



LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER APPLICATION

ISH ON ENVIRONMENTAL MATTERS (ISH8) ON ENVIRONMENTAL MATTERS INCLUDING BUT NOT LIMITED TO BIODIVERSITY, WATER, HEALTH AND COMMUNITIES, NOISE, LANDSCAPE AND VISUAL IMPACTS INCLUDING AONB ON 29 NOVEMBER 2023

Wednesday 29th November 2023 at 09:30

Fiona Ross (Pinsent Masons) and Ben Holcombe (Suono) attended in person and Roger Pitman (North Herts Council) and Katy Mayhew (WSP) attended virtually

Representing the Hertfordshire Host Authorities (Hertfordshire County Council, North Herts Council, Dacorum Borough Council), Central Bedfordshire Council and Luton Borough Council in relation to Noise

Representing the Hertfordshire Host Authorities in relation to Health, LVIA, GHG and Heritage

1. INTRODUCTION

- 1.1 This document sets out the post hearing submissions and summarises the oral submissions made jointly by Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council (together, “**the Hertfordshire Host Authorities**”) in relation to Health, Landscape and Visual, Greenhouse Gases and Heritage, and the oral submissions made jointly by the Hertfordshire Host Authorities, Central Bedfordshire and Luton Borough Council (together, “**the Host Authorities**”) in relation to Noise at Issue Specific Hearing 8 (“**ISH8**”) held on 29 November 2023 in relation to Luton Rising’s (“**the Applicant**”) application for development consent for the London Luton Airport Expansion Project (the “**Project**”).
- 1.2 ISH8 was attended by the Examining Authority (the “**ExA**”), the Applicant, the Host Authorities, together with a number of other Interested Parties.
- 1.3 Where the ExA requested additional information from the Hertfordshire Host Authorities or the Host Authorities on particular matters, or the Host Authorities or Hertfordshire Host Authorities undertook to provide additional information during the hearing, the Host Authorities’ or Hertfordshire Host Authorities’ response is set out in this document.
- 1.4 This document does not purport to summarise the oral submissions of parties other than the Host Authorities or the Hertfordshire Host Authorities, and summaries of submissions made by other parties are only included where necessary in order to give context to the Host Authorities’ or Hertfordshire Host Authorities’ submissions in response.

1.5 The structure of this document generally follows the order of items as they were dealt with at ISH8 set out against the detailed agenda items published by the ExA on 14 November 2023 (the “**Agenda**”).

2. **SUMMARY OF ORAL SUBMISSIONS MADE**

Relevant PINS' Agenda Item	Proposed Response
2. Noise and Vibration - Construction noise and vibration	
<p>Conclusions regarding piling and night-time construction noise impacts, including any implications for location specific mitigation</p>	<p>Ben Holcombe of Suono for the Host Authorities confirmed that the construction noise and vibration impacts are acceptable, and this is as will be stated in SoCGs at Deadline 6 and is stated in (for example) the Hertfordshire Host Authorities' Deadline 5 comments [REP5-068], CBC [REP5-66] and LBC [REP5-076], which confirm construction noise and vibration impacts are acceptable. It has also been confirmed with the Applicant that this agreement includes updated information made available in D4 submission – “Assessment of night-time construction noise” [REP5-080] and what is known to be included within the awaited updates to the Code of Construction Practice.</p> <p>Post hearing note:</p> <p><i>The Host Authorities would welcome an opportunity to comment on any further submissions provided by the Applicant on this matter as required at the Issue Specific Hearing, particularly in relation to any likely significant effects or otherwise of nighttime piling.</i></p>
2. Noise and Vibration – Surface access noise	
<p>Applicant to update on the implications of the new compensation policies for surface access noise receptors, including scope of eligibility and any implications for Crawley Green Road and Stony Lane receptors</p>	<p>No submissions were made on behalf of the Host Authorities under this agenda item.</p>
2. Noise and Vibration – Fixed plant noise	
<p>the revisions to the proposed fixed plant noise management plan and the Hertfordshire Host Authorities' comments regarding fixing noise levels</p>	<p>The ExA requested confirmation that the Host Authorities' comments at REP4-126, where it is stated that “<i>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 plan items will be running, as one example</i>” are demonstrating that fixed plant noise criteria issues have been resolved with the revisions to the proposed fixed plant noise management plan and Ben Holcombe of Suono confirmed that this is the case.</p> <p>Ben Holcombe of Suono also confirmed that the Host Authorities are content with the revisions to the proposed fixed plant noise management plan. Given the (entirely reasonable) lack of information surrounding fixed plant items that might be installed as part of the development, fixing a specific noise level at this stage would not offer any benefit.</p>

