



HERTFORDSHIRE HOST AUTHORITIES' PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT

This Principal Areas of Disagreement Summary Statement (PADSS) has been produced for the three Hertfordshire Host Authorities (Hertfordshire County Council, Dacorum Borough Council, and North Herts Council), in collaboration with their technical consultants, for the London Luton Airport Expansion Project (the Proposed Development). It identifies those areas where there is disagreement in addition to outstanding issues in relation to the project. It is expected that this PADSS will be updated as issues are discussed and agreement reached with the Applicant. For each issue, the Host Authority(ies), to which the issue relates to, has been identified in the final column of the table.

Table 1 – Hertfordshire Host Authorities Principal Areas of Disagreement Summary Statement

Principal issue in question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination	Host Authority to which the PAD / issue relates to
Cultural Heritage				
Built Heritage				
Setting of heritage assets	Concerns in relation to the methodology and approach to the settings assessment as follows: <ul style="list-style-type: none"> ES Chapter 10 on the issue of quietness and setting. 	The following actions are recommended: <ul style="list-style-type: none"> The issue of quietness needs to be re-assessed in line with Historic England's The Setting of Heritage Assets: Historic 	TBC	All Hertfordshire Host Authorities



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	<ul style="list-style-type: none"> • Scoping out of assets at Appendix 10.2 designated heritage assets gazetteer on the grounds that “<i>The setting of this asset does not extend into the Site.</i>” • Scoping out of assets at Appendix 10.2 non-designated heritage assets gazetteer. • Clarification re: Appendix 14.7 visualisations. Some visualisations use wirelines and others use block forms. 	<p>Environment Good Practice Advice in Planning Note 3 (GPA3) which 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”.</p> <ul style="list-style-type: none"> • There is no fixed distance to setting. This needs to be re-assessed in line with GPA3 which states: “<i>Contextual relationships apply irrespective of distance, sometimes extending well beyond what might be considered an asset’s setting and can include the</i> 		



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		<p><i>relationship of one heritage asset to another of the same period or function, or with the same designer or architect.”</i></p> <ul style="list-style-type: none"> • The scoping out of non-designated heritage assets needs to be clarified. • The Applicant should consider providing block forms where wirelines have been provided. 		
Archaeology				
Unreported environmental effects on possible archaeological assets.	The ES Chapter has not sufficiently reported on potential adverse effects on a possible Roman building (HER ref. 7358); Winch Hill Farm, a 17th century farmstead with medieval origins (HER 11016); and possible,	The Applicant should establish with greater certainty whether these assets or possible previously unrecorded remains lie within the Proposed Development Site or not. The Applicant should carry out further evaluation to	It is unlikely this will need to be addressed at examination. Archaeology concerns will be addressed in the SoCG as discussed on a call on 3 August 2023 with AECOM	North Herts Council; Hertfordshire County Council



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	<p>previously unrecorded archaeological remains in the as yet unevaluated areas of the Proposed Development (the assessment of such potential is provided in TR020001-000708-5.02 ES Appendix 10.1 Cultural Heritage Desk-based Assessment but is not considered in the ES Chapter).</p>	<p>enable a suitable mitigation strategy.</p>	<p>and the County Archaeological Officer. There are no outstanding principal areas of disagreement in respect of archaeology for the Host Authorities. However, until we have a completed and agreed SoCG these concerns have been retained in this document.</p>	
<p>Site archaeological evaluation</p>	<p>The ES should provide information on the nature of the development proposals that might have an archaeological impact., and also clarify that part of the Proposed Development that has not yet been evaluated, and state</p>	<p>The Applicant ES should present the details of the enabling works and construction works proposed and how this might have an archaeological impact e.g., preliminary topsoil strip, landscaping, planting, services</p>	<p>It is unlikely this will need to be addressed at examination. Archaeology concerns will be addressed in the SoCG as discussed on a call on 3 August 2023 with AECOM and the County</p>	<p>North Herts Council; Hertfordshire County Council</p>



