



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' RESPONSES TO THE APPLICANT'S RESPONSES TO LOCAL IMPACT REPORT

London Luton Airport Expansion

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document represents a table of responses to the Applicant 's responses to the Local Impact Report **[REP2A-006]** to be submitted to Deadline 2. It has been prepared jointly by Dacorum Borough Council ("DBC"), North Herts Council ("NHC") and Hertfordshire County Council ("HCC"), in collaboration with their technical consultants, together as the "the Councils" to set out further comments considered necessary in detailing the impacts upon the local area of the Applicant 's proposed London Luton Airport Expansion Project ("the Proposed Development").
- 1.1.2. For each issue, the Host Authority(is) to which the issue relates has/have been identified in the final column of the table.
- 1.1.3. Where a point by the HAs have been noted by the Applicant and the Host Authorities have no further comments to make, the point has not been referenced further in the table below.



2 THE HAS' RESPONSES TO THE APPLICANT 'S RESPONSES TO LOCAL IMPACT REPORT

Table 2-1 – The HAS' Responses to the Applicant 's Responses to Local Impact Report

LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
7.2 Principle of the Development				
7.2.2	Planning	Hertfordshire County Council maintains its ongoing in-principle pre-submission 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 has not currently been provided as part of the application submission."	<p>Section 8 of the Planning Statement [AS-122] demonstrates how the Proposed Development complies with National and Local policy, with paragraph 8.2.8 in Section 8.2 stating the Proposed Development is fully aligned with the aims and objectives of Aviation 2050. The Green Controlled Growth Framework [APP-218] is a binding framework for managing the growth and operation of the airport through the coming decades within definitive environmental limits. GCG will manage the effects associated with:</p> <ul style="list-style-type: none"> a. aircraft noise, via a Noise Envelope; b. air quality; c. greenhouse gas emissions (for airport operations and surface access); and d. surface access. <p>As described in the Planning Statement [AS122], the compensatory mitigation measures for the Proposed Development (Draft Compensation Policies Measures and Community First [AS-128]) have been developed so that in combination with the embedded noise management measures as secured by the Noise Envelope within the GCG Framework [APP-218], they meet the Noise Policy Statement for England (Ref 2.3), paragraph 185a of the National Planning Policy Framework (Ref 2.4), paragraph 3.12 of the Aviation Policy Framework (Ref 2.5), the 2017 clarification of policy on aviation noise (Ref 2.6), and paragraph 5.68 of the Airports National Policy Statement (Ref 2.7), where noise adverse impacts should be mitigated and reduced to a minimum.</p> <p>The surface access impacts of the Proposed Development have been fully assessed in the Transport Assessment [APP-203]. This is supported by a Surface Access Strategy [APP-228] has been prepared for the Proposed Development which sets out the long-term</p>	The Host Authorities acknowledge the general principles that are set out in the Planning Statement [AS-122] and the Green Controlled Growth Framework [APP-218]. Notwithstanding this, they have issues in relation to a range of adverse environmental impacts of the proposal, uncertainty in relation to a range of surface access issues, concerns with regard to GCG thresholds and implementation, mitigation funding arrangements, etc.



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			<p>vision and, objectives for surface access, covering a 20-year time period, to guide the long term growth of the airport alongside a Framework Travel Plan (FTP) [AS-131] sets out a framework for the content of travel plans to be produced every five years once expansion plans are approved.</p> <p>In light of the substantial increase in economic and consumer benefits delivered by the Proposed Development (see Section 8 of the Need Case [AS-125]), these would offset the increase in total adverse effects in the context of sustainable growth.</p>	
7.2.3	Planning	<p>Dacorum Borough Council are concerned that “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>Please refer to the Applicant 's response to comment 7.2.2 of the LIR.</p>	<p>The Host Authorities acknowledge the general principles that are set out in the Planning Statement [AS-122] and the Green Controlled Growth Framework [APP-218]. Notwithstanding this the Host Authorities' specialists on Aircraft Noise, Air Quality, Green House Gas Emissions and Surface Access still have issues in relation to the GCG thresholds, implementation, compensatory measures which are set out elsewhere in the document.</p>
7.2.4	Planning	<p>“North Hertfordshire District 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. 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. 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 development, the Council is willing to engage with the Applicant to review the data and analysis, agree any additional data and</p>	<p>Chapter 12 Greenhouse Gases of the Environmental Statement [APP-038], presents a robust assessment of GHG emissions arising from the Proposed Development during construction and operation. Furthermore, the Planning Statement [AS-122] sets out 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.</p> <p>Nonetheless, the Applicant is happy to continue engagement with the host authorities.</p>	<p>The scope of the assessment and the potential underestimating from the impact modelling as well as the determination of significance (in relation to the Jet Zero policy) have been raised with the Applicant via the PADSS [REP2-058], no agreement on how to proceed was reached in meeting (20/9). The Applicant is going to provide a response to the Host Authorities on this issue and will review once it is complete.</p>



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		analysis required, and codesign any additional or altered mitigations with a view to making the proposed development acceptable in planning terms to the Council.”		
7.2.5	Planning	The Councils place the highest levels of emphasis on the importance of addressing the environmental impacts of the Proposed Development, and on effective controls and mitigation, in the context of the planning balance. This includes but is not limited to: air quality, health and community, surface access, noise, emissions, and landscape and visual impacts, together with cumulative effects.	The Applicant responded to this point at pages 188-189 of Applicant 's Response to Written Representations made by Interested Parties subject to an SoCG at Deadline 1 (Part 2) [TR020001/APP/8.39] submitted at Deadline 2.	The Host Authorities would like the opportunity for further engagement through the SoCG process
7.2.6	Economic Benefits	It is imperative that the decision to grow the capacity of London Luton Airport 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 and local communities in the same way that they do the Applicant. The adverse environmental effects carry as much weight in the decision-making process and the economic benefits.	This matter has been considered at pages 188- 189 of Applicant 's Response to Written Representations made by Interested Parties subject to an SoCG at Deadline 1 (Part 2) [TR020001/APP/8.39] submitted at Deadline 2.	The Host Authorities would like the opportunity for further engagement through the SoCG process.
7.2.8	Stakeholder Engagement	The Councils consider that the information submitted in the application does not enable the Councils to come to a view on whether the Proposed Development complies with planning policies. In order to establish this, the Councils request opportunities to engage technically with the Applicant in relation to relevant matters, with a view to informing the on-going preparation of Statements of Common Ground/Principal Areas of Disagreement, Summary Statements and to provide clarity on the proposals and their compliance in this regard.	The Applicant met with all of the Host Authorities in December 2022 to discuss planning policy compliance. Unfortunately, since then, there has been limited technical engagement with the Hertfordshire authorities due to delays in their appointment of external consultants. However, the Applicant remains keen to engage further with the Hertfordshire authorities to aid the development of the Statement of Common Ground (SoCG) and Principal Areas of Disagreement Summary Statements.	The Host Authorities welcome commitment to further engagement.
7.2.11	Stakeholder Engagement / dDCO	No engagement on the dDCO has taken place since the Application was submitted on 27 March 2023.	It is regrettable that detailed discussion on the draft DCO (dDCO) has been unable to be progressed at an earlier date, due in large part to the late appointment of specialist advisers to act on behalf of the Host Authorities. The Applicant is currently liaising with the Host Authorities to set up a meeting ahead of the Issue Specific Hearings in September to discuss the dDCO. The dDCO was circulated to the Host Authorities in September 2022 for their review and comment. Nevertheless, a number of meetings with the Planning Officers Coordination Group to discuss the DCO more widely have been held since the application was	This statement is incorrect. The Hertfordshire Host Authorities requested direct engagement of respective legal teams. Legal engagement now progressing and welcomed.



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			submitted. These have taken place in March, June, July and August 2023. The Applicant is keen to continue this engagement with the Host Authorities moving forward.	
7.2.12 - 7.2.13	dDCO	<p>Given the critical importance of the dDCO as the primary consenting instrument of the Proposed Development, the Councils have reviewed the dDCO. 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 Proposed Development. To this end, the Councils request that the Applicant engages with the Councils on the dDCO as soon as possible, with a view to them being provided with sufficient comfort on their concerns.</p> <p>The primary concerns with the dDCO identified by the Councils are set out in Section 9 of this LIR. However, given the weight of material that comprises the Application currently being considered, the Councils may wish to raise further points on the dDCO in subsequent submissions.</p>	The Applicant notes the Councils' comments and, as noted above, is keen to engage with the Councils and their technical advisers on these matters.	Legal engagement with the Host Authorities is now progressing and welcomed.
7.2.15	Planning	The Councils are not convinced that the information submitted as part of the application is sufficient to that the benefits outweigh the harm and local impacts of the Proposed Development. A number of general comments and suggested mitigations are set out above and in section 9 in relation to the dDCO and recommended requirements.	Noted however the Planning Statement [AS122] notes out 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 development plan documents when taken as a whole.	The issue remains that if the base case should be the slower case of 2049 and not 2043 for 32 MPPA, the economic benefits and job creation will be less / later. This is important in relation to the planning balance with environmental impacts.
7.3 Traffic and Transport and Surface Access				
7.3.14	Construction Traffic Management Plan	The Councils welcome the commitment of the Applicant to minimise local construction traffic impacts where reasonably practicable using a variety of Management Plans including Construction Traffic Management Plan (CTMP) and Construction Workers Travel Plan (CWTP) and the establishment of a Traffic Management Working Group (TMWG), as a forum for technical engagement.	Noted.	The Host Authorities would welcome further details on the CTMP and the controls that would be put in place as they emerge as part of the development proposals.
7.3.15 - 7.3.16	Construction Traffic Management Plan	Paragraph 16.3 details that the CTMP provides the structure for the document that will be set out in a way in which the following will be managed to reduce the impact of construction traffic to include the following matters: a)	The full Construction Traffic Management Plan (CTMP) will be developed by the appointed contractor and will be substantially in accordance with the Outline CTMP (Appendix 18.3 of the ES [APP-130]) which contains	Noted.



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		<p>highway safety; b) management of deliveries to the construction site; c) practices to reduce the number of construction vehicles movements; d) abnormal loads; and e) protection of the public highway. 7.3.16.</p> <p>However, the outline CTMP [PINS ref: APP130] appears not to consider where construction delivery vehicles will wait off-site for their appointment on site, or to take breaks or end their daily driving hours, or even park overnight for an early morning delivery.</p> <p>There is a risk that the number of construction deliveries to the airport could lead to local impacts on laybys, truck stops and service areas being full of airport bound vehicles and that this may lead to it being more difficult for other businesses in Luton and the surrounding towns to have deliveries due to constraints on these rest areas.</p>	<p>provision for the establishment of a traffic management working group (TMWG) that will be a forum for stakeholders' engagement prior to commencement of the Proposed Development. The forum will include the lead 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>	<p>The Host Authorities would welcome further details on the CTMP and the controls that would be put in place as they emerge as part of the development proposals.</p>
7.3.17	Construction Traffic Management Plan	<p>In more general terms the Councils are not yet able to confirm whether these management plans and TMWG will be sufficient to minimise and mitigate local traffic impacts across Hertfordshire and would welcome further technical engagement in the content of the management plans and membership for all three Councils in the working group.</p>	<p>The Transport Assessment [APP-203, AS123, APP-205, APP-206] shows that the majority of construction related vehicles are expected to arrive from the west via the M1 and as such the impacts within the Hertfordshire area would be limited. Nonetheless, the Applicant is happy to continue engagement on the management plans with all Host Authorities.</p>	<p>Noted.</p> <p>The Host Authorities would welcome further details on the CTMP and TMWG and the controls that would be put in place as they emerge as part of the development proposals.</p>
7.3.18	Construction Traffic Management Plan	<p>The Councils are of the view that some of the proposed mitigation measures in Hertfordshire are set out to a minimal level of detail or have been designed without appropriate consideration of improvements for active and sustainable travel modes. The submitted drawings do not appear to have considered the vertical dimension within the design, and there are locations where gradients or other factors such as forward visibility may mean that the scheme cannot operate safely or be constructed to meet design standards.</p>	<p>The Applicant considers that the issue raised regarding the design level of the mitigation measures was answered within the Applicant 's Response to Relevant Representations Part 2A of 4 [REP1-021] page 245, in response to RR-0558, RR-1119, and RR-0297.</p>	<p><i>"The Applicant would work with relevant local authorities through the ongoing monitoring of the Proposed Development and TRIMMA, if impacts are realised as forecasted, then the development of mitigation highway measures and the detailed design of these schemes will need to be agreed where there will be opportunities to incorporate a greater focus on active and sustainable modes within the design"</i> [REP1-021 page 245].</p> <p>The Host Authorities still require evidence that there will be sufficient funding to deliver enhanced schemes should these be identified as being required. They are raising as an issue now to ensure sufficient funding is in place when needed.</p>
7.3.20 - 7.3.21	Surface Access	<p>Section 10.5.1 of the ES states that states that "A comprehensive approach to modelling the impact of the Proposed Development has been carried out, including strategic modelling, Vissim modelling and local junction</p>	<p>Section 15 of the Transport Assessment [APP-203, AS-123, APP-205, APP-206] states that whilst a mitigation strategy has been developed that would address the impact of the Proposed Development, a mechanism to</p>	<p>Noted. The Host Authorities welcome further information to support the monitoring and mitigation of unforeseen consequences of the Proposed Development.</p>



