

November 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.84 Applicant's response to Deadline 4 Hearing Actions

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.84

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.84 Applicant's Response to the Examining Authority's Deadline 4
Hearing Actions**

Deadline:	Deadline 4
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.84
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	November 2023	Additional Submissions – Deadline 4

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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority (ExA). It provides the Applicant's response to the Action Points arising from Compulsory Acquisition Hearing (CAH) 1 and Issue Specific Hearings (ISH) 1-6 requested by the ExA for Deadline 4.

1.1.2 The Applicant has reviewed and responded to all relevant action points for Deadline 4 from the following documents:

- a. **Action Points from Compulsory Acquisition Hearing 1, held on the afternoon of 26 September 2023 [EV5-007];**
- b. **Action Points from Issue Specific Hearing 1, held on the morning of 26 September 2023 [EV6-007];**
- c. **Action Points from Issue Specific Hearing 2, held on the morning of Wednesday 27 September 2023 [EV7-006];**
- d. **Action Points from Issue Specific Hearing 3, held on the afternoon of 27 September 2023 [EV8-008];**
- e. **Action Points from Issue Specific Hearing 4, held on the morning of 28 September 2023 [EV9-007];**
- f. **Action Points from Issue Specific Hearing 5, held on the afternoon of 28 September 2023 [EV10-006]; and**
- g. **Action Points from Issue Specific Hearing 6, held on 29 September 2023 [EV11-009].**

1.1.1 Where possible, the Applicant has responded to each action point within Table 2.1. For actions which require a more detailed response, a reference to the appropriate document is included.

1.2 Structure of document

1.1.2 This document is structured as follows:

- a. Section 1: Introduction and document structure
- b. Section 2: Applicant's response to ExA's Action Points at Deadline 4.

2 APPLICANT'S RESPONSE TO ACTIONS FOR DEADLINE 4

1.1.3 The Applicant's response to the ExA's Action Points required at Deadline 4 are included in **Table 2.1**.

Table 2.1: Applicant's Responses to Examining Authority's Action Points at Deadline 4

Ref No.	Description of Action Point	Applicant's response
Compulsory Acquisition Hearing 1		
1	Bespoke protective provision for the benefit of Affinity Water to be inserted into Schedule 8.	Discussions with Affinity Water are continuing. Affinity Water has confirmed that they do not require bespoke protective provisions to be added to the Draft DCO. A side agreement is being progressed.
2	Bespoke protective provision for the benefit of Network Rail to be inserted into Schedule 8.	Discussions with Network Rail are continuing. The Applicant is seeking to ascertain whether "standard" Network Rail protective provisions are appropriate in Schedule 8 (as opposed to e.g. a side agreement), given the relatively limited nature of the impact of the Project on Network Rail land. At this stage the Applicant has not inserted any protective provisions for Network Rail in the Draft DCO, and anticipates providing a further update at Deadline 5.
3	Bespoke protective provision for the benefit of Thames Water to be inserted into Schedule 8 or Applicant to provide a version of its proposed drafting.	Discussions with Thames Water are continuing. Thames Water has confirmed that they do not require bespoke protective provisions to be added to the Draft DCO. A side agreement is being progressed.
4	Bespoke protective provision for the benefit of Cadent Gas to be inserted into Schedule 8 or Applicant to provide a version of its proposed draft.	Bespoke protective provisions for Cadent Gas have been inserted into Schedule 8 of the Draft DCO submitted at Deadline 4. The form of protective provisions are agreed between the parties subject to the conclusion of an appropriate side agreement to address additional points of detail around the operation of specific provisions.
5	Confirmation as to whether a bespoke protective provision for the benefit of Eastern Power Networks Plc and UK Power Network Operations Ltd is to be inserted into	The Applicant continues to pursue a response from UK Power Network Operations Ltd and Eastern Power Networks on this matter. At present, the Applicant does not envisage bespoke

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	Schedule 8 or whether the Part 1 provision for the protection of electricity, gas, water and sewage undertakers is to be amended to address Eastern Power Networks Plc and UK Power Network Operation Ltd.	protective provisions being added to the Order. The Applicant notes that Part 1 of Schedule 8 will apply to UK Power Network Operations Ltd and Eastern Power Networks.
6	Bespoke protective provision for the benefit of National Highways to be inserted into Schedule 8.	The Applicant has been engaging positively with National Highways on the form of protective provisions. Many aspects have been resolved, with a number of points still under discussion. The Applicant has included its proposed protective provisions for National Highways in the version of the Draft DCO submitted at Deadline 4. It is emphasised that discussions are continuing, and if further drafting changes are required as a result of those discussions then these will be implemented at subsequent deadlines.
7	Bespoke protective provisions for the local highway authorities to be agreed.	The Applicant remains in discussion with local highway authorities on the form of protections they require for their highway assets, be that side agreements and / or protective provisions. As such, protective provisions for local highway authorities have not been added to the Draft DCO at this stage. The Applicant anticipates providing a further update on this at Deadline 5.
9	Continue discussions with the Eldridge family and provide ongoing updates regarding the status of negotiations with the aim to have a voluntary agreement in place before the close of the Examination.	Discussions continue with the Eldridge family and good progress is being made to resolve the areas of concern. The aim of having a voluntary agreement being in place before the close of the examination is on course.
10	Confirmation whether the proposed hedgerow works in relation to the Bloor Homes plots would be required for screening or ecological enhancement purposes. Continue discussions with Bloor Homes and provide ongoing updates	The Applicant's agent has written to the solicitors representing Bloor Homes and a response is awaited. It has become apparent that the landowners and option holder have been progressing issues regarding the Proposed Development separately and as a

Ref No.	Description of Action Point	Applicant's response
	regarding the status of negotiations with the aim to have a voluntary agreement in place before the close of the Examination	result work is required to align their requirements so that matters raised in the examination can be addressed. The aim of having a voluntary agreement in place before the close of the examination is on course.
11	Check the representation made by London Luton Limited [RR-0857] to assess whether this is an objection to Compulsory Acquisition and if not to be removed from the Compulsory Acquisition Schedule.	This action was addressed at Deadline 3 in the Status of Negotiations - Compulsory Acquisition Schedule [REP3-041] .
12	Ryebridge Construction to be removed from the Compulsory Acquisition schedule.	This action was addressed at Deadline 3 in the Status of Negotiations - Compulsory Acquisition Schedule [REP3-041] .
13	The Compulsory Acquisition Schedule [REP2A-003] to be checked to make sure that the plots listed reflect the plots listed in the Book of Reference [APP-011] .	This action was addressed at Deadline 3 in the Status of Negotiations - Compulsory Acquisition Schedule [REP3-041] .
14	Provide an assessment of the current use of the proposed replacement land for the replacement of Wigmore Valley Park (including informal use).	This action has been addressed in the document submitted at Deadline 4 titled, Applicant's Response to Compulsory Acquisition Hearing 1 Actions 14-17: Wigmore Valley Park [TR020001/APP/8.85] .
15	Provide a quantitative (or semiquantitative) assessment of the distances travelled by users of Wigmore Valley Park by car and foot. Provide an equivalent assessment of the distances that would need to be travelled to the proposed new park. This should take into consideration the distance that must be travelled into the park to obtain an equivalent quality of experience depending on the purpose of the visit.	This action has been addressed in the document submitted at Deadline 4 titled, Applicant's Response to Compulsory Acquisition Hearing 1 Actions 14-17: Wigmore Valley Park [TR020001/APP/8.85] .
16	Provide a qualitative assessment of the experience of park users, including (but not limited to) outlook, openness and	This action has been addressed in the document submitted at Deadline 4 titled, Applicant's Response to Compulsory

Ref No.	Description of Action Point	Applicant's response
	character. Refer to the Relevant Representations to determine what people value when undertaking this assessment.	Acquisition Hearing 1 Actions 14-17: Wigmore Valley Park [TR020001/APP/8.85].
17	Confirm that the existing Wigmore Valley Park would not be developed until the replacement park is 'open' and explain where this is secured in the draft Development Consent Order. Provide a definition of 'open'.	This is secured in the updated Code of Construction Practice [TR020001/APP/5.02] - submitted at Deadline 4 – please refer to paragraph 12.1.1 (e) of that document. The Applicant has updated the wording of the Code of Construction Practice (CoCP) to make clear that it will maintain access to and not commence construction works within the existing Wigmore Valley Park until the replacement open space is accessible to the public. The Applicant does not consider a separate definition of “open” necessary in light of the above amendment to the CoCP.
18	Confirm how the Community Trust would be secured, what it would involve, and the timescales associated with it and how this would differ from the management of the proposed replacement park that would be delivered under the Green Horizons Park consent.	<p>The establishment of the Community Trust will be secured in the section 106 agreement. The same management model as was intended to be the case for the replacement park in the Green Horizons Park permission is proposed to be used for the Proposed Development.</p> <p>The Community Trust will be set up as a registered charity. Initial membership of the trust would be comprised of Luton Borough Council, North Hertfordshire Council and the Applicant. Once it is established the Trust would open itself up to local residents. A long lease of the park would be granted to the Trust. The timing of the establishment of the Trust is being considered and will be discussed with the relevant local authorities.</p>
19	Provide information regarding the assessment of alternatives to the removal of the existing land at Wigmore	The alternatives to the removal of existing land at Wigmore Valley Park included the addition of Option 1d added to the Options to be

Ref No.	Description of Action Point	Applicant's response
	<p>Park. This should include consideration of why multistorey car parks are not proposed and why brownfield land to the south west of the airport is not proposed to be utilised.</p>	<p>assessed at Sift 3 following feedback from the non-statutory consultation in 2018. This option retained Wigmore Valley Park in its entirety with a new terminal building further east. Further information on this option and the Sift process can be found within Design and Access Statement Volume I Section 4.5 [AS-049] and Appendix B [APP-211].</p> <p>Chapter 3 Alternatives and Design Evolution [AS-026] of the Environmental Statement (ES), sections 3.314-19 detail the car parking appraisal that was carried out. Inset 3.5 shows the alternative sites considered for car parking, including four brownfield areas to the south west of the airport. Two of the brownfield sites are retained in the Proposed Development (Work Nos 4h & 4g), however the other areas were not taken forward as the land is either not owned by the Applicant or accessibility issues related to the proposed alignment of Airport Access Road would have created difficulties in accessing the plot of land, in turn leading to operational issues.</p> <p>Each car parking site was appraised in terms of its suitability for four types of parking arrangement, including multi-storey (MSCP), decked parking (two level parking solution), block parking (surface level parking with higher density of spaces to economise space) and surface level parking as described in Chapter 3 Alternatives and Design Evolution [AS-026] of the ES. Key considerations in determining the combination of car parking sites included using brownfield sites as a preference, removing car parking locations on Green Belt land and removal of a potential site within the existing</p>

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		<p>Wigmore Valley Park as described within Section 3.319 of Chapter 3 Alternatives and Design Evolution [AS-026] of the ES.</p> <p>In terms of car parking included in the Proposed Development within the footprint of Wigmore Valley Park, when the Proposed Development is fully realised there will not be any public surface car parking within Wigmore Valley Park. Temporary surface parking is proposed in Phase 1 (Car Park P6, Work No. 4l(01) and P7, Work No. 4m(01)) predominantly as a replacement to the existing long stay parking which is reduced (Car Park P5, Work No. 4k(01)). At assessment Phase 2a car park P5 would become a decked car park. P7 is partially built over with the new Terminal 2. At assessment Phase 2b car park P7 is built over with a multi-storey car park P12 and P6 reverts to others uses within Green Horizons Park which includes a MSCP.</p>
20	Include details of Crown land within the Compulsory Acquisition schedule and provide an update on the current progress of negotiations.	This action was addressed at Deadline 3 in the Status of Negotiations - Compulsory Acquisition Schedule [REP3-041] .
24	Provide detail to the compensation document to include guidance as to what evidence a resident would be required to provide to demonstrate that a lack of sale was due to the Proposed Development.	This action has been addressed in the updated Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] document submitted at Deadline 4 – please refer to section 5.1.6.
25	Provide evidence to demonstrate that the insulation offer still provides a meaningful contribution to insulation. Include in this work an assessment in relation to the cost to listed building homeowners in preparing consent applications in relation to compensation work.	An analysis has been carried out on the most recent cost to insulate properties under the current noise insulation scheme. Guide costs are:


