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London Luton Airport Expansion

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8.115 Applicant's Comments on Responses to Written Questions by Interested Parties

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.115

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.115 Applicant's Comments on Responses to Written Questions
by Interested Parties**

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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 comments on the responses to the ExA's Written Questions submitted by Interested Parties at Deadline 4.

1.1.2 The following Interested Parties submitted responses to the ExA's Written Questions at Deadline 4:

- a. Affinity Water;
- b. Buckinghamshire Council;
- c. Central Bedfordshire Council;
- d. Chilterns Conservation Board;
- e. Civil Aviation Authority;
- f. Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire Council ('the Hertfordshire authorities');
- g. Environment Agency;
- h. Forestry Commission;
- i. Historic England;
- j. LADACAN;
- k. Luton Borough Council;
- l. Natural England;
- m. Network Rail Infrastructure Limited;
- n. Thames Water;
- o. The Harpenden Society;
- p. The Woodland Trust; and
- q. UK Health Security Agency.

1.2 Structure of this document

1.2.1 This document is structured in a tabular format by Written Question.

1.2.2 Only those Written Questions that were responded to by Interested Parties, and which the Applicant wishes to provide further commentary on, are included.

Table 1.1: Applicant's comments on responses to ExA's Written Questions by Interested Parties

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
BROAD, GENERAL AND CROSS-TOPIC QUESTIONS		
Question BCG.1.1	<p>Development Plan policies If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination. Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents? Are the local planning authorities content with the Applicant's policy analysis?</p>	
The Hertfordshire authorities	<p>The Local Impact Report for Hertfordshire County Council, Dacorum Borough Council and North Herts Council [REP1A-00] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District. 'If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.' The Local Impact Report by Hertfordshire Country Council, Dacorum Borough Council and North Herts Council [REP1A-003] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District. Copies of those policies referred to in the Local Impact Report [REP1A-003] are submitted as Appendix 1 Development Plan Policies. Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents? Since the compilation of the application documents a Welwyn Hatfield Local Plan 2016-2036 was adopted at a meeting of the Council on 12th October 2023. 'Are the local planning authorities' content with the Applicant's policy analysis?' Spatial coverage Appendix E (APP-199) of the Planning Statement [AS-122] comprises of Policy Compliance Tables, which present a consideration of the Scheme against the national aviation policies and the national and local planning policies. The Applicant considers these likely to be important and relevant to the determination of the application for development consent. Within Hertfordshire, that consideration is applied to the adopted local plans of North Hertfordshire District and Dacorum Borough because they are the local authorities within whose administrative area the Order Limits fall (paragraph 6.4.3 of AS-122). The Hertfordshire Local Impact Report [REP1A-003], however, also identifies policies within the local plans of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District which, together with Dacorum and North Hertfordshire, are considered to represent a reasonable development plan 'arc' around the proposal. Within which, the influence of the Proposed Development would be most likely felt, taking into account the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164] (Figure 21.1) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network. It did not, however, consider policies within local plans covering the whole of the Core Zone of Influence (East Hertfordshire District) and Simulation Network (Three Rivers District and Hertsmere Borough). Whilst appreciating that the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District are not local authorities within whose administrative area the Order limits fall, in light of APP-164, Figure 21.1 and AS-044 Figure 18.3 the Host Authorities would have expected the Applicant to have considered development plan policies on a wider spatial coverage. Content and conclusions of the Applicant's policy analysis For the local plans that the Applicant has considered, the breadth of policies</p>	<p>The Applicant considers that the approach of focussing on the development plans within the Order Limits to be robust and proportionate.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>assessed is considered to be pretty comprehensive. The Applicant's assessment of policies is essentially that the Proposed Development is compliant with the local plans of Dacorum Borough and North Hertfordshire District. Whilst there are a range of topics with which the Host Authorities would agree with the Applicant's analysis, there are also others where the Host Authorities are in active discussions with the Applicant and where further information to support the scheme are awaited – for example in relation to noise, surface access, landscape, air quality, economic impacts, possible impact on the Green Belt.</p>	
<p>Question BCG.1.2</p>	<p>Neighbourhood Plans Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you: 1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion; 2. Provide a copy of the made plan or a copy of the latest draft. 3. Indicate what weight you consider the ExA should give to these documents.</p>	
<p>Buckinghamshire Council</p>	<p>The Council is of the opinion that full weight should be given to the following documents that are relevant to the development: Edlesborough Neighbourhood Plan (Made 2017), Wingrave with Rowsham Neighbourhood Plan (Made 2016), Pitstone Neighbourhood Plan (Made 2016), Ivinghoe Neighbourhood Plan (Made 2018), Slapton Neighbourhood Plan (Made 2018), Cheddington Neighbourhood Plan (Made 2015). If required, full copies can be sent separately. There are no relevant emerging Neighbourhood Plans. [please refer to the response from Buckinghamshire Council for links to the aforementioned plans]</p>	<p>None of these Neighbourhood Plans contain policies which are relevant to the Proposed Development, and they were therefore not further considered within the Planning Statement [AS-122].</p>
<p>Central Bedfordshire Council</p>	<p>Below is a list of made Neighbourhood Plans in the areas to the west of Luton and identified in the Core Zones of Influence as shown on Figure 2.1 of Chapter 21 of the ES. • Caddington and Slip End Neighbourhood Plan (adopted in 2018) Copies of this Neighbourhood Plan to be sent via email. Caddington and Slip End Neighbourhood Plan area extends to J10 of the M1, which is within the Order Limits. Section 8 of the Neighbourhood Plan relates to Transport but there are no specific transport related policies. However, one of the objectives is 'traffic will be better managed, with the safety of pedestrians being the top priority.' Given the concerns raised within CBCs LIR (REP1A-002) and the area is identified in Figure 2.1 (Core Zones of Influence) of Chapter 21 of the ES and covers a number of environmental and highway zones of influence, significant weight should be given the Caddington and Slip End Neighbourhood Plan. The following parishes have been designated Neighbourhood Areas but no progress has been made on the Neighbourhood Plans: • Studham • Hyde</p>	<p>The Applicant acknowledges that the Caddington and Slip End Neighbourhood Plan includes J10 of the M1, but the Plan contains no policies which are relevant to the Proposed Development, and it was therefore not further considered within the Planning Statement [AS-122].</p> <p>Having regard to the conclusions of the Transport Assessment [APP-206], the Applicant considers that the Proposed Development is consistent with Objective 9 of the Neighbourhood Plan which seeks to ensure that "traffic will be better managed, with the safety of pedestrians being the top priority".</p>
<p>The Hertfordshire authorities</p>	<p>The Hertfordshire Local Impact Report [REP1A-003] identifies relevant policies within the Local Plans of the local planning authorities of City and District of St Albans, Dacorum, North Hertfordshire, Stevenage and Welwyn Hatfield. The following are the 'Made' and emerging (where there is a draft plan available) Neighbourhood Plans within those five Hertfordshire local authority areas. Within the City and District of St Albans: Made: • Wheathampstead Neighbourhood Plan (Appendix 2) • Redbourn Neighbourhood Plan (Appendix 3) • St. Stephen Neighbourhood Plan (Appendix 4) • Sandridge Neighbourhood Plan (Appendix 5) • Harpenden Neighbourhood Plan (Appendix 6) Within Dacorum Borough: Made: • Grovehill Future Neighbourhood Plan (Appendix 7) • Kings Langley Neighbourhood Plan (Appendix 8) Emerging: • Bovingdon Neighbourhood Plan – Draft – currently at consultation (29 th September-12th November 2023). Completion date unknown. (Appendix 9) Within North Hertfordshire: Made: • Ashwell Neighbourhood Plan (Appendix 10) • Pirton Neighbourhood Plan (Appendix 11) • Baldock, Bygrave and Clothall Neighbourhood Plan (Appendix 12) • Preston Neighbourhood Plan (Appendix 13) • Knebworth Neighbourhood Plan (Appendix 14) • Wymondley Neighbourhood Plan (Appendix 15) Emerging: • Icklford - Consultation on the</p>	<p>The Applicant agrees with this analysis, notably that as none of these Neighbourhood Plans fall within the area of the Order Limits, they are, at most, of limited relevance or importance and, accordingly, these were not further considered within the Planning Statement [AS-122].</p>

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	<p>submitted neighbourhood plan took place between Thursday 11 May and Tuesday 27 June 2023. Completion date unknown. (Appendix 16) • Wallington - Consultation on a draft plan took place between Tuesday 18 July and 12pm on Wednesday 30 August 2023. Completion date unknown. (Appendix 17) Within Stevenage Borough there are no 'Made' or emerging Neighbourhood Plans. Within Welwyn Hatfield District: Made: • Northaw and Cuffley Neighbourhood Plan (Appendix 18) 2. The relevant appendices are noted in the above list of plans. 3. None of the 'Made' or emerging Neighbourhood Plans fall within the area of the Order limits. As a consequence, their weight is necessarily restricted/limited. The extent to which any residual restricted/limited weight may be attached to these Plans is considered to be dependent upon: i. The stage they have reached in the preparation/adoption process. ii. The extent to which the application might have an impact on the areas involved [taking into account whether, for example, they fall within the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1 – the authorities consider that the Air Noise Zone of Influence to be the most important) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network]. iii. Whether the Plans reference London Luton Airport or have policies relating to the potential influence of growth at the Airport. With regard to i., 'Made' local plans will carry more residual weight than emerging ones. As a consequence of this the emerging Bovingdon, Icklford and Wallington plans carry less, if any, residual restricted/limited weight. With regard to ii. (for the remaining neighbourhood plans), Ashwell, Northaw and Cuffley falls outside the Core Zone of Influence and Simulation Network and are considered to have no restricted/limited weight. All of the other neighbourhood plans fall within the Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network and therefore in some measure fall within the scope of the Applicant's surface access (highways) assessment. Grovehill (partially), Wheathampstead, Redbourn, Sandridge, Harpenden, Baldock (partially), Bygrave and Clothall, Preston, Knebworth and Wymondley all fall within the air noise Zone of Influence [Environmental Statement - Chapter 21 InCombination and Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1)]. Of the neighbourhood plans falling within the Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1)], none of them make specific reference to the potential implications of London Luton Airport or growth of it on the noise environment and therefore have negligible, if any, weight. Of the neighbourhood plans falling within the Simulation Network, three make specific reference to London Luton Airport with regard to the traffic implications of London Luton Airport and/or growth/expansion of it: Harpenden Neighbourhood Plan makes reference to transport congestion with London Luton Airport identified as one of the contributory factors to that: 'Chapter 9 Transport and Movement 9.1 This chapter sets out a number of policies in relation to transport and movement within the Harpenden Neighbourhood Plan Area. Located just east of the M1, near Luton Airport and within close proximity of a number of medium-large town and cities, including Hemel Hempstead, St Albans, Welwyn Garden City, Stevenage and Luton, congestion is frequently experienced in the area. In particular, Main Roads through Harpenden such as the A1081 (which runs from St Albans to Luton via Harpenden Town Centre), the B653 (which runs from Luton to the A1(M) near Welwyn Garden City/Hatfield), B652 (Station Road), which runs from Harpenden Town Centre to the B653 and Redbourn Lane (which connects with the M1 via Redbourn) experience congestion regularly. Policy T2 – Proposals Affecting the A1081, B653 and B652 Proposals that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road (as demonstrated by a Transport Assessment) will be required to make provision for, and contribute to, appropriate highways improvement measures to ease traffic congestion on those roads, including in relation to traffic flow and on-street parking pressure. Where creation</p>	

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	<p>or alteration of a junction on one of these roads is proposed, evidence must be provided that demonstrates how the proposed junction would minimise disruption to traffic flow. Policy T9 – Sustainable Transport Routes Appropriate provision of new and improved walking or cycling routes, improvements to the public transport network, the introduction of electric car charging points and the introduction of appropriate facilities for cyclists (including storage and changing facilities) are supported. New and improved cycle routes, pathways and bridleways within the Neighbourhood Plan Area, including those connected to nearby settlements, will be supported. In particular, improvements to the Harpenden to St Albans Cycle Route through the provision of a cycle only lane from Beesonend Lane past West Common would be supported. 9.12 A key ambition of the Neighbourhood Plan is to support a modal shift away from private motor vehicles and towards more sustainable modes of transport. This approach is intended to be through positive encouragement of measures that make sustainable transport options more accessible rather than seeking to make driving less accessible. Reducing the number of vehicle trips will ease congestion and support better air quality in the Neighbourhood Plan Area.’ Wheathampstead Neighbourhood Plan makes reference to the contribution that expansion of London Luton Airport has on the volume of traffic in the area. ‘3 VISION AND OBJECTIVES Challenges for Wheathampstead There is an ever-increasing volume of traffic through the area caused not only by the demand on housing but also the expansion of Luton Airport. This puts increased pressure on the Lower Luton Road and village centre.’ Preston Neighbourhood Plan makes reference to the impact of the expansion of London Luton Airport, including the DCO Proposal, will have on the volume of traffic having a huge impact on the quality of life of residents. ‘1. Introduction Some of the points raised by local people are not within the remit of either the Neighbourhood Plan or the Parish Council: aircraft noise and pollution and lights from Luton Airport.’ ‘11. Transport and Communications 11.3 Because there are only rural lanes within the parish there is huge concern locally about the increase in traffic which will inevitably occur if the proposed developments for East of Luton go ahead as well as the planned expansion to Luton airport. In addition to the planned and agreed increase in numbers to 18 million passengers per year, a recently submitted planning application requests that this number should increase to 38 million. The much greater volume of traffic through Preston as a result of these developments will have a huge impact on the quality of life for local residents. Policy TC1: Safe and Sustainable Transport: Residential and community development proposals will be supported where amenities in the village can be readily and safely accessed by pedestrians and cyclists. In addition, development proposals should conform to the following criteria: a) development proposals should not generate an unacceptable increase in traffic volume and movements within or through the village and b) development proposals should not generate unacceptable highway safety risks and c) development proposals should provide a minimum of 2 off-road parking spaces per new residential unit with 2-3 bedrooms and a minimum of 3 parking spaces for 4+ bedroom residential units.’ Whilst the Wheathampstead and Preston Neighbourhood Plans raise concerns about traffic related issues associated with London Luton Airport, they do not appear to have any directly relevant policies and therefore are considered to carry little of the restricted / limited weight. Policy 2 of the Harpenden Neighbourhood Plan makes reference to the requirement for proposals that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road to make provision for, and contribute to, appropriate highways improvement measures. Policy 9 supports improvements to the public transport provision. Both of these policies are considered to carry some restricted / limited weight.</p>	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Question BCG.1.3	<p>Central Government Policy and Guidance</p> <p>Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>	
Buckinghamshire Council	<p>The National Planning Policy Framework was updated in September 2023. The Council has not identified any specific changes of direct relevance to airport development, but notes that the update includes a number of amendments made under the heading of 'Meeting the challenge of climate change, flooding and coastal change' that may have indirect relevance. Therefore, as a minimum this should be captured in the Applicant's Errata Report, with the onus on the Applicant to consider wider implications for the proposed development that should also be applied to the wider DCO application.</p> <p>The Zero Emission Vehicle Mandate will require vehicle manufacturers to sell a rising proportion of electric vehicles before the 2035 ban on conventional petrol and diesel Updated legislation on the selling of petrol and diesel vehicles comes into force. The Applicant should consider any implications of the mandate and the Government's pushing back of the ban on new petrol and diesel cars to 2035 on the Environmental Statement (ES) and its conclusions.</p>	<p>The Environmental Statement (ES) considered the National Planning Policy Framework correctly at the time of writing.</p> <p>The amendments listed under the heading "Meeting the challenge of climate change, flooding and coastal change" have been reviewed and do not require any amendments to the ES or inclusion within the Errata Report. The purpose of the Errata Report [REP1-015] is to identify minor errors within the DCO documentation which do not impact on the assessment or conclusions.</p> <p>With regards to the 2035 ban on the sale of new petrol and diesel cars and vans, this has no implication on the air quality assessment in Chapter 7 of the ES [AS-076]. The emissions of NO_x, PM₁₀ and PM_{2.5} from road traffic have been calculated using the Defra's Emission Factor Toolkit (EFT version 11) which considers traffic movements, speed, road type and fleet composition for specified years. The emissions data corresponding to the assessment years (2027, 2039 and 2043) have been used. The assumption on the ban on the sale of new petrol and diesel cars and vans in 2030 had not been incorporated into Defra's EFT and the announcement of the five-year delay does not affect the air quality assessment.</p>
LADACAN	<p><u>2.1 Non-CO₂ emissions</u></p> <p><i>Non-CO₂ emissions produced by aviation have climate change impacts, and the advice commissioned by government shows large scientific uncertainties remain over the scale and impacts of the effects relative to CO₂. [3.94] The effects are not yet well enough understood to form policy with confidence that aviation's total climate impact would be reduced. The UK will continue working through ICAO on measures to regulate non-CO₂ emissions, and the situation will be reviewed as more evidence becomes available. [3.95]</i></p> <p><i>The government proposes [3.96] to:</i></p> <ul style="list-style-type: none"> - negotiate in ICAO for standards for all engine emissions with climate effects and will expect ICAO to issue best practice guidance on operational mitigations for non-CO₂ effects; - consider policies that may evolve over the long term such as technological developments, operational efficiencies, sustainable fuels, market-based measures, demand management and behavioural change; and - require planning applications for capacity growth to provide a full assessment of emissions, drawing on all feasible, cost-effective measures to limit climate impact, and demonstrating that their project will not have a material impact on the government's ability to meet its carbon reduction targets. <p>It is therefore likely that as the workstreams provide further information, policy will emerge to ensure aviation's non-CO₂ emissions are controlled. Paragraph 12.12.5 of the Applicant's updated GHG Assessment [REP3-007] states:</p> <p><i>"For all these reasons, while it is important to acknowledge the presence and warming effect of these non-CO₂ impacts, this assessment has not sought to quantify non-CO₂ impacts,</i></p>	<p>The Applicant fully acknowledges the role of non-CO₂ impacts that can affect the climate, in addition to the direct impacts resulting from the combustion of aviation fuel in aircraft engines. This issue is discussed in Section 12.12 of Chapter 12 Greenhouse Gases of the ES [REP3-007].</p> <p>While the Applicant recognises the issue, non-CO₂ impacts have not been quantified within the greenhouse gas (GHG) assessment for the following reasons:</p> <ol style="list-style-type: none"> a. The science remains highly uncertain, with no consensus over what an appropriate multiplier should be to reflect any additional warming. b. None of the recognised carbon budgets or pathways to net zero take account of non-CO₂ impacts, so contextualising aviation emissions in line with current guidance and best practice requires that these impacts are excluded from reported emissions. <p>It remains the Applicant's position that ongoing GHG reporting by the airport will follow all relevant legislation, policy and guidance as it evolves on this issue.</p>

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	<p><i>consistent with current Government and Committee on Climate Change advice. Ongoing GHG reporting by the Airport will follow all government policy as it evolves on this issue."</i></p> <p>As stated in REP2-061 para 3.12, we are not aware of any advice that airports should not seek to quantify non-CO2 emissions. Given the nature of the workstreams it is likely that the commitment to follow policy may require more than simply GHG reporting. The importance attached to this issue in the workstreams would suggest sensitivity tests are needed to assess the impact of more comprehensive GHG controls and limits as information comes to light about the non-CO2 impacts.</p>	
LADACAN (continued)	<p><u>2.2 Noise reduction</u> <i>Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. [3.72]</i> <i>The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible. [3.114]</i> <i>The proposed new measures [3.115] include:</i></p> <ul style="list-style-type: none"> • <i>setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise</i> • <i>developing a new national indicator to track the long term performance of the sector in reducing noise</i> • <i>routinely setting noise caps as part of planning approvals (for increase in passengers or flights). The aim is to balance noise and growth and to provide future certainty over noise levels to communities</i> • <i>requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.</i> <p>The above, taken together with the emphasis on night flights in the Overarching Noise Policy statement indicates a clear emerging policy focus on noise reduction. The Application's noise impact trajectory in the longer term is upwards rather than downwards, in clear contrast to the government's emphasis on achieving future noise reduction and limiting adverse effects on health. This weighs against the Application since its commercial and economic objectives may not be achieved if policy on noise reduction and on limiting the harms of noise tightens.</p>	<p>The Applicant considers that the Proposed Development is fully compliant with UK aviation and noise policy, as set out in Chapter 16 Noise and Vibration of the ES [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement [REP1-012].</p>
LADACAN (continued)	<p><u>2.3 Noise outcomes</u> Aviation 2050 also states: <i>The government is also proposing [3.119] new measures to ensure better noise outcomes from the way aircraft operate, by increasing uptake of best practice operating procedures and improving compliance with mandatory controls, including: – introduce a new power to direct airports to publish information, such as league tables of airline noise performance; – create minimum standards for noise monitoring around airports; – define better targeted maximum departure noise limits which incentivise quietest performance across different aircraft types rather than a 'one size fits all' limit; – monitor and enforce the analysis and reporting on noticeable changes to volumes of traffic by flightpath in accordance with future guidance issued by the CAA on transparency and engagement, and consider limiting the extent of these changes.</i></p>	<p>Noise Violation Limits were not removed, they have always been part of the Aircraft Noise Monitoring Plan [REP3-023]. For transparency and clarity, further information on how these are secured will be provided at Deadline 6.</p> <p>Following discussion at the Issue Specific Hearing 3 in September 2023, further discussions with the Host Authorities and the decision to approve the P19 permission (21/00031/VARCON), the Applicant will be making further updates to the noise controls secured in the DCO for Deadline 6 and has updated the Comparison of consented and proposed operational noise controls [TR020001/APP/5.12] document at Deadline 5. Further details of the noise controls to be carried over from the P19 permission are contained in the Applicant's Response to Issue Specific Hearing 1 Actions 8 and 11: Note on existing/previous planning conditions and S106 obligations [TR020001/APP/8.112] submitted at Deadline 5.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>One of the key measures agreed by the Noise Envelope Design Group (NEDG) to incentivise quieter aircraft was the use of certification-related departure Noise Violation Limits, with fines for exceedance, noting that at present the same NVL applies to all types:</p> <p><i>“Departure Noise Violations Limits at the current monitoring locations, but graduated according to the certificated departure noise performance of the different aircraft types”</i> [APP-111 PDF p32 NEDG Final Report para 10 and also see footnote]</p> <p>The NEDG Interim Report also states:</p> <p><i>“NVLs should be applied at LTN, with the noise level being dependent on the departure QC classification of the aircraft type. The precise values of these limits would need to be defined through an analysis of historic data and should be no greater than limits in use at LTN from 2020.</i></p> <ul style="list-style-type: none"> <i>• To encourage quieter aircraft, the Group would recommend the implementation of differential airport charges based on QC classifications.”</i> [APP-111 PDF p60] <p>By removing these protections, the Applicant has acted against the agreement of the NEDG and against emerging policy, and removed the certainty to which communities are entitled regarding maximum levels of noise from particular overflights. Such noise, above the level which disturbs sleep, leads to health harms and/or awakenings.</p>	
<p>LADACAN (continued)</p>	<p><u>2.4 Noise insulation</u></p> <p><i>[3.121] The government is also proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance.</i></p> <p><i>[3.122] Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:</i></p> <ul style="list-style-type: none"> <i>• to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr</i> <i>• to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up</i> <i>• the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency</i> <i>• for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation</i> <p>It is noteworthy that emerging policy underlines the recommendations of ICCAN to which we have already referred and particularly focuses attention on the effectiveness of noise insulation schemes. There is no clear indication in the Application regarding how the in-situ effectiveness of previously-installed or newly installed noise insulation will be determined.</p> <p>The minutes of the most recent Luton Airport Noise Insulation SubCommittee meeting on 9th March 2023 give little confidence in the existing approach, and take-up has been low:</p> <p><i>“5.2 MR [chair] asked what the reasons are why some properties are refusing the scheme. AM explained we have on average 25% take up. Some people think it is spam, others think by accepting they show support of the airport expansion which they do not agree with. Additionally, a lot of properties are rented so the letter is not passed onto the property owner</i></p>	<p>The Draft Compensation Policies, Measures and Community First [REP4-042] provides information on a noise insulation testing policy to be developed in consultation with the Noise Insulation Sub Committee of the London Luton Airport Consultative Committee and having regard to best practice such as that published by the Independent Commission on Civil Aviation Noise (ICCAN, Ref 1).</p> <p>Scheme 3 also mentions the 60dB_{LAeq,16h} daytime contour because of the relationship between the daytime and night-time contours and to distinguish it from Scheme 2 which has a boundary at 60dB_{LAeq,16h}.</p> <p>It is not agreed that the noise insulation schemes do not respond to current and emerging policy relating to night flights. The schemes specifically include eligibility above the night-time Significant Observed Adverse Effect Level, and how the insulation scheme complies with noise policy is outlined in Section 2 of Appendix 16.2 of the ES [REP4-023].</p>