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	this as a clear limitation in the assessment of effects.	and utilities, temporary works areas and temporary access. The Applicant should include a figure in the ES Chapter showing areas that have been evaluated to date and areas that are to be evaluated post-determination. Areas to be evaluated post-determination should be secured by a requirement in the Development Consent Order (DCO).	Archaeological Officer. There are no outstanding principal areas of disagreement in respect of archaeology for the Host Authorities. However, until we have a completed and agreed SoCG these concerns have been retained in this document.	
Health and Community				
Consideration of vulnerable population groups	Reporting on the 'wider study area' at a county level presents a risk that vulnerable groups within the districts and wards situated in close proximity to London Luton Airport have not been identified,	The Applicant should provide evidence of consideration of vulnerable groups within the districts and wards situated in close proximity to London Luton Airport.	TBC	All Hertfordshire Host Authorities



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	and potential impacts on these groups have been missed. This is of particular significance for all areas where health impacts are being assessed.			
Greenhouse Gases (GHG)				
GHG emission boundary	Potential underestimate of GHG emissions from aviation	Clarity is required on the compatibility of the GHG emissions accounting approach used (ES Chapter 12 – GHG) [APP-038] that only accounts for one way aviation trips above 3000 feet with Institute of Environmental Management & Assessment (IEMA) GHG guidance. For instance, Section 5.2 of the IEMA Guidance states: <i>“The assessment should seek to</i>	Likely	All Hertfordshire Host Authorities



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		<p><i>quantify the difference in GHG emissions between the proposed project and the baseline scenario (the alternative project / solution in place of the proposed project). Assessment results should reflect the difference in whole life net GHG emissions between the two options”.</i></p>		
GHG: determination of significance within the ES	Potential reassessment of significance required.	Clarity is required on the determination of a Minor Adverse effect rather than Moderate Adverse, with specific reference to the latest IEMA GHG guidance and given the predicted magnitude of carbon emission <u>increase</u> resulting from the Proposed Development. For instance, in Section 6.3 of the	Likely	All Hertfordshire Host Authorities



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		<p>IEMA guidance, for an effect to be minor adverse (not significant), the project must be <i>“doing enough to align with and contribute to the relevant transition scenario, keeping the UK on track towards net zero by 2050 with at least a 78% reduction by 2035 and thereby potentially avoiding significant adverse effects”</i>.</p>		
Traffic and Transportation / Surface Access				
<p>Future year VISSIM modelling related to Traffic and Transportation</p>	<p>The Hertfordshire Host Authorities have the following concerns about the future year VISSIM modelling:</p> <ul style="list-style-type: none"> • Inconsistent with strategic modelling; and 	<p>The Applicant’s consultants have confirmed in their Rule 9 Response Cover Letter [AS-064] that the VISSIM models will use the cordoned data from the strategic model for the assessment purposes of the</p>	<p>It is our understanding that this will be addressed as part of the traffic modelling being undertaken as detailed in the Applicant’s Rule 9 Response Cover Letter [AS-064]. The</p>	<p>All Hertfordshire Host Authorities</p>



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	<ul style="list-style-type: none"> Unconventional method of applying growth – therefore lack of confidence in forecast models 	<p>updated modelling. The programme for this work has been provided in Appendix A of the Rule 9 Response Cover Letter [AS-064].</p>	<p>deadline for the work to be shared is w/c 4th December – Deadline 6. Once this work has been completed and shared with the Host Authorities will review and respond accordingly.</p>	
Sustainable Transport Fund (STF)	<p>It is unclear how the STF will be used to deliver sustainable transport improvements, particularly with regards public transport and the necessary early pump-priming of bus services to effect travel behaviour and whether sufficient funding will be available for the range of measures that could draw on this fund.</p>	<p>The Applicant should provide clear details on how the STF will be used to deliver sustainable transport improvements, particularly public transport. Further bus service identification and measures to secure and provide them should be detailed to demonstrate sufficient funding will be available.</p>	TBC	All Hertfordshire Host Authorities



