

November 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.107 Applicant's response to Deadline 3 Submissions -
Appendix H Hertfordshire County Council, Dacorum Borough
Council and North Hertfordshire Council (REP3-090)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.107

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.107 APPLICANT'S RESPONSE TO DEADLINE 3 SUBMISSIONS -
APPENDIX H HERTFORDSHIRE COUNTY COUNCIL, DACORUM
BOROUGH COUNCIL AND NORTH HERTFORDSHIRE COUNCIL
[REP3-090]**

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Contents

	Page
Appendix H – Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire Council [REP3-089 and REP3-090]	1
References	23

Tables

Table H.1 Applicant's response to submission by Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire Council at Deadline 3

Appendix H – Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire Council [REP3-089 and REP3-090]

Table H.1 Applicant’s response to submission by Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire Council at Deadline 3

I.D	Topic	Deadline 3 submission (Verbatim)	Luton Rising’s Response
Deadline 3 Submission - Response to the Applicant’s Responses to Written Representations [REP3-089]			
1	Air Quality	The Applicant’s response is noted, however it does not adequately address the matter. The GCG Framework [APP-218 and APP-222] thresholds for air quality do not address short-term pollution events which can trigger acute health impacts. The Applicant should confirm how short-term pollution events – especially in relation to PM2.5 – will be captured and addressed by the Applicant to ensure that airport is not the cause. (For PM2.5, the Hertfordshire Host Authorities have suggested adopting the World Health Organisation interim target 3 for the 24-hour mean concentration of 37.5 micrograms per cubic metre, not to be exceeded more than 3-4 days per year.)	<p>The Applicant considers that the issue raised regarding short-term air quality monitoring was answered within the Applicant’s Response to Relevant Representations Part 2A of 4 [REP1-021] page 25, in response to RR-0558 and RR-0297.</p> <p>With regards to the short-term PM_{2.5} World Health Organisation air quality guidelines, these are not currently part of UK legislation or policy, so the thresholds used to assess schemes remain those identified in Table 7.2 of Chapter 7 of the ES [AS-076]. Until such thresholds are changed, which may or may not reflect the WHO Guidelines, then assessment is undertaken in accordance with current legislation which is consistent with policy standards. The Applicant therefore considers it appropriate to use the currently legislated thresholds in the GCG framework.</p>
2	Air Quality	Also, the Herts Host Authorities remain concerned that the indicative (‘AQ-Mesh’) continuous monitoring method proposed by the Applicant would not meet	The Applicant considers that the issue raised regarding short-term air quality monitoring was answered within the Applicant’s Response to

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		<p>Defra's reference method equivalence criteria for particulate monitoring [REP1A-003, paragraph 7.7.15]. Indicative methods are generally not fit for purpose for demonstrating compliance and cannot be relied upon to capture short-term pollution events.</p>	<p>Relevant Representations Part 2A of 4 [REP1-021] page 25, in response to RR-0558 and RR-0297.</p> <p>With regards to the Defra's reference method equivalence criteria for particulate monitoring, a robust assessment presenting reasonable worst-case effects has been provided in Chapter 7 of the ES and no significant effects have been identified, The monitoring included in the GCG Framework [APP-218] is also not intended to form part of the Local Air Quality Management network, but instead to monitor the effects as a result of the airport. On this basis of these points, it is considered proportionate to use indicative monitoring.</p> <p>The Applicant will liaise with the councils on this and it will be captured in the Statement of Common Ground.</p>
3	Cultural Heritage	<p>As the Applicant's response notes, para 10.7.38 refers to specific assets and does not refer to all assets. The ES Chapter 10 Cultural Heritage [AS-077] notes at paragraph 10.7.38 and paragraph 10.7.44 that 'quietness' does not contribute to the setting of specified heritage assets. Paragraph 10.7.38 refers to scheduled monuments specified at paragraph 10.7.37. Paragraph 10.7.44 refers to registered parks and gardens specified at paragraph 10.7.43, including the Grade II* Knebworth Registered Park and Garden (parks and gardens will</p>	<p>The Applicant has adopted a holistic approach when assessing impacts within a designed space such as a Registered Park and Garden (RPG), and all assets are assessed as a whole. This approach was agreed with Historic England and is stated in Paragraph 10.7.39, Section 10.7 of Chapter 10 Cultural Heritage of the ES [AS-077]. All potential impacts to all assets, including those assets located within RPGs, have been assessed. It has been agreed with the Host Authorities that an impact assessment of each individual heritage asset will be articulated in</p>

