



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' COMMENTS ON ANY FURTHER INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 5: WRITTEN QUESTIONS

London Luton Airport Expansion



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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document represents a table of responses by the Hertfordshire Host Authorities to the Applicant's Comments on Responses to Written Questions by Interested Parties and the Applicant's Comments on Responses to Written Questions – Green Controlled Growth, submitted at Deadline 5. It has been prepared jointly by Dacorum Borough Council ("DBC"), North Herts Council ("NHC") and Hertfordshire County Council ("HCC"), in collaboration with their technical consultants, together as the "the Hertfordshire Host Authorities" to set out further comments considered necessary in detailing the impacts upon the local area of the Applicant's proposed London Luton Airport Expansion Project ("the Proposed Development").

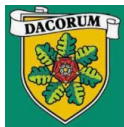


2 REP5-052 - APPLICANT’S COMMENTS ON RESPONSES TO WRITTEN QUESTIONS BY INTERESTED PARTIES

PINS ID	Question	Hertfordshire Host Authorities Comment	Applicant’s Response	Hertfordshire Host Authorities Latest Comment
PED.1.2	<p>Masterplan</p> <p>It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011- 2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by Luton Borough Council.</p>	<p>The Aviation Policy Framework (APF) 2013, submitted in Appendix 29, contains a range of expectations about the role of master plans. For example:</p> <ul style="list-style-type: none"> • The primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. • The Government recommends that airports continue to produce master plans. We recommend that they are updated at least once every five years. • The Government also recommends that Airport Operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. • Airport Operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area. <p>Annex B of the APF sets out the Government’s suggested content of master plans – forecasts, infrastructure proposals, safeguarding and land/property take, impact on people and the natural environment; and proposals to minimise and mitigate impacts. Aviation 2050 ‘The Future of UK Aviation, submitted in Appendix 30, contains a commitment to update the 2013 Aviation Policy Framework Guidance to help airports in completing surface access strategies and master plans.</p>	<p>The Applicant has responded to the points raised in this response previously - please refer to page 2-3 of the Applicant’s response to Written Questions - Design [REP4-061].</p>	<p>The Applicant’s response refers back to page 2-3 of the Applicant’s Response to Written Questions – Design [REP4-061]. Here, the Applicant’s response refers to Policy LLP6B(iii) as being not relevant and states that development of a detailed Masterplan post consent is not required.</p> <p>The Hertfordshire Host Authorities maintain their support for the addition of a requirement for a post-consent detailed Masterplan to be developed, consulted on and approved, and suggests that the requirement should be crafted for that masterplan to be subject to regular review to reflect delivery uncertainty, particularly given the substantially increased scale now proposed.</p> <p>A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon, in a phased fashion (every five years), it’s intentions to deploy the strategic masterplan contained within the DCO - e.g. terminal timing and indicative design, next tranche of infrastructure improvements or proposed alternatives in light of changed circumstances, etc.</p> <p>The Hertfordshire Host Authorities note the Applicant’s reluctance to comply with Policy LLP6B(iii) in the Applicant’s Response to Written Questions – Design [REP4-061] and in the Applicant’s Comments on Responses to Written Questions by Interested Parties [REP5-052] and continued resistance at ISH 8.</p> <p>With regard to an independent design review, the Hertfordshire Host Authorities disagree with the Applicant’s concerns that an independent design review risks further complicating the already complex engagement needed to reach agreement during detailed design stage. The Hertfordshire Host</p>



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		<p>The Jet Zero Strategy, submitted in Appendix 31, states that Government will work with airports, other government departments, local authorities, and other interested bodies to help airports in England improve their surface access through developing Master Plans and Surface Access Strategies.</p> <p>Whilst more latterly, the approach of Government appears to place master plans within a surface access context, the Host Authorities are of the view that the principles and objectives of master plans set out in the APF remain relevant and continue to be Government expectations.</p> <p>If consented, the DCO will approve a wide range of very substantive works to be brought forward over a lengthy time period but with considerable uncertainty surrounding when those works will be brought forward. A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon its intentions to bring forward the development over short-, medium- and longer-term time horizons. The Host Authorities would support the addition of a requirement for a post-consent detailed masterplan to be developed, consulted on and approved and suggest that the requirement should be crafted for that masterplan to be subject to regular review to reflect delivery uncertainty</p>		<p>Authorities assert that the complex nature of the development is a strong reason for both a masterplan and independent design panel review (albeit perhaps in relation to certain key aspects of the development – for example, the terminal).</p>
PED.1.16	<p>Methodology Chapter 14 of the ES [AS-079, paragraph 14.5.7] advises of the distinction between the terms 'impact' and 'effect' in the Guidelines for Landscape and Visual Impact Assessment third edition (2013) (GLVIA3) and that the term 'impact' should not be used to mean a combination of several effects. The paragraph then goes on to state that the Landscape and Visual Impact</p>	<p>The Host Authorities agree that the terminology in respect of conflating impact and effect is confusing. The generally recommended approach is to combine magnitude of effect with sensitivity of the receptor, to determine a level of effect as set out in sections 3.23 - 3.36 of the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). The</p>	<p>Paragraph 5.6 of Appendix 14.1 LVIA Methodology of the ES [AS-036] confirms that 'magnitude of impact' has been adopted to provide consistency with other chapters of the ES.</p> <p>With regard to this variance, this conforms to the GLVIA3 (Ref 4) as follows: "1.16...This guidance urges consistent use of the terms "impact' and 'effect*" in the ways that they are defined above but</p>	<p>'Magnitude of impact' is considered acceptable wording. The resulting 'Effect', as well as 'Significance of that Effect', are also considered acceptable wording. It is therefore unclear why the Applicant refers to 'Significance of Impact' at Paragraph 5.7 of Appendix 14.1 LVIA Methodology [AS-036], similarly on pp29 of Chapter 14 Landscape and Visual Revision 1 [AS-079]. This clearly conflates 'impact' and 'effect'. Chapter 5</p>