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Covid-19 and baseline traffic	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 7 years old.	Evidence of how traffic flows and public transport usage have changed between 2016 and 2022 / 2023 should be provided.	It is our understanding that this will be addressed as part of the traffic modelling being undertaken as detailed in Rule 9 Response Cover Letter [APP-064] London Luton Airport Limited Additional Submission - Rule 9 Response Cover Letter. To date, the Host Authorities have not been provided Technical Note 1 (Task 6) programmed to be completed w/c 14 th August 2023 and Technical Note 2 (Task 14) programmed to be completed w/c 2 nd October 2023. The Host Authorities	All Hertfordshire Host Authorities



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			<p>would like to review and agree these to ensure no abortive work is undertaken and that we are in agreement with the approach to be used in the updated modelling. Once this work has been completed w/c 4th December 2023 this will be reviewed and questions raised to the applicant as necessary.</p>	
Core scenario for traffic modelling and assessment	The Hertfordshire Host Authorities are concerned that the Core Scenario includes highway improvements which are not committed, namely the M1 junction 9-10 hard shoulder	The Core Scenario for the transport modelling should be refined to remove the assumed hard shoulder running improvement scheme. A Scenario test has been run in the model	It is our understanding that this will be addressed as part of the traffic modelling being undertaken as detailed in the Applicant's Rule 9 Response Cover	All Hertfordshire Host Authorities



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	<p>running. This scheme is not in the National Highways Road Investment Strategy programme. Removing this scheme from the modelling could have an impact on congestion levels and wider traffic routing which is not currently reflected in the assessments. The mitigation response could be different to that currently presented. The host authorities need further detail to be able to fully understand the impacts within their networks.</p>	<p>but insufficient data analysis is provided in the current documents. More detailed data and assessment of the revised Core Scenario that excludes this improvement should be provided to understand the impacts and mitigation in the wider local road network.</p>	<p>Letter, [APP-064] London Luton Airport Limited Additional Submission - Rule 9 Response Cover Letter, Task 8. Once this work has been completed this will be reviewed and questions raised to the Applicant as necessary.</p>	
<p>Geographic distribution of London Luton Airport trips (all modes)</p>	<p>The assumptions around the geographic distribution of London Luton Airport trips (all modes) are not adequately represented. In particular, it is not possible to fully</p>	<p>Additional detail on the geographic distribution of London Luton Airport trips (all modes) including the detail through Hertfordshire. The additional</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>appreciate the share that travels through Hertfordshire, the forecasts and the impacts.</p>	<p>plots provided to date have no numbers attached to the bandwidths and it continues to be very difficult to assess potential impacts on specific Hertfordshire rural roads.</p>		
<p>The Transport Assessment (TA)</p>	<p>The Scenario test without the M1 hard shoulder running scheme should now form the core scenario on which the TA is based, insufficient detail is provided on the modelling outcomes from this Scenario.</p>	<p>The TA does not provide full details of the modelling sensitivity test scenario results as part of the TA to demonstrate the mitigation requirements are adequate and appropriate. Applicant to provide full output results for the sensitivity test scenario including junction modelling.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>
<p>Traffic impacts in Hertfordshire</p>	<p>Insufficient information about how the traffic impacts in Hertfordshire would be mitigated, monitored and managed. The Host</p>	<p>Additional detail should be provided by the Applicant in the TA and from the modelling about the traffic impacts in</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>Authorities would like the Applicant to explore more holistic ways to mitigate impacts, e.g., measures that will mode-shift non-airport related car trips in order to free up road capacity for the expected increase in airport-related car trips (e.g., enhanced bus services and priority).</p>	<p>Hertfordshire, particularly for the Scenario test without the hard shoulder running which is the most realistic traffic scenario and is insufficiently detailed in the TA.</p>		
<p>The proposed highway mitigation schemes are in conflict with local policy for improving sustainable modal choice</p>	<p>The mitigations proposed in Hitchin provide increased capacity for vehicular traffic which is in conflict with local plans and policies to enable and support active travel.</p>	<p>The Applicant should provide further detail on the need for the mitigation and potential to incorporate active and sustainable travel measures within the design. North Herts Council would like to see interventions which make access to London Luton Airport by</p>	<p>TBC</p>	<p>Hertfordshire County Council / North Herts Council</p>