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		<p>capacity assessments. This modelling approach includes consideration of growth including committed developments and planned transport schemes. The modelling demonstrates that the impacts from the Proposed Development and mitigations included in the scheme at Assessment Phase 1, 2a and 2b (full development) would not have a significant adverse impact on the operation of the highway network in the local or wider area.”</p> <p>There are still likely to be local impacts where this is not reasonably practicable, alternative measures will be identified to maintain public access, especially for pedestrians and cyclists, to routes in the vicinity of the sites. These appear not to have been identified within the existing application documents. The impact of road-based construction traffic will be reduced by implementing and monitoring clear controls on vehicle types, hours of site operation, parking, and routes for large goods vehicles.</p>	<p>monitor the highway network and manage any unforeseen consequences of the Proposed Development would also be provided.</p> <p>Through the ongoing discussions with stakeholders, the Applicant is committed to investigating, and if necessary, providing appropriate assistance towards, measures such as parking controls, traffic management and calming measures.</p> <p>The Applicant considers that the issue raised regarding the Construction Traffic Management Plan was answered within the Applicant 's Response to Relevant Representations Part 2A of 4 [REP1-021] page 235 and 246, in response to RR-0558, RR-1119, and RR-0297.</p>	
7.3.22	Surface Access	<p>The Councils are concerned that almost no detail is provided on off-site parking, walking, cycling or public transport measures in Hertfordshire or how these initiatives would be funded through a funding strategy. These modes of transport are vital elements of all future developments and without adequate consideration in this DCO application could create significant surface access and congestion local impacts which will have detrimental air quality and noise impacts on local residents and the business community. 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. Where they do exist, the limited references to public transport have a heavy reliance on rail. The Councils are concerned that little consideration has been given to the integration of rail access to London Luton Airport and the wider rail network. This could lead to congestion and overcrowding of services.</p>	<p>The Applicant is not pursuing the development of off-site parking facilities as part of the application, noting that such development is outside the remit of the Applicant.</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 (Appendix H to the Transport Assessment [APP-202]). This included a rail capacity assessment and benchmarking against comparable airports. This considered the impacts of changes in the transport network (e.g. Luton DART, Crossrail). The changes attributable to each individual demand driver were found to be relatively modest. However, in combination these factors are anticipated to have a significant impact on mode share. The expected impacts from the implementation of the Thameslink 20/20 timetable in conjunction with the opening of the Luton DART and the benefits of the provision of much improved bus/coach facilities when the new terminal is opened support the future mode share Limits and targets.</p> <p>The Applicant has been undertaking a more detailed review of bus and coach routes to demonstrate the range of potential opportunities for improving bus and coach access to and from the airport, which includes considering potential improvements to current service provision and frequencies. Alongside this work the</p>	<p>There will be a finite number of parking spaces within the airport, and it is also reasonable to assume that there will be a continuation / expansion of off-site airport parking associated with the airport expansion. This is a necessary part of the assessment of airport related vehicular trips and associated traffic impacts.</p> <p>Appendix H to the Transport Assessment [APP-202] does not provide sufficient clarity and detail on the specific queries that have been raised:</p> <ul style="list-style-type: none"> - More detail is needed on the expected increase in passengers at already busy rail stations in Hertfordshire – including St Albans and Harpenden. Specific overcrowded trains / routes should be identified. - The Host Authorities are concerned that if the bus services and patronage have not been identified as part of the airport growth and trip assessment associated with the transport assessment and planning application. Further information should be provided to demonstrate how the Applicant can be certain that the proposed mode share can be achieved. - There is insufficient detail regarding the bus/coach services that are needed to support



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			<p>Applicant is setting out its approach to the establishment of a Sustainable Transport Fund that will set the framework around how these types of improvements, alongside the others - including walking and cycling - listed out within the toolbox of measures within the Framework Travel Plan [AS-131], would be funded.</p> <p>The impact of surface access 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 [REP1-003].</p>	<p>the distributional assessment of passenger and employee demand; and</p> <ul style="list-style-type: none"> - The assessment to date has been based on pre-covid service levels and uptake. The Applicant should demonstrate how potential rail cost-cutting / investment reductions and the potential capacity reduction compared with that envisaged in 2019 have been accounted for in the mode share targets and the assessment of the impact on the existing rail capacity.
7.3.23	Planning	<p>The Councils note that some of the existing highway improvements are subject to further design development. The Councils also believe that the Proposed Development fails to comply with local planning policies. For example, 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. The Councils seek to be involved in further discussions on this matter, to ensure that the updated designs comply with adopted and saved policies, including LTP4.</p>	<p>The Applicant considers that the issue raised regarding the proposed mitigation measures and LTP4 compliance was answered within the Applicant 's Response to Relevant Representations Part 2A of 4 [REP1-021] pages 229 and 231, in response to RR-0558, RR-1119, and RR-0297.</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 [REP1-012, pages 229 and 231].</p>	<p>The Host Authorities still require confirmation of the scope of mitigations that the Applicant is willing to consider, and evidence that there will be sufficient funding to deliver sufficiently effective mitigations that are also maximally policy compliant. For instance, will the Applicant be willing to invest in measures that will mode-shift car traffic, not only that related to the airport, to free up (rather than expand) road capacity? Such measures may include walking and cycling infrastructure; bus lanes; bus priority at traffic signals; subsidised enhancements to bus services (extended operating hours or increased frequency); pump-priming of new or altered bus routes; publicising and promoting public transport and active travel; subsidising and promoting car-share schemes; etc.</p>
7.3.24	Transport Modelling	<p>Due to the impacts of the Covid-19 Pandemic the Baseline traffic modelling information used to inform the Proposed Development is 7 years old. The Councils are concerned that this information is too outdated to provide an accurate assessment of Traffic and Transport (T&T) impacts. The Councils are therefore unable to confirm whether or not the T&T aspects of the Proposed Development would comply with planning policies.</p>	<p>The Applicant is addressing this within the work it is undertaking in relation to accounting for COVID-19 in the transport modelling for the Proposed Development, as part of its response to the Procedural Decision issued by the Examining Authority on 16 May 2023. Work will be undertaken to understand how traffic flows may have changed since 2016/2017 from available data sources.</p> <p>The work will also include engagement with Local Highway Authorities, including Hertfordshire County Council.</p>	<p>The Host Authorities are awaiting the finalisation of the Covid 19 transport modelling work and will review it once it is complete.</p>



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7.4 Air Quality				
7.4.10	Air quality assessment methodology	In order for the Councils to fully understand the Air Quality impacts of the proposed scheme, the Councils are seeking clarification that the assessment methodology and tools have been agreed with Natural England, particularly in regard to ammonia emissions and nitrogen deposit impacts within Hertfordshire. Furthermore, the Councils consider that the proposed use of 'AQMesh 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. It is the Council's view that the Palas Fidas 200, which meets the Defra reference method equivalence criteria and enables simultaneous measurement of PM10 and PM2.5, would be suitable for this purpose.	<p>The Applicant considers that the issue raised regarding the assessment methodology tools agreement with Natural England 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> <p>The Applicant considers that the issue raised regarding monitoring in general and in particular for NO2 was answered within the Applicant 's Response to Relevant Representations Part 2A of 4 [REP1-021] page 26, in response to RR-0558 and RR-0297.</p> <p>The Applicant will continue to discuss PM monitoring with the authorities as addressed in item HCC65 of the SoCG between the Applicant and Hertfordshire County Council [TR020001/APP/8.15], submitted at Deadline 2.</p>	<p>No further comment at this stage regarding agreement with Natural England.</p> <p>In its response [REP1-021, page 25], the Applicant refers to the scoping out of short-term effects "... <i>in line with the guidance outlined within Defra LAQM Technical Guidance (2022)</i>". For NO2, the Defra guidance followed by the Applicant is relevant for road traffic sources only since the relationship between annual and 1-hour mean concentrations is largely based on measurements at roadside and kerbside locations. It does not apply to airside sources. The same is true for 24-hour mean PM10 concentrations. Further consideration of short-term pollutant concentrations and airside sources should therefore not be scoped out on the basis of "...<i>Defra LAQM Technical Guidance (2022)</i>".</p> <p>Hertfordshire Host Authorities position on monitoring remains.</p>
7.4.11	Air quality	With substantial evidence accumulating linking finer fractions of particulate matter (especially PM2.5 and smaller) to chronic and acute health conditions, there is a need to have short-term thresholds to protect human health.	<p>The Applicant considers that the issue raised regarding short-term thresholds 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> <p>The Applicant will continue to discuss PM monitoring with the authorities as addressed in item HCC65 of the SoCG between the Applicant and Hertfordshire County Council [TR020001/APP/8.15], submitted at Deadline 2.</p>	<p>In its response [REP1-021, page 25], the Applicant refers to the scoping out of short-term effects "... <i>in line with the guidance outlined within Defra LAQM Technical Guidance (2022)</i>". For NO2, the Defra guidance followed by the Applicant is relevant for road traffic sources only since the relationship between annual and 1-hour mean concentrations is largely based on measurements at roadside and kerbside locations. It does not apply to airside sources. The same is true for 24-hour mean PM10 concentrations. Further consideration of short-term pollutant concentrations and airside sources should therefore not be scoped out on the basis of "...<i>Defra LAQM Technical Guidance (2022)</i>".</p> <p>Hertfordshire Host Authorities position on monitoring remains.</p>
7.4.15	Air quality	The Air Quality Monitoring Plan is the subject of ongoing technical discussions between the Applicant and the Councils in relation to the inclusion of 24-hour mean PM2.5 thresholds to better address the matter of acute human health impacts and enable a more proactive	The Applicant considers that the issue raised regarding short-term thresholds 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. The Applicant will continue to discuss PM	In its response [REP1-021, page 25] , the Applicant refers to the scoping out of short-term effects "... <i>in line with the guidance outlined within Defra LAQM Technical Guidance (2022)</i> ". For NO2, the Defra guidance followed by the Applicant is relevant for road



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		<p>approach to emissions management – and the use of continuous monitoring using a method that meets the Defra reference method equivalence criteria for PM10 and PM2.5.</p>	<p>monitoring with the authorities as addressed in item HCC65 of the SoCG between the Applicant and Hertfordshire County Council [TR020001/APP/8.15], submitted at Deadline 2.</p>	<p>traffic sources only since the relationship between annual and 1-hour mean concentrations is largely based on measurements at roadside and kerbside locations. It does not apply to airside sources. The same is true for 24-hour mean PM10 concentrations. Further consideration of short-term pollutant concentrations and airside sources should therefore not be scoped out on the basis of "...Defra LAQM Technical Guidance (2022)".</p> <p>Hertfordshire Host Authorities position on monitoring remains.</p>
7.5 Noise and Vibration				
7.5.41 - 7.5.43	Noise management and control mechanisms	<p>There are no development plan policies directly relating to noise resulting from London Luton Airport. Inasmuch as the development plan seeks to restrict adverse environmental impacts, the proposal is considered not to be compliant.</p> <p>The application contains no requirements or DCO obligations for the following items, which are existing planning noise controls at Luton Airport:</p> <ul style="list-style-type: none"> • Night-time phasing out (and remaining out) of aircraft with a QC value greater than 1 on either departure or arrival; • Total annual QC movements of no more than 3,500, reducing to 2,800 from 2028; • Annual movement limit of 7,000 in the early morning shoulder period; • Progressively reducing Noise Violation Limits. <p>The above are all set out in Condition 9 of Planning Permission 15/00950/VARCON (dated 13th October 2017) and were also set out as requirements of the Noise Envelope by Host Councils in the final Noise Envelope Design Group report (Annex A of 5.02 Appendix 16.2 Operational Noise Management Explanatory Note). These controls would be appropriate requirements, are reasonable and must be maintained.</p>	<p>The principal noise control secured in the DCO is the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions (such as those listed in the LIR) would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p> <p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p> <p>Improvements have been made to the Noise Envelope since submission, and a worked example has been provided which can be used to reasonably conclude that the NE would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36]. The worked example demonstrates how the current consented controls were not effective in avoiding the breaches, but that the</p>	<p>The Applicant appears to take the position that all controls are placed so as to control the summer 92-day period over which noise contours are typically calculated.</p> <p>This is not correct. For instance, an annual Quota Count limit covers a different period and is annual, rather than over the summer. It is therefore a different and separate control, rather than a mitigation measure designed to enable the summer contour to be met.</p> <p>Inclusion of any of these measures as tools for the operator to control the noise contours are welcomed, but it must be recognised that these are not the same as separate controls which can be imposed on the airport.</p> <p>The worked example is based on an incorrect understanding of why breaches previously occurred. The provided note does not detail what mitigation would be employed.</p> <p>Given that Luton Airport has previously reached passenger limits that were meant to take circa 15 years to materialise in closer to three years, mitigation measures that can be applied immediately will be needed, as well as future mitigation measures that might not yet be known.</p> <p>The Applicant, in basing their proposals “upon best practice, guidance and policy”, have ignored the requirements set out in the NEDG, as well as CAA</p>



