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# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.127 Applicant's Response to Deadline 5 Submissions**

**Appendix D - Dacorum Borough Council, Hertfordshire  
County Council and North Hertfordshire Council**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.127

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.127 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS  
APPENDIX D – DACORUM BOROUGH COUNCIL, HERTFORDSHIRE  
COUNTY COUNCIL AND NORTH HERTFORDSHIRE COUNCIL**

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## Appendix D –Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire Council [REP5-068]

Table 1.1 Applicant's response to submission by Dacorum Borough Council, Hertfordshire County Council &amp; North Hertfordshire Council at Deadline 5

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
1	Noise and Vibration	It is not typical for an airport noise assessment to be based on the 'reasonable worst case', as the Applicant proposes, but rather from realistic forecasts such as those used in the Core case, which itself should form the 'reasonable worst case' in accordance with the principles of Environmental Impact Assessment (EIA). While the overall noise effects as defined in the EIA may be comparable, the number of people exposed to specific noise levels will differ and this is highly material with regard to complying with UK aviation noise policy such as Aviation Policy Framework 2013 ("limit and where possible reduce the number of people in the UK significantly affected by aircraft noise").	See response ID3 in the <b>Applicant's Response to Deadline 5 Submissions - Appendix C - Central Bedfordshire Council [TR020001/APP/8.127]</b> .
2	Surface Access	It is unclear the factors that are applied to the Civil Aviation Authority (CAA) data to represent all airport users, given the low level of sample rate generated from this survey. With the low level of forecast rail travel from the east alongside the lack of confirmed provision for new bus / coach provision it is difficult to understand how the proposed mode share targets for rail and bus /coach are being achieved to support the airport growth. This raises concerns with the Hertfordshire Host Authorities that the assumption for travel from the east is still mainly reliant on private car travel.	All data from the CAA Survey used in connection with the DCO Application is presented on a weighted basis. Interviews are weighted according to the total number of passengers on any given route and airline within each quarter of the year surveyed. The methodology by which individual interviews are weighted to match the total throughput of each airport is set out on the CAA website (Ref 1). The <b>Trip Distribution Plans [REP5-037]</b> show that the majority of car borne passenger and staff trips access the airport from the west via the A1081, with a much smaller proportion travelling to the east and Hitchin. Nevertheless, the <b>Bus and Coach Study [REP5-041]</b> outlines the potential bus and coach service additions or improvements that may be implemented as part of the proposals to support the Proposed Development in adhering to the GCG Limits and achieving the future TP mode share targets. The high-level interventions include a new A100 service with limited stops between the airport, Hitchin and Stevenage and additional stops on the Arriva 100 service to increase access to key urban areas and transport hubs.
3	Green Controlled Growth	<p>Matters Raised</p> <p>GCG: Noise Mitigation Toolbox</p> <p>Hertfordshire Host Authorities Comment</p> <p>The Applicant sets out the Local Rules currently in place at Luton Airport. These seek to demonstrate that the 'mitigation toolbox' supporting Green Controlled Growth with regards to noise are sufficient to enable noise contour limits to be controlled and not breached through suitable management. However, the Hertfordshire Host Authorities note that there are no enhancements proposed to the mitigation options that were on offer to the Airport before and during historic breaches, and as such it is not clear how these measures will apply effectively in the future to avoid breaches under the GCG, when they have not done so in the past.</p>	See response to the same comment raised by <b>Luton Borough Council in Applicants response to Luton Borough Council D5 submission [TR020001/APP/8.127]</b> , see ID47.
4	Green Controlled Growth	<p>Matters Raised</p> <p>GCG Transition Period</p> <p>Hertfordshire Host Authorities Comment</p> <p>The Applicant has not explained and justified why it is not possible for the Airport Operator to be prepared to implement the new monitoring regimes under the GCG from the date of service of the notice under Article 44(1) of the draft DCO [REP4-003], noting that the Applicant has control over when it exercises the notice. The</p>	See response to the same comment raised by Luton Borough Council in <b>Applicants response to Luton Borough Council D5 submission [TR020001/APP/8.127]</b> , see ID48.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		<p>Hertfordshire Host Authorities consider that the Applicant should explain and justify the proposed approach, noting that the Applicant will have time following grant of the DCO application to begin developing and preparing for implementation of the new monitoring regimes under the GCG.</p> <p>It is also not clear the basis on which the Level 2 Thresholds and Limits do not apply during the Transition Period, and the Applicant's explanation does not justify why this approach is robust and does not inhibit the Environmental Scrutiny Groups' (ESG) ability to properly oversee and undertake enforcement in relation to exceedances of Level 2 Thresholds and / or Limits during the Transition Period. The Applicant says that this would not be in the Airport Operator's interests, but it is clear that the controls themselves would be absent during this period, leaving a risk of exceedance without any ability on the part of the ESG to require mitigation.</p>	
5	Noise and Vibration	The Hertfordshire Host Authorities consider that it remains unclear how the benefits of growth are to be shared with the local community, particularly if there is no mechanism to incentivise driving effects down (as distinct from sitting just under the Limit but with a plan for ensuring it is not exceeded).	See response to the same comment raised by <b>Luton Borough Council in Applicants response to Luton Borough Council D5 submission [TR020001/APP/8.127]</b> , see ID49.
6	Noise and Vibration	Section 5.3 discusses how slot allocations could potentially be used to reduce capacity, in exceptional circumstances. It appears that through implementation of Local Rules to manage the release of slots, alongside 5-year advanced planning (both of which are proposed), Luton Airport may be able to manage noise so as not to need to reduce capacity. Sensible Local Rules, possibly implemented in step changes as part of or in line with the 5-yearly ESG review period, are an important part of an acceptable noise control strategy. The Hertfordshire Host Authorities request further information on what Local Rules are being proposed by the Applicant.	Noted. Information on how Local Rules could be used within the Green Controlled Growth Framework is provided in the <b>Green Controlled Growth Explanatory Note [REP5-020]</b> . Further information on Local Rules will be provided at Deadline 7 in response to Actions 8 and 10 from Issue Specific Hearing 9 <b>[EV16-009]</b> .
7	Surface Access	<p><b>Matter Raised</b></p> <p>The Applicant presents the modelling results for just the three Hitchin junctions. The methodology and results assessment have been reviewed.</p> <p><b>Hertfordshire Host Authorities Comment</b></p> <p>The following statements raise concern that the data provided is not accurate and representative for the purpose of answering the ExAs question. Para 1.5.7 – "...include the scenario where the proposed development is included but with no highway mitigation. These Existing Junctions 'with Proposed Development' scenarios are modelled using traffic flows extracted from the CBLTNLTN Proposed Mitigation 'with Proposed Development' strategic model runs, as for previously explained reasons no strategic model run is available for the existing highway network 'with Proposed Development' traffic flows. As such, for the analysis of the Existing Junctions 'with Proposed Development' modelled scenarios, traffic flows were taken from the Proposed Mitigation 'with Proposed Development' strategic model run." Para 1.5.8 – "This approach means that the traffic flows used in the Existing Junctions 'with Proposed Development' scenarios will not have taken into consideration any dynamic reassignment of trips resulting from the lack of proposed highway mitigation, which in some cases results in the 'with development' scenarios reporting a reduction in traffic flows in certain periods." In not taking account of the dynamic reassignment of trips of trips above</p>	The approach adopted is consistent with the approach explained to the ExA at ISH4. Notwithstanding this, the Transport Assessment report establishes a future baseline scenario against which the effectiveness of the mitigation measures has been assessed.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		it is not possible to understand whether the mitigation proposals are addressing the forecast junction capacity issues because the traffic flow forecasts may not be representative.	
8	Surface Access	<p>Comments on the modelling results: Phase 1 (21.5mppa) / 2027 – no mitigation proposed so only forecast Baseline and forecast with development is shown.</p> <ul style="list-style-type: none"> <li>- Table 1 results show that there is an existing problem in the AM and PM peak on the A602 approaches at A602 Park Way / A602 Stevenage Rd / B656 Hitchin Hill / B56 London Road/ Gosmore Rd roundabout.</li> <li>- Table 2 &amp; Table 3 junctions are not showing much difference between the scenarios. However, within the footnote to table 3 “Wratten Road is a minor road and not included in the CBLTM-LTN model so nominal flow (of 15 PCU) is allocated to that approach (in all model scenarios).” There is no evidence to suggest that this arbitrary value used in the assessment of this junction is accurate. It would be expected that most of the trips from Wratten Road would be turning right towards Hitchin and therefore opposing the flow on the other approaches. The Applicant should provide details of the turning assumptions used. The Hertfordshire Host Authorities do not consider from the information available that this junction has been modelled appropriately to accurately identify the mitigation scheme and effects and to demonstrate that the 15 PCU traffic flow on Wratten Road is appropriate.</li> </ul>	<p>Table 1, 2 and 3 show that the proposed development in Assessment Phase 1 has minimal impact on the operation of the junctions. It is noted that the additional Airport demand in Assessment Phase 1 is not substantial and as a consequence it is correct that there is little difference between the scenarios.</p> <p>Wratten Road is a local access road and not within the CBLTM-LTN model. As such no data was available for Wratten Road. To reflect the local use of the road, a flow of 15 PCUs in and 15 PCUs out of the junction was assumed with the flow split equally over the other arms.</p>
9	Surface Access	<p>Phase 2a (27mppa) / 2039:</p> <ul style="list-style-type: none"> <li>- Table 4 shows some improvement with the mitigation but still extensive queuing forecast on A602 approaches after the mitigation, especially PM on A602 Stevenage Road. - Table 5 overall queues reduced but the future baseline didn't forecast a significant impact, mitigation doesn't show any improvement and Upper Tilehouse Street in the PM has increased queues compared to the forecast Baseline. There is an increase of 484 PCUs in AM peak and 404 PCUs in the PM peak on Paynes Park with the development.</li> </ul> <p>The junction modelling results as presented do not demonstrate that the proposed mitigation scheme is effective.</p> <ul style="list-style-type: none"> <li>- Table 6 – demand in AM peak with Proposed Development is lower on A505 Offley Road (-258 PCUs), and there is an increase in PCUs in the with Proposed Development scenario on the other approaches. Queues are increased in the with Proposed Scheme scenario on Pirton Road with and without mitigation, indicating that the proposed mitigation may not be effective in the AM peak. For the PM peak with the Proposed Development the queue remains on A505 Offley Road, indicating that the proposed mitigation may not be effective.</li> </ul> <p>The junction modelling results as presented do not demonstrate that the proposed mitigation scheme is effective.</p>	<p>Table 4 shows that the proposed mitigation significantly reduces average delays across the junction and also reduces queues on the A602 approaches.</p> <p>Table 5 shows that the junction operates with improved performance in the AM peak hour and marginally worse performance in the PM peak hour. On balance the mitigation is therefore considered to be effective.</p> <p>Table 6 shows that there is a rebalancing of queues at the junction in the AM peak hour but that in overall terms, whilst some queues increase, other decreases and there is a significant reduction in delays across the junction. In the PM peak, the queue on the A505 Offley Road is reduced to below the future baseline queues and therefore the proposed mitigation is considered effective.</p> <p>The Applicant disagrees that the modelling results show that the mitigation schemes are ineffective. The schemes are shown to mitigate the impacts of the Proposed Development given that the performance of the junction is no worse than in the future baselines and in most cases provides a significant improvement in average delays.</p>
10	Surface Access	<p>Phase 2b (32mppa) / 2043:</p> <ul style="list-style-type: none"> <li>- Table 7 some improvement with the mitigation but still extensive queuing forecast on A602 approaches, and for the PM peak A603 Stevenage Rd still significant queue.</li> </ul>	<p>Table 7 shows that the proposed mitigation significantly reduces queues and average delays across the junction.</p>