Relevant PINS' Agenda Item	Proposed Response
2. Noise and Vibration – Aviation noise	
<p>Appropriate baseline year for comparisons – Applicant to provide an update on the appropriate baseline/ baseline year for comparisons following the decision to approve application ref: 21/00031/VARCON</p>	<p>Ben Holcombe of Suono confirmed that the Host Authorities' position, as set out in, for example, ISH3 post-hearing submission [REP3-094], is that a compliant baseline must be used in all circumstances. Ben Holcombe confirmed that the baseline year used in 21/00031/VARCON is a planning-condition-compliant 2019, which was artificially manipulated downwards to account for the historic breaches. This is the same baseline that the Host Authorities have been requesting the Applicant use throughout the process, for example highlighted in the LIRs and WRs of the five Host Authorities.</p> <p>The Applicant justifies using a non-compliant baseline as being in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs), such as in REP3-050 (section 6.2.7). Section 8.203 of the 21/00031/VARCON Decision Notice states, "<i>The Courts have repeatedly emphasised that the EIA Regs are intended to be an aid to effective environmental decision-making, not a legal obstacle course or obstacle race for an applicant for planning permission.</i>" (Ben Holcombe used the term "legal hurdles" during the ISH8 hearing). Given that the P19 Applicant used a compliant baseline and that the EIA Regs are not prescriptive, nor 'a legal obstacle course', the Applicant's use of a non-compliant baseline (and relegation of the compliant baseline to a sensitivity study) is not accepted by the Host Authorities.</p> <p>The future year baselines are accepted to be compliant with the P19 permission.</p> <p>Despite the Applicant's assertions that it has now reached agreement with the CAA on methodologies on noise assessments, Roger Pitman of North Hertfordshire Council highlighted that there could be increase in nighttime noise which is not reflected in the Applicant's assessment.</p> <p>Post hearing note:</p> <p><i>For local communities sensitivities remain in relation to potential night-time disturbances. CAA have previously commented on ACP modelling (PEIR para 16.1.4) that results can be open to interpretation. For this reason, there is an element of distrust based on the reliance upon modelling results as the sole tool for compliance monitoring.</i></p>
<p>Aircraft modelling assumptions and validation including assumptions relating to load factors, runway operation, the A321Neo and implications of the 19 MPPA consented fleet forecasts (eg Appendix 8B of CD1.10 Volume 3 Environmental Statement - Figures And Appendices (January 2021) (ESA2))</p>	<p>Aircraft modelling assumptions and validation</p> <p>No submissions were made on behalf of the Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p>CD1.10 was superseded twice, with CD1.17 (Addendum to CD1.10 Environmental Statement Figures and Appendices (July 2022) (ESA4)) being the most up to date document. These documents were technically reviewed by the Host Authorities' acoustic consultant during the 19 mppa application and inquiry and found to be acceptable.</p>