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			<p>controls in the Noise Envelope would have been had they been in place at that time.</p> <p>The Applicant was pleased to note the detail within the recommendations from the NEDG and has adopted many of those in the Noise Envelope proposals. Whilst the Applicant has carefully considered all of the recommendations from the NEDG, there are some recommendations which have not been adopted, and in such cases the Applicant has developed alternative proposals based upon relevant best practice, guidance and policy. A summary of the NEDG recommendations and the Applicant responses are provided in Annex B of Appendix 16.2 of the ES [APP-111].</p>	<p>guidance stating that noise envelopes should be designed to meet local needs.</p>
7.5.44	Noise management and control mechanisms	<p>The application proposes to now include the option for noise modelling and reporting to dispense late-running movements, as is allowed at the designated airports. This is set out in C4.1.3 of 7.08 Green Controlled Growth Framework Appendix C – Aircraft Noise Monitoring Plan. The control of not allowing dispensation is an appropriate requirement and should be maintained.</p>	<p>As part of the Noise Envelope – Improvements and Worked Example [TR020001/APP/8.36] published at Deadline 2, updates have been proposed to the Noise Envelope based on further analysis of the causes behind the historic breaches of noise contours in 2017-19.</p> <p>One such update is for the compliance against the Noise Envelope contours as set out in paragraph C4.1.3 to now include early and late running aircraft (which were previously excluded) but not those that would be dispensed under specific criteria included in Night flight restrictions at Heathrow, Gatwick and Stansted: Annex F Guidelines on Dispensations, Department for Transport, July 2014 (Ref 2.8). It is considered appropriate that dispensed aircraft are not included in the compliance process as they are not within the airport operator's control. This approach to disregarding certain types of aircraft movements from counting towards the limit values was agreed as appropriate by the Noise Envelope Design Group in their Interim Report. No changes to this agreement were noted in their Final Report. See the Noise Envelope Design Group Final Report and Section 4.5 of the Interim Report in Annex A of Appendix 16.2 of the Environmental Statement [APP-111].</p>	<p>Dispensation of flights specifically relates to Quota Count controls, and airports that are allowed to dispense movements are subject to further (compensating) controls. The Applicant seeks the benefit of dispensation without the associated controls.</p> <p>The Noise Envelope Design Group agreed that dispensation would be appropriate when there was a range of controls being proposed within the noise envelope. Given that these controls have been cast aside, the Applicant 's firm application of the Noise Envelope Design Group's recommendations is surprising.</p> <p>The Applicant needs to carry through current noise-related planning controls and implement the recommendations of the NEDG to provide a suitable noise control scheme, for which aspects could have dispensation applied to.</p>
7.5.45	Noise Policy	<p>The noise documents do not, in our view, present a case that complies with UK aviation noise policy or emerging policy, which is equally important when looking at timeframes well into the future. Assessments for various sources of noise are not portrayed consistently or</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</p>	<p>The statement that the comparison of the DM case is only a sensitivity case refers to the use of DS vs 2019 Compliant being a sensitivity case, whereas it should form part of the main evidence.</p>



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		<p>transparently. The air noise assessment, which is typically the most important environmental issue for local communities, seeks to present a case of noise reduction over time through focusing on the wrong test and use of a baseline that was not in compliance with extant planning conditions. The incorrect methodology allows claims of noise reduction, rather than the clear noise increase brought about by the proposed development compared to the do minimum case in all future years. This key indicator of the likely scale of impact is only presented as a sensitivity case</p>	<p>the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012].</p> <p>It is not agreed that the wrong test has been used. The Applicant has undertaken an assessment of likely significant effects and mitigation in Environmental Impact Assessment (EIA) terms by comparing the situation with the Proposed Development (the Do-Something scenario) to the situation without the Proposed Development (the Do-Minimum scenario) in each assessment year in Chapter 16 Noise and Vibration [REP1-003] of the Environmental Statement. The future air noise baseline (the Do-Minimum) is compliant with the airport's current consented long term noise limits in each assessment year and therefore demonstrates a scenario where the airport is operating in compliance with extant planning conditions. This comparison has been undertaken in the core assessment and it is not correct that the comparison with the Do-Minimum is only presented as a sensitivity test. The statement that the comparison with the Do-Minimum case is only presented in a sensitivity test appears to contradict the Written Representation [REP1-069] which acknowledges (at paragraph 2.2.8.2.2) that "The assessment of significant effects is based off the comparison of Do Something vs Do Minimum in all assessment years".</p> <p>For aircraft air and ground noise the assessment also compares the Do-Something scenario in each year to the 2019 Actuals baseline (or the 2019 Consented baseline in the sensitivity test). This comparison is to demonstrate how noise impacts will reduce over time, in line with the government policy objective to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise.</p> <p>The Airports National Policy Statement (ANPS, Ref 2.9) provides clarity that this objective should be tested in relation to a historic baseline: "The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission." (paragraph 5.58). 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</p>	<p>Aircraft air noise levels do not reduce over time, as evidenced by the fact that night-time noise levels do not reduce to below the 2019 Compliant baseline. Daytime noise levels do technically reduce, but then rise again in 2039, which is a clear identification of growth without noise reduction.</p> <p>The Applicant 's reasoning for using 2019 baseline is again noted to be flawed. EIA Regulations are not strict in determining which year is current (2022, 2021 and 2020 are more current than 2019, for instance).</p> <p>The Applicant needs to revise their assessment to comply with UK aviation noise policy, by basing future contour area limits from the core assessment case and by committing to an equal share of noise reduction benefits between the local community and the airport, based on a compliant baseline.</p>



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			<p>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> <p>An assessment against both the 2019 Actuals and 2019 Consented baseline has therefore been undertaken. The conclusions of residual significant effects remain the same for both assessments, as the identified significant effects would be avoided through the provision of the full cost of noise insulation.</p>	
7.6 Economics and Employment				
7.6.5	Economic benefits	There are no articles or requirements relating to socio-economic issues. The Planning Statement [APP-7.01] refers to an Employment and Training Strategy (ETS). This sets out the strengths and needs of the local area around skills and training, the job opportunities expected to be created through expansion, and the goals and actions proposed to prepare the community to take advantage of these opportunities. The implementation of the ETS will be secured through section 106 obligation(s).	<p>Wider socio-economic issues are considered in Chapter 11 [APP-037] and Chapter 13 [AS078] in the Environmental Statement and the Need Case [AS-125].</p> <p>This summary of how the Employment and Training Strategy [APP-215] is proposed to be secured is correct.</p>	Noted. The Host Authorities will welcome further discussions on these matters.
7.7 Green Controlled Growth				
7.7.3	Green Controlled Growth	The GCG Framework only applies to any growth that occurs at the airport beyond the consented baseline position (i.e., the current 18 mppa passenger cap, or the proposed 19 mppa passenger cap, pending the outcome of the planning inquiry to determine the called-in planning application). This is triggered by notice under Article 44(1) of the Draft DCO [TR020001/APP/2.01] being served. When the notice is served under Article 44(1) of the Draft DCO the existing planning conditions will cease to apply and the GCG Framework will be required to be implemented as per the provisions of the DCO.	This summary of the transition from the current planning conditions to the obligations of the Development Consent Order is correct.	Noted. The Host Authorities will welcome further discussions on this matter.



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7.7.4	Green Controlled Growth	It is imperative that the decision to grow is not driven simply by demand and economic benefits. There is a risk of benefits being over estimated or an over emphasis of benefits to Luton Borough Council as opposed to within the administrative boundaries of Hertfordshire. Adverse environmental effects carry full weight in the decision-making process as well as the benefits. This includes consideration of mitigation, including through Requirements, s106 Obligations and the Green Controlled Growth (GCG) Framework.	Should the application for development consent be granted, then the decision to commence the growth enabled by the Development Consent Order (by serving notice under Article 44(1)) will be made at the discretion of the Applicant and the Airport Operator.	The Applicant's response does not appear to relate to issue raised.
7.7.5 - 7.7.6	Green Controlled Growth	The management of the GCG Framework is critical in determining the type and extent of local impacts. The effective control of environmental impacts is imperative for the Councils, and the Councils do not consider that that approach taken is sufficiently comprehensive or robust. Consequently, 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.	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.	The Host Authorities are in ongoing discussions with the Applicant on the effectiveness of GCG mechanisms.
7.7.7	Green Controlled Growth	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.	As set out in paragraph B4.3.7 of Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [APP-219], the monitoring results for the individual environmental topics that inform the Monitoring Report must be submitted to the relevant Technical Panels prior to the submission of the Monitoring Report to the Environmental Scrutiny Group (ESG) as soon as reasonably practicable.	The Host Authorities are in ongoing discussions with the Applicant on the effectiveness of GCG mechanisms.
7.7.8	Green Controlled Growth - Noise	With regards to noise, the GCG Framework does not contain sufficient noise controls to be demonstrably effective. The current and necessary requirements are set out in the LIR, which would enable year-round control.	The Noise Envelope (see Green Controlled Growth Explanatory Note [APP-217]) has been designed to improve upon the existing noise control policy and to effectively prevent breaches from occurring. Appendix 16.2 Operational Noise Management (Explanatory Note) of the Environmental Statement [APP111] sets out how the proposed Noise Envelope contains mechanisms that would have avoided the noise Limit breaches that occurred at the airport from 2017-2019. This is further elaborated on in the Comparison of consented and	The proposed measures are all designed to show how the noise contour control would work, in theory. No consideration has been given to the fact that there are multiple existing controls, all of which act to control noise in different ways, covering different times. The inclusion of extant controls and those proposed by the NEDG therefore must occur.



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			<p>proposed operational noise controls document [AS-121] which provides a direct comparison between the current and proposed operational noise controls, noting that the Noise Envelope provides several enhancements to the current consented noise controls that are designed to prevent breaches before they occur, such as independent scrutiny and oversight, increased transparency, adaptive mitigation and management plans and noise Limit reviews.</p> <p>Further changes are now being proposed by the Applicant to further improve the controls offered by the Noise Envelope, and a worked example has been provided which can be used to reasonably conclude that the NE would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36].</p>	
7.7.14	Green Controlled Growth – Air Quality	<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 air quality assessment (Chapter 7 of the Environmental Statement [APP-034]) has provided an assessment of air quality in line with national legislation. Long term effects have been assessed in the air quality assessment. Based on the monitored and modelled annual mean concentrations, the impact of NO2, PM10 and PM2.5 are not considered to be at risk of exceeding the short-term standards as outlined in Chapter 7 [AS-076], Paragraphs 7.7.7 and 7.7.8, therefore an assessment of short-term effects was scoped out. This is in line with the Defra LAQM Technical Guidance (Ref 2.10).</p> <p>In addition, it should be noted that exposure to short term effects is influenced by a range of lifestyle and travel choices. Short term exposure would only be relevant at locations where people spend time equivalent to the short-term target. Attributing short term peaks to the airport would be a significant challenge as there are a large number of local variables which could have an influence. As the Environmental Statement has demonstrated there are no likely exceedances of the short-term objectives it is not considered necessary to include targets for short term monitoring. In addition, it should be noted that exposure to short term effects is influenced by a range of lifestyle and travel choices.</p>	<p>In its response [REP1-021, page 25], the Applicant refers to the scoping out of short-term effects "<i>... in line with the guidance outlined within Defra LAQM Technical Guidance (2022)</i>". For NO2, the Defra guidance followed by the Applicant is relevant for road traffic sources only since the relationship between annual and 1-hour mean concentrations is largely based on measurements at roadside and kerbside locations. It does not apply to airside sources. The same is true for 24-hour mean PM10 concentrations. Further consideration of short-term pollutant concentrations and airside sources should therefore not be scoped out on the basis of "<i>...Defra LAQM Technical Guidance (2022)</i>".</p> <p>Hertfordshire Host Authorities position on monitoring remains.</p>



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			<p>An assessment of the health impacts of air quality was undertaken and reported in Chapter 13 Health and Community of the Environmental Statement [APP-039]. This assessment concluded that the development would have no significant impact on health during construction and operation.</p> <p>In addition, The GCG Framework [APP-218], sets out the mechanism for monitoring air quality (NO₂, PM₁₀ and PM_{2.5}) and the impacts from the Proposed Development. The GCG Framework [APP-218] also covers the monitoring methodology, including annual reporting made available to the public and independent bodies in the ESG. The rationale for the choice of locations is detailed in the GCG, and there were no significant impacts predicted. The GCG Framework [APP-218] also sets out the actions to be taken should thresholds be exceeded.</p>	
7.7.15	Green Controlled Growth – Air Quality	<p>The proposed use of 'AQMesh 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. Although at present there are no Government standards to address short-term concentrations of PM_{2.5} (or finer fractions), the World Health Organisation (WHO) gives interim targets and guideline levels 24- hour mean PM_{2.5} which could be adopted now. As the Government has recently legislated a 10µg/m³ target (for 2040) for annual mean PM_{2.5}, 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 PM_{2.5} concentrations based at least on the WHO interim target 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 used.</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> <p>The Applicant will continue to discuss PM monitoring with the authorities as addressed in item HCC65 of the SoCG between the Applicant and Hertfordshire County Council [TR020001/APP/8.15], submitted at Deadline 2.</p> <p>A robust assessment presenting reasonable worst-case effects has been provided and no significant effects have been identified. However, Luton Rising is happy to liaise with the councils on the details of future monitoring proposals.</p> <p>Whilst the GCG Framework [APP-218] does not include short-term Limits and Thresholds for PM_{2.5}, for the reasons referenced above, the GCG Limits and Thresholds for PM_{2.5} will be updated to reflect the interim target set out in the Environmental Improvement Plan (for average annual concentrations). Further information on this change was provided in Environmental Improvement Plan Interim target for PM_{2.5} Commentary [REP1-017] submitted at Deadline 1.</p>	<p>In its response [REP1-021, page 25], the Applicant refers to the scoping out of short-term effects "... <i>in line with the guidance outlined within Defra LAQM Technical Guidance (2022)</i>". For NO₂, the Defra guidance followed by the Applicant is relevant for road traffic sources only since the relationship between annual and 1-hour mean concentrations is largely based on measurements at roadside and kerbside locations. It does not apply to airside sources. The same is true for 24-hour mean PM₁₀ concentrations. Further consideration of short-term pollutant concentrations and airside sources should therefore not be scoped out on the basis of "...<i>Defra LAQM Technical Guidance (2022)</i>".</p> <p>Hertfordshire Host Authorities position on monitoring remains.</p>