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	<p>Assessment (LVIA) varies from this advice and refers to 'magnitude of impact,' even when describing a combination of several effects. Chapter 5 of the ES [AS-075, paragraph 5.4.40] states that to provide consistency across topics within the Environmental Assessment, the methodology as described in Chapter 5 will be adopted, although where topic-specific alternatives exist (following industry-wide guidance or best practice) these have been presented within the relevant aspect assessment chapters of this ES. ... Joint Host Authorities: Do you have any comments on the approach adopted to the methodology and use of terminology in the LVIA?</p>	<p>Host Authorities request further clarification on this matter.</p>	<p>recognises that there may be circumstances where this is not appropriate, for example where other practitioners involved in an EIA are adopting a different convention. In this case the following principles should apply: 1. The terms should be clearly defined at the outset. 2. They should be used consistently with the same meaning throughout the assessment. 3. Impact should not be used to mean a combination of several effects." The magnitude of impact on a landscape receptor has been assessed in terms of its: a. size or scale - extent to which the removal or addition of landscape features alters the existing landscape character; b. geographical extent - of the area over which the effect is evident; c. duration of the effect - (short 0-5yrs/ medium 5-10yrs / long term 10-25yrs); and d. reversibility – (i.e. temporary or permanent).</p>	<p>Approach to the Assessment [AS-075] clearly separates the two.</p> <p>In response to the Applicant's reference to GLVIA3 allowing variation:</p> <ul style="list-style-type: none"> • The Applicant states that the LVIA methodology relating to 'Magnitude of impact' follows Chapter 5 Approach to the Assessment of the Environmental Statement (ES) [AS-075, paragraph 5.4.40]. Chapter 5 Approach to the Assessment of the ES [AS-075] defines 'Magnitude of Change', not 'Impact'. The LVIA methodology is therefore neither following the terminology set out in Chapter 5 Approach to the Assessment of the ES [AS-075] nor GLVIA3. As such, item (1) is not complied with. • The Applicant has not undertaken item (2). The use of 'impact' and 'effect' are not used consistently, nor do they follow the conventions in Chapter 5 Approach to the Assessment of the ES [AS-075]. • The Hertfordshire Host Authorities therefore request again that consistency of terminology is used with no conflation of 'impact' and 'effect' in either Chapter 14 Landscape and Visual Revision 1 [AS-079], Appendix 14.1 LVIA Methodology [AS-036], or Chapter 5 Approach to the Assessment [AS-075] of the ES. • Item (3) is also not complied with. The Applicant's response has merely listed factors that inform Magnitude (which combine to form the level of Impact / Change). They have not defined anywhere how or why they are proposing to combine the various 'effects' (derived by a combination of Magnitude of Impact / Change and Sensitivity) to inform the Magnitude of



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				<p>Impact. Such a combining of 'Effects' to inform a 'Magnitude of Impact / Change' level is not described anywhere in Chapter 5 Approach to the Assessment [AS-075] nor Chapter 14 Landscape and Visual Revision 1 of the ES [AS-079] and is not standard practice.</p> <ul style="list-style-type: none"> The Hertfordshire Host Authorities again request that consistency of terminology is used with no conflagration of 'impact', 'change' and 'effect'.
PED.1.23	Chilterns AONB Sensitivity Test [APP-107] ... All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board: Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?	The Host Authorities agree that judgements relating to the magnitude would not change but disagree that the sensitivity of the receptor would not change. Judgements on sensitivity are a combination of value, which is likely to increase because of the AONB designation, and susceptibility which may be related to the activity being undertaken when experiencing a view. In this case, value is likely to increase, and susceptibility is likely to remain the same, resulting in an overall increase in sensitivity. In turn, this is likely to result in an increased level of effect for some receptors.	The sensitivity of a visual receptor is determined by visual importance/value rather than landscape value. The potential extension to the AONB boundary would not change judgements on sensitivity of a visual receptor for the reasons set out in Section 2.4 of the Chilterns AONB Sensitivity Test [APP-107] .	<p>The Hertfordshire Host Authorities are not in agreement with the findings of Appendix 14.9 Chilterns AONB Sensitivity Test of the ES [APP-107].</p> <p>Visual sensitivity includes perceptual qualities, and a receptor (including tourists or visitors) within a designated landscape (AONB) would expect to experience the Special Qualities associated with that designation. They therefore have a higher expectation of the quality of the views experienced in an AONB than in a non-designated landscape i.e. the value of the view increases -the quality of the landscape within an AONB, including its management, dark skies and perceptual qualities, are expected to be maintained and preserved in order to maintain its outstanding natural beauty. The Hertfordshire Host Authorities therefore disagree with the assessment relating to Sensitivity.</p> <p>The Hertfordshire Host Authorities welcome consideration of changes to magnitude of impact on the AONB extension area as outlined in Section 2.3 of the Appendix 14.9 Chilterns AONB Sensitivity Test of the ES [APP-107]. However, it strongly disagrees with the suggestion that the AONB extension would only result in a Magnitude of 'low', given that the AONB boundary would be brought within metres of the Proposed Development</p>