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		<p>- Table 8 queue increased on Upper Tilehouse Street in the PM peak compared to forecast existing situation. There is an increase of 417 PCUs on Paynes Park AM peak and similar magnitude in PM peak, reduction of demand on Upper Tilehouse Street. Overall, the mitigation doesn't show a notable improvement, with similar RFC and Queues being noted for without and with mitigation.</p> <p>The Hertfordshire Host Authorities seek further information from the Applicant on the proposed re-routing of traffic in the junction modelling before being able to confirm that the proposed mitigation scheme is effective.</p> <p>- Table 9 compared to forecast without mitigation on upper Tilehouse Street with the mitigation in the AM and PM peak, AM peak queue increased significantly on Pirton Road without mitigation and queue remains on Pirton Road with the mitigation, Offley Road PM peak queue forecast is more extensive than future baseline existing.</p> <p>The junction modelling results as presented do not demonstrate that the proposed mitigation scheme is effective.</p>	<p>Table 8 shows that the junction operates with improved performance in the AM peak hour and marginally worse performance in the PM peak hour. On balance the mitigation is therefore considered to be effective.</p> <p>Table 9 shows that the junction is forecast to operate over capacity in the future baseline.</p> <p>Table 9 shows that there is a rebalancing of queues at the junction in the AM peak hour but that in overall terms, whilst some queues increase, other decreases and there is a significant reduction in delays across the junction. The junction operation would be worsened in the PM peak hour however when the increased impact in the PM peak hour is balanced against the improvement in the AM peak hour, the overall impact is not considered to materially worsen the performance of the junction in Assessment Phase 2b.</p> <p>The junction location is constrained by properties on all sides and options to add further mitigation are limited.</p>
11	Surface Access	<p>The Applicant should confirm whether the assessment uses the VISSIM model which uses traffic flows from the strategic model. If the old VISSIM model is still being used the Hertfordshire Host Authorities see no point in reviewing the modelling information until it is updated, see earlier comments in [REP2-058]: Hertfordshire Host Authorities' Principal Areas of Disagreement Summary Statement.</p>	<p>The VISSIM modelling undertaken to support the Rule 9 work has used the validated VISSIM model which underpinned the Transport Assessment for the DCO.</p> <p>It is noted however that the forecast year models have been updated to:</p> <ul style="list-style-type: none"> <li>- incorporated the demand from the strategic model; and</li> <li>- updated assumptions on infrastructure including changes to the 2027 models to remove Vauxhall Way dualling and to remove the assumptions around any capacity upgrade to the M1 mainline in the 2043 future forecast year.</li> </ul>
12	Surface Access	<p>ATF Terms of Reference</p> <p>The Hertfordshire Host Authorities would welcome further engagement on the Terms of Reference for the ATF (and indeed the ATF Steering Group Terms of Reference) and the relationship between both of these and other processes. As the Applicant has continued to develop its approach to monitoring, governance, decision-making and funding (Sustainable Transport Fund, Residual Impact Fund) in relation to surface access, it would be helpful if the applicant could provide a single explanation of the various governance and decision-making processes with regard to all surface access matters.</p> <p>Figure 7.1: TP governance of [REP4-047] refers to the Travel Plan Coordinator engaging with the ATF on an ongoing quarterly basis, but [REP4-083] refers to twice yearly meetings.</p> <p>Experience elsewhere, for example the London Stansted Airport ATF, suggests to use of sub-groupings might be productive, but whether this would add value/be productive would depend to some extent on the overall picture (above) and the desire to avoid duplication wherever possible):</p> <p>Terms of Reference - Stansted Area Transport Forum (stanstedatf.com).</p>	<p>Regarding the ATF Steering Group for the TRIMMA:</p> <p>The full Terms of Reference for the Steering Group will be provided in final TRIMMA. The final TRIMMA must be substantially in accordance with this OTRIMMA and be approved in writing by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function. The airport cannot be operated above its extant passenger cap until the TRIMMA has been approved.</p>

