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London Luton Airport Expansion

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Volume 8 Additional Submissions (Examination)
**8.130 Written Question Responses - Applicant's
Response to Herfordshire Host Authorities' Comments**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.130



The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.130 Written Question Responses -
Applicant's Response to Hertfordshire Host Authorities' Comments**

Deadline:	Deadline 6
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1 INTRODUCTION

1.1 Purpose

- 1.1.1 This document provides the Applicant's response at Deadline 6 to the comments made by the Hertfordshire Host Authorities on the answers provided by the Applicant in response to the Examining Authority's (ExA) first set of Written Questions.
- 1.1.2 Questions directed to parties other than the Applicant have not been addressed, neither have responses provided by other parties – unless the Applicant initially provided a comment which was considered relevant to the question being asked.
- 1.1.3 Where the Applicant disputes comments made by the Interested Party, this document will provide an explanatory rebuttal as to why there is a difference of opinion. The Applicant has responded only to parts of the submissions made by the Interested Party which it considers warrants a response. If a new issue has not been raised, then a further response has not been provided, however this does not represent acceptance or agreement by the Applicant of the point raised.

1.2 Structure

- 1.2.1 Table 1.1 sets out the Written Questions initially issued by the ExA and the Applicant's answer, along with the comments made by the Hertfordshire Host Authorities at Deadline 5 and the Applicant's response to this at Deadline 6.

Table 1.1: Applicant's response to comments on Written Question responses

PINS ID	Question / Luton Rising Response	Hertfordshire Host Authorities Response at D5	Luton Rising Response at D6
REP4-053 – Applicant's Response to Written Questions – Air Quality and Odour			
AQ.1.6	<p>Project for the Sustainable Development of Heathrow The ES [AS-028, Appendix 7.1 Air Quality Methodology rev1, Table 7.1] references use of the 'Project for the Sustainable Development of Heathrow' method for deriving fractions of primary Nitrogen Dioxide (NO₂). Explain how the methodology can be accessed by the public and/ or provide a copy of the methodology.</p> <p>Applicant Response: The Project for the Sustainable Development of Heathrow Panel Report (Ref 6) (PSDH) was archived on 13 May 2010 on The National Archives website. The primary Nitrogen Dioxide (pNO₂) fractions are provided in Table 3.3 of the report. This methodology was informed by a report from the University of Sheffield (Garcia-Naranjo & Wilson 2005) (Ref 7). The Table is reproduced in Table 5.1 of a report (Ref 8) prepared by Cambridge Environmental Research Consultants (CERC) in 2007.</p>	The Applicant's response does not make the details any more accessible to the public. Valid Uniform Resource Locators (URL) to the documents mentioned by the Applicant or a copy of the methodology should be provided.	<p>The Planning Inspectorate's Advice Note Six (v11) states: "Hyperlinks to documents/evidence hosted on a third-party website (such as commercial websites, social media etc) cannot be accepted and will be redacted from representations by the Inspectorate prior to publication. This is because the Examining Authority, Interested Parties and the Secretary of State cannot rely on documents/evidence that the Inspectorate cannot directly control in respect of availability and content (including from a UK GDPR perspective)." The Applicant can provide the following links directly to the Interested Party if these links are redacted on publication in accordance with Advice Note Six:</p> <p>(Ref 6) Department for Transport (2006) Project for the Sustainable Development of Heathrow. Report of the Airport Air Quality Technical Panels. [online] Available at: https://webarchive.nationalarchives.gov.uk/ukgwa/20090511065318/http://www.dft.gov.uk/pgr/aviation/environmentalissues/heathrowsustain/ [accessed Feb 2023]</p> <p>(Ref 7) Garcia-Naranjo, A. and Wilson, C.W. (2005) Primary NO₂ from Aircraft Engines Operating over the LTO Cycle. Report RC110187/05/01. Department of Mechanical Engineering, University of Sheffield, Sheffield, UK. – submitted as additional evidence at Deadline 6 [REP4-053]. Not available online, but table reproduced in the Ref 8 paper below.</p> <p>(Ref 8) CERC (2007) Air Quality Studies for Heathrow: Base Case, Segregated Mode, Mixed Mode and Third Runway Scenarios modelled using ADMS-Airport, Final report, Prepared for Department for Transport 15 November 2007 [online] Available at: https://www.cerc.co.uk/environmental-software/assets/data/doc_validation/ADMS-Airport Adding%20Capacity Air%20Quality.pdf [accessed Feb 2023]</p>
REP4-057 – Applicant's Response to Written Questions – Draft Development Consent Order			
DCO.1.6	<p>Article 35 – Special Category Land Provide a more detailed explanation as to why this article is necessary.</p> <p>Applicant Response: A justification for article 35 (Special category land) is set out in the Explanatory Memorandum [REP3-005] at paragraphs 3.137 – 3.1dco.41, and in the Statement of Reasons [AS-071] at paragraph 5.3.25.</p>	The Hertfordshire Host Authorities outlined in their joint Local Impact Report [REP1-A003] some concerns with the drafting of article 35 (special category land) particularly around the mechanism for securing the timely replacement of open space that would be lost to the Proposed Development should development consent be granted in the terms sought.	<p>The Applicant notes the Hertfordshire Host Authorities' position but does not agree with the concerns raised. In particular, the Applicant notes that Article 35 is to be read alongside other commitments contained in the DCO and in other "control" documents which are secured by the DCO. These are:</p> <ul style="list-style-type: none"> Requirement 5, which requires the detailed design of the park to be approved by the relevant local planning

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	<p>The Draft DCO [REP3-003] proposes to authorise the acquisition of open space land (Wigmore Valley Park). Details of open space land subject to compulsory acquisition as well as proposed replacement land are set out in Part 5 of the Book of Reference [APP-011].</p> <p>In accordance with section 131 of the Planning Act 2008, an order granting development consent is subject to special parliamentary procedure where it authorises the compulsory acquisition of open space land unless one of the exceptions set out within section 131 can be met. The Applicant proposes to rely upon the exception set out in section 131(4) relating to the provision of replacement land in exchange (i.e. land that is no less advantageous):</p> <p>“(4) This subsection applies if— (a) replacement land has been or will be given in exchange for the order land, and (b) the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.”</p> <p>In accordance with section 131(4)(b), the replacement land must vest in the prospective seller (i.e. the owner of the open space land). Article 35 of the Draft DCO [REP3-003] sets out the mechanism for ensuring that the replacement land is transferred to the current owner of the open space land, and that the replacement land obtains the necessary rights/designations which the open space land is currently subject to.</p> <p>In order to assist the ExA, the Applicant has provided further explanation for each element of article 35 below:</p> <p>d. Article 35(1) makes clear that the Applicant cannot acquire the open space land until first acquiring replacement land in its own name or in the name of the owner of the open space land. The Applicant must then submit to the relevant planning authority a scheme for the provision of the replacement land and a timetable for its implementation. This control over the Applicant's acquisition of open space land is in accordance with section 131 of the Planning Act 2008 and ensures that there is a scheme in place for the provision of the replacement land.</p>	<p>In relation to the drafting, while it is acknowledged that a form of this article has appeared in numerous DCOs, the Hertfordshire Host Authorities are concerned that the trigger for article 35(1) is a combination of the vesting of the land and the certification of the “receipt” by the relevant planning authority of the scheme for the provision of the replacement land. The drafting makes no provision for the relevant planning authority to exercise a judgement as to the adequacy of such scheme and so, on the terms of article 35(1) a wholly inadequate scheme and timetable could be submitted, and the relevant planning authority could do nothing more than certify that such a scheme had been received. This is clearly unsatisfactory.</p> <p>A further issue relates to the timing of the implementation of the scheme for the provision of replacement land and the release of the special category land from the rights and interests to which it is subject. Article 35(1) and (2) tell us that once the undertaker has exercised powers of compulsory acquisition over the special category land and the relevant planning authority has certified it has been received (whether or not it is satisfactory) then the special category land is to vest in the undertaker. That is to say, the open space land is lost to those previously entitled to enjoy its use.</p> <p>Paragraph (3) then states that the undertaker is to implement the replacement land scheme and on the date the replacement land is laid out, the rights and interests that subsisted previously over the special category land are vested in the replacement land.</p> <p>This means that there is an indeterminate gap in time between the existing special category land being taken out of use by the undertaker and the vesting in the replacement land of those previously subsisting rights. While the reference in article 35(1) to a timetable for implementation may partly fill that gap, its efficacy in doing so is severely hampered by the relevant planning authority being afforded no capacity to determine the appropriateness of the replacement land scheme and its timetable.</p> <p>Setting aside the drafting issues, The Hertfordshire Host Authorities have broader concerns in relation to the provision of the replacement land. For example, article 35 does not in any way deal with its long-term maintenance. The Hertfordshire Host Authorities anticipate that such</p>	<p>authorities. The design must accord with the Design Principles [REP5-034] which include specific design principles for Wigmore Valley Park at page 11. Furthermore, the design must not give rise to materially new or different effects compared to those reported in the Environment Statement. Requirement 5 requires provision of a timetable for undertaking the works, along with notification of commencement and completion of the park works. Lastly, the relevant local planning authority can request further information about the park works before making its decision on the application to discharge the requirement.</p> <ul style="list-style-type: none"> • Environmental Statement Appendix 4.2, Code of Construction Practice [REP4-011], which at paragraph 12.1.1e commits the Applicant to, “maintaining access and not commencing construction works in the existing Wigmore Valley Park until the replacement open space is accessible to the public”. Compliance with the Code of Construction Practice is secured through requirement 7 of the draft DCO. • Strategic Landscape Masterplan [APP-172], which sets out various commitments in relation to Wigmore Valley Park, specifically on page 9. Compliance with the Strategic Landscape Masterplan is secured through requirement 8 of the draft DCO. • Environmental Statement Appendix 8.2, Landscape and biodiversity management plan [AS-029], specifically at paragraph 3.2.2. Compliance with this document is secured through requirement 9 of the draft DCO. <p>The combined operation of these provisions, alongside article 35, will serve to ensure that the replacement scheme is approved by the local authority as meeting the multitude of commitments contained in the DCO application, and with a clear timetable for its coming into operation. The Examining Authority can be confident that the concerns expressed by the Hertfordshire Host Authorities have already been comprehensively addressed.</p> <p>In relation to the final point raised, the Applicant confirms that the long term maintenance of the replacement land will be secured through an obligation in the s106 agreement.</p> <p>The ExA has requested an update on how the replacement land will be managed by deadline 7 and discussions between the Applicant and the Host Authorities are ongoing.</p>

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	<p>e. Article 35(2) confirms that following compliance with article 35(1), the open space land vests in the undertaker free from public rights (i.e. free from its status of open space). Such rights are not ordinarily registered and so this paragraph clarifies that the rights in the open space land cease to apply following its acquisition (subject to their continuance being inconsistent with the Applicant's proposed use).</p> <p>f. Article 35(3) requires the Applicant to implement the scheme certified by the relevant planning authority under article 35(1) and provides for the replacement land to vest in the owner of the open space land. This paragraph transfers the rights formerly attached to the open space land to the replacement land so the rights of the public over the replacement land are no less effective than over the open space land. This ensures compliance with the provisions of section 131 of the Planning Act 2008.</p>	<p>matters would be addressed by way of development consent obligations (i.e., in a section 106 agreement).</p>	
DCO.1.13	<p>Requirement 10 – Landscape and biodiversity management plan Should (1) include the requirement for the relevant planning authority to consult with Natural England?</p> <p>Applicant Response: Please see the Applicant's response to Buckinghamshire Council's relevant representation [RR-0166] as detailed in the Applicant's Response to Relevant Representations - Part 2A of 4 (Local Authorities) [REP1-021] namely:</p> <p>'The Applicant would draw the Council's attention to the fact that the Landscape and Biodiversity Management Plan (LBMP) (Appendix 8.2 of the ES [AS029]), to be approved by the relevant planning authority, must be substantially in accordance the Outline LBMP. This Outline LBMP has been produced as part of the Environmental Impact Assessment process, and a draft was subject to consultation. The Outline LBMP will be subject to further scrutiny by the ExA and Interested Parties during the examination. The Applicant does not believe, therefore that the final LBMP requires additional consultation with other external consultees such as Natural England as the relevant local planning authority is competent to approve such a plan.'</p> <p>However, noting the Examining Authority's question, and responding to representations from Interested</p>	<p>The Hertfordshire Host Authorities welcome the additions to paragraphs 34 and 35 of Schedule 2 to the draft DCO, although see 'Comments on any Further Information & Submissions Received by Deadline 4', for further commentary on further necessary consequential amendments needed to ensure that the additional drafting around "discretionary consultees" does not fetter the discretion of a discharging authority to consult such persons it considers to be appropriate in the circumstances.</p>	<p>The Applicant notes the Hertfordshire Host Authorities' position and confirms that its position remains as in its response to Question DCO.1.13 as set out in column 2.</p> <p>The Applicant does not consider that there should be discretion to consult more generally, which would be potentially onerous and disproportionate given that the project would already have been consented through the DCO process.</p> <p>The Applicant considers that any discretionary consultee should be limited to bodies with statutory function and with appropriate conditions to govern when they would be consulted.</p>