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				<p>boundary rather than 3km distant. Paragraph 2.3.2 of Appendix 14.9 Chilterns AONB Sensitivity Test of the ES [APP-107] only identifies aircraft movements as contributing to operational impacts. This is highly deficient. Given the proximity of the AONB extension area to the Proposed Development, aesthetic and perceptual qualities would be strongly influenced by a wide range of factors such as increased concentration of vehicles on and off-site (including headlights of both public and private vehicles as well as airport-related operational vehicles). This also includes increased concentration of vehicles accessing the site through the AONB; increased activity from increased numbers of people on-site; direct intervisibility between London Luton Airport and the AONB including nighttime lighting impacting on dark skies and the aesthetic and perceptual qualities of such. The proximity to the AONB extension area would result in the AONB extension area not only experiencing significantly increased aircraft movements within its immediate setting, but those aircraft would be substantially closer – and coming in to land / taking off above / adjacent to the AONB, not 3km distant and higher in the sky. In addition, the proximity of the AONB extension area is likely to reduce its capacity to absorb further increases in aircraft movements without compromising the Special Qualities of the AONB – which include aesthetic and perceptual qualities. The Hertfordshire Host Authorities therefore strongly disagree with the assessment of a 'low' magnitude of impact on the aesthetic and perceptual qualities of the AONB extension area.</p> <p>The capacity to absorb increased aircraft movements, lighting, visual intrusion, vehicular activity within the AONB boundary to access London Luton Airport or similar factors may also affect the Sensitivity rating of the AONB extension area in relation to capacity. Susceptibility to change is not considered in</p>



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				<p>relation to the AONB extension area as a landscape receptor. The Hertfordshire Host Authorities strongly disagree with this omission.</p> <p>The guidance of the Chilterns Conservation Board in their Position Statement on 'Development Affecting the Setting of the Chilterns AONB' has also been omitted. The Proposed Development would become contained within the immediate setting of the AONB extension area. Effects on the AONB setting are potentially considerable and should be included within the sensitivity test.</p>
PED.1.30	<p>Light Obtrusion Assessment / Night-time assessment</p> <p>...</p> <p>Hertfordshire Authorities: [REP1-069, page 63] requests submission of a night-time assessment based on the LVIA Methodology rather than simply relying on the light obtrusion assessment.</p> <p>1. Do you therefore disagree with the findings in Table 8.3 of the light obtrusion assessment that there would be no significant effects through light obtrusion? If so, please advise where those areas of disagreement are.</p> <p>2. Do the councils have any planning guidance in respect of lighting that can inform the proposals? If so, please submit this.</p> <p>3. Aside from the Chilterns AONB, are there any other sensitive receptors that the lighting obtrusion assessment should include, such as views from rural villages and areas to the east of the airport?</p>	<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is likely to result in different levels for some receptors as identified in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP052], submitted by the Applicant. Sensitivity for individual receptors would be individually determined rather than being determined by categories as set out in Table 4.2. Sensitivity of receptor to light obtrusion. In this table the typical example for Medium receptor sensitivity is 'Dwelling'. In assessments based on LVIA nighttime methodologies, residents would typically be determined to be High sensitivity receptors rather than Medium. There are also concerns that the examples provided as High or Very High sensitivity receptors, are ecological or heritage based rather than landscape and visual. The assessment does not consider effects from transient lighting sources such as moving cars and aircraft P.9 Section 3.13. This is considered by the Host Authorities to be a limitation of the assessment and matters which would normally be addressed in a night-time assessment. There are also concerns regarding the significance matrix (Table 4.4) of the Environmental Statement – Appendix</p>	<p>The lighting assessment was aligned with the LVIA viewpoints agreed through consultation as described in section 14.4 of Chapter 14 of the ES [AS-079] and surround the Proposed Development.</p> <p>Applying LVIA methodology rather than Institute of Lighting Professionals (ILP) guidance would not necessarily result in an increase in receptor sensitivity. For example, night time views from residential properties will differ from day time views due to internal screening (for example curtains or blinds being drawn) which rooms may be occupied and/or the activity being undertaken at the property during night time.</p> <p>Effects from transient lighting have not been included in the assessment as the dynamic lighting effects from aeroplanes or traffic cannot be meaningfully modelled or quantified due to its highly variable nature and neither the ILP guidance on reduction of obtrusive light (GN01, Ref 5) or undertaking environmental lighting impact assessments (PLG04, Ref 6) provide a methodology for assessment of such effects from vehicles. In comparison to the effect of the sitewide lighting, headlights/aircraft lights are significantly lower powered, transient and dynamic, and</p>	<p>The Hertfordshire Host Authorities disagree with the findings in Table 8.3 of Appendix 5.2 Light Obtrusion Assessment Part A [APP-052] that there would be no significant effects through light obtrusion, as they are not confident that the methodology used is sufficient to support those findings.</p> <p>Assessment of artificial lighting on landscape and visual receptors should be undertaken in line with Guidelines for Landscape and Visual Impact Assessment (GLVIA3) guidance. The Applicant acknowledges that using appropriate GLVIA3 methodology could result in a different outcome – just '<i>not necessarily</i>'. Basing conclusions on something that might '<i>not necessarily</i>' happen is not appropriate.</p> <p>The LVIA should not use the methodology developed for other technical specialists. The Applicant should apply appropriate methodology to a nighttime assessment.</p> <p>The Applicant's Response states that '<i>Effects from transient lighting have not been included in the assessment</i>' as they cannot be modelled. Effects from transient lighting is not expected to be supported by quantitative modelling. This again highlights the non-industry standard methodology being used (i.e. not GLVIA3). Perceptual qualities cannot be modelled but form a crucial part in understanding Magnitude and Effect. It is</p>