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	<p>The Host Authorities' acoustic consultant has engaged in extensive consultation with the Applicant's acoustic consultants in order to ensure the air noise model, including its validation and assumptions, is appropriate and acceptable, which is agreed in SoCG's [REP2-020 through REP2024 (LBC, CBC, HCC, NHDC, DBC)].</p> <p>Should any aircraft not perform as well as the assumptions they are modelled on, noise impacts should not be greater than set out in the Environmental Statement [REP1-003], therefore Luton Airport would need to be limited in its operational capacity due to the proposed noise constraints.</p> <p>A321 Neo</p> <p>No submissions were made by the Host Authorities on the A321Neo or on fleet mix.</p> <p>Post hearing note:</p> <p><i>The Host Authorities note this is a known issue, rather than an unforeseen circumstance that could occur in the future.</i></p> <p>Consented fleet forecasts</p> <p>No submissions were made by the Host Authorities under this agenda item.</p>
The balance of growth vs future noise reduction	MOVED TO GCG HEARING
Operational noise mitigation measures including for Park Homes;	<p>No submissions were made on behalf of the Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p><i>The Host Authorities are content with how the noise insulation measures could apply to Park Homes and do not have any records of Park Homes within any SOAEL contours.</i></p>
The robustness of the non-residential receptor screening process (with specific reference to the Sue Ryder Neurological Care Centre at Stagenhoe, Woodside Nursing and Residential Home in Slip End)	No submissions were made on behalf of the Host Authorities under this agenda item.

Relevant PINS' Agenda Item	Proposed Response
3. Health and Community	
Whether local datasets and health strategies should be used to inform the health and community assessment;	<p>In relation to the discussion at the hearing with regard to measures to mitigate the health and wellbeing of local communities in relation to aircraft noise, Roger Pitman of North Herts Council raised the concern that 6-7am may be particularly significant and needs to be looked at carefully. The Host Authorities recommend that the existing early morning shoulder noise control for this particularly sensitive period be carried forward.</p> <p>Luton Borough Council confirmed that datasets were discussed at a meeting with the Applicant on 13/11/2023 and that the Council was satisfied with the approach taken by the Applicant which used ward level data sets for Luton.</p> <p>Post hearing note:</p> <p><i>The Hertfordshire Host Authorities met with the Applicant on 9/11/23 to discuss the datasets used to inform the health baseline.</i></p> <p><i>At this meeting, the Applicant explained their rationale for the datasets used; they also explained that they have undertaken a retrospective review of the datasets that they used in the ES, compared to the JSNA data that the Hertfordshire Host Authorities had queried as being missing. The outcome of this review was that both datasets were equivalent.</i></p> <p><i>The Hertfordshire Host Authorities are now satisfied that relevant data was used to inform the baseline, and that a proportionate approach to assessment has been taken. This matter is now reflected in the SoCG.</i></p> <p>Action Point 12 on whether specific known local receptors require additional specific information to be supplied:</p> <p><i>No specific known local receptors require additional information to be supplied.</i></p>
The mapped extent of N-above 80dB LASmax contour linked to awakenings;	No submissions were made by the Host Authorities under this agenda item.
Measures to mitigate impacts on the health and wellbeing of the local communities surrounding the airport	<p>No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p><i>This matter is still ongoing as reflected in the SoCG.</i></p> <p><i>The Hertfordshire Host Authorities propose that measures should be included in the DCO to ensure there are clear engagement and communications channels for the local community to raise issues and concerns.</i></p>

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	<p><i>Currently the Airport offer an email address on their website, however the Hertfordshire Host Authorities suggest that there is an opportunity for a more active approach to engagement, for example through a dedicated outreach officer and engagement strategy, and that this would offer a benefit to the local community.</i></p> <p><i>Impacts during operation on the mental wellbeing of local community members has not been identified as significant in the ES, and the Applicant is asking the Hertfordshire Host Authorities to clarify the nature of the health effects that require such mitigation.</i></p> <p><i>The Hertfordshire Host Authorities argue that this is an opportunity for the Airport to foster improved relations within the local community, and reduce the likelihood of adverse effects on mental wellbeing.</i></p>
<p>The potential need for future health effects monitoring as suggested by the UK Health Security Agency and any triggers for remedial action [REP4-219]</p>	<p>Roger Pitman of North Herts Council commented that there needs to be an active proposal such as the one by UKHSA to develop an evidence base and to monitor future health effects, and that adoption of the surveys used at Heathrow would be a useful tool.</p>
<p>4. Air Quality</p>	
<p>Whether significant effects are likely due to 24 hour working using static conveyor(s) for non-contaminated material</p>	<p>No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.</p>
<p>The extent to which freight consolidation would be used to reduce construction traffic and traffic related emissions</p>	<p>No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.</p>
<p>An update on any air quality assessments relating to offsite highway works</p>	<p><i>Post hearing note and Action Point 21 to submit a copy of the note prepared by the Applicant on the Hitchin Air Quality Management Area (AQMA):</i></p> <p><i>The Hertfordshire Host Authorities have not yet seen the note, but will respond to it at Deadline 7 if it is provided at Deadline 6.</i></p>
<p>An update from the Applicant regarding the potential for odour and flies from the proposed water treatment plant</p>	<p>Roger Pitman of North Herts Council confirmed that the Hertfordshire Host Authorities have no comments at the present, but welcome the opportunity to comment on information to be submitted by the Applicant at Deadline 6.</p> <p><i>Post hearing note and Action Point 24 Joint Host Authorities to comment on the potential issue of odour and flies from water treatment plant.</i></p>