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	<p>Parties, in the Deadline 4 version of the Draft Development Consent Order the Applicant has included new provisions at paragraphs 33-34 of Schedule 2, which allow for consultation on the requirements discharging process with certain specified bodies (including Natural England) if the discharging authority considers the relevant conditions are met.</p>		
DCO.1.20	<p>Phasing Many of the requirements refer to ‘no part of the authorised development may commence until a...for the construction of that part has been submitted to...’.</p> <p>In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced. In order to manage the discharge of requirements and to ensure certain elements of the scheme don’t come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting.</p> <p>Applicant Response: The Applicant notes that this question was directed to the Joint Host Authorities but confirms it has included substantial revised drafting in Schedule 2 to respond to the ExA’s questions on phasing.</p> <p>The Applicant notes that the Scheme Layout Plans [AS-072] already serve as the “masterplan” for the works authorised by the Draft DCO, and therefore it is not necessary to replicate the creation of these plans. Instead, revised paragraph 5 (“Detailed design, phasing and implementation”) references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised. Provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity. Provision has been made for a Register of Requirements (new paragraph 36 – see ExQ DCO 1.22 below) so that a public record of approved works is maintained. Lastly, it should be noted that existing paragraph 35 permits the relevant planning authority to request further information</p>	<p>The Hertfordshire Host Authorities provided their answer to this question within their Response to the Examining Authority’s Written Questions (ExQ1) [REP4-126] at Deadline 4. The Host Authorities welcome the Applicant’s additions to requirements 5 and 35 but does have some comments in relation to the new drafting which are contained in its Comments on any Further Information & Submissions Received by Deadline 4. In summary, while the additions are helpful, it is not clear as it could be how in practice, they would operate to assist the relevant planning authority to understand the undertaker’s proposal to phase or sequence applications to discharge pre-commencement requirements in particular.</p>	<p>Please refer to Applicant's Response to Deadline 5 Submissions - Appendix D - Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire Council [TR020001/APP/8.127], which sets out the Applicant’s response to this comment.</p> <p>The Applicant confirmed at ISH10 that it would give further consideration to additional drafting that could bring clarity to the relationship between the discharging of different requirements in relation to a particular phase of works.</p>

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	<p>before discharging a requirement. It is envisaged that the detailed design discharging process would, in practice, be a collaborative exercise as between the undertaker and the relevant planning authority.</p>		
<p>REP4-058 – Applicant’s Response to Written Questions – Green Controlled Growth (GCG)</p>			
<p>GCG.1.1</p>	<p>GCG – ESG/ GCG process Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].</p> <p>Applicant Response: The Applicant does not believe it is necessary for the ESG to be established at the point at which notice under Article 44(1) is served as the processes undertaken by the ESG are not triggered until submission of the first Monitoring Report. In addition, establishment of the ESG requires actions to be undertaken by third parties which the Applicant does not have direct control over. As set out in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86]. Notwithstanding this, the Applicant is considering changes to the Draft Development Consent Order [REP3-003] to be made at Deadline 5 that would require the ESG to be established as soon as is reasonably practicable.</p> <p>In respect of the processes undertaken by the ESG, Section 2.4 of the Green Controlled Growth Explanatory Note [REP3-015] sets out the proposals for independent scrutiny and review of the GCG process, including the role of the ESG. Paragraph 2.4.2 sets out the powers of the ESG, enshrined in the Terms of Reference included within the Green Controlled Growth Framework Appendix A Draft ESG REP3-019. These are:</p> <ul style="list-style-type: none"> a. Providing commentary on periodic Monitoring Reports produced by the airport operator (see Section 2.3) following reviews by the relevant Technical Panels; b. Approving or refusing Level 2 Plans or Mitigation Plans put forward as required by the airport operator if any GCG environmental effect has exceeded a Level 2 Threshold or Limit respectively (see Section 2.2); c. Where the airport operator can demonstrate that this is the case, certifying that an exceedance of a Level 2 	<p>It would appear most sensible for the ESG and Technical Panels to be set up as soon as is reasonably practicable, as is mooted by the Applicant. The Hertfordshire Host Authorities support every effort being made to have these forums in place at the earliest opportunity, or at least efforts made to contact likely required parties to make them aware of possible commitments and / or for the Applicant / Airport Operator to have received fee proposals from likely relevant parties.</p>	<p>Noted. The Applicant has made changes at Deadline 5 to the drafting of the Development Consent Order [REP5-003]. Requirement 19 now states that the undertaker must establish the ESG as soon as reasonably practicable following service of the notice under article 44(1).</p> <p>Considering that all functions of the ESG are triggered by the submission of the first Monitoring Report by the airport operator, the Applicant believes that this provides an appropriate amount of time for the establishment of the body.</p>

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	<p>Threshold or Limit is due to circumstances beyond the operator's control;</p> <p>d. Forum for consideration of statutory enforcement representations;</p> <p>e. Mutually agreeing to modifications to the Terms of Reference included at Appendices A and B and Monitoring Plans included at Appendices C to F of the Green Controlled Growth Framework [REP3-017] and;</p> <p>f. Approving or refusing applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits, as allowed for under Paragraph 25 of Schedule 2 to the Draft Development Consent Order [REP3-003].</p> <p>The ESG Terms of Reference set out in more detail how the ESG would exercise these powers (Section A4, 'Operating Powers'). Crucially, all of the routine procedures that the ESG is required to undertake are triggered by the submission of a Monitoring Report by the airport operator. Where the ESG is required to undertake other more ad hoc procedures, for example taking action in relation to a potential breach of the DCO or in response to a periodic review of GCG by the airport operator, these could not be triggered until after submission of the first Monitoring Report. In this context, the requirement for the ESG to be established a minimum of 56 days ahead of the planned submission of the first Monitoring Report by the airport operator is appropriate. Were the ESG to be established on or before the point which notice is served under Article 44(1) of the draft DCO, it would not be required to undertake any actions until the point that the first Monitoring Report is submitted.</p>		
GCG.1.2	<p>GCG – Fixed noise monitoring [REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise monitoring stations in line with 'ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports' and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was 'necessary' and the provisional programme for agreeing locations for additional permanent noise monitors.</p> <p>Applicant Response:</p>	<p>The Applicant states in the above response that the principal criteria are to meet the minimum standards as set out in CAP2091. The modelling requirements of CAP2091 are based on total population counts around an airport within certain day and night contours, except for designated airports which have stricter requirements.</p> <p>London Luton Airport currently falls into Category C and would need an increase of over 100,000 people into the LOAEL before even being above the recommended minimum Threshold for Category B, as can be seen in Table 4.1 below, taken from CAP2091. The same magnitude of increase would be true for the night-time as well. It is only within Category B and above that noise monitoring is strictly required. The commitment to review</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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	<p>The airport operator's current noise monitoring terminals provide sufficient information to be able to accurately calibrate the noise modelling and comply with the modelling requirements of the Civil Aviation Authority's CAP2091 (Ref 1). Triggers for reviewing existing noise monitoring terminals are therefore likely to be, but would not be limited to:</p> <ul style="list-style-type: none"> • Updates to the CAA CAP2091 guidance, or publication of further noise modelling or noise monitoring guidance from the CAA • If the CAP2091 noise modelling category for London Luton Airport were to change to a category that requires additional noise monitors to be installed • An implemented airspace change which moves flightpaths such that the existing noise monitoring terminals were no longer relevant • Ongoing review of the noise monitoring terminals as part of the Noise and Track Subcommittee • Ongoing review of the noise monitoring terminals as part of any update to Noise Action Plans <p>The principle criteria for the requirement for new noise monitoring terminals as part of such a review would be if they were required to meet the minimum standards of noise monitoring terminals with respect to validation of aircraft noise modelling as per CAP2091.</p> <p>With regards to the provisional programmes, should any of the reviews described above result in the identification of additional noise monitoring terminals it is worth noting the following:</p> <ul style="list-style-type: none"> • flight paths generally overfly the least populated areas where possible, therefore the best places for noise monitors are usually in rural locations and fields; • landowner consent must be sought for access and permission to install noise monitors on private land and contract negotiations can be time consuming; • fixed noise monitors require a continuous power source, which usually requires digging up some of the land to install the cabling, the timing of which can be affected by crop harvesting given monitors are frequently installed in fields; and • installation also requires concreting the equipment into the ground (to ensure it is fixed and theft resistant). <p>For the additional noise monitoring terminals that are already committed to in paragraph C4.2.3 of the Green Controlled Growth Framework Appendix C Aircraft</p>	<p>and, if necessary, improve the noise monitoring stations by the Applicant therefore appears to be immaterial.</p> <p>Table 4.1: Thresholds for noise modelling Categories, average summer day, population exposed to 51 dB L_{Aeq,16h} or above.</p> <table border="1" data-bbox="1142 411 1914 737"> <thead> <tr> <th>Category</th> <th>Lower threshold</th> <th>Recommended minimum threshold</th> <th>Mandated minimum threshold</th> <th>Maximum threshold</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>0</td> <td>400,000</td> <td>500,000</td> <td>none</td> </tr> <tr> <td>B</td> <td>0</td> <td>160,000</td> <td>200,000</td> <td>500,000</td> </tr> <tr> <td>C</td> <td>0</td> <td>20,000</td> <td>25,000</td> <td>200,000</td> </tr> <tr> <td>D</td> <td>0</td> <td>1,600</td> <td>2,000</td> <td>25,000</td> </tr> <tr> <td>E</td> <td>0</td> <td>0</td> <td>0</td> <td>2,000</td> </tr> </tbody> </table>	Category	Lower threshold	Recommended minimum threshold	Mandated minimum threshold	Maximum threshold	A	0	400,000	500,000	none	B	0	160,000	200,000	500,000	C	0	20,000	25,000	200,000	D	0	1,600	2,000	25,000	E	0	0	0	2,000	
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	<p>Noise Monitoring Plan [REP3-023] it would not be proportionate to seek to install these before the conclusion of the current ongoing airspace change proposal. Given the process for securing a new monitoring terminal location described above, any new terminals may only be in place for a very short amount of time (between the DCO being implemented, and the process described above being completed) before needing to be moved again once the airspace change process is concluded. It is therefore proposed that the location of these new monitoring terminals would be discussed with the Noise and Track Subcommittee and agreed with the GCG Noise Technical Panel in line with the program for the airspace change and that all reasonably practicable efforts will be made (subject to achieving landowner consent) to install these new monitors within 18 months of the conclusion of the airspace change process.</p> <p>Updates to the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] will be made at Deadline 5 to clarify these points.</p>		
GCG.1.3	<p>GCG – controls on early/ late flights</p> <p>The ExA welcomes the Applicant's proposal in Noise Envelope – improvements and worked example [REP2-032], that early/late running flights would not be dispensed from the noise contour calculations. Can the Applicant explain what measures would be taken to avoid or minimise late running flights?</p> <p>Applicant Response:</p> <p>Clearly, by their nature, late running flights are difficult to control as the external factors that cause these can be varied, such as air traffic control delays, aircraft having technical issues, weather and other operational factors. It needs to be borne in mind that failing to accommodate such delayed movements would lead to substantial inconvenience to passengers, e.g., through aircraft having to divert to an alternative airport, or major operational disruption if an aircraft was unable to return to its operating base at the airport and so was unable to undertake the following day's flights.</p> <p>The use of a 5% allowance on top of the expected scheduled movements in the night period, as indicated in Para 6.6.61 of the Need Case Revision 1 [AS-125] is based on historic data from the airport when operating</p>	<p>Early / late running flights are not dispensable under the Government's dispensation guidelines. This is clearly stated within the consultation outcome of the Night Flight Restrictions, updated on 27 March 2023, and in any event only apply to the movement limits and Quota Counts (QC) of the three designated airports. London Luton Airport is not designated, nor is the Applicant proposing either of the relevant controls. Dispensation of early and late running flights is therefore clearly not an option available to the Applicant.</p> <p>The same consultation response also states in its 'Summary of findings' section, "<i>There was a trend observed at all 3 airports of dispensations being applied for airspace capacity related delays which did not have an underpinning causation that clearly met the government's dispensation criteria. The government wrote to each designated airport in 2018 to state that airspace capacity related delays, without an underlying cause that is exceptional and falls within a specified circumstance, are not dispensable. In response, airports and airlines have taken steps to reduce the risk of unscheduled capacity related night movements occurring, and therefore reversing this trend.</i>" [our emphasis]. Rather than the Applicant simply stating that late running flights are difficult to control, efforts should be made to investigate how</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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	<p>normal patterns of traffic (i.e. before COVID disruption). This data shows late running flights made up between 1% and 5% of movements in the night periods and therefore the choice of 5% was selected to provide for the likely worst-case scenario given that most years operate below this. If a lower (than 5%) delay factor had been included, this would have allowed the Applicant to increase the number of scheduled movements in the night periods and the night noise contour assessments would have given a similar answer. However, as there is less ability to control late running flights the use of a lower delay factor was not deemed sensible by the Applicant. In light of this, there are no measures that can feasibly be taken, but protection is added by the inclusion of the aforementioned 5% as part of the overall process.</p>	<p>Heathrow, Gatwick and Stansted have been reducing early and late running movements and seek to implement positive change.</p>	
GCG.1.7	<p>Noise Action Plan (NAP) At ISH3 on noise and vibration, the Applicant stated that the operator's quarterly monitoring reports contained a host of information considered relevant to the community that have been developed over time and that there is no expectation that these would change. However, the Applicant also explained that the NAP would be updated to take account of GCG controls replacing any current planning related commitments. Can the Applicant explain whether quarterly reporting would be retained and how the various reporting requirements would be retained if these were not explicitly referenced in the GCG framework or secured by the DCO?</p> <p>Applicant Response: The Aircraft Noise Monitoring Plan [REP3-023] was updated at Deadline 3 to secure the ongoing requirement for quarterly monitoring in line with the current consent that was relevant at the time of submission (see Paragraph C7.1.1). The updated reporting requirements in the current consent as a result of the approval of the application to grow to 19mppa (APP/B0230/V/22/3296455) will be considered by the Applicant and updates to the monitoring requirements will be made at Deadline 5 to retain these as considered appropriate.</p>	<p>The Hertfordshire Host Authorities await the Applicant's Deadline 5 submission with details of proposed updated monitoring and reporting requirements and will scrutinise these once provided by the Applicant.</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>
GCG.1.10	<p>GCG framework [REP3-017] and GCG Appendix D – Air Quality Monitoring Plan [REP3-025] – Automatic Number Plate Recognition (ANPR) reference / proportional contribution Reference to use of ANPR has been removed as a means of demonstrating the proportional contribution made by the airport. Instead, Appendix D suggests that</p>	<p>The Hertfordshire Host Authorities note that the Applicant refers to further amendments to the wording in this regard within the GCG Framework will be considered to improve the clarity of the intended requirements. The Hertfordshire Host Authorities welcome this approach.</p>	<p>The Applicant notes that the Hertfordshire Host Authorities welcome the approach provided in the Applicant's response.</p>