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		sustainable modes, including public transport, more attractive.		
Mitigation in rural areas	The current approach assumes that all impacts can be mitigated with localised interventions. This is unlikely to be true for rural areas, where there is little opportunity to mode-shift trips from car to public transport or active travel. Interventions are most likely to displace traffic from one village to another. An area-based strategy is therefore likely to be necessary.	Applicant to consider alternative mitigations for potentially significant growth in airport-bound traffic growth through rural areas.	TBC	North Herts Council & Hertfordshire County Council
Public transport investment in new / improved services	Insufficient detail is provided on the level of investment and responsibility for providing support for additional public transport services, this is mentioned in the	Details of who is the responsible party for securing, providing and funding additional public transport from the east of London Luton Airport. Expected programme for	TBC	All Hertfordshire Host Authorities



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	application material but there is no commitment towards implementation.	their introduction needs to be considered further as the proposed Sustainable Transport Fund (STF) will not enable pump-priming and early implementation of new bus/coach services.		
Rail capacity	Hertfordshire is concerned that the original assessment was based on pre-Covid levels of service and forecasts for increases in network capacity. The effects of Covid -19 on patronage and forecast service levels have not been accounted for. Demand may not have fully recovered and train companies may not see their plans come to fruition due to cost-cutting. Unclear whether there is capacity	The Applicant should demonstrate that the worst-case forecast rail capacity has been assessed to show that the background growth in rail passenger trips and the growth of London Luton Airport can be accommodated, particularly for the rail stations in Hertfordshire.	TBC	Hertfordshire County Council



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	on the existing and forecast networks and impacts on current passengers at stations in Hertfordshire.			
Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)	<p>The TRIMMA is not considered sufficiently binding on the Applicant to give the Host Authorities certainty that any additional unforeseen impacts in the Hertfordshire highway network will be included adequately in the monitoring or mitigated and funded.</p> <p>The duration of the monitoring to 31.5mppa is insufficient and should extend at least five years beyond completion.</p>	<p>Provide a clear indication of the funding available for the TRIMMA to give cost certainty and reduce risk for the Host Authorities who will be responsible for implementation; including how the responsibility of the additional remit for the ATF is covered.</p> <p>The duration of the monitoring beyond completion of the expansion should be extended.</p> <p>The Host Authorities would also welcome further input into the monitoring sites and methodologies.</p>	TBC	All Hertfordshire Host Authorities



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	Monitoring of the airport car parks only for the TRIMMA will put a natural cap on the associated traffic impacts that are measured which could be unrealistic for the adjoining highway networks.			
Noise				
Baseline	The incorrect baseline has been used, where assessments are based on a year when London Luton Airport was in breach of a noise-related planning condition during the day and night, which is biasing the assessment conclusions.	2019 'compliant' or 2022 baseline should be used and the assessment updated accordingly.	TBC	All Hertfordshire Host Authorities
Policy compliance	There is a concern as to whether the UK aviation noise policy overall objective to limit and where possible reduce the	The Applicant should revise their assessment to comply with UK aviation noise policy, by basing future contour area limits from the	TBC	All Hertfordshire Host Authorities



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	<p>number of people significantly affected by aircraft noise is complied with.</p> <p>There is a concern as to whether the UK aviation noise policy for a balance between growth and noise reduction is appropriately weighted.</p>	<p>core assessment case (not the faster growth sensitivity study) and by committing to an equal share of noise reduction benefits between the local community and the airport.</p>		
Landscape and Visual				
<p>Visual impact of large scale-built development in a relatively elevated location.</p>	<p>The introduction of large-scale buildings and structures into the rural landscape to the east of the existing London Luton Airport will result in adverse visual effects. Built development will be introduced into some views which are predominantly characterised by soft landscape elements. In some longer distance views, the</p>	<p>The Applicant should provide an explanation of how the architecture (building design), masterplan and landscape design work together to provide an appropriate design response to the location of built development on this sensitive elevated plateau landform. Particularly, provide an explanation of how the design</p>	<p>TBC</p>	<p>North Herts Council / Hertfordshire County Council</p>



