



LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER APPLICATION

ISH ON ENVIRONMENTAL MATTERS (ISH9) ON GREEN CONTROLLED GROWTH ON 30 NOVEMBER 2023

Thursday 30th November 2023 at 09:30

Fiona Ross (Pinsent Masons), Ben Holcombe (Suono), Andy Talbot (WSP), Stephanie Biggs (WSP) attended in person

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

Representing the Hertfordshire Host Authorities and Central Bedfordshire Council in relation to Surface Access, Air Quality and GHG

1. INTRODUCTION

- 1.1 This document sets out the post hearing submissions and summarises the oral submissions made jointly by Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council (together, “**the Hertfordshire Host Authorities**”) in relation to Surface Access, Air Quality and Greenhouse Gases, and the oral submissions made jointly by the Hertfordshire Host Authorities, Central Bedfordshire and Luton Borough Council (together, “**the Host Authorities**”) in relation to GCG Principles and Noise at Issue Specific Hearing 9 (“**ISH9**”) held on Thursday 30th November 2023 in relation to Luton Rising’s (“**the Applicant**”) application for development consent for the London Luton Airport Expansion Project (the “**Project**”).
- 1.2 ISH8 was attended by the Examining Authority (the “**ExA**”), the Applicant, the Hertfordshire Host Authorities, together with a number of other Interested Parties.
- 1.3 Where the ExA requested additional information from the Hertfordshire Host Authorities or the Host Authorities on particular matters, or the Hertfordshire Host Authorities or Host Authorities undertook to provide additional information during the hearing, the Hertfordshire Host Authorities’ or Host Authorities’ response is set out in this document.
- 1.4 This document does not purport to summarise the oral submissions of parties other than the Hertfordshire Host Authorities and the Host Authorities, and summaries of submissions made by other parties are only included where necessary in order to give context to the Hertfordshire Host Authorities’ and Host Authorities submissions in response.

1.5 The structure of this document generally follows the order of items as they were dealt with at ISH9 set out against the detailed agenda items published by the ExA on 14 November 2023 (the “**Agenda**”).

2. **SUMMARY OF ORAL SUBMISSIONS MADE**

Relevant PINS' Agenda Item	Proposed Response
2.GCG Principles	
Update from the Applicant regarding recent changes to GCG framework	No submissions were made on behalf of the Host Authorities under this agenda item.
Membership of the Environmental Scrutiny Group (ESG) and Technical Panels, quorate decision making and the status of ESG as a limited company	<p>Membership of ESG</p> <p>Fiona Ross of Pinsent Masons for the Host Authorities stated that Dacorum Borough Council are still not included in the ESG despite representations that they should be, as in Written Reps [REP1-069] and PADSS [REP3-091]. This was also raised in ISH1 – see post hearing submissions [REP3-108]. The Applicant’s justification was that there are less AQ, surface access and GHG impacts in Dacorum’s area and therefore a balance has to be struck. Fiona Ross noted that the Host Authorities have requested further/better justification in our response to those comments [REP3-090] but no further justification has been received. For example, it is not clear why GHG impacts are less for Dacorum, noting that GHG emissions don’t relate to administrative boundaries. Other Host Authorities represented on more than one Technical Panel are included in the ESG membership, but Dacorum is currently only invited to the noise Technical Panel. In the light of discussions about the noise contours, Fiona Ross stated that Dacorum is within the noise contour. In relation to its invitation to the noise Technical Panel, the Technical Panels are not decision-making bodies and therefore representation on them would not enable Dacorum Borough Council to have effective oversight and enforcement in relation to matters affecting its area and communities, such as noise (see LIR [REP1A-003].)</p> <p>Membership of Technical Panels</p> <p>No submissions were made on behalf of the Host Authorities on the membership of the Technical Panels.</p> <p>Post hearing note:</p> <p><i>There is no explanation as to why, unlike the other Host Authorities, Dacorum is not included within the GHG Technical Panel. On the assumption that it should be, this would make Dacorum a member of two Technical Panels and would appear to qualify it as being a full member of ESG.</i></p>

Quorate decision making - ESG

In response to the Applicant's confirmation that one member of the local authorities invited to sit on the ESG must be present for the ESG to be quorate, David Gurtler of Luton Borough Council stated that Luton's position was that it was keen to ensure adequate representation of local authorities on the ESG and would therefore agree with Fiona Ross's request for Dacorum to be on the ESG and that it is important to ensure this that there is adequate time for the meetings to be set so that we can ensure that the right person in the Council at quite a high level can attend the meeting. Luton had anticipated that it would be one of five authorities. Fiona Ross confirmed that the Host Authorities consider there should be a minimum of one representative from a minimum of **3** local authorities (based on there being 5 LAs on ESG, or 4 local authorities if Dacorum is included) (or a substitute as agreed) should be required to be present for quorate decision making, but see post hearing note below.