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		<p>also have individual designated heritage assets located within them: in the case of Knebworth for example, multiple heritage assets of the highest significance). Tranquillity is an important component of the setting of registered parks and gardens, and although setting may have been changed by later developments (notably by current aircraft movements, as well as from other sources) the Proposed Development could further detract from that setting. This is in line with Historic England's GPA3 on cumulative change: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset." This issue should also be considered for assets scoped into the assessment (e.g., the Grade I St Paul's Walden Bury Registered Park and Garden). The Host Authorities would like to see more consideration given to this issue, as well as further clarity as to why individual designated heritage assets within registered parks and gardens are not assessed separately (for example the Grade I St Paul's Walden Bury Registered Park and Garden. The assessment notes potential impacts to the asset at paragraph 10.9.86 to 10.9.88 – but does not include potential impacts to individual heritage assets located within it).</p>	<p>the updated Appendix 10.2 Cultural Heritage Gazetteer of the ES [APP-073], to be submitted at Deadline 4.</p> <p>With regard to cumulative effects, the assessment presented in Chapter 10 Cultural Heritage of the ES [APP-077] considers the historic setting of an asset and where this has changed over time, in accordance with Historic England guidance GPA3 and the NPPF which states that the surroundings in which a heritage asset is experienced is not fixed and may change as the asset and its surroundings evolve. Where current aircraft movements already detract from the heritage significance of an asset this has been noted, the assessment then addresses the effect of additional change resulting from the Proposed Development. The cumulative effect is thereby assessed.</p>

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4	Surface Access	<p>North Herts Council has identified anomalies and inconsistencies in the forecast traffic flows at the junctions in Hitchin featured in the TA, which are obscured by the omission of baseline traffic counts in the evidence supplied in the TA. North Herts Council seeks further detail and explanation of assumptions that underlie the traffic flow forecasting and impacts of the proposed interventions.</p>	<p>Details of the traffic flow forecasting are given in Chapter 9 of the Transport Assessment [APP-205] and in the Strategic Modelling Forecasting Report in the Transport Assessment Appendices - Part 2 of 3 (Appendix F) [APP-201]. If the Council has questions remaining regarding anomalies, these should be specified and the Applicant will cover them in the ongoing SoCG discussions.</p>
5	Surface Access	<p>Appendix H to the Transport Assessment [APP-202] does not provide sufficient clarity and detail on the specific queries that have been raised in the first column (Matters raised in WR):</p> <ul style="list-style-type: none"> • More detail is needed on the expected increase in passengers at already busy rail stations in Hertfordshire – including St Albans and Harpenden. Specific overcrowded trains / routes should be identified; • As above there is insufficient detail regarding the bus/coach services that are needed to support the distributional assessment of passenger and employee demand; • The assessment to date has been on pre-covid service levels and uptake, how have potential rail cost-cutting / investment reductions and the potential capacity reduction compared with that envisaged in 2019 been accounted for in the mode share targets and the assessment of the impact on the existing rail capacity. 	<p>The level of rail demand increase from St Albans and Harpenden is not expected to be significant for the following reasons:</p> <ul style="list-style-type: none"> • CAA data indicates that St Albans (the Local Authority area) is less than 3% of total rail demand. • For the 3-hour AM/PM peak period forecast rail demand of 1,946/1,908 with 3% of passengers added to this would represent an increase of less than 40 passengers in the peak direction over a 3-hour period. • These passengers would be distributed across both Harpenden and St Albans stations. • St Albans station has recently undergone a capacity upgrade including a second footbridge. • Compared to existing demand at these stations the low level of change does not,

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			<p>in the Applicant's professional judgement, require further detailed assessment.</p> <p>The level of demand from the airport on specific trains is not possible to accurately assess, significant variation occurs between demand on individual services across days and will change significantly in the future depending on a number of factors such as future airport flight schedules and future changes to rail timetables. It is therefore most appropriate to look at overall rail capacity and this is standard practice for modelling rail capacity impacts.</p> <p>The assessment was using 2019 demand and service levels. Demand recovery post covid has continued in 2023 and Thameslink is operating with 8tph per direction at the airport with 2 EWR services.</p> <p>The airport demand assessment is for 2040 and if background demand continues to grow and returns to 2019 levels then it would reasonably be expected that the rail capacity would also return. If rail overall demand growth is lower than expected, then there will be significant spare capacity for airport passengers with today's service levels.</p> <p>The mode share targets have not been reduced based on short term service level reductions given they are for the medium and long term. The</p>

