



## Hertfordshire Host Authorities

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# **HERTFORDSHIRE HOST AUTHORITIES' RESPONSE TO THE EXAMINING AUTHORITY'S FURTHER WRITTEN QUESTIONS**

London Luton Airport Expansion



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# HERTFORDSHIRE HOST AUTHORITIES' RESPONSE TO THE EXAMINING AUTHORITY 'S FURTHER WRITTEN QUESTIONS WRITTEN QUESTIONS

London Luton Airport Expansion

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# 1 INTRODUCTION

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## 1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document 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”).
- 1.1.2. This document represents a table of responses by the Hertfordshire Host Authorities to the Examining Authority’s Further Written Questions **[PD-015]** to be submitted at Deadline 7.



## 2 THE HERTFORDSHIRE HOST AUTHORITIES' RESPONSES TO THE EXAMINING AUTHORITIES FURTHER WRITTEN QUESTIONS

Table 2-1 – The Hertfordshire Host Authorities' Responses to the Examining Authorities Further Written Questions

PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
<b>Broad, General and Cross-Topic Questions</b>			
BCG.2.1	All Interested Parties	<p><b>Written questions following Hearings</b></p> <p>At the Hearings [EV13-006], [EV14-008], [EV15-013] and [EV16-009] a number of questions were converted to written questions to be answered at deadline (D)7. Please provide responses to these questions alongside those requested under further written questions (ExQ2). If you are providing your responses to ExQ2 in a table, the Examining Authority (ExA) is happy for you to include the responses to the hearing questions at the end of the relevant section. For example, questions from EV-014 could be included at the end of the responses to the traffic and transport questions from ExQ2.</p>	<p><b>Issue Specific Hearing (ISH) 9 – Action Point (AP) 11</b></p> <p>The Hertfordshire Host Authorities have no remaining concerns regarding the timescales for approvals and activities set out in the Green Controlled Growth (GCG) Framework, and accept the amendment made by the Applicant from 21 to 28 days for the ESG to approve plans.</p> <p><b>Issue Specific Hearing (ISH) 9 – Action Point (AP) 14</b></p> <p>As noted at ISH9, the Hertfordshire Host Authorities remain concerned that there are no effective sanctions for continued breaches of Limits under the proposed GCG Framework. As currently drafted, where a Limit is breached the Applicant would be required to implement a Mitigation Plan, but there is no consideration of what might happen should that Mitigation Plan not reduce impacts below those which were assessed as part of EIA, beyond implementation of a further Mitigation Plan. As such, simply by breaching a Limit, a breach of the DCO does not occur, provided efforts are made to mitigate that breach. This means the enforcement regime under the Planning Act 2008 would not apply.</p> <p>Absent an ability to 'reverse' growth in the event of continued breaches of Limits, the Host Authorities consider that a proportionate, but suitably robust, financial sanctions regime should be put in place, culminating in payments to a community fund (which the Authorities propose is the existing Community Fund proposed to be kept in place under the s.106 agreement, which already envisages 'penalty' payments for different breaches (by airlines) being paid into it). There has been discussion during the Examination as to the need for the benefits of growth to be equitably shared between the Applicant and local communities. The same principle applies in the event of continuing breaches which give rise to on-going adverse effects on communities – those communities should be appropriately compensated. This approach is supported in various aviation industry guidance, such as in the Civil Aviation Authority (2013) <i>CAP 1129 - Noise Envelopes</i> available at: <a href="https://publicapps.caa.co.uk/docs/33/CAP%201129%20Noise%20Envelopes.pdf">https://publicapps.caa.co.uk/docs/33/CAP%201129%20Noise%20Envelopes.pdf</a> [accessed on 5 January 2024].</p> <p>This states on page 51 that financial compensation to a community fund is one form of appropriate action in the event planning controls are breached.</p> <p>The Hertfordshire Host Authorities are not advocating for such a sanctions regime to be triggered in the event a Limit is breached initially. Instead, it is proposed to apply only where a Mitigation Plan has not been effective in removing that breach within 12 months of its implementation (or within the relevant timetable contained within that Plan). The financial sanctions could be payable periodically where a Limit is shown to remain breached (e.g. every 3 months) or annually on a pro rata basis – it would depend on the nature of the breach and the monitoring in place. This would clearly need to operate alongside the required revised Mitigation Plan – if that was able to correct the Limit breach within a reasonable timescale, the financial sanctions would clearly be reduced.</p>



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			<p>The quantum of financial penalty needs to be of sufficient level to act as a real incentive to operate the Airport in a way so as to encourage a precautionary approach to growth. In this context, the Host Authorities note that the Applicant will have benefited from increasing its capacity whilst not meeting the Limits in the GCG Framework. In terms of how such financial penalties should be calculated, it is helpful to consider, by way of analogy, penalties payable under other regulatory regimes. For example, the environmental sentencing guidelines link the level of fines with turnover, resulting in significant fines (running into the millions) for breaches of environmental legislation. Another example is that under the street works regime – in the event that such works overrun, a set amount is payable per day for the duration of that overrun. However, the Host Authorities also acknowledge the need for a proportionate, reasonable approach. For that reason, the Hertfordshire Host Authorities are willing to discuss the level of financial penalty with the Applicant.</p> <p>The Hertfordshire Host Authorities are aware of the Applicant's position that such a sanctions regime is not required due to the robustness of the GCG Framework. In response to that, the Hertfordshire Host Authorities would submit that if that is correct, the risk of a financial sanctions regime being triggered would be minimal, so putting one in place would be of low risk to the Applicant. In any event, an approach similar to the GCG Framework is unprecedented, as is any approach similar to it, so it is reasonable there is some residual doubt as to its effectiveness.</p> <p><b>ISH9 – AP26 Air Quality Monitoring</b></p> <p>Regarding PM<sub>10</sub> and PM<sub>2.5</sub> monitoring equipment, the Hertfordshire Host Authorities could accept the use of indicative continuous monitoring methods if the Applicant commits to having at least one of these instruments permanently co-located at a monitoring station employing a DEFRA equivalent reference method for each measured parameter (i.e., NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>); which is situated at no less than one of the GCG Framework monitoring locations, with calibration of the indicative measurements to be undertaken on a monthly basis to sustain assurance of data accuracy and precision (not just “Prior to deployment ...” as proposed by the Applicant in the Applicant's Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [REP6-076 paragraph 2.2.2]). This matter is the subject of ongoing SoCG discussions.</p> <p>Regarding short-term monitoring, the Hertfordshire Host Authorities could accept that use of short-term monitoring data falls outside of the scope of the GCG Framework in return for a formal commitment by the Applicant to consider short-term data and action Thresholds as part of routine everyday environmental management of London Luton Airport's operations.</p> <p>ISH9 - AP33 – This was responded to at Deadline 6, please see document reference: [REP6-094].</p> <p>ISH 8 Question 10 - This was responded to at Deadline 6, please see document reference [REP6-093].</p> <p>ISH 9 Question 1 - This was responded to at Deadline 6, please see document reference [REP6-094].</p> <p>ISH 9 Question 2 - This was responded to at Deadline 6, please see document reference [REP6-094].</p>
BCG.2.3	All Interested Parties	<p><b>Central Government policy and guidance</b></p> <p>Are you aware of any updates or changes to Government policy or guidance, including emerging</p>	<p>Noise response: Government indicated within the Overarching Aviation Noise Policy (March 2023) that it was their intention to publish a noise policy paper in 2023. The Hertfordshire Host Authorities consider it is likely to incorporate the changes set out in Appendix 30: Response to ExQ1 PED.1.2 - Aviation 2050 The Future of UK Aviation [REP4-156], which are:</p>



