



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' RESPONSES TO THE EXAMINING AUTHORITIES FIRST WRITTEN QUESTIONS

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 Examining Authority's First Written Questions (ExQ1) **[PD-010]** to be submitted at Deadline 4. 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").



2 THE HOST AUTHORITIES' RESPONSES TO THE EXAMINING AUTHORITIES FIRST WRITTEN QUESTIONS

Table 2-1 – The Host Authorities' Responses to the Examining Authorities First Written Questions

ExA Ref.	Question To	Question	Host Authorities' Response
Broad, General and Cross-topic Questions			
BCG.1.1	All Local Authorities	<p>Development Plan Policies</p> <p>If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.</p> <p>Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents? Are the local planning authorities' content with the Applicant's policy analysis?</p>	<p>The Local Impact Report for Hertfordshire County Council, Dacorum Borough Council and North Herts Council [REP1A-00] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District.</p> <p><i>'If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.'</i></p> <p>The Local Impact Report by Hertfordshire Country Council, Dacorum Borough Council and North Herts Council [REP1A-003] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District.</p> <p>Copies of those policies referred to in the Local Impact Report [REP1A-003] are submitted as Appendix 1 Development Plan Policies.</p> <p><i>Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents?</i></p> <p>Since the compilation of the application documents a Welwyn Hatfield Local Plan 2016-2036 was adopted at a meeting of the Council on 12th October 2023.</p> <p><i>'Are the local planning authorities' content with the Applicant's policy analysis?'</i></p> <p><i>Spatial coverage</i></p> <p>Appendix E (APP-199) of the Planning Statement [AS-122] comprises of Policy Compliance Tables, which present a consideration of the Scheme against the national aviation policies and the national and local planning policies. The Applicant considers these likely to be important and relevant to the determination of the application for development consent.</p> <p>Within Hertfordshire, that consideration is applied to the adopted local plans of North Hertfordshire District and Dacorum Borough because they are the local authorities within whose administrative area the Order Limits fall (paragraph 6.4.3 of AS-122).</p> <p>The Hertfordshire Local Impact Report [REP1A-003], however, also identifies policies within the local plans of the City and District of St Albans, Stevenage</p>



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			<p>Borough and Welwyn and Hatfield District which, together with Dacorum and North Hertfordshire, are considered to represent a reasonable development plan 'arc' around the proposal. Within which, the influence of the Proposed Development would be most likely felt, taking into account the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164] (Figure 21.1) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network.</p> <p>It did not, however, consider policies within local plans covering the whole of the Core Zone of Influence (East Hertfordshire District) and Simulation Network (Three Rivers District and Hertsmere Borough).</p> <p>Whilst appreciating that the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District are not local authorities within whose administrative area the Order limits fall, in light of APP-164, Figure 21.1 and AS-044 Figure 18.3 the Host Authorities would have expected the Applicant to have considered development plan policies on a wider spatial coverage.</p> <p>Content and conclusions of the Applicant's policy analysis</p> <p>For the local plans that the Applicant has considered, the breadth of policies assessed is considered to be pretty comprehensive.</p> <p>The Applicant's assessment of policies is essentially that the Proposed Development is compliant with the local plans of Dacorum Borough and North Hertfordshire District. Whilst there are a range of topics with which the Host Authorities would agree with the Applicant's analysis, there are also others where the Host Authorities are in active discussions with the Applicant and where further information to support the scheme are awaited – for example in relation to noise, surface access, landscape, air quality, economic impacts, possible impact on the Green Belt.</p>
BCG.1.2	All Local Authorities	<p>Neighbourhood Plans</p> <p>Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you:</p> <ol style="list-style-type: none"> 1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion; 2. Provide a copy of the made plan or a copy of the latest draft. 3. Indicate what weight you consider the ExA should give to these documents. 	<p>The Hertfordshire Local Impact Report [REP1A-003] identifies relevant policies within the Local Plans of the local planning authorities of City and District of St Albans, Dacorum, North Hertfordshire, Stevenage and Welwyn Hatfield. The following are the 'Made' and emerging (where there is a draft plan available) Neighbourhood Plans within those five Hertfordshire local authority areas.</p> <p>Within the City and District of St Albans:</p> <p><i>Made:</i></p> <ul style="list-style-type: none"> • Wheathampstead Neighbourhood Plan (Appendix 2) • Redbourn Neighbourhood Plan (Appendix 3) • St. Stephen Neighbourhood Plan (Appendix 4) • Sandridge Neighbourhood Plan (Appendix 5) • Harpenden Neighbourhood Plan (Appendix 6) <p>Within Dacorum Borough:</p>



ExA Ref.	Question To	Question	Host Authorities' Response
			<p><i>Made:</i></p> <ul style="list-style-type: none"> • Grovehill Future Neighbourhood Plan (Appendix 7) • Kings Langley Neighbourhood Plan (Appendix 8) <p><i>Emerging:</i></p> <ul style="list-style-type: none"> • Bovingdon Neighbourhood Plan – Draft – currently at consultation (29th September-12th November 2023). Completion date unknown. (Appendix 9) <p>Within North Hertfordshire:</p> <p><i>Made:</i></p> <ul style="list-style-type: none"> • Ashwell Neighbourhood Plan (Appendix 10) • Pirton Neighbourhood Plan (Appendix 11) • Baldock, Bygrave and Clothall Neighbourhood Plan (Appendix 12) • Preston Neighbourhood Plan (Appendix 13) • Knebworth Neighbourhood Plan (Appendix 14) • Wymondley Neighbourhood Plan (Appendix 15) <p><i>Emerging:</i></p> <ul style="list-style-type: none"> • Icklford - Consultation on the submitted neighbourhood plan took place between Thursday 11 May and Tuesday 27 June 2023. Completion date unknown. (Appendix 16) • Wallington - Consultation on a draft plan took place between Tuesday 18 July and 12pm on Wednesday 30 August 2023. Completion date unknown. (Appendix 17) <p>Within Stevenage Borough there are no 'Made' or emerging Neighbourhood Plans.</p> <p>Within Welwyn Hatfield District:</p> <p><i>Made:</i></p> <ul style="list-style-type: none"> • Northaw and Cuffley Neighbourhood Plan (Appendix 18) <p>2.The relevant appendices are noted in the above list of plans.</p> <p>3. None of the 'Made' or emerging Neighbourhood Plans fall within the area of the Order limits. As a consequence, their weight is necessarily restricted/limited.</p> <p>The extent to which any residual restricted/limited weight may be attached to these Plans is considered to be dependent upon:</p> <ol style="list-style-type: none"> The stage they have reached in the preparation/adoption process. The extent to which the application might have an impact on the areas involved [taking into account whether, for example, they fall within the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1 – the authorities



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			<p>consider that the Air Noise Zone of Influence to be the most important) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network].</p> <p>iii. Whether the Plans reference London Luton Airport or have policies relating to the potential influence of growth at the Airport.</p> <p>With regard to i., 'Made' local plans will carry more residual weight than emerging ones. As a consequence of this the emerging Bovingdon, Ickford and Wallington plans carry less, if any, residual restricted/limited weight.</p> <p>With regard to ii. (for the remaining neighbourhood plans), Ashwell, Northaw and Cuffley falls outside the Core Zone of Influence and Simulation Network and are considered to have no restricted/limited weight.</p> <p>All of the other neighbourhood plans fall within the Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network and therefore in some measure fall within the scope of the Applicant's surface access (highways) assessment.</p> <p>Grovehill (partially), Wheathampstead, Redbourn, Sandridge, Harpenden, Baldock (partially), Bygrave and Clothall, Preston, Knebworth and Wymondley all fall within the air noise Zone of Influence [Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1).</p> <p>Of the neighbourhood plans falling within the Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1)], none of them make specific reference to the potential implications of London Luton Airport or growth of it on the noise environment and therefore have negligible, if any, weight.</p> <p>Of the neighbourhood plans falling within the Simulation Network, three make specific reference to London Luton Airport with regard to the traffic implications of London Luton Airport and/or growth/expansion of it:</p> <p>Harpenden Neighbourhood Plan makes reference to transport congestion with London Luton Airport identified as one of the contributory factors to that:</p> <p><u><i>Chapter 9 Transport and Movement</i></u></p> <p><i>9.1 This chapter sets out a number of policies in relation to transport and movement within the Harpenden Neighbourhood Plan Area. Located just east of the M1, near Luton Airport and within close proximity of a number of medium-large town and cities, including Hemel Hempstead, St Albans, Welwyn Garden City, Stevenage and Luton, congestion is frequently experienced in the area. In particular, Main Roads through Harpenden such as the A1081 (which runs from St Albans to Luton via Harpenden Town Centre), the B653 (which runs from Luton to the A1(M) near Welwyn Garden City/Hatfield), B652 (Station Road), which runs from Harpenden Town Centre to the B653 and Redbourn Lane (which connects with the M1 via Redbourn) experience congestion regularly.</i></p>



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			<p><i>Policy T2 – Proposals Affecting the A1081, B653 and B652 Proposals that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road (as demonstrated by a Transport Assessment) will be required to make provision for, and contribute to, appropriate highways improvement measures to ease traffic congestion on those roads, including in relation to traffic flow and on-street parking pressure. Where creation or alteration of a junction on one of these roads is proposed, evidence must be provided that demonstrates how the proposed junction would minimise disruption to traffic flow.</i></p> <p><i>Policy T9 – Sustainable Transport Routes Appropriate provision of new and improved walking or cycling routes, improvements to the public transport network, the introduction of electric car charging points and the introduction of appropriate facilities for cyclists (including storage and changing facilities) are supported. New and improved cycle routes, pathways and bridleways within the Neighbourhood Plan Area, including those connected to nearby settlements, will be supported. In particular, improvements to the Harpenden to St Albans Cycle Route through the provision of a cycle only lane from Beesonend Lane past West Common would be supported.</i></p> <p><i>9.12 A key ambition of the Neighbourhood Plan is to support a modal shift away from private motor vehicles and towards more sustainable modes of transport. This approach is intended to be through positive encouragement of measures that make sustainable transport options more accessible rather than seeking to make driving less accessible. Reducing the number of vehicle trips will ease congestion and support better air quality in the Neighbourhood Plan Area.'</i></p> <p>Wheathampstead Neighbourhood Plan makes reference to the contribution that expansion of London Luton Airport has on the volume of traffic in the area.</p> <p><i>'3 VISION AND OBJECTIVES Challenges for Wheathampstead</i></p> <p><i>There is an ever-increasing volume of traffic through the area caused not only by the demand on housing but also the expansion of Luton Airport. This puts increased pressure on the Lower Luton Road and village centre.'</i></p> <p>Preston Neighbourhood Plan makes reference to the impact of the expansion of London Luton Airport, including the DCO Proposal, will have on the volume of traffic having a huge impact on the quality of life of residents.</p> <p><i>'1. Introduction</i></p> <p>.....</p> <p><i>Some of the points raised by local people are not within the remit of either the Neighbourhood Plan or the Parish Council: aircraft noise and pollution and lights from Luton Airport.'</i></p> <p><i>'11. Transport and Communications</i></p>



