



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' COMMENTS ON PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT (PADSS)

London Luton Airport Expansion



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1 HERTFORDSHIRE HOST AUTHORITIES' - PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT

1.1.1. This Principal Areas of Disagreement Summary Statement (PADSS) has been produced for the three Hertfordshire Host Authorities (Hertfordshire County Council, Dacorum Borough Council, and North Herts Council), in collaboration with their technical consultants, for the London Luton Airport Expansion Project (the Proposed Development). It identifies those areas where there is disagreement in addition to outstanding issues in relation to the project. It is expected that this PADSS will be updated as issues are discussed, and agreement reached with the Applicant. For each issue, the Hertfordshire Host Authority(ies), to which the issue relates to, has been identified in the final column of the table.



Table 1 - Hertfordshire Host Authorities - Principal Areas of Disagreement Summary Statement

Principal issue in question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination	Host Authority to which the PAD / issue relates to
Cultural Heritage				
Built Heritage				
Setting of heritage assets	<p>Concerns in relation to the methodology and approach to the settings assessment as follows:</p> <ul style="list-style-type: none"> • Environmental Statement Chapter 10 Cultural Heritage Revision 1 [AS-077] on the issue of quietness and setting. The Hertfordshire Host Authorities have questioned the overall assessment that St Paul’s Walden Bury would experience a negligible change to the park’s noise environment, which is assessed as resulting in an imperceptible change to the park’s setting and resulting in no harm to its heritage significance. • Scoping out of assets at Appendix 10.2. Although Appendix 10.2 Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] has been updated, there is still no explanation as to why assets have specifically been scoped and there is no explanation as to how setting contributes to assets’ significance. In the case of designated heritage assets for example the Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] states ‘<i>Scoped out of ES. No changes to setting that would affect heritage value.</i>’ In the case of non-designated heritage assets, the 	<p>The following actions are recommended:</p> <ul style="list-style-type: none"> • The issue of quietness and overall assessment of effect in relation to the setting of St Paul’s Walden Bury Registered Park and Garden needs to be re-assessed. Appendix 10.2 to be updated in line with comments. 	Likely to be addressed during Examination.	All Hertfordshire Host Authorities



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	Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] notes for example: ‘ <i>Scoped out of ES. Asset is located outside of site boundary and there would be no physical impact or change to its setting.</i> ’			
Greenhouse Gases (GHG)				
GHG emission boundary	Potential underestimate of GHG emissions from aviation. Clarity is required on the compatibility of the GHG emissions accounting approach used in Chapter 12 – Greenhouse Gas Emissions of the ES [REP3-007]. The GHG emissions accounting approach that has been taken only accounts for one way aviation trips above 3000 feet, which is not considered to be in line with Institute of Environmental Management & Assessment (IEMA) GHG guidance. For instance, Section 5.2 of the IEMA Guidance states: “ <i>The assessment should seek to quantify the difference in GHG emissions between the proposed project and the baseline scenario (the alternative project / solution in place of the proposed project). Assessment results should reflect the difference in whole life net GHG emissions between the two options</i> ”. Only accounting for emissions from one-way flights above 3000ft does not account for whole life net GHG emissions arising from the Proposed Development.	The Applicant should update the GHG assessment to include GHG emissions from flights above 3000 ft both to and from Luton airport to comply with IEMA best practice guidance. Or alternatively, update the ES Chapter to provide clarity and justification as to why only GHG emissions from one-way flights above 3000 ft have been included in the GHG assessment.	No.	All Hertfordshire Host Authorities
GHG: determination of significance within the ES	Potential reassessment of significance required. Clarity is required on the determination of a Minor Adverse effect rather than Moderate Adverse, despite it being predicted by the Applicant to	The Applicant should re-evaluate GHG emissions significance to ensure significance evaluation aligns with IEMA guidance. In accordance with IEMA guidance, significance of GHG emissions	No	All Hertfordshire Host Authorities