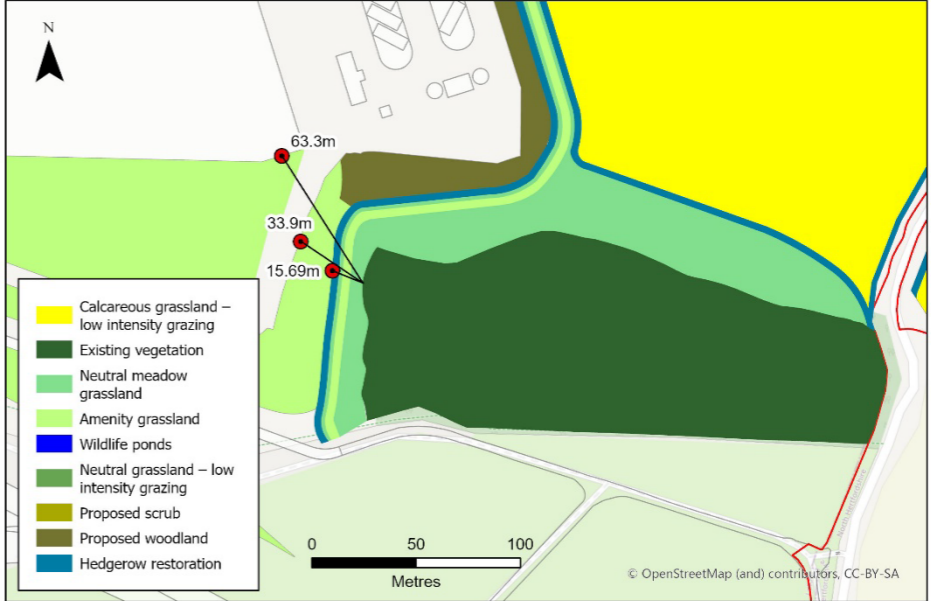
Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p><i>from the tenants. DC asked if there is anything we can do to help this? AM explained the contractor has done door knocking – in some ways it has helped but some people are still opposed.”</i></p> <p>There is also confusion in the criteria for Scheme 3 of the current Application which seems to mix two contours, and is the only one which mentions the night (8h) contour:</p> <p><i>“a. Scheme 1 – for residential properties inside the 63dBLAeq,16h contour, a full package of agreed noise insulation works to habitable rooms;</i></p> <p><i>b. Scheme 2 – for residential properties inside the 60dBLAeq,16h contour and outside the 63dBLAeq,16h contour, a contribution of up to £20,000 for agreed noise insulation works to habitable rooms;</i></p> <p><i>c. Scheme 3 – for residential properties inside the 55dBLAeq,8h contour and outside the 60dBLAeq,16h contour, a full package of agreed noise insulation works to bedrooms;</i></p> <p><i>d. Scheme 4 – for residential properties inside the 57dBLAeq,16h contour and outside the 60dBLAeq,16h contour, a contribution of up to £6,000 for agreed noise insulation works to habitable rooms; and</i></p> <p><i>e. Scheme 5 – for residential properties inside the daytime 54dBLAeq,16h contour and outside the 57dBLAeq,16h contour, a contribution of up to £4,000 for agreed noise insulation works to habitable rooms.” [REP1-003 section 16.10.5 PDF p165]</i></p> <p>The Scheme does not appear to respond to areas of concern in current and emerging policy: avoiding the health harms of night flights (given the proposed 70% increase in night flights), and the provision of effective noise insulation. This must weigh against the Application.</p>	
LADACAN (continued)	<p><u>2.5 Air quality</u></p> <p><i>[3.123] The government recognises that air pollution is the top environmental risk to health in the UK and it remains determined to improve air quality. A cleaner, healthier environment benefits people and the economy. The UK is compliant with ambient air quality legislation for most pollutants, but nitrogen oxides are an exception. Emissions of nitrogen oxides have fallen by almost 27% between 2010 and 2016. However, much work remains to be done which is why the government created the Air Quality Plan to help achieve compliance as swiftly as possible. The draft Clean Air Strategy also sets out the ambition to reduce the harm to health from air pollution by half.</i></p> <p><i>[3.124] Pollutants associated with aviation come from airborne aircraft, from ‘airside’ operations such as taxiing and airside equipment, and from passengers and staff (and other airport users) travelling to and from airports. The latter, referred to as surface access, is the largest source and has the most significant effect on local air quality. Action to tackle such emissions from surface access transport modes is discussed in the section of this document on improving surface access to airports.</i></p> <p>Luton already experiences significant air quality issues as Representations have made clear, and the emerging policy ambition to reduce such harm by half should be addressed in the Application as a response to these aspirations, in the same way that the Applicant relies on the aspirations set out in Jet Zero.</p>	<p>A robust air quality and odour assessment has been undertaken in line with methodology and appropriate national legislation, in agreement with local planning authorities and technical working groups.</p> <p>This is presented in Chapter 7 Air Quality of the ES [AS-076]. No significant impacts are predicted to occur and no impact to compliance is predicted. Appendix 7.5 Outline Operational Air Quality Plan of the ES [APP-065] sets out the measures committed to via the DCO which will help to improve air quality.</p>
LADACAN (continued)	<p><u>3. Flightpath to the Future</u></p> <p>The emerging policy objectives cited above are reiterated in and supported by FlightPath to the Future, which at the foot of page 6 states: <i>“We will also continue to work with the sector to reduce the localised impacts of aviation from noise and air pollution.”</i></p>	<p>This is reflected by Appendix 7.5 Outline Operational Air Quality Plan of the ES [APP-065] which sets out the measures committed to via the DCO which will help to improve air quality.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
LADACAN (continued)	<p>4. Climate Change</p> <p>The government has initiated a 2-year work plan for the Jet Zero Council Delivery Group1 . This plan reveals the large number of areas where work is being undertaken, but as yet no clear policy outcomes have been achieved. It includes headings such as:</p> <ul style="list-style-type: none"> SAF mandate SAF price stability SAF production ZEF commercialisation Funding and capability (outside of ZEF group) Hydrogen modelling ZEF infrastructure Regulation (for domestic net zero aviation) International coordination Addressing non-CO2 <p>All of these areas remain in a state of flux until the workstreams have completed in 2024 and reported, and policy consideration applied.</p> <p>We indicated in REP1-095 that Jet Zero currently provides little certainty on which to assess whether the growth aspirations of the Application can be achieved as part of a commercially viable project. As-yet unproven, unscaled and uncosted measures required to deliver the strategic objectives of Jet Zero may well reduce demand, yet the proposed Development is to be funded from Airport revenues.</p> <p>The Applicant has assumed it can reduce its emissions totals compared to those declared in the PEIR by an amount which relies on Jet Zero pathways – and other applications are likely to take the same approach. In that context, it is noteworthy that the Manston Inspectors concluded that increased aviation emissions have a material impact which weighs against granting of consent:</p> <p><i>“6.5.71. However, the ExA concludes that given the direction of emerging policy that the Proposed Development’s contribution of 730.1 KtCO2 per annum ie 1.9% of the total UK aviation carbon target of 37.5 Mt CO2 for 2050, from aviation emissions will have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. The ExA concludes that this weighs against the granting of development consent.”</i></p>	<p>Delivery of overall carbon reductions to remain within successive UK national carbon budgets and to achieve the UK’s national net zero target for 2050 remains the ultimate responsibility of the UK Government and not the Applicant.</p> <p>In turn, the UK Government develops and implements policy across all sectors to meet these legally-binding budgets and targets. For the decarbonisation of aviation emissions, the policy developed by the UK Government is represented by the Jet Zero Strategy, and more specifically by Scenario 2 High Ambition.</p> <p>It is considered reasonable for the Applicant to assume that the aviation mitigation measures described within the Jet Zero Strategy will be implemented in full, and therefore that these policies can reasonably be considered within the GHG assessment presented in Chapter 12 Greenhouse Gases of the ES [REP3-007].</p>
Question BCG.1.4	<p>Updates on development</p> <p>Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>	
Buckinghamshire Council	<p>There are no applications within Buckinghamshire that would directly impact the ES. The ExA will be aware of the pre-existing freight management zone present in the Ivinghoe area – there is a need for the Applicant to give due consideration to the need to ensure that the Freight Strategy 2018-2036 is adhered to – comments have been made by the Council in this respect, highlighting that the CEMP and CTMP could be used as a means of securing compliance. Further details on this can be supplied if required.</p> <p>[please refer to the response from Buckinghamshire Council for a link to the Freight Strategy 2018-2036]</p>	<p>This response confirms that no applications in Buckinghamshire would affect the conclusions of the ES.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>The Council has provided comments on the ExA's letter requesting comments from Interested Parties on the Secretaries of State's decision regarding the Variation of Conditions application associated with planning permission for the expansion of London Luton Airport to 19mppa as part of its Deadline 4 submission.</p>	
Central Bedfordshire Council	<p>CBC have restricted this assessment to the areas to the south and west of the main application site and to major development only, notably those referenced in the CBC LIR (Hyde, Slip End, Caddington and Kensworth). Owing to the rural nature of these areas there are no developments of relevance.</p>	<p>This response confirms that no applications in Central Bedfordshire would affect the conclusions of the ES.</p>
The Hertfordshire authorities	<p>On 13 October 2023, a variation of conditions application made by London Luton Airport Operations Ltd was approved under section 77 of the Town and Country Planning Act 1990. The Host Authorities consider this question would have been better addressed to the Applicant as it is the Applicant who will have the greatest appreciation of what proposed or permitted development has been taken into account in the preparation of its proposals and the various assessments underpinning it, including the Environmental Statement.</p> <p>The Host Authorities consider that the following elements of the application are likely to be relevant as they provide spatial intelligence relating to the scope of the highways network simulated and various environmental zones of influence.</p> <ul style="list-style-type: none"> • Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1 – the Host Authorities consider that the Air Noise Zone of Influence to be the most important). • Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network <p>However:</p> <ul style="list-style-type: none"> • The outer Limits of these cover an extensive area of Hertfordshire (the air noise Zone of Influence, for example, extends right the way across Hertfordshire to Buntingford). • Within the time available and without committing considerable resources, local planning authorities are not able to tailor this exercise to identify those applications/permissions contained within the simulation network or various different types of Zone of Influence. <p>In light of the above, the Host Authorities have taken the view that a pragmatic approach would be to restrict the assessment to applications/permissions:</p> <ol style="list-style-type: none"> Within the five Hertfordshire local authority areas covered by the policy analysis within their Local Impact Report – representing a reasonable arc of influence around the airport – Dacorum, City and District of St Albans, North Hertfordshire, Stevenage and Welwyn and Hatfield. For residential development of 10 or more dwellings; Together with a broad-brush question to the five local planning authorities - 'are there any big proposals'? <p>The results of the analysis for ii. follows from Dacorum, North Hertfordshire, Stevenage and Welwyn and Hatfield. No intelligence has been forthcoming from the City and District of St Albans:</p> <p><i>....[application references provided for each of the Hertfordshire authorities (including Stevenage and Welwyn Hatfield) – please refer to the response from the Hertfordshire authorities for full detail]...</i></p> <p>In terms of the three questions:</p> <ol style="list-style-type: none"> Are there any applications/permissions which impact upon the Proposed Development? It is highly unlikely that any of the proposed developments identified would individually or collectively, impact upon the Proposed Development. 	<p>The Applicant was aware of the planning application submitted by London Luton Airport Operations Limited (the current operator of the airport) and has accounted for it in the ES as a sensitivity test as described in Chapter 5 Approach to the Assessment of the ES [AS-075], therefore no changes are required.</p> <p>The extensive response provided by the Hertfordshire authorities seems to suggest that the developments identified are already appropriately accounted for in the ES and Transport Assessment, and acknowledges that a pragmatic approach to identifying other developments for consideration in the ES is appropriate.</p> <p>They go on to state that <i>“There are not considered to be any ‘big proposals’ involving other development/uses that are relevant to the application and that the Examining Authority should be aware of since it was submitted”</i> and suggest that <i>“it is considered highly unlikely that they [the developments identified] would experience any discernible impact from the Proposed Development.”</i></p> <p>The Applicant agrees with the Hertfordshire authorities conclusion that <i>“However, the Host Authorities are of the opinion that it is unlikely applications and permissions since 27th February 2023 would have any significant implications for the ES or indeed any other assessment associated with the application.”</i></p> <p>The final development referred to (21/00356/FPM), as well as being outside of the timeframe of this request, is on the western edge of Stevenage, approximately 7km from the Proposed Development. Therefore, it didn't meet the selection criteria for inclusion in the cumulative assessment in Chapter 21 of the ES [AS-032] (which included residential development +200 homes considered 'Large Scale Major' only up to 5km from Proposed Development Site) as discussed with the Host Authorities during engagement and described in section 21.3 of Chapter 21 of the ES [AS-032].</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>ii. Are there any applications/permissions which might be impacted by the Proposed Development? Of the applications listed above, those underlined <u>thus</u> appear to be within Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] (Figure 18.3 Simulation Network) and those in italics <i>thus</i> appear to be within Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1). For applications underlined and in italics <i>thus</i> appear to be within both documents.</p> <p>Whilst a number of the applications/permissions identified above are within the Simulation Network, it is considered highly unlikely that they would experience any discernible impact from the Proposed Development. It is reasonable to assume those applications/permissions within the Air Noise Zone of Influence would be impacted by the Proposed Development.</p> <p>iii. Do i. and ii, impact upon the ES conclusions? The Host Authorities consider that this is a matter principally for the Applicant to take a view on as the responsible party for the Environmental Statement (and with detailed knowledge of development proposals taken account of by the Environmental Statement) and will await the Applicant's response to this question with interest. However, the Host Authorities are of the opinion that it is unlikely applications and permissions since 27th February 2023 would have any significant implications for the ES or indeed any other assessment associated with the application. 21/00356/FPM], whilst strictly speaking is outside the timeframes of BCG.1.4, is a substantive development within the Air Noise Zone of Influence and is within the LAeq,T and other noise metrics of the Environmental Statement. This is however, a longstanding development proposal and it is highly likely will have been factored into the Environmental Statement by the Applicant.</p>	
Luton Borough Council	Other than the cross boundary application for a solar farm at land north east of Wandon End (LBC ref: 22/01657/FUL) and the Secretaries of State's decision on the 19mppa application (LBC ref: 21/00031/VARCON), both of which the ExA is aware of, there are no other relevant applications or decisions to update the ExA about	<p>The Applicant was made aware of the solar farm application shortly before submission of the application and therefore acknowledged the development in paragraph 21.3.10 of Chapter 21 of the ES [AS-032] but could not consider it in the cumulative assessment; this can be updated if required.</p> <p>The Applicant was aware of the planning application submitted by London Luton Airport Operations Limited (the current operator of the airport) and has accounted for it in the ES as a sensitivity test as described in Chapter 5 Approach to the Assessment of the ES [AS-075], therefore no changes are required.</p>
Question BCG.1.5	<p>Other consents and permits Application document [APP-008] confirms that other consents, licences and permits would be required for the Proposed Development. Can you:</p> <ol style="list-style-type: none"> 1. Provide an update on progress with obtaining these consents, licences and permits. 2. Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCGs) that are being drafted with the relevant consenting authorities. 	
Environment Agency	As of 23/10/2023, Luton Airport holds a single environmental permit for their medium combustion plant (boilers) to heat the existing terminal building. No applications have been made and no formal permitting pre-application advice sought relating to the proposed development. They have previously requested pre-application advice relating to other proposals detailed below:	The Applicant has responded to the points raised in this response previously at Deadline 4. Please refer to page 1 of Applicant's response to Written Questions - Broad and General, Cross-topic Questions [REP4-052] .