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			<p>.....</p> <p>11.3 Because there are only rural lanes within the parish there is huge concern locally about the increase in traffic which will inevitably occur if the proposed developments for East of Luton go ahead as well as the planned expansion to Luton airport. In addition to the planned and agreed increase in numbers to 18 million passengers per year, a recently submitted planning application requests that this number should increase to 38 million. The much greater volume of traffic through Preston as a result of these developments will have a huge impact on the quality of life for local residents.</p> <p>Policy TC1: Safe and Sustainable Transport: Residential and community development proposals will be supported where amenities in the village can be readily and safely accessed by pedestrians and cyclists. In addition, development proposals should conform to the following criteria: a) development proposals should not generate an unacceptable increase in traffic volume and movements within or through the village and b) development proposals should not generate unacceptable highway safety risks and c) development proposals should provide a minimum of 2 off-road parking spaces per new residential unit with 2-3 bedrooms and a minimum of 3 parking spaces for 4+ bedroom residential units.'</p> <p>Whilst the Wheathampstead and Preston Neighbourhood Plans raise concerns about traffic related issues associated with London Luton Airport, they do not appear to have any directly relevant policies and therefore are considered to carry little of the restricted / limited weight.</p> <p>Policy 2 of the Harpenden Neighbourhood Plan makes reference to the requirement for proposals that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road to make provision for, and contribute to, appropriate highways improvement measures. Policy 9 supports improvements to the public transport provision. Both of these policies are considered to carry some restricted / limited weight.</p>
BCG.1.3	Applicant and Interested Parties	<p>Central Government Policy and Guidance</p> <p>Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>	<p>TA revised National Planning Policy Framework (NPPF) has been published and is included within Appendix 19. It is not believed this has any significant implications for the application.</p>
BCG.1.4	All Local Authorities	<p>Updates on Development</p> <p>Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>	<p>On 13 October 2023, a variation of conditions application made by London Luton Airport Operations Ltd was approved under section 77 of the Town and Country Planning Act 1990.</p> <p>The Host Authorities consider this question would have been better addressed to the Applicant as it is the Applicant who will have the greatest appreciation of what proposed or permitted development has been taken into account in the preparation of its proposals and the various assessments underpinning it, including the Environmental Statement.</p>



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			<p>The Host Authorities consider that the following elements of the application are likely to be relevant as they provide spatial intelligence relating to the scope of the highways network simulated and various environmental zones of influence.</p> <ul style="list-style-type: none"> • Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1 – the Host Authorities consider that the Air Noise Zone of Influence to be the most important). • Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network] <p>However:</p> <ul style="list-style-type: none"> • The outer Limits of these cover an extensive area of Hertfordshire (the air noise Zone of Influence, for example, extends right the way across Hertfordshire to Buntingford). • Within the time available and without committing considerable resources, local planning authorities are not able to tailor this exercise to identify those applications/permissions contained within the simulation network or various different types of Zone of Influence. <p>In light of the above, the Host Authorities have taken the view that a pragmatic approach would be to restrict the assessment to applications/permissions:</p> <ol style="list-style-type: none"> Within the five Hertfordshire local authority areas covered by the policy analysis within their Local Impact Report – representing a reasonable arc of influence around the airport – Dacorum, City and District of St Albans, North Hertfordshire, Stevenage and Welwyn and Hatfield. For residential development of 10 or more dwellings; Together with a broad-brush question to the five local planning authorities - 'are there any big proposals'? <p>The results of the analysis for ii. follows from Dacorum, North Hertfordshire, Stevenage and Welwyn and Hatfield. No intelligence has been forthcoming from the City and District of St Albans:</p> <p>Dacorum</p> <p>Applications:</p> <ul style="list-style-type: none"> • 23/02178/MFA - Construction of 43 No. dwellings with associated car parking, open space, landscaping, sustainable drainage systems and new arrangements from Molyneaux Avenue, Lancaster Drive and Hyde Lane. Bovingdon. • 23/02034/MFA - Hybrid planning application comprising (i) Full application for the construction of 57 dwellings (Use Class C3), (including affordable housing), 59 no. units of Extra Care accommodation (Use Class C2), means of access, landscaping, open space and all other associated works and infrastructure; and (ii) Outline planning application (all matters reserved



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			<p>except access) for up to 129 dwellings (Use Class C3), (including affordable housing), provision of 1.15ha community land for outdoor sport and recreation and construction of community buildings (Use Class F) including provision of scouts hut, community orchard, gardens, green space, landscaping and all other associated works and infrastructure. Bovingdon</p> <ul style="list-style-type: none"> • 23/01538/MFA - Demolition of existing buildings (other than front portion of hotel) and construction of 56 dwellings comprised of 24 houses and 33 apartments with associated landscaping, access and parking. Bovingdon • <u>23/01453/MFA - Demolition of existing commercial buildings and redevelopment of the site for mixed use, including 130m2 co-working/community unit, 71 residential units (5 x studio, 40 x 1-bedroom flats, 26 x 2-bedroom flats) Parking for 51 car parking spaces, cycle parking, landscaping, integrated bin storage and altered access. Hemel Hempstead.</u> • <u>23/01254/MOA - Outline Planning permission for demolition of existing buildings, structures and hardstanding, construction of up to 320 residential units, a primary school, a local centre and a rural enterprise hub together with a transport mobility hub, public open space, drainage, landscaping and ancillary infrastructure. New vehicular and pedestrian access off Long Marston Road with all other matters (including other means of access) reserved. Long Marston/Marsworth.</u> • <u>23/00799/MFA - Demolition of existing part two-storey, part single-storey buildings and the construction of 14no residential apartments with associated underground parking and landscaping. Hemel Hempstead.</u> <p>Permissions:</p> <ul style="list-style-type: none"> • <u>22/01258/MFA - Development of site to provide 32 residential units for social rent. The scheme includes 3 three-storey buildings to provide 9 one-bedroom flats, 6 two-bedroom flats, and 3 two-bedroom wheelchair accessible units. The scheme also includes the construction of twelve houses to provide 8 two-bedroom houses, 4 three-bedroom houses, and 2 three-bedroom wheelchair accessible units. The proposal also includes associated car parking, private and communal amenity space and public open space provision. Hemel Hempstead.</u> • <u>21/04352/MFA - Demolition of existing light industrial building. Construction of mixed use development comprising 2 storey commercial building, with foodbank, bike workshop, office space and cafe area. Seven storey residential building (6 storey from main entrance plus lower ground floor to access ancillary spaces and parking) comprising 56 residential units, mix of 1 and 2 bedrooms, bin store, cycle store and parking. Associated parking spaces, scooter store and landscape. Hemel Hempstead.</u> <p>North Hertfordshire</p>



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			<p>Applications:</p> <ul style="list-style-type: none"> - <u>23/00563/FP - Erection of 43 dwellings, access from Lower Innings, associated internal roads, parking, landscaping, amenity space and open space. Land to the South of Oughtonhead Lane, Hitchin, Hertfordshire, SG5 2NA.</u> - 23/00743/RM - Reserved Matters application for approval of the details of the appearance, landscaping, layout and scale of the development for 83 dwellings including streets, car parking, open space and associated works (pursuant to outline application 17/01464/1 granted 02.11.2022). Land Adjacent to Oaklea and south of, Cowards Lane, Codicote, Hertfordshire, SG4 8UN. - <u>23/01492/FP - Change of use of care home to 16 residential apartments (C3 use), with roof extension to comprise increased ridge height, dormer windows and rooflights, with internal and external alterations. Westbourne Residential Care Home, 9 Bedford Road, Hitchin, Hertfordshire, SG5 2TP.</u> - <i>23/01552/OP - Outline planning permission for up to 200 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters reserved except for means of access. Land South Of, Watton Road, Knebworth, Hertfordshire.</i> - 23/01885/FP - Erection of 10 dwellings (6 x 3-bed and 4 x 4-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works. Land At Police Row between The Grange And 1 The Grange, Police Row, Therfield, Hertfordshire. - <u>23/02127/FP - Residential development comprising of 16 apartments (5 x 1-bed and 11 x 2-bed) including creation of vehicular access off Whinbush Road and associated works following demolition of existing building. 74 Whinbush Road, Hitchin, Hertfordshire, SG5 1PZ.</u> - 23/02417/FP - Erection of 10 residential dwellings (1 x 2-bed, 7 x 3-bed, 1 x 4-bed and 1 x 5-bed) including creation of vehicular access, parking, landscaping, and associated works following demolition of dwelling and outbuildings. Tussocks, The Causeway, Therfield, Royston, Hertfordshire, SG8 9PP. <p>Permissions:</p> <ul style="list-style-type: none"> • 18/01502/OP - Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop. Land Between Royston Road And, Cambridge Road, Barkway, Hertfordshire. • <u>21/02796/FP - Erection of mixed-use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at</u>