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		<p>5.2 Light Obtrusion Assessment Part A [APP-052], which may lead to underrepresenting the level of effect e.g. In the table High sensitivity and Low magnitude indicates a Minor effect whereas typically in LVIA methodologies this would be Moderate. The Host Authorities do not have confidence in the outcomes presented in Table 8.3 of Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], based on the reservations about the methodology expressed above and analysis of the night-time photography illustrated in Appendix B and the day-time Accurate Visual Representation (AVR) [REP-010, 011, 012, 013 and 014]. It is considered likely that the assessment underrepresents the level of effect for some receptors particularly as perceived from the more rural landscape to the east of the Proposed Development. Viewpoint 10B, Footpath (Offley 01) is an example where the Host Authorities consider the level of effect is underrepresented. A Negligible level of effect has been determined but the introduction of lighting associated with the large-scale structures illustrated in the AVR is likely to introduce a level of effect which is considerably higher. Viewpoint 34 represents the views from Footpath (Kings Walden 006) immediately to the south of Breachwood Green referenced in the relevant representations [RR0636] and [RR-0903]. Inset B1.43 HDR image Viewpoint 34, P.62 in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP052], illustrates the night-time baseline. It is evident that lighting associated with the existing airport, features prominently in the view. It is anticipated that lighting associated with the Proposed Development would add to the overall influence of lighting within the night-time environment and introduce a level of effect which was higher than Negligible as</p>	<p>are not considered likely to have a significant effect.</p> <p>With reference to Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], viewpoints 31, 32, 33 and 34 were considered in the assessment for light intrusion and source intensity effect using a 3D lighting modelling.</p> <p>These viewpoints are all located around Breachwood Green. Other rural locations are also assessed (see Table 8.1 in section 8, and Appendix C Figure 14.8 Assessment Viewpoint Locations, of Appendix 5.2 of the ES [APP-052]). All exterior area lighting has been included in the modelling and lighting within decked car parks. Internal lighting to Proposed Development buildings is not yet developed and façade lighting is not proposed, so both are therefore excluded from the modelling. The resultant effects due to lighting of the Proposed Development were found to satisfy the ILP guidance (Ref 5) for obtrusive light for a rural location in terms of light intrusion and source intensity.</p>	<p>worrying that the Applicant suggests that such perceptual qualities should be ignored. Can the Applicant confirm to the ExA that such factors are considered and given due weight in the LVIA? The Hertfordshire Host Authorities again request that an appropriate qualitative assessment of transient lighting is included.</p> <p>The Applicant's response states that '<i>night time views from residential properties will differ from day time views due to internal screening (for example curtains or blinds being drawn)</i>'. The use of curtains would more likely influence magnitude of impact / change, not sensitivity. There may be keen astronomers, particularly in relation to the AONB's Dark Skies who wish not to draw any curtains / blinds. Curtains would not block out the lighting from transient lighting unless they were blackout curtains. A 'worst-case' scenario in line with GLVIA3 guidance should therefore be adopted, particularly where potential screening effects are unknown. This would be in line with the LVIA (which for example considers winter views).</p> <p>Appendix 5.2 Light Obtrusion Assessment Part A of the ES [APP-052] identifies the Main Application Site as being within an E3 zone, with obtrusive light at identified viewpoints not exceeding the E3 guidance limits on light obtrusion. However, where a viewpoint is not located within an E3 zone (and it can reasonably be assumed that receptors in the AONB for example would be located within an E0 or E1 zone), then can the Applicant confirm to the ExA that there would be no increase in light obtrusion in those locations within the acceptable limits of an E0 or E1 zone?</p> <p>In response to the question outlined in Item (2), detailed in column 2 of this row, the Hertfordshire Host Authorities note the following:</p>



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		<p>determined in the assessment, but the magnitude of change is unlikely to be higher than Low. To some extent the level of effect will be dependent on the detailed design of the proposed built environment, the mitigation measures proposed, and the methodology as discussed earlier in this response. The Host Authorities have limited guidance in respect of lighting, although paragraphs 111 to 113 of the North Hertfordshire District Council Local Development Framework Design Supplementary Planning Document (SPD) July 2011 are relevant. The SPD is submitted in Appendix 33. There are many instances in this rural landscape to the East where buildings and associated lighting will be introduced into skyline views. Viewpoint 30, representing the views from Footpath (Kings Walden 052) to the west of Breachwood Green and Viewpoint 41 representing the views from The Fox Inn, Darley Road are other examples where this is likely to occur.</p>		<ol style="list-style-type: none"> Hertfordshire Host Authorities do not have any specific relevant guidance relating to lighting. The Chilterns AONB Board are currently working on a new Position Statement concerning the impact of lighting on the AONB, for publication during 2023. Effects of lighting (both fixed and transient) should be considered for rural receptors to the south and east, as well as receptors within the AONB. Lighting should also be considered for the AONB extension area.
PED.1.32	<p>Landscape and the planning balance Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.32] concludes that, allowing for mitigation measures, landscape and visual impacts should be accorded only limited weight in the planning balance.</p> <p>Do you agree that landscape and visual impacts should only be accorded limited weight? If not, why not and what weight should they be given?</p>	<p>No. Great weight should be given to AONB landscape impact, in accordance with paragraph 176 of the NPPF.</p>	<p>For avoidance of doubt, the adverse and beneficial landscape and visual impacts of the Proposed Development have been aggregated to reach an overall conclusion on this issue in the Planning Statement [AS-122], and the amount of positive or negative weight that should be accorded to it in the planning balance.</p> <p>This is not a mathematical equation and relies upon professional judgement, having regard to the conclusions in the ES and relevant planning policy relating to this matter, which includes the Airports National Policy Statement (Ref 7), National Planning Policy Framework (Ref 8) and relevant local development plans.</p> <p>Accordingly, the moderate adverse impacts on identified receptors set out in Chapter 14 of the ES [AS-079],</p>	<p>Landscape and visual impacts should be accorded considerable weight. The proposed mitigation is very limited in terms of its screening abilities and there is no identifiable mitigation in relation to site layout, levels, design or built form. Whilst the design and quality of the Country Park proposals is commended and welcomed, its effectiveness in screening the site is limited (for example, grassland habitats provide no screening, and hedgerows, likely maintained at 1.5m, not much more so). Reducing the weight in planning terms based on mitigation is not appropriate as it is currently limited to the design of the Country Park.</p> <p>Impacts on the AONB in particular should be given great weight, particularly given the change in status to 'National Landscapes' in recognition of their national importance to the natural landscape, society and the country.</p>



