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London Luton Airport Expansion

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8.163 Applicant's Response to Deadline 6 Submissions
Appendix B - National Highways

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 B – NATIONAL HIGHWAYS**

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Appendix B – NATIONAL HIGHWAYS [REP6-118, REP6-116 & REP6-115]

Table 1.1 Applicant's response to submission by National Highways [REP6-118] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Surface Access	<p>Further details about the way that GCG would be implemented were outlined at ISH 8 (30th November 2023). Consequently, National Highways' position is that membership of the ESG will be required to protect the safety of the Strategic Road Network (SRN) in accordance with its statutory duties under the Licence. This is because the assumptions underpinning GCG, the TRIMMA and the mitigation secured in relation to the proposed development are all interrelated. National Highways has not been given sufficient confidence by the Applicant about precisely where the mechanism for securing mitigation is contained, who the decision makers are, how the mitigation is to be funded and how further development of the airport will be constrained until mitigation is provided.</p> <p>Typically, this would be contained in a single application document. However we understand that the Applicant is providing for different types of mitigation across the GCG framework contained in the DCO and also the TRIMMA (and potentially other documents). This increases risk, not only of mitigation being unsecured and/or unfunded, but of the assumptions underpinning the mitigation identified at this stage being unfounded.</p>	<p>The Green Controlled Growth Framework (GCG) [REP5-022] and specifically, the proposal for National Highways to have a role on the Surface Access Technical Panel but not the ESG, has been discussed with National Highways on a number of occasions. Both prior to the DCO application being submitted and in October this year pursuant to Action Point 22 in Action Points from Issue Specific Hearing 1 [EV6-007]. On each occasion National Highways has responded confirming they are happy with the proposed position, including at Deadline 4 [REP4-197]; as such it is not clear to the Applicant why National Highways' position has changed. The way in which GCG will be implemented did not change at Issue Specific Hearing 9 (it is assumed this is the hearing that is being referred to) and indeed has not changed significantly since the application for development consent was submitted.</p> <p>For the avoidance of doubt, the Applicant's position put to National Highways in the meeting of 20th October 2023 and reconfirmed during a meeting on the 15th December 2023 is unchanged. The combination of protections secured through the Green Controlled Growth Framework [REP5-022] and the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [REP5-041] provide National Highways with significantly greater levels of protection for the Strategic Road Network than would be secured through other planning applications or major infrastructure proposals. However, GCG and OTRIMMA have different purposes, and have been designed with different governance structures and processes to reflect these purposes. The GCG Framework is designed to act as the 'headline' control mechanism to ensure that the reasonable worst case assessed in the Environmental Statement (ES) is not exceeded. This seeks to control mode share in respect of surface access, as well as aircraft noise, air quality and greenhouse gases. The OTRIMMA is specifically designed to control location-specific highways impacts as identified through extensive traffic modelling and set out in the Transport Assessment [APP-205], such as those at J10 of the M1, which will be influenced by a number of factors which include mode share but also other factors such as highway trip distribution and timings.</p> <p>The Applicant's position on membership of the ESG is set out at section 2.4 of the Green Controlled Growth Explanatory Note [REP5-020]. There is a need for a balance to be struck between capturing a diversity of views and ensuring that membership is in line with the relevance of impacts that are controlled by the GCG Framework. There is a need for membership to be focused in support of the ESG's decision-making role whilst balancing the costs of administering GCG. An ESG role will therefore be determined based on where relevant impacts are experienced across the whole range of GCG topics. By definition, National Highways cannot be impacted across the whole range of topics.</p> <p>The proposed off-site highways mitigation will be secured via the Development Consent Order and delivered via the processes described in the OTRIMMA [REP6-041] which will be updated for Deadline 7 [TR020001/APP/8.97]. A final version of the TRIMMA will be submitted prior to the issuance of the notice to grow the airport beyond its extant</p>

