p>2.2 It is acknowledged that positive benefits would arise, most notably in respect to employment opportunities, which is discussed in the LIR. Across some topic areas (biodiversity, greenhouse gas emissions, major accidents, soils and geology, water resources, and waste), due to suitable mitigation, the resultant impact for Central Bedfordshire would be neutral, as discussed in the LIR. Below is a summary of the key issues for Central Bedfordshire.</p>	CBC's comments are noted and the Applicant will respond in detail to CBC's Local Impact Report at Deadline 2a.
Central Bedfordshire	Air quality GCG	<p>Air Quality</p> <p>2.3 There is concern that local residents</p>	The Applicant considers that the issue raised regarding the negative impacts of air quality

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Council REP1-046		<p>living in close proximity to the application site, particularly those near to the southern boundary would be adversely affected by dust and pollutants during the construction phase. Shortcomings have been identified in the Construction Code of Practice and further measures should be included in the Dust Monitoring Plan. Through amendments to these documents, it is likely that the resultant impacts could be reduced.</p> <p>2.4 Air quality impacts during operational phases is the main area of concern. The extent of monitoring undertaken in Central Bedfordshire is limited and is a point raised within the LIR. This also applies to future monitoring as set out in the Green Controlled Growth (GCG) Framework.</p> <p>2.5 Overall, there is concern regarding air quality and the impact on human health of residents in Central Bedfordshire.</p>	<p>and health impacts was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 24-25, in response to RR-055 and others, and the Applicant's Response to Relevant Representations Part 2E of 4 (Parish Councils) [REP1-025] page 3-4, in response to RR-1408, and others.</p> <p>The Applicant considers that the issue raised regarding construction dust and construction traffic impacts and the dust monitoring plan, was answered within the Applicant's Response to Relevant Representations Part 1 of 4 [REP1-020] page 4-5, in response to RR-1441 and others. Any update on this position will be reported in subsequent versions of the SoCG between the Applicant and the Council.</p> <p>No air quality monitoring is proposed within the administrative boundary of Central Bedfordshire as part of the Green Controlled Growth (GCG) Framework, because the sifting approach set out in Section 3.3 of the GCG Explanatory Note [APP-217] did not identify any locations from the Air Quality Assessment that met the criteria for monitoring. The sifting process was applied to identify a proportionate</p>

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			<p>number of locations for air quality monitoring, based on the results of the Air Quality Assessment at 601 receptors, where the majority of air quality impacts were found to be negligible. The process identified a longlist of the top 10 receptors for each pollutant type based on the greatest proportionate effect on air quality, in terms of the increase in PM₁₀, PM_{2.5} and NO₂ from the future baseline 'Do Minimum' scenario (without airport expansion) to the future 'Do Something' scenario with airport expansion in place in each forecast year. This gave a theoretical maximum longlist of 90 receptors (three pollutants considered for three forecast years representative of the phases, with ten receptors in each). Where longlisted receptors were in close proximity to each other, they were combined into a single representative monitoring location. This resulted in a shortlist of 15 locations for monitoring.</p> <p>One such location is on the boundary of Luton and Central Bedfordshire, at the Poynters Road / A505 roundabout, however the monitoring equipment is proposed to be installed on the eastern side of the junction within Luton. No other locations were identified within Central Bedfordshire, which aligns with the conclusions</p>

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			<p>of the air quality assessment; that the Proposed Development would have no significant impact on health during construction and operation as a result of air quality, in Central Bedfordshire, or elsewhere. Therefore, no additional air quality monitoring is considered to be required as part of the GCG Framework.</p>
<p>Central Bedfordshire Council REP1-046</p>	<p>Cultural heritage</p>	<p>Cultural Heritage 2.6 There are two key designated heritage assets, Someries Castle Scheduled Monument and Luton Hoo Registered Park and Garden within close proximity to the airport. Due to the scale and massing of development, close proximity, and intensity of operations, these assets will be impacted by both the construction and operation of the development, as discussed in detail within the LIR. Issues have been raised in the LIR regarding the robustness of the assessments that have been undertaken to date.</p>	<p>The Applicant considers that the issue raised regarding the scale, massing and proximity of the Proposed Development to Someries Castle and Luton Hoo Registered Park and Garden was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] in response to RR-0210 (page 14) and RR-0558, RR1119, RR-0297 (page 117).</p>
<p>Central Bedfordshire Council REP1-046</p>	<p>Health and community</p>	<p>Health and Community 2.7 Owing to the nature of the application there is significant concern regarding the impact of the proposed development on public health and wellbeing of local residents. Health impacts, both physical</p>	<p>The Applicant will respond to these matters in the Applicant's Response to the Local Impact Reports at Deadline 2a.</p>

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		<p>and mental, would be influenced by air quality, noise, reduced tranquillity due to reduced enjoyment of the countryside. Shortcomings in the assessment have been identified, notably the omission of local data sources, which is discussed in detail in the CBC Written Representation LIR. Based on the current information the Council consider that the health impacts would be significant.</p>	
Central Bedfordshire Council (REP1-046)	LVIA	<p>Landscape and Visual</p> <p>2.8 Due to the extensive scale of development proposed and its elevated position it is considered that the development would have significant impacts on the landscape setting of the area. This would be perceived from short distance views, notably the network of public footpaths and bridleways to the south of the site. Mitigation in the form of hedgerow and boundary treatment is proposed in these locations but there is lack of information to determine whether this is suitable in the context of the character of the area.</p> <p>2.9 The development would also be visible from Luton Hoo RPG, Someries Castle and public rights of way to the west of the airport. Further afield there would be</p>	<p>The Applicant's assessment of Landscape and Visual effects is provided in Chapter 14 of the Environmental Statement [AS-079] and supporting Appendices [APP-089] [AS-036] [AS-086] [AS-088 to AS-094] [AS-139 to AS-145] and Figures [AS-102].</p> <p>The Applicant will respond to these matters in the Applicant's Response to the Local Impact Reports at Deadline 2a.</p>

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		<p>impacts, both during construction and operation, on the Chilterns Area of Outstanding Natural Beauty (AONB), which is valued for its scenic quality. Whilst mitigation measures such as material finishes, reduced lighting etc. can be implemented, it is difficult to fully determine the suitability given that the design is not finalised. The built form by virtue of its significant scale would be visually prominent and there are resultant adverse impacts on landscape character. The proposal would also impact on the landscape as a result of increased aircraft movements and resultant vapour trails and impacts on tranquillity. The robustness of the assessment has been raised as a concern in the LIR.</p> <p>2.10 Overall, landscape harm is an area of significant concern due to the impact on the surrounding landscape including public footpaths, designated landscape, recreational routes, and designated heritage assets.</p>	
<p>Central Bedfordshire Council (REP1-046)</p>	<p>Noise</p>	<p>Noise and Vibration</p> <p>2.11 Noise impacts would directly affect residents and businesses in Central Bedfordshire as a result of increased aircraft movements. Increased noise levels</p>	<p>The Applicant will respond to these matters in the Applicant's Response to the Local Impact Reports at Deadline 2a.</p>

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		<p>could have significant impacts on local residents leading to health issues as a result of sleep deprivation, lack of opportunity for peaceful enjoyment of the countryside leading to impacts on general well-being. The noise assessments are inadequate as they do not comply with UK aviation noise policy or emerging policy, use incorrect methodology and baseline data. A full assessment of the shortcomings is included in the LIR. The concerns regarding the assessment were raised during the statutory consultations in 2019 and 2022. The impact of noise is a significant concern.</p>	
Central Bedfordshire Council (REP1-046)	Surface access	<p>Traffic and Transport 2.12 The proposed development will impact on the strategic and local highway network, notably the rural settlements to the west of the application site (Slip End, Caddington, Woodside, Aley Green, and Pepperstock). There are also concerns regarding the impact of inconsiderate and inappropriate parking by airport passengers who leave their vehicles on local roads. The robustness of the Framework Travel Plan, and the assumptions that feed into the public transport provision for the development,</p>	<p>The Appendix A document referred to has not been uploaded to the PINS web page.</p> <p>Nevertheless, the Applicant considers that the issues raised regarding parking, traffic and transport matters were answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 18-21, in response to RR-0210.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		with related concerns regarding the GCG Framework is also a concern. A detailed assessment of the highway matters has been undertaken by the Council's Highway Development Management Team and is included as Appendix A.	
Central Bedfordshire Council (REP1-046)	General	<p>Other Considerations</p> <p>2.13 The LIR includes an assessment of the GCG Framework, Community First Fund and adequacy of the Development Consent Order. It is unnecessary to replicate these points, but it should be noted that clarification is sought, and concerns have been raised.</p>	Noted. The Applicant will respond to these matters in the Applicant's Response to the Local Impact Reports at Deadline 2a.
Central Bedfordshire Council (REP1-046)	General	<p>3 Conclusion</p> <p>3.1 Based on the foregoing and the information in the LIR it is concluded that the proposal would result in adverse impacts on landscape and visual receptors, cultural heritage, highways, health, noise and air quality. For each of these topic areas, concerns have been raised regarding the adequacy of the assessment. Mitigation measures have been identified but there are concerns regarding the suitability of these in light of the shortcomings of the assessments.</p> <p>3.2 It is recognised that there would be benefits resulting from employment</p>	The Applicant will respond to these matters in detail in the Applicant's Response to the Local Impact Reports at Deadline 2a.

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		<p>opportunities and some topic areas would have neutral impact. However, there are fundamental issues that weigh against the proposal. As such CBC cannot support the proposal due to the negative impact on the communities that live and work in the local area, which would be adversely affected by the proposed development.</p>	

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<p>Buckinghamshire Council</p> <p>REP1-042</p>	<p>General</p>	<p>1 Introduction</p> <p>1.1. Terms of Reference</p> <p>1.1.1. Buckinghamshire Council (the Council) is a neighbouring authority for the London Luton Airport Expansion Development Consent Order (DCO) referred to as 'the Scheme'.</p> <p>1.1.2. The Order Limits are situated within the administrative areas of the Councils of Luton, North Herts, Central Bedfordshire and Dacorum. No development is proposed within the administrative area of Buckinghamshire Council; however, in a number of topic chapters within the Environmental Statement (ES) that forms part of the DCO application, there is an acknowledgement of the potential for impacts associated with the Scheme to be experienced within Buckinghamshire. This is reflected in the inclusion of parts of the County within topic study areas.</p> <p>1.1.3. This document sets out the Council's Written Representation, submitted at Deadline 1 of the Examination. At Deadline 1, the Council has also submitted a Local Impact Report,</p>	<p>Noted.</p>

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		<p>alongside responses to the Additional Submissions, where applicable.</p> <p>1.1.4. A summary of the Council's Written Representation and all of the suggested changes and requests in the Council's Deadline 1 submissions are provided in Section 3 'Summary' of this report.</p>	
<p>Buckinghamshire Council</p> <p>REP1-042</p>	<p>General</p>	<p>1.2. Buckinghamshire Council's Position</p> <p>1.2.1. The general principle of the Scheme is understood in the context of Government policy on aviation and the Council can see some benefits for Buckinghamshire, particularly in respect of economic development and growth. Notwithstanding this, the Council has some concerns about the conclusions drawn relating to the assessment of the potential environmental, sustainability and social impacts of the Scheme on Buckinghamshire.</p> <p>1.2.2. The Council considers that the Applicant needs to undertake further work to robustly analyse the full extent of the social impacts and environmental impacts. The Council therefore reserves its position on matters such as transport modelling, air quality, noise, heritage, landscape and</p>	<p>A full Environmental Impact Assessment (EIA) in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument Number 572) has been undertaken and the findings are reported in the Environmental Statement submitted with the application [APP-029 to APP-172] (as amended). This reports environmental effects, both adverse and beneficial, so that all effects can be considered by the Examining Authority in planning decisions.</p> <p>The Applicant considers that the issue raised regarding membership of the ESG and Technical Panels was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021]</p>

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		<p>visual, human health, cumulative effects, and climate change and resilience. The Council is of the strong view that it should be a member of the Environmental Scrutiny Group and the sub-group Technical Panels. These concerns are set out in more details in this Local Impact Report, supported by the Council's Written Representations.</p>	<p>page 298-300, in response to RR-0166.</p>
<p>Buckinghamshire Council</p> <p>REP1-042</p>	<p>GHG</p>	<p>2 Written Representations</p> <p>2.1. Climate Change and Greenhouse Gases</p> <p>2.1.1. The Climate Change Act (2008)¹ requires that UK CO₂ and GHG net emissions fall to no more than zero by 2050. The National Planning Policy Framework (NPPF)² states in paragraph 152 that “The planning system should support the transition to a low carbon future in a changing climate, ... It should help to: contribute to radical reductions in greenhouse gas emissions...” (emphasis added).</p> <p>2.1.2. The following comments are provided in relation to Climate Change and Greenhouse Gases (GHG) and all related elements of the application. Where</p>	<p>The Applicant has undertaken the GHG assessment in line with Government policy. Future passenger and flight numbers are in line with the Government's projections for the expansion of the aviation sector as a whole. It is acknowledged that the aircraft movement forecasts for individual airports are not included as part of the Government's Jet Zero Strategy.</p> <p>Regarding sensitivity testing, a qualitative approach has been taken as described in Table 12.23 within Section 12.9 of Chapter 12 Greenhouse Gases of the ES [APP-038]. This has been carried out based</p>

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		<p>numbers are entered in brackets i.e. (12.1.8) they refer to the relevant paragraph within the DCO submission Chapter 12 (Greenhouse Gases) of the Environmental Statement document (APP-038).</p> <p>2.1.3. The Applicant references the Jet Zero Strategy (JZS) (12.1.8) and the Transport Decarbonisation Plan. These documents set out UK Government Policy relating to the decarbonisation of aviation and of transport, respectively. The Applicant's "Need Case", which forecasts demand and in turn informs the GHG emissions forecasts, is however based upon the Applicant's own modelling. This is because the national projections do not breakdown demand by airport. This is important because the Applicant has asserted (as will later be relevant) that its modelling for the GHG chapter is based upon policy. While this is correct for the technological pathway to 2050, the same assertion does not apply to the forecast Air Traffic Movements (ATMs), which form a critical part of the GHG chapter and forecasts.</p> <p>2.1.4. The Future Baseline takes into</p>	<p>on existing government policy, with sensitivity scenarios quantitatively assessed based on available information. Whilst Inset 12.3, which considers the passenger numbers for the Core Planning Case, Faster Growth and Slower Growth Cases from 2025 to 2050, does not show a quantified GHG trajectory, the text in Table 12.23 states that the change in operational GHG emissions would be in line with the passenger number projections demonstrated.</p> <p>In respect to technological routes covered in the Jet Zero Strategy, Inset 12.4 within Section 11 of Chapter 12 Greenhouse Gases of the ES [APP-038] presents a graphical summary of how each measure is expected to reduce aviation emissions from the Proposed Development, including savings from efficiencies, Sustainable Aviation Fuels, and Zero Emission Aircraft.</p> <p>The Applicant acknowledges the uncertainty in these technologies.</p>

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		<p>account the future impact of Government policy, including energy grid decarbonisation and the JZS High Ambition Scenario, which includes the increased efficiency of aircraft, take up of sustainable aviation fuels and introduction of zero emission aircraft (12.1.12).</p> <p>2.1.5. The JZS3 outlines current Government policy for decarbonising aviation. The 2050 trajectory recognises that many of the technologies are at an “early stage of development or commercialisation; their nascent nature means that we do not yet know the optimal technological mix out to 2050” [3, pp15]. Further details for each of the four scenarios, including the “High Ambition” scenario upon which the trajectory is based, are available in the analytical annex 4.</p> <p>2.1.6. The analytical annex outlines the challenges and sensitivities related to each scenario, some of the key aspects for the High Ambition scenario are [4, pp9]: 2.0% per annum fuel efficiency improvements; 10%, 22% and 50% Sustainable Aviation Fuel (SAF) take up by 2030, 2040 and 2050 respectively; 5%</p>	<p>These are, however, the stated policies and projections of the UK Government, which bears the ultimate legal responsibility for delivering the UK’s 2050 net zero target and interim carbon budgets. In the absence of alternative, quantifiable scenarios, the Applicant considers its qualitative sensitivity analysis appropriate and proportionate to this development at this stage.</p> <p>The chapter also discusses how these assumptions are backed up and controlled by a range of mechanisms, such as the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) which will control the majority of aviation emissions. Where a technological route deviates from its projected impact, the above schemes will be invoked to remove any excess emissions.</p>

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		<p>and 27% ATMs zero emission by 2040 and 2030 respectively.</p> <p>2.1.7. The JZS document outlines several challenges in the deliverability of this scenario. The scenario goes beyond the end of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) period up to 2035 and assumes that carbon pricing outside the scope of the UK Emissions Trading Scheme (UK ETS) will converge on the UK ETS price, requiring “significant international cooperation”. To achieve the 50% uptake of SAF, a significant amount of feedstock would be required resulting in aviation needing to be “prioritised amongst other competing sectors”. The outline efficiency improvements are recognised as being a “step up in ... improvement relative to historical trends”, which may be challenging. Finally, the availability of battery and hydrogen technology by 2035 requires technology readiness by 2027-2030, within the next 5 years[4, pp10].</p> <p>2.1.8. The Applicant states (12.1.14-15) that the JZS represents committed policy targets and can be relied upon as such. The Applicant has then included these</p>	

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		<p>within its core planning case without examining them as part of a sensitivity test.</p> <p>2.1.9. The JZS recognises the inherent uncertainty in forecasting out to 2050 in terms of technology development and the multiple different technological routes that could be taken to arrive there. These different routes may well all converge at the same point but may have significantly different cumulative emissions between now and 2050. It is this key uncertainty, recognised within JZS, that the Council would expect the Applicant to undertake sensitivity studies on.</p> <p>2.1.10. In the Sensitivity Analysis (12.9.17 onward), known risks are dealt with. In Table 12.23 and entry 3. "Faster Growth", the Applicant states that there would be an "increase in overall emissions", however this is set out only in a qualitative sense. The overall impact is stated as "small" relative to national carbon budgets and has not been quantified. The impact upon GHG emissions has not been quantitatively assessed. Inset 12.3 shows this scenario in terms of air traffic movements (ATMs), but not the effect</p>	<p>2.1.10 The relative growth rates in passenger numbers between the Core Planning Case and the Faster Growth Case is shown graphically in Inset 12.3 within Section 9 of Chapter 12 Greenhouse Gases of the ES [APP-038]. This graph shows a relatively small difference between passenger numbers under these two Cases, so</p>

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		<p>upon emissions. The Council considers this to be an inadequate assessment. Given that Faster Growth is a plausible scenario and an increase in emissions recognised as the likely outcome, the impact upon the GHG emissions should also be modelled quantitatively by the Applicant, rather than just a qualitative statement. Inset 12.4 should be extended to include the same modelling results under the Faster Growth Scenario, as a quantitative assessment. 2.1.11. In Table 12.23 outlining sensitivity studies done for GHG emissions the adoption of next generation aircraft has not been assessed or included. The potential impact and change are stated as "There is no change to emissions modelled". However, the Applicant has included a sensitivity test elsewhere in "other technical aspect assessments". This inconsistency in adopting sensitivity assessments elsewhere in the DCO Application but not within the GHG & Climate Change section of the Environment Statement (APP-038) appears to be a significant omission and fundamentally undermines the chapter's</p>	<p>the Applicant considers that a qualitative discussion of GHG emissions under the Faster Growth Case, as presented in Table 12.23 is sufficient for the purposes of the DCO application, given the magnitude of the difference between these scenarios.</p> <p>2.1.11 As described in column 2 of Table 12.23 referred to 'Potential Impact and Change' "<i>In other technical aspect assessments the adoption of next generation aircraft (including Zero Emission Aircraft) is included as a sensitivity test. However, for this GHG assessment the future rollout of these aircraft has been assumed within the GHG Core Planning Case due to their explicit inclusion as an assumption within the Jet Zero Strategy High Ambition scenario that represents current UK Government policy on</i></p>

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		<p>conclusions. The Council requires the Applicant to address this by completing the sensitivity analysis described in this written representation and providing a quantitative assessment of the impact on GHGs.</p> <p>2.1.12. Inset 12.4 shows the results, with savings from efficiency, SAF and Zero Emission Aircraft, however, no sensitivity analysis has been conducted. As previously mentioned, the JZS itself recognises that the technological route to net zero 2050 is uncertain. The route taken will significantly impact the cumulative emissions, which is the key figure for the GHG assessment.</p> <p>2.1.13. The Applicant should include a sensitivity analysis of all plausible scenarios upon GHG emissions, recognising the challenges outlined within the JZS Analytical Annex. For example, if efficiency savings are not realised at the 2.0% annualised rate initially, but only accelerate later in the 2030s or 2040s, what will the impact upon cumulative emissions be? Similarly, what if SAF feedstock is available at different levels over time and what would</p>	<p><i>aviation.</i>” Therefore, the effect of this sensitivity test has been considered in full in accordance with the methodology and assessment result reported in section 12.11 of that chapter. This is different to other assessments by necessity; this is not an omission and does not undermine the assessment.</p>

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		<p>be the impact be of delays to technology development with zero emission aircraft? These questions remain unanswered.</p> <p>2.1.14. It is correct that the Applicant has based its core planning case upon established Government policy as outlined in JZS. However, they have failed to act upon the inherent uncertainty of the technological development up to the year 2050 by conducting appropriate sensitivity analyses, even though the Applicant has conducted such sensitivity analyses elsewhere within the application. This is an inconsistent, incomplete and flawed approach. The sensitivity analyses must be applied to the areas identified within the Council's submission and the cumulative emissions assessed accordingly.</p>	
<p>Buckinghamshire Council</p> <p>REP1-042</p>	<p>Climate change</p>	<p>Climate Change Resilience</p> <p>2.1.15. The Council agrees with the use of 10%, 50% and 90% probability levels, leading to the selection of Representative Concentration Pathway (RCP) 8.5 from UK Climate Projections 18, commensurate with a global temperature increase of approximately 4.3 degrees centigrade by</p>	<p>Noted</p> <p>The decommissioning of the scheme was scoped out of the Environmental Statement in agreement with the Planning Inspectorate as noted in its</p>

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		<p>the year 2100. This represents an appropriately conservative case to assess climate change resilience against.2.1.16. It is noted that de-commissioning of the Scheme has been scoped out (para 9.3.18 of Chapter 9 – Climate Change Resilience - of the Environmental Statement (APP035)). The Council recommends a requirement of the DCO to ensure that a separate assessment is required for future de-commissioning.</p>	<p>Scoping Opinion (of May 2019) [APP-168]. Any future decommissioning of the airport is likely to require planning consent and a separate assessment. Therefore, any climate change impacts during decommissioning would be considered as part of that.</p>
<p>Buckinghamshire Council REP1-042</p>	<p>Climate change GCG</p>	<p>Sustainability & Green Controlled Growth 2.1.17. As highlighted above the Climate Change Act (2008) requires that UK CO2 and GHG net emissions fall to no more than zero by 2050. The National Planning Policy Framework states in paragraph 152 that “152. The planning system should support the transition to a low carbon future in a changing climate, ... It should help to: contribute to radical reductions in greenhouse gas emissions...” (emphasis added). 2.1.18. The Sustainability Statement (APP-216) is heavily reliant upon Green Controlled Growth (GCG) (described in APP-217)). The GCG Framework (APP-</p>	<p>2.1.17. Noted 2.1.18. The Applicant considers that the issue raised regarding membership of Technical Panels was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166. 2.1.19. This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [LIR reference 3.2.4]</p>

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		<p>218) identified Luton Rising, the Applicant, as a “business and social enterprise owned by a sole shareholder, “Luton Borough Council” while the GCG document outlines how the monitoring approach shall work and the GCG Framework outlines how delivery of the sustainability commitments will be monitored. The heart of the GCG governance will be an Environmental Scrutiny Group (ESG), to provide independent scrutiny and review (APP-217 para. 2.4.2). The ESG will streamline decision making and receive reports from the GHG Technical Panel with respect to greenhouse gas emissions. Currently, the proposed ESG membership includes four local authorities but excludes Buckinghamshire Council. It is the view of the Council that Buckinghamshire Council should be part of the membership of the ESG to support the stated aim (APP-217 para. 2.4.11) of capturing a “diversity of views”. As the administrative area of Buckinghamshire Council is affected by the flight path to Luton Airport, the Council would complement the existing four authorities similarly have flight paths</p>	

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		<p>across Hertfordshire and Bedfordshire. The Council also believes that it should have a position within the four Technical Panels relating to Air Quality, GHG, Noise and Surface Access.</p> <p>2.1.19. It must be acknowledged that within Figure 2.13 (APP-217) the approach to enforcement shows that the “relevant local authority” (identified as Luton Borough Council (LBC)) would take enforcement action in the event of a GCG procedural breach. Given that LBC is also the owner of the airport (APP-217 para.2.1.19), and that it sits on all four technical panels and sits on the ESG, this could involve LBC considering the merits of undertaking enforcement action against an asset fully owned by LBC. This potential conflict of interest must be robustly managed and is possibly insufficiently addressed within the current proposals. It also adds further weight to the case for the inclusion of the Council on the ESG and all Technical Panels, which may go some way to addressing these concerns.</p>	
Buckinghamshire Council	Surface access	<p>2.2. Transport and Highways 2.2.1. The Council has reviewed the</p>	2.2.1/ 2.2.2 / 2.2.3 Noted.

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REP1-042		<p>submissions supporting the DCO application against relevant local and national policies, including the National Planning Policy Framework, Buckinghamshire's Local Transport Plan 45, and the Airports National Policy Statement.</p> <p>2.2.2. The Key policy considerations are the Airports National Policy Statement (ANPS) and the National Planning Policy Framework (2023) (NPPF). Paragraph 104 states "Transport issues should be considered from the earliest stages of plan making and development proposals so that:</p> <ul style="list-style-type: none"> (a) the potential impacts of development on transport networks can be addressed; (b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated. (c) opportunities to promote walking, cycling and public transport use are identified and pursued; <p>2.2.3. Paragraph 110 (b) requires that development should ensure that "safe and</p>	<p>2.2.13 / 2.2.14 / 2.2.15</p> <p>Comprehensive analysis and assessment of the surface access effects and impacts is provided within the Transport Assessment [APP-203 to APP-206] and associated appendices which set out the Local Model Validation Report and Forecasting Note. It is the view of the Applicant that the effects and impact of the Proposed Development has been robustly tested and assessed and this has been subject to numerous pre-application discussions with the Host Authorities and their appointed consultants. Furthermore, in addressing the comment on the Targets being met, of more relevance is the Limits set out within the Green Controlled Growth Framework [APP-218].</p> <p>The intention of the Green Controlled Growth (GCG) is not to replace or substitute the need for environmental mitigation measures associated with the Proposed Development, but to provide additional certainty that the</p>

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		<p>suitable access to the site can be achieved for all users”.</p> <p>2.2.13. The Council is concerned that the Transport Assessment (APP-205) sets out a trips mode share of 55% by private car by 2039. It is noted that pre 2020 the airport was achieving significant mode share by public transport, however, it is the Council’s experienced position that it is not possible to achieve such levels of public transport use for major developments, as proposed, without securing explicit measures and provisions prior to the granting of permission. It is also necessary to ensure that the governance and monitoring of those provisions is agreed prior to permission being granted so that the measures contained within are explicit and can be understood by the decision makers.</p> <p>2.2.14. With such an ambitious public transport mode share, any failure to meet the target mode share will result in significant underestimations being reported in the transport modelling and will lead to significantly greater impacts that would not then be mitigated. Certainty of</p>	<p>environmental effects forecast will not be exceeded. If any of the forecasts are exceeded, the airport will not be able to grow. This is what makes GCG one of the most far-reaching commitments to managing environmental effects ever voluntarily put forward by a UK airport.</p> <p>In essence, if the Surface Access Mode Share Limits are exceeded, the airport will not be able to grow, therefore any more significant impacts resulting higher unsustainable mode shares will not be realised. The Transport Assessment has clearly indicated where highway impacts are forecast to occur and has set out an appropriate level of highway mitigation to respond to this, and these assessments have been undertaken in alignment with the GCG surface access mode shares.</p> <p>Furthermore, the Applicant is committed to working with Buckinghamshire Council and other local stakeholders to improve</p>

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		<p>mode share is required through passenger transport mitigation to be agreed in the Statement of Common Ground and secured through the DCO.</p> <p>2.2.15. The Council is also concerned that off-site airport long stay car parks, local to Slip End village, will be more attractive to individuals approaching from the west than public transport solutions, should an improved frequency high quality public transport provision not be provided. These car parks are located on the well known western approach, long distance commuting routes and therefore the airport expansion will encourage greater numbers of trips from this western approach to the car parks that are well situated on the western route desire line.</p>	<p>sustainable transport options including public transport. The 5-yearly Future Travel Plans will monitor airport travel against the agreed mode share Targets and any mitigation required will be subject to consultation before implementation - all relevant councils will be consulted with on potential initiatives to improve the sustainable mode share and meet the Targets set.</p> <p>The Applicant is also committed to working with bus operators to support any identified measures for further improving sustainable transport within the area through the Travel Plan process as it is noted that improvements to the public transport network are not entirely within the gift of the Applicant and require discussion and negotiation with third parties.</p> <p>Whilst a number of potential improvements to bus and coach routes have been identified it would not be appropriate to secure and commit to funding improvements at this stage and further investigation and</p>

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			discussion with operators is required. As the response below sets out (in response to points 2.2.17 and 2.2.18), there has been further work progressed on the potential public transport improvement options and how they will be funded.
Buckinghamshire Council REP1-042	Surface Access	<p>2.2.16. As the Council has presented in its previous representations (RR-0166), a robust east-west connection remains lacking within the Surface Access Strategy and therefore access from the west remains car dependant. This is unacceptable to the Council and goes against national policy and in particular paragraphs 5.9 and 5.16-5.17 of the ANPS.</p> <p>2.2.17. In order to form a position in this matter, the Council requires certainty that the Sustainable Transport fund will be secured on the basis of an assessment of the needs of Luton Airport and its relationship with the customers and staff that it intends to serve. The value of that fund should not be set based on other airports without due regard to the individual needs of this Scheme. The value of this fund</p>	<p>2.2.16 The Applicant provided a comprehensive response to Buckinghamshire's Relevant Representations on east-west connectivity (R-R-0166), however since that time the Applicant has been progressing and developing more detail around bus and coach routes to demonstrate the range of potential opportunities for improving bus and coach access to and from the airport, mapping gaps in current service provision and frequencies.</p> <p>2.2.17 / 2.2.18 The improvements being investigated (as detailed in the response to 2.2.16) are being developed in tandem with work towards a Sustainable Transport Fund that will set the framework around how these types of improvements,</p>