Ref No.	Description of Action Point	Applicant's response															
		<table border="1"> <thead> <tr> <th data-bbox="1120 354 1592 395">Description of Works</th> <th data-bbox="1592 354 2078 395">Indicative Cost 2023 prices</th> </tr> </thead> <tbody> <tr> <td data-bbox="1120 395 1592 443">Small to Medium size window</td> <td data-bbox="1592 395 2078 443">£1,000</td> </tr> <tr> <td data-bbox="1120 443 1592 491">Medium to Large size window</td> <td data-bbox="1592 443 2078 491">£1,500</td> </tr> <tr> <td data-bbox="1120 491 1592 571">5 Sided Bay Window (lounge or front bedroom)</td> <td data-bbox="1592 491 2078 571">£3,000</td> </tr> <tr> <td data-bbox="1120 571 1592 619">Patio doors</td> <td data-bbox="1592 571 2078 619">£2,500</td> </tr> <tr> <td data-bbox="1120 619 1592 667">Ventilation</td> <td data-bbox="1592 619 2078 667">£100 per window</td> </tr> <tr> <td data-bbox="1120 667 1592 707">Loft Board Insulation</td> <td data-bbox="1592 667 2078 707">£60 per sq metre</td> </tr> </tbody> </table>	Description of Works	Indicative Cost 2023 prices	Small to Medium size window	£1,000	Medium to Large size window	£1,500	5 Sided Bay Window (lounge or front bedroom)	£3,000	Patio doors	£2,500	Ventilation	£100 per window	Loft Board Insulation	£60 per sq metre	<p>Under the proposed scheme this means that with a £20,000 contribution, insulation could be provided to a 4-5 bedroom house with kitchen diner, rear door, patio doors and 5-sided bay window at the front. With a £6,000 grant, insulation could be provided to 5 or 6 standard windows, 5-sided bay windows lounge and front bedroom, or patio doors and 2 or 3 windows, or patio doors and a 5-sided bay window. With a £4,000 grant, insulation could be provided to 3 or 4 standard windows, a 5 sided bay window and 1 standard window, or patio doors and 1 large window. To complete loft board insulation throughout a typical 3 bedroom house would cost in the order of £3,000.</p> <p>The Applicant has introduced a mechanism to review the grant threshold amounts in the updated Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] submitted for Deadline 4.</p>
Description of Works	Indicative Cost 2023 prices																
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		<p>The Applicant has spoken to an architects practice and a technical drawing services business, both in Luton regarding a theoretical scenario of replacing windows and doors in a Grade 2 listed 4 bed detached house in Luton Borough Council's (LBC's) administrative area. The cost range was stated to be between £1,500 and £3,000 which would cover a site visit, the design / production of plans (current and proposed), completion of application documents and the LBC planning fee.</p> <p>Based on the Applicant's research all listed properties in the area of search are Grade 2, the only Grade 1 listed property being a property on the Luton Hoo Estate.</p> <p>The current policy obliges the owner to meet costs associated with securing consent. The latest draft policy offers affected parties a contribution of £500 towards costs associated with securing listed building consent which it was intended would cover the application and planning application fee but not design and production of plans which could be in a very broad range when looked at on a case-by-case basis. Reimbursement of actual costs of this nature to a homeowner would require an additional process of governance to control expenditure and complicate accelerated roll out of the noise mitigation.</p> <p>However, the Applicant will increase the stated contribution in the policy to align with this market research, to make a payment of up</p>

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		to £2,500 per listed building. Homeowners faced with this additional step will be eligible for a payment being a contribution towards those costs, reasonably and properly incurred, up to a maximum of £2,500. Once the homeowner has accepted the offer, the Applicant will advance funds where required to enable the homeowner to apply for and secure the consent. This to be paid in advance and retained whether the application is successful or not. This update has been reflected in the Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] document submitted at Deadline 4.
29	Produce a set of minimum requirements for the noise insulation testing policy, to provide certainty regarding the future process.	Minimum requirements for the noise insulation testing regime have been added in an update to Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] submitted at Deadline 4.
32	Revise plans to more clearly show the difference between proposals for hedgerow works and access for these works.	This action has been addressed on the Applicant's Response to Issue Specific Hearing 6 Action 30 and Compulsory Acquisition Hearing Action 32: Hedgerow restorations proposals plan [TR020001/APP/8.104] submitted at Deadline 4.
Issue Specific Hearing 1		
10	Applicant to provide the information requested in Annex F part 13 in the Rule 6 letter in respect of a plan showing the Green Horizons Park (GHP) scheme overlaid with the relevant elements of the Proposed Development that would supersede/ replace those elements of the GHP consent and to provide further details on the comments made regarding the relationship between the Proposed Development and	This action has been addressed in Applicant's Response to Issue Specific Hearing 1 Action 10: Green Horizons Park and the Proposed Development [TR020001/APP/8.87] submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
	Green Horizons Park and the provisions sought in Article 45.	
14	Applicant to review Requirement 6 to provide assurances on the accuracy of the parameters sought.	<p>The parameters stated in Schedule 2 of the Draft DCO [REP3-003] have been calculated and checked for consistency across all documents and drawing packs where required.</p> <p>Since ISH 1 a consistency check has been completed between the Work Plans [AS-012 to AS-017], Schedule 1 and Schedule 2 of the Draft DCO [REP3-003], and Chapter 4 The Proposed Development [AS-074] of the ES – the Work areas, heights and volumes quoted are consistent and accurate between the documentation.</p> <p>An example of how the work area parameters were initially defined and checked is as follows; the boundary of each Work area (as shown on the Work Plans [AS-012 to AS-017]) was selected directly from AutoCAD, the area within the boundary was taken and documented.</p> <p>In regard to the inconsistencies found within 4C(02) as discussed in ISH1 the following should be noted:</p>

Ref No.	Description of Action Point	Applicant's response														
		<p>4C(02) Values in Schedule 2 of the Draft DCO [REP3-003]:</p> <table border="1" data-bbox="1128 488 2069 759"> <thead> <tr> <th data-bbox="1128 488 1344 660"><i>(1) Element of authorised development</i></th> <th data-bbox="1344 488 1440 660"><i>(2) Work No.</i></th> <th data-bbox="1440 488 1563 660"><i>(3) Maximum building height (metres)</i></th> <th data-bbox="1563 488 1686 660"><i>(4) Maximum parameter height (metres AOD)</i></th> <th data-bbox="1686 488 1812 660"><i>(5) Maximum work area (m²)</i></th> <th data-bbox="1812 488 1937 660"><i>(6) Maximum volume in m³</i></th> <th data-bbox="1937 488 2069 660"><i>(7) Notes</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="1128 676 1344 759">Fuel Pipeline – above ground installation</td> <td data-bbox="1344 676 1440 759">4c(02)</td> <td data-bbox="1440 676 1563 759">4.6</td> <td data-bbox="1563 676 1686 759">140.4</td> <td data-bbox="1686 676 1812 759">8,355</td> <td data-bbox="1812 676 1937 759">38,600</td> <td data-bbox="1937 676 2069 759">N/A</td> </tr> </tbody> </table> <p>4C(02) as described in the ES Chapter 4 [AS-074]:</p> <p><i>4.8.27 The Work area of the fuel pipeline connection point would occupy approximately 460m², in a total work area of 8,355m, with a surface level of approximately 134.8m to 135.8m AOD It would have a maximum building height of 4.6m giving a maximum parameter height of 140.4m AOD.</i></p>	<i>(1) Element of authorised development</i>	<i>(2) Work No.</i>	<i>(3) Maximum building height (metres)</i>	<i>(4) Maximum parameter height (metres AOD)</i>	<i>(5) Maximum work area (m²)</i>	<i>(6) Maximum volume in m³</i>	<i>(7) Notes</i>	Fuel Pipeline – above ground installation	4c(02)	4.6	140.4	8,355	38,600	N/A
<i>(1) Element of authorised development</i>	<i>(2) Work No.</i>	<i>(3) Maximum building height (metres)</i>	<i>(4) Maximum parameter height (metres AOD)</i>	<i>(5) Maximum work area (m²)</i>	<i>(6) Maximum volume in m³</i>	<i>(7) Notes</i>										
Fuel Pipeline – above ground installation	4c(02)	4.6	140.4	8,355	38,600	N/A										

Ref No.	Description of Action Point	Applicant's response
		<p>4C(02) as per the Work Plan [AS-015]:</p>  <p>Drawing LLADC0-3C-ACM-AIR-FFA-DR-CE-0005 within the General Arrangement Drawings [AS-019], shows the proposed Above Ground Installation (AGI) compound area as 460m². The Work area (4c(02)) is larger than the proposed AGI compound area to allow for flexibility of location of fuel pipeline connection point and construction space. The Work Plan area is 1708m² and the pipeline area is 6647m². This provides the overall area of 8,355m² as quoted in Schedule 2 of the Draft DCO [REP3-003]. Note the access road to the compound is shown as Work No 6d.</p>
15	Applicant and Host Authorities to make written submission on the comments made regarding Requirement 7.	In view of the comments made in ISH1 and ISH6, in written submissions by Interested Parties, and in response to the Examining Authority's first written questions, the Applicant has made substantial revisions to Requirements 5 and 7 in the Draft

Ref No.	Description of Action Point	Applicant's response
		<p>DCO submitted at Deadline 4. Requirement 7 has been merged and expanded into amended Requirement 5 (now "<i>Detailed design, phasing and implementation</i>").</p> <p>Amended Requirement 5 references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised. Provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity.</p> <p>Provision has been made for a Register of Requirements (new paragraph 36) so that a public record of approved works is maintained. Lastly, it should be noted that existing paragraph 35 permits the relevant planning authority to request further information before discharging a requirement.</p> <p>It is envisaged that the detailed design discharging process would, in practice, be a collaborative exercise as between the undertaker and the relevant planning authority.</p>
20	Applicant to confirm answer to the question from the ExA as to what is the maximum number of slots for the current airport could deliver	This action is addressed in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth –

Ref No.	Description of Action Point	Applicant's response
		<p>Transition Period and Slot Allocation Process [TR020001/APP/8.86], submitted at Deadline 4.</p>
21	<p>Applicant to set out constraints in the slot allocation process through the transition period.</p>	<p>This action is addressed in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [TR020001/APP/8.86], submitted at Deadline 4.</p>
22	<p>National Highways and the Applicant to agree an appropriate resolution to membership of the Environmental Scrutiny Group (ESG).</p>	<p>National Highways and the Applicant met on Friday 20 October to discuss this issue in more detail. At this meeting, the Applicant explained the basis on which membership of the ESG has been proposed, which is set out in Paragraph 2.4.12 of the Green Controlled Growth Explanatory Note [REP3-015] as follows:</p> <p><i>“Luton Rising believe it is important for the ESG to include representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. Luton Rising believe that a role on the ESG in this case is proportionate and relevant, but where a local authority is only forecast to experience impacts in one area a role on the relevant Technical Panel would be more appropriate.”</i></p> <p>On this basis the Applicant does not consider it appropriate for National Highways to have a role on the ESG, as only surface access-related impacts associated with the Proposed Development are relevant to National Highways as an organisation. In addition, National Highways only has responsibility</p>