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			<p>capacity. These mechanisms will help to ensure that the development's impacts are mitigated.</p> <p>Regarding decision-making of off-site highway mitigation, monitoring thresholds associated with the delivery of committed mitigation at Junction 10 of the M1 will be agreed between National Highways and the Applicant as set out in the OTRIMMA for Type 1 mitigation; any additional mitigation will be decided upon by the ATF Steering Group and funded by the RIF, the terms of use of which will be engaged upon with highway authorities and which will be contained in the revised OTRIMMA [TR020001/APP/8.97]. It is unlikely that the RIF will be used to fund additional mitigation for Junction 10 of the M1. However, discussions are on-going with National Highways regarding the mitigation proposed by the Applicant at Junction 10 particularly in light of the further work undertaken in the Rule 9 Traffic Modelling report.</p>
2	Surface Access	National Highways is concerned that there is insufficient detail contained within the outline TRIMMA provided at deadline 4 to give sufficient assurance that the monitoring regime will be sufficiently robust and that the thresholds at which mitigation is intended to be delivered are at a satisfactory level of detail and confidence. Detailed matters relating to the TRIMMA are proposed to be determined following approval of the DCO, which means that they will not be secured by the DCO, creating uncertainty and risk for National Highways.	Further detail is provided in an updated version of the OTRIMMA submitted at Deadline 7 [TR020001/APP/8.97] .
3	Green Controlled Growth	<p>The governance of the GCG will be undertaken by an ESG with a Technical Panel providing support. The ESG will have the powers to approve or refuse Level 2 Plans or Mitigation Plans put forward by the airport operator if any GCG environmental effect has exceeded a Level 2 Threshold or Limit respectively. The GCG also has the powers to approve or refuse applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits. There are provisions which address what takes place in default of a decision or in the event of a refusal – and how appeals are handled. Hence, none of these are specified with certainty at this stage – all could change.</p> <p>A Level 1 threshold is a defined level of environmental effect, below the Limit and Level 2 Threshold, which triggers additional requirements for the airport operator, to avoid a future exceedance of a Limit. For surface access, the GCG Framework includes two surface access limits to control changes in mode share. The two mode share limits include maximum percentage mode shares for 'non-sustainable' passenger travel and 'non-sustainable' staff travel, which must not be exceeded.</p>	It is not accepted that “none of these are specified with certainty at this stage – all could change”. The role of the ESG is set out in the GCG Framework Appendix A – Draft ESG Terms of Reference [REP5-024] and the GCG Framework [REP5-022] is secured through requirements in the draft Development Consent Order [TR020001/APP/2.01] , including mechanisms for handling appeals. Whilst it is true that the ESG has the ability to agree changes to Level 2 Thresholds or Limits, Paragraph 2.3.4 of the GCG Framework [REP5-022] is clear that there will be no ability to change any of the Level 1, Level 2 Thresholds or Limits to permit materially worse environmental effects than those identified in the Environmental Statement.
4	Green Controlled Growth	The achievement of specific staff and passenger mode share targets is critical to the safe operation of the SRN. This is because the need for mitigation is assumed based upon particular traffic modelling, which relies upon input assumptions which logically will include mode share. If the mode share for sustainable transport is not achieved, there will be a consequential adverse impact on the SRN. Therefore, the decisions being made by the ESG on the efficacy and appropriateness of interventions and their timing will have a material impact on the operation of the SRN. For example, a scenario might occur where there are two mitigation options for sustainable transport when mode share targets are not achieved, such as	<p>The achievement of staff and passenger mode share targets is secured through GCG, and a role for National Highways on the ESG is not necessary to deliver these levels of mode share.</p> <p>The relative effectiveness of interventions on the rail network versus those on the bus network at driving changes to mode share have not changed since this issue was last discussed with National Highways in October and as such it is not clear why their</p>