Interested Party		Interested Party Response (verbatim)				Applicant's Comments
		Type	Subject	Date submitted	Reference	Regime
		pre-application advice	Discharge to surface water or ground	02 09 2022	EPR/ZB3692EG/A00 1	Water Quality
		pre-application advice	glycol reclamation plant	17 03 2023	EA/EPR/LB3904TT/A 001 (408967)	Waste
AIR QUALITY AND ODOUR						
Question AQ.1.1	Post-covid air quality data trends Provide air quality monitoring status reports for 2023, where not already provided.					
Central Bedfordshire Council	CBCs air quality monitoring review status for 2023 is under review internally and with DEFRA. It is not considered that this would change the outcome of the assessments.				The receipt of 2023 air quality annual reports, which include the 2022 monitoring results, has no implication on the air quality assessment carried out for the ES or the outcomes (Chapter 7 of the ES [AS-076]). It is understood that these reports would be shared for information only.	
The Hertfordshire authorities	These documents have been submitted in the following Appendices: • Appendix 21 - St Albans Air Quality Annual Status Report 2023 • Appendix 22 - Stevenage Air Quality Annual Status Report 2023 • Appendix 23 - Dacorum Air Quality Annual Status Report 2023 • Appendix 24 - North Herts 2023 Air Quality Annual Status Report 2023 • Appendix 25 - Welwyn Hatfield Air Quality Annual Status Report 2023				The Applicant acknowledges the receipt of 2023 air quality annual reports, which include the 2022 monitoring results. The 2022 monitoring data has no implication on the air quality assessment carried out for the ES or the outcomes (Chapter 7 of the ES [AS-076]). It is understood that these reports would be shared for information only.	
Luton Borough Council	Luton's Air Quality Annual Status Report was submitted to the ExA at Deadline 3 (REP3-104).				The Applicant acknowledges the receipt of 2023 air quality annual reports, which include the 2022 monitoring results. The 2022 monitoring data has no implication on the air quality assessment carried out for the ES or the outcomes (Chapter 7 of the ES [AS-076]). It is understood that these reports would be shared for information only.	
Question AQ.1.5	Runway modal split Does the CAA have any comments regarding the 30:70 runway modal split [AS-028, Appendix 7.1 Air Quality Methodology rev1, paragraph 3.7.6 and Table 3.5] used to inform modelling of emissions and the fact that this differs from the 10 year average 23:77 modal split used for the noise model [AS-096 Appendix 16.1, Section 6.15]? You may wish to link the answer to this question with the answer to NO.1.1.					
Civil Aviation Authority	We consider that, absent any information to the contrary, a historic average of factors such as runway modal split provides the best estimate on which to base noise and other calculations. However, it is important to note that, for noise, the Applicant is modelling 92-day summer season daytime and it is this for which the historical average is 23:77. For air quality, if the Applicant is modelling for 24 hours across the whole year, it would not be surprising if a different historic model split was to be found and therefore used.				The Applicant acknowledges that the Civil Aviation Authority (CAA) has recommendations on the modal split used for the noise assessment, which is for a different assessment period (92-day summer). The Applicant also notes that the CAA acknowledges that air quality may use a different historical modal split, which in the case of the assessment carried out for the ES, which was based on the 2019 annual flight schedule. This is considered appropriate as explained in the response to Action 5 in the Applicant's Post Hearing Submission – Issue Specific Hearing 5 (ISH5) [REP3-052] .	
BIODIVERSITY						
Question BIO.1.6	Ancient Woodlands In written submissions [REP1-112 and RR-0462] it was stated that a buffer strip should be planted between the car park and Winch Hill Ancient Woodland due to the potential for noise, light and dust pollution, and that measures should be put in place to safeguard ancient woodland at the A1081 roundabout. It was also stated that a larger buffer zone than the standard 15 meters (m) might be necessary where an assessment shows that impact could extend beyond this distance [RR-0462]. Please provide an update on your position on this matter in light of the Applicant's comments in 'Response to Relevant Representations – Part 2D of 4' [REP1-024].					
Forestry Commission	We note the applicants response that buffer zones of at least 15m will be created for the Ancient Woodlands of Winchill Wood & Kidney Wood. However, they do not specify the exact size. The guidance for buffer zones is currently under review and is likely to be recommended to be increased. It is also known that roadside pollution can extend approximately 100 metres				The Applicant has followed the current applicable guidance and cannot account for speculative changes to future guidance. The air quality assessment (Chapter 7 of the ES [AS-076]) considered emissions up to 200m from the Affected Road Network and concluded no significant effects.	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>into adjacent woodlands. This could be particularly harmful for Ancient Woodlands, which are irreplaceable habitats. Therefore, in this case, where a significant increase in traffic is likely, we would recommend that buffer zones are increased beyond the minimum 15 metres required.</p>	<p>The assessment of effects on habitats within this 200m from emissions to air as reported in Chapter 8 of the ES [AS-027] also concluded no significant effects.</p> <p>There is no 'significant increase in traffic' near Winch Hill Wood, there will be a strip planted with neutral meadow grassland and amenity grassland over 15m wide at its narrowest point, so mostly wider than that, with a hedgerow planted at top of the earthworks, as illustrated in the image below. Outside of that an internal airport access road will be 34m away at the bottom of the earthworks and the edge of the car park (not notable moving traffic or emissions) 63m from the woodland.</p>  <p>There are no earthworks proposed near Kidney Wood. The closest part of the Proposed Development to Kidney Wood is the addition of white lines to the existing road surface at the A1081 New Airport way / London Road (North) roundabout within the highway boundary around 24m from the edge of the wood. The air quality and biodiversity assessments referred to above show that no significant effect is likely as a result of traffic changes near these woods.</p> <p>The Applicant has a wider buffer zone than the minimum recommended in the current guidance and allows the minimum 15m at the closest point, further provision is not considered to be justified.</p>
<p>Natural England</p>	<p>Natural England supports the position of the Forestry Commission with respect to the buffer zone to protect Winch Hill Ancient Woodland, i.e. in this case where a significant increase in traffic is likely, it is recommended that buffer zones are increased beyond the minimum 15 metres required. Forestry Commission state that 'roadside pollution can extend approximately 100 metres into adjacent woodlands. This could be particularly harmful for Ancient Woodlands, which are irreplaceable habitats'. We note that the exact size of the buffer is not specified. We endorse the Applicant's statement that 'No ground works will be permitted within</p>	<p>Please refer to the comments provided above in relation to the Forestry Commission's response to BIO.1.6.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	this buffer so that trees within ancient woodland are protected from root damage and soil compaction' (Design Principles APP/7.09).	
The Woodland Trust	While the Trust did not raise the proposed car parking element adjacent to Winch Hill Wood within our written representation, we note the comments made within the Forestry Commission's relevant representation, and we wish to support their request for ancient woodland protection. The 15m buffer zone referred to in the standing advice will help to protect the ancient woodlands on site from the impacts of root damage, however given the scale of the scheme proposed, the applicants should look to ensure larger buffer zones are implemented wherever possible to address potential pollution concerns, such as dust and noise. With respect to nitrogen deposition and veteran tree matters, our position remains as before.	Please refer to the comments provided above in relation to the Forestry Commission's response to BIO.1.6.
DRAFT DEVELOPMENT CONSENT ORDER		
Question DCO.1.3	Article 24 – compulsory acquisition of land For precision should paragraph 2 include more articles eg 26, 31, 32, 33, 39 and a reference to Schedule 8	
The Hertfordshire authorities	The general approach of applying the compulsory acquisition power to the land within the Order Limits and then imposing restrictions on the exercise of that power over land that is proposed to be only possessed temporarily or subject to the acquisition of rights or the imposition restrictive covenants, is well precedented. In principle, there is no reason to also include a longer list of provisions in relation to which the power is to be subject. However, the Host Authorities note that the definitions in article 2(1) of "Order land" and "Order limits" appear to be functionally the same, covering all of the land within the Order Limits and as a consequence article 36(1)(a) would appear to authorise the compulsory acquisition of statutory undertaker's land that would otherwise be restricted by article 27(2) (compulsory acquisition of rights and imposition of restrictive covenants) and article 33(1)(a)(i) (temporary use of land for carrying out the authorised development). This does not appear to be the Applicant's intention as there is no discussion of the effect in the Explanatory Memorandum and the Applicant is requested to clarify its intentions in this regard. While this is a matter for the relevant statutory undertakers to satisfy themselves, the Host Authorities are concerned for the potential disruption to key utilities, and the consequent effects to residents, arising from the inadvertent consequences of this drafting approach.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.3.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.3.
Question DCO.1.7	Article 36 – Statutory undertakers Paragraph 1 Should the reference to Article 27 be deleted? Paragraph 1(b) Should 'and' be replaced with 'or' - 'acquire existing rights, create and acquire new rights or impose restrictive covenants...' Paragraph 1 (c) Should the following additional wording be added 'extinguishing or suspend the rights of or restrictions for the benefit of, or remove, relocate or reposition apparatus belonging to...' Paragraph 1 (d) and (e) Provide further detail as to how this would work with the proposed protective provisions.	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Affinity Water	<p>Paragraph 1 AW considers the reference to article 27 should remain as this article imposes conditions on the Applicant's compulsory acquisition rights, particularly in relation to land outlined in Schedule 5.</p> <p>Paragraph 1(b) AW agrees to the Examining Authority's proposed change to article 36(1)(b).</p> <p>Paragraph 1 (c) AW agrees to the Examining Authority's proposed change to article 36(1)(c).</p> <p>Paragraph 1 (d) and (e) Article 36(1) is subject to Schedule 8. Schedule 8 addresses how the authorised development interacts with the statutory undertakers' apparatus. AW considers that Schedule 8 of the Development Consent Order (DCO) does not adequately protect AW's interests. AW is working with the applicant to amend the protective provisions so that AW's interests are adequately protected.</p>	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Thames Water	<p>Paragraph 1 TWUL have noted this comment and are unaware of how this deletion will impact our position.</p> <p>Paragraph 1(b) Yes</p> <p>Paragraph 1 (c) No</p> <p>Paragraph 1 (d) and (e) TWUL has noted this question. Further details should be provided by the applicant.</p>	Please refer to the comments provided above in relation to Affinity Water's response to DCO.1.7.
Question DCO.1.8	Article 37 – Apparatus and rights of statutory undertakers in stopped up streets Is this article necessary given you are not stopping up any streets?	
Affinity Water	AW considers that this article is not necessary.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
The Hertfordshire authorities	While this is a matter predominantly for the statutory undertakers concerned, the Host Authorities note that the term "street" is defined in article 2(1) by reference to the definition for that term contained in section 48 of the New Roads and Street Works Act 1991. That definition is sufficiently wide to encompass the public rights of way proposed to be stopped up under article 14. As such the Host Authorities consider that there is the potential need for article 37.	The Applicant agrees with this response.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comment provided above in relation to the Hertfordshire authorities' response to DCO.1.8.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comment provided above in relation to the Hertfordshire authorities' response to DCO.1.8.
Thames Water	TWUL has noted this question. Further details should be provided by the applicant.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Question DCO.1.10	Article 47 – defence to proceeding in respect of statutory notice As currently drafted the article carves out a significant number of paragraphs from the Environmental Protection Act 1990 and would also cover both construction and operation. Are you satisfied with the paragraphs that are being carved out and if not, why not?	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
The Hertfordshire authorities	<p>The Host Authorities acknowledge that section 158 of the Planning Act 2008 provides a defence in civil and criminal proceedings for nuisance subject to any contrary provision in the relevant DCO and that article 47 is intended by the Applicant to be such a contrary provision, as it acknowledges in its Explanatory Memorandum.</p> <p>Paragraphs 4.60 to 4.62 of the Airports National Policy Statement, submitted in Appendix 28, is relevant in that it urges the examination of possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and under sections 76 and 77 of the Civil Aviation Act 1982 and advises the Examining Authority to consider how the possible sources of nuisance might be mitigated. The Applicant has prepared a Statement of Statutory Nuisance [APP-169], Table 3.1 of which considers each of the categories of statutory nuisance under section 79(1) of the Environmental Protection Act 1990.</p> <p>Table 3.1 indicates that it is the Applicant's view that:</p> <ul style="list-style-type: none"> • (c) (fumes or gasses from private dwellings) is not relevant to its Proposed Development; • (fb) (artificial light emitted from premises) is not relevant to its Proposed Development; • (h) (any other matter declared by any enactment to be a statutory nuisance) is not relevant to its Proposed Development. <p>Each of section 79(1)(c), (fb) and (h) are proposed to be subject to the statutory authority defence provided by article 47, which is surprising given that it is the Applicant's case that these grounds of nuisance are not engaged by its proposals. It is therefore not clear why the statutory authority defence ought to apply to categories of nuisance which are not anticipated by the Applicant to arise.</p> <p>In relation to the other grounds for which the Applicant seeks the statutory authority defence (which includes (e) dust and odour, (g) noise emitted from premises (ga) noise emitted by vehicles or plant in a street) the Host Authorities have set out elsewhere in submissions their concerns in relation to how these matters have been assessed in the Applicant's Environmental Statement. The key point is that the Host Authorities will be content with the scope of the proposed statutory authority defence only when satisfied that the Applicant's mitigation proposals, and how they are secured through the provisions of the draft Order, is sufficient to prevent a statutory nuisance arising or, if one were to arise, sufficiently enforceable to enable remedial action to be enforced under the provisions of the Order.</p>	<p>The Applicant is considering whether Article 47 should be amended so as not to refer to section 79(1)(c), (fb) and (h) of the Environmental Protection Act 1990.</p> <p>This article is preceded in recent DCOs and the Applicant is content that mitigation proposals are appropriately secured.</p>
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.10.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.10.
Question DCO.1.11	Article 52 – arbitration In order to manage expectation and ensure consensus should further detail about how the arbitration process would work be included in a Schedule?	
Affinity Water	AW agrees that further detail is required about the arbitration process.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
The Hertfordshire authorities	The Host Authorities are content with the level of detail in article 52 and note that its current terms provide a degree of flexibility to the arbitrator and the parties to establish a dispute resolution procedure that is proportionate to the matter in dispute.	The Applicant agrees with this response.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comment provided above in relation to the Hertfordshire authorities' response to DCO.1.11.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comment provided above in relation to the Hertfordshire authorities' response to DCO.1.11.
Question DCO.1.13	Requirement 10 – Landscape and biodiversity management plan Should (1) include the requirement for the relevant planning authority to consult with Natural England?	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council is of the opinion that Natural England (NE) should be consulted by the relevant planning authority, recognising the scale of the potential impact and the skills of NE in inputting and advising on proposed mitigation measures.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Central Bedfordshire Council	Yes, this should be included.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.13.
The Hertfordshire authorities	Relevant planning authority will consult with Natural England.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.13.
Luton Borough Council	LBC does not consider that the requirement should include a stipulation to consult Natural England, rather consultation should be at the discretion of the relevant planning authority.	The Applicant agrees with this response.
Question DCO.1.14	Requirement 18 – Interpretation To improve precision should the interpretation of Level 2 Plan (b) have 'including timescales' inserted after implementation ie 'the proposed programme for the implementation including timescales'? Mitigation Plan (a) includes the phrase 'as soon as reasonably practicable' how does this meet the test for precision and enforceability? Slot regulations are defined with respect to Airport Slot Allocation Regulations 2006 – does the drafting need to allow for any future variation of those regulations eg 'or successor Regulations'? Technical panel a) refers to Environmental Scrutiny Group (ESG) which isn't included in interpretations (as it's covered by Requirement 20) but should this be in full? And for precision after ESG should 'as set out in the terms of reference' be included?	
The Hertfordshire authorities	The Host Authorities support the amendment suggested by the Examining Authority in relation to timescales. In relation to the use of the phrase "as soon as reasonably practicable" in the definition of "Mitigation Plan" the Host Authorities do have some concerns. In view of the fact that the Applicant has set what it considers to be the maximum acceptable "Limits", it is of critical importance to residents that exceedances of the Limits are mitigated promptly. In the context of the exceedance of a Limit it is reasonable to anticipate that the undertaker will have taken action, via a Level 2 Plan to avoid exceeding a Limit and yet, despite those efforts, an exceedance of a Limit has nonetheless occurred. When seen in that context a duty to prepare a Mitigation Plan that must include measures designed to avoid an exceedance of a Limit "as soon as reasonably practicable" is likely to be largely without teeth; "reasonably" practicable methods are likely to have been tried and will have failed. A more appropriate formulation, which reflects the escalating nature of the proposed Green Controlled Growth Framework would be "(a) details of the proposed mitigation and actions which are designed to promptly avoid or prevent exceedances of a Limit; and" It is generally unnecessary to include in a statutory instrument a reference to 'successor Regulations' but in view of the key role that these provisions play in regulating the Proposed Development, such drafting could be	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	appropriate in the circumstances. The Host Authorities are content that the terms of reference in relation to the ESG are adequately secured by paragraph 20(4) and consider that conformity with the terms of reference is better secured via an operative provision in the body of the requirement instead of being left to a definition in the interpretation provisions.	
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.14.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.14.
Question DCO.1.15	<p>Requirement 20 – Environmental Scrutiny Group Paragraph 2 Applicant: A number of organisations have raised concerns about the appointment of the independent chairperson and independent aviation specialist, the concern being that, whilst their appointment would need to be approved by the Secretary of State, their selection would be by Luton Borough Council in consultation with the airport operator – what do you think could be done to alleviate these concerns?</p> <p>Paragraph 6 Everyone: As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?</p>	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council concurs that this responsibility should fall to the ESG, in order to ensure the technical panels remain independent and objective.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Central Bedfordshire Council	CBC are content that the undertaker establishes the technical panels in accordance with the requirements of the DCO.	Please refer to the comments provided above in relation to the Buckinghamshire Council's response to DCO.1.15.
The Hertfordshire authorities	The Host Authorities do not have an issue with the undertaker establishing the technical panels in accordance with the requirements of the DCO – on the basis this is something that practically needs to happen / is procedural.	Please refer to the comments provided above in relation to the Buckinghamshire Council's response to DCO.1.15.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Buckinghamshire Council's response to DCO.1.15.
Question DCO.1.16	<p>Requirement 23 – Exceedance of Level 2 threshold Paragraph 2 Applicant: As drafted this refers to the ESG certifying that a Level 2 threshold has been exceeded. Given the ESG is not a regulatory body, can it certify this or should it be 'confirmed in writing'?</p> <p>Paragraphs 4 and 6 Sets out that the ESG have 21 days to approve or refuse a plan, otherwise it is a deemed consent. Unlike other requirements this does not include the 'unless otherwise agreed in writing' tailpiece so, as drafted, there is no flexibility to extend the timescale by agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p>	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council is of the opinion that this timeframe may take longer than 21 days, especially where consultation with bodies takes place. The Council suggest that 'unless otherwise agreed in writing' should be added.	<p>The Applicant acknowledges this response and notes that it has provided a response to a similar point in Applicant's Comments on Local Impact Reports (Hertfordshire County Council, Dacorum Borough Council, North Hertfordshire Council) [REP2A-006], in response to LIR reference 9.1.55 on pages 99-100.</p> <p>Notwithstanding this, the Applicant has made changes to this requirement to extend the timescales for the Environmental Scrutiny Group (ESG) to approve a Level 2 Plan (and Mitigation Plan) from 21 to 28 days. This has been achieved by reducing the amount of time that the airport operator has to prepare and submit a Level 2 Plan following submission of a Monitoring</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
		Report showing the exceedance of a Level 2 Threshold. Note that the overall timescales for preparation and approval of a Level 2 Plan cannot extend beyond the current proposal as this would result in the Green Controlled Growth (GCG) timescales extending beyond the September deadline for the airport to declare its capacity for the following summer season and would therefore not be workable.
The Hertfordshire authorities	While this part of the question is directed to the Applicant, the Host Authorities are content that a body such as the ESG is capable of "certifying" a matter for the purposes of requirement 23. The Host Authorities have set out elsewhere their concerns with the adequacy of the Green Controlled Growth mechanism and their concerns with the timescales related to it. Given the need to assemble the representatives of the ESG, consider what may be quite considerable submissions and take the necessary technical advice 21 days is too short a determination period. The Host Authorities would suggest that a period of 8 weeks to be appropriate. This would be the equivalent to the time afforded to a local planning authority to determine an application for planning permission for development that is not major development under article 34(2)(b) of the Town and Country Planning (Development Management Procedure) Order 2015. This period is both challenging, recognising the importance of bringing forward nationally significant infrastructure promptly, whilst also being realistic in relation to the logistical and technical challenges posed by the GCG mechanism and its deemed consent provisions. Of course, in the circumstances where the production of a Level 2 Plan is necessary, the constituent members of the ESG will be incentivised to take the decisions necessary to ameliorate the adverse effects of the Proposed Development as promptly as it is able to do so. In relation to the drafting point, the Host Authorities would welcome the addition of wording that would enable the ESG and undertaker to agree in writing to vary the determination periods referred to in the question.	The Applicant acknowledges the response in relation to Paragraph 2 and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] . In relation to Paragraphs 4 and 6 please refer to comments provided in response to Buckinghamshire Council immediately above. A timeframe of eight weeks to approve or refuse a Level 2 Plan would result in the GCG timescales extending beyond the September deadline for the airport to declare its capacity for the following summer season and would therefore not be workable.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.16.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.16.
Question DCO.1.17	Requirement 28 – Fixed plant noise management plan Further to ISH5 and the Joint Host Authorities' post hearing submissions, confirm whether agreement has been reached on the 10 decibels (dB) below background noise levels criteria for the Fixed Plant Noise Mitigation Plan? Applicant: Why is there a difference between the consented scheme and the current application? Both: Should the noise levels be secured in the requirement?	
The Hertfordshire authorities	The Applicant has agreed to the criterion of 10 dB below background for fixed plant noise. The Fixed Plant Noise Mitigation Plan is secured under Part 4 of the Draft Development Consent Order [REP3-003]. Fixing noise levels within this plan may hinder accurate assessment of plant items against relevant Limits, given that it is not yet known over what periods plant items will be running, as one example	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to DCO.1.17.
Question DCO.1.19	Requirement 39 – Application of Part 8 of the Planning Act 2008 1. As currently drafted, this would appear to seek to limit the requests for enforcement action to the two scenarios listed in the requirement. Is this appropriate? 2. As currently drafted, there is no right of appeal against a situation where a request for enforcement action has been declined. Should there be and should this be dealt with by Article 52 (arbitration) or should the appeal be to the Secretary of State?	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Buckinghamshire Council	The Council is of the opinion that there should be a right of appeal where a request for enforcement action has been declined. Without this, there is no other recourse to escalate these issues, should they arise. This should be dealt with through an appeal to the Secretary of State, as arbitration is not an appropriate vehicle for such disputes.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
The Hertfordshire authorities	1. The Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report [REP1A- 003] why requirement 39 would not permit an enforcement request to be made by a specified local authority where there is a failure to produce a Level 2 Plan or Mitigation Plan and where there is a failure to act appropriately in relation to future airport capacity declarations. The Applicant's response to this submission is set out in Hertfordshire Host Authorities' Response to the Applicant's Responses to Local Impact Report [REP3-090] to note "where appropriate the Applicant will provide a response at Deadline 3 alongside an updated DCO". As the updated DCO does not appear to address the issue the above referenced Host Authorities can only assume that the Applicant disagrees but is not clear on the Applicant's reasons for disagreeing. 2. The Host Authorities are considering the extent that it would be desirable to include a provision allowing an appeal to the Secretary of State under this provision. However, the Host Authorities consider that it would be inappropriate to make a disagreement in relation to the taking, or otherwise, of regulatory enforcement action to be subject to arbitration. To do so would result in an authority subjecting the exercise of its statutory functions to an appointed independent person who, while that person may have the necessary expertise and capacity to manage a dispute, would lack a democratic mandate	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.19.
Luton Borough Council	1. We note that the three Hertfordshire authorities have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report [REP1A- 003] why requirement 39 would not permit an enforcement request to be made by a specified local authority where there is a failure to produce a Level 2 Plan or Mitigation Plan and where there is a failure to act appropriately in relation to future airport capacity declarations. We also note the Applicant's response to this submission is set out in [REP3-090] to note "where appropriate the Applicant will provide a response at Deadline 3 alongside an updated DCO". As the updated DCO does not appear to address the issue the three Hertfordshire authorities assume that the Applicant disagrees, though they are not clear on the Applicant's reasons for disagreeing. 2. The Host Authorities are content for decisions on whether to enforce are left to the judgement of the relevant planning authority which would be subject to the supervision of the courts on traditional public law grounds as would be the case absent the provisions of requirement 39. The Host Authorities consider that it would be inappropriate to make a disagreement in relation to the taking or otherwise of regulatory enforcement action to be subject to arbitration. To do so would result in an authority subjecting the exercise of its statutory functions to an appointed independent person who, while that person may have the necessary expertise and capacity to manage a dispute, would lack a democratic mandate.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.19.
Central Bedfordshire Council	1. CBC note that the three Hertfordshire authorities have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report [REP1A- 003] why requirement 39 would not permit an enforcement request to be made by a specified local authority where there is a failure to produce a Level 2 Plan or Mitigation Plan and where there is a failure to act appropriately in relation to future airport capacity declarations. We also note the Applicant's response to this submission is set out in [REP3-090] to note "where appropriate the Applicant will provide a response at Deadline 3 alongside an updated DCO". As the updated DCO does not appear to address the issue the three Hertfordshire authorities assume that the Applicant disagrees, though they are not clear on the Applicant's reasons for disagreeing. 2. CBC are considering the extent that it would be desirable to include a provision allowing an appeal to the Secretary of State under this provision. However, it is considered that it would be inappropriate to make	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.19.