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	expansion of built development will be apparent increasing visual prominence.	response is compliant with objectives DQ.01 and DQ.02 as set out in volume 7.09 Design Principles (REF: TR020001/APP/7.09). The illustration of some key views with fully rendered images of the Proposed Development would aid understanding of this issue.		
The Landscape and Visual Impact Assessment (LVIA) does not specifically assess the effects of the Proposed Development on the Special Qualities of the Chilterns Area of	Additional flight movements across the AONB and the presence of additional large scale-built development, potentially with associated glint and glare, is anticipated to result in a deterioration of the Special Qualities of the AONB. Specific concerns relate to the following two Special Qualities: 1) long	It is proposed that the LVIA be updated to specifically assess the effects on the Special Qualities of the Chilterns AONB. This process should include a description of how the baseline situation has been determined particularly with respect to tranquillity, the range of receptors affected, the geographical area of influence	TBC	All Hertfordshire Host Authorities



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<p>Outstanding Natural Beauty (AONB)</p>	<p>distance views and 2) tranquillity as defined in the Chilterns AONB Management Plan 2019–2024:</p> <p><i>“Panoramic Views from and across the escarpment interwoven with intimate dipslope valleys and rolling fields; and Relative tranquillity and peace on the doorstep of ten million people, one of the most accessible protected landscapes in Europe; relatively dark skies, of great value to human and wildlife health; unspoilt countryside, secret corners and a surprising sense of remoteness.”</i></p>	<p>and any potential mitigation measures.</p>		



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Biodiversity				
Embedded mitigation	The approach to embedded mitigation does not appear to be appropriate and in some cases refers to compensatory habitat provision for features that are lost. Therefore, the validity of the assessment in this regard can be questioned.	The Applicant should update the assessment to ensure embedded mitigation captures the appropriate design measures and not additional mitigation or compensation.	TBC	North Herts Council / Hertfordshire County Council
Approach to identifying features requiring additional mitigation and why additional mitigation is required.	Several mitigation measures are proposed for receptors that have not been identified as experiencing significant effects in the assessment e.g. birds. The process of identifying the required additional mitigation should be clarified. Therefore, the ES Chapter does not provide a clear narrative for these features.	Several features are assessed in the mitigation and residual effect sections and not in the initial assessment (where embedded mitigation only is included).	TBC	North Herts Council / Hertfordshire County Council



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Aviation Forecasts				
York Aviation Forecasts	York's approach to air traffic forecasting is generally reasonable. However, several of its econometric, pricing and elasticity input assumptions carry downside risks such that the outputs are likely to be over-estimates of future demand, and hence also lead to over-estimates of impacts (both beneficial and adverse). These forecasts are for the south of the UK and to forecast traffic at London Luton they are then subject to the application of airport capacity constraints. The most important of these are the number of runways	Correction required for Heathrow and Gatwick passenger numbers and Luton forecasts, to address potential over-estimating.	This was not covered at ISH2.	All Hertfordshire Host Authorities



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	<p>at Heathrow and at Gatwick, and the passenger traffic that could be handled at them. The Core Planning Case assumption of one extra runway at either Heathrow or Gatwick is agreed, but there is disagreement about how many passengers these runways could allow to be handled. This results in material differences in when London Luton might reach 32 million passengers per annum.</p>			
Unforeseen Forecasts				
Unforeseen Local Impact Management Strategy (ULIMS)	The Hertfordshire Host Authorities believe that due to the longevity of the project, there needs to be provision for ULIMS to cover all significant environmental effects	The ULIMS should cover all significant environmental effects arising from the London Luton Airport expansion.	TBC	All Hertfordshire Host Authorities