Post hearing note:

The Host Authorities suggest that the text should be returned to where "at least 50% of other representatives are present".

Reasonable endeavours must be taken to ensure that each meeting is attended by 100% of the members, or that an agreed substitute can attend. In this context the Authorities note that it may not always be possible to find a substitute to attend at short notice, such as in the case of illness or other unforeseen circumstances, and so it is important that the rules on quorum are amended to avoid decisions being taken without proper representation of the local authorities.

The Host Authorities consider that all members of the ESG should have at least 28 working days notice in advance of proposed meetings, save for in the case of an emergency. This will help to ensure quorate attendance and will ensure that the suggested requirement to have at least 50% of other representatives present to ensure a quorum is not onerous.

Qualifications of ESG members

In response to ExA's question about the ESG chair having final say as to whether ESG member is suitably qualified, Fiona Ross confirmed that concerns have already been raised that limitations for local authority representatives to be planning professionals. Members need to have the ability to make decisions on behalf of the local authority. It would be difficult for this decision to be made by the chair of the ESG.

Quorate decision making – Technical Panels:

Fiona Ross stated that the Host Authorities consider that this is not appropriate, and that a minimum of one representative from a minimum of 2 local authorities (where there are three on the panel, 3 local authorities when there are 4 on the panel) (or a substitute as agreed) should be required to be present for quorate decision making, but see post hearing note below.

	<p>Post hearing note:</p> <p><i>The Host Authorities suggest that the text should be returned to where “at least 50% of other representatives are present”.</i></p> <p>Changes to ESG membership</p> <p>The ExA asked whether the Host Authorities would be happy with the principle that ESG membership could be amended if noise contours change, and Fiona Ross for the Host Authorities confirmed that this would be acceptable.</p> <p>Status of ESG as limited company</p> <p>The Host Authorities understood from the Applicant that the ESG is proposed to be a company limited by guarantee. The explanation put forwards at the hearing by the Applicant is that the intention behind this proposal is to allow the ESG to contract for services rather than the chair of the ESG personally. Furthermore, it provides a greater degree of independence from the airport itself because it is a separate legal company. It also provides members of the ESG with a degree of protection for decision making – the members would not be personally responsible for decisions. Fiona Ross confirmed that this is being considered by the Host Authorities.</p>
Principles relating to the transition period	<p>In response to Mark Day of Arups for the Applicant's explanation of the current proposals for the transition period both in relation to noise and the other GCG impacts, Fiona Ross of Pinsent Masons for the Host Authorities confirmed that, as set out in REP5-068, REP5-076 and REP5-066, the Host Authorities support the removal of the Transition Period for aircraft noise.</p> <p>In relation to the other GCG impacts, 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, and Fiona Ross stated that every effort should be made to align the service of the notice so that monitoring commences from that point onwards. The Host Authorities consider that the Applicant should commence developing and preparing for implementation of the new monitoring regimes under the GCG following grant of the DCO application, and that this work can and should be done prior to service of the notice, in preparation for it taking effect.</p> <p>Post hearing note:</p> <p><i>There is no good reason why air quality monitoring should not be operational by the start of Phase 1; indeed, the Authorities consider that it would be in the interests of the Applicant and Airport Operator to have collected and considered a full calendar year of baseline data in the run-up to Phase 1 at the proposed GCG monitoring sites.</i></p>

	<p><i>The Applicant has indicated that it considers that there is no point in monitoring during this period as the Level 2 Limits and Thresholds cannot apply, on the basis that they are applicable on the basis of an annual metric, and so cannot apply over part of a year.</i></p> <p><i>The Host Authorities have made representations that a more adaptive approach would be appropriate for example for air quality in particular, where there is a need to account for short term exceedances that may impact on health. If such an adaptive approach were adopted, then it would be possible to meaningfully undertake monitoring and reporting against those shorter term metrics, and the Authorities' position is that the GCG should include more adaptive monitoring and management, which should be introduced as early as possible, so that the Environmental Scrutiny Group (ESG) can properly oversee and undertake enforcement in relation to exceedances of Level 2 Thresholds and / or Limits from the outset.</i></p> <p><i>The Applicant says that it would not be in the Airport Operator's interests to exceed a Level 2 Threshold or Limit during the Transition Period, 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.</i></p> <p><i>The Host Authorities welcome the proposal to bring forward the application of all Thresholds and Limits to the start of the first full calendar year, but would request that the Applicant consider whether, on the basis of adaptive monitoring and management, these could be applicable at an earlier stage.</i></p>
<p>Capacity declarations, slot allocation and local rules</p>	<p>Fiona Ross of Pinsent Masons for the Host Authorities states that there is still scope for an over declaration of capacity and a need to claw back slots. Ben Holcombe of Suono for the Host Authorities added that 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. It is accepted that these may partially cover some of the same aspects as the Quota Count internal monitoring tool that the Applicant has proposed as part of the Green Controlled Growth framework but would provide further certainty to the community and airlines in a clear and understandable way, thus drawing a line through the various aspects of the forward-looking monitoring scheme.</p> <p>Post hearing note:</p> <p>The Authorities request further information on what Local Rules are being proposed by the Applicant and suggest that the Airport should be looking to use a stepped approach to help manage noise levels going forwards, so that capacity increases never result in limit exceedance, rather than the converse of needing to put in Local Rules to try and reduce an exceedance.</p> <p>This approach would then align with addressing concerns over the retrospective nature of Green Controlled Growth limits raised in ISH9 (albeit on non-noise matters).</p>