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			<p><u>first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings. 59 - 61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX.</u></p> <ul style="list-style-type: none"> • 21/02957/FP - Erection of ten dwellings (2 x 2-bed, 2 x 3-bed, 4 x 4-bed and 2 x 5-bed) with ancillary works including alterations to existing vehicular access, new access road, parking and landscaping. Land on the South West Side of, Barkway Road Royston, Hertfordshire. • 18/01502/OP - Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop. Land Between Royston Road and, Cambridge Road, Barkway, Hertfordshire. • <u>21/02796/FP - Erection of mixed-use building comprising of 330sq.m commercial floor space at ground floor with 10 no. residential apartments at first and second floor levels (4 x 2-bed and 6 x 1-bed) including vehicular access, drainage, car parking, cycle and bin storage, hard and soft landscaping, boundary treatments and associated works following demolition of existing commercial buildings. 59 - 61 Walsworth Road, Hitchin, Hertfordshire, SG4 9SX.</u> • 21/02957/FP - Erection of ten dwellings (2 x 2-bed, 2 x 3-bed, 4 x 4-bed and 2 x 5-bed) with ancillary works including alterations to existing vehicular access, new access road, parking and landscaping. Land on the South West Side of Barkway Road, Royston, Hertfordshire. • <u>18/01154/OP - Outline application with all matters reserved other than access, comprising residential led development of up to 700 dwellings of use class C3 (dwellings), approximately 500 sqm of neighbourhood-level facilities, a new 2FE primary school, open space, play space, green infrastructure, and associated accesses (vehicular, pedestrian and cycle), including a new primary access off Stotfold Road with limited access off High Dane. Land North of Highover Farm to Stotfold Road Highover Way, Hitchin.</u> • <u>22/03092/FP - Residential development of 47 dwellings and associated car parking, open space, landscaping and creation of access off Grays Lane. LAND FOXHOLES AND GAINSFORD HOUSE AND ON THE WEST SIDE OF, CROW FURLONG, HITCHIN, HERTFORDSHIRE.</u> • <u>20/02412/FP - Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works LAND BETWEEN 53 AND 81 AND LAND REAR OF 7-53 WATERDELL LANE ST IPPOLYTS.</u> • 21/00504/OP - Residential development comprising of up to 120 dwellings with vehicular access via Flint Road (all matters reserved except means of



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			<p><u>access.) Land to The East of Talbot Way, Kristiansand Way, and Flint Road Allotments, Letchworth Garden City, Hertfordshire.</u></p> <p>Stevenage</p> <p>Applications:</p> <ul style="list-style-type: none"> 23/00502/FPM - Change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units. 58 - 90 Queensway and Forum Chambers Town Centre Stevenage Herts SG1 1EE. <p>Permissions:</p> <ul style="list-style-type: none"> 19/00743/FPM - Outline planning permission for the demolition of existing buildings on the site and the mixed-use redevelopment of Plots A-K including new retail and food and beverage uses (A1-A5), leisure (D2), office (B1), community (D1) and residential (C3). New buildings to comprise residential accommodation (Class C3), retail floorspace Class (A1/A2/A3/A4/A5 floorspace), leisure floorspace (D2), office floorspace (Class B1), Public Services Hub (Class D1/B1/A1/A3), primary school (D1), plant and storage, servicing, new vehicle and pedestrian accesses and circulation, new public amenity space, new and amended car parking, new landscaping and public realm and associated works. Full details (access, appearance, landscaping, layout and scale) are submitted for Plots A and K and all matters reserved for Plots B to J. SG1 Development Site Town Centre Stevenage. 22/00098/FPM - Erection of a 54-bed building for C2A planning use with access, car parking, Landscaping and associated works. Land at East of A602 and South of Gravely Road. <p>(resolution to grant, not issued)</p> <ul style="list-style-type: none"> 22/00963/FPM - Demolition of existing multi storey garage blocks and construction of 96no. independent living apartments with associated parking, amenity space and improvements to the parking and refuse collection for the existing building, Brent Court. 22/00965/FPM - Demolition of existing semi-detached houses, sea cadets, nursery and scouts' buildings and garages to provide 57no new dwellings with associated parking, facilities and landscape. Reconfiguration of existing public car park. 224 – 230 Bedwell Crescent (Shephall View). 22/00437/FPM - Demolition of existing 2no. semi-detached houses and erection of 20 no. flats comprising 12 no. 1 bed and 8 no. 2 bed, associated parking and ancillary works. 10A and 10B Burwell Road.



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			<ul style="list-style-type: none"> 21/01283/FPM - Erection of a 10-storey building comprising of 94 no. flats which consists of 11 no. studios, 36 no. 1 bedroom and 47 no. 2 bedroom units, associated parking, access and ancillary works North Car Park, Six Hills Way (Land adj to Six Hills House). <p>Welwyn Hatfield</p> <p>Applications:</p> <ul style="list-style-type: none"> 6/2023/1532/OUTLINE - Outline planning application with all matters reserved except access, for the erection of 120 homes and a two form entry primary school with associated access, open space, landscaping and other infrastructure, Land at South Way Hatfield. <u>6/2023/1381/MAJ - Erection of two blocks of residential flats comprising 6no 1 bed and 4no 2 beds and a mix of 19no 3, 4 and 5 bed dwellings following the demolition of existing properties and associated outbuildings and structures, 15 and 15a Codicote Road Welwyn AL6 9NE.</u> 6/2023/1221/OUTLINE - Outline permission for the erection of 14 dwellings, with all matters reserved except for access, Brookmans Park Golf Club Golf Club Road Brookmans Park Hertfordshire AL9 7AT <u>6/2023/2093/MAJ - Erection of two new residential apartment buildings to provide 12 x 2-bedroom and 5 x 3-bedroom apartments, construction of access, landscape planting and ancillary development following the demolition of existing house and outbuildings, 57 New Road Digswell Welwyn AL6 0AL.</u> <p>Permissions:</p> <ul style="list-style-type: none"> 6/2022/1774/RM - Approval of reserved matters (appearance, landscaping, layout and scale) following outline planning permission S6/2015/1342/PP for residential development of up to 121 dwellings, associated infrastructure and a change of use from agricultural land to an extension of the King George V playing field. In addition, to approve details for Condition 9 (refuse and recycling), Condition 10 (noise), Condition 11 (air quality) and Condition 16 (LEMP). Land to the north east of King George V Playing Fields Northaw Road East Hertfordshire Cuffley EN6 4RD. 6/2022/0356/RM - Application for Approval of Reserved Matters (appearance, means of access, landscaping, layout and scale) following the grant of Outline Planning Permission 6/2019/2162/OUTLINE for the erection of 39 dwellings, Land south-west of Filbert Close Hatfield AL10 9SH. 6/2021/0456/MAJ - Demolition of existing car showroom and erection of three storey block of flats comprising of 9 No 2 bedroom flats & 3 No 1



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			<p>bedroom flats, with associated access, parking, amenity space and landscaping. 71 Station Road, Cuffley, Potters Bar, Herts. EN6 4HZ.</p> <ul style="list-style-type: none"> 6/2020/3418/MAJ - Demolition of existing single dwelling and replacement with 37 dwellings (30 apartments and 7 houses, inc 12 affordable units) together with landscaping, amenity, revised pedestrian and vehicular access, car and cycle parking. Sandyhurst, 1 Welwyn By Pass Road, Welwyn AL6 9HT. <p>In relation to iii.:</p> <p>There are not considered to be any 'big proposals' involving other development/uses that are relevant to the application and that the Examining Authority should be aware of since it was submitted. However, the local planning authorities have drawn attention to the following planning applications upon which decisions are awaited (pre-dating 27th February).</p> <p>Dacorum:</p> <ul style="list-style-type: none"> <u>Appeal inquiry for Land East of Tring¹ (ref. 22/01187/MOA): 22/01187/MOA Hybrid application (with access details of two main access points from Bulbourne Road and Station road in full and the main development on the rest of the site in outline with all matters reserved) for the demolition of all existing buildings on the site and the development of up to 1,400 dwellings (including up to 140 use class C2 dwellings); a new local centre and sports /community hub, primary school, secondary school, and public open spaces including creation of a suitable alternative natural green space. Land East of Tring.</u> <p>Stevenage:</p> <ul style="list-style-type: none"> <u>21/00356/FPM Full planning permission for the erection of 390 dwellings (including 117 affordable dwellings and 4 self-build plots), a cricket pitch and/or football pitches with temporary community shop (Use Class E/F2), public open space and amenity space (including children's play), associated landscaping and ecological enhancements, internal highways, parking, footpaths, cycleways, drainage, utilities, service infrastructure, acoustic bunding and fencing, improvements to existing access routes across A1(M) via Six Hills Way, Bessemer Drive, Redcar Drive and Meadway (including a new underpass at Meadway and associated accommodation/engineering works) and highway improvements along Chadwell Road. Outline planning permission for up to 1,110 dwelling units (including 30% affordable housing</u>

¹ <https://planning.dacorum.gov.uk/publicaccess/applicationDetails.do?keyVal=RA2VHRFO00800&activeTab=summary>



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			<p><u>and self-build plots), principal employment area (up to 10,000 sq.m Use Class E(g) space), a residential care home (up to 72 beds) and up to 400sq.m Use Class E space, a mixed use local centre (Use Class C3 and up to 900 sq.m of Use Class E/F2 Space), a neighbourhood square (including mobility hub and up to 150 sq.m of Use E/F2 Space), a primary school (up to 3FE), a mobility hub with flexible community workspace adjacent to the Meadway underpass, a pavilion and mobility hub adjacent to the cricket and/or football pitches, public open space and amenity space (including children's play), sport facilities (including informal multi-use games area), associated landscaping and ecological enhancement works, acoustic bunding and fencing, internal highways, parking, footpaths, cycleways, drainage, utilities, service infrastructure and future connections into safeguarded land in North Hertfordshire, and a new car park and pavilion at Meadway Playing Fields (with some matters reserved). This application is accompanied by an Environmental Statement.</u></p> <p>In terms of the three questions:</p> <p>i. Are there any applications/permissions which impact upon the Proposed Development?</p> <p>It is highly unlikely that any of the proposed developments identified would individually or collectively, impact upon the Proposed Development.</p> <p>ii. Are there any applications/permissions which might be impacted by the Proposed Development?</p> <p>Of the applications listed above, those underlined <u>thus</u> appear to be within Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] (Figure 18.3 Simulation Network) and those in italics <i>thus</i> appear to be within Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1). For applications underlined and in italics <i>thus</i> appear to be within both documents.</p> <p>Whilst a number of the applications/permissions identified above are within the Simulation Network, it is considered highly unlikely that they would experience any discernible impact from the Proposed Development.</p> <p>It is reasonable to assume those applications/permissions within the Air Noise Zone of Influence would be impacted by the Proposed Development.</p> <p>iii. Do i. and ii, impact upon the ES conclusions?</p> <p>The Host Authorities consider that this is a matter principally for the Applicant to take a view on as the responsible party for the Environmental Statement (and with detailed knowledge of development proposals taken account of by the Environmental Statement) and will await the Applicant's response to this question with interest. However, the Host Authorities are of the opinion that it is unlikely applications and permissions since 27th February 2023 would have any significant implications for the ES or indeed any other assessment associated with the</p>