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	arising from the London Luton Airport expansion.			
Draft Development Consent Order (DCO)				
Draft DCO drafting - general	There are a number of queries and concerns that the Host Authorities have identified in relation to the drafting of the DCO as it currently stands. Some of these points are expanded upon below, but this is not an exhaustive list (please see the relevant Written Representations/Local Impact Reports submitted for further information).	The Applicant should further engage with the Host Authorities to ensure the concerns raised are sufficiently understood and addressed and outcomes secured, either through amendments to the DCO and related control documents or by way of explanation that provides adequate confidence.	TBC	All Hertfordshire Host Authorities



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Time limits for consents and approvals	The DCO as currently drafted provides for various ‘deemed consent’ mechanisms, whereby should a response to an application for consent/approval not be received from an authority within a certain time limit, that consent/approval is deemed to be approved. Given resource constraints and the uncertainty of the programme, the Host Authorities consider there is a risk that consent/approvals could be deemed to be granted inappropriately, even where there has been no wilful or unreasonable inaction from the Host Authorities.	The Applicant should seek to build in appropriate resourcing and flexibility to these mechanisms, to ensure consents and approvals are not ‘waved through’, where the Host Authorities have not wilfully or unreasonably not responded to an application for a consent or approval under the DCO.	TBC	All Hertfordshire Host Authorities



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Powers of compulsory acquisition and temporary possession	There are a number of land interests held by the Host Authorities which would be subject to powers of compulsory acquisition and/or temporary possession under the DCO.	Further engagement is needed with the Applicant to understand the necessity for and acceptability of these proposals.	TBC	North Herts Council / Hertfordshire County Council
Drainage protective provisions	Certain drainage consents are disapplied in the DCO, but no equivalent protective provisions are contained in the DCO.	Protective provisions need to be included in the DCO to the satisfaction of the relevant drainage authorities.	TBC	Hertfordshire County Council
Treatment of the existing 'LLAOL Planning Permission' and other extant permissions	That the DCO appears to potentially introduce a regulatory 'gap' whereby controls under the existing planning permission fall away under article 44, prior to any DCO controls being triggered.	Engagement with the Applicant to clarify this point, together with amendments to the DCO as required.	TBC	All Hertfordshire Host Authorities
DCO requirements – Parts 1, 2 and 4 of	The Host Authorities have a number of concerns in relation to the DCO requirements set out in	Engagement with the Applicant together with amendments to the DCO as required.	TBC	All Hertfordshire



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Schedule 2 to the DCO	Schedule 2 to the DCO. This is both in terms of specific drafting (e.g., requirement 8(1)) or more generally, in terms of the adequacy of the control documents secured.			Host Authorities
GCG DCO requirements – Part 3 of Schedule 2 to the DCO	Similarly, to the points made elsewhere in this document around the GCG generally, the Host Authorities have a number of concerns in relation to how the GCG is proposed to be secured in legal terms in the DCO requirements. This relates to, for example, the operation and make-up of the ESG, how monitoring reports are produced/approved, the actions and processes required where there is an	Engagement with the Applicant together with amendments to the DCO as required.	TBC	All Hertfordshire Host Authorities



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	<p>exceedance of a threshold or limit and the robustness of relying on the Slot Regulations as a form of control.</p>			
Green Controlled Growth				
<p>GCG – Limits and Thresholds Level 1 Threshold</p>	<p>Under the current proposals, an exceedance of a Level 1 Threshold simply requires <i>“commentary on the avoidance of the exceedance of a Limit”</i> to be provided in the annual Monitoring Report. This 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 does not provide any incentive on the</p>	<p>There should be an incentive on the Operator to strive to meet the Level 1 threshold.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	Operator to strive to meet the Level 1 threshold and generally to minimise environmental impacts associated with growth.			
GCG – Limits and Thresholds Level 2 Threshold Limits	The timeframes within which ESG has to consider a draft, and approve a final, Level 2 Plan and a Mitigation Plan 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).	A longer timescale is needed for the ESG to consider a draft and approval a final Level 2 Plan and Mitigation Plan.	TBC	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	The precise purpose and content of the Level 2 Plan and a Mitigation Plan needs further clarification	It should be made clear that a Level 2 Plan and a Mitigation Plan must relate to the specific exceedance identified.	TBC	All Hertfordshire Host Authorities