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	<p>an indicative approach to further analysis could include consideration of an emissions inventory and publicly available background/ regional air quality data in order to understand changes in airport-related traffic flows. Expand on your response in the ISH5 post hearing submission as to why ANPR is no longer considered an appropriate basis for monitoring given that it has potential to provide detailed information on traffic flows /origins for cars parking at the airport. In the absence of ANPR data, provide a detailed explanation of the specific data sets and methods that could be used to determine the airport's proportional contribution.</p> <p>Applicant Response: The Applicant wishes to clarify the position stated with regards to ANPR, further to the Applicant's Post Hearing Submission - Issue Specific Hearing 5 (ISH5) [REP3-052]. Paragraph 7.1.37 of the post hearing submission was not intended to state that ANPR will not be used at all; rather, that it is only one potential method that might be used, depending on the nature of any future exceedance. ANPR surveys can still be commissioned using a third-party traffic survey contractor if required, but it is not the intention of the Applicant to establish an ANPR monitoring network from the outset.</p> <p>The amendments made at Deadline 3 to the Green Controlled Growth Framework [REP3-017] and Green Controlled Growth Explanatory Note [REP3-015] were similarly intended to clarify the need for future flexibility, to reflect the long term nature of the Proposed Development, and that new and as yet unknown monitoring methods and practices may be available over the course of the next 20 years while the Proposed Development is delivered. Thus, the reference in paragraph 3.3.20 of the Explanatory Note to the "commissioning of additional traffic surveys in order to understand changes in airport-related traffic flows" was intended to be construed as including ANPR as just one potential type of future traffic survey.</p> <p>This approach mirrors the most similar precedent for the ongoing monitoring and management of air quality for a Nationally Significant Infrastructure Project used by the Silvertown Tunnel. Requirement 7 of The Silvertown Tunnel Order 2018 secures compliance with the 'Monitoring and mitigation strategy', which includes air quality impacts. The Monitoring & Mitigation Strategy certified under Schedule 14 is similarly non-prescriptive</p>		

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	<p>around how future assessments of that scheme's specific impact will be determined, with respect to the air quality monitoring data that is inclusive of non-scheme impacts:</p> <p><i>"TfL will therefore appoint an independent air quality expert to review the air quality monitoring data set in the annual monitoring reports.... In coming to a view on the air quality impacts of the Scheme, consideration will therefore need to be given to other data sources including London wide local authority monitoring data, traffic flows, composition or speeds as well as outputs from strategic and local traffic modelling and/or air quality modelling."</i></p> <p>See Section 4.4 of the Silvertown Tunnel Monitoring & Mitigation Strategy (Ref 2) for further details.</p> <p>To expand upon the revised text included at Deadline 3 in paragraph 3.3.20 of Green Controlled Growth Explanatory Note [REP3-015] and reflected in paragraph D2.3.11 of the Green Controlled Growth Framework Appendix D Air Quality Monitoring Plan [REP3-025], the Applicant envisages that there are a range of options that could be used to determine the airport's contribution to the exceedance of a Level 2 Threshold or Limit at an in scope location. These potential analysis methods reflect current best-practice air quality monitoring and analysis techniques, but it is not the intention for the GCG Framework to mandate any of these steps specifically, in order to preserve the necessary flexibility required, including as technology and techniques may change in the future.</p> <p>Indicatively, this could include: engaging with the relevant local authority to understand local air quality trends elsewhere, or to identify locationspecific factors (e.g. roadworks or new developments) or regional factors. More detailed analysis could be undertaken if required using post processing software (such as the 'openair' package) to provide more information on likely sources or compiling an updated emissions inventory for airport activities to understand changes from that forecast in the ES. Where the likely source of any breach cannot be identified from these methods, ANPR could then be used to understand potential changes in emissions from airport-related traffic. Ultimately, more indepth calculations could still then be needed, potentially including air quality modelling, to determine the exact contribution from the airport.</p>		

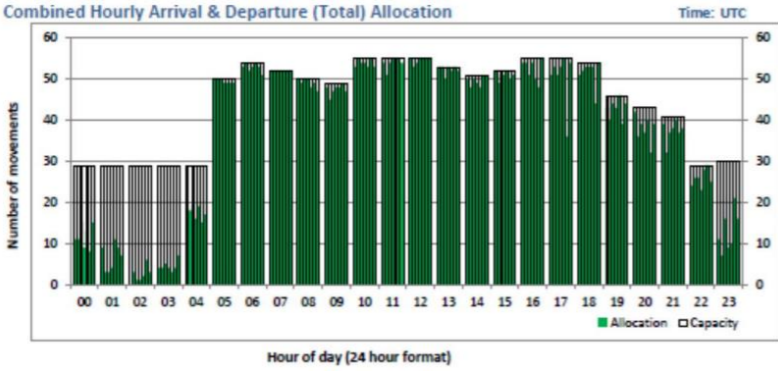
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	<p>The GCG Framework is intended to provide certainty of the outcome in this scenario – i.e. a determination as to whether the airport is or isn't the cause of an exceedance and therefore whether a Level 2 Plan or Mitigation Plan is or isn't required. To achieve this, whatever methodology is utilised must therefore be able to provide the necessary evidence to the Environmental Scrutiny Group for this determination to take place but will most likely vary depending on the exact nature of the exceedance. Further amendments to the wording in this regard within the GCG Framework will be considered to improve the clarity of the intended requirements.</p>		
GCG.1.11	<p>GCG framework – Revision of limits and thresholds in light of changing legal limits Explain the circumstances in which it would be acceptable for the operational controls under the GCG framework [REP3-017] not to align with new UK legal limits (or interim targets) as stated in paragraph 4.4.2 and why new pollutants should be excluded from consideration as stated in paragraph 4.4.1</p> <p>Applicant Response: Please see response to Issue Specific Hearing 5 (ISH5) Action 18 provided in Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [TR020001/APP/8.84] with regards to the need for the alignment of GCG Limits with new UK legal limits. As set out in that paper, the key distinction is whether any future changes to legislation must automatically be transposed into GCG, such that they would automatically be linked to controls on growth of the airport, rather than the need to comply with any new legislative requirements independently from GCG. Environmental assessments and consenting decisions (based on the findings of those assessments) can only be made against current and known future legislation and policy. It is not reasonable for requirements to be imposed where they would prevent the implementation of a planning consent (such as one that would require future legislation to be automatically transposed into GCG).</p> <p>Regarding the exclusion of new pollutants from GCG in future, and further to the response to ISH5 Action 16, the basis of the GCG air quality Limits is the findings of Air Quality Assessment reported in the Environmental Statement Chapter 7 Air Quality Revision 1 [AS-076]. The following pollutants were considered within the</p>	<p>The Hertfordshire Host Authorities note the explanation given in the Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [REP4-070]. It is suggested that the explanation in the Green Controlled Growth Framework [REP3-017] is amended to more clearly reflect this.</p>	<p>Noted. Section 4.4 of the Green Controlled Growth Framework [REP5-022] has been updated as suggested.</p>

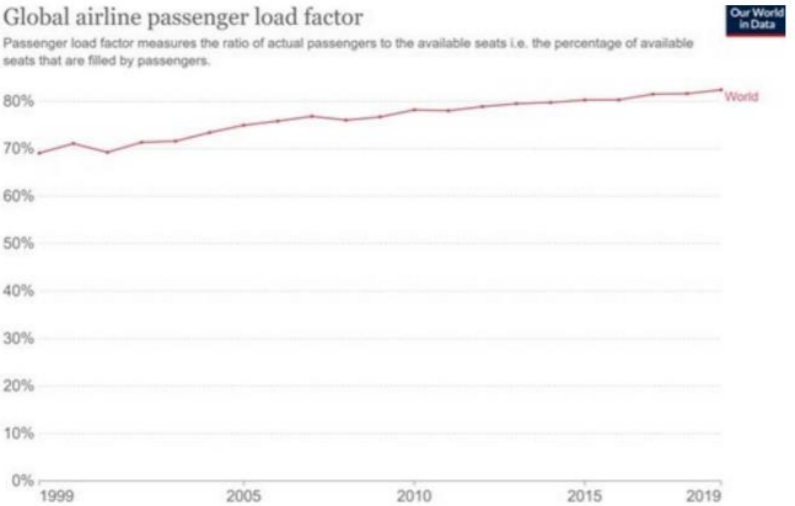
PINS ID	Question / Luton Rising Response	Hertfordshire Host Authorities Response at D5	Luton Rising Response at D6
	<p>assessment; nitrogen dioxide (NO2), particulate matter (PM10), fine particulate matter (PM2.5), oxides of nitrogen (NOx) and ammonia (NH3), with all other pollutants screened out as they are not likely to cause exceedances of their respective standards as demonstrated by local monitoring and the work carried out by the local authority, and agreed through EIA Scoping and engagement summarised in the Section 7.4 [of Chapter 7]. Of the pollutants scoped in, NOx and NH3 were only included on the basis of their potential impacts on vegetation and ecosystems rather than human health, and no significant effects are predicted at ecological sites. The remaining three pollutants are therefore the ones most relevant to human health, which were consequently assessed and included as GCG air quality Limits.</p> <p>In circumstances where new UK legal limits are introduced or new pollutants brought into the legal framework it is not considered proportionate to bring those into GCG as it would require a significant reassessment of the work carried out for the Environmental Impact Assessment (EIA) to provide the necessary evidence base. To undertake such an assessment again in the future (essentially needing to repeat the EIA) would in the Applicant's view be disproportionate and unnecessary, for the reasons set out in the response to ISH5 Action 18.</p> <p>However, without prejudice to the position set out in the response to ISH5 Action 18, as part of the mandatory review process committed to by the Applicant where new legal limits are published, consideration will be given to the need for additional measures to be included within the Operational Air Quality Plan (i.e. outside of GCG). This could, if deemed appropriate, include measures relating to other pollutants in addition to NO2, PM10 and PM2.5. The Applicant is willing to make changes to the Green Controlled Growth Framework [REP3-017] to reflect these requirements as part of the review process, subject to further engagement on the changes with relevant stakeholders.</p>		
GCG.1.12	<p>GCG Appendix A – Draft ESG Terms of Reference [REP3-019] Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from “where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are</p>	<p>The Hertfordshire Host Authorities note that the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes. The Hertfordshire Host Authorities welcome this further engagement and for further changes to be agreed.</p>	<p>The Applicant considers that the matter raised regarding the threshold for ESG being quorate has been addressed on Page 8 of the Applicant's Response to Deadline 4 Submissions Appendix B - Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire Council (Response to D3 Documents) [REP5-048] submitted at Deadline 5.</p>

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	<p>present” to “where the independent chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present”.</p> <p>Applicant Response: Following submission of the application for development consent, a critical review of the Terms of Reference for both the Environmental Scrutiny Group and Technical Panels included at Green Controlled Growth Framework Appendix A Draft ESG Terms of Reference [REP3-019] and Green Controlled Growth Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021] was carried out to ensure that the functioning of GCG could not be frustrated or otherwise unintentionally hindered by any party to the process. This review identified a risk that local authorities could nominate an officer to represent them on the ESG and Technical Panels, but that if these local authority representatives subsequently did not attend meetings of the ESG or Technical Panels they would not be quorate and the GCG process could not be moved forward. The changes made at Deadline 3 were therefore only to ensure the future functioning of the GCG process in this (unlikely) scenario, with the intention that the operation of ESG and the Technical Panels would still be independent from the airport and would be in accordance with the operating principles of GCG.</p> <p>However, the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes through the Statement of Common Ground process to be made to the Terms of Reference at Deadline 5. The changes will reintroduce a minimum number of local authority representatives to be present for the ESG and Technical Panels to be quorate.</p>		
GCG.1.13	<p>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021] Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from “where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present” to “where the independent technical expert is present.”</p> <p>Applicant Response: Please see the response to GCG.1.12.</p>	<p>The Hertfordshire Host Authorities note that the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes. The Hertfordshire Host Authorities welcome this further engagement and for further changes to be agreed.</p>	<p>The Applicant considers that the matter raised regarding the threshold for a technical panel being quorate has been addressed on Page 8 of the Applicant’s Response to Deadline 4 Submissions Appendix B - Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire Council (Response to D3 Documents) [REP5-048] submitted at Deadline 5.</p>