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		<p>additional capacity/frequency of the rail services or the provision of increased bus services. The former, increasing rail services is more likely to result in a reduction in traffic on the SRN as rail journeys are typically associated with longer distance travel. In comparison, improvements to bus services are more likely to reduce congestion on the local road network.</p> <p>It can be seen that the decisions taken by the ESG will have a material impact on the operation of the SRN and on National Highways' responsibilities under its licence to provide a safe network. Therefore, it is essential that National Highways has the ability to influence these decisions as a member of the ESG, not just at the level of the Technical Panel, where its input will be greatly diluted.</p>	<p>position has changed from that set out in National Highways' Deadline 4 Submission – Comments on the Applicant's revised draft DCO [REP4-197].</p> <p>Notwithstanding this, as per the response provided at ID 1 above, whilst it is acknowledged that there is potential for changes in mode share to impact the SRN, it is not the only factor that will do so and nor is it clear how National Highways would be able, in practice, to draw a direct link between a package of mitigation measures aimed at increasing sustainable mode share and impacts on the SRN, including Junction 10 of the M1. On that basis it is not accepted that decisions taken by the ESG will have a material impact on the operation of the SRN – on a day to day basis. National Highways has no role in approving (or even generally commenting on) public transport schemes brought forward by rail operators, bus and coach companies or local highway authorities and it is not clear why this should be the case in the context of this application for development consent.</p> <p>The mechanism to address location-specific impacts such as these is the OTRIMMA [TR020001/APP/8.97], and monitoring carried out under the final version of the TRIMMA will clearly also monitor any impacts on Junction 10 of the M1 that are directly or indirectly linked to mode share and allow mitigation to be brought forward on that basis at the appropriate time.</p> <p>The Applicant notes that the protective provisions for the benefit of National Highways provide additional control and assurance that works to the Strategic Road Network would be appropriately managed (and, where appropriate, the subject of approval from National Highways). Given these controls (as well as the operation of the TRIMMA), it is not considered appropriate nor necessary to include National Highways as a member of the ESG.</p> <p>On this basis, and also for the other reasons included in the Applicant's response at ID 1, it is not considered appropriate for National Highways to have a role on the ESG, notwithstanding that the Applicant has proposed a role for National Highways in the governance structures of GCG (through a role on the surface access Technical Panel) as well as the TRIMMA through a role on the Airport Transport Forum Steering Group.</p>
5	Green Controlled Growth	<p>The precise terms of reference of the ESG have not been agreed, so it is not clear how the voting system works between the various ESG decision makers in respect of matters within and outside of their function. For example, will the local authority members of the ESG have the ability to override National Highways' concerns with respect to matters that directly impact the SRN? Who is responsible for funding the matters that the ESG decides upon and what happens if there is a shortfall?</p>	<p>The precise Terms of Reference of the ESG are set out in Green Controlled Growth Framework Appendix A – ESG Terms of Reference [REP5-024]. This sets out the proposed functioning of the ESG including, at section A2.3, processes for decision making. The ESG has a role in approving Level 2 Plans and Mitigation Plans, and as per Requirements 22 and 23 of the draft Development Consent Order [TR020001/APP.201] the airport operator must implement (and therefore fund) these. There is no provision for these plans to not be implemented due to any funding shortfall.</p>
6	Green Controlled Growth	<p>The drafting that is included in the DCO which governs the ESG does not provide sufficient detail and includes a number of provisions that directly hamper the effectiveness of the ESG as a body responsible for managing the impacts of airport growth on key environmental disciplines. For example, if a mitigation plan is not approved by the ESG within 21 days it is deemed approved by the ESG – meaning</p>	<p>It is not accepted that the DCO drafting surrounding the functioning of the ESG does not provide sufficient detail and we would invite National Highways to provide specific comments on drafting if they believe this to be the case. The Applicant notes that the changes suggested by National Highways in relation to GCG can be summarised as (1) inclusion of National Highways as a member of the ESG; (2) the change of a “deemed consent” to a “deemed refusal”; and (3) requiring written consent of National Highways in the context of all GCG matters which are “relevant to the strategic road network”.</p>

