

January 2024

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.163 Applicant's Response to Deadline 6 Submissions Appendix F -
Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire
County Council, Luton Borough Council and North Hertfordshire District
Council**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.163

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.163 APPLICANT'S RESPONSE TO DEADLINE 6 SUBMISSIONS
APPENDIX F – CENTRAL BEDFORDSHIRE COUNCIL, DACORUM
BOROUGH COUNCIL, HERTFORDSHIRE COUNTY COUNCIL,
LUTON BOROUGH COUNCIL, NORTH HERTFORDSHIRE COUNCIL**

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Appendix F – Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council [REP6-093 & REP6-094]

Table 1.1 Applicant's response to submission by Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council [REP6-093] at Deadline 6

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
1	Noise and Vibration	<p>Despite the Applicant's assertions that it has now reached agreement with the CAA on methodologies on noise assessments, Roger Pitman of North Hertfordshire Council highlighted that there could be increase in nighttime noise which is not reflected in the Applicant's assessment.</p> <p>Post hearing note: For local communities sensitivities remain in relation to potential night-time disturbances. CAA have previously commented on ACP modelling (PEIR para 16.1.4) that results can be open to interpretation. For this reason, there is an element of distrust based on the reliance upon modelling results as the sole tool for compliance monitoring.</p>	<p>The comment that increases in night-time noise are not reflected in the Applicant's assessment is not accepted. The assessment in Chapter 16 of the Environmental Statement [REP1-003] reflects all predicted changes in noise, including night-time noise increases.</p> <p>The Preliminary Environmental Information Report (PEIR) was published in 2022 and is a historic document that is no longer relevant to this application, having been updated by the Environmental Statement. As noted in the Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority [REP6-021], the CAA agrees that the noise modelling has addressed the concerns that it expressed at Statutory Consultation and that the validation set out in Appendix 16.1 of the Environmental Statement [TR020001/APP/5.02] is appropriate.</p>
2	Health and Community	<p><i>Measures to mitigate impacts on the health and wellbeing of the local communities surrounding the airport</i></p> <p>The Hertfordshire Host Authorities propose that measures should be included in the DCO to ensure there are clear engagement and communications channels for the local community to raise issues and concerns.</p> <p>Currently the Airport offer an email address on their website, however the Hertfordshire Host Authorities suggest that there is an opportunity for a more active approach to engagement, for example through a dedicated outreach officer and engagement strategy, and that this would offer a benefit to the local community.</p> <p>Impacts during operation on the mental wellbeing of local community members has not been identified as significant in the ES, and the Applicant is asking the Hertfordshire Host Authorities to clarify the nature of the health effects that require such mitigation.</p> <p>The Hertfordshire Host Authorities argue that this is an opportunity for the Airport to foster improved relations within the local community, and reduce the likelihood of adverse effects on mental wellbeing.</p>	<p>The airport operator is committed to continued community engagement. It employs a Community and Corporate Social Responsibility (CSR) manager who is responsible for managing community engagement associated with the operation of the airport.</p> <p>Issues and concerns can be raised via London Luton Airport's website at: https://www.london-luton.co.uk/corporate/community/noise/making-a-noise-complaint.</p> <p>Public Noise Surgeries provide an opportunity for residents and councillors to meet with the Flight Operations team and ask questions about airspace and aircraft noise. Details of upcoming surgeries are published on London Luton Airport's website at https://www.london-luton.co.uk/corporate/community/noise/noise-surgeries. Appointment slots are available to book two weeks in advance.</p> <p>The London Luton Airport Consultative Committee (LLACC) meets as a full committee four times year. The agenda includes: Quarterly Planning, Environmental Management & Surface Access Report, which covers planning, surface access and development issues as well as the Community Engagement Strategy; and Quarterly Monitoring Report, which provides extensive data on aircraft movements, noise monitoring, route analysis and noise/track keeping complaints. A public gallery is available for members of the public or the press who wish to observe these meetings, and minutes are published on London Luton Airport's website (https://www.london-luton.co.uk/corporate/the-llacc/llacc).</p> <p>There is also a Noise and Track Sub Committee (NTSC) that meets 3 to 4 weeks prior to the main meeting. The agenda for NTSC includes the Quarterly Environment Report, which is considered in detail, including studying the noise and track keeping complaints. Recommendations are made to LLACC on those issues considered to be of importance in seeking to solve difficult technical problems. NTSC also looks at specific noise and track</p>

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			<p>keeping issues so as to help reduce the impact of flying on the local communities. Minutes are published on London Luton Airport's website (https://www.london-luton.co.uk/corporate/the-llacc/ntsc).</p> <p>The proposed Community Engagement Plan as detailed in Section 4 of the Code of Construction Practice [REP6-003] has been proposed to address the need for engagement with local communities as part of the delivery of the Development Consent Order. This is secured by Requirement 7 of the Draft DCO [TR02001/APP/2.01] and is considered proportionate and robust by the Applicant.</p> <p>The Applicant does not propose to include detailed plans or specific additional staffing requirements for community engagement in the DCO.</p>
3	Health and Community	Roger Pitman of North Herts Council commented that there needs to be an active proposal such as the one by UKHSA to develop an evidence base and to monitor future health effects, and that adoption of the surveys used at Heathrow would be a useful tool.	<p>In previous responses to written questions in the Applicant's response to Written Questions – Health and Community Effects [REP4-068] and [REP5-052], the Applicant has noted that it considers that evidence on the effects of noise on health and wellbeing is best established through large-scale, national studies and that such studies are not proportionate in the context of an EIA. The Applicant's position remains as set out in previous responses.</p> <p>The Applicant met with UKHSA on 18/12/2023 to discuss this issue, in response to the ExA Action 20, identified at Issue Specific Hearing 8. Both parties restated their respective positions, but agreement could not be reached on this particular issue. As such, it was agreed by the parties to disagree on this point.</p> <p>The Applicant's position on this point is set out in full in Deadline 7 submission Applicant's Response to Issue Specific Hearing 8 Action 20: Position Statement on Health Monitoring [TR20001/APP/8.168].</p>
4	Air Quality	Roger Pitman of North Herts Council stated that certain weather conditions can affect this type of odour and trap pollution close to the ground which also links with fuel dumping. The Hertfordshire Host Authorities are not aware of any proposed mitigation for this and would ask the Applicant to model odour impacts in worst case weather conditions, determining cause of odour and mitigating any potential adverse effects.	<p>The air quality assessment in Chapter 7 of the Environmental Statement [AS-076] followed the methodology agreed with local councils through the Air Quality Technical Working Group (TWG) meetings, including an assessment of odour impacts. No significant impacts are predicted to occur.</p> <p>Appendix 7.5 of the ES [APP-065], section 2.7 sets out how odour complaints can be handled. As requested by the TWG members, an odour management and reporting plan has been developed and has been agreed (with minor amendments for discussion at future SOCG meetings) by the relevant local planning authority. Details are provided in Applicant's Response to Issue Specific Hearing 8 Action 22 – Proposed Odour Reporting Process [REP6-073].</p>
5	Landscape and Visual	<p>Post Hearing Note on AONB Weighting:</p> <p>The weighting to be given to the AONB extension area is considered to be an important and relevant planning matter. However, where an application for extension is being made, we would normally expect appropriate consideration within the LVIA. Whilst it is acknowledged that the extension area would not to be considered as 'current' baseline (as the outcome of the review is not yet</p>	<p>The Applicant's Post Hearing Submission - Issue Specific Hearing 8 [REP6-066] explains that no weight should be given to the potential AONB extension as the boundary change plan is at a very early stage akin to the early stages of a Local Plan review. Given this position, it is not necessary for the potential AONB extension to be considered as part of the Future Baseline within Chapter 14 of the ES [AS-079].</p>