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GCG – Limits and Thresholds Level 2 Threshold Limits	Approval of a Level 2 Plan and a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified.	The ESG should be able to refuse a Level 2 Plan and a Mitigation Plan on any relevant grounds.	TBC	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	A Level 2 Plan and a Mitigation Plan can be deemed to be approved.	A Level 2 Plan and a Mitigation Plan should not be deemed to be approved given their vital role in ensuring that a Limit is not exceeded. The approval of the ESG should be required.	TBC	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	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	New slots should not be permitted to be allocated (even within the existing capacity declaration) whilst an exceedance of a Level 2 Threshold is ongoing.	TBC	All Hertfordshire Host Authorities



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	<p>the risk of the Limit also being breached.</p> <p>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.</p>	<p>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.</p>		
<p>GCG – Limits and Thresholds Level 2 Threshold</p>	<p>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</p>	<p>This should be a specific requirement for the first Level 2 Plan.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>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.</p>			
<p>GCG – Limits and Thresholds Level 2 Threshold</p>	<p>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>	<p>There should be a sanction for a continued breach of a Level 2 Threshold.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>
<p>GCG – Limits and Thresholds Limits</p>	<p>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</p>	<p>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</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	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.	of the original. Mitigation Plan to require the airport operator to implement a local rule to address the exceedance of the Limit.		
GCG – Limits and Thresholds Limits	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.	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.	TBC	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Limits	The right of appeal to the Secretary of State in respect of any decision made by the ESG,	Any right of appeal should be limited to specific grounds. Any decision of the ESG should stand	TBC	All Hertfordshire



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	without specific grounds on which such appeal may be made, risks removing the local control and decision making that the ESG is designed to facilitate.	and be implemented, pending an appeal decision.		Host Authorities
GCG – Monitoring and Reporting	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.	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.	TBC	All Hertfordshire Host Authorities
GCG – Monitoring and Reporting	It is stated that there would be a minimum two summer season lag	In the event of an exceedance the airport operator should	TBC	All Hertfordshire



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	<p>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. 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 the airport operating in exceedance of the realistic worst case scenario reported in the EIA during this period.</p> <p>The controls around the exceedance of a Level 2 Threshold and/or a Limit as currently outlined are insufficient to facilitate effective adaptive</p>	<p>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 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>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</p>		<p>Host Authorities</p>



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	<p>environmental management and ensure that growth only takes place within appropriate parameters, and should be bolstered in line with the recommendations in this table.</p>	<p>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.</p>		
<p>GCG – Independent Scrutiny and Review</p>	<p>Dacorum Borough Council is not proposed to be a member of ESG.</p>	<p>Dacorum Borough Council should be a member of the ESG, given it is a host authority for the 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>TBC</p>	<p>All Host Authorities</p>



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GCG – Independent Scrutiny and Review	There is no formal role of the ESG in approving a Monitoring Report, such as would allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded.	The ESG should have some form of approval role in respect of a Monitoring Report.	TBC	All Hertfordshire Host Authorities
GCG – Independent Scrutiny and Review	The ongoing reasonable and properly incurred and evidenced costs of the ESG and Technical Panel will be funded by the airport operator.	This should also include the resource and management costs of the Councils in relation to their participation in the ESG (and/or 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.	TBC	All Hertfordshire Host Authorities



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GCG – Independent Scrutiny and Review	Timescales for participation in periodic reviews of the GCG Framework.	A longer period is required.	TBC	All Hertfordshire Host Authorities
GCG – Slot Co-ordination	It is not clear 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 the airport 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	Discussion is required with the Applicant.	TBC	All Hertfordshire Host Authorities