Ref No.	Description of Action Point	Applicant's response
		<p>for managing part of the transport infrastructure impacted by the Proposed Development.</p> <p>It is also understood that National Highways concerns relate to their ability to control congestion and highway safety impacts on the M1, for which they are the highway authority. The Green Controlled Growth Framework [REP3-017] has been established to ensure that non-sustainable mode share for passengers and staff does not exceed Limits but will not monitor and mitigate highway impacts at specific locations for which alternative mechanisms, such as the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA), exist.</p> <p>It is understood that National Highways accept this and will not seek membership of the ESG provided their role on the Surface Access Technical Panel is secured but will confirm their position in writing as part of their Deadline 4 submission.</p>
24	Applicant to set out the steps in establishing the ESG.	This action is addressed in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [TR020001/APP/8.86] , submitted at Deadline 4.
26	Applicant to advise on the timeline and process for implementation of a local rule (under the slots regulations) and then whether it is possible to remove a slot once it has grandparent rights.	This action is addressed in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [TR020001/APP/8.86] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
27	The ExA suggests that Schedule 9 is reviewed in order to make identification of the relevant documents needed to discharge requirements or manage the development easier to identify. Applicant advised to look at Schedule 15 in the Hornsea 4 DCO which included the Examination Library reference, version and date of submission for the documents to be certified. At the request of the Host Authorities, the purpose for including the documents should be clarified.	<p>Schedule 9 to the Draft Development Consent Order has been amended to list each individual document to be certified, which allows the version control to be easily referenced and tracked. The Applicant does not propose to refer to examination library references, noting that the examination library has no statutory effect, is not typically certified, and will cease to be publicly available in the long term.</p> <p>This will, the Applicant believes, help make clearer the purpose for including each document and help provide the clarity sought by the Host Authorities for inclusion in the Schedule. The simple answer is that Schedule 9 certifies any application document which is referred to in the Draft DCO – as those documents accordingly need to be read alongside certain provisions of the DCO – but the Schedule does not certify an application document which is not so referenced.</p>
Issue Specific Hearing 2		
2	Dr Smith to review report and engage in further dialogue with Applicant following comments from Ms Congdon.	Some dialogue has been undertaken and it is understood that Dr Smith will be submitting a further written response at Deadline 4 to which the Applicant will respond.
5	Provide a breakdown of jobs in relation to the original 2012 planning permission, including those that are non-airport related.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 5 and 6: Past Employment Estimates [TR020001/APP/8.88] , submitted at Deadline 4.
6	Track the differences between the development of employment created by the original planning permission and what is being proposed. This is in light of very similar	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 5 and 6: Past Employment Estimates [TR020001/APP/8.88] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
	strategies, Luton still having a high rate of deprivation and the levelling up agenda.	
7	Written response to Buckinghamshire Council's detailed requests regarding involvement in the Employment and Training Strategy. Include a response to the points made by the New Economic Foundation at the hearing.	<p>The Applicant has noted Buckinghamshire's requests. The Employment and Training Strategy [APP-215] outlines an initiative to set up a Local Economic Development Working Group. Buckinghamshire Council are welcome to join the Local Economic Development Working Group when this is set up. A response to this point has also been included in the Statement of Common Ground between the Applicant and Buckinghamshire Council, which will be updated for Deadline 6.</p> <p>A response to points made by the New Economics Foundation has been set out in the Applicant's Response to Deadline 3 Submissions - Appendix A New Economics Foundation [TR020001/APP/8.107], submitted at Deadline 4.</p>
9	Consider the request by BC that eligibility for the Community First Fund be extended to include an additional four deprived wards in its area.	<p>The Applicant has considered the request to include Chesham and parts of Aylesbury in the Community First zone due to their relatively higher levels of deprivation compared to other parts of Buckinghamshire. Given that those parts of the county already included in the Community First zone would be less likely to qualify for the tackling social need element of Community First, and for the reasons set out by Buckinghamshire Council at Issue Specific Hearing 2 and in REP3-083, the Applicant is content to agree to extending the Community First zone to include the towns of Chesham and Aylesbury. This is reflected in the updated Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] document submitted at Deadline 4.</p>

Ref No.	Description of Action Point	Applicant's response
10	Advise how it would ensure that the Community First Fund would still comply with the test for a section 106 if under a periodic review the eligibility criteria was changed/ widened to include grants to schemes other than in relation to decarbonisation or tackling deprivation.	The Community First fund is proposed to be secured through a Section 106 agreement. The Section 106 agreement is expected to be a multi-party agreement with the relevant local authorities. Whilst it is proposed to allow periodic review of the Community First fund eligibility criteria, this would be subject to agreement with the relevant local authorities, who would be able to ensure compliance with the Section 106 tests before agreeing to any change.
11	Provide a note discussing the status of the Jet Zero Strategy (2022) and Transport Decarbonisation Plan (2021), with particular regard to their treatment as Government 'policy'.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 11, 12 and 13: New policy status paper [TR020001/APP/8.88] , submitted at Deadline 4.
12	Include an assessment in the note (Action Point 11) of the implications of the Climate Change Committee's 2023 Progress Report on the deliverability of the Jet Zero Strategy.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 11, 12 and 13: New policy status paper [TR020001/APP/8.88] , submitted at Deadline 4.
13	Include reference in the note (Action Point 11) to the paragraphs relating to policy status of strategies in the Secretary of State's Decision letter for Manston Airport DCO of 18 August 2022.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 11, 12 & 13N: New policy status paper [TR020001/APP/8.88] , submitted at Deadline 4.
15	To review whether any sensitivity analysis has been undertaken in relation to 'high-ambition' delivery timescales in the Jet Zero strategy. If it has been undertaken, signpost where this is located. If not, provide the sensitivity analysis or explain why this is not required.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 15, 17, 22 and 23: Greenhouse Gases and Climate Change Matters [TR020001/APP/8.90] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
17	Provide a breakdown of how many flights are caught by CORSIA, the UK ETS or by neither. This should include a breakdown by emissions and any other parameters that may assist the ExA.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 15, 17, 22 and 23: Greenhouse Gases and Climate Change Matters [TR020001/APP/8.90] , submitted at Deadline 4.
19	Respond to points raised in BC's D3 submission.	This action has been addressed in the Applicant's Response to Deadline 3 Submissions - Appendix I Buckinghamshire Council [TR020001/APP/8.107] , submitted at Deadline 4.
22	Provide a clarification on the Jet Zero Strategy 2040 target in relation to domestic flights and why this wasn't included in the modelling, while other targets in the Jet Zero Strategy have been relied upon.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 15, 17, 22 and 23: Greenhouse Gases and Climate Change Matters [TR020001/APP/8.90] , submitted at Deadline 4.
23	Explore whether or not the relevant emissions from the proposed development should be assessed against the emissions for 'aviation and shipping' in the sixth Carbon Budget in addition to the carbon budget as a whole.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 2 Actions 15, 17, 22 and 23: Greenhouse Gases and Climate Change Matters [TR020001/APP/8.90] , submitted at Deadline 4.
24	Clarify what is under airport control and consider if measures relating to Landing and Take-off should be included in scope 1 emissions because they are reportedly in direct control of the airport.	This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 2 [REP3-049] .
Issue Specific Hearing 3		
1	Provide a quantitative assessment of night-time construction noise impacts based on the proposed night time works.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 3 Action 1 - Assessment of night-time construction noise [TR020001/APP/8.92] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
5	<p>Table 4.4 of Appendix 16.1 [AS-096] of the ES in relation to Monitoring Location (ML)2 (p21) and ML15 (p48) and monitoring datasheets in AS-120 both appear to be within 3.5m of reflective surfaces. Should a 3dB façade correction have been applied and if it had how would this affect the results of the construction noise assessment?</p>	<p>This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 3 [REP3-050].</p>
10	<p>Consider whether a restriction on piling would be needed and if so how and where would this be secured.</p>	<p>Following discussion with the Host Authorities and consideration of the Host Authorities' Deadline 3 Submission - Issue Specific Hearing 3 post-hearing submission [REP3-094], the Applicant has agreed with Luton Borough Council to add the following to the Code of Construction Practice [TR020001/APP/5.02], submitted at Deadline 4, at paragraph 4.2.7:</p> <p>No impact piling shall commence until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to control noise and vibration and measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted and approved as part of the Section 61 process. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p>
11	<p>Applicant to provide an equivalent table to that provided in Table 16.25 [REP1-003] for LAeq8hr night-time traffic noise, where monitoring data allows?</p>	<p>This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 3 [REP3-050].</p>

Ref No.	Description of Action Point	Applicant's response
16	Having selected TRL method 3 and given the airport context, explain how you determined that movements on the local road network were not 'atypical'.	<p>Transport Research Laboratory (TRL) Method 3 (Ref 1) is used when detailed hourly traffic data throughout the night-time period is not available, which is true of the strategic traffic model upon which the environmental assessments are based. The alternative approach, using TRL method 1, requires hour-by-hour traffic data for all roads over the night-time period and this information is not available for local authority roads. As such method 3 is the common approach for strategic road traffic noise assessments.</p> <p>Nevertheless, atypical flows can occur on roads leading to airports and data does exist, for the M1 and A1081 only, from the National Highways Webtris (Ref 2). Analysis of this data shows proportionally higher traffic flows during the night than is typical.</p> <p>Even though this leads to road traffic noise next to the A1081 being higher than might otherwise be expected at night it does not impact the assessment for two reasons. Firstly, the associated change in night-time road traffic noise remains negligible. This conclusion has been reached by taking the worst-case assumption that the modelled increase in off-peak (7pm to 7am) traffic associated with the Proposed Development occurs entirely within the night-time period (11pm to 7am) and recalculating the change in traffic noise from the A1081 using method 1. Secondly, there are no noise sensitive receptors adjacent to the A1081, outside of the hotels close to the airport discussed within the ES (where changes in road traffic noise were not considered significant in the context of aircraft noise).</p>

Ref No.	Description of Action Point	Applicant's response
		<p>With respect to the rest of the surface access study area, although detailed night-time traffic data are not available, given the equations for both method 1 and method 3, and the analysis with respect to the A1081, even if flows on existing roads were atypical at night this would only impact the absolute night-time road traffic noise levels and not the change in such levels as a result of the Proposed Development. In this context, the only possibility for atypical night-time flows to impact the assessment would be with respect to properties in the vicinity of Crawley Green Road in 2039 and 2043, where a greater number could be above the night-time Significant Observed Adverse Effect Level (SOAEL) if flows were atypical.</p> <p>To account for this, details of the monitoring and re-evaluation of road traffic noise in this area have been updated (see the version of Draft Compensation Policies, Measures and Community First [TR020001/APP/7.10] submitted at Deadline 4 and Section 4.2 of the version of Appendix 16.2 [TR020001/APP/5.02] of the ES submitted at Deadline 4) to require that hourly night-time data is collected that is sufficient to allow TRL method 1 to be used for this analysis.</p>
17	Applicant to provide clarity regarding how noise mitigation for properties on Stony Lane would be secured.	No noise mitigation for properties on Stony Lane have been proposed. As noted in paragraph 16.9.245 and 16.11.15 of Chapter 16 Noise and Vibration [REP1-003] of the ES, noise mitigation for properties on Stony Lane is not practicable and

Ref No.	Description of Action Point	Applicant's response
		<p>therefore a residual significant effect for these properties is identified in the ES.</p> <p>However, it is noted in paragraph 16.9.245 of Chapter 16 [REP1-003] that Stony Lane has been identified as an area for potential traffic management in the Transport Assessment [APP-203 to APP-206]. As such, through on-going discussions with stakeholders, the Applicant is committed to investigating traffic related measures. Whilst no noise benefits have been assumed from these traffic management measures in the noise assessment as a reasonable worst-case, it is noted that if such measures were to reduce the traffic volume or traffic speed on Stony Lane then the road traffic noise level would also decrease.</p> <p>The Applicant is continuing to consider how best to secure appropriate future investigation of traffic-related measures and will provide an update at Deadline 5.</p>
20	Applicant to provide commentary on undertaking an annual validation of the noise model against noise monitoring.	This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 3 [REP3-050] .
23	Provide more detailed information to demonstrate what facilities were considered in relation to non-residential receptors, how the screening criteria was applied and the information used to inform conclusions of significance?	This action is addressed in the Applicant's Response to Issue Specific Hearing 3 Action 23: Non-Residential Receptors and Screening Criteria [TR020001/APP/8.93] , submitted at Deadline 4.
26	Provide a note regarding the accelerated noise insulation delivery programme and the practicalities of market supply	This action is addressed in the Applicant's Response to Issue Specific Hearing 3 Action 26: Noise Insulation Delivery Programme [TR020001/APP/8.91] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
28	Confirm whether there is any mechanism to remove a slot once it has been allocated, has accrued grandparent rights and is operating in accordance with the slot rules ¹ (1 Applicant is welcome to combine the answer or re-provide the answer to a similar action point that appears on the list of action points arising from ISH)	This action is addressed in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [TR020001/APP/8.86] , submitted at Deadline 4.
30	Explain how the outline ground noise management plan would be secured through a requirement in the draft DCO and whether the plan would include a complaints procedure.	<p>The Outline Ground Noise Management Plan [TR020001/APP/8.46], submitted at Deadline 4, would be secured through new Requirement 27 in Schedule 2 to the Draft DCO as submitted at Deadline 4.</p> <p>At Deadline 3, the requirement to continue to operate a complaint handling system was added to Appendix C of the Green Controlled Growth Framework, the Aircraft Noise Monitoring Plan [REP3-023] at paragraph C3.1.5.</p>
Issue Specific Hearing 4		
2	Submit technical notes 1 and 2 in relation to the ongoing work undertaken to update the transport modelling in line with Department for Transport guidance.	<p>The requested documents have been submitted at Deadline 4 as follows:</p> <ol style="list-style-type: none"> a. Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1 [TR020001/APP/8.98]; and b. Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 [TR020001/APP/8.109].