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			application. 21/00356/FPM], whilst strictly speaking is outside the timeframes of BCG.1.4, is a substantive development within the Air Noise Zone of Influence and is within the LAeq,T and other noise metrics of the Environmental Statement. This is however, a longstanding development proposal and it is highly likely will have been factored into the Environmental Statement by the Applicant.
Air Quality and Odour			
AQ.1.1	Joint Host Authorities	Post-covid air quality data trends Provide air quality monitoring status reports for 2023, where not already provided.	These documents have been submitted in the following Appendices: <ul style="list-style-type: none"> Appendix 21 - St Albans Air Quality Annual Status Report 2023 Appendix 22 - Stevenage Air Quality Annual Status Report 2023 Appendix 23 - Dacorum Air Quality Annual Status Report 2023 Appendix 24 - North Herts 2023 Air Quality Annual Status Report 2023 Appendix 25 - Welwyn Hatfield Air Quality Annual Status Report 2023
Biodiversity			
BIO.1.2	Natural England and Joint Host Authorities	Nitrogen deposition Provide comment on the appropriateness of applying the approach advocated in the 'Design Manual for Roads and Bridges' to the Local, District and County Wildlife Sites, protected habitats and protected species given the potential sources of nitrogen from the Proposed Development. As part of this, confirm if you are satisfied, or not, with the use of 0.4 kg/N/ha/yr as a maximum dose threshold applied as an average. The effects of atmospheric NOx (nitrogen oxides) and NO2 on all receptors are screened out [AS-027, paragraph 8.5.59] because the equivalent concentrations of sulphur dioxide are not anticipated. Confirm whether or not you agree with this approach.	The Host Authorities are aware that the 0.4 kgN/ha/yr Threshold, as referenced by the Applicant in the ES Volume 5 Chapter 8 Biodiversity Revision 1 [AS-027], originates from Natural England Commissioned Report NECR210 and would defer to Natural England's opinion on this matter. The Natural England Report can be found in Appendix 20. The Host Authorities are aware of the advice concerning the effects of NOx and NO2 as given on the Air Pollution Information System (APIS) website , which is hosted by the UK Centre for Ecology and Hydrology on behalf of organisations including Natural England and would defer to Natural England's opinion on this matter.
BIO.1.4	Joint Host Authorities	Citations for Wildlife Sites Provide citations for all County, District and Local Wildlife Sites listed in Table 8.12 of Chapter 8 [AS-027].	Citations have been submitted as Appendices 26 (HERC Citation (Burnt Wood)) and 27 (HERC Citation (Winch Hill Wood)).
Compulsory Acquisition and Temporary Possession of land and rights			
General questions			
CA.1.2	Affected Persons and Interested Parties	Known inaccuracies. Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [APP-011], Statement of Reasons [AS-071] or Land Plans [AS-011] and [AS-024]? If so, please set out what these are and provide the correct details.	No.
How it is intended to use the land, alternatives and whether rights sought are legitimate, proportionate and necessary			



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CA.1.4	All relevant planning and highway authorities and National Highways	<p>Reasonable alternatives/ necessity</p> <p>In your roles as the Local Planning Authority and the Highway Authority are you aware of:</p> <ol style="list-style-type: none"> 1. Any reasonable alternatives to Compulsory Acquisition (CA) or Temporary Possession (TP) for land sought by the Applicant? 2. Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired. 	No.
Draft Development Consent Order			
Articles			
DCO.1.3	Joint Host Authorities	<p>Article 24 – compulsory acquisition of land</p> <p>For precision should paragraph 2 include more articles e.g., 26, 31, 32, 33, 39 and a reference to Schedule 8</p>	<p>The general approach of applying the compulsory acquisition power to the land within the Order Limits and then imposing restrictions on the exercise of that power over land that is proposed to be only possessed temporarily or subject to the acquisition of rights or the imposition restrictive covenants, is well precedented. In principle, there is no reason to also include a longer list of provisions in relation to which the power is to be subject.</p> <p>However, the Host Authorities note that the definitions in article 2(1) of “Order land” and “Order limits” appear to be functionally the same, covering all of the land within the Order Limits and as a consequence article 36(1)(a) would appear to authorise the compulsory acquisition of statutory undertaker’s land that would otherwise be restricted by article 27(2) (compulsory acquisition of rights and imposition of restrictive covenants) and article 33(1)(a)(i) (temporary use of land for carrying out the authorised development). This does not appear to be the Applicant’s intention as there is no discussion of the effect in the Explanatory Memorandum and the Applicant is requested to clarify its intentions in this regard. While this is a matter for the relevant statutory undertakers to satisfy themselves, the Host Authorities are concerned for the potential disruption to key utilities, and the consequent effects to residents, arising from the inadvertent consequences of this drafting approach.</p>
DCO.1.8	Applicant, Relevant Highways Authorities and Statutory Undertakers	<p>Article 37 – Apparatus and rights of statutory undertakers in stopped up streets</p> <p>Is this article necessary given you are not stopping up any streets?</p>	While this is a matter predominantly for the statutory undertakers concerned, the Host Authorities note that the term “street” is defined in article 2(1) by reference to the definition for that term contained in section 48 of the New Roads and Street Works Act 1991. That definition is sufficiently wide to encompass the public rights of way proposed to be stopped up under article 14. As such the Host Authorities consider that there is the potential need for article 37.
DCO.1.10	Joint Host Authorities	<p>Article 47 – defence to proceeding in respect of statutory notice</p> <p>As currently drafted the article carves out a significant number of paragraphs from the Environmental Protection Act 1990 and would also cover both construction and operation. Are you satisfied with the paragraphs that are being carved out and if not, why not?</p>	The Host Authorities acknowledge that section 158 of the Planning Act 2008 provides a defence in civil and criminal proceedings for nuisance subject to any contrary provision in the relevant DCO and that article 47 is intended by the Applicant to be such a contrary provision, as it acknowledges in its Explanatory Memorandum.



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			<p>Paragraphs 4.60 to 4.62 of the Airports National Policy Statement, submitted in Appendix 28, is relevant in that urges the examination of possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and under sections 76 and 77 of the Civil Aviation Act 1982 and advises the Examining Authority to consider the how the possible sources of nuisance might be mitigated.</p> <p>The Applicant has prepared a Statement of Statutory Nuisance [APP-169], Table 3.1 of which considers each of the categories of statutory nuisance under section 79(1) of the Environmental Protection Act 1990.</p> <p>Table 3.1 indicates that it is the Applicant's view that:</p> <ul style="list-style-type: none"> • (c) (fumes or gasses from private dwellings) is not relevant to its Proposed Development; • (fb) (artificial light emitted from premises) is not relevant to its Proposed Development; • (h) (any other matter declared by any enactment to be a statutory nuisance) is not relevant to its Proposed Development. <p>Each of section 79(1)(c), (fb) and (h) are proposed to be subject to the statutory authority defence provided by article 47, which is surprising given that it is the Applicant's case that these grounds of nuisance are not engaged by its proposals. It is therefore not clear why the statutory authority defence ought to apply to categories of nuisance which are not anticipated by the Applicant to arise.</p> <p>In relation to the other grounds for which the Applicant seeks the statutory authority defence (which includes (e) dust and odour, (g) noise emitted from premises (ga) noise emitted by vehicles or plant in a street) the Host Authorities have set out elsewhere in submissions their concerns in relation to how these matters have been assessed in the Applicant's Environmental Statement.</p> <p>The key point is that the Host Authorities will be content with the scope of the proposed statutory authority defence only when satisfied that the Applicant's mitigation proposals, and how they are secured through the provisions of the draft Order, is sufficient to prevent a statutory nuisance arising or, if one were to arise, sufficiently enforceable to enable remedial action to be enforced under the provisions of the Order.</p>
DCO.1.11	Joint Host Authorities and Interested Parties	<p>Article 52 – arbitration</p> <p>In order to manage expectation and ensure consensus should further detail about how the arbitration process would work be included in a Schedule?</p>	<p>The Host Authorities are content with the level of detail in article 52 and note that its current terms provide a degree of flexibility to the arbitrator and the parties to establish a dispute resolution procedure that is proportionate to the matter in dispute.</p>
Requirements			
DCO.1.13	Applicant and Joint Host Authorities	<p>Requirement 10 – Landscape and biodiversity management plan</p> <p>Should (1) include the requirement for the relevant planning authority to consult with Natural England?</p>	<p>Relevant planning authority will consult with Natural England.</p>