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		<p>determined), a section under Future Baseline within the LVIA identifying effects of the Proposed Development on the redefined AONB area should be included, especially given the strengthening of wording in relation to AONBs through Section 85 amendments to the CRoW Act, 2000. The Future Baseline section could cross reference the Sensitivity Test. However, the Sensitivity Test is not considered to be fully in accordance with GLVIA3 and should therefore be updated to ensure it is robust.</p>	<p>The AONB Sensitivity Test in Appendix 14.9 of the ES [APP-107] is in accordance with GLVIA3 for the reasons set out in the Applicant's Post Hearing Submission Issue Specific Hearing Issue Specific Hearing 88 [REP6-066].</p>
6	Landscape and Visual	<p><i>Post Hearing Note and Action point 46 to provide a written response regarding the application of paragraph 174(a) of the National Planning Policy Framework (NPPF) and whether the landscape that is within the proposed area of search of a possible extension to the Chilterns National Landscape should be considered a 'valued landscape'</i></p> <p>'Valued landscapes' are not defined in the NPPF but it is generally accepted that:</p> <ul style="list-style-type: none"> (i) a valued landscape need not be formally designated; (ii) "valued" means something other than popular, and (iii) landscape could be "valued" if it had physical attributes which took it "out of the ordinary". However, the extent of landscape being considered has to be understood before determining whether or not there are features which make it valued (i.e. considering the landscape holistically and not just in terms of physical attributes of disparate parcels of land). <p>The Landscape Institute technical guidance note on "Assessing landscape value outside national designations" provides a definition: "A 'valued landscape' is an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes." However, there is no indication of how much value a landscape should have before it's important enough to be protected as a "valued landscape" under 174(a) NPPF.</p> <p>The proposed area of search of a possible extension to the Chilterns National Landscape is currently defined as the whole of LCA 110 but is under review. The extent of the LCA is unlikely to warrant its entirety being defined as a 'valued landscape' despite being of similar character as it is potentially too broad in scale. In terms of more localised character, there are areas that could be considered as a 'valued landscape' particularly to the south of the airport, which has areas designated as 'Areas of Local Landscape value' already and thus elevating it 'above the ordinary'. This would therefore suggest that some areas of land surrounding the Airport could qualify as a 'valued landscape' under 174(a) NPPF. The candidate extension area surrounding the airport has value in creating accessible green space close to a centre of population and contains remnants of ancient woodland, designed parks and gardens, and areas of enclosure and relative tranquillity – reflecting some of the Special Qualities of the existing ANOB. However, how much this elevates the area</p>	<p>The Applicant has previously responded to this question as set out below:</p> <ul style="list-style-type: none"> • Applicant's Post Hearing Submission - Issue Specific Hearing 8 [REP6-066] • Written Question Responses - Applicant's Response to Hertfordshire Host Authorities' Comments [REP6-061]

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		<p>'above the ordinary' is difficult to determine. We would generally advocate a precautionary 'worst case' scenario for planning purposes, thereby considering the candidate area as a 'valued landscape' in line with NE and CCB. However, given the suggested limited weighting to be applied to the candidate area then it would follow that limited weighting should also be applied in this instance.</p>	
7	Landscape and Visual	<p>Post Hearing Note on the Sensitivity Test:</p> <p>The Hertfordshire Host Authorities would also like to re-iterate comments provided to the Applicant post deadline 5 in relation to the Sensitivity Test. 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 Environmental Statement - Appendix 14.9 Chilterns AONB Sensitivity Test [APP-107]. However, it strongly disagrees with the suggestion that the AONB extension area would only result in a Magnitude of 'low', given that the AONB boundary would be brought within metres of the Proposed Development boundary rather than 3km distant. Paragraph 2.3.2 of the Environmental Statement - Appendix 14.9 Chilterns AONB Sensitivity Test [APP-107] only identifies aircraft movements as contributing to operational impacts. 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); increased concentration of vehicles accessing the site through the AONB; increased activity from increased numbers of people on-site; direct intervisibility between the airport and 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. 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 Sensitivity Test therefore needs to adequately assess the aesthetic and perceptual qualities of the AONB extension area.</p>	<p>The Applicant's position remains that described in previous response [REP6-066], Light Obtrusion Assessment [APP-052] and the LVIA [AS-079], the effects of additional vehicles, headlights, number of people etc. On the aesthetic and perceptual qualities of the potential AONB extension area cannot be meaningfully modelled or quantified.</p> <p>The Sensitivity Test (Appendix 14.9 of the ES Chilterns AONB Sensitivity Test [APP-107]) has had regard to additional aircraft movements over the potential AONB extension area and is considered by the Applicant to adequately assess the aesthetic and perceptual qualities of the AONB extension area.</p>
8	Landscape and Visual	<p>Post Hearing Note and Action Point 48 on the implications of section 245 of the 2023 Act:</p> <p>The Hertfordshire Host Authorities agree with the Examining Authority's comments that the Section 85 amendment appears to strengthen wording in relation to AONBs, changing it from 'a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty' to '...a relevant authority... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.</p>	<p>The Applicant's position on this matter is set out in the Applicant's Post Hearing Submission - Issue Specific Hearing 8 [REP6-066].</p> <p>In summary Section 245 of the Levelling-up and Regeneration Act 2023, which will amend Section 85 of the Countryside and Rights of Way Act 2000, has no material effect on the findings and conclusions of Chapter 14 of the ES [AS-079] and the Draft Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment [REP6-075].</p>