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			<p>including the aesthetic and perceptual characteristics of the landscape within the Chilterns AONB and also paragraph 176 of the National Planning Policy Framework, have been factored into that aggregation process.</p> <p>Similarly, where there are beneficial landscape and visual impacts resulting from the Proposed Development, such as the network of public rights of way to the east of Luton, these have also been factored into the aggregation process. These temper the adverse impacts to the extent that, overall, the Applicant considers that limited negative weight should be accorded to the issue of landscape and visual impacts in the planning balance.</p> <p>Clearly, the Applicant's overall conclusion on this issue will not necessarily correlate with the landscape and visual impacts experienced within a specific authority.</p>	<p>The Section 85 amendment to the Countryside and Rights of Way Act 2000 as a result of Section 245 of the Levelling-up and Regeneration Act 2023, also strengthens wording in relation to AONBs, requiring the relevant authority to now '<i>...seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty</i>', and not just '<i>have regard to</i>'.</p>



3 REP5-090 - APPLICANT’S COMMENTS ON RESPONSES TO WRITTEN QUESTIONS – GREEN CONTROLLED GROWTH (GCG)

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GCG.1.1	<p>GCG – ESG/ GCG process</p> <p>Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].</p>	N/A	<p>The Applicant does not believe it is necessary for the ESG to be established at the point at which notice under Article 44(1) is served as the processes undertaken by the ESG are not triggered until submission of the first Monitoring Report. In addition, establishment of the ESG requires actions to be undertaken by third parties which the Applicant does not have direct control over. As set out in the Applicant’s Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86]. Notwithstanding this, the Applicant is considering changes to the Draft Development Consent Order [REP3-003] to be made at Deadline 5 that would require the ESG to be established as soon as is reasonably practicable.</p> <p>In respect of the processes undertaken by the ESG, Section 2.4 of the Green Controlled Growth Explanatory Note [REP3-015] sets out the proposals for independent scrutiny and review of the GCG process, including the role of the ESG. Paragraph 2.4.2 sets out the powers of the ESG, enshrined in the Terms of Reference included within the Green Controlled Growth Framework Appendix A Draft ESG REP3-019]. These are:</p> <ul style="list-style-type: none"> a. Providing commentary on periodic Monitoring Reports produced by the airport operator (see Section 2.3) following reviews by the relevant Technical Panels; b. Approving or refusing Level 2 Plans or Mitigation Plans put forward as required by the airport operator if any GCG environmental effect has exceeded a Level 2 Threshold or Limit respectively (see Section 2.2); c. Where the airport operator can demonstrate that this is the case, certifying that an exceedance of a Level 2 Threshold or Limit is 	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities comments on this document.



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			<p>due to circumstances beyond the operator's control;</p> <p>d. Forum for consideration of statutory enforcement representations;</p> <p>e. Mutually agreeing to modifications to the Terms of Reference included at Appendices A and B and Monitoring Plans included at Appendices C to F of the Green Controlled Growth Framework [REP3-017] and;</p> <p>f. Approving or refusing applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits, as allowed for under Paragraph 25 of Schedule 2 to the Draft Development Consent Order [REP3-003].</p> <p>The ESG Terms of Reference set out in more detail how the ESG would exercise these powers (Section A4, 'Operating Powers'). Crucially, all of the routine procedures that the ESG is required to undertake are triggered by the submission of a Monitoring Report by the airport operator. Where the ESG is required to undertake other more ad hoc procedures, for example taking action in relation to a potential breach of the DCO or in response to a periodic review of GCG by the airport operator, these could not be triggered until after submission of the first Monitoring Report. In this context, the requirement for the ESG to be established a minimum of 56 days ahead of the planned submission of the first Monitoring Report by the airport operator is appropriate. Were the ESG to be established on or before the point which notice is served under Article 44(1) of the draft DCO, it would not be required to undertake any actions until the point that the first Monitoring Report is submitted.</p>	
GCG.1.2	<p>GCG – Fixed noise monitoring [REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise</p>	N/A	The airport operator's current noise monitoring terminals provide sufficient information to be able to accurately calibrate the noise modelling and comply with the modelling requirements of the Civil Aviation Authority's CAP2091 (Ref 1).	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters



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	<p>monitoring stations in line with 'ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports' and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was 'necessary' and the provisional programme for agreeing locations for additional permanent noise monitors.</p>		<p>Triggers for reviewing existing noise monitoring terminals are therefore likely to be, but would not be limited to:</p> <ul style="list-style-type: none"> • Updates to the CAA CAP2091 guidance, or publication of further noise modelling or noise monitoring guidance from the CAA • If the CAP2091 noise modelling category for London Luton Airport were to change to a category that requires additional noise monitors to be installed • An implemented airspace change which moves flightpaths such that the existing noise monitoring terminals were no longer relevant • Ongoing review of the noise monitoring terminals as part of the Noise and Track Subcommittee • Ongoing review of the noise monitoring terminals as part of any update to Noise Action Plans <p>The principle criteria for the requirement for new noise monitoring terminals as part of such a review would be if they were required to meet the minimum standards of noise monitoring terminals with respect to validation of aircraft noise modelling as per CAP2091.</p> <p>With regards to the provisional programmes, should any of the reviews described above result in the identification of additional noise monitoring terminals it is worth noting the following:</p> <ul style="list-style-type: none"> • flight paths generally overfly the least populated areas where possible, therefore the best places for noise monitors are usually in rural locations and fields; • landowner consent must be sought for access and permission to install noise monitors on private land and contract negotiations can be time consuming; • fixed noise monitors require a continuous power source, which usually requires 	<p>(ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.</p>