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	<p>increase carbon emissions by approximately 5,000,000 tonnes CO2e. This assessment is not in line with the latest IEMA GHG best practice guidance and given the predicted magnitude of carbon emission <u>increase</u> resulting from the Proposed Development. For instance, in Section 6.3 of the IEMA guidance, for an effect to be Minor Adverse (not significant), the project must be “<i>doing enough to align with and contribute to the relevant transition scenario, keeping the UK on track towards net zero by 2050 with at least a 78% reduction by 2035 and thereby potentially avoiding significant adverse effects</i>”.</p>	<p>should be evaluated as Significant and Moderate Adverse due to the predicted magnitude of carbon emissions increase resulting from the proposed development. Or alternatively, the ES Chapter should be updated to provide further clarity and justification on how the currently evaluated significance level accords with IEMA best practice guidance.</p>		
Traffic and Transportation / Surface Access				
<p>Future year VISSIM modelling related to Traffic and Transportation</p>	<p>The Hertfordshire Host Authorities have the following concerns about the future year VISSIM modelling:</p> <ul style="list-style-type: none"> • Inconsistent with strategic modelling; and • Unconventional method of applying growth – therefore lack of confidence in forecast models 	<p>The Applicant’s consultants have confirmed in their Rule 9 Response Cover Letter [AS-064] that the VISSIM models will use the cordoned data from the strategic model for the assessment purposes of the updated modelling. The programme for this work has been provided in Appendix A of the Rule 9 Response Cover Letter [AS-064].</p> <p>It is the Hertfordshire Host Authorities understanding that this will be addressed as part of the traffic modelling being undertaken as detailed in the Applicant’s Rule 9 Response Cover Letter [AS-064]. The deadline for the work to be shared is w/c 4th December – Deadline 6. Once this work has been completed and shared, the Hertfordshire Host Authorities will review and respond accordingly.</p>	<p>TBC- the updated modelling work will be reviewed when issued.</p>	<p>All Hertfordshire Host Authorities</p>



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Covid-19 and baseline traffic	<p>There is insufficient baseline information incorporating any impacts of the Covid-19 Pandemic. The basis for the traffic forecasts and mode share targets is not based on the post-pandemic situation and the Base model is 7 years old.</p> <p>The Applicant has provided a summary of their analysis of counts from 2016 and 2023 in the Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1 [REP4-086]. This shows the local road network traffic flows are lower than those in 2016. However, the Applicant has not made any adjustment to the traffic flows to take this into consideration. This therefore is overestimating the base year vehicles on the local road network which is likely to impact the future year routing of traffic from London Luton Airport.</p>	<p>The Applicant should explain why their approach is justified and provide the information requested set out in Hertfordshire Host Authorities comments on any further information / submissions received by Deadline 4 [REP5-068].</p> <p>To date, the Hertfordshire Host Authorities have been provided with the Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling. Technical Note 1 (Task 6) [REP4-086] and Technical Note 2 (Task 14) [REP4-106]. The Hertfordshire Host Authorities have reviewed these documents [REP4-086 and REP4-106], and comments have been raised in [REP5-068] which require a response by the Applicant.</p>	<p>It is the Hertfordshire Host Authorities understanding that this will be addressed as part of the traffic modelling being undertaken as detailed in London Luton Airport Limited Additional Submission - Rule 9 Response Cover Letter [AS-064]. Hertfordshire Host Authorities will endeavour to work through the issues with the Applicant to get agreement. Noting meeting with Applicant on 6th December 2023, Hertfordshire Host Authorities were made aware the final report will be issued on 15th December 2023.</p>	All Hertfordshire Host Authorities
Core scenario for traffic modelling and assessment	<p>The Hertfordshire Host Authorities need further detail to be able to fully understand the impacts within their networks. The figures and images which the Applicant has provided to date do not provide the Hertfordshire Host Authorities with the information they require. All plans require numbers of traffic flows on links, specifically the local road network through Hertfordshire.</p>	<p>More detailed data and assessment of the revised Core Scenario that excludes the M1 infrastructure improvement should be provided to understand the impacts and mitigation in the wider local road network.</p> <p>The Hertfordshire Host Authorities do not have sufficient detail from the revised plots supplied to date.</p>	<p>This has been raised within Hertfordshire Host Authorities Comments on Any Further Information / Submissions Received by Deadline 4 [REP5-068] and Hertfordshire Host Authorities' Responses to Deadline 3 Documents [REP4-163]. This should be resolvable by the end of the examination.</p>	All Hertfordshire Host Authorities
Geographic distribution of London Luton Airport trips (all modes)	<p>The assumptions around the geographic distribution of London Luton Airport trips (all modes) are not adequately represented. In particular, it is not possible to fully appreciate the share that travels through Hertfordshire, the forecasts and the impacts.</p>	<p>Additional detail on the geographic distribution of London Luton Airport trips (all modes) including the detail through Hertfordshire. The additional plots provided to date have no numbers attached to the bandwidths and relate only to vehicular traffic, it continues to be</p>	TBC	All Hertfordshire Host Authorities