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GCG.1.15	<p>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1.</p> <p>Applicant Response: The Applicant would note that this is not a change, and that this drafting has been in the GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021] since submission of the application for development consent.</p> <p>This drafting has been put forward to recognise the fact that there may not always be a requirement for a Technical Panel to meet and that, where this is the case, there should be no obligation secured via the DCO to do so. For example, if all members of a Technical Panel are satisfied that monitoring results reported to it do not give rise to any issues and have not triggered any requirements linked to a Level 2 Threshold or Limit, they are able to respond to the airport operator and ESG on that basis in writing without a requirement to formally meet, as per the process set out in Section B4.3 of the Terms of Reference.</p> <p>As set out in Paragraph B2.5.1, any member of a Technical Panel may request that a meeting takes place where they feel this is necessary, but ultimately this will be at the discretion of the technical expert in their role as chair of the relevant Technical Panel.</p>	<p>The Hertfordshire Host Authorities note the Applicant's explanation that for example, if all members of a Technical Panel are satisfied that monitoring results reported to it do not give rise to any issues and have not triggered any requirements linked to a Level 2 Threshold or Limit, they are able to respond to the Airport Operator and ESG on that basis in writing without a requirement to formally meet. However, the Hertfordshire Host Authorities consider that in the opposite, where all members are not agreed, it should not be solely for the Technical Expert to determine whether a Technical Panel should be called.</p>	<p>In response to the concerns raised regarding the calling of Technical Panels meetings, changes have been made to GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP5-026]. It is now stated at Paragraph B2.5.1 that there is a presumption that each technical panel will meet following the submission of monitoring results by the airport operator.</p>
REP4-059 – Applicant's Response to Written Questions – Need Case			
NE.1.3	<p>Existing Airport Capacity in the South East The Rule 6 letter [PD-007, Annex F, Section 13] requested information relating to flight and passenger information. In addition to the information requested in the bullet points, it was also requested that information containing the current caps on passenger and/ or aircraft movement at Heathrow, Gatwick, Stansted, London City and Southend Airports and the total number of passengers and/ or aircraft movements to each of these airports in the year 2019 be submitted, along with any changes to restrictions that have taken place since 2019. This is to allow for better understanding of the current situation regarding capacity and current restrictions attached to airports located in the south east of England. The ExA notes the submission in [REP1-016] which contains the requested information relating</p>	<p>The Applicant's response states that increases in passenger load factor account for a substantial proportion of the growth in passengers per movement at Heathrow and Gatwick. Analysis of Civil Aviation Authority (CAA) Airline Statistics for 2009 and 2019 indicates that for UK aircraft operators, just under half of the growth in this key parameter resulted from higher seat load factors (increasing by 9.0% over the period from 75.5% to 82.3%) and just over half came from increases in the average number of seats per flight (increasing by 9.8% from 145.8 to 160.1). UK registered airlines carry about half of the passengers at UK airports.</p> <p>While the increase in passenger load factors cannot continue indefinitely, a similar limit on average seats per</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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	<p>to London Luton Airport but this does not contain the information relating to other south east airports.</p> <p>Applicant Response: The current capacity caps at the other London airports and their throughput in 2019 are set out in the table below:</p> <table border="1" data-bbox="368 491 1110 1045"> <thead> <tr> <th rowspan="2">Airport</th> <th colspan="2">Current Annual Limits</th> <th colspan="2">Revised Annual Limits</th> <th colspan="2">Utilisation 2019</th> </tr> <tr> <th>Passengers</th> <th>Aircraft Movements</th> <th>Passengers</th> <th>Aircraft Movements</th> <th>Passengers</th> <th>Aircraft Movements</th> </tr> </thead> <tbody> <tr> <td>Heathrow</td> <td>n.a.</td> <td>480,000</td> <td>n.a.</td> <td>n.a.</td> <td>80,890,031</td> <td>478,059¹</td> </tr> <tr> <td>Gatwick</td> <td>n.a.</td> <td>n.a.</td> <td>n.a.</td> <td>n.a.</td> <td>46,576,473</td> <td>284,987</td> </tr> <tr> <td>Stansted</td> <td>35 mppa</td> <td>265,000 air transport movements, of which no more than 243,500 can be passenger air transport movements and no more than 20,500 can be cargo air transport movements</td> <td>43 mppa</td> <td>274,000 aircraft movements, of which no more than 16,000 can be cargo air transport movements</td> <td>28,124,292</td> <td>199,925</td> </tr> <tr> <td>London City</td> <td>6.5 mppa</td> <td>111,000 aircraft movements</td> <td>n.a.</td> <td>n.a.</td> <td>5,122,271</td> <td>84,260</td> </tr> <tr> <td>Southend</td> <td>n.a.</td> <td>53,300 aircraft movements</td> <td>n.a.</td> <td>n.a.</td> <td>2,035,535</td> <td>36,327</td> </tr> </tbody> </table> <p>It is important to note that where an airport does not have a planning cap, this does not mean that capacity is unconstrained as there will also be physical limitations on the capacity available with the existing infrastructure. Because an airport does not have a planning cap in place does not mean that it has unlimited capacity to expand without seeking further planning consent.</p> <p>In the case of Heathrow, it is evident that there was limited spare capacity in 2019.</p> <p>In the case of Gatwick, it has a current declared runway capacity of up to 55 aircraft movements per hour based on its current infrastructure. In 2019, according to Airport Coordination Ltd in the Start of Season report for summer 2019, the airport had very limited spare capacity available on a regular basis throughout the week as shown in the chart below (each individual green bar reflects the stated hour on days Monday through Sunday). The airport also has night movement constraints in place. Overall, the scope for growth with the existing infrastructure is highly limited. Gatwick has applied for development consent to bring its northern</p>	Airport	Current Annual Limits		Revised Annual Limits		Utilisation 2019		Passengers	Aircraft Movements	Passengers	Aircraft Movements	Passengers	Aircraft Movements	Heathrow	n.a.	480,000	n.a.	n.a.	80,890,031	478,059 ¹	Gatwick	n.a.	n.a.	n.a.	n.a.	46,576,473	284,987	Stansted	35 mppa	265,000 air transport movements, of which no more than 243,500 can be passenger air transport movements and no more than 20,500 can be cargo air transport movements	43 mppa	274,000 aircraft movements, of which no more than 16,000 can be cargo air transport movements	28,124,292	199,925	London City	6.5 mppa	111,000 aircraft movements	n.a.	n.a.	5,122,271	84,260	Southend	n.a.	53,300 aircraft movements	n.a.	n.a.	2,035,535	36,327	<p>flight is much further away. Gatwick Airport is clearly of the view that there is considerable scope to further increase its average passengers per movement as set out in the Hertfordshire Host Authorities ISH2 post-hearing submission [REP3- 093] at Deadline 3.</p>	
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	<p>standby runway into permanent use to overcome these constraints.</p>  <p>Stansted currently has spare capacity but by August 2023 was handling more passengers than in the equivalent month in 2019 indicating strong growth.</p> <p>London City has applied to increase its passenger cap to 9 mppa and this is subject to a planning appeal.</p> <p>Although Southend has spare aircraft movement capacity, its market is localised and would not provide an alternative to London Luton Airport for passengers in the latter's catchment area (see page 5 of REP1-022).</p> <p>The demand forecasts for the application for development consent have considered available capacity at these other airports as set out at paragraph 6.3.21 of the Need Case [AS-125]. Heathrow and Gatwick are assumed to be constrained in the first instance at the longer term capacities assumed by the Department for Transport in UK Aviation Forecasts 2017, Table 22. The impact of increases in runway capacity at both Heathrow and Gatwick have been expressly tested as set out in Section 6 of the Need Case.</p>		
NE.1.4	<p>Airport Capacity in the South East</p> <p>Based on the information in the report by Chris Smith Aviation Consultancy Limited [REP2-057, Table 3.3], it is understood that neither Heathrow nor Gatwick have passenger cap restrictions although Heathrow is subject to a restriction of 480,000 Air Traffic Movements (ATM) and Gatwick 283,000. Stansted has obtained permission for a further 8MPPA. Passengers per ATM in 2019 at Heathrow and Gatwick were 168.6 and 164.7 respectively (Luton was 165). In the absence of a passenger cap at Heathrow and Gatwick, to what extent can spare capacity in the London airspace be currently</p>	<p>The Applicant's response states that increases in passenger load factor account for a substantial proportion of the growth in passengers per movement at Heathrow and Gatwick. Analysis of CAA Airline Statistics for 2009 and 2019 indicates that for UK aircraft operators, just under half of the growth in this key parameter resulted from higher seat load factors (increasing by 9.0% over the period from 75.5% to 82.3%) and just over half came from increases in the average number of seats per flight (increasing by 9.8% from 145.8 to 160.1). UK registered airlines carry about half of the passengers at UK airports.</p>	<p>See response above to the same point in relation to NE.1.3.</p>

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	<p>met at these airports by the number of passengers per ATM increasing?</p> <p>Applicant Response: As set out in response to NE.1.6 both Heathrow and Gatwick have very limited capacity for growth in aircraft movements. As stated in that response, Gatwick does not currently have a planning cap on the annual number of aircraft movements that it can handle but the Department for Transport has previously assumed 290,000/291,000 movements as an annual ceiling on the number of aircraft movements (Ref 3) but the achievability of this would depend on the airlines being willing to take up the remaining slots at less popular times of day and/or increase their operations during the winter months.</p> <p>In terms of the contention made by CSACL [REP2-057] that Heathrow and Gatwick could grow above the capacities assumed in the modelling for the DCO forecasts, even if constrained by their existing runway capacity, through growth in the number of passengers per passenger air transport movement, there are two key points:</p> <p>1. The growth in passengers per passenger air transport movement cited in Table 3.1 of REP2-057 is partly a reflection of increases in load factor as well as aircraft size. Over the same 20 year period, airline load factors grew by 8.7% per annum as shown in Figure 1.1 below. This load factor growth accounts for a substantial proportion of the growth in passengers per movement at airports.</p>  <p>Figure 1.1: Load Factor Growth</p>	<p>While the increase in passenger load factors cannot continue indefinitely, a similar limit on average seats per flight is much further away. Gatwick Airport is clearly of the view that there is considerable scope to further increase its average passengers per movement as set out in the Hertfordshire Host Authorities ISH2 post-hearing submission [REP3- 093] at Deadline 3.</p>	

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	<p>2. As highlighted in paragraph 6.6.14 of the Need Case [AS-125], ultimately there is a ceiling on load factors due to asymmetries in demand at any point in time and seasonal variations. Low cost carriers, such as those that provide the majority of flights at London Luton Airport, tend to operate with higher load factors than full service airlines, such as British Airways, that are dominant at Heathrow and play a more substantive role at Gatwick. The latter carriers tend to operate with lower load factors. This is partly due to offering multiple classes of travel and also because of the greater proportion of fully flexible tickets that are sold, enabling passengers to switch between flights, meaning that some spare capacity has to be left to accommodate such passengers.</p> <p>It is highly unlikely that load factors could feasibly continue to grow at the pace seen over the period 1999-2019. Hence, this reduces the ongoing scope for growth through increasing passengers per passenger aircraft movement. The Applicant considers that the same trend in increase in passengers per aircraft movement applying at London Luton Airport (Need Case [AS125], paragraph 6.6.16) would be most likely to apply at the other two airports as well, i.e. an initial rate of 1% per annum to the mid-2020s, reflecting ongoing transition of the short haul fleet to larger new generation variants, declining to 0.25% per annum. On this basis, the long term capacity of Heathrow would be 90 mppa as assumed in the Need Case but there could be some scope for Gatwick to grow further to handle up to 53.5 mppa on a single runway by 2050, (51 mppa at 2030 and 52 mppa at 2040).</p> <p>Even if the latent capacity at Gatwick, with a single runway, were to be marginally greater than assumed in the demand forecasts, this would make no material difference to the forecast for the airport. Using Figure 6.3 of the Need Case [AS-125] as the basis, even if all of the increase in passengers at Gatwick were to be taken from London Luton Airport, this would mean latent unconstrained demand at the airport of c.31 mppa in 2030, which is in excess of the assessed Phase 1 capacity of 21.5-23 mppa, and c.29.5 mppa in 2043, which lies within the range between the Core Planning Case and the Slower Growth Case, as set out in Table 6.5 of the Need Case. Hence, any reasonable change to the assumption about capacity at Gatwick would make</p>		

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	<p>no material difference to the case for the Proposed Development as assessed.</p> <p>In any event, even if there was spare capacity at other airports, a key principle underpinning the policy support for airports making best use of their runways is competition and the benefits to consumers of a competitive aviation sector. Policy recognises that airports will compete to attract airlines and passengers, and it is not a feature of policy that other airports must be fully used before consent is granted for growth at another airport, as each airport is recognised to meet the needs of its own market. This was made clear in the decision on the Manston Airport DCO (Ref 4). At paragraph 37, it is stated that:</p> <p><i>“The Secretary of State agrees with the Applicant that the ANPS does not provide an explanation of ‘sufficient need’. He also agrees that the MBU policy, which is relevant to this Application, does not require making best use developments to demonstrate a need for their proposals to intensify use of an existing runway or for any associated Air Traffic Movements (“ATMs”). The Secretary of State notes, however, that the MBU policy states that a decision-maker, in taking a decision on an application, must take careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations (MBU paragraph 1.29). The Secretary of State considers that the benefits expected from a proposed development would materialise if there is a need for that development. Therefore, in order to assess whether the expected economic benefits will outweigh the expected environmental and other impacts from this Development, the Secretary of State has considered need in the context of identifying the likely usage of the Development from the evidence submitted in the Examining Authority’s Report, the Independent Assessor’s Report and the representations submitted by Interested Parties during the redetermination process.</i></p> <p>The decision goes on to provide further clarification at paragraph 47:</p> <p><i>“The MBU policy is clear that it does not prejudge the decision of the relevant planning authority which must take into consideration all relevant matters, in particular the economic and environmental impacts that are expected as a result of a development and proposed</i></p>		