Ref No.	Description of Action Point	Applicant's response
3	Submit concerns regarding the modelling with the Applicant to provide a response at the following deadline.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 3: Modelling Concerns from John Smith [TR020001/APP/8.110] , submitted at Deadline 4.
4	Provide a simplified version of the information in the Transport Assessment (potentially by revising the trip distribution plans) which shows the traffic flows for each of the assessment phases (with the proposed development and without) in a simplified way. This should also include the M1-A6 link.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 4: M1 - A6 Routing Analysis [TR020001/APP/8.108] , submitted at Deadline 4.
5	Provide improved background to the Trip Distribution Plans [REP1-109] so that the individual roads can be seen clearly.	This action has been addressed in the Trip Distribution Plans [TR020001/APP/8.30] , which have been updated and submitted at Deadline 4.
6	Provide extracts to show traffic on the B489 link	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 6: Traffic on B489 Link [TR020001/APP/8.99] , submitted at Deadline 4.
8	For each junction of the proposed off-site highways works produce a simplified table which provides a summary detailing the queue lengths, delay and ratio flow to capacity for three scenarios of; 1. without proposed development, 2. with proposed development (and no junction improvements) 3. and then with proposed development and the proposed highway improvements. This will need to be done for each of the assessment phases.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 8: Off-site highway works [TR020001/APP/8.94] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
11	Confirm what widths will remain after the widening on Crawley Green Road and Wigmore Lane to provide safe and appropriate access for non-motorised users	<p>The proposed highway mitigation along Wigmore Lane seeks to widen the carriageway between Crawley Green Road and Eaton Green Road, together with replacement of the existing roundabouts with signalised junctions. The existing pedestrian and cycle facilities along this section of Wigmore Lane consist of shared use footways along both sides of the road, which are between 2.0m and 2.5m in width and are set back from the road edge by grass verges of varying width.</p> <p>The proposed additional carriageway width along Wigmore Lane would generally be achieved by widening into the grass verge areas, which in some locations would restrict the width available to provide off-road cycle routes. As such, whilst it would be possible to provide footways of up to 3.5m in width along some sections of Wigmore Lane between Eaton Green Road and Crawley Green Road, localised width restrictions mean that in some areas, minimum footway widths of 1.8m could only be achieved within the highway boundary, which is comparable to the existing minimum width of the shared pedestrian / cycle facilities.</p> <p>This means that in addition to the proposed carriageway widening, it would not be possible to provide a segregated off-road cycle route along the entire section of Wigmore Lane between Crawley Green Road and Eaton Green Road, which consistently provides a 3.5m width as specified in current design standards (i.e. Local Transport Note 1/20). However, as shown in Table 1 below, there are significant lengths of Wigmore Lane where desirable width</p>

Ref No.	Description of Action Point	Applicant's response																																
		<p>standards could be met, with localised reductions around existing constraints.</p> <p>In addition, the provision of signalised junctions along Wigmore Lane means that Advanced Stop Lines (ASLs) could be incorporated within the design to provide on-road cycle priority, with improved crossing facilities also provided within the junctions.</p> <p>Table 1: Comparison of existing / proposed Wigmore Lane footway widths</p> <table border="1" data-bbox="1126 758 1917 1361"> <thead> <tr> <th rowspan="2">Section of Wigmore Lane</th> <th rowspan="2">Side of Road</th> <th colspan="2">Existing alignment</th> <th colspan="2">Proposed alignment</th> </tr> <tr> <th>Min. footway width</th> <th>Max. footway width</th> <th>Min. footway width</th> <th>Max. footway width</th> </tr> </thead> <tbody> <tr> <td rowspan="2">b/w Crawley Green Road and Twyford Drive</td> <td>North</td> <td>1.8m</td> <td>2.0m</td> <td>1.8m</td> <td>3.5m</td> </tr> <tr> <td>South</td> <td>2.3m</td> <td>2.4m</td> <td>2.5m</td> <td>3.5m</td> </tr> <tr> <td rowspan="2">b/w Twyford Drive and Asda</td> <td>North</td> <td>1.9m</td> <td>2.5m</td> <td>2.1m</td> <td>3.5m</td> </tr> <tr> <td>South</td> <td>1.9m</td> <td>4.7m</td> <td>2.3m</td> <td>3.7m</td> </tr> </tbody> </table>	Section of Wigmore Lane	Side of Road	Existing alignment		Proposed alignment		Min. footway width	Max. footway width	Min. footway width	Max. footway width	b/w Crawley Green Road and Twyford Drive	North	1.8m	2.0m	1.8m	3.5m	South	2.3m	2.4m	2.5m	3.5m	b/w Twyford Drive and Asda	North	1.9m	2.5m	2.1m	3.5m	South	1.9m	4.7m	2.3m	3.7m
Section of Wigmore Lane	Side of Road	Existing alignment			Proposed alignment																													
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		<table border="1" data-bbox="1128 352 1917 497"> <tr> <td data-bbox="1128 352 1312 497">b/w Asda and Eaton Green Road</td> <td data-bbox="1312 352 1429 403">North</td> <td data-bbox="1429 352 1547 403">1.7m</td> <td data-bbox="1547 352 1673 403">3.0m</td> <td data-bbox="1673 352 1798 403">2.1m</td> <td data-bbox="1798 352 1917 403">3.5m</td> </tr> <tr> <td data-bbox="1128 403 1312 497"></td> <td data-bbox="1312 403 1429 454">South</td> <td data-bbox="1429 403 1547 454">2.0m</td> <td data-bbox="1547 403 1673 454">3.0m</td> <td data-bbox="1673 403 1798 454">2.3m</td> <td data-bbox="1798 403 1917 454">3.5m</td> </tr> </table> <p data-bbox="1122 536 2074 823">Along Crawley Green Road, the footways remain unaffected by the proposals to the east and west of Wigmore Lane, as the proposed carriageway widening is accommodated within existing grass verges. To the west of the proposed signalised junction with Wigmore Lane, existing footway widths to the north and south of Crawley Green Road are 2.2m and 2.1m respectively and are set back from the highway edge by grass verges of around 2.0m width.</p> <p data-bbox="1122 874 2074 1238">The proposed works to Crawley Green Road would widen the carriageway into the grass verge areas over a length of some 150m to the west of Wigmore Lane. This widening would still allow for a minimum footway width of 3.0m to the north and south of Crawley Green Road throughout the length of proposed carriageway realignment, with up to 3.5m achievable in some locations. East of the Wigmore Lane signalised junction, the proposals tie into the existing kerblines and there are therefore no impacts to existing footway widths on either side of Crawley Green Road.</p>	b/w Asda and Eaton Green Road	North	1.7m	3.0m	2.1m	3.5m		South	2.0m	3.0m	2.3m	3.5m
b/w Asda and Eaton Green Road	North	1.7m	3.0m	2.1m	3.5m									
	South	2.0m	3.0m	2.3m	3.5m									
13	Provide an update and details of the on-going discussions regarding how the Applicant and Luton Borough Council are working together to resolve the issue of fly parking.	This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 4 [REP3-051] .												

Ref No.	Description of Action Point	Applicant's response
15	Mr North to submit his comments on fly parking and off site parking and the Applicant to respond at the following deadline.	Mr North did not submit a response at Deadline 3.
16	Submission of Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA).	This document has been submitted as requested at Deadline 4 [TR020001/APP/8.97] . To note, this document remains in 'outline' form pursuant to Requirement 28 of the Draft DCO. Nevertheless, it represents a significant update from the initial version submitted as part of the application for development consent.
17	Terms of reference for the Airport Transport Forum (ATF) to be shared with the local authorities	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 17: Terms of reference for the Airport Transport Forum (ATF) [TR020001/APP/8.95] , submitted at Deadline 4.
18	Consideration of request by Buckinghamshire Council, England's Economic Heartland and National Highways to be members of the ATF.	The Applicant confirms that all parties noted in this action have now been invited to join the ATF.
29	Provide an assessment of the catchment area where staff live and whether walking/ cycling would be an option and if so how could this be maximised.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 29: Catchment area for staff walking and cycling [TR020001/APP/8.96] , submitted at Deadline 4.
30	Update the toolbox of intervention and measures to include an additional column which identifies the indicative timescales/ restrictions for implementation of the measures.	This action has been addressed in the updated version of the Framework Travel Plan [TR020001/APP/7.13] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
31	Identify which of the toolbox interventions and measures are now proposed to be implemented as part of the application.	This action has been addressed in the updated version of the Framework Travel Plan [TR020001/APP/7.13] , submitted at Deadline 4.
Issue Specific Hearing 5		
9	APP-063 ES Appendix 7.3 Air Quality Results and APP-064 ES Appendix 7.4 Air Quality Sensitivity Tests identify 9 substantial adverse and 34 moderate adverse effects in relation to Pollution Climate Mapping (PCM) locations. Provide an explanation in writing as to why these aren't reported as potential significant effects in the air quality chapter.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 5 Action 9: Effects in relation to Pollution Climate Mapping (PCM) locations [TR020001/APP/8.100] , together with updated versions of Appendix 7.3 Air Quality Results [APP-063] and Appendix 7.4 Air Quality Sensitivity [APP-064] of the ES, submitted at Deadline 4.
10	Provide an explanation of the proportion of the proposed measures that are committed rather than aspirational and what levers are available to the applicant to ensure that the proposed actions are implemented by the airport operator.	All actions in the Outline Operational Air Quality Action Plan [APP-065] are committed to. The airport operator has worked in partnership with the Applicant to review and draft the measures included in the plan and are able to implement as required.
15	In light of PCM exceedances identified in ES Appendices 7.3 and 7.4, provide an explanation as to why PM2.5 monitoring is not being considered in these locations (e.g. Airport Way, New Airport Way and Vauxhall Way (near roundabout with Eaton Green Road)).	This action has been addressed in the Applicant's Response to Issue Specific Hearing 5 Actions 9 and 15: Effects in relation to Pollution Climate Mapping (PCM) locations [TR020001/APP/8.100] , submitted at Deadline 4.
16	Applicant to provide a note regarding strengthening of the Green Controlled Growth (GCG) Framework for Phase 2a in the absence of any in scope monitoring commitment.	This action has been addressed in the Applicant's Response to Issue Specific Hearing 5 Action 16: Green Controlled Growth Scope Monitoring [TR020001/APP/8.101] , submitted at Deadline 4.

Ref No.	Description of Action Point	Applicant's response
18	<p>Paragraph 4.4.1 of the GCG framework states that when legal limits change this will trigger a review within 6 months. Paragraph 4.4.2 then explains that there will be no absolute requirement to revise air quality thresholds to align with the new UK legal limits. Provide an explanation as to whether this provision means that the Applicant would not need to comply with UK legislation and why it would be acceptable to wait 6 months when a new legal provision came into force.</p>	<p>The intent of the wording in paragraph 4.4.2 of the Green Controlled Growth Framework [REP3-017] is not to suggest that the Applicant would not need to comply with UK legislation. The key distinction however, is whether any future changes to legislation must automatically be transposed into GCG, such that they would automatically be linked to controls on growth of the airport. Unless directly mandated, future changes to air quality legislation are considered unlikely to directly introduce operating restrictions at existing airports, such that existing planning consents cannot be implemented. Environmental assessments and consenting decisions (based on the findings of those assessments) can only be made against current and known future legislation and policy.</p> <p>It is not reasonable for requirements to be imposed where they would prevent the implementation of a planning consent (such as one that would require future legislation to be automatically transposed into GCG), including in a situation where the impacts of the development are no worse than those forecast and reported in the ES.</p> <p>This position is well precedented, including in the findings of the Panels of Inspectors for the recent planning appeal of Stansted Airport's application to increase its throughput to 43 million terminal passengers per year (application reference: UTT/18/0460/FUL, Appeal Ref: APP/C1570/W/20/3256619). As part of the appeal, Uttlesford District Council proposed a planning condition ('condition</p>

Ref No.	Description of Action Point	Applicant's response
		<p>15') for the ongoing monitoring and management of noise, air quality and carbon impacts that would require the Council's reassessment and approval periodically as the airport grows under the planning permission, allowing for a reconsideration against new, as yet unknown, policy and guidance. The Panel of Inspectors held that:</p> <p><i>“there is no policy basis for seeking to reassess noise, air quality or carbon emissions in light of any potential change of policy that might occur in the future. Furthermore, it would be likely to seriously undermine the certainty that a planning permission should provide that the development could be fully implemented. This appeal must be determined now on the basis of current circumstances and the proposed ‘condition 15’ is not necessary or reasonable.”</i></p> <p>See Paragraph 142 of Appeal Decision Letter (Ref 3).</p> <p>The Applicant's position that changes are not necessary following new targets is also analogous to the approach endorsed in the decision in <i>Coal Action Network v Welsh Ministers and the Coal Authority</i> [2023] EWHC 1194. In that case, the High Court held that the Coal Authority was not permitted to go back on the principle of extraction that had been established when the licence was granted on a conditional basis in 1996. The claim that new policies, including new carbon related policies, had to be reconsidered in</p>