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	a disagreement in relation to the taking, or otherwise, of regulatory enforcement action to be subject to arbitration. To do so would result in an authority subjecting the exercise of its statutory functions to an appointed independent person who, while that person may have the necessary expertise and capacity to manage a dispute, would lack a democratic mandate.	
Question DCO.1.20	Phasing Many of the requirements refer to 'no part of the authorised development may commence until a...for the construction of that part has been submitted to...'. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced. In order to manage the discharge of requirements and to ensure certain elements of the scheme don't come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council considers that details of phasing of works are important not just for the joint host authorities, but also in order to understand construction works impacts to Buckinghamshire Authority and should therefore be necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures. The Council suggests the use of wording along the lines of the following: No part of the authorised development shall commence until a phasing plan outlining the timed provision of the proposed works has been submitted to.... And approved in writing. No part of the authorised development shall commence until a fixed masterplan depicting the proposed works has been submitted to.... And approved in writing.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
The Hertfordshire authorities	The Host Authorities responded to this issue during in their Issue Specific Hearing 1 – Draft Development Consent Order Post Hearing Submission [REP3-108], see in particular the post hearing note under paragraph 2.14. In summary the Host Authorities are not currently seeking a specific phasing requirement but do wish to ensure that there is a need for clarity around what constitutes a part. The Host Authorities undertook to review the Applicant's written responses in this regard. The Applicant's response is contained in section 5.4 of its Post Hearing Submission for Issue Specific Hearing 1 [REP3-048]. The Applicant's response indicates that it will consider additional drafting to assist the relevant planning authorities to keep track of which "parts" of the project are being discharged for Deadline 4. The Host Authorities look forward to reviewing the Applicant's considered response and will provide an update to the Examining Authority once they have had the opportunity to review the Applicant's deadline 4 submissions.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.20.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.20.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.20.
Question DCO.1.21	Decommissioning Should the draft DCO include a requirement to deal with decommissioning? If not, why not? If it should, provide suitable drafting, and, given the duration of the Proposed Development, consider whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has previously commented to the effect that there is a need for the Applicant to commit to addressing future decommissioning through the inclusion of a suitably worded Requirement.	The Applicant acknowledges this response and notes that it provided a similar answer to this question in Applicant's response to Written Questions - Draft Development Consent Order [REP4-057] .
Central Bedfordshire Council	CBC note that the assessment of decommissioning was scoped out of the EIA and that much of built infrastructure of the airport exists currently. It is not clear on what basis a requirement relating to the decommissioning of the Proposed Development would meet the policy tests for the imposition of a requirement.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.21.

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
The Hertfordshire authorities	The Host Authorities note that the assessment of decommissioning was scoped out of the Environmental Impact Assessment and that much of the built infrastructure of London Luton Airport exists currently	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.21.
Luton Borough Council	Whilst such a requirement might be appropriate for a development such as a solar farm, LBC considers that such a requirement would not be appropriate for this development as the proposal relates to an operational airport where much of the infrastructure already exists.	Please refer to the comments provided above in relation to Buckinghamshire Council's response to DCO.1.21.
Question DCO.1.22	<p>Register of requirements</p> <p>Given the number of proposed requirements that would require discharging, some of which would need to be discharged multiple times over an extended period of time, is a requirement that would require the undertaker to establish and maintain an electronic register of requirements that require further approvals needed? If not, why not? And if yes would the suggested drafting below be appropriate?</p> <p>Suggested Drafting:</p> <p>(1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the joint host authorities and other interested bodies a register of those requirements contained within Part 1 of this schedule that provide for further approvals to be given by the relevant planning authority, the relevant highway authority or the Secretary of State.</p> <p>(2) The register must set out in relation to each requirement the status of the requirement in terms of whether any approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.</p> <p>(3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</p>	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to endorse the draft wording of an electronic register requirement.	A new requirement to secure an electronic register of requirements was included in the version of the Draft DCO submitted at Deadline 4 [REP4-003], at paragraph 37 of Schedule 2.
The Hertfordshire authorities	<p>The Host Authorities are supportive of a requirement for the Applicant to maintain a publicly accessible register in relation to the requirements included in the draft Order. The general thrust of the suggested drafting is appropriate, but it there is scope for it to be more closely integrated within the drafting of Schedule 2. In particular, it is important that the scope of the requirements to be included in the register includes both the construction matters included in Part 2 and the operational matters included in Part 4, together with any application to amend the approved details in under paragraph (2), which is contained in Part 1. Given the importance of making public the requirements governing operation for the duration of the operation of the Proposed Development, it is not appropriate for the obligation to maintain the register cease after 3 years of operation. The Host Authorities suggest the following amendments and would welcome engagement with the Applicant on the proposed drafting for a requirements register. (1) The undertaker must, as soon as <u>is</u> practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection- by members of the public, the <u>relevant planning authorities</u> joint host authorities and other <u>relevant persons</u>, interested bodies a register of those requirements contained within Parts 1, 2 and 4 of this <u>Schedule</u> that provide for <u>further any consent, agreement or</u> approvals to be given by <u>a discharging body</u>, the relevant planning authority, the relevant highway authority or the Secretary of State. (2) The register must set out in relation to each <u>such</u> requirement the <u>its status of the requirement</u> in terms of whether any <u>application has been made to a discharging body and whether or not any consent, agreement or approval has been granted, together with approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given, providing an electronic link to any document comprised in such an application or in details that have been approved, consented to or agreed.</u> containing any approved details. (3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised</p>	<p>As above, a new requirement to secure an electronic register of requirements was included in the version of the Draft DCO submitted at Deadline 4 [REP4-003], at paragraph 37 of Schedule 2. The Applicant adjusted the ExA's suggested drafting and considers that it substantively achieves the outcomes the Hertfordshire authorities are seeking to achieve.</p> <p>Noting the Hertfordshire authorities' comments, the Applicant considers that the requirement should refer to "discharging authority" and has implemented that change in the Deadline 5 version of the Draft DCO, along with a number of the other drafting suggestions from the authorities.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	development. The above amendments would require the definition of "discharging body" contained in paragraph 37(1), to be moved to paragraph 1(1).	
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Hertfordshire authorities' response to DCO.1.22.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Hertfordshire authorities' response to DCO.1.22.
Question DCO.1.24	Missing requirements Review the requirements as drafted. If you consider that there are requirements that are currently not included provide details including any preferred drafting and an explanation of why they would need to be included.	
Affinity Water	AW considers that a requirement should be inserted into Schedule 2 of the DCO to reflect the Applicant's commitment not to seek additional water from AW that is above the amount of water consumed in 2019. The 2019 consumption figures were 4.2 litres per second in respect of the terminals and 3.3 litres per second in respect of the non-terminals. The requirement could be drafted as follows: (1) "As a result of the authorised development, the undertaker will not increase the demand for water resources in connection with the airport from the 2019 consumption baseline, unless otherwise agreed with the utility undertaker. (2) In this paragraph, '2019 consumption baseline' means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport nonterminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02])."	Design principle SUS.15 (included in the updated Design Principles document submitted at Deadline 5) provides that: <i>"Detailed design will include such water efficiency measures as are necessary, so far as reasonably practicable, to maintain water demand (excluding construction water demand) at the 2019 consumption baseline. Rainwater harvesting solutions will be incorporated in detailed designs. Potable water efficiency measures will also be incorporated in the design of buildings, in order to minimise potable water demand from the statutory undertaker."</i> The Applicant and Affinity Water are also discussing an appropriate commitment in this regard to be secured through an agreement between the parties, rather than by means of a Requirement.
Central Bedfordshire Council	Paragraph 5.7.22 of CBCs LIR seeks a requirement to secure lighting details. It is noted that this is being reviewed by the Applicant. See also the response to Written Question PED 1.2 in relation to masterplanning.	Lighting commitments are set out in the Design Principles [APP-225] , including the following principles: DQ.02; SUS.10; BIODV.04; AF.04; AF.25. Those design principles are secured under the detailed design requirement at paragraph 5 of Schedule 2 to the draft DCO [REP4-003] . Detailed design, which will include lighting proposals, is a matter to be approved by the relevant local planning authority. On that basis, it is not considered necessary to include a separate design requirement.
GREEN CONTROLLED GROWTH		
Question GCG.1.4	GCG - Appendix C – Annex C1 DCO noise model assumptions Confirm whether the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling.	
Buckinghamshire Council	With reference to point e. "The modal split of 23% easterlies and 77% westerlies taken from the 10-year 92-day summer average from 2010 to 2019" the Council suggests that this parameter should be based on a five-year rolling average to take into account climate trends and any change in operating preferences.	A long term 10-year modal split has been used in line with standard practice and guidance on noise modelling from the CAA (Ref 2). See also the CAA's response to this question [REP4-125] which notes that the assumptions/parameters including modal split are acceptable and a reasonable basis for future modelling. However, it should be noted that the Aircraft Noise Monitoring Plan [TR020001/APP/7.08] requires the reporting of noise contours using the actual modal split as well as the long-term average modal split which would take into account any shorter-term trends.

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Civil Aviation Authority	The CAA can confirm that, in its opinion, the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling, providing that point i is intended to indicate the process detailed in Section 7.8 of the Environmental Statement Appendix 16.1 [AS-096]	The Applicant can confirm that point I is intended to indicate the process detailed in Section 7.8 of Appendix 16.1 of the ES [AS-096] .
Question GCG.1.5	Quota Counts Confirm whether the approach to calculating day and night-time quota counts in Noise Envelope – improvements and worked example [REP2-032] would form an acceptable basis for noise control on exceedance of a Level 1 and Level 2 thresholds.	
Buckinghamshire Council	In as much as day and night quota counts inform slot management Buckinghamshire Council agrees with this approach. From CAP1731 and [REP2-032]: “There is good correlation between the number of daytime movements and daytime Quota Count, and a good correlation between night-time movements and night-time Quota Count. The daytime Quota Count correlates relatively well with LAeq16h contour area; however, the correlation of night-time Quota Count with LAeq8h noise contour area is not that clear. More detailed investigation highlighted that the poorer than expected correlation between night-time contour area and Quota Count is isolated to Gatwick airport and night-time fleet changes between 2006 and 2016” This leaves a slight concern over the validity of the night-time contour to quota count conversion during the time that most people are sensitive to noise. Buckinghamshire Council would not want inaccurate data to inform night-time slot allocation as this presents a concern for the well-being of some of Buckinghamshire’s communities. In Paragraph 57 of the NEDG final report it was noted that there had been some breaches of current noise limits at the airport in recent years. It was suggested that LR might show how these breaches would not have occurred had the Noise Envelope process already been in place. At the time of writing the NEDG Final report, the outcome of this work had not been reported to the NEDG. Although LR addresses this in [REP2-032] the NEDG was disbanded before publication. Buckinghamshire Council suggests the Luton Rising NEDG be given an opportunity to review the worked example.	As noted in CAP1731 (Ref 3), “the poorer than expected correlation between night-time contour area and Quota Count is isolated to Gatwick airport and night-time fleet changes between 2006 and 2016”. The analysis in Appendix A of Noise Envelope - Improvements and worked example [REP2-032] shows a strong correlation (R ² value of 0.96) between the 92-day summer night-time period Quota Count (QC) and the 92-day summer night-time contour area for London Luton Airport. Whilst the Noise Envelope Design Group (NEDG) is no longer in operation, many of its members are registered as Interested Parties to the DCO and have reviewed and provided commentary on the worked example in Noise Envelope - Improvements and worked example [REP2-032] .
The Hertfordshire authorities	The approach taken to using Quota Counts (QC) as forward planning indicators is set out in Section 5.1 Improvement #1 in the Noise Envelope – Improvements and Worked Example [REP2-032]. As set out, equivalent QCs would be calculated for noise contour areas (Threshold 2 and GCG noise Limit), which are then used to allow slot capacity declarations. This process would be an internal tool for the Airport Operator and appears a sensible and acceptable way to control exceedances of Threshold level 2 and Limits. The internal QC process only proposes once Threshold level 1 is exceeded. In the Host Authorities’ view however, it would be far more appropriate to maintain this internal QC process at all times, firstly to ensure that there cannot be a jump from below Threshold 1 to above Limit in such a short timeframe that a breach cannot be prevented; and secondly to avoid slot allocations being declared that potentially cannot be withdrawn. Separately, within Section 5.1, it states that one outcome of the internal QC process would be, “as part of the bi-annual process ⁸ of slot management and capacity declaration;” with footnote 8 reading, “Twice each year, once for winter and once for summer”. Given that the only noise control proposed through GCG covers solely the summer 92-day period (against the expectations of the Host Authorities), it is not clear why the internal QC process would be involved in allocating winter slots, as there is no corresponding Limit against which to compare the equivalent QC.	As noted in paragraph 2.2.8 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.07] , the airport would be expected to be routinely operating above the Level 1 Thresholds, particularly as growth is brought forward. In practice, therefore, it is expected that the QC process would be routinely in place. The results of the noise assessment in Chapter 16 of the ES [REP1-003] show that the airport is predicted to be above the Level 1 Threshold in every assessment year for the Core, Faster Growth and Slower Growth scenarios. Whilst the 92-day summer contour and equivalent QC are not directly applicable to winter slots, the market for services in the summer and winter periods are linked and therefore it is important that the winter slot allocation process has consideration of any implications for summer slots and the compliance with 92-day summer Limits.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Hertfordshire authorities’ response to GCG.1.5.
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to Hertfordshire authorities’ response to GCG.1.5.

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Question GCG.1.12	<p>GCG Appendix A – Draft ESG Terms of Reference [REP3-019] Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from “where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present” to “where the independent chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present” Joint Host Authorities: Is this change acceptable and if not, why not?</p>	
Buckinghamshire Council	<p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a technical panel being quorate. It is considered that this severely undermines the integrity of the technical panel's role as a representative body. This change should plainly be reversed.</p>	<p>The Applicant notes that the question raised by the ExA is in relation to revisions made to the Draft ESG Terms of Reference and not in relation to the technical panels as outlined in the response from Buckinghamshire Council. The Applicant assumes that Buckinghamshire Council's concerns are intended to be in relation to the question raised by the ExA and provides the following response.</p> <p>The Applicant considers that the rationale for this revision to the threshold for the ESG being quorate has been addressed in the Applicant's response to Question GCG.1.12 on page 8 in the Applicant Response to Written Questions – Green Controlled Growth (GCG) [REP4-058].</p> <p>The Applicant however acknowledges the concerns raised by the Host Authorities regarding ensuring the engagement of approved local authority members in the functioning of the ESG and this being reflected in the threshold for the ESG being quorate. As such, the Applicant has made further changes to the Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [TR020001/APP/7.08], submitted at Deadline 5. Section A2.2 of this document now requires a minimum of one representative from a local authority to be present to be quorate.</p>
Central Bedfordshire Council	<p>The rationale for reducing the quorate is understood but it is considered that appropriate representation of members to be present. The ESG have an integral role and this is not an acceptable change.</p>	<p>Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.12.</p>
The Hertfordshire authorities	<p>The Host Authorities understand that the rationale for reducing the Quorate to independent chair, independent aviation specialist and slot allocation expert relates to a review of the Terms of Reference by the Applicant to ensure that the ESG could still function if there were a failure (however unlikely) to secure 50% of the other members. Given the importance of the role of ESG the Host Authorities are of the view that their engagement in ESG and the decisions that it makes is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of other members to be present. The text should be returned to “where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present”.</p>	<p>Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.12.</p>
Luton Borough Council	<p>Response is as per that of the Hertfordshire authorities.</p>	<p>Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.12.</p>
Question GCG.1.13	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021] Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from “where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present” to “where the independent technical expert is present.” Joint Host Authorities: Is this change acceptable and if not, why, not?</p>	
Buckinghamshire Council	<p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a</p>	<p>The Applicant considers that the rationale for this revision to the threshold for a technical panel being quorate has been addressed in the Applicant's</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	technical panel as it is felt that this severely undermines the integrity of the technical panel's role as a representative body. This change should plainly be reversed.	<p>response to Question GCG.1.13 on page 8 in the Applicant Response to Written Questions – Green Controlled Growth (GCG) [REP4-058].</p> <p>The Applicant however acknowledges the concerns raised by the Host Authorities regarding ensuring the engagement of approved representatives in the functioning of the technical panels and this being reflected in the threshold for a technical panel being quorate. As such, the Applicant has made further changes to the Green Controlled Growth Framework Appendix B - Draft Technical Panels Terms of Reference [TR020001/APP/7.08], submitted at Deadline 5. Section B2.2 of this document now requires the chairperson of that Technical Panel and at least one other approved member to be present in order for the Technical Panel to be quorate.</p>
Central Bedfordshire Council	The Host Authorities understand the rationale for reducing the Quorate but it is not considered that the reduction is acceptable given the important role of the Technical Panels and the need for an appropriate representation of members.	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.13.
The Hertfordshire authorities	The Host Authorities understand that the rationale for reducing the Quorate to where the independent technical expert is present relates to a review of the Terms of Reference by the Applicant to ensure that Technical Panels could still function if there were a failure (however unlikely) to secure 50% of other approved representatives. Given the importance of the role of the Technical Panels the Host Authorities are of the view that their engagement in them is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of approved representatives to be present. The text should be returned to "where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present".	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.13.
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.13.
Question GCG.1.15	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021] Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1. Joint Host Authorities: Is this change acceptable and if not, why not?</p>	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the meeting of the Technical Panel being at the discretion of the technical expert. As is usual for the operation of such panels all panel decisions should be made on the basis of a majority with the technical expert having a casting vote, where necessary	<p>As per the Applicant's response to Written Questions – Green Controlled Growth (GCG) [REP4-058] at GCG.1.15 this is not a change and this drafting has been in the GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021] since submission of the application for development consent.</p> <p>The Applicant considers it appropriate that meetings should be held at the discretion of the technical expert in their role as chair of the relevant Technical Panel, but updated drafting has been included at Paragraph B2.5.1 of the Green Controlled Growth Framework Appendix B – Draft Technical Panels Terms of Reference [TR020001/APP/7.08] at Deadline 5, to make it clear there is a presumption that a meeting of the Technical Panel should take place.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Central Bedfordshire Council	This is not an acceptable change. Meetings should take place unless there is agreement from the members and a mechanism should be included in the Terms of Reference.	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.15.
The Hertfordshire authorities	No. If it is considered there needs to be some form of provision made for Technical Panels not meeting, then it should be crafted in a manner where it is assumed that meetings will happen unless there is agreement of membership otherwise.	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.15.
Luton Borough Council	No. The Chair of a Technical Panel is to do just that – to chair proceedings. It should not be their role to decide whether or not meetings take place. If it is considered there needs to be some form of provision made for Technical Panels not meeting, then it should be crafted in a manner where it is assumed that meetings will happen unless there is agreement of membership otherwise.	Noted. Please refer to the comments provided above in relation to Buckinghamshire Council's response to GCG.1.15.
NEED CASE		
Question NE.1.5	<p>Oxford to Cambridge Arc The Need Case [AS-125, paragraph 2.4.7] states if the sectors within the Oxford to Cambridge Arc are to thrive in a globally competitive market and deliver enhanced economic performance to the benefit of the wider region and to the whole of the UK, this will require improved global connectivity directly to the Arc.</p> <p>1. What evidence do you have that businesses within the Arc require improved global connectivity?</p> <p>2. Where in the documentation available on the Oxford to Cambridge Arc does it state that the expansion of Luton Airport, or any other airport, is needed to deliver the aspirations for the Arc?</p> <p>3. The New Economics Foundation [REP1-115] advise that there has been no net new growth in business passengers since 2006 and that the largest growth at Luton is expected to be in UK Leisure [REP1-115, table 6.5]. Furthermore, the Need Case [AS-125, table 5.4] shows that three of the top four business destinations were in the UK (Edinburgh, Glasgow and Belfast). Given this how would the Application deliver the global connectivity directly to the Arc?</p>	
The Harpenden Society	5 In respect of question 2, we would draw the ExA's attention to the "Government ambition and joint declaration between Government and local partners"1 in relation to the OxfordCambridge Arc which refers twice to Heathrow Airport – in the context of the link to the airport being "vital"- but doesn't mention either Luton or Stansted airports and sets out policy objectives that refer to Productivity, Housing, Connectivity (principally via rail links, nothing about air connectivity) and the Environment. Furthermore, an economic prospectus for the Arc2 produced in October 2020 does not refer to air connectivity but does refer to rail and road connectivity under the heading "enabling infrastructure". We doubt air connectivity is a challenge for an area that is within an hour or two's drive of Heathrow for European and global connectivity and, on the Eastern side of the arc, within an hour of Stansted for European connectivity.	The Applicant has responded to the points raised in this response previously - please refer to pages 5-6 of the Applicant's response to Written Questions - Need Case [REP4-059] . Furthermore, the Applicant would highlight again that for much of the Oxford Cambridge Arc, London Luton Airport offers a more convenient and efficient option for air connectivity than Heathrow.
Question NE.1.6	<p>Exports The Need Case [AS-125, Section 4.4] focuses on trade and the percentage of exports in goods by sector for this region where it is stated 30% of Gross Value Added (GVA) in the East of England derives from exports, reflecting that the region has a strong international focus with growing need for international connectivity. Given that the Need Case identifies limited growth in cargo operations, where any additional cargo would only occur when longer haul flights are potentially introduced in the later phases of the development, how significant a contribution could growth at the airport have to exports in the East of England?</p>	
Buckinghamshire Council	The Council's position is that it has not raised issues regarding the needs case in relation to Exports.	The Applicant has responded to the points raised in this response previously - please refer to pages 6-7 of the Applicant's response to Written Questions - Need Case [REP4-059] . The Applicant does not comment further in relation to this response.
The Hertfordshire authorities	Focussing on cargo growth as the primary measure of how expansion at London Luton Airport can drive exports is perhaps not the right way to look at this issue. Undoubtedly, the export of cargo goods is important, and the airport will have an important role to play enabling the transportation of high value exports - the Need Case at para 4.3.6 highlights that Luton, the Three Counties and the Six Counties, have above average employment in High Tech	The Applicant has responded to the points raised in this response previously - please refer to pages 6-7 of the Applicant's response to Written Questions - Need Case [REP4-059] .