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	<p><i>mitigations (MBU paragraph 129). The MBU policy does not limit the number of MBU airport developments that might be granted and does not include a cap on any associated increase in ATMs as a result of intensifying use at MBU developments."</i></p> <p>It is clear that the existence, or potential existence, of spare capacity at other airports, is not, of itself, a reason for refusal of an MBU application and that each proposal should be judged on its merits having regard to the need for the development, by reference to the demand that it is expected to attract, and its local environmental impacts. Constraining capacity at one airport until it is 'needed' because all others serving the area are full would not be consistent with ensuring a functioning competitive market. The consequences of such an approach would be higher fares and restricted services available to passengers, contrary to the clearly stated Government objective set out in the Executive Summary (page 6) to Flightpath to the Future (Ref 5), the use of airport capacity delivers "better outcomes for passengers, such as contributing to lower fares, more destinations and more service innovation by airlines." This would not be achieved by an approach that required all airports to be full before new capacity was approved.</p>		
REP4-060 – Applicant's Response to Written Questions – Noise			
NO.1.8	<p>2013 baseline comparison</p> <p>Paragraph 5.58 of the Airports National Policy Statement (ANPS) requires that <i>"The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission"</i>.</p> <p>Acknowledging that the Airports Commission focussed specifically on Heathrow, expand on the response in ISH3 post hearing submission [REP3-050] explaining how the Proposed Development otherwise meets this policy requirement.</p> <p><i>You may wish to link the answer to this question with the answer to question NO. 1.9.</i></p> <p>Applicant Response:</p> <p>The overall aviation noise objective from the Aviation Policy Framework (Ref 3) through to the Overarching Aviation Noise Policy Statement (OANPS, Ref 4) is to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise.</p>	<p>The Applicant has not answered the question, which clearly asks how the Proposed Development meets the policy requirement of ensuring the impact of aircraft noise is limited and, where possible, reduced compared to a historic baseline.</p> <p>The Applicant instead draws reference to the OANPS and does not acknowledge that this is not the only aviation noise policy in effect, as it does not annul or supersede Aviation Policy Framework 2013 (APF), UK Airspace Policy 2017 consultation (UKAP) nor the Airport National Policy Statement 2018 (ANPS).</p> <p>The Applicant sets out in their response that there is a reduction offered in the daytime, but no reduction in the night-time. While the ANPS does reference the reduction applying to the 54 dB LAeq,16hour contour (daytime), ANPS is also clear that a 6.5-hour nighttime flight ban is also expected [section 5.62, ANPS 2018]. The Applicant is not proposing a comparable night-time mitigation measure, and therefore it is important that noise reduction in the</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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	<p>The evolution of this objective is described in Section 2 and how the Proposed Development complies with this objective is summarised in Section 3 of Commentary on the Overarching Aviation Noise Policy [REP1-012]. It is important to note that the OANPS confirms the government's policy that <i>"We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England."</i> (NPSE).</p> <p>As described in the Planning Statement [AS-122], the embedded noise management measures as secured by the Noise Envelope within the Green Controlled Growth Framework [REP3-017] have been developed so that, in combination with the compensatory mitigation measures for the Proposed Development (Draft Compensation Policies Measures and Community First [REP2- 005]), they meet the NPSE and the aviation policy objective to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise.</p> <p>Whilst the Airports National Policy Statement (ANPS, Ref 5) has no effect for the Proposed Development and paragraph 5.58 of the ANPS is specific to Heathrow and the Airports Commission, the ANPS is an important and relevant consideration (as confirmed in paragraph 1.12 of the ANPS) and paragraph 5.58 provides clarity that the aviation policy objective should be tested, at least in part, in relation to a historic baseline. The footnote to ANPS paragraph 5.58 (footnote 155) clarifies that the 2013 baseline for this test is defined by the 54dBLAeq,16h daytime contour.</p> <p>As the 2013 baseline is specific to Heathrow and the Airports Commission, it is considered that the 2019 baseline used in the Environmental Statement is the appropriate historic baseline to use. This is why, for aircraft air and ground noise, the assessment compares the Do-Something scenario in each year to the 2019 Actuals baseline (or the 2019 Consented baseline in the sensitivity test).</p>	<p>night-time is also considered. As recognised in APF in section 3.34, noise from night flights has a higher cost on local communities.</p> <p>The policy requirement of APF to <i>"limit and where possible reduce the number of people in the UK significantly affected by aircraft noise"</i> is also still in effect, from which the wording of the ANPS follows.</p> <p>As can be seen in the table provided within the Applicant's response, where policy requires that <i>"The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission"</i> cannot be considered to be met, due to the night-time increases (when using an appropriate historic baseline, rather than necessarily the 2013 baseline). The Hertfordshire Host Authorities wish to emphasise that the 2019 actual baseline used by the Applicant is not considered appropriate as it reflects a level of operations that breached an extant noise condition.</p>	

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	<p>The results of this comparison are presented in Table 12.7, 12.9 and 12.10 of Appendix 16.1 of the Environmental Statement [AS-096] and (together with the tables in Section 7.9 of the same appendix), show that for the daytime 54dBLAeq,16h contour:</p> <ul style="list-style-type: none"> a. by comparison to the 2019 Actuals baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases; b. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases; c. by comparison to 2016 actuals (see response to NO.1.9), the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases. <p>Though the 2013 baseline test in the ANPS is defined only in terms of daytime, a comparison for night-time has also been undertaken and shows that for the night-time LOAEL (45dBLAeq,Bh) and SOAEL (55dBIAeq,Bh) contours:</p> <ul style="list-style-type: none"> a. by comparison to the 2019 Actuals baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases; b. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for assessment phase 2a; d. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited, but not reduced , for assessment phase 1 and 2b; e. by comparison to 2016 actuals (see response to NO.1.9), the adverse impacts on health and quality of life from aviation noise are limited and reduced for assessment phase 2a; f. by comparison to 2016 actuals (see response to NO.1.9), the adverse impacts on health and quality of life from aviation noise are limited, but not reduced, for assessment phase 1 and 2b. <p>Data for the above comparisons are summarised in the table below.</p> <table border="1" data-bbox="368 1774 1110 1900"> <thead> <tr> <th rowspan="2">Noise contour</th> <th colspan="6">Population</th> </tr> <tr> <th>2016 Actuals</th> <th>2019 Consented</th> <th>2019 Actuals</th> <th>2027 DS</th> <th>2039 DS</th> <th>2043 DS</th> </tr> </thead> <tbody> <tr> <td colspan="7">Daytime</td> </tr> <tr> <td>54dBLAeq,16h</td> <td>18,300</td> <td>19,050</td> <td>21,650</td> <td>15,500</td> <td>13,850</td> <td>16,500</td> </tr> <tr> <td colspan="7">Night-time</td> </tr> <tr> <td>45dBLAeq,8h</td> <td>55,050</td> <td>55,150</td> <td>67,800</td> <td>55,850</td> <td>54,950</td> <td>62,800</td> </tr> <tr> <td>55dBIAeq,8h</td> <td>3,100</td> <td>3,100</td> <td>4,950</td> <td>3,800</td> <td>2,600</td> <td>3,250</td> </tr> </tbody> </table>	Noise contour	Population						2016 Actuals	2019 Consented	2019 Actuals	2027 DS	2039 DS	2043 DS	Daytime							54dBLAeq,16h	18,300	19,050	21,650	15,500	13,850	16,500	Night-time							45dBLAeq,8h	55,050	55,150	67,800	55,850	54,950	62,800	55dBIAeq,8h	3,100	3,100	4,950	3,800	2,600	3,250		
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	<p>With respect to the night-time adverse effects, as noted in the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy [REP1-012], the noise insulation scheme, with its night-time eligibility, will avoid all significant effects on health and quality of life during the night-time. Furthermore, in line with the principles of the OANPS, the total adverse effects of noise are counterbalanced by the increased economic and consumer benefits delivered by the Proposed Development.</p>		
NO.1.9	<p>2019 actuals baseline ES Chapter 16 [REP1- 003, paragraph 16.9.8] explains that the 2019 actuals baseline determines the number of properties last experiencing significant adverse effects on health and quality of life. This is used for comparison purposes against future scenarios. Explain how the figures for changes in total population exposure would differ if the last year of noise contour compliant operation 2016 were adopted as a comparator rather than the 2019 actuals or consented baseline datasets</p> <p>Applicant Response: The 2016 actuals fleet has been modelled in AEDT following the modelling methodology described in Appendix 16.1 of the ES [AS-096] and population analysis of noise contours is provided in the tables below.</p>	<p>The Applicant states that the 2016 baseline is similar to the 2019 Consented baseline, which is not disputed, nor surprising. The step that the Applicant does not take is to compare the 2016 baseline to the 2019 Actuals, which would show a smaller reduction in noise levels over time in the daytime, and no noise reduction over time at nighttime, as per NO.1.8.</p> <p>While the assessment of significant effects would largely remain unchanged, claims of noise reduction as set out in Chapter 16 would be different and as stated in NO.1.8, not be considered compliant with aviation noise policy.</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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NO.1.13	<p>Future fleetmix assumptions – next gen With reference to CAP1766 'Emerging Aircraft Technologies and their potential noise impact', explain why an assumption of next generation noise levels being less than or the same as new generation aircraft is robust.</p> <p>Applicant Response: CAP1766 'Emerging Aircraft Technologies and their potential noise impact' (Ref 6) was one of the Civil Aviation Authority publications linked to the Department for Transport's aviation strategy consultations (Ref 7), along with CAP1731 Aviation Strategy: Noise Forecast and Analyses (Ref 8). CAP1766 provides high level commentary on noise implications of emerging aircraft technologies such as electric aircraft, supersonic aircraft, unmanned aircraft systems and spacecraft. Of these technologies, only electric aircraft are likely to have the potential for use at London Luton Airport in significant numbers. Whilst the report notes that there is a risk of potential adverse noise impacts of electric aircraft (which could vary with noise levels potentially reduced on departure but increased on arrival), no definitive statements are made and the uncertainties are noted.</p>	<p>The Applicant's use of assuming that aircraft noise levels are no quieter in the future does not bring about sufficient constraint in the future, should new aircraft actually be quieter than existing.</p> <p>Should quieter aircraft enter the market, there may not be sufficient incentivisation for airlines to operate these aircraft from London Luton Airport, as there is no reduction in the size of the noise contour limit in future years. In this situation, there could therefore be noise benefits that are not being shared with the local community, as the constraints placed on London Luton Airport are insufficient. This response links in with those concerning GCG below.</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant's deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>																																																																							

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	<p>Published around the same time and as part of the same aviation strategy consultations, CAP1731 Aviation Strategy: Noise Forecast and Analyses provides forecast noise modelling out to 2050, with consideration of the noise impacts of future aircraft types. For these long-term forecasts, the Civil Aviation Authority assumed either a 0.1 dB or 0.3dB per year reduction due to future aircraft types, based on a review of novel aircraft noise technology by the International Civil Aviation Organization (Ref 9). This assumption is consistent with the assumptions applied in the sensitivity test for next generation aircraft presented in Section 12.6 of Appendix 16.1 of the Environmental Statement [AS-096]. Assumptions on reductions in noise from next-generation aircraft are only employed in a sensitivity test.</p> <p>For the reasons described above, it is therefore considered that the assumption that next generation aircraft are no louder than new-generation aircraft is considered robust and a reasonable worst-case, as the assumption means that Noise Envelope Limits are set to be equivalent to those of new-generation aircraft in any case.</p>		
NO.1.22	<p>Airline orders</p> <p>In response to Action Point 21 for ISH3 [REP3- 050, Table 1.1], the Applicant provided three figures extracted from airline presentations. No explanation is provided as to which aircraft would be based at Luton or how the information provided has informed the development of the future fleet forecasts. The ExA requests that the Applicant provide a detailed explanation of how this information has informed the future forecast and confirmation from the airlines that the future fleet forecasts are representative of the proposed airline operations.</p> <p>Applicant Response:</p> <p>The Applicant cannot be certain of the rate at which key airlines will base their new aircraft at London Luton Airport. However, all three of the largest airlines are already operating new aircraft at the airport and expected to continue to deploy more of their fleet to Luton.</p> <p>In the case of Wizz Air, the airline has already confirmed that the base at Luton will be 100% new generation by 2025 (see Appendix B) and, since the airline will be at nearly 100% new generation by 2027 (as per the</p>	<p>The first two sentences of the last paragraph (starting ‘<i>The Applicant believes</i>’ and ending ‘<i>through Green Controlled Growth</i>’) is ultimately the same argument that was made for the 2013 application, and that scenario resulted in noise breaches occurring. See response to Applicant’s response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth - Transition Period and Slot Allocation Process [REP4-072] within Hertfordshire Host Authorities’ comments on any further information / submissions received by Deadline 4</p>	<p>See response to the same comment raised by Luton Borough Council in the Applicant’s deadline 6 submission, Written Question Responses - Applicant's Response to Luton Borough Council's Comments [TR020001/APP/8.131].</p>

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	<p>information provided in REP3-050, Figure 1), the Applicant has a high degree of confidence that this major operator will be all new generation in the near future at Luton when accounting for some inbound services from other bases in addition to the based operations.</p> <p>Following the submission of REP3-050, easyJet has also announced a further order for 157 new generation aircraft on top of those already ordered, and options to place another 100 on firm order above this (see Appendix C).</p> <p>Ultimately, airlines will continue to replace their older aircraft because there is an economic imperative to do so in order to reduce their own operating costs and meet sustainability targets, as older aircraft burn more fuel and become increasingly expensive to maintain. Therefore, not updating fleets makes airlines uncompetitive, particularly in the low fares airline sector that makes up the vast majority of operations at the airport. Low fares airlines will typically replace older aircraft at an earlier stage than other airlines due to the importance placed on keeping in costs down within the business and this can be seen historical! as airlines, such as Ryanair and EasyJet, are already on their second generation of aircraft and now introducing their third generation each (having retired all their first generation aircraft some years ago). This pattern can be seen in the large numbers of new generation aircraft on order by low fares airlines in Europe and globally.</p> <p>The Applicant's approach to future fleet forecasts has, therefore, been based on specific known factors (such as Wizz Air's 100% new generation fleet by 2027) as well as expectations of how other aircraft on order by the airlines may be deployed, which have been considered taking into account factors such as the typical retirement timescales of airlines (10-20 years for most low fares airlines) and general industry trends, orders and announcements. The fleet mixes adopted for assessment were presented to the Noise Envelope Design Group, which included airline representatives and, in specific consultations with the airlines, the information has been shared with them. This has given the Applicant confidence that the overall rate of fleet replacement assumed in the forecasts is robust.</p>		