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		<p>policies, such as the National Planning Policy Framework (NPPF), that may come into force before the end of the reporting period that could be relevant to the determination of this application? If yes, what are the likely implications for the application?</p>	<ul style="list-style-type: none"> <li>• Setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise.</li> <li>• Developing a new national indicator to track the long-term performance of the sector in reducing noise.</li> <li>• Routinely setting noise caps as part of planning approvals (for increase in passengers or flights).</li> <li>• Requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.</li> </ul> <p>The Department for Transport (2013) <i>Overarching Aviation Noise Policy</i>, available at: <a href="https://www.gov.uk/government/publications/aviation-noise-policy-statement/overarching-aviation-noise-policy">https://www.gov.uk/government/publications/aviation-noise-policy-statement/overarching-aviation-noise-policy</a> maintains the commitment to noise reduction, through reference to ICAO's Balanced Approach to Aircraft Noise Management, which aims to reduce aircraft noise in a variety of ways.</p> <p>There is not expected to be any support for the Applicant's position that no reduction in night-time noise is acceptable.</p> <p>Planning response: Department for Levelling Up, Housing &amp; Communities (2013) The National Planning Policy Framework (NPPF) available at: <a href="https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf">https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf</a>. The changes relate predominantly to housing supply and as such the changes do not markedly alter the Hertfordshire Host Authorities' opinion regarding the NPPF, submitted at previous deadlines.</p>
BCG.2.4	All Local Authorities	<p><b>Updates on development</b></p> <p>Provide an update on any applications for planning permission or prior approval that have been submitted/ determined since the ExA's first written questions (ExQ1) [PD-010] that could either affect the Proposed Development or be affected by the Proposed Development and confirm whether these could change the conclusions reached in the Environmental Statement (ES).</p> <p>Could you also provide an update on the following applications:</p> <ol style="list-style-type: none"> <li>1. Wandon End Solar Farm; and</li> <li>2. Bloor Homes application.</li> </ol>	<p>Updates on applications for planning permission / prior approval:</p> <p>The response to this question is provided by the Hertfordshire Host Authorities in their capacities as local planning authorities and highways authorities. Although the Applicant is best placed to be able to identify in the first instance scope and assessment triggers and would be better placed and resourced to undertake a public planning register review and update, the Hertfordshire Host Authorities have sought to take a pragmatic approach in seeking to assist the Examining Authority. Therefore, the Hertfordshire Host Authorities consider that the following elements of the application are most likely to be relevant as they provide spatial intelligence relating to the scope of the highways network simulated and various environmental zones of influence.</p> <ul style="list-style-type: none"> <li>• Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164] Figure 21.1 – the Hertfordshire Host Authorities consider that the Air Noise Zone of Influence to be the most important).</li> <li>• Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network.</li> </ul> <p>However:</p> <ul style="list-style-type: none"> <li>• The outer limits of these cover an extensive area of Hertfordshire (the air noise Zone of Influence, for example, extends right the way across Hertfordshire to Buntingford).</li> <li>• Within the time available and without committing considerable resources, Hertfordshire Host Authorities are not able to tailor this exercise to identify those applications / permissions contained within the simulation network or various different types of Zone of Influence.</li> </ul>





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			<p>In light of the above, the Hertfordshire Host Authorities have taken the view that a pragmatic approach would be to restrict the assessment to applications / permissions:</p> <ol style="list-style-type: none"> <li>i. Within the five local authority areas covered by the policy analysis within their Local Impact Report – representing a reasonable arc of influence around the airport – Dacorum, City and District of St Albans, North Hertfordshire, Stevenage and Welwyn and Hatfield.</li> <li>ii. For residential development of 10 or more dwellings;</li> <li>iii. Together with a broad brush question to the five local planning authorities - 'are there any big proposals'?</li> </ol> <p>The results (excluding reserved matters/variation applications/permissions) of the analysis for ii. follows from Dacorum, North Hertfordshire and Stevenage. No intelligence has been forthcoming from the City and District of St Albans and Welwyn and Hatfield Council at the time of the deadline for submission.</p> <p><b>Dacorum</b>  <b>Applications:</b></p> <ul style="list-style-type: none"> <li>• <u>23/02580/MFA - External alterations comprising the installation of new windows and doors and the recladding of the external walls of the building, internal subdivisions, provision of balustrades and balconies and three storey extension to front of the side alley entrance to facilitate the change of use of first and second floor from indoor recreation to 18 dwellings, office, gym and ancillary storage for retail. 78 - 185 Marlowes, Hemel Hempstead.</u></li> </ul> <p><b>North Hertfordshire</b>  <b>Applications:</b></p> <ul style="list-style-type: none"> <li>• 23/02417/FP – Erection of 10 residential dwellings (1 x 2-bed, 7 x 3-bed, 1 x 4-bed and 1 x 5-bed) including creation of vehicular access, parking, landscaping, and associated works following demolition of dwelling and outbuildings. Tussocks, The Causeway, Therfield, SG8 9PP:</li> <li>• <u>23/02630/PNMA (Prior approval Class MA) - Conversion to 29 self-contained 1-bed residential units with associated cycle and refuse/recycling provisions. The Exchange, Queen Street, Hitchin.</u></li> </ul> <p><b>Stevenage</b>  <b>Applications:</b></p> <ul style="list-style-type: none"> <li>• <i>The Oval (23/00954/FPM) – 250 dwellings – Pending consideration.</i></li> <li>• <i>58 - 90 Queensway And Forum Chambers (23/00502/FPM) – 71 dwellings – pending consideration.</i>  <i>Kings Court, London Road (19/00684/FPM) – 49 dwellings – Pending consideration.</i></li> </ul> <p><b>Permissions:</b></p> <ul style="list-style-type: none"> <li>• <u>West Stevenage (21/00356/FPM) – 1500 dwellings – Resolution to grant subject to completion of S.106 agreement.</u></li> </ul>





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			<ul style="list-style-type: none"> <li>• 224-230 Bedwell Crescent (22/00965/FPM) – 57 dwellings – Resolution to grant subject to completion of S.106 agreement.</li> <li>• Stewart House, Primett Road (22/00377/FPM) – 21 dwellings - Resolution to grant subject to completion of S.106 agreement.</li> <li>• North Car Park, Six Hills House (21/01283/FPM) – 94 dwellings - Resolution to grant subject to completion of S.106 agreement.</li> <li>• 10A And 10B Burwell Road (22/00437/FPM) – 20 dwellings - Resolution to grant subject to completion of S.106 agreement.</li> <li>• Brent Court (22/00963/FPM) – 96 dwellings - Resolution to grant subject to completion of S.106 agreement.</li> </ul> <p>In relation to iii.:</p> <p style="padding-left: 40px;">In contributing to responding to BCG.1.4 [REP4-126], Stevenage Borough Council highlighted the proposal for 1,500 dwellings to West Stevenage (21/00356/FPM). Since ExQ1 that proposal now has resolution to grant, subject to completion of S.106 agreement.</p> <p>In terms of the three questions:</p> <p>i. Are there any applications/permissions which impact upon the proposed development?</p> <p>It is highly unlikely that any of the proposed developments identified would individually or collectively, impact upon the proposed development as there is no apparent direct physical overlap or direct interaction.</p> <p>ii. Are there any applications/permissions which might be impacted by the proposed development?</p> <p>Of the applications / permissions listed above, those underlined <u>thus</u> appear to be within the Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] (Figure 18.3 Simulation Network) and those in italics <i>thus</i> appear to be within Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164] (Figure 21.1). Applications / permissions underlined and in italics <u><i>thus</i></u> appear to be within both.</p> <p>Whilst a number of the applications / permissions identified above are within the Simulation Network, it is considered highly unlikely that they would experience any discernible impact from the Proposed Development.</p> <p>It is reasonable to assume those applications / permissions within the Air Noise Zone of Influence would be impacted by the proposed development.</p> <p>iii. Do i. and ii, impact upon the ES conclusions?</p> <p>The Hertfordshire Host Authorities consider that this is a matter principally for the Applicant to review and assess at least by sensitivity test and provide necessary environmental information as necessary to ensure adequate assessment including cumulative assessment. Particularly, the Hertfordshire Host Authorities' response to BCG.1.4 [REP4-126] identified 21/00356/FPM , as being a substantive proposal within the Air Noise Zone of Influence and within the LAeq,T and other noise metrics of the</p>



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			<p>Environmental Statement. Since ExQ1 that proposal now has a resolution to grant subject to completion of s106 agreement.</p> <p>Updates on:</p> <ol style="list-style-type: none"> <li>1. Wandon End Solar Farm – (Ref 22/03231/FP) The LPA received amended plans with updates to supporting technical work and addendum to the ES on 30/11/2023. The amendments seek to address objections and comments from statutory consultees, namely: Natural England, Lead Local Flood Authority (LLFA); HCC Highway Authority; HCC Archaeology; NHC Conservation Officer and NHC landscape consultant (TLP). The LPA is currently undertaking public re-consultation on the application which started on 08/12/2023 and ends 15/01/2024. Responses will be reviewed, and a recommendation will be submitted to the Planning Control Committee in March 2024.</li> <li>2. East of Luton Planning Application by Bloor Homes (Ref: 17/00830/1; 22/02905/FP; 22/02904/FP) The applications have agreed extensions in time to the end of March 2024, and are likely to require further extension following progression with a Masterplan as required by Policy SP9: Design and Sustainability in the adopted North Hertfordshire Local Plan 2011-2031. The Masterplan is progressing to preferred options, with a preferred option Masterplan to be reviewed, before being authorised and considered suitable by NHC for public consultation. Subject to an agreed Masterplan, only then will the planning applications be determined, the earliest being second half of 2024.  Both of these proposals should be fully taken into account in the assessment by the Applicant in terms of the DCO and the EIA.</li> </ol>
BCG.2.6	Applicant, Luton Borough Council (BC) and the Joint Host Authorities	<p><b>Section (s)106 – Heads of Terms (HoT)</b></p> <p>At D6 the Applicant provided a summary of the s106 HoT [REP6-072]. These differ from those included in the Planning Statement [REP5-016, section 5.8] in that they no longer include a provision for highways works or the reprovision of Prospect Day Nursery. Explainish10 why these are no longer included or if they are still required, where/ how they should be secured.</p>	<p>The Hertfordshire Host Authorities are engaged in on-going discussions with the Applicant on the proposed s106 agreement, with a view to agreement being reached as soon as reasonably practicable. In addition, the Hertfordshire Host Authorities continue to have residual concerns around the proposed highway mitigations at various locations (including their design and funding, as well as on-going monitoring to identify any issues arising during operation of the development) and the interaction between this and the TRIMMA arrangements. Discussions are on-going around the best mechanism for ensuring the funding and timely delivery of appropriate mitigation – either via revisions / clarification of the DCO requirements or through some form of legal agreement.</p>
BCG.2.11	Applicant and All Interested Parties	<b>s106 – HoT</b>	As set out above, the Hertfordshire Host Authorities are engaged in on-going discussions with the Applicant on the proposed s106 agreement, as well as other issues, with a view to agreement being