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DCO.1.14	Applicant and Joint Host Authorities	<p>Requirement 18 – Interpretation</p> <p>To improve precision should the interpretation of Level 2 Plan (b) have ‘including timescales’ inserted after implementation ie ‘the proposed programme for the implementation including timescales’?</p> <p>Mitigation Plan (a) includes the phrase ‘as soon as reasonably practicable’ how does this meet the test for precision and enforceability?</p> <p>Slot regulations are defined with respect to Airport Slot Allocation Regulations 2006 – does the drafting need to allow for any future variation of those regulations e.g. ‘or successor Regulations’?</p> <p>Technical panel a) refers to Environmental Scrutiny Group (ESG) which isn’t included in interpretations (as it’s covered by Requirement 20), but should this be in full? And for precision after ESG should ‘as set out in the terms of reference’ be included?</p>	<p>The Host Authorities support the amendment suggested by the Examining Authority in relation to timescales.</p> <p>In relation to the use of the phrase “as soon as reasonably practicable” in the definition of “Mitigation Plan” the Host Authorities do have some concerns. In view of the fact that the Applicant has set what it considers to be the maximum acceptable “Limits”, it is of critical importance to residents that exceedances of the Limits are mitigated promptly. In the context of the exceedance of a Limit it is reasonable to anticipate that the undertaker will have taken action, via a Level 2 Plan to avoid exceeding a Limit and yet, despite those efforts, an exceedance of a Limit has nonetheless occurred. When seen in that context a duty to prepare a Mitigation Plan that must include measures designed to avoid an exceedance of a Limit “as soon as reasonably practicable” is likely to be largely without teeth; “reasonably” practicable methods are likely to have been tried and will have failed.</p> <p>A more appropriate formulation, which reflects the escalating nature of the proposed Green Controlled Growth Framework would be “(a) details of the proposed mitigation and actions which are designed to <u>promptly</u> avoid or prevent exceedances of a Limit; and”</p> <p>It is generally unnecessary to include in a statutory instrument a reference to ‘successor Regulations’ but in view of the key role that these provisions play in regulating the Proposed Development, such drafting could be appropriate in the circumstances.</p> <p>The Host Authorities are content that the terms of reference in relation to the ESG are adequately secured by paragraph 20(4) and consider that conformity with the terms of reference is better secured via an operative provision in the body of the requirement instead of being left to a definition in the interpretation provisions.</p>
DCO.1.15	Applicant and Joint Host Authorities	<p>Requirement 20 – Environmental Scrutiny Group</p> <p>Paragraph 2</p> <p>Applicant: A number of organisations have raised concerns about the appointment of the independent chairperson and independent aviation specialist, the concern being that, whilst their appointment would need to be approved by the Secretary of State, their selection would be by Luton Borough Council in consultation with the airport operator – what do you think could be done to alleviate these concerns?</p> <p>Paragraph 6</p> <p>Everyone: As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?</p>	<p>The Host Authorities do not have an issue with the undertaker establishing the technical panels in accordance with the requirements of the DCO – on the basis this is something that practically needs to happen / is procedural.</p>
DCO.1.16	Applicant and Joint Host Authorities	<p>Requirement 23 – Exceedance of Level 2 threshold</p> <p>Paragraph 2</p>	<p>While this part of the question is directed to the Applicant, the Host Authorities are content that a body such as the ESG is capable of “certifying” a matter for the purposes of requirement 23.</p>



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		<p>Applicant: As drafted this refers to the ESG certifying that a Level 2 threshold has been exceeded. Given the ESG is not a regulatory body, can it certify this, or should it be 'confirmed in writing'?</p> <p>Paragraphs 4 and 6</p> <p>Sets out that the ESG have 21 days to approve or refuse a plan, otherwise it is a deemed consent. Unlike other requirements this does not include the 'unless otherwise agreed in writing' tailpiece so, as drafted, there is no flexibility to extend the timescale by agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p>	<p>The Host Authorities have set out elsewhere their concerns with the adequacy of the Green Controlled Growth mechanism and their concerns with the timescales related to it. Given the need to assemble the representatives of the ESG, consider what may be quite considerable submissions and take the necessary technical advice 21 days is too short a determination period. The Host Authorities would suggest that a period of 8 weeks to be appropriate. This would be the equivalent to the time afforded to a local planning authority to determine an application for planning permission for development that is not major development under article 34(2)(b) of the Town and Country Planning (Development Management Procedure) Order 2015. This period is both challenging, recognising the importance of bringing forward nationally significant infrastructure promptly, whilst also being realistic in relation to the logistical and technical challenges posed by the GCG mechanism and its deemed consent provisions. Of course, in the circumstances where the production of a Level 2 Plan is necessary, the constituent members of the ESG will be incentivised to take the decisions necessary to ameliorate the adverse effects of the Proposed Development as promptly as it is able to do so.</p> <p>In relation to the drafting point, the Host Authorities would welcome the addition of wording that would enable the ESG and undertaker to agree in writing to vary the determination periods referred to in the question.</p>
DCO.1.17	Luton Borough Council and the Applicant	<p>Requirement 28 – Fixed plant noise management plan</p> <p>Further to ISH5 and the Joint Host Authorities' post hearing submissions, confirm whether agreement has been reached on the 10 decibels (dB) below background noise levels criteria for the Fixed Plant Noise Mitigation Plan? Applicant: Why is there a difference between the consented scheme and the current application? Both: Should the noise levels be secured in the requirement?</p>	<p>The Applicant has agreed to the criterion of 10 dB below background for fixed plant noise.</p> <p>The Fixed Plant Noise Mitigation Plan is secured under Part 4 of the Draft Development Consent Order [REP3-003]. Fixing noise levels within this plan may hinder accurate assessment of plant items against relevant Limits, given that it is not yet known over what periods plant items will be running, as one example.</p>
DCO.1.19	Joint Host Authorities	<p>Requirement 39 – Application of Part 8 of the Planning Act 2008</p> <ol style="list-style-type: none"> 1. As currently drafted, this would appear to seek to limit the requests for enforcement action to the two scenarios listed in the requirement. Is this appropriate? 2. As currently drafted, there is no right of appeal against a situation where a request for enforcement action has been declined. Should there be and should this be dealt with by Article 52 (arbitration), or should the appeal be to the Secretary of State? 	<ol style="list-style-type: none"> 1. The Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report [REP1A- 003] why requirement 39 would not permit an enforcement request to be made by a specified local authority where there is a failure to produce a Level 2 Plan or Mitigation Plan and where there is a failure to act appropriately in relation to future airport capacity declarations. The Applicant's response to this submission is set out in Hertfordshire Host Authorities' Response to the Applicant's Responses to Local Impact Report [REP3-090] to note "where appropriate the Applicant will provide a response at Deadline 3 alongside an updated DCO". As the updated DCO does not appear to address the issue the above referenced Host Authorities can only assume that the Applicant disagrees but is not clear on the Applicant's reasons for disagreeing. 2. The Host Authorities are considering the extent that it would be desirable to include a provision allowing an appeal to the Secretary of State under this provision.



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			<p>However, the Host Authorities consider that it would be inappropriate to make a disagreement in relation to the taking, or otherwise, of regulatory enforcement action to be subject to arbitration. To do so would result in an authority subjecting the exercise of its statutory functions to an appointed independent person who, while that person may have the necessary expertise and capacity to manage a dispute, would lack a democratic mandate.</p>
DCO.1.20	Joint Host Authorities	<p>Phasing</p> <p>Many of the requirements refer to 'no part of the authorised development may commence until a...for the construction of that part has been submitted to...'. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced.</p> <p>In order to manage the discharge of requirements and to ensure certain elements of the scheme don't come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting</p>	<p>The Host Authorities responded to this issue during in their Issue Specific Hearing 1 – Draft Development Consent Order Post Hearing Submission [REP3-108], see in particular the post hearing note under paragraph 2.14. In summary the Host Authorities are not currently seeking a specific phasing requirement but do wish to ensure that there is a need for clarity around what constitutes a part. The Host Authorities undertook to review the Applicant's written responses in this regard.</p> <p>The Applicant's response is contained in section 5.4 of its Post Hearing Submission for Issue Specific Hearing 1 [REP3-048]. The Applicant's response indicates that it will consider additional drafting to assist the relevant planning authorities to keep track of which "parts" of the project are being discharged for Deadline 4.</p> <p>The Host Authorities look forward to reviewing the Applicant's considered response and will provide an update to the Examining Authority once they have had the opportunity to review the Applicant's deadline 4 submissions.</p>
DCO.1.21	Applicant and Joint Host Authorities	<p>Decommissioning</p> <p>Should the draft DCO include a requirement to deal with decommissioning? If not, why not? If it should, provide suitable drafting, and given the duration of the Proposed Development, consider whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?</p>	<p>The Host Authorities note that the assessment of decommissioning was scoped out of the Environmental Impact Assessment and that much of the built infrastructure of London Luton Airport exists currently.</p>
DCO.1.22	Applicant and Joint Host Authorities	<p>Register of requirements</p> <p>Given the number of proposed requirements that would require discharging, some of which would need to be discharged multiple times over an extended period of time, is a requirement that would require the undertaker to establish and maintain an electronic register of requirements that require further approvals needed? If not, why not? And if yes would the suggested drafting below be appropriate?</p> <p>Suggested Drafting:</p> <p>(1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the joint host authorities and other interested bodies a register of those requirements contained within Part 1 of this schedule that provide for further approvals to be given by the relevant planning authority, the relevant highway authority or the Secretary of State.</p>	<p>The Host Authorities are supportive of a requirement for the Applicant to maintain a publicly accessible register in relation to the requirements included in the draft Order.</p> <p>The general thrust of the suggested drafting is appropriate, but it there is scope for it to be more closely integrated within the drafting of Schedule 2. In particular, it is important that the scope of the requirements to be included in the register includes both the construction matters included in Part 2 and the operational matters included in Part 4, together with any application to amend the approved details in under paragraph (2), which is contained in Part 1. Given the importance of making public the requirements governing operation for the duration of the operation of the Proposed Development, it is not appropriate for the obligation to maintain the register cease after 3 years of operation.</p> <p>The Host Authorities suggest the following amendments and would welcome engagement with the Applicant on the proposed drafting for a requirements register.</p> <p>(1) The undertaker must, as soon as <u>is</u> practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection</p>



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		<p>(2) The register must set out in relation to each requirement the status of the requirement in terms of whether any approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.</p> <p>(3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</p>	<p>by members of the public, the <u>relevant planning authorities</u> joint host authorities and other <u>relevant persons, interested bodies</u> a register of those requirements contained within Parts 1, 2 and 4 of this Schedule that provide for <u>further any consent, agreement or approvals to be given by a discharging body</u>, the relevant planning authority, the relevant highway authority or the Secretary of State.</p> <p>(2) The register must set out in relation to each <u>such</u> requirement the its status of the requirement in terms of whether any <u>application has been made to a discharging body and whether or not any consent, agreement or approval has been granted, together with approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given</u>, providing an electronic link to any document <u>comprised in such an application or in details that have been approved, consented to or agreed</u>, containing any approved details.</p> <p>(3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</p> <p>The above amendments would require the definition of “discharging body” contained in paragraph 37(1), to be moved to paragraph 1(1).</p>
DCO.1.24	Joint Host Authorities, any other public authority, body or organisation affected by the Proposed Development and Interested Parties	<p>Missing requirements</p> <p>Review the requirements as drafted. If you consider that there are requirements that are currently not included provide details including any preferred drafting and an explanation of why they would need to be included.</p>	<p>The Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council joint Local Impact Report [REP1A- 003] set out the results of its initial review of, among other matters, the requirements included in the draft DCO. A consistent theme arising from that review is that the efficacy of the requirements relies on the suitability of the underlying subordinate outline documents, plans and strategies. The Host Authorities are proceeding on the basis that agreement can be reached on the necessary technical details but if this proves not to be the case the Host Authorities reserve their position and will table the proposed requirements necessary to address their outstanding concerns.</p> <p>See response to Written Question PED.1.2 in relation to masterplanning.</p>
GCG.1.4	All Local Authorities and CAA	<p>GCG - Appendix C – Annex C1 DCO noise model assumptions</p> <p>Confirm whether the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling.</p>	<p>The points listed in a-j are acceptable, noting that these are followed by the following caveat in the Green Controlled Growth Framework Appendix C – Aircraft Noise Monitoring Plan [REP3-023], “<i>Departure from the above parameters/assumptions, such as the use of more up-to-date software methodologies, shall be allowable if agreed with the GCG Noise Technical Panel.</i>” This caveat is also acceptable.</p> <p>It is the Host Authorities’ expectations Thankthat the model used within the DCO (or the specific inputs within the model) is to be passed to the relevant body / company to undertake future modelling, rather than a new model developed from scratch. This is based on discussions held with the Applicant and would prevent any</p>