Phasing	<p>Post hearing note:</p> <p><i>Although this was not discussed at the hearing, the Host Authorities note that while the Phase 1 is the point at which commercial throughput reaches 21.5 mppa, the value of the Limit for this phase is based on the 'Faster Growth Case', which assumes a passenger throughput of 23 mppa and which represents a 'reasonable worst case'. It is not clear why this Limit would apply during Phase 1 and it would be helpful if the Applicant could clarify this.</i></p> <p><i>Once a particular Phase has been reached, there will be no 'stepping back' to the previous Limit if throughput at the airport decreases back below that for any milestone. It appears that this would result in a position whereby the benefits associated with higher growth have not been or are not being achieved but where the higher Limits relating to higher growth (and therefore greater environmental effects) would apply.</i></p> <p><i>The Host Authorities consider that the Limits that apply should be those that relate to (and have been assessed in relation to) the level of growth that is being achieved.</i></p>
Timescales for approval of plans	<p>When asked by the ExA whether the Host Authorities are now satisfied with the provisions in the Deadline 5 revision of the GCG Framework with the increases to 21 days for the Applicant's roles, Fiona Ross of Pinsent Masons for the Host Authorities states that the timescales are still really tight. In relation to the ESG comments on a draft Level 2 Plan or draft mitigation Plan, these comments must be in writing and include detail on how public feedback on the relevant Monitoring Report that shows an exceedance of a Level 2 Threshold or breach of a Limit has been taken into account, and the Host Authorities would look for as much time as possible. Fiona Ross suggested that different timescales could apply to a Mitigation plan as to a Level 2 plan – a level 2 plan could play into capacity declarations but that would not be the case with a Mitigation Plan on the basis that there would not be scope to grow further. If this is the base, then the timescales could be relaxed for Mitigation Plans, to give the ESG time to properly consider and respond to the draft and approve the final version.</p> <p>Fiona Ross also pointed out that particularly given the tight timescales, but also given the importance of the Plans in remedying or avoiding a Limit breach, the Authorities do not agree that failure to meet the timescales above should result in deemed acceptance of the airport operator's Level 2 Plan or Mitigation Plan.</p> <p>Additionally, Fiona Ross commented that meeting agendas and papers now only 5 days (not business days) in advance of a meeting – this is not a lot of time for participants to review and get up to speed with the documentation and we would like this extended as much as possible.</p> <p>Post hearing note and Action Point 11:</p> <p><i>The Host Authorities note the Action 11 included in the Examining Authorities' Action Points arising from Issue Specific Hearing 9 on Green Controlled Growth but are not yet in a position to provide this. This point, amongst others, will be the subject of a meeting with the Applicant next week (14.12.23) and an update will be provided following this.</i></p>