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		<p>Throughout the Examination the Applicant and various Interested Parties (IPs) have advised that certain mitigation measures would be needed and could be secured through the s106. These include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• request by Historic England [REP1-070] and [REP4-173];</li> <li>• request by Bedfordshire Fire and Rescue Service [RR-0142];</li> <li>• request by East of England Ambulance Service NHS Trust [RR-0401]; and</li> <li>• various requests from the Joint Host Authorities.</li> </ul> <p>1. Applicant: Explain why these are not included in the current HoT and, if they are required, signpost where/how these are being secured.</p> <p>2. Interested Parties: List any further mitigation measures that should be included in the HoT with an explanation as to why.</p>	<p>reached prior to the end of the Examination, including on the items to be included in the s.106. Whilst the Hertfordshire Host Authorities are now broadly content with scope of the heads of terms (subject to the response above), as discussions progress and conclude on other matters (e.g., GCG), it may be that further items need to be secured through the s.106 agreement or variations made to those items currently secured. The Hertfordshire Host Authorities will update the Examining Authority on these as they arise.</p>
BCG.2.12	Applicant and All Interested Parties	<p><b>s106 – Alternatives</b></p> <p>The Applicant intends to submit a completed s106 agreement at D9 (30 January 2024) [REP6-072]. However, should the s106 not be completed could any of the matters that would have been secured by the agreement be secured through other means eg a requirement? If so, provide details of which elements, how they could be secured and an appropriate form of drafting.</p>	<p>The Hertfordshire Host Authorities will continue to seek to work with the Applicant with a view to reaching agreement on the s.106 agreement in good time during the Examination.</p> <p>However, the Hertfordshire Host Authorities are conscious that the end of the Examination is fast approaching, so it would be prudent to consider a 'backstop' solution in a scenario where the s.106 agreement is not agreed prior to the end of the Examination.</p> <p>Notwithstanding the points made in the Examining Authority's Rule 17 request dated 3 January 2024, the Hertfordshire Host Authorities' view at this stage is that the nature of the detailed provisions that would be contained in a completed s.106 agreement would not in themselves be appropriate for inclusion as a DCO requirement (or requirements). Instead, the Hertfordshire Host Authorities consider that the most robust approach would be for a new DCO requirement to be included that requires a s.106 agreement to be entered into prior to the authorised development commencing (or certain DCO powers being exercised). There is general precedent for this approach in other made DCOs (such as in the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (as amended)).</p> <p>The Hertfordshire Host Authorities will discuss this approach with the Applicant as part of the on-going engagement on the s.106 agreement and will seek to present an update on this position to the Examining Authority at Deadline 8.</p>



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BCG.2.13	Applicant and All Relevant Highway	<p><b>Traffic modelling – implications for air quality, health, and noise and vibration assessments</b></p> <ol style="list-style-type: none"> <li><b>Relevant Highway Authorities:</b> Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15th December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactory address the concern(s) by D7.</li> <li><b>Applicant:</b> If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8.</li> </ol> <p><i>You may wish to link the answer to this question with your response to question TT.2.1.</i></p>	<p><b>Point 1:</b> The Hertfordshire Host Authorities have reviewed the final transport modelling report summarising the outcome of the accounting for Covid-19. The Hertfordshire Host Authorities have concerns. The Applicant has undertaken analysis of pre / post Covid-19 counts - in summary, the Strategic Road Network (SRN) is back to pre-Covid-19 Levels and the Local Road Network (LRN) traffic flows are lower than pre-Covid-19 levels. The Applicant though, in their updated modelling results, have only updated the uncertainty log and National Trip End Model (NTEM) version (and have not undertaken any post Covid-19 adjustments in line with Department for Transport (DfT) Guidance)). This means that traffic flows on the LRN are likely to be higher in the modelling work than in reality. This could impact the routing which the additional London Luton Airport traffic could take. In addition, the Applicant, in their updated modelling, have provided little evidence of the post-Covid-19 change in public transport usage to London Luton Airport. Therefore, the highway split used in the modelling for the future airport trips could be underrepresented. The Hertfordshire Host Authorities, however, are not requesting any additional transport modelling work to be undertaken as it is not proportionate at this stage, but does request that this level of uncertainty and likely consequential effects are fully taken into account in any considerations and need for monitoring and controls should the DCO be consented and implemented to ensure the actual effects of the development are monitored, managed and controlled to ensure required outcomes within the assessed envelope.</p> <p>The Hertfordshire Host Authorities will work with the Applicant to ensure that there is sufficient coverage through the monitoring sites (both by geographical location and time period) so that the TRIMMA Type 2 is able to identify and monitor the additional impacts which may arise.</p> <p>The Hertfordshire Host Authorities do have some detailed queries regarding the latest transport modelling report: Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159], and these are documented in <b>Appendix 2</b> of the ExA's Further Written Questions.</p> <p>From a Noise perspective, there is a concern that the update leads to increased noise effects and that additional mitigation may be needed, and provision and mechanisms must be secured to account for this.</p> <p>From a Health perspective, there is a concern that the update could lead to changes to the conclusions of the assessments of both Noise and Air Quality effects following additional modelling currently underway. Any additional effects from increased noise and reduced air quality may require additional mitigation for any associated health effects identified as a result, and provision and mechanisms must be secured to account for this.</p> <p>From an Air Quality perspective, there is a concern that the update leads to increased air quality effects and that additional mitigation may need to be included within the Operational Air Quality Plan, and provision and mechanisms must be secured to account for this.</p>
<b>Compulsory Acquisition And Temporary Possession Of Land And Rights</b>			
CA.2.4	Applicant, LBC, All Relevant Local Authorities and Friend of Wigmore Valley Park	<p><b>Previous informal use of the proposed replacement open space</b></p> <p>The recent removal of any permissive informal use of the</p>	The Hertfordshire Host Authorities have no further comment to make on the issues raised in this question at the current time.





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		<p>proposed replacement open space through clear signage is noted [REP6-064]. Please confirm whether, in your opinion, this action operates retrospectively so as to 'erase' any rights that may have arisen before erection of signage.</p> <p>The Friends of Wigmore Park are collating evidence of long-term informal use of the land. If it is demonstrated that the land, or paths across the land, have been used informally by the public over the required period:</p> <ol style="list-style-type: none"> <li>1. Provide an assessment of how, in your opinion, s31 of the Highways Act 1980 applies to this land and any implications of this for its use as replacement open space.</li> <li>2. Provide an assessment of how, in your opinion, the Commons Registration Act 1965 and the Commons Act 2006 apply to this land and any implications of this for its proposed use as replacement open space.</li> </ol>	
<b>Green Controlled Growth</b>			
GCG.2.2	All Local Authorities	<p><b>Increase of thresholds, limits and contours</b></p> <p>Confirm whether any additional wording is required in the GCG framework [REP5-022] to limit the circumstances in which an increase in the thresholds, limits or contours could be allowed, for example in paragraph 2.3.4 of the framework: '</p>	The Hertfordshire Host Authorities confirm that no additional wording is required.
GCG.2.10	All Local Authorities	<p><b>Automatic Number Plate Recognition (ANPR) data</b></p> <p>Do you consider that a specific mechanism is required in the draft DCO to agree the location and approach to monitoring traffic using</p>	Yes, a specific mechanism is required in the draft DCO. In order to monitor traffic flows we need to be sure that their locations are in our areas of concern and cover appropriate times of the year and relevant timescales - the Hertfordshire Host Authorities need to have some control of the process.