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7.7.16	Green Controlled Growth – Air Quality	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.	The GCG Framework [APP-218], sets out the mechanism for monitoring air quality (NO2, PM10 and PM2.5) and the impacts from the Proposed Development. The GCG Framework also covers the monitoring methodology, including annual reporting made available to the public and independent bodies in the ESG. The rationale for the choice of locations is detailed in the GCG, and there were no significant impacts predicted. The Green Controlled Growth (GCG) Framework [APP-218] also sets out the actions to be taken should thresholds be exceeded.	The point made relates to an emissions inventory for all sources associated with airport activities – not ambient air quality monitoring. Whilst the Applicant 's Outline Operational Air Quality Plan [APP-065], page 4, paragraph 2.8.4 states “Additional commitments for on-going air quality monitoring include: [...] d. Complete an annual aircraft emission inventory”, it is not clear how this is linked to the GCG Framework [APP-218] since it is not mentioned in relation to air quality. Also, the apparent exclusion of other airport related sources is considered a significant omission.
7.7.17 - 7.7.18	Green Controlled Growth – Greenhouse Gases	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. Given that these Limits relate to operations and activities within the local Council area(s) and they are therefore indirectly connected to local 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 confirmed, explanation as to how the GCG Framework will ensure alignment with local authority net zero trajectories would be welcomed.	As stated at Paragraph 2.3.4 of the GCG Framework [APP-218], where Limits are updated in future following the mandatory five yearly periodic review, the independent ESG cannot approve any changes which would permit materially worse environmental effects to occur. Further, as stated at Paragraph 5.4.2 of the GCG Framework, the airport operator must undertake a review of both the definition of 'Airport Operations' and the associated limit from 2040 onwards within three months of the government publishing updated policy or guidance that clarifies the scope and pathway to achieving zero emissions airport operations by 2040. The GCG Framework is therefore considered to align with both local and national net zero trajectories and is compliant with relevant policy, including the Jet Zero Strategy.	The Applicant should continue engagement with the Host Authorities in relation to this issue.
7.7.19	Green Controlled Growth – Surface Access	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.	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 RR0558, RR-1119 and RR-029.	The Host Authorities note the Applicant 's response and have reviewed the submissions cited. The Host Authorities do not consider that those submissions adequately address the Authorities' concerns in respect of the time lag between identified breaches and preventative/restrictive measures being implemented. In particular, whilst it is noted that it is stated that “There is nothing within the GCG Framework that would prevent the airport operator from implementing mitigation at the airport as soon as they are aware there is a risk of a Threshold or Limit being exceeded...”, that is entirely within the discretion of the airport operator and is not an obligation. The parallels drawn with existing planning conditions are also noted, but the practical relevance in drawing



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				parallels between noise contours and surface access monitoring needs further consideration. As a result, further engagement with the Applicant is required on this point. Ultimately, a potential two summer season lag between a breach being detected and the implementation of any controlling measures (including growth constraints) does not appear to the Authorities to be the basis for a robust regime for managing effects at an expanded Airport.
7.7.20	Green Controlled Growth – Surface Access	The GCG approach in respect of surface access 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 their authority areas. When the traffic modelling is updated and has been reviewed and confirmed the Councils will need to understand the potential maximum impacts on the Hertfordshire road network and to consider the potential localised impacts in detail.	Noted. The Applicant will continue to engage the Councils and share updated traffic modelling results when available.	The Host Authorities await further engagement.
7.7.21	Green Controlled Growth – Surface Access	The data collection for monitoring the GCG is based on annual Civil Aviation Authority (CAA) passenger surveys which will not necessarily capture the worst encountered situation and impacts on the local road network during the year. Monthly or continuous automated monitoring and reporting would help to identify exceedances in a timelier manner. The Limits and Thresholds are based on overall airport passenger mode share targets alone, averaged over the whole catchment area, which will not reflect regional variations, which may include a higher-than-average increase in motor traffic within the Hertfordshire highway network. There are also concerns about whether the selection basis and sample rate for the survey provides sufficiently robust and unbiased data.	The Applicant considers that the issue raised regarding impacts on the Hertfordshire highway network not being controlled through the GCG Framework was answered within the Applicant 's Response to Relevant Representations Part 2a [REP1-021] page 32- 36, in response to RR-0558, RR-1119 and RR0297. At major airports, such as London Luton Airport, the CAA conducts surveys throughout the year, so impacts are captured both for peak periods at the airport and periods of peak activity on the local road network.	The Host Authorities consider that the submissions cited do not expressly deal with the points raised by them in the LIR. Whilst reference to the TRIMMA is noted, the arrangements for monitoring are not yet confirmed and there is no clarity as to whether the Authorities' points around monthly or continuous monitoring will be considered and, if so, how. Further engagement with the Applicant is required on this point and traffic mitigation measures more generally.
7.7.22	Green Controlled Growth – Surface Access	Annual data collection will also be taking place in relation to the TRIMMA and the Framework Travel Plan (FTP). This localised monitoring is intended to identify where additional local mitigation is needed. However, the mechanism for triggering, funding, and delivering additional mitigation is unclear, as is the overall budget for future mitigation measures. The Councils expect the Airport Operator to provide local mitigation improvements	The Applicant is developing more detail around funding to demonstrate how a range of potential sustainable transport opportunities would be delivered. The Sustainable Transport Fund sets the framework around how improvements, listed within the toolbox of measures within the Framework Travel Plan [AS-131], would be funded. A portion of the revenue of every parking transaction will be transferred to the Sustainable	Noted that the Applicant confirms that the that delivery of mitigation through future Travel Plans and the TRIMMA will take place irrespective of the performance against the GCG Limits and Thresholds, in accordance with the separate processes and governance arrangements defined within those documents, which are legally secured through their own requirements in the Development Consent Order



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		through the TRIMMA and FTP even if the GCG monitoring demonstrates that London Luton Airport is operating within the GCG Thresholds and Limits.	<p>Transport Fund and will be used to deliver sustainable transport improvements.</p> <p>Development of the TRIMMA, to provide further detail to the Outline TRIMMA included as part of the application for development consent as Appendix I of the Transport Assessment [APP-202] is ongoing, and the Applicant will continue to engage with the Host Authorities regarding the proposed mechanisms for triggering, funding and delivering the local mitigation within the scope of the TRIMMA.</p> <p>The Applicant can confirm that delivery of mitigation through future Travel Plans and the TRIMMA will take place irrespective of the performance against the GCG Limits and Thresholds, in accordance with the separate processes and governance arrangements defined within those documents, which are legally secured through their own requirements in the Development Consent Order (requirements 29 and 30).</p>	(requirements 29 and 30).Details of and engagement on proposed funding mechanisms, including the Sustainable Transport Fund, are awaited.
7.7.24	Green Controlled Growth	If the Applicant wishes to proceed in this way, the dDCO 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);	<p>Noted. It is considered that the Proposed Development includes controls that are at least as, or more effective than those under the current planning permission.</p> <p>The principal noise control secured in the DCO is the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p> <p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p>	It is explained why this is not correct for noise controls elsewhere within this document.



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			Improvements have been made to the Noise Envelope since submission, and a worked example has been provided which can be used to reasonably conclude that the NE would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36]. The worked example demonstrates how the current consented controls were not effective in avoiding the breaches, but that the controls in the Noise Envelope would have been had they been in place at that time.	
7.7.25	Green Controlled Growth	It must also be clear how the GCG Framework and other restrictions will link to the Airport operations as they sit today. This is because the various obligations in the dDCO which prevent operations until certain measures are in place (including operational mitigation in Part 4 of Schedule 2 to the dDCO) only link to the operations of the 'authorised development' which, as defined in article 2, is the Development authorised by the dDCO (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 dDCO and operate the existing works without any/sufficient controls being in place (as those under the LLAOL Permission would be unenforceable). This appears to be a fundamental flaw in the proposals.	Noted. Please see response to LIR reference 9.1.3 regarding comments received on the dDCO.	The Host Authorities await further engagement on this matter.
7.8 Community and Health				
7.8.9	Health and Communities	It is anticipated that the Code of Construction Practice (CoCP) will mitigate mental wellbeing through a proposed community engagement strategy during construction stage resulting in a neutral impact of the Proposed Development during construction. However, there is likely to be a negative impact on the health and mental wellbeing of residents during the operation of the Proposed Development. The Councils recommend that additional Requirements are provided to mitigate this negative impact.	The Environmental Statement (ES) at Chapter 13 Health and Community [APP-039] identifies effects on mental wellbeing arising from public concern and uncertainty during the planning and construction stages about the construction and operational effects of the Proposed Development (see Table 13.20). This effect is identified as temporary since it will not continue once the project is operational and the effects are known (see paras 13.9.6 and 13.11.2). (Note that paragraph 13.9.3 of Chapter 13 incorrectly identifies a significant effect during all assessment phases where only the planning and construction stages should have been referred to. This	The Host Authorities note the correction included in the Errata Report [REP1-015] where a significant effect that had been identified during the operational phase of the Proposed Development was removed. While effects on mental wellbeing are not identified as significant, the Host Authorities feel it would be beneficial to outline an approach to community engagement for the Proposed Development once it is operational. Local residents should be provided with a clear process by which they can raise concerns with the Applicant through all stages, particularly as there are likely to be effects, such a noise, which arise during the operational phase.



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			<p>correction has been captured in the Errata Report also submitted at Deadline 1 [REP1-015]).</p> <p>Effects on mental wellbeing associated with surface access and aircraft noise, such as increased annoyance and sleep deprivation, were assessed and no significant effect on population health was identified, as reported in Section 9 of Chapter 13 Health and Community [APP-039] of the ES.</p>	
7.8.10	Community First	<p>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 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).</p>	<p>The Applicant considers that it has responded to this point at page 194 and 195 of Applicant 's Response to Written Representations made by Interested Parties subject to an SoCG at Deadline 1 (Part 2) [TR020001/APP/8.39], submitted at Deadline 2.</p>	Noted and not agreed.
7.8.10	Community First	<p>Notwithstanding the commitment to regular review (not exceeding 5 years) in Section 11 of 7.10 Draft Compensation Policies, Measures and Community First Revision 1 [PINS ref: AS128], it might be advantageous if the scheme could be designed for flexibility at the outset – for example, to enable uplift to the maximum £25,000, to shift funding between the currently proposed 60/40 (Luton / elsewhere) split where there would be an annual / ongoing deficit, to enable underspend to be rolled forward for future use, and so on.</p>	<p>The Applicant considers that it has responded to this point at page 194 and 195 of Applicant 's Response to Written Representations made by Interested Parties subject to an SoCG at Deadline 1 (Part 2) [TR020001/APP/8.39], submitted at Deadline 2.</p>	Noted and not agreed.
7.8.11	Community First	<p>The extent of and precise positive impacts of this initiative will depend upon the implementation methodology. The</p>	<p>The fund will be administered by an independent charitable body to ensure awards are made on merit</p>	Noted and welcomed. Request consideration of incorporation of local authority engagement be



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		Council's would like to be involved in the development of the implementation of this funding strategy to ensure that it is implemented in line with its objectives and Hertfordshire experiences its share of the benefits.	without favour to geographical location (save for the 60/40 split between Luton and neighbouring areas). Awards panels will be established to make grant awards. These panels will differ dependent upon the nature and geographical area within which awards are being considered, with the expectation that relevant local authorities will be invited to sit on awards panels as appropriate.	incorporated into the proposals the subject of legal agreement.
7.8.12	Community First	The community impacts are considered to be negative. However, it is anticipated that delivery of the Community First fund in consultation with the Councils should help to mitigate that impact, subject to the Council's comments and concerns being fully addressed and future-proofed.	Noted.	Comments and concerns are not addressed.
7.8.13	s106	There are no relevant DCO articles or requirements. Community First Fund will be secured through a s106 obligation, but the Councils await a draft of that obligation.	Noted.	Section 106 Agreement awaited.
7.8.14	Community First	In addition, the Councils ask for ongoing engagement to ensure that the Community First Fund delivers the anticipated benefits to Hertfordshire.	The Applicant is engaged with all Host Authorities on matters of concern and will continue that engagement to address as many concerns as possible.	Engagement awaited.
7.9 Public Rights of Way				
7.9.7 – 7.9.8	Public Rights of Way	The following Work Numbers impact upon the Hertfordshire Public Rights of Way network. A) Work No. 5b(04) – the creation of a new public right of way (multiuse Bridleway), 1040m in length b) Work No. 5b(05) – the creation of a new public right of way (multiuse Bridleway), 400m in length c) Work No. 5b(06) – upgrading of Kings Walden Footpath 041 to a Bridleway and improvement d) Work No. 5b(07) – diversion and upgrading of Kings Walden Footpath 043 to Bridleway and improvement Creation and improvements will be delivered to accord with the Specifications set out in the HCC Non-Motorised User Design Guide.	The Work No. quoted will be delivered as part of the Proposed Development and where located in Hertfordshire will be designed and delivered to HCC standards as described in the Strategic Landscape Masterplan [APP-172].	Noted and welcomed.
7.9.13	Public Rights of Way	The proposals are positive in principle. However, it is not possible at this stage to confirm whether the proposed diversions or stopping up of existing ProWs are acceptable, but the Councils seek engagement with the Applicant to discuss the points set out in this section.	Noted.	The Host Authorities look forward to discussing this issue and understanding the legal mechanisms relied upon for any proposed changes with the Applicant.
7.10 Landscape and Visual				