Lag time between identifying and resolving issues	This was not discussed at the hearing.
Whether specific issues should be linked in individual plans	In response to the Examining Authorities question as to whether issues (e.g. noise, air quality, surface access and greenhouse gases) could be combined into a single monitoring plan, both the Applicant and Fiona Ross of Pinsent Masons for the Host Authorities agreed that this would be appropriate where the matters are linked.
Circumstances that are outside the control or influence of the airport operator	<p>Post hearing note:</p> <p><i>Although this was not discussed at the hearings, the Host Authorities have some concerns in relation to what might constitute a circumstance outside the operator's control, as the indicative examples seem very wide, and could ultimately mean that whenever there are road works and/or construction activity leading to delay or diversions the airport operator could claim this as outside its control and be able to exceed limits. The Host Authorities consider that this should be tightened up, to avoid over-reliance on this criteria.</i></p> <p><i>It would also be helpful to understand how this would work in practice in the context of annual mean metrics.</i></p>
Sanctions for continued breaches	<p>Fiona Ross of Pinsent Masons for the Host Authorities confirmed that the GCG Framework should include any proposals for dealing with continued breaches, and whilst the airport could not grow in such circumstances (i.e. a continued breach of a Limit), the only sanctions are to require a Mitigation Plan to be implemented and to review the position at the time of submission of the next Monitoring Report, and if the Limit is still being breached, to require an updated Mitigation Plan and repeat the process. The Framework states that a Mitigation Plan can be in place for over a year without needing updated. The only enforcement aspects included in the GCG Framework are for procedural aspect.</p> <p>Post hearing note:</p> <p><i>The Host Authorities have noted an action to provide a suggestion on how such a mechanism might work at Deadline 7.</i></p>
The GCG review process and approach to early warning data	No submissions were made by the Host Authorities under this agenda item.
Funding of GCG	No submissions were made by the Host Authorities under this additional agenda item.
3.Noise	
Whether the noise envelope should be integral to the framework or separate	In response to questioning by the ExA on whether it is appropriate for the noise envelope to be integral to the framework or separate, Fiona Ross of Pinsent Masons for the Host Authorities stated that from a noise perspective, it does not matter where the noise envelope is secured, so long as there are no practical differences between where a mechanism is secured. It will also be necessary to have effective enforcement of the noise envelope, wherever it is secured.

Extent to which community engagement has, or needs to, inform the development of the noise envelope	No submissions were made by the Host Authorities in relation to this agenda item.
GCG noise limits and flexibility	<p>No submissions were made by the Host Authorities under this agenda item.</p> <p>Post hearing note and Action Point 17 to provide comments on the appropriateness of the new process outlined in dDCO Requirement 24:</p> <p><i>Increases in noise limits (and corresponding levels) would be acceptable in specific circumstances, such as Airspace Change. Given that the noise limit is based on an area, there are possible scenarios where, as a result of Airspace Change, a larger noise contour area could arise but has a noise benefit, for example fewer people within the noise contour due to a change in shape. Should such an Airspace Change occur, it would be reasonable to update the corresponding GCG limits and levels to account for this. No scenario where increases are sought with no attributable noise benefits would be acceptable to the Host Authorities.</i></p> <p><i>Decreases in the noise limits would be acceptable, as this would result in a corresponding lower noise impact on communities.</i></p>
Whether the noise envelope incentivises improvement in future noise levels	<p>No submissions were made by the Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p><i>This is an important point of principle and was raised with the Applicant during the Noise Envelope Design Group process. It has carried through the DCO progress under the noise aspect of growth versus noise reduction, as was discussed in ISH8.</i></p> <p><i>If the approach adopted for this DCO (in not committing to reducing noise levels and sharing benefits) were to be universally adopted for all airport development, there is concern that noise reduction could be disincentivised and become less of a concern for airport operators.</i></p> <p><i>Therefore if, in effect, all airports could take the same approach that growth is permitted without noise reduction, then the push for operating lower noise aircraft would diminish. This in turn could mean that aircraft designers could focus solely on other concerns, such as carbon emissions.</i></p> <p><i>This would be a direct consequence of noise reduction not being imperative to selling new aircraft.</i></p> <p><i>While the Aviation Noise Policy Statement 2018 (ANPS) sets out that the Government expects noise envelopes to incentivise airlines to purchase the quietest suitable aircraft, if the demand for quieter aircraft is removed, so is any incentivisation. Incentivisation of noise reduction and mitigation is also an objective of Aviation Policy Framework 2013.</i></p>