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		that the Applicant's proposals for mitigation cannot be effectively considered if technical consultation is required.	<p>Membership of ESG, see ID4 above. In relation to deemed consent, the Applicant does not consider it appropriate or necessary to include a 'deemed refusal'. A deemed consent does not prevent the refusal of a Level 2 Plan nor a Mitigation Plan, and it is considered that the use of the well-established and precedented deemed consent provisions is necessary to ensure the ongoing safe and efficient operation of the airport. In relation to the final point raised in the context of GCG, see ID1, ID3, ID4 above.</p> <p>It should be noted that the amount of time provided for the ESG to approve a Level 2 Plan or Mitigation Plan was increased at Deadline 5 from 21 to 28 days, and the process allows time for review by the relevant Technical Panel. The rationale for this, and the deemed approval provision was discussed at Issue Specific Hearing 9 as set out in the Applicant's Post Hearing Submission – Issue Specific Hearing 9 (ISH9) [REP6-067] and in the Applicant's Comments on Responses to Written Questions by Interested Parties [REP5-052] at Question DCO.1.16.</p>
7	Green Controlled Growth	It is critical that greater detail and greater certainty on how the ESG operates and National Highways' role within the ESG is given by the Applicant and that National Highways is satisfied as to the potential solutions in order to avoid the potential for serious detriment to the SRN. This information is also required by the ExA in order to report fully to the Secretary of State on the impacts of the project on critical infrastructure.	As per the responses provided at ID 1, ID 3, ID 4, ID 5 and ID 6 it is not proposed that National Highways have a role on the ESG and it is not clear why National Highways position has changed from that set out in their Deadline 4 Submission [REP4-197] . It is also unclear what additional detail or certainty is considered necessary by National Highways.
8	Surface Access	National Highways has a number of concerns in relation to the proposed contents of the TRIMMA, which it has raised in discussion with the Applicant as well as formally through the Examination. It is important to National Highways as the physical mitigation actually proposed by the Applicant is supposed to be delivered under the terms of the TRIMMA, meaning that there is a specific concern that it should be effective in delivering the mitigation in question.	Noted. Further detail will be provided in an updated version of the OTRIMMA to be submitted at Deadline 7 [TR020001/APP/8.97] .
9	Surface Access	M1 Junction 10 is congested in the baseline and will be sensitive to any future additional traffic, which is likely to result in significant congestion issues at this key location on the SRN. The TRIMMA indicates that annual monitoring (ML1 and ML2) will take place at specific locations only if it exceeds ML0 thresholds. This means that in order for additional monitoring to take place at the desired levels to achieve the Applicant's threshold for further mitigation, the baseline position will be over capacity and the problem for National Highways will have crystallised long before any proposed solution is put in place to respond to it. Given National Highways' concerns about capacity at this junction and its lack of resilience, it is expected that continuous monitoring throughout the year should take place, whether or not ML0 (any difference from the baseline) is triggered.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
10	Surface Access	Figure 3.4 in the TRIMMA shows the locations that the traffic monitoring is proposed to be undertaken. For M1 Junction 10, one location is proposed on the A1081. Based on this location it is unclear how the Applicant will monitor the capacity constraints and consequences of traffic growth at Junction 10 as it will not be possible to determine the movements using each slip/the circulatory carriageway etc to determine when capacity has been reached at the junction. National Highways' view is that more detail concerning the junction performance, for example turning flows, is required, given the complexity of movements and potential patterns of congestion at the junction.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .

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11	Surface Access	The TRIMMA provides that a spreadsheet tool (Section 3.3.8) will assign the airport traffic to the public highway network, based on the distribution derived from the ANPR (or similar) survey located on the A1081. It is unclear how the Applicant will be able to obtain distributional data for M1 Junction 10 based on the location of one camera on the A1081. This severely constrains the ability to understand the impacts on Junction 10 and the SRN and, hence, to deploy mitigation. To be acceptable, the TRIMMA would need to be amended to address this.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
12	Surface Access	A two-week survey conducted during a neutral month is currently proposed. The survey is proposed to be repeated every five years, so that the distribution of airport-related trips can be updated. Carrying out surveys for two weeks in a neutral month poses a significant risk to the usefulness of data collection. In practice, much richer data are required if survey data is to be relied upon. There can be significant fluctuations in traffic levels week by week (train strikes, broken ATC loops/ANPR cameras/weather conditions/road closures etc). Therefore, National Highway are seeking continuous monitoring of the M1 Junction 10, to provide an accurate picture of traffic movements related to airport demand throughout the year and provide details around when the mitigation is required.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
13	Surface Access	Given the congested nature of M1 Junction 10, it is not clear to National Highways how the applicant will use the ANPR data to determine when each phase of the mitigation for the M1 has been triggered. Traffic volumes alone will be insufficient to confirm whether the capacity has been exceeded and whether the junction performance has deteriorated. National Highways consider that further data on queue lengths and the capacity of each lane on each arm of the junction will be required to determine when each phase of mitigation will be required. Without this, the TRIMMA is not adequate for its purpose.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
14	Surface Access	It is indicated in the outline TRIMMA (paragraph 3.3.9) that any difference between the current (2016) 'baseline data and the non-airport traffic' will be analysed. However, National Highways considers that a justification is needed as to why the latest survey data available post covid should be used as the comparison as opposed to the 2016 data.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
15	Surface Access	Airport sites do not include third party off-site car parking facilities because the traffic associated with these (aside from any vehicles travelling between these facilities and the airport terminal, such as shuttle buses) are outside the airport's control (Section 3.4). Whilst it is noted that it is outside the Applicant's control, this mode share has the potential to materially affect the overall mode shares that have been forecast and could have significant impact on the highway network. National Highways therefore considers that such movements should be included in the monitoring to verify that the forecasts are accurate in terms of the mode shares to the airport.	Please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] .
16	Surface Access	National Highways requires further clarification about how the RIF will operate in practice and be allocated (Section 4.1). The RIF will be a finite fund for the mitigation of residual airport-related traffic impacts, but it is unclear how this fund will be allocated. As the fund is finite, it is not clear what would happen: if further mitigation was required for any additional link or junction that had not previously been identified; what would occur if the anticipated cost of any mitigation exceeded the budgeted expenditure under the fund or if a cost overrun occurred in relation to any element and this required even a little more than anticipated in terms of a	Regarding the first part of this comment, please refer to the Applicant's response on this matter in the Applicant's Response to Deadline 5 Submissions Appendix E – National Highways [REP6-058] . Regarding the second part of this comment, the Applicant will engage on the terms of use of the RIF with authorities. Other than the Applicant, the other members of the ATF