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		<p>will need to be secured by S106 Agreement.</p> <p>2.2.18. The Council has fundamental concerns regarding the proposed way in which the Applicant seeks to determine the provision of public transport services. The proposals set out to date do not include any details as to how the governance is to be managed or how the sustainable transport fund value is to be set, or how it is to be used and managed. This is required to be appropriately secured through a DCO requirement or other appropriate means in order to demonstrate compliance with paragraph 5.16 of the ANPS.</p>	<p>alongside the others listed out within the toolbox of measures within the Framework Travel Plan [AS-131], would be funded.</p> <p>The routes indicated as being a priority for Buckinghamshire Council will be considered in the round alongside other east-west routes that may need to be provided to improve connectivity to the airport from surrounding areas. The prioritised routes that will be funded by the Sustainable Transport Fund will be agreed through a governance structure that aligns with the processes set out within the Framework Travel Plan [AS-131] (Section 7.4 Paragraph 7.4.4).</p>
Buckinghamshire Council REP1-042	Surface access	<p>2.2.4 The Council is unable to conclude its position regarding the highways impacts within Buckinghamshire, until such time as the Applicant has completed the additional work required by the Examining Authority to update the strategic modelling as set out in the letter from the Applicant to the Examining Authority dated 27th June 2023 (AS-064). In addition to addressing these</p>	<p>2.2.4 The Rule 9 transport modelling is being undertaken to respond to the ExA request to consider the Department for Transport (DfT) Guidance on the treatment of Covid-19 which was published after the modelling for the DCO application had been completed. The Rule 9 work should enable the ExA to consider</p>

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		<p>matters, the Council does not consider that the validation and calibration of the strategic model is of an adequate standard within Buckinghamshire to provide certainty of the traffic impacts within the county.</p> <p>2.2.5. Without the certainty of the quality of the modelling as an assessment tool, the exact nature of the impacts within Buckinghamshire cannot be quantified by the Applicant's or the Council, and the Council is unable to agree that the assessment methodology is suitable or appropriate in this location or whether the proposals are compliant with paragraphs 104 or 110 of the NPPF.</p> <p>2.2.6. It is the position of the Council that the B489 between the Aston Clinton Bypass and the B488 at Ivinghoe is a sensitive section of highway that forms a primary route to Luton Airport from the west and identified by the applicant as a long distance commuting route.</p> <p>2.2.7. The Council has sought to protect this sensitive section of its network with the implementation of area wide weight restrictions, traffic calming and shuttle working traffic signals. The area is also</p>	<p>whether the package of mitigation measures set out in the DCO application documents continue to mitigate the impacts of the Proposed Development.</p> <p>As such, and until the outcome of the additional transport modelling referred to above is known, the submitted documents including the Transport Assessment [APP 203-206] and associated mitigation strategy remain as the main application documents for consideration.</p> <p>The Applicant has commenced the work on 'accounting for COVID-19 in transport modelling' as a part of its response to the Procedural Decision issued by the Examining Authority on 16 May 2023. The methodology and timescales for this work have been submitted and are published on the PINS website.</p> <p>2.2.5 The Strategic model CBLTM-LTN has been calibrated and validated</p>

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		<p>subject to the published freight strategy, and the Ivinghoe Neighbourhood Plan.</p> <p>2.2.8. Due to the sensitivity of this route, small changes to traffic volumes will have significant impacts on the operation of the network and the safety of the route. Therefore, it will be necessary for the Applicant to provide highway mitigation works at the junction of the B488 and B489 in Ivinghoe to change the junction priority, as set out within the adopted Ivinghoe Neighbourhood Plan and in accordance with paragraphs 5.5 and 5.16 of the ANPS.</p> <p>2.2.9. Whilst peak hour traffic assessments have been carried out to assess the highways impacts of the development, the Council is concerned that this does not represent the full development peak traffic on the network. A review of the future year passenger schedules Transport Assessment Part 3 of 4, figures 9.8, 9.9 and 9.10 (APP-205) shows that the peak flight times are between 07:00 and 10:00, and 12:00 to 14:00 in year 2027 and this remains the pattern in the future years. This will mean that surface travel will increase in the</p>	<p>as per the DfT's TAG guidance. Moreover, the model was considered fit for purpose by all Host Authorities and National Highways. While the model does not cover detailed calibration / validation within Buckinghamshire, it is still considered to be robust tool to assess the impact of the proposed airport expansion. Moreover, the airport trip distribution information, which was based on observed CAA data, shows relatively low level of travel demands to/from Buckinghamshire.</p> <p>An extensive Strategic Modelling Forecasting Report is included as Appendix F of the Transport Assessment. This explains the forecasting method in accordance with the DfT's TAG guidance.</p> <p>The Applicant notes Buckinghamshire Council's concerns in relation to the level of calibration / validation within its local road network, but due the reasons mentioned above, the Applicant does not agree on the need</p>

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		<p>hours before and after these peak periods and therefore both outside and within the highway network peak.</p> <p>2.2.10. The Council is concerned that in addition to the extension of the peak periods, increases in traffic movements through sensitive receptors will have significant impacts on highway safety (and potential noise implications, which could in turn adversely affect health and communities), contrary to paragraph 5.5 of the ANPS.</p> <p>2.2.11. Whilst the current strategic modelling does not present significant impacts within Buckinghamshire, the Council has significant concerns relating to that modelling. It is noted that in early consultation with Luton Rising, the Council and Aylesbury Vale District Council had requested to be included within the scoping of the Transport Assessment. This request was not taken up by the Applicant.</p> <p>Consequently, the Council is now in a position whereby it has serious concerns regarding the quality of the outputs of the strategic model in Buckinghamshire. Specifically, the Council is concerned that</p>	<p>of an updated base model or its calibration / validation.</p> <p>2.2.6 / 2.2.7 / 2.2.12 Impacts on highways to the west of the airport have not been demonstrating the same magnitude of increase in trips as other areas. As a result of the lower number of vehicles forecast to/from the west, there is no requirement to assess or consider in as much detail as those highways have not been identified as experiencing significant impacts. As stated above the Strategic model CBLTM-LTN has been calibrated and validated as per the DfT's TAG guidance and was considered fit for purpose by all Host Authorities and National Highways.</p> <p>2.2.8 The Applicant notes the issue within Ivinghoe but does not agree that the proposed airport expansion would have any material impact at this location. The forecast vehicular flows from the Proposed Development as shown in the transport modelling through this junction are not sufficient</p>

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		<p>the model contains no calibration or validation data within the Buckinghamshire administrative area.</p> <p>2.2.12. The Applicant acknowledges within the Environmental Statement (AS-030) and the Transport Assessment (APP-205) that local roads to the east of the airport have been considered as a specific concern, however, there is no mention of assessment or consideration of routes to the west under similar conditions.</p>	<p>and do not meet the threshold to require mitigation to be provided.</p> <p>2.2.9 / 2.2.10 / 2.2.11 The trip distribution of the airport traffic was based on observed CAA data. Within Appendix F of the Transport Assessment [APP-203 to APP-206], airport distribution figures were included. The Applicant also submitted daily airport passengers and staff distribution figures as was requested by the Examining Authority. The distribution shows relatively low volumes via the mentioned route corridor.</p> <p>Please see our response to 2.2.5 regarding modelling suitability.</p>
Buckinghamshire Council	Surface access	<p>Provision of bus services</p> <p>2.2.19. The former Buckinghamshire District Councils during the early stages of the DCO proposals had requested a high-quality bus connection from Buckinghamshire, and this remains a priority for the Council. This is required to be agreed through the SoCG and through a DCO requirement or other appropriate</p>	<p>2.2.19 - 2.2.29 Please see previous responses to points 2.2.15-2.2.18 on the approach to prioritising and delivering potential future Public Transport improvements.</p>

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		<p>means.</p> <p>2.2.20. The Council considers this bus link imperative to address a lack of sustainable transport options for passengers to approach the airport from the west through a viable alternative to the private car. Without certainty of the provision of public transport services secured through the DCO, the Council does not consider the assumptions of mode share and mode shift to be sound nor reliable and are therefore not in accordance with paragraph 5.17 of the ANPS.</p> <p>2.2.21. Until around 10 years ago, preceding the opening of the Luton and Dunstable Busway, a regular hourly bus service (61) ran from Aylesbury via Tring and Pitstone to Dunstable and Luton Airport. When the Busway opened, non-Busway services were prohibited from accessing the Airport bus terminal, with Aylesbury services terminating at Dunstable instead. This service currently runs approximately every 90 minutes, with no Sunday or later evening services. The lack of public transport access to the airport must be addressed, provided, and secured through a DCO requirement or</p>	

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		<p>other appropriate means, noting it is also identified as a priority in Buckinghamshire's Bus Service Improvement Plan. The possibility of the reinstatement of this service contained within the proposals is inadequate to provide certainty that the service will be reinstated, and a suitable connection provided to residents within the catchment of the service being able to reach the airport without unnecessary delay and inconvenience.</p> <p>2.2.22. The Transport Assessment (APP-205) makes clear in paragraph 8.3.3 that the "main priorities are to achieve greater use of public transport by air passengers and staff, and to make the best use of existing highways infrastructure...". It is the Council's position that the existing bus provision forms part of the infrastructure that supports the operation of the network, reducing the need for private vehicle trips and the subsequent reduction in congestion and delay on the network. It is also noted that despite the strong words within the Transport Assessment, the Surface Access Strategy (APP-228), Outline Construction Workers' Travel Plan</p>	

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		<p>(APP-131), and the Framework Travel Plan (AS-131) do not provide the same strength of position with regard to the public transport provisions.</p> <p>2.2.23. The Council is not satisfied that there is sufficient certainty of delivery of bus/coach services to connect Aylesbury to the airport with a coach or high quality adapted express bus service. The Council considers this to be a necessary provision, with discussion possible regarding the frequency and hours of operation through the SoCG process.</p> <p>2.2.24. The Applicant states that Bus and Coach provision is a priority area for the surface access strategy (APP-228), and the two themes that they are promoting are (paragraph 6.4.1):</p> <ul style="list-style-type: none"> a. Improve local bus connections for passengers and staff to improve choice for people accessing the airport from surrounding areas by public transport; and b. Strengthen the coach offer at the airport with new routes, more frequent existing routes and a better interchange with other modes of transport. <p>2.2.25. The Council's position is that North-South access to the airport is</p>	

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		<p>already well served by public transport, as they are on the East Coast Mainline, and the M1 inter urban coach routes. However, the failure to recognise the lack of provision for connection to/from the west fails to meet the priority areas set out by the Applicant. The subsequent way of determining how those priority areas are to be addressed, as set out previously, also fails to ensure that areas within Buckinghamshire that are not served at all will secure even a basic provision, whilst other areas already well served may indeed stand to benefit from additional services. In its current form the surface access strategy fails to address the needs of local communities that already suffer from a lack of connection to the airport. The proposals as submitted would increase severance with the airport for communities within Buckinghamshire which already suffer from a lack of accessibility. This in turn fails to be in accordance with paragraph 5.14 of the ANPS.</p> <p>2.2.26. It is therefore necessary to secure the local bus provisions through a DCO requirement or other appropriate means</p>	

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		<p>as a certainty prior to granting of the DCO.</p> <p>2.2.27. The public transport provisions should run every day and be timed to coincide with the operating times of the Airport. For example, Heathrow Airport runs bus services timed for shift workers to begin their shifts early in the morning. The service should be operated by direct agreement between the Airport and a bus operator, rather than through the Council receiving a financial contribution. Services should be frequent; fares should be attractive and the vehicles of a high quality allowing for luggage storage and WiFi connectivity. Whilst a matter for the bus operators to agree, the Council would be supportive of a "Luton Airport" brand being created for these services and for them to be renumbered to emphasise that connection. These comments are provided with the expectation that details of such services will be established over the course of future discussions and secured through a DCO requirement or other appropriate means.</p> <p>2.2.28. To be clear, the Council requires both a high-speed bus service to be provided from Aylesbury to the airport and</p>	

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		<p>the number 61 local service is required to be reinstated to the airport, both provisions to be secured through a DCO requirement or other appropriate means.</p> <p>2.2.29. To this point, the statements Table 5.2 contained within the Framework Travel Plan (AS-131) do not provide the Council with sufficient assurance that this public transport service can be secured in the current form of the DCO. The Council therefore requires this service to be secured through the Framework Travel Plan, Surface Access Strategy and within a Statement of Common Ground or a requirement placed upon the DCO in order for the scheme to be compliant with the relevant sections of the NPPF and ANPS.</p>	
Buckinghamshire Council	Surface access	<p>Travel Plans</p> <p>2.2.30. Schedule 2, paragraph 30(1) of the dDCO (AS-067) sets the requirement that travel plans must be submitted to and approved in writing by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function. The Council wishes to receive evidence that this has been done, as this is not clear in the current Framework Travel Plan (FTP) (AS-</p>	<p>2.2.30 The Framework Travel Plan [AS-131] been submitted as part of the application for development consent, as has the Outline Construction Traffic Management Plan (CTMP) (Appendix 18.3 of the Environmental Statement [APP-130]).</p> <p>These will be determined through the DCO process. The reference to the</p>

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		<p>131) or Outline Construction Workers Travel Plan (CWTP) (APP-131).</p> <p>2.2.31. As set out in the detailed Travel Plan Review, the Council notes several weaknesses with both the FTP (AS-131) and CWTP (APP-131). The Council requires that the points outlined in the following paragraphs are addressed.</p> <p>2.2.32. Contextual information on the surrounding area should be provided in the FTP (AS131), including Buckinghamshire's Local Transport Plan 4, maps of the proposed expansion in relation to the surrounding road network and public transport access points, and journey time maps for both road access and for active travel modes. These are not present in the current FTP or CWTP.</p> <p>2.2.33. The FTP (AS-131) should include an acknowledgement of the lack of public transport provision westwards towards Buckinghamshire, and the possibility for both conventional bus services and Demand Responsive Transport (DRT) options to address this.</p> <p>2.2.34. Confirmation should be provided that Baseline surveys of mode share will be undertaken upon occupation of the site.</p>	<p>requirement to submit and approve Travel Plans relates to the future 5-yearly Travel Plans that will be developed once development consent has been approved.</p> <p>Luton Borough Council as the planning authority will determine these applications and this will follow standard planning processes whereby interested parties will have the opportunity to provide representations and comments at the appropriate time.</p> <p>2.2.32 / 2.2.33 Noted. The inclusion of this material will be considered when drafting the future Travel Plans.</p> <p>2.2.34 Baseline surveys will be undertaken upon notification of permission to expand.</p> <p>2.2.35 Whilst these comments are noted, there is a requirement to be aligned with the Green Controlled Growth Framework Terminology and the process by determining modal</p>

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		<p>2.2.35. Management targets set out in the FTP (AS-131) and CWTP (APP-131) should include all modes of travel and must include a commitment to reducing the proportion of single-occupancy vehicle trips to and from the site by at least 10% over the five-year period. Targets should also be set for each mode, and not simply disaggregated into 'sustainable' and 'unsustainable' modes as at present.</p> <p>2.2.36. All targets are expected to be reviewed annually; five year gaps between reports is not sufficient for relevant Local Planning Authorities (LPAs) to respond to whether the measures are resulting in modal shift. The monitoring of impacts proposed to be included within the Outline TRIMMA should form the basis of Travel Plan monitoring.</p> <p>2.2.37. The FTP (AS-131) should set out the monitoring that is to be undertaken once any permission is granted and expansion takes place. This monitoring should be used to demonstrate that the measures set out within the Travel Plan are quantifiable and measure their efficiency.</p>	<p>share Targets is clearly set out with the Framework Travel Plan [AS-131] Section 4.1.</p> <p>2.2.36 CAA data will be analysed and progress towards modal share Targets will be reported on an annual basis as set out within the Framework Travel Plan [AS-131] Section 4 Paragraph 4.1.2.</p> <p>2.2.37 This is set out within the Framework Travel Plan [AS-131] Table 4.1.</p> <p>2.2.38 This is addressed in this earlier section of this document with regards to concerns about potential future Public Transport improvements.</p> <p>2.2.39 Noted.</p>

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		<p>2.2.38. With reference to Buckinghamshire, it is noted that car ownership rates in the areas closest to the airport are significantly higher than the national average rates. It is also noted that the rates sought in the Surface Access Strategy (APP-228) and the FTP (AS-131) are less than 10% lower than the national average rates. Without strong provision of public transport options that are of high quality the current targets will not be expected to secure mode shift to sustainable measures and would not be in accordance with paragraph 5.17 of the ANPS. The commitments of the services required to provide viable options for sustainable travel are required to be in place prior to the DCO being granted to ensure success measures can be implemented.</p> <p>2.2.39. The Councils full Travel Plan review document has been appended to this response– see Appendix A of this Written Representation.</p>	
Buckinghamshire Council	Surface access	<p>Sustainable transport options</p> <p>2.2.40. The Council considers it necessary to be included within the Airport Transport Forum as a Highway Authority seeking to</p>	2.2.40 The Applicant is currently considering the future make-up of the Airport Transport Forum, including its role in relation to the

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		promote and secure sustainable transport options, and to support the Applicant with respect to reaching the rural communities within Buckinghamshire, and strategic routes to the west of the airport.	proposed Sustainable Transport Fund. The Applicant will continue to engage with the Council on this matter.
Buckinghamshire Council	Surface access / GCG	2.2.42. As set out in the Executive Summary of 7.08 Green Controlled Growth Framework (APP-218 to APP-224), 'if the environmental limit placed on growth in 'unsustainable' surface access is breached, then further growth of the airport should be stopped until mitigation is put in place'. Whilst it is understood that limits could be placed in the course of the earlier delivery phases, it is unclear how these limits would apply once 'full operating capacity' is reached. The Council requires further information to determine whether the implementation of public transport options for surface access are being withheld until such point as these thresholds are broken, how performance will be measured, and whether this will be disaggregated by origin point (i.e. will this show any differences between those travelling to the airport from Buckinghamshire versus other origin points).	2.2.42. The Green Controlled Growth Framework [APP-218] will apply to environmental impacts at the airport in perpetuity, even once full operating capacity is reached. Whilst it is acknowledged that the requirements of the GCG Framework relating to constraints on how capacity is declared will be less relevant at this point, the requirement set out in Requirement 18 of Schedule 2, Part 3 of the draft Development Consent Order [AS-067] to submit a Mitigation Plan in response to the breach of a Limit, and then to subsequently comply with that Plan will remain in force. Any failure to do so would be a breach of the DCO. Performance against GCG Limits and Thresholds will be monitored in accordance with the

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			<p>Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan [APP-224]. The implementation of public transport improvements (amongst other measures) will be through the five-yearly Travel Plans, required under Requirement 30 Schedule 2, Part 3 of the draft Development Consent Order [AS-067]. Where a Limit has been breached, a Mitigation Plan would be required to go above and beyond those measures already committed to as part of a Travel Plan.</p>
Buckinghamshire Council	Surface access / GCG	2.2.43. The Council considers the monitoring of staff mode share for the purposes of monitoring the Green Controlled Growth limits of every two years to be inadequate to maintain a current understanding of compliance. A one year maximum should be applied to data collection, and reviewed to ensure that remediation measures can be put in place in a timely manner, if required.	2.2.43. This is incorrect. As set out in the Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan [APP-224] , staff surveys must be carried out annually.

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Buckinghamshire Council	Surface access / GCG	2.2.44. Staff and passenger surveys should be programmed to coincide as much as possible to ensure a single cohesive data set is provided.	2.2.44. The Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan [APP-224] sets out proposed requirements for monitoring performance against the surface access Limits contained in the Green Controlled Growth Framework [APP-218] . This includes requirements around the timing of staff surveys (which are to be carried out for a minimum of 28 days, avoiding the summer and Christmas school holidays). However, for the purposes of reporting against passenger mode share Limits it is proposed to use the Civil Aviation Authority (CAA)'s Departing Passenger Survey. This is carried out on an ongoing basis throughout the year by the CAA, and the airport operator.
Buckinghamshire Council	Surface access / GCG	2.2.45. It should be made explicit within the documents supporting the Green Controlled Growth Framework and the FTP which bodies are responsible for monitoring the	2.2.45. Section 2.4 of the Green Controlled Growth Explanatory Note [APP-217] sets out the responsibilities of the

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		findings of the data collection and authorising changes to the strategy to address any failure to meet the targets set.	<p>Environmental Scrutiny Group, which include providing commentary on Monitoring Reports following review by the relevant Technical Panels, and approving or refusing Level 2 Plans and Mitigation Plans.</p> <p>These are secured through the Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [APP-219]. Governance arrangements for the Framework Travel Plan [AS-131] are set out in Section 7.4 of that document, compliance with which is secured through Requirement 30 of the DCO.</p>
Buckinghamshire Council	Surface access / GCG	2.2.46. Schedule 2 Part 3, paragraph 24 of the dDCO (AS-067) sets out the timescales for submission deadlines for ESG Level 2 threshold Mitigation Plans. However, this section does not set out the maximum timescales for delivery of any actions to prevent the exceedances of limits. For example, this does not set out the maximum	2.2.46. The definition of 'Mitigation Plan' included in Requirement 18 of the draft Development Consent Order (dDCO) [AS-067] is a plan that <i>'sets out details of the proposed mitigation and actions which are designed to avoid or prevent exceedances of a Limit as</i>

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		<p>length of time before 'non-sustainable' surface access transport should return to the thresholds set in the Green Controlled Growth Framework, following the submission of a Level 2 plan. This leaves a large amount of flexibility for remediation proposals to take significant lengths of time, and is not acceptable to the Council, who require certainty of delivery.</p>	<p><i>soon as reasonably practicable'</i> (note that Paragraph 24 relates to Mitigation Plans and not Level 2 Plans as stated).</p> <p>Whilst the referenced part of the draft Development Consent Order (dDCO) [AS-067] does not specify maximum timescales for delivery of mitigation, it does state that the ESG can refuse a Mitigation Plan where it considers that <i>'the proposed programme for implementation... will not avoid or prevent exceedances of a Limit as soon as reasonably practicable'</i></p> <p>It is considered that this drafting provides the certainty on delivery that the Council is seeking, as where the ESG considers that mitigation is not being implemented as soon as reasonably practicable, a Mitigation Plan can be refused.</p>
Buckinghamshire Council	Surface access / GCG	2.2.47. Mindful of the above comments regarding Highways and Transportation, the Council considers that the application	As stated in paragraph 5.1 of the ANPS, <i>"This chapter focuses on the potential impacts of the Heathrow</i>

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		<p>has not fully addressed the requirements of the ANPS with regards paragraph 5.10 and the requirement to consult transport authorities. The Council has consistently requested that the Applicant engages actively with the Council when preparing the Transport Assessment and the public transport provisions.</p> <p>2.2.48. The Applicant has not engaged with the Council to discuss the Transport Assessment scoping or the essential public transport improvements required prior to the submission of the DCO.</p> <p>2.2.49. The Applicant has identified the need for public transport mitigation, in accordance with paragraph 5.15 of the ANPS, however, it has not provided any certainty in the securing of these and so the Council considers that the application falls short of this policy requirement.</p>	<p><i>Northwest Runway scheme, the assessments that any applicant will need to carry out, and the specific planning requirements that they will need to meet, in order to gain development consent."</i></p> <p>The referenced requirements are therefore not material considerations for the Proposed Developed.</p> <p>Notwithstanding this, the Applicant has consulted with all relevant transport authorities, including through the February 2019 non-statutory consultation, 2019 Statutory Consultation and 2022 Statutory Consultation, and has had regard to feedback received, as evidenced through the Consultation Report [AS-048] and its appendices [APP-174 to APP-193]. It is also noted that Buckinghamshire Council did not raise any concerns in its Adequacy of Consultation Response [AoC-001] relating to previous consultation with the Council.</p>

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			<p>Buckinghamshire Council was not directly engaged with regarding the scope of the Transport Assessment or public transport provisions due to the limited impacts from the Proposed Development identified within Buckinghamshire, and hence the lack of mitigation necessary. The Strategic Model CBLTM-LTN utilised within the Transport Assessment has been calibrated and validated as per the DfT's TAG guidance and was considered fit for purpose by all Host Authorities and National Highways. The level of detail in the model's geographical coverage was agreed with Host Authorities and National Highways, and was informed by observed CAA data on the distribution of airport passengers / staff.</p> <p>At the Council's request, the Applicant has engaged with the Council on matters relating to surface access, including transport modelling, the approach to monitoring and mitigating local highway impacts, and the funding of sustainable transport intervention.</p>

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			The Applicant will continue to engage with the Council's on these matters.
Buckinghamshire Council	Surface access / GCG	2.2.41. The Council reserves comment on the final CTMP as it is unclear from the Outline document (APP-130) whether significant construction traffic will be routed through Buckinghamshire. At present there is no indication of the construction plan identifying suppliers and contractors and the locations to determine HGV movements. As such, the movement of spoil and construction material on Buckinghamshire roads is expected. A CTMP is required to be agreed and approved by the Council – this should be secured through a DCO requirement or other appropriate means.	The Applicant considers that the issue raised regarding the CTMP was addressed within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 295-295, in response to RR-0166.
Buckinghamshire Council	Noise and vibration	2.3. Noise and Vibration 2.3.1. Within Buckinghamshire areas most likely to be affected by changes to aircraft noise along existing flight paths are Dagnall, Pitstone and a section of the area east of Aylesbury, including Wendover, which is also overflowed by low level northbound traffic from Heathrow.	The Applicant considers that the issue raised regarding aircraft noise in the named areas was addressed a within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 296-297 , in response to RR-0166.
Buckinghamshire Council	Noise and vibration	Chilterns Area of Outstanding Natural Beauty	The Applicant considers that the issue raised regarding noise and tranquillity

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		<p>2.3.2. Part of the Chilterns Area of Outstanding Natural Beauty (AONB) lies within the Council's administrative area. The NPPF states that planning policies and decisions should 'identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value'. Further, as set out in section 3.2(e) of the Air Navigation Guidance 20179, where practicable, it is desirable that airspace routes below 7,000 feet should seek to avoid flying over AONBs and National Parks. The expansion of the airport is being promoted at the same time as the wider airspace change process is being progressed. This is known as the Future Airspace Strategy Implementation project South (FASI-S).</p> <p>2.3.3. Given the increasing importance of such areas to community health and wellbeing the Council encourages the Applicant to place particular emphasis on protection of the Chilterns AONB (CAONB). Currently the CAONB is somewhat overflowed but radical changes in airspace management could lead to the</p>	<p>in the Chilterns AONB was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] page 300, in response to RR-0166.</p> <p>This matter is also addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.5, 3.4.17, 3.9.28]</p>

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		<p>area being substantially overflowed. The Council would like to see overflight of the CAONB formally reviewed by the Noise Envelope Design Group (NEDG). The NEDG themselves recommended that the Noise Envelope should be reviewed if there were to be any significant changes to the airport's operations. Especially as such a change will result from the anticipated modernisation of airspace as a result of the FASI-S. This would be in accordance with paragraph 5.219 of the ANPS which puts great weight conservation and protection of the AONB.</p>	
Buckinghamshire Council	Noise / GCG	<p>Green Controlled Growth Framework and Noise Envelope 2.3.4. The noise and vibration assessment in Section 16.9 of the ES (16 Noise and Vibration Chapter) (APP-042 superseded by AS-080) demonstrates how the Applicant proposes to mitigate and reduce to a minimum potential adverse impacts resulting from noise from the Scheme and avoid noise giving rise to significant adverse effects on health and the quality of life (Noise Policy Statement for England (NPSE) March 2010). The Council understands the arguments presented by</p>	<p>2.3.4. This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.6].</p> <p>2.3.5 The Applicant considers that the issue raised regarding independence of the GCG Framework and membership of the ESG and Technical Panels was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] page 298-300, in response to RR-0166.</p>

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		<p>the Applicant, that there will be no observed adverse significant effect with Buckinghamshire and therefore no specific Buckinghamshire mitigation is necessary. However, to protect this position the Applicant relies on the mechanisms within its "Green Controlled Growth Framework" (APP-218) to prevent/mitigate impacts. The Council is concerned that this mechanism is not clear or transparent.</p> <p>2.3.5. The Applicant is using a "Noise Envelope" to control the expansion and as part of the proposed Green Controlled Growth (GCG) Framework. Using GCG it will agree to a series of 'thresholds', 'stops' and 'limits' on the size of average summer daytime and night-time noise contours, based on indicators proposed by the NEDG. The Applicant claims that GCG provides a more robust and transparent approach to noise monitoring and enforcement than the current planning controls. From a Council point of view, the GCG Framework will only be effective if the body managing it is truly independent and includes the Council as a party to the Environmental Scrutiny Group and its Technical Panels.</p>	<p>2.3.6. As set out in Appendix 16.2 of the ES [APP-111], the design and content of the Noise Envelope is not affected by its inclusion within the GCG Framework, and it is considered that the benefits of integration outweigh the additional 'visibility' of having a standalone Noise Envelope. The key advantages of integrating the Noise Envelope within the GCG Framework are that the enforcement, control and reporting processes set out within GCG will automatically apply to the Noise Envelope, avoiding the need for duplication of processes and enforcement bodies and providing consistency across the four topics covered by the GCG Framework (noise, air quality, carbon and surface access).</p> <p>The GCG Noise Technical Panel that would be formed under the GCG Framework allows for suitable independent technical expertise to be involved in the review and enforcement processes without the</p>

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		<p>2.3.6. In its final report the NEDG recognised the attraction of embedding the Noise Envelope in to the GCG Framework but suggested that there is a case for the Noise Envelope to be a discrete entity. The relationship between Green Controlled Growth, Noise Envelope and the ESG are not yet fully defined and the Council is concerned that the Noise Envelope, which is national policy, is not referenced in the dDCO whilst the GCGF and ESG, which are not policy, feature prominently. Additionally, references are made to legal frameworks that are not explained – this explanation should be included. Furthermore, it may assist the Examining Authority and the Secretary of State for Transport to see clearly that the policy requirement regarding a Noise Envelope has been met by having a single document with that title. The Council supports this view.</p> <p>2.3.7. The ANPS requires that suitable Noise Envelope review periods should be set. These are currently five years. The Council is concerned that there could be a disconnect between the NEDG and the operator should the envelope prove</p>	<p>need for separate arrangements to those in GCG for a stand-alone Noise Envelope.</p> <p>This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.20].</p> <p>2.3.7 This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.13]</p>