Ref No.	Description of Action Point	Applicant's response
		<p>the discharge of particular conditions relating to a coal development was rejected.</p> <p>Whilst these two cases are not DCO projects, the Applicant considers that such circumstances would equally apply to a requirement for future changes to air quality legislation to automatically be transposed into GCG as revised Limits. A mandatory review is instead considered a more appropriate requirement, which would need to consider, indicatively:</p> <ol style="list-style-type: none"> a. the extent to which the airport is contributing to concentrations of pollutants relative to new legal Limits; b. the extent to which the airport should provide additional mitigation (proportionate to its impact); c. how this proportionate impact can be incorporated into a revised Operational Air Quality Plan (which is secured separately through Requirement 31 of the Draft DCO [REP3-003]) – i.e. outside of GCG; and d. whether it is appropriate to revise Limits. <p>The Applicant is willing to make changes to the GCG Framework [REP3-017] to reflect these requirements as part of the review process, subject to further engagement on the changes with relevant stakeholders.</p>

Ref No.	Description of Action Point	Applicant's response
		<p>Notwithstanding the above, the requirement for the timeframe of the review was amended at Deadline 3 from “<i>within six months of new legal limits coming into force</i>” to “<i>within six months of new legal limits being published</i>”, as shown in paragraph 4.4.1 of the GCG Framework (Tracked Change Version) [REP3-018]. This amendment was made to clarify the intent of the wording relating to when the review must take place. The new wording is considered appropriate because:</p> <ul style="list-style-type: none"> a. A review cannot take place until legislation has been made (hence it is ‘final’ with no potential for further changes). b. The provision secures a maximum timeframe over which the review must be completed by. There is no ability to “wait six months” as suggested. c. New air quality legal targets are typically set with reference to specified future years (as opposed to being imposed immediately). The review is therefore likely to have been completed well before the date at which such legal targets would change.
Issue Specific Hearing 6		
4	<p>Luton Borough Council to submit the comments it made in relation to the smaller loss of/ replacement of the County Wildlife Site in relation to the Green Horizons Park development and a commentary on this. Applicant to respond to this at the following deadline.</p>	<p>The Applicant has reviewed LBC’s post hearing submission [REP3-106], specifically the points around the loss of/replacement of Wigmore Park County Wildlife Site (CWS) in relation to the Green Horizons Park development and provides a response as requested by this action point below.</p>

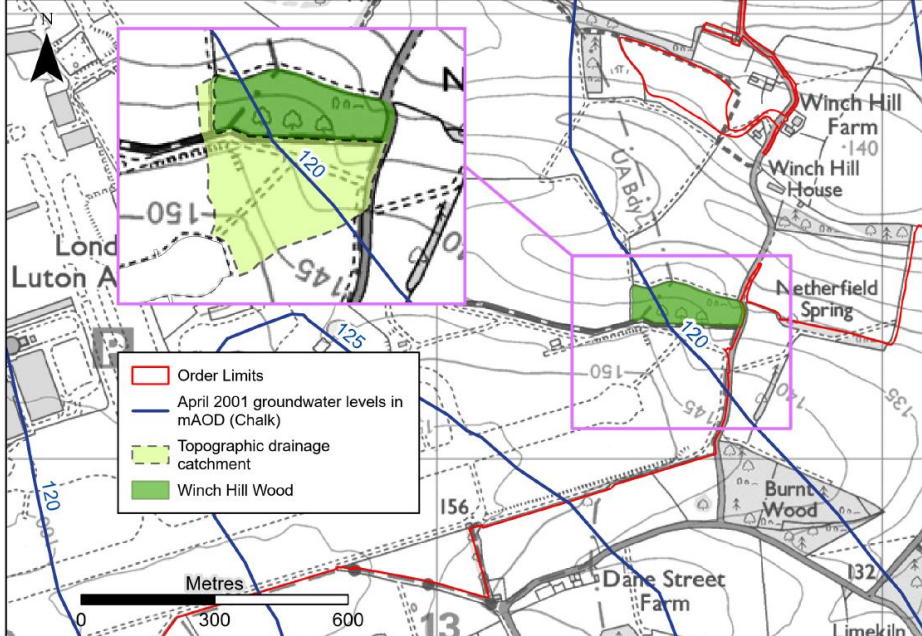
Ref No.	Description of Action Point	Applicant's response
		<p>The Proposed Development differs from the Green Horizons Park application in that it is able to deliver adequate habitats within the Order Limits to offset the loss of those within the County Wildlife Site (CWS). A breakdown of the current composition of the CWS is provided below, along with a second table showing the habitats that will be created by individual work packages as part of the Proposed Development. These show that approximately three times the area of key habitat will be created as that lost within the CWS.</p> <p>Whilst no calcareous grassland will be provided in the provision of open space in assessment Phase 1, it should be noted that 650m² of exposed chalk will be created within Dairyborn Scarp District Wildlife Site in assessment Phase 2a, and 12.83ha will be provided as part of the landscape restoration in assessment Phase 2b.</p> <p>Regarding funding, as confirmed by matter LBC105 within the Statement of Common Ground between the Applicant and LBC [REP2-020], the Applicant has committed to the establishment of a Community Trust, with the replacement open space vested in that Trust. The Trust would then control and manage the open space in perpetuity. Trustees would include LBC, the Applicant, North Hertfordshire Council and local community representatives as a minimum. The Applicant would fund the Trust (a contribution of £250,000 per annum) and the Trust would be free to raise other funds as it sees fit.</p>

Ref No.	Description of Action Point	Applicant's response																																												
		<p data-bbox="1122 355 1666 384">Composition of Wigmore Park CWS</p> <table border="1" data-bbox="1122 387 2056 826"> <thead> <tr> <th data-bbox="1133 395 1809 427">Habitat</th> <th data-bbox="1809 395 2045 427">Area (ha)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1133 435 1809 467">Broadleaved woodland - semi-natural</td> <td data-bbox="1809 435 2045 467">1.85</td> </tr> <tr> <td data-bbox="1133 475 1809 507">Broadleaved woodland - plantation</td> <td data-bbox="1809 475 2045 507">0.42</td> </tr> <tr> <td data-bbox="1133 515 1809 547">Scrub - dense/continuous</td> <td data-bbox="1809 515 2045 547">7</td> </tr> <tr> <td data-bbox="1133 555 1809 587">Neutral grassland - semi-improved</td> <td data-bbox="1809 555 2045 587">3.05</td> </tr> <tr> <td data-bbox="1133 595 1809 627">Calcareous grassland - semi-improved</td> <td data-bbox="1809 595 2045 627">0.06</td> </tr> <tr> <td data-bbox="1133 635 1809 667">Poor semi-improved grassland</td> <td data-bbox="1809 635 2045 667">2.33</td> </tr> <tr> <td data-bbox="1133 675 1809 707">Other tall herb and fern - ruderal</td> <td data-bbox="1809 675 2045 707">0.63</td> </tr> <tr> <td data-bbox="1133 715 1809 746">Bare ground</td> <td data-bbox="1809 715 2045 746">0.06</td> </tr> <tr> <td data-bbox="1133 754 1809 786">TOTAL:</td> <td data-bbox="1809 754 2045 786">15.4</td> </tr> </tbody> </table> <p data-bbox="1122 834 1946 863">Replacement habitat provision (embedded mitigation)</p> <table border="1" data-bbox="1122 866 2056 1401"> <thead> <tr> <th data-bbox="1133 874 1451 906">Habitat Type</th> <th data-bbox="1451 874 1928 906">Work Package</th> <th data-bbox="1928 874 2045 906">Area (ha)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1133 914 1451 946">Shrub</td> <td data-bbox="1451 914 1928 946">Work 5b(02) Replacement Open Space</td> <td data-bbox="1928 914 2045 946">1.55</td> </tr> <tr> <td data-bbox="1133 954 1451 986">Broadleaved woodland</td> <td data-bbox="1451 954 1928 986">Work 5b(02) Replacement Open Space</td> <td data-bbox="1928 954 2045 986">5.42</td> </tr> <tr> <td data-bbox="1133 994 1451 1026">Meadow Grassland</td> <td data-bbox="1451 994 1928 1026">Work 5b(02) Replacement Open Space</td> <td data-bbox="1928 994 2045 1026">20.90</td> </tr> <tr> <td data-bbox="1133 1034 1451 1066">Calcareous Pastoral Grassland</td> <td data-bbox="1451 1034 1928 1066">5c(02)- Landscape Restoration</td> <td data-bbox="1928 1034 2045 1066">12.83</td> </tr> <tr> <td data-bbox="1133 1074 1451 1106">Broadleaved woodland</td> <td data-bbox="1451 1074 1928 1106">5c(02)- Landscape Restoration</td> <td data-bbox="1928 1074 2045 1106">3.64</td> </tr> <tr> <td data-bbox="1133 1114 1451 1145">Meadow Grassland</td> <td data-bbox="1451 1114 1928 1145">5c(02)- Landscape Restoration</td> <td data-bbox="1928 1114 2045 1145">3.25</td> </tr> <tr> <td data-bbox="1133 1153 1451 1185"></td> <td data-bbox="1451 1153 1928 1185">TOTAL</td> <td data-bbox="1928 1153 2045 1185">47.6</td> </tr> </tbody> </table>	Habitat	Area (ha)	Broadleaved woodland - semi-natural	1.85	Broadleaved woodland - plantation	0.42	Scrub - dense/continuous	7	Neutral grassland - semi-improved	3.05	Calcareous grassland - semi-improved	0.06	Poor semi-improved grassland	2.33	Other tall herb and fern - ruderal	0.63	Bare ground	0.06	TOTAL:	15.4	Habitat Type	Work Package	Area (ha)	Shrub	Work 5b(02) Replacement Open Space	1.55	Broadleaved woodland	Work 5b(02) Replacement Open Space	5.42	Meadow Grassland	Work 5b(02) Replacement Open Space	20.90	Calcareous Pastoral Grassland	5c(02)- Landscape Restoration	12.83	Broadleaved woodland	5c(02)- Landscape Restoration	3.64	Meadow Grassland	5c(02)- Landscape Restoration	3.25		TOTAL	47.6
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5	Provide a clear plan of all habitats and species of principal importance, including Winch Hill Wood. Include detailed information about the anticipated development proposed in the vicinity of all of these.	A new plan showing habitats and selected species of principal importance has been provided at Deadline 4 – please refer to Applicant's Response to Issue Specific Hearing 6 Action 5: Habitats and species of principal importance plan [TR020001/APP/8.10] . This maps existing habitats and selected priority species and is overlain with the Proposed Development, included differentiation of the three assessment phases. Bats, birds and invertebrate species of principal importance are not shown within this drawing due to the number of records. These are detailed within Appendix 8.1 Ecology Baseline Report [AS-033 and AS-034] of the ES.
6	Provide further detail describing the potential effects of construction and operation, including the effects of changing hydrology and mitigation, on habitats and species of principal importance.	<p>During construction, the primary sources of potential hydrological or hydrogeological impacts to habitats and species of principal importance are through pollution incidents (such as spills or sediment mobilisation) or the temporary altering of catchments (such as altering flowpaths or runoff volumes). The Proposed Development has been designed such that no groundwater control (e.g. dewatering) is proposed during construction, meaning that no changes to groundwater level and flow to groundwater dependent receptors are expected.</p> <p>Section 18 of the Code of Construction Practice [TR020001/APP/5.02], submitted at Deadline 4, includes a number of measures to prevent or manage these risks to the water environment during construction, so that the wider water</p>

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		<p>environment outside of the Proposed Development is not significantly impacted.</p> <p>During operation, the primary source of hydrological or hydrogeological impacts is through the discharge of treated effluent or the permanent alteration of catchments (runoff volumes or flowpaths).</p> <p>The Design Principles [APP-225] document will be updated for Deadline 5 and will include the Design Principles set out in the previous version of the Drainage Design Statement [APP-137], which included a number of drainage principles to prevent or manage risks to the water environment. These include a requirement for the drainage design to limit discharges to Greenfield Runoff Rates, be non-polluting and not cause flooding downstream.</p> <p>With the embedded design measures, together with the control measures set out within the Code of Construction Practice [TR020001/APP/5.02], submitted at Deadline 4, and Drainage Design Statement [APP-147], the potential impacts on habitats of principal importance outside the Order Limits was considered to be negligible.</p> <p>The main ecological sites that are proximal to the Proposed Development that have the potential to be impacted hydrologically</p>