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			<p>digging up some of the land to install the cabling, the timing of which can be affected by crop harvesting given monitors are frequently installed in fields; and</p> <ul style="list-style-type: none"> • installation also requires concreting the equipment into the ground (to ensure it is fixed and theft resistant). <p>For the additional noise monitoring terminals that are already committed to in paragraph C4.2.3 of the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] it would not be proportionate to seek to install these before the conclusion of the current ongoing airspace change proposal. Given the process for securing a new monitoring terminal location described above, any new terminals may only be in place for a very short amount of time (between the DCO being implemented, and the process described above being completed) before needing to be moved again once the airspace change process is concluded. It is therefore proposed that the location of these new monitoring terminals would be discussed with the Noise and Track Subcommittee and agreed with the GCG Noise Technical Panel in line with the program for the airspace change and that all reasonably practicable efforts will be made (subject to achieving landowner consent) to install these new monitors within 18 months of the conclusion of the airspace change process.</p> <p>Updates to the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] will be made at Deadline 5 to clarify these points.</p>	
GCG.1.3	<p>GCG – controls on early/ late flights</p> <p>The ExA welcomes the Applicant's proposal in Noise Envelope – improvements and worked example [REP2-032], that early/late running flights would not be dispensed from the noise contour calculations. Can the Applicant</p>	N/A	Clearly, by their nature, late running flights are difficult to control as the external factors that cause these can be varied, such as air traffic control delays, aircraft having technical issues, weather and other operational factors. It needs to be borne in mind that failing to accommodate such delayed movements would lead to	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host



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	explain what measures would be taken to avoid or minimise late running flights?		<p>substantial inconvenience to passengers, e.g. through aircraft having to divert to an alternative airport, or major operational disruption if an aircraft was unable to return to its operating base at the airport and so was unable to undertake the following day's flights.</p> <p>The use of a 5% allowance on top of the expected scheduled movements in the night period, as indicated in Para 6.6.61 of the Need Case Revision 1 [AS-125] is based on historic data from the airport when operating normal patterns of traffic (i.e. before COVID disruption). This data shows late running flights made up between 1% and 5% of movements in the night periods and therefore the choice of 5% was selected to provide for the likely worst-case scenario given that most years operate below this. If a lower (than 5%) delay factor had been included, this would have allowed the Applicant to increase the number of scheduled movements in the night periods and the night noise contour assessments would have given a similar answer. However, as there is less ability to control late running flights the use of a lower delay factor was not deemed sensible by the Applicant. In light of this, there are no measures that can feasibly be taken, but protection is added by the inclusion of the aforementioned 5% as part of the overall process</p>	Authorities' comments on this document.
GCG.1.4	<p>GCG - Appendix C – Annex C1 DCO noise model assumptions</p> <p>Confirm whether the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling.</p>	<p>The points listed in a-j are acceptable, noting that these are followed by the following caveat in the Green Controlled Growth Framework Appendix C – Aircraft Noise Monitoring Plan [REP3-023], <i>“Departure from the above parameters/assumptions, such as the use of more up-to-date software methodologies, shall be allowable if agreed with the GCG Noise Technical Panel.”</i> This caveat is also acceptable.</p> <p>It is the Host Authorities' expectations that the model used within the DCO (or the specific inputs within the model) is to be</p>	<p>The Applicant would like to clarify that points a-j of Annex C1 of the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] are not the only requirements for future noise modelling. Paragraph C4.2.1 also requires the airport operator to validate the noise model in line with the Civil Aviation Authority's CAP2091 (Ref 1) which sets the industry standard for aircraft noise modelling.</p>	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document



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		<p>passed to the relevant body / company to undertake future modelling, rather than a new model developed from scratch. This is based on discussions held with the Applicant and would prevent any unintended differences between future modelled contour sizes and those stated within the application documents.</p>		
GCG.1.5	<p>Quota Counts Confirm whether the approach to calculating day and night-time quota counts in Noise Envelope – improvements and worked example [REP2-032] would form an acceptable basis for noise control on exceedance of a Level 1 and Level 2 thresholds.</p>	<p>The approach taken to using Quota Counts (QC) as forward planning indicators is set out in Section 5.1 Improvement #1 in the Noise Envelope – Improvements and Worked Example [REP2-032].</p> <p>As set out, equivalent QCs would be calculated for noise contour areas (Threshold 2 and GCG noise Limit), which are then used to allow slot capacity declarations. This process would be an internal tool for the Airport Operator and appears a sensible and acceptable way to control exceedances of Threshold level 2 and Limits.</p> <p>The internal QC process only proposes once Threshold level 1 is exceeded. In the Host Authorities' view however, it would be far more appropriate to maintain this internal QC process at all times, firstly to ensure that there cannot be a jump from below Threshold 1 to above Limit in such a short timeframe that a breach cannot be prevented; and secondly to avoid slot allocations being declared that potentially cannot be withdrawn.</p> <p>Separately, within Section 5.1, it states that one outcome of the internal QC process would be, <i>“as part of the bi-annual process of slot management and capacity declaration.”</i> with footnote 8 reading, <i>“Twice each year, once for winter and once for summer”</i>.</p> <p>Given that the only noise control proposed through GCG covers solely the summer 92-</p>	<p>This question is directed toward the Local Authorities and the Applicant would provide comments on their responses if necessary.</p>	<p>Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.</p>