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		very difficult to assess potential impacts on specific Hertfordshire rural roads.		
The Transport Assessment (TA)	The Scenario test without the M1 hard shoulder running scheme should now form the core scenario on which the TA is based. Insufficient detail is provided on the modelling outcomes from this Scenario in the TA, including updates following the Covid-19 adjustments.	The TA does not provide full details of the modelling sensitivity test scenario results as part of the TA to demonstrate the mitigation requirements are adequate and appropriate. Full modelling results for the Hitchin mitigation junctions have been provided but not for the remainder of the Hertfordshire network. Applicant to provide full output results for the sensitivity test scenario including junction modelling.	TBC	All Hertfordshire Host Authorities
Traffic impacts in Hertfordshire	Insufficient information about how the traffic impacts in Hertfordshire would be mitigated, monitored, and managed. The Hertfordshire Host Authorities would like the Applicant to explore more holistic ways to mitigate impacts, e.g., measures that will mode-shift non-airport related car trips in order to free up road capacity for the expected increase in airport-related car trips (e.g., enhanced bus services and priority).	The Applicant has provided additional detail in relation to the TRIMMA and the Framework Travel Plan (FTP), however the Hertfordshire Host Authorities continue to lack confidence in the strategic modelling that feeds into the forecasts for the traffic flows through Hertfordshire, particularly for the post-Covid modelling and without the hard shoulder running which is the most realistic traffic scenario and is insufficiently detailed in the TA.	TBC	All Hertfordshire Host Authorities
The proposed highway mitigation schemes at the three Hitchin junctions are in conflict with local policy for improving sustainable modal choice	The mitigations proposed in Hitchin provide increased capacity for vehicular traffic which is in conflict with local plans and policies to enable and support active travel. The Applicant is not proposing to develop alternative proposals as part of this application process but is willing to consider alternatives being implemented at these locations post-consent, however they would expect the Hertfordshire Host	The funding for any enhanced mitigation proposals at the Hitchin junctions should be considered as part of the application not post-application to ensure that there is sufficient funding available for implementation as part of the DCO. The Hertfordshire Host Authorities are willing to work with the Applicant to identify the alternative schemes to ensure they are adequately reflected in the funding arrangement for their implementation.	TBC	Hertfordshire County Council / North Herts Council



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	<p>Authorities to fund any additional cost associated with any alternative scheme.</p> <p>Linked to the traffic modelling the Hertfordshire Host Authorities continue to lack confidence in the strategic modelling that feeds into the forecasts for the traffic flows on the A505 and A602 through Hitchin.</p>	<p>The Hertfordshire Host Authorities will review any updated modelling in the context of the proposed mitigation.</p>		
Mitigation in rural areas	<p>The current approach assumes that all impacts can be mitigated with localised interventions. This is unlikely to be true for rural areas, where there is little opportunity to mode-shift trips from car to public transport or active travel. Interventions are most likely to displace traffic from one village to another. An area-based strategy is therefore likely to be necessary.</p>	<p>Applicant to consider alternative mitigations for potentially significant growth in airport-bound traffic growth through rural areas.</p>	TBC	North Herts Council & Hertfordshire County Council
Sustainable Transport Fund (STF)	<p>It is unclear how the STF will be used to deliver sustainable transport improvements, particularly with regard to public transport and the necessary early pump-priming of bus services to effect travel behaviour and whether sufficient funding will be available for the range of measures that could draw on this fund.</p>	<p>The Applicant has provided additional information in relation to the size of the STF and the measures identified in the FTP [REP4-044] that could be implemented with the funds used to deliver sustainable transport improvements.</p> <p>However, there is no firm commitment from the Applicant that there would be sufficient funding available in the early stages of the development to support bus services through Hertfordshire, to influence travel behaviour and provide alternative modal access during the early years of the expansion.</p> <p>Further detail about the cost of the potential toolkit measures against the expected fund size should be provided by the Applicant to confirm this.</p>	TBC	All Hertfordshire Host Authorities



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Rail capacity	Hertfordshire County Council is concerned that the original assessment was based on pre-Covid levels of service and forecasts for increases in network capacity. The effects of Covid-19 on patronage and forecast service levels have not been accounted for. Demand may not have fully recovered and train companies may not see their plans come to fruition due to cost-cutting. It is unclear whether there is capacity on the existing and forecast networks and impacts on current passengers at stations in Hertfordshire.	<p>In their Rail Impacts Summary [REP5-057], the Applicant has responded to show that the forecast rail demand at the Hertfordshire stations is not significant (3%) of the total demand and that there is sufficient rail network capacity to accommodate the forecast additional trips.</p> <p>Hertfordshire County Council has concerns that the assumption is that the trips from the east will be primarily by private vehicle, and that incentives to influence mode share from the east are not being fully explored. This will be further reviewed following the Network Rail capacity assessment that is being prepared for Deadline 7.</p>	TBC	Hertfordshire County Council
Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)	<p>The TRIMMA is not considered sufficiently binding on the Applicant to give the Hertfordshire Host Authorities certainty that any additional unforeseen impacts on the Hertfordshire highway network will be included adequately in the monitoring or mitigated and funded.</p> <p>In Hitchin, the Hertfordshire Host Authorities seek policy compliant enhanced mitigation that does not just provide for additional traffic capacity and seek additional funding from the Applicant to cover this.</p> <p>Monitoring of the on-site airport car parks only for the TRIMMA will put a natural cap on the associated traffic impacts that are measured, which is unrealistic for the adjoining highway networks due to the traffic associated with the private off-site airport car parks / fly-parking which are also assumed to increase in the modelling but not being monitored also grow.</p>	<p>The Applicant has provided a revised Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) document [REP5-041] which sets out the monitoring approach to identify additional mitigation (outside of the Schedule 1 proposed works) and funding for the unforeseen impact through the Residual Impacts Fund (RIF). The value and sufficiency of the fund is unknown.</p> <p>The Applicant should provide a clear indication of the funding available for the TRIMMA to give cost certainty and reduce risk for the Hertfordshire Host Authorities who will be responsible for the implementation of any additional mitigation.</p> <p>The Applicant should include the monitoring of the traffic impacts associated with the off-site car parks.</p>	TBC	All Hertfordshire Host Authorities