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		<p>financial contribution. It is not clear how this would be managed if mitigation used up a higher proportion of the fund and left limited funding available for mitigation at other times or locations. Particularly where funding decisions are made on a voting basis, each stakeholder will have their own priorities and such that the RIF could result in an unbalanced allocation of funding, with insufficient available to meet all needs and in particular the need for mitigation on the SRN.</p> <p>National Highways is concerned that any voting system to determine funding priorities could undermine its ability to secure mitigation for the SRN, when the number of local authorities, which may reasonably seek different competing solutions, are collectively greater in number.</p>	Steering Group which will be able to decide on funding will be highway authorities (such as National Highways) and will have an equal say as to the fund's use.
17	Green Controlled Growth	<p>National Highways is seeking the following solutions be included as part of the proposed development and secured via the DCO and/or agreement with the Applicant: (a) Membership on the decision making panel of the ESG and confirmation of the terms of reference Where sufficient clarity cannot be provided, legally enforceable commitments as to the weight to be given to National Highways' view on matters concerning surface access; (b) The full detailed TRIMMA provided in advance of the close of examination; (c) Grampian requirements as set out in the amended version of the DCO submitted alongside this note (see requirements 34-36 in Part 4 of Schedule 2); In the absence of this, National Highways will be obliged to maintain its objection at close of examination and make representations to the Secretary of State on the impacts to the SRN and in particular requesting a bespoke monitoring and mitigation solution outwith the GCG and TRIMMA. National Highways would like to stress that it is willing to discuss all alternative approaches with the Applicant to assist them to provide the necessary comfort and assurance on the various matters contained herein.</p>	<p>a. Please see the response provided at ID 7 of this document.</p> <p>b. The final TRIMMA will not be provided in advance of the close of the examination. As previously outlined the final TRIMMA will be approved in advance of the Applicant issuing the airport's notice to grow beyond its extant capacity. The final TRIMMA must be substantially in accordance with the OTRIMMA and an updated version of the OTRIMMA will be provided at Deadline 7 [TR020001/APP/8.97].</p> <p>c. The Applicant does not agree that the proposed Grampian requirements are necessary or appropriate. The Applicant considers that the impacts of the Proposed Development on the road network including the SRN are mitigated by the proposed mitigation secured through the TRIMMA process and Requirement 29 (offsite highway works) and that other impacts arising from background traffic growth are for National Highways to address. However the Applicant remains willing to discuss this matter with National Highways with a view to providing them sufficient comfort and assurance.</p>