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7.10.1 2	Landscape and Visual	The Councils are of the view that the Proposed Development does not currently comply with North Hertfordshire Local Plan Policy NE3: The Chilterns AONB. Further consideration is needed on the impacts of the Proposed Development on the Chilterns AONB identified within the submitted LVIA, particularly in terms of landscape effects.	Chapter 14 Landscape and Visual of the Environmental Statement [AS-079] includes sufficient information to assess the landscape and visual effects of the Proposed Development in relation to the Chilterns AONB. Notwithstanding the above, the Applicant is preparing an assessment of the Proposed Development on the Special Qualities of the Chilterns AONB which will be submitted to the ExA during examination.	The assessment of landscape and visual effects in the LVIA [AS-079] is restricted to consideration of effects in relation to tranquillity. It does not provide a comprehensive assessment to inform understanding of landscape and visual effects on the Chilterns AONB. The Applicant 's intention to provide an assessment of the Proposed Development on the Special Qualities of the Chilterns AONB is noted. The Host Authorities will review and respond to this assessment when it is received.
7.10.2 2	Landscape and Visual	The Councils currently have substantial concerns for the impact of the Water treatment plant (4d) and fuel storage facility (4c(01)) constructed in Luton Borough but abutting, and visible from within the HCC boundary.	The Water Treatment Plan and the Fuel Storage Facility will be located in the area excavated to win material for constructing the platform required as part of the Proposed Development, therefore in an area of cut lower than current ground levels as shown in Figures 4.4 to 4.12 of the Environmental Statement [AS-042]. Please see further response below to 7.10.23.	The point relating to the change in levels and the effect this will have on visibility is noted. Concerns remain regarding the visual impact of large-scale structures introduced along the eastern edge of the Proposed Development. It is requested that more illustrative cross sections are provided (in addition to those provided in [AS-042]) to understand the relationship of proposed built form with existing and proposed landform.
7.10.2 3	Landscape and Visual	This is highlighted best in Assessment Viewpoint 28: Footpath (Kings Walden 43), where there is a narrow element of screen planting proposed within HCC along this boundary. However, the Councils remain concerned for how effective it will be especially in wintertime. The impacts of this element of the Proposed Development do not appear to be addressed sufficiently in the LVIA – which concludes at operation effects of minor adverse. In addition, this screening will not be implemented until construction phase 2b (2037-2042), after the plant/facility which will be delivered in phase 2a (2033-2036) and will therefore not benefit from advanced planting establishment. The Councils feel the approach to this edge needs to be reconsidered.	A detailed assessment of the visual effects of the Proposed Development is presented in Appendix 14.5 of the ES [AS-139]. This considers, amongst other things, the effects on users of Kings Walden footpath 043. The Assessment concludes that the effects on this receptor are assessed to be moderate adverse (i.e. 'significant') during phases 2a and 2b, reducing to minor adverse ('insignificant') during the operational phase. The Applicant therefore considers the impacts of this element of the Proposed Development have been sufficiently assessed.	The point relating to the change in levels and the effect this will have on visibility is noted. Concerns remain regarding the visual impact of large-scale structures introduced along the eastern edge of the Proposed Development. It is requested that more illustrative cross sections are provided (in addition to those provided in [AS-042]) to understand the relationship of proposed built form with existing and proposed landform.
7.10.2 4	Landscape and Visual	The Councils consider the views to be more sensitive (than the baseline of arable farmland) within the context of the more accessible open space and its landscape setting. The Proposed Development should not visually detract from the enjoyment of these new open spaces and enhanced Public Right of Way's.	The sensitivity of visual receptors considered in the Environmental Statement have been appropriately defined using agreed and accepted methodology and professional judgement as detailed in Appendix 14.5 of the ES [AS-139].	The determination of sensitivity is not clearly articulated in the LVIA [AS-079] or Appendix 14.5 of the ES [AS-139]. The methodology sets out how susceptibility and value are determined but not how they are combined to result in the sensitivity assessment.



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7.11 Green Belt				
7.11.3 – 7.11.4	Green Belt	<p>The application contains proposals for the following that are within the Green Belt within the North Hertfordshire District:</p> <ul style="list-style-type: none"> i. Fuel pipeline and associated works – A new fuel pipeline (Work No. 4c (02)) ii. Infiltration Basin (Work 5c in the Drawing LLADCO-3C-ACM-AIRFFE-DR-CE-0005) iii. Site wide earthworks <p>The Applicant 's Green Belt assessment (PINS ref; APP-125) considers that item 'ii' is not inappropriate development in the Green Belt by virtue of the fact that it involves an engineering operation which would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. No reference is made within the assessment to item 'iii'. But this is a similar engineering operation. Item 'i'. is inappropriate development within the Green Belt.</p>	<p>Viewpoints are described in Appendix 14.6 of the ES [AS-088 to AS-095] and include winter and summer photography, both winter and summer are considered in the description of the anticipated change to those viewpoints. Planning Statement Appendix B Green Belt Assessment [APP-196] sets out that the proposed works within the North Hertfordshire Green Belt specifically are the fuel pipeline and associated works (Section B4.1) and the infiltration basin (Section B4.2).</p> <p>Regarding the fuel pipeline, the eastern portion of which will be located within the Green Belt, is considered not to be inappropriate development in the Green Belt having regard to NPPF paragraph 150(b). Therefore, very special circumstances do not need to be demonstrated for this element. An Above Ground Installation (AGI) is required at the connection point with the existing fuel pipeline to house custody transfer meters, filters, sample points, densitometers and pressure and temperature instruments. The AGI is considered to be inappropriate development however, very special circumstances are demonstrated as harm to the Green Belt is outweighed by the benefits of the proposed AGI. This is due to the significant reduction in environmental impacts, relating to greenhouse gas emissions, air quality, noise, and traffic congestion associated with reducing road vehicle movements which would be secured by connecting into the existing pipeline. A new single access track approximately 420m in length is proposed from the local road network to the AGI for maintenance purposes. The proposed access track is local transport infrastructure which has to be located within the Green Belt because it serves the AGI. It is considered not to be inappropriate development in the Green Belt having regard to NPPF paragraph 150(c). Therefore, very special circumstances do not need to be demonstrated for this element.</p>	<p>Noted, but further justification / discussions required for the very special circumstances test for the inappropriate development, being the AGI for the fuel pipeline.</p>



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7.11.5	Green Belt	<p>The application is considered to have a minor negative impact on the openness of the Green Belt. The North Hertfordshire Local Plan requires very special circumstances are demonstrated for development in the Green Belt. The Applicant argues that the Proposed Development constitutes these are very special circumstances and that the application is, therefore, considered to be compliant with the North Hertfordshire Local Plan. However, as set out above the Councils believe that insufficient justification has been provided to confirm this type of development is appropriate development within the Green Belt and they will not meet the criteria of national policy and local policies as set out above.</p>	<p>Planning Statement Appendix B Green Belt Assessment (APP-196) sets out that the proposed works within the North Hertfordshire Green Belt specifically are the fuel pipeline and associated works (Section B4.1) and the infiltration basin (Section B4.2).</p> <p>The fuel pipeline is considered not to be inappropriate development. The proposed access track road for the AGI is also not considered inappropriate development. The AGI itself is however considered inappropriate development and very special circumstances have been justified. These include the significant reduction in environmental impacts, relating to greenhouse gas emissions, air quality, noise, and traffic congestion associated with reducing road vehicle movements which would be secured by connecting into the existing pipeline which the AGI would facilitate. It is considered that the harm to the visual openness of the Green Belt, and its essential characteristics more generally would be limited, and the harm is outweighed by the benefits of the proposed infrastructure. Therefore, there is sufficient justification to present very special circumstances in line with national and local policy on the matter.</p>	<p>Noted, but further justification / discussions required for the very special circumstances test for the inappropriate development, being the AGI for the fuel pipeline.</p>
7.12 Biodiversity and Habitat Regulation Assessment (HRA)				
7.12.2 1	dDCO	<p>The Councils are currently considering the adequacy of the ecological mitigation strategies referred to in Requirement 11 (Protected Species). Otherwise, the DCO drafting appears appropriately enforceable. The Councils also request the Applicant engages with it around the split in regulatory oversight between it and Natural England.</p>	<p>Noted. The Applicant is happy to discuss any points of detail as required with the Councils, notably around the oversight responsibilities and associated lines of communication during the detailed design and subsequent phases.</p>	<p>Noted. The Host Authorities welcome engagement on this matter.</p>
7.13 Historic Environment				
7.13.9	Cultural Heritage	<p>However, the Councils are concerned that assets might not have been fully assessed and as a result the assessment might not be compliant with planning policies. As per the NPPF para 203: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.' These assets have settings which should be considered and therefore, the Councils do agree that these potentially negative impacts should be scoped out at this stage of the development.</p>	<p>This matter is addressed in the SoCG submitted at Deadline 2 [TR020001/APP/8.15] item no HCC119.</p>	<p>The Host Authorities are awaiting the updated version of the gazetteer before closing out this point.</p>



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7.13.10	Cultural Heritage	Appendix 10.2 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 can be particularly relevant to registered parks and gardens and the individual assets located within them. The criteria in Appendix 10.2 Designated Heritage Assets Gazetteer of the ES [PINS Ref: APP073] requires clarification as this approach means that some assessments of effects are potentially not fully understood. The Proposed Development will result in an increase in noise to sensitive heritage assets such as Knebworth House and Hatfield House, which will change their quiet, isolated rural nature.	The Applicant considered that this matter was closed out during a review meeting with the Councils' advisers during the 2022 statutory consultation and as such is surprised to see it raised again at this stage. The term in the Gazetteer [APP-073] does not relate to the spatial extent of a heritage asset's setting, as setting cannot be defined by a fixed extent. Assets have been scoped out where components of their setting are not present within the Site and/or would not change as a result of the Proposed Development. The criteria for including heritage assets in the assessment is explained in Section 10.5 of the ES [AS-077].	The criteria in Section 10.5 are noted, as are the previous discussions around this issue. <i>"The Applicant has noted that the term in the Gazetteer [APP-073] does not relate to the spatial extent of a heritage asset's setting, as setting cannot be defined by a fixed extent. The Applicant further notes that assets have been scoped out where components of their setting are not present within the Site and/or would not change as a result of the Proposed Development"</i> . However, reviewing this issue again, the language used is still liable to confusion as the phrase "The setting of this asset does not extend into the Site" does not adequately convey why assets are specifically scoped out of the assessment (and GPA3 was re-quoted here to show why this phrase is inappropriate for the gazetteer). The setting of these assets needs to be understood and explained in the gazetteer so that the Host Authorities can understand why an asset's setting would not be changed by the Proposed Development.
7.14 Greenhouse Gases				
7.14.5	Greenhouse Gas Assessment	Given that a proportion of the 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.	Minor adverse has been determined as it is deemed that the Proposed Development's GHG impacts would be fully consistent with applicable existing and emerging policy requirements and good practice design standards, as well as fully in line with measures necessary to achieve the UK's trajectory to net zero, including those outlined within the Government's Jet Zero Strategy.	The determination of significance (in relation to the Jet Zero policy) have been raised with the Applicant via the PADSS. No agreement on how to proceed was reached in a meeting on 20 September 2023. The Applicant agreed to take the issue away for consideration. The Host Authorities are awaiting a response from the Applicant on this and will review once it is complete.
7.14.6	Greenhouse Gas Assessment	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	The ES has not underestimated aviation emissions from the Proposed Development. The advice of the Committee on Climate Change with regard to aviation and the UK carbon budgets is to consider emissions from departing flights only. The test used for this ES is against the UK carbon budgets, hence to include arrivals would therefore not align. Additionally, as referenced, the UNFCCC recommends that for carbon accounting, airports only	The scope of the assessment and the potential underestimating from the impact modelling have been raised with the Applicant via the PADSS. No agreement on how to proceed was reached in a meeting on 23 September 2023. The Applicant agreed to take the issue away for consideration. The Host Authorities are awaiting a response from the Applicant on this and will review once it is complete.