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		day period (against the expectations of the Host Authorities), it is not clear why the internal QC process would be involved in allocating winter slots, as there is no corresponding Limit against which to compare the equivalent QC.		
GCG.1.6	<p>Noise Action Plan (NAP)</p> <p>Provide a copy of the 2024-2029 NAP for Luton Airport.</p>	N/A	London Luton Airport's draft Noise Action Plan 2024-2028 has been provided at Appendix A . Please note that this is a draft document that has been submitted to the Department for Environment, Food and Rural Affairs (DEFRA) for approval and is therefore subject to change.	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.
GCG.1.7	<p>Noise Action Plan (NAP)</p> <p>At ISH3 on noise and vibration, the Applicant stated that the operator's quarterly monitoring reports contained a host of information considered relevant to the community that have been developed over time and that there is no expectation that these would change. However, the Applicant also explained that the NAP would be updated to take account of GCG controls replacing any current planning related commitments. Can the Applicant explain whether quarterly reporting would be retained and how the various reporting requirements would be retained if these were not explicitly referenced in the GCG framework or secured by the DCO?</p>	N/A	The Aircraft Noise Monitoring Plan [REP3-023] was updated at Deadline 3 to secure the ongoing requirement for quarterly monitoring in line with the current consent that was relevant at the time of submission (see Paragraph C7.1.1). The updated reporting requirements in the current consent as a result of the approval of the application to grow to 19mppa (APP/B0230/V/22/3296455) will be considered by the Applicant and updates to the monitoring requirements will be made at Deadline 5 to retain these as considered appropriate.	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.
GCG.1.8	<p>GCG framework [REP3-017] – In scope locations</p> <p>Explain why Crawley Green Road 2 monitoring location has been removed from being in scope in this document revision.</p>	N/A	It is assumed that the reference to 'Crawley Green Road 2' by the Examining Authority (ExA) is an error as this location has always been out of scope, and the request from the ExA is for the Applicant to explain why the 'Crawley Green Road 3' location has moved from being in scope to out of scope for NO2 in Phase 1. For clarity, the previous and corrected results for Phase 1 NO2 in full are shown in the table provided as part of this response.	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.



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			<p>As set out in Paragraph 3.3.9 of the Green Controlled Growth Explanatory Note [REP3-015] the filtering process to determine whether a location is in scope for air quality in the Green Controlled Growth Framework [REP3-017] includes consideration of the total airport impact on air quality in that location (i.e. the air quality impacts not just of the Proposed Development but also of the existing airport). This total contribution is not reported in the Environmental Statement Chapter 7 Air Quality [AS-076], which is concerned with the comparison between the Do Minimum and the Do Something (i.e. the impact of the Proposed Development only).</p> <p>In preparing Environmental Improvement Plan Interim Target for PM2.5 Commentary [REP1-017] total airport contributions to pollutants in the Faster Growth Case were reviewed. As part of this review, it became apparent there was an error in the apportionment of NO2 to airport sources in Phase 1. The previous and corrected results for Phase 1 NO2 are shown in the table. (Table set out in [REP05- 090] GCG.1.8)</p> <p>As set out in Figure 3.7 of the Green Controlled Growth Explanatory Note [REP3-015], where the total airport impact on concentrations of a pollutant at a particular location is negligible, it will be treated as 'out of scope' for the purposes of GCG. The corrections shown in the table above result in the airport contribution to NO2 in Phase 1 at Location 4 (Crawley Green Road 3) being treated as negligible, and so this location has been moved to 'out of scope'.</p>	
GCG.1.9	<p>GCG framework [REP3-017] – Table 4.3</p> <p>As currently drafted the limits relating to PM2.5 are confusing, as 12 microgram/m3 limits are shown in Phase 2b and in the full operating capacity scenario. Phase 2b spans the period during which the 10</p>	N/A	Please see amended table (Table set out in [REP05- 090] GCG.1.9). Table 4.3 in the Green Controlled Growth Framework [REP3-017] and Table 3.5 in the Green Controlled Growth Explanatory Note [REP3-015] will be updated at Deadline 5 to reflect this change.	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host



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	microgram/m3 legal limit would be introduced. Similarly, although the row with PM2.5 states '10 microgram/m3 limit (post 2040)' the lower limits are shown in Phase 1 and 2a. Provide an amended table to avoid any confusion between the two thresholds.			Authorities' comments on this document.
GCG.1.10	<p>GCG framework [REP3-017] and GCG Appendix D – Air Quality Monitoring Plan [REP3-025] – Automatic Number Plate Recognition (ANPR) reference / proportional contribution.</p> <p>Reference to use of ANPR has been removed as a means of demonstrating the proportional contribution made by the airport. Instead, Appendix D suggests that an indicative approach to further analysis could include consideration of an emissions inventory and publicly available background/ regional air quality data in order to understand changes in airport-related traffic flows. Expand on your response in the ISH5 post hearing submission as to why ANPR is no longer considered an appropriate basis for monitoring given that it has potential to provide detailed information on traffic flows /origins for cars parking at the airport. In the absence of ANPR data, provide a detailed explanation of the specific data sets and methods that could be used to determine the airport's proportional contribution.</p>	N/A	<p>The Applicant wishes to clarify the position stated with regards to ANPR, further to the Applicant's Post Hearing Submission - Issue Specific Hearing 5 (ISH5) [REP3-052]. Paragraph 7.1.37 of the post hearing submission was not intended to state that ANPR will not be used at all; rather, that it is only one potential method that might be used, depending on the nature of any future exceedance. ANPR surveys can still be commissioned using a third-party traffic survey contractor if required, but it is not the intention of the Applicant to establish an ANPR monitoring network from the outset.</p> <p>The amendments made at Deadline 3 to the Green Controlled Growth Framework [REP3-017] and Green Controlled Growth Explanatory Note [REP3-015] were similarly intended to clarify the need for future flexibility, to reflect the long term nature of the Proposed Development, and that new and as yet unknown monitoring methods and practices may be available over the course of the next 20 years while the Proposed Development is delivered. Thus, the reference in paragraph 3.3.20 of the Explanatory Note to the "commissioning of additional traffic surveys in order to understand changes in airport-related traffic flows" was intended to be construed as including ANPR as just one potential type of future traffic survey.</p> <p>This approach mirrors the most similar precedent for the ongoing monitoring and management of air quality for a Nationally Significant Infrastructure Project used by the Silvertown Tunnel. Requirement 7 of The Silvertown Tunnel Order 2018 secures</p>	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.