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	<p>The rate of fleet transition in the early years is broadly consistent with those presented at the Bristol Airport Inquiry (69% new generation by 2030) and accepted as reasonable by the Planning Inspectorate in that case as being "generally sound" (Appeal Decision APP/O0121/W/20/3259234, Page 37, Para 224).</p> <p>The Applicant believes that the fleet mix presented is reasonable and notes that there has been no substantive challenge to this from any other parties. Ultimately, if the rate of deployment of new generation aircraft is slower than projected at London Luton Airport then the airport will not be able to grow by virtue of the Limits being put in place through Green Controlled Growth (GCG). In order to take advantage of the scope to grow, the airlines will have a motivation to deploy newer types at the airport in order to meet the stringent limits which are being proposed. The principles that growth would be controlled by environmental limits if the fleet mix was not in line with forecasts was confirmed by the Planning Inspectorate at the Bristol Airport Inquiry (Appeal Decision APP/D0121/W/20/3259234, Page 49, Para 288).</p>		
REP4-061 – Applicant’s Response to Written Questions – Design			
<p>PED.1.3</p>	<p>Solar Energy Battery Storage (Work No. 4e)</p> <p>The parameters of the authorised development in Requirement 6 set a maximum height of 7.2m which, based on the indicative solar battery storage elevations drawing in General Arrangement Drawings Part 2 of 3 [AS-019], appears to be required to accommodate a building.</p> <ol style="list-style-type: none"> 1. Explain what this building is and why it has not been included in the list of works under Work No. 4e in the draft DCO. 2. Clarify the extent of works required for the solar energy battery storage facility, such as battery storage containers, earthworks, any landscaping, boundary treatment etc., and include these within Work No. 4e in the draft DCO. 3. Under Greenhouse Gases in Table 3.4 in Chapter 3 of the ES [AS026], criterion f. (page 42) states the design has ‘flexibility’ to allow for battery storage. Does this mean that the battery storage facility may not be implemented? If not, has the possibility of not 	<p>The Applicant to confirm if this aspect of the Proposed Development was included in the Landscape and Visual Impact Assessment (LVIA) (Environmental Statement Chapter 14 Landscape and Visual Revision 1 [AS-079]).</p>	<p>The Solar Energy Battery Storage (Work No. 4e) to be delivered in Assessment Phase 2b was considered as part of the Landscape and Visual Assessment.</p> <p>It should be noted that this building would be located in the newly excavated landform (i.e. surface height 131.5m to 132.6m AOD, with a maximum proposed height of 7.2m, therefore a maximum parameter height of 139.8m AOD) surrounded by slopes up to existing ground level (~150m AOD) is not likely to be visible from identified receptors due to the proposed embedded landscape planting as shown in Figure 14.9 of Chapter 14 Landscape and Visual Figures [REP4-037] of the ES. Due to this, the Solar Energy Battery Storage is not identified as having the potential to lead to significant effects (Chapter 14 [AS-079] of the ES).</p>

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	<p>implementing the battery storage facility been accounted for in the assessments in the ES, such as on greenhouse emissions and air quality?</p> <p>Applicant Response:</p> <p>1. and 2. The Battery Storage is part of Work No 4e as shown within Work Plans (Part 4 of 6) Revision 1 [AS-015] and an indicative layout is shown in General Arrangement Drawings Part 2 of 3 Revision 1 [AS-019]. The Solar Battery Storage facility will be constructed to collect the energy created by the photovoltaic panels located in car park canopies and roofs and connect it into the airport network. Work No. 4e would be composed of the following elements, which have been added to the draft DCO submitted at Deadline 4:</p> <ul style="list-style-type: none"> a. solar power storage containers; b. drainage and foul infrastructure; c. firefighting facilities d. lighting; e. vehicle and pedestrian access routes, parking areas; f. security fencing, gates and monitoring systems; and g. ancillary buildings. <p>2. The solar energy battery storage forms part of the Proposed Development and the assessment as it is included in the description documented in Environmental Statement Chapter 4 The Proposed Development Revision 1 [AS-074] and is therefore intended to be delivered. The text in Table 3.4 refers to flexibility to incorporate battery storage in the future, should on site generation or the developed energy strategy require it.</p> <p>The ES is based on 'reasonable worst case' approach as recommended by PINS Advice Note Nine (Ref 5); providing sufficient detail to enable a proper assessment of the likely significant environmental effects of the Proposed Development, whilst seeking flexibility about the detailed design of some elements of the Proposed Development. The Energy Strategy [APP-050] outlines the assumptions on electricity storage, including the battery storage area proposed as Work No. 4e, in generating the energy use profiles used in the greenhouse gas assessment [REP3-007]. A conservative estimate has been used based on battery storage in the Proposed Development to give a reasonable worst case in emissions from energy use, the document also acknowledges the potential</p>		

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	<p>opportunity to increase storage on site when exploring further renewable energy options outside on the DCO (Executive Summary [APP-050])</p>		
<p>PED.1.5</p>	<p>Design review Paragraph 133 of the National Planning Policy Framework (NPPF) states local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. Paragraph 133 goes on to state that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels. Given the proposed size and scale of development and the extent of post approval consents that will be required by Requirement 5 of the draft DCO to authorise detailed aspects of the development, please explain:</p> <ol style="list-style-type: none"> 1. what processes the Council currently has when assessing the design suitability of largescale development; and 2. whether it would be appropriate for any post consent approval process to be subject to a design review process that would be carried out by an independent design review panel to ensure that the highest standards of design are secured. 	<p>In relation to landscape and visual (and carbon emissions), criteria it is acknowledged that all of the options would have a comparable impact (large adverse) as set out in the Environmental Statement Chapter 3 Alternatives and Design Evolution Revision 1 [AS-026] para 3.2.22. In light of this acknowledgement, it would be expected that a design strategy which included a comprehensive approach towards the appropriate integration of this large-scale development into the host landscape would be included in relevant application documents. However, the measures set out in Table 3.4: Summary of embedded measures within the Environmental Statement Chapter 3 Alternatives and Design Evolution Revision 1 [AS-026] para. 3.5.5 Landscape and Visual are limited to:</p> <p><i>h) The visual impact of the proposed buildings would be reduced through the use of muted surface finishes on proposed building elevations and where feasible, airfield equipment. and;</i></p> <p><i>i) Further planting for landscape restoration and screening purposes.</i></p>	<p>The Applicant notes the Hertfordshire Host Authorities' position, however the Applicant's position remains as stated in the response to question PED.1.5 set out in column 2.</p> <p>The Deadline 5 response from the authorities appears to comment on Chapter 3 of the Environmental Statement rather than respond to the question raised.</p> <p>Chapter 3 Alternatives and Design Evolution Revision 1 [AS-026] of the ES provides a summary of environmental design measures embedded within the Proposed Development to avoid or reduce environmental effects. It also explains the other constraints and factors which led to the preferred Proposed Development being selected and is provided to ensure compliance with the EIA Regulations.</p> <p>Full details of the embedded measures included in the design of the Proposed Development are provided in Chapter 14 Landscape and Visual [AS-079] of the ES, Section 14.8 Embedded and good practice mitigation measures.</p>
	<p>Applicant Response: [The Applicant notes that this question is directed to Luton Borough Council, however the Applicant considers that a response from the Applicant will help provide further clarification] Response: Part 2 of 1.5 only –</p> <ol style="list-style-type: none"> 2. The Applicant believes that good design will be ensured at the detailed design stage using the provisions established within the DCO. These include: <ol style="list-style-type: none"> a. The provisions of Requirement 5, which have been substantially strengthened in the draft DCO submitted at deadline 4, which provide for submissions to the LPA for approval. b. The parameters set out in the Design Principles document which is a securing document under the DCO. c. The principles set out in the Strategic Landscape Masterplan Report which are referenced in the Design Principles document. d. The proposals included in the Landscape and Biodiversity Management Plan which are also referenced in the Design Principles document. e. Further supporting design materials submitted as part of the detailed applications such as Design and Access 	<p>Neither of which provides the comprehensive approach, relating to the integration of large scale-built form, which is required.</p>	

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	<p>Statements or similar explaining the development of design and general accordance with the Design Principles.</p> <p>This is a well-established process that has been followed in many other DCOs and is also appropriate in this case.</p> <p>If there are concerns about particular elements of the detailed design then this could be addressed through refinement to the Design Principles. The Applicant and its design team would also keep the detailed design of the Proposed Development under review as it evolves and, should a need for further independent design advice or review arise, will consider how best to secure that input.</p> <p>This approach to taking independent design advice is consistent with the ANPS policy which supports design advice rather than review for aviation projects.</p>		
<p>PED.1.6</p>	<p>Earthworks 1. The Design and Access Statement [AS049, paragraph 2.4.26] states significant earthworks would be required to construct an earth platform to support the airport expansion, as the airfield would need to be at similar levels to the existing runway to comply with the relevant international standards and interface with the proposed terminal building. Explain what international standards are being referred to?</p> <p>2. Explain what regard has been had to the landscape character assessments referred to in Chapter 14 of the ES [AS-079, paragraph 14.7.5] in considering the design approach to the proposed landform. 3. Under Chapter 3 of the ES [AS-026, Table 3.4, criterion b] states where it is not possible to mitigate the risk of slope failure on-site (as part of the earthworks design and gradient of slopes), an engineered solution would be provided. Explain further what the design approach of the engineered solution would be and whether this has been factored into the findings in the Landscape and Visual Impact Assessment and if not, why not? 4. The Design and Access Statement [AS124, paragraph 5.6.4] explains that an estimated 3.7 million m³ of material would need to be excavated from a variety of locations within the site to provide the required platform, albeit it does go on to state that “some imported granular materials will be required for specific engineered fill where not available on site”. Can you: a. Clarify in cubic metres how much ‘some imported granular material’ involves. b. Notwithstanding the above question, using</p>	<p>The Hertfordshire Host Authorities agree that the approach to landform design should be informed by the prevailing landscape character which includes analysis of existing characterisation studies. Can the Applicant explain to the ExA which specific aspects of local landform character will be used to inform the landform design and how this relates to other aspects of the landscape design. Can the Applicant also explain to the ExA how landform design has been considered in relation to the siting of large scale-built development and the evolution of the master planning process more generally</p>	<p>The design of the proposed landform is largely influenced by the requirement for it to align with the levels of the existing runway. The proposed landform will be influenced principally by the characteristics of Local landform character area LBLCA14 (Luton Airport). Other aspects of landscape design are informed by the guidelines for managing change for local landscape character areas (LBLCA 14 Luton Airport, HLCA Area 200 – Peters Green Plateau and HLCA Area 201 Kimpton and Whiteway Bottom).</p> <p>Landform design has been considered throughout the evolution of the design with a landform appraisal undertaken to identify a preferred earthworks solution and consider a range of alternative sources for fill material needed to create a suitable site platform on which to construct the airport extension. This landform appraisal is summarised in paragraphs 3.3.4 to 3.3.6 in Chapter 3 Alternatives and Design Evolution [AS-026] of the ES. The specific details of the preferred option in terms of siting, fill materials, and the quantities of these materials needed to create the construction platform are described in Chapter 5.6 of the Design and Access Statement Volume II [AS-124]. The evolution of the masterplan is described within the Design and Access Statement Volume I [AS-049] Section 4.</p>

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	<p>the approximate volumes in Figures 4.11 to 4.15 of ES Chapter 4 [AS-042], the volume of cut material amounts to approximately 3,119,000m³ and the volume of fill amounts to approximately 3,586,000m³. Please clarify where the additional 467,000m³ would be imported from and if from off-site locations, where this would be from and whether this has been factored into the assessments in the ES</p> <p>Applicant Response:</p> <p>1. The airport layout design conforms to the requirements set out in the relevant design standards and regulations namely European Union Aviation Safety Agency (EASA) (Guidance Material for Aerodromes Design CS-ADR-DSN) (Ref 6).</p> <p>2. The Landscape Character Areas (LCAs) that surround the development site have and will inform the landscape proposals associated with the development, which will be subject to detailed design. The illustrative proposals contained within the Environmental Statement Strategic Landscape Masterplan [APP-172] have been informed by the guidelines for managing landscape change in the various Landscape Character Areas, these typically inform broad landscape principles with regards hedgerows, woodland planting and management (LBLCA 14 Luton Airport, HLCA Area 200 – Peters Green Plateau and HLCA Area 201 Kimpton and Whiteway Bottom). Landscape proposals will be cognisant of the existing landscape typologies and will be informed by these characteristics. The LCAs identify the existing landforms associated with the Airport. Environmental Statement Appendix 14.4 Detailed Landscape Assessment revision 1 [AS-086] provides further commentary on the effect on LCAs. The proposed landform and land take has been made based on an earthwork solution, with slopes based on typically achievable gradients. Therefore, the preferred approach will be an earthwork solution. However, other options may be considered where the default earthworks solution is not possible and this could include, for example, reinforced soil, soil nailing, stabilisation etc. Where these are not suitable, retaining walls may be considered. These options have not been factored into the findings in the Landscape and Visual Impact Assessment as this is not the preferred solution, and alternative solutions will only be considered during detailed design. 3.</p>		

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	<p>3. a. Imported granular material volume equates to 543,000m³ (shown as materials (imported) in Table 4.2 of Environmental Statement Appendix 4.1 Construction Method Statement and Programme Report Revision 1 [AS-082])</p> <p>4. b. The volumes used with assessments in the ES align with the volumes reported within:</p> <ul style="list-style-type: none"> • The Construction Method Statement and Programme Report [AS-082] Tables 4.2, 4.3, 5.2, and 6.2 and associated insets. • The Design and Access Statement Volume II Revision 1 [AS-124] Table 5.1 • Quantities reported in Chapter 19 of the ES. <p>It should be noted that the estimated 3.7 million m³ of material relates to the total of the excavated and imported material required for the development (rather than 3.7 million m³ of excavated material) and this typo is acknowledged. The volumes within Figures 4.11 to 4.15 of the Environmental Statement Chapter 4 The Proposed Development Figure 4.1 - 4.15 Revision 1 [AS-042] do not align with the volumes quoted in the above reports because they are designed to show cut/fill contours required for the development and show change in landform, not the total material volumes moved. Therefore, they are not the same numbers and are for different purposes, not inconsistent or in error. Stockpiles were not included within these volumes, nor were imported materials or exported materials. There are also volumes which represent loss on compaction which are not represented in these drawings. It should be noted that these figures are illustrative and were primarily designed to show how the landform changes with approximate cut/fill within the development areas for each Assessment Phase.</p>		
REP4-063 – Applicant’s Response to Written Questions – Landscape and Visual Impacts			
PED.1.18	<p>Significance of Effect Methodology Chapter 14 of the ES [AS-079, Table 14.1] provides a matrix for determining the significance of effect. In respect of sensitivity of receptor, the table identifies low, medium and high. Taking the findings in paragraph 14.9.27 of ES Chapter 14 [AS-079] as an example, it states visitors to Wigmore Valley Park are considered to be of medium to high sensitivity, which is assumed to have been arrived at by combining visual susceptibility and visual value.</p>	<p>Please note that the contents list of Chapter 14 of the Environmental Statement Chapter 14 Landscape and Visual Revision 1 [AS-079], refers to table 14.7 as ‘Qualitative sensitivity analysis’.</p> <p>The Hertfordshire Host Authorities have previously noted that the LVIA methodology does not set out how value and susceptibility are combined to determine overall sensitivity, and this is a weakness.</p>	<p>The Applicant believes the assessment of Landscape and Visual effects (Chapter 14 Landscape and Visual [AS-079] of the ES) of the Proposed Development is robust and welcomes the authorities’ agreement that further categories are not required.</p>