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		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 emissions?	consider departing flights to avoid double counting with other airports.	<p><i>"The Institute of Environmental Management and Assessment (IEMA) GHG guidance. NB Section 5.2: "The assessment should seek to 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> <p><i>The approach taken (in our view) is not aligned with this best practice guidance, as it does not account for ALL emissions resulting from this project. We believe that all emissions resulting from the proposed development should be reported and that the approach taken by the Applicant significantly underestimates its carbon emissions impact."</i></p>
7.15 Soil/ Agricultural Land/ Farm Holdings				No further comments.
7.16 Water Quality and Resources, Flood Risk and Drainage				No further comments
7.17 Flood Risk				No further comments
8 The Relative Importance of Different Social, Environmental or Economic Issues and the Impact of the Scheme				
8.1.3	Planning	The Councils consider that the information submitted in the application does not enable the Councils to come to a view on whether the Proposed Development complies with planning policies. In order to establish this, the Councils request opportunities to engage technically with the Applicant in relation to relevant matters, with a view to informing the on-going preparation of Statements of Common Ground/Principal Areas of Disagreement, Summary Statements and to provide clarity on the proposals and their compliance in this regard.	The Planning Statement [AS-122] demonstrates compliance of the Proposed Development with both local and national planning and aviation policy in Sections 8 and 9 and in Appendix E Policy Compliance Tables [APP-199]. Nonetheless, the Applicant is happy to continue engagement with the host authorities.	Noted. The Host Authorities welcome the confirmation of continued engagement.
8.1.6	Planning	Nevertheless, the position of the Councils on the application is set out in their joint relevant representation and in their separate written representation submitted on 22 August 2023. The Councils take the view that the positive social, economic and those environmental impacts	The Planning Statement [AS-122] sets out 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	The Host Authorities maintain that the need case and benefits may be over-estimated in terms of timing of delivery, and that there are significant environmental concerns still to be resolved and adequately mitigated, and that it cannot reasonably be concluded at this time



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		that are indeed positive, do not outweigh the negative environmental impacts of the proposal, principally in relation to noise impacts, air quality, greenhouse gas emissions, surface access; and specific health, wellbeing and community impacts.	Development clearly and demonstrably outweigh any residual harms that would arise with the proposed suite of mitigation measures in place.	that the planning balance is that need / benefits outweigh the residual environmental harm.
9 Overall Commentary on Adequacy of dDCO and Requirements				
9.1.2	dDCO	The Applicant has engaged with the Councils on a number of issues prior to the Application being submitted. No engagement on the dDCO has taken place since the Application was submitted on 27 March 2023, so the Councils would welcome the opportunity for further engagement on this matter through the application process.	<p>It is regrettable that detailed discussion on the dDCO has been unable to be progressed at an earlier date, due in large part to the late appointment of specialist advisers to act on behalf of the Host Authorities.</p> <p>The Applicant is currently liaising with the Host Authorities to set up a meeting ahead of the Issue Specific Hearings in September to discuss the dDCO. The dDCO was circulated to the Host Authorities in September 2022 for their review and comment.</p> <p>Nevertheless, a number of meetings with the Planning Officers Coordination Group to discuss the DCO more widely have been held since the Application was submitted. These have taken place in March, June, July and August 2023. The Applicant is keen to continue this engagement with the Host Authorities moving forward.</p>	Noted, although legal engagement has been requested before now. Ultimately, the Host Authorities are also keen to engage further on this matter.
9.1.3	dDCO	Given the critical importance of the dDCO as the primary consenting instrument of the Proposed Development, the Councils have reviewed, with their legal advisors, the dDCO. 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 Proposed Development. To this end, the Councils request that the Applicant engages with the Councils on the dDCO as soon as possible, with a view to them being provided with sufficient comfort on their concerns.	The Applicant notes the comments made in relation to the dDCO 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 an updated dDCO.	Await engagement.
9.1.5 - 9.1.7	dDCO	The Councils note that consents/approvals are required from one or more of them under various provisions of the dDCO. However, there is the concept of a 'deemed consent' where if no response is received 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 8-week period	<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 Proposed Development. The Applicant has</p>	Await engagement.



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		<p>applies – see paragraph 35 of Schedule 2) the consent or approval is deemed to have been granted. The Councils fully understand the Applicant 's need for certainty in terms of timing (and that the Development should not be unduly delayed due inactivity by the Councils but there is a material concern that the deemed consent time limits are much too short.</p> <p>As a Nationally Significant Infrastructure Project, the Proposed Development is a major, complex project. The Councils only have limited resources to deploy in dealing with various applications 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 respective areas.</p>	<p>proposed a reasonable period of time for the Councils to determine 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>	
9.1.8	dDCO	<p>The Councils therefore wish to discuss the deemed consent 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 Development being able to proceed in a timely manner and the Councils being able to give applications for consent/approval due consideration.</p>	<p>Please see the Applicant 's response at 9.1.7 above.</p>	<p>Await engagement.</p>
9.1.10	dDCO	<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 Scheme has been implemented with a view to suitably managing street/highway works – as such, the Councils</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>	<p>Await engagement.</p>



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
		wish to fully understand the practical implications for any works associated with the Development. This will need to be further informed by information from the Applicant as to its intentions in respect of street/highway works that would ordinarily be subject to the Scheme on an unfettered basis.		
9.1.11	dDCO	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 from the norm (see, for example, article 11(1) of the Manston Airport Development Consent Order 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 dDCO.	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters.	Await engagement.
9.1.12	dDCO	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 dDCO 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.	The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.	Await engagement.
9.1.13	dDCO	Article 18 (Designation of Highways) – Similarly to the above, the Councils are currently considering the proposed right of way designations contained in Schedule 4 to the dDCO. 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.	The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.	Await engagement.
9.1.14	dDCO	The Councils note the various powers contained in Part 4 of the dDCO. In general, it is acknowledged that these powers are consistent with precedents, and, in principle,	Noted. The Applicant is considering these comments further and will engage further with the Councils to understand and progress these matters.	Await engagement.



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		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-going, and the Councils will seek to engage with the Applicant on any areas of concern.	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.	
9.1.15	dDCO	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 dDCO powers could be implemented, which could impact on the Councils’ interests. The Councils, therefore, seek further clarity from the Applicant in this regard.	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.	Noted and further engagement with the Applicant on this is required.
9.1.16 - 9.1.17	dDCO	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 dDCO reflect precedent. However, land interests of the Councils are listed throughout the Book of Reference [APP011] which means that such interests will be subject to a 71 range of compulsory land powers, including permanent acquisition (outright or rights only) and temporary possession.	Noted. The Applicant will engage further with the Councils to explain and progress these matters.	Await engagement.
9.1.18	dDCO	The Councils also note the provisions contained in article 35 of the dDCO in relation to the proposed permanent acquisition of existing special category land and the provision of replacement land. Under 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. North Herts District Council wishes 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 Hertfordshire District. Given the need to ensure equivalent provision for residents (having regard to the definition of	Noted. The Applicant will engage further with the Councils to explain and progress these matters.	Await engagement.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
		"replacement land" in section 131(12) of the Planning Act 2008).		
9.1.19	dDCO	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 certain 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 dDCO. Having reviewed the protective provisions contained in Schedule 8 to the dDCO, at this stage the Applicant does not appear to be proposing to include land drainage protective provisions in the dDCO. This is a significant concern for the Councils and therefore urgent engagement with the Applicant is sought, as the Councils considers protective provisions are necessary to be included in the dDCO for its benefit to ensure suitable oversight of land drainage interfaces.	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.	Await engagement. The requirement for drainage protective provisions was raised at the first Compulsory Acquisition Hearing where the Applicant agreed to consider this request. A response is awaited.
9.1.20 - 9.1.24	dDCO	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: 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; 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 Airport through the DCO, including its capacity, as set out above the	Noted. The Applicant is considering these comments further. The Applicant will engage further with the Councils to understand and progress these matters. In terms of how the GCG Framework and other restrictions will link to the Airport operations, the Applicant has amended the dDCO, submitted at Deadline 2, to clarify the trigger for the implementation of the mitigation scheme. This amendment clarifies that, the airport is not to be operated above the passenger cap permitted by the LLAOL planning permission until a transport related impacts monitoring and mitigation approach for the operation of the airport above that cap has been submitted to and approved in writing by the relevant planning authority.	Await engagement.



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		<p>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 dDCO 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 restrictions will link to the Airport operations as they sit today – this is because the various obligations in the dDCO which prevent operations until certain measures are in place (including operational mitigation in Part 4 of Schedule 2 to the dDCO) only link to the operations of the ‘authorised development’ which, as defined in article 2, is the Development authorised by the dDCO (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 dDCO 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>		
9.1.25	dDCO	<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 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 drafting could give rise to uncertainty.</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>	<p>Await engagement.</p>
9.1.26	dDCO	<p>dDCO – Schedule 2, Part 1 and Part 2 – Requirements (General and Construction)</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>	<p>Await engagement.</p>



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
		<p>General – The Councils note that the 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 Development, over quite lengthy periods of time (as per the assumptions contained in the Environmental Statement). The Applicant is seeking clarification on whether a ‘part’ is a geographically distinct part, a temporally distinct part, or both.</p>		
9.1.27	dDCO	<p>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 attached to the DCO. The Councils will engage with the Applicant on this point.</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>	<p>Await engagement.</p>
9.1.28 - 9.1.30	dDCO	<p>Requirement 5 (Detailed Design) – 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 Development, but note that such details must be in ‘general accordance’ with the Design Principles [APP225]. There are two points to note in this regard:</p> <p>the Councils are still reviewing the Design Principles to ensure it is fit for purpose, so are not in a position to confirm its acceptable at the current time; and</p> <p>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>	<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>	<p>Await engagement.</p>



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9.1.31	dDCO	Requirement 7 (Notice of Commencement of Development) – The Councils require more than 14 days' notice of the commencement of the 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.	Noted. The Applicant notes the comments made will engage further with the Councils to understand and progress these matters. As 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.	Await engagement.
9.1.32 - 9.1.33	dDCO	Requirement 8 (Code of Construction Practice) – The Code of Construction Practice (CoCP) is a key construction works control document. The Councils have commented on the substance of this document (and the subsidiary outline plans) elsewhere, but wish to comment on the wording of the requirement itself as follows: Requirement 8(1) only requires the 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 deleted.	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). The Applicant will engage further with the Councils to progress these matters.	Await engagement. These issues were discussed at Issue Specific Hearing 1 further to which a subsequent response from the Applicant is awaited.
9.1.34	dDCO	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'.	The Applicant notes the comments made on "the contractor" and is considering these further. The Applicant will engage further with the Councils to progress these matters.	Await engagement.
9.1.35	dDCO	Requirement 9 (Landscaping Design) – The Councils are currently considering the adequacy of the strategic landscape masterplan document and have commented on that elsewhere – 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).	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 dDCO.	Await engagement.



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9.1.36	dDCO	<p>Requirement 10 (Landscape and Biodiversity Management Plan) - The Councils are currently considering the adequacy of the outline landscape and biodiversity management plan and have commented on that elsewhere - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.</p> <p>The only question the Councils have links in with how the 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>	<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>	Await engagement.
9.1.37	dDCO	<p>Requirement 11 (Protected Species) – The Councils are currently considering the adequacy of the ecological mitigation strategies and have commented on that elsewhere - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although Councils request the Applicant engages with it around the split in regulatory oversight between it and Natural England.</p>	<p>The Applicant notes the Councils' comments and confirms that it will engage further with them on this point.</p>	Await engagement.
9.1.38	dDCO	<p>Requirement 13 (Surface and Foul Water Drainage) - The Councils are currently considering the adequacy of the surface and foul water drainage plan and have commented on that elsewhere - 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 foulwater drainage plan, its content links to the drainage design statement rather than an outlinesurface and foul water drainage plan.</p> <p>Where appropriate, the Applicant will provide a response at Deadline 3 alongside any update to the dDCO.</p>	Await engagement.
9.1.44	dDCO	<p>Part 3 of Schedule 2 to the dDCO 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 the Airport to grow in operational terms.</p>	<p>The Applicant notes the comments made and will continue to engage with the Councils to understand and progress these matters.</p>	Await engagement.



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9.1.45	dDCO	Given the novel (and critical) nature of these provisions, the Councils request detailed engagement on this as soon as possible.	Noted. The Applicant will continue to engage with the Councils on these matters.	Await engagement.
9.1.47 – 9.1.48	dDCO	<p>However, in terms of the DCO requirements, the Councils have the following initial (but by no means complete set of) comments:</p> <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 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>It is considered important that the ESG includes representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. However, it is important to strike an appropriate balance between the need to capture a diversity of views, the relevance of views to the impacts arising from expansion that may be experienced around the airport and the need for membership of ESG to be focused in support of its decision-making role and in the interests of managing the costs of administering GCG (both for the airport operator and for local authorities). It is on this basis that the membership of ESG reflects those local authorities that are forecast to experience environmental impacts at the level upon which the Limits and Thresholds included within GCG are based.</p> <p>Considering the four environmental topics within GCG in the context of Dacorum Borough Council (DBC):</p> <ul style="list-style-type: none"> • Air quality: no significant air quality impacts have been identified within DBC boundary, and no air quality monitoring as part of GCG is proposed within it. • Surface access: no off-site highway mitigation measures are proposed within DBC's boundary, and they are not a statutory Local Highway Authority. • Greenhouse gases: The impact of greenhouse gases is experienced and controlled at a national level, rather than a local one. • Noise: Forecast noise contours do extend within DBC's boundary. <p>On the basis that DBC are forecast to experience noise impacts, but the impacts from the other environmental topics are not significant, it is therefore considered appropriate for DBC to have a role on the Noise Technical Panel, but not the ESG.</p>	Noted. Further engagement and the inclusion of Dacorum in the ESG would be welcomed but it is Dacorum's view that sufficient justification has not been given as to why it should not be included as part of ESG.