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Noise				
Policy compliance	<p>There is a concern as to whether the UK aviation noise policy overall objective to limit and where possible reduce the number of people significantly affected by aircraft noise is complied with.</p> <p>There is a concern as to whether the UK aviation noise policy for a balance between growth and noise reduction is appropriately weighted.</p>	The Applicant should revise their assessment to comply with UK aviation noise policy, by basing future contour area limits from the core assessment case (not the faster growth sensitivity study) and by committing to an equal share of noise reduction benefits between the local community and London Luton Airport.	TBC	All Hertfordshire Host Authorities
Landscape and Visual				
Visual impact of large scale-built development in a relatively elevated location.	The introduction of large-scale buildings and structures into the rural landscape to the east of the existing London Luton Airport will result in adverse visual effects. Built development will be introduced into some views which are predominantly characterised by soft landscape elements. In some longer distance views, the expansion of built development will be apparent increasing visual prominence.	The Applicant should provide an explanation of how the architecture (building design), masterplan and landscape design work together to provide an appropriate design response to the location of built development on this sensitive elevated plateau landform. Particularly, the Applicant should provide an explanation of how the design response is compliant with objectives DQ.01 and DQ.02 as set out in the Design Principles [REP5-034] .	TBC	North Herts Council / Hertfordshire County Council
The Landscape and Visual Impact Assessment (LVIA) does not specifically assess the effects of the Proposed Development on the Special Qualities of the Chilterns Area of Outstanding Natural Beauty (AONB)	<p>Additional flight movements across the Area of Outstanding Natural Beauty and the presence of additional large scale-built development, potentially with associated glint and glare, is anticipated to result in a deterioration of the Special Qualities of the AONB. Specific concerns relate to the following two Special Qualities:</p> <ol style="list-style-type: none"> 1. Long distance views and 	<p>The Special Qualities assessment is welcomed. However, the Hertfordshire Host Authorities note that they are waiting for the Applicants response to comments sent to them on 3 November 2023 (post Deadline 5). It is anticipated that those comments will be taken into consideration for the next draft of the Special Qualities Assessment. Concerns raised post deadline 5 included those relating to the following points:</p> <ul style="list-style-type: none"> • There is no baseline study of tranquillity and no methodology as to how this has been assessed. No 	TBC	All Hertfordshire Host Authorities



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	<p>2. Tranquillity as defined in the Chilterns AONB Management Plan 2019–2024:</p> <p><i>“Panoramic Views from and across the escarpment interwoven with intimate dipslope valleys and rolling fields; and Relative tranquillity and peace on the doorstep of ten million people, one of the most accessible protected landscapes in Europe; relatively dark skies, of great value to human and wildlife health; unspoilt countryside, secret corners and a surprising sense of remoteness.”</i></p>	<p>methodology or assessment of dark skies.</p> <ul style="list-style-type: none"> • A map should be provided to show the 4 landscape character areas to provide clarity. • Consideration should be given to the dense network of rights of way, national trails, the ridgeway and Chiltern way and the Chilterns cycleway as well as Ancient routeways. <p>Study area definition should include allowance for potential for effects to be experienced beyond the areas immediately below flight paths. The range of landscape and visual receptors within this spatially defined area should be described and assessed. This factor should be considered in relation to features that contribute to the Special Qualities. For example, Distinctive buildings made from local brick, flint and clay tiles; many attractive villages, popular places to live in and visit; many notable individual buildings and follies including stately homes, monuments and mausoleums; a wealth of medieval churches, many built from flint. The attractiveness and setting of some of these places and features could be compromised.</p> <p>‘Susceptibility’ in relation to tranquillity is probably higher than 'medium', given the importance of this designation. The Applicant to consider whether aircraft movements directly over the AONB are at the AONBs 'capacity' to absorb such movements and therefore whether any further increase (however small) will result in a situation where the Special Qualities</p>		