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		<p>Given also the change in naming convention from AONB to 'National Landscapes' as of 22.11.2023, these amendments put more emphasis on the Special Qualities Assessment and effects on the Chilterns National Landscape. The assessment should demonstrate how the Proposed Development furthers the purpose of the Chilterns National Landscape (AONB) or demonstrate that those purposes are not affected. The Hertfordshire Host Authorities therefore encourage that full aesthetic and perceptual qualities are considered in the assessment, both in terms of the Special Qualities assessment and the Sensitivity Test.</p>	
9	Landscape and Visual	<p>The visual impact of erecting large-scale buildings on an elevated plateau, in a landscape recognised for its local landscape value, would be difficult to mitigate against but it is normal practice to demonstrate how mitigation has been embedded and how any proposed soft landscape mitigation will mature over time to reduce visual impacts.</p> <p>The embedded mitigation has not been demonstrated within the LVIA Chapter, except in relation to the 'country park', and the design of the 'country park' is to be commended. However, a similar level of demonstrated thought needs to be provided for the rest of the site. For example, how has the landform been considered in the building layout and site design? How does it respond to the existing site character or the surrounding landscape? What building design features are being used to reduce visual impact such as façade colour or building massing? A section within the LVIA should be included to clearly outline how the embedded mitigation has been developed so as to reduce adverse effects on landscape and visual receptors that does not just focus on the country park. This is not currently demonstrated in the LVIA.</p> <p>Discussion on visual receptors should also demonstrate the ability of any proposed planting to mitigate adverse effects in winter – this will be less effective than in summer and should be acknowledged in the LVIA assessment. It was noted that c10% of hedgerow species would be evergreen as outlined in the Landscape and Biodiversity Management Plan [AS029].</p>	<p>Section 14.8 of the ES [AS-079] sets out the embedded and good practice mitigation for landscape and visual impact that has been incorporated into the Proposed Development. This includes commentary on design development avoiding impacting on ancient woodland at Winch Hill Wood, retaining mature woodland/hedgerow vegetation and coniferous plantation woodland along the ridgeline of Winch Hill, retaining an area of mature woodland to the north of Dairyborn Escarpment, and to retain (in part) hedgerow vegetation on the retained northern part of Wigmore Valley Park.</p> <p>Soft landscape maturation is demonstrated via the illustrative photomontages provided in Appendix 14.7 of the ES [REP3-010, REP3-012, REP3-014].</p> <p>The design evolution of the proposals is conveyed through the design documents and consultation process, with a wide variety of options explored that provide the operational requirements. Key documents to be considered are the Scheme Layouts [AS-072] and General Arrangement Drawings Vol 1 to appreciate the scale/massing of the buildings [AS-018]. Illustrative visuals are included in a revision of Design Principles [TR020001/APP/7.09] provided at Deadline 7.</p> <p>The Design and Access Statement Volume II [AS-124] section 5 (in particular, 5.4 and 5.6) describes the relationship between the airfield and building layouts (notably T2), and the landform that has to respond to the existing airport layout and assets (notably the runway and taxiways), which also directly influences the landform. It also needs to interface with existing surface access, notably the DART. Both aspects influence the need to establish an essentially flat platform at a higher level and a transition (via an embankment) to lower level, whilst achieving a balanced cut and fill to reduce environmental impacts.</p> <p>In terms of building finishes, as noted above, the proposals do not constitute a detailed design and this matter is considered in the Design Principles [REP5-034] specifically DQ.01, DQ.02, DQ.08, T.02, T.12, T.13, T.28, T.41, T.65, T.67, ASF.02 and ASF.09. The Design Principles have been updated at Deadline 7 [TR020001/APP/7.09] and include additional visuals to further articulate building massing across the Proposed Development.</p>

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			<p>Please refer to] Environmental Statement Appendix 14.5 Detailed Visual Assessment. [AS-139] with reference to specific receptors and the visual effects.</p> <p>With regard the ability of any proposed planting to mitigate adverse effects in winter – It was noted that c10% of hedgerow species would be evergreen as outlined in the Landscape and Biodiversity Management Plan [AS- 029].</p> <p>This sets out potential species selection and includes Hornbeam (c10%) has a high leaf retention during winter months. Further, native species with high leaf retention could be added to the mix i.e Beech (Fagus sylvatica).The density of planting which has yet to be specified will also affect the visibility as will the retention of planting protection measures.</p>
10	Landscape and Visual	<p>The Hertfordshire Host Authorities seek in particular more clarity on the screening effects of mitigation in relation to the following receptors / viewpoints:</p> <p>a. Receptors at / associated with viewpoints 9, 10A, 10B, 11, 29, 41, 59, 60 including Users of the Chiltern Way; Darley Road; Users of Offley 003 PRoW; Users of Offley 004, 005 and 006 PRoW; Users of Kings Walden 010, 041 and 043 PRoW; people in Tea Green) - all 'additional' mitigation is located east/southeast of the viewports/ receptors and therefore cannot contribute to reducing impact. Please clarify how additional mitigation reduces impact. Where mitigation is provided by planting, please clarify effectiveness of planting as screening in winter.</p> <p>b. Receptors at / associated with viewpoints 35 and 35A (Users of footpaths near Lye Hill) - all 'additional' mitigation is located north of the viewpoints/ receptors and therefore cannot contribute to reducing impact. Please clarify how additional mitigation reduces impact. Where mitigation is provided by planting, please clarify effectiveness of planting as screening in winter.</p> <p>c. Receptors at / associated with viewpoints 20 and 27. Please clarify effectiveness of hedgerow restoration as screening in winter. d. Receptors where planting is used as mitigation, please clarify its effectiveness at reducing effects particularly from significant to non-significant in winter, including for People in Darleyhall; People in Breachwood Green / The Heath / Lye Hill; Visitors to Wigmore Hall; users of LBC PRoW - FP29, FP38, BW28 and BW37.</p>	<p>Additional mitigation includes hedgerow restoration or new hedgerow planting to provide visual screening as well as interconnected landscape and biodiversity enhancements and positive landscape character restoration.</p> <p>Additional mitigation will be delivered in assessment phase 1 enabling maturation and effective screening throughout assessment phases 2a and 2b and during operation. Screening will also be provided by existing vegetation and landforms.</p> <p>Hedgerow planting/restoration will provide maximum screening when in leaf during the summer months. During winter filtered views of the Proposed Development may be available through parts of these hedgerows but such views are likely to be limited due to the thickness/density of the proposed/restored hedgerows.</p> <p>Please refer to Environmental Statement Appendix 14.5 Detailed Visual Assessment Rev 2 [AS-139].</p> <p>All mitigation measures are proposed between the receptor and the Proposed Development.</p> <p>a) Receptors at/associated with viewpoints 9, 10A, 10B, 11, 29, 41, 59, 60 - For receptors 9,10A, 10B, 11, 29, 41, 59 these are along the south/ southwest/ west of the PROWs. Receptor 60 is mitigated by the intervening vegetation.</p> <p>b) Receptors at/associated with viewpoints 35 and 35A – this is mitigated by hedgerow planting to the west of the PROW as well as intervening vegetation and landform.</p> <p>c) c. Receptors at/associated with viewpoints 20 and 27 – is mitigated by hedgerow to the north side of the PROW.</p>
11	Landscape and Visual	<p>Kate Mayhew confirmed that there has been no known update since the Hertfordshire Authorities' request in their Written Representations [REP1-069] for submission of a night-time assessment that is GLVIA3 compliant rather than simply relying on the light obtrusion assessment.</p>	<p>The Applicant has responded to this point in the Applicant's Post Hearing Submission - Issue Specific Hearing 8 [REP6-066].</p>