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		<p>ineffective in the short term. In order to ensure the correct application and efficacy of the Noise Envelope, the Council is seeking reassurance that the Noise Envelope will be subject to timely review at such time as changes in airspace are proposed (i.e. through FASI-S). In addition to this, the Council wishes to see a review one year after operation and a mechanism to trigger intervening reviews more frequently than the five years currently proposed within the Terms of Reference for the NEDG. This would be in accordance with paragraph 5.60 of the ANPS.</p>	
Buckinghamshire Council	Noise / GCG	<p>Governance 2.3.8. The NEDG, which includes representation from the Council, should be in a position to check all of the parameters and ensure that these are adopted as appropriate targets within the GCG Framework, on a rolling basis. In addition, the NEDG should continue to operate as an independent entity from the ESG, with this independence secured through appropriate means as part of the DCO. 2.3.9. There is understood to be an intention to form a Technical Panel in</p>	<p>2.3.8 This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.5]</p> <p>2.3.9. The Applicant considers that the issue raised regarding membership of the Noise Technical Panel was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166.</p>

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		<p>relation to noise impacts of the Scheme. The Council is seeking representation from suitably qualified and experienced technical officers from within the Council on this panel.</p> <p>2.3.10. The ESG is intended to provide oversight and scrutiny of the ongoing development of the Scheme, and then the environmental performance of the Scheme. The Council is seeking representation from suitably qualified and experienced technical officers from the Council on the ESG.</p>	<p>2.3.10. The Applicant considers that the issue raised regarding membership of ESG was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166.</p>
Buckinghamshire Council	Surface access Noise	<p>Construction and Traffic</p> <p>2.3.11. The Council acknowledges that the Construction Noise and Ground Noise Study Area (Figure 16.2) (AS-103) does not extend into Buckinghamshire. However, the Construction Traffic Management Plan does not yet provide clarity on the wider use of the strategic highway network; and information about the placement of construction spoil or other related off-site construction activities is not yet available. On this basis, it is considered premature to rule out any potential construction related impacts resulting in effects within</p>	<p>2.3.11 The Applicant considers that the issue raised regarding the CTMP was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 294-295, in response to RR-0166.</p> <p>2.3.12 This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.3.10 to 3.3.13]</p>

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		<p>Buckinghamshire. Such impacts could generate adverse effects, especially if they go through sensitive areas, such as small villages. The Council is seeking further information to enable accurate consideration of these potential impacts (see the Transport and Highways section).</p> <p>2.3.12. Furthermore, due to the Council's concerns regarding the robustness of the traffic modelling that underpins the noise assessment (see Transport and Highways subsection) it is felt to be appropriate that the Council reserves its final position in respect of related noise impacts.</p> <p>2.3.13. To protect residents from local impacts and as far as reasonably practicable, the Council asks that the promoter should work towards compliance with "WHO Environmental Noise Guidelines 2018 for the European Region" 10. It is acknowledged that the guidelines are not adopted UK policy and the ask is aspirational.</p> <p>2.3.14. The paragraphs above are reflected in the Vale of Aylesbury Local Plan (2021)11Policy S1, the NPPF, the Airports NPS, Noise envelopes CAP 1129 and "WHO Environmental Noise</p>	<p>2.3.13 This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.18]</p> <p>2.3.14. Noted see responses to paragraphs above.</p>

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		Guidelines 2018 for the European Region".	
Buckinghamshire Council	Air quality	<p>2.4. Air Quality 2.4.1. At this stage, as outlined within the Council's Relevant Representation submission (RR-0166), there is some uncertainty around the traffic data used within the Transport Assessment (APP-200 to APP-206). The Examining Authority has requested that the traffic data used within the transport modelling is reviewed (PD-006). This is following interim advice issued by the Department for Transport regarding the treatment of the COVID-19 pandemic in transport modelling. The Applicant has provided a response in a letter dated 27 June 2023 (AS-064) stating they propose to review the data with the work commencing in July and concluding in December 2023. This traffic data is used for the air quality assessment (AS-076) and therefore a review of any updated data may have an impact on the results of this assessment.</p> <p>2.4.2. In the letter from the Applicant dated 27 June 2023 (AS-064) it is also stated that it is unlikely that new traffic data</p>	<p>This matter (2.4.1) is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.5.8].</p> <p>2.4.2 – Please see response in Surface Access section with regards to Rule 9 in response to points 2.2.4.</p> <p>This matter (2.4.3) is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.5.5].</p> <p>In relation to point 2.4.4, is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.5.6].</p> <p>2.4.5 – Noted.</p> <p>This matter (2.4.6) is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.5.9].</p> <p>2.4.7 – Please see section on Surface Access which addresses concerns</p>

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		<p>accounting for COVID-19 will significantly change the conclusions reported in the ES. However, the Council awaits the conclusions from this review before accepting this statement or accepting the conclusions of Chapter 7 of the Environmental Statement (AS-076) in relation to air quality and confirming its compliance with relevant paragraphs within the ANPS and NPPF</p> <p>Notwithstanding this fact the Council would raise the following issues in relation to air quality that would be dependent upon both the updates to the traffic data and the Applicant's response to the Council's concerns about the validity of the transport modelling undertaken.</p> <p>2.4.3. There are nine air quality management areas (AQMAs) present within the Buckinghamshire Council area. However, only three of the AQMAs are located on routes where the Council anticipates there to be increases or changes in traffic due to the DCO. These are the Stoke Road AQMA, Friarage Road AQMA and Tring Road AQMA all located within Aylesbury. The Councils' Strategic</p>	<p>around transport impact modelling and assessment in response to points 2.2.4.</p> <p>2.4.8. Please see section on Surface Access that deals with concerns around potential future Public Transport improvements in response to points 2.2.15-2.2.18.</p> <p>2.4.9. The Applicant considers that the issue raised regarding membership of ESG was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166.</p>

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		<p>Environmental Protection Team would seek to ensure that these AQMAs are not negatively impacted by the DCO. This is especially as air quality monitoring data collected by the Council in 2022 found exceedances of the National Air Quality Objectives within the Friarage Road AQMA. The results of the air quality monitoring can be found with the 2023 Annual Status Report.</p> <p>2.4.4. The Council's highways officers report that the preferential route to access Luton Airport through Buckinghamshire is the A41, B488, B489. This route passes through a number of villages with some properties fronting the highway. On the basis that the Council has concerns about the validity of the transport modelling undertaken by the Applicant to date, there are also concerns that the air quality modelling will be based on inaccurate transport information in respect of the Buckinghamshire highway network. This gives rise to an issue around the accuracy of the air quality assessment findings relating to receptors along the preferential airport access route. Until this issue has</p>	

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		<p>been resolved the Council is unable to confirm the proposals compliance with paragraph 5.42 - 5.43 of the ANPS.</p> <p>2.4.5. The Council's Climate Change and Air Quality Strategy¹³ notes the connection between increased use of sustainable transport modes as a proportion of overall modes and improvements in air quality. As such, the availability of sustainable transport options for Buckinghamshire residents to access Luton Airport is an important issue for tackling air quality.</p> <p>2.4.6. The principal impacts on air quality are associated with traffic emissions during construction and operation of the Scheme. The Council has stated within the relevant representations (RR-0166) that the highway network in Aylesbury acts as a route hub for all directions and is therefore very sensitive to congestion and small changes in traffic have a significant impact on the performance of the network. The Council can see no reference to Aylesbury within the impact assessment. The Council would therefore</p>	

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		<p>wish to see the evidence underpinning the conclusion that this location is not going to experience adverse impacts, noting also that as yet the construction traffic management plan is yet to be defined, and this could have implications in terms of HGV movements.</p> <p>2.4.7. In order to address the two impacts referenced above, the Council requests updated traffic modelling, in accordance with the requirements set out in the Transport and Highways sub-section; updated CTMP to include either details of HGV routing through Buckinghamshire or clauses to prevent such movements; and updated air quality modelling that makes use of this updated traffic information. The Council is seeking quantitative data, particularly in relation to impacts on Aylesbury and relevant receptors along the A41, B489, B488 route through the county.</p> <p>2.4.8. It is recognised that public transport options for residents seeking to access Luton Airport from towns and villages within Buckinghamshire could be</p>	

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		<p>significantly improved. Any improvement in the form of additional public transport options would also have a positive impact on local air quality generally through enabling a modal shift to a more sustainable form of transport. This is because there would be less reliance on private cars for all journeys to and from the airport for both staff and customers. Therefore, the Council's Strategic Environmental Protection team supports the comments made by the Council as the Highway Authority in relation to this – the Council requests the provision of an express bus service between Aylesbury and Luton Airport; and the reinstatement of service 61 to provide a reliable, frequent and effective connection between Buckinghamshire villages and the airport along the preferential access roads. This would be in accordance with paragraph 5.5 of the ANPS.</p> <p>2.4.9. It is acknowledged that the Green Controlled Growth Framework, as outlined within the DCO (AS-067), will place controls on air quality. The Council request that Buckinghamshire Council be</p>	

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		included within the Environmental Scrutiny Group so that it may adequately protect the interests of its residents.	
Buckinghamshire Council	ETS	<p>2.5. Economy, Tourism and Employment</p> <p>2.5.1. The Council's comments on this topic are predicated on the assumption that the forecast employment and GDP figures provided by the Applicant are reasonable and accurate. This has not been investigated by the Council, which does not intend to explore this further unless a reason arises for such examination to be undertaken.</p> <p>2.5.2. Whilst the Council welcomes the activities outlined in the Employment and Training Strategy (ETS) (APP-215) and supports a focus on some of the more deprived areas within Buckinghamshire, it is vital that accessibility is addressed. As noted above, in section 2.2, in relation to surface access transport, at present there are no realistic public transport connections between Buckinghamshire and Luton Airport that could be utilised by employees of the airport. Without significant improvements in accessibility, the prospect of Buckinghamshire residents</p>	This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.6]

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		<p>taking up employment at London Luton Airport are limited and will undermine the aims of the ETS. It should also be noted that as the airport is to continue operating throughout the expansion it is just as relevant for the immediacy of this issue as it is already disadvantaging the opportunities of people with limited mobility to access employment. The Council would request that consideration be given to accessibility for Buckinghamshire residents in order that they may travel to Luton Airport effectively on public transport.</p> <p>2.5.3. Where the ETS (APP-215) includes an initiative to encourage local employment and local businesses as part of the construction and operation phases of the expansion, the Council would welcome initiatives to support local procurement and look forward to discussions with the Applicant on this.</p> <p>2.5.4. The ETS (APP-215) makes several references to the importance of ongoing engagement with local government, including Goal 1 "Maximise the impact of the Proposed Development through engagement with local government</p>	

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		<p>partners who can coordinate with their skills and growth strategies” (paragraph 4.2.1) and the creation of a Local Economic Development Working Group (LEDWG) (paragraph 4.2.4) that includes representation from relevant local authority teams, e.g. economic development. The Council would welcome involvement in this working group, to ensure alignment with local employment and skills strategies and to help facilitate links with other appropriate stakeholders (including, but not limited to, the Bucks Skills Hub, Buckinghamshire College Group, Buckinghamshire New University). The Council would also seek to be part of the working group to help identify and encourage activities that maximise the benefits for Buckinghamshire’s residents and businesses and support the overarching aim of the Employment and Training Strategy “to ensure that, as many of the jobs and economic opportunities generated by the Proposed Development as possible, go to the residents of Luton and the “ETS Study Area”” (paragraph 1.2.3).</p> <p>2.5.5. The ETS (APP-215) helpfully covers</p>	

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		<p>both the construction and operation phases. It references engagement with local government and the creation of a LEDWG. The Council would also want assurance that relevant local education institutions from within the ETS study area are included in the local economic development working group. The Council is also seeking further clarity on the way in which local benefits will be realised and the mechanisms that will be used to secure them.</p> <p>2.5.6. According to the ETS (APP-215) (paragraph 2.4.2), 623 FTE jobs are expected to be created in the construction period. It needs to be recognised that with other major infrastructure projects ongoing in Buckinghamshire, including HS2 and EWR, the availability of an adequate construction workforce locally is a challenge.</p> <p>2.5.7. In the operation phase, approximately 6100 additional jobs (direct, indirect and induced) are forecast to be able to be supported by airport expansion. It is noted that the majority of these jobs will be in air transport, but will also include</p>	

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		<p>employment in hospitality and retail, security, warehousing and land transport. According to the latest Claimant Count report produced by the Buckinghamshire Local Economic Observatory "London has experienced the largest increase in Claimant Count rates since the start of the pandemic, with edge-of-London areas (particularly those close to Heathrow and Gatwick airports) tending to see higher than average increases in Claimant Count rates".</p> <p>2.5.8. With a history of employment within the aviation sector, there is potentially a cohort of potential employees on which to draw.</p> <p>2.5.9. Whilst the claimant count rate has been falling in Buckinghamshire and remains below national rates, there are variations across the county, with some persistent pockets of higher unemployment and deprivation. The importance of 'levelling up' has been recognised by the Council in the Opportunity Bucks programme which has identified ten priority wards on which to target activity. The programme includes a focus on jobs, careers, skills</p>	

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		<p>and learning. In line with references made to inclusivity within the Employment and Training Strategy (APP-215), the Council would welcome opportunities for Employment and Training interventions targeted at the ten priority wards.</p> <p>2.5.10. Generally, skills levels across Buckinghamshire are comparatively high, although there is an issue with the migration of younger people from the area. Many young people leave Buckinghamshire to go to university and choose not to return to the area. Local opportunities, that offer quality employment, with high wages and opportunities for career progression, need to be available and promoted. The Employment and Training Strategy (APP-215) makes reference to career progression and above average wages, as well as to apprenticeships. The Council would welcome opportunities, through engagement with the LEDWG, to promote such opportunities to young people and residents across the county.</p> <p>2.5.11. The focus on local procurement, both at the construction and operational phases is encouraging and again, the</p>	

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		<p>Council with appropriate business representative organisations (such as Bucks Business First) would look to work with the Applicant to ensure Buckinghamshire based businesses were informed of, and able to apply for, supply chain opportunities.</p> <p>2.5.12. Based on the above, the Council's expression of economy, tourism and employment impacts and requests for ways in which the Applicant could seek to address them are summarised as follows:</p> <ul style="list-style-type: none"> • Maximising beneficial economic impacts for Buckinghamshire residents through securing accessibility to job opportunities – the Council considers the provision of sustainable transport modes to access the airport to be key to addressing this impact. As set out in the Highways and Transport sub-section, an express bus connection between Aylesbury and the Airport is sought, together with the reinstatement of an at least hourly bus service along line 61. This would support the Government's objectives outline in paragraphs 4.74, 4.76 and 5.5 of the ANPS. • Realising the beneficial economic impacts of procurement for local 	

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		<p>businesses – the Council is keen to work with the Applicant to develop specific initiatives for inclusion in the further development of the Employment and Training Strategy, which should also target the ten priority wards listed in the 'Opportunity Bucks' programme.</p> <ul style="list-style-type: none"> • Tackling adverse impacts of out-migration of skills from Buckinghamshire – the Council is keen to work with the Applicant as part of the LEDWG to exert influence on the way in which employment opportunities are developed. In particular, the Council will look to promote opportunities to young people within the Buckinghamshire communities. • Maximising beneficial economic impacts and developing transferable legacy skills within the supply chain – the Council wishes to partner with appropriate organisations, such as Bucks Business First, to work with the Applicant on supply chain readiness and accessibility of local businesses to suitable supply chain opportunities. <p>2.5.13. The dDCO (AS-067) does not include any specific reference to ensuring how the economic benefits associated</p>	

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		<p>with expansion will be secured. It is to be assumed that this detail will emerge through further development of, and discussions around, the ETS (APP-215). The ETS includes a commitment to engaging with local authorities so to reiterate, the Council would be seeking a place on the LEDWG to ensure collaborative efforts to maximise economic benefits across the county, in accordance with paragraph 5.266 of the ANPS. This should be reflected in the dDCO as appropriate.</p>	
Buckinghamshire Council	LVIA	<p>2.6. Landscape and Visual 2.6.1. The submitted E S Chapter (AS-079) identifies significant adverse effects on the Chilterns Area of Outstanding Natural Beauty (AONB) as a result of 'a noticeable deterioration to the aesthetic and perceptual characteristics of the AONB' during both the construction and operation of Phase 2b as a result of increased aircraft movements. The ES is unclear as to the extent of these effects with considerable ambiguity between the submitted elements of the ES. For example, despite identifying that there would be significant effects in the AONB,</p>	<p>These matters are addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para 3.7.5 to 3.7.8]</p>

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		<p>the assessment does not appear to identify any significant effects in the Local Character Areas (LCAs) that fall within the AONB in the Study Area. There also seems to be a discrepancy between the extent of the study area and the areas identified as being overflowed by increased flight numbers (the potential source of adverse effects). The Study Area stops at approx. 5km whilst flights below 7,000ft are shown to extend out to approx. 35km. As a result, the ES is unclear whether identified significant adverse effects extend beyond the Study Area and into Buckinghamshire. Whilst these ambiguities and discrepancies still exist it is the Council's opinion that the application, as submitted, would not be in accordance with paragraph 5.219 of the ANPS as the Secretary of State would be unable to have due regard to the continued protection of the AONB.</p> <p>2.6.2. In addition to over flights, it also apparent that there is potential for highway works and increased traffic on rural roads (particularly in the AONB) in the Buckinghamshire area that have not been explored within the ES. There is the</p>	

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		<p>potential that further development of the CTMP, which is currently in outline form (APP-130) will identify aspects of the Scheme that could introduce additional landscape and visual impacts within Buckinghamshire. This will particularly be the case should HGV routes or construction activities be sited close to the CAONB or the more rural villages of the County. In the absence of the resolution of these ambiguities and the provision of clearer information, the Council reserves its position on the potential adverse impacts of the Scheme on the Buckinghamshire area. The Council is seeking additional clarity on the controls that will be incorporated within the CTMP as it is developed. Ideally this will include controls preventing mass haul and lorry routes and construction compounds or other sites supporting construction (e.g. spoil disposal) being sited within Buckinghamshire.</p>	

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Buckinghamshire Council	Cultural heritage	<p>2.7. Heritage</p> <p>2.7.1. The Scheme as currently described (AS-074) is reported as not resulting in any direct physical impact to heritage assets in Buckinghamshire. Based on the Noise Contour information submitted with the DCO documents and additional submissions, the Council has no concerns in relation to adverse impacts on setting. This is because the predicted noise levels for Buckinghamshire fall within levels recommended to be scoped out of any such assessment on heritage assets in line with research carried out on behalf of Historic England (Aviation Noise Metric – Research on the potential Noise Impacts on the Historic Environment by Proposals for Airport Expansion in England)¹⁶; Historic England guidance on The Setting of Heritage Assets HEGPA Planning Note 3 (2017)¹⁷ has also been considered.</p> <p>2.7.2. However, it is noted that the Council has raised some doubt over the accuracy of the noise assessments submitted with the DCO, due to the Council's concerns regarding the robustness of the traffic modelling that underpins the noise assessment (see Transport and Highways</p>	<p>This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para 3.8.8].</p>

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		<p>sub-section). Due to this ambiguity, it is felt to be appropriate that the Council reserves its final position in respect of adverse noise impacts to heritage assets.</p> <p>2.7.3. In addition, it is unclear whether there may be further implications to heritage assets in Buckinghamshire as the Scheme is further defined. For example, in relation to construction traffic routes in proximity to sensitive assets or passing through historic landscapes and villages, which could arise following further development of the detail in the CTMP. Potential impacts to setting could also arise if off-site Highways works sought by the Council are developed, for example, at Ivinghoe.</p> <p>2.7.4. The analysis of the key issues within Buckinghamshire Council enables the identification of the following impacts that are considered relevant to the heritage topic. These impacts are associated with an explanation of the way in which the Council would wish to see them addressed by the Applicant:</p> <ul style="list-style-type: none"> • Potential for new heritage impacts to be identified following update to the noise modelling and subsequent analysis – the 	

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		<p>Council has set out how it wishes the Applicant to address the updates to the traffic modelling. Once this is completed, the Council wishes to receive updated noise modelling and analysis of consequential impacts for the heritage topic.</p> <ul style="list-style-type: none"> • Potential for additional heritage impacts to be identified following further development of the CTMP – the Council is keen to be in a position to influence the further development of the CTMP, as set out in the Highways and Transport sub-section. 	
Buckinghamshire Council	Health and community	<p>2.8. Health and Community 2.8.1. At the UK level, the Council is aware of growing precedent for health assessment to be informed by a more granular consideration of the impacts of changes to particulates (e.g. PM2.5) and noise levels than is required through the application of standard methodologies for air quality and noise assessment. This is a matter that is increasingly being raised by the UK Health Security Agency in consultation responses on DCO documents. The underlying issue is that relatively small changes (i.e. below</p>	<p>2.8.1 An assessment of air emissions (particulates and NO2) on health, including mortality rates and hospital admissions for respiratory and cardiovascular disease, has been undertaken and reported in Chapter 13 Health and Community of the Environmental Statement [APP-039]. This includes changes in exposure at all levels of concentration, including below significance thresholds.</p>

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		<p>thresholds reported as significant in contributing assessments) in concentrations of particulates and/or noise levels, sources or frequencies can have notable impacts on human health. It is considered that this may be an issue for certain communities within Buckinghamshire where changes in the traffic flow, composition of different vehicle types and/or the time of traffic movements could result in noticeable and potentially intrusive traffic noise and increases in particulate concentrations, to the detriment of human health.</p> <p>2.8.2. The number, size, timing and routing of Heavy Goods Vehicles (HGVs) (and abnormal load) vehicles is a major and widespread concern of local communities in relation to strategic infrastructure, with communities in Buckinghamshire already experiencing the impacts of East West Rail (EWR) and High Speed 2 (HS2). The Council is aware of the particularly strong feeling on this issue expressed through receipt of complaints and concerns raised by community members. The Relevant</p>	<p>The noise issue is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.4.5, 3.4.17, 3.7.5, 3.7.6, 3.9.28]</p> <p>2.8.2 / 2.8.3. An Outline Construction Traffic Management Plan (OCTMP) has been prepared and submitted as part of the application for development consent (Appendix 18.3 of the Environmental Statement [APP-130]). This includes a proposal for a Traffic Management Working Group to be formed as a forum for stakeholder engagement during construction (refer to Section 3 of the Outline CTMP). A detailed CTMP, substantially in accordance with the Outline CTMP, will be prepared and submitted for approval by the relevant local planning authority following approval of the DCO. This is secured by Requirement 14 of the Draft DCO [AS-067].</p> <p>As part of the assessments undertaken it is envisaged that the forecast increase in HGVs would be minimal on the Buckinghamshire local</p>

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		<p>Representation made by the Wingrave with Rowsham Parish Council (RR-1592) references the disruptive nature of HS2 construction traffic and concern of repeat and/or additive cumulative impacts with the Scheme. Ivinghoe Neighbourhood Plan includes a policy seeking to ensure that traffic impacts of new development are appropriately addressed.</p> <p>2.8.3. The Council is concerned about potential impacts from HGV traffic movements, which can contribute to noise effects, severance and reduction of amenity. Such impacts may be relevant principally to construction, although it is noted that the Scheme will support an expansion of freight transport in operation. As stated in the Transport and Highways section of this Written Representation, the Council requires clarification of the proposed routing of HGV movements.</p> <p>2.8.4. There is a need to recognise that at the regional and local level there is a large catchment to the west of the Main Application Site, including across Buckinghamshire. As such, as stated in the PADSS (AS-053) and Relevant</p>	<p>road network and therefore not require the need further assessment as set out within Appendix 18.3 of the Environmental Statement [APP-130].</p> <p>2.8.4 This concern is dealt with within the Surface Access section at 2.2 of this document with regards to transport modelling and assessment.</p> <p>2.8.5 / 2.8.6 / 2.8.7 The change in traffic flows as a result of the Proposed Development were reviewed for the road links in the strategic model, including those in the areas identified as falling within AQMA of Buckinghamshire, to identify those links that met the magnitude of impact thresholds in Environmental Impact Assessment (EIA) terms. The impacts on road links in this area did not meet the thresholds that triggered consideration of significant effects.</p> <p>2.8.8 / 2.8.9 / 2.8.10 These concerns are dealt with within the Surface Access section at 2.2 of this document</p>

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		<p>Representation (RR-0166), the local road network will continue to provide a preferential route and it is essential that this is adequately assessed and addressed within the DCO. Allied to this need, is the issue of ensuring the growth of Aylesbury, including the Berryfields development, is accurately represented within the traffic modelling and subsequent analysis for the DCO (as raised in the Examining Authority correspondence dated 16th May 2023 and 13th June 2023) (referenced in the PADSS (AS-053) and Relevant Representation (RR-0166)).</p> <p>2.8.5. It is particularly notable that Aylesbury is a route hub for multiple directions of travel and therefore very sensitive to changes in traffic flows and congestion, with consequential health and community issues arising related to air quality, noise, environmental quality, amenity and severance. There are three Air Quality Management Areas (AQMA) within Aylesbury – Stoke Road AQMA, Friarage Road AQMA and Tring Road AQMA, all associated with traffic derived pollutants. The health implications of air quality</p>	<p>with regards to potential future public transport improvements.</p> <p>2.8.11 – As acknowledged in the comment a cumulative assessment has been provided the ES [AS-032]. Other assessments, including air quality, noise, traffic and health include descriptions of the agreed study areas and receptors within them which are included in the assessment. Those receptors outside of the study areas are not likely to experience significant effects. The Proposed Development includes highway improvement measures where identified as required by traffic modelling as described in the Transport Assessment. The Environmental Statement is extensive and robust and <i>“identify measures to avoid, reduce or compensate for adverse health impacts as appropriate”</i>. Therefore, is in compliance with paragraph 4.73 of the ANPS.</p>

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		<p>impacts are a particular issue within AQMAs and the Council would seek to ensure that these AQMAs are not negatively impacted by the Scheme, as outlined in the Air Quality section above. In addition to this, the PADSS (AS-053) raises concerns regarding the availability of accurate baseline data for particulate matter due to faults with the automatic monitor – there is a need for this to be addressed so there is a credible baseline from which to be able to understand the implications of changes to particulates in relation to human health. An update to the assessment is sought and should any significant adverse effects be identified, the Council would wish to be directly involved in developing proposals for mitigation, from the perspective of avoiding adverse effects on health and communities.</p> <p>2.8.6. The villages of Pitstone, Marsworth and Ivinghoe (particularly the B488 and B489 junction) are very sensitive to changes in traffic movements. At the local scale, these villages are situated on a major route from Buckinghamshire and Hertfordshire to the Airport and the</p>	

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		<p>sensitivity of the network should reflect that small changes can create substantial issues associated with congestion, including for the health and well-being of resident communities, which has been raised in the PADSS (AS-053). It is also noted that the Transport Assessment (APP-204, superseded by AS-123) cites the first flight times as 05.00, with a peak between 06.00-07.00, and high frequency until 09.00. Given that passengers are encouraged to arrive typically two hours before flights, there is a concern that residents fronting the preferential access route to the airport may experience noticeable changes (increases) in traffic flows from the early hours of the morning due to the Scheme, when the baseline flows would be typically very low.</p> <p>2.8.7. The relevant representation (AS-053) notes the importance of completing trip profiling from locations in the south of the County, including Chesham, Amersham and High Wycombe where no direct public transport to Luton Airport is currently available. This is to ensure that there is an accurate understanding of</p>	

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		<p>impacts, which are considered likely to relate to effects on health and communities. The Council is keen to receive further information and analysis of the potential impacts from increasing Luton Airport traffic demand within the Buckinghamshire highway network, as a preferential route at the county and sub-regional scale: contributing to noise effects, severance, visual intrusion, reduction of environmental quality (particularly where routes are unsuitable for traffic flows and/or vehicle composition) and reduction of amenity. This is especially relevant to operation, although some construction workforce movements may also contribute. The Council requires the issues relating to the confidence and suitability of the traffic modelling relating to Buckinghamshire to be overcome in order to further review this matter.</p> <p>2.8.8. As Buckinghamshire has a substantial proportion of rural communities, connectivity between key centres and through the villages is of great importance, particularly in supporting rural accessibility and connecting people with</p>	

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		<p>limited access to private vehicles to key services. This is intrinsically connected to health, on the basis that the ability of people to access and engage in suitable employment is a key determinant of mental health and well-being. The issue operates at two scales – there is a lack of direct express bus or coach service from Aylesbury to Luton Airport; and there is poor connectivity of villages along strategic routes between Aylesbury and Luton Airport.</p> <p>2.8.9. At the strategic scale, it is noted that East West Rail (EWR) has the potential to improve accessibility of the airport for communities in the north of the county. However, the issue will remain for the southern communities and resilience of the transport network and availability of modal options is also an issue. The PADSS (AS053) emphasises the need for a more strategic express service to connect Luton Airport to Aylesbury and points further west and notes that Buckinghamshire Council welcomes engagement with the Applicant around route development, with a view to inclusion within the Surface Access</p>	

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		<p>Strategy (stated in the Relevant Representation (RR-0166)).</p> <p>2.8.10. Securing enhanced public transport accessibility at the local scale between London Luton Airport and Aylesbury is a key local issue – the restoration of service 61 (referenced in the Council's RR and PADSS) providing this connection through the villages of Eaton Bray, Edlesborough, Pitstone, Ivinghoe, Marsworth and Cheddington has already been raised as an important means of addressing this issue (AR-053 and RR-0166). It is also important to address accessibility to employment opportunities, including at the airport – consequently, service frequencies of at least 60 minutes are considered essential along this and other comparable public transport routes to provide effective modal options for commuting. This is supported by the Government's commitment to a more accessible and inclusive transport network, outlined in paragraph 4.74 of the ANPS.</p> <p>2.8.11. The scope of the Applicant's health and community assessment (AS-078) includes aircraft noise and changes to the</p>	

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		<p>character and quality of neighbourhoods due to combined environmental impacts (noise, air quality, traffic, light and visual effects). The Council welcomes recognition of these types of individual and incombination impacts as meriting assessment and asserts that they are likely to be relevant to a number of the communities within the authority. It is therefore essential that the baseline information relating to existing noise levels and traffic flows can be used with confidence in underpinning the assessment – reservations about these aspects are highlighted in the Transport and Highways and Noise subsection – these need to be resolved for the downstream assessment work to be competed effectively. It will also be essential for the potential sources of these impacts to be clarified – construction traffic routes need to be defined; and further information is needed about the likely routing of aircraft as the phases of the Scheme are implemented. This work is fundamental to correctly identifying relevant receptors within the Buckinghamshire Council area portion of</p>	

