

January 2024

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.165 Applicant's Response to November Hearing Actions
(Compulsory Acquisition Hearing 2 and Issue Specific
Hearings 7 - 10)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.165

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.165 APPLICANT'S RESPONSE TO NOVEMBER HEARING
ACTIONS (COMPULSORY ACQUISITION HEARING 2 AND ISSUE
SPECIFIC HEARINGS 7-10)**

Deadline:	Deadline 7
Planning Inspectorate Scheme Reference:	TR020001
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Author:	Luton Rising

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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA'). It provides the Applicant's response to Action Points raised by the ExA following Compulsory Acquisition Hearing 2 (CAH2), Issue Specific Hearing 7 (ISH7), Issue Specific Hearing 8 (ISH8), Issue Specific Hearing 9 (ISH9) and Issue Specific Hearing 10 (ISH10).

1.1.2 The Applicant has reviewed and responded to all relevant Action Points from the following documents:

- a. **Action Points from Compulsory Acquisition Hearing 2, held on the morning of 28 November 2023 [EV13-006];**
- b. **Action Points from Issue Specific Hearing 7, held on the afternoon of 28 November 2023 [EV14-008];**
- c. **Action Points from Issue Specific Hearing 8, held on 29 November 2023 [EV15-013];**
- d. **Action Points from Issue Specific Hearing 9, held on 30 November 2023 [EV16-009]; and**
- e. **Action Points from Issue Specific Hearing 10, held on 1 December 2023.**

1.1.3 Where possible, the Applicant has responded to each Action Point from the specific hearing within Table 2.1, 2.2, 2.3, 2.4 and 2.5. For actions which require a more detailed response or those which have been responded to previously, a reference to the appropriate document is included.

2 APPLICANT'S RESPONSE AT DEADLINE 7 TO ACTION POINTS FROM CAH2 AND ISH7-10

Table 2.1 Applicant's Response at Deadline 7 to Action Points from Compulsory Acquisition Hearing 2

PINS ID	Action Point / Response
CAH2 – AP4	<p>Action:</p> <p>Provide an update on the progress of discussions about establishing a Community Trust for the future management of Wigmore Valley Park (indication that this would be secured by means of Section 106)</p> <p>Response:</p> <p>The section 106 agreement contains an obligation in Schedule 3 to establish a registered charity, referred to as the Community Trust in the draft agreement. The purpose of the trust would be for the management and maintenance of Wigmore Valley Park. Further details are provided in the Draft Section 106 Agreement [TR020001/APP/8.167] submitted at Deadline 7 which is subject to ongoing discussion with the Host Authorities.</p>
CAH2 – AP10	<p>Action:</p> <p>Provide the ExA with a copy of the Financial Report for Luton Rising for the financial year 2022/23 if it is agreed before the close of the Examination.</p> <p>Response:</p> <p>The report referred to in this Action Point is not yet available, however it remains the intent of the Applicant to provide it to the ExA prior to the close of the Examination should it be available in time.</p>
CAH2 – AP11	<p>Action:</p> <p>Remaining questions from the script to be asked as written questions (see separate table below).</p> <p>Response:</p> <p>Please refer to Applicant's response to Written Questions Arising from Hearings [TR020001/APP/8.146] submitted at Deadline 7.</p>

Table 2.2 Applicant's Response at Deadline 7 to Action Points from Issue Specific Hearing 7