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		<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is, for some receptors, likely to result in different levels of sensitivity from those identified in the Environmental Statement – Appendix 5.2 Light Obtrusion Assessment Part A [APP-052], submitted by the Applicant. Sensitivity criteria in that document (Appendix 5.2) are determined by categories as set out in Table 4.2. Sensitivity of receptor to light obtrusion. In this table the typical example for a Medium sensitivity receptor 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 or visual.</p> <p>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 Hertfordshire 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 5.2 Light Obtrusion Assessment Part A [APP-052], which may lead to underrepresenting the level of effect in landscape or visual terms. For example, in Table 4.4, High sensitivity and Low magnitude indicates a Minor effect whereas typically in LVIA methodologies this would result in a Moderate effect.</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 the Applicant should confirm that there would be no increase in light obtrusion in those locations within the acceptable limits of an E0 or E1 zone.</p> <p>A section should be included within the LVIA to adequately cover night-time effects specifically from a landscape and visual perspective, including appropriate assessment of night-time effects on receptors in more rural areas, with significance and sensitivity tables aligned with GLVIA3 guidance.</p>	
12	Design	<p>In REP4-125 the Hertfordshire Host Authorities set out their position that the principles and objectives of master plans set out in the Aviation Policy Framework remain relevant and continue to represent Government expectations.</p>	<p>A new paragraph 5(7) has been inserted in Schedule 2 of the Draft DCO submitted at Deadline 7 [TR020001/APP/2.01] which commits the undertaker to providing the specified authorities with an expected programme of works for the initial five-year period and, on a five year basis thereafter.”</p> <p>For design review response refer to ISH8, AP53 within Applicant's Response to November Hearing Actions (OFH3, CAH2 and ISH7-10) [TR020001/APP/8.165]</p>

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		<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.</p> <p>It is no coincidence that master plans is within the 'Working Together' section of the Aviation Policy Framework (submitted to the Examination as REP4-155)</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), its 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 in REP4-061 and REP5-052 and continued resistance at ISH8.</p> <p>With regard to Design Review the applicant is concerned that an independent design review risks further complicating the already complex engagement needed to reach agreement during detailed design stage. The Hertfordshire Host Authorities disagree, noting 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>	

Table 1.2 Applicant's response to submission by Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council [REP6-094] at Deadline 6

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
1	Green Controlled Growth	<p>Fiona Ross of Pinsent Masons for the Host Authorities stated that Dacorum Borough Council are still not included in the ESG despite representations that they should be, as in Written Reps [REP1-069] and PADSS [REP3-091]. This was also raised in ISH1 – see post hearing submissions [REP3-108]. The Applicant's justification was that there are less AQ, surface access and GHG impacts in Dacorum's area and therefore a balance has to be struck. Fiona Ross noted that the Host Authorities have requested further/better justification in our response to those comments [REP3-090] but no further justification has been received. For example, it is not clear why GHG impacts are less for Dacorum, noting that GHG</p>	<p>The Applicant provided a response previously around the role of Dacorum Borough Council (DBC) on the ESG and Technical Panels (considering all four environmental topics within GCG) as part of the Applicant's Comments on Local Impact Reports (Hertfordshire County Council, Dacorum Borough Council, North Hertfordshire Council) [REP2A-006] (LIR Reference 9.1.47 – 9.1.48). As set out in Paragraph 2.4.13 of the GCG Explanatory Note [TR020001/APP/7.07], the Applicant considers a role on the ESG for a local authority is appropriate where that authority is impacted across <u>the whole range</u> of environmental topics within the scope of GCG. As set out in Paragraph 2.4.25 of the GCG Explanatory Note there are no GCG air quality monitoring locations</p>

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		<p>emissions don't relate to administrative boundaries. Other Host Authorities represented on more than one Technical Panel are included in the ESG membership, but Dacorum is currently only invited to the noise Technical Panel. In the light of discussions about the noise contours, Fiona Ross stated that Dacorum is within the noise contour. In relation to its invitation to the noise Technical Panel, the Technical Panels are not decision-making bodies and therefore representation on them would not enable Dacorum Borough Council to have effective oversight and enforcement in relation to matters affecting its area and communities, such as noise (see LIR [REP1A-003]).</p> <p>Post hearing note:</p> <p>There is no explanation as to why, unlike the other Host Authorities, Dacorum is not included within the GHG Technical Panel. On the assumption that it should be, this would make Dacorum a member of two Technical Panels and would appear to qualify it as being a full member of ESG.</p>	<p>within Dacorum, and as per Paragraph 2.4.27 nor are there locations where surface access impacts are forecast. It is on this basis that the Applicant does not consider it appropriate for Dacorum Borough Council to have a position on the ESG and it is not the case that membership of more than one Technical Panel would result in a local authority having a role on the ESG.</p> <p>With respect to membership of the GHG Technical Panel, the Applicant has set out in Chapter 12 of the ES [REP3-007] how the government's targets and budgets with respect to GHG emissions are expressed at a national level, and this is therefore the scale at which the assessment of materiality of the impacts of the Proposed Development must be considered. Further, in response to Written Question CC.1.69 in the Applicant's response to Written Questions – Climate Change and Greenhouse Gas Emissions [REP4-055], the Applicant confirmed that for the purpose of testing the significance of GHG emissions from airport ground operations, the UK carbon budgets are the only legally binding carbon budgets and therefore it is assumed reasonable that these are used. This is a position that is supported by Bristol Airport Action Network Coordinating Committee v Secretary of State for Levelling up, Housing and Communities [2023] EWHC 171 (Admin).</p> <p>The proposed make-up of the Greenhouse Gases Technical Panel was therefore not based on the location-specific impacts experienced by any individual Local Authority (unlike the three other Technical Panels), as there are no location-specific impacts arising from the GHG emissions of the Proposed Development. However, in recognition of the benefits of including Local Authority representation on the GHG Technical Panel, in addition to the independent technical expert, a role on the GHG Technical Panel will be offered to each of the four authorities with a role on ESG (as set out in paragraph 2.4.26 of the GCG Explanatory Note [TR020001/APP/7.07]). As the Applicant has not proposed for DBC to sit on the ESG, it was not therefore included on the GHG Technical Panel.</p>
2	Green Controlled Growth	<p>Quorate decision making – ESG</p> <p>In response to the Applicant's confirmation that one member of the local authorities invited to sit on the ESG must be present for the ESG to be quorate, David Gurtler of Luton Borough Council stated that Luton's position was that it was keen to ensure adequate representation of local authorities on the ESG and would therefore agree with Fiona Ross's request for Dacorum to be on the ESG and that it is important to ensure this that there is adequate time for the meetings to be set so that we can ensure that the right person in the Council at quite a high level can attend the meeting. Luton had anticipated that it would be one of five authorities. Fiona Ross confirmed that the Host Authorities consider there should be a minimum of one representative from a minimum of 3 local authorities (based on there being 5 LAs on ESG, or 4 local authorities if Dacorum is included) (or a substitute as agreed) should be required to be present for quorate decision making, but see post hearing note below.</p>	<p>The Applicant has responded to the point regarding DBC not being a member of the ESG in I.D 1 of this table.</p> <p>The Applicant's position regarding the criteria for quorate decision-making has not changed from the position submitted at Deadline 6 for both the ESG and Technical Panels. This was outlined in a meeting held with the Host Authorities since Deadline 6 on the 14 December 2023. The Applicant however also outlined its intention in this meeting to consider changes to the Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [TR020001/APP/7.08] to make it easier for Local Authority members to attend ESG meetings, including the ability for meetings to be held in a virtual or in-person/virtual hybrid setting. These are included in the Deadline 7 submission.</p> <p>Whilst these changes will help enable full attendance of meetings of the ESG by all members, nevertheless they cannot fully mitigate the risk to the Applicant of a non-</p>