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>Manufacturing clusters. The graphs included highlight for example Stevenage, Welwyn Hatfield, Chiltern, East Hertfordshire and South Bucks having double the rate of employment in High Tech Manufacturing compared to the national average. Stevenage, is known to be on track to develop into the most important cluster in the field of cell and gene therapy across Europe. This is important, high value export output. It does not necessarily however equate to high tonnage, as much of the area's output is in high value R&D fields involving international collaboration.</p> <p>Section 4.4.3 of the Need case is perhaps on the right lines highlighting the dominance of services activities – stating that these account for around 77% of regional GVA in the East of England (compared to the average of 75% for regions outside of London).</p> <p>Although not highlighted in the Need case, there is a weight of research evidence that can be drawn upon to highlight the importance of airports as growth generators – for example, Sven Conventz, and Alain Thierstein², which points to how airports and their vicinities are no longer perceived as purely transportation nodes, but are now seen as advantageous business locations offering a crucial competitive advantage – accessibility and rapid global connectivity. They draw the link between airport location and the clustering of Knowledge Economy businesses – defining these as the combination of advanced producer services (finance, insurance etc) and companies working in high-technology sectors.</p> <p>PwC have also looked at the issue preparing their report entitled Econometric Analysis to Develop Evidence on the Links Between Aviation and the Economy, (PwC, 2013). Their work attempts to quantify the link, reporting that a 10% increase in seat capacity increased the UK's goods exports by 3.3%, goods imports by 1.7%, service imports by 6.6% and service exports by 2.5%.</p> <p>Therefore, the issue of the importance of the airport's growth to exports in the East of England is a more nuanced argument which should consider not only the export of high value goods (as cargo), but the importance of the role of the airport as a hub that can play an increasingly important role in driving information and knowledge exchange, and therefore supporting the growth of high value service sectors of the area's economy.</p> <p>The Need Case does not set these arguments out particularly well, and undoubtedly more analysis could be provided to highlight these links.</p> <p>The Host Authorities look forward to the Applicant's response to this question an Deadline 4 and will comment further should that be necessary.</p>	<p>However, the Applicant does not agree that these issues are not set out well in the Need Case [AS-125]. The channels through which air services deliver economic growth, including through increased trade, are considered in detail in Section 2.5 starting on page 24.</p> <p>The Applicant does not comment further in relation to this response other than to agree that it is vital to understand that cargo is only a limited part of the importance of air services in supporting export growth.</p>
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	Please refer to the comments provided above in relation to the Hertfordshire authorities' response to NE.1.6.
The Harpenden Society	<p>1 The Society's view is that the applicant's references to increasing air cargo are aspirational rather than grounded in reality.</p> <p>2 Firstly, there appears to be little or no provision for additional cargo in the planned works nor is there anything in the fleet mix figures for "Do Something" in the Noise and Vibration Chapter 16 (pages 136-138) to suggest there will be any increase in air freight traffic from 2027</p>	As indicated in the Need Case [AS-125] , paragraphs 6.5.2 to 6.5.10 it is not anticipated that there will be growth in the existing dedicated air freight activity at the airport in terms of movements or cargo tonnage. The Do Something case therefore does not have any additional dedicated freight movements which explains why no further dedicated freight aircraft are required in the associated fleet mix. Furthermore, with no increase in

Interested Party	Interested Party Response (verbatim)	Applicant's Comments																								
	<p>through 2042 (the data is not clear for 2019) nor any increase in the apron space allocated to air freight.</p> <p>3 Secondly, Luton's share of air freight is very small in the national context and it is likely that, in 20 years time, other air freight provision at dedicated facilities such as at East Midlands and Heathrow airports will have developed to meet any growing needs – whilst Luton has stood still. It is also worth noting that Luton airport's air freight comprises less than 1% of total UK freight. The table below illustrates how small Luton airport's share of air freight is:</p> <table border="1" data-bbox="451 478 1368 783"> <thead> <tr> <th>Year</th> <th>Total UK air freight (tonnes)</th> <th>Luton airport air freight (tonnes)</th> <th>Luton airport's share of UK air freight (%)</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>2,322,000</td> <td>26,422</td> <td>1.1</td> </tr> <tr> <td>2020</td> <td>2,002,000</td> <td>32,607</td> <td>1.6</td> </tr> <tr> <td>2019</td> <td>2,535,000</td> <td>36,533</td> <td>1.4</td> </tr> <tr> <td>2018</td> <td>2,631,000</td> <td>28,811</td> <td>1.1</td> </tr> <tr> <td>2017</td> <td>2,640,000</td> <td>21,852</td> <td>0.9</td> </tr> </tbody> </table> <p><i>Sources: UK air freight tonnage from DfT table AVI0101 Air traffic at UK airports. Luton airport data from Luton airport passenger statistics.</i></p> <p>4 Thirdly, the applicant makes the point that the future destinations it is proposing to serve in the "busy day" scenario are illustrative only so it is clear there is no strategy for developing air freight on long haul routes.</p>	Year	Total UK air freight (tonnes)	Luton airport air freight (tonnes)	Luton airport's share of UK air freight (%)	2021	2,322,000	26,422	1.1	2020	2,002,000	32,607	1.6	2019	2,535,000	36,533	1.4	2018	2,631,000	28,811	1.1	2017	2,640,000	21,852	0.9	<p>movements by dedicated aircraft, there will be no further requirements for apron space to be allocated to air freight.</p> <p>The growth projections for air freight are associated with the anticipated development of long haul passenger services which would be anticipated to be used by air freight within the cargo holds of each aircraft (known as Bellyhold Cargo). Carrying cargo on passenger aircraft is a common feature of the industry and is part of the airline economic model when operating such flights. Figure 6.8 of the Need Case [AS-125] clearly illustrates that the growth in air freight is associated with Bellyhold Cargo. These aircraft are therefore included within the fleet mix projections and do not require apron space as the aircraft will be parked on the passenger apron. With a modest uplift in cargo throughput, it is anticipated that this could be handled through the existing cargo shed.</p> <p>Whilst the forecasts would require the airport to handle more air freight within a UK context, it should be noted that the reason such cargo does not exist at the airport presently is because there are no regular long haul passenger services which would be attractive to the freight industry.</p> <p>The busy day schedules fully reflect the growth in air freight because these include an allowance for the long haul passenger services which are expected to handle the increase in air freight. These can be seen in the Need Case Appendices [APP-214] pages 13-26 with aircraft such as the Boeing B787 and Airbus A350 aircraft types representing the long haul passenger services.</p>
Year	Total UK air freight (tonnes)	Luton airport air freight (tonnes)	Luton airport's share of UK air freight (%)																							
2021	2,322,000	26,422	1.1																							
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2017	2,640,000	21,852	0.9																							
Luton Borough Council	<p>The Five Host Authorities economic consultants, Genecon, advise that focussing on cargo growth as the primary measure of how expansion at the airport can drive exports is perhaps not the right way to look at this issue. Undoubtedly, the export of cargo goods is important, and the airport will have an important role to play enabling the transportation of high value exports - the Need Case at para 4.3.6 highlights that Luton, the Three Counties and the Six Counties, have above average employment in High Tech Manufacturing clusters. The graphs included highlight for example Stevenage, Welwyn Hatfield, Chiltern, East Hertfordshire and South Bucks having double the rate of employment in High Tech Manufacturing compared to the national average. Stevenage, is known to be on track to develop into the most important cluster in the field of cell and gene therapy across Europe. This is important, high value export output. It does not necessarily however equate to high tonnage, as much of the area's output is in high value R&D fields involving international collaboration. Section 4.4.3 of the Need case is perhaps on the right lines highlighting the dominance of services activities – stating that these account for around 77% of regional GVA in the East of England (compared to the average of 75% for regions outside of London). Although not highlighted in the Need case, there is a weight of research evidence that can be drawn upon to highlight the importance of airports as growth generators – for example, Conventz and Thierstein's research (2012) which points to how airports and their vicinities are no longer perceived as purely transportation nodes, but are now seen as advantageous business locations offering a crucial competitive advantage – accessibility and rapid global connectivity. They draw the link between airport location and the clustering of Knowledge Economy businesses – defining these as the combination of advanced producer services (finance, insurance etc) and companies working</p>	<p>Please refer to the comments provided above in relation to the Hertfordshire authorities' response to NE.1.6.</p>																								

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>in high -technology sectors. PwC have also looked at the issue preparing their report entitled Econometric Analysis to Develop Evidence on the Links Between Aviation and the Economy, (PwC, 2013). Their work attempts to quantify the link, reporting that a 10% increase in seat capacity increased the UK's goods exports by 3.3%, goods imports by 1.7%, service imports by 6.6% and service exports by 2.5%. Therefore, the issue of the importance of the airport's growth to exports in the East of England is a more nuanced argument which should consider not only the export of high value goods (as cargo), but the importance of the role of the airport as a hub that can play an increasingly important role in driving information and knowledge exchange, and therefore supporting the growth of high value service sectors of the area's economy. The Need Case does not set these arguments out particularly well, and undoubtedly more analysis could be provided to highlight these links. We look forward to the Applicant's response to this question and Deadline 4 and will comment further should that be necessary.</p>	
Question NE. 1.11	<p>Impacts on forecasting assumptions In respect of the comments made in the Initial Review of DCO Need Case [REP2-057, paragraph 3.37], which sets out potential weaknesses in the assumptions used by York Aviation, what effect of Brexit, long term effects of the pandemic and the Russian invasion of Ukraine have on the forecast assumptions? Would this be a major effect on the forecast assumptions or simply delay the anticipated growth?</p>	
The Hertfordshire authorities	<p>These potential weaknesses in the economic growth assumptions from these known events (in addition to any arising from 'unknown unknowns') will delay growth. On their own, these three known events should not have a major effect. However, they should be considered alongside other delays which could arise from the weaknesses in the price assumptions and Dr Smith's predicted 5 to 7 year delay from the underestimation of the capacities of Heathrow and Gatwick (since these airport operators will strive to make maximum use of their runways in the absence of caps on passenger throughput).</p>	<p>The Applicant has responded to the points raised in this response previously - please refer to page 9 of the Applicant's response to Written Questions - Need Case [REP4-059].</p>
Luton Borough Council	<p>Response is as per that of the Hertfordshire authorities.</p>	<p>Please refer to the comments provided above in relation to the Hertfordshire authorities' response to NE.1.11.</p>
Central Bedfordshire Council	<p>Response is as per that of the Hertfordshire authorities.</p>	<p>Please refer to the comments provided above in relation to the Hertfordshire authorities' response to NE.1.11.</p>
PHYSICAL EFFECTS OF DEVELOPMENT AND OPERATION		
Question PED.1.2	<p>Masterplan It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011- 2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by Luton Borough Council.</p>	
Buckinghamshire Council	<p>Yes, a masterplan and details of phasing of works in order to understand construction works impact to Buckinghamshire Authority is necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures.</p>	<p>The Applicant has responded to the points raised in this response previously - please refer to page 2-3 of the Applicant's response to Written Questions - Design [REP4-061].</p>
Central Bedfordshire Council	<p>Given the scale of the proposed development, lengthy delivery period for the works and uncertainty surrounding when those works would be delivered, it is deemed appropriate for a requirement to secure a masterplan. The requirement should ensure that there are suitable review mechanisms due to the uncertainty surrounding timescale deliverability.</p>	<p>Please refer to the comments provided above in relation to the Buckinghamshire Council's response to PED.1.2.</p>
The Hertfordshire authorities	<p>The Aviation Policy Framework (APF) 2013, submitted in Appendix 29, contains a range of expectations about the role of master plans. For example:</p>	<p>Please refer to the comments provided above in relation to the Buckinghamshire Council's response to PED.1.2.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<ul style="list-style-type: none"> • The primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. • The Government recommends that airports continue to produce master plans. We recommend that they are updated at least once every five years. • The Government also recommends that Airport Operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. • Airport Operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area. <p>Annex B of the APF sets out the Government's suggested content of master plans – forecasts, infrastructure proposals, safeguarding and land/property take, impact on people and the natural environment; and proposals to minimise and mitigate impacts. Aviation 2050 'The Future of UK Aviation, submitted in Appendix 30, contains a commitment to update the 2013 Aviation Policy Framework Guidance to help airports in completing surface access strategies and master plans.</p> <p>The Jet Zero Strategy, submitted in Appendix 31, states that Government will work with airports, other government departments, local authorities, and other interested bodies to help airports in England improve their surface access through developing Master Plans and Surface Access Strategies.</p> <p>Whilst more latterly, the approach of Government appears to place master plans within a surface access context, the Host Authorities are of the view that the principles and objectives of master plans set out in the APF remain relevant and continue to be Government expectations.</p> <p>If consented, the DCO will approve a wide range of very substantive works to be brought forward over a lengthy time period but with considerable uncertainty surrounding when those works will be brought forward. A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon its intentions to bring forward the development over short-, medium- and longer-term time horizons.</p> <p>The Host Authorities would support the addition of a requirement for a post-consent detailed masterplan to be developed, consulted on and approved and suggest that the requirement should be crafted for that masterplan to be subject to regular review to reflect delivery uncertainty.</p>	
<p>Luton Borough Council</p>	<p>As set out in LBC's LIR, the Local Plan period is up to 2031 and the DCO envisages development beyond this period. The Local Plan was adopted in 2017, after the 18mppa development had been approved, which envisaged the airport expanding to 18mppa by 2028. The Master Plan at that time related to an 18mppa operation. In 2020 the airport operator consulted upon a new Master Plan, which was formally submitted with the 19mppa application in January 2021 and adopted by the Council in November 2021. The proposals are not in accordance with the current airport Master Plan which allows for a 19mppa operation. However, the plans go well beyond the plan period and if approved the DCO would be the new Airport Master Plan. The Government guidance on airport Master Plans appears in Annex B of the Aviation Policy Framework (2013). Airport Master Plans are expected to address: forecasts; infrastructure proposals; safeguarding and land/ property take; impact on people and the natural environment; and proposals to minimise and mitigate impacts. The DCO covers all these aspects and it is considered that a Master Plan would only repeat the information already supplied</p>	<p>Please refer to the comments provided above in relation to the Buckinghamshire Council's response to PED.1.2.</p>

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Question PED.1.5	<p>Design review</p> <p>Paragraph 133 of the National Planning Policy Framework (NPPF) states local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. Paragraph 133 goes on to state that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.</p> <p>Given the proposed size and scale of development and the extent of post approval consents that will be required by Requirement 5 of the draft DCO to authorise detailed aspects of the development, please explain:</p> <ol style="list-style-type: none"> 1. what processes the Council currently has when assessing the design suitability of large-scale development; and 2. whether it would be appropriate for any 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. 	
Luton Borough Council	<p>Policy LLP25 in the Luton Local Plan addresses High Quality Design and notes, inter alia that “The Council will use a Design Review Panel to review major development proposals where appropriate and will take into consideration its recommendations when considering applications.” On significant major developments, the LPA enters in to a Planning Performance Agreement (PPA) with applicants. Each PPA is tailored to the individual project and can include design review, with the applicant agreeing to meet the costs of the design review process. LBC engages with Design South East for design review on major projects and would anticipate that certain elements of the Luton Airport Expansion DCO would be subject to design review, with the Applicant agreeing to meet the costs of this process through the Section 106 Agreement. Elements that would be appropriate for consideration under the design review process include those in the public realm, namely, Terminal 2 and its plaza and the 400 bed hotel. Unlike the New Century Park planning permission (LBC ref: 17/02300/EIA) which included a planning condition requiring design codes to be submitted, it is not considered that design codes would be required in relation to the DCO. The New Century Park development includes numerous buildings that are to be delivered in a phased manner, thus it was appropriate for design codes to cover the industrial quarter (Phase 2) and the office and hybrid quarter (Phase 3), with these design codes then informing the subsequent submission of the reserved matters for those phases.</p>	<p>Since Deadline 4 the Applicant has undertaken further engagement with Luton Borough Council with regard to its position on the need for a design review process for the proposed terminal, its plaza and the proposed hotel. The Applicant is considering the Council's feedback in further detail and will provide a response at Deadline 6. It is noted that Luton Borough Council share the Applicant's view that design codes would not be required for the Proposed Development.</p>
Question PED.1.6	<p>Earthworks</p> <ol style="list-style-type: none"> 1. The Design and Access Statement [AS-049, paragraph 2.4.26] states significant earthworks would be required to construct an earth platform to support the airport expansion, as the airfield would need to be at similar levels to the existing runway to comply with the relevant international standards and interface with the proposed terminal building. Explain what international standards are being referred to? 2. Explain what regard has been had to the landscape character assessments referred to in Chapter 14 of the ES [AS-079, paragraph 14.7.5] in considering the design approach to the proposed landform. 3. Under Chapter 3 of the ES [AS-026, Table 3.4, criterion b] states where it is not possible to mitigate the risk of slope failure on-site (as part of the earthworks design and gradient of slopes), an engineered solution would be provided. Explain further what the design approach of the engineered solution would be and whether this has been factored into the findings in the Landscape and Visual Impact Assessment and if not, why not? 4. The Design and Access Statement [AS-124, paragraph 5.6.4] explains that an estimated 3.7 million m³ of material would need to be excavated from a variety of locations within the site to provide the required platform, albeit it does go on to state that “some imported granular materials will required for specific engineered fill where not available on site”. Can you: a. Clarify in cubic metres how much ‘some imported granular material’ involves. b. Notwithstanding the above question, using the approximate volumes in Figures 4.11 to 4.15 of ES Chapter 4 [AS-042], the volume of cut material amounts to approximately 3,119,000m³ and the volume of fill amounts to approximately 3,586,000m³. Please clarify where the additional 467,000m³ would be imported from and if from off-site locations, where this would be from and whether this has been factored into the assessments in the ES. 	
Environment Agency	<p>The volume of imported granular material required to deliver the development platform depends upon how much excavated waste from the historic landfill can be recovered as part of the development. The current earthworks design assumes 80% of the waste can be recovered, but this figure would need to be justified through an environmental permit application for the recovery of waste which has not yet been submitted (see BCG.1.5.). The suitability of the recovered waste would need to be chemically and physically suitable,</p>	<p>The assumption of the quantity of recoverable and suitable waste has been made from examination of the findings of the forensic logging, undertaken as part of the ground investigation.</p>

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	<p>therefore we believe an 80% recovery rate may be overly optimistic. If this is not achieved, it would increase the need for imported granular material to make up the shortfall. Where an additional 467,000m³ material needs to be imported, this is unlikely to be available from a single natural source, therefore likely to be a waste activity, importing and recovering waste to achieve the development platform. This has not yet been discussed with the Environment Agency, discussions to date have related solely to the recovery of onsite material.</p>	<p>This was able to characterise the waste in the landfill with respect to materials able to be recycled and recovered. Additional required material due to reduced recovery will be minimal compared with total estimate. It should be noted that all the volumes are estimates at this stage. The figure of an additional 467,000m³ is not applicable in this case.</p> <p>The total required imported material is estimated as 543,000m³ as stated in Table 4.2 of the ES Appendix 4.1 Construction Method Statement and Programme Report [AS-082]. This will be sourced from various sources as import of natural or recovered materials and would therefore not be considered an onsite waste activity. Discussion regarding the Waste Recovery Plan and materials with the Environment Agency are ongoing.</p>
<p>Question PED.1.11</p>	<p>Heritage Assets scoped out of the ES Comments have been raised in submissions raising concerns that designated heritage assets have been scoped out of the assessment that should have been included. Based on the content of Section 10.7 of ES Chapter 10, can you advise what assets should be included in the assessments that appear to have been scoped out and why?</p>	
<p>The Hertfordshire authorities</p>	<p>There are two separate issues linked to Section 10.7 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077]:</p> <p>1) Appendix 10.2 Cultural Heritage Gazetteer [APP-073] notes that designated heritage assets are scoped out on the basis that 'The setting of this asset does not extend into the Site.' This language lacks clarity. A brief overview of why these assets have been scoped out should be contained either in Section 10.7 of Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077] or Appendix 10.1 Desk-based Assessment [APP-072], to provide greater transparency as to why assets were scoped out of the assessment.</p> <p>2) Section 10.7 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077], notes at paragraph 10.7.38 and paragraph 10.7.44 that 'quietness' does not contribute to the setting of specified heritage assets. Paragraph 10.7.44 of the ES refers to registered parks and gardens located in the Host Authorities specified at paragraph 10.7.43:</p> <ul style="list-style-type: none"> • Grade II* Knebworth Registered Park and Garden (National Heritage List for England (NHLE) ref: 1000255); • Grade II* Temple Dinsley Registered Park and Garden (NHLE ref: 1000919); • Grade II Ayot House Registered Park and Garden (NHLE ref: 1000905); and • Grade II The Hoo, Kimpton Registered Park and Garden (NHLE ref: 1000912). <p>Tranquillity or 'quietness' is often an important component of the setting of registered parks and gardens. Although setting may be changed by later developments (including current aircraft movements, as well as from other sources such as roads or urban development), the Proposed Development could further change the setting of these assets. This is in line with Historic England's Good Practice Advice (GPA) 3, submitted in Appendix 32, which addresses cumulative change: "Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset." The issue of cumulative change also applies to the Grade I St Paul's Walden Bury Registered Park and Garden (NHLE ref: 1000150), which is noted as scoped in at paragraph 10.7.41 of the Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077] (the impact assessment is at paragraphs 10.9.86 to 10.9.88).</p>	<p>The Applicant's comments on each of the two points raised by the Hertfordshire Authorities are as follows:</p> <ol style="list-style-type: none"> 1) The Applicant has updated Appendix 10.2: Cultural Heritage Gazetteer of the ES [APP-073] to include a summary of impact for each asset, and clearly set out the reasoning on why assets were scoped in or out of the impact assessment process. The updated gazetteer was submitted at Deadline 4 [REP4-017]. 2) The Applicant acknowledges that quietness can make an important contribution to the setting of a cultural heritage; however, that quietness may not be a key factor in its historic significance. The assessment presented in the Chapter 10 Cultural Heritage of the ES [AS-077] provides an assessment on an asset-by-asset basis as to whether quietness is a factor in the understanding and appreciation of significance. Where quietness has been identified as being a factor, the impact of any changes to this significance have been assessed. <p>The Applicant notes that the setting of heritage assets can be impacted by an increase in an existing situation, for example the increase in noise already experienced from aircraft movements. The assessment presented in the Chapter 10 Cultural Heritage of the ES [AS-077] includes a cumulative assessment of impacts caused by the increase in noise as a result of the Proposed Development.</p>