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			<p>introduction by EMR with a regular 2trains per hour express service from Euston has been delivered post covid alongside DART and is expected to deliver mode share growth.</p> <p>The Applicant and operator are engaging in discussions with local operators to develop understanding of their current and planned routes, and what interventions and measures would enhance their service offering. Engagement is ongoing and is supported by the Applicant's study into current gaps in bus provision and areas that would most benefit from improved/new services.</p>
6	Surface Access	<p>A meeting has been held on 19th September 2023 for the Applicant to share further details of the emerging TRIMMA. The Host Authorities will be reviewing the presentation slides and notes shared by the Applicant on 21/09/23 which will be submitted formally in due course. (23-09-19 DCO T&P – STF_TRIMMA engagement – HAs.pdf) and providing further feedback as part of the process. However the initial comments and concerns are as follows:</p> <ol style="list-style-type: none"> 1. Concern that the works away from the airport will need to be delivered by the Host Authorities, degree of cost certainty and cost risk will be important for the Host Authorities to have a greater understanding of; 	<p>Noted and this will be addressed in future engagement and the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [TR020001/APP/8.97] to be submitted at Deadline 4.</p>

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7	Surface Access	2. There are some large infrastructure schemes proposed which could absorb a high proportion of the pot of funds available through the TRIMMA;	<p>Please see the OTRIMMA [TR020001/APP/8.97] document to be submitted at Deadline 4. Type 1 mitigation is included within Schedule 1 of the draft Order and would not be funded from the same source as Type 2 mitigations identified through the TRIMMA process.</p> <p>The cost of any other unidentified highway mitigation works outside of Schedule 1 of the DCO (Type 2 mitigation) would be funded via the Residual Impact Fund. The RIF will be a finite fund for the mitigation of residual airport-related traffic impacts. This fund will be secured in the section 106 agreement. Further details will be provided in the Steering Group Terms of Reference to be contained in the final TRIMMA.</p>
8	Surface Access	3. Stopping the monitoring at 31.5mppa is insufficient there will still be an impact that needs monitoring for a defined period (usually minimum 5 year for typical development applications) beyond the completion of the expansion;	<p>Noted this will be amended to five years after 32mppa has been reached. This is reflected in the OTRIMMA [TR020001/APP/8.97] submitted at Deadline 4, see Section 3.</p>
9	Surface Access	4. Funding for attendance at the ATF which will now have a very different terms of reference and higher expectations for attendance and involvement from the parties that are signed up to it, particularly with regards the monitoring and review of schemes put forward;	<p>The Airport Transport Forum (ATF) is an existing body, the costs of attendance at which are not currently recoverable. There is no proposal or intention to change this. Participation in the ATF is a beneficial activity for the Council with the potential to lead to further investment in surface access matters in its area. Please see the Applicant's Response to Issue Specific Hearing 4 Action 17: Terms of</p>

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			Reference for the Airport Transport Forum (ATF) [TR020001/APP/8.95].
10	Surface Access	5. Monitoring of the airport car parks alone will miss growth in traffic to/from off-site car parks, which may have a significant negative impact on the highway network in Luton and adjoining authorities;	Please see information provided in the OTRIMMA [TR020001/APP/8.97] submitted at Deadline 4.
11	Surface Access	6. The frequency and duration of traffic monitoring will need to be robust enough to pick out trends from the background noise (normal variability) in traffic levels; and	Please see information provided in the OTRIMMA [TR020001/APP/8.97] submitted at Deadline 4.
12	Surface Access	7. The currently proposed locations for ANPR cameras will not identify or quantify traffic passing through villages around Luton, as it will only capture that traffic once it is close to the airport (and mixed with local traffic). For reference, TA paragraph 15.2.1 states, "Work with the local highway authorities to monitor and consider the need for traffic management measures to address airport related impacts in residential or rural areas including Great Offley, Tea Green, Breachwood Green and Whitwell." (N.B. the list of villages cited as potentially being impacted is not comprehensive.)	Please see information provided in the OTRIMMA [TR020001/APP/8.97] submitted at Deadline 4. 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.
13	Landscape and Visual Stakeholder	Relatively dark skies are a characteristic of the AONB referenced in the Chilterns AONB Management Plan 2019–2024. Effects in relation to lighting and dark skies within the AONB should be assessed as part of	A Light Obtrusion Assessment has been undertaken and presented in Appendix 5.2 of the ES [APP-052 and APP-053].