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			unintended differences between future modelled contour sizes and those stated within the application documents.
GCG.1.5	All Local Authorities	Quota Counts Confirm whether the approach to calculating day and night-time quota counts in Noise Envelope – improvements and worked example [REP2-032] would form an acceptable basis for noise control on exceedance of a Level 1 and Level 2 thresholds.	<p>The approach taken to using Quota Counts (QC) as forward planning indicators is set out in Section 5.1 Improvement #1 in the Noise Envelope – Improvements and Worked Example [REP2-032].</p> <p>As set out, equivalent QCs would be calculated for noise contour areas (Threshold 2 and GCG noise Limit), which are then used to allow slot capacity declarations. This process would be an internal tool for the Airport Operator and appears a sensible and acceptable way to control exceedances of Threshold level 2 and Limits.</p> <p>The internal QC process only proposes once Threshold level 1 is exceeded. In the Host Authorities' view however, it would be far more appropriate to maintain this internal QC process at all times, firstly to ensure that there cannot be a jump from below Threshold 1 to above Limit in such a short timeframe that a breach cannot be prevented; and secondly to avoid slot allocations being declared that potentially cannot be withdrawn.</p> <p>Separately, within Section 5.1, it states that one outcome of the internal QC process would be, "as part of the bi-annual process⁸ of slot management and capacity declaration," with footnote 8 reading, "Twice each year, once for winter and once for summer".</p> <p>Given that the only noise control proposed through GCG covers solely the summer 92-day period (against the expectations of the Host Authorities), it is not clear why the internal QC process would be involved in allocating winter slots, as there is no corresponding Limit against which to compare the equivalent QC.</p>
GCG.1.12	Applicant and Joint Host Authorities	<p>GCG Appendix A – Draft ESG Terms of Reference [REP3-019]</p> <p>Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from "where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present" to "where the independent chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present".</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>The Host Authorities understand that the rationale for reducing the Quorate to independent chair, independent aviation specialist and slot allocation expert relates to a review of the Terms of Reference by the Applicant to ensure that the ESG could still function if there were a failure (however unlikely) to secure 50% of the other members. Given the importance of the role of ESG the Host Authorities are of the view that their engagement in ESG and the decisions that it makes is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of other members to be present. The text should be returned to "where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present".</p>
GCG.1.13	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from "where the independent technical expert and at least 50% of any other approved representatives (as per</p>	<p>The Host Authorities understand that the rationale for reducing the Quorate to where the independent technical expert is present relates to a review of the Terms of Reference by the Applicant to ensure that Technical Panels could still function if there were a failure (however unlikely) to secure 50% of other approved representatives. Given the importance of the role of the Technical Panels the Host Authorities are of the view that their engagement in them is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable</p>



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		<p>Paragraph B2.1.7) are present” to “where the independent technical expert is present.”</p> <p>Joint Host Authorities: Is this change acceptable and if not, why, not?</p>	<p>representation of approved representatives to be present. The text should be returned to “where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present”.</p>
GCG.1.15	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1.</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>No. If it is considered there needs to be some form of provision made for Technical Panels not meeting, then it should be crafted in a manner where it is assumed that meetings will happen unless there is agreement of membership otherwise.</p>
Need			
NE.1.6	Applicant, All Local Authorities and Harpenden Society	<p>Exports</p> <p>The Need Case [AS-125, Section 4.4] focuses on trade and the percentage of exports in goods by sector for this region where it is stated 30% of Gross Value Added (GVA) in the East of England derives from exports, reflecting that the region has a strong international focus with growing need for international connectivity. Given that the Need Case identifies limited growth in cargo operations, where any additional cargo would only occur when longer haul flights are potentially introduced in the later phases of the development, how significant a contribution could growth at the airport have to exports in the East of England?</p>	<p>Focussing on cargo growth as the primary measure of how expansion at London Luton Airport can drive exports is perhaps not the right way to look at this issue.</p> <p>Undoubtedly, the export of cargo goods is important, and the airport will have an important role to play enabling the transportation of high value exports - the Need Case at para 4.3.6 highlights that Luton, the Three Counties and the Six Counties, have above average employment in High Tech Manufacturing clusters. The graphs included highlight for example Stevenage, Welwyn Hatfield, Chiltern, East Hertfordshire and South Bucks having double the rate of employment in High Tech Manufacturing compared to the national average. Stevenage, is known to be on track to develop into the most important cluster in the field of cell and gene therapy across Europe. This is important, high value export output. It does not necessarily however equate to high tonnage, as much of the area’s output is in high value R&D fields involving international collaboration.</p> <p>Section 4.4.3 of the Need case is perhaps on the right lines highlighting the dominance of services activities – stating that these account for around 77% of regional GVA in the East of England (compared to the average of 75% for regions outside of London).</p> <p>Although not highlighted in the Need case, there is a weight of research evidence that can be drawn upon to highlight the importance of airports as growth generators – for example, Sven Conventz, and Alain Thierstein², which points to how airports and their vicinities are no longer perceived as purely transportation nodes, but are now seen as advantageous business locations offering a crucial competitive advantage – accessibility and rapid global connectivity. They draw the link between airport location and the clustering of Knowledge Economy businesses – defining these as the combination of advanced producer services (finance, insurance etc) and companies working in high-technology sectors.</p> <p>PwC have also looked at the issue preparing their report entitled Econometric Analysis to Develop Evidence on the Links Between Aviation and the Economy,</p>

² Sven Conventz, and Alain Thierstein, *Airports reconsidered, An emerging knowledge-economic-based space*, 48th ISOPCARP congress, 2012.



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			<p>(PwC, 2013). Their work attempts to quantify the link, reporting that a 10% increase in seat capacity increased the UK's goods exports by 3.3%, goods imports by 1.7%, service imports by 6.6% and service exports by 2.5%.</p> <p>Therefore, the issue of the importance of the airport's growth to exports in the East of England is a more nuanced argument which should consider not only the export of high value goods (as cargo), but the importance of the role of the airport as a hub that can play an increasingly important role in driving information and knowledge exchange, and therefore supporting the growth of high value service sectors of the area's economy.</p> <p>The Need Case does not set these arguments out particularly well, and undoubtedly more analysis could be provided to highlight these links.</p> <p>The Host Authorities look forward to the Applicant's response to this question an Deadline 4 and will comment further should that be necessary.</p>
NE.1.11	Joint Host Authorities and <u>Chris Smith</u> Aviation Consultancy Limited	<p>Impacts on forecasting assumptions</p> <p>In respect of the comments made in the Initial Review of DCO Need Case [REP2-057, paragraph 3.37], which sets out potential weaknesses in the assumptions used by York Aviation, what effect of Brexit, long term effects of the pandemic and the Russian invasion of Ukraine have on the forecast assumptions? Would this be a major effect on the forecast assumptions or simply delay the anticipated growth?</p>	<p>These potential weaknesses in the economic growth assumptions from these known events (in addition to any arising from 'unknown unknowns') will delay growth. On their own, these three known events should not have a major effect. However, they should be considered alongside other delays which could arise from the weaknesses in the price assumptions and Dr Smith's predicted 5 to 7 year delay from the underestimation of the capacities of Heathrow and Gatwick (since these airport operators will strive to make maximum use of their runways in the absence of caps on passenger throughput).</p>
Physical Effects of Development and Operation			
Design			
PED.1.2	Applicant (1 only), Luton Borough Council (1 and 2), and All Local Authorities (2 only)	<p>Masterplan</p> <p>It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011- 2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to date Airport Master Plan published by the operators of London Luton Airport and adopted by Luton Borough Council.</p> <p>1. Are the proposals in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport which has been adopted by Luton Borough Council? If yes, please submit details.</p> <p>2. If no, should there be a requirement added to the draft DCO for a detailed masterplan to be developed post-consent to set out in more detail how the Proposed Development would be delivered, including phasing of works?</p>	<p>The Aviation Policy Framework (APF) 2013, submitted in Appendix 29, contains a range of expectations about the role of master plans. For example:</p> <ul style="list-style-type: none"> • The primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. • The Government recommends that airports continue to produce master plans. We recommend that they are updated at least once every five years. • The Government also recommends that Airport Operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. • Airport Operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area. <p>Annex B of the APF sets out the Government's suggested content of master plans – forecasts, infrastructure proposals, safeguarding and land/property take, impact on people and the natural environment; and proposals to minimise and mitigate impacts.</p> <p>Aviation 2050 'The Future of UK Aviation, submitted in Appendix 30, contains a commitment to update the 2013 Aviation Policy Framework Guidance to help</p>