Table 1.2 Applicant's response to submission by National Highways (Issue Specific Hearing 9) [REP6-116] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Green Controlled Growth	<p>National Highways was not anticipating involvement at ISH9 on the basis that it had previously been conveyed to us that the principle means of managing highway impacts to the M1 Junction 10 was through the TRIMMA. However, the Applicant's position on this has not been consistent. National Highways' position has therefore changed with respect to GCG, hence why the ExA may see conflicting submissions from National Highways on whether full membership of the ESG is required or simply membership of the surface access technical panel. For the avoidance of doubt, National Highways is requesting full membership of the ESG. As the GCG is relevant to traffic levels and hence to surface access mitigation to the M1 Junction 10 and other elements of the Strategic Road Network (SRN) then National Highways must have a decision making role</p>	<p>It is not accepted that the Applicant's position on the respective role of GCG and TRIMMA has not been consistent. The approach to managing surface access impacts through GCG has been consistent since the start of the examination (and indeed, since this issue was discussed with National Highways in 2022 prior to the submission of the application for development consent), and whilst it is accepted that minor changes have been made to the GCG documents through the examination, it is not considered that these impact either surface access or the composition or function of the ESG, and updated documents have been submitted with tracked changes to provide transparency around changes being made. Otherwise, please see the response provided at ID 7 in Table 1.1 of this document.</p>
2	Green Controlled Growth	<p>If a decision-making role on the ESG were not provided, this would mean that decisions relating to the SRN are taken outside of National Highways' control. National Highways should be involved in decision making which involves its network. The Applicant had proposed that bodies affected by only one</p>	<p>The ESG will not be making decisions relating to the SRN. Please see the response provided at ID 4 in Table 1.1 of this document.</p>

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		consideration in the GCG Framework should be members of technical panels only. Membership of just the technical panel is not appropriate notwithstanding that National Highways is affected by only a single technical discipline, since it would not in any event be responsible for the other considerations. This is a flawed basis for selecting ESG membership.	
3	Green Controlled Growth and Surface Access	If the TRIMMA mitigation is predicated on modelling which relies upon assumed mode shares which come from GCG, if there is a reliance on the assumed mode share and mode share isn't being achieved, then there is an interrelationship between the traffic and the mode share percentages. There is a need for NH to be involved in the process of operating and controlling these elements. How these aspects operate remains unclear and all of this detail needs to be provided by the Applicant in written submissions.	It is incorrect to state that the mode shares used in highways modelling come from GCG. The relationship is the other way around, with the GCG Framework seeking to ensure that the non-sustainable mode shares used to inform the highway modelling (and in turn, elements of the air quality and greenhouse gases assessment) are not exceeded. GCG has been put forward voluntarily by the applicant to provide stakeholders with reassurance and to provide certainty around the long-term environmental outcomes for the airport given the long-term programme for expansion. Please also see the response provided at ID 7 in Table 1.1 of this document.
4	Green Controlled Growth and Surface Access	We know that there is a reasonable worst case assumed in the transport modelling and the TRIMMA. The question is whether the reasonable worst case relates to the limit values or some different values which are not contained in the GCG framework. It should be clarified whether a different set of assumptions to those in the GCG apply. If it is conceivable that the GCG limit values are a reasonable worst case, then implicitly the limit values may be exceeded, meaning there is hence a level beyond the assessed worst case. That further worst case is plainly in contemplation and has not been assessed.	<p>Please see the response to ID3 above. As set out in Section 3.1 of the Green Controlled Growth Explanatory Note [REP5-020], Limits in GCG (across all topics in scope) are aligned with the 'reasonable worst case' assessment in the ES, including the Transport Assessment, and the GCG Framework is a voluntary commitment to proactive monitoring and reporting of these impacts with the intention that this reasonable worst case is not exceeded.</p> <p>The ES considers a reasonable worst case, including where relevant the reasonable worst case considered in the traffic modelling acknowledged in the comment, as defined in the ES Chapter 5 Approach to the Assessment [AS-075] and Section 9 of each individual technical assessment chapter of the ES. The use of a 'reasonable worst case' is accepted best practice in assessing the effects of infrastructure projects. The inclusion of the term 'reasonable' in this case could suggest that a scenario may be conceivable where worse conditions may develop, however, it would be unreasonable (by definition) to consider such an extreme scenario that is unlikely to occur in a reasonable assessment of effects undertaken to best practice and in compliance with the EIA Regulations.</p>
5	Green Controlled Growth and Surface Access	National Highways understands that it is the thresholds in the GCG that are the reasonable worst case scenario, therefore if it is envisaged that a scenario worse than the reasonable worst case might occur, the Applicant must have exceeded it - because it follows that if the Applicant is mitigating things that go beyond the reasonable worst case then the reasonable worst case scenario must have been exceeded. So the mitigation being discussed in the context of GCG and the TRIMMA is actually that which is required because the authorised development has exceeded the reasonable worst case assumptions in the modelling. Where the limits and thresholds in GCG and TRIMMA cases applies has to be clarified before decisions can be made in reliance on the outlines provided.	Please see the response provided at ID 4 above. Please also note that it is not the GCG Thresholds that are aligned to the reasonable worst case, but the Limits.
6	Green Controlled Growth and Surface Access	National Highways' concern remains in relation to the triggers for the various types of mitigation across the various mode share mitigation measures. National Highways understands that what is being said by the Applicant is that further passenger capacity growth will not happen if mode share thresholds are exceeded. But that means thresholds will be exceeded which has an immediate effect to the local and strategic road networks. It is critical to National Highways that there are enforceable triggers that are clear enough to make sure that mitigation is applied before the relevant network is affected and not after a	This comment appears to be based on a misunderstanding of how the GCG Framework is intended to work. As set out in Section 3.1 of the Green Controlled Growth Explanatory Note [REP5-020] , Limits in GCG (across all topics in scope) are aligned with the 'reasonable worst case' assessment in the ES, including the Transport Assessment. Section 2.2 of the GCG Explanatory Note sets out that Thresholds are set below the Limit and require proactive action to be taken with the intention that the Limit is not exceeded. The purpose of the Level 2 Threshold is therefore to ensure that mitigation is applied as required before a Limit is exceeded, which is not a reactive approach.