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Question PED.1.13	<p>Mitigation at Luton Hoo Your Written Representation [REP1-070, paragraph 2.19] seeks mitigation in the form of financial contributions towards the conservation management of Luton Hoo Estate to be secured through a s106 agreement as this is the asset that you consider would be most affected in respect of noise. Please explain what conservation management measures any contribution would be put towards, an indicative costing for the suggested measures, the extent that they would mitigate the harm caused and the policy justification for requesting them.</p>	
Historic England	<p>The applicant has identified harm to the significance of the House, Park and Garden in the ES. The applicant considers that it is not practically possible to mitigate the effects of increased noise, and the applicant is not therefore proposing any mitigation measures, we are recommending that the residual impact might instead be off-set by way of some other mechanism. This could be for example compensation through a financial contribution from the developer towards the costs of conservation management of Luton Hoo Estate. We consider that it would be for the applicant to identify a suitable mechanism and approach but this should be suitably detailed to allow the examining authority to assess the proposal and weigh the public benefits.</p> <p><u>Please explain what conservation management measures any contribution would be put towards</u></p> <p>A complex heritage asset such as Luton Hoo will inevitably require a very specific and specialist ongoing program of management in order to ensure its conservation. This will range from general conservation management - such as routine repair and maintenance of fabric, to larger projects such as reinstatement of lost/missing features, and each individual component of a conservation management plan will need to be prioritised accordingly through negotiation and agreement between the local planning authority and owner. AS the asset would experience a direct effect form the development, we believe that it would be appropriate to seek to address this harm in some way. As set out above we consider it would be for the applicant to determine the mechanism through which this could be a delivered however this should be suitably detailed to allow the examining authority to assess the proposal and weigh the effects against public benefit. We do however understand that the ornamental lake required de-silting and suggest that this could an example of an opportunity.</p> <p><u>Please provide an indicative costing for the suggested measures</u></p> <p>We leave this matter to be negotiated and agreed between the applicant, local planning authority and owner.</p> <p><u>Please explain the extent that they would mitigate the harm caused.</u></p> <p>As described above, we see this as an appropriate way of off-setting the residual harm that would result due to the effects of increased noise and its impact upon the sensory experience of the affected parts of the registered parkland.</p> <p><u>Please explain the policy justification for requesting them</u></p> <p>This is recommended in accordance with established mitigation hierarchy practice as described above.</p>	<p>The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the ES [REP1-003].</p> <p>No mitigation specific to the Luton Hoo Estate has been identified as it is not considered that it would be effective in reducing the effect.</p> <p>The Applicant has considered the request for a form of financial contributions towards the conservation management of Luton Hoo Estate to be secured through a section 106 agreement but does not consider there to be sufficient justification to do so.</p>
Question PED.1.15	<p>Cultural Heritage Management Plan (CHMP) ... Joint Host Authorities: Section 2.1 of the CHMP states that the Applicant would appoint an Archaeological Clerk of Works (ACoW) who would manage the programme of archaeological investigation and ensure compliance with the CHMP and each SSWSI. Are the councils content that the appointment process of</p>	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>the ACoW, who would ultimately have responsibility amongst other matters for ensuring compliance with the DCO, rests solely with the Applicant? If not, should provision be made for the local authorities to approve the appointment of the ACoW?</p> <p>Joint Host Authorities: Except for Section 9 in respect of air quality monitoring at Someries Castle, which is subject to further review, are you otherwise in agreement with the measures in the CHMP?</p>	
<p>The Hertfordshire authorities</p>	<p>Provision does not need to be made for the Host Authorities to approve the appointment of the Archaeological Clerk of Works, as this is not normally a role that requires Host Authority approval – it is an internal project appointment. While the Environmental Statement – Appendix 10.6 – CHMP [APP-077] does include provision for the archaeological advisors to the Host Authorities to ensure adherence to the CHMP and each approved SSWSI at regular site meetings, it would be helpful to include a definition of their role in Section 2 of the CHMP, which should also include brief details of sign-off and document review processes. The Host Authorities agree with the measures in the Environmental Statement – Appendix 10.6 – CHMP [APP-077].</p>	<p>Noted. The Applicant has consulted with the Host Authorities and updates have been made to the Cultural Heritage Management Plan (CHMP) that set out the role of the Host Authorities – these changes have been agreed with the Host Authorities and reflected in the updated CHMP submitted at Deadline 4 [REP4-020].</p>
<p>Luton Borough Council</p>	<p>With regard to the wording on the CHMP [APP-077, paragraph 10.1.3], LBC's archaeological advisor suggests that it should be reworded as follows: <i>"If the local planning authority determines in writing that the archaeological remains require further investigation, or preservation in situ, no construction operations are to take place within 10 metres of the remains until provision has been made for mitigation. The details of the mitigation will be set out in a SSWSI which will be submitted to the relevant local planning authority's Archaeological Advisor (in consultation with Historic England, as applicable), for review and/or comment. The final version of the SSWSI will then be submitted to and approved in writing by the relevant local planning authority."</i> It is not normal practice for Local Authority Advisors to be directly involved with the appointment of either ACOW's, Archaeological Contractors or Archaeological Consultants. LBC's archaeological advisor suggests that developers appoint professionals that are registered with the Chartered Institute for Archaeologists and use companies that have a demonstrated track record of delivering on comparable developments. The LPA advisors have the responsibility for monitoring the archaeological work to ensure compliance with the agreed archaeological scheme of work (in this case that set out in the CHMP and any SSWSIs), but the Local Authority's Advisors are not ultimately responsible for the delivery of that work. LBC's archaeological advisor suggests the follow re-wording to make it clear that the local authority is not ultimately responsible: <i>"The relevant Local Authority archaeological advisor will be responsible for monitoring the work of the ACOW and Archaeological Contractor to ensure that the requirements relating to cultural heritage set out in of the DCO are met. The relevant Local Authority archaeological advisor will be responsible for final sign off and approval of all mitigation measures."</i></p>	<p>Please refer to the comments provided above in relation to the Hertfordshire authorities' response to PED.1.15.</p>
<p>Question PED.1.16</p>	<p>Methodology</p> <p>Chapter 14 of the ES [AS-079, paragraph 14.5.7] advises of the distinction between the terms 'impact' and 'effect' in the Guidelines for Landscape and Visual Impact Assessment third edition (2013) (GLVIA3) and that the term 'impact' should not be used to mean a combination of several effects. The paragraph then goes on to state that the Landscape and Visual Impact Assessment (LVIA) varies from this advice and refers to 'magnitude of impact,' even when describing a combination of several effects. Chapter 5 of the ES [AS-075, paragraph 5.4.40] states that to provide consistency across topics within the Environmental Assessment, the methodology as described in Chapter 5 will be adopted, although where topic-specific alternatives exist (following industry-wide guidance or best practice) these have been presented within the relevant aspect assessment chapters of this ES.</p> <p>...</p> <p>Joint Host Authorities: Do you have any comments on the approach adopted to the methodology and use of terminology in the LVIA?</p>	
<p>The Hertfordshire authorities</p>	<p>The Host Authorities agree that the terminology in respect of conflating impact and effect is confusing. The generally recommended approach is to combine magnitude of effect with sensitivity of the receptor, to determine a level of effect as set out in sections 3.23 - 3.36 of the</p>	<p>Paragraph 5.6 of Appendix 14.1 LVIA Methodology of the ES [AS-036] confirms that 'magnitude of impact' has been adopted to provide consistency with other chapters of the ES.</p>

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	Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). The Host Authorities request further clarification on this matter.	<p>With regard to this variance, this conforms to the GLVIA3 (Ref 4) as follows: “1.16...This guidance urges consistent use of the terms ‘impact’ and ‘effect’ in the ways that they are defined above but recognises that there may be circumstances where this is not appropriate, for example where other practitioners involved in an EIA are adopting a different convention. In this case the following principles should apply:</p> <ol style="list-style-type: none"> 1. The terms should be clearly defined at the outset. 2. They should be used consistently with the same meaning throughout the assessment. 3. Impact should not be used to mean a combination of several effects.” <p>The magnitude of impact on a landscape receptor has been assessed in terms of its:</p> <ol style="list-style-type: none"> a. size or scale - extent to which the removal or addition of landscape features alters the existing landscape character; b. geographical extent - of the area over which the effect is evident; c. duration of the effect - (short 0-5yrs/ medium 5-10yrs / long term 10-25yrs); and d. reversibility – (i.e. temporary or permanent).
Question PED.1.19	<p>Assessment of Significant Effects</p> <p>...</p> <p>Joint Host Authorities: Are you in agreement with the assessment findings on significant effects on the receptors assessed in Appendices 14.4 [AS-086] and 14.5 [AS-139]? If not, advise where disagreement on the findings exist and how this may affect conclusions.</p>	
The Hertfordshire authorities	It can be considered acceptable to have a moderate effect which can be either significant or not significant, which is dependent on professional judgement. In this case the assessor has qualified the assessment by stating that “The Proposed Development is assessed to deteriorate the visual amenity experienced by this receptor but only from a few locations. Presumably, this is the professional judgement which has led to the non-significant assessment. However, the matter is somewhat confused by the statement in the Environmental Statement Chapter 14 Landscape and Visual [AS-079] that, “Major and Moderate environmental effects are considered ‘significant’ for the purposes of this ES, whilst Minor and Negligible are considered ‘not significant.’” The Host Authorities are generally in agreement with the findings of the landscape and visual assessments set out in Environmental Statement Appendix 14.4 Detailed Landscape Revision 1 [AS-086] and Environmental Statement Appendix 14.5 Detailed Landscape Revision 2 [AS-139].	This is a typographical error, the moderate adverse effect is significant, this has been recorded in the Errata Report submitted at Deadline 5 [TR020001/APP/8.26].
Luton Borough Council	<p>Whilst it may be possible to have a moderate effect that could be either significant not significant, it is assumed that with regard to Wigmore Valley Park and the effects identified that this is a simple typographical error. LBC awaits the response from the Applicant to this question at Deadline 4.</p> <p>LBC is in agreement with the assessment findings on significant effects on the receptors assessed in the Detailed Landscape Assessment in Appendix 14.4 [AS-086] and the Detailed Visual Assessment in Appendix 14.5 [AS-139].</p>	This is a typographical error and has been recorded in the Errata Report submitted at Deadline 5 [TR020001/APP/8.26].
Question PED.1.22	<p>Chilterns Area of Outstanding Natural Beauty (AONB)</p> <p>Please provide an update on the review of the Applicant’s methodology for the assessment of the effects on the special qualities of the Chilterns AONB.</p>	

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Chilterns Conservation Board	This is an action for Natural England. The CCB can confirm we are engaged with this methodology, and, in very brief terms, we have sought (a) greater synergy with the findings of the ES, to establish tranquillity baseline formation, and (b) a more fulsome tranquillity methodology, to which we have supplied suggested content. The CCB is more than happy to report back on this, at any subsequent and appropriate deadline.	Noted this is an action for Natural England. A consultation meeting with the Chilterns Conservation Board, Natural England and the various interested Host Authorities was held on 30 October with comments having now been received to be incorporated into the ongoing Special Qualities Assessment. This will be submitted at Deadline 6.
Question PED.1.23	Chilterns AONB Sensitivity Test [APP-107] ... All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board: Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?	
Buckinghamshire Council	The Council notes that the parts of the AONB within Buckinghamshire have not previously been identified as experiencing significant adverse effects due to the Scheme. However, discussions with the Applicant on this matter have since resulted in an acknowledgement by the Applicant that adverse impacts may arise. Given that there is uncertainty about the boundary of any forthcoming extension to the AONB designation, the Council is of the opinion that Buckinghamshire should be scoped into further assessment, including the sensitivity testing and concurs with the ExA that the introduction of a statutory landscape designation to an area that was previously not designated does merit a review of the assigned value and sensitivity of those additional parcels as part of the ES, to be undertaken through Sensitivity Testing.	The potential extension to the Area of Outstanding Natural Beauty (AONB) would be in Hertfordshire, to the north east, east and south of the Proposed Development. The value and sensitivity of receptors within the potential extension area has been considered in Section 2.3 of the Chilterns AONB Sensitivity Test [APP-107] . The value and sensitivity of several of these receptors have been increased to take account of the potential AONB extension.
Central Bedfordshire Council	CBC do not agree that judgements on the sensitivity of a visual receptor would remain the same. The susceptibility to change would increase as the landscape value would be increased.	The sensitivity of a visual receptor is determined by visual importance/value rather than landscape value. The potential extension to the AONB boundary would not change judgements on sensitivity of a visual receptor for the reasons set out in Section 2.4 of the Chilterns AONB Sensitivity Test [APP-107] .
Chilterns Conservation Board	The CCB does not agree with this finding in the sensitivity assessment. It must be common ground between all parties to the examination and a long-held principle that an AONB is a valued landscape. It is, therefore, by definition, deemed to be of a higher value in the assessment process than land not so designated. The Landscape Institute (GLVIA 3rd edition) deem an AONB to be a 'nationally valued landscape'. (see GLVIA 3rd edition para 5.21, page 82). Landscape sensitivity is determined by combining value and susceptibility to change. That value is itself determined by a range of factors, including sensory factors. AONB status requires an assessment of a range of factors. With that AONB status assured, then the value is increased. Several 'knock-on' effects follow, as sensitivity, susceptibility to change and significance would have to be recalibrated in any Landscape and Visual Impact Assessment, should land to the east of the airport become statutory AONB in the future.	The value and sensitivity of receptors within the potential extension area have been considered in Section 2.3 of the Chilterns AONB Sensitivity Test [APP-107] and have been increased to take into account the potential AONB extension. The status of the AONB extension is not assured at present, it is a 'potential extension' to this designation and has been considered within the Sensitivity Test.
The Hertfordshire authorities	The Host Authorities agree that judgements relating to the magnitude would not change but disagree that the sensitivity of the receptor would not change. Judgements on sensitivity are a combination of value, which is likely to increase because of the AONB designation, and susceptibility which may be related to the activity being undertaken when experiencing a view. In this case, value is likely to increase, and susceptibility is likely to remain the same, resulting in an overall increase in sensitivity. In turn, this is likely to result in an increased level of effect for some receptors.	The sensitivity of a visual receptor is determined by visual importance/value rather than landscape value. The potential extension to the AONB boundary would not change judgements on sensitivity of a visual receptor for the reasons set out in Section 2.4 of the Chilterns AONB Sensitivity Test [APP-107] .
Natural England	Natural England disagrees with the report findings at 2.4.2 that an extension to the boundary of the Chilterns AONB would not change the sensitivity of a visual receptor and its conclusion	The sensitivity of a visual receptor is determined by visual importance/value rather than landscape value. The potential extension to the AONB boundary

