



## Hertfordshire Host Authorities

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# HERTFORDSHIRE HOST AUTHORITIES' RESPONSES TO ACTION POINTS FROM ISSUE SPECIFIC HEARINGS

London Luton Airport Expansion



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# 1 INTRODUCTION

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## 1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document provides the Host Authorities' responses to action points from the Issue Specific Hearings (ISH) required by the Examining Authority for Deadline 4 for the Applicant's proposed London Luton Airport Expansion Project (the 'Proposed Development').
- 1.1.2. The ISH where there were action points that require a response from the Host Authorities were:
- ISH 2 held on Wednesday 27<sup>th</sup> September [EV7-006];
  - ISH 5 held on Thursday 28th September 2023 [EV10-006]; and
  - ISH 6 held on Friday 29th September 2023 [EV11-009].
- 1.1.3. This document has been prepared jointly by Dacorum Borough Council ("DBC"), North Herts Council ("NHC") and Hertfordshire County Council ("HCC"), in collaboration with their technical consultants, together as the "the Host Authorities".



## 2 THE HOST AUTHORITIES' RESPONSES TO ACTION POINTS FROM ISSUE SPECIFIC HEARINGS

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### 2.1 ISSUE SPECIFIC HEARING 2

#### **ISH2-AP2: DR SMITH TO REVIEW REPORT AND ENGAGE IN FURTHER DIALOGUE WITH APPLICANT FOLLOWING COMMENTS FROM MS CONGDON.**

- 2.1.1. Dr Smith prepared a response to the Applicant's 'Response to Chris Smith Aviation Consultancy Limited - Initial Review of DCO Need Case for the Host Authorities' [REP2-042]. An advanced draft of this response was shared with the Applicant on 17th October 2023. The Applicant indicated it would not be able to deal with this before Deadline 4 and intended to submit a reply to it at Deadline 6. This Chris Smith Aviation Consultancy Limited (CSACL) response, CSACL-003 is now submitted to the Examining Authority (ExA).
- 2.1.2. The issues between the Applicant and CSACL primarily relate to the timing of need, influenced significantly by the passenger-handling capacities of Heathrow and Gatwick. The Applicant has indicated that it would not be changing its assessment of the capacities of these airports.
- 2.1.3. This Action Point was triggered by a discussion [Transcript Time Stamp around 1:24:00] of the Applicant's development of a Hybrid scenario for one additional runway in the London area at either Heathrow or Gatwick, but with the airport not being specified. Ms Congdon stated at Issue Specific Hearing 2 that the Applicant had "...split the difference..." between the two airports to create the Hybrid. Dr Smith had previously been told that no arithmetic relationship had been used, and the Hybrid was based on judgement alone. Ms Congdon has subsequently confirmed to Dr Smith that the correct information had originally been given to Dr Smith that the Hybrid was based on judgement alone, so that there is no need to alter this aspect of Dr Smith's report to the Host Authorities.
- 2.1.4. Discussions are ongoing between Dr Smith and Ms Congdon.

### 2.2 ISSUE SPECIFIC HEARING 5

#### **ISH5-AP3: PROVIDE COMMENT ON MEASURABLE TARGETS AND SPECIFIC MEASURES TO BE INCLUDED IN THE DUST MANAGEMENT PLAN**

- 2.2.1. The Institute of Air Quality Management Guidance on Monitoring in the Vicinity of Demolition and Construction sites<sup>1</sup> <https://iaqm.co.uk/guidance/> recommends the following Site Action Levels for different types of monitoring:
  - PM10 concentrations: 190 µg/m<sup>3</sup> averaged over a 1-hour period.

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<sup>1</sup> <https://iaqm.co.uk/guidance/>



- Dust deposition using Frisbee-type Deposition Gauges: 200 mg/m<sup>2</sup>/day, averaged over a 4-week period.
- Dust deposition using glass slide deposit gauges: 25 soiling units (su) per week, measured as a running 4-week average.
- Dust deposition using sticky pads: 5% effective area coverage (EAC) / day, measured over a 1-week period.
- Dust flux using sticky pads where both EAC and absolute area coverage (AAC) are measured over a 1-week period, where the that a Site Action Level is “High” or above.

2.2.2. It is recommended that these Site Action Levels should be adopted by the Applicant in principle and be reviewed in the future as additional information becomes available.