<p>Whether increases in capacity should be linked to noise performance</p>	<p>Ben Holcombe of Suono stated that, as set out in Deadline 5 documents such as the Comments on Responses to the Examining Authorities' Written Questions [REP5-068], 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 alongside increases in capacity.</p> <p>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 and the Host Authorities would invite the Applicant to provide information on what these step changes could look like.</p> <p>Post hearing note:</p> <p><i>The Examining Authorities' Question 1 from the Action Points arising from Issues Specific Hearing 9 on Green Controlled Growth covers the point made above at the hearing and the Host Authorities have no further comments in relation to this point.</i></p> <p><i>In response to the Examining Authorities' Question 2 in the same document on early and late running aircraft, The Host Authorities do not support the use of a 5% delay factor. While it does allow for a robust assessment of noise impacts within the EIA, it also allows the Applicant to pass the risk of this noise impact on to the community, as opposed to there being a need to make efforts to reduce early and late running of movements. It is expected to be possible for the Airport to act on such delayed movements, as set out in REP5-067, for example, where it is noted that designated airports have taken steps to control their late-running movements.</i></p>
<p>Noting that a number of previously agreed controls have now been included in the GCG framework, whether there is a need to include any other previous noise conditions or any other limits, particularly at night to ensure that the framework would be robust and incentivises best practice in operating procedures</p>	<p>Post hearing note and Action Point 16 on remaining noise control metrics:</p> <p><i>The Host Authorities were asked to submit the additional metrics that should be included in the noise envelope as stated in the hearing by Ben Holcombe. Further noise controls are required to ensure that the framework is robust, which are a combination of carrying forward existing noise planning conditions and adopting the NEDG recommendations.</i></p> <p><i>These noise controls are:</i></p> <ul style="list-style-type: none"> - <i>Future reduction in night-time QC below current limit of 3,500 (NEDG recommendation)</i> - <i>Reducing noise contours (to comply with aviation policy, as discussed elsewhere in this document as well as both being an NEDG recommendation and existing condition)</i> - <i>Annual movement cap (NEDG recommendation)</i> - <i>QC or ATM limit introduced in the night-shoulder periods (23:00-23:30 and 06:00 to 07:00) (early morning period is a current limit in Section 106 and both are NEDG recommendations).</i> - <i>Possibility of staging controls as discussed in the section above (capacity increase linked to noise performance).</i>

	<i>Reasonings for each of these controls was discussed at length during the NEDG process and were supported by the Applicant when discussed. No discussion was held on a control framework only relying on LAeq metrics.</i>
Clarification regarding non-summer day noise controls	<p>Ben Holcombe stated that the annual movement limit and night-time QC period limits (but not all currently proposed by the Applicant) would constrain noise sufficiently that no additional non-summer day noise control is required, as was agreed by the NEDG.</p> <p>The Host Authorities note that the Applicant has committed to producing a note on noise controls during the winter period, and welcome the opportunity to comment on this in due course. The Host Authorities current position is that the NEDG recommendations are based on ATM limit and on that basis would not need winter elements, but if not including ATM limit then would want winter QC.</p>
Day and night quota counts and whether there is a need to secure a daytime quota count regardless of thresholds.	The Applicant confirmed that the airport is expected to be operating above the Level 1 Threshold at all times, but there is clear benefit in the Airport maintaining its internal controls at all times, as was discussed at ISH3. Ben Holcombe stated that the proposal from the Applicant that the internal quota count tool is to operate at all times, irrespective of what level the Airport is operating within, is welcomed.
Dispensation	No submissions were made by the Host Authorities under this agenda item.
Monitoring – location, review and timing/ reporting.	Ben Holcombe of Suono confirmed that the Host Authorities will continue to engage with the Operator and Applicant on monitoring commitments, particularly noting that once the ASC process is complete, the Applicant has committed to introducing additional noise monitors.
Whether GCG should consider impacts on the Chilterns Area of Outstanding Natural Beauty or impacts arising from Airspace Change	No submissions were made by the Host Authorities under this agenda item.
The appropriateness of using faster growth assumptions in the GCG framework in light of constraints on noise insulation roll out in Phase 1 and whether the approach would comply with Luton Local Plan 2011-2031 policy LLP6(B)(iv-vii) and national aviation policy requirements to avoid significant adverse impacts on health and quality of life from noise.	In relation to the Examining Authority’s question about the appropriateness of using faster growth assumptions in the GCG framework in light of constraints on noise insulation roll out in Phase 1, Ben Holcombe of Suono for the Host Authorities stated that the Host Authorities’ position is that by allowing limits to be set using the Faster Growth case, rather than the Core case, the assessment is weighted in favour of permitting an increase in people significantly affected by aircraft noise. It is possible to reduce noise levels in the future to values lower than those assessed for the Faster Growth case by controlling permitted growth in accordance with the Core case. Such an approach would appear to be much more consistent with current government policy on aviation noise and the Host Authorities’ position is set out in detail in the ISH3 post-hearing submission [REP3-094].