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	Engagement	<p>the Assessment of the effects of the Proposed Development on the Special Qualities of the AONB.</p> <p>The comment in relation to the introduction of new light sources in skyline views did not relate exclusively to the AONB. It also applies to closer range views particularly where large-scale development is introduced in elevated situations where the characteristics of the view are predominantly rural. Effects in relation to lighting should be assessed as part of the Assessment of the effects of the Proposed Development, particularly where there are predominantly rural characteristics in a view. In addition, the AONB Board does not appear to have been consistently part of the TWG and therefore the AONB Board should be specifically consulted on the requirement for assessing effects of the Proposed Development on dark night skies and the AONBs Special Qualities.</p>	<p>Table 14.5 on page 9 of Chapter 14 Landscape and Visual of the ES [AS-079] responds to the Planning Inspectorate's Scoping Opinion comment on this subject (Scoping Opinion ID 4.13.4). It clarifies that <i>"...the Proposed Development is substantially below the acceptable limits set out for Upward Flux Ratio (sky glow) and nuisance caused by the lighting installation, in line with the recommendations within ILP Guidance Note 1, It can therefore be demonstrated that the visible effects of obtrusive light within the Chilterns AONB resulting from the Proposed Development, would not be noticeable in the context of wider sky glow observed during the time of survey."</i></p> <p><i>Dark Skies is one of the special qualities of the Chilterns AONB and will be addressed further within the Special Qualities Assessment currently being undertaken.</i></p>
14	Noise and Vibration	<p>The Applicant has directly commented on how use of the faster growth case over the core case is not a clear scenario where total adverse impacts on health and quality of life from noise can be both limited and reduced.</p> <p>The core case is what is sought by the Applicant, rather than a sensitivity test (otherwise the faster growth sensitivity test becomes the core case).</p>	<p>As noted in the Green Controlled Growth Explanatory Note [REP3-015], the Limits and Thresholds are aligned with the 'Faster Growth' case to ensure that environmental impacts will not exceed the assessed 'reasonable worst case' in the Environmental Statement (ES). Section 12.3 of Appendix 16.1 of the ES [AS-096] provides an assessment of the total adverse impacts on health and quality of life from noise arising from the Faster Growth scenario, noting that there are only</p>

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		<p>Therefore, noise contour limits must be set using core case values.</p> <p>The Host Authorities note that the night-time core case is artificially already inflated by 5% beyond what is being sought [REP2-032], further weighting benefits in favour of Luton Airport.</p> <p>The OANPS quote provided is of a sentence within a paragraph. The full paragraph is: "We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England."</p> <p>The OANPS therefore allows for noise and economic benefits to be counter-balanced, but that limiting, mitigating and minimising are all still required. The Noise assessment must happen first, before considering the overall planning balance. It is entirely feasible for noise levels arising from the Proposed Development to be minimised by moving noise</p>	<p>differences in identified effects between the Faster Growth and the Core case for Phase 1 and that the effects in Phase 2a and 2b are the same as reported in the Core case. Table 16.74 in Chapter 16 of the ES [REP1-003] notes that the additional significant effects in Phase 1 would be avoided through the provision of noise insulation, so Faster Growth effects are both limited and reduced.</p> <p>It is necessary to separate the purpose of the core case in the ES, which is used to identify likely significant effects consistently across all environmental topics, and the sensitivity tests that are part of providing a robust assessment of the reasonable worst case. The setting of the Noise Envelope Limits and Thresholds are therefore defined to secure that the effects are no worse (and could be better) than the reasonable worst case assessed in the ES using the combination of the core case and associated sensitivity tests.</p> <p>It is not the case that the core case has been artificially inflated at night, rather that the forecasting has made an assumption about expected rates of delay, this is set out in paragraph 6.6.61 of the Need Case [AS-125]. The same assumption is applied in all of the Assessment Cases. To not do so would risk underpredicting the noise impacts.</p>