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		<p>become fundamentally compromised. The assessment takes the position, to some extent, that further aircraft movements would be an incremental change to the existing situation and therefore justifiable.</p> <p><i>"The relative tranquillity of the remainder of the AONB would not be affected"</i>. In reality there will be a transitional area where effects will progressively diminish with distance away from areas more directly affected. This should be acknowledged and defined. It would be beneficial to have a more detailed narrative description regarding the areas / receptors which will be affected and details regarding the change they will experience.</p> <p>The significance matrix conflates 'impact' and 'effect' as per the main LVIA chapter which is not in accordance with guidance in GLVIA3. Summary Table 11, P.31 uses 'magnitude of effect' which appears to be inconsistent with terminology earlier in the assessment. The significance matrix and summary table should be updated to remain in accordance with guidance along with a review of qualifying text and assessment to ensure no resulting changes are needed.</p>		
<p>Whether the Lighting Obtrusion Assessment [APP-052] and [APP-053] adequately identifies likely significant effects and the need or otherwise for a night-time Landscape and Visual Impact Assessment.</p>	<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is likely to result in different levels of sensitivity for some receptors from those identified in Appendix 5.2 Light Obtrusion Assessment Part A of the ES [APP-052], submitted by the Applicant. Sensitivity in that document (Appendix 5.2) is determined by categories as set</p>	<p>There has been no known update since the Hertfordshire Authorities' request in their Written Representations [REP1-069] for submission of a night-time assessment that is GLVIA3 compliant rather than simply relying on the light obtrusion assessment.</p>	<p>TBC</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>out in Table 4.2. ‘Sensitivity of receptor to light obtrusion.’ In this table, the typical example for a Medium sensitivity receptor is ‘Dwelling’. In assessments based on LVIA nighttime methodologies, residents would typically be determined to be High sensitivity receptors rather than Medium.</p>	<p>The LVIA should not use the sensitivity ratings assigned by different technical specialists but should apply sensitivity based on GLVIA3 guidance.</p> <p>A review of the sensitivity assigned to receptors should be undertaken in line with GLVIA3, along with the subsequent review of the overall outcomes of the assessment to reflect any changes in sensitivity identified.</p> <p>Perceptual qualities form a crucial part in understanding magnitude and effect in relation to landscape and visual assessment and should be considered appropriately. It is worrying that the Applicant suggests that such perceptual qualities should be ignored.</p> <p>Appendix 5.2 Light Obtrusion Assessment Part A of the ES [APP-052] identifies the Main Application Site as being within an E3 zone, with obtrusive light at identified viewpoints not exceeding the E3 guidance limits on light obtrusion. However, where a viewpoint is not located within an E3 zone (and it can reasonably be assumed that receptors in the AONB for example would be located within an E0 or E1 zone) then the Applicant should confirm that there would be no increase in light obtrusion in those locations within the acceptable limits of an E0 or E1 zone.</p> <p>The Hertfordshire Host Authority maintains the need for an appropriate assessment of night-time effects to be included within the LVIA.</p>		

Aviation Forecasts



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York Aviation Forecasts	York's approach to air traffic forecasting is generally reasonable. However, several of its econometric, pricing and elasticity input assumptions carry downside risks such that the outputs are likely to be over-estimates of future demand, and hence also lead to over-estimates of impacts (both beneficial and adverse). These forecasts are for the south of the UK and to forecast traffic at London Luton Airport they are then subject to the application of airport capacity constraints. The most important of these are the number of runways at Heathrow and at Gatwick, and the passenger traffic that could be handled at them. The Core Planning Case assumption of one extra runway at either Heathrow or Gatwick is agreed, but there is disagreement about how many passengers these runways could allow to be handled. This results in material differences in when London Luton Airport might reach 32 million passengers per annum.	Correction required for Heathrow and Gatwick passenger numbers and Luton forecasts, to address potential over-estimating.	No.	All Hertfordshire Host Authorities
Unforeseen Forecasts				
Unforeseen Local Impact Management Strategy (ULIMS)	The Hertfordshire Host Authorities believe that due to the longevity of the project, there needs to be provision for ULIMS to cover all significant environmental effects arising from the London Luton Airport expansion.	The ULIMS should cover all significant environmental effects arising from the London Luton Airport expansion.	No.	All Hertfordshire Host Authorities
Draft Development Consent Order (DCO)				
Draft DCO drafting - general	There are a number of queries and concerns that the Hertfordshire Host Authorities have identified in relation to the drafting of the DCO as it currently stands. Some of these points are expanded upon below, but this is not an	The Applicant should further engage with the Hertfordshire Host Authorities to ensure the concerns raised are sufficiently understood and addressed and outcomes secured, either through amendments to the DCO and related	TBC	All Hertfordshire Host Authorities