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		<p>Post hearing note:</p> <p>The Host Authorities suggest that the text should be returned to where “at least 50% of other representatives are present”.</p> <p>Reasonable endeavours must be taken to ensure that each meeting is attended by 100% of the members, or that an agreed substitute can attend. In this context the Authorities note that it may not always be possible to find a substitute to attend at short notice, such as in the case of illness or other unforeseen circumstances, and so it is important that the rules on quorum are amended to avoid decisions being taken without proper representation of the local authorities.</p> <p>The Host Authorities consider that all members of the ESG should have at least 28 working days notice in advance of proposed meetings, save for in the case of an emergency. This will help to ensure quorate attendance and will ensure that the suggested requirement to have at least 50% of other representatives present to ensure a quorum is not onerous.</p>	<p>quorate meeting occurring (through no fault of its own), and the very significant consequences this would impose on the Applicant and airport operator, in terms of the capacity declaration deadline passing before a Mitigation Plan or Level 2 Plan is approved. Given there is no consequence to Local Authorities for not attending meetings of the ESG or Technical Panel, it is appropriate for a greater onus to rest with those members to attend the meetings should they wish to take a full and active role in the oversight and scrutiny of the Proposed Development, which has been voluntarily offered and actively supported by the Applicant.</p> <p>The Applicant acknowledges the concerns raised by the Host Authorities regarding advanced notice ahead of proposed ESG meetings. However, it is not possible to accommodate this requirement within the current timescales set out within the GCG process, which require the ESG to meet within 14 days of submission of a Monitoring Report, and within 21 days of submission of a Level 2 Plan or Mitigation Plan (in order to facilitate a decision being made by the ESG within 28 days). However, pursuant to Section A4.1 of the Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [TR020001/APP/7.08] these timescales can be extended with the agreement of the airport operator.</p> <p>A further meeting to discuss these points and other points within the Statements of Common Ground with the Host Authorities will be held on 10 January 2024.</p>
3	Green Controlled Growth	<p>Qualifications of ESG members</p> <p>In response to ExA's question about the ESG chair having final say as to whether ESG member is suitably qualified, Fiona Ross confirmed that concerns have already been raised those limitations for local authority representatives to be planning professionals. Members need to have the ability to make decisions on behalf of the local authority. It would be difficult for this decision to be made by the chair of the ESG.</p>	<p>The Applicant acknowledges the concerns raised by the Host Authorities regarding the limitations for Local Authority representatives to be planning professionals and met and discussed this point with the Host Authorities on the 14th December 2023. Through this discussion, it is understood that the concern of the Host Authorities is primarily around the previous drafting that required an ESG representative to work within the planning department of the relevant local authority (i.e. a planning officer).</p> <p>Following this discussion, the Applicant has amended the drafting in section 2.4.15 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.08] and section A2.1.13 of the Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference [TR020001/APP/7.08] to remove the requirement for Local Authority representatives to be “working within the planning department”. This has been changed to “working within the relevant local authority.” These amendments are included in the Deadline 7 submission.</p>
4	Green Controlled Growth	<p>Quorate decision making – Technical Panels:</p> <p>Fiona Ross stated that the Host Authorities consider that this is not appropriate, and that a minimum of one representative from a minimum of 2 local authorities (where there are three on the panel, 3 local authorities when there are 4 on the panel) (or a substitute as agreed) should be required to be present for quorate decision making, but see post hearing note below.</p> <p>Post hearing note:</p>	<p>The Applicant has responded to the point regarding quorate decision-making for technical panels at ID 2 of this table.</p> <p>A further meeting to discuss this point and other points within the Statements of Common Ground with the Host Authorities will be held on 10 January 2024.</p>

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		<p>The Host Authorities suggest that the text should be returned to where “at least 50% of other representatives are present”.</p>	
5	Green Controlled Growth	<p>In relation to the other GCG impacts, the Applicant has not explained and justified why it is not possible for the Airport Operator to be prepared to implement the new monitoring regimes under the GCG from the date of service of the notice under Article 44(1) of the draft DCO [REP4- 003], noting that the Applicant has control over when it exercises the notice, and Fiona Ross stated that every effort should be made to align the service of the notice so that monitoring commences from that point onwards. The Host Authorities consider that the Applicant should commence developing and preparing for implementation of the new monitoring regimes under the GCG following grant of the DCO application, and that this work can and should be done prior to service of the notice, in preparation for it taking effect.</p> <p>Post hearing note:</p> <p>There is no good reason why air quality monitoring should not be operational by the start of Phase 1; indeed, the Authorities consider that it would be in the interests of the Applicant and Airport Operator to have collected and considered a full calendar year of baseline data in the run-up to Phase 1 at the proposed GCG monitoring sites.</p> <p>The Applicant has indicated that it considers that there is no point in monitoring during this period as the Level 2 Limits and Thresholds cannot apply, on the basis that they are applicable on the basis of an annual metric, and so cannot apply over part of a year.</p> <p>The Host Authorities have made representations that a more adaptive approach would be appropriate for example for air quality in particular, where there is a need to account for short term exceedances that may impact on health. If such an adaptive approach were adopted, then it would be possible to meaningfully undertake monitoring and reporting against those shorter term metrics, and the Authorities' position is that the GCG should include more adaptive monitoring and management, which should be introduced as early as possible, so that the Environmental Scrutiny Group (ESG) can properly oversee and undertake enforcement in relation to exceedances of Level 2 Thresholds and / or Limits from the outset.</p> <p>The Applicant says that it would not be in the Airport Operator's interests to exceed a Level 2 Threshold or Limit during the Transition Period, but it is clear that the controls themselves would be absent during this period, leaving a risk of exceedance without any ability on the part of the ESG to require mitigation.</p>	<p>The Applicant has responded to points regarding implementing monitoring regimes under the GCG from the date of service of the notice under Article 44(1) in its response to Action Point 6 of the Applicant's Post Hearing Submission – Issue Specific Hearing 9 [REP6-067] submitted at Deadline 6.</p> <p>As set out in the Applicant's Response to Issue Specific Hearing 9 Action 26 – Air quality monitoring [REP6-076] the assessment has demonstrated there are no significant effects predicted to occur as a result of short term impacts. It is not considered necessary to include targets for short term monitoring. The Applicant has confirmed monitoring will be carried out which will allow for short term results to be reported but will be for information only.</p> <p>The Applicant has responded to points regarding potential 'gaps' in controls under the GCG Framework from the date of service of the notice under Article 44(1) in its response to Action Point 7 of the Applicant's Post Hearing Submission – Issue Specific Hearing 9 [REP6-067] submitted at Deadline 6.</p>