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>at 3.1.6. that an extension to the boundary of the Chilterns AONB would not increase the significance of effect on any visual receptors. This is because introducing a statutory landscape designation would increase both the susceptibility of visual receptors to changes within the landscape and would also increase the value attached to views. GLVIA3 1 para 6.32 states 'the visual receptors most susceptible to change are generally likely to include... people, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, whose attention or interest is likely to be focused on the landscape and on particular views; visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience'. We consider that a national landscape designation would likely increase the focus of visual receptors attention on views and raise their expectation of enjoyment of those views, since AONB designation confirms a landscape has 'natural beauty' of national importance to the extent that through its designation, a new statutory purpose is applied to 'conserve and enhance the beauty of the landscape.' Once a landscape is designated, it is promoted as 'National Landscape' visitor destination both through individual AONBs and through the National Association of AONBs. The general expectation of visitors is that views of the surroundings are a key contributor to the visitor experience when visiting a nationally designated landscape and therefore visitors to designated landscapes are more susceptible to changes in views. We consider that the susceptibility of visual receptors, if the landscape were to be designated as an AONB, would be 'high' in accordance with the methodology set out in Appendix 14.1. The GLVIA3 guidelines also confirm that the value attached to views should take account of planning designations (para 6.37), which would include designated landscapes, and also confirms that indicators of value attached to landscapes by visitors should be taken into account 'for example by appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment (parking places, sign boards and interpretive material).' It is reasonable to expect that an 'Area of Outstanding Natural Beauty' planning designation, would increase the value attached to views in its own right. It would also lead to increased promotional material designed to attract visitors to the landscape and to aid their interpretation and enjoyment of it. We consider that the value attached to the view, if the landscape were to be designated as an AONB, would be 'high' in accordance with the methodology set out in Appendix 14.1. We assume that the Examining Authority has posed this hypothetical question in order to understand how an AONB designation might affect or change the conclusions presented within the current Landscape and Visual Impact Assessment and corresponding Environmental Statement Chapter. To provide an evidence base to inform judgements around the significance of visual effects of this proposed scheme on area that has the potential to become a nationally designated landscape we advise that a further full assessment of visual effects arising from the Luton Rising proposal is carried out, which assumes that all areas included within the scope of the current LVIA which fall within the Chilterns Boundary Review Area of Search are designated as AONB, and assesses sensitivity of visual receptors on that basis (i.e. as if the landscape were already designated as an AONB). This would mean re-evaluating current judgements around the 'susceptibility of visual receptors' and the 'value of views' and updating these to reflect a level of sensitivity / value commensurate with the sensitivity of visual receptors and the value of views within a nationally designated landscape and should include consideration of visual receptors using long distance and national trails, such as the Chilterns Way and Sustrans Cycle Routes falling within the Boundary Review Area Of Search. In accordance with GLVIA3 methodology (refer to GLVIA3 figure 6.1, p99) this will lead to a new combined sensitivity judgment for visual receptors, which can be combined with existing magnitude of visual effects to give a new combined significance of visual effect which would report the likely significant visual effects of the proposed scheme on land within the Area of Search, should it eventually become AONB designated landscape</p>	<p>would not change judgements on sensitivity of a visual receptor for the reasons set out in Section 2.4 of the Chilterns AONB Sensitivity Test [APP-107].</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Question PED.1.30	<p>Light Obtrusion Assessment / Night-time assessment</p> <p>...</p> <p>Hertfordshire Authorities: [REP1-069, page 63] requests submission of a night-time assessment based on the LVIA Methodology rather than simply relying on the light obtrusion assessment.</p> <p>1. Do you therefore disagree with the findings in Table 8.3 of the light obtrusion assessment that there would be no significant effects through light obtrusion? If so, please advise where those areas of disagreement are.</p> <p>2. Do the councils have any planning guidance in respect of lighting that can inform the proposals? If so, please submit this.</p> <p>3. Aside from the Chilterns AONB, are there any other sensitive receptors that the lighting obtrusion assessment should include, such as views from rural villages and areas to the east of the airport?</p>	
The Hertfordshire authorities	<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is likely to result in different levels for some receptors as identified in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP052], submitted by the Applicant. Sensitivity for individual receptors would be individually determined rather than being determined by categories as set out in Table 4.2. Sensitivity of receptor to light obtrusion. In this table the typical example for Medium receptor sensitivity is 'Dwelling'. In assessments based on LVIA nighttime methodologies, residents would typically be determined to be High sensitivity receptors rather than Medium. There are also concerns that the examples provided as High or Very High sensitivity receptors, are ecological or heritage based rather than landscape and visual. The assessment does not consider effects from transient lighting sources such as moving cars and aircraft P.9 Section 3.13. This is considered by the Host Authorities to be a limitation of the assessment and matters which would normally be addressed in a night-time assessment. There are also concerns regarding the significance matrix (Table 4.4) of the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], which may lead to underrepresenting the level of effect e.g. In the table High sensitivity and Low magnitude indicates a Minor effect whereas typically in LVIA methodologies this would be Moderate. The Host Authorities do not have confidence in the outcomes presented in Table 8.3 of Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], based on the reservations about the methodology expressed above and analysis of the night-time photography illustrated in Appendix B and the day-time Accurate Visual Representation (AVR) [REP-010, 011, 012, 013 and 014]. It is considered likely that the assessment underrepresents the level of effect for some receptors particularly as perceived from the more rural landscape to the east of the Proposed Development. Viewpoint 10B, Footpath (Offley 01) is an example where the Host Authorities consider the level of effect is underrepresented. A Negligible level of effect has been determined but the introduction of lighting associated with the large-scale structures illustrated in the AVR is likely to introduce a level of effect which is considerably higher. Viewpoint 34 represents the views from Footpath (Kings Walden 006) immediately to the south of Breachwood Green referenced in the relevant representations [RR0636] and [RR-0903]. Inset B1.43 HDR image Viewpoint 34, P.62 in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP052], illustrates the night-time baseline. It is evident that lighting associated with the existing airport, features prominently in the view. It is anticipated that lighting associated with the Proposed Development would add to the overall influence of lighting within the night-time environment and introduce a level of effect which was higher than Negligible as determined in the assessment, but the magnitude of change is unlikely to be higher than Low. To some extent the level of effect will be dependent on the detailed design of the proposed built environment, the mitigation measures proposed, and the methodology as discussed earlier in this response. The Host Authorities have limited guidance in respect of lighting, although paragraphs 111 to 113 of the North Hertfordshire District Council Local Development Framework Design Supplementary Planning Document (SPD)</p>	<p>The lighting assessment was aligned with the LVIA viewpoints agreed through consultation as described in section 14.4 of Chapter 14 of the ES [AS-079] and surround the Proposed Development.</p> <p>Applying LVIA methodology rather than Institute of Lighting Professionals (ILP) guidance would not necessarily result in an increase in receptor sensitivity. For example, night time views from residential properties will differ from day time views due to internal screening (for example curtains or blinds being drawn) which rooms may be occupied and/or the activity being undertaken at the property during night time.</p> <p>Effects from transient lighting have not been included in the assessment as the dynamic lighting effects from aeroplanes or traffic cannot be meaningfully modelled or quantified due to its highly variable nature and neither the ILP guidance on reduction of obtrusive light (GN01, Ref 5) or undertaking environmental lighting impact assessments (PLG04, Ref 6) provide a methodology for assessment of such effects from vehicles. In comparison to the effect of the sitewide lighting, headlights/aircraft lights are significantly lower powered, transient and dynamic, and are not considered likely to have a significant effect.</p> <p>With reference to Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], viewpoints 31, 32, 33 and 34 were considered in the assessment for light intrusion and source intensity effect using a 3D lighting modelling. These viewpoints are all located around Breachwood Green. Other rural locations are also assessed (see Table 8.1 in section 8, and Appendix C Figure 14.8 Assessment Viewpoint Locations, of Appendix 5.2 of the ES [APP-052]). All exterior area lighting has been included in the modelling and lighting within decked car parks. Internal lighting to Proposed Development buildings is not yet developed and façade lighting is not proposed, so both are therefore excluded from the modelling. The resultant effects due to lighting of the Proposed Development were found to satisfy the ILP guidance (Ref 5) for obtrusive light for a rural location in terms of light intrusion and source intensity.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>July 2011 are relevant. The SPD is submitted in Appendix 33. There are many instances in this rural landscape to the East where buildings and associated lighting will be introduced into skyline views. Viewpoint 30, representing the views from Footpath (Kings Walden 052) to the west of Breachwood Green and Viewpoint 41 representing the views from The Fox Inn, Darley Road are other examples where this is likely to occur.</p>	
<p>Question PED.1.32</p>	<p>Landscape and the planning balance Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.32] concludes that, allowing for mitigation measures, landscape and visual impacts should be accorded only limited weight in the planning balance. Do you agree that landscape and visual impacts should only be accorded limited weight? If not, why not and what weight should they be given?</p>	
<p>Buckinghamshire Council</p>	<p>No. Great weight should be given to AONB landscape impact, in accordance with paragraph 176 of the NPPF.</p>	<p>For avoidance of doubt, the adverse and beneficial landscape and visual impacts of the Proposed Development have been aggregated to reach an overall conclusion on this issue in the Planning Statement [AS-122], and the amount of positive or negative weight that should be accorded to it in the planning balance.</p> <p>This is not a mathematical equation and relies upon professional judgement, having regard to the conclusions in the ES and relevant planning policy relating to this matter, which includes the Airports National Policy Statement (Ref 7), National Planning Policy Framework (Ref 8) and relevant local development plans.</p> <p>Accordingly, the moderate adverse impacts on identified receptors set out in Chapter 14 of the ES [AS-079], including the aesthetic and perceptual characteristics of the landscape within the Chilterns AONB and also paragraph 176 of the National Planning Policy Framework, have been factored into that aggregation process.</p> <p>Similarly, where there are beneficial landscape and visual impacts resulting from the Proposed Development, such as the network of public rights of way to the east of Luton, these have also been factored into the aggregation process. These temper the adverse impacts to the extent that, overall, the Applicant considers that limited negative weight should be accorded to the issue of landscape and visual impacts in the planning balance.</p> <p>Clearly, the Applicant's overall conclusion on this issue will not necessarily correlate with the landscape and visual impacts experienced within a specific authority.</p>
<p>Central Bedfordshire Council</p>	<p>CBC do not agree that landscape and visual impacts should only be accorded limited weight. Luton Airport is positioned on an elevated plateau visible from landscapes to the south and west of the airport that have significant quality and heritage value (Luton Hoo Grade II* RPG and Someries Castle Scheduled Monument). The surrounding rural area also has significant recreational value due to the numerous public footpaths and bridleways. Additionally, the increase in overflights and visual intrusion of the development could impact on the special qualities of the Chilterns AONB.</p> <p>Due to the high value of the surrounding landscape and its sensitivity to change, significantly greater weight should be given to the landscape and visual impacts.</p>	<p>Please refer to the comments provided above in relation to the Buckinghamshire Council's response to PED.1.32.</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
The Hertfordshire authorities	The Host Authorities disagree that the landscape and visual impacts should be given only limited weight in the planning balance. The visual impact of erecting large-scale buildings on an elevated plateau, in a landscape recognised for its local landscape value, would be difficult to mitigate against. Furthermore, the increase in overflights could potentially impact on the special qualities of the Chilterns AONB. Accordingly, greater weight should be given to the landscape and visual impacts.	Please refer to the comments provided above in relation to the Buckinghamshire Council's response to PED.1.32.
Luton Borough Council	The LPA considered the proposed development against the landscape and character of the area around the airport and whilst the proposal will result in some harm (such as the loss of an area of local landscape value), the proposed development includes creation of new landscaped areas and habitats, with management through the Strategic Landscape Masterplan (APP-172) and the Outline Landscape and Biodiversity Management Plan (AS-029). Consequently the LPA considers it appropriate to only accord limited weight to the landscape and visual impacts.	The Applicant notes that Luton Borough Council agree with the approach taken in the Planning Statement [AS-122] .
WATER ENVIRONMENT		
Question WE.1.6	Thames Water capacity during Phase 1 It is intended that numerous discharge streams, including contaminated surface water and discharge from the long stay car park (P5) would be diverted during Phase 1 to Thames Water infrastructure [AS031, section 20.8 and the Drainage Design Statement, APP-137]. Please confirm that you are content to take all the flows as described and that you would have sufficient capacity available from the beginning of Phase 1?	
Thames Water	At this stage we cannot confirm that we can take all flows as described in Phase 1. We would need the applicant to confirm the volumes of run-off expected and the percentage of hydrocarbons in that run-off.	The Applicant is working closely with Thames Water and is discussing the volumes required with them. This will be detailed in the Statement of Common Ground (SoCG) with Thames Water.
Question WE.1.8	Water supply The catchment has 'no water available' [REP1-004, Section 4.2.6]. It is stated that additional water would not be required as part of the development, apart from short term phases during construction. Affinity Water has expressed concerns about being able to supply additional water [REP1-030]. 1. Is the commitment to not seek additional water secured in the draft DCO? If not, should it be and can you provide a preferred form of drafting? 2. Have there been discussions between Affinity Water and the Applicant to understand whether the additional water during construction can be provided? Would there need to be any controls on what is required and for how long? 3. If additional water was needed above that agreed between Affinity Water and the Applicant, how would this be addressed?	
Affinity Water	1. As noted above, AW requests the commitment to not seek additional water is included as a requirement within the DCO. The proposed wording of this requirement is provided above. AW also requests the following amendments to the Design Principles Document [APP-225] and the Drainage Design Statement [APP-137], to ensure the DCO is consistent with the Applicant's commitment: a) Design Principles Document – paragraph SUS.07 "Terminal 2 buildings will be designed to 'BREEAM Excellent' status' (or equivalent at the time of detailed design) to be energy efficient with appropriate installations and equipment together with thermally efficient materials and shading. Other new buildings will be designed to 'BREEAM 'Excellent' status' except where the building typology dictates that it is not practical. <u>This paragraph is subject to SUS.15.</u> " b) Design Principles Document – paragraph SUS.15 "Detailed design <u>will not exceed the 2019 consumption baseline without the prior agreement of the statutory undertaker</u> and minimise potable water demand from the statutory undertaker due to the Proposed Development. Rainwater harvesting solutions will be incorporated in detailed designs. Potable water efficiency measures will also be incorporated in the design of buildings." c) Design Principles Document – Glossary and Abbreviations	The Applicant through ongoing engagement with Affinity Water agrees to the updated wording of the design principles as detailed below and updated in the Design Principles [APP-225] (to be re-submitted at Deadline 5) as follows: SUS.07 has been updated to: <i>"Terminal 2 buildings will be designed to 'BREEAM Excellent' status' (or equivalent at the time of detailed design) to be energy efficient with appropriate installations and equipment together with thermally efficient materials and shading. Other new buildings will be designed to 'BREEAM 'Excellent' status' (or equivalent at the time of detailed design) except where the building typology dictates that it is not practical. This paragraph is subject to SUS.15"</i> SUS.15 has been updated to: <i>"Detailed design will include such water efficiency measures as are necessary, so far as reasonably practicable, to maintain water demand (excluding construction water demand) at the 2019 consumption baseline.</i>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>The following definition should be included in the glossary and abbreviations section: <u>“2019 consumption baseline’ means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport non-terminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02]).”</u></p> <p>d) Drainage Design Statement – paragraph DDS.003 “The detailed design will incorporate water efficiency measures with the aim of to ensure the Proposed Development does not increase the water demand above the 2019 consumption baseline from minimising any net increase in AW’s water supply.” <u>requirements to the Terminals resulting from the operation of the expanded airport.</u></p> <p>e) Drainage Design Statement - Glossary and Abbreviations The following definition should be included in the glossary and abbreviations section: <u>“2019 consumption baseline’ means 4.2 litres per second in respect of water demand for the airport terminals and 3.3 litres per second in respect of water demand for the airport non-terminals, as outlined in the Water Cycle Strategy (Appendix 20.5 of the ES [TR020001/APP/5.02]).”</u></p> <p>2. AW has been in discussions with the Applicant regarding the amount of water required during the construction period. Based on the data provided by the Applicant, AW understands that the main water demand is over a 4-year period during construction and the demand has been assessed as between 1.7 and 2.5 litres per second. These demands will significantly increase the supply requirements beyond the 2019 consumption baseline (as noted above).</p> <p>AW annually makes allowances for the short term requirements of construction and based on current forecasts, AW anticipates it can accommodate this increased water demand, subject to the Applicant minimising its demand and making the best use of other water sources in accordance with paragraph 17.6 of the Code of Construction Practice. However, in light of AW’s statutory duties, at this stage AW cannot guarantee it can provide this additional amount of water for a non-domestic purpose which is many years away.</p> <p>Accordingly, AW requests that the above amendments are made to the DCO, Design Principles Document and the Drainage Design Statement.</p> <p>3. In the event the Applicant requires additional water that exceeds the 2019 consumption baseline, AW requires the Applicant to make the appropriate application to AW. AW will consider the additional amount of water sought in light of the water demand and capacity at that time as well as AW’s statutory duties. The requirement that AW proposes to be included in the DCO, as drafted above permits the water demand to be increased by agreement between AW and the Applicant.</p>	<p><i>Rainwater harvesting solutions will be incorporated in detailed designs. Potable water efficiency measures will also be incorporated in the design of buildings, in order to minimise potable water demand from the statutory undertaker.”</i></p> <p>DDS.003 has been updated to: <i>“The detailed design will incorporate water efficiency measures as detailed in SUS.15.”</i></p> <p>The definition of the ‘2019 consumption baseline’ as suggested by Affinity Water has been included as a footnote to SUS.15.</p> <p>Following Issue Specific Hearing 6 and the agreement to have all design principles in one document, the Drainage Design Statement principles have been removed from the Drainage Design Statement and incorporated within the Design Principles document issued at Deadline 5.</p> <p>Reference should also be had to the Applicant’s comments on Affinity Water’s response to Written Question DCO.1.24 above.</p>
<p>Question WE.1.10</p>	<p>Landfill capping at Phase 2 Chapter 20 [AS-031, section 20.9.19] states that the capping layer on the landfill during Phase 2a and 2b would ‘close’ the potential pathway for contaminants, leading to a very low beneficial impact on the underlying aquifer. The Drainage Design Statement [APP-137, section 5.8.1] describes the cap as ‘impermeable’. 1. Is it correct to state that no water would infiltrate a low permeability cap over the long term?</p>	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>2. If not, and given that waste would remain below the ground, should the placement of a cap as being 'beneficial' to the aquifer over the long term be revised?</p> <p>3. Has an assessment of the potential for increased leaching when the landfill is being excavated been considered? If so, please signpost where this can be found in the application documentation, otherwise please provide an assessment.</p>	
Affinity Water	<p>AW is very concerned of any potential increased risk for contaminants to enter the underlying water sources. This could occur both from the landfill removal as well as any piling activities through the remaining landfill into the underlying chalk. The design should ensure that the risk of contamination is avoided and where possible the situation is improved. Stringent controls should exist to ensure the construction activity also does not increase the risk of contaminants entering the underlying water resources.</p>	<p>A Foundation Works Risk Assessment (FWRA) [APP126] has been prepared to assess the risks of various foundation options and identify the most appropriate foundation solution. This document will be updated to an 'outline' document for Deadline 6, such that it is suitable for securing via DCO Requirement. Requirement 16 of the Draft DCO has been updated at Deadline 5 in anticipation of this.</p> <p>A detailed Hydrogeological Risk Assessment – Piling will be produced during detailed design. The Applicant is also aware that this activity is likely to require a groundwater authorisation which will require further controls to be in place.</p> <p>ES Appendix 17.5 Outline Remediation Method Statement [APP127] Annex B states that the landfill would be excavated in sections to minimise the areas of landfill exposed at any one time.</p> <p>Section 8.0 of the same document describes the Gas, Groundwater and leachate monitoring that will take place before, during and after the remediation programme. "Investigation" and "Action" levels will be established, to identify trends and provide an early warning system, to enable appropriate investigative or control measures to be implemented.</p>
Environment Agency	<p>The proposed cap would be permeable and allow infiltration to the underlying waste mass. Depending on the design and materials to be used, it may have a low permeability to water and infiltration. The volume of water infiltration to the landfill would be impacted by the performance (permeability), area of cap, and the presence of any drainage above the cap. The infiltration rate into the landfill can be calculated, but these design considerations have not yet been discussed with the Environment Agency. If the final design consists of solely a mineral based cap such as London Clay, it will still be highly permeable to landfill gas emissions coming out of the landfill surface. Capping the landfill will not remove the waste or source term for contamination, therefore pollution of the aquifer could still occur. By reducing the infiltration rate, this would result in a lower level of contamination but over a much longer period. Where buildings and impermeable surfacing are installed, this may prevent infiltration as long as the surface and drains are maintained and do not leak. We have not been provided with any detailed hydrogeological assessments for the proposed works on the landfill. The applicant has indicated this would be considered as part of a permit application, so at this stage we cannot confirm if this would be acceptable.</p>	<p>Chapter 17 of the ES [APP-043], Section 17.8.5, states that the engineered cover system will include protection of drainage and other services. The details of the engineered cap will be confirmed during detailed design. The current proposal is to install a gas control system and drainage which will reduce possible gas emissions and infiltration of rainwater into the waste mass. This system will provide betterment to the current capping system.</p>
Question WE.1.11	<p>Landside drainage attenuation tank</p> <p>It is proposed that an attenuation tank (later a rainwater harvesting tank) of 8,750 m3 would be placed above the landfill [APP-137, section 4.4.7]. Section 5.8.4 of APP-137 states that geotechnical surveys indicate the landfill is still settling and any below ground installations would need to allow for differential settlement. Does the EA have any comments on the risks of this operation to groundwater quality, including the consequences of any future tank failure, and the suitability of the proposal?</p>	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
Affinity Water	<p>Although this question is posed to the Environment Agency, AW is concerned about the potential for untreated water to leak as a result of the unsettled landfill. Leaks could occur from the attenuation tank as well as the drainage system.</p> <p>The tank and system should be designed in a manner that ensure that no untreated water will leak from the system and appropriate monitoring systems should be put in place to ensure this is achieved.</p>	<p>The Applicant has responded to this point in the Applicant's response to Written Questions – Water Environment [REP4-066].</p> <p>The drainage design principles have been updated into the Design Principles [APP-225] document at Deadline 5 (which are to be certified by the Secretary of State under article 50 of the DCO), and Requirement 12 of the Draft DCO submitted at Deadline 5 provides that the written details of a surface and foul water drainage plan, to be approved by the relevant local authority, is to accord with the drainage principles in the final Design Principles document.</p> <p>Design principles have been included which relate to this matter, including:</p> <p>DDS.10: 'Tanks will be designed to the latest industry standards, including but not limited to the requirements of the Building Regulations 'Part H' and Sewerage Sector Guidance 'Design & Construction Guidance' 2019, or equivalent at the time'</p> <p>'DDS.11: the detailed design of underground tanks will adopt material specifications to provide chemical resistance and leak prevention'.</p> <p>DDS.19: 'all drainage systems (e.g. pipes and tanks) constructed within the area of the former Eaton Green Landfill will be lined with a waterproof membrane.'</p> <p>DDS.20: 'all below ground installations within the area of the former Eaton Green Landfill to include flexible jointing to allow for differential settlement across the site.'</p> <p>The Applicant is continuing to engage with Affinity Water and the Environment Agency on the drainage design and design principles to ensure that risks can be adequately controlled.</p>
Environment Agency	<p>This may pose unacceptable risk to groundwater. Such a tank and associated pipework would be subject to significant physical stresses due to disturbance of the waste and future differential settlement. It would also be subject the chemical attack from the surrounding waste and any perched leachate. It is therefore considered likely that leakage could occur from the landside attenuation / rainwater harvesting tank; this could result in increased infiltration of water, relative to the existing predevelopment infiltration rates, through the underlying waste deposits. This could result in increased leachate generation rates within the waste underlying the attenuation tank potentially increasing the risk to groundwater quality in the underling Chalk aquifer. The Drainage Strategy indicates due to differential settlement, localised repairs may be necessary, indicating a failure and loss of containment will have occurred, therefore no preventative maintenance is proposed. As this is an underground structure there would be no scope to inspect for leaks, therefore posing an increased risk to groundwater. This would also be applicable to the below ground greywater storage tank underneath the Terminal 2 building where it is much more difficult to detect a leak, repair and/or remediate. This poses a much higher risk as the quality of the water is more questionable and the total capacity of this greywater tank has not yet been confirmed. Given that this underground tank is not being installed to specifically store hazardous substances or within an inner groundwater source protection zone the EA would not have specific grounds to object. However, we would expect the tank to be installed to a high standard with consideration for the potential for differential settlement and for the mobilization of other hazardous substances within the surrounding</p>	<p>Response as above. The Applicant has responded to this point in the Applicant's response to Written Questions – Water Environment [REP4-066].</p>

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	landfill material should there be a failure. We would also require a risk assessment, considering the potential for leakage from the underground tank, to be provided. The risk assessment should include reference to monitoring and maintenance activities that will be adopted to enable the operator to identify if the tank is leaking and reference to specific actions that will be completed if leakage is identified. Recent discussions with the applicant have highlighted that these plans are not yet finalised and that further options will be looked at. Our concerns were also noted. The EA raised in this meeting that tanks located in a room where they could be inspected would be more preferable than any design where the tanks are set straight into the ground. Moving the tanks to areas outside of the landfill would cause much less concern. As such, at this moment in time we cannot confirm if the outline design for these tanks is suitable.	
SOCIO-ECONOMIC EFFECTS		
Question SE.1.1	Equity The New Economics Foundation [REP1-114, paragraphs 75 to 79] have highlighted that key impacts of the scheme have not been assessed through an equity lens. Why has this assessment not been undertaken and given the emphasis that has been placed on how the Proposed Development would contribute to delivering the levelling up agenda should it be and, if not, why not?	
The Hertfordshire authorities	The importance of the airport within the local economy, as a driver of economic growth and as a key asset that will help the local area recover from the impact of the Covid-19 pandemic is highlighted in the Need case at paragraphs 2.4.23 to 2.4.30. Para 2.4.25 of the Needs Case points to Luton Council setting up the Luton Inclusive Growth Commission in late 2018 as an independent body tasked with investigating how to develop an inclusive economy in Luton and to overcome specific barriers to inclusive growth. The Commission highlighted poverty and inequality as being among the most important issues in Luton. The Luton 2020-2040 Inclusive Economy Strategy that followed notes that the airport is a major asset to Luton and its local economy and that securing the airport's recovery and growth in line with what is being proposed will help to support further economic growth and deliver new jobs for local people. Para 2.4.30 of the Need Case points to the work to deliver Luton Council's Inclusive Economy Strategy, the importance of growing the economy to provide more highvalue and well-paid jobs for local residents and driving growth in key sectors and at the airport. It points to the airport being one of the key economic strengths of the area in terms of supporting recovery post Covid-19 pandemic. However, airports and the jobs they support provide a range of jobs across skill levels, and providing a balance of high and lower paid roles is as important in the delivery of any inclusive growth strategy as is the objective of emphasising the importance of high value jobs. The jobs growth projected as a result of the airport's growth will provide this balance of job roles and opportunities. The Needs case could perhaps draw this balance argument out a little more than it does.	The Applicant has responded to the points raised in this response previously - please refer to page 1 of the Applicant's response to Written Questions – Socio-economic Effects [REP4-067] .
Luton Borough Council	Response is as per that of the Hertfordshire authorities.	The Applicant has responded to the points raised in this response previously - please refer to page 1 of the Applicant's response to Written Questions – Socio-economic Effects [REP4-067] .
Central Bedfordshire Council	Response is as per that of the Hertfordshire authorities.	The Applicant has responded to the points raised in this response previously - please refer to page 1 of the Applicant's response to Written Questions – Socio-economic Effects [REP4-067] .
Question SE.1.4	Employment and training strategies The s106 agreement attached to the current planning consent for the airport requires the delivery of an employment, skills and recruitment plan: 1. Under the s106 agreement annual monitoring of this plan should have occurred. Can you provide details of what outcomes has it delivered since the granting of consent?	