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13	Surface Access	<p>Catchment area for staff walking and cycling</p> <p>The sample size of analysed data is 475; the total staff / sample rate is not provided. The Hertfordshire Host Authorities would like the Applicant to confirm the current sample rate of the annual staff survey.</p> <p>The walking catchment is not relevant for Hertfordshire Host Authorities.</p> <p>The cycling catchment shows a 45-60 min catchment into Hertfordshire towns including Harpenden, St Albans and towns and villages to the east of the A1(M) (approx. 20 of the survey sample). The ability to cycle is restricted mainly by convenience and lack of interest in cycling to work and quality of cycling provision for the 45-60 min catchment. Public transport responses are also presented and show that discounted tickets and more direct bus routes would encourage greater use. The Hertfordshire Host Authorities agree with this.</p> <p>The Hertfordshire Host Authorities consider that the opportunity for staff to use public transport from Hertfordshire is greater than for walking or cycling. However, they consider that opportunities for better links for cyclists and buses to the Luton DART from some areas may be easier to implement than to the terminal itself and should be explored further as part of the Framework Travel Plan (FTP). Improvement to the Luton-Harpenden cycle link is flagged as a top priority in England Economic Heartlands Active Travel Strategy.</p>	<p>The 2022 staff survey was distributed to every London Luton Airport employee with an ID pass. Based on the total staff numbers, a response rate of 6-7% is estimated.</p> <p>The Applicant recognises that this is a low response rate, though at the time of the analysis these were the most up-to-date data available. For future surveys, that will inform the future Travel Plans, an increased response rate will be sought, with measures to increase awareness of the survey and incentivise staff to complete it when distributed.</p>
14	Surface Access	<p>Matters raised</p> <p>A Residual Impact Fund (RIF) secured through s106 agreement is identified in the updated document, applicable only to the Type 2 Mitigations (MT2) (residual traffic related impacts that may occur additional to Type 1). Type 1 mitigations (MT1) (off-site highway work contained in schedule 1 of the DCO) are secured through the DCO.</p> <p>Mitigations are categorised into Type 1 and Type 2 as above.</p> <p>Type 2 – secured through the Airport Transport Forum (ATF) steering group and funded via RIF.</p> <p>Emphasis on it being a working document and subject to change during the Examination process.</p> <p>Hertfordshire Host Authorities Comment</p> <p>MT2 – responsibility of the Hertfordshire Host Authorities to fund and undertake additional monitoring exercise to demonstrate a location for consideration of additional mitigation. Hertfordshire and North Herts are agreeing with the Applicant the location for ongoing ANPR monitoring sites and our assumption is that the cost of these identified sites would be covered by them, this makes it even more important that the Hertfordshire Host Authorities have good and adequate</p>	<p>The Applicant notes comments regarding ongoing discussions.</p> <p>The Applicant has assessed the impact of the proposed development on the highway network and has proposed mitigation for identified impacts. The Residual Impacts Fund (RIF) will exist to mitigate previously unforeseen impacts which have been demonstrated to have arisen due to the proposed development. It is not considered suitable use of the RIF to pay for monitoring of potential highway impacts that are not yet proven to be as a result of the airport growing. Changes to the TRIMMA process are being considered by the Applicant and will be clarified in the D7 version of the OTRIMMA.</p> <p>The Applicant understands that the ATF meets quarterly.</p> <p>The Applicant is not proposing a pause in the monitoring process during the Airport growth period. It is proposed to pause monitoring if the airport has not grown for the previous five years. After the airport exceeds its extant planning capacity after the granting of the DCO, GCG limits on surface access mode shares must be met at all times – even if the airport is not growing. This ensures that there will be a minimum mode share for sustainable modes at all times, and therefore that airport traffic will also be limited.</p>



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		<p>coverage. Hertfordshire and North Herts Councils assume that the reference to 'additional monitoring' relates to sites where new unanticipated impacts come to the fore. If this is the case, then our role should be to identify issues and bring this to the attention of the Applicant and agree with them where monitoring needs to be undertaken but it should be the Applicants responsibility to fund the monitoring process (as it is to pick up the impact of their development).</p> <p>North Herts is satisfied with the proposal to set up monitoring of routes through villages in North Herts, subject to agreement on the locations and reporting. We have asked the applicant to consider how mitigations may be delivered in rural North Herts in a way that does not simply displace traffic from one village to another. We would like to see an outline plan for effectively and fairly addressing traffic growth in a high-growth scenario. We would expect this to propose interventions to support and encourage modal shift to active travel and public transport to reduce demand to travel by car, and thereby release rather than increase road capacity.</p> <p>Annual monitoring is proposed for MT1 (the monitoring sites identified in the works in Schedule 1 of the Order or agreed alternative) but the frequency of the ATF is just shown as 'regular' in Figure 2.1 of the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085] for MT2. Can the Applicant explain to the ExA what the proposed frequency of the ATF will be.</p> <p>Figure 3.1 of the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085] – pause in the monitoring proposed 'when no growth for the most recent five-year period.' The Hertfordshire Host Authorities do not consider that it would be appropriate or acceptable for there to be a pause in the monitoring. The Proposed Development will still need monitoring of traffic impacts, which could change or settle into a different pattern during any 5-year period as a result of other interventions that London Luton Airport implements through the FTP or MT1 mitigations. There should be no pause in the monitoring process during the Airport growth period.</p>	
15	Surface Access	<p>Para 3.3.2 / Figure 3.3 of the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085]– annual MT1 monitoring is only triggered if the ML1 (monitoring in the London Luton Airport sites, e.g., car parks) exceed the ML0 (baseline of pre-growth airport trips). ML2 (monitoring at MT1 locations is triggered only when ML0 or ML1 volumes are exceeded. ML3 (monitoring of MT1 locations is only triggered if ML2 traffic levels exceed pre-defined threshold of airport traffic). This appears to propose that annual monitoring will only occur at the London Luton Airport sites such as car parks, the other MT1 sites may therefore not be monitored annually. There will be a finite amount of parking at London Luton Airport and traffic levels and patterns will also be affected by the London Luton Airport growth within the wider MT1 network. The Hertfordshire Host Authorities reject this principle and would expect to see annual monitoring across all MT1 sites to assess the airport impact.</p>	<p>MT1 sites will be monitored annually (ML2) if airport traffic exceeds any previous post-DCO maximum (ML1).</p> <p>More granular information regarding the monitoring regime will be provided in a more detailed version of the TRIMMA. Data collection will be consistent with typical collection methods (it will be of a sufficient duration and will avoid known periods of significant disruption on the transport network etc) and will enable comparison against modelled traffic.</p>