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			<p>The operation of the ESG is set out within Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference[APP-219], which includes the proposed voting arrangements. The principles for the proposed membership of the ESG, as stated above, are such that it is appropriate for all members of ESG to have an equal vote for all decisions, as all local authorities on ESG would be equally affected.</p>	
<p>9.1.49 – 9.1.53</p>	<p>dDCO</p>	<p>Requirement 21 (Monitoring of Permitted Operations) – it is suggested this is amended so:</p> <p>that monitoring is required to be undertaken on as close to a 'real time' basis as possible;</p> <p>exceedances should be reported to the Technical Panel and ESG on a minimum monthly basis or whenever such exceedances are measured as having occurred;</p> <p>it is clear that a Monitoring Report is required to be produced annually; and</p> <p>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>	<p>The need for real-time monitoring and monthly reporting of exceedances does not align with the basis on which compliance with the GCG Limits is to be assessed. With the exception of noise, for which the Limits apply to the 92-day summer period, the Limits for the remaining three Limits all apply on an annual basis for the calendar year. Therefore, exceedances can only be identified and reported based on the full calendar year of data (or the 92-day summer period for noise). However, the operator is likely to undertake a range of additional monitoring as part of its day-to-day management of the airport and to help provide early warning of potential exceedances of GCG Thresholds or Limits.</p> <p>As set out in paragraph B4.3.7 of Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [APP-219], the monitoring results for the individual environmental topics that inform the Monitoring Report must be submitted to the relevant Technical Panels prior to the submission of the Monitoring Report to the ESG as soon as reasonably practicable. The Terms of Reference also make clear that a Monitoring Report must be submitted annually. However, consideration will be given as to how this could be clarified within the drafting of Requirement 21(1) of the dDCO [AS-067]. The Monitoring Plans for the respective environmental topics [APP-221 to APP-224] provide further detail on where additional monitoring (outside of GCG) may take place, for example, linked to the Travel Plan. Whilst the ESG does not have a formal approval role over Monitoring Reports, it can still determine whether the Monitoring Report has been</p>	<p>Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.</p>



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			<p>produced in compliance with relevant Monitoring Plan, of which a failure to follow would be a breach of the GCG Framework and could result in enforcement action being taken against the airport operator. Requirements 23 and 24 also provide the ability for the ESG to certify whether the exceedance of a Level 2 Threshold or breach of a Limit are as a result of circumstances beyond the undertaker's control.</p>	
9.1.54	dDCO	<p>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;</p>	<p>It is not considered appropriate or necessary for any formal approvals by the ESG where impacts remain below a Level 2 Threshold (but above a Level 1 Threshold), as no breach has occurred at this point, and the Limit is unlikely to be in immediate danger of being breached (i.e. within the next calendar year). In these circumstances, the airport operator will be operating the airport at acceptable levels of environmental impacts, for which it should not require approval to continue to do so.</p> <p>The required commentary is considered to be a form of positive action, that does not exist under current planning conditions, as it does require a level of consideration of future environmental performance proportionate to the risk of a potential future breach.</p> <p>As part of the Noise Envelope – Improvements and Worked Example [TR020001/APP/8.36] published at deadline two, updates have been proposed to the Noise Envelope based on further analysis of the causes behind the historic breaches of noise contours in 2017-19.</p> <p>One such update is to that, on exceedance of a lowered Level 1 Threshold, to require the airport to use 16-hour day and 8-hour night total Quota Counts: to inform forward planning of airport operations (both annual and five-year forward plan); to incentivise airlines to operate the quietest aircraft available in response to the opportunity of growth; as part of the bi-annual process of slot management and capacity declaration; and where in the forward plan the Level 2 Threshold Equivalent QC or Limit Equivalent QC is exceeded, to prepare a Monitoring Report that includes proposals for slot management</p>	<p>Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant,</p>



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			measures, additional interventions or mitigation to ensure that the Limit will not be exceeded.	
9.1.55	dDCO	<p>Requirement 23 (Exceedance of a Level 2 Threshold) – the Councils have the following initial comments on this provision:</p> <p>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)</p>	<p>The development of the timings for the GCG Framework included significant engagement with the airport operator to understand the necessary timescales for the availability and analysis of monitoring data, which informs the need for and subsequent development of a Level 2 Plan (or Mitigation Plan). It is essential for a Level 2 Plan (or Mitigation Plan) to be approved ahead of the following summer season's capacity declaration at the end of September. The timescale for the process is illustrated in Section 2.3 of the GCG Explanatory Note [APP-217]. The lengths of time for review and approval are considered acceptable in this context.</p> <p>It is also important to note that the timings set out in the Requirement are worst case and represent the latest possible point at which the submission and approval process must be completed by. As stated in paragraph 2.3.12 of the GCG Explanatory Note [APP-217] the airport operator is encouraged to raise any potential issues with the Technical Panels prior to the formal submission of the Monitoring Report to ESG, to allow issues to be resolved in a timely manner. Similarly, where it is clear that a Level 2 Plan or Mitigation Plan will be required, where possible, the draft plan should be presented to the Technical Panels alongside the monitoring results and subsequently submitted to the ESG alongside the Monitoring Report. In this way, the content of a Level 2 Plan or Mitigation Plan could be reviewed with the Technical Panel/ESG prior to its formal submission. Finally, the dates of meetings can be set well in advance to ensure the attendance of ESG and Technical Panel members, and any materials can be circulated ahead of meetings as soon as they are complete.</p>	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant,
9.1.56	dDCO	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;	The Applicant considers that drafting is sufficiently clear. Further detail on the purpose and content of such plans is provided in Section 2.2 of the GCG Explanatory Note [APP-217] .	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
9.1.57	dDCO	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; and	The Applicant considers that the grounds for refusal of a Level 2 Plan (or the equivalent grounds for a Mitigation Plan) are acceptable and are required to ensure that the plan will avoid or prevent exceedances of a Limit in a suitable timeframe. If the Councils have specific concerns as to the unsuitability of either of these grounds, the Applicant will consider those if further information is provided.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.58	dDCO	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).	<p>As set out in Section 1.8 of the GCG Explanatory Note [APP-217], London Luton Airport is a 'coordinated airport', as it does not have unconstrained capacity to meet the demand of all airlines and other aircraft operators – particularly at specific times of day or parts of the year. As a coordinated airport, the process of allocating and coordinating slots at the airport is carried out by an independent third party, Airport Co-ordination Limited (ACL). ACL must comply with the statutory requirements of the Airports Slot Allocation Regulations 2006.</p> <p>Controls on growth proposed through the GCG Framework must therefore align with this existing legislation, and any requirement to limit capacity through GCG cannot take place outside of these Regulations.</p> <p>Section 2.6 of the Green Controlled Growth Explanatory Note [APP-217], provides further details on the controls that are related to the slot allocation regulations, including those related to capacity declarations and local rules. However, it should be noted that the airport operator can also take action outside of the slot allocation regulations to reduce the demand for slots (rather than limit capacity at the airport), for example through commercial agreements with airlines, either individually or collectively. However, any such agreement would be a matter for the airport operator and airline(s) to define and agree and would not be appropriate to specify or mandate within the DCO.</p> <p>It is for these reasons that an independent aviation expert and airline industry body representative who can provide advice on the slot allocation process are</p>	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			<p>proposed as members of the ESG. As this is not an area of law that local authorities are typically knowledgeable of, or experienced in this expert input will provide the necessary technical advice to the ESG on the operation of the airport and compliance with aviation law, best practice and guidance.</p> <p>The means by which the airport operator achieves compliance with the Limits set out in the GCG Framework should always be a matter for the airport operator, for the reasons set out in the response to 10.1.24. At all times there is an absolute requirement on the airport operator to comply with the GCG Framework and it is this absolute requirement which provides the required environmental protections.</p>	
9.1.59 – 9.1.60	dDCO	<p>Requirement 24 (Exceedance of Limit) – the Councils have the following initial comments on this provision:</p> <p>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);</p>	See previous response to LIR reference 9.1.55 regarding timings for review and approval of Level 2 Plans (which are the same as those for Mitigation Plans under Requirement 24).	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.61	dDCO	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 such Plans needs further clarification;	The Applicant considers that drafting is sufficiently clear. Further detail on the purpose and content of such plans is provided in Section 2.2 of the GCG Explanatory Note [APP-217] .	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.62	dDCO	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	See previous response to LIR reference 9.1.57 regarding grounds for refusal of Level 2 Plans (which are the same as those for Mitigation Plans under Requirement 24).	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.63	dDCO	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.	<p>See previous response to LIR reference 9.1.58 regarding appropriateness of the use of the Airport Slot Allocation Regulations 2006.</p> <p>As set out in Section 2.6 of the Green Controlled Growth Explanatory Note [APP- 217], the process for implementing local rules under the Slots Regulations requires the rule to be approved by a majority vote of the Airport Coordination Committee, and so the implementation of a local rule cannot be mandated through the GCG Framework without</p>	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			<p>amending the Slots Regulations. It is not proposed to amend the Slots Regulations in the DCO.</p> <p>However, the airport operator can also take action outside of the slot allocation regulations to reduce the demand for slots (rather than limit capacity at the airport), for example through commercial agreements with airlines, either individually or collectively. However, any such agreement would be a matter for the airport operator and airline(s) to define and agree and would not be appropriate to specify or mandate within the DCO.</p> <p>The means by which the airport operator achieves compliance with the Limits set out in the GCG framework should always be a matter for the airport operator, for the reasons set out in the response to 10.1.24. At all times there is an absolute requirement on the airport operator to comply with the GCG Framework and it is this absolute requirement which provides the required environmental protections.</p>	
9.1.64	dDCO	Requirement 25 (Review of Implementation of [the GCG Framework]) – 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>The Applicant considers the proposed timeframe an appropriate balance between providing sufficient time for the ESG and Technical Panel(s) to meet, in order to make a decision, and ensuring the efficient operation of the GCG Framework to enable decisions to be made without undue delays.</p> <p>If an alternative timeframe is considered necessary to the Herts authorities, the Applicant would welcome a specific proposal for what this should be which could then be considered further. In the absence of further information, no change is being considered at this time.</p>	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.65	dDCO	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 generally) in detail as soon as possible.	Noted. The Applicant will continue to engage with the Councils on these matters. It is regrettable that detailed discussion on such matters has been unable to be progressed at an earlier date, due in large part to the late appointment of specialist advisers to act on behalf of the Host Authorities.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
9.1.66	dDCO	dDCO – Schedule 2, Part 4 – Requirements Pertaining to Other Operational Matters	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	Await engagement.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
		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 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.	provide a response at Deadline 3 alongside any updates to the dDCO.	
9.1.75	dDCO	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.	Please see the Applicant 's response at 9.1.3 above.	Await engagement.
9.1.76	dDCO	In addition, the Councils welcome the ability for the parties to agree a longer period for a discharge decision, 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.	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.	Await engagement.
9.1.77	dDCO	Turning to Requirement 37 (Appeals to the Secretary of State), the Councils welcome the mechanism proposed for the dealing with of appeals. However, as set out elsewhere, the timescales proposed are short for responses (albeit it is recognised there is some precedent for these). The Councils wish to reflect further on these and, if appropriate, will make suggested drafting amendments in a future submission.	Noted. The Applicant 's position is that the timescales are proportionate and reasonable in the context of an NSIP and align with precedent.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant,



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
9.1.78	dDCO	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 the 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 Environmental Statement Rochdale Envelope, minimise community impacts, etc. It appears to the Councils that these sorts of matters should be included, to balance points such as the 'safe and efficient commercial operation of the airport' needing to be expressly considered.	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.	Await engagement.
9.1.79	dDCO	Finally, the Councils note the provision in Requirement 39 (Application of Part 8 of the Planning Act 2008) that provides for non- relevant planning Councils to submit representations to the relevant planning authority, requesting that enforcement action is taken under the Planning Act 2008 in respect of specific GCG Framework related matters.	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.	Await engagement.
9.1.80	dDCO	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 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.	Please see the Applicant 's response at 9.1.3 above.	Await engagement.
9.1.81	dDCO	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.	Please see the Applicant 's response at 9.1.3 above.	Await engagement.
10 Overall Commentary on Green Controlled Growth				