PINS ID	Action Point / Response
ISH7 – AP2	<p>Action:</p> <p>Submit final report summarising the outcome of the accounting for Covid-19 in transport modelling.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159], which was submitted on 15 December 2023 as an Additional Submission in response to the Rule 9 letter.</p>
ISH7 - AP4	<p>Action:</p> <p>Provide an update on progress made in relation to agreeing the transport model with the relevant Highways Authorities including:</p> <ul style="list-style-type: none"> • details of meetings held; • what was discussed; • what are the outstanding issues; and • a programme for resolution. <p>Response:</p> <p>The engagement with relevant Highway Authorities on Transport modelling is reported in Table 18.6 Stakeholder engagement relating to traffic and transportation, in section 18.4 of Chapter 18 Traffic and Transportation of the Environmental Statement [AS-030].</p> <p>Table 18.6 lists all meetings that have taken place prior to the DCO submission with details on discussions. The engagement with the relevant Highway Authorities commenced almost six years ago (early 2018); starting with the scoping for the modelling and continued through to the DCO submission.</p> <p>Following pre-application engagement, the modelling aspect of the application was deemed to be appropriate by the relevant Highway Authorities.</p> <p>The modelling documents, such as the models specification, data collection, validation and forecasting, were shared with the relevant Highway Authorities during 2019 and early 2020. Comments were received from National Highways and responded to in version updates. The final versions of these documents can be found in Transport Assessment Appendices- Part 1 of 3 (Appendices A-E) [APP-200] and Transport Assessment, Appendix F Strategic Modelling Forecasting Report [APP-201].</p> <p>Some residual points were highlighted by relevant Highway Authorities since and are associated with:</p> <ul style="list-style-type: none"> • The M1 widening status; • East of Luton schemes delivery; and • The interconnection between the strategic and microsimulation models. <p>Those issues were discussed and addressed within the Rule 9 modelling update work.</p> <p>Since the DCO application submission, and as requested by the ExA, the Applicant has engaged with the relevant Highway Authorities in relation to the Rule 9 modelling updates. Those meetings occurred on:</p> <ol style="list-style-type: none"> 1. <u>18 July 2023 –National Highways and 21 July 2023 Relevant Highway Authorities – Rule 9 modelling update methodology</u> The meeting was held to discuss the proposed methodology which was reported in the Rule 9 Response letter [AS-064] as a response to the Rule 9 request of Accounting for Covid-19 in transport modelling. National Highways and the relevant Highway Authorities welcomed addressing the points that were raised previously (M1 widening, East of Luton Schemes and the interconnection between the strategic and microsimulation models). No issue was raised with regards to the proposed methodology for the Rule 9 modelling update. 2. <u>14 September 2023 - relevant Highway Authorities and National Highways – Rule 9 modelling update, Trends Analysis</u>

PINS ID	Action Point / Response
	<p>The meeting was held to discuss the key findings of the Trends Analysis task, explaining the findings on both the Strategic and Local Road Networks. The Applicant highlighted that the available data showed traffic on the Strategic Road Network to have picked up to pre-Covid 19 levels, whereas the Local Road Network is still behind. The analysis highlighted the potential case for adjusting the traffic forecasts, although the Applicant also noted the limitations of the available data and the key trends. No issues were raised during the meeting and It was agreed that the Applicant would progress onto the next step; risk assessment. The presentation that was introduced within the meeting was submitted to the ExA at Deadline 3 [REP3-077], post Issue Specific Hearing 4. The meeting was held prior to submitted Technical Note 1 Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1 [REP4-086].</p> <p>3. <u>12 October 2023 - relevant Highway Authorities and National Highways – Rule 9 modelling update, Risk Assessment.</u> The meeting was held to discuss the findings of the Rule 9 modelling update initial results, and the risk assessment. The Applicant highlighted that following the completion of the model update, the overall forecast risk assessment was considered to be 'very low' due to the slightly reduced traffic flows and the potential of further downward adjustments resulting from the trends analysis. Therefore, the proposed highway mitigation measures for the Proposed Development could be considered 'robust', having been developed with traffic flows slightly higher than the recent update. This would also be supported by the TRIMMA, which will trigger measures on a 'need/impact' basis. Considering the findings in the risk assessment, the Applicant recommends no further adjustments are required to the updated traffic forecasts. The relevant Highway Authorities reserved the right to comment post-submission of the Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 Risk Assessment [REP-4-106] submitted at Deadline 4.</p> <p>4. <u>6 December 2023 - relevant Highway Authorities and National Highways – Rule 9 modelling update, Final Results.</u> This meeting was held to present the final results of the Rule 9 modelling update. The Applicant presented the final results and discussed the information that was already provided in the Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 Risk Assessment [REP-4-106]. The relevant Highway Authorities' comments on the technical note were categorised as clarification, requesting further information and discussing the methodology of not adjusting the forecasts after the findings of Technical Note 2. The Applicant confirmed that those comments will be addressed via written responses, and that further requested information will be included in the final reporting, which was submitted 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 considers that the relevant Highway Authorities' comments and outstanding issues were addressed within the Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159]. Notwithstanding, the Applicant will meet the relevant Highway Authorities in January 2024, post-Deadline 7, to discuss and aim to resolve outstanding concerns and, if necessary, to define a programme for resolution.</p>
ISH7 - AP10	<p>Action:</p> <p>Demonstrate how the Sustainable Transport Fund (STF) [REP5-056] is of sufficient size to fund an appropriate amount the mitigation listed in the Framework Travel Plan (FTP). Include detail as to when the fund would be available</p> <p>Response:</p> <p>The Sustainable Transport Fund is not required to fund required mitigation for impacts associated with the airport's expansion. Instead, it has been established to provide funds to deliver the Applicant's additional level of ambition and commitment to work with authorities to deliver sustainable transport interventions as the airport expands. Mitigation measures required to address a breach of a GCG Limit would be funded outside of the STF. Clarity on what comprises mitigation and funding is contained in Section 7.5 in the Applicant's Post Hearing Submission – Issue Specific Hearing 9 (ISH 9) [REP6-067]. It is however acknowledged that measures already approved for funding from the STF or implemented by the ATF Steering Group may contribute towards the avoidance or prevention of exceedances of a Limit.</p> <p>The substantial increase in the forecast cumulative value of the Sustainable Transport Fund, compared to that proposed previously at Deadline 5 [REP5-056], is set out in the Sustainable Transport Fund Paper [TR020001/APP/8.119], and should be viewed as a clear statement of intent by the Applicant in terms of its commitment to optimising access to the airport via sustainable modes of transport, over and above mitigation separately required to address forecast adverse traffic effects.</p> <p>Funds will be collected following the serving of notice to grow under article 44(1) of the DCO, which triggers the transition from the existing planning requirements to those established under the DCO. If the first Travel Plan demonstrates a need for early funding, in excess of the initial revenues of the STF, to pump prime a public transport service, the Applicant will make available up to £1,000,000, but reserves the right to subsequently recoup this from future STF revenues. This is contained in the Draft Section 106 Agreement [TR020001/APP/8.167].</p>