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		<p>The Host Authorities welcome the proposal to bring forward the application of all Thresholds and Limits to the start of the first full calendar year, but would request that the Applicant consider whether, on the basis of adaptive monitoring and management, these could be applicable at an earlier stage.</p>	
6	Green Controlled Growth	<p>The Authorities request further information on what Local Rules are being proposed by the Applicant and suggest that the Airport should be looking to use a stepped approach to help manage noise levels going forwards, so that capacity increases never result in limit exceedance, rather than the converse of needing to put in Local Rules to try and reduce an exceedance.</p> <p>This approach would then align with addressing concerns over the retrospective nature of Green Controlled Growth limits raised in ISH9 (albeit on non-noise matters).</p>	<p>See Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - QC noise controls [TR020001/APP/8.170] and in particular the response to ISH9 Action Point 8 on Local Rules.</p>
7	Green Controlled Growth	<p>Although this was not discussed at the hearing, the Host Authorities note that while the Phase 1 is the point at which commercial throughput reaches 21.5 mppa, the value of the Limit for this phase is based on the 'Faster Growth Case', which assumes a passenger throughput of 23 mppa and which represents a 'reasonable worst case'. It is not clear why this Limit would apply during Phase 1 and it would be helpful if the Applicant could clarify this.</p> <p>Once a particular Phase has been reached, there will be no 'stepping back' to the previous Limit if throughput at the airport decreases back below that for any milestone. It appears that this would result in a position whereby the benefits associated with higher growth have not been or are not being achieved but where the higher Limits relating to higher growth (and therefore greater environmental effects) would apply.</p> <p>The Host Authorities consider that the Limits that apply should be those that relate to (and have been assessed in relation to) the level of growth that is being achieved.</p>	<p>Paragraph 3.1.10 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.08] sets out the Applicant's rationale for why the value of the Limits for Phase 1 are based on the Faster Growth Case which assume passenger throughput of 23 mppa.</p> <p>The Applicant does not agree that a position could arise "whereby the benefits associated with higher growth have not been or are not being achieved but where the higher Limits relating to higher growth (and therefore greater environmental effects) would apply" as in the case of almost all environmental topics considered as part of GCG, both the benefits and environmental effects are inherently linked to the magnitude of throughput at the airport. In the situation that only a passenger throughput of 21.5 mppa is reached (ie. the Core Case), the associated environmental effects will reflect those resulting from 21.5 mppa. This shows that while benefits associated with higher growth may not be achieved in this scenario, the environmental effects associated with this lower level of growth are equally expected to be lower.</p> <p>As outlined in Paragraph 3.1.10 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.08] the use of the Faster Growth Case as basis for the Limits is intended only to provide a "reasonable worst case" in regard to environmental effects in the event Faster Growth is achievable and ensuring there is sufficient flexibility for this to happen. Ultimately, both the environmental effects and benefits in reality will reflect the level of airport throughput that actually occurs.</p> <p>The only exception to this is in the case of Noise Limits which are aligned with the five-year Noise Action Plan periods, not throughput (notwithstanding that they will change as passenger throughput increases). Further details regarding this point are outlined in the Applicant's response to Written Questions - Green Controlled Growth. [TR020001/APP/8.154], at WQ GCG 2.1.</p>

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8	Green Controlled Growth	<p>When asked by the ExA whether the Host Authorities are now satisfied with the provisions in the Deadline 5 revision of the GCG Framework with the increases to 21 days for the Applicant's roles, Fiona Ross of Pinsent Masons for the Host Authorities states that the timescales are still really tight. In relation to the ESG comments on a draft Level 2 Plan or draft mitigation Plan, these comments must be in writing and include detail on how public feedback on the relevant Monitoring Report that shows an exceedance of a Level 2 Threshold or breach of a Limit has been taken into account, and the Host Authorities would look for as much time as possible. Fiona Ross suggested that different timescales could apply to a Mitigation plan as to a Level 2 plan – a level 2 plan could play into capacity declarations but that would not be the case with a Mitigation Plan on the basis that there would not be scope to grow further. If this is the base, then the timescales could be relaxed for Mitigation Plans, to give the ESG time to properly consider and respond to the draft and approve the final version.</p> <p>Fiona Ross also pointed out that particularly given the tight timescales, but also given the importance of the Plans in remedying or avoiding a Limit breach, the Authorities do not agree that failure to meet the timescales above should result in deemed acceptance of the airport operator's Level 2 Plan or Mitigation Plan.</p> <p>Additionally, Fiona Ross commented that meeting agendas and papers now only 5 days (not business days) in advance of a meeting – this is not a lot of time for participants to review and get up to speed with the documentation and we would like this extended as much as possible.</p>	<p>It is incorrect to state that Mitigation Plans would not 'play into' the capacity declaration. The actions set out in a Mitigation Plan (particularly with respect to noise) to remove the exceedance of a Limit as soon as reasonably practicable are likely to be required to inform the capacity declaration, such as imposing other limitations on the total number of slots that can be allocated. It is however accepted that for other environmental topics (e.g. surface access), mitigation measures within a Mitigation Plan are unlikely to be intrinsically linked to the parameters of the capacity declaration. Nevertheless, in these circumstances the airport operator should have the option to impose limitations on slot allocation as a mitigation measure if this could form an approach for reducing the environmental effect to below the limit. The operator should have all available tools at their disposal to reduce the environmental effect and extending the timescales for approving Mitigation Plans would prevent the operator from using the slot allocation process for this purpose.</p> <p>Changes to the wording of the Draft Development Consent Order [TR020001/APP/2.01] related to deemed consent/acceptance of Level 2 Plans and Mitigation Plans to make the obligation to consult clearer have been made at Deadline 7 in response to Action Point 15 from Issue Specific Hearing 10 [EV17-007].</p> <p>The Applicant acknowledges the limited timescales available and has set out in previous responses the absolute requirement for the decision-making processes of the GCG Framework to conclude in time for the deadline for the following summer season's capacity declaration. The timings set out are those necessary for this to occur, and as has been previously noted represent the latest dates at which each activity must be completed by. Information can and will be shared further in advance where timings allow.</p> <p>Regarding the issuing of the agenda and papers, it is noted that for most of the circumstances where the ESG would be required to take decisions, additional information would already have been shared in writing prior to the meeting. For example, with regard to Level 2 Plans and Mitigation Plans, the relevant Technical Panel(s) would previously have submitted to the ESG a separate written report and recommendation on the draft Plan, with a further written report and recommendation also then submitted on the final Plan. The papers shared in advance of the meeting would therefore not introduce significant additional information beyond that previously reviewed by the ESG.</p>
9	Green Controlled Growth	<p>Although this was not discussed at the hearings, the Host Authorities have some concerns in relation to what might constitute a circumstance outside the operator's control, as the indicative examples seem very wide, and could ultimately mean that whenever there are road works and/or construction activity leading to delay or diversions the airport operator could claim this as outside its control and be able to exceed limits. The Host Authorities consider that this should be tightened up, to avoid over-reliance on this criteria. It would also be helpful to understand how this would work in practice in the context of annual mean metrics.</p>	<p>The decision to certify whether the exceedance of a Threshold or breach of a Limit is due to circumstances beyond the control of the airport operator rests with the Environmental Scrutiny Group, which must consider the three criteria defined in paragraph 2.2.39 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.08]. The airport operator would not therefore have an unfettered ability to be able to breach limits as a result of roadworks, for example. The Applicant is willing to review any specific amendments proposed to the drafting to provide further clarity where required.</p>