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		ANPR, or similar, to inform air quality impacts in Appendix C of the GCG framework [REP5-028]? If not, why not?	
<b>Need</b>			
NE.2.2	Applicant and All Local Authorities	<p><b>Forecasting with Gatwick</b></p> <p>The forecasting parameters in the Need Case [AS-125] limits growth at Gatwick Airport to 50 million passengers per annum (mppa), although the response to ExQ1 N.E.1.4 [REP4-059] states this could rise to 53.5mppa on a single runway by 2050 (51mppa at 2030 and 52mppa). The post hearing submission response for ISH2 from the Joint Host Authorities [REP3-093] comments that Gatwick Airport has estimated that the airport could accommodate a passenger throughput of 67mppa in a base case without a northern runway (ie do-nothing scenario).</p> <p>Applicant:</p> <ol style="list-style-type: none"> <li>1. Explain why there is a difference between your assumptions and that by Gatwick Airport as quoted by the Joint Host Authorities.</li> <li>2. Explain whether a difference of 14mppa between the figures can be considered 'marginally greater' (using the terminology in your response to ExQ1 NE.1.4 in [REP4-059]) and the implications a difference in increase of 14mppa would have on your forecasting figures.</li> </ol> <p>Local Authorities:</p> <ol style="list-style-type: none"> <li>3. Provide any comments on this question.</li> </ol>	<p><b>Point 3:</b> London Gatwick Airport's assessment of its own capacity with just its existing single runway is higher than that used as an illustration by CSACL in its September report to the Hertfordshire Host Authorities [REP2-057]. Therefore, this capacity assessment made by Gatwick's management / advisors gives further weight to the position of CSACL that the Applicant has under-estimated the capacity available at Gatwick, and in turn this would delay achievement of a 32 mppa throughput at London Luton Airport. CSACL also contended that passenger handling capacity at Heathrow would increase for similar reasons as at Gatwick (viz. continued growth in average passengers per movement) in contrast to the Applicant's assumed 90 mppa Limit at Heathrow. Further growth in Heathrow's capacity would also make its own contribution to delaying achievement of 32 mppa throughput at London Luton Airport.</p>
<b>Noise</b>			





PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
NO.2.1	All Local Authorities	<p><b>2019 actuals/ consented baseline</b></p> <p>The called-in decision for application ref: 21/00031/VARCON creates a potential 19 mppa fall-back position. On the basis that this fall-back position now exists, can the local authorities provide detailed reasons if, and if so why, they consider it necessary to use a baseline position other than the 2019 actuals that is set out in the ES? If an argument remained to use the 2019 consented baseline as the core case, what specific additional assessment do the Local Authorities consider would need to be submitted (including any health-related assessment) and why?</p>	<p>The P19 decision only increases the noise contour limit for future years and does not amend limits for years past. For 2019, any baseline can therefore only be directly compared against the previous P18 decision.</p> <p>No summer periods since 2019 have given rise to noise contours greater than those that would have been limits for the P18 decision, and therefore use of any of these other years as a baseline would also be compliant and acceptable to the Hertfordshire Host Authorities.</p> <p>The Applicant is requested to propose future summer period noise limits in both the day and the night that fall below the historic baseline, showing noise reduction over time. These noise limits can be greater than the future baseline years (the do-minimum), as this increase in total adverse effects is permitted by UK aviation policy, so long as a trend of noise reduction continues.</p> <p>The Applicant's newly proposed summer period noise limits should also demonstrate a fairer balance of benefit sharing with the local community than currently proposed.</p> <p>It is noteworthy that acceptance of a non-compliant baseline could set a precedent whereby regularising a breach only results in positive outcomes for an airport. In such a case, it becomes easier to demonstrate noise reduction associated with any new application (even then the Airport only manages this in the daytime).</p>
NO.2.3	Applicant and All Local Authorities	<p><b>Disregarded movements</b></p> <p>The Air Noise Management Plan [REP6-051, paragraph 2.6.1] includes a list of movements to be disregarded. Confirm whether the grounds for dispensation are acceptable, given that certain matters identified may be within the control or influence of the airport. Confirm whether the Applicant should reference any particular guidelines on dispensation.</p>	<p>Paragraph 2.6.1 of the referenced document [REP6-051] refers to Sections 2.1.6 to 2.5 within it. It is assumed that this should properly read 2.2 to 2.5 and would request the Applicant double-check these references.</p> <p>The grounds for dispensation listed in bullets a - g (forming the total list) are acceptable, on the basis that accepted definitions are used for bullets a and b. The Applicant should either fully define these two terms or make reference to Annex F: Guidelines on Dispensations of Department for Transport's Night Flight Restrictions, March 2023 to ensure these grounds are correctly applied and for the avoidance of doubt.</p> <p>The two terms are: '<i>serious congestion</i>' (bullet a), and '<i>widespread and prolonged disruption of air traffic</i>' (bullet b). The remaining bullets are sufficiently clear to not need further definition.</p>
NO.2.4	Applicant and All Local Authorities	<p><b>Noise violation limits</b></p> <p>The Air Noise Management Plan [REP6-051] includes a proposed reduction in the noise violation limits from 2028, consistent with the current permission. Given the long-term nature of the Proposed Development, should the plan seek to include additional reductions in those limits in subsequent phases?</p>	<p>The Noise Violation Limits (NVLs) in place at London Luton Airport have contributed to ensuring aircraft fly in the correct manner but have not clearly led to incentivisation for quieter aircraft, which has been achieved through other means.</p> <p>NVLs should be proposed to reduce over time, in line with the introduction of quieter aircraft. If these are not entering service, then reducing NVLs could lead to fines for the majority of aircraft, which potentially disincentives flying quieter aircraft.</p> <p>The Air Noise Management Plan therefore needs to include scope to reduce NVLs, where appropriate, and for this approach to be suitably secured. Such an approach could include reviewing NVLs as part of London Luton Airport's Noise Action Plan.</p> <p>While this is within the control of London Luton Airport, should they choose not to tighten NVLs over time, a situation could arise whereby aircraft fly in a less-regulated manner. This in turn impacts the</p>



PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
			<p>summer noise contours, which are enforceable. NVLs are therefore a useful tool for London Luton Airport to maintain for their own benefit.</p> <p>These comments should be read in conjunction with the Response to Suono's Note on Noise Controls <b>[REP6-052]</b> in the Hertfordshire Host Authorities' Comments on Any Further Information / Submissions received by Deadline 6.</p>
NO.2.5	Applicant and All Local Authorities	<p><b>ATM cap</b></p> <p>Noting the Applicant's comments about the crudeness of simple movement caps [REP1-003], can the Applicant and Local Authorities confirm what the numeric value of a total ATM cap should be if one were to be applied to the airport. Should the cap vary over time?</p>	<p>The total ATM cap should be no greater than what has been assumed within the various assessments undertaken for the DCO application. This will ensure that the provided secondary metric information, such as overflights and Number Above contours remains accurate. The Need Case <b>[AS-125]</b> identifies this figure as 209,410 aircraft movements. A phasing or varying of this cap over time is not expected to offer material benefits beyond what is being proposed by the 5-yearly forecasting period within the Green Controlled Growth framework. Variation of the ATM cap is not sought.</p> <p>These comments should be read in conjunction with the Response to Suono's Note on Noise Controls <b>[REP6-052]</b> in the Hertfordshire Host Authorities' Comments on Any Further Information / Submissions received by Deadline 6.</p>
NO.2.6	Applicant and All Local Authorities	<p><b>Shoulder period noise controls</b></p> <p>If additional ATMs were consented during the night shoulder periods, as proposed by the Applicant, can you suggest what would be suitable shoulder period quota count point limits and/or ATM limits?</p>	<p>As with the response to NO.2.5 ATM cap, the Limits, and associated quota count (QC) values, should be set based on aircraft movements and mix assumed within the DCO application. This would ensure that movements do not drift out of the core night period into the shoulder periods, where there is higher potential for sleep disturbance. It is not clear from the Applicant's documentation what the actual limit would be, but we expect the future possible QC budget figures will be provided by the Applicant at Deadline 7. Once this is provided, the Hertfordshire Host Authorities will be able to consider further.</p>
NO.2.8	LBC, Central Bedfordshire Council and North Herts Council	<p><b>Monitoring for ground noise impacts</b></p> <p>Do you consider that any additional noise monitoring should be undertaken in proximity to the airport in respect of ground noise impacts? If so, where should this be?</p>	<p>There is no control against which to monitor ground noise, which would make monitoring an additional exercise for the Hertfordshire Host Authorities to maintain with little benefit. The controls in place limit the number of aircraft movements that can occur to a suitable extent such that ground noise is inherently controlled. This works alongside the Outline Ground Noise Management Plan <b>[REP4-049]</b>.</p>
NO.2.9	Applicant and All Local Authorities	<p><b>Cargo, business and private ATM movements</b></p> <p>The impact of night flights has been raised as a significant concern by residents, in particular late night/early morning cargo flights.</p> <p>1. Applicant: explain what specific restrictions apply to cargo, business and private flights during the night-time period if different from commercial flights.</p>	<p>As set out within the response to NO.2.6, a shoulder period limit would prevent drifting of movements from the core night to the shoulder periods. Cargo flights are likely to cause the most concern of the three listed in the question, as these flights typically consist of heavier, larger aircraft which create higher noise levels than commercial aircraft.</p> <p>These comments should be read in conjunction with the Response to Suono's Note on Noise Controls <b>[REP6-052]</b> in the Hertfordshire Host Authorities' Comments on Any Further Information / Submissions received by Deadline 6.</p>



PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
		2. Local authorities: Given the proposed increase in commercial flights during the night period, should additional constraints now be placed on any cargo, business and private flights? If not, why not, and if yes what should they be?	
<b>Physical Effects of Development and Operation</b>			
<b>Design</b>			
PED.2.4	Applicant and the Local Authorities	<p><b>Design principles – highway works</b></p> <p>Applicant: Design Principle HW.01 [REP5-034] refers to the detailed design being in accordance with the DMRB and Local Authority Highway Design Requirements. Has any consideration been given to design being in accordance with the DfT guidance Manual for Streets, particularly in areas where public realm functions are proposed? If not, why not?</p> <p>Local Authorities: Are there any aspects of Manual for Streets where the design of highway works would be applicable or should be applied in your respective areas? If so, indicate where and if not, why not?</p>	Design Manual for Roads and Bridges (DMRB) is specifically aimed at major interurban roads. Applying it in more urban settings leads to over provision for vehicular traffic and under provision for other types of road user (e.g., cyclists and pedestrians). In the Hertfordshire context the Manual for Streets (MfS), DfT, 2007 & MfS2, DfT 2010 and Local Authority Highway Design Requirements (Roads in Hertfordshire Highway Design Guide, 2011) should prevail. Hertfordshire County Council's 'Place and Movement Planning & Design Guide' (consultation version, 2023) states that the direct use of DMRB design standards are unsuitable for roads classified as rural lane, residential streets or inner urban streets and it is not possible to define specific locations at this time.
<b>Historical Environment</b>			
PED.2.10	Applicant and Hertfordshire Host Authorities	<p><b>Trees in Hitchin</b></p> <p>Pages 79 and 80 of Appendix 14.4: Detailed Landscape Impact Assessment of the ES [AS-086] provides an assessment on the townscape of Hitchin, identifying significant effects due to the permanent loss of some mature trees to accommodate off-site highway improvements (Work Nos. 6e(k), 6e(l) and 6e(m)). Some of</p>	<b>Point 3:</b> Please see <b>Appendix 1</b> of the Hertfordshire Host Authorities Response to the ExA's Further Written Questions Appendices.



PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
		<p>these trees are afforded protection due to their location within a Conservation Area,</p> <p>Applicant:</p> <ol style="list-style-type: none"> <li>1. Confirm how many trees would be lost because of the proposed works and exactly where these trees are located.</li> <li>2. What the assessment of effects and harm on the Hitchin Conservation Area would be in the absence of this being included on page 49 in the CHG [REP4-017].</li> </ol> <p>Hertfordshire Host Authorities:</p> <ol style="list-style-type: none"> <li>3. Provide your views on proposed loss of trees, including but not limited to, impacts on the Hitchin Conservation Area and compliance or otherwise with policies in the NPPF and development plan.</li> </ol>	
PED.2.12	Applicant and All Local Authorities	<p><b>Assessment on harm</b></p> <p>The CHG [REP4-017] identifies a number of heritage assets where 'less than substantial' harm would arise.</p> <p>What weight should be given to the cumulative impact of several cases of 'less than substantial' harm to heritage assets?</p>	<p>All assets within the Hertfordshire area experiencing less than substantial harm, are considered to be no more than minor adverse in Environmental Impact Assessment terms, and these effects are not considered to be significant. As a consequence, it is not considered that any weight should be given to the cumulative impact of several cases of 'less than substantial' harm. Although some assets experiencing less than substantial harm share a setting (e.g., Wandon End House, NHLE 1307874, and Wandon End Farmhouse, NHLE 1102448), and although the setting of each asset is (temporarily) changed, that does not affect the contribution it makes to the setting of the other asset. There is no cumulative impact on multiple cases of less than substantial harm which would increase the level of harm. In addition, the assets at Wandon End are discussed in Planning Statement Appendix D - Heritage Assessment [APP-198] in Section D3.1.1 which concludes these effects are temporary in nature. There is not considered to be a cumulative effect on cultural heritage.</p>
PED.2.16	Applicant and North Herts Council	<p><b>Bendish Conservation Area</b></p> <p>Table 10.11 in Chapter 10 of the ES [AS-077] includes this asset in the impact assessment because the potential for impact arising from aural intrusion was identified. However, there appears to be no specific assessment on this asset in paragraphs 10.9.95 – 10.9.99 of Chapter 10. Page 3 of the CHG [REP4-017] scopes this asset out of</p>	<p><b>Point 2:</b> The impact to Bendish Conservation Area caused by aural intrusion should be assessed. The level of impact is not provided, and it is not possible to see how the conclusion of 'no harm' has been reached in Appendix 10.2 Cultural Heritage Gazetteer [REP4-017].</p>





PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
		<p>the ES because it is concluded that it would not be harmed by the Proposed Development.</p> <p>1. Applicant: Given that this asset would experience a change in noise contours, in addition to its position under the flightpath, explain why no assessment of this asset has been included in paragraphs 10.9.95 – 10.9.99 in Chapter 10 of the ES [AS-077], the reasons for scoping out this asset in the CHG [REP4-017] and how the conclusion on harm was reached.</p> <p>2. North Herts Council: Is further assessment on the effects of this asset required? If not, why not?</p>	
PED.2.17	Hertfordshire Host Authorities	<p><b>Scoping out of Assets</b></p> <p>Your PADSS submitted at D6 [REP6-099] raised concerns that the updated CHG [REP4-017] provides no explanation as to why assets have specifically been scoped out and there is no explanation as to how setting contributes to assets' significance.</p> <p>Are there any assets, except for St. Paul's Walden Bury RPG and Bendish Conservation Area referred to in PED.2.15 above, where further clarification is required and, if so, provide the reasons for this.</p>	Only St Paul's Walden Bury RPG and Bendish Conservation Area require further clarification.
PED.2.18	Applicant and All Local Authorities	<p><b>Hedgerows</b></p> <p>Work No. 5e proposes planting hedgerows alongside public footpaths across nearby fields as proposed 'additional mitigation' to screen the Proposed Development. However, it was noted during site inspections [EV1-021] that a number of these would be planted within open fields where views of</p>	<p><b>Point 2:</b> Areas of concern include hedgerows that appear to be alongside / near the following paths:</p> <p>KW005; KW006; KW007; KW008, KW009, KW010, KW011 and KW032. OFFLEY 002, OFFLEY 003, OFFLEY 004 and OFFLEY 006. HYDE FP4, HYDE FP5 and HYDE BW3.</p> <p>The purpose of the hedgerows is not clear – whether for screening purposes or biodiversity but in some instances the path could become 'enclosed' with planting on both sides, completely changing the character of views where they are currently open.</p>



PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
		<p>the wider landscape, including towards the airport, could be considered to form part of the enjoyment and recreational value of these receptors.</p> <p>1. <b>Applicant:</b> To what extent has this been considered in determining the suitability of planting hedgerows as a mitigation measure?</p> <p><b>Local Authorities:</b> Are there any areas of proposed hedgerow located within your areas that raise concern in this respect?</p>	<p>What alternative forms of mitigation such as built form colour, scale, massing or similar have been considered? Understanding what other forms of mitigation have been considered would be helpful, as would the purpose of the hedgerow planting in each location.</p>
PED.2.19	Applicant and North Herts Council	<p><b>Hedgerow and hedgerow tree planting to footpath KW 005</b></p> <p>The ExA undertook a site inspection along the route of footpath KW 005 where it observed the undulating landform in views towards the airport and existing tree planting [EV1-021]. The ExA also note the content of pages 123-125 of the assessment of effects in Chapter 14.5 of the ES [AS-139] and that the mitigation would be required to reduce significant effects during the construction phases.</p> <p>In addition to PED.2.18 above, the ExA wishes to understand in more detail the justification for additional hedgerow and hedgerow tree planting at this location, given the land is proposed to be compulsorily acquired.</p> <p>1. Applicant: Provide further details of the visibility of the Proposed Development along this footpath, the extent to which planting the hedgerows would affect views of the surrounding landscape and</p>	<p><b>Point 2:</b> Mitigation in relation to the built form should be identified. Planting of hedgerows would screen long-distance views, but in this particular location the hedgerow would change the nature and character of those views from open and long-distance to enclosed. Mitigation is more than just soft planting, and additional forms of embedded mitigation (such as building design / layout / scale / colour and levels) should be outlined and included within the Design and Access Statement.</p>





PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
		justify in detail why the hedgerow is required.  2. North Herts Council: Do you consider the proposed hedgerow and tree planting works in this location would be required and, if so, why?	
PED.2.21	Applicant and All Local Authorities	<b>Ash dieback</b> Has the potential effect of ash dieback and the implications this could have on the proposed mitigation measures been considered in the Landscape and Visual Impact Assessment? If not, why not and should it be?	The Hertfordshire Host Authorities are not aware of any mention of Ash dieback in the Landscape and Visual Impact Assessment. The Hertfordshire Host Authorities would expect to see reference to it as part of mitigation measures if the existing species include Ash.
<b>Traffic and Transport</b>			
TT.2.1	Applicant and All Relevant Highway Authorities	<b>Transport modelling</b> 1. Relevant Highway Authorities: Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15 <sup>th</sup> December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactorily address the concern(s) by D7.  2. Applicant: If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8.	<b>Point 1:</b> The Hertfordshire Host Authorities have reviewed the final transport modelling report summarising the outcome of the accounting for Covid-19. The Hertfordshire Host Authorities have concerns. The Applicant has undertaken analysis of pre / post Covid-19 counts – in summary, the Strategic Road Network (SRN) is back to pre-Covid-19 Levels and the Local Road Network (LRN) traffic flows are lower than pre-Covid-19 levels. The Applicant though, in their updated modelling results, have only updated the uncertainty log and National Trip End Model (NTEM) version (and have not undertaken any post Covid-19 adjustments in line with Department for Transport (DfT) Guidance)). This means that traffic flows on the LRN are likely to be higher in the modelling work than in reality. This could impact the routing which the additional airport traffic could take. In addition, the Applicant, in their updated modelling, have provided little evidence of the post-Covid-19 change in public transport usage to London Luton Airport. Therefore, the highway split used in the modelling for the future airport trips could be underrepresented. The Hertfordshire Host Authorities, however, and are not requesting any additional transport modelling work to be undertaken as it is not proportionate at this stage, but does request that this level of uncertainty and likely consequential effects are fully taken into account in any considerations and need for monitoring and controls should the DCO be consented and implemented to ensure the actual effects of the development are monitored, managed and controlled to ensure required outcomes within the assessed envelope. The Hertfordshire Host Authorities will work with the Applicant to ensure that there is sufficient coverage of monitoring sites (both by geographical location and time period) so that the TRIMMA Type 2 is able to identify and monitor the additional impacts which may arise. The Hertfordshire Host Authorities do have some detailed queries regarding the latest transport modelling report: Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159], and these are documented in <b>Appendix 2</b> of the Hertfordshire Host Authorities Response to the ExA's Further Written Questions Appendices.
TT.2.15	Applicant and Relevant	<b>Proposed off-site highway works</b> Provide an update on the ongoing discussions regarding the proposed	Discussions have been on-going on the issues around the Hitchin junctions. The Hertfordshire Host Authorities' concerns relate to ensuring junction improvements are fit for purpose, which the Hertfordshire Host Authorities maintain is not the case having regard to the Applicant's existing designs.