Ref No.	Description of Action Point	Applicant's response
		<p>are Winch Hill Wood and the woodlands to the southeast of the Order Limits (e.g. Burnt Wood).</p> <p>Review of groundwater level contours from the Environment Agency Hertfordshire Groundwater Model (included within the Hydrogeological Characterisation Report [APP-139] as Appendix B) confirmed that groundwater levels within the area of these sites are up to 10 metres below ground level during normal conditions, and as such the habitats are not dependent on groundwater from the Chalk aquifer. The figure below shows the difference between ground levels and maximum groundwater levels (April 2001, from the EA Hertfordshire Groundwater Model) for the Winch Hill Wood. This is also supported by the surveyed National Vegetation Classification (NVC) communities for Winch Hill Wood (W8 and W10) Appendix 8.1 Ecological Baseline Report [AS-033] which are not considered to be groundwater dependent features.</p> <p>Likewise, due to their topographical location relative to the Proposed Development, the woodlands south east of the Order Limits would not be hydrologically impacted. For Winch Hill Wood which sits on the southern slope of the dry valley, the topographic surface water catchment (shown below) is located to the southwest of the woods towards the eastern end of the runway. Limited works are proposed in the area of this catchment that could impact the hydrology (Work No. 5b(04) which includes the creation of a new public right of way (multi-use bridleway)).</p>

Ref No.	Description of Action Point	Applicant's response
		 <p>The map displays the Winch Hill Wood area with various hydrological features. A legend in the center-left identifies the following elements: <ul style="list-style-type: none"> Order Limits: Indicated by a red outline. April 2001 groundwater levels in mAOD (Chalk): Represented by blue lines. Topographic drainage catchment: Shaded in light green. Winch Hill Wood: Shaded in dark green. The map also shows contour lines for ground level (e.g., 120, 125, 130, 135, 140, 145, 150, 156) and maximum groundwater levels (e.g., 120, 125, 130, 135, 140, 145, 150, 156). Key locations labeled include Winch Hill Farm, Winch Hill House, Netherfield Spring, Burnt Wood, Dane Street Farm, and Limekiln. A scale bar at the bottom indicates distances up to 600 metres. </p> <p>Sketch showing the Winch Hill Wood with upgradient topographic surface water catchment area, ground level contours and maximum groundwater level contours.</p> <p>For the above reasons, no significant effects from hydrological or hydrogeological changes on the identified ecological receptors, habitats and species of principal importance are reported within the Biodiversity chapter (Chapter 8 Biodiversity [AS-027] of the ES).</p>

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8	<p>Provide a commentary on whether ancient and veteran trees can be successfully translocated, including references to research and case studies where this is appropriate.</p>	<p>Only one tree Ancient and/or Veteran Tree is directly impacted by the Proposed Development, that is T343 which is an Ash Tree described as a 're-grown ancient and veteran coppice', as discussed and shown in the Arboricultural Impact Assessment [AS-085]. The Woodland Trust (Ash Dieback (Hymenoscyphus fraxineus) - Woodland Trust) estimates that 80% of all Ash Trees in the UK will be killed by the Ash Dieback disease (Ref 4). While the Applicant's intention is that this tree will be translocated, as secured in section 4 of the Outline Landscape and Biodiversity Management Plan [AS-029] tree specialists would need to assess T343 for signs of Ash Dieback disease before any final agreed translocation is planned.</p> <p>The evidence compiled including speaking to specialist contractors demonstrates that it is entirely feasible to successfully translocate a veteran tree subject to preparation as set out below. The reality for the species in question is that T343 may die from Ash Dieback prior to translocation or could die from Ash Dieback following a successful translocation. The specialist contractors engaged have advised that although translocation of an Ash Tree is technically possible it would not be advisable due to the risks of the disease and potential reputation damage for organisations involved.</p> <p>The Applicant is continuing on the basis that this tree will be translocated subject to review of the tree and situation regarding ash dieback post consent. If the tree dies in the intervening period or shows signs of infection prior to the translocation date, an</p>

Ref No.	Description of Action Point	Applicant's response
		<p>alternative option, for example a replacement with other native species planted on the margins of Winch Hill Wood would be discussed and agreed with the local planning authority as part of the Landscape and Biodiversity Management Plan secured by Requirement 10 of the draft DCO [REP3-004].</p> <p>If translocation was to be undertaken, a suitable methodology is described below:</p> <p>T343 Location and Proposals</p> <ul style="list-style-type: none"> a. T343 is in an area required for earthworks to create the aviation platform extension. b. There is a level difference of circa 20m and the tree would not be able to be retained without undermining the platform. <p>Where could T343 be translocated to?</p> <ul style="list-style-type: none"> a. T343 would ideally be translocated to the adjacent Winch Hill Ancient Woodland that would provide a suitable soil horizon i.e associated undisturbed soils and arguably more favourable conditions. A notable factor to consider would be the operational challenges of moving the tree from its current position to the receptor site. b. The tree could be coppiced and moved to woodland habitat creation areas to provide a habitat resource for a range of species while the habitat creation areas establish.

Ref No.	Description of Action Point	Applicant's response
		<p>c. The largest root ball that can be retained will reduce the risks of failure. Moving the rootball (over undulating terrain) may require the installation of a track, so a closer receptor site may be preferable and more feasible, or a site closest to undisturbed/regraded ground.</p> <p>Method of translocation</p> <p>a. A specialist arboricultural contractor would be appointed to do these works.</p> <p>b. They could utilise a 'rootball, frame and crane' methodology. That would enable them to move trees with an appropriately sized root ball.</p> <p>c. Ideally this task is preceded by root pruning to prepare the tree for transplanting. Root pruning assists the process of transplanting but needs time.</p> <p>d. The longer the period for root pruning the higher the quality of the transplant.</p> <p>e. Once the tree is root prepared it can then be rootballed to transplant, typically lifting by crane.</p> <p>f. If there is not the timescale available to root prune, they would compensate by increasing the size of root ball and aftercare.</p>

Ref No.	Description of Action Point	Applicant's response
		<ul style="list-style-type: none"> <li data-bbox="1149 355 2074 459">g. As with all tree transplanting the aftercare to assist the tree whilst it is establishing (re-growing the root system the tree would have naturally) is as vital as all that proceeds it. <li data-bbox="1149 480 2074 584">h. For the largest trees a period of aftercare of up to 10 years will be required. This length of time is needed as the tree needs to re-establish its root system to its original extent. <li data-bbox="1149 604 2074 746">i. The tree would not require moving until assessment Phase 2awhich allows a favourable period in which to take a step-by-step approach to translocation, thereby reducing the risk of failure as much as is practicable. <li data-bbox="1149 767 2074 1390">j. A detailed Translocation Method Statement, working collaboratively with a transplant specialist contractor would be developed which in outline would include: <ul style="list-style-type: none"> <li data-bbox="1245 895 1798 927">i. Identifying a suitable receptor site. <li data-bbox="1245 938 2074 1080">ii. Reducing (retrenching) the main lapsed coppice stem over repeated operations (timing and frequency to be determined following an updated arboricultural assessment). <li data-bbox="1245 1091 2074 1305">iii. Undercutting the rootball (three times, in the winter months, timing and frequency to be determined following an updated arboricultural assessment), each time getting closer to the tree) to encourage the amount of fibrous roots, to finally be contained in the container. <li data-bbox="1245 1316 1890 1348">iv. Containerising the rootball (in an air pot). <li data-bbox="1245 1359 1700 1391">v. Preparing the receptor site.

Ref No.	Description of Action Point	Applicant's response
		<p>vi. Lifting, placing and securing rootball and tree in receptor site (between November and March)</p> <p>Preparation of receptor site:</p> <p>a. Preparation would include soil testing for soil texture, bulk density, pH, organic matter content, soil moisture, key nutrients, soil biology, mycorrhizal colonisation and soil carbon to establish the soil health baseline and whether remedial work (such as compost tea application) would be beneficial.</p> <p>Chances of success:</p> <p>a. The likelihood of success is dependent on the forward planning (i.e. the longer the 'lead in' time prior to translocation, the greater the chance of success) and the aftercare for the transplanted tree.</p> <p>b. There is likely to be a good lead in time available, as the translocation is not anticipated to take place until assessment Phase 2a.</p> <p>c. It is possible to retain a live, functioning coppice stool, but it is unlikely to retain all the associated habitat features associated with this tree in its current (undisturbed location).</p> <p>Has this been achieved before/standard practice?</p> <p>a. Ruskin Trees (a specialist contractor) have experience of translocating mature specimen trees. A letter outlining a</p>

Ref No.	Description of Action Point	Applicant's response
		<p>brief case study of previous translocation of mature oak by this specialist is provided as Appendix A to this report.</p> <p>Long term management and care</p> <ul style="list-style-type: none"> a. As set out above a specific management and maintenance specification would be required for this translocated tree. b. A 10-year post-planting maintenance regime would be implemented (allowing for additional watering during unusually dry spells). c. Maintenance would also include weeding, mulching and application of a compost tea ground drench and foliar spray, timing and frequency to be determined following an updated arboricultural assessment). d. A 10-year Post planting tree health assessment would be undertaken by an arboriculturist. e. It may take a number of years (up to 10 years) to be certain that the translocation is successful. <p>The Applicant notes that while the ES assumes the tree would be translocated, successful translocation cannot be guaranteed, therefore the residual effect is not reduced but reported as the effect of the tree being lost as a worst case scenario. The Planning Statement [AS-122] assumes that the translocation would be successful. An updated version of the Planning Statement will be submitted at Deadline 5 to reflect a position consistent with the ES.</p>

Ref No.	Description of Action Point	Applicant's response
9	<p>Clarify how Article 22 of the draft Development Consent Order (DCO) would interact with the proposals for protection of ancient and veteran trees.</p>	<p>Paragraph (1) of this article permits any tree or shrub within or overhanging land within the Order limits to be felled, lopped, or the roots of the tree or shrub cut back, if the Applicant reasonably believes it to be necessary to prevent the tree, shrub or roots from obstructing the construction, operation or maintenance of the Proposed Development or from endangering anyone using it. Paragraph (2) provides that in carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>As such, this article was already limited in effect, and did not (as a matter of law) “override” other controls in the Draft DCO. Nevertheless it is acknowledged that parties have raised potential concerns over the application of this article and the stated proposals to protect ancient and veteran trees.</p> <p>As such the Applicant can confirm that it has amended the drafting of article 22(1) to make clear that the exercise of this power is subject to (and therefore does not override) paragraph 9 of Schedule 2 to the Order. This is the requirement which “secures” the Outline Landscape and Biodiversity Management Plan, which in turn contains the relevant proposals to protect ancient woodland and veteran trees.</p> <p>This amended drafting is reflected in the version of the Draft DCO submitted at Deadline 4.</p>

Ref No.	Description of Action Point	Applicant's response
10	<p>It has been concluded in Chapter 8 [AS-027] that damage to habitats and species, including those that are of principal importance, will have already occurred because of high background levels of contaminants. This means that the increased dosing potentially caused by the Proposed Development has been assessed as insignificant. Section 40 of the Natural Environment and Rural Communities Act (2006) requires developers to conserve and enhance these species. Paragraph 174 of the National Planning Policy Framework (NPPF) requires that impacts on biodiversity are minimised. Para 179 of the NPPF states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; this is reflected in local policies. How does the approach described by the Applicant meet these policy requirements?</p>	<p>The requirements of paragraph 174 of the NPPF do not apply in isolation to air quality or any other impact pathway but involve a project's overall impact on biodiversity; similarly, section 40 of the Natural Environment and Rural Communities Act 2006 is a very broad general commitment to the "<i>conservation and enhancement of biodiversity in England through the exercise of functions in relation to England</i>". The requirement of paragraph 174 (d) of the NPPF is "<i>minimising impacts on and providing net gains for biodiversity</i>". Paragraph 179 (b) of the NPPF identifies a need to "<i>promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity</i>". To address both these points the Proposed Development would achieve 10% Biodiversity Net Gain, even though, as a Nationally Significant Infrastructure Project (NSIP), it is not required to do so by law. Paragraph 174(e) of the NPPF states that "<i>Development should, wherever possible, help to improve local environmental conditions such as air and water quality</i>" but the insertion of 'wherever possible' recognises that it is not an absolute requirement. Any development that involves more traffic on the road network will make some contribution to additional air pollution until combustion engine vehicles have been entirely replaced with ultra-low emission vehicles.</p> <p>The conclusion in Chapter 8 Biodiversity [AS-027] of the ES is not simply that damage will have already occurred and therefore increasing dosing from the Proposed Development is insignificant.</p>

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		<p>Rather, the assessment takes account of the fact that the effects of nitrogen deposition on numerous parameters such as species richness are curvilinear. In other words, the given amount of additional nitrogen required to effect the same change in species richness increases the higher the background deposition. So, adding 1kgN/ha/yr for example, has less effect at a high background rate as is present for these designated sites, than it would at a lower background deposition rate. This is relevant because the most affected site (Winch Hill Wood) will be subject to a worst-case increase in nitrogen deposition equivalent to just 5% of baseline deposition rates, and other sites will be subject to much smaller increases.</p> <p>In the literature upon which Design Manual for Roads and Bridges guidance is based (Natural England Commissioned Report 210), large doses of 2kgN/ha/yr or more were required to reduce species richness by one species in a situation of high background nitrogen deposition and reduction of species richness does not mean any species are lost from the site but that their frequency of occurrence may reduce. It therefore represents a subtle botanical change. Moreover, it is a change that may never arise in practice because factors such as management or (for woodlands) canopy cover have a much more dramatic effect on habitat structure and botanical composition than does nitrogen deposition.</p> <p>Furthermore, the local wildlife sites discussed in Chapter 8 Biodiversity [AS-027] of the ES do not have very specific</p>