	<p>Post hearing note:</p> <p><i>It is also worth noting that all planning applications for development at Luton Airport in the last 20 years have used reasonably determined forecasts of future aircraft movements and not worst-case scenarios as the basis of the noise assessment.</i></p>
4.Greenhouse Gas Emissions	
Basis for the limits and thresholds	No submissions were made by the Host Authorities under this agenda item.
Achievability of limits and thresholds, including options for mitigation and offsetting.	No submissions were made by the Host Authorities under this agenda item.
Definitions of Scope 1, 2 and 3 emissions.	No submissions were made by the Host Authorities under this agenda item.
Ability of the Framework to incorporate updated policy and legislation.	No submissions were made by the Host Authorities under this agenda item.
GCG Framework Appendix E: Greenhouses Gases Monitoring Plan [APP-223] updates.	No submissions were made by the Host Authorities under this agenda item.
5 Air Quality	
Applicant to update on any agreement with local authorities regarding the need to apply short term emissions thresholds, monitor ultrafine particulates and locate air quality monitors on the boundary of the airport.	<p>Andy Talbot of WSP for the Hertfordshire Host Authorities summarised engagement with the Applicant so far and some of the outstanding matters.</p> <p>Post hearing note:</p> <p><i>The update that was summarised at the hearing is set out here in full for completeness.</i></p> <p><i>The matters that have been agreed with the Hertfordshire Host Authorities and set out in the SoCG [REP2-022, REP2-023, REP2-024] are:</i></p> <ul style="list-style-type: none"> • <i>Baseline data collection and presentation of future baseline information</i> • <i>Air quality study area</i> • <i>Construction dust assessment methodology and findings</i>

- *Modelling methodology including data sources, model set up including use of Atmospheric Dispersion Modelling System (ADMS), receptor locations selected, assessment years, emission inventory methodology, model parameters, spatial modelling aspects, and verification methodology*
- *Significance criteria used in the assessment*
- *Odour impact methodology and results*
- *Good practice mitigation identified for the operational phase*

Meeting with Applicant (represented by Arup) concerning on-going matters (not yet agreed) in SoCG with Hertfordshire Host Authorities held on 22/11/2023. Attended by HCC, DBC and NHBC representatives (including WSP). The Applicant has stated that “A technical note will be provided in due course, detailing the considerations included in the air quality [sic] with regards to PM2.5, UFP, short term measurements and emissions inventory.” It is understood that this is to be available at Deadline 6 if not before, and will need to be reviewed by the Host Authorities before any agreement can be reached. Additional discussion is likely to be needed.

From the meeting, it would appear that the Applicant is looking to present further argument to push back on short term monitoring thresholds (which are not currently included in the GCG [REP5-022, REP5-020, REP5-030] but have been previously requested in Hertfordshire Host Authorities representations [REP1A-003 paragraph 7.7.14, REP2-058 page 42 – 43, REP3-091 page 40 - 41, REP3-096]. The Applicant is not intending to undertake monitoring of UFPs; this was discussed in the meeting on 22/11/2023 and Hertfordshire Host Authorities accept this is the current situation (UFPs have no established standards) but want short term thresholds for PM2.5 to be adopted to ensure that the acute health risk from particulate pollution can be effectively managed (as identified in previous reps [REP1A-003 paragraph 7.7.14, REP2-058 page 42 – 43, REP3-091 page 40 - 41, REP3-096]).

The matter of monitoring at the boundary [REP3-091 page 41 – 43] was discussed and it is understood that the Applicant is considering this. The Hertfordshire Host Authorities would request that continuous monitoring for NO2, PM10 and PM2.5 is also included at London Luton Airport diffusion tube site LLA 4 (Runway Threshold Eastern), close to the North Hertfordshire district and airport boundaries.

It is understood that the Applicant will be revising the GCG monitoring to include thresholds for rolling annual mean concentrations to support more proactive management of emissions sources [REP3-091 page 41 – 42] (note: GCG docs have not yet been updated to include reference to rolling mean concentrations [REP5-022, REP5-020, REP5-030]).

The Hertfordshire Host Authorities are very concerned that the indicative (‘AQ-Mesh’) continuous monitoring method proposed by the Applicant would not meet Defra’s reference method equivalence criteria for particulate monitoring [REP1A-003 paragraph 7.7.15, REP3-096]. Indicative methods are generally not fit for purpose for demonstrating compliance and cannot be relied upon to capture short-term pollution events. Reliance on indicative methods is not acceptable to the Hertfordshire Host Authorities.*