PINS ID	Question / Luton Rising Response	Hertfordshire Host Authorities Response at D5	Luton Rising Response at D6
	<p>1. Explain clearly how Table 14.7 is used to determine significance of effect.</p> <p>2. Should sensitivity of receptors in Table 14.7 be expanded to include matrices for medium-high or low-medium so that it is clear how the significance of effect has been determined?</p> <p>Applicant Response:</p> <p>1. The Applicant assumes that the ExA are referring to Table 14.7 rather than Table 14.1 of the ES. Paragraph 14.5.19 of Chapter 14 of the ES [AS-079] states that the significance of a landscape or visual effect is summarised through professional judgement, combining the sensitivity of the receptor with the magnitude of impact. As noted by the ExA, visitors to Wigmore Valley Park are considered to be of medium to high sensitivity which is derived from a combination of visual susceptibility (assessed to be 'high' in this instance) and visual value (assessed to be 'medium' in this instance). The magnitude of impact on this receptor is assessed to be medium adverse during the construction stage. Applying the criteria in Table 14.7 results in a moderate adverse significance of effect on this receptor during the construction stage. Applying the same criteria in Table 14.7 could result in a moderate/major adverse significance of effect on this receptor. In determining the significance of effect on this (and all other landscape and visual receptors), professional judgement has been used, based on several factors which contribute to sensitivity and magnitude as described in the detailed landscape and visual assessments set out in ES Appendices 14.4 [AS-139] and 14.5 [AS-086].</p> <p>2. The LVIA and LVIA methodology is intended to be accessible notwithstanding the number of tables and receptors. With the example cited above the effect is Moderate adverse which is Significant. The conclusions reached reflects the LVIA methodology and various tables within the document. It is not considered necessary to include additional categories that may add further confusion.</p>	<p>However, in relation to point 2, the Hertfordshire Host Authorities do not consider that further categories are required or would be helpful. The Applicants explanation that high susceptibility with medium magnitude results in a medium to high sensitivity seems reasonable (although there should be a methodology which explains this).</p>	
PED.1.22	<p>Chilterns Area of Outstanding Natural Beauty (AONB)</p> <p>Please provide an update on the review of the Applicant's methodology for the assessment of the effects on the special qualities of the Chilterns AONB</p> <p>Applicant Response:</p>	<p>The Hertfordshire Host Authorities attended the meeting on 30 October 2023 and have provided a response to the draft Chilterns AONB Special Qualities Assessment on the 3 November 2023.</p>	<p>The Hertfordshire Host Authorities' response to the draft Chilterns AONB Special Qualities Assessment is welcomed and is being considered further, ahead of the finalisation of the document.</p>

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	<p>The methodology for the assessment of the effects on the special qualities of the Chilterns AONB was updated after receiving initial comments from Natural England in August 2023. The first draft of the assessment was circulated on 23 October 2023 to consultees that requested inclusion, including Natural England, the Chilterns Conservation Board, Luton Borough Council, the Hertfordshire Councils representatives and Central Bedfordshire Council. Buckinghamshire Council declined engagement when asked by the ExA at Issue Specific Hearing 6. A meeting to discuss the draft report was arranged for 30 October 2023, and comments requested by Friday 3 November.</p>		
PED.1.23	<p>Chilterns AONB Sensitivity Test [APP107] Paragraph 2.4.2 states that extension to the boundary of the Chilterns AONB would neither change the judgements of magnitude of impact resulting from the Proposed Development nor those on the sensitivity of a visual receptor. This is because judgements on sensitivity are a product of the activity one is performing when experiencing a view, which would not be altered by the future designation of this land. Please explain further the rationale for this statement, given that introducing a statutory landscape designation would likely increase the value of the receptor and its susceptibility to change.</p> <p>Applicant Response: The text cited above relates to the Visual Assessment only. The preceding section 2.3 of the Chilterns AONB Sensitivity Test [APP-107] discusses Landscape Assessment and concludes that these changes would further increase the judgement on magnitude of impact in Assessment Phase 2a for the aesthetic and perceptual characteristics of the landscape within the Chilterns AONB landscape receptor from very low to low, which would in turn increase the significance of effect on this landscape receptor assessed and recorded in Section 14.9 in Chapter 14 of the ES [AS-079] in this period from minor adverse to moderate adverse, which is significant.</p>	<p>The Hertfordshire Host Authorities do not agree that visual receptor sensitivity would be unaffected as set out in Hertfordshire Host Authorities' Response to the ExA's Written Questions (ExQ1) [REP4- 126] at Deadline 4</p> <p>Paragraph 6.37 of Guidelines for Landscape and Visual Impact Assessment Third edition states:</p> <p><i>“Judgements should also be made about the value attached to the views experienced. This should take account of:</i></p> <ul style="list-style-type: none"> • <i>recognition of the value attached to particular views, for example in relation to heritage assets, or through planning designations.”</i> <p>The Hertfordshire Host Authorities maintain the position that extension of the AONB boundary would tend to increase the sensitivity of the landscape and visual receptors within it, but that a sensitivity assessment should be carried out for individual receptors to accurately determine sensitivity.</p>	<p>The reference to judgements about value taking account of planning designations in Paragraph 6.37 of the Guidelines for Landscape and Visual Impact Assessment is considered to apply to situations where such designations currently exist.</p> <p>Views experienced by visual receptors within an area are defined by the composition, character and nature of the view and the qualities and detractors present within the view. The theoretical introduction of a designation (in this instance the Chilterns AONB) 'into' an existing view does not lead to the sensitivity of visual receptors being increased.</p> <p>The Applicant therefore maintains the position that visual receptor sensitivity would not be affected by the potential extension of the AONB.</p>
PED.1.25	<p>Landscape Proposals The Design and Access Statement [AS-049, Paragraph 3.3.7] states that the landscape proposals support the sustainability aspirations of the airport by promoting solutions that:</p> <ol style="list-style-type: none"> a. nurture wildlife; b. conserve water and energy; c. reduce soil and water pollution; 	<p>The Applicants response does not provide the level of information required to satisfy the Hertfordshire Host Authorities that these sustainability aspirations are met. Although the question relates to 'landscape proposals' the response requires the input from a range of relevant topic leads to provide the required detail.</p>	<p>The Applicant believes that sufficient information is contained within the response including appropriate cross references to where extensive information is provided across the application submission documents including the Environmental Statement covering the subjects raised.</p>

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	<p>d. reduce construction waste; and e. decrease surface water run-off</p> <p>Explain further how the landscape proposals support the aspirations listed.</p>		
	<p>Applicant Response:</p> <p>The strategic design considerations are developed to specify the key design aims, objectives and requirements needed to achieve the Vision and the Strategic Objectives as set out in Section 3 of the Design Access Statement Volume I [AS-049]. These are listed under five headings, but are closely interlinked to create a comprehensive approach. The proposed landscape mitigation areas illustrated in the Strategic Landscape Masterplan [APP-172] will fulfil the landscape strategic considerations, and Requirement 9 of the dDCO [REP3-003] secures the landscape design to be developed in accordance with the principles set out in the Design Principles [TR020001/APP/7.09]. For instance, the proposals create increased biodiversity value for both new and existing habitats by incorporating meadow grasslands, created and enhanced woodlands, new and restored hedgerows, a cluster of small wildlife ponds and a range of bat and bird boxes to nurture the wildlife. The landscape proposals also introduce location appropriate species within the planting strategy, including native species. reducing maintenance requirements. contributing to the conservation of water and energy. Similarly, the landscape proposals conserve water by incorporating a balanced hard and soft landscape to enable natural water infiltration to support the overall water management objectives. Further information is provided in Biodiversity Net Gain Report [APP-067]. The landscape strategic considerations are safeguarded within the overall Proposed Development through the Design Principles [TR020001/APP/7.09] and Environmental Statement Chapter 3 [AS-026], embedding these considerations into design principles and mitigation measures. For example, the Proposed Development has been designed, as far as possible, to avoid effects related to waste and resources through option identification, appraisal, selection and refinement as detailed in ES Chapter 19 Waste and Resources [AS-081]. Furthermore, the Biosecurity strategy described in the Landscape and Biodiversity Management Plan [AS-029] explains what measures are taken to reduce the risk of soil and water pollution. The sustainability design principles listed in the Design Principles [TR020001/APP/7.09] also establish a number of</p>		

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	sustainability principles which the future detailed design would comply with, to ensure the established landscape strategic design considerations are achieved.		
PED.1.27	<p>Solar Energy Generation</p> <p>The Proposed Development includes the installation of solar photovoltaic (PV) panels and canopies to support PV panels attached to the roof of proposed buildings (New Terminal 2 building and car parks P1, P5, P9 and P12) and constructed within surface car parks (P2, P10 and P11). In the absence of any reference, clarify if the findings in Appendices 14.4 [AS-086] and 14.5 [AS-139] of the ES has included consideration of the effects of solar energy generation for both landscape and visual impacts?</p> <p>Applicant Response:</p> <p>The assessment of the landscape and visual effects of the Proposed Development, as set out in Appendices 14.4 [AS-086] and 14.5 [AS-139] of the ES, has considered the installation of solar photovoltaic (PV) panels and canopies to support PV panels attached to the roof of proposed buildings, and constructed within surface car parks. Whilst these structures are not explicitly referenced in the assessments, they have been taken into account in the descriptions and judgements made in relation to magnitude of impact, and factored into the 3D development parameters model used to produce the photomontages included in ES Appendix 14.7 [REP3-009 to REP3-014]</p>	<p>There does not appear to be a coordinated response between the LVIA, Chapter 14 of the Environmental Statement Chapter 14 Landscape and Visual Revision 1 [AS-079], and the Glint and Glare Assessment [REP4-041]. Notably, the Glint and Glare Assessment [REP4-041] does not consider many of the receptors identified in the LVIA. The Hertfordshire Host Authorities request that the Applicant provides the ExA with more details of how glint and glare particularly from solar energy generation has been factored into the assessment of landscape and visual effects.</p>	<p>The Glint and Glare Assessment [REP4-041] is a preliminary assessment focused on the potential impacts of reflected glare from solar panels and the potential for this to affect airport operators and / or nearby sensitive receptors. It has reviewed the primary sensitive receptors, namely, air traffic using the runway, the air traffic control tower and road traffic using adjacent major routes. These receptors are based on best practise guidance.</p> <p>The Glint and Glare assessment was requested from an engineering drawing requirement and is for risk and safety purposes. It is not accounted for in Chapter 14 Landscape and Visual [AS-079] of the ES as it was written after the Landscape and Visual Assessment and is not required to complete a full and robust landscape and visual impact assessment of the Proposed Development.</p>
PED.1.31	<p>Unacceptable levels of harm Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.31] states 'it is evident that whilst that will be an adverse impact on the surrounding landscape (including the Chilterns AONB) and visual impact caused by the Proposed Development, in most instances this will not amount to unacceptable levels of harm'. Describe the instances where unacceptable levels of harm would arise.</p> <p>Applicant Response:</p> <p>The Applicant acknowledges that the wording in 8.9.31 is not as helpful or clear as it could be and the Planning Statement can be amended to read as follows: "8.9.31 It is evident that whilst that will be an adverse impact on the surrounding landscape (including the Chilterns AONB) and visual impact caused by the Proposed Development. In most instances, these impacts can be adequately mitigated but, in some instances, there will be residual adverse impacts resulting in harm which needs to be weighed in the planning balance (such as the parkland of Wigmore Valley Park). This harm is</p>	<p>The Hertfordshire Host Authorities disagree that, "<i>In most instances, these (landscape and visual) impacts can be adequately mitigated</i>" and maintains fundamental concerns regarding the visual impact of the introduction of large-scale built development and potential impacts on the Special Qualities of the Chilterns AONB.</p>	<p>The visual effects of the buildings and structures are considered fully in Chapter 14 Landscape and Visual [AS-079] of the ES and the detailed visual impact assessment in Appendix 14.5 Detailed Visual Assessment Rev2 [AS-139] of the ES. The Assessment concludes that the majority of residual effects of the Proposed Development on visual receptors would not be significant, including visual effects on receptors in the AONB which are negligible or minor which are not significant.</p> <p>The effects of the Proposed Development on the Special Qualities of the Chilterns AONB are being assessed via the Special Qualities Assessment being prepared by the Applicant. The Assessment is currently being reviewed in light of detailed feedback from stakeholders (including the Hertfordshire Host Authorities). However the draft Special Qualities Assessment concluded (amongst other things) that any effects on the AONB Special Qualities would arise as a result of an increase in aircraft movements (up to</p>