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		<p>the wider study area – i.e. those that may potentially experience changes due to construction traffic routeing, spoil disposal, Off-Site Highways works and aircraft noise. This detail is currently absent from the assessment and as a result the proposals are not currently in accordance with paragraph 4.73 of the ANPS as the Applicant is unable to demonstrate that it has identified all measures to avoid, reduce or compensate for adverse health impacts.</p> <p>2.8.12. The Chilterns AONB is considered an essential and highly valued resource for community recreation, supporting the health and well-being of residents, as well as visitors. The qualities of the AONB include visual amenity from important vantage points, such as Ivinghoe Beacon, as well as tranquillity. On this basis, Buckinghamshire Council views protection of this AONB from potential impacts of noise and visual intrusion that can affect its key characteristics and enjoyment of users as a key issue for supporting health and communities.</p> <p>2.8.13. The PADSS (AS-053) raised concerns about whether the ETS for the</p>	

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		<p>Scheme was sufficiently prescriptive to secure delivery of local benefits to Buckinghamshire. This is of relevance to the topic due to the recognised link between employment and mental well-being. There is a need for improved clarity around the measures and their delivery to provide confidence that the Scheme will be effective in realising the potential for benefits for Buckinghamshire – this clarity is fundamental to enabling an assessment of impact magnitude to be completed. In addition, as stated in the PADSS (AS-053) and Relevant Representation (RR-0166), the Council is seeking involvement in the LEDWG to ensure health and community impacts are included in the consideration of economic development strategy and policy for the Scheme.</p>	
Buckinghamshire Council	Health and community	<p>Impacts 2.8.14. The analysis of the key issues within Buckinghamshire enables the identification of eight combinations of impacts that are considered relevant to the health and community topic. These impacts are summarised in the list below, followed by a fuller explanation of the way in which the Council would wish to see</p>	<p>The impact of noise due to construction and operational road and air traffic from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 “Noise and Vibration”,</p>

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		<p>them addressed by the Applicant, either in a general sense, or specifically in relation to construction or operation:</p> <ol style="list-style-type: none"> 1. Impacts from HGV traffic movements: contributing to noise effects, severance and reduction of amenity. Relevant to construction and operation. 2. Impacts from increasing Luton Airport traffic demand within the Buckinghamshire highway network, as a preferential route at the county and sub-regional scale: contributing to noise effects, severance, visual intrusion, reduction of environmental quality (particularly where routes are unsuitable for traffic flows and/or vehicle composition) and reduction of amenity. Relevant to construction and operation. 3. Impacts from increased vehicular traffic within Aylesbury, including the three AQMAs: contributing to congestion and driver delay/stress, reduced air quality from traffic derived pollutants, severance, reduction of environmental quality, modal conflict and reduction of amenity. Relevant to construction and operation. 4. Impacts from increased vehicular traffic within the villages of Pitstone, Marsworth 	<p>of the Environmental Statement [REP1-003].</p> <p>7. This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.9.28]</p> <p>2.8.15 onwards. Although this comment starts in relation to health effects, it goes on to highlight that the concern is actually related to surface access and the underlying traffic modelling used in the assessment subject that use traffic modelling.</p> <p>The Applicant believes that the Health and Community assessment report in Chapter 13 of the Environmental Statement [AS-078] is robust and in accordance with the methodology agreed through scoping and engagement with consultees. This, and other assessments considered in the health assessment, used traffic data provided by the strategic model</p>

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		<p>and Ivinghoe: contributing to noise effects, severance, visual intrusion, reduction of environmental quality (particularly where routes are unsuitable for traffic flows and/or vehicle composition), modal conflict, increased risks to safety of all modes and reduction of amenity. Relevant to construction and operation.5. Impacts from increased travel demand from south Buckinghamshire including Chesham, Amersham and High Wycombe: contributing to noise effects, severance, visual intrusion, modal conflict, increased risks to safety of all modes and reduction of amenity. Relevant to operation.</p> <p>6. Impacts on the ability of rural communities to access employment opportunities: contributing to effects on rural connectivity, social cohesion, mental well-being. Relevant to construction and operation.</p> <p>7. Impacts from increased noise (construction and operational traffic and aircraft) on areas valued for tranquillity and/or environmental quality: contributing to effects on tranquillity, reduced amenity, environmental quality and neighbourhood characteristic, and mental health and well-</p>	<p>on links identified in the Affect Road Network which effectively provided the study area.</p> <p>Outside of this study area significant effects from highway related impacts are not expected, which includes most of Buckinghamshire, therefore the areas mentioned by Buckinghamshire Council are not, and do not need to be, included in any of the environmental assessment which employ traffic data. This is standard best practice in environmental assessments that consider effects from highway related impacts.</p>

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		<p>being. Relevant to construction and operation.</p> <p>8. Impacts from increased employment opportunities for Buckinghamshire residents: contributing to mental well-being and social cohesion</p> <p>2.8.15. The Health and Community Assessment (AS-078) acknowledges that increased traffic generated from the expanded airport and changes to the highway network will result in adverse impacts on social capital and access to services. Consideration is also given to the direct relationship between air pollutants and mortality rate, leading to a reported minor adverse health effect. However, the analysis of impacts derived from traffic modelling, such as changes in air quality and noise, are focused on the local neighbourhood study area. Detailed consideration of traffic derived impacts on receptors within the wider study area, which is the category that Buckinghamshire County is placed in, is not provided.</p> <p>2.8.16. Given the potential for changes in traffic to affect health determinants, which is acknowledged in the Environmental</p>	

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		<p>Statement in the context of health effects associated with pollution, changes in traffic flows and disruptions to access resulting in uncertainty and negative perceptions about potential negative impacts during construction and operation, which may give rise to stress, worry / negative impact on mental wellbeing, citing that this was raised during public consultation. The Environmental Statement does report a moderate adverse temporary effect on mental wellbeing which is significant (for the local neighbourhood of the area and the Wider Area), but in the absence of underlying detail, there is limited scope to propose effective mitigation and this is considered a weakness of the assessment. It relates directly to the impacts listed above at nos. 1, 2, 3, 4, 5, 6 and 7. The Council wishes to see this addressed in the following ways:</p> <ul style="list-style-type: none"> • Expansion of the study area for traffic related health and community impacts to include the Buckinghamshire County highway network. • Application of traffic modelling for the Buckinghamshire County highway 	

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		<p>network, to the satisfaction of technical officers in relation to relevant third party developments and validation, in accordance with the requirements presented in the Transport and Highways sub-section.</p> <ul style="list-style-type: none"> • Use of updated traffic modelling to enable a greater confidence to be assigned to downstream topic analysis, particularly noise and air quality assessment, in accordance with the requirements presented in the relevant sub-sections of this document. • Further development of the detail within the Construction Traffic Management Plan (APP-130), sufficient to allow identification of relevant receptors for health and community impacts from changes to traffic flows within Buckinghamshire. • Further development of the detail within the Surface Access Strategy (APP228), sufficient to allow identification of relevant receptors for health and community impacts from changes to traffic flows within Buckinghamshire. • Updated downstream topic analysis, using modelling as appropriate, to ensure that receptor sensitivity and impact 	

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		<p>magnitude is updated and the analysis of significance of effects is robust for Buckinghamshire health and community receptors.</p> <ul style="list-style-type: none"> • Review of suitable mitigation to address significant effects that may be identified following the updated analysis; including any relevant environmental appraisal of interventions that might be proposed. • Development of suitable delivery mechanisms and assurances for the delivery of mitigation. <p>2.8.17. The Outline Traffic Management Plan (APP-130) does not preclude any works traffic/spoil deliveries in the vicinity of the airport passing through Buckinghamshire. The uncertainty that this presents in relation to understanding potential impacts on the communities of Buckinghamshire has been raised as an issue in the Buckinghamshire PADSS (AS-053). This clarity is key to addressing impact no.1 regarding HGV movement; and may subsequently be linked to the need to explore disturbance related impacts on additional communities in Buckinghamshire, depending on whether</p>	

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		<p>there are relevant works locations proposed in the County.</p> <p>2.8.18. In addition to the above list of actions, the Council requires consideration of the impacts of the Scheme on Aylesbury, which relates to impact no. 3. This relates both to the proposals for traffic movement on the highway network in and around Aylesbury and specifically in relation to the impacts on the AQMAs, which are not reported within the health and communities chapter of the ES (AS-078). An update to the assessment is sought and should any significant adverse effects be identified, the Council would wish to be directly involved in developing proposals for mitigation, from the perspective of avoiding adverse effects on health and communities.</p> <p>2.8.19. Impact 4 relates to the rural villages on the preferential route to the Airport. For the villages of Pitstone, Marsworth and Ivinghoe, it is acknowledged that the projected peak hour traffic is expected to be low (AS-078). However, as noted in the transport and highway sub-section of this LIR, the</p>	

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		<p>Council has concerns about the level of confidence that can be assigned to the traffic modelling in the county due to reservations about the validity and transferability of the strategic modelling to local issues. The Council asserts that traffic movements through these villages will merit a high level of impact control, noting that they are situated on a direct route to the airport. This should also be reflected within the sensitivity assigned within the health and communities assessment, which the Council would wish to be elevated in recognition of the local transport context.</p> <p>2.8.20. In order to fully address impact nos. 5 and 6, Buckinghamshire Council requires completion of the items listed above in addition to specific trip profiling for the communities within the south of the county; and potential commuting demand for employment associated with the Scheme. It is considered imperative to understand the potential additional trip generation from the Scheme and how people may seek to use the network in order to inform the identification of the potential for impacts and complete the</p>	

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		<p>assessment. Should any significant adverse effects be identified, the Council would wish to be directly involved in developing proposals for mitigation, from the perspective of avoiding adverse effects on health and communities.</p> <p>2.8.21. Impact 7 relates both to traffic derived disruption, but also aircraft noise. In order to address this issue and impact, the Council requires completion of the items listed above such that the potentially sensitive receptors can be accurately identified – this will inform the assessment of traffic derived impacts on the AONB and other relevant sensitive locations (at present the ES only considers the community recreational assets of Wigmore Valley Park and Prospect House Day Nursery in relation to aircraft noise, both of which are in Luton). In addition, there is a need for the noise baseline concerns to be overcome and additional information supplied and modelling in relation to aircraft noise, including potential changes to flight paths (as set out in the Noise sub-section). The health and communities chapter of the ES (AS-078) reports increased aircraft movements and</p>	

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		<p>changes in aircraft noise exposure in the population as a moderate adverse permanent effect on health outcomes across the study population. This is considered very generalised and the health and community assessment should be expanded to assess the impacts on tranquillity of affected parts of the Chilterns AONB, as well as any sensitive community receptors that are scoped in following the updates. Should any significant adverse effects be identified, the Council would wish to be directly involved in developing proposals for mitigation, from the perspective of avoiding adverse effects on health and communities.2.8.22. Impact 8 relates to the potential effects from the implementation of the ETS, which are currently reported in the ES as contributing, generally (not specifically to any section of the population) to a moderate beneficial temporary effect on mental and physical health associated with increased income, skills and job security. The Council is keen to ensure that actions are secured to deliver benefits at the local scale, meeting specific areas</p>	

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		<p>of need. In order to correctly assess and underpin such actions, the Council is seeking clarity on the implementation of the ETS, such that impact magnitude can be understood and assessment reviewed. The Council is also seeking involvement in the EDWG, particularly in order to be able to express the local priorities and shape the mitigation and enhancement proposals.</p> <p>2.8.23. It is noted that the Council is seeking specific mitigation proposals at Ivinghoe –these would be developed into an additional Off-Site Highways proposal within the Scheme. It is also possible that upgrades to public transport services may result in physical works within Buckinghamshire. In addition to this, the clarity sought in relation to the freight strategy may reveal additional locations, potentially within Buckinghamshire, where specific Scheme works are required. The Council is keen to ensure that where the Applicant's response includes changes to the physical locations of works, there is sufficient time and resource directed to full analysis of the potential impacts, resultant effects</p>	

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		<p>and, if necessary, mitigation. The Council is keen to be engaged in such conversations where they affect the health and wellbeing of the communities within the county. This includes through membership of relevant working groups and enhanced engagement of the Council in discussions with the Applicant.</p>	
Buckinghamshire Council	Cumulative effects	<p>2.9. Cumulative Effects Assessment 2.9.1. The Council recognises that Buckinghamshire is not a host authority for the geographical scope of the Scheme, as currently described (AS-074). On this basis, the majority of intra-Scheme impacts (i.e. multiple impacts from the Scheme on the same receptor(s)) are unlikely to have implications for Buckinghamshire and the County is principally scoped out of inter-project cumulative assessment (the Scheme plus other developments) due to distance from the Scheme. The principal issues will therefore relate to impacts that have transboundary impacts – surface transportation; aircraft movements; and resource requirements (physical resources and demand for people/workforce). In terms of other projects interacting with the</p>	

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		<p>Scheme, HS2 and EWR have relevance. 2.9.2. Notwithstanding the above, the Council has set out concerns regarding the exacerbation or existing issues on the highways network due to the Scheme; and the need for the provision of public transport improvements to support effective, reliable and appealing alternatives to the private car for members of communities within Buckinghamshire wishing to access the airport for work or leisure. These would lead to the Applicant including additional Off-Site highways works within the County (e.g. at Ivinghoe); and providing confirmation of freight and HGV movements, as well as securing public transport provision to support operational and commuting movements that could alter the identification of the distribution of impacts by extending them into Buckinghamshire. In turn, this could merit consideration of not just direct effects, but also cumulative effects. The cumulative effects assessment does not consider the cumulative interactions from the potential reconfiguration of airspace on residents in Buckinghamshire. The relevant representations (RR -0166) raises</p>	<p>Comprehensive analysis and assessment of the surface access effects and impacts is provided within the Transport Assessment [APP-203 to APP-206] and associated appendices which set out the Local Model Validation Report and Forecasting Note. It is the view of the Applicant that the effects and impact of the Proposed Development has been robustly tested and assessed and this has been subject to numerous pre-application discussions with the Host Authorities and their appointed consultants. Furthermore, in addressing the comment on the Targets being met, of more relevance is the Limits set out within the Green Controlled Growth Framework [APP-218].</p>

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		<p>concerns that there is no consideration of the potential cumulative impacts of aircraft noise for residents under Heathrow, Stansted and Luton flight paths. The Council PADSS (AS-053) also raises concerns surrounding the change required to allocate more airspace for safe departures and arrivals across the south-east of England airports to allow expansion. It is acknowledged that this is a separate regulatory process from the DCO; however, there is a need for the ES to consider how these changes will impact residents and review whether there are potentially significant cumulative effects that would then require mitigation. 2.9.3. It is recognised that that the assessment includes proposed development at Stansted, Heathrow, Gatwick and London City airports. However, it has been identified that would be no overlap with the core Zone Of Influences (ZOI) for Scheme and therefore the cumulative effects with other airport expansions are not considered further. The Council considers this conclusion to be premature and wish it to be kept under review pending</p>	<p>This air space matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.10.5].</p> <p>This air space matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.10.6].</p>

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		<p>further clarification of how airspace and flight paths may be altered in order to accommodate planned expansion.</p> <p>2.9.4. The Relevant Representation (RR-0166) notes that Buckinghamshire communities are already experiencing issues associated with groundworks and spoil destinations linked to HS2 and EWR; and this is also highlighted as a parish concern within the health and communities issues outlined previously. These are manifesting as issues of disturbance, anxiety, mental health and, for residents with pre-existing conditions, some instances of physical health impacts. The potential addition of similar impacts due to the Scheme raises issues around cumulative impacts. The Relevant Representation (AS-053) cites the need to check last mile locations for groundworks such that this issue and the cumulative interactions are correctly articulated and addressed.</p> <p>2.9.5. The Council notes that the Relevant Representation from BMKALC (RR-0165) asserts that cumulative impacts on ecological connectivity have not been accurately portrayed – it claims that the</p>	<p>A cumulative effects assessment with of the Proposed Development with other development with potential spatial and temporal interactions has been undertaken and is reported in Chapter 21 of the Environmental Statement [AS-032]. This included consideration of HS2 and EWR and following the agreed recognise methodology described, concluded no likely significant effects.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>sum of numerous 'minor adverse effects' (not significant) are not commented on. The Council is of the view that this is an essential requirement of the cumulative effect assessment and would wish to see further justification of this approach by the Applicant. The Council notes that explanation offered presently – that ecology has not been assessed further in the in-combination effects assessment as interactions of different aspect effects upon these receptors are provided in relevant ES chapter (interactions between AQ, noise upon ecological receptors). The CEA chapter considers the impact the combined impact on different ecological receptors. The Council would like to see confirmation that this combined impact assessment considers all impacts on ecological receptors, rather than narrowing scope to those that only record significant effects from single impacts.</p>	<p>This cumulative effect and ecology matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para. 3.10.8].</p>
Buckinghamshire Council	Draft DCO	<p>2.10. Draft Development Consent Order 2.10.1. The Council makes the following recommendations for changes to the draft Development Consent Order DCO (dDCO) (AS-067). Appendix B provides a summary of the changes to the dDCO</p>	<p>On Schedule 3 – this is an error in the drafting of the dDCO contents page, which will be rectified in a revised version of the dDCO submitted at Deadline 2.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>(AS-067) and this table is also duplicated in the LIR and the Council's report 'Comments on Updated Application Documents'.</p> <p>Schedule 3</p> <p>2.10.2. The Schedules' contents page refers to Schedule 3, Parts 1 and 2. Part 1 should detail those public rights of way that are to be stopped up and where a substitute is to be provided, Part 2 where a substitute will not be provided. As presented in the latest revision of the dDCO neither part appears to be present in Schedule 3 with no indication of whether a substitute provision will be made or not. The Council would expect any updated version of the dDCO to address this omission or to amend the contents page accordingly. In its current form the dDCO does not provide sufficient information with regard to the stopping up of public rights of way</p>	<p>The Applicant is grateful for the Council drawing this to the attention of the Applicant.</p>
Buckinghamshire Council	Draft DCO	<p>Article 6 – Limits of Works</p> <p>2.10.3. 'Limits of Works', Article 6, subparagraph 3, makes provision for the undertaker to carry out works in excess of the defined limits, subject to certification by the relevant planning authority that they</p>	<p>Article 6(3) stipulates that any variation to the limits of deviation must not give rise to any materially new or materially different environmental effects. This stipulation, therefore, provides a significant control on the</p>

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		<p>would not give rise to any materially new or materially different environmental effects to those reported in the environmental statement.</p> <p>2.10.4. Given the broad parameters to which this article could apply, the Council is concerned that its wording does not stipulate consultation outside of the relevant planning authority for works in excess of the limits. It is suggested that neither the Applicant nor the relevant planning authority could rule out, at this stage, works outside the limits that would have potential impacts requiring input from external consultees into the decision-making process.</p> <p>2.10.5. Given the unknowns associated with works being undertaken outside the limits of works there are concerns over the ability to certify such a change without the requirement to consult key external consultees, where relevant. The Council would expect sub-paragraph 3 to make provision for the relevant planning authority to undertake appropriate consultation on any works in excess of the limits.</p> <p>2.10.6. On the basis that sub-paragraph 4</p>	<p>Applicant's ability to vary the limits of deviation, and accordingly the provision is considered appropriate in limiting any 'unknowns' that may be associated with works undertaken outside of the limits of deviation. The relevant local planning authority is competent to approve such variations.</p> <p>This provision is necessary to provide a proportionate degree of flexibility required to ensure that the delivery of this nationally significant infrastructure project is not unnecessarily impeded or delayed by a requirement to make minor variations to the limits of deviation.</p> <p>The provision is precedent – the Southampton to London Pipeline Development Consent Order 2020 (see article 6(2)), the M25 Junction 28 Development Consent Order 2022 (see article 7(1)) and the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		requires any application to be made and determined in accordance with Part 5 of Schedule 2 of the dDCO, the Council's comments in relation to Part 5, of Schedule 2 of the dDCO, detailed below, are also relevant here.	(see article 7).
Buckinghamshire Council	Draft DCO	<p>Procedure for discharge of Requirements</p> <p>2.10.7. As outlined in its LIR, submitted at Deadline 1, the Council has concerns regarding the implications of paragraph 36 (3) of Part 5 of Schedule 2 of the dDCO on consultation. Paragraph 36(3) would appear to limit consultation on the discharge of DCO requirements to those consultees specified within a requirement itself.</p> <p>2.10.8. Given the wording of this requirement the Council would emphasise the need to ensure that relevant consultees are stated within the wording of each requirement, where considered necessary, to ensure that an appropriate assessment of the associated impacts is made.</p> <p>2.10.9. Whilst not an exhaustive list these concerns would apply to the following requirements as a minimum:</p>	<p>The Applicant notes the comments made and is considering these further.</p> <p>The Applicant notes the Council's concerns on the procedure for discharge of requirements. It notes that the list provided is not exhaustive but an initial response to the identified requirements is set out below.</p> <p>The Applicant remains happy to continue its dialogue with the Council to better understand and progress these matters where possible. Where appropriate, the Applicant will provide a further response at Deadline 3 alongside any updates to the draft DCO.</p>

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Buckinghamshire Council	Draft DCO	<p>Amendments to approved details</p> <p>2.10.10. Paragraph 2, sub-paragraph 1, of Part 1, of Schedule 2 of the dDCO allows the undertaker to apply to the relevant planning authority for approval to amend the parameters specified in paragraph 6, of Part 2, of Schedule 2 of the dDCO. Sub paragraph 3 limits any approval to one where it can be demonstrated that it would not give rise to any materially new or materially different effects to those reported in the environmental statement and sub-paragraph 4 limits consultation on such an application to those consultees specified within the requirements contained in Part 2 and Part 4 of the dDCO.</p> <p>2.10.11. As paragraph 6 of Part 2 of Schedule 2 of the draft DCO is a compliance requirement Buckinghamshire Council would have concerns regarding an absence of consultee specification to inform paragraph 2(4) of Part 1 of Schedule 2 of the dDCO. It is suggested that the Applicant should make provision for the relevant planning authority to undertake consultation on any changes to the parameters specified in paragraph 6.</p>	<p>The comment is noted. It is the Applicant's view that this requirement stipulates that any variation to the parameters of authorised development must not give rise to any materially new or materially different environmental effects.</p> <p>This provides a significant control on the Applicant's ability to vary the limits of deviation, and accordingly the provision is considered appropriate in limiting any 'unknowns' that may be associated with works undertaken outside of the limits of deviation.</p> <p>The Applicant considers that the relevant local planning authority is competent to approve such variations and does not need to consult on any proposed changes.</p> <p>The Applicant is, however, happy to engage further with the Council to understand and progress these matters where possible. Where appropriate, the Applicant will provide a further response at Deadline 3</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			alongside any updates to the draft DCO.
Buckinghamshire Council	Draft DCO	<p>Code of Construction Practice 2.10.12. Paragraph 8, sub-paragraphs 1-2, of Part 2, of Schedule 2 of the dDCO makes provision for the Code of Construction Practice and its associated management plans to be approved by the relevant planning authority, following consultation with the relevant highway authority on matters related to its functions. Whilst this may not apply to all management plans Buckinghamshire Council has concerns that some management plans could be approved without consultation with the appropriate technical authority. For example, the pollution incident control plan has clear links with paragraphs 12 and 13 of Part 2, of Schedule 2 of the dDCO which require consultation with the Environment Agency in relation to contaminated land and groundwater and surface and foul water drainage respectively. 2.10.13. In view of the above</p>	<p>For the reasons stated above with regards to Requirement 6 (Parameters of authorised development) the Applicant considers that the relevant local planning authority is competent to approve such variations to the Code of Construction Practice and its associated management plans and does not need to consult on all proposed changes save where specifically identified in the requirement.</p> <p>The Applicant is. However, happy to engage further with the Council to understand and progress these matters where possible. Where appropriate, the Applicant will provide a further response at Deadline 3 alongside any updates to the draft DCO.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		Buckinghamshire Council would suggest that paragraph 8, sub-paragraphs 1-2 of Part 2 of Schedule 2 of the dDCO should make provision for the relevant planning authority to undertake wider consultation on management plans that require the input of external consultees.	
Buckinghamshire Council	Draft DCO	<p>Landscape and biodiversity management plan</p> <p>2.10.14. Paragraph 10, sub paragraph 1, of Part 2, of Schedule 2 of the dDCO makes provision for the landscape and biodiversity management plan to be approved by the relevant planning authority without consultation. Given the implications of the management plan for protected species Buckinghamshire Council would suggest that paragraph 10, sub paragraph 1 makes provision for the relevant planning authority to undertake consultation on the landscape and biodiversity management plan with Natural England.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs submitted at Deadline 2a [para 3.11.2].</p> <p>The Applicant also considers that the issue raised regarding approval of the LBMP by NE was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (REP1-021) page 315, in response to RR-0166.</p> <p>The Applicant considers that the relevant local planning authority is competent to approve such management plans and does not need to consult Natural England.</p> <p>The Applicant is, however, happy to engage further with the Council to understand and progress these</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			<p>matters where possible. Where appropriate, the Applicant will provide a further response at Deadline 3 alongside any updates to the draft DCO.</p>
Buckinghamshire Council	Draft DCO	<p>Environmental Scrutiny Group 2.10.15. Paragraph 20, sub paragraph 2, of Part 3, of Schedule 2 of the dDCO details the individuals and officers of the proposed authorities to attend the Environmental Scrutiny Group (ESG). The authorities are named as Central Bedfordshire Council, Hertfordshire County Council, Luton Borough Council and North Hertfordshire Council. Whilst Buckinghamshire Council acknowledges the importance of the host authorities in the scrutiny of environmental impacts it is concerned that other neighbouring authorities have been excluded from attendance.</p> <p>2.10.16. Paragraph 20, sub paragraph 6 of Part 3 of the dDCO lists air quality, greenhouse gas emissions, noise and surface access as matters to be considered by the ESG. Given that the Applicant, in its Environmental Statement,</p>	<p>2.10.15 – 2.10.17 The Applicant considers that the issue raised regarding membership of ESG and Technical Panels was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>has identified that these matters have impacts that are experienced outside of the host authorities' boundaries</p> <p>Buckinghamshire Council is concerned that the exclusion of neighbouring authorities from the ESG prevents them from effectively representing the best interests of their local communities.</p> <p>2.10.17. On that basis Buckinghamshire Council suggests that the Applicant makes provision within Paragraph 20, sub paragraph 2, of Part 3, of Schedule 2 of the dDCO for the inclusion of Buckinghamshire Council, and any other neighbouring authority, where air quality; greenhouse gas emissions; noise or surface access impacts are identified as being experienced within their administrative boundaries.</p>	
Buckinghamshire Council	Draft DCO	<p>Requirements Pertaining to Other Operational Matters</p> <p>2.10.18. Paragraphs 26 and 27, of Part 4, of Schedule 2 of the dDCO make provision for the relevant planning authority to approve variations to the passenger cap for the authorised development and the night quota cap,</p>	2.10.18: The Applicant notes this particular comment and is considering this further. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>respectively. As currently drafted, the Council is of the opinion that these requirements do not adequately deal with the phased approach to increasing passenger numbers to the cap. This places the Requirements at odds with the GCGF proposed by the Applicant and the Council wishes to see this amended to address the inconsistency.</p> <p>2.10.19. Paragraph 27, of Part 4, of Schedule 2 of the dDCO makes provision for the relevant planning authority to approve a variation to the night quota cap, in consultation with the ESG and provided that the relevant planning authority is satisfied that the variation would not give rise to any materially new or materially different effects that those reported in the environmental statement. As outlined above, in relation to paragraph 20, sub paragraph 2, of Part 3, of Schedule 2 of the dDCO, Buckinghamshire Council is concerned that its absence from the ESG would prevent it, and other neighbouring authorities, from representing the best interests of their communities on this matter.</p> <p>2.10.20. Buckinghamshire Council also</p>	<p>2.10.19. The Applicant considers that the issue raised regarding membership of ESG was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298 to 300, in response to RR-0166.</p> <p>2.10.20: The Applicant notes this particular comment and is considering this further. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>has concerns regarding the wording of paragraphs 31, 32 and 33, of Part 4, of Schedule 2 of the dDCO that make provisions for the approval of an operational air quality plan, greenhouse gas action plan and operational waste management plan by the relevant planning authority without consultation. Given that these matters are intrinsically linked to the topics to be scrutinised by the ESG Buckinghamshire Council would expect that provision is made for consultation with the ESG, as a minimum, due to the broader, regional implications of the associated plans for potential environmental impacts.</p>	
Buckinghamshire Council	Draft DCO	<p>Procedure for Discharge of Requirements 2.10.21. Whilst Buckinghamshire Council recognises that there are prescribed consultees stipulated in relevant requirements the Council would expect paragraph 35, of Part 5, of Schedule 2 of the dDCO to make provision for a minimum consultation period for applications made under requirements, akin to the 21 days defined in Paragraph 18, of Part 3, of Schedule 2 of the dDCO.</p>	<p>The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		The Applicant should also ensure that an appropriate mechanism is included within the dDCO for extending this consultation period should further issues arise or if insufficient information is made available to the consultee.	
Buckinghamshire Council	General	3 Summary of Written Representation 3.1.1. A summary of the suggested changes and requests set out in this Written Representation and the Councils other Deadline 1 submissions is provided in the following table.	Noted. The Applicant has responded in detail to the representation in Section 3.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	General	<p>Terms of Reference</p> <p>Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire District Council (referenced as North Herts Council) (“the Councils”) are the host authorities for the London Luton Airport Expansion Development Consent Order (DCO) (“The Proposed Development”).</p> <p>The Proposed Development is being progressed by an application for Development Consent by Luton Rising (“the Applicant”) that was accepted by the Planning Inspectorate on 27 March 2023. If granted, the DCO will permit consent for the Expansion of London Luton Airport from its current permitted cap of 18 million passengers per annum (mppa) up to 32 mppa (“the Proposed Development”).</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>The Councils have engaged with the Applicant and have made comments at each stage of public consultation, have attended technical workshops, engaged in the Statement of Common Ground (SoCG), the Principal Areas of Disagreement Summary Statement (PADSS) [PINS Ref: AS-057] and have submitted Relevant Representations for Dacorum Borough Council [PINS Ref: RR-0297], Hertfordshire County Council [PINS Ref: RR-0558] and North Herts Council [PINS Ref: RR-1119].</p> <p>This report is the Councils Written Representation submitted 22 August 2023; Deadline 1 of the examination. The report expands upon some of those issues identified in the Local Impact Report (LIR) which will be submitted at Deadline 1a of the examination.</p>	