	<i>(* According to Defra, for a PM10 or PM2.5 instrument to be used for ambient air quality reporting purposes it either needs to be the European Reference Method or to have been proven equivalent to the European Reference Method.)</i>
Whether the revised review process for Phase 2a should apply to all out of scope locations.	Andy Talbot of WSP for the Hertfordshire Host Authorities confirmed that the additional review process for Phase 2a that has been included in the GCG documents to determine if new locations should be brought in-scope [REP5-022 page 16, REP5-020 page 75, REP5-030 page 5] addresses previously specified out of scope locations only; it does not suggest including new locations in addition to those previously specified (note: boundary monitoring locations is a separate matter). It is agreed that the revised review process for Phase 2A should apply to all out of scope locations.
6 Surface Access	
Staff mode share targets.	No submissions were made by the Hertfordshire Host Authorities in relation to this agenda item.
The benefit supplied by GCG in relation to Surface Access.	Stephanie Biggs of WSP for the Hertfordshire Host Authorities confirmed that the representation quoted by the ExA was prior to further detail being provided by the Applicant in relation to the OTRIMMA and the FTP. The Applicant has subsequently provided further detail on these monitoring and funding mechanisms, the mechanics of which are discussed later in the agenda.
Level of confidence that the surface access mode shares will remain within the limits for each of the Phases.	No submissions were made by the Hertfordshire Host Authorities in relation to this agenda item. Post hearing note: <i>The discussion around the CAA data led to the Applicant being asked to submit the ¼ year summary of the CAA data for the current year to the ExA. This 2023 passenger survey data (as requested by the ExA) should ideally be summarised as referring to main mode, rather than last mode of travel – as this is the basis of the GCG targets.</i>
Monitoring.	No submissions were made by the Hertfordshire Host Authorities under this agenda item.
The relationship between GCG, Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA), Sustainable Transport Fund and Framework Travel Plan.	The Applicant shared a new diagram (Figure 1.1) to demonstrate the relationship between the GCG, TRIMMA and FTP and their associated monitoring and funding. The ExA subsequently asked that the diagram is submitted as an additional document post-hearing at Deadline 6. Post hearing note and Action Point 33 to review the figure showing the relationship between the transport documents and the GCG Framework: Figure 1.1 shows the relationship between the Green Controlled Growth Framework [REP5-022], Framework Travel Plan [REP4-044] and Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) (an Outline of which was submitted with the application [REP5-041]). Produced in response to requests by both the Examining Authority and Interested Parties at Issue Specific Hearings 7 and 9 for information about how the three control frameworks interact, from pre-consent through to recurring activities as part of the operation of the expanded airport.

	<p>It is helpful to understand how the three control frameworks for surface access monitoring and mitigation relate to each other and that the Green Control Growth (GCG) is considered as separate to the sustainable transport and highway mitigation.</p> <p>It would be helpful if the Applicant could confirm the types of mitigation that are envisaged to be provided under the GCG mechanism, independently of the FTP toolkit. It is understood that the measures identified and associated with the GCG will be funded directly via the operator and not draw on any of the other funding streams: Sustainable Transport Fund (STF) or Residual Impacts Fund (RIF).</p> <p>In reality the GCG will act as a 'back-stop' if the implementation of the locally monitored sustainable transport measures are not resulting in sufficient modal shift at a more strategic level.</p> <p>The Toolkit table of sustainable measures in the FTP could be usefully split to separate measure that will be:</p> <ul style="list-style-type: none"> - delivered as part of the application; - implemented by the applicant if the GCG Level 1 Threshold for Surface Access is breached; - available to the ATF to implement using the STF.
7 Compensation Policies	
Mitigation.	No submissions were made by the Hertfordshire Host Authorities in relation to this agenda item.
New eligibility under the ground noise/ traffic noise criteria and its implications for the funding statement.	No comments were made by the Host Authorities under this agenda item.
Explanation of the timing of the provision of the online lookup tool.	No comments were made by the Host Authorities under this agenda item.
Ability to deliver noise insulation drawing on historic rollout data for the airport.	No comments were made by the Host Authorities under this agenda item.
Applicant will be asked to explain its position on an appeal mechanism for noise insulation provision	No comments were made by the Host Authorities under this agenda item.
Approach to insulation for listed buildings	<p>No comments were made by the Host Authorities under this agenda item.</p> <p><i>Post hearing note and Action Points 38, 39, 41, 43 and 46:</i></p>

The Host Authorities took away a number of actions points in relation to listed buildings, and the responses are set out as follows;

Action Point 38 to provide the extract from the Council report that was read out which sets out the figures for the eligible properties for the current noise insulation compensation measures and the number of properties per year that have been insulated:

The ExA requested that David Gurtler provide the text from the document he read out at the issue specific hearing. The document was the Airport Operator's (LLAOL) Sustainability Report for 2022 which is being submitted separately at D6. The text on page 51 of the Sustainability report says:

"NOISE INSULATION PROGRAMME

We have a programme to provide noise insulation to local residents who are affected by aircraft noise. Approximately 1,800 residential properties in the area are eligible for noise insulation funded by the airport. By the end of 2022, we had offered this to 1,400 homes. In 2022, we insulated 114 properties, the most we have ever insulated in a single year. In addition to reducing the impact of noise, acoustic loft insulation and acoustic window insulation also helps to reduce home energy bills.'