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		<p>contour limits from the faster growth case to the core case.</p> <p>The Host Authorities accept the point raised by the Applicant that they have based sharing of benefits using 2019 Consented baseline rather than the 2019 Actuals, but again note that no benefits are proposed to be shared in the night-time and scant sharing is proposed in the daytime.</p> <p>The Applicant needs to revise their assessment to comply with UK aviation noise policy, by basing future contour area limits from the core assessment case and by committing to an equal share of noise reduction benefits between the local community and the airport, based on a compliant baseline.</p>	<p>The Applicant has set out how the proposed development meets the Overarching Aviation Noise Policy Statement (OANPS, Ref 1) in Commentary on the Overarching Aviation Noise Policy Statement [REP1-012].</p> <p>The extent of sharing of the benefits is acknowledged and quantified, and the resulting compliance with policy is noted, in Appendix 16.2 of the Environmental Statement [APP-111].</p> <p>Given the above, the Applicant does not agree that it is necessary or appropriate to revise its assessment.</p>
15	Noise and Vibration	<p>The Applicant is seeking to ignore the noise condition breaches that occurred in 2019. The EIA Regulations do not state definitively what “current state of the environment” means, nor expand on this limited definition any further. The Applicant’s use of 2019 actual noise conditions to provide certainty on the minimising of future noise is flawed.</p> <p>While the assessments of residual significant effects may remain unchanged if either is used, the inclusion of 2019 Actuals on graphs purporting to show noise reduction over time leads to bias and suggests a level</p>	<p>It is not the case that the Applicant is seeking to ignore the noise condition breaches that occurred in 2019. As noted in the response that this comment has been raised against, a sensitivity test using a ‘2019 Consented’ baseline has been undertaken. Furthermore, lessons learnt from the noise contour area condition breaches that occurred in 2019 have been used to make improvements to the Noise Envelope.</p> <p>Graphs showing changes in noise contour areas over time, such as Inset 3.1 to 3.6 of Appendix 16.2 of</p>

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		of reduction that should not legitimately be claimed by the Applicant.	the Environmental Statement [APP-111] and Figure 3.3. and 3.4 of the Green Controlled Growth Explanatory Note [REP3-015] show both the 2019 Actuals and 2019 Consented contour areas. It is therefore not agreed that there is bias.
Deadline 3 Submission - Hertfordshire Host Authorities' Responses to the Applicant's Responses to Local Impact Report [REP3-090]			
16	Surface Access	The Host Authorities still require evidence that there will be sufficient funding to deliver enhanced schemes should these be identified as being required. They are raising as an issue now to ensure sufficient funding is in place when needed.	Please see information provided in the OTRIMMA [TR020001/APP/8.97] submitted at Deadline 4. Section 3.3.11 stated that where requested by a local highway authority the Applicant may agree to an alternative solution to the proposed works set out in Schedule 1 of the Order. If this approach is agreed, the Applicant's contribution to the cost of such works would be limited to the estimated costs of implementing the Schedule 1 proposals, and the Applicant would need to be satisfied that any alternative proposal would be delivered in a timely fashion by the local highway authority concerned. In all cases the final proposal must be approved in writing by the relevant planning authority.
17	Surface Access	There will be a finite number of parking spaces within the airport, and it is also reasonable to assume that there will be a continuation / expansion of off-site airport parking associated with the airport expansion. This is a necessary part of the assessment of airport related vehicular trips and associated traffic impacts. Appendix H to the Transport Assessment [APP-202]	Please see the response to ID point 5 earlier in this document.

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		<p>does not provide sufficient clarity and detail on the specific queries that have been raised:</p> <ul style="list-style-type: none"> - More detail is needed on the expected increase in passengers at already busy rail stations in Hertfordshire - including St Albans and Harpenden. Specific overcrowded trains / routes should be identified. - The Host Authorities are concerned that if the bus services and patronage have not been identified as part of the airport growth and trip assessment associated with the transport assessment and planning application. Further information should be provided to demonstrate how the Applicant can be certain that the proposed mode share can be achieved. - There is insufficient detail regarding the bus/coach services that are needed to support the distributional assessment of passenger and employee demand; and - The assessment to date has been based on pre-covid service levels and uptake. The Applicant should demonstrate how potential rail cost-cutting / investment reductions and the potential capacity reduction compared with that envisaged in 2019 have been accounted for in the mode share targets and the assessment of the impact on the existing rail capacity. 	