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		The extent of the proposed monitoring in terms of programme during the year is not defined. Can the Applicant explain to the ExA how they will ensure that the data collected is representative of a typical level of traffic?	
16	Surface Access	There will need to be some additional constant monitoring sites to determine how reflective of the London Luton Airports operation the annual monitoring survey is. A two-week survey during a neutral month is proposed for the automatic number plate recognition (ANPR) survey. Can the Applicant explain to the ExA how a neutral month for airport travel is defined?	The Applicant wishes to reiterate that the aim of the recurring surveys is to update the geographic distribution of airport traffic, as an alternative to assuming that the equivalent distribution used in traffic modelling to support the application will be accurate in perpetuity. The Applicant does not consider it necessary to supplement this information with the proposed 'constant monitoring sites'. The survey should be conducted so as to closely represent the traffic modelling undertaken to support the DCO application. The Applicant therefore proposes that the surveys are undertaken in October, during 'typical busy days' as these are the days which were modelled.
17	Surface Access	Table 3.2 of the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085] – non-airport traffic is measured using 'movements through MT1 locations' that are not between the London Luton Airport sites and the MT1 locations. This will miss trips that are on the network related to London Luton Airport but ending at the off-site car parks, this will therefore not be reflective of the actual traffic changes associated with the airport expansion. The traffic related to the offsite London Luton Airport car parks (existing and future) needs to be accounted for in the airport traffic monitoring to get a clear view of the off-site impacts of the airport growth. Whilst the off-site car parks are not the responsibility of the Applicant, they are a direct result of London Luton Airport and expansion of them will be directly related to any interventions that the Applicant is implementing with the Airport site itself. The Applicant should provide an updated section in the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085] to address this concern. North Herts requires direct monitoring of traffic through Hitchin annually unless the applicant is able to demonstrate that alternative measures of traffic are a reliable proxy. Monitoring of traffic entering London Luton Airport would not be a reliable proxy, as it does not include traffic terminating at offsite car parks, nor does it capture the geographical distribution of trips, which will vary in part because of competition between Luton and Stansted Airports.	Please refer to section 3.4 of the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach [REP5-041]</b> .
18	Surface Access	Para 3.3.12 / Table 3.4 of the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) [REP4-085] – the Applicant may agree to an alternative solution to the proposed Schedule 1 of the DCO – the Applicant's contribution to the cost of any changed scheme will be limited to the costs associated with the Schedule 1 proposals, and alternative proposals need to be delivered by the highway authority. The Hertfordshire Host Authorities have indicated that the proposed mitigations at the three junctions in Hitchin (schedule 1) are inadequate and that the cost associated with upgrading them should be investigated and accounted for in this planning application to ensure appropriate mitigation can be implemented. Hertfordshire and North Herts Councils do not agree to the Applicants proposal to limit the funding for the MT1 schemes to the scheme costs associated with the Schedule 1 proposals. The proposed schedule 1 schemes are not compliant with local policy (in particular the Local Transport Plan) and conflict with schemes set out in the North Central Hertfordshire Growth and Transport Plan for the Hitchin Hill (SM47) and Pirton Road (SM48) roundabouts.	The MT1 mitigation proposals are representative of the requirement of the Proposed Development to mitigate its forecast effects. However, in recognition that the realisation of these effects is uncertain and that highway authorities may prefer an alternative arrangement at the location of mitigation proposals, the Applicant has produced the OTRIMMA [TR020001/APP/8.97]. The OTRIMMA proposes that highway authorities will be enabled to deliver alternative works instead of the mitigation proposals, funded by the Applicant up to the cost of the original proposals. The Applicant believes that this is an appropriate mechanism, given that the value of the Applicant's contribution would be equal to the estimated cost of the current MT1 mitigation proposals and is considered proportionate to the Airports impacts. The Applicant also wishes to clarify the value would be adjusted for inflation.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
19	Surface Access	<p>Section 2.2 - Covid 19 modelling</p> <p>The Applicant should provide more information on the trends by different vehicle types, cars, Light Goods Vehicle's (LGV's) and Heavy Goods Vehicle's (HGV's), between 2016 and 2023 where available.</p>	<p>Information on trends by vehicle type on the SRN, where there is good data, will be provided in the final report on the Rule 9 modelling in December 2023. Trends by vehicle type on the LRN have already been provided where the data has been available.</p>
20	Surface Access	<p>Figure 10 - Covid 19 modelling</p> <p>The area shown in Figure 10, from which traffic counts have been used to undertake comparisons between 2016 and 2023, is a lot smaller than the simulation network presented in Figure 18.3 of the Environment Statement Chapter 18 Traffic and Transport Revision 1 [AS-030]. The Applicant should provide justification as to why counts across the wider simulation network have not been considered. As a result of a smaller area being considered, the number of counts used for the local network is very small, only two have been used for HCC, two for CBC and four for LBC. This is not adequate to provide a clear picture of the changes in traffic flow across the study area between 2016 and 2023. HCC provided data for 8 sites. The Applicant should confirm why only 2 sites have been used and justify why it considers this to be robust.</p>	<p>Counts were requested to be provided by the Host Authorities for the main area of impact of the proposed airport expansion. This is because the Rule 9 work is to assess the risk on the traffic forecasts used to assess and design the junction improvement measures to mitigate the impact of the airport expansion.</p> <p>The Applicant requested a much larger number of counts and covering a wider area, than was received from the Host Authorities. The difficulty was in obtaining counts over the 2016 to 2023 period at exactly the same locations in order to track trends. The Applicant did receive counts for a larger number of sites than has been reported. The number of sites with usable data reduced due to insufficient coverage over the necessary years and/or accuracy problems in the data received. This led to a smaller number of sites for subsequent full analysis and reporting.</p> <p>The Applicant requested counts for eight sites, however, HCC offered six. Due to the actual data availability, the Applicant then agreed to purchase four data sets, for three sites. This was due to the fact that not all data sets had continuous data (i.e. 2016 to 2023) and others did not have 2023 data. Therefore, only two HCC sites ended up being used in the Trends Analysis.</p>
21	Surface Access	<p>Figure 15 – covid 19 modelling</p> <p>The Applicant should confirm what time period is represented in Figure 15. The Applicant should provide changes in traffic flow volumes (and not percentages) in AM, IP and PM Cars, HGV's and LGV's where the data exists as this will shows the changes in different vehicle type volumes.</p>	<p>The data presented in Figure 15 represents the vehicle split based on 12-hour traffic, 07:00-19:00.</p> <p>The Applicant considers the information is sufficient for the purpose of analysing the trends.</p>
22	Surface Access	<p>Figure 16 - Covid-19 Modelling</p> <p>The Applicant should confirm what time period is represented in Figure 16. The Applicant should provide changes in traffic flow volumes (and not percentages) in AM, IP and PM Cars, HGV's and LGV's where the data exists as this will shows the changes in different vehicle type volumes.</p>	<p>The data presented in Figure 16 represent the vehicle split based on 12-hour traffic, 07:00-19:00.</p> <p>The Applicant considers the information is sufficient for the purpose of analysing the trends.</p>
23	Surface Access	<p>Figure 18 - Covid-19 Modelling</p> <p>Site 371 sees a significant decrease in peak hour traffic post Covid-19. The Applicant should clarify whether they have investigated any other potential causes of this decrease, with the local authorities for example, to understand whether there is any other explanation for this reduction other than Covid-19.</p>	<p>The Applicant is not aware of any other explanation other than Covid-19.</p>
24	Surface Access	<p>Figure 20 and 22 - Covid-19 Modelling</p> <p>Sites 40 and 57 sees a significant decrease in peak hour traffic post Covid-19. The Applicant should clarify whether they have investigated any other potential causes of this decrease, with the local authorities for example, to understand whether there is any other explanation for this reduction other than Covid-19.</p>	<p>The Applicant is not aware of any other explanation other than Covid-19.</p>