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		<p>botanical objectives, unlike Sites of Special Scientific Interest or Special Areas of Conservation. They are generally designated for broad habitats e.g. deciduous woodland and their conservation status is not intimately linked with particular species or a particular degree of species richness.</p> <p>Additionally, the modelling reported in Chapter 8 Biodiversity [AS-027] of the ES for assessment Phases 2a and 2b (when the forecast effect is typically worst) is cautious because it takes no account of the significant shift to electric vehicles that will occur during the 2030s, which will considerably reduce nitrogen deposition from traffic sources (including that forecast from the Proposed Development).</p> <p>Finally, the Proposed Development will also remove some land from agricultural production to create Wigmore Valley Park. According to the Air Pollution Information System, 29% of atmospheric nitrogen deposited in the vicinity of Winch Hill Wood (for example) derives from livestock and fertiliser. Removing land from agricultural production will therefore reduce nitrogen from this source to some extent, but that has not been accounted for in our modelling.</p> <p>With specific regard to Winch Hill Wood, the Outline Landscape and Biodiversity Management [AS-029] includes a 50-year management period (secured by Requirement 10 the draft DCO [REP3-003]) which will improve the quality of the woodland</p>

Ref No.	Description of Action Point	Applicant's response
		<p>vegetation and its general resilience to nitrogen deposition and other negative influences.</p> <p>For all these reasons, Chapter 8 Biodiversity [AS-027] of the ES concludes that the Proposed Development will not compromise national objectives such as those referenced in the National Planning Policy Framework.</p>
13	<p>Provide information about the potential groundwater dependent terrestrial ecosystems referenced in Chapter 8 Biodiversity [AS-027] of the ES. This should include ecological, hydrogeological and hydrological characteristics. Where appropriate, undertake an assessment of the potential changes in hydrogeology and hydrology from the Proposed Development and the potential associated effects on the Groundwater Dependent Terrestrial Ecosystems.</p>	<p>There are no sites within the water environment study area (defined in Section 20.3 Chapter 20 Water Environment and Flood Risk [AS-031] of the ES) which are identified as groundwater dependent terrestrial ecosystems (GWDTEs e.g. wetlands). The identification of GWDTEs is determined either through the presence of distinctive groundwater dependent ecology / plant communities or through the presence of supporting groundwater interactions and hydrological pathway.</p> <p>During collation of the original baseline (pre-assessment), a number of sites were identified which could potentially be groundwater dependent as outlined in Table 20.11 of the Water Environment chapter (Chapter 20 Water Resources and Flood Risk [AS-031]) of the ES and shown in Figure 20.7 [AS-045] of the ES.</p> <p>Following receipt and review of the Environment Agency's Hertfordshire Groundwater Model, the sites were reviewed against mapped groundwater levels. For all sites, except Batsford Spring Local Nature Reserve (LNR), the groundwater levels were at</p>

Ref No.	Description of Action Point	Applicant's response
		<p>sufficient depth during normal conditions that the habitats were discounted as not being dependent on groundwater from the underlying Chalk aquifer. Batsford Spring LNR is at significant distance (greater than 5km) from the site and adjacent to the River Lee which acts as a local hydraulic head.</p> <p>Furthermore, as outlined in the response to Action Point 6, the pathway for a hydrological or hydrogeological impact on potential groundwater dependent terrestrial ecosystems is limited. With the exception of Netherfield Spring, the majority of the sites are south or north of the airport at elevated positions relative to the soakaways which could locally change groundwater levels through localised mounding.</p> <p>The woodland at Netherfield Spring (Woodland 5 within Appendix 8.1 Ecology Baseline Report [AS-033] of the ES) is described as comprising hornbeam, oak, elder and hazel. This assemblage is not considered indicative of groundwater dependency.</p> <p>In summary, evidence indicating that the originally identified potential GWDTEs are not groundwater dependent, together with the lack of pathway for effects from the Proposed Development, means that impacts on these sites from a water environment perspective is considered to be negligible. This is on the basis that the secured control measures are implemented as outlined in the Code of Construction Practice [TR020001/APP/5.02], submitted at Deadline 4, and Drainage Design Statement (Appendix 20.4</p>

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		<p>[APP-137] of the ES, these will be updated for Deadline 5 within the Design Principles [APP-225] document).</p>
17	<p>Provide evidence that alternatives to use of BMV land have been considered, including for the proposed replacement land for Wigmore Valley Park. The response can be included with evidence of the consideration of alternatives to use of Wigmore Valley Park required as an action point in CAH1.</p>	<p>A summary of the alternatives considered and options considered during design development in provided in Chapter 3 Alternatives and Design Evolution [AS-026] of the ES. Further detail is provided in the Design and Access Statement [AS-049] and the Sift Reports which are appended to that document [APP-209 to APP-212]. Options that were considered to avoid and/or minimise the loss of Wigmore Valley Park are described in response to CAH1 Action 19 above.</p> <p>There were options considered that may have resulted in more Best and Most Versatile (BMV) agricultural land being impacted, such as construction further to the north east and east of the airport and to the south of the runways, however these were not selected to progress for the reasons outlined in the documents above. BMV land was not considered a specific criteria in the options appraisal but the land was considered with regard to biodiversity, heritage, landscape and visual, and carbon, as is typical for environmental appraisal criteria. For example, the option to retain Wigmore Valley Park would have required extensive loss on BMV land and be impractical for an operational airport. With the preferred option to expand to the north east some loss of BMV would inevitably be required.</p> <p>The area set aside for replacement park in the Green Horizons Park extant planning permission was required for excavation of material to construct the aviation platform (environmental</p>

Ref No.	Description of Action Point	Applicant's response
		<p>preferable to importing material) which then made it practical for use as car parking rather than impact further BMV further the east. The footprint of the earthworks was reduced following consultation (section 3.4 of ES Chapter 3 [AS-026]) which retained further areas of Wigmore Valley Park and allowed the area of BMV required for open space to be reduced. However, the replacement open space needs to be connected to existing therefore the only practical option is to use some agricultural land to the east. The areas further to the east which includes some Grade 3a and 3b agricultural land is not being lost to development but is changing agricultural use from arable to grazing as well as providing other habitats with higher biodiversity value.</p>
19	<p>Provide written commentary on likely changes between winter and summer cover in accurate visualisations.</p>	<p>The Accurate Visual Representations (AVRs) do utilise 'summer' vegetation for the native hedgerows, this allows identification and recognition of the proposed mitigation. The AVRs for the tree planting utilises winter vegetation or more 'sparsely covered' tree graphics.</p> <p>The use of 'summer vegetation' for the hedgerows allows the viewer to clearly demonstrate the effectiveness of the mitigation proposals to screen the works and activities associated with the Proposed Development from the identified receptors. Winter representative vegetation graphics on the AVRs would still provide screening of the Proposed Development as a result of the density of the proposed planting. Filtered views of the Proposed Development may be possible during winter periods.</p>

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21	<p>WSP to discuss whether or not some key views with fully rendered images of the Proposed Development would aid understanding of the proposals.</p>	<p>Appendix 14.7 of the ES, specifically Representative Viewpoint 53: Roundabout Junction of Airport Way and New Airport Way [REP3-014] and Representative Viewpoint 36: Vauxhall Way [REP3-012] have been provided as illustrative rendered views, which indicate one of the possible ways the Proposed Development could be built out.</p> <p>Photomontages have been provided to illustrate spatially the proposed massing of the parameters and aid understanding of the proposals. The representative views have been agreed with relevant stakeholders via the Landscape and Visual Impact Assessment (LVIA) Working Group and are in the correct locations to inform the assessment and effects. Additional accurate visual representations have been provided following ExA requests line with best practice which advocates a proportionate approach for the production of visualisations of development proposals (Landscape Institute Technical Guidance Note 06/19) (Ref. 5))</p> <p>A combination of wireframe, block and illustrative visualisations have been used to graphically represent the Proposed Development.</p> <p>Wireframes have been used for long distant views and/or where little or none of the Proposed Development is visible.</p>

Ref No.	Description of Action Point	Applicant's response
		Block photomontages are used for short and middle distance views and/or where more of the Proposed Development is visible.
23	Provide an additional plan illustrating the locations of the 48 visual receptors.	This action has been addressed via the Applicant's Response to Issue Specific Hearing 6 Action 23: Visual receptors plan [TR020001/APP/8.103] , submitted at Deadline 4.
25	Liaise with Chilterns Conservation Board and councils on content of further assessment being undertaken on the Chilterns Area of Outstanding Natural Beauty (AONB)	The Chilterns Conservation Board, Natural England and Host Authorities were issued Draft 1 of the assessment of effects on special qualities of the Chilterns AONB on 23 October 2023. A meeting to discuss the report, attended by all parties, was held- on 30 October 2023 and written comments requested by 3 November (comments from the Chilterns Conservation Board and Natural England have been received at the time of writing). An outline programme of ongoing engagement was discussed and will continue to a currently planned submission of the report into examination by Deadline 6, subject to the engagement outlined above.
26	Confirm how achievable it is for the proposed increase in flights to avoid the AONB	The departure route maps are provided at Figure 6.28 of the Need Case [AS-125] . In the westerly direction, avoiding the AONB would require aircraft to make a tighter turn off the end of the runway and head either north or south to converge to the required track. This would result in aircraft overflying the western edge of Luton and Dunstable, and Harpenden, whereas the current tracks have been identified having regard to minimising the number of people affected by aircraft noise. It should be noted that airspace change is a separate process and is being coordinated across the South East of England through the FASI-S programme as explained in the Relationship between the Development

Ref No.	Description of Action Point	Applicant's response
		Consent Order Process and the Airspace Change Process [REP1-028].
27	Explain further the reasons for providing residents with a medium receptor sensitivity and magnitude of change as 'very low' in table 8.3 of the Light Obtrusion Assessment [APP-052 and APP-053] .	This action was addressed at Deadline 3 in the Applicant's Post Hearing Submission – Issue Specific Hearing 6 [REP3-053] .
28	Consider comments from Central Bedfordshire regarding request for cross sections, boundary treatment details and a plan showing the extent of landscaping in Requirement 9 of the draft DCO, notwithstanding wording in Requirement 9(2).	<p>The Applicant has considered the comments regarding Requirement 9 of the Draft DCO (now Requirement 8 at Deadline 4) and does not believe that further details need to be specified in the list of information to be provided in discharging this Requirement.</p> <p>This is because the list at 8(2) (“must include”) is not exhaustive, and under requirements 35 and 36 the discharging Local Planning Authority (which would be Central Bedfordshire for their area) can request more information, such as cross sections or plans (or anything else that is reasonable to request), before determining the discharging application on landscape design. The Applicant considers this is a better, more flexible and more proportionate approach, rather than making Requirement 8 overly prescriptive. The type of information required will vary according to the nature of matter being discharged under Requirement 8.</p>
29	Consider comments made by ExA in respect of 5 year timescale in Requirement 9 and need for a longer period of maintenance.	While the 5-year reference in this requirement does cover the initial maintenance period, its principal purpose is to cover the critical early time period for any newly planted, tree or shrub where it is most likely to be removed by a third party or could die or become seriously damaged or diseased such that it needs to be replaced.

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		<p>The 5-year period is commonly referred to, as after this time the planting is usually established.</p> <p>Once the planting has become established then it is important that an appropriate maintenance regime be established.</p> <p>The Outline Landscape and Biodiversity Management Plan sets out a 50-year period for maintenance and management which far exceeds this initial five year timescale. Requirement 9 of the Deadline 4 version of the Draft DCO (Landscape and biodiversity management plan) secures the production of such a plan which must be substantially in accordance with the outline plan.</p> <p>Requirement 9 has been amended as follows in the Deadline 4 version of the draft DCO:</p> <ul style="list-style-type: none"> a. new paragraph 9(4) has been moved from Requirement 8, on the basis that it is better positioned in Requirement 9; and b. new paragraph 9(5) clarifies that the Landscape and Biodiversity Management Plan is capable of varying the initial 5-year maintenance period.
30	Address plans in respect of offsite hedgerow restoration to more clearly show full extent of hedgerow restoration proposals to aid better understanding for Interested Parties.	This action has been addressed via the Applicant's Response to Issue Specific Hearing 6 Action 5: Habitats and species of principal importance plan [TR020001/APP/8.102] , submitted at Deadline 4.