<p>Hertfordshire Local Authorities REP1-069</p>	<p>General</p>	<p>The Councils' Position 1.5 The position of the Councils, and as set out in their Relevant Representation, is as follows for each Council.</p> <p>Hertfordshire County Council 1.6 Hertfordshire County Council maintains its on-going in-principle presubmission objection: "Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not</p>	<p>Noted.</p>
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		<p>currently exist.”</p> <p>Dacorum Borough Council 1.7 Dacorum Borough Council maintains its on-going in-principle pre-submission objection: “The application in its current form lacks sufficient clarity, transparency and consistent methodology to provide sufficient reassurance to local communities that the airport can grow and be operated in a responsible manner to achieve sustainable growth as set out in Aviation 2050. The evidence does not currently exist that environmental, health and well-being, and surface access impacts will be within agreed and acceptable limits that can be appropriately enforced and will achieve overall betterment to local communities. Dacorum Borough Council therefore has in-principle objection to growth of the airport pending satisfactory and appropriate resolution of those matters.”</p> <p>North Herts Council 1.8 North Herts Council</p>	
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		<p>maintains its on-going in-principle pre-submission objection:</p> <p>“North Herts Council objects in principle to the proposed scale of expansion of London Luton Airport on the grounds that it is inconsistent with the Council’s declaration of a climate emergency and with national targets on decarbonisation for 2030, 2035 and 2050.</p> <p>The Council is unpersuaded that the evidence submitted and the enforcement mechanisms proposed in the DCO application reports are sufficient to demonstrate that the Airport can grow by 78% (from 18mppa to 32mppa) and still meet its climate change obligations in full, as required by national policy.</p> <p>Furthermore, the Council remains concerned that the impacts on North Herts’ residents, businesses, heritage and natural environment, in terms of increased air pollution, noise exposure and road traffic, have not been robustly modelled and that the proposed</p>	
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		<p>mitigations and remedies are inadequate. Without prejudice to its in-principle objection to the development, the Council is willing to engage with the Applicant to review the data and analysis, agree any additional data and analysis required, and co-design any additional or altered mitigations with a view to making the proposed development acceptable in planning terms to the Council.”</p>	
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Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	General	<p>The Councils anticipate continuing to engage technically with the Applicant, where relevant and necessary, on the matters identified, with a view to informing the on-going preparation of the SoCG and PADSS and to provide clarity for the remainder of the process.</p> <p>Where the process identifies issues (by other parties) directly relevant to Hertfordshire in addition to the above, that the Examining Authority consider need to be pursued, the Councils have access to their consultancy team and are available to assist, resources permitting.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	Planning	<p>Planning overview</p> <p>The Proposed Development falls to be determined in accordance with s105 of the Planning Act 2008. This requires the Secretary of State, in making a decision for regard to be had to:</p> <ul style="list-style-type: none"> • Any LIR; • Any matters prescribed in relation to that Proposed Development; and • Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision. <p>It is noted that the statutory requirements from s104 of the Planning Act 2008 are not applicable, and that the Proposed Development is not one to be determined in accordance with the Airports National Policy Statement (NPS).</p>	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>For this Proposed Development, the test is therefore a determination 'on its merits' and having regards to the 'planning balance' of need / benefits, in relation to environmental impacts. It is not the case that there is a presumption in favour of the application being granted in accordance with the Airports NPS, or that environmental harm must outweigh the need / benefits.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Planning</p>	<p>The Councils place the highest levels of emphasis on the importance of addressing the environmental impacts, and controls and mitigation, in dealing with this planning balance. This includes but is not limited to: air quality, health and community; surface access; noise, emissions and landscape and visual impact, and together with any cumulative effects.</p>	<p>The Planning Statement [AS-122] notes that, whilst it has not been possible to avoid all adverse impacts, these have been minimised, where possible, through careful design and detailed and innovative mitigation strategies. It concludes that the substantial benefits of the Proposed Development clearly and demonstrably outweigh any residual harms that would arise with the proposed suite of mitigation measures in place. The Proposed Development is compliant with national aviation policy, national planning policy and the relevant</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>It is imperative that the decision should not be driven simply by demand and economic benefits, which are at risk of being over estimated, and which do not benefit the Councils in the same way that they do the Applicant and Luton Borough Council, and that the adverse environmental effects must carry full weight in the decision making process, and in relation to any mitigation, including through requirements, s106 Obligations and the Green Controlled Growth (GCG) Framework.</p>	<p>development plan documents when taken as a whole.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>General</p>	<p>In support of the issues in relation to environmental impacts, and principally air quality, health and community, surface access, noise, GHG and landscape and visual impact, further details are set out in the following sections in relation to each topic area, and these include where relevant consideration of national and local planning policy issues.</p>	<p>Noted.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	Need Case	On balance, the Councils are of the view that the alleged and uncertain economic and other benefits of the Proposed Development do not outweigh the adverse impacts.	This comment is addressed later in this response.
Hertfordshire Local Authorities REP1-069	General	<p>Further detail on the local planning policy issues can be found in the Councils LIR.</p> <p>In relation to the relevant Development Plans in force for the Councils, these comprise:</p> <ul style="list-style-type: none"> • North Herts Council Local Plan 2011-2031; • Dacorum's Local Planning Framework Core Strategy 2006-2031; • Hertfordshire Waste Development Framework; • Hertfordshire County Council Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026; • Hertfordshire Minerals Local Plan Review 2002-2016; 	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<ul style="list-style-type: none"> • Stevenage Borough Local Plan 2011-2031; • St Albans Saved Policies; and • Welwyn Hatfield Saved Policies. <p>Policies within the Development Plan that are considered relevant to the proposals are identified within the relevant 'Assessment of Impacts' sections within the sections of the LIR, and also in this Written Representation where relevant.</p>	
Hertfordshire Local Authorities REP1-069	General	This document only considers those topics which have identified key issues; therefore, the following topic; Climate Change Resilience will not be considered further, as no key issues were identified.	Noted.
Hertfordshire Local Authorities REP1-069	Need Case	The 'need case' put forward by the Applicant incorporates national policy need, and demand led forecast need, including addressing current and future capacity constraints and	Noted

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>the economic benefits of the proposals. The need case sets out a case for policy support, demand led need and economic benefits, to be weighed in the planning balance.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Need Case</p>	<p>The major influence on demand at Luton is the airport capacity available and its utilisation at Stansted, Gatwick and Heathrow, which in turn depends on whether a new runway is built at Heathrow or the emergency runway at Gatwick is brought into regular use.</p>	<p>Full consideration has been given to the potential utilisation and delivery of additional capacity at the other main London airports and sensitivity tests carried out, as set out in Section 6 of the Need Case [AS-125]. It is understood that the Host Authorities, in combination, have now appointed CSACL to review the demand forecasts and a dialogue is ongoing. A separate response is being prepared to the Initial Report received from CSACL, which we understand will be submitted to the ExA at Deadline 2.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Need Case</p>	<p>There remains considerable uncertainty, and considerable down-side risks that the forecasts are likely to be too high.</p> <p>The risk, therefore, is that the need case and economic benefits may be overestimated, and this should be weighed in</p>	<p>The Applicant considers that the demand forecasts are robust and that the assessment of the economic benefits of the Proposed Development deriving from those forecasts is robust.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		the planning balance with the environmental impacts.	
Hertfordshire Local Authorities REP1-069	Need Case	This is also the case with economic benefits, that are linked to ATM growth, and if the growth does not occur as projected the benefits may not be realised, or may be delayed. The actual economic benefits for the Councils in Hertfordshire are also at risk of being over optimistic, as it becomes more difficult to estimate these direct, indirect, and induced benefits over a larger area, further away from the Proposed Development and its main conurbation, Luton.	If growth is slower than anticipated in the Core Planning forecasts, the delivery of benefits would be later, but the environmental consequences would also be realised at a later date. It is for this reason that Faster and Slower Growth Cases were set out in the Need Case [AS-125] (Section 6). The environmental implications of these Faster and Slower Growth Cases were examined quantitatively or qualitatively as appropriate in the environmental statement.
Hertfordshire Local Authorities REP1-069	Community First Fund	The proposal for the creation of 'Community First' is designed to enhance the benefits to neighbouring communities of airport growth providing grant funding to local organisations. The proposal is considered to have a positive impact in terms of the requirements to contribute	Noted

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>to the Community First Fund providing £1/passenger from growth above 18m passengers per annum (mppa), resulting in up to £14m per year by the time London Luton Airport reaches a throughput of 32 mppa. The extent of and precise positive impacts of this initiative will depend upon the implementation methodology.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Community First Fund</p>	<p>The Fund is eligible to registered charities, community groups with their own bank account, parish councils and town councils, for projects supporting either decarbonisation or tackling deprivation, with a maximum level of any single grant award will be limited to £25,000 in any one grant year. The Councils appreciate that the eligible area for the Fund is considered by the Applicant to be 'large enough to be confident that all Community First funds should be capable of being used but not so wide that it dilutes the effectiveness of the</p>	<p>Community First has a review process built in. The maximum size of grant awards is one of the elements to be reviewed at regular intervals and it is anticipated that as the size of the annual Community First contribution increases with growth of passenger numbers, the maximum size of available grants would be increased to avoid the scenario described. Similarly, as the fund grows, and giving due consideration to the number and quality of grant applications, the review process may consider widening, or changing the funding themes in any given period.</p> <p>Should the value of awards in any year be less than the fund available then the surplus will be carried forward into the following year.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>fund in meeting its objectives'. However, at full capacity 560 grants per annum would be required to ensure the Fund reached its full potential, on the assumption all grants sought the maximum allowable amount, which is highly unlikely to be the case in practice. There remains some uncertainty as to the capability of eligible organisations to fully utilise the Fund in any one given year or on an ongoing basis, particularly given its narrow focus upon decarbonisation/deprivation. It would be helpful if the examination process might be provided with some historic patterns of grant funding to provide some context for the scale of historic take-up of community funding (some evidence for which was presented to participants at the Open Floor Hearings). Notwithstanding the commitment to regular review (not exceeding</p>	<p>The review period can be less than 5 years if there is good reason for this. The Applicant considers that, in the early years of the fund, with a relatively modest annual fund size, a £25,000 cap is appropriate to ensure that awards are distributed across a wide range of grant applications.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		5 years) in Section 11 of 7.10 Draft Compensation Policies, Measures and Community First Revision 1 (AS-128), it might be advantageous if the scheme could be designed for flexibility at the outset – for example, to enable uplift the maximum £25,000, to shift funding between the currently proposed 60/40 (Luton / elsewhere) split were there to be an annual / ongoing deficit, to enable underspend to be rolled forward for future use, and so on.	
Hertfordshire Local Authorities REP1-069	Planning	The Councils have yet to see a draft of the s106 Agreement that will include Community First proposals.	A draft agreement will be shared with the local authorities.
Hertfordshire Local Authorities REP1-069	Air Quality	Notwithstanding any concern regarding traffic model assumptions that are expressed under the section 'Traffic and Transport' below, the approach to the air quality assessment as presented in Environmental Statement (ES) Chapter 7 Air Quality [PINS Ref: AS-076] is	Noted.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>considered generally acceptable. However, should traffic modelling assumptions be found to be inadequate then the basis of the air quality assessment as presented in the ES would be undermined and the assessment would need to be updated accordingly.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Air Quality</p>	<p>There is concern regarding the National Highways method of determining the impacts on ammonia and nitrogen deposition levels at designated habitat sites due to road traffic emissions, in-particular the lack of transparency of this method and the question of acceptance by Natural England. The method is an update to that given in the current version of DMRB LA 105 (revision 0) which attempts to address ammonia emissions from road traffic (a factor that was previously omitted). Given Natural England's concerns regarding the methodology as written in LA 105 (revision 0)</p>	<p>The Applicant considers that the issue raised regarding the method of determining impacts on ammonia and nitrogen deposition was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (REP1-021) page 58, in response to RR-0558, RR-1119, and RR-0297.</p>

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		<p>and the opaque nature of the updated National Highways methodology used by the Applicant (it is not readily available in the public domain for scrutiny), the Councils require assurance that Natural England is satisfied with the science behind the method used and for details this method to be visible to all in the public domain.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Air Quality</p>	<p>Of particular concern is the adequacy of the proposals under the GCG Framework to monitor air quality and airport related emissions, and how monitoring is to be used to ensure that emissions can be pro-actively managed to minimise – as far as is practicable – the risks of causing acute and chronic health impacts. The current GCG Framework proposal, which is for monitoring of annual mean concentrations only, is completely inadequate in this regard as it does not enable detection of and action to</p>	<p>The Applicant considers that the issue raised regarding short-term air quality monitoring was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (REP1-021) page 25, in response to RR-0558 and RR-0297.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>address relatively short-term spikes in concentrations that relate to acute health impacts. The proposed approach also relies on indicate methods for particulate matter monitoring which are inadequate for demonstrating compliance with standards.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Biodiversity</p>	<p>Legislation, Policy and Guidance</p> <p>The legislation, policy and guidance referred to in ES Chapter 8 Biodiversity [PINS Ref: AS-027] are broadly appropriate. The Councils do however maintain a request that additional information is provided on how judgments within ES Chapter 8 Biodiversity [PINS Ref: AS-027] are made at a local level which will be those directly relevant to the Councils.</p> <p>While it is not considered that the outcomes of the Habitats Regulations No Significant</p>	<p>The Applicant considers that the issue raised regarding legislation, policy and guidance referred to in ES Chapter 8 Biodiversity, was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 68-69, in response to RR-0558 RR-1119, RR-0297, RR-0558, RR-1119 and RR-0297.</p> <p>The Applicant considers that the issue raised regarding the lack of impact pathways was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 159, in response to RR-0558, RR-1119 and RR-0297.</p>

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		<p>Effects Report (NSER) are directly relevant to the Councils, it is noted that no legislation or guidance is referred to within the document.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Biodiversity</p>	<p>Baseline Information</p> <p>Baseline information including the biodiversity surveys undertaken were subject to discussion and agreement within the Technical Working Group (TWG). Surveys were undertaken over an extended period and a review was conducted to ensure baseline information is contemporary. ES Chapter 8 Biodiversity [PINS Ref: AS-027] refers to an agreement with the TWG that habitats have not changed since the main extent of surveys undertaken in 2018 - 2019. This agreement influenced the limited level of updated surveys that</p>	<p>Noted.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>were undertaken in 2021. Important' ecological features are valued 'in line with the principles' with Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines (2018) and follow a geographical frame of reference (Table 8.9).</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Biodiversity</p>	<p>Assessment of Significant Effects</p> <p>The Proposed Development will result in the total loss of Wigmore Park CWS over the different construction phases. It is mitigated for as part of the enhanced provision of open space included in the Proposed Development (i.e., embedded mitigation); a judgment is made that the effects will be of minor significance in the long term (10-15 years) on the CWS.</p> <p>While it is understood that the CWS does not lie within the boundaries of the Councils,</p>	<p>The Applicant considers that the issue raised regarding the areas identified for enhancement, was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 71-72, in response to RR-0558, RR-1119 and RR-0297</p>

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		<p>areas identified for enhancement are directly relevant as these fall within North Hertfordshire. Clarity is required on the basis of the enhanced areas; ES Chapter 8 Biodiversity [PINS Ref: AS-027] does not directly assess them as compensating for the loss of the CWS. The scope and premise behind the enhanced areas is therefore unclear.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Biodiversity</p>	<p>Mitigation, Enhancement and Monitoring</p> <p>Notwithstanding comments given above about the premise behind the scope of enhanced areas, further clarity is outstanding on how mitigation is framed within ES Chapter 8 Biodiversity [PINS Ref: AS-027]. Several measures are proposed for receptors that are not considered to have significant effects in the assessment e.g., birds. The process of identifying the required additional mitigation should be clarified.</p>	<p>The Applicant considers that the issue raised regarding the mitigation proposed where no significant effects are considered, was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 76, in response to RR-0558, RR-1119 and RR-0297.</p> <p>It should be noted that mitigation is included not just for receptors with potential significant effects, but also where mitigation is considered appropriate and/or required for licensing purposes.</p>

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		<p>The Landscape and Biodiversity Management Plan (AS-029) summarises proposed actions relevant to biodiversity. It is noted that there is no mention of Biodiversity Net Gain (BNG) within the justification for areas and types of habitats proposed. If BNG is pursued and claimed, the LEMP should reflect and demonstrate the delivery of required Biodiversity Units.</p> <p>Proposals for habitat establishment and management are generally acceptable. Accountability for essential monitoring requires clarification. As the LEMP is partly intended to 'compensate' for the loss of an otherwise publicly accessible existing CWS, some accountability should be determined to demonstrate the aims of the compensation and wider BNG are being delivered on behalf of those LPAs and</p>	<p>Biodiversity Net Gain is discussed and evidenced in the Biodiversity Net Gain Report Appendix 8.5 of the Environmental Statement [APP-067]. Within Table 7.2 of the Outline Landscape and Biodiversity Management Plan [AS-021], there is a commitment to monitor the condition of the newly created habitats in line with the Biodiversity Net Gain guidance provided within the Defra Metric 3.1.</p>

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		<p>communities affected, at least in respect of major habitat provision. Whether this could be a Management Board on behalf of the LPAs affected will need to be considered; as such, wider governance of these proposals has not been addressed.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Biodiversity</p>	<p>The Councils note the conclusion of the HRA and concur with Natural England's view that that there are no adverse effect on any National Network Site.</p>	<p>Noted</p>

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Hertfordshire Local Authorities REP1-069	GHG	<p>Paragraph 12.11.56 of ES Chapter 12 GHG [PINS Ref: APP-038] concludes that the increases in all four of the carbon emission sources considered (Aviation, Airport Operations, Surface Access, and Construction) resulting from the Proposed Development would result in a Minor Adverse (i.e., not Significant) effect, both individually and collectively. The ES notes that this assessment of significance has followed the latest Institute of Environmental Management and Assessment (IEMA) guidance on this issue (IEMA, 2022). The same IEMA guidance notes that "A 'minor adverse' effect or better is therefore a high bar and indicates exemplary performance where a project meets or exceeds measures to achieve net zero earlier than 2050."</p> <p>Given that a proportion of the</p>	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>carbon emissions increases under consideration will occur within the geographical boundaries of all three Councils and hence will be of relevance to current or potential future 'area based targets' as referenced in the IEMA GHG guidance, with particular reference to Aviation emissions, there is insufficient explanation as to why a 'minor adverse' assessment has been determined for these effects, rather than a 'moderate adverse' (i.e. Significant) assessment.</p>	

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Hertfordshire Local Authorities REP1-069	GHG	<p>Regarding the 'Matters scoped in' (paragraph 12.3.12), the carbon emissions from air traffic movements including take-off (Landing and Take Off (LTO) - below 3000 feet) and Climb, Cruise, Descent (CCD - above 3000 feet) are stated to be included in the assessment. However, Paragraph 12.5.9 notes that of the CCD emissions, only those from flights departing London Luton Airport have been included in the assessment. While this may accord with the UNFCCC approach (to avoid double counting between corresponding airports) this appears to be at odds with the IEMA significance assessment approach which should include the overall carbon emissions impact of a Proposed Development. Has the ES underestimated the actual aviation emissions resulting from the Proposed Development by only including half of the CCD</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.</p>

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		<p>emissions?</p> <p>It should be acknowledged that there are three national targets for GHG emission reductions, relative to 1990 levels:</p> <ul style="list-style-type: none"> • 68% reduction by 2030 (Nationally Determined Contribution, as communicated to the United Nations Framework Convention on Climate Change); • 78% reduction by 2035 (UK's Sixth Carbon Budget, enshrined in the Carbon Budget Order 2021); and • 100% reduction by 2050 (enshrined in the Climate Change Act 2008, as amended in 2019). 	

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Hertfordshire Local Authorities REP1-069	Cultural Heritage	<p>The ES Chapter 10 Cultural Heritage [PINS Ref: AS-077] at paragraph 10.7.38 states that 'quietness' does not contribute to an asset's setting – but if an asset is, as an example, in a quiet, isolated rural environment, then a lack of noise would be expected – and is part of its isolated setting. The introduction of noise, from a road, railway, or airport, would have a bearing on any change to that asset's setting. As Historic England GPA3 notes: "significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting" (Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (GPA3) Second Edition, December 2017, page 4). This approach means that some</p>	<p>This matter incorrectly interprets what is stated in paragraph 10.7.38 of Chapter 10 Cultural Heritage the ES [AS-077]. Paragraph 10.7.38 is referring to specific heritage assets, where it is assessed that a quiet noise environment is not an important part of their setting that contributes to their heritage value. The ES does not state that 'quietness' does not contribute to all assets' settings and Section 10.5 of the ES explains when a specific noise environment, including quietness, would be a component of setting that contributes to heritage value.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>assessments of effects are potentially not fully understood.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Cultural Heritage</p>	<p>Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] scopes out a number of designated heritage assets on the grounds that “The setting of this asset does not extend into the Site.” There is no fixed distance for an asset’s setting, as Historic England GPA3 notes: “Contextual relationships apply irrespective of distance, sometimes extending well beyond what might be considered an asset’s setting and can include the relationship of one heritage asset to another of the same period or function, or with the same designer or architect” (ibid., page 3). This</p>	<p>This matter is addressed in the Applicant’s Comments on LIRs to be submitted at Deadline 2a.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>can be particularly relevant to registered parks and gardens and the individual assets located within them. The criteria in Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] requires clarification as this approach means that some assessments of effects are potentially not fully understood.</p> <p>Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] notes that non-designated heritage assets have been scoped out on the grounds that an 'Asset is located outside of site boundary and there would be no physical impact.' However, this means that potential changes to the setting of non-designated above ground assets is not considered, in contradiction of NPPF paragraph 203, which states: "The effect of an application on</p>	

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." These assets have settings which should be considered as part of the assessment. This approach means that some assessments of effects are potentially not considered at all.</p>	
Hertfordshire Local Authorities REP1-069	Cultural Heritage	<p>Appendix 14.7 Accurate Visual Representations of the ES [PINS Ref: APP78] includes wirelines for some views and block forms for others. This seems to contradict the consultation response received from Historic England (dated 14.12.2021) contained in the ES Chapter 10 Cultural Heritage [PINS Ref: AS-</p>	<p>This matter is addressed in the Statement of Common Ground to be submitted at Deadline 2 [TR020001/APP/8.15] item no. HCC129.</p>

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		<p>077] at Table 10.6 which specifically notes that “HE (Historic England) requested that photomontages used solid block colour.” The absence of this consistent approach means potentially that changes to the setting of heritage assets (for example, through changes to the wider historic landscape), resulting in impacts on the historic environment, or significant impacts on the historic environment, cannot be fully understood. This means that some assessments of effects are potentially not fully understood.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Cultural Heritage</p>	<p>In respect of the impact assessment, there needs to be more detailed explanations as to why assets would not be impacted or significantly impacted by noise and vibration. The assessment should include detailed cross-referencing throughout to ES Chapter 16 Noise and Vibration [PINS Ref:</p>	<p>It should be noted that the significant effect predicted for the properties near Someries Castle occur during night-time. As explained in Section 10.5 of Chapter 10 Cultural Heritage of the ES [AS-077], specifically paragraphs 10.5.20 to 10.5.29, impacts to heritage assets from noise intrusion is relevant where the asset’s noise environment contributes to an understanding</p>

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		<p>AS-080]. This requires further elaboration in the report as this approach means that some assessments of effects are potentially not fully understood. As a case in point, it is noted that no significant impacts are predicted to the scheduled Someries Castle (located in Central Bedfordshire). However, ES Chapter 16 Noise and Vibration [PINS Ref: AS-080] at paragraph 16.9.254 states: "A small number of properties to the south of the airport near Someries Castle and on Dane Street experience adverse likely significant effects due to noise change from both aircraft air noise and ground noise during the night-time."</p>	<p>and appreciation of their heritage value (paragraph 10.5.6). A quiet noise environment is not part of the setting for Someries Castle and Chapter 10 of the ES acknowledges that quietness is not part of the asset's setting that contributes to its understanding and that its existing noise environment is dominated by aviation noise (Paragraph 10.9.69). The level of change to Someries Castle's setting, as assessed by the noise change contours, would represent negligible change from the future baseline. This would be perceptible but would not impact the asset's heritage interests or values. As such, it would constitute a very low magnitude of impact.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Cultural Heritage</p>	<p>Regarding physical impacts to the historic landscape, the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077] makes no mention of the Hedgerow Regulations 1997. Environmental effects arising</p>	<p>This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR02001/APP/8.15] item no. HCC120.</p>

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		from the impact on possible historic hedgerows has not been assessed.	
Hertfordshire Local Authorities REP1-069	Cultural Heritage	The Written Representation with regard to potential impacts on the historic environment, and potential significant impacts on the historic environment, is in line with concerns raised by Hertfordshire County Council, who have further noted that all designated heritage assets impacted by overflight should be assessed within the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077].	All designated heritage assets that have the potential to be impacted by the Proposed Development are assessed within the ES Chapter 10 Cultural Heritage [AS-077] .
Hertfordshire Local Authorities REP1-069	Cultural Heritage	In respect of the assessment of archaeology topic within the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077], the main concerns outlined in the Relevant Representation were discussed at a virtual meeting on 3 August 2023 with the Applicant's cultural heritage consultant, the Archaeology Advisor for Hertfordshire County Council, and WSP, as the	Noted.

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		<p>Councils external cultural heritage consultant.</p> <p>The concerns have been addressed via mutual agreement and will be set out in the SoCG.</p>	
Hertfordshire Local Authorities REP1-069	Cultural Heritage	<p>The Cultural Heritage Management Plan (CHMP), prepared in consultation with Hertfordshire County Council Archaeology Advisor, which is provided as Appendix 10.6 CHMP of the ES [PINS Ref: APP-77], sets out the scope and methodology for further archaeological evaluation and mitigation, should consent be granted. The approach set out in the CHMP is standard and is considered sufficient to mitigate the impact on archaeological remains, so that no significant residual adverse effects should arise upon successful implementation.</p>	Noted.
Hertfordshire Local Authorities	Cultural Heritage	<p>In respect of the assessment of the archaeology topic within the ES Chapter 10 Cultural Heritage</p>	Noted.