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
25	Surface Access	Chapter 3 - Covid-19 Modelling  The Applicant should provide some commentary on the changes in bus use in the study area between 2016 and 2023.	It has been documented in the national and technical press that bus use decreased over the Covid-19 period and is still 'recovering' to pre-Covid-19 levels. Some commentary will be included in the final report on the Rule 9 modelling.
26	Surface Access	Chapter 3 - Covid-19 Modelling The Applicant should provide some commentary on the changes in London Luton Airport use in the study area between 2016 and 2023.	Some commentary will be included in the final report on the Rule 9 modelling.
27	Surface Access	Figure 32 - Covid-19 Modelling The Applicant should confirm whether this graph is showing National or Local Growth Productions by mode.	The graph shows national data.
28	Surface Access	Figure 33 - Covid-19 Modelling The Applicant should confirm whether this graph is showing National or Local Growth Productions.	The graph shows national data.
29	Surface Access	Figure 34 - Covid-19 Modelling The Applicant should confirm whether this graph is showing National or Local Growth Productions.	The graph shows national data.
30	Surface Access	Paragraph 2.3.2 - Covid-19 Modelling  The Applicant should provide the evidence to show that no changes in baseline and future mode choice are justifiable. The Applicant has acknowledged that Covid-19 has impacted demand levels and mode choice in paragraph 2.3.2. The Applicant should clarify whether the minimum mode split targets are still obtainable, given the changes in baseline mode choice referred to in paragraph 2.3.2 and the first forecast year is 2027.	Baseline mode shares are implicitly represented within the traffic count data. Forecast mode shares remain valid as these relate to the limits set within the DCO to which the Applicant remains committed to achieving. Controls within the DCO through GCG would limit the Airports ability to grow until that limit had been achieved.
31	Surface Access	Paragraph 2.3.3 - Covid-19 Modelling  The Applicant should provide evidence of the changes pre and post Covid-19 of modes used to travel to London Luton Airport. The Applicant should provide evidence of where the 18 mppa referred to in paragraph 2.3.3 has been derived from.	The paragraph includes reference to Ref 2 which is at the end of the technical note as, Ref 2 Luton Airport Passengers Statistics, June 2023. Data from this source were used to provide the adjustment factor.  The 18 mppa is referred throughout many of the DCO documents, including the TA, as this is current permitted threshold for the airport and therefore assumed as the Do Minimum case. The current DCO application is to increase the current threshold to 32 mppa.
32	Surface Access	Paragraph 2.6.1 - Covid-19 Modelling  The Applicant should clarify how the 2023 forecasts year has been developed. The Applicant should clarify how the outcomes in the trends analysis set out in the Applicant's Response to Issue Specific Hearing 4 Action 2 - Covid 19 Additional Modelling Technical Note 1 [REP4-086] have been taken into consideration in the 2023 forecast.	The 2023 forecasts have been developed in the same way as the forecasts for 2027, 2039 and 2043. The only change in developing the forecasts for 2023 has been in adjusting the airport demands to reflect the existing level of passengers in reference to the latest Luton Airport Passenger Statistics. The trends analysis has not been taken into consideration in producing the 2023 forecasts. The purpose of the 2023 forecast is to compare the model forecasts with 2023 counts to assess if there is a potential case for making subsequent post-model downward adjustments to the 2027, 2039 and 2043 forecasts used in assessing the impact of the airport and development of the measures to mitigate the impact.
33	Surface Access	Figure 3.1-3.12 - Covid-19 Modelling	The figures illustrate the relative change in flows and are not intended to show detailed numerical increases and decreases. The numerical changes are summarised in Tables 4.1 to 4.9. The level of information that has been provided is sufficient to inform the risk assessment.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		The images of traffic flow changes provide inadequate detail, it is not possible to understand the volumes of traffic on the links which is essential. The Applicant needs to provide better maps that clearly show the traffic volume increases and decreases (in numbers) on the network.	
34	Surface Access	<p>Table 4.3 and Table 4.4 - Covid-19 Modelling</p> <p>The Applicant should clarify the criteria behind the colour coding of flow changes. Kimpton Road AADT (13%) increase is highlighted red. But 2027 IP (13%) is not. The Applicant should provide a map of the locations of the Local Road Network (LRN) and explain the reasoning for choosing these locations. The Applicant should explain for roads experiencing increases why these are occurring. The Hertfordshire Host Authorities request that the Applicant provides flow information as per Table 4.3 and 4.4 in Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 Risk Assessment [REP4-106] for the following links:</p> <ul style="list-style-type: none"> <li>• A1081 (between A1081 link and Common Lane.</li> <li>• West Hyde Road.</li> <li>• Breachwood Green.</li> <li>• Luton White Hill /Lilley Bottom North.</li> <li>• Lilley Bottom South (Whitwell).</li> </ul> <p>The Applicant should also provide traffic flow information with and without the Proposed Development expansion for the following roads on the potential diversion route to M1 Junction 9:</p> <ul style="list-style-type: none"> <li>• Annables Lane / Watery Lane.</li> <li>• A1081 to the south of Common Lane (to identify impacts in Harpenden).</li> </ul> <p>The Applicant should also confirm the location of the traffic flows comparison on Kimpton Road. This additional information will allow the Hertfordshire Host Authorities to understand how accurate the strategic model is on key links on the local road network.</p>	<p>Paragraph 4.1.5 states 'A colour coded method has been adopted to allow for easier visual comparison of each link flow comparison:</p> <ol style="list-style-type: none"> <li>a. Links with Updated flow &lt; Original flow are marked as green;</li> <li>b. Links with Updated flow &gt; Original flow and GEH values less than five are marked as green as the changes are deemed to be less significant; and</li> <li>c. Links with Updated flow &gt; Original flow and GEH values higher than five are marked as red.' <p>The locations are already described in sufficient detail, e.g. 'A1081, between Capability Green and B653', and are the same as those reported the tables contained in Appendix B - Forecast Vehicle Flows at Selected Locations of the <b>Strategic Modelling Forecasting Report (Transport Assessment Appendices - Part 2 of 3 (Appendix F) [APP-201])</b>.</p> <p>The reasons for the increases have been provided within the technical note in:</p> <ul style="list-style-type: none"> <li>• Paragraph 4.1.8 which states 'Several increases in the Updated flows within the LRN compared to the Original flows on Eaton Green, east of Wigmore Lane can be attributed to re-routing traffic and the update on UL developments, namely the East of Luton development.' and</li> <li>• Para 4.1.9 which states' Increases on the Kimpton Road daily flows and Vauxhall Way AM peak flows can be attributed to the non-inclusion of Vauxhall Way dualling and its associated junctions in 2027. In 2039 and 2043 with the inclusion of the Vauxhall Way dualling and its associated junctions, there is no longer a difference between the Updated and Original flows.'</li> </ul> <p>The final report on the Rule 9 modelling will include information for the additional roads requested and confirmation on the section of Kimpton Road.</p> </li></ol>
35	Surface Access	<p>Table 4.5 - Covid-19 Modelling</p> <p>The Applicant should confirm how they have derived the 'average local road' and what this represents.</p>	This is simply an average of all the roads reported to provide an overall summary and therefore the total flows divided by the number of roads.
36	Surface Access	<p>Figure 5.1-5.2 -Covid-19 Modelling</p> <p>The images of rail flow changes provide inadequate detail, it is not possible to understand the volumes of traffic on the links which is essential. The Applicant needs to provide better maps which clearly show the traffic volume increases and decreases (in numbers) on the network.</p>	The final report on the Rule 9 modelling will include more information.
37	Surface Access	Chapter 5 - Covid-19 Modelling	The final report on the Rule 9 modelling will also include information for 2027 and 2039. The year 2023 will not be produced, as the Applicant does not have observed data.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		The Applicant provides Rail forecasts for 2043 in Environmental Statement Chapter 5. Approach to the Assessment Revision 1 [AS-075]. The Applicant should provide rail forecasts for the other forecast years 2023, 2027 and 2039.	
38	Surface Access	<p>Chapter 5 - Covid-19 Modelling</p> <p>The Applicant should provide bus forecasts for all forecast years, 2023, 2027, 2039 and 2043.</p>	The final report on the Rule 9 modelling will include information for the airport expansion assessment years of 2027, 2039 and 2043. The year 2023 will not be produced, as the Applicant does not have observed data.
	Surface Access	<p>Table 6.2 - Covid-19 Modelling</p> <p>The Applicant should provide the details for Vauxhall Way SB. The Applicant should provide an explanation as to why six sites having a GEH statistic of 14-29 is acceptable. The Hertfordshire Host Authorities are concerned that over representing of traffic flows in the base year will be affecting the future year traffic flow routing and therefore the impacts the Proposed Development is having on the local road network. The Applicant should provide the same comparisons for the 2016 modelled flows against 2016 observed. The Applicant should confirm how they have defined the Overall Result = OK</p> <p>The Applicant should provide modelled and observed flow comparisons for all locations for which they have observed data provided by Hertfordshire County Council. Hertfordshire County Council supplied data for the following additional sites which are not shown in the table:</p> <ul style="list-style-type: none"> <li>• Site 126 – A5183 N of St Albans.</li> <li>• Site 132 Harpenden Road N of St Albans.</li> <li>• Site 106 – A414 west of Park Street.</li> </ul> <p>On the Strategic Road network, Hertfordshire County Council provided data for the following site:</p> <ul style="list-style-type: none"> <li>• 109 A1m North of Junction 8.</li> </ul>	<p>The Applicant screened-out the Vauxhall Way southbound data as 'The only available data that could be compared with the 2016 flows from this location was the Vauxhall Way northbound direction.'</p> <p>The technical note does not use the terms 'acceptable' or 'OK'. Sites with GEH greater than 5 have been classified as 'Fail'.</p> <p>Data for the three LRN sites within HCC were not used due to data gaps (e.g. HCC informed the applicant that Site 106 does not have data for 2016 and 2023. Site 126 only has data for 2021 and 2022). Whereas the SRN site was not used because of data gaps/availability as informed by HCC.</p>
39	Surface Access	<p>Table 6.4 - Covid-19 Modelling</p> <p>The Applicant should provide the details for Vauxhall Way SB. The Applicant should provide an explanation as to why two sites having a GEH of 14-21.6 is acceptable. The Hertfordshire Host Authorities are concerned that over representing of traffic flows in the base year will be affecting the future year traffic flow routing and therefore the impacts the Proposed Development is having on the local road network. The Applicant should provide the same comparisons for the 2016 modelled flows against 2016 observed. The Applicant should confirm how they have defined the Overall Result = OK.</p> <p>The Applicant should provide modelled and observed flow comparisons for all locations they have observed data provided by Hertfordshire County Council. Hertfordshire County Council supplied data for the following additional sites which are not shown in the table:</p> <ul style="list-style-type: none"> <li>• Site 126 – A5183 N of St Albans.</li> <li>• Site 132 Harpenden Road N of St Albans.</li> </ul>	<p>The Applicant screened-out the Vauxhall Way southbound data as 'The only available data that could be compared with the 2016 flows from this location was the Vauxhall Way northbound direction.'</p> <p>The technical note does not use the terms 'acceptable' or 'OK'. Sites with GEH greater than 5 have been classified as 'Fail'.</p> <p>Data for the three LRN sites within HCC were not used due to data gaps (e.g. HCC informed the applicant that Site 106 doesn't have data for 2016 and 2023. Site 126 only has data for 2021 and 2022). Whereas the SRN site was not used because data gaps/availability as informed by HCC.</p>