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	achieved in an appropriate timeframe.			
GCG – Compliance	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.	Discussion is required with the Applicant. See also our recommendations in this table. 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.	TBC	All Hertfordshire Host Authorities
GCG Framework: Air Quality	The GCG Limits and Thresholds for air quality do not address short-term pollution episodes which relate to acute health issues. Whilst there is no short-term legal limit for PM _{2.5}	The Applicant should revisit the Air Quality Monitoring Plan as proposed under the current GCG Framework so as to include 24-hour mean PM _{2.5} thresholds to better address the matter of acute	TBC	All Hertfordshire Host Authorities



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	<p>concentrations, it would seem appropriate to set thresholds for 24-hour mean PM_{2.5} concentrations based at least on the World Health Organisation (WHO) interim target 3, which is 37.5µg/m³ not to be exceeded more than 3-4 days per year (the corresponding WHO interim target 3 for annual mean PM_{2.5} is 15µg/m³ - so it is reasonably in-line with the Government's interim annual mean target).</p> <p>The Level 1 and Level 2 Thresholds that are proposed by the Applicant are for annual mean concentrations only. For each pollutant, the Level 1 Threshold is set at 25% below the Limit and</p>	<p>human health impacts and enable a more proactive approach to emissions management.</p> <p>Thresholds should be set as rolling averages to trigger prompt investigation and action when they are exceeded.</p> <p>The Applicant should include continuous analyser sites around the Main Application Site boundary to enable the identification of airport contributions to total concentrations.</p>		



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	<p>the Level 2 Threshold is at 5% below the Limit. In practical terms, ratified results for the previous calendar year would not be available until one or two months after the end of the year by which time it would be too late to effectively implement measures to avoid causing health impacts.</p> <p>In the event of exceedance of a monitoring Threshold at a sensitive receptor, to enable airport sources to be identified it would be necessary for continuous monitoring sites to be located at the Main Application Site boundary – not just at sensitive receptors. This is because the sensitive receptors</p>			



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	are generally too far away for airport sources to ever be clearly identified using available data analysis techniques (such as a bivariate polar plot of pollutant concentration showing concentration by wind speed and direction).			
GCG surface access Thresholds and Limits	There could be a long time lag between detection of a breach in surface access controls and the halting of London Luton Airport growth. Localised impacts could be untenable for an extended period of time before any mitigating action is necessary.	A clearer mechanism for detecting a breach and halting growth and implementing mitigation.	TBC	All Hertfordshire Host Authorities
GCG surface access mode share targets	The GCG mode share targets for non-sustainable mode share (based on passenger Civil	A commitment to more frequent monitoring is required (monthly) and the Applicant should	TBC	All Hertfordshire



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	<p>Aviation Authority (CAA) annually collected data) will not reflect any local situation, London Luton Airport growth may continue while the Hertfordshire network deals with additional unmitigated traffic impacts that are not detected through the GCG monitoring.</p>	<p>demonstrate that the survey sample rate for passengers is statistically sufficient to base the decisions.</p>		<p>Host Authorities</p>
<p>GCG surface access mechanisms for managing growth</p>	<p>Unclear relationship between GCG mode share, TRIMMA and Framework Travel Plan (FTP). If the GCG monitoring demonstrates that London Luton Airport is operating within the GCG Thresholds and Limits for surface access, we would expect the Airport Operator to still be committed to providing local mitigation improvements in</p>	<p>The Applicant should provide re-assurance that all three mechanisms for monitoring and mitigation will work together and the mechanism by which this will be managed.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	relation to TRIMMA and the FTP, however the relationship and funding is not clear.			
Noise aspects of GCG	The local authorities have raised concerns that the green controlled growth process has not been proven to be able to prevent future breaches of noise limits, nor that it offers anything additional to the extant process.	The Applicant needs to provide evidence that the noise aspect of GCG would be effective, such as how it would have prevented historic breaches.	TBC	All Hertfordshire Host Authorities