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	As explained at the hearing that the Hertfordshire Host Authorities have no further comment at this time.
Whether there would be an ongoing need to investigate, report and mitigate kerosene odour	<p>The Hertfordshire Host Authorities noted from the discussion that there is a commitment in APP-065 (Environmental Statement - Appendix 7.5 Outline Operational Air Quality Plan) to draft an outline plan for monitoring and assessment of odour complaints which is to be shared with Luton Borough Council imminently. The Hertfordshire Host Authorities would welcome an opportunity to review this document and comment if appropriate.</p> <p>Roger Pitman of North Herts Council stated that certain weather conditions can affect this type of odour and trap pollution close to the ground which also links with fuel dumping. The Hertfordshire Host Authorities are not aware of any proposed mitigation for this and would ask the Applicant to model odour impacts in worst case weather conditions, determining cause of odour and mitigating any potential adverse effects.</p> <p>The Hertfordshire Host Authorities noted that the Applicant is still investigating the fuel dumping point previously raised and agree with Luton Borough Council's comments that in relation to fuel dumping and odour complaints there is a statutory duty to investigate nuisance and there should be a consistent approach to investigation of complaints. The Hertfordshire Host Authorities welcome the opportunity to discuss this matter further through the SoCG process.</p>
5. Biodiversity	
review how the effect of emissions from an 'increase in traffic' on woodlands is incorporated in the assessment in respect of car parks.	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
timescale of updates to guidance on buffer zones for woodlands referred to by the Forestry Commission [REP4-169]	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
6. Water	
Update on discussions with Thames Water regarding disposal of liquid discharges;	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Update on any discussions with the Environment Agency, including regarding discharge of treated surface water runoff and foul effluent to the ground	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.

Relevant PINS' Agenda Item	Proposed Response
Management of the risk to water quality from works in and around landfill materials;	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
The pattern of discharge from the infiltration tanks and groundwater mounding	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Progress on assessing opportunities for improvements to the surface water drainage system to avoid diversion of 9 hectares of the River Lea catchment to the River Mimram progress on assessing opportunities for improvements to the surface water drainage system to avoid diversion of 9 hectares of the River Lea catchment to the River Mimram	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Updates to the Water Framework Directive compliance assessment to incorporate the 2022 interim classifications and the latest River Basin Management Plan	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Responses from Interested Parties (IPs), including the local authorities, the Environment Agency and Affinity Water to the updated 'Design Principles' [REP5-035] in relation to drainage works.	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
7. Land Use	
update on discussions with Natural England regarding best, most versatile land and alternatives to use of this	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.

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consideration of whether the proposal would be inappropriate development in the Green Belt and, if it is, whether the case for very special circumstances exists, with particular reference to the consideration of alternatives	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
8. Climate change and greenhouse gas emissions	
Sensitivity of the assessment to future operational requirements and pace of technological improvements;	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item. Post Hearing Note: <i>The Hertfordshire Host Authorities agree that a sensitivity assessment is necessary and would be welcome.</i>
Use of offsetting for Scope 3 emissions;	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Likelihood of the 2040 net zero target for ground operations being achieved	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Application of the 'Luton Net Zero: Climate Policy and Action Plan' [REP3-100]	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Implications of the Secretary of State's assessment of the significance of emissions following the decision to approve application ref: 21/00031/VARCON when compared to the increase in emissions from the Proposed Development.	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Emissions other than carbon dioxide.	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item. Post Hearing note: <i>The Hertfordshire Host Authorities note the Applicant's commitment to produce a note on the need for assessment of other emissions, and would welcome the opportunity to comment on this in due course as appropriate.</i>