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		<ul style="list-style-type: none"> <li>Site 106 – A414 west of Park Street.</li> </ul> <p>On the Strategic Road network, Hertfordshire County Council provided data for the following site:</p> <ul style="list-style-type: none"> <li>109 A1m North of Junction 8</li> </ul>	
40	Surface Access	<p>Table 6.6 - Covid-19 Modelling</p> <p>The Applicant should provide the details for Vauxhall Way SB. The Applicant should provide an explanation as to why eight sites having a GEH of 11.1-27.2 is acceptable. The Hertfordshire Host Authorities are concerned that over representing of traffic flows in the base year will be affecting the future year traffic flow routing and therefore the impacts the Proposed Development is having on the local road network. The Applicant should provide the same comparisons for the 2016 modelled flows against 2016 observed. The Applicant should confirm how they have defined the Overall Result = OK.</p> <p>Hertfordshire County Council supplied data for the following additional sites which are not shown in the table.</p> <ul style="list-style-type: none"> <li>Site 126 – A5183 N of St Albans.</li> <li>Site 132 Harpenden Road N of St Albans.</li> <li>Site 106 – A414 west of Park Street.</li> </ul> <p>On the Strategic Road network. Hertfordshire County Council provided data for the following site:</p> <ul style="list-style-type: none"> <li>109 A1m North of Junction 8</li> </ul>	<p>The Applicant screened-out the Vauxhall Way southbound data as 'The only available data that could be compared with the 2016 flows from this location was the Vauxhall Way northbound direction.'</p> <p>The technical note does not use the terms 'acceptable' or 'OK'. Sites with GEH greater than 5 have been classified as 'Fail'.</p> <p>Data for the three LRN sites and one SRN site were not used because of data gaps as mentioned in the previous responses.</p>
41	Surface Access	<p>Paragraph 6.1.4 - Covid-19 Modelling</p> <p>The Applicant should provide a justification as to why no adjustment has been made to the base or future years models, in-line with DfT TAG guidance, to account for the findings in Applicant's Response to Issue Specific Hearing 4 Action 2 - Covid 19 Additional Modelling Technical Note 1 [REP4-086] trends analysis</p>	<p>The paragraph in question refers to the forecasts for the year 2023 and confirms that no adjustments have been made. The purpose of the 2023 forecasts is to compare these forecasts with traffic counts for the same year to then assess if there is a case for the potential subsequent adjustments to the forecasts made for the years 2027, 2039 and 2043.</p>
42	Surface Access	<p>Paragraph 6.1.5 - Covid-19 Modelling</p> <p>The Applicant should confirm whether any downward adjustment has been applied to the Local Road Network.</p>	<p>The Applicant confirms that no downward adjustment has been made.</p>
43	Surface Access	<p>Paragraph 7.1.5 - Covid-19 Modelling</p> <p>The Applicant propose not to make adjustments to base and future year models, but this was not agreed with Host Authorities. The Applicant should either justify why no adjustments as set out in TAG M4 are required or make adjustments in line with the options set out in TAG M4.</p>	<p>The reasons have been set out in the technical note as:</p> <p>7.1.5 It was discussed, at an October 2023 meeting on the Rule 9 work with National Highways and local highway authorities (Central Bedfordshire Council, Luton Borough council and Hertfordshire County Council), and proposed, not to make adjustments to the base and future year models (apart from the recent Updated changes) in order to continue to make a 'robust' assessment of overall future year traffic volumes.</p> <p>7.1.6 The recent TAG Unit M4 – Forecasting and Uncertainty Appendix B.3 Proportionate accounting for COVID-19 in prior-calibrated models (May 2023) (Ref 1) highlights the need for a proportionate update process, highlighting the importance of identifying the level of risk associated with the forecast model followed subsequently by the decision to select the most appropriate adjustment option. TAG Unit M4 Paragraph B.3.5 states 'A</p>