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REP1-069		[PINS Ref: AS-077], please see the Hertfordshire County Council archaeology response above.	
Hertfordshire Local Authorities REP1-069	Cultural Heritage	<p>The Written Representation with regard to potential impacts on the historic environment, and potential significant impacts on the historic environment, is in line with concerns raised by North Herts Council:</p> <p>'Furthermore, the Council remains concerned that the impacts on North Herts' residents, businesses, heritage, and natural environment, in terms of increased air pollution, noise exposure and road traffic, have not been robustly modelled and that the proposed mitigations and remedies are inadequate. Without prejudice to its in-principal objection to the Proposed Development, the Council is willing to engage with the Applicant to review the data and analysis, agree any additional data and analysis required, and co-design any</p>	<p>The comment does not raise any specific issues to respond to. The full Environmental Impact Assessment undertaken and reported in the Environmental Statement submitted with the application is robust and extensive. It was developed in consultation with the council's environmental specialists as part of several working groups. The proposed scope and methodology was published and councils invited to comment through formal scoping and two Preliminary Environmental Information Reports in the form of draft ES's were consulted on.</p>

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		<p>additional or altered mitigations with a view to making the Proposed Development acceptable in planning terms to the Council.'</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>Modelling/forecasts</p> <p>The Core Scenario includes highway improvements which are not committed associated with the M1 9-10 All Lane Running and major improvements to M1 (Junction 10) as this Proposed Development is not in the National Highways' Road Investment Strategy (RIS) programme and All Lane Running / Smart Motorway schemes have been suspended by government due to safety concerns. This will have an impact on congestion levels and wider traffic routing which is not currently reflected in the core assessments. The mitigation</p>	<p>Noted.</p> <p>However, the Rule 9 modelling is being undertaken to respond to the ExA request to consider the Department for Transport Guidance on the treatment of Covid-19 which was published after the modelling for the DCO had been completed. The Rule 9 work should enable the ExA to consider whether the package of mitigation measures set out in the DCO documents continue to mitigate the impacts of the Airport Expansion.</p> <p>As such, the submitted documents and associated mitigation strategy remain the as the main application documents for consideration.</p>

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		<p>response may therefore need to be different to that currently presented. Although a modelling sensitivity test has been undertaken without these improvements, insufficient detail on the results and outcomes of this test across the full area are not provided.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>Modelling/forecasts</p> <p>There is insufficient baseline information incorporating any impacts of the Covid-19 Pandemic. The basis for the traffic forecasts and mode share targets is not based on the post pandemic situation and the Base model is seven years old. Consideration and any agreement to the surface access needs before the outcomes of this work are fully understood are premature.</p>	<p>The Applicant is addressing this as part of its response to the Procedural Decision issued by the Examining Authority on 16 May 2023. Work will be undertaken to understand the how traffic flows have changed since 2016/2017 from available data sources.</p>

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Hertfordshire Local Authorities REP1-069	Surface Access	<p>Modelling/forecasts</p> <p>North Herts Council queries the accuracy of the baseline traffic counts for modelling junctions in Hitchin, and would like to see more transparent analysis and sensitivity testing of the modelled impacts of the forecast >50% increase in vehicle trips generated by the airport expansion.</p>	<p>The CBLTM-LTN transport model has been used to consider the impacts of the proposed development. The CBLTM-LTN transport model has been developed in accordance with best practice and Department for Transport guidance on traffic modelling as reported in the Appendix E to the Transport Assessment [APP-203 to APP-206]. This has included data collection as reported in Appendix C to the Transport Assessment [APP-200].</p>
Hertfordshire Local Authorities REP1-069	Surface Access	<p>Public Transport</p> <p>The Transport Assessment and accompanying documents provide minimal detail about how buses will be enhanced to connect to Hertfordshire towns which currently have poor connections to Luton, including Hemel Hempstead, Hatfield and Welwyn Garden City as well as continuing to develop the services that already exist connecting to Hitchin, Letchworth, and Stevenage. Hertfordshire County Council</p>	<p>Following the submission of the application for development consent, the Applicant has been developing proposals for a Sustainable Transport Fund (STF), to be used to fund measures identified within the Framework Travel Plan [AS-131]. The Applicant will continue to engage with the local authorities as the proposals are developed, including the size of the fund, the parameters for prioritising measures to be funded by the STF and the legal mechanisms for securing the fund.</p> <p>The routes indicated as being a priority by Hertfordshire local authorities will be considered in the round alongside other</p>

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		<p>and North Herts Council are concerned that if a broad plan and funding mechanism is not established at this planning stage, there can be no confidence that meaningful improvements will be made to the bus connections to Hertfordshire to support their sustainable airport growth, which could make it difficult for the Proposed Development to achieve their sustainable travel goals and therefore impact negatively on the Hertfordshire highway network. Local bus travel from the nearby Hertfordshire towns would provide a sustainable travel choice for trips from the east and south, and the Councils would like to see that sufficient planning of these services has occurred and that a suitable level of funding is secured to deliver the improvements. The funding mechanism and values are currently unclear for</p>	<p>routes that may need to be provided to improve connectivity to the airport from surrounding areas. The prioritised routes that will be funded by the Sustainable Transport Fund will be agreed through a governance structure that aligns with the processes set out within the Framework Travel Plan [AS-131].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		investment in supporting public transport.	
Hertfordshire Local Authorities REP1-069	Surface Access	<p>Public Transport</p> <p>North Herts Council is concerned that a below-threshold increase in trips by non-sustainable modes along transport corridors well-served by rail, coach and bus will offset an above-threshold increase in trips by non-sustainable modes from the east, which is not served by rail or coach and is mostly poorly served by bus.</p>	<p>The Applicant is supportive of measures to improve sustainable travel modes and will work with local authorities and bus and coach service providers to implement improvements wherever reasonably practicable.</p> <p>The Surface Access Strategy and Framework Travel Plan [AS-131] name Bus and Coach as one of the Priority Areas. There are multiple interventions associated with the priority areas, which comprise the Applicant's surface access toolbox. This longlist is contained in the Framework Travel Plan [AS-131]. The vision and objectives of the SAS have been identified to</p>

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			<p>capture the surface access Limits and Targets that underpin the strategy. The longlist includes <i>'Engage with bus operators to improve the existing routes and create new and extended routes, better connecting the airport to more places (especially east-west) and in particular urban areas and transport hubs'</i>.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>Public Transport</p> <p>North Herts Council is concerned that the proposals for bus transport are insufficiently ambitious and detailed to achieve sustainable travel targets from origins not served by direct rail connections to Luton Airport. To minimise negative impacts on North Hertfordshire, the public transport strategy should include as an explicit objective mode-shifting existing car trips to public transport, not only to Luton airport but other destinations, in particular along the A505, to free up highway capacity for the inevitable growth</p>	<p>See above response.</p> <p>The Applicant considers it not possible to provide details on the frequency and destinations of additional bus services at this stage, as this information will need to be agreed with bus operators in line with the Proposed Development. This agreement has not yet been made and so further details cannot be provided at this stage.</p>

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		<p>in vehicular trips generated by the airport expansion (estimated at a 37% increase in airport passenger trips and a 46% increase in airport staff trips by car, based on GCG Level 1 thresholds for travel by non-sustainable modes).</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>Public Transport</p> <p>There is a heavy reliance on rail for access to the Proposed Development to achieve the target mode share however it is not clear whether there is sufficient capacity to accommodate all of the public transport trips within the proposed networks for rail and bus / coach, the distributional assessment of passenger and employee demand is not clear from the information presented. Hertfordshire have particular concerns about overcrowded trains leaving the airport having a negative impact on existing and future passengers at</p>	<p>The future mode split scenarios have been developed by applying a series of assumptions and assessments, as set out in the Public Transport Strategy Summary Report [APP-202] Appendix H to the Transport Assessment. This included a rail capacity assessment and benchmarking against comparable airports.</p>

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		<p>stations such as St Albans and Harpenden, particularly in the morning peak. The Councils recognise that there is an opportunity to maximise use of Luton Airport Parkway and the DART connection to the airport by providing improved links by bus / coach and cycling to Luton Airport Parkway.</p> <p>It is not clear whether the effect of the Proposed Development has been treated in isolation without a proper understanding of the other demand and growth in rail travel on the Thameslink and EWR network. Trains that are already or forecast to be over capacity as a result of general and/or airport growth need to be identified. The original assessment was based on pre-Covid levels of service with the aspiration to have 24 service per hour through the peak times on GTR services. All rail companies are now under</p>	

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		<p>pressure to cut costs, and this has resulted in the rationalisation of some rail services which means the rail capacity envisaged in 2019 is unlikely to be the present-day reality and for the foreseeable future.</p>	

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<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>Physical Highway Improvement Schemes</p> <p>The Transport Assessment included three drawings of junction improvements in Hitchin. At present, the Councils are concerned that these mitigation measures are modelled capacity improvements that do not comply with the objectives of the Local Transport Plan 4 (LTP4) or our aspirations in local strategy documents such as the North Central Growth and Transport Plan and North Herts LCWIP in Hertfordshire County Council's 'opinion, the proposed mitigations do not offer meaningful improvements for active and sustainable modes of travel. Designs should be updated to include meaningful provision for pedestrians, cyclists and lock in any additional capacity for public transport.</p>	<p>The proposed schemes have been designed with consideration Design Manual for Roads and Bridges, Manual for Streets and relevant local authority standards. Spatial constraints (including vertical dimensions) have been considered as part of the design in order to minimise the area of works.</p> <p>The Applicant would work with the relevant local authorities following approval of the DCO in developing the highway mitigation schemes. The Applicant is supportive of measures to improve active and sustainable travel modes and will work with the relevant local authorities to implement any improvements, such as to meet their requirements for LTP4 wherever reasonably practicable.</p>

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		<p>The Councils note that these schemes are subject to further, future detailed design development and discussion with the councils prior to implementation (if required) and any scheme taken forwards should take into account the factors described above, or current Hertfordshire County Council policy at that time. Additional details about how the three junction improvement schemes comply with the LTP4 objectives and requirements must be provided at the relevant time, otherwise these schemes are not acceptable based on our current policy.</p>	

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Hertfordshire Local Authorities REP1-069	Surface Access	<p>Outline Transport Related Impacts Monitoring and Mitigation Approach</p> <p>The Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) which is contained at Appendix I of the Transport Assessment (7.02) is very light on detail of the approach and locations that will be monitored, instead setting out a broad commitment to agreeing what, where and how the impacts are monitored at a later date. With the exception of three junctions located in Hitchin which are listed in the bulleted list after paragraph 2.3.3 of the Outline TRIMMA, no other junctions or roads with Hertfordshire are mentioned. It is noted that paragraph 2.3.3 also indicates that the Full TRIMMA is not expected to “materially expand the scope” of the list at paragraph 2.3.3.</p>	<p>The OTRIMMA was intended to provide an indication as to the potential scope and function of the TRIMMA, the content of which will be shaped through engagement with Host Authorities.</p> <p>The TRIMMA will be a means of identifying when proposed mitigation should be delivered; it will also be a mechanism of agreeing on the final form of this mitigation, and of supporting the delivery of other mitigation.</p> <p>The TRIMMA will contain the information described: <i>detail about the locations where monitoring will take place, what the monitoring will entail, how often the monitoring will take place and be reported back and details of what happens when the monitoring shows significant difference to the expectations of the Transport Assessment.</i></p>

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		<p>Hertfordshire County Council is concerned that the Outline TRIMMA does not sufficiently protect Hertfordshire, as the main east-west and north south routes from Hertfordshire to the airport are not included in paragraph 3.3, nor are the routes through the North Herts Villages to the east of the airport where the applicant believes that future traffic calming may be required.</p> <p>Overall, Hertfordshire County Council believes that the Outline TRIMMA should include more detail about the locations where monitoring will take place, what the monitoring will entail, how often the monitoring will take place and be reported back and details of what happens when the monitoring shows significant difference to the expectations of the Transport Assessment. At present the TRIMMA is not considered sufficiently binding</p>	

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		<p>on the applicant to allow Hertfordshire County Council certainty that unforeseen impacts in Hertfordshire will be addressed.</p> <p>In order for the TRIMMA monitoring to provide a reliable indication of changes in vehicular traffic associated with the airport, it needs to include regular or continuous tracking of vehicles between the airport and agreed locations in North Hertfordshire using linked ANPR cameras.</p>	
Hertfordshire Local Authorities REP1-069	Surface Access	<p>Framework Travel Plan</p> <p>There is no quantitative or geographical analysis of the impacts of the interventions proposed in the Framework</p>	<p>Whilst the Applicant's plans for the Proposed Development and assessment of its impacts have been developed on the basis of forecasting, in line with relevant guidance and using the best available data, it is inevitable that the future will bring changes</p>

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		<p>Travel Plan (FTP). It is therefore not possible to evaluate how plausible the plan is.</p>	<p>which cannot currently be foreseen with certainty.</p> <p>The Covid-19 pandemic and its effects on air travel demand and transport mode choice is a clear, recent example. In this context, it is vital to be prepared with a variety of responses which are adaptable and can be used to enable the airport to remain within the GCG Limits and achieve the Applicant's surface access Targets in the context of an inherently uncertain future.</p> <p>The Framework Travel Plan sets out the monitoring approach to be taken, with a toolbox consisting of interventions and measures that the operator can draw upon and scale up or down as and when required. The toolbox would be deployed flexibly to respond to changing circumstances and the results of ongoing monitoring and stakeholder feedback and achieve Limits and Targets.</p> <p>The legally-binding GCG Framework contains a series of clearly specified 'Limits' for the environmental effects of the expanding, expanded, and lifetime operation</p>

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			<p>of the airport, including Limits for surface access. By enshrining these Limits within the DCO, the GCG Framework ensures that the actual effects of the Proposed Development, as they manifest over time, are monitored and timely measures are taken to ensure that those Limits are not exceeded.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>North Herts Villages Traffic Calming</p> <p>The Transport Assessment identifies a future need for traffic calming in several villages (Great Offley, Tea Green, Breachwood Green, Whitwell) to the east of the Proposed Development, but does not provide details of the type or magnitude of the proposals. The Councils believe that if the current modelling is predicting a problem that needs mitigation in these villages, more details about the location and type of traffic calming should be provided at the planning stage, before any problems exist, and</p>	<p>The Applicant has identified the locations of the indicative traffic calming to help dissuade airport-related traffic from reaching villages in the first instance, however the Applicant is willing to work with local authorities in delivering highway mitigation and local traffic calming schemes where appropriate.</p>

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		<p>to allow local residents to have meaningful consultation on what is being proposed. The need for and location of these potential measures needs to be managed at the appropriate stage.</p> <p>The traffic monitoring (TRIMMA) does not include monitoring at the villages in North Hertfordshire where the Applicant proposes traffic calming and the method of data collection is not clear, this means there could be undetected traffic increases at these locations as the airport grows.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Surface Access</p>	<p>A505 / Pirton Road Highway Improvement</p> <p>North Herts Council is concerned that the proposed highway improvement at Pirton Road / A505 is shown to significantly increase queueing and delay to traffic on Pirton Road to provide benefit to traffic</p>	<p>The Applicant notes that in the AM peak, the Proposed Development results in an increase in queueing of 69 Passenger Car Units (PCUs) on Pirton Road but there is a 181 PCU reduction in queueing on Offley Road, and a significant reduction in the overall junction delay. In terms of the comparison between the with and without development junction operation, changes to the Wratten Road West traffic flows which</p>

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		<p>on the A505. North Herts Council is concerned that the turning counts in the Saturn model (which have been used at this junction) are not calibrated and that the model does not include the fourth arm (Wratten Road) at all, indicating that the analysis is based on unrealistic forecast traffic flows. A proper assessment at this junction using traffic counts could lead to a different (possibly larger) scheme being required. For example, if the traffic from Wratten Road West is more than currently modelled it is likely that the issues predicted on Pirton Road may be worsened.</p>	<p>are likely to be relatively low are unlikely to change the conclusions. Whilst a count of the peak hour traffic on Wratten Road could be collected, if necessary, it is worth noting that the junction in question is spatially constrained by properties on all sides, which limits opportunities for improvements and the scope to amend the proposed mitigation.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Construction Management</p>	<p>Construction Traffic Parking</p> <p>While the Councils understands that the Construction Traffic Management Plan (CTMP) requirement for the precise details of construction traffic management to be decided by the future contractor, the</p>	<p>The outline Construction Traffic Management Plan (CTMP) (Appendix 18.3 of the ES [APP-130]) contains provision for the establishment of a traffic management working group (TMWG) that will a forum for stakeholders' engagement prior to commencement of the Proposed Development. The forum will include the lead</p>

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		<p>Councils are concerned that there is not a current commitment to ensuring that deliveries associated with the Proposed Development's construction and future operation to not fill (or overwhelm) existing lorry parking facilities in the local area. Such a commitment would provide parameters for the future contractor to consider and would ensure that deliveries of essential goods to other locations in Luton and the surrounding area were still able to take place.</p>	<p>contractor, local authority highways authorities and National Highways. The TMWG would be responsible for monitoring the execution of the CTMP. The TMWG will also consider the cumulative impact from construction traffic. The Proposed Development will control all site deliveries through an electronic delivery management system (DMS) that will manage and control deliveries to site. The system will be managed by the logistics contractor. The lead control will set out in detail the delivery procedures in the CTMP</p>
Hertfordshire Local Authorities REP1-069	Landscape and Visual	<p>ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] has assessed that there would be adverse effects on the tranquillity of the Chiltern AONB as a consequence of the increase in air traffic brought about by the Proposed Development. However, more detail is required to understand</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.</p>

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		the nature and geographical extent of these effects.	
Hertfordshire Local Authorities REP1-069	Landscape and Visual	The Campaign to Protect Rural England (CPRE) tranquillity mapping is only used to describe tranquillity levels for the area immediately surrounding the Proposed Development. The baseline tranquillity levels for the AONB are not described so it is not clear how the basis for the tranquillity assessment has been determined.	Paragraphs 14.7.42 to 14.7.46 of Chapter 14 of the Environmental Statement [AS-079] described the aesthetic and perceptual qualities and levels of tranquillity in the study area and how they are considered in the assessment. Further detail is provided in Appendix 14.1 LVIA Methodology of the ES (section 5.2) [AS-036] .
Hertfordshire Local Authorities REP1-069	Landscape and Visual	ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] refers to effects on 'aesthetic and perceptual qualities' of the AONB but not on the specific 'Special Qualities' set out in the Chilterns AONB Management Plan 2019-2024. How would the Special Qualities of the AONB be affected? It is acknowledged that one of the Special Qualities relates to tranquillity and this is partially addressed in the ES, however, there are a number of	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.

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		<p>other Special Qualities including long distance views and these are not specifically addressed. It is therefore considered that the Proposed Development is not compliant with local planning policy which is supported by national planning policy, specifically in relation to designated landscapes.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Landscape and Visual</p>	<p>ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] states that the Proposed Development would “permanently deteriorate the sense of tranquillity perceived by those recreating within the AONB”. However, it is not stated what the geographical extent of influence would be across the AONB. Clarification is therefore sought from the Applicant as to the distance from the aircraft flightpaths they consider would result in a deterioration in tranquillity. It should also be recognised that a range of receptors will be affected not just recreational</p>	<p>The Applicant is preparing an Assessment of the effects of the Proposed Development on the Special Qualities of the AONB. This Assessment will consider, amongst other things, effects of the Proposed Development on the ‘relative tranquillity’ of the AONB. The scope of ES Chapter 14 Landscape and Visual [AS-079], including visual receptors, was discussed and agreed with the Host Authorities Technical Working Group (TWG) during the pre-application stage. Consideration of additional visual receptors not necessary to understand the potential effects of the Proposed Development.</p>

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		receptors as stated in ES Chapter 14 Landscape and Visual [PINS Ref: AS-079].	
Hertfordshire Local Authorities REP1-069	Landscape and Visual	Lighting and dark night skies. The lighting assessment does not specifically address night-time effects on the AONB. ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] should consider the introduction of new light sources in skyline views which may be directly visible and not just assimilated into the general perception of 'skyglow' as stated in ES Chapter 14 Landscape and Visual [PINS Ref: AS-079].	The scope of ES Chapter 14 Landscape and Visual [AS-079] , including the scope of assessing night-time views/effects, was discussed and agreed with the Host Authorities Technical Working Group (TWG) during the pre-application state. Consideration of potential new light sources in skyline views from the AONB are not necessary to understand the potential effects of the Proposed Development.

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Hertfordshire Local Authorities REP1-069	Landscape and Visual	<p>The introduction of new large-scale buildings and structures on elevated landform will be widely visible and introduce views of built form in some areas where existing views are relatively devoid of large structures.</p> <p>There are concerns from both North Herts Council and Hertfordshire County Council regarding the appearance of new built development in skyline views, in particular, associated with Works 4d and 4c(01) which whilst constructed within Luton Borough would be conspicuous within views north and east, within Hertfordshire County Council and North Herts Council areas. The Proposed Development is illustrated in a number of the viewpoint Accurate Visual Representations (AVS) [PINS Ref: AS-143] for example Representative Viewpoints 10 (Offley 01), 28 (Footpath (Kings Walden 43), 29</p>	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.

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		<p>(Footpath (Kings Walden 41), 30 Footpath (Kings Walden 052), 31 (Footpath (Kings Walden 09) and 34 (Footpath (Kings Walden 006)). Clarification is required as to the approach to siting these large structures in sensitive elevated locations, including consideration of alternatives and the design approach in terms of scale, massing, finishes and mitigation. In addition, the mitigation proposals as outlined would not take advantage of advanced planting and proposals as they stand would not provide an appropriate level of screening, particularly during winter months.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Landscape and Visual</p>	<p>A proportion of the North Herts Council area is covered by the northeastern extent of the Chilterns AONB and there are proposals by Natural England to extend the boundary southwards. More detail is required regarding the effects of the Proposed Development on</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.</p>

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		<p>the Special Qualities of the AONB within the North Herts Council area as set out in the Chilterns AONB Management Plan. In particular, regard should be given to the influence of increased air traffic movements, the geographical extent of influence and the range of receptors which may be affected. North Herts Council request that the Examining authority give particular consideration to the views and comments of the Chilterns conservation Board on this matter</p>	
Hertfordshire Local Authorities REP1-069	Noise and Vibration	<p>The noise impacts predicted to arise as a result of the Proposed Development are set out in the Councils joint LIR. The LIR also identifies specific areas within these Councils where noise impacts are proposed to occur with the areas covering a considerable number of communities / residents across Hertfordshire.</p>	<p>The Applicant has responded to the Local Impact Reports in the Applicant's Comments on LIRs to be submitted at Deadline 2a.</p>

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Hertfordshire Local Authorities REP1-069	Noise and Vibration	There remain outstanding noise issues on which agreement is not expected to be reached.	Noted.
Hertfordshire Local Authorities REP1-069	Noise and Vibration	<p>Policy</p> <p>Since the Relevant Representations have been made, the Applicant has clarified that the one document deemed outstanding by the Councils (Building Bulletin 93: Acoustic Design of Schools) should have been on the Applicant's list of guidance documents and was omitted in error. The list of legislation, policy and guidance documents is therefore now considered complete.</p>	Noted
Hertfordshire Local Authorities REP1-069	Noise and Vibration	The Councils await clarification from the Applicant setting out how the Proposed Development adheres to emerging UK aviation noise policy. However, the Councils do not believe the Proposed Development to be in compliance with this. An	See responses below.

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		overview of the reasoning for this is as follows.	
Hertfordshire Local Authorities REP1-069	Noise and Vibration	<p>The impacts identified within the LIR are predicated on the core case within the Applicant's noise assessment. Impacts that would arise from the 'faster growth' sensitivity case are set out in Table 16.74 within ES Chapter 16: Noise and Vibration [PINS Ref: AS-080] and impact a greater number of people with increased noise levels. Future noise contour limits within the Applicant's noise assessment have been set using the faster growth case within the Applicant's noise assessment. This is contrary to UK aviation noise policy as use of the faster growth case to set limits neither limits, nor reduces where possible the number of people in the UK significantly affected by aircraft noise (see paragraph. 17 of the Aviation Policy Framework).</p>	<p>The applicant considers that the Proposed Development is fully compliant with UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012]. This includes compliance with the Government's OANPS (Ref 1) that <i>"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."</i></p> <p>The Policy Paper accompanying the statement highlights that the economic and consumer benefits may counterbalance any increase in the adverse effects of noise, stating that: <i>"an overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an</i></p>

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		<p>As is required by UK aviation noise policy, benefits are arising from future technological improvements are to be shared between operators and communities. The Applicant has committed to this.</p> <p>However, the Applicant has not committed to equal sharing, and is basing all sharing off of benefits on the 2019 Actual baseline. Benefit sharing is not an exercise that involves comparing future noise levels against the current baseline or some other historic baseline. When assessing the benefits to be shared in a hypothetical future year, it is necessary to consider the contours generated by the developed scheme (with development) as compared to the future baseline (without development). An equal sharing arises when control and mitigation measures are in place</p>	<p><i>increase in economic and consumer benefits.”</i></p> <p>Policy does not specify that sharing the benefit of future aircraft technology must result in an equal share.</p> <p>It is not correct that the Applicant has based sharing the benefits on the 2019 Actuals baseline. The quantification of sharing the benefits presented in Section 3 of Appendix 16.2 of the Environmental Statement [APP-211] is with reference to the 2019 Consented baseline, not the 2019 Actuals baseline.</p> <p>It is also not correct that sharing the benefit has been assessed only on future noise levels being lower than occurred in 2019. The quantification of sharing the benefits has been based on a comparison of the Noise Envelope Limits (which have been set based on contours with development) and the future baseline (without development). This is demonstrated in Insets 3.1 to 3.4 of Appendix 16.2 of the Environmental Statement [APP-211]. This approach has been followed with reference to guidance</p>

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		<p>that ensure that community noise levels are minimised compared to those that might otherwise arise. It is not sufficient to simply argue that future noise levels will be lower than those that occurred in 2019 (irrespective of the fact that the 2019 baseline did not comply with its planning constraints).</p>	<p>from the Civil Aviation Authority on Noise Envelopes (Ref ²) as set out in the appendix.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Noise and Vibration</p>	<p>Baseline Information / Assessment of Significant Effects</p> <p>The Applicant has used both the Do Something vs Do Minimum and Do Something vs 2019 Actual Baseline comparisons to determine significant effects. As set out in the paragraph above, the mitigation specified as a</p>	<p>See response above with respect to benefit sharing.</p> <p>It is correct that the core assessment of EIA likely significant effects uses the comparison of Do Something vs Do Minimum in all assessment years. This response appears to contradict the statement in the Local Impact Report [REP1A-003] (paragraph 7.5.45) which suggests that the comparison with the</p>

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		<p>result of these comparisons (through GCG) does not lead to benefit sharing.</p> <p>The assessment of significant effects is based off the comparison of Do Something vs Do Minimum in all assessment years.</p>	<p>Do-Minimum has only been presented as a sensitivity test.</p>
Hertfordshire Local Authorities REP1-069	Noise and Vibration	<p>The use of the 2019 Actual baseline to demonstrate noise reduction is also not accepted as London Luton Airport did not comply with its day or nighttime noise contour constraints as set by the extant planning conditions. This has resulted in incorrect comparisons taking precedence within the Applicant's noise assessment.</p> <p>The Councils have requested the reasoning for this be clearly set out, including in Statutory Consultation responses and within the Noise Envelope Design Group meetings. This information is not contained</p>	<p>As set out in Chapter 16 of the Environmental Statement [REP1-003], the 'current baseline' is considered to be the actual noise levels in 2019, in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (which refers to the baseline scenario as "a description of the relevant aspects of the current state of the environment" in Schedule 4, paragraph 3).</p> <p>However, a sensitivity test using a '2019 Consented' baseline (derived for this purpose by adjusting the fleet mix that occurred in 2019 to reach a modelled noise impact that would sit within the existing 2019 short term Limits) is summarised in Chapter 16 Noise and Vibration of the ES [REP1-003].</p>

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		<p>within the ES [PINS Ref: AS-080] Noise and Vibration, nor associated appendices.</p> <p>The Councils have yet to see any valid reasoning for use of a non-compliant baseline. The Councils should be provided with an updated assessment with a valid baseline, coupled with an analysis that shows genuine benefit sharing.</p>	<p>An assessment against both the 2019 Actuals and 2019 Consented baseline has therefore already been undertaken and provided. The conclusions of residual significant effects remain the same for both assessments, as significant effects would be avoided through the provision of the full cost of noise insulation.</p> <p>See response above with respect to benefit sharing.</p>
Hertfordshire Local Authorities REP1-069	Noise and Vibration	<p>Mitigation, Enhancement and Monitoring</p> <p>The technical basis of the Noise Insulation Scheme proposed by the Applicant is considered fundamentally acceptable and to be secured by a Section 106 agreement. There are some matters to be agreed with the Councils, which can be secured in the Section 106.</p>	Noted.
Hertfordshire Local Authorities REP1-069	Noise and Vibration	This mitigation is a material improvement on the extant scheme, consistent with UK best practice and would lead to	The acknowledgement of the improvement of the noise insulation scheme is noted.

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		benefits across Dacorum and North Hertfordshire, as set out in the LIR.	
Hertfordshire Local Authorities REP1-069	Noise and Vibration	The Councils seek to ensure that this scheme is as accessible as possible to those who qualify for it and would welcome details of a communication and engagement strategy on the subject from the Applicant.	The Draft Compensation Policies, Measures and Community First [TRP02001/APP/7.10] has been updated to include further information on the proactive approach that will be adopted by the Applicant to ensure both knowledge and availability of the offer has been clearly and openly communicated.
Hertfordshire Local Authorities REP1-069	Noise and Vibration	GCG is dealt with separately below.	Noted.
Hertfordshire Local Authorities REP1-069	Water Resources and Flood Risk	The Applicant proposes to discharge treated wastewater to ground via an infiltration basin located to the east of the Main Application site. Whilst Hertfordshire County Council accept the proposals in principle, insufficient information has been provided to assure the Council of the viability of this method of discharge. The location of the proposed drainage feature (infiltration basin) raises a potential concern with regards to	The Hydrogeological Characterisation Report (Appendix 20.3 of the ES [APP136]) has been undertaken to identify the likely groundwater table across the study area for a range of hydrological conditions. This assessment included information from the local EA groundwater model and monitoring network, together with site specific groundwater monitoring. The assessment concluded that the Netherfield Spring site is unlikely to be fed by groundwater from the Chalk, with the groundwater table several metres below ground level at this location.

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		<p>its feasibility, especially given the presence of the Netherfield Spring a short distance away from the proposed drainage feature. The presence of the spring indicates a potentially shallow water table in the area. A shallow water table is generally not desirable when considering ideal conditions for a soakaway drainage feature as (1) it would limit the rate of inflow due to lack of hydraulic gradient and (2) the EA generally do not accept direct discharges to the saturated part of the aquifer. Given the chalk principal aquifer which is present there is also likely to be significant seasonal variability in the water table which also might affect the feasibility of the drainage system (particularly during winter months when the water table would be expected to be higher).</p> <p>The Council request that further</p>	<p>The Drainage Design Statement (Appendix 20.4 of the ES [APP-137]) includes Design Principle DDS.017 which notes 'The detailed design will provide at least 1m clearance between the highest water table and the underside of buried tanks and other underground structures. The drainage design is to consider the impacts of groundwater mounding, to ensure that the infiltration tanks do not result in groundwater flooding downstream.'</p> <p>The Drainage Design Principles are secured by Requirement 13 in Schedule 2 of the Draft DCO [AS-067].</p>

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		<p>detail is provided to demonstrate the following aspects: 1) The depth to the groundwater table. If not already undertaken it would be recommended to undertake a high-level feasibility assessment to determine the suitability of the local geological and hydrogeological conditions for the soakaway drainage feature. Depending on the outcome of the initial high-level study more detailed assessment, including some ground investigation e.g. a borehole at the location of the proposed drainage feature, which targets the preferred drainage layer, along with groundwater monitoring to determine seasonal variation in groundwater levels; and 2) Site-specific infiltration testing at the location of the proposed infiltration basin, clarification of expected peak and daily inflow rates to the infiltration basin, and calculation of the required size</p>	

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		<p>of the infiltration basin based on the above information, taking into account an appropriate factor of safety, to inform the detailed design of the drainage system.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Water Resources and Flood Risk</p>	<p>The review of the submitted Drainage Design Statement Appendix 20.4 Drainage Design Statement of the ES [PINS Ref: APP-137] has identified that the Applicant has not provided any designs for off-site junction improvements and has only provided a high-level summary of drainage mitigation required at each junction.</p>	<p>The Off-site Highway Interventions generally consist of widening and converting existing at-grade roundabouts to signalised junctions, together with minor scale works including realignment of kerb lines and local widening.</p> <p>Drainage designs for the off-site highway interventions have not been developed at this stage but will need to be undertaken in line with the Drainage Design Principles within the Drainage Design Statement (Appendix 20.4 of the ES [APP-137]). These principles are secured by Requirement 13 in Schedule 2 of the Draft DCO [AS-067], which also requires the drainage plans to be agreed in writing by the host authorities.</p>

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Hertfordshire Local Authorities REP1-069	Water Resources and Flood Risk	<p>The review of the submitted Drainage Design Statement Appendix 20.4 Drainage Design Statement of the ES [PINS Ref: APP-137] also identified that the Applicant proposes to defer a HEWRAT assessment (to assess risks to water quality) until detailed design stage.</p>	<p>A preliminary HEWRAT assessment has been undertaken to inform Chapter 20 Water Resources and Flood Risk of the ES [AS-031] and potential land-take requirements.</p> <p>Design Principle DDS.040 within the Drainage Design Statement (Appendix 20.4 of the ES [APP-137]) requires <i>'HEWRAT assessments are to be updated in line with the detailed designs as they are developed, with surface water and pollutant management measures implemented to prevent additional pollutant loading. Measures to be developed in consultation with the relevant local authority and Environment Agency.'</i></p>
Hertfordshire Local Authorities REP1-069	Water Resources and Flood Risk	<p>These aspects are discussed below with reference to the relevant Council:</p> <p>The works in regard to drainage systems associated with the proposed junction improvement works in Hitchin are expected to be relatively minor and therefore unlikely to pose significant risk in terms of impacts to water quality</p>	Noted.

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		<p>or flood risk. The draft DCO (2.01 Draft Development Consent Order) also includes requirement for prior agreement with the relevant authority for highway drainage (Part 4 Reg 19(3): The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld. It is therefore considered reasonable that the design can be appropriately managed as part of the DCO requirements.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Water Resources and Flood Risk</p>	<p>With regard to the HEWRAT assessment, the ES Chapter 20: Water Resources and Flood Risk [PINS Ref: AS-031] states that there are no changes in predicted traffic flow associated with highway improvements in</p>	<p>Noted.</p>

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		<p>North Herts that exceed recommended assessment thresholds as set out in DMRB LA113. It is recommended that North Herts Council review their database to identify if there are any known water quality issues associated with the existing drainage systems in this area of Hitchin as this may need to be taken into account in the assessment of risks to water quality and subsequent detailed design of the drainage systems. As per above, the draft DCO also includes requirement for prior agreement with the relevant authority for highway drainage which would include treatment provision, if required.</p>	
Hertfordshire Local Authorities REP1-069	Economics and Employment	<p>There are no specific policies or development plans published by the Councils relating directly to the economic growth at London Luton Airport, however the general themes of growth, employment generation, and workforce skills and training are</p>	Noted.