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			<p>Considering annual mean metrics, it is accepted that there may be instances where a degree of judgement will be required about the extent to which an event (such as roadworks) has contributed to a breach of a Limit or Threshold, in particular the duration of any such event. For example, a two-day strike affecting railway services would clearly not be considered significant enough to affect the average mode share for the year. No specific thresholds have therefore been defined, to allow the ESG (supported by the Technical Panels) to exercise their own discretion as to the impacts of any given event, and it is incumbent on the airport operator to provide sufficient evidence to the satisfaction of the ESG as to the impact of a specific circumstance beyond the operator's control.</p> <p>The Applicant also notes that it has introduced additional clarifications to the wording related to roadworks or other construction activity within the Green Controlled Growth Explanatory Note [TR020001/APP/7.08] and Draft Terms of Reference for the ESG [TR020001/APP/7.08] and Technical Panels [TR020001/APP/7.08] in response to Issue Specific Hearing 9 Action 13 [EV16-009].</p>
10	Green Controlled Growth and noise	<p>Whether the noise envelope incentivises improvement in future noise levels</p> <p>This is an important point of principle and was raised with the Applicant during the Noise Envelope Design Group process. It has carried through the DCO progress under the noise aspect of growth versus noise reduction, as was discussed in ISH8.</p> <p>If the approach adopted for this DCO (in not committing to reducing noise levels and sharing benefits) were to be universally adopted for all airport development, there is concern that noise reduction could be disincentivised and become less of a concern for airport operators.</p> <p>Therefore if, in effect, all airports could take the same approach that growth is permitted without noise reduction, then the push for operating lower noise aircraft would diminish. This in turn could mean that aircraft designers could focus solely on other concerns, such as carbon emissions.</p> <p>This would be a direct consequence of noise reduction not being imperative to selling new aircraft.</p> <p>While the Aviation Noise Policy Statement 2018 (ANPS) sets out that the Government expects noise envelopes to incentivise airlines to purchase the quietest suitable aircraft, if the demand for quieter aircraft is removed, so is any incentivisation. Incentivisation of noise reduction and mitigation is also an objective of Aviation Policy Framework 2013.</p>	<p>The Applicant's position on this is provided in the Applicant's Post Hearing Submission – Issue Specific Hearing 9 [REP6-067], section 4.4.</p> <p>As noted in that submission, the DCO does commit to reducing noise levels and to sharing the benefits.</p>

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11	Green Controlled Growth	<p>Ben Holcombe of Suono stated that, as set out in Deadline 5 documents such as the Comments on Responses to the Examining Authorities' Written Questions [REP5-068], it appears that through implementation of Local Rules to manage the release of slots, alongside 5-year advanced planning (both of which are proposed), Luton Airport may be able to manage noise alongside increases in capacity.</p> <p>Sensible Local Rules, possibly implemented in step changes as part of or in line with the 5-yearly ESG review period, are an important part of an acceptable noise control strategy and the Host Authorities would invite the Applicant to provide information on what these step changes could look like.</p>	<p>Please refer to the Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - QC noise controls [TR020001/APP/8.170] and in particular the response to Action 8 on Local Rules.</p>
12	Green Controlled Growth and noise	<p>The Host Authorities do not support the use of a 5% delay factor. While it does allow for a robust assessment of noise impacts within the EIA, it also allows the Applicant to pass the risk of this noise impact on to the community, as opposed to there being a need to make efforts to reduce early and late running of movements. It is expected to be possible for the Airport to act on such delayed movements, as set out in REP5-067, for example, where it is noted that designated airports have taken steps to control their late-running movements.</p>	<p>Please refer to the response provided at ISH9 – WQ2 in the Applicant's response to Written Questions Arising from Hearings (Nov 2023) [TR020001/APP/8.146].</p>
13	Noise and Vibration	<p>Post hearing note and Action Point 16 on remaining noise control metrics:</p> <p>The Host Authorities were asked to submit the additional metrics that should be included in the noise envelope as stated in the hearing by Ben Holcombe. Further noise controls are required to ensure that the framework is robust, which are a combination of carrying forward existing noise planning conditions and adopting the NEDG recommendations.</p> <p>These noise controls are:</p> <ul style="list-style-type: none"> - Future reduction in night-time QC below current limit of 3,500 (NEDG recommendation) - Reducing noise contours (to comply with aviation policy, as discussed elsewhere in this document as well as both being an NEDG recommendation and existing condition) - Annual movement cap (NEDG recommendation) - QC or ATM limit introduced in the night-shoulder periods (23:00-23:30 and 06:00 to 07:00) (early morning period is a current limit in Section 106 and both are NEDG recommendations). - Possibility of staging controls as discussed in the section above (capacity increase linked to noise performance). <p>Reasonings for each of these controls was discussed at length during the NEDG process and were supported by the Applicant when discussed. No discussion was held on a control framework only relying on LAeq metrics.</p>	<p>The consolidated noise control recommendations in the NEDG Interim Report and NEDG Final Report (see paragraph 10 of the NEDG Final Report in Annex A of Appendix 16.1 in the ES [TR020001/APP/5.02]) are:</p> <ol style="list-style-type: none"> a. Area enclosed by the 54 dB, LAeq,16h summer average day contour; b. Area enclosed by the 48 dB, LAeq,8h summer average night contour; c. Total number of Air Transport Movements as a 12-month rolling average in the night-time quota period (23:30 – 06:00) d. Total annual Quota as a 12-month rolling average in the night-time period (23:00 – 07:00) e. Total number of Air Transport Movements as a 12-month rolling average; and f. Departure Noise Violations Limits at the current monitoring locations, but graduated according to the certificated departure noise performance of the different aircraft types <p><i>“Future reduction in night-time QC below current limit of 3,500 (NEDG recommendation)”</i> – as noted above, whilst it was discussed by the NEDG, the NEDG did not recommend a night quota period quota limit and its further reduction below 3,500. The Applicant's position on further reductions to the night quota period limits is provided in Response to Suono's note on Noise Controls [REP6-052], ID3.</p> <p><i>“Reducing noise contours (to comply with aviation policy, as discussed elsewhere in this document as well as both being an NEDG recommendation and existing condition)”</i> – as set out in section 4.4 of the Applicant's Post Hearing Submission Issue Specific Hearing 9 [REP6-067], the noise contour limits do reduce in 2029 and again in 2034.</p>