Relevant PINS' Agenda Item	Proposed Response
9. Landscape and Visual - Chiltern Hills Area of Outstanding Natural Beauty (AONB):	
<p>Applicant to provide an update on the current position, details of the discussion/ consultation held with bodies and summary of feedback provided, current scope of the assessment and timescales for submission.</p>	<p>The Hertfordshire Host Authorities confirmed that they have been involved in discussions and have supplied comments to the Applicant in relation to this matter. They look forward to receiving the next draft report on the 'Special Qualities' assessment at Deadline 6 as committed to by the Applicant.</p> <p>Post Hearing note:</p> <p><i>The Hertfordshire Host Authorities note that they are waiting for the Applicants response to comments sent to them post Deadline 5 (from WSP and Bedfordshire) on 3 November 2023 but anticipated that these will be taken into consideration for the next draft of the Special Qualities Assessment at Deadline 6.</i></p>
<p>Proposed Extension to the AONB, the suitability of the Sensitivity Test [APP-107] and weight to be given to the proposed extension in the assessment of the Proposed Development.</p>	<p>In relation to the question raised by the ExA regarding Natural England's relevant representation setting out timescales for potentially submitting an Order to SoS by end 2024, and the weight that should be given to the AONB extension area in recommendations to Secretary of State, Katy Mayhew of WSP for the Hertfordshire Host Authorities agreed with the Chilterns AONB Board and Luton Borough Council that limited weight should be given to the extension area.</p> <p>When asked about whether the landscape within the proposed area of search of a possible extension to the Chilterns National Landscape should be considered a 'valued landscape,' Katy Mayhew of WSP for the Hertfordshire Host Authorities concurred with the Chilterns AONB Board and NE that the extension area should be considered as a 'valued landscape' but that limited weight should be afforded to it at this stage.</p> <p>When asked about the suitability of the sensitivity assessments, Katy Mayhew of WSP for the Hertfordshire Host Authorities confirmed that according to Guidelines for LVIA 3rd edition section 6.38, visual sensitivity is influenced by value, and that includes evidence of value such as areas designated on a tourist map/ in guidebooks etc, and you would expect that an ANOB would be identified in tourist maps etc. The value of that view therefore increases. The Hertfordshire Host Authorities therefore strongly disagree with the Applicant that there is not a change to visual sensitivity.</p> <p>Post Hearing Note on AONB Weighting:</p> <p><i>The weighting to be given to the AONB extension area is considered to be an important and relevant planning matter. However, where an application for extension is being made, we would normally expect appropriate consideration within the LVIA. Whilst it is acknowledged that the extension area would not to be considered as 'current' baseline (as the outcome of the review is not yet determined), a section under Future Baseline within the LVIA identifying effects of the Proposed Development on the redefined AONB area should be included, especially given the strengthening of wording in relation to AONBs through Section 85 amendments to the CRoW Act, 2000. The Future Baseline section could cross reference the Sensitivity Test. However, the Sensitivity Test is not considered to be fully in accordance with GLVIA3 and should therefore be updated to ensure it is robust.</i></p>