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
		threshold is exceeded. It cannot be the reactive approach that is currently before the ExA.	The OTRIMMA [TR020001/APP/8.97] contains processes for implementing highway mitigation at appropriate times (i.e. before agreed TRIMMA thresholds are breached), irrespective of GCG limits.

Table 1.3 Applicant's response to submission by National Highways (Issue Specific Hearing 7) [REP6-115] at Deadline 6

I.D	Topic	Deadline 6 submission (Verbatim)	Luton Rising's Response
1	Surface Access	<p>National Highways echoes the comments made by the Local Highway Authorities in relation to concerns around the Transport Modelling. It is critical to understand the nature of the impact on the local and strategic road networks (and therefore the precise mitigation requirements) that the updated modelling is provided as soon as possible. Please see REP5-092 and REP5-093 for further details. The Applicant has to satisfy the ExA that the issues raised by the interested parties are resolved. Particular concerns are the representation of impacts on the Local Road Network and whether the portrayal of these results in impacts that were they more accurately to be reflected would impact the Strategic Road Network.</p> <p>National Highways requests sight of the VISSIM model as soon as possible so that the impacts to the M1 J10 can be understood by reference to evidence.</p>	<p>Matters relating to the approach to the Rule 9 modelling update, and in particular the main points of difference regarding the treatment of any adjustment to local network flows has been addressed within the final Rule 9 report was issued to the ExA on 15 December 2023 Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159].</p> <p>The Applicant remains of the view that the methodology adopted remains robust and in line with Department for Transport TAG guidance considering the risk associated and have addressed the Rule 9 requirements.</p> <p>The principles and justifications behind the adopted methodology have been reported in Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 Risk Assessment [REP4-106] and within the Final Report Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159].</p> <p>The Applicant continues to discuss with the relevant Highway Authorities, including National Highways.</p> <p>Further information with regards to providing numerical results, as was requested by the Local Highway authorities have been addressed and reported in Appendix E of the Rule 9 Final modelling Report Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159].</p> <p>The Applicant has provided National Highways with the relevant VISSIM models. The Rule 9 report has evidenced in detail the impacts on the SRN including M1 Junction 10 and the M1 mainline. The Rule 9 report clearly shows that the mitigation strategy for M1 Junction 10 addresses the impacts of the Proposed Development on the SRN.</p>
2	Surface Access	National Highways shares the confusion demonstrated by the other interested parties in relation to where the mitigation and monitoring framework is secured. At the previous traffic and transport ISH, the Applicant suggested that the Green Controlled Growth (GCG) framework was not the relevant mechanism for mitigating impacts on the strategic road network and that mitigation would flow from the TRIMMA. This is not the position advanced by the Applicant at ISH7. It is noted that the GCG is an innovative approach to mitigating impacts associated with airport growth over time – however the approach to mitigation has to be understood and capable of enforcement through hard controls by affected	Please see the response provided at ID 1 in Table 1.2 of this document