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18	Surface Access	<p>The Host Authorities still require confirmation of the scope of mitigations that the Applicant is willing to consider, and evidence that there will be sufficient funding to deliver sufficiently effective mitigations that are also maximally policy compliant. For instance, will the Applicant be willing to invest in measures that will mode-shift car traffic, not only that related to the airport, to free up (rather than expand) road capacity? Such measures may include walking and cycling infrastructure; bus lanes; bus priority at traffic signals; subsidised enhancements to bus services (extended operating hours or increased frequency); pumppriming of new or altered bus routes; publicising and promoting public transport and active travel; subsidising and promoting car-share schemes; etc.</p>	<p>The potential impacts associated with the Proposed Development have been identified and assessed in the Transport Assessment [APP 200-207]. The Applicant is confident that the necessary mitigation required to mitigate the impacts of the Proposed Development have been identified. The Applicant is only required to mitigate the impacts of the Proposed Scheme and not existing baseline or future baseline issues not related to the airport.</p> <p>The Green Controlled Growth [APP-215] limits are aligned to the mode share assumptions used in the Transport Assessment [APP 200-207] ('reasonable worst case' – i.e., the minimum that must be achieved for impacts (after mitigation) to be acceptable).</p> <p>The Framework Travel Plan [AS-131] recognises it is desirable, if not essential, to deliver beyond the 'reasonable worst case' mode share. As such, the Applicant should strive to reduce surface impacts beyond the reasonable worst case assessment where possible. The requirement of the Framework Travel Plan [AS-131] will therefore set targets for increased use of sustainable modes that are more ambitious than the Green Controlled Growth [APP-215] limits.</p>

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			<p>This approach is proportionate to the consequences of a failure to meet the Limit: Limits based on the reasonable worst case, with significant consequences for exceedance (i.e., stopping growth), and more ambitious Targets in excess of the Limits, with annual monitoring and reporting through the ATF.</p> <p>The Applicant intends to provide funding through the Sustainable Transport Fund for measures set out in the Framework Travel Plan [AS-131]. This fund will be secured in the section 106 agreement. The details of this are being worked through and the views of the Host Authorities will be sought. A paper on the Sustainable Transport Fund will be submitted at Deadline 5.</p> <p>The cost of any other unidentified highway mitigation works outside of Schedule 1 of the DCO would be funded via the Residual Impact Fund. The RIF will be a finite fund for the mitigation of residual airport-related traffic impacts. This fund will be secured in the section 106 agreement. Further details will be provided in the Steering Group Terms of Reference to be contained in the final TRIMMA.</p>
19	Noise management and control	The Applicant appears to take the position that all controls are placed so as to control the summer 92-	The justification for controls in the Noise Envelope is provided in Appendix 16.2 of the Environmental Statement [APP-111], Comparison of consented and proposed operational noise controls [AS-

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	mechanisms	<p>day period over which noise contours are typically calculated.</p> <p>This is not correct. For instance, an annual Quota Count limit covers a different period and is annual, rather than over the summer. It is therefore a different and separate control, rather than a mitigation measure designed to enable the summer contour to be met.</p> <p>Inclusion of any of these measures as tools for the operator to control the noise contours are welcomed, but it must be recognised that these are not the same as separate controls which can be imposed on the airport.</p> <p>The worked example is based on an incorrect understanding of why breaches previously occurred. The provided note does not detail what mitigation would be employed.</p> <p>Given that Luton Airport has previously reached passenger limits that were meant to take circa 15 years to materialise in closer to three years, mitigation measures that can be applied immediately will be needed, as well as future mitigation measures that might not yet be known.</p> <p>The Applicant, in basing their proposals “upon best practice, guidance and policy”, have ignored the requirements set out in the NEDG, as well as CAA guidance stating that noise envelopes should be designed to meet local needs.</p>	<p>121] and Noise Envelope - Improvements and worked example [REP2-032]. As set out in these documents and particularly Appendix 16.2 [APP-111], it is not agreed that the Applicant has ignored the recommendations of the Noise Envelope Design Group and guidance from the Civil Aviation Authority.</p> <p>However, following discussion at the issue specific hearings, further discussions with the Host Authorities and the publication of the decision to approve planning permission to 19mppa (APP/B0230/V/22/3296455), the Applicant note the point about the controls being distinct and separate and is intending to make further updates to the updates to the noise controls secured in the DCO which will be published at Deadline 5.</p>