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			<p>airports in completing surface access strategies and master plans. The Jet Zero Strategy, submitted in Appendix 31, states that Government will work with airports, other government departments, local authorities, and other interested bodies to help airports in England improve their surface access through developing Master Plans and Surface Access Strategies.</p> <p>Whilst more latterly, the approach of Government appears to place master plans within a surface access context, the Host Authorities are of the view that the principles and objectives of master plans set out in the APF remain relevant and continue to be Government expectations. If consented, the DCO will approve a wide range of very substantive works to be brought forward over a lengthy time period but with considerable uncertainty surrounding when those works will be brought forward. A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon its intentions to bring forward the development over short-, medium- and longer-term time horizons. The Host Authorities would support the addition of a requirement for a post-consent detailed masterplan to be developed, consulted on and approved and suggest that the requirement should be crafted for that masterplan to be subject to regular review to reflect delivery uncertainty.</p>
Historical Environment			
PED.1.11	Joint Host Authorities	<p>Heritage Assets scoped out of the ES</p> <p>Comments have been raised in submissions raising concerns that designated heritage assets have been scoped out of the assessment that should have been included. Based on the content of Section 10.7 of ES Chapter 10, can you advise what assets should be included in the assessments that appear to have been scoped out and why?</p>	<p>There are two separate issues linked to Section 10.7 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077]:</p> <ol style="list-style-type: none"> 1) Appendix 10.2 Cultural Heritage Gazetteer [APP-073] notes that designated heritage assets are scoped out on the basis that <i>'The setting of this asset does not extend into the Site.'</i> This language lacks clarity. A brief overview of why these assets have been scoped out should be contained either in Section 10.7 of Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077] or Appendix 10.1 Desk-based Assessment [APP-072], to provide greater transparency as to why assets were scoped out of the assessment. 2) Section 10.7 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077], notes at paragraph 10.7.38 and paragraph 10.7.44 that <i>'quietness'</i> does not contribute to the setting of specified heritage assets. Paragraph 10.7.44 of the ES refers to registered parks and gardens located in the Host Authorities specified at paragraph 10.7.43: <ul style="list-style-type: none"> • Grade II* Knebworth Registered Park and Garden (National Heritage List for England (NHLE) ref: 1000255); • Grade II* Temple Dinsley Registered Park and Garden (NHLE ref: 1000919); • Grade II Ayot House Registered Park and Garden (NHLE ref: 1000905); and



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			<ul style="list-style-type: none"> Grade II The Hoo, Kimpton Registered Park and Garden (NHLE ref: 1000912). <p>Tranquillity or 'quietness' is often an important component of the setting of registered parks and gardens. Although setting may be changed by later developments (including current aircraft movements, as well as from other sources such as roads or urban development), the Proposed Development could further change the setting of these assets. This is in line with Historic England's Good Practice Advice (GPA) 3, submitted in Appendix 32, which addresses cumulative change: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset."</p> <p>The issue of cumulative change also applies to the Grade I St Paul's Walden Bury Registered Park and Garden (NHLE ref: 1000150), which is noted as scoped in at paragraph 10.7.41 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077] (the impact assessment is at paragraphs 10.9.86 to 10.9.88).</p>
PED.1.15	Applicant and Joint Host Authorities	<p>Cultural Heritage Management Plan (CHMP)</p> <p>Applicant: The CHMP [APP-077, paragraph 10.1.3] states that if the local planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10m of the remains until provision has been made for further investigation and recording in accordance with details set out in a Site Specific Written Scheme of Investigation (SSWSI) which will be submitted to, and approved in writing by, the relevant local planning authority in consultation with Historic England, as applicable. The wording 'which will be submitted to, and approved in writing by, the relevant local planning authority' implies that the relevant local planning authority are automatically bound to approve a SSWSI. Please reword this paragraph.</p> <p>Joint Host Authorities: Section 2.1 of the CHMP states that the Applicant would appoint an Archaeological Clerk of Works (ACoW) who would manage the programme of archaeological investigation and ensure compliance with the CHMP and each SSWSI. Are the councils content that the appointment process of the ACoW, who would ultimately have responsibility amongst other matters for ensuring compliance with the DCO, rests solely with the Applicant? If not, should provision be made for the local authorities to approve the appointment of the ACoW?</p> <p>Joint Host Authorities: Except for Section 9 in respect of air quality monitoring at Someries Castle, which is subject to further review, are you otherwise in agreement with the measures in the CHMP?</p>	<p>Provision does not need to be made for the Host Authorities to approve the appointment of the Archaeological Clerk of Works, as this is not normally a role that requires Host Authority approval – it is an internal project appointment. While the Environmental Statement – Appendix 10.6 – CHMP [APP-077] does include provision for the archaeological advisors to the Host Authorities to ensure adherence to the CHMP and each approved SSWSI at regular site meetings, it would be helpful to include a definition of their role in Section 2 of the CHMP, which should also include brief details of sign-off and document review processes.</p> <p>The Host Authorities agree with the measures in the Environmental Statement – Appendix 10.6 – CHMP [APP-077].</p>
PED.1.16	Applicant and Joint Host Authorities	<p>Methodology</p>	<p>The Host Authorities agree that the terminology in respect of conflating impact and effect is confusing. The generally recommended approach is to combine magnitude of effect with sensitivity of the receptor, to determine a level of effect as set out in</p>



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		<p>Chapter 14 of the ES [AS-079, paragraph 14.5.7] advises of the distinction between the terms 'impact' and 'effect' in the Guidelines for Landscape and Visual Impact Assessment third edition (2013) (GLVIA3) and that the term 'impact' should not be used to mean a combination of several effects. The paragraph then goes on to state that the Landscape and Visual Impact Assessment (LVIA) varies from this advice and refers to 'magnitude of impact,' even when describing a combination of several effects. Chapter 5 of the ES [AS-075, paragraph 5.4.40] states that to provide consistency across topics within the Environmental Assessment, the methodology as described in Chapter 5 will be adopted, although where topic-specific alternatives exist (following industry-wide guidance or best practice) these have been presented within the relevant aspect assessment chapters of this ES.</p> <p>Applicant: Given the guidance in GLVIA3, which contains a topic-specific alternative, explain further why the term 'magnitude of impact' has been used as opposed to 'magnitude of effect' when judging the significance of effects in the LVIA. Explain further why this variance does not compromise the assessment, as stated in paragraph 5.6.1 of Appendix 14.1 of the ES [AS-036].</p> <p>Joint Host Authorities: Do you have any comments on the approach adopted to the methodology and use of terminology in the LVIA?</p>	<p>sections 3.23 - 3.36 of the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). The Host Authorities request further clarification on this matter.</p>
PED.1.17	Applicant and Joint Host Authorities	<p>Methodology</p> <p>Applicant: Appendix 14.1 of the ES [AS-036, Tables 5.3 and 6.8] sets out the judgements of the magnitude for both landscape and visual impacts being recorded as high, medium, low, very low or no change for both adverse and beneficial. Recognising the comments in ES Volume 5, Appendix 1.4 [APP047, page 77/ electronic page 80], please explain further: 1. why a category of 'very high' has not been included but a 'very low' category has; and 2. the extent to which the inclusion of a 'very high' category, or removal of the 'very low' category, would change the assessment of effects.</p> <p>Joint Host Authorities: Noting the comments on this point in the report by Vincent and Gorbng - Response to Scoping Report (on behalf of the host authorities) [APP-168], Electronic Page 184 (report page 46) in paragraphs 4.148 and 4.149, please provide further comments on this matter and a response to point 2 above.</p>	<p>The word 'scale' used by the Applicant is considered by the Host Authorities to be appropriate. A very low magnitude is included for situations where the change would be minimal or barely perceptible, but it may be discernible. An alternative descriptor sometimes used for this scenario is 'negligible'. The Host Authorities agree that the use of 'very low' is appropriate. It does not necessarily follow that a very high descriptor needs to be included to balance the very low. A medium magnitude of change would remain medium regardless of whether there were 'high' and 'very high' categories or just a 'high' category.</p> <p>It should also be noted that the guidance in Guidelines on Landscape and Visual Impact Assessment – 3rd Edition (GLVIA3), states that there should not be an over reliance on word scales and the use of matrices to mechanically determine the level of effect. The use of professional judgement should take precedence.</p>
PED.1.19	Applicant and Joint Host Authorities	<p>Assessment of Significant Effects</p> <p>Applicant: There appear to be some discrepancies in the assessment of significance effects in Appendix 14.5 of the ES [AS-139]. For example, in the table in Section 2 'Construction Phase 2a – Visitors to Wigmore Valley Park' (page 41) the assessed effect is to remain a moderate adverse effect which is stated to be 'not significant' but Phase 2b, which is considered to</p>	<p>It can be considered acceptable to have a moderate effect which can be either significant or not significant, which is dependent on professional judgement. In this case the assessor has qualified the assessment by stating that "<i>The Proposed Development is assessed to deteriorate the visual amenity experienced by this receptor but only from a few locations.</i> Presumably, this is the professional judgement which has led to the non-significant assessment. However, the matter is</p>



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		<p>also have a 'moderate adverse' effect, is stated to be 'significant'. Explain why a different conclusion on significance is reached for the same judged effect? If this is a typographical error, please review all findings to ensure that the correct assessment of effects is reported.</p> <p>Joint Host Authorities: Are you in agreement with the assessment findings on significant effects on the receptors assessed in Appendices 14.4 [AS-086] and 14.5 [AS-139]? If not, advise where disagreement on the findings exist and how this may affect conclusions.</p>	<p>somewhat confused by the statement in the Environmental Statement Chapter 14 Landscape and Visual [AS-079] that, "Major and Moderate environmental effects are considered 'significant' for the purposes of this ES, whilst Minor and Negligible are considered 'not significant.'"</p> <p>The Host Authorities are generally in agreement with the findings of the landscape and visual assessments set out in Environmental Statement Appendix 14.4 Detailed Landscape Revision 1 [AS-086] and Environmental Statement Appendix 14.5 Detailed Landscape Revision 2 [AS-139].</p>
PED.1.23	Applicant, All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board	<p>Chilterns Area of Outstanding Natural Beauty (AONB) Sensitivity Test [APP-107]</p> <p>Applicant: Paragraph 2.4.2 states that extension to the boundary of the Chilterns AONB would neither change the judgements of magnitude of impact resulting from the Proposed Development nor those on the sensitivity of a visual receptor. This is because judgements on sensitivity are a product of the activity one is performing when experiencing a view, which would not be altered by the future designation of this land.</p> <p>Please explain further the rationale for this statement, given that introducing a statutory landscape designation would likely increase the value of the receptor and its susceptibility to change.</p> <p>All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board:</p> <p>Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?</p>	<p>The Host Authorities agree that judgements relating to the magnitude would not change but disagree that the sensitivity of the receptor would not change. Judgements on sensitivity are a combination of value, which is likely to increase because of the AONB designation, and susceptibility which may be related to the activity being undertaken when experiencing a view. In this case, value is likely to increase, and susceptibility is likely to remain the same, resulting in an overall increase in sensitivity. In turn, this is likely to result in an increased level of effect for some receptors.</p>
PED.1.30	Applicant and Hertfordshire Authorities	<p>Light Obtrusion Assessment / Night-time assessment</p> <p>Applicant:</p> <ol style="list-style-type: none"> 1. Explain the extent of consultation that has been undertaken when identifying the key receptors that are most likely to be affected by light obtrusion. 2. Aside from sky glow, given concerns that have been raised in Relevant Representations (for example [RR-0636] and [RR-0903]) regarding the extent of lighting omitted from buildings within the airport, such as the existing multi storey car park, to what extent does the light obtrusion assessment assess the effects of lighting omitted from proposed buildings forming part of the Proposed Development to surrounding rural areas, such as Breachwood Green? <p>Hertfordshire Authorities: [REP1-069, page 63] requests submission of a night-time assessment based on the LVIA Methodology rather than simply relying on the light obtrusion assessment.</p>	<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is likely to result in different levels for some receptors as identified in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], submitted by the Applicant. Sensitivity for individual receptors would be individually determined rather than being determined by categories as set out in Table 4.2. Sensitivity of receptor to light obtrusion. In this table the typical example for Medium receptor sensitivity is 'Dwelling'. In assessments based on LVIA night-time methodologies, residents would typically be determined to be High sensitivity receptors rather than Medium. There are also concerns that the examples provided as High or Very High sensitivity receptors, are ecological or heritage based rather than landscape and visual.</p> <p>The assessment does not consider effects from transient lighting sources such as moving cars and aircraft P.9 Section 3.13. This is considered by the Host Authorities to be a limitation of the assessment and matters which would normally be addressed in a night-time assessment. There are also concerns regarding the significance matrix (Table 4.4) of the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], which may lead to underrepresenting the level of effect e.g. In the table High sensitivity and Low magnitude indicates a Minor effect whereas typically in LVIA methodologies this would be Moderate.</p>