PINS ID	Addressed To	Question	Hertfordshire Host Authorities' Response
	Highway Authorities	off-site highway works to the three junctions in Hitchin, including a roadmap to resolution.	The Applicant has confirmed that, in principle, it is open to exploring alternative designs for mitigation. However, the Hertfordshire Host Authorities require further clarification on a number of issues, including how sufficient certainty can be secured on the adequacy (and approval) of design, funding and implementation timeline, having regard to the current TRIMMA provisions. The Applicant has suggested this could be captured through a 'side agreement' and the Hertfordshire Host Authorities consider that this issue could be included in the s.106 agreement but consideration will need to be given to ensuring this is consistent with the TRIMMA. The Hertfordshire Host Authorities propose that this issue should be picked up as part of the s.106 agreement.
TT.2.17	Relevant Highway Authority	<p><b>Parking</b></p> <p>Mr Smith submitted a post hearing submission restating his concern over fly parking in Harpenden [REP6-157]. Confirm if you consider there is an airport related on-street car parking issue in Harpenden. If yes, detail the engagement with the Applicant on this matter and the steps proposed to resolve this.</p>	Hertfordshire County Council would only typically be involved in parking issues where they relate to safety issues (for example, the installation of double yellow lines on road junctions and bends) and is therefore not aware of fly parking issues in Harpenden. The City and District of St Albans is responsible for the implementation of Controlled Parking Zones. It has confirmed that it is not aware of a particular airport related on-street car parking issue in Harpenden.



## Hertfordshire Host Authorities

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# **HERTFORDSHIRE HOST AUTHORITIES' RESPONSE TO THE EXAMINING AUTHORITIES FURTHER WRITTEN QUESTIONS: APPENDICES**

London Luton Airport Expansion



## Hertfordshire Host Authorities

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# HERTFORDSHIRE HOST AUTHORITIES' RESPONSE TO THE EXAMINING AUTHORITIES FURTHER WRITTEN QUESTIONS: APPENDICES WRITTEN QUESTIONS: APPENDICES

London Luton Airport Expansion

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# 1 INTRODUCTION

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## 1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document forms the appendices to the Hertfordshire Host Authorities' responses to the Examining Authority's Further Written Questions **[PD-015]** submitted at Deadline 7
- 1.1.2. It has been prepared jointly by Hertfordshire County Council ("HCC"), Dacorum Borough Council ("DBC") and North Herts Council ("NHC") in collaboration with their technical consultants, referred to together as the "the Hertfordshire Host Authorities". **Appendix 1** sets out further detail in relation to PED.2.10, Point 3 and **Appendix 2** provides further detail in response to the Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report **[AS-159]**.



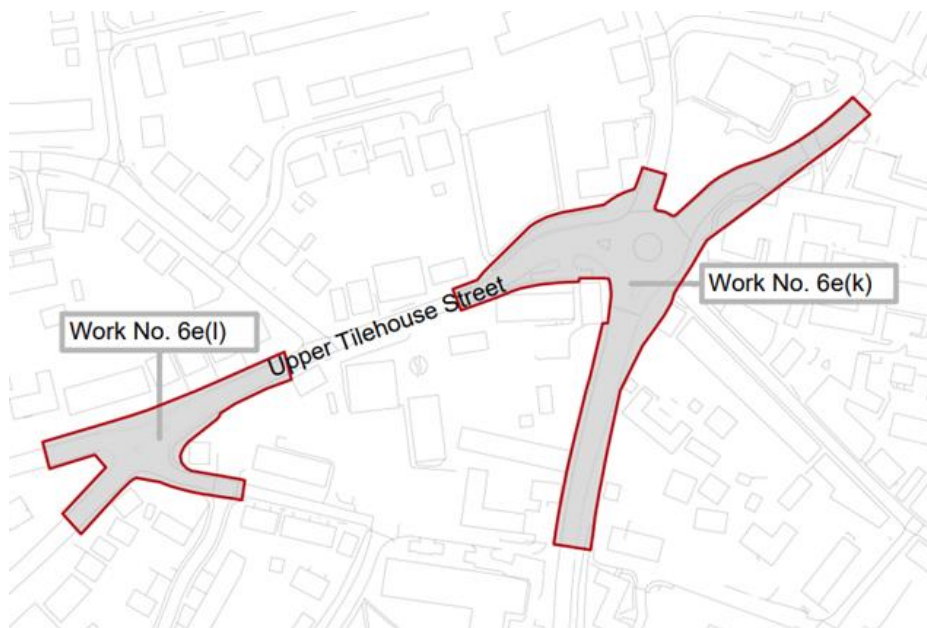
## 2 APPENDIX 1

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### 2.1 EXQ2 RESPONSE TO QUESTION: PED.2.10 - POINT 3

Point 3: It is unclear from the submission documents exactly how many trees are proposed for removal within the Hitchin Conservation Area (HCA). It is difficult to come to an informed view until the Applicant has answered point 1 and 2.

The area of works covered by Works Plan No.6e(k), Works Plan No.6e(l) and Works Plan No.6e(m) alongside Google aerial images (2024) showing the extent of tree cover, North Hertfordshire Uniform mapping and Hitchin and Hitchin Hill Path Conservation Area mapping alongside are shown below (Figures 1 to 7).



*Fig 1: Copy of Works Plan No's 6e(l) and 6e(k) from Work Plans (Part 6 of 6) [APP-021 – page 21].*



Fig 2: Google aerial images of Fig 1 Works Plans No's 6e(l) and 6e(k). Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].



Fig 3: NHC Uniform Mapping covering Works Plans No's 6e(l) and 6e(k) (showing HCA in green horizontal hatching and listed buildings with pink tint).



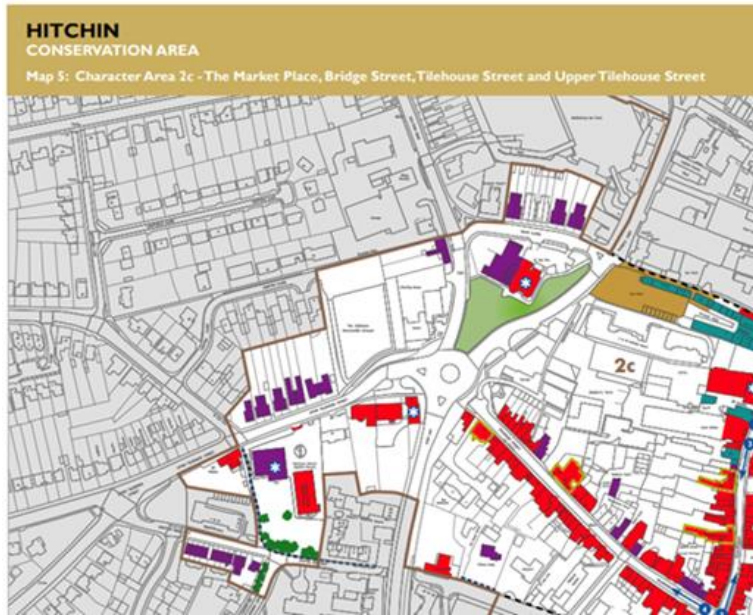


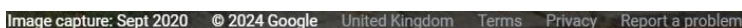
Fig 4: Hitchin Conservation Area 2c Map 5 North Herts Council, Available at: [https://www.north-herts.gov.uk/sites/default/files/map\\_5\\_hitchin\\_conservation\\_area\\_0.pdf](https://www.north-herts.gov.uk/sites/default/files/map_5_hitchin_conservation_area_0.pdf) [Accessed: 9 January 2024].

With respect to works Plan 6e(k), although there are no Tree Preservation Orders (TPO) in the vicinity, there is a good tree covering in the vicinity of The Physic Garden east of the former Hitchin Museum (grade II listed) and is identified as a landmark building on Map 5 of the HCA Plans North Herts Council, (2015), Available at: [https://www.north-herts.gov.uk/sites/default/files/map\\_5\\_hitchin\\_conservation\\_area\\_0.pdf](https://www.north-herts.gov.uk/sites/default/files/map_5_hitchin_conservation_area_0.pdf) [Accessed: 9 January 2024].