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
			<p>judgment should be made on the most appropriate action relative to the risks to be mitigated.'</p> <p>7.1.7 After completing this model update, currently the overall forecast risk assessment is therefore considered to be 'very low' due to the slightly reduced traffic flows and the potential of further downward adjustments resulting from the trends analysis.</p> <p>7.1.8 Therefore, the proposed highway mitigation measures for the airport expansion can be considered as 'robust', due to having been developed with traffic flows slightly higher than the recent update, and the TRIMMA will trigger measures on a 'need/impact' basis.'</p>
44	Surface Access	<p>Paragraph 7.1.6 - Covid-19 Modelling</p> <p>TAG Unit M4 provides possible ways of taking the impacts of Covid-19 into account. The Applicant should justify why not following any of the options in TAG M4 is acceptable.</p>	Please see the above response at ID 43.
45	Surface Access	<p>Paragraph 7.1.8 - Covid-19 Modelling</p> <p>The Hertfordshire Host Authorities do not agree with the Applicant's statement in this paragraph as the approach they have adopted does not comply with the guidelines set out in TAG M4.</p>	<p>The TAG Unit M4 guidelines states:</p> <p>B.3.5 'A judgment should be made on the most appropriate action relative to the risks to be mitigated.'</p> <p>B.3.6 'Any adjustment made, or any decision to not apply an adjustment, must be supported by evidence and appropriately explained ...'</p> <p>The Applicant's approach has complied with the guidelines and our judgement is that no adjustments are needed 'relative to the risks to be mitigated'.</p>
46	Surface Access	<p>Paragraph 7.2.1 - Covid-19 Modelling</p> <p>The Hertfordshire Host Authorities do not agree with the Applicant's statement in this paragraph as the approach they have adopted does not comply with the guidelines set out in TAG M4.</p>	<p>The Applicant's approach has complied with the guidelines and our judgement is that no adjustments are needed 'relative to the risks to be mitigated'.</p> <p>On the contrary, if a decision were to be made to manually adjust the forecasts downwards, this could then potentially lead to reducing the need for and/or timing of the proposed highway measures designed to mitigate the impact of the airport expansion, which may then not be acceptable to the Host Authorities.</p>
47	Surface Access	<p>Paragraph 7.2.2 - Covid-19 Modelling</p> <p>The Hertfordshire Host Authorities do not agree with the Applicant's statement in this paragraph as the approach they have adopted does not comply with the guidelines set out in TAG M4.</p>	The Applicant's approach has complied with the guidelines and our judgement is that no adjustments are needed 'relative to the risks to be mitigated'.
48	Landscape and visual	<p>Visual receptors - Provision of visual receptors plan</p> <p>The cross referencing of viewpoints with the identification of visual receptors on a single drawing is helpful. Could the Applicant provide a version of the plan with the Zone of Theoretical Visibility overlaid so that the specific visual receptors can be perceived in relation to the general theoretical visibility coverage.</p>	<p>The Visual Receptors plan provided at Deadline 4 <b>[REP4-091]</b> in response to actions raised at ISH6 provides the information that was requested. Figure 14.2 Zone of Theoretical Visibility (Bare Earth) and Figure 14.8 Assessment Viewpoint Locations were also updated as requested at Deadline 4 showing the Zone of Theoretical Visibility, the study area and the visual receptors representative viewpoint locations, and were provided as part of an updated pack of figures containing all the information required to understand the Landscape and Visual Impact Assessment <b>[REP4-037]</b>. All maps have the OS base mapping to allow locations to be understood. The Applicant believes all the information required to understand the assessment of effects is provided on existing maps, either singularly or when viewed side by side with other maps, without attempting to provide all information on one map. For example, the visual receptors plan is to show the location of the receptor on a clear OS</p>



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			background, which the ZTV would mask. The ZTV map shows the receptors in relation to the ZTV.
49	Landscape and visual	<p>Hedgerow restoration.</p> <p>It is difficult to discern some of the detail in the plan. The Hertfordshire Host Authorities request that the Applicant please provide the drawing at A1 1:5000 scale, or similar, to allow the detail to be understood.</p>	<p>The purpose of the Hedgerow restorations proposals plan (8.104 Applicant's Response to Issue Specific Hearing 6 Action 30 and Compulsory Acquisition Hearing 1 Action 32 [REP4-092]) is to illustrate the location of the proposed hedgerows and differentiate their proposed location and other locations included in the Order Limits required for ongoing maintenance and access where hedgerows are not proposed, as requested. The Applicant believes that the plan provided meets the requirements of and purpose for the information requested. These are illustrative locations to understand the location of mitigation proposed, detailed landscape design will be developed and submitted to the relevant planning authority as part of Requirement 8 of the <b>draft DCO [REP5-003]</b>.</p>
50	Draft DCO	<p>The Hertfordshire Host Authorities welcome the additional clarity brought by the amendments to the definition of "LLAOL planning permission" and the new definition for "LLAOL section 106 agreement".</p> <p>The acceptability of abrogating the LLAOL section 106 agreement and the cessation of the LLAOL planning permission through the exercise of the power contained in article 44 will depend to a large extent on whether the regime that replaces it under the DCO and a new section 106 agreement are appropriate. In this regard, discussions relating to the section 106 development consent obligations, and conditions of earlier planning permissions that are to be carried over into the DCO, are at an early stage. The Hertfordshire Host Authorities are continuing to work with the Applicant in this regard.</p> <p>While those discussions are ongoing one key aspect of the practical application of article 44 as currently drafted is that it would allow the undertaker the option of switching the DCO regime prior to exceeding the annual passenger limit under the Town and Country Planning Act 1990 planning permissions. Consequently, it is important that the requirements and development consent obligations for the Applicant's proposal is fit for purpose for the full range of operating conditions for which the Applicant seeks development consent.</p> <p>The Hertfordshire Host Authorities note the amendment to article 44(1) such that the notice required by that provision is to be served on Luton Borough Council, rather than "relevant planning authority". The amendment provides welcome clarity, however, all of the lower tier authorities that host part of the land within the Order limits potentially have a role in the enforcement of the Order once the undertaker chooses to operate under it. Therefore, the Hertfordshire Host Authorities would welcome a commitment by the Applicant to contemporaneously notify all of the Hertfordshire Host Authorities of the service of notice under article 44(1), but the Hertfordshire Host Authorities accept that such a commitment could be readily amenable to being a development consent obligation.</p>	<p>The Applicant agrees that article 44(1) allows notice to be served before the existing TCPA passenger cap has been reached. Whilst in practice this gap is likely to be small, the Applicant considers that the DCO establishes a comprehensive suite of operational management plans which must be approved and in place at the point article 44(1) notice is served. Furthermore the transition period for the establishment of the GCG regime was substantially reduced at Deadline 5, as summarised by the Applicant at ISH9 and ISH10. A DCO section 106 agreement is being negotiated and this would also apply from the point article 44(1) notice is served. The DCO section 106 replicates a number of measures contained in the existing TCPA section 106 agreements. Ultimately, therefore, there will be no "gap" in appropriate operational management of the airport.</p> <p>The Applicant notes the request for notification of other authorities that article 44(1) notice has been served on Luton Borough Council. The Applicant will consider whether a drafting change to address this is appropriate, and will provide an update at Deadline 7.</p>
51	Draft DCO	<p>Despite this positive addition, which clarifies the parts of the authorised development for which detailed design approval is sought, nothing in this requirement would prevent partial discharge of requirements in relation to other aspects of the authorised development that are beyond the scope of an approval under requirement 5. Thus, there remains the prospect of, for example, the</p>	<p>At Deadline 4, the Applicant inserted a new Requirement 37 'Register of Requirements' into the draft DCO. This new requirement commits the undertaker to establishing and maintaining a register of any consents, agreements or approvals to be given by a discharging authority under Parts 1, 2 and 4 of Schedule 2 of the Order. The Applicant considers that this register would provide clarity for the relevant planning authorities and</p>