ExA Ref.	Question To	Question	Host Authorities' Response
		<p>1. Do you therefore disagree with the findings in Table 8.3 of the light obstruction assessment that there would be no significant effects through light obstruction? If so, please advise where those areas of disagreement are.</p> <p>2. Do the councils have any planning guidance in respect of lighting that can inform the proposals? If so, please submit this.</p> <p>3. Aside from the Chilterns AONB, are there any other sensitive receptors that the lighting obstruction assessment should include, such as views from rural villages and areas to the east of the airport?</p>	<p>The Host Authorities do not have confidence in the outcomes presented in Table 8.3 of Environmental Statement – Appendix 5.2 Light Obstruction Assessment Part A [APP-052], based on the reservations about the methodology expressed above and analysis of the night-time photography illustrated in Appendix B and the day-time Accurate Visual Representation (AVR) [REP-010, 011, 012, 013 and 014]. It is considered likely that the assessment underrepresents the level of effect for some receptors particularly as perceived from the more rural landscape to the east of the Proposed Development. Viewpoint 10B, Footpath (Offley 01) is an example where the Host Authorities consider the level of effect is underrepresented. A Negligible level of effect has been determined but the introduction of lighting associated with the large-scale structures illustrated in the AVR is likely to introduce a level of effect which is considerably higher.</p> <p>Viewpoint 34 represents the views from Footpath (Kings Walden 006) immediately to the south of Breachwood Green referenced in the relevant representations [RR-0636] and [RR-0903]. Inset B1.43 HDR image Viewpoint 34, P.62 in the Environmental Statement – Appendix 5.2 Light Obstruction Assessment Part A [APP-052], illustrates the night-time baseline. It is evident that lighting associated with the existing airport, features prominently in the view. It is anticipated that lighting associated with the Proposed Development would add to the overall influence of lighting within the night-time environment and introduce a level of effect which was higher than <i>Negligible</i> as determined in the assessment, but the magnitude of change is unlikely to be higher than <i>Low</i>. To some extent the level of effect will be dependent on the detailed design of the proposed built environment, the mitigation measures proposed, and the methodology as discussed earlier in this response.</p> <p>The Host Authorities have limited guidance in respect of lighting, although paragraphs 111 to 113 of the North Hertfordshire District Council Local Development Framework Design Supplementary Planning Document (SPD) July 2011 are relevant. The SPD is submitted in Appendix 33.</p> <p>There are many instances in this rural landscape to the East where buildings and associated lighting will be introduced into skyline views. Viewpoint 30, representing the views from Footpath (Kings Walden 052) to the west of Breachwood Green and Viewpoint 41 representing the views from The Fox Inn, Darley Road are other examples where this is likely to occur.</p>
PED.1.32	All Local Authorities	<p>Landscape and the planning balance</p> <p>Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.32] concludes that, allowing for mitigation measures, landscape and visual impacts should be accorded only limited weight in the planning balance. Do you agree that landscape and visual impacts should only be accorded limited weight? If not, why not and what weight should they be given?</p>	<p>The Host Authorities disagree that the landscape and visual impacts should be given only limited weight in the planning balance. The visual impact of erecting large-scale buildings on an elevated plateau, in a landscape recognised for its local landscape value, would be difficult to mitigate against. Furthermore, the increase in overflights could potentially impact on the special qualities of the Chilterns AONB. Accordingly, greater weight should be given to the landscape and visual impacts.</p>
Socio-economic Effects			
Social Effects			



ExA Ref.	Question To	Question	Host Authorities' Response
SE.1.1	Applicant and Joint Host Authorities	<p>Equity</p> <p>The New Economics Foundation [REP1-114, paragraphs 75 to 79] have highlighted that key impacts of the scheme have not been assessed through an equity lens. Why has this assessment not been undertaken and given the emphasis that has been placed on how the Proposed Development would contribute to delivering the levelling up agenda should it be and, if not, why not?</p>	<p>The importance of the airport within the local economy, as a driver of economic growth and as a key asset that will help the local area recover from the impact of the Covid-19 pandemic is highlighted in the Need case at paragraphs 2.4.23 to 2.4.30.</p> <p>Para 2.4.25 of the Needs Case points to Luton Council setting up the Luton Inclusive Growth Commission in late 2018 as an independent body tasked with investigating how to develop an inclusive economy in Luton and to overcome specific barriers to inclusive growth. The Commission highlighted poverty and inequality as being among the most important issues in Luton.</p> <p>The Luton 2020-2040 Inclusive Economy Strategy that followed notes that the airport is a major asset to Luton and its local economy and that securing the airport's recovery and growth in line with what is being proposed will help to support further economic growth and deliver new jobs for local people.</p> <p>Para 2.4.30 of the Need Case points to the work to deliver Luton Council's Inclusive Economy Strategy, the importance of growing the economy to provide more high-value and well-paid jobs for local residents and driving growth in key sectors and at the airport. It points to the airport being one of the key economic strengths of the area in terms of supporting recovery post Covid-19 pandemic.</p> <p>However, airports and the jobs they support provide a range of jobs across skill levels, and providing a balance of high and lower paid roles is as important in the delivery of any inclusive growth strategy as is the objective of emphasising the importance of high value jobs. The jobs growth projected as a result of the airport's growth will provide this balance of job roles and opportunities. The Needs case could perhaps draw this balance argument out a little more than it does.</p>
Economic Effects			
SE.1.10	Applicant and Joint Host Authorities	<p>Monitoring</p> <p>The ES [APP-037, paragraph 11.13.1] concludes that there would be no requirement for continued monitoring during construction or operation of the Proposed Development.</p> <p>Applicant: Provide further detail as to how this conclusion was reached.</p>	<p>Monitoring of jobs growth, access to jobs by local residents would seem to be an important part of monitoring the socio-economic impact of the growth of the airport on the local economy over time.</p> <p>It is noted for example, that the average earnings of the 3,100 airport jobs taken by workers within the Luton area have an average worker wage of c. £26,200 (2019). This is well below the average airport wage of £41,100 (page 17 of Oxford Economics' report), which suggests Luton workers are not accessing the higher paid jobs at the airport. This suggests that it would be highly beneficial for the proposals to be linked closely to a robust Skills and Employment plan that can raise skill levels over time for Luton area airport workers to help them access the higher value jobs at the airport.</p> <p>If periodic monitoring is not undertaken, then it will be very difficult to track how and whether jobs and skills benefits for local people can improve over time as the airport grows.</p> <p>It is understood that the proposed Employment and Training Strategy would be secured through the S106 agreement.</p>
Health and Community Effects			



ExA Ref.	Question To	Question	Host Authorities' Response
HAC.1.3	Applicant and Joint Host Authorities	<p>Joint Strategic Needs Assessment (JSNA)</p> <p>The ExA requests that the Applicant and the Joint Host Authorities meet to agree any specific datasets relating to local health inequalities within the JSNA document(s) relevant to the Proposed Development that are necessary to ensure that the assessment, receptor selection and any consequent mitigation is representative of the likely significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.</p>	<p>The Host Authorities note this request, welcome a meeting with the Applicant and will continue these discussions with the Applicant through the Statement of Common Ground process.</p>
HAC.1.15	Joint Host Authorities	<p>Need for requirements in relation to health and wellbeing</p> <p>The Joint Host Authorities' LIR [REP1A-003, paragraphs 7.8.7 to 7.8.9] concludes that the Proposed Development would create adverse health and wellbeing effects on residents during operation and recommends that additional requirements should be included in the draft DCO to mitigate this negative impact. Please provide further detail of the requirements that should be included, including any preferred drafting.</p>	<p>With reference to Local Impact Report Para 7.8.9 [REP1A-003]:</p> <p>The Host Authorities acknowledge the Errata Report [REP1-015] submitted by the Applicant which removed the significant effect previously identified during the operational phase of the Proposed Development.</p> <p>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.</p> <p>Local residents should be provided with a clear process by which they can raise concerns with the Applicant, particularly as there are likely to be effects, such as noise, which arise during the operational phase.</p> <p>Currently, community engagement is encouraged on the London Luton Airport website with the provision of email addresses to contact. The Host Authorities suggest engagement could be supported and improved by the provision of a specific forum and/or a named point of contact (such as a Community Liaison Officer) for local residents to reach out to, and request that provision for such resource is included in the draft DCO. Refer to response at DCO.1.24 above in relation to general comments on the drafting of requirements.</p>