Fig 5: Google Maps image of former Hitchin Museum (grade II). Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].

Property numbers 41 to 43 (consec) form a group together with front railings and gate to No 42 and front railings to No 43. The former is also identified as a landmark building on Hitchin





Conservation Area 2c Map 5. The trees in front of these listed buildings have some townscape quality.



Fig 6: Google Maps image of properties 41 – 43 Upper Tilehouse Street (grade II). Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].

The trees here appear to be within the HCA and provide a ‘soft’ approach into the HCA although they do not appear to be mature trees of individual merit.



Fig 7: Google Maps image looking north along Parkway (A602) towards the roundabout with the A505. Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].

With respect to Works Plan 6e(l), there do not appear to be any significant tree issues.

With respect to works Plan 6e(m), there are significant trees in the vicinity with several individual, group and area TPOs as noted on the Uniform mapping and several marked indicatively on the Hitchin Conservation Area mapping alongside are shown below (Figures 8 to 16).



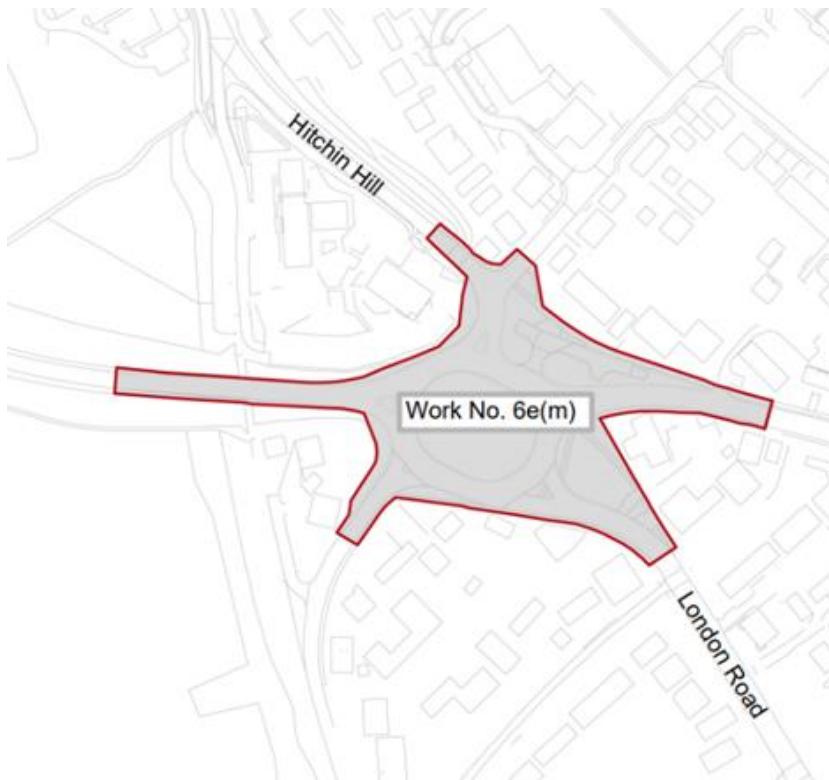


Fig 8: Copy of Works Plan No. 6e(m) from Work Plans (Part 6 of 6) [APP-021 – page 21].



Fig 9: Google aerial image of Fig 8 showing Works Plans No 6e(m) above. Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].



Fig 10: NHC Uniform Mapping of Fig 8 and Fig 9 above (showing HCA in green horizontal hatching, listed buildings with pink tint and individual, group and area TPOs).





*Fig 11: Hitchin Conservation Area 7 Map 10 North Herts Council, Available at: [https://www.north-herts.gov.uk/sites/default/files/map\\_10\\_hitchin\\_conservation\\_area\\_-2.pdf](https://www.north-herts.gov.uk/sites/default/files/map_10_hitchin_conservation_area_-2.pdf) [Accessed: 9 January 2024].*

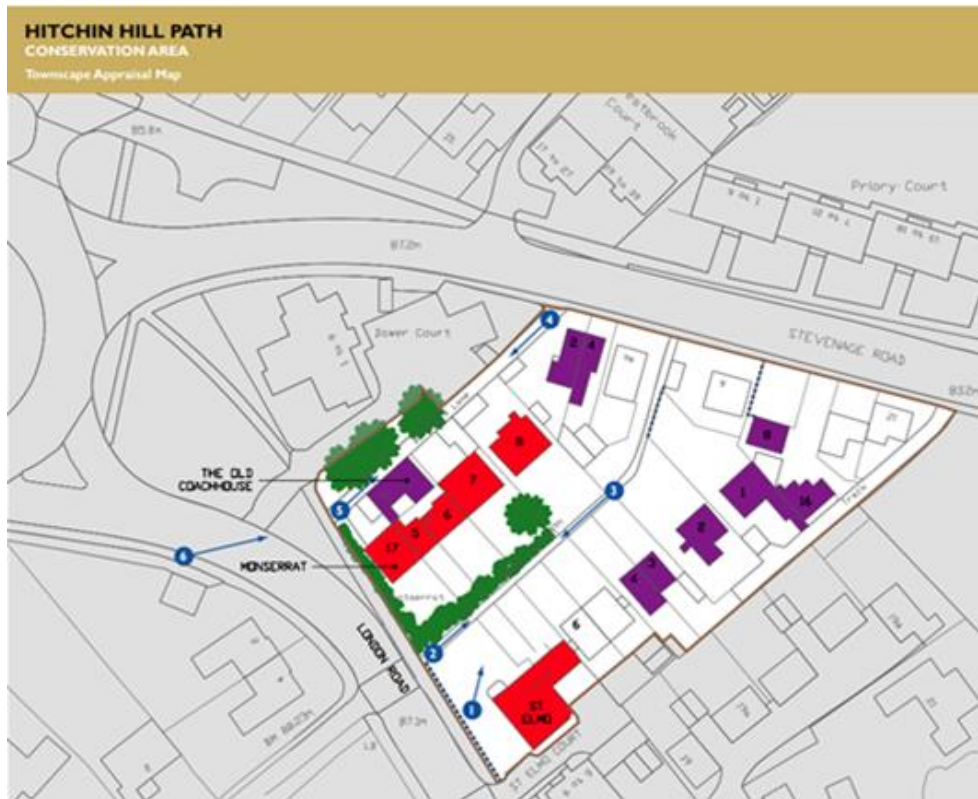


Fig 12: Hitchin Hill Path Conservation Area Map North Herts Council, Available at: [https://www.north-herts.gov.uk/sites/default/files/hitchin\\_hill\\_path\\_map.pdf](https://www.north-herts.gov.uk/sites/default/files/hitchin_hill_path_map.pdf) [Accessed: 9 January 2024].

What is apparent is that this southern entrance to the HCA and also forming part of the northern setting to Hitchin Hill Path Conservation Area (HHPCA) is verdant with good tree coverage including that planted on the Hitchin Hill roundabout.

There is some TPO protection afforded to trees north and west of Three Moorhens Public House (PH) (grade II listed). However, trees south and east of the pub are only 'protected' as a result of these being within the HCA. Widespread loss of trees here would erode the character of the area and would impact upon the well-treed setting to the Three Moorhens PH.



Fig 13: Google Maps image looking north from B656/A602 roundabout and showing trees north and west of Three Moorhens Public House (grade II). Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].

The cumulative and positive impact of non-TPO trees located beyond either the HCA or HHPCA, should not be understated as their potential loss is likely to erode the character of the area.



Fig 14: Google Maps image looking north from (roundabout). Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].







Fig 15: Google Maps image showing trees on the opposite side of the junction between A602 and B656. Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].



Fig 16: Google Maps image looking south from A602 and showing trees in centre of the roundabout. Available at: <http://maps.google.co.uk> [Accessed: 9 January 2024].

With regard to potential conflict with the adopted North Hertfordshire Local Plan (2011-2031) Available at: <https://www.north-herts.gov.uk/north-herts-local-plan-2011-2031> [Accessed: 9 January 2024] and the National Planning Policy Framework December 2023 (NPPF) (Department for Levelling Up, Housing and Communities (2023), *National Planning Policy Framework*, Available at [https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf) [Accessed: 9 January 2024]:

Whilst trees that make a positive contribution to the Conservation Area may potentially be felled, any such impact would be likely to result in less than substantial harm to the heritage significance of the HCA as a whole. However, the potential impacts would also need to be viewed in terms of the specific localities within the HCA.

North Hertfordshire Local Plan (LP) Policy SP13: Historic Environment Available at <https://www.north-herts.gov.uk/sites/default/files/2022-12/North%20Hertfordshire%20Local%20Plan%202011-2031.pdf> [Accessed: 9 January 2024], reflects NPPF paragraph 205 where it indicates that great weight should be given to the conservation and the management of designated heritage assets and their setting. LP Policy HE1: Designated Heritage assets stipulates that where planning permission for development proposals affecting designated heritage assets and their setting will lead to less than substantial harm to the significance of the asset planning permission will be granted where the harm is outweighed by the public benefits, including the asset's optimum viable use. This reflects NPPF paragraph 208.