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
10.1.1	Green Controlled Growth	Given the novel (and critical) nature of this framework, the Councils request detailed engagement on this as soon as possible.	Noted. The Applicant will continue to engage with the Councils on these matters. It is regrettable that detailed discussion on such matters has been unable to be progressed at an earlier date, due in large part to the late appointment of specialist advisers to act on behalf of the Host Authorities.	Await engagement.
10.1.9	Green Controlled Growth	In relation to exceedance of a Level 1 Threshold, discussion is needed as to the appropriateness of the proposals around exceedance of the Level 1 Threshold. Under the current proposals, an exceedance of a Level 1 Threshold simply requires "commentary on the avoidance of the exceedance of a Limit" 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 requires further interrogation and justification.	Please see previous response to LIR reference 9.1.54 regarding the appropriateness of measures required where a Level 1 Threshold is not exceeded.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.10 – 10.1.11	Green Controlled Growth	In relation to exceedance of a Level 2 Threshold, discussion is needed as to the appropriateness of the proposals. In particular: 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);	Please see previous response to LIR reference 9.1.54 regarding the timeframes for approval of a Level 2 Plan.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.12	Green Controlled Growth	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.	Please see previous response to LIR reference 9.1.56 regarding Level 2 Plans.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.13	Green Controlled Growth	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.	Please see previous response to LIR reference 9.1.57 regarding grounds for refusal.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.14	Green Controlled Growth	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.	The Applicant considers it is necessary to include this provision to build in certainty in terms of timings of approval, to ensure that an approved plan can be in place prior to the deadline for the following summer season's capacity declaration at the end of September. Missing this deadline would have significant implications for the airport related to the planning of future flight schedules and so the Proposed Development should not	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			be unduly delayed due to inactivity by the members of the ESG.	
10.1.1 5	Green Controlled Growth	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. Discussion is needed as to the appropriateness of this approach, which needs to be further interrogated and justified.	<p>The Level 2 Threshold is intended to be the second of the escalating sequence of steps (in between those associated within the lower Level 1 Threshold, and higher Limit), and not a de facto Limit as it remains within the range of acceptable environmental impact.</p> <p>As set out in Section 2.2 of the Green Controlled Growth Explanatory Note [APP-217], if a Level 2 Threshold is exceeded, Paragraph 23 of Schedule 2 of the draft Development Consent Order [AS-0067] requires the Airport Operator to:</p> <ul style="list-style-type: none"> (a) not increase the amount of declared capacity at the airport, and (b) prepare and submit for approval to the ESG a Level 2 Plan. <p>The Level 2 Plan firstly needs to consider whether continued operation at the current level of capacity would result in a Limit being breached. If this is the case, the Level 2 Plan will be required to propose mitigation to avoid this breach. This mitigation could, for example, include stopping the release of any new slots.</p> <p>The Level 2 Plan would subsequently be reviewed and approved or refused by the independent ESG, which includes independent aviation experts. It is not however a given that continued operation at a given level of capacity would result in a Limit being breached, and as such it is considered disproportionate to automatically require a stop to the release of slots if a Level 2 Threshold is reached. This is considered a proportionate approach relative to the scale of environmental impact that corresponds to the Level 2 Threshold, and reduces the risk of a future breach of a Limit.</p>	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.1 6	Green Controlled Growth	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.	<p>Such a requirement is already included. The definition given for a Level 2 Plan in Paragraph 18 of Schedule 3 of the draft Development Consent Order [AS-0067] states that a Level 2 Plan must set out:</p> <ul style="list-style-type: none"> (a) details of the proposed mitigation and actions which are designed to avoid or prevent exceedances 	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
		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;and	of a Limit as soon as reasonably practicable; and (b) the proposed programme for the implementation of that mitigation and those actions	
10.1.1 7	Green Controlled Growth	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.	It would be wholly inappropriate to have sanctions where a Level 1 or 2 Threshold has been exceeded, as the airport would not have operated in a way that was worse than forecast and would be in compliance with the GCG Framework. Having sanctions at this level would result in the Level 2 Threshold being a de facto Limit, rendering the actual Limit meaningless. Alternative mechanisms are proposed to incentivise and improve environmental performance in addition to the GCG Limits, such as the additional mode share targets required through the Framework Travel Plan [AS-131] .	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.1 8 – 10.1.1 9	Green Controlled Growth	In relation to the exceedance of a Limit, discussion is needed as to the appropriateness of the proposals. In particular: 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);	Please see previous response to LIR reference 9.1.59 – 9.1.60 regarding timings for review and approval of Mitigation Plans.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.2 0	Green Controlled Growth	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 such Plans needs further clarification;	Please see previous response to LIR reference 9.1.61 regarding the definition of, and purpose and content of Mitigation Plans.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.2 1	Green Controlled Growth	it is noted that approval of a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified;	Please see previous response to LIR reference 9.1.62 regarding grounds for refusal.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.2 2	Green Controlled Growth	the Councils do not consider that the Mitigation Plan should be deemed to be approved given its vital role in bringing the airport back within the Limits;	The Applicant considers it necessary to include this provision to build in certainty in terms of timings of approval, to ensure that an approved plan can be in place prior to the deadline for the following summer season's capacity declaration at the end of September. Missing this deadline would have significant commercial implications for the airport related to the planning of future flight schedules and so the Proposed Development should not be unduly delayed due to inactivity by the members of the ESG.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
10.1.2 3	Green Controlled Growth	<p>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 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 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>	<p>It is not permissible within the Slot Allocation Regulations 2006 [for the airport operator to immediately reduce capacity at the airport. Capacity declarations can only be made at fixed points of the year. The proposed wording related to capacity declarations and slots where Limits are exceeded has been developed in conjunction with Airports Coordination Ltd to ensure that it is fully compliant with these regulations, and represents the earliest point at which growth can be capped. Please also see the response to 10.1.24 / 10.1.25.</p> <p>It is for this reason that the GCG Framework sets out a proactive process. By including Level 1 and Level 2 Thresholds in the GCG Framework, growth will be required to be planned, and steps to be taken before a Limit is reached, with the ultimate intention that this early action avoids the Limit being exceeded in the first place. By taking this proactive approach, it will ensure that the plans for growth are adjusted in response to the prevailing circumstances at the time, rather than waiting for a problem to occur and then reacting. It should also be noted that such an approach does not exist under the current planning controls at the airport.</p> <p>It is complete speculation to suggest that there will be a future exceedance over the Limit (which is aligned to the assessment of the 'reasonable worst case' scenario reported in the Environmental Statement), and that such an exceedance could be so significant as to put the UK government in breach of its legal obligations. Such a position is not supported by the findings of the Environmental Impact Assessment and reported in the relevant chapters of the Environmental Statement for the environmental topics included within GCG.</p> <p>It is also not necessarily the case that a capacity reduction would be the most effective, proportionate or timely way of addressing a breach of the Limits. The GCG Framework allows the operator flexibility to put forward mitigation proposals in the way it sees fit, provided that these proposals address the breach of the Limits as soon as reasonably practicable. This may or may not be through a reduction in capacity, but where the ESG does not feel that this will reduce the relevant environmental effect to a level where it is below the Limit</p>	<p>Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.</p>



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			<p>as soon as reasonably practicable, they will have the ability to refuse the Mitigation Plan.</p> <p>The means by which the airport operator achieves compliance with the Limits should always be a matter for the airport operator, for the reasons set out in the response to 10.1.24. At all times there is an absolute requirement on the airport operator to comply with the GCG Framework and it is this absolute requirement which provides the required environmental protections.</p>	
10.1.2 4	Green Controlled Growth	<p>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>	<p>The requirement for Mitigation Plans is that the actions within them must avoid or prevent exceedances of the Limit "as soon as reasonably practicable" – see Requirement 24(5)(a) of the dDCO [AS-067]. This may or may not include the introduction of a local rule or planned capacity reduction, and GCG does not preclude this, but it is considered that these may not always be the most effective, timely or efficient ways of addressing environmental impacts associated with expansion.</p> <p>It is therefore considered appropriate that the airport operator should initially have flexibility in the way that they approach mitigation, providing that they can satisfy the ESG that their chosen approach will avoid or prevent exceedances of the Limit as soon as reasonably practicable (as if they cannot, the ESG is able to refuse the Mitigation Plan). This could, as set out in the response to 9.1.58, be through voluntary commercial agreements with airlines, either individually or collectively, for example through a commercial agreement with an airline to reduce the number of a noisier type of aircraft operating from the airport to address noise impacts. Mitigation for some environmental impacts could also be unrelated to flight operations – for example, the delivery of a piece of off-airport mitigation to address air quality impacts on a specific road.</p> <p>The requirement for a Mitigation Plan to give specific consideration to the use of a local rule where an initial Mitigation Plan (which did not include the introduction of a local rule) has not been effective is in acknowledgement of the fact that the airport operator will, in these unlikely circumstances, need to take a different approach to mitigation, and that to a greater or lesser extent most environmental impacts at the airport will correlate to the number of flights that are being operated. It is however</p>	<p>Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.</p>



LIR Ref.	Topic	Matters Raised in Local Impact Report	Applicant 's Response	HAs' Response
			considered that the existing process for ESG to scrutinise and ultimately approve or reject a Mitigation Plan is sufficiently robust that a process for the ESG to impose a Mitigation Plan is not necessary.	
10.1.2 5	Green Controlled Growth	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.	Please see previous response to LIR reference 10.1.24 regarding local rules.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.2 6	Green Controlled Growth	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 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.	Such a decision would rest with the independent ESG when approving or refusing a Mitigation Plan. In making that decision, the ESG could only permit growth in these very specific circumstances where the proposed mitigation and actions in the Mitigation Plan will avoid or prevent exceedances of the Limit as soon as reasonably practicable. Therefore, such an approach would not perpetuate the exceedance of a Limit for longer than would be the case if it were remedied before growth were continued. Considering the specific example relating to air quality, this was included due to the unique nature of the air quality Limits, in that monitored concentrations are derived from both airport and non-airport sources. More detail on the approach to mitigation of air quality impacts is set out in Section 3.3 of the Green Controlled Growth Explanatory Note [APP-217].	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.2 7	Green Controlled Growth	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 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 ground.	Whilst not stated explicitly within Part 6 of Schedule 2 of the dDCO [AS-067], such grounds would include where the ESG was not considered to have acted reasonably, or in accordance with their Terms of Reference (based on wording in Requirement 23(2) and Requirement 24(2), for example). Similarly, a decision could be challenged where the grounds for refusal of a plan provided by ESG are not considered to reflect the appropriate grounds for	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



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			refusal set out in Requirement 23(5) and Requirement 24(5). Should specific grounds for which appeals would be limited to be suggested by the Councils, these will be considered on a case-by-case basis.	
10.1.28	Green Controlled Growth	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.	Please see previous response to LIR reference 10.1.17 regarding incentives and sanctions.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.29	Green Controlled Growth	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 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.	Please see previous response to LIR reference 10.1.23 regarding reductions in activity. It is the purpose of the Mitigation Plan to set out the cause of the breach and the measures put in place that the same situation and any further exceedance does not occur, as has been suggested.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.30	Green Controlled Growth	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 facilitating green growth at the airport	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 RR0558, RR-1119 and RR-0297.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.31	Green Controlled Growth	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,	The GCG Limits and Thresholds for PM2.5 will be updated to reflect the interim target set out in the Environmental Improvement Plan. Further information on this change was provided in Environmental Improvement Plan Interim target for PM2.5 Commentary [REP1-017] submitted at Deadline 1.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



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		including where these change from time to time in accordance with periodic updates to the EIP and environmental targets.		
10.1.3 2	Green Controlled Growth	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.	Please see response to LIR reference 9.1.49 – 9.1.53 regarding monitoring.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.3 3	Green Controlled Growth	We 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 the 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 growth only takes place within appropriate parameters.	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.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.
10.1.3 4	Green Controlled Growth	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.	Where monitoring of environmental impacts (outside of GCG) is required as part of the DCO, there are associated reporting requirements for that monitoring data. If specific amendments to the Monitoring Plans for the respective environmental topics [APP-221 to APP-224] are suggested in this regard, they can be considered.	Noted. Further discussion anticipated during ongoing GCG engagement with the Applicant.



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10.1.3 6	Green Controlled Growth	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.	Whilst the ESG does not have a formal approval role over Monitoring Reports, it can still determine whether the Monitoring Report has been produced in compliance with relevant Monitoring Plan, which a failure to follow would be a breach of the GCG Framework and could result in enforcement action being taken against the airport operator. Requirements 23 and 24 also provide the ability for the ESG to certify whether the exceedance of a level 2 Threshold or breach of a Limit are as a result of circumstances beyond the undertaker's control.	Noted. Further engagement is welcomed by the Host Authorities.
10.1.3 7	Green Controlled Growth	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 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>The Applicant has already committed to funding a technical expert to sit on each Technical Panel (in addition the costs associated with the independent chair, independent aviation expert and airline industry body representative who can provide advice on the slot allocation process on ESG) whose advice will be made available to all local authority members. The technical experts on the Technical Panels will be appointed by the chairperson of ESG to ensure that they are acting impartially in providing this advice.</p> <p>The Applicant is willing to discuss the details of further funding through future engagement on Statements of Common Ground and Section 106 obligations. In principle, the Applicant is willing to fund the reasonable and proper costs incurred by members of the ESG and Technical Panels, up to a reasonable cap.</p>	Noted. Further engagement is welcomed by the Host Authorities.
10.1.3 8	Green Controlled Growth	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.	See previous response to LIR reference 9.1.64 regarding the time periods relating to Requirement 25.	Noted. Further engagement is welcomed by the Host Authorities.



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10.1.3 9	Green Controlled Growth	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. It is regrettable that detailed discussion on has been unable to be progressed at an earlier date, due in large part to the late appointment of specialist advisers to act on behalf of the Host Authorities.	Noted. Further engagement is welcomed by the Host Authorities.
10.1.4 0	Green Controlled Growth	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.	See previous response to LIR reference 9.1.58 and 9.1.63 regarding the appropriateness of the use of the Airport Slot Allocation Regulations 2006 and the statutory requirements under those regulations for the implementation of local Rules.	Noted. Further engagement is welcomed by the Host Authorities.
10.1.4 1	Green Controlled Growth	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 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.	See previous response to LIR reference 9.1.58 and 9.1.63 regarding alternative measures outside of the Slot Allocation process.	Noted. Further engagement is welcomed by the Host Authorities.
10.1.4 3	Green Controlled Growth	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 2 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.	Please see previous response to LIR reference 10.1.17 regarding incentives and sanctions. The delivery of the Proposed Development will take place over an extended period of time, and the incentive of realising long-term future growth towards the new passenger cap by remaining within the GCG Limits is considered to significantly outweigh any incentives prioritising short term growth at the expense of future controls on growth.	Noted. Further engagement is welcomed by the Host Authorities.



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10.1.4 4	Green Controlled Growth	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.	As set out in in Section A4.14 of the Draft ESG Terms of Reference [APP-219], it is proposed that the ESG must submit a report to the Luton Borough Council (rather than the airport operator). This is considered more appropriate and in keeping with the role of the ESG in providing independent oversight and scrutiny.	Noted. Further engagement is welcomed by the Host Authorities.
10.1.4 5	Green Controlled Growth	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.	The incentive within the GCG Framework is that remaining within the Limits enables further growth at the airport to take place (up to the new passenger cap). There is therefore a significant incentive for the operator to comply with the GCG Limits, and correspondingly, a punitive impact (in terms of delays to further growth) when Limits are breached.	Noted. Further engagement is welcomed by the Host Authorities.