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		organisations like National Highways where the change occurs, such that an impact is triggered.	
3	Surface Access	It is also critical that National Highways has a role on the decision making body responsible where a change occurs. Urgent clarity on the structure of the mitigation and monitoring regime is requested of the Applicant.	Please see the response provided at ID 1 in Table 1.2 of this document.
4	Surface Access and Green Controlled Growth	National Highways would note that given the impact of mode share on traffic volumes, the GCG framework may well important in terms of mitigation of concern to the strategic road network. Accordingly, it ought properly to be involved in a decision making capacity in relation to GCG.	Please see the response provided at ID 1 in Table 1.2 of this document.
5	Surface Access	<p>National Highways requests a commitment from the Applicant that the works will be amended to include provision of a maintenance bay and gantries to assist with wayfinding, now that there is clarity that they can be provided within the redline boundary of the Development Consent Order. At present these items are not part of the works.</p> <p>National Highways' approach to the required off site highway works programme has been refined following sight of the emerging forecast for the transport modelling. Discussions around the provision of highway mitigation works to the M1 J10, southbound and northbound slips being tied to specific phases of the airport development, are ongoing.</p>	As part of the detailed design, the Applicant is committed to providing the necessary improvements required to support the Proposed Development. These will include the physical works to the junction as detailed in the highway mitigation proposals, but also include any amendments necessary to the existing white lining and signage and provision of gantries to assist with wayfinding and a signal maintenance bay. This has been included in the revised Draft Development Consent Order [TR020001/APP/2.01] submitted at Deadline 7.
6	Surface Access	National Highways is particularly concerned by the approach to mitigation set out in the TRIMMA. From our review of the TRIMMA, the approach to mitigation is entirely reactive, in that in order to trigger mitigation solutions, it is necessary to pass through monitoring gateways and meet certain pre-agreed thresholds of traffic impact. These thresholds take into account existing baseline traffic levels from 2016. National Highways has two primary concerns with this mechanism. First, the existing baseline traffic levels are not agreed between the parties. The Applicant's position here is that the existing baseline is congested, leading to an assertion that it is National Highways' responsibility to resolve pre-existing congestion to allow the proposed development to proceed. National Highways' position is to neither accept or dispute responsibility for congestion in the existing baseline, but in any event, the Applicant should not add to the congestion unless it is properly addressed. Secondly, by the time any mitigation is required (whether it is under type ML1 or ML2) the impacts to the strategic road network have already crystallised and any mitigation required will not be deliverable for potentially years into the future – during which time the deleterious impact of congestion would continue to worsen.	<p>The Applicant considers that the proposed TRIMMA process is not reactive. It is proactive, in that it ensures that mitigation will be delivered in advance of the realisation of adverse impacts due to the Proposed Development. The thresholds which are referenced in this comment will be agreed with the highway authorities responsible for each junction and will be informed by updated traffic surveys rather than just existing baseline traffic levels from 2016.</p> <p>Further detail will be provided in an updated version of the OTRIMMA to be submitted at Deadline 7 [TR020001/APP/8.97].</p>
7	Green Controlled Growth	Also, the TRIMMA and the GCG have no cross-referencing or inter-relation on their face at all. Given that GCG is concerned with mode share and also includes a serious of mitigation proposals, the overall picture is not consistent. Whilst the Applicant has referred to the surface access strategy, this is not a document that is secured by requirement so far as National Highways is aware.	<p>The Green Controlled Growth Explanatory Note has been updated at Deadline 7 [TR020001/APP/7.07] to amend the reference in paragraph 3.5.21 from the Surface Access Strategy to the Framework Travel Plan, in recognition of its role as certified document secured by requirement.</p> <p>GCG and OTRIMMA have different purposes and have been designed with different governance structures and processes to reflect these purposes, which function independently of each. The GCG Framework is designed to act as the 'headline' control mechanism. This seeks to control mode share in respect of surface access, as well as</p>

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			<p>aircraft noise, air quality and greenhouse gases. The OTRIMMA is specifically designed to control location-specific highways impacts, such as those at J10 of the M1, which will be influenced by a number of factors which include mode share but also other factors such as highway trip distribution and timings. Location-specific mitigation (in the form of off-site highway improvements) delivered through the TRIMMA process is unrelated to GCG and would be delivered irrespective of performance against the GCG Limits, and so limited cross-references are made between the two documents.</p>