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		<p>undertaker seeking approval of the management plans under requirement 7 for one geographic area (i.e., a “part” of the authorised development) whilst approval is sought under requirement 5 another “part” of the authorised development. It is this fragmentation that risks imposing a greater administrative burden on the Hertfordshire Host Authorities and other consultees. This concern could be addressed by linking the parts of the authorised development for which approval is sought under requirement 5 to the parts of the authorised development for which approval is sought in relation to the other pre-commencement requirements contained in Part 2.</p> <p>The inclusion of the “scheme layout plans” is a helpful addition, but the Hertfordshire Host Authorities are not clear on what is envisaged would be submitted to satisfy paragraph (2)(b)(ii) “plans identifying the location and extent of those works relative to the scheme layout plans”? Could the Applicant produce a worked example of this to illustrate how it envisages this working in practice to the ExA?</p> <p>On a minor drafting point, the Hertfordshire Host Authorities query whether the reference to “paragraph 35 of Part 5 of this Schedule” contained in requirement 5(2)(e) ought to instead be a reference to paragraph 36 (further information)?</p>	<p>deal with the Council's concerns in relation to fragmentation and the imposition of a greater administrative burden.</p> <p>The Applicant does not consider it necessary or proportionate, at this stage, to provide a worked example of the plan referred to in paragraph 5(2)(b)(ii) of Schedule 2. The draft DCO is sufficiently clear that any such plans provided would identify – within the framework of the scheme layout plan – the area of land in which the Schedule 1 works pertaining to any given consent, agreement or approval would be taking place, as well as showing the works for which consent, agreement or approval has already been given.</p> <p>In relation to the reference in paragraph 5(2)(d), the Applicant confirms that this should be to paragraph 36 and not 35 and thanks the Councils for bringing this to its attention. The draft DCO submitted for Deadline 7 will be amended to reflect this correction.</p>
52	Draft DCO	<p>Requirements 34 and 35</p> <p>The amendments related to discretionary consultees are, in general welcome. However, it is important to note that a local authority retains a general discretion in the exercise of its functions to consult and, in some circumstances (such as for example in relation to a “subsequent application” as defined in regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) the Applicant is required to consult more widely than the bodies listed in this definition. These provisions would be improved by making it clear that it is without limitation to the authority's capacity to consult such persons as it considers to be appropriate in the circumstances that pertain to the approval sought by the undertaker. Given the long-term nature of the Applicant's proposal, it would be inappropriate at this stage to limit the persons that may be consulted in relation to an application under requirement.</p>	<p>Given that the expansion plans (if consented) will have already have passed through the DCO process, it is considered generally acceptable (and common-place in DCO practice) for secondary consents to be determined by local planning authorities. Certain requirements will require, or merit, consultation with other bodies with statutory functions, but as a general principle it is not considered proportionate or necessary for wider consultation to take place.</p> <p>The “discretionary consultee” process has been drafted into requirements 34 and 35 with this principle in mind. The provisions under requirement 34 and 35 do not disapply or otherwise affect the processes contained in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, but it should be noted that the consent being sought is set up to be delivered within the envelope of effects reported in the Environmental Statement.</p>
53	Draft DCO	<p>The provisions of requirements 36(2) to (4) which prescribe the periods after the expiry of which the undertaker need not comply with a request for information are in any event unrealistically short affording a consultee only five working days to determine whether or not further information is necessary to determine an application.</p> <p>Without prejudice to that concern, the provisions of paragraph (4) ought to apply where the relevant planning has consulted another person on the application, whether or not that consultation is expressly required by the terms of the requirement in question, whether the relevant planning authority elects to consult a “discretionary consultee” or whether the relevant planning authority considers it to be appropriate in the circumstances to consult some other person.</p>	<p>The Applicant will consider these points further as part of the drafting updates being considered for Deadline 7.</p>

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
54	Landscape and visual	<p>Sensitive visual receptors do not appear to be scoped into the Glint and Glare assessment. The Applicant should provide details of how the Glint and Glare Assessment has informed the Landscape and Visual impact Assessment (LVIA) [AS-079] and the draft Chilterns Area of Outstanding Natural Beauty (AONB) Special Qualities Assessment version 1.0 issued for stakeholder consultation 23/10/23.</p>	<p>The <b>Glint and Glare Assessment [REP4-041]</b> 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 has not informed the Landscape and Visual Impact Assessment (LVIA) or the draft Chilterns Area of Outstanding Natural Beauty (AONB) Special Qualities Assessment as Glint and Glare is not a matter which requires to be considered within the scope of either of these assessments.</p>
55	Surface Access	<p>Bus / coach provision is still noted as 'new routes need to be commercially viable for the transport operator'. The Hertfordshire Host Authorities have raised concerns about this approach and consider that there is a need to identify and fund some new routes up-front, effectively pump-priming them, in order to promote and encourage mode shift to sustainable modes from the outset. There is still no commitment to this as part of the Travel Plan or any confirmation that sufficient funding will be available through the Sustainable Transport Fund (STF). There is a lack of bus provision between Luton and Welwyn Garden City / Hatfield and also Hemel Hempstead which would be unlikely to be commercially viable from the outset but would offer good connections to assist with achieving mode share targets from the east of London Luton Airport.</p> <p>The tables in the 'Toolbox of Interventions' demonstrate that there will be a lot of competing demand on the STF from the toolbox of potential interventions across the various modes and it is still not clear that sufficient funding will be available at the appropriate time through this fund to implement these measures and how the funding will be fairly allocated to the varying competing demands on the limited fund.</p>	<p>The Applicant has responded to this point in <b>8.114 Applicant's Response to Deadline 4 Submissions Appendix B - Dacorum Borough Council, Hertfordshire County Council &amp; North Hertfordshire Council (Response to D3 Documents) [REP4-163]</b>. Please see response to issue Number 4. It is noted that the Applicant would consider pump priming routes to improve their commercial viability if they are shown to be the appropriate routes to improve connectivity to the airport.</p>

## REFERENCES

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Ref 1 UK Civil Aviation Authority (2023) Weighting methodology: The methodology used for passenger survey weights