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31	<p>Councils - provide a response on suitability of the Design Principles Document [APP-225]. Applicant - consider introducing the need for a Design Code.</p>	<p>The Applicant considers the Design Principles document [APP-225], an updated version of which will be submitted at Deadline 5, will provide a robust and effective means of capturing the issues and corresponding design principles needed to secure good design at the detailed design stage.</p> <p>The Applicant is strengthening the Design Principles document by including the design principles relating to landscape, heritage, drainage and glint and glare. These will be taken from separate documents, such as the Drainage Design Statement [APP-137] and the Strategic Landscape Masterplan [APP-172], so all the design principles are set out in a single document. The drafting of Requirements 9 (landscaping design) and 13 (surface water and foul water drainage) have also been updated to reflect this approach in the version of the Draft DCO submitted at Deadline 4.</p> <p>The Applicant is also open to adding further design principles where this would be helpful as well as developing and refining existing principles. The Design Principles document will remain as a 'live' document throughout the Examination process so it can evolve in response to feedback from stakeholders.</p> <p>The Applicant considers that a more prescriptive design code would not be appropriate for the following reasons:</p> <ul style="list-style-type: none"> a. The preferred approach of submitting parameter plans and Design Principles at the application stage has been chosen to provide some flexibility for future design stages, whilst

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		<p>providing assurance to stakeholders on how the effects of development will be mitigated and good design principles followed.</p> <ul style="list-style-type: none"> <li data-bbox="1167 480 2074 730">b. Flexibility is necessary because the Proposed Development is planned to be constructed in increments over a long build-programme. This allows for potential changes in policy, regulatory and operational requirements, innovation (for example in materials and technologies) and to allow the airport operator to meet the needs of passengers and airlines at the time. <li data-bbox="1167 756 2074 1267">c. Design codes and guides (as referred to in the NPPF, para 129 National Model Design Guide, National Model Design Code (Ref 6)) include a spectrum of approaches from design principles and design guidelines through to more specific and mandatory design codes. This type of design coding is typically used in relation to residential and mixed use urban developments and can specify the use of specific building materials, set building lines and prescribe building dimensions as well as the alignment and widths of paths, streets and spaces. This very detailed and inflexible type of design coding is not appropriate for major aviation projects given the complex interdependencies between elements of the design and the need to respond to changing regulatory and operational requirements. <li data-bbox="1167 1289 2074 1350">d. Design codes are not identified as a requirement for aviation projects in ANPS and the Applicant is only aware of

Ref No.	Description of Action Point	Applicant's response
		<p>limited examples having been produced for other DCO projects.</p> <p>e. Where this has been done (for example North Lincolnshire Green Energy Park Volume 55.12 Design Principles and Codes, PINS reference: EN010116) the design code elements are expressed at a high level and not dissimilar from the level at which our design principles are written.</p> <p>Therefore, in common with the approach taken on other DCO projects, the Applicant's preference is to use the Design Principles document to secure good design at the detailed design stage.</p>
32	Consider the comments made in respect of specific design points during the Hearing to include in the Design Principles Document [APP-225] .	It has been agreed with the Examining Authority that the response to this action be submitted at Deadline 5.
34	Consider suggestions by ExA in respect of expanding wording of Requirement 5 to more precisely set out the information required in respect of specific works, e.g. terminal works, highway works and fuel pipeline	<p>As per the response to action 15 from ISH1 (above) – in view of the comments made in ISH1 and ISH6, in written submissions by Interested Parties, and in response to the Examining Authority's first written questions, the Applicant has made substantial revisions to Requirements 5 and 7 in the Draft DCO submitted at Deadline 4. Requirement 7 has been merged and expanded into amended Requirement 5 (now "<i>Detailed design, phasing and implementation</i>").</p> <p>Amended Requirement 5 references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to</p>

Ref No.	Description of Action Point	Applicant's response
		<p>provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised. Provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity.</p> <p>Provision has been made for a Register of Requirements (new paragraph 36) so that a public record of approved works is maintained. Lastly, it should be noted that existing paragraph 35 permits the relevant planning authority to request further information before discharging a requirement.</p> <p>It is envisaged that the detailed design discharging process would, in practice, be a collaborative exercise as between the undertaker and the relevant planning authority.</p>
35	Consider the comments made about Luton Hoo and incorporate suggestions into Design Principles Document [APP-225] .	The Design Principles [APP-225] is a live document, which will be updated throughout the Examination. An updated version will be submitted at Deadline 5, taking into account the comments made at the ISHs and ongoing discussions with stakeholders.
36	Provide a table setting out significance of effects on heritage assets and harm.	The Applicant has updated Appendix 10.2 Cultural Heritage Gazetteer [TR020001/APP/5.02] for Deadline 4, to include an impact assessment for each individual heritage asset including significance of effects and harm.
39	Response to be provided regarding the ability of the Applicant to mitigate impacts from solar panels, particularly	This action has been addressed via an update to the Glint and Glare Assessment [TR020001/APP/5.13] , submitted at Deadline

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	those proposed on car parks P1 and P2, in the absence of a detailed assessment.	4 and the following design principle will be included in the Design Principles [APP-225] update at Deadline 5 <i>"The detailed design of the proposed solar panels will comply with Federal Aviation Administration (FAA) regulations and guidance (detailed within Section 2.3, Glint and Glare Assessment [TR020001/APP/5.13] to avoid unacceptable visual impacts on both ground based and airbourne sensitive receptors."</i>

REFERENCES

Ref 1 Transport Research Laboratory Ltd (2002), Converting the UK traffic noise index LA10,18h to EU noise indices for noise mapping

Ref 2 National Highways - WebTRIS - Map View. Available online.

Ref 3 Planning Inspectorate (2021), Appeal Decision – London Stansted Airport (Appeal Ref: APP/C1570/W/20/3256619). Available online.

Ref 4 Woodland Trust (2019) Position Statement, Adapting to ash dieback, The Woodlands Trust view, April 2019.

Ref 5 Landscape Institute (2019) Visual Representation of Development Proposal, Technical Guidance Note 06/19, 17 September 2019

Ref 6 National Planning Policy Framework, Department for Levelling Up, Housing & Communities, September 2023

APPENDIX A: TRANSPLANTING OF MATURE OAK TREES



Mr [REDACTED],
WSP
The Mail Box
Wharfdale Road
Birmingham
B1 1RQ

17.10.23

Our ref: 54/17/5/7

RE: LUTON - TRANSPLANTING OF MATURE OAK TREES

Dear [REDACTED],
We would love to help you with the above.

Ruskins have the ability to transplanting any size of tree and hedges at 4m tall.

Mature trees can be transplanted, on site, with sufficient time to prepare and a commitment to care for the trees (primarily watering) for around 10-12+ years after transplanting.

We have a fleet of Tree Spades including the largest in the UK and our current record of rootball transplanting for bigger trees is a 125t rootball. This tree is in the images below and overleaf, just before moving with a 8x8x1.5m rootball and then 19 years later:



To transplant these larger trees, initially a root investigation will need to be undertaken to reveal how the root system of each tree has exploited the soil around it. Whilst this could be undertaken with ground radar this does not detect the important fibrous roots. Therefore Air Spades will be used to remove soil, without harming roots. This will also incorporate the first root prune.

With the long lead time of 10 years, we would root prune in the early years and then use the remaining years prior to transplanting to reap the benefits of being contained in Air Pot.

Your mature trees will require (during the rootballing season Oct-Mar) root pruning (to stimulate root growth inside the rootball to enable a higher percentage of root mass to be lifted and to both spread the stress of root severance out and reduce the energy the trees needs to expend repairing the pruning cuts).

[REDACTED]

[REDACTED]



The trees will need to be competently monitored and watered during springs and summers, ideally from automated supplies. This will provide the opportunity for the response to the root pruning to be monitored.

Soil Biology will be added to the rootball during spring and summer in the form of drenches. These will include a Compost Tea that contains all of the good parts of the Soil Food Web (and none of the bad) apart from worms and insects, that will migrate to this improved soil.

Also included is a bio-stimulant to encourage microbe activity and an Oxygenating drench that aerates the soil by attaching an oxygen molecule to soil particles and releasing a cascade of benefits. The trees will also be mulched after the first root prune, primarily to feed the Soil Biology with composting organic matter.

At the end of root pruning the trees will be each an island as in the first image. The working areas will need to be fenced off for the duration of these works.

Once prepared the trees would be rootballed with hessian and annealed rootballing wire. A floor is then pushed under the rootball and the trees are moved, without lifting on the trunk.

As with all transplanting (and root pruning prior to transplanting) where possible we link the trees when planted upto an automated watering supply to ease the watering. If an electric supply can be provided this can be turned into an intelligent system, that waters only when the moisture sensors detect that the trees needs it.

Guideline Costings – subject to site meeting and root investigation

To root prune and transplant mature trees as per the methodology above a budget of around [REDACTED] per tree is necessitated.

These costs exclude aftercare, which can be undertaken by others. We will provide bespoke aftercare guidelines for these trees and be available to train/support others undertaking the aftercare. We would also be able to undertake the aftercare.

Transplanting using Tree Spades

To transplant trees with Tree Spades, they need to measure 20cm or less in trunk diameter measured at 20cm up the trunk (approximately where root flare turns into a cylinder). Both donor and receptor sites should be on level ground and ideally in close proximity.

We operate five sizes of Spades: 2.16 metre diameter, 2.03 metres, 1.6m and 1.4mr, Which facilitate much more cost effective Tree Transplanting. The image below is of one of our 2.16m Spades.





If moving over around 200m these Spades can transplant 8 + trees per day, plugging all donor pits, bar the final one that has its plug adjacent. We can however transplant trees and hedges over any distance.

Most trees moved with a Spade will need overhead guying to assist with their stability, whilst establishing. As with all planted trees and shrubs, they need assistance whilst their roots extend to that of a natural trees (this period is called establishing). When the roots have reached that of a natural tree and can support the tree, it is termed as established. Whilst establishing the trees will need primarily watering to compensate for the reduced size for upto 5 years as per BS8545.

Transplanting of Hedges

We can transplant hedges at heights of upto 4m, so that the wildlife and visual benefits are transferred from one location to another. This is significantly better than the accepted coppice down and transplant as the benefits are immediately retained and the client does not have to wait 30 or so years for the hedge to re-grow. All the benefits of the hedge are replicated in its new location in a couple of hours.

The wildlife, visual and barrier characteristics are retained in the new location. At 4m an established wildlife corridor can be created on planting

The hedge on the right hand side of the image overleaf was transplanted to create a visibility splay and to retain the hedge, facilitating the development on the far right. It was reduced to 4m tall and over 105m was transplanted. The image was taken the summer after transplanting.





We have just completed transplanting 4.5km of hedges for HS2 using this methodology.

There are other options for these trees, other than transplanting, which may be precluded due to available timescale or budget. I have detailed below two options.

1) Felled Trees

We also specialise in translocating large dead trees (4t++) as part of ecological mitigation. In addition it allows for the organic matter taken from the soil to be returned to it, in preference to the removal from site as woodchip or timber. This removal of organic matter from sites, puts the soil on a harsh diet as the organic matter that is naturally returned to the soil is removed from the ecosystem. Sustainability/BNG calculations do not recognise a) the loss to the local ecosystem of organic matter or b) the carbon release and pollution from burning woodchip as biomass. If you would like to discuss how we can help you produce the real BNG and make the existing one look silly, please contact us.

2) Play Trees

Another use for large dead trees of a durable hardwood is to prepare them and place them in Play Areas as part of the policy for natural play. As per the image below of a large Play Tree.





We can help WSP plan construction sites without wasting a tree or hedge, please contact us to discuss this.

Ruskins are also expert at retaining trees on development sites. We can trench through root systems, leaving every root intact, locate areas where roots are not present for piles and with Air Spades reduce back the root systems, usually on one side only, protect from caustic cement and face with Air Pot to help create an aerated root system in this area.

We can also assist you with sustainability/biodiversity, carbon storage and drainage, by boosting Soil Biology. We can measure the change in biodiversity and carbon storage.

Not only can we advise on how to change land management practices to boost Soil Biology but newly planted, established and stressed plants and trees, will be more resilient and grow stronger when supported by Soil Biology. New planting will establish quicker, with less aftercare.

Soil Biology will also help when trees are stressed by construction works, usually in conjunction with aeration/decompaction and applying Soil Biology.

Thank you for the opportunity to explain our capabilities to you.

If you wish to discuss any aspect of these services or how we can help you with these trees, please do not hesitate to contact us.

Yours sincerely

[Redacted signature]

[Redacted signature]

Operations Director

[Redacted signature]

[Redacted footer]