Relevant PINS' Agenda Item	Proposed Response
	<p>Post Hearing Note and Action point 46 to provide a written response regarding the application of paragraph 174(a) of the National Planning Policy Framework (NPPF) and whether the landscape that is within the proposed area of search of a possible extension to the Chilterns National Landscape should be considered a 'valued landscape'</p> <p><i>'Valued landscapes' are not defined in the NPPF but it is generally accepted that:</i></p> <ul style="list-style-type: none"> <i>(i) a valued landscape need not be formally designated;</i> <i>(ii) "valued" means something other than popular, and</i> <i>(iii) landscape could be "valued" if it had physical attributes which took it "out of the ordinary". However, the extent of landscape being considered has to be understood before determining whether or not there are features which make it valued (i.e. considering the landscape holistically and not just in terms of physical attributes of disparate parcels of land).</i> <p><i>The Landscape Institute technical guidance note on "Assessing landscape value outside national designations" provides a definition:</i></p> <p><i>"A 'valued landscape' is an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes." However, there is no indication of how much value a landscape should have before it's important enough to be protected as a "valued landscape" under 174(a) NPPF.</i></p> <p><i>The proposed area of search of a possible extension to the Chilterns National Landscape is currently defined as the whole of LCA 110 but is under review. The extent of the LCA is unlikely to warrant its entirety being defined as a 'valued landscape' despite being of similar character as it is potentially too broad in scale. In terms of more localised character, there are areas that could be considered as a 'valued landscape' particularly to the south of the airport, which has areas designated as 'Areas of Local Landscape value' already and thus elevating it 'above the ordinary'. This would therefore suggest that some areas of land surrounding the Airport could qualify as a 'valued landscape' under 174(a) NPPF. The candidate extension area surrounding the airport has value in creating accessible green space close to a centre of population and contains remnants of ancient woodland, designed parks and gardens, and areas of enclosure and relative tranquillity – reflecting some of the Special Qualities of the existing ANOB. However, how much this elevates the area 'above the ordinary' is difficult to determine. We would generally advocate a precautionary 'worst case' scenario for planning purposes, thereby considering the candidate area as a 'valued landscape' in line with NE and CCB. However, given the suggested limited weighting to be applied to the candidate area then it would follow that limited weighting should also be applied in this instance.</i></p> <p>Post Hearing Note on the Sensitivity Test:</p> <p><i>The Hertfordshire Host Authorities would also like to re-iterate comments provided to the Applicant post deadline 5 in relation to the Sensitivity Test. The Hertfordshire Host Authorities welcome consideration of changes to magnitude of impact on the AONB extension area as outlined in Section 2.3 of the Environmental Statement - Appendix 14.9 Chilterns AONB Sensitivity Test [APP-107]. However, it strongly disagrees with the suggestion that the AONB extension area would only result in a Magnitude of 'low', given that the AONB boundary would be brought within metres of the Proposed Development boundary rather than 3km distant. Paragraph 2.3.2 of the Environmental Statement - Appendix 14.9</i></p>

Relevant PINS' Agenda Item	Proposed Response
	<p><i>Chilterns AONB Sensitivity Test [APP-107] only identifies aircraft movements as contributing to operational impacts. Given the proximity of the AONB extension area to the Proposed Development, aesthetic and perceptual qualities would be strongly influenced by a wide range of factors such as increased concentration of vehicles on and off-site (including headlights); increased concentration of vehicles accessing the site through the AONB; increased activity from increased numbers of people on-site; direct intervisibility between the airport and AONB including nighttime lighting impacting on dark skies and the aesthetic and perceptual qualities of such. The proximity to the AONB extension area would result in the AONB extension area not only experiencing significantly increased aircraft movements within its immediate setting, but those aircraft would be substantially closer – and coming in to land / taking off above / adjacent to the AONB. In addition, the proximity of the AONB extension area is likely to reduce its capacity to absorb further increases in aircraft movements without compromising the Special Qualities of the AONB – which include aesthetic and perceptual qualities. The Sensitivity Test therefore needs to adequately assess the aesthetic and perceptual qualities of the AONB extension area.</i></p>
<p>Implications of Section 245 of the Levelling-up and Regeneration Act 2023, which will amend Section 85 of the Countryside and Rights of Way Act 2000.</p>	<p>In relation to the question raised by the ExA at the hearing regarding the implications of Section 245 of the Levelling-up and Regeneration Act 2023, which will amend Section 85 of the Countryside and Rights of Way Act 2000, Katy Mayhew of WSP for the Hertfordshire Host Authorities agreed with the Chilterns AONB Board that the proposed Section 85 amendment strengthens wording in relation to AONB. She also noted that the Special Qualities assessment should fully consider aesthetic and perceptual qualities of the AONB, and the strengthening of policy wording would support a more robust consideration.</p> <p>Post Hearing Note and Action Point 48 on the implications of section 245 of the 2023 Act:</p> <p><i>The Hertfordshire Host Authorities agree with the Examining Authority's comments that the Section 85 amendment appears to strengthen wording in relation to AONBs, changing it from 'a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty' to '...a relevant authority... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.</i></p> <p><i>Given also the change in naming convention from AONB to 'National Landscapes' as of 22.11.2023, these amendments put more emphasis on the Special Qualities Assessment and effects on the Chilterns National Landscape. The assessment should demonstrate how the Proposed Development furthers the purpose of the Chilterns National Landscape (AONB) or demonstrate that those purposes are not affected. The Hertfordshire Host Authorities therefore encourage that full aesthetic and perceptual qualities are considered in the assessment, both in terms of the Special Qualities assessment and the Sensitivity Test.</i></p>
<p>9. Landscape and Visual – Visual effects and approach to mitigation</p>	
<p>Visual effects from buildings and structures on the eastern edge of the development, the fire training ground (Work No.</p>	<p>Kate Mayhew of WSP made the following points:</p>