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			<p>compliance with the 'Monitoring and mitigation strategy', which includes air quality impacts.</p> <p>The Monitoring & Mitigation Strategy certified under Schedule 14 is similarly non-prescriptive around how future assessments of that scheme's specific impact will be determined, with respect to the air quality monitoring data that is inclusive of non-scheme impacts:</p> <p><i>“ TfL will therefore appoint an independent air quality expert to review the air quality monitoring data set in the annual monitoring reports.... In coming to a view on the air quality impacts of the Scheme, consideration will therefore need to be given to other data sources including London wide local authority monitoring data, traffic flows, composition or speeds as well as outputs from strategic and local traffic modelling and/or air quality modelling.”</i></p> <p>See Section 4.4 of the Silvertown Tunnel Monitoring & Mitigation Strategy (Ref 2) for further details.</p> <p>To expand upon the revised text included at Deadline 3 in paragraph 3.3.20 of Green Controlled Growth Explanatory Note [REP3-015] and reflected in paragraph D2.3.11 of the Green Controlled Growth Framework Appendix D Air Quality Monitoring Plan [REP3-025], the Applicant envisages that there are a range of options that could be used to determine the airport's contribution to the exceedance of a Level 2 Threshold or Limit at an in scope location. These potential analysis methods reflect current best-practice air quality monitoring and analysis techniques, but it is not the intention for the GCG Framework to mandate any of these steps specifically, in order to preserve the necessary flexibility required, including as technology and techniques may change in the future.</p> <p>Indicatively, this could include: engaging with the relevant local authority to understand local air quality trends elsewhere, or to identify location-</p>	



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			<p>specific factors (e.g. roadworks or new developments) or regional factors. More detailed analysis could be undertaken if required using post processing software (such as the 'openair' package) to provide more information on likely sources or compiling an updated emissions inventory for airport activities to understand changes from that forecast in the ES. Where the likely source of any breach cannot be identified from these methods, ANPR could then be used to understand potential changes in emissions from airport-related traffic. Ultimately, more in-depth calculations could still then be needed, potentially including air quality modelling, to determine the exact contribution from the airport.</p> <p>The GCG Framework is intended to provide certainty of the outcome in this scenario – i.e. a determination as to whether the airport is or isn't the cause of an exceedance and therefore whether a Level 2 Plan or Mitigation Plan is or isn't required. To achieve this, whatever methodology is utilised must therefore be able to provide the necessary evidence to the Environmental Scrutiny Group for this determination to take place but will most likely vary depending on the exact nature of the exceedance. Further amendments to the wording in this regard within the GCG Framework will be considered to improve the clarity of the intended requirements.</p>	
GCG.1.12	<p>GCG Appendix A – Draft ESG Terms of Reference [REP3-019]</p> <p>Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from “<i>where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present</i>” to “<i>where the independent chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present</i>”.</p>	<p>The Host Authorities understand that the rationale for reducing the Quorate to independent chair, independent aviation specialist and slot allocation expert relates to a review of the Terms of Reference by the Applicant to ensure that the ESG could still function if there were a failure (however unlikely) to secure 50% of the other members. Given the importance of the role of ESG the Host Authorities are of the view that their engagement in ESG and the decisions that it makes is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable</p>	<p>Following submission of the application for development consent, a critical review of the Terms of Reference for both the Environmental Scrutiny Group and Technical Panels included at Green Controlled Growth Framework Appendix A Draft ESG Terms of Reference [REP3-019] and Green Controlled Growth Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021] was carried out to ensure that the functioning of GCG could not be frustrated or otherwise unintentionally hindered by any party to the process. This review identified a risk that local authorities could nominate an officer to</p>	<p>Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.</p>



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	<p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>representation of other members to be present. The text should be returned to <i>“where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present”</i>.</p>	<p>represent them on the ESG and Technical Panels, but that if these local authority representatives subsequently did not attend meetings of the ESG or Technical Panels they would not be quorate and the GCG process could not be moved forward. The changes made at Deadline 3 were therefore only to ensure the future functioning of the GCG process in this (unlikely) scenario, with the intention that the operation of ESG and the Technical Panels would still be independent from the airport and would be in accordance with the operating principles of GCG.</p> <p>However, the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes through the Statement of Common Ground process to be made to the Terms of Reference at Deadline 5. The changes will reintroduce a minimum number of local authority representatives to be present for the ESG and Technical Panels to be quorate.</p>	
GCG.1.13	<p>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from “where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present” to “where the independent technical expert is present.”</p> <p>Joint Host Authorities: Is this change acceptable and if not, why, not?</p>	<p>The Host Authorities understand that the rationale for reducing the Quorate to where the independent technical expert is present relates to a review of the Terms of Reference by the Applicant to ensure that Technical Panels could still function if there were a failure (however unlikely) to secure 50% of other approved representatives. Given the importance of the role of the Technical Panels the Host Authorities are of the view that their engagement in them is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of approved representatives to be present. The text should be returned to <i>“where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present”</i>.</p>	Please see the response to GCG.1.12.	Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.



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GCG.1.15	<p>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1.</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>No. If it is considered there needs to be some form of provision made for Technical Panels not meeting, then it should be crafted in a manner where it is assumed that meetings will happen unless there is agreement of membership otherwise.</p>	<p>The Applicant would note that this is not a change, and that this drafting has been in the GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021] since submission of the application for development consent.</p> <p>This drafting has been put forward to recognise the fact that there may not always be a requirement for a Technical Panel to meet and that, where this is the case, there should be no obligation secured via the DCO to do so. For example, if all members of a Technical Panel are satisfied that monitoring results reported to it do not give rise to any issues and have not triggered any requirements linked to a Level 2 Threshold or Limit, they are able to respond to the airport operator and ESG on that basis in writing without a requirement to formally meet, as per the process set out in Section B4.3 of the Terms of Reference.</p> <p>As set out in Paragraph B2.5.1, any member of a Technical Panel may request that a meeting takes place where they feel this is necessary, but ultimately this will be at the discretion of the technical expert in their role as chair of the relevant Technical Panel.</p>	<p>Please refer to the Hertfordshire Host Authorities' Post Hearing Submission on ISH on Environmental Matters (ISH9) on Green Controlled Growth for the Host Authorities' comments on this document.</p>