## 2.3 ISSUE SPECIFIC HEARING 5

### **ISH5-AP13: PROVIDE INFORMATION TO APPLICANT REGARDING A SINGLE PREVIOUS INCIDENT OF SUSPECTED FUEL DUMPING REFERENCED BY MR PITMAN.**

- 2.3.1. The following evidence provided by Mr Pitman (North Herts Council) has been submitted to the Applicant’s representatives (James Bellinger, Arup).
- 2.3.2. Complaints received on morning of 30/09/2020: *“We have received reports this morning of a suspected aircraft fuel dumping incident that affected the following neighbourhoods around 19.30 hrs last evening (Tuesday 29/09/2020)”*:
- Millard Road Estate.
  - Rosehill Estate.
  - Purwell Estate.
  - Highover Estate.
- 2.3.3. The following text was recorded when the complaint was registered: *“Customer wanted to speak to an officer regarding air pollution. He advised that last night, himself and the whole road noticed that air pollution was coming from somewhere or somewhat. The air pollution was very strong like there has been a spillage. He spoke to the Police who were unaware. All the neighbours were very concerned and shut their windows. He phoned the emergency env. health number who advised they couldn’t help so he went back to the Police on 101 who advised to call 999.”*
- 2.3.4. Further complaints received by North Herts Council on Thursday 01/10/20: *“We have received 3 further complaints of a similar nature, the earliest time reported as being noticeable was 6pm.”*
- 2.3.5. On 30/09/2020, Mr Pitman (North Herts Council) reported the details above to the Civil Aviation Authority (CAA) with further details supplied on 01/10/2020.
- 2.3.6. On 12/10/2020 the CAA provided a response with a reference: *“In this particular instance, the Safety Intelligence team have referred your submission to us in the Airspace Related*



*Environmental Enquiries (AREE) team for our consideration and comment. Your email has been transposed onto our system and has been given reference 798320 dated 05/10/2020.*

*If you wish to pursue this matter we respectfully suggest that you should contact Luton Airport to see if they had any reports of fuel dumping and also ask the airport to confirm the same with Terminal Control at NATS Swanwick.”*

- 2.3.7. These details were forwarded to communityupdate@ltn.aero on Wednesday 4th November 2020.
- 2.3.8. No response was ever received from London Luton Airport or further response from the CAA on this matter.
- 2.3.9. North Herts Council would be glad to know:
- If this incident was ever recorded by the Airport Operator.
  - If it was an incident that was planned.
  - If it was an unplanned incident.
  - If London Luton Airport and the airline concerned were aware that impact was likely on an urban residential area.
  - Whether London Luton Airport had agreed to the fuel dump.
  - What was the quantity of fuel dumped, from what height, and what location.
  - What was the flight that dumped the fuel, and what was its flight trajectory at the time of the dump.
- 2.3.10. Mr Pitman (for North Herts Council) has stated *“I have received no further response from any party on this matter.”*

## **2.4 ISSUE SPECIFIC HEARING 6**

### **ISH6-AP21: HOST AUTHORITIES TO DISCUSS WHETHER OR NOT SOME KEY VIEWS WITH FULLY RENDERED IMAGES OF THE PROPOSED DEVELOPMENT WOULD AID UNDERSTANDING OF THE PROPOSALS**

- 2.4.1. The Host Authorities have concerns regarding the visual impact which would result from the introduction of large-scale buildings or structures on elevated land at the eastern extent of the Proposed Development.
- 2.4.2. The existing Accurate Visual Representations (AVR) are based on simplistic massing models which are useful in terms of providing an indication of the scale of Proposed Development. However, AVRs which provided a clearer indication of the design intentions relating to building form, finishes and detailing particularly in relation to the eastern elevation as it is perceived from the wider landscape to the east would be beneficial.
- 2.4.3. Therefore, the position of the Host Authorities is that some fully rendered images of the Proposed Development would aid understanding. The Host Authorities would welcome the opportunity to agree requirements and specific viewpoints which would be most appropriate to illustrate in this manner with the Applicant.