Relevant PINS' Agenda Item	Proposed Response
2d) and the appropriateness of new planting at mitigating effects including in winter	<p>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 but it is normal practice to demonstrate how mitigation has been embedded and how any proposed soft landscape mitigation will mature over time to reduce visual impacts.</p> <p>The embedded mitigation has not been demonstrated within the LVIA Chapter, except in relation to the 'country park', and the design of the 'country park' is to be commended. However, a similar level of demonstrated thought needs to be provided for the rest of the site. For example, how has the landform been considered in the building layout and site design? How does it respond to the existing site character or the surrounding landscape? What building design features are being used to reduce visual impact such as façade colour or building massing? A section within the LVIA should be included to clearly outline how the embedded mitigation has been developed so as to reduce adverse effects on landscape and visual receptors that does not just focus on the country park. This is not currently demonstrated in the LVIA.</p> <p>Discussion on visual receptors should also demonstrate the ability of any proposed planting to mitigate adverse effects in winter – this will be less effective than in summer and should be acknowledged in the LVIA assessment. It was noted that c10% of hedgerow species would be evergreen as outlined in the Landscape and Biodiversity Management Plan [AS-029].</p> <p>Post hearing note and Action Point 50</p> <p><i>The Hertfordshire Host Authorities seek in particular more clarity on the screening effects of mitigation in relation to the following receptors / viewpoints:</i></p> <ul style="list-style-type: none"> a. <i>Receptors at / associated with viewpoints 9, 10A, 10B, 11, 29, 41, 59, 60 including Users of the Chiltern Way; Darley Road; Users of Offley 003 PRoW; Users of Offley 004, 005 and 006 PRoW; Users of Kings Walden 010, 041 and 043 PRoW; people in Tea Green) - all 'additional' mitigation is located east/ southeast of the viewports/ receptors and therefore cannot contribute to reducing impact. Please clarify how additional mitigation reduces impact. Where mitigation is provided by planting, please clarify effectiveness of planting as screening in winter.</i> b. <i>Receptors at / associated with viewpoints 35 and 35A (Users of footpaths near Lye Hill) - all 'additional' mitigation is located north of the viewpoints/ receptors and therefore cannot contribute to reducing impact. Please clarify how additional mitigation reduces impact. Where mitigation is provided by planting, please clarify effectiveness of planting as screening in winter.</i> c. <i>Receptors at / associated with viewpoints 20 and 27. Please clarify effectiveness of hedgerow restoration as screening in winter.</i> d. <i>Receptors where planting is used as mitigation, please clarify its effectiveness at reducing effects particularly from significant to non-significant in winter, including for People in Darleyhall; People in Breachwood Green / The Heath / Lye Hill; Visitors to Wigmore Hall; users of LBC PRoW - FP29, FP38, BW28 and BW37.</i>