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	exhaustive list (please see the relevant Written Representations / Local Impact Reports submitted for further information).	control documents or by way of explanation that provides adequate confidence.		
Time limits for consents and approvals	The DCO as currently drafted provides for various 'deemed consent' mechanisms, whereby should a response to an application for consent / approval not be received from an authority within a certain time limit, that consent / approval is deemed to be approved. Given resource constraints and the uncertainty of the programme, the Hertfordshire Host Authorities consider there is a risk that consent / approvals could be deemed to be granted inappropriately, even where there has been no wilful or unreasonable inaction from the Hertfordshire Host Authorities.	The Applicant should seek to build in appropriate resourcing and flexibility to these mechanisms, to ensure consents and approvals are not 'waved through', where the Hertfordshire Host Authorities have not wilfully or unreasonably not responded to an application for a consent or approval under the DCO.	TBC	All Hertfordshire Host Authorities
Powers of compulsory acquisition and temporary possession	There are a number of land interests held by the Hertfordshire Host Authorities which would be subject to powers of compulsory acquisition and / or temporary possession under the DCO.	Further engagement is needed with the Applicant to understand the necessity for and acceptability of these proposals.	TBC	North Herts Council / Hertfordshire County Council
Drainage protective provisions	Certain drainage consents are disapplied in the DCO, but no equivalent protective provisions are contained in the DCO.	Protective provisions need to be included in the DCO to the satisfaction of the relevant drainage authorities.	TBC	Hertfordshire County Council
Treatment of the existing 'LLAOL Planning Permission' and other extant permissions	That the DCO appears to potentially introduce a regulatory 'gap' whereby controls under the existing planning permission fall away under Article 44, prior to any DCO controls being triggered.	Engagement with the Applicant to clarify this point, together with amendments to the DCO as required.	TBC	All Hertfordshire Host Authorities
DCO requirements – Parts 1, 2 and 4 of Schedule 2 to the DCO	The Hertfordshire Host Authorities have a number of concerns in relation to the DCO requirements set out in Schedule 2 to the DCO. This is both in terms of specific drafting (e.g., requirement 8(1)) or	Engagement with the Applicant together with amendments to the DCO as required.	TBC	All Hertfordshire Host Authorities



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	more generally, in terms of the adequacy of the control documents secured.			
GCG DCO requirements – Part 3 of Schedule 2 to the DCO	Similarly, to the points made elsewhere in this document around the GCG generally, the Hertfordshire Host Authorities have a number of concerns in relation to how the GCG is proposed to be secured in legal terms in the DCO requirements. This relates to, for example, the operation and make-up of the ESG, how monitoring reports are produced / approved, the actions and processes required where there is an exceedance of a Threshold or Limit and the robustness of relying on the Slot Regulations as a form of control.	Engagement with the Applicant together with amendments to the DCO as required.	TBC	All Hertfordshire Host Authorities
Green Controlled Growth				
GCG – Limits and Thresholds Level 1 Threshold	Under the current proposals, an exceedance of a Level 1 Threshold simply requires “ <i>commentary on the avoidance of the exceedance of a Limit</i> ” to be provided in the annual Monitoring Report. This is not precise and does not require any positive action or approvals – the Applicant’s position on this is noted (i.e., that such exceedances are expected to regularly occur), but this does not provide any incentive on the Operator to strive to meet the Level 1 Threshold and generally to minimise environmental impacts associated with growth.	There should be an incentive on the Operator to strive to meet the Level 1 Threshold.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	The timeframes within which the Environmental Scrutiny Group (ESG) has to consider a draft, and approve a final, Level 2 Plan and a Mitigation Plan are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice	A longer timescale is needed for the ESG to consider a draft and approval a final Level 2 Plan and Mitigation Plan.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities



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	and input from the relevant Technical Panel(s).			
GCG – Limits and Thresholds Level 2 Threshold Limits	The precise purpose and content of the Level 2 Plan and a Mitigation Plan needs further clarification.	It should be made clear that a Level 2 Plan and a Mitigation Plan must relate to the specific exceedance identified.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	Approval of a Level 2 Plan and a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified.	The ESG should be able to refuse a Level 2 Plan and a Mitigation Plan on any relevant grounds.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	A Level 2 Plan and a Mitigation Plan can be deemed to be approved.	A Level 2 Plan and a Mitigation Plan should not be deemed to be approved given their vital role in ensuring that a Limit is not exceeded. The approval of the ESG should be required.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold Limits	<p>New slots will still be permitted to be allocated within the existing capacity declaration whilst an exceedance of a Level 2 Threshold is ongoing, perpetuating the breach of that Level Threshold and increasing the risk of the Limit also being breached.</p> <p>Although no new slots will be permitted to be allocated and hourly runway capacity will not be allowed to be increased whilst an exceedance of a Limit is ongoing, the Airport Operator will still be able to operate within the existing capacity declaration and at the same level of capacity as the airport was operating at when the exceedance of the Limit occurred.</p>	<p>New slots should not be permitted to be allocated (even within the existing capacity declaration) whilst an exceedance of a Level 2 Threshold is ongoing.</p> <p>In the event of an exceedance of the Limit the Airport Operator should be required to reduce capacity immediately, if necessary, in order to remedy the exceedance of the Limit.</p>	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities



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GCG – Limits and Thresholds Level 2 Threshold	The Level 2 Plan will need to consider whether continued operations at the declared level of airport capacity is expected to result in the effects increasing above the Limit, and that if this is the case it is stated that the Plan should include proposals for additional interventions or mitigation including timescales for delivery, to ensure that the Limit will not be exceeded. However, this is not expressed as a requirement for the Plan.	This should be a specific requirement for the first Level 2 Plan.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Level 2 Threshold	There is no sanction in the event of a breach or even a continued breach of a Level 2 Threshold, and as such no incentive to address any exceedances.	There should be a sanction for a continued breach of a Level 2 Threshold.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Limits	It is only where a second Mitigation Plan has to be produced, after the original Mitigation Plan has not been effective in remedying the exceedance of the Limit within the timescales specified in the Mitigation Plan, that the Applicant would be required to consider whether implementation of a local rule would reduce, avoid or prevent exceedance of the Limit.	This should be considered by the Airport Operator in the original Mitigation Plan, and not left to a second Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a local rule to address the exceedance of the Limit.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Limits	The proposals state that the Airport Operator may feel that the most appropriate way of addressing a breach of a Limit is through a planned capacity reduction.	This should be required to be considered by the Airport Operator in the original Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a planned capacity reduction to address the exceedance of the Limit.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Limits and Thresholds Limits	The right of appeal to the Secretary of State in respect of any decision made by the ESG, without specific grounds on	Any right of appeal should be limited to specific grounds. Any decision of the ESG	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the	All Hertfordshire Host Authorities



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	which such appeal may be made, risks removing the local control and decision making that the ESG is designed to facilitate.	should stand and be implemented, pending an appeal decision.	Hertfordshire Host Authorities hope to provide a substantive update following this.	
GCG – Monitoring and Reporting	The GCG proposals are for annual monitoring and reporting of environmental effects by the Airport Operator. This is not frequent enough to enable effective and adaptive oversight of the airport’s operations.	Monitoring should be undertaken (with access provided to the Hertfordshire Host Authorities and ESG) on as close to a ‘real time’ basis as possible, and at a minimum reporting to the ESG on any exceedances should take place on a monthly basis or whenever such exceedances are measured as having occurred. An annual Monitoring Report should also be submitted and published as currently proposed.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Monitoring and Reporting	<p>It is stated that there would be a minimum two summer season lag between an exceedance of a Level 2 Threshold, or a Limit and action being taken to manage future capacity where required, based on the timings for future slot allocation. This is too long a period for an exceedance of a Level 2 Threshold or a Limit to be perpetuated before action is taken to reduce capacity accordingly, particularly noting that this would see the airport operating in exceedance of the realistic worst-case scenario reported in the EIA during this period.</p> <p>The controls around the exceedance of a Level 2 Threshold and / or a Limit as currently outlined are insufficient to facilitate effective adaptive environmental management and ensure that growth only takes place within appropriate parameters and should be bolstered in line with the recommendations in this table.</p>	<p>In the event of an exceedance, the Airport Operator should immediately reduce activity in order to avoid continuing the exceedance and that it should then be required to take and report active steps it is taking to understand the cause of the breach and put forward measures and steps it is putting in place to ensure that the same situation and any further exceedance does not occur.</p> <p>Where other monitoring of environmental impacts pursuant to the DCO is relevant to the outcomes and / or mitigation being reported or proposed in the Monitoring Report and / or any Level 2 Plan or Mitigation Plan, such monitoring should be provided to the Technical Panel and ESG along with the relevant Monitoring Report, Level 2 Plan or Mitigation Plan, to ensure transparency and ensure a complete and comprehensive consideration of the issues in the relevant Plan.</p>	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities



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GCG – Independent Scrutiny and Review	Dacorum Borough Council is not proposed to be a member of ESG.	Dacorum Borough Council should be a member of the ESG, given it is a Hertfordshire Host Authority for the Development. In addition, discussion will be needed on the precise operation of the ESG, particularly in terms of all members having one vote, given (depending on the matter at hand) issues may affect different members (and, particularly the Councils) differently.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Independent Scrutiny and Review	There is no formal role of the ESG in approving a Monitoring Report, such as would allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded.	The ESG should have some form of approval role in respect of a Monitoring Report.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Independent Scrutiny and Review	The ongoing reasonable and properly incurred and evidenced costs of the ESG and Technical Panel will be funded by the Airport Operator.	This should also include the resource and management costs of the Councils in relation to their participation in the ESG (and / or any Technical Panel), including reviewing, amending and approving minutes of meetings, management packs and reviewing, commenting and consulting internally on documents pursuant to the ESG.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Independent Scrutiny and Review	Timescales for participation in periodic reviews of the GCG Framework.	A longer period is required.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG – Slot Co-ordination	It is not clear what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured. The GCG proposals refer to a ‘toolbox’ of interventions that the Airport Operator can use to manage or mitigate environmental effects, but it is not clear from the	Discussion is required with the Applicant.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities



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	proposals what effective interventions could be introduced in circumstances where a planned capacity reduction or local rule cannot be achieved or cannot be achieved in an appropriate timeframe.			
GCG – Compliance	Under current proposals it would only be a breach of the processes of the GCG framework that would constitute a breach of the legally binding terms of the DCO.	Discussion is required with the Applicant. See also the Hertfordshire Host Authorities recommendations in this table. Under the supplemental process, the Airport Operator should be required to report to Luton Borough Council as the relevant planning authority in the event of the ESG serving a notice on that it considers that a breach has taken place.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG Framework: Air Quality	<p>The GCG Limits and Thresholds for air quality do not address short-term pollution episodes which relate to acute health issues. Whilst there is no short-term legal limit for PM_{2.5} concentrations, it would seem appropriate to set thresholds for 24-hour mean PM_{2.5} concentrations based at least on the World Health Organisation (WHO) interim target 3, which is 37.5µg/m³ not to be exceeded more than 3-4 days per year (the corresponding WHO interim target 3 for annual mean PM_{2.5} is 15µg/m³ - so it is reasonably in-line with the Government's interim annual mean target).</p> <p>The Level 1 and Level 2 Thresholds that are proposed by the Applicant are for annual mean concentrations only. For each pollutant, the Level 1 Threshold is set at 25% below the Limit and the Level 2 Threshold is at 5% below the Limit. In practical terms, ratified results for the previous calendar year would not be available until one or two months after the</p>	<p>Whilst the Applicant is pushing back on including short-term thresholds under the GCGF, the Applicant should at least commit to 24-hour mean PM_{2.5} thresholds for routine environmental management purposes to address the matter of acute human health impacts and enable a more responsive approach to emissions management.</p> <p>Thresholds should be set as rolling averages to trigger prompt investigation and action when they are exceeded.</p> <p>It is understood from discussion with the Applicant that the Airport Operator will be installing indicative continuous air quality monitors around the Main Application Site boundary to record NO₂, PM₁₀ and PM_{2.5} concentrations. Clarification is needed from the Applicant as to how the data would be used at part of GCGF and in routine environmental management of airport operations.</p>	TBC Discussions on these matters are progressing positively and it is anticipated that agreement can be reached by Deadline 8 (if not before).	All Hertfordshire Host Authorities



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	<p>end of the year by which time it would be too late to effectively implement measures to avoid causing health impacts.</p> <p>In the event of exceedance of a monitoring Threshold at a sensitive receptor, to enable airport sources to be identified it would be necessary for continuous monitoring sites to be located at the Main Application Site boundary, not just at sensitive receptors. This is because the sensitive receptors are generally too far away for airport sources to ever be clearly identified using available data analysis techniques (such as a bivariate polar plot of pollutant concentration showing concentration by wind speed and direction).</p>			
GCG surface access Thresholds and Limits	There could be a long time lag between detection of a breach in surface access controls and the halting of London Luton Airport growth. Localised impacts could be untenable for an extended period of time before any mitigating action is necessary.	A clearer mechanism for detecting a breach and halting growth and implementing mitigation.	TBC – all GCG matters are to be the subject of meetings planned with the Applicant on 14.12.23, and the Hertfordshire Host Authorities hope to provide a substantive update following this.	All Hertfordshire Host Authorities
GCG surface access mode share targets	The GCG mode share targets for non-sustainable mode share (based on passenger Civil Aviation Authority (CAA) annually collected data).	The Applicant should demonstrate that the survey sample rate for passengers is statistically sufficient to base the decisions.	TBC	All Hertfordshire Host Authorities
GCG surface access mechanisms for managing growth	Unclear relationship between GCG mode share, TRIMMA and Framework Travel Plan (FTP). If the GCG monitoring demonstrates that London Luton Airport is operating within the GCG Thresholds and Limits for surface access, we would expect the Airport Operator to still be committed to providing local mitigation improvements in relation to TRIMMA and	The Applicant has provided an additional document to the ExA following the discussions at ISH9 and the Hertfordshire Host Authorities have reviewed. Some further clarifications are requested.	TBC	All Hertfordshire Host Authorities



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	the FTP, however the relationship and funding is not clear.			