## **ISH6-AP31: HOST AUTHORITIES - PROVIDE A RESPONSE ON SUITABILITY OF THE DESIGN PRINCIPLES DOCUMENT [APP-225]. APPLICANT – CONSIDER INTRODUCING THE NEED FOR A DESIGN CODE**

- 2.4.4. In response to the discussion around design at ISH6, the Applicant has made attempts to meet with the Host Authorities in advance of Deadline 4, with the intention that the Applicant would run through the Design and Access Statement Volume I [AS-049], Volume II [AS-124], Appendix B – Part 1 to 4 [APP-209, APP-210, APP-211, APP-212] and Design Principles [APP-225] documents.
- 2.4.5. Unfortunately, it has not been possible to arrange that initial meeting and as a consequence there has been no engagement with the Applicant. The Host Authorities are of the view that this would have been a key input into their response to Action Point 31, outlined in Action Points from Issue Specific Hearing 6 [EV11-009].
- 2.4.6. The Host Authorities enter into engagement with the Applicant sharing and supportive of the issues raised by the ExA at ISH 6, in relation to the design principles:
- They are very high level;
  - There is uncertainty about how the principles will be translated into achievement of good design;
  - Concern that they do not go far enough and the document ‘could go much further’;
  - The potential to incorporate more specific design criteria (potentially subject to approval processes separated out into specific works within requirement 5);
  - The lack of clarity in relation to how the development has actually taken on board national and other design policy requirements – ‘there is a gap between your policies and what you’ve got proposed’.
- 2.4.7. The Host Authorities have looked generally at the approach taken to design at Gatwick Airport Northern Runway Project<sup>2</sup> (PINS Reference Number: TR020005) at documents APP-253 – APP-257 and at Manston Airport<sup>3</sup> (PINS Reference Number: TR020002) at documents APP-081 – APP-084 and take the view that in the round they provide a better sense of what the scheme will look like/work from a design perspective.
- 2.4.8. Having said that, however, in relation to the actual design principles themselves at Gatwick Appendix 1, page 62 of APP-257, they are similarly a list of written statements, as is the case with the London Luton DCO [7.09 Design Principles (APP-225)] and on the whole they broadly cover the same kind of issues in much the same depth. At Manston, however, the

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<sup>2</sup> [TR020005-001118-Gatwick Airport Northern Runway Examination Library.pdf \(planninginspectorate.gov.uk\)](#)

<sup>3</sup> [TR020002-002558-Manston Examination Library Template.pdf \(planninginspectorate.gov.uk\)](#)





approach has been to provide considerably more detail and guidance within the principles and ones specific to individual elements of the proposal, along with visualisations.

- 2.4.9. The Host Authorities consider that it might be helpful to the parties and the ExA if a comparator assessment of a small number of other DCOs of similar representative type and/or scale were undertaken to provide comfort regarding the consistency and robustness of approach, scope and detail.
- 2.4.10. The Host Authorities are committed to meeting with the Applicant on design issues generally and the Design Principles specifically and are appreciative of its commitment made at ISH6 and in its subsequent approaches to the Host Authorities to keep the Design Principles document 'live' through the process so that it can be suitably updated. That process will be informed by the Applicant's position in relation to ISH6 Action Point 31 in relation to the potential for a Design Code. Also, in relation to the potential for a post consent approval process to be subject to a design review process that would be carried out by an independent design review panel to ensure that the highest standards of design are secured. This is supported in principle by the Host Authorities.
- 2.4.11. At ISH6 the Host Authorities landscape representative gave a commitment to consider the Design Principles document (from a landscape perspective) and provide a written response. That response is as follows:
- P.1, Section 2.2.1. of states, *"The masterplan for the Proposed Development has responded to the context of the landscape, neighbouring land and property uses, and has considered the need to minimise impact"*.
- 2.4.12. The Host Authorities consider that this is an appropriate principle but would like to understand exactly how the masterplan responds to landscape context particularly in relation to the proposed introduction of large scale-built development in this elevated landform and the consequent landscape and visual impact.
- 2.4.13. The Host Authorities are concerned that unless fundamental issues, regarding the approach to the masterplan evolution and landscape integration as set out above, some of the detailed design principles set out in P.2, Table 2.1 will not be achievable.
- 2.4.14. Design principle DQ.01 states, *"The detailed design of the Proposed Development will be: a) visually appropriate and sensitive to place, creating an appearance that demonstrates good aesthetics as far as possible; b) responsive to landscape and historical character and function, landscape permeability, landform, and vegetation."* However, successfully achieving these principles is reliant on the earlier outline design responding meaningfully to landscape context and the Host Authorities position is that this from the documents reviewed this has not been demonstrated.