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20	Noise management and control mechanisms	<p>Dispensation of flights specifically relates to Quota Count controls, and airports that are allowed to dispense movements are subject to further (compensating) controls. The Applicant seeks the benefit of dispensation without the associated controls. The Noise Envelope Design Group agreed that dispensation would be appropriate when there was a range of controls being proposed within the noise envelope. Given that these controls have been cast aside, the Applicant's firm application of the Noise Envelope Design Group's recommendations is surprising. The Applicant needs to carry through current noise related planning controls and implement the recommendations of the NEDG to provide a suitable noise control scheme, for which aspects could have dispensation applied to.</p>	<p>Though the guidelines on dispensations apply to Quota Count controls, the principles are considered to be appropriate as they are intended to apply to delays to aircraft movements, or additional aircraft movements, that are outside of the airport operator's control. Given they are outside of the airport operator's control, it is considered appropriate that these should not be included in the compliance process for the airport operator's noise controls.</p>
21	Noise Policy	<p>The statement that the comparison of the DM case is only a sensitivity case refers to the use of DS vs 2019 Compliant being a sensitivity case, whereas it should form part of the main evidence.</p> <p>Aircraft air noise levels do not reduce over time, as evidenced by the fact that night-time noise levels do not reduce to below the 2019 Compliant baseline. Daytime noise levels do technically reduce, but then rise again in 2039, which is a clear identification of growth without noise reduction.</p>	<p>The Applicant has set out its position on the use of the 2019 Actuals and Consented baseline many times, most recently in the Applicant's Post Hearing Submission - Issue Specific Hearing 3 (ISH3) [REP3-050].</p> <p>See response to I.D. 14 with respect to compliance with aviation policy and sharing the benefits.</p>

I.D	Topic	Deadline 3 submission (Verbatim)	Luton Rising's Response
		<p>The Applicant's reasoning for using 2019 baseline is again noted to be flawed. EIA Regulations are not strict in determining which year is current (2022, 2021 and 2020 are more current than 2019, for instance). The Applicant needs to revise their assessment to comply with UK aviation noise policy, by basing future contour area limits from the core assessment case and by committing to an equal share of noise reduction benefits between the local community and the airport, based on a compliant baseline.</p>	
22	Green Controlled Growth - Noise	<p>The proposed measures are all designed to show how the noise contour control would work, in theory. No consideration has been given to the fact that there are multiple existing controls, all of which act to control noise in different ways, covering different times. The inclusion of extant controls and those proposed by the NEDG therefore must occur.</p>	See response to I.D. 19.
23	Green Controlled Growth – Surface Access	<p>The Host Authorities note the Applicant's response and have reviewed the submissions cited. The Host Authorities do not consider that those submissions adequately address the Authorities' concerns in respect of the time lag between identified breaches and preventative/restrictive measures being implemented. In particular, whilst it is noted that it is stated that "There is nothing within the GCG Framework that would prevent the airport operator from implementing mitigation at the airport as soon as they are aware there is a risk of a Threshold or Limit</p>	<p>The GCG Framework has been developed to require proactive management of surface access impacts (along with the other three topics) through the inclusion of the Thresholds, with the ultimate intention to avoid any breaches of the Limit.</p> <p>Specifically regarding surface access, the Thresholds and Limits secured through the GCG Framework are based on passenger mode share performance across a calendar year and is</p>

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		<p>being exceeded...”, that is entirely within the discretion of the airport operator and is not an obligation. The parallels drawn with existing planning conditions are also noted, but the practical relevance in drawing parallels between noise contours and surface access monitoring needs further consideration. As a result, further engagement with the Applicant is required on this point. Ultimately, a potential two summer season lag between a breach being detected and the implementation of any controlling measures (including growth constraints) does not appear to the Authorities to be the basis for a robust regime for managing effects at an expanded Airport.</p>	<p>compared to the preliminary passenger survey data made available by the CAA. Given this, the ability to determine a breach of the Thresholds or Limits is subject to the timings of data made available by the CAA. The GCG Framework has been developed with an awareness of this constraint, and timings have been developed to ensure action is required to be taken by the airport operator as soon as reasonably practicable and to inform the next future capacity declaration where required.</p> <p>The airport operator is free to implement mitigation at any point to avoid a breach of the Limits, however the development of a Level 2 Plan in the first instance is only mandated once a Level 2 Threshold has been breached. In essence, the airport operator is obligated at this point to consider mitigation measures (through the development of the Level 2 Plan) to be implemented before any potential breach of the Limit has occurred, which would not be subject to the two summer season lag.</p> <p>Where a Limit is breached, a Mitigation Plan then requires the operator to mitigate the impact as soon as reasonably practicable through a set of proposed controls which must be agreed with the ESG. If agreed with the ESG that a local rule should be sought to be introduced (subject to the requirements of the Slot Allocation Regulations), then the operator</p>