Action Point 39 - Confirm whether there might be situations where wooden double-glazed units might be required to obtain listed building consent as opposed to secondary glazing:

If the windows make a positive contribution to significance of the listed building then replacement double-glazing is likely to be resisted and secondary glazing may be encouraged as an alternative. There are occasions where timber double-glazed windows have been granted Listed Building Consent. Secondary glazing with minimal mechanical fixings would not normally require listed building consent. Secondary glazing can perform acoustically better when compared with double glazing. However, there may be occasions where Listed Building Consent is required such as where the secondary glazing relates to a high-status interior or involves modifying such features as timber shutters or requires wall mounting rather than inserted within the window reveal. Owners are generally more resistant to secondary glazing and prefer double glazed units. Installation of double-glazing would require listed building consent but even where considered acceptable (and this is not the norm) it is often the case that North Hertfordshire Council Conservation Officers would be seeking a slimlite system with flush casements, no trickle vents and through glazing bars i.e. not applied or bonded glazing bars so that each pane is individually glazed. Upvc frames are not supported although there have been some occasions where owners have sought to obtain Listed Building Consent for the Residence 7 or 9 system. An alternative to the more conventional slimlite glazing and which has been granted consent at two grade II listed properties is the 6.7mm Fineo Vacuum Glazing system which is essentially 2 panes of glass separated by a 0.1mm gap.

Action Point 41 - The Baptist Church at Breachwood Green has highlighted that overflights interrupt services, including funerals [RR-0156]. The representations suggest that no noise insulation is possible due to the listed status of the building. Confirm whether noise insulation is available for a building of this type:

Acoustic upgrading or thermal enhancements to an ecclesiastical building are likely to be challenging.

Works to the interior of this listed building would likely be dealt with by the Listed Buildings Advisory Committee (LBAC) under the approved procedure of the Baptist Union of Great Britain and the Baptist Union of Wales. It would not be for the local planning authority to advise on whether noise insulation is available for a building of this type. It would be down to the Baptist Church's own architect to specify what measures could be deployed and consent for those enhancements sought via the LBAC.

North Herts Council is unable to advise as to whether there any noise insulation measures that can be deployed in this case. Secondary glazing the main chapel windows as opposed to the school room at the rear is likely to be challenging and it is uncertain as to whether there are any other acoustic design features to walls/ceilings/roof that would affect noticeable noise reduction levels considering the building's interior.

Action Point 43 - Do the local authorities, as the recipients of listed building consent applications, consider that an approach based on an individual householder applying is the most effective way to deal with this issue or would they prefer applications to be submitted by the Applicant on behalf of the householder?

In most cases, when dealing with residential schemes i.e. listed dwellinghouses, the applicant and the householder are one of the same. More often than not, applications are submitted by an agent/architect on behalf of the householder. Infrequently (and this will often be down to the cost of instructing an architect to make the plans submission) will an applicant/householder prepare their own plans/submission, but it does happen occasionally. Individual householders applying (perhaps assisted by an agent/architect), is the most effective way of dealing with this issue.

Action Point 46 - Comment as to whether the £2,500 proposed to cover the cost of applying for listed building consent would be sufficient and if not recommend an appropriate amount:

There is no cost for the application itself (Listed Building Consent is essentially 'free'). An application for replacement windows will, however, in most cases require the following:

- *Completed application form (no cost),*
- *Site Location Plan*
- *Existing and proposed elevation drawings if the window glazing pattern or method of opening or size or apertures is proposed to be changed.*
- *In more complex cases where several windows are proposed to be changed, a photographic window schedule will often be encouraged.*
- *Heritage Statement providing a convincing justification for the proposal, and*
- *Window joinery section drawings (normally from the manufacturer but sometimes prepared by the architect)*

	<i>£2,500 should be sufficient in most cases unless there is a need to prepare several elevation/joinery sectional drawings, in which case, the cost may be higher.</i>
Interaction between the old and new funds at the point of serving notice under Article 44 of the draft Development Consent Order.	No submissions were made by the Host Authorities under this agenda item.
Potential need for the fund to include an Unforeseen Local Impacts Mitigation Strategy (ULIMS)	<p>No submissions were made by the Hertfordshire Host Authorities under this agenda item.</p> <p>Post hearing note:</p> <p><i>The Hertfordshire Host Authorities set out their position on the potential need for an Unidentified Local Impact Management Strategy in its Written Representation (REP1-069), pointing to the proposals that were being brought forward for ULIMS as part of Heathrow proposals for its third runway. The Applicant does not agree (REP1-021) and the position of the Hertfordshire host authorities has not changed in light of discussion at ISH8, particularly given the contributions of the UK Health Security Agency on long term uncertainty.</i></p>