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		<p>general themes within many local policies. This is acknowledged within ES Chapter 11 Economics and Employment [PINS Ref: AP-037], and linkages to the proposals and associated benefits are effectively drawn out.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Economics and Employment</p>	<p>Whilst the study area is considered appropriate and is clearly outlined and justified, it would have been beneficial for the Councils to understand the effects for each local authority (where possible) rather than the combined wider study area of Luton Borough Council and the three Councils.</p>	<p>The Environmental Statement (ES) has been undertaken in line with methodology defined in the EIA Scoping Report (Appendix 1.1 [APP-166] and 1.2 [APP-167] of the Environmental Statement). Responses were provided to all Scoping Opinion comments received in Appendix 1.4 of the ES [APP-047]. The Economics and Employment assessment presented in Chapter 11 of the ES [APP-037] does not set out to provide effects at the individual authority level of each authority in the Three Counties except Luton, in line with proposed methodology. The economic implications of the Proposed Development at the operational stage are set out for each local authority area at Appendix 4 of Appendix 11.1 to the Environmental Statement [APP-079].</p>

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Hertfordshire Local Authorities REP1-069	Economics and Employment	The assessment presents the construction and operational effects of the scheme, many of which are significant and beneficial, particularly with regard to employment generation. The Councils are in broad agreement with the assessment findings; however, it is important that a clear plan for managing those minor adverse impacts identified, particularly during the construction process, is agreed. This is set out in further detail in the LIR produced by the Councils.	Section 11.8 of Chapter 11 of the ES [APP-037] details the embedded and good practice mitigation measures for Economics and Employment. The Code of Construction Practice in Appendix 4.2 of the ES [APP-049] seeks to minimise disruption to ongoing airport operations during the construction phase and therefore minimise effects on airport or other employment. The design of the Proposed Development has also been configured to minimise disruption to existing local businesses. An Employment and Training Strategy [APP-215] has been developed to ensure that as many jobs and economic opportunities generated by the Proposed Development as possible go to those in the local area. The Strategy sets out how the Applicant and its strategic partners can maximise employment benefits of the expansion through collaborative and good practice approaches to employment and training support
Hertfordshire Local Authorities REP1-069	Employment and Training	It is noted that there is the potential for displacement of businesses and associated jobs during construction, however that construction and operational employment generation as a	Noted. The effects of displacement has been considered within Chapter 11 of the Environmental Statement [APP-037] . The Employment Training Strategy [APP-215] requires a Local Economic

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		<p>result of the expansion of London Luton Airport has the potential to be significant and beneficial overall. The Councils would like to maximise the benefits of employment and mitigate for any losses or displacement. They welcome the creation of an Employment and Training Strategy for the construction and operational phases and that the implementation of this will be secured through Section 106 obligation(s).</p>	<p>Development Working Group (LEDWG) to be established with a focus on sharing skills and employment strategy information between the airport and local stakeholders for planning and coordination during both construction and operations. This forum can provide the coordination to help minimise displacement and maximise the benefits of employment across the study area.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Economics and Employment</p>	<p>The assessment of employment effects associated with the Proposed Development are informed by the study 'The Economic Impact of London Luton Airport' undertaken by Oxford Economics in 2022, based on demand forecasts provided to by York Aviation. The Councils acknowledge that whilst economic forecasting for a proposal of this nature is difficult to predict, the overall outcome</p>	<p>The Applicant is awaiting discussions with the appointed specialist consultant.</p>

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		<p>would be beneficial from an economic perspective. The Councils (with the assistance of specialist technical consultancy advice) are in on-going technical discussions with the Applicant in relation to the methodology and conclusions of the economic assessment and on matters relating to passenger forecasting to inform the remainder of the Examination process.</p>	
Hertfordshire Local Authorities REP1-069	Community First Fund	<p>The Wider Economic Impacts section of the assessment notes that part of the airport's profit is distributed back to the community through its 'community funding scheme.' It is assumed that the scheme referred to is Community First. The intentions of the scheme are outlined within Volume 7 'Draft Compensation Policies, Measures and Community First', which describes how the proposed Airport expansion can directly contribute to the 'Luton 2040 Vision' and wider</p>	Noted.

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		<p>objectives for tackling deprivation and supporting community and economic growth within the authorities. The introduction of this new funding stream is acknowledged and supported by the authorities who recognise the positive impact the grants could make to local organisations such as community groups, charities, and parish and town councils.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Health and Community</p>	<p>The Councils are concerned about the absence of mitigation to address the significant effects anticipated on mental wellbeing for residents once the Proposed Development is operational. While mitigation is proposed in the Code of Construction Practice (CoCP) (PINS Ref: APP-049) in the form of a community engagement strategy to address mental wellbeing effects during the construction phase, no further mitigation is proposed for the operational</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.</p> <p>Community First is not intended to offer mitigation for effects of the Proposed Development, it is the Applicant's commitment to providing further support to local the communities.</p>

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		<p>phase of the Proposed Development.</p> <p>The Councils believe that there may be opportunities brought about by the Community First Fund which could support the mitigation of impacts on mental wellbeing. Currently community groups who support local residents with mental health issues are offered community grants by the Councils. As stated above, the Councils would like to see the Applicant give consideration to broadening the scope of eligibility for access to Community First and that might include support for mental health and wellbeing.</p>	
Hertfordshire Local Authorities REP1-069	ULIMS	<p>Given the long timeframe of the proposal the Councils have requested throughout the process clarity on how the Applicant is proposing to deal with managing unidentified local impacts. In the proposals being put forward at Heathrow for its</p>	<p>The Applicant considers that the issue raised regarding managing unidentified local impacts was answered within the Applicant's Response to Relevant Representations Part 2A (REP1-021) page 46, in response to RR-558, RR-1119 and RR-0297.</p>

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		<p>third runway, the Applicant was proposing, as part of its Environmentally Managed Growth proposals (upon which the Applicant's proposed GCG mechanisms is largely based) the preparation and implementation of a ULIMS. The below provides a summary of the scope of this for Heathrow and the Councils would welcome further discussion on this.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>ULIMS</p>	<p>Extract from Heathrow ULIMS proposals below:</p>	<p>Noted.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>ULIMS</p>	<p>The Councils have not received any satisfactory response from the Applicant as to why a similar approach to unforeseen impacts is considered not to be appropriate at London Luton Airport, nor, in its absence, how it proposes to identify, manage and fund potential solutions to such impacts. The Councils do understand that the Applicant has brought forward its TRIMMA</p>	<p>This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.15] item no HCC12.</p>

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		proposals in relation to the highway network, but this contains no funding mechanism and apart from TRIMMA there are no proposals to address issues that might arise but are currently unaccounted for.	
Hertfordshire Local Authorities REP1-069	Surface Access	<p>Surface Access Funding</p> <p>Throughout the process, the Councils have asked the Applicant to clarify whether it intends to bring forward funding proposals to deliver transport related projects and schemes, in much the same way as has happened at London Stansted Airport. The recent consent for London Stansted to grow to 43mppa contains s106 agreement commitments to the provision of operation of a Sustainable Transport Levy, a Local Bus Network Development Fund (£1,000,000), and a Local Roads Network Fund (£1,000,000), for example. No transport related obligations,</p>	Following the submission of the application for development consent, the Applicant has been developing proposals for a Sustainable Transport Fund (STF), to be used to fund measures identified within the Framework Travel Plan [AS-131] . The Applicant will continue to engage with the local authorities as the proposals are developed, including the size of the fund, the parameters for prioritising measures to be funded by the STF and the legal mechanisms for securing the fund.

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		other than for the specific off-site highways works, are proposed in the current application at Luton.	
Hertfordshire Local Authorities REP1-069	Surface Access	<p>The following is included within the Surface Access Strategy [PINS Ref: APP-228]:</p> <p>However, this is vague in terms of the value and scope of the projects that could be funded through the Councils, this should be translated into a more formal commitment and arrangement for funding necessary transport schemes to support the airport growth.</p>	Noted. Following the submission of the application for development consent, the Applicant has been developing proposals for a Sustainable Transport Fund (STF), to be used to fund measures identified within the Framework Travel Plan [AS-131] . The Applicant will continue to engage with the local authorities as the proposals are developed, including the size of the fund, the parameters for prioritising measures to be funded by the STF and the legal mechanisms for securing the fund.
Hertfordshire Local Authorities REP1-069	GCG	<p>Process and Procedures - Overview</p> <p>Given the novel (and critical) nature of these provisions, the Councils request detailed</p>	Noted. The Applicant will continue to engage with the Councils on these matters.

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		engagement on this as soon as possible.	
Hertfordshire Local Authorities REP1-069	GCG	<p>Key issues from the perspective of the Councils include:</p> <ul style="list-style-type: none"> • The extent to which the Limits and Thresholds are sufficient and appropriate, and have appropriate associated controls and safeguards, to protect the environment and human health; • Whether the proposals in respect of monitoring and reporting provide sufficient oversight for stakeholders, including the Councils; • Whether there is a suitable framework for the Councils to participate effectively in the oversight and enforcement process, and provision for the resource and costs associated with this to be covered by the Airport Operator; and • Whether proposals in terms of enforcement are suitable and provide sufficient controls to 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a.

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		<p>ensure that the environmental effects of the project, including in the event of any increase in capacity above the passenger cap, are within the envelope set out in the Environmental Impact Assessment (EIA).</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>The GCG Framework, which will be secured through the DCO, includes early warning Thresholds, and Limits that are not to be exceeded, based on the following environmental effects: a) Aircraft noise – by the total area of land experiencing noise above a certain threshold; (b) Air quality – by the concentrations in the air of the pollutants most relevant to human health; (c) GHG emissions – by emissions from airport operations and surface access; and (d) Surface access – by percentage of passengers and staff travelling by unsustainable modes of transport.</p>	<p>The Applicant considers that the issue raised regarding timescales for implementation of mitigation was answered within the Applicant's Response to Relevant Representations Part 2a [REP1-021] page 30-32, in response to RR-0558, RR-1119 and RR-0297.</p>

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		<p>The need for controls for environmental impacts is imperative for the Councils, and whilst the approach to Thresholds and Limits is welcomed, the Councils do not consider that that approach taken is sufficiently comprehensive or robust.</p> <p>As a consequence, this could lead to significant impacts occurring well in advance of actions being taken to reverse the harm that may have been caused, and which would be continuing before mitigation is agreed and put in place, to both reverse that harm and prevent future harm from occurring.</p>	
Hertfordshire Local Authorities REP1-069	GCG	It will be important to minimise the time lag between publication of monitoring results and preparation and implementation of a Plan, to avoid any escalation from a Threshold Level 2 exceedance up to and beyond a breach, which would	The Applicant considers that the issue raised regarding timescales for implementation of mitigation was answered within the Applicant's Response to Relevant Representations Part 2a [REP1-021] page 30-32, in response to RR-0558, RR-1119 and RR-0297.

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		<p>then require a Mitigation Plan be produced.</p> <p>The risk is that the Threshold Level 2 Plans are running behind the exceedance of Thresholds by more than a year and the exceedance will continue to the Limits, such that the situation will already be worse by the point a Plan is agreed or implemented.</p>	
Hertfordshire Local Authorities REP1-069	GCG	<p>In the event that a Limit is breached, it will be necessary for a Mitigation Plan to have been drafted in advance, and then finalised and implemented urgently following a breach, to reverse that breach as quickly as possible. If a breach has occurred, there should be specific, e.g., monthly monitoring of that Limit, until such time as that harm is reversed, not simply stabilised and further harm prevented.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.2 – 10.1.32].</p>

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Hertfordshire Local Authorities REP1-069	GCG	The Mitigation Plan to be prepared by the Airport Operator will need to set out mitigation measures to be considered and approved by the ESG which is to be established. The ESG should be able to direct changes to the Mitigation Plan to enforce a local Rule. to require the necessary mitigation be put in place.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.2 – 10.1.24].
Hertfordshire Local Authorities REP1-069	GCG	Furthermore, in the event that the Airport Operator appeals an ESG decision, then the ESG decision and any Local Rule should stand on an interim basis until the Appeal decision is received. This is to avoid an absence of mitigation actions being implemented after, for example, a Limit has been breached, and it is critical that immediate action is taken to arrest and reverse the breach, and awaiting an Appeal decision before taking any actions could lead to at least a continuation, and potentially a serious	It is agreed that the original decision of the ESG should stand whilst an appeal to the Secretary of State has been made. Whilst this was always intended to be the case in the drafting of the requirements relating to Green Controlled Growth in Part 3 of Schedule 2 of the Draft Development Consent Order [AS-067] , this will be clarified in a future update to the draft Order.

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		worsening of the breach, in that intervening period	
Hertfordshire Local Authorities REP1-069	GCG	More detailed commentary is provided under the following sections.	Noted.
Hertfordshire Local Authorities REP1-069	GCG	<p>Exceedance of a Level 2 Threshold</p> <p>In relation to exceedance of a Level 2 Threshold, discussion is needed as to the appropriateness of the proposals. In particular:</p> <ul style="list-style-type: none"> • The timeframes within which ESG has to consider a draft, and approve a final, Level 2 Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s); 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.55].

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Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> It is suggested that it should be made clear that a Level 2 Plan must relate to the specific exceedance identified – the precise purpose and content of such Plans needs further clarification; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.56].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> It is noted that approval of a Level 2 Plan can only be refused on specific grounds, which need to be further interrogated and justified; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.57].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The Councils do not consider that the Level 2 Plan should be deemed to be approved given its vital role in ensuring that a Limit is not exceeded; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.14].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The Councils note that new slots will still be permitted to be allocated within the existing capacity declaration whilst an exceedance of a Level 2 Threshold is ongoing, perpetuating the breach of that Level Threshold and increasing the risk of the Limit also being breached; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.15].

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Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The proposals state that the Level 2 Plan will need to consider whether continued operations at the declared level of airport capacity is expected to result in the effects increasing above the Limit, and that if this is the case it is stated that the Plan should include proposals for additional interventions or mitigation including timescales for delivery, to ensure that the Limit will not be exceeded. However, this is not expressed as a requirement for the Plan. The Councils consider that this should be a specific requirement for the first Level 2 Plan; 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.16].</p>
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> There is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Level 2 Threshold, and as such no incentive to address any exceedances. 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.17].</p>

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Hertfordshire Local Authorities REP1-069	GCG	<p>Exceedance of a Limit</p> <p>The Councils expect that when an exceedance of a Limit occurs, there should be an Immediate Cessation of the causes that led to the exceedances.</p>	Noted.
Hertfordshire Local Authorities REP1-069	GCG	<p>In relation to the exceedance of a Limit, discussion is needed as to the appropriateness of the proposals. In particular:</p> <ul style="list-style-type: none"> • The timeframes within which ESG has to consider a draft, and approve a final, Mitigation Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s); 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.18 – 10.1.19].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> • It is suggested that it should be made clear that a Mitigation Plan must relate to the specific exceedance identified – the precise purpose and content of 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.20].

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		such Plans needs further clarification;	
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> It is noted that approval of a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.21].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The Councils do not consider that the Mitigation Plan should be deemed to be approved given its vital role in bringing London Luton Airport back within the Limits; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.22].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The Councils note that although no new slots will be permitted to be allocated and hourly runway capacity will not be allowed to be increased whilst an exceedance of a Limit is ongoing, the Airport Operator will still be able to operate within the existing capacity declaration and at the same level of capacity as the airport was operating at when the exceedance of the Limit occurred. The proposals would therefore allow an 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.23].

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		<p>exceedance of the Limit to be perpetuated by maintaining the same capacity level, without requiring the Airport Operator to reduce the number of slots allocated, so as to bring the effects of the Proposed Development within the Limit. The Councils do not consider that this is an appropriate or effective approach to managing environmental impacts on an adaptive basis for the benefit of communities, and consider that in the event of an exceedance of the Limit the Airport Operator should be required to reduce capacity immediately if necessary, in order to remedy the exceedance of the Limit. In this context we note that the exceedance over the Limit could be significant and could be such as to put the UK government in breach of its legal obligations and/or could have significant implications for the Councils, for example in relation to air quality;</p>	

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Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> • under the proposals, it is only where a second Mitigation Plan has to be produced, after the original Mitigation Plan has not been effective in remedying the exceedance of the Limit within the timescales specified in the Mitigation Plan, that the Applicant would be required to consider whether implementation of a local rule would reduce, avoid or prevent exceedance of the Limit. The Councils believe that this should be required to be considered by the Airport Operator in the original Mitigation Plan, and not left to a second Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a local rule to address the exceedance of the Limit; 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.24].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The proposals state that the Airport Operator may feel that the most appropriate way of addressing a breach of a Limit is through a planned capacity reduction. The Councils consider that this should be required to be considered by the Airport Operator in the original Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a planned capacity reduction to address the exceedance of the Limit; 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.25].
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> The current proposals would enable the Airport Operator to make a case that growth at the airport should be allowed to continue even when a Limit has been exceeded, and this would only 'potentially' be subject to the delivery of or a contribution to a particular piece of mitigation. An example given is where the delivery of the 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.26].

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>necessary mitigation is not solely within the control of the Airport Operator, and another is that the approach could be used if airport related traffic is found to be making a small contribution towards a breach of UK legal limits. Discussion is needed as to the appropriateness of this approach, which could increase the extent of any exceedance of the Limit prior to any steps being taken to remedy the exceedance and / or perpetuate the exceedance of a Limit for longer than would be the case if it were remedied before growth were continued. Further justification and interrogation is required in relation to this aspect of the proposals;</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<ul style="list-style-type: none"> • The Councils consider that the right of appeal to the Secretary of State in respect of any decision made by the ESG, without specific grounds on which such appeal may be made, risks removing the local 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.27].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		control and decision making that the ESG is designed to facilitate. The Councils view is that any right of appeal should be limited to specific grounds;	
Hertfordshire Local Authorities REP1-069	GCG	<ul style="list-style-type: none"> • There is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Limit, and as such no incentive to address any exceedances. Further discussion, justification and interrogation is required in relation to this aspect of the proposals and its appropriateness in terms of facilitating green growth at the airport. 	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.28].
Hertfordshire Local Authorities REP1-069	GCG	The Councils consider that in the event of an exceedance the Airport Operator should immediately reduce activity in order to avoid continuing the exceedance and that it should then be required to take and report active steps it is taking to	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.29].

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>understand the cause of the breach and put forward measures and steps it is putting in place to ensure that the same situation and any further exceedance does not occur.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>In this context it is noted that each Limit is to be aligned with the assessment results from the faster growth sensitivity test, which it is stated represents a realistic worst-case scenario. The Councils are concerned that under the current proposals the realistic worst-case scenario assessed in the EIA would be likely to be exceeded (by an unspecified and uncontrolled margin) for around 2 years before it could be brought back under control through capacity reductions or a local rule, if other mitigation was not effective. Further discussion, justification and interrogation is required in relation to this aspect of the proposals and its appropriateness in terms of</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.30].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		facilitating green growth at the airport.	
Hertfordshire Local Authorities REP1-069	GCG	The Environment Act 2021 provided for new environmental targets to be set in legislation and reflected in the Environmental Improvement Plan (EIP), alongside interim targets to be published in the EIP. The Councils consider that it is important that the GCG proposals (including Level Thresholds and Limits) should be reflective of and take account of the interim targets and environmental targets, including where these change from time to time in accordance with periodic updates to the EIP and environmental targets.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.30].

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	GCG	<p>Monitoring and Reporting</p> <p>The Councils note that the GCG proposals are for annual monitoring and reporting of environmental effects by the Airport Operator. This is not frequent enough to enable effective and adaptive oversight of the airport's operations, and the Councils consider that monitoring should be undertaken (with access provided to the Councils and ESG) on as close to a 'real time' basis as possible, and at a minimum reporting to the ESG on any exceedances should take place on a monthly basis or whenever such exceedances are measured as having occurred. An annual Monitoring Report should also be submitted and published as currently proposed.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.49 – 9.1.53].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	GCG	<p>The Councils note that under the current GCG proposals it is stated that there would be a minimum two summer season lag between an exceedance of a Level 2 Threshold or a Limit and action being taken to manage future capacity where required, based on the timings for future slot allocation. The Councils consider that this is too long a period for an exceedance of a Level 2 Threshold or a Limit to be perpetuated before action is taken to reduce capacity accordingly, particularly noting that this would see London Luton Airport operating in exceedance of the realistic worst case scenario reported in the EIA during this period. This further underlines that the controls around the exceedance of a Level 2 Threshold and / or a Limit as currently outlined are insufficient to facilitate effective adaptive environmental management and ensure that</p>	<p>The Applicant considers that the issue raised regarding timescales for implementation of mitigation was answered within the Applicant's Response to Relevant Representations Part 2a [REP1-021] page 30-32, in response to RR-0558, RR-1119 and RR-0297.</p>

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		growth only takes place within appropriate parameters.	
Hertfordshire Local Authorities REP1-069	GCG	The Councils consider that where other monitoring of environmental impacts pursuant to the DCO is relevant to the outcomes and/or mitigation being reported or proposed in the Monitoring Report and / or any Level 2 Plan or Mitigation Plan, such monitoring should be provided to the Technical Panel and ESG along with the relevant Monitoring Report, Level 2 Plan or Mitigation Plan, to ensure transparency and ensure a complete and comprehensive consideration of the issues in the relevant plan.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.34].

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Hertfordshire Local Authorities REP1-069	GCG	<p>Independent Scrutiny and Review</p> <p>It is noted that Dacorum Borough Council is not proposed to be a member of ESG but it is considered that it should be, given it is a host authority for the Proposed Development. In addition, discussion will be needed on the precise operation of the ESG, particularly in terms of all members having one vote, given (depending on the matter at hand) issues may affect different members differently. It is suggested in the GCG proposals that any Councils not on the represented on the ESG could sit instead on the Technical Panel. However, this is not a decision-making body and therefore representation on it would not enable Dacorum Borough Council to have effective oversight and enforcement in relation to</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.35].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		matters affecting its area and communities, such as noise.	
Hertfordshire Local Authorities REP1-069	GCG	The Councils consider that the ESG should have some form of approval role in respect of a Monitoring Report (which is lacking currently), as this will allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.36].
Hertfordshire Local Authorities REP1-069	GCG	It is noted that the ongoing reasonable and properly incurred and evidenced costs of the ESG and Technical Panel will be funded by the Airport Operator. This is welcomed, but should also include the resource and management costs of the Councils in relation to their participation in the ESG (and / or	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.37].

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>any Technical Panel), including reviewing, amending and approving minutes of meetings, management packs and reviewing, commenting and consulting internally on documents pursuant to the ESG.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>The Councils welcome the principle of periodic reviews of the GCG Framework, which will allow for improvements to the process to be implemented over the medium and longer term. However, the Councils do have concerns around the time period within which ESG has to approve any proposed amendments to the GCG Framework before the deemed consent mechanism is triggered. Given the importance of such an application, a period of 56 days is short, particularly (again) having regard to the need for the ESG to congregate and seek input from the Technical Panels.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.38]</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	GCG	As set out above, the Councils urge the Applicant to engage with it on the GCG Framework in detail as soon as possible.	Noted. The Applicant will continue to engage with the Councils on these matters.
Hertfordshire Local Authorities REP1-069	GCG	<p>GCG and Slot Co-ordination</p> <p>The appropriateness of the use of the Airports Slot Allocation Regulations 2006 as the primary mechanisms to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils) – indeed, the reference to a ‘local rule’ appears to acknowledge that the Applicant can only seek such a rule, rather than definitely secure one.</p> <p>As such, the question arises as to what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured. The GCG proposals refer to a ‘toolbox’ of interventions that that Airport</p>	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.58 – 9.1.63].

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>Operator can use to manage or mitigate environmental effects, but it is not clear from the proposals what effective interventions could be introduced in circumstances where a planned capacity reduction or local rule cannot be achieved, or cannot be achieved in an appropriate timeframe. As currently proposed, exceedances of Level 2 Thresholds and Limits could prevail for a significant period of time before being mitigated.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>Compliance with GCG</p> <p>It is noted that under current proposals it would only be a breach of the processes of the GCG Framework that would constitute a breach of the legally binding terms of the DCO. It is stated that the process is designed to require action by the Airport Operator to address any exceedances.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.42 – 10.1.43].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>However, as set out above, there is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Limit, and as such no incentive to address any exceedances. Indeed, it could be argued that it could be in the interests of the Airport Operator to breach a Limit in order to facilitate growth, since it would then have around two years of increased capacity prior to having to potentially consider capacity reductions or local rules to bring the position back into compliance with the Limit.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>The Councils consider that under the supplemental process the Airport Operator should be required to report to Luton Borough Council as the relevant planning authority in the event of the ESG serving a notice on it that it considers that a breach has taken place</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.44].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	GCG	The current proposals do not sufficiently reward good behaviours and performance, and do not provide any sanctions on the Airport Operator in the event of exceedances of the Level 2 Thresholds or Limits.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 10.1.45].
Hertfordshire Local Authorities REP1-069	GCG	Issues in relation to the individual Thresholds and Limits and technical aspects are covered in the following sections under their topic headings.	Noted.

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<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>Aircraft Noise - Thresholds and Limits</p> <p>With regards to noise, the GCG Framework remains unproven as a suitable process as it does not contain enough noise controls to be demonstrably effective. The current and necessary requirements are set out in the LIR, which would enable year-round control.</p> <p>At present, the GCG Framework is, at best, capable of bringing London Luton Airport up to the minimum levels of other UK airports over the summer 92-day period that the noise contours are assessed over, as no other UK airport has breached its noise contours in successive years with no contour reduction strategy.</p> <p>The introduction of Thresholds is in principle a good idea, but</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 7.7. – 7.7.12].</p>

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		<p>these are set at arbitrary points that may not be effective at preventing a Limit breach.</p> <p>Ultimately, the remedy available to the local community in the event of future breaches of the proposed Thresholds and Limits remains Statutory Enforcement by Luton Council. This is no different a position than that applicable in the years leading up to and containing breaches.</p> <p>The use of Thresholds and Limits affect all three Councils, and it is deemed highly unlikely that a breach of the Limits would lead to a noise impact in only one Council area, but rather would impact on all those communities identified to be affected by aircraft noise in the LIR.</p>	

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Hertfordshire Local Authorities REP1-069	GCG	<p>Air quality - Thresholds and Limits</p> <p>The Thresholds and Limits for air quality are for annual mean concentrations only. Whilst this addresses compliance with Government standards for annual mean pollutant concentrations it does not support a proactive approach to emissions management which should take into account short-term pollution events. It also does not serve to help protect people from acute health conditions such as asthma that can be brought on by short-term air pollution episodes - and could be associated with emissions from airport related sources (LTO, airside, landside and roads carrying airport related traffic). As such, the proposed Air Quality Monitoring Plan is inadequate.</p> <p>The proposed use of "AQMesh</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 7.4.10 and 7.7.14 – 7.7.16].</p>

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		<p>or equivalent" is not sufficient to demonstrate compliance with Government standards as such indicative methods (even with MCERTS certification) do not meet DEFRA reference method equivalence criteria.</p> <p>Although at present there are no Government standards to address shortterm concentrations of PM2.5 (or finer fractions), the World Health Organisation (WHO) gives interim targets and guideline levels 24-hour mean PM2.5 which could be adopted now. As the Government has recently legislated a 10µg/m3 target (for 2040) for annual mean PM2.5, which is the same threshold as the WHO interim target 4, with a Government interim target of 12µg/m3 (for 2028), it would seem appropriate to set thresholds for 24-hour mean PM2.5 concentrations based at least on the WHO interim target</p>	

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		<p>3. This WHO target is 37.5µg/m³ not to be exceeded more than 3-4 days per year. As the corresponding WHO interim target 3 for annual mean PM_{2.5} is 15µg/m³ , this is reasonably in-line with the Government's interim annual mean target. A 24-hour mean threshold, coupled with attention to air pollution forecasts, would enable a more proactive approach to emissions management than would be possible if only annual mean thresholds are considered.</p> <p>Additionally, there is no mention of annual reporting of airport related emissions of local air pollutants based on recorded activity data. This would assist the Applicant in demonstrating the effectiveness of environmental management in reducing emissions over time.</p>	

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Hertfordshire Local Authorities REP1-069	GCG	<p>GHG thresholds and Limits</p> <p>Section 5.1 outlines Limits and Thresholds relating to GHG emissions associated with the activities described in this section (notably excluding Aviation emissions). It is noted that these Limits will be reviewed to align with the Jet Zero Strategy ambition of zero-emissions airport operations by 2040.</p> <p>Given that these Limits relate to operations and activities within the Council area(s) and they are therefore indirectly connected to Councils climate action plans and net zero trajectories, the GCG would benefit from the addition of confirmation that the limits included will not be increased (i.e. allowing more GHG emissions), regardless of revisions to the Jet Zero Strategy or updated policy or guidance. If this cannot be</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 7.7.17 – 7.7.18].</p>

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		<p>confirmed, explanation as to how the GCG Framework will ensure alignment with local authority net zero trajectories would be welcomed.</p>	

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<p>Hertfordshire Local Authorities REP1-069</p>	<p>GCG</p>	<p>Surface Access - Thresholds and Limits</p> <p>Time lag between the detection of a breach in surface access controls and the halting of airport growth needs to be better understood in terms of the resulting temporary further potential increase beyond the limit after the breach has been identified through the annual monitoring and the timescale for amending the slot allocations has been actioned. It is understood there could be a two summer season lag between a breach being detected and action being taken.</p> <p>The GCG approach is generally welcomed at this stage, but the Councils need to understand more of the detail in terms of what this will mean in real terms within the authority. When the traffic modelling has been reviewed and confirmed the</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 7.7.19 – 7.7.22].</p>

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		<p>Councils will need to understand the potential maximum impacts on the Hertfordshire road network and to consider the potential localised impacts in detail.</p> <p>The data collection for monitoring the GCG is based on annual Civil Aviation Authority (CAA) passenger surveys which may not necessarily reflect the worst encountered situation and impacts on the local road network during the year. A monthly monitoring and reporting would help to identify exceedances in a timely manner to be addressed appropriately. The Limits and Thresholds are based on overall airport passenger mode share targets alone, this will not reflect the potential additional traffic that could be experienced within the Hertfordshire highway network. There are also concerns that the survey is appropriate and that</p>	