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	<p>tempered by other instances where current landscape and visual impacts are improved (such as the network of PRow east of Luton). 8.9.32 The Proposed Development is therefore in accordance with the relevant landscape and visual impact planning policies taken as a whole, noting that there are some adverse and beneficial effects. With mitigation measures incorporated into the design where possible, this matter should be accorded only limited negative weight in the planning balance.” NB. Paragraph 8.9.32 is unchanged but is included above for context and to show that the amendment to the wording of 8.9.31 has no effect on the conclusion on this issue.</p>		<p>7,000ft over the AONB) rather than the introduction of built form and structures on the Main Application site.</p>
<p>REP4-064 – Applicant’s Response to Written Questions – Green Belt</p>			
<p>PED.1.35</p>	<p>Work No 5b (02) - Replacement Open Space The Planning Statement [APP-196, Appendix B, paragraph B1.1.6] does not consider the replacement open space in the Green Belt Assessment because there are no physical works associated with it. However, the Strategic Landscape Masterplan [APP-172] and Work No. 5b (02) in the draft DCO [REP3-003] identifies hard landscaping and footpaths, installation of street furniture, earthworks and the erection of boundary treatments that would constitute physical works. Given that the proposed replacement open space would involve a material change in the use of land and the works outlined above, discuss whether it would preserve openness and why it would not conflict with the purposes of including land within the green belt, as required by paragraph 150 of the NPPF.</p> <p>Applicant Response: The term physical works at paragraph B1.1.6 in the Green Belt Assessment [APP-196] was directed towards buildings and the Applicant acknowledges that the terminology could have been clearer. It is agreed that the hard landscaping and footpaths, installation of street furniture, earthworks and the erection of boundary treatments would constitute physical works and that consideration needs to be given to NPPF paragraph 150.</p> <p>The proposed replacement open space would remain inherently open, both in close and long distance views and would continue to clearly link to the wider Green Belt both visually and spatially, maintaining the sense of separation between settlements. In this context, the proposed physical works are very limited in nature, complementing and reinforcing the nature and character</p>	<p>The Applicant has appeared to address each individual element in relation to individual local authority Green Belt designation. The Hertfordshire Host Authorities advise that the cumulative effects of all developments proposed for the Green Belt on the combined Green Belt area should be determined as it is likely that there would be negative effects particularly in relation to the introduction of structures which would have an urbanising influence and diminish the visual sense of openness.</p>	<p>There would be no intervisibility between the two elements of the Proposed Development which constitute inappropriate development in the Green Belt i.e. the Surface Movement Radar with associated works and the Above Ground Installation for the fuel pipeline connection. Accordingly, it is considered that there would be no cumulative effects on the visual sense of openness of the Green Belt, and that assessment of the Green Belt elements individually is considered to be robust.</p>

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	<p>of the space as open parkland. None of these physical works would present any continuous massing across the Site akin to a building and would not have any significant urbanising effect. Accordingly, it is considered that the material change of use to open space and the associated physical works would preserve the openness of the Green Belt, both spatially and visually.</p> <p>The proposed change of use to open space and the associated physical works are considered against the five purposes of including land within the Green Belt set out below:</p> <p><u>a. to check the unrestricted sprawl of large built-up areas</u> The proposed change of use to public open space would likely place an even greater impediment to potential future urban sprawl than the existing agricultural use.</p> <p><u>b. to prevent neighbouring towns merging into one another;</u> The change of use to open space and the associated physical works will not lead to the merging of any towns into one another. Rather, it would reinforce the sense of separation between Luton and neighbouring settlements to the east, including Breachwood Green.</p> <p><u>c. to assist in safeguarding the countryside from encroachment;</u> The proposed change of use to public open space would safeguard the countryside from urban encroachment.</p> <p><u>d. to preserve the setting and special character of historic towns;</u> The change of use to open space and the associated physical works will not impact upon the setting and special character of any historic towns.</p> <p><u>e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land</u> It is not considered that this criterion is directly relevant to the change of use to open space and the associated physical works.</p> <p>Having regard to the above, it is considered that proposed change of use and associated physical works would preserve openness and would not conflict with the purposes of including land within</p>		

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REP4-069 – Applicant’s Response to Written Questions – Traffic and Transportation including Surface Access			
TT.1.2	<p>Cumulative Impacts In Written Representation [REP1-160] Stop Luton Airport Expansion raise a concern about the potential impact of Luton Town Football Club (LTFC) in light of the fact that they have planning permission for a new stadium which could hold up to 23,000 people. The Applicant’s response to Stop Luton Airport Expansion’s Written Representation stated that the modelling exercise focuses on the typical weekday AM and PM peak periods, which would not include activity associated with the football club. In addition, the planning permission associated with LTFC includes various forms of highway improvements, which the football club would be required to provide in order to mitigate the effects of traffic associated with the stadium relocation. Does the Applicant have any details of these highway improvements and if there would be any cumulative effects with the proposed airport related highway works? Does the Applicant have any information as to how this potential influx of people on a weekend would affect public transport capacity for those passengers and staff?</p> <p>Applicant Response: The details of the proposed highway mitigation forming part of the Power Court (Luton FC) planning application can be seen on drawing number 32444/1001/SK014, within Transport Assessment Appendix 4.1G ‘Off-site Corridor and Junction Layout’ of the Power Court application (ref: 16/01400/OUTEIA). The proposed improvements along St. Mary’s Road forming part of the Power Court application would narrow St. Mary’s Road to one lane in either direction on the approach to the gyratory junction between Windmill Road, St. Mary’s Road and Crawley Green Road.</p> <p>The Power Court application has been included within the London Luton Airport Transport Assessment Appendices - Part 2 of 3 (Appendix F) [APP-201] uncertainty log as ‘near certain’ and therefore was included within the modelling undertaken for the DCO.</p> <p>As part of the application for development consent, improvements are proposed to the gyratory junction between Windmill Road, St. Mary’s Road and Crawley Green Road which would improve the capacity of the gyratory for all vehicles. The improvements comprise</p>	<p>Noted. The modelling for the Proposed Development relates to a weekday peak period where the traffic flows are generally at their highest. The greatest impact for the football stadium is on a weekend, no modelling for London Luton Airport has been done to be able to assess this impact.</p>	<p>As previously noted, the modelling for the Proposed Development has been undertaken for weekday peak periods, where traffic flows are at their highest. As such, the mitigation measures which are proposed by the Applicant are designed to mitigate the potential impacts of airport related traffic, in addition to traffic associated with consented developments - this includes weekday peak traffic associated with the Power Court (Luton Town FC) application.</p> <p>This is a typical approach to modelling the impacts of a proposed development, where off-peak activity is generally not required to be assessed.</p>

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	<p>widening to the circulatory carriageway, and capacity improvements to Windmill Road and St. Mary's Road arms. These amendments would not compromise the Power Court works.</p> <p>The Applicant does not have information on weekend public transport capacity associated with Luton Town FC match-day activity, beyond what is set out within the Power Court Transport Assessment (Appendix 4.1). This indicates that for each bus service there would be 9 additional passengers in the pre-match hour period, and 12 additional passengers in the post-match hour period. It is not anticipated that these volumes of bus passengers would have a significant impact on airport-related bus travel. The Power Court application also undertook rail passenger occupancy surveys on a weekend period, noting passenger levels and overall occupancy at all stations between Flitwick to Harpenden. The surveys concluded that for southbound services a maximum of 67% occupancy was observed between Luton Airport Parkway and Harpenden. For northbound services, maximum occupancy figures of 17% were surveyed between any of the stations from Harpenden and Flitwick.</p> <p>For the DCO application, the rail capacity analysis was focussed on the weekday peak periods as this is when background demand is highest. The level of hourly rail demand created by the airport is easily accommodated on the services provided from Thameslink and East Midlands Rail and as background demand at weekends is significantly lower than weekdays, there should be no cumulative concerns. The same is true of bus services in the vicinity of the airport at weekends when there may be events at the proposed Luton Town FC stadium.</p>		
TT.1.6	<p>Traffic A significant number of Relevant Representations raised a concern about the increase in traffic that would be generated by the proposed expansion. Transport for London [RR1543] stated 'The Proposed Development should not be dependent on any increase in car trips or car parking and the Applicant needs to set out a concrete package of measures to ensure this'. The ANPS states 'Heathrow Airport has committed to ensuring its landside airport-related traffic is no greater than today.' While this is not necessarily a requirement for this application, can the Applicant explain what they are doing to achieve a similar outcome?</p>	<p>The Applicant states in their response that "...increase(ing the) sustainable travel mode share ..." "...will reduce the number of vehicles travelling to the airport..."</p> <p>This is not correct, the numbers travelling by vehicles is also increasing as the metric being used in the Framework Travel Plan (FTP) is % mode share.</p> <p><i>"passengers parking at the airport have a lower impact on vehicle trips than those using "kiss and fly" or "taxi and private hire" – this should be substantiated.</i></p>	<p>On the first point, the Hertfordshire Host Authorities are correct that the Future Travel Plans will measure mode share by percentage and interventions will be monitored based on the % targets set out in the Travel Plans. However, no Travel Plan targets have yet been set, these will be agreed on completion of the first Travel Plan, and the likely effect on vehicle numbers can be discussed at that time.</p> <p>It is noted that the targets set will need to be approved by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function, as part of the process to discharge Requirement</p>

PINS ID	Question / Luton Rising Response	Hertfordshire Host Authorities Response at D5	Luton Rising Response at D6
	<p>Applicant Response: The Applicant cannot comment on the proposals or commitments made by other airports in their own applications for expansion which were made under different circumstances and conditional to that applicant. There is no obligation on airport (or other) developments to result in no net increase in traffic, only that any impacts where identified are mitigated. The ANPS “sets out Government policy on expanding airport capacity in the South East of England, in particular by developing a Northwest Runway at Heathrow Airport” (Ref 1). Any application for a new Northwest Runway development at Heathrow will be considered under the ANPS and specifically that “Other Government policy on airport capacity has been set out in the Aviation Policy Framework, published in 2013”. It is therefore unclear the relevance to the application of the statement from TfL on the applicant to achieve a similar outcome as Heathrow. It should be noted that the ANPS does not place a requirement on Heathrow to secure 'no more traffic' it is a voluntary commitment from Heathrow and would be dependent on the construction of three new rail lines, none of which are being delivered directly by Heathrow (Crossrail, Western Rail, Southern Rail).</p> <p>The Surface Access Strategy and Framework Travel Plan set out the measures the Applicant proposes to increase sustainable travel mode share at the airport for both passengers and staff. These will reduce the number of vehicles travelling to the airport allowing the airport to appropriately develop and refine the strategy over the period of airport development. It is also noted that passengers parking at the airport have a lower impact on vehicle trips than those using “kiss and fly” or “taxi and private hire”. If additional parking was not provided this could result in an increase in vehicle trips rather than a reduction as those from areas with low public transport availability, choose alternative vehicle options over public transport.</p>	<p><i>“If additional parking was not provided this could result in an increase in vehicle trips rather than a reduction as those from areas with low public transport availability choose alternative vehicle options over public transport.”</i> – this needs substantiating, particularly in regard to the fact that the Applicant has not proposed any specific public transport (coach / bus) service improvements from the east or south.</p>	<p>30 of the DCO and approve each Travel Plan. Hertfordshire, as a relevant Highway Authority, will therefore be consulted on any targets set through the ATF.</p> <p>On the second and third points, there are a number of reasons why passengers parking at the airport could have a lower impact on vehicle trips than those using “kiss and fly” or “taxi and private hire”, for example:</p> <ul style="list-style-type: none"> • Single trips vs round trip: passengers who park their car at the airport will typically make one daily trip to the airport, whereas “kiss and fly” and taxi services often involve two trips. This results in a doubling of trips in a daily period. • Car sharing – passengers driving to the airport may carpool with others if travelling in a group or with family. “kiss and fly” users often involve individual trips, resulting in more vehicle trips on the road. <p>Following on from above, a bus and coach strategy has been produced and was provided at Deadline 4. This details potential improvements that could be made as well as the path to implementation. Specific interventions will be consulted on through the ATF and Travel Plan process prior to consent. This will ensure that the interventions are flexible to the current needs and reflective of the present situation and results of the annual monitoring surveys.</p>
<p>TT.1.7</p>	<p>GCG The Applicant states in their response to Transport for London [REP1-024] that the mode share targets identified in the Framework Travel Plan would be more ambitious than those set out in the Green Controlled Growth Framework. Please can the Applicant clarify by signposting to the relevant</p> <p>Applicant Response:</p>	<p>In order to be reflective of the traffic assessment that has been carried out for the planning application, the travel plan targets should be set to ensure they achieve at least the level that has been assumed in the Transport Assessment, rather than being set solely around a new baseline.</p>	<p>The requirement of the Framework Travel Plan will set targets for increased use of sustainable modes that are more ambitious than the Green Controlled Growth limits. The Surface Access Limits in the Green Controlled Growth Framework [REP5-022] are aligned to the mode share assumptions used in the Transport Assessment [APP 200-207 and AS-123] (‘reasonable worst case’ – i.e., the minimum that must be achieved for impacts (after mitigation) to be acceptable).</p>

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	<p>The Framework Travel Plan [AS-131] does not set out the values of the mode share Targets (as distinct from the mode share Limits contained within the Green Controlled Growth Framework [REP3-017]). Section 4.1 of the Framework Travel Plan instead sets out how future Targets will be set, reviewed and updated as part of the production and ongoing monitoring of each future iteration of the Travel Plan. Specifically, paragraph 4.1.4(a) captures the requirement for the setting of more ambitious Targets (“Targets should strive to achieve higher levels of sustainable transport mode share than the Limits”).</p> <p>It is not considered appropriate to set specific mode share Targets for the first Travel Plan at this stage, due to the significant variation in recent mode share trends as a result of the COVID-19 pandemic, and potential time-lag until those Targets would come into force, which could render them out-of-date (i.e. Targets set now might not be reflective of mode share levels by the time the examination has been concluded, the application for development consent granted, and the DCO subsequently implemented through the serving of notice under Article 44 of the Draft DCO [REP3-003]).</p> <p>Instead, as described in Section 4.1 of the Framework Travel Plan, the development of each Travel Plan must consider up-to-date baseline information to inform the setting of the Targets, which can be no lower than the GCG Limits (and strive to be more ambitious). The values of those Targets will need to be approved by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function, as part of the process to discharge Requirement 30 of the DCO and approve each Travel Plan.</p>		<p>The Framework Travel Plan [REP4-044] recognises it is desirable, if not essential, to deliver beyond the ‘reasonable worst case’ mode share. As such, the Applicant should strive to reduce surface impacts beyond the reasonable worst case assessment.</p>