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			<p>will seek to introduce one. However, it is more likely in the case of surface access, given performance against the passenger mode share is based on a proportion of passengers travelling by sustainable modes, not absolute passenger numbers, that alternative and potentially more effective measures will be sought to be implemented – i.e. reducing passenger throughput would not necessarily increase the percentage of passengers travelling by public transport, without other additional mitigation measures. An example of this would be the establishment of new public transport links with timescales to be agreed with the ESG and on the basis that this will be done as soon as reasonably practicable. As these types of measures are not reliant on slot allocation, they could be implemented prior to the two season summer lag (which explicitly relates to controls on slots).</p> <p>The Applicant is continuing to engage with the Councils on this issue through the Statement of Common Ground process.</p>
24	Green Controlled Growth – Surface Access	Noted that the Applicant confirms that the that delivery of mitigation through future Travel Plans and the TRIMMA will take place irrespective of the performance against the GCG Limits and Thresholds, in accordance with the separate processes and governance arrangements defined within those documents, which are legally secured through their	The Applicant has engaged with the Councils on the governance, source, size and scope of the Sustainable Transport Fund (STF), and the Section 106 agreement for securing the fund, and is developing further detail with consideration of comments raised. The fund takes the Framework Travel Plan's aspirations and demonstrates the

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		own requirements in the Development Consent Order (requirements 29 and 30). Details of and engagement on proposed funding mechanisms, including the Sustainable Transport Fund, are awaited.	airport's continuing commitment to support sustainable transport. The Applicant will continue to engage as the STF's detail is developed.
25	Landscape and Visual	The point relating to the change in levels and the effect this will have on visibility is noted. Concerns remain regarding the visual impact of large-scale structures introduced along the eastern edge of the Proposed Development. It is requested that more illustrative cross sections are provided (in addition to those provided in [AS-042] to understand the relationship of proposed built form with existing and proposed landform.	<p>The Applicant believes that appropriate and sufficient information regarding landform and built structures, and the landscape and visual impacts, is provided in the application documents for the potential environmental effects to be assessed and understood, including the cross sections referenced, landform figures in the same document, and the photography and Accurate Visual Representations provided in Environmental Statement Appendices 14.6 [AS-090 to AS-095] and 14.7 [REP3-009 to REP3-014] respectively.</p> <p>Other points raised during ISH6 by council representatives regarding this and further landscape information to be included in Requirement 9 of the draft Development Consent Order (DCO) have been requested by the ExA's Action Point 28 from that hearing. The Applicant's Response to the ExA's Deadline 4 Hearing Actions [TR020001/APP/8.84] includes a response on this point. The Applicant believes that it is not necessary to add further listed requirements to Requirement 9 as the list at 9(2) ("must include") is not exhaustive, and under Requirements 35 and 36 the discharging local planning authority (which would be the relevant</p>

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			<p>Hertfordshire authority 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 plans.</p>
26	Cultural Heritage	<p>The criteria in Section 10.5 are noted, as are the previous discussions around this issue. “The Applicant has noted that the term in the Gazetteer [APP-073] does not relate to the spatial extent of a heritage asset’s setting, as setting cannot be defined by a fixed extent. The Applicant further notes that assets have been scoped out where components of their setting are not present within the Site and/or would not change as a result of the Proposed Development”. However, reviewing this issue again, the language used is still liable to confusion as the phrase “The setting of this asset does not extend into the Site” does not adequately convey why assets are specifically scoped out of the assessment (and GPA3 was quoted here to show why this phrase is inappropriate for the gazetteer). The setting of these assets needs to be understood and explained in the gazetteer so that the Host Authorities can understand why an asset's setting would not be changed by the Proposed Development.</p>	<p>For clarity, it has been agreed with the Conservation Officer for Central Bedfordshire Council that an impact assessment of each individual heritage asset will be articulated in the updated Appendix 10.2 Cultural Heritage Gazetteer [APP-073], to be submitted at Deadline 4. This will include amendments to the existing wording to clarify why assets have been scoped in or out of the impact assessment.</p>

REFERENCES

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