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		<p>the method for implementing the survey is robust and unbiased towards particular travel modes, as well as returning a good sample rate (this should be defined) to ensure it is representative of the passengers using London Luton Airport.</p> <p>Annual data collection will also be taking place in relation to the TRIMMA and the FTP and this localised monitoring will be able to identify where additional local mitigation is needed, but the mechanism for requiring additional local measures is unclear along with the financial mechanisms and whether there is sufficient budget available for implementation of the additional measures is not defined. Each of the Councils could require additional mitigation schemes to manage the airport expansion impacts. If the GCG monitoring demonstrates that London Luton Airport is operating within the</p>	

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		<p>GCG Thresholds and Limits, we would expect the Airport Operator to still be committed to providing local mitigation improvements in relation to TRIMMA and the FTP, however the relationship is not clear.</p>	

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>The Councils have reviewed the various versions of the draft DCO submitted by the Applicant, including the most recent version accepted at the discretion of the Examining Authority (version 2, [PINS Ref: AS-067]). Any references to the draft DCO in this document are to [PINS Ref: AS067].</p> <p>In addition, no engagement on the draft DCO has taken place since the Application was submitted.</p> <p>Given the critical importance of the draft DCO as the primary consenting instrument of the Proposed Development, the Councils have reviewed, with their legal advisors, the draft DCO. This review has highlighted a number of concerns with the drafting as it stands, particularly around the control mechanisms during both construction and operation of the</p>	<p>The Applicant confirms that it will engage further with the Councils to understand and progress matters relating to the draft DCO. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.</p>

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		<p>Proposed Development. To this end, the Councils request that the Applicant engages with the Councils on the draft DCO as soon as possible, with a view to them being provided with sufficient comfort on their concerns.</p> <p>The primary concerns with the draft DCO identified by the Councils are set out and explained below. However, given the weight of material that comprises the Application which the Councils are currently considering, the Councils may wish to raise further points on the draft DCO in subsequent submissions.</p> <p>The Councils acknowledge outline plans referred in the draft DCO are available and content for the Councils to be engaged in agreeing final plans in writing in due course, for example the</p>	

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		Outline Construction Worker Travel Plan.	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Time Limits for Consents / Approvals</p> <p>The Councils note that consents / approvals are required from one or more of them under various provisions of the draft DCO. However, there is the concept of a 'deemed consent' where if no response is received</p>	<p>The Applicant notes the comments made and will engage further with the Councils to understand and progress these matters.</p> <p>The Applicant considers it is necessary to include deemed consent so as to prevent unnecessarily delaying delivery of the Project. The Applicant has proposed a reasonable periods of time for the Councils to determine</p>

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		<p>within a prescribed time limit (the time limits are generally 28 days - see article 13(6) as an example - except for applications under the DCO Requirements, where an eight-week period applies - see paragraph 35 of Schedule 2) the consent or approval is deemed to have been granted.</p> <p>The Councils fully understand the Applicant's need for certainty in terms of timing (and that the Proposed Development should not be unduly delayed due to inactivity by the Councils) but there is a material concern that the deemed consent time limits are much too short.</p> <p>It goes without saying that the Proposed Development is a major, complex project - it is a Nationally Significant Infrastructure Project (NSIP) after all. The Councils only have limited resources to deploy in dealing with various applications</p>	<p>such requests for approval (i.e., 28 days). The Councils, and other authorities, will have had time during the examination of the project to understand better (compared to any usual approval unrelated to a DCO) the particular impacts and proposals forming part of the DCO.</p> <p>It is important to note that deemed consent provisions take effect in relation to a failure to reach a decision, not a failure to give consent. It is, of course, open to the Councils and other local authorities, if so minded, to refuse consent or to request further information within the time periods specified.</p> <p>The concept of deemed consent is well precedented: see, for example, article 12(6) of the A19/A184 Testo's Junction Alteration Order 2018, article 15(6) of the A30 Chiverton to Carland Cross Development Consent Order 2020, article 13(8) of the Southampton to London Pipeline Development Consent Order 2020 and article 15(6) of the 303 Sparkford to Ilchester Dualling Development Consent Order 2021.</p>

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		<p>for consent / approval under the DCO, if granted. The Councils are concerned that the Applicant may submit a number of applications for consent / approval concurrently which could not be adequately considered within the relevant timeframes. This could mean that the deemed consent mechanism is triggered where an application is unsatisfactory for one reason or another that could have significant consequences - for example, in relation to the temporary stopping up of streets under article 13 or traffic regulation measures under article 16. There does not appear to be any safeguard against this which could result in the Councils not being able to fully discharge their statutory duties in their area.</p> <p>The Councils therefore wish to discuss the deemed consent</p>	

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		provisions in more detail with the Applicant, including seeking some mechanism or legally binding assurance in terms of implementing a solution where there is a balance between the Proposed Development being able to proceed in a timely manner and the Councils being able to give applications for consent / approval due consideration.	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Part 1 - Principal Powers</p> <p>Article 6 (Limits of Works) - The Councils are currently considering the acceptability of the limits of deviation secured by this provision and the extent to which these have been assessed and reported on in the ES. The Councils will engage with the Applicant on this point.</p>	Noted.

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Part 3 – Streets</p> <p>Article 9 (Application of the 1991 Act) - Whilst the Councils note this provision is largely drafted in accordance with a number of precedents, it is noted that it (at paragraph (8) onwards) deals expressly with the East of England Permit Scheme (a permit scheme made under the Traffic Management Act 2004), limiting the conditions that can be attached to any permit granted under it. Clearly the Proposed Development has been implemented with a view to suitably managing street/highway works - as such, the Councils wish to fully understand the practical implications for any works associated with the Proposed Development. This will need to be further informed by information from the Applicant as to its intentions in respect of street / highway works that</p>	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.

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		<p>would ordinarily be subject to the Proposed Development on an unfettered basis.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Article 12 (Construction and Maintenance of New, Altered or Diverted Streets) - Similarly to article 9, the Councils acknowledge that broadly speaking this provision is in line with a number of precedents. However, it is noted that there does not appear to be any mechanism for an initial maintenance period (or any equivalent provision around defects / cost recovery) for any new, altered or diverted streets implemented under the DCO prior to their handover to the relevant street/highway authority. This does, in the Councils experience, depart</p>	<p>Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>from the norm (see, for example, article 11(1) of the Manston Airport DCO 2022 which does contemplate a maintenance period). The Councils therefore require some form of contractual arrangement to secure these matters if the Applicant does not wish to reflect these on the face of the Draft DCO.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Article 14 (Permanent Stopping up of Public Rights of Way) - It should be noted that the Councils are currently considering the list of public rights of way contained in Schedule 3 to the draft DCO that are proposed to be permanently stopped up under this article. It is not possible at this stage to confirm these are acceptable or not, but the Councils seek engagement with the Applicant on this point.</p>	<p>The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Article 18 (Designation of Highways) - Similarly to the above, the Councils are currently considering the</p>	<p>The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>proposed right of way designations contained in Schedule 4 to the draft DCO. It is not possible at this stage to confirm these are acceptable or not, but the Councils seek engagement with the Applicant on this point.</p>	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Part 4 - Supplemental Powers</p> <p>The Councils note the various powers contained in Part 4 of the draft DCO. In general, it is acknowledged that these powers are consistent with precedents and, in principle, there is no objection to them. However, the Councils are currently considering the precise extent to which these powers could impact their interests or duties (for example via protective works to buildings, via the discharge of water or the environmental impacts associated with the tree powers). This review is on-</p>	<p>Noted. The Applicant is considering these comments further and will engage further with the Councils to understand and progress these matters.</p> <p>On the subject of “may be affected by the authorised development”, this form of wording is well precedented and reflects the proportionate degree of flexibility afforded to deliver NSIPs. See, for instance, the Southampton to London Pipeline Development Consent Order 2020 and the Manston Airport Development Consent Order 2022. The Applicant can provide further examples to the Councils.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>going, and the Councils will seek to engage with the Applicant on any areas of concern.</p> <p>As a related point, the Councils note the use of the term 'may be affected by the authorised development' - see article 20(1) for example. This introduces a significant level of uncertainty as to the extent to which certain draft DCO powers could be implemented, which could impact on the Councils interests. The Councils therefore seek further clarity from the Applicant in this regard.</p>	

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<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Draft DCO - Part 5 - Powers of Acquisition and Possession</p> <p>It is acknowledged by the Councils that projects of the scale of the Proposed Development will inevitably need to seek compulsory land powers, and those contained in Part 5 of the draft DCO reflect precedent.</p> <p>However, land interests of the Councils are listed throughout the Book of Reference [PINS Ref: APP-011] which means that such interests will be subject to a range of compulsory land powers, including permanent acquisition (outright or rights only) and temporary possession.</p> <p>The Councils also note the provisions contained in article 35 of the draft DCO in relation to the proposed permanent acquisition of existing special category land and the provision of replacement land. Under</p>	<p>Noted. The Applicant will engage further with the Councils to explain and progress these matters.</p>

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		<p>article 35(1) a scheme for the provision of the replacement land must be 'certified' by the local planning authority and the implemented by the Applicant. The Councils wish to discuss the mechanics of this with the Applicant, given (it is understood) that the existing special category land is currently within Luton Borough, but the replacement land is to be located in both Luton Borough and North Herts Council. Given the need to ensure equivalent provision for local residents (having regard to the definition of "replacement land" in section 131(12) of the Planning Act 2008).</p>	

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Part 7 – Miscellaneous</p> <p>Article 43 (Disapplication of Legislative Provisions) - The Councils note that the proposed legislative disapplications listed in article 43(1) are reasonably 'standard' across DCO projects. However, these do have a direct impact on Hertfordshire County Council's land drainage functions / oversight, removing certain consenting roles. The usual position is for disapplications to be given in exchange for a set of appropriate 'protective provisions' in the draft DCO. Having reviewed the protective provisions contained in Schedule 8 to the draft DCO, at this stage the Applicant does not appear to be proposing to include land drainage protective provisions in the draft DCO. This is a significant concern for Hertfordshire County Council</p>	<p>Noted. The Applicant will engage further with the Councils to understand and progress these matters. The Applicant will wish to understand from Hertfordshire County Council the particular instances where it considers this disapplication may “bite” on land drainage matters within its jurisdiction.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>and therefore urgent engagement with the Applicant is sought, as Hertfordshire County Council considers protective provisions are necessary to be included in the draft DCO for its benefit to ensure suitable oversight of land drainage interfaces.</p>	

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>5 Article 44 (Interaction with LLAOL Planning Permission) - In summary, this provision confirms that the passenger cap of 18 million passengers per annum to which the Applicant is currently subject (as contained in planning permission reference 12/01400/FUL, granted by Luton Borough Council (the LLAOL Permission)) applies until a notice has been served on the 'relevant planning authority'. On the service of that notice, the LLAOL Permission ceases to have effect and is not enforceable. The Councils have significant concerns with this provision which require urgent further detailed engagement with the Applicant, including:</p> <p>The fact that service of the notice triggering the LLAOL Permission ceasing to have effect appears to be entirely at the discretion of the Applicant;</p>	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<ul style="list-style-type: none"> • The effect this provision would have on the existing planning obligations and how any replacement obligations would be secured; • Whilst it is understood that the ultimate aim of the Applicant is for the GCG Framework and other operational requirements to regulate operations at the Proposed Development through the DCO, including its capacity, the Councils have a number of concerns in relation to this which need to be settled before they can confirm contentment with the existing passenger cap falling away - if the Applicant wishes to proceed in this way, the draft DCO must contain a comprehensive set of controls, at least equivalent in effect to those conditions contained in the LLAOL Permission and associated planning obligation(s); and • Practically how the GCG Framework and other 	

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		<p>restrictions will link to London Luton Airport operations as they sit today - this is because the various obligations in the draft DCO which prevent operations until certain measures are in place (including operational mitigation in Part 4 of Schedule 2 to the draft DCO) only link to the operations of the 'authorised development' which, as defined in article 2, is the Proposed Development authorised by the draft DCO (i.e. new works) as opposed to pre-existing works. It therefore appears to the Councils that, in theory, the Applicant could serve notice under article 45 of the draft DCO and operate the existing works without any/sufficient controls being in place (as those under the LLAOL Permission would be unenforceable) - this appears at first glance to be a fundamental flaw in the proposals.</p>	

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Article 45 (Application of the 1990 Act) - The Councils note this provision and require discussion with the Applicant as to its proposed effect. One of the intentions behind it appears to be to deal with inconsistencies between extant planning permissions (specifically the LLAOL Permission and the 'Green Horizons Park permission' as defined) and the Proposed Development, whilst at the same time not precluding development coming forward under either. This could, for example, result in any inconsistent planning conditions ceasing to have effect (article 45(2)(c)) and the removal of the relevant planning authority's ability to take enforcement action. Ultimately, the Councils need to be clear that there is no regulatory gap in respect of the control of development and suggest at this stage that the</p>	<p>Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.</p>

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		drafting could give rise to uncertainty.	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Schedule 2, Part 1 and Part 2 - Requirements (General and Construction)</p> <p>General - The Councils note that the Proposed Development can be split into 'parts' for the purpose of discharging the requirements. Whilst it is acknowledged this is a common approach in DCOs, the Councils would welcome clarification from the Applicant in terms of how this is proposed to work in terms of the proposed phasing of the Proposed Development, over quite lengthy periods of time (as per the assumptions contained in the ES). Is a 'part' a geographically distinct part, a temporally distinct part, or both?</p>	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.

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Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 1 (Interpretation) - The Councils note that a number of requirements are triggered only when the Proposed Development is 'commenced'. The definition of this term includes a number of 'carve outs', whereby works can be undertaken without the discharge of requirements in advance. Whilst it is acknowledged that is a well precedented approach, the Councils are currently undertaking a review to ensure that none of these carve outs have an unintended consequence in terms of a regulatory gap (e.g., because such carved-out works could give rise to an environmental effect which would otherwise be mitigated through the requirements. The Councils will engage with the Applicant on this point.	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 5 (Detailed Design)</p> <p>- The Councils welcome the ability to approve the details of the layout, siting, scale and external appearance of the buildings, structures and other works that form the Proposed Development, but note that such details must be in 'general accordance' with the Design Principles [PINS Ref: APP-225]. There are two points to note in this regard:</p> <ul style="list-style-type: none"> • The Councils are still reviewing the Design Principles to ensure it is fit for purpose; and • The reference to 'in general accordance' appears a weak way to secure the document, as this indicates there could be a substantial departure from them - they should either be secured or not. The Councils consider that the word 'general' should be deleted. 	<p>Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.</p> <p>As a point of clarity at this stage, the Applicant would highlight that the "relevant planning authority" would approve the details referred to by the Councils. This would be the planning authority in whose area the works in question are taking place.</p>
Hertfordshire Local Authorities	Draft DCO	Requirement 7 (Notice of Commencement of Development) - The Councils	Noted. The Applicant notes the comments made will engage further with the Councils to understand and progress these matters. As

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REP1-069		<p>require more than 14 days' notice of the commencement of the Proposed Development. In addition, they also require notice of when any works authorised by the DCO are begun. The Councils will discuss this in more detail with the Applicant.</p>	<p>above, note that the provision provides notification to the "relevant planning authority", i.e. the planning authority in whose area the works in question are taking place.</p>
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 8 (CoCP) - CoCP is a key construction works control document. The Councils wish to comment on the wording of the requirement itself as follows:</p> <p>Requirement 8(1) only requires the Proposed Development to be carried out 'substantially in accordance' with the CoCP and its subsidiary plans - it is the Councils view that this wording allows too much latitude for the Applicant to depart from measures within the CoCP. Ultimately, the CoCP measures should either be fully secured or not. The Councils require that the word 'substantially' is</p>	<p>The Applicant considers the word "substantially in accordance with" to be sufficiently clear, and its usage in other DCOs (including on projects of significant scale and size, see for example Schedule 2 to the A428 Black Cat to Caxton Gibbet Development Consent Order 2022) supports this conclusion. In terms of specific justification for this project, the use of the phrase is necessary and appropriate because the relevant outline management plans for the project are in outline at this stage and will require development following the granting of the DCO (if approved).</p> <p>The Applicant notes the comments made on "the contractor" and is considering these further.</p>

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		<p>deleted.</p> <p>There is reference in Requirement 8(2) to 'the contractor' - this does not appear to be a defined term and the Councils query whether this should instead refer to 'the undertaker'.</p>	<p>The Applicant will engage further with the Councils to progress these matters.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Requirement 9 (Landscaping Design) - The Councils are currently considering the adequacy of the strategic landscape masterplan document, clearly the efficacy of this requirement rests on that. In terms of the DCO drafting, the Councils query whether it is appropriate for the details to only 'reflect' that strategic document, rather than be 'substantially in accordance with...', which would be consistent with drafting elsewhere in the DCO (e.g., in Requirement 10).</p>	<p>The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.</p>

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Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 10 (Landscape and Biodiversity Management Plan) - The Councils are currently considering the adequacy of the outline landscape and biodiversity management plan - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable. The only question the Councils have links in with how the Proposed Development is being split into 'parts' and how practically approval of details across numerous local authority areas would work. This comment, indeed, applies to almost all of the requirements.	<p>The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to progress these matters.</p> <p>As an interim response, the Applicant would highlight that the use of “parts” in relation to discharging of requirements is commonplace, as indeed is the use of “relevant planning authority” to address NSIPs which straddle local authority boundaries (again, a circumstance which is commonplace). The Applicant also highlights that the vast majority of the works are situated in the administrative area of Luton Borough Council.</p>
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 11 (Protected Species) - The Councils are currently considering the adequacy of the ecological mitigation strategies, - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable,	The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>although the Councils request the Applicant engages with it around the split in regulatory oversight between it and Natural England.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Requirement 13 (Surface and Foul Water Drainage) - The Councils are currently considering the adequacy of the surface and foul water drainage plan - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although it is noted "the surface and foul water drainage plan" is not currently a defined term in Requirement 1, so should be added.</p>	<p>The Applicant notes the comments made and is considering these further. The Applicant observes that in the case of the surface and foul water drainage plan, its content links to the drainage design statement rather than an outline surface and foul water drainage plan.</p> <p>Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.</p>
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Requirement 14 (Construction Traffic Management) - The Councils are currently considering the adequacy of the outline construction management plan, - clearly the efficacy of this requirement rests on that. Otherwise, the DCO</p>	<p>Noted.</p>

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		drafting appears appropriately enforceable.	
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 15 (Construction Workers) - The Councils are currently considering the adequacy of the outline construction workers travel, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.	Noted.
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 16 (Archaeological Remains) - The Councils are currently considering the adequacy of the cultural heritage management plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.	Noted.
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 17 (Remediation of Former Eaton Green Landfill) - The Councils are currently considering the adequacy of the outline remediation strategy. Otherwise, the DCO drafting	Noted.

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		<p>appears appropriately enforceable.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Draft DCO - Schedule 2, Part 3 - Requirements Pertaining to GCG</p> <p>Part 3 of Schedule 2 to the draft DCO contains the provisions that legally secure the GCG Framework, through a number of requirements relating to the ESG, monitoring plans, the actions that need to be taken where there is an exceedance of a Limit or a Threshold and, finally, what such an exceedance means in terms of the ability for London Luton Airport to grow in operational terms.</p> <p>Given the novel (and critical) nature of these provisions, the Councils request detailed engagement on this as soon as possible.</p> <p>The appropriateness of the GCG</p>	<p>The Applicant notes the comments made and will continue to engage with the Councils to understand and progress these matters. Detailed responses are provided to specific comments made by the Councils in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.43 – 9.1.65].</p>

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		<p>Framework will largely rely on technical questions - e.g., the adequacy of the Limits and Thresholds.</p> <p>However, in terms of the DCO Requirements, the Councils have the following initial (but by no means complete set of) comments:</p>	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 20 (Environmental Scrutiny Group) - it is noted that Dacorum Borough Council is not proposed to be a member of ESG but it is considered that it should be, given it is a host authority for the Proposed Development. In addition, discussion will be needed on the precise operation of the ESG, particularly in terms of all members having one vote, given (depending on the matter at hand) issues may affect different members (and, particularly the Councils) differently.</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.47 – 9.1.48].</p>

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 21 (Monitoring of Permitted Operations) - It is suggested this is amended so:</p> <ul style="list-style-type: none"> • That monitoring is required to be undertaken on as close to a 'real time' basis as possible; • Exceedances should be reported to the Technical Panel and ESG on a minimum monthly basis or whenever such exceedances are measured as having occurred; • It is clear that a Monitoring Report is required to be produced annually; and • That the ESG has some form of approval role in respect of a Monitoring Report (which is lacking currently), as this will allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded. 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.49 – 9.1.53].</p>

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Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 22 (Exceedance of a Level 1 Threshold) - Discussion is needed as to the appropriateness of this provision, whereby (under the current drafting) an exceedance of a Level 1 Threshold simply requires 'commentary on the avoidance of the exceedance of a Limit' to be contained in a Monitoring Report, which is not precise and does not require any positive action or approvals - the Applicant's position on this is noted (i.e. that such exceedances are expected to regularly occur), but this requires further interrogation and justification.	This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.54].

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Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 23 (Exceedance of a Level 2 Threshold) - The Councils have the following initial comments on this provision:</p> <ul style="list-style-type: none"> • The timeframes within which ESG has to consider a draft, and approve a final, Level 2 Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s); • It is suggested that it should be made clear that a Level 2 Plan must relate to the specific exceedance identified - the precise purpose and content of such Plans needs further clarification; • It is noted that approval of a Level 2 Plan can only be refused on specific grounds, which need to be further interrogated and justified; <p>and</p> <ul style="list-style-type: none"> • The appropriateness of the use 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.55 – 9.1.58].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>of the Airports Slot Allocation Regulations 2006 as the primary mechanism to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils).</p>	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Requirement 24 (Exceedance of Limit) - The Councils have the following initial comments on this provision:</p> <ul style="list-style-type: none"> • The timeframes within which ESG has to consider a draft, and approve a final, Mitigation Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s); • It is suggested that it should be made clear that a Mitigation Plan must relate to the specific 	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.59 – 9.1.63].</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>exceedance identified - the precise purpose and content of such Plans needs further clarification;</p> <ul style="list-style-type: none"> • It is noted that approval of a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified; and • The appropriateness of the use of the Airports Slot Allocation Regulations 2006 as the primary mechanism to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils) - indeed, the reference to a 'local rule' appears to acknowledge that the Applicant can only seek such a rule, rather than definitely secure one. As such, the question arises as to what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured. 	

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<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Requirement 25 (Review of Implementation of the GCG Framework)</p> <p>- The Councils welcome the principle of periodic reviews of the GCG Framework, which will allow for improvements to the process to be implemented over the medium and longer term. However, the Councils do have concerns around the time period within which ESG has to approve any proposed amendments to the GCG Framework before the deemed consent mechanism is triggered. Given the importance of such an application, a period of 56 days is short, particularly (again) having regard to the need for the ESG to congregate and seek input from the Technical Panels.</p> <p>As set out above, the Councils urge the Applicant to engage with it on the GCG Framework DCO drafting (and indeed the GCG Framework more</p>	<p>This matter is addressed in the Applicant's Comments on LIRs to be submitted at Deadline 2a [LIR Ref 9.1.64 – 9.1.65].</p>

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		generally) in detail as soon as possible.	
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Schedule 2, Part 4 - Requirements Pertaining to Other Operational Matters</p> <p>Requirement 26 (Passenger Cap) - The Councils note the proposed overall cap of 32 million passengers per annum which they do not object to in principle. However, the key point relates to the comments above, in respect of whether the GCG Framework is an appropriate mechanism to control growth within that overall cap. In addition, the Councils query the reference to the 'airport comprised in the authorised</p>	The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside any updates to the draft DCO.

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		development' that is subject to the cap - given the definition of 'authorised development' (i.e., new development) clarification is required on the treatment of existing development. Indeed, this formulation is different to that in Requirement 27 (which just refers to the airport) - it is not clear if this is intentional further engagement with the Applicant is required.	
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 27 (Night Quota) - Generally, the wording appears acceptable, subject to that commentary and, indeed, the conclusions reaches on the GCG Framework acceptability.	Noted.
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 28 (Fixed Plant Noise Management Plan) - The Councils are currently considering the adequacy of the fixed plant noise management plan,- clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the	Noted. The Applicant can advise that, at Deadline 2, it is submitting a revised draft of the dDCO which replaces "carried out" with "operated" in accordance with the Councils' suggestion.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		Councils query whether the wording should be that the authorised Proposed Development is 'operated' rather than 'carried out'.	
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 29 (Offsite Highways Works) - The Councils are currently considering the adequacy of the outline transport related monitoring and mitigation approach, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.	Noted. The Applicant highlights to the Councils that it will be making drafting refinements to this requirement at Deadline 2, having regard to the effect the Applicant intends it to have.
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 30 (Travel Plans) - The Councils are currently considering the adequacy of the FTP, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although consideration is still being given as to whether the five-year review period in Requirement 30(3) is appropriate.	Noted. The Applicant highlights to the Councils that it will be making drafting refinements to this requirement at Deadline 2, having regard to the effect the Applicant intends it to have.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 31 (Operational Air Quality Plan) - The Councils are currently considering the adequacy of the outline operational air quality plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the Councils query in practice which authority would be the approving planning authority, given the subject matter.	Noted. The Applicant highlights to the Councils that it will be making drafting refinements to this requirement at Deadline 2, having regard to the effect the Applicant intends it to have. Those amendments will more clearly tie the plan to the airport, and this clarifies that the "relevant planning authority" for that plan would be Luton Borough Council.
Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 32 (GHG Action Plan) - The Councils are currently considering the adequacy of the outline GHG action plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the Councils query in practice which authority would be the approving planning authority, given the subject matter.	Noted. The Applicant highlights to the Councils that it will be making drafting refinements to this requirement at Deadline 2, having regard to the effect the Applicant intends it to have. Those amendments will more clearly tie the plan to the airport, and this clarifies that the "relevant planning authority" for that plan would be Luton Borough Council.

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Hertfordshire Local Authorities REP1-069	Draft DCO	Requirement 33 (Operational Waste Management Plan) - The Councils are currently considering the adequacy of the outline operational waste management plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.	Noted. The Applicant highlights to the Councils that it will be making drafting refinements to this requirement at Deadline 2, having regard to the effect the Applicant intends it to have.
Hertfordshire Local Authorities REP1-069	Draft DCO	<p>Draft DCO - Schedule 2, Part 5 and Part 6 - Discharge of Requirement and Appeals</p> <p>The Councils note the provisions in Requirements 35 (Applications Made Under Requirements) and 36 (Further Information), which govern the process for the discharge of the requirements (aside from those in Part 3 of Schedule 2). In short, these give the discharging authority eight weeks to make a decision (or request further information) on any discharge application. Should no decision be made, consent is deemed to</p>	The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to understand and progress these matters.

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
		<p>have been given.</p> <p>As set out above, the Councils understand the Applicant's desire to build in certainty in terms of timing, but further engagement is required as the Councils are concerned as to the resource implications in meeting these obligations, particularly should multiple discharge applications be submitted concurrently. They do not want to be in a position whereby due to resource constraints, applications for approval on critical matters are simply deemed to be consented. This point also extends to seeking input from consultees (as set out in Requirement 36(3) for example), with very tight timeframes for input from them.</p> <p>In addition, the Councils welcome the ability for the parties to agree a longer period for a discharge decision,</p>	

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		<p>although they query whether the drafting in Requirement 35(1)(c) is strictly correct (i.e., it doesn't appear to follow on from the preceding wording and paragraphs (a) and (b)). There are also other typographical errors in this requirement.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Turning to Requirement 37 (Appeals to the Secretary of State), the Councils welcome the mechanism proposed for the dealing with of appeals. However, the timescales proposed are short for responses (albeit it is recognised there is some precedent for these). The Councils wish to reflect further</p>	<p>Noted. The Applicant's position is that the timescales are proportionate and reasonable in the context of an NSIP and align with precedent.</p>

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		<p>on these and, if appropriate, will make suggested drafting amendments in a future submission.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Requirement 38 (Matters to be Considered in an Appeal by the Secretary of State) sets out those matters that the person appointed by the Secretary of State must have due regard to in determining an appeal. These appear overly restrictive in the Councils view, albeit the catch-all in paragraph (c) is recognised. For example, the express matters appear to only relate to the operation and growth of London Luton Airport - of course, the matters that could be appealed are much more extensive than this. For example, there is no mention of the need to stay within the ES Rochdale Envelope, minimise community impacts, etc. It appears to the Councils that these sorts of matters should be included, to balance points such</p>	<p>The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to understand and progress these matters.</p>

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		<p>as the 'safe and efficient commercial operation of the airport' needing to be expressly considered.</p>	
<p>Hertfordshire Local Authorities REP1-069</p>	<p>Draft DCO</p>	<p>Finally, the Councils note the provision in Requirement 39 (Application of Part 8 of the Planning Act 2008) that provides for non-relevant planning authorities to submit representations to the relevant planning authority, requesting that enforcement action is take under the Planning Act 2008 in respect of specific GCG Framework related matters.</p> <p>However, the Councils note that whilst the ESG determining that a Monitoring Report not being produced, or a Level 2 Plan or Mitigation Plan not being implemented, are circumstances where representations could be</p>	<p>The Applicant notes the comments made and is considering these further. The Applicant will engage further with the Councils to understand and progress these matters.</p>

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		<p>made, there is a query as to why (a) the failure to produce a Level 2 Plan or Mitigation Plan or (b) the failure to act appropriately in relation to future airport capacity declarations, are not covered.</p> <p>In addition, the Councils would assume that this provision is not attempting to fetter the ability of any local authority to engage with the relevant planning authority around any potential non-compliance with the DCO (or indeed the relevant planning authority to take enforcement action of its own volition) as it could do absent this provision, but clarification on that would be welcome. For example, it is not clear whether this provision is aiming to only provide for enforcement action to be taken after the steps in this requirement have been followed.</p>	

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Hertfordshire Local Authorities REP1-069	General	Summary of written representation The key issues faced by the Councils as a result of the Proposed Development are documented in the table below.	Noted. The Applicant has responded in detail to the representation in Section 2.

REFERENCES

Ref ¹ Department for Transport (2023), Policy Paper: Overarching Aviation Noise Policy

Ref ² Civil Aviation Authority (2013), CAP1229 Noise Envelopes