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			<p>The Noise Limit Review process will secure further reduction in noise levels from next-generation aircraft if the next ICAO noise chapter specifies that next gen aircraft are to be quieter. If next generation aircraft are quieter there could be a continual step down in noise contour as demonstrated in inset 3.5 and 3.6 of Appendix 16.2 of the ES [REP4-023].</p> <p><i>“Annual movement cap (NEDG recommendation)”</i> - The Applicant's position on annual movement caps is provided in Response to Suono's note on Noise Controls [REP6-052], ID12.</p> <p><i>“QC or ATM limit introduced in the night-shoulder periods (23:00-23:30 and 06:00 to 07:00) (early morning period is a current limit in Section 106 and both are NEDG recommendations)”</i> - as noted above, whilst it was discussed by the NEDG, the NEDG did not recommend a QC or movement limit in the night shoulder periods. The Applicant's position on movement caps is provided in Response to Suono's note on Noise Controls [REP6-052], ID12. See also response to Written Question NO.2.6 in relation to shoulder period noise controls in the Applicant's response to Written Questions - Noise [TR020001/APP/8.156].</p> <p><i>“Possibility of staging controls as discussed in the section above (capacity increase linked to noise performance)”</i> – it is assumed that the reference to <i>“the section above”</i> refers to the statements <i>“it appears that through implementation of Local Rules to manage the release of slots, alongside 5-year advanced planning (both of which are proposed), Luton Airport may be able to manage noise alongside increases in capacity”</i></p> <p>As noted in the response, this is already part of the noise control proposals. Growth and capacity increases must be delivered within the GCG Limits which are based on noise performance of quieter new generation (and next-generation through the Noise Limit Review process). Furthermore, the QC budget forward planning controls (see paragraph 3.1.7 of GCG Framework [REP5-022]) link slot management and growth within capacity declarations (i.e increases in capacity) to noise performance. See also response to Written Question ISH9 WQ1 in the Applicant's response to Written Questions Arising from Hearings (Nov 2023) [TR020001/APP/8.146] on this topic and Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - QC noise controls [TR020001/APP/8.170] in relation to forward planning and Local Rules.</p>
14	Noise and vibration	<p>Ben Holcombe stated that the annual movement limit and night-time QC period limits (but not all currently proposed by the Applicant) would constrain noise sufficiently that no additional non-summer day noise control is required, as was agreed by the NEDG.</p> <p>The Host Authorities note that the Applicant has committed to producing a note on noise controls during the winter period and welcome the opportunity to comment on this in due course. The Host Authorities current position is that the NEDG</p>	<p>See Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - QC noise controls [TR020001/APP/8.170] and specifically the response to ISH9 Action 20 on use of quota counts in winter and summer seasons.</p>

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		recommendations are based on ATM limit and on that basis would not need winter elements, but if not including ATM limit then would want winter QC.	
15	Green Controlled Growth/Surface Access	The discussion around the CAA data led to the Applicant being asked to submit the ¾ year summary of the CAA data for the current year to the ExA. This 2023 passenger survey data (as requested by the ExA) should ideally be summarised as referring to main mode, rather than last mode of travel – as this is the basis of the GCG targets.	<p>This information was provided to the ExA in the Applicant's Post Hearing Submission - Issue Specific Hearing 9 (ISH9) [REP6-067] at Table 1.1, Action 32.</p> <p>Note that the CAA no longer reports departing passenger survey data by main mode, but as per paragraph F2.1.8 of Green Controlled Growth Framework Appendix F: Surface Access Monitoring Plan [TR020001/APP/7.08] it is proposed that for the purposes of GCG, the full CAA dataset should be used with appropriate adjustments to take account of main mode of travel.</p>
16	Green Controlled Growth	<p>It would be helpful if the Applicant could confirm the types of mitigation that are envisaged to be provided under the GCG mechanism, independently of the FTP toolkit. It is understood that the measures identified and associated with the GCG will be funded directly via the operator and not draw on any of the other funding streams: Sustainable Transport Fund (STF) or Residual Impacts Fund (RIF).</p> <p>In reality the GCG will act as a 'back-stop' if the implementation of the locally monitored sustainable transport measures are not resulting in sufficient modal shift at a more strategic level.</p> <p>The Toolkit table of sustainable measures in the FTP could be usefully split to separate measure that will be:</p> <ul style="list-style-type: none"> - delivered as part of the application; - implemented by the applicant if the GCG Level 1 Threshold for Surface Access is breached; - available to the ATF to implement using the STF. 	<p>The Applicant has acknowledged previously that the types of mitigation measures that would be required in the event of a breach of a GCG surface access Limit would be very similar to most of those set out in the Framework Travel Plan [REP4-044] that would serve to impact passenger or staff mode share. These would include, for example, measures to increase bus patronage, such as supporting new or extended routes and services, or active travel initiatives for staff. As stated in paragraph 3.4.2 of the Sustainable Transport Fund [REP5-056], the Applicant has set out that measures required as part of a Mitigation Plan or Level 2 Plan should be funded by the airport operator outside of the STF.</p> <p>Each Travel Plan is required to set out the specific interventions to be delivered within the 5 year period to which it relates, including how those interventions will help achieve the targets sets for that period. The first Travel Plan, to be prepared, submitted and approved prior to the serving of notice under Article 44(1) of the Draft DCO will be the first to set out those measures from the FTP to be delivered as part of the application.</p> <p>It is not possible to specify the exact measures at this stage that would be required in the event of a breach of a GCG Limit or Threshold, as the required mitigation measures would need to respond to the specific situation in future that resulted in a breach, and would meet the necessary criteria of avoiding or preventing (in the case of a Level 2 Plan) or removing (in the case of a Mitigation Plan) exceedances of a Limit as soon as reasonably practicable. Such measures would need to be approved by the independent Environmental Scrutiny Group.</p> <p>Measures available to the ATF and ATF Steering Group to implement using the STF will be aligned to the terms of use for the funding as set out within the draft s106 agreement.</p>
17	Noise insulation and cultural heritage	<p>Action Point 39 - Confirm whether there might be situations where wooden double-glazed units might be required to obtain listed building consent as opposed to secondary glazing:</p> <p>If the windows make a positive contribution to significance of the listed building then replacement double-glazing is likely to be resisted and secondary glazing may be encouraged as an alternative. There are occasions where timber double glazed</p>	<p>Noted.</p> <p>The Applicant has identified that the introduction of its new Noise Insulation Scheme will result in Listed Buildings being eligible and for which appropriate mitigation measures will be required to be available if consent to install the works is expected to be granted.</p>

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		<p>windows have been granted Listed Building Consent. Secondary glazing with minimal mechanical fixings would not normally require listed building consent. Secondary glazing can perform acoustically better when compared with double glazing. However, there may be occasions where Listed Building Consent is required such as where the secondary glazing relates to a high-status interior or involves modifying such features as timber shutters or requires wall mounting rather than inserted within the window reveal. Owners are generally more resistant to secondary glazing and prefer double glazed units. Installation of double-glazing would require listed building consent but even where considered acceptable (and this is not the norm) it is often the case that North Hertfordshire Council Conservation Officers would be seeking a slimlite system with flush casements, no trickle vents and through glazing bars i.e. not applied or bonded glazing bars so that each pane is individually glazed. Upvc frames are not supported although there have been some occasions where owners have sought to obtain Listed Building Consent for the Residence 7 or 9 system. An alternative to the more conventional slimlite glazing and which has been granted consent at two grade II listed properties is the 6.7mm Fineo Vacuum Glazing system which is essentially 2 panes of glass separated by a 0.1mm gap.</p>	<p>With the substantially increased scale of the new Noise Insulation Scheme the Applicant will have access to more contractors available to carry out the installation works who will carry a broader range of products to help match the mitigation with the householders and their properties.</p> <p>The Applicant is committed to working with owners of Listed Buildings so that the available mitigation is capable of being consented and there is a general recognition that each case may need to be considered individually to find an appropriate solution. See updated paragraph 6.1.9 of the Compensation Policies, Measures and Community First document [TR020001/APP/7.10].</p>