Relevant PINS' Agenda Item	Proposed Response
9. Landscape and Visual – Lighting Assessment	
<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>Kate Mayhew confirmed that 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>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is, for some receptors, likely to result in different levels of sensitivity from those identified in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], submitted by the Applicant. Sensitivity criteria in that document (Appendix 5.2) are determined by categories as set out in Table 4.2. <i>Sensitivity of receptor to light obtrusion</i>. 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. There are also concerns that the examples provided as High or Very High sensitivity receptors are ecological or heritage based rather than landscape or visual.</p> <p>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 Hertfordshire 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 in landscape or visual terms. For example, in Table 4.4, High sensitivity and Low magnitude indicates a Minor effect whereas typically in LVIA methodologies this would result in a Moderate effect.</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>A section should be included within the LVIA to adequately cover night-time effects specifically from a landscape and visual perspective, including appropriate assessment of night-time effects on receptors in more rural areas, with significance and sensitivity tables aligned with GLVIA3 guidance.</p>
10. Design	
<p>Suitability of the update to the Design Principles document [REP5-034] and [REP5-035] and Principles of Good Design [REP5-043] submitted at Deadline 5; • discussion on the site layout, parameters and the components of the</p>	<p>Not discussed at ISH 8 due to time constraints.</p>

Relevant PINS' Agenda Item	Proposed Response
Proposed Development and extent of primary mitigation measures explored	
Discussion on the site layout, parameters and the components of the Proposed Development and extent of primary mitigation measures explored	Not discussed at ISH 8 due to time constraints.
Need for masterplan and/ or design code to further inform the detailed design stage	<p>No submissions were made by the Hertfordshire Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p><i>In REP4-125 the Hertfordshire Host Authorities set out their position that the principles and objectives of master plans set out in the Aviation Policy Framework remain relevant and continue to represent Government expectations.</i></p> <p><i>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.</i></p> <p><i>It is no coincidence that master plans is within the 'Working Together' section of the Aviation Policy Framework (submitted to the Examination as REP4-155)</i></p> <p><i>A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon, in a phased fashion (every five years), its intentions to deploy the strategic masterplan contained within the DCO - e.g. terminal timing and indicative design, next tranche of infrastructure improvements or proposed alternatives in light of changed circumstances, etc.</i></p> <p><i>The Hertfordshire Host Authorities note the applicant's reluctance in REP4-061 and REP5-052 and continued resistance at ISH8.</i></p> <p><i>With regard to Design Review the applicant is concerned that an independent design review risks further complicating the already complex engagement needed to reach agreement during detailed design stage. The Hertfordshire Host Authorities disagree, noting that the complex nature of the development is a strong reason for both a masterplan and independent design panel review (albeit perhaps in relation to certain key aspects of the development – for example, the terminal).</i></p>

Relevant PINS' Agenda Item	Proposed Response
11. Heritage	
Suitability of updates to ES Appendix 10.2 Cultural Heritage Gazetteer [REP4-017] and [REP4-018] and addition of findings in respect of effects and harm;	<p><i>Question 10 of the Action points arising from Issue Specific Hearing 8 on Environmental matters:</i></p> <p>The subject of the gazetteer has been raised a couple of times, although the language in the gazetteer (appendix 10.2) has changed and no longer talks about any fixed distance to setting – there is still no clear rationale as to how setting contributes to the assets' significance, and why this significance is not impacted by the proposed scheme.</p> <p>This issue is still in the PADSS.</p>
Assessment of effects and harm to designated assets because of changes to their noise environment, whether all assets falling within noise contours in Figures 10.-10.8 of ES Chapter 10 Figures [App150] have been included in the Cultural Heritage Gazetteer [REP4-017] and [REP4-018] and approach to assessment on these assets	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Need for any mitigation measures to designated assets falling within noise contours in Figures 10.6-10.8 of ES Chapter 10 Figures [App150]	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Luton Hoo – Mitigation measures considered by the Applicant, effects and harm to asset, Bedfordshire Council's request for additional viewpoints	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.
Someries Castle – Discussion on suitability of mitigation measures and impacts from	No submissions were made on behalf of the Hertfordshire Host Authorities under this agenda item.

Relevant PINS' Agenda Item	Proposed Response
Fire Training Ground (Work No. 2d).	