Interested Party	Interested Party Response (verbatim)	Applicant's Comments
	<p>2. What would happen to this strategy given Articles 44 and 45 in the draft DCO [REP2-003] ie would it be in addition to or replaced by the proposed Employment and Training Strategy (ETS)?</p> <p>3. The Green Horizons Park s106 requires the delivery of an employment, skills, procurement and training strategy. Would the ETS be in addition to or replace this strategy?</p> <p>4. Given what the ETS is delivering should it be secured through a requirement rather than a s106 agreement as has been done on other DCOs? If not, why not, and what is the advantage of securing it through a s106 as opposed to a requirement?</p>	
Buckinghamshire Council	<p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council views the ETS as a document that it will necessarily be involved in the production of, with the aim of ensuring that it manages adverse effects and seeks to deliver beneficial effects for Buckinghamshire. On that basis, the Council considers it to be a means of delivering essential mitigation for the Proposed Scheme. In relation to part 4 of the ExA question: as a neighbouring authority, the Council would not be capable of being a party to any s106 agreement that may relate to the implementation of the ETS. For this reason, the Council has a strong preference that it be secured through a DCO requirement, to enable direct interaction with Buckinghamshire Council as one of a number of affected authorities.</p>	<p>In its response to this question the Applicant said that the preference is for the Employment and Training Strategy (ETS) [APP-215] to be secured through the section 106 agreement to retain flexibility for it to be amended at a later date should this need arise.</p> <p>Should the ETS be moved into a DCO requirement Buckinghamshire Council would be in no different a position as it is Luton Borough Council who would approve the ETS if it were secured by requirement. The Applicant does not consider it is proportionate or necessary for Buckinghamshire Council to be a consultee, and so whether the ETS is secured in the s106 or DCO has no bearing on this.</p> <p>The Council will have an appropriate level of involvement through a working group secured in the ETS.</p> <p>In addition the ETS is not “essential mitigation” in the sense that it is mitigating an adverse effect, but rather it is a measure to maximise the benefits of the Proposed Development.</p>
Question SE.1.12	<p>International connections</p> <p>The Planning Statement [AS-122, paragraph 2.5.1] states that there are a large number of businesses with international connections in the area served by the airport and these businesses need enhanced aviation connectivity in order to remain globally competitive, and to deliver growth in productivity and output. Please provide the evidence behind this statement, including details of the companies you refer to.</p>	
Luton Borough Council	<p>In 2019, the year at which the airport operated at 18mppa, some 141 destinations were served across 41 different countries.</p> <p>The table in Appendix 2 of this document provides details of the number of employees in the various sectors operating at the airport. There are eight airlines that regularly operate from Luton. The three largest, accounting for 92% of movements in 2019, are easyJet, Wizz and Ryanair. EasyJet is based at Luton and operates from Hangar 89 which can accommodate three aircraft and 1,000 employees. TUI, one of the world's leading tourism groups is headquartered in Luton, with employees providing a wide variety of aviation services, including: airline operations, finance, data science, human resources and marketing as well as engineering and maintenance services for the company's aircraft. The other regular airlines that operate from Luton include: Blue Air, DHL, TUI, Vueling and EI Al.</p> <p>In addition to the commercial passenger airlines, there are a number of business jet Fixed Base Operators (FBOs) located at the airport, including Signature Flight Support, Harrods Aviation and RSS Jet Centre. These FBOs provide services for aircraft, including fuel, parking and hangar space, as well as services for passengers such as immigration, security and customs services to handle private international flights .</p> <p>Other companies that are directly related to servicing the commercial passenger carriers and needing to be based at the airport include those involved with amongst other things: ground handling services (namely Swissport, GH London and Menzies); catering (e.g. Gate Gourmet</p>	<p>The Applicant has responded to the points raised in this response previously - please refer to page 8 of the Applicant's response to Written Questions – Socio-economic Effects [REP4-067].</p> <p>The Applicant would further comment in relation to the response from Luton Borough Council, that this again highlights the presence of internationally focussed businesses in the areas around the airport.</p>

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	<p>and High Flying Food); flight services (e.g. OAG aviation providing flight data); aviation security and logistics (e.g. Wilson James); and maintenance contractors (e.g. Ryebridge). Luton airport is attractive not just to companies involved with commercial passenger carriers and business aviation, but also to aviation related supply chain businesses including tier 1 aerospace business GKN aerospace.</p> <p>Additionally, Luton is increasingly attracting non-aviation related businesses from food manufacturing, logistics, Ai and technology sectors who generally see enhanced connectivity as crucial to their business operations as it supports increased collaboration and productivity which in turn helps them to be globally competitive.</p> <p>The Council's Skills and Employability Team liaises with companies located in Luton and considering setting up in the town and notes that, in the last few years multiple businesses that have moved to Luton have cited the airport and its connectivity to the rest of the world as one of their main reasons for locating or starting up in Luton. The unit has collated statements from various companies referencing such factors as the 'unmatched connectivity to both London and Europe', the town's role as a 'hub for aviation innovation and growth' and its 'strategic location' with transport connectivity from the airport to the rail and road network. The quotes and statements were provided for a different purpose and authority has not been given permission for their use in connection with the DCO. However, some of the companies that have commented to this effect are listed below:</p> <ul style="list-style-type: none"> • TUI, Wigmore House, Wigmore PI, Wigmore Ln, Luton LU2 9TN • GKN Aerospace Services Limited, London Luton Airport, Luton, Bedfordshire LU2 9PQ • easyJet, Hangar 89, Bedfordshire, Luton LU2 9PF • Wizz Air, Main Terminal Building, London Luton Airport, LU2 9LY • Ryanair, Main Terminal Building, London Luton Airport, LU2 9LY • Avion Flight Training Centre, Hanger 26 Percival Way, Luton LU2 9PA • Harrods Aviation, President Way London Luton Airport LU2 9NW • Signature Aviation, Percival Way, Luton LU2 9PA • OAG Aviation, 1 Capability Grn, Luton LU1 3LU • I3 Simulation, Unit 10 Finway, Dallow Rd, Luton LU1 1TR • Merge XR, Studio 10, Finway, Dallow Rd, Luton LU1 1TR • Pooja Studios, Dallow Rd, Luton LU1 1UR • AMX Support UK Limited, London Luton Airport - Terminal 2 Signature Flight Support, Britannia House, Frank Lester Way, Luton, LU2 9NQ. • Jaltek, Sundon Business Park, Unit 13 Dencora Way, Luton LU3 3HP • Leonardo, 300 Capability Green, Luton LU1 3PG 	
HEALTH AND COMMUNITY EFFECTS		
<p>Question HAC.1.3</p>	<p>Joint Strategic Needs Assessment (JSNA) The ExA requests that the Applicant and the Joint Host Authorities meet to agree any specific datasets relating to local health inequalities within the JSNA document(s) relevant to the Proposed Development that are necessary to ensure that the assessment, receptor selection and any consequent mitigation is representative of the likely significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.</p>	
<p>Central Bedfordshire Council</p>	<p>CBC note this request and have had an initial discussion with the Applicant through the SoCG process.</p>	<p>A meeting was held with Central Bedfordshire Council on 31 October 2023. Central Bedfordshire Council did not identify specific datasets but stated that information on local variations in the health baseline is needed to assess health effects. Central Bedfordshire Council requested further information on</p>

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		<p>the rationale for defining the local study area, which the Applicant has provided.</p> <p>The Applicant has undertaken a review of the Central Bedfordshire JSNA data. The JSNA datasets are presented at county level, in line with data presented in the health assessment in Chapter 13 of the ES [AS-078], for the wider study area. More detailed Ward-level data is presented for the local study area. The Applicant considers that the baseline data presented in Chapter 13 of the ES [AS-078] is proportionate and adequate to inform a robust assessment of likely significant health effects. No updates to the ES are proposed.</p> <p>The Applicant will continue this discussion with Central Bedfordshire Council.</p>
The Hertfordshire authorities	The Host Authorities note this request, welcome a meeting with the Applicant and will continue these discussions with the Applicant through the Statement of Common Ground process.	<p>A meeting was held with Hertfordshire County Council and Milton Keynes City Council on 9 November 2023.</p> <p>The Applicant has undertaken a review of the Hertfordshire JSNA data. The JSNA datasets are presented at county level, in line with data presented in the health assessment, Chapter 13 of the ES [AS-078], for the wider study area. More detailed Ward-level data is presented for the local study area. The Applicant considers that the baseline data presented in Chapter 13 of the ES [AS-078] is proportionate and adequate to inform a robust assessment of likely significant health effects. No updates to the ES are proposed.</p> <p>Hertfordshire County Council and Milton Keynes City Council requested further information on the JSNA datasets used in the health baseline, which the Applicant has provided. The Applicant will continue this discussion with Hertfordshire County Council and Milton Keynes City Council.</p>
Luton Borough Council	A meeting has been arranged between the Applicant and the Host Authorities	<p>A meeting was held with Luton Borough Council on 9 November 2023.</p> <p>The Applicant has undertaken a review of the Luton JSNA data. The JSNA datasets are presented at county level in line with data presented in the health assessment, Chapter 13 of the ES [AS-078], for the wider study area. More detailed Ward-level data is presented for the local study area, which falls within Luton. The Applicant considers that the baseline data presented in Chapter 13 of the ES [AS-078] is proportionate and adequate to inform a robust assessment of likely significant health effects. No updates to the ES are proposed.</p> <p>The Applicant and will continue this discussion with Luton Borough Council.</p>
Question HAC.1.9	Assessment – Receptors Provide an update on ongoing discussions regarding effects of asylum seekers on local housing market assessment assumptions.	
Luton Borough Council	Since the initial comment was raised in August 2023 in LBC's LIR (REP1A-004 paragraph 4.11.11), the Council has been in regular dialogue with the Home Office about the local position which is well understood in terms of impact. It is therefore envisaged that the local footprint will continue to reduce over the coming months, which is in line with regional planning	The Applicant provided a response to this question in the Applicant's response to Written Questions - Health and Community Effects [REP4-068] . The response noted that measures set out in the Employment and

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	<p>approaches as overseen by the East of England Local Government Association Strategic Migration Partnership. In addition, the Council is seeing accelerated decisions from the Home Office, leading to a number of asylum seekers either having positive or negative decisions and leaving these hotels/establishments. This will mean that less of this cohort will be accommodated in these properties but there will be some impact on the borough, where some of the households with positive decisions will be accommodated by the Housing Service, if these households have a housing priority and the Council owes them a housing duty. Inevitably, not all of these households will be accommodated by the Council and some of these households will be dispersed to other areas outside of Luton. The impact at this time is not considered to be significant. Whilst it is also not anticipated that the workforce associated with the Proposed Development will have a significant affect upon the local housing market.</p>	<p>Training Strategy [APP-215] will increase the uptake of local workers thereby reducing impact on housing demand.</p> <p>The Applicant notes Luton Borough Council's response and will continue discussions with the Council.</p>
<p>Question HAC.1.14</p>	<p>Monitoring of health effects The UKHSA [RR-1546] recommended that health monitoring should be undertaken in light of the scale of adverse noise impacts from the Proposed Development. Explain what specific, proportionate monitoring could be undertaken to enable understanding of impacts on health and quality of life for affected communities and how this could be used to inform future mitigation requirements.</p>	
<p>UK Health Security Agency</p>	<p>We confirm our response to the Examining Authority on this matter as follows: Transportation noise is known to be a risk factor to several health and quality of life outcomes. Some of these outcomes (e.g. cardiovascular disease, stroke) are also linked to a number of other risk factors, and within the framework of the Luton Airport Expansion project (the Scheme), it can be difficult to attribute observed changes in these outcomes in the local population to changes in noise exposure as a result of the Scheme. However other health outcomes, such as long-term noise annoyance and noise-induced sleep disturbance are directly and unambiguously linked to noise and can be measured relatively easily using standardised methods. Furthermore, besides being health endpoints, annoyance and sleep disturbance are thought to be on the causal pathway to other more serious physical and mental health outcomes. In England there are currently two ongoing projects, sponsored by the Department for Transport, that are measuring noise annoyance, noise-induced sleep disturbance and other quality of life metrics in communities living around the main airports in England: • Aviation Noise Attitudes Survey (ANAS), managed by the Civil Aviation Authority • Aviation Night Noise Effects (ANNE), managed by a consortium including St George's, University of London, NatCen Social Research, Noise Consultants Limited, and the University of Pennsylvania. Both are based on social research that can be deployed cost-effectively at scale and repeated at regular intervals. Full details and results from both studies, including the relevant questionnaires, are expected to be published in 2025. In addition Heathrow Airport Ltd has been working with other international airports to better understand the value and effectiveness of the interventions airports make. Against this background, Heathrow airport has commissioned an independent longitudinal study to evaluate the QoL and health effects of the Heathrow Noise Insulation Scheme. A pilot study is running in 2023 for developing and refining the methodology and questionnaires; the main study will run from 2024. The study will collect information on noise exposure within the home and individual-level information about a range of QoL, wellbeing and health outcomes. See Porter et al. for more details. UKHSA believes that these three studies could form a suitable basis on which specific, proportionate surveys can be designed and deployed amongst the population living around Luton airport at regular intervals matched to key project milestones (subject to more detailed discussions with the studies' managers and funders). This type of monitoring could inform, amongst other things, the rate of deployment of the noise insulation scheme, the geographical coverage of the scheme and whether alternative ventilation measures need to be provided to ensure a holistic healthy indoor environment. The monitoring would also deliver much needed evidence to inform future applications for airport expansion.</p>	<p>The Applicant provided a response to this question in the Applicant's response to Written Questions - Health and Community Effects [REP4-068].</p> <p>The response noted that evidence on the effects of noise on health and wellbeing is best established through large-scale, national studies. The airport operator supports existing studies of this kind, for example by providing data to the Aviation Night Noise Effects (ANNE) Study which is one of the studies referenced by the UK Health Security Agency.</p>

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Question HAC.1.15	<p>Need for requirements in relation to health and wellbeing</p> <p>The Joint Host Authorities' LIR [REP1A-003, paragraphs 7.8.7 to 7.8.9] concludes that the Proposed Development would create adverse health and wellbeing effects on residents during operation and recommends that additional requirements should be included in the draft DCO to mitigate this negative impact. Please provide further detail of the requirements that should be included, including any preferred drafting.</p>	
Buckinghamshire Council	<p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to concerns raised in its previous submissions (Written Representation (REP1-042) and Local Impact Report (REP1A-001), reinforced within the Updated Principal Areas of Disagreement Summary Statement (REP2-045), comments previously supplied on Deadline 2 and 2A documents (REP3-082) and the Council's Deadline 3 submissions (REP3-079, REP3-080, REP3-081, REP3-083 and REP3-084)) relating to potential for adverse health and well-being effects that it considers that the Applicant has not yet fully evidenced, both in construction and operation. In the operational phase, the Council's concerns relate to two matters. Adequate controls being in place in relation to effects on health determinants from the impacts of aircraft noise, noting that this will change over time (e.g. tonality, location and aircraft numbers). Ensuring accessibility of job opportunities to residents of Buckinghamshire in the interests of supporting well-being (e.g. physical accessibility by a range of modes; and measures to support skills-matching/upskilling of the local residents to secure and retain airport-related employment). The Council is keen to ensure that requirements are included to address health and well-being. The Council considers that the geographical reach of such requirements should encompass all affected parts of the study area, which it considers to extend beyond the joint host authorities, including (but not necessarily limited to) Buckinghamshire.</p>	<p>The Applicant has provided responses to issues raised in Buckinghamshire's Written Representation (see Applicant's Response to Relevant Representations - Part 2A of 4 (Local Authorities) [REP1-021]) and Local Impact Report (see Applicant's Comments on Local Impact Reports (Buckinghamshire Council) [REP2A-005]).</p> <p>The impact of aircraft noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the ES [REP1-003]. The Noise Envelope (see Green Controlled Growth Explanatory Note [TR020001/APP/7.07]) contains a legally binding framework of daytime and night-time noise contour area Limits that will control and limit aircraft noise, taking into account aircraft numbers.</p> <p>Changes to flightpaths (aircraft location) are outside the scope of the Proposed Development. Any changes to future flight paths are the subject of a future airspace change process being sponsored by the UK Government and will be subject to a separate assessment and consultation exercise by the airport operator in accordance with CAA procedure (CAP1616), in due course. A note explaining the relationship between the two processes was submitted at Deadline 1 [REP1-028]. At this stage it is not possible to accurately predict the noise signature (i.e. tonality) of future aircraft such that this could be directly accounted for. However, the Noise Envelope contains a mechanism for a Noise Limit Review as a result of International Civil Aviation Organization (ICAO) publishing a new 'noise chapter' for next-generation aircraft. This Noise Limit Review would test whether the Noise Limits can be reduced due to next generation aircraft. This review must be undertaken in consultation with the Noise Technical Panel and submitted to the ESG for determination.</p> <p>The ETS [APP-215] sets out the proposed goals and initiatives to maximise employment benefits of the Proposed Development for the ETS Study Area, through collaborative and good practice approaches to employment and training support. The ETS includes a commitment to regularly engage with local authority stakeholders in the ETS Study Area to optimise impact from the Proposed Development. The ETS Study Area is defined in the ETS and includes Buckinghamshire.</p>
The Hertfordshire authorities	<p>With reference to Local Impact Report Para 7.8.9 [REP1A-003]: The Host Authorities acknowledge the Errata Report [REP1-015] submitted by the Applicant which removed the significant effect previously identified during the operational phase of the Proposed Development. While effects on mental wellbeing are not identified as significant, the Host Authorities feel it would be beneficial to outline an approach to community engagement for the Proposed Development once it is operational. Local residents should be provided with a clear</p>	<p>The Applicant notes that the airport operator is responsible for community engagement associated with the operation of the airport and that it actively provides for this via its website, as the Hertfordshire authorities have noted. The airport operator will continue to provide for such engagement with the Proposed Development.</p>

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	process by which they can raise concerns with the Applicant, particularly as there are likely to be effects, such a noise, which arise during the operational phase. Currently, community engagement is encouraged on the London Luton Airport website with the provision of email addresses to contact. The Host Authorities suggest engagement could be supported and improved by the provision of a specific forum and/or a named point of contact (such as a Community Liaison Officer) for local residents to reach out to, and request that provision for such resource is included in the draft DCO. Refer to response at DCO.1.24 above in relation to general comments on the drafting of requirements.	
TRAFFIC AND TRANSPORTATION INCLUDING SURFACE ACCESS		
Question TT.1.17	Bus and Coach Can the Applicant provide a summary of the discussions it has had with bus providers (which aimed to increase the coverage and frequency of services to the airport), and, considering these discussions, does the Applicant have confidence that the additional proposed spaces can and would be utilised by operators?	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council wishes to express that it considers it necessary for the Applicant to engage with local authorities when conducting discussions with operators. The Council is concerned that a lack of engagement to discuss the areas for which services are required would lead to no benefit to areas that are currently poorly served, resulting in a failure to ensure services cover a broad geographical area.	The Applicant has developed a Bus and Coach Study [TR020001/APP/8.122] , submitted at Deadline 5, to identify gaps in bus provision that would benefit from new/improved services. The provision of bus and coach services is not within the airport's direct control, but the airport operator will engage with relevant parties through the Airport Transport Forum (ATF). New or improved routes need to be commercially viable for the transport operator.
Question TT.1.18	Bus and Coach Can the Applicant confirm that if proposed new routes are not initially commercially viable that the sustainable transport fund would be used to support operators in running these services until the demand is such that they are able to operate commercially? If yes, how would this be secured so that the ExA can afford it weight when reporting to the Secretary of State? And if no, why not?	
Buckinghamshire Council	It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to its experience – a bus route will intrinsically be unviable in its early stages of establishment. The sustainable transport fund as currently presented will have no forward funding to support public transport routes at the early stages of development. The Sustainable Transport Fund requires review of the structuring and the value to be made available. The Council remains concerned that the overall value of the Sustainable Transport Fund is insufficient to meet the objectives of the funds, discussions with the Applicant are still on-going in this regard, through the SoCG process between the Council and the Applicant.	The Applicant is exploring the possibility of 'pump priming' of bus service improvement interventions (or other suitable interventions) bought forward by the future Travel Plans in the earlier years of the phased expansion. This is still under consideration. Further details are provided on the Sustainable Transport Fund in the Applicant's Response to Issue Specific Hearing 4, Action 26 - Sustainable Transport Fund [TR020001/APP/8.119] to be submitted at Deadline 5.

GLOSSARY AND ABBREVIATIONS

Term	Definition
AONB	Area of Outstanding Natural Beauty
ATF	Airport Transport Forum
CAA	Civil Aviation Authority
CHMP	Cultural Heritage Management Plan
DCO	Development Consent Order
dB	Decibel
ES	Environmental Statement
ESG	Environmental Scrutiny Group
ETS	Employment and Training Strategy
ExA	Examining Authority
FWRA	Foundation Works Risk Assessment
GCG	Green Controlled Growth
GHG	Greenhouse gas
ICCAN	Independent Commission on Civil Aviation Noise
ILP	Institute of Lighting Professionals
LVIA	Landscape and Visual Impact Assessment
NEDG	Noise Envelope Design Group
QC	Quota Count
SoCG	Statement of Common Growth

REFERENCES

Ref 1 Independent Commission on Civil Aviation Noise (2021) ICCAN review of airport noise insulation schemes

Ref 2 Civil Aviation Authority (2017); CAP1616a: Airspace Design: Environmental Requirements Technical Annex.

Ref 3 Civil Aviation Authority (2019) CAP1731: Aviation Strategy – Noise Forecast and Analyses.

Ref 4 Landscape Institute and Institute of Environment Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment 3rd Edition

Ref 5 Institute of Lighting Professionals (2021). Guidance Note 01/21 - The Reduction of Obtrusive Light. Rugby: Institute of Lighting Professionals.

Ref 6 Institute of Lighting Professionals (2013). Professional Lighting Guide 04 - Guidance on Undertaking Environmental Lighting Impact Assessments. Rugby: Institute of Lighting Professionals.

Ref 7 Department for Transport (2018). Airports National Policy Statement.

Ref 8 Department for Levelling Up, Housing and Communities (2023). National Planning Policy Framework.