Therefore, there is potential conflict with LP Policy HE1 and Paragraph 208 of the NPPF where trees that make a positive contribution to the conservation area are proposed to be

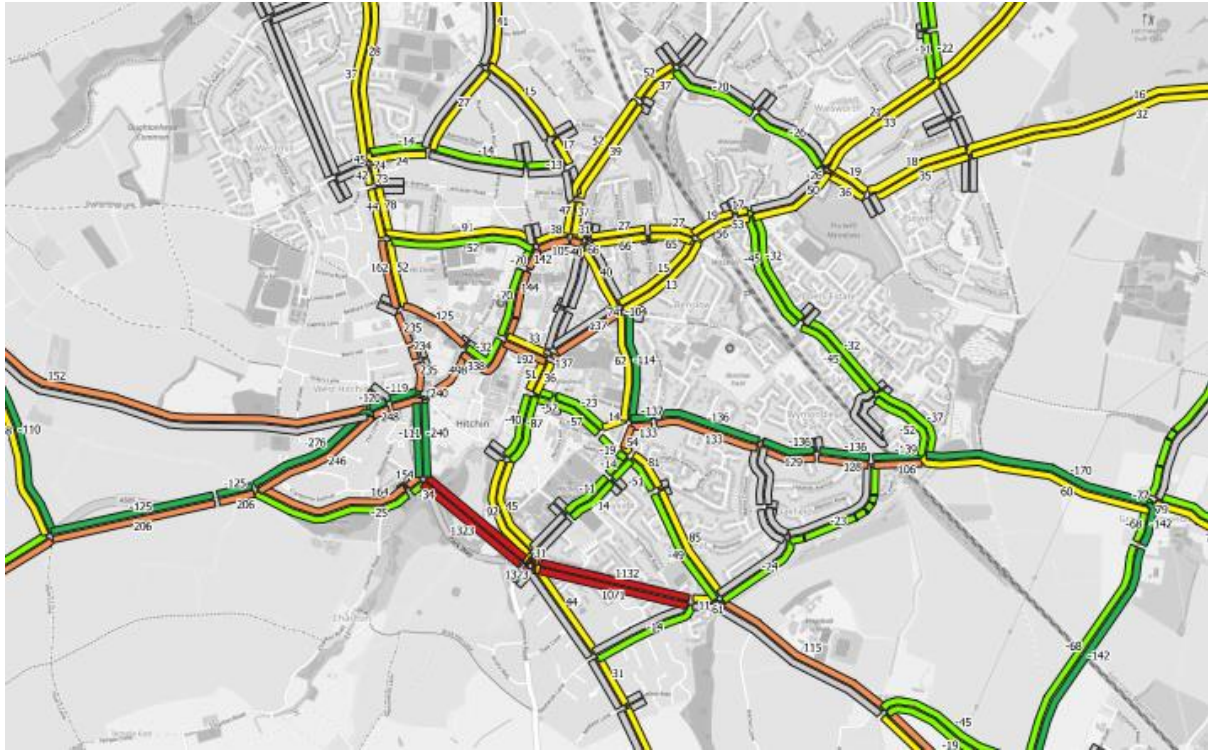


felled to deliver the Proposed Development. There would be harm arising to the Hitchin Conservation Area from the loss of trees, but this harm would need to be weighed by the decision maker against the public benefits of the Proposed Development in order to conclude whether the proposals would conflict with LP Policy HE1 and NPPF 20.

Regarding any trees outside the conservation area, and those within it, LP Policy D1 (iv) on Sustainable Design requires reasonable opportunities to be taken to retain existing vegetation and propose appropriate new planting. Therefore, compliance with this policy would be dependent upon minimising the loss of trees and providing new tree planting that would fully compensate any losses. This reflects NPPF 136 which confirms that trees make an important contribution to the character and quality of urban environments and that existing trees are retained wherever possible, and opportunities taken to incorporate trees elsewhere in developments. Therefore, in the absence of information showing that tree loss would be minimised and fully mitigated, the proposals conflict with LP Policy D1(iv) and NPPF 136.

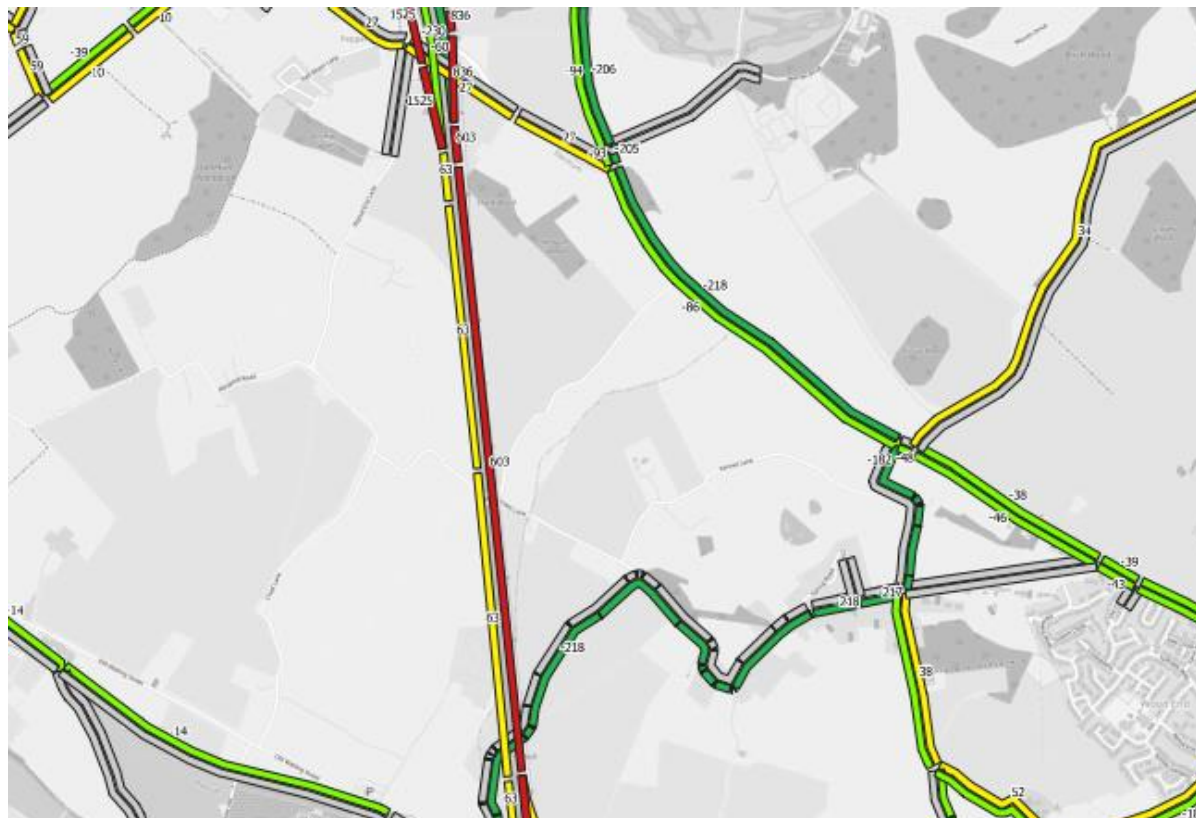
**3 APPENDIX 2**

**Table 3-1 – REP4-103: Applicant’s Response To Deadline 3 Submissions - Appendix H Hertfordshire County Council, Dacorum Borough Council And North Hertfordshire Council [REP3-090]**

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
3.3.10	Traffic and Transport	Post Covid-19 Travel	The Applicant provides patronage data for buses on local authority bus services, the Applicant should provide specific information on bus routes serving London Luton Airport and the changes as a result of Covid-19.
4.3.17	Traffic and Transport	Traffic Forecasting	The Applicant states at M1 Junction 9 east there is a 50% reduction in 2027 in flows and VC from the North approach in the PM peak. The Applicant should explain why this reduction is occurring and what scenarios it occurring between.
4.4.2	Traffic and Transport	Traffic Forecasting	The Applicant should confirm how what the GEH comparison they are using is referring to.
Appendix E	Traffic and Transport	Traffic Forecasting	<p>The 2043 traffic flow difference plots with and without the airport expansion in all peaks and years show significant increases, over 1,00 vehicles, on A602 in Hitchin, see image below. The Applicant should confirm that these flow increases are accurate.</p> <p><b>2043 with / without airport expansion AM Peak – Hitchin</b></p>  <p>In the PM peak 2043 there are decreases in traffic flow when comparing with / without the Proposed Development on Watery Lane and Annables Lane. The Applicant should explain why these decreases are occurring.</p>





Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			
Appendix F	Traffic and Transport	Traffic Forecasting	The Applicant should provide V/C plots for 2016 AM, IP and PM peak in the same format as those presented in Appendix F in the Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159],
Appendix F	Traffic and Transport	Traffic Forecasting	The Applicant should provide future year airport demand plots with and without the expansion which clearly show where airport demand (by mode) goes to and from by model zone.
Appendix F	Traffic and Transport	Traffic Forecasting	The Applicant should provide traffic flows for 2027 and 2043 with and without the Proposed Development for the A505 between the A505–A602 junction and A1 Junction 9 (Letchworth Gate).