PINS ID	Action Point / Response
	This action has been addressed in the Applicant's Response to Issue Specific Hearing 4 Action 26 and Issue Specific Hearing 7 Action 10: Sustainable Transport Fund [TR020001/APP/8.119] submitted at Deadline 7.
ISH7 - AP13	<p>Action:</p> <p>Provide detail of the locations where the recommendations in local transport note 1/20 could not be achieved and detail the reasons why.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 7 Actions 13 and 14: Needs of Non-Motorised Users [TR020001/APP/8.166] submitted at Deadline 7.</p>
ISH7 - AP14	<p>Action:</p> <p>Explain how the needs of non-motorised users has been considered. Include how those people who currently use the shared pedestrian/ cycle route along Wigmore Lane will not be discouraged from walking and cycling as a result of the proposed highway changes in that area.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 7 Actions 13 and 14: Needs of Non-Motorised Users [TR020001/APP/8.166] submitted at Deadline 7.</p>
ISH7 - AP15	<p>Action:</p> <p>Provide the mode share targets (passengers and staff) that would be required to reduce the number of vehicles travelling to the airport for each of the Phases and provide detail to explain if these targets would be achievable.</p> <p>Response:</p> <p>The CAA data presented in Chapter 6 of the Transport Assessment [AS-123] shows the proportion of passengers that use each access mode to travel to/from the airport, and this reflects several factors including the needs of the passengers, the airport's location, passenger catchment and accessibility. Table 6.3 of the Transport Assessment shows that 38% of passengers used public transport to access the airport in 2019.</p> <p>The Transport Assessment assumes that with the Proposed Development, the public transport mode share would increase to 45% by 2039, a 7 percentage points increase in the total public transport mode share, equivalent to an 18% increase in public transport use compared to 2019. The proportion of passengers travelling by car-based modes would be reduced by a corresponding 7 percentage points, equivalent to a 14% decrease compared to 2019. This mode shift would be supported by measures identified in the Framework Travel Plan [REP4-044] and Bus and Coach Study [REP5-058] and funded by the Sustainable Transport Fund.</p> <p>Whilst the proportion of passengers travelling by car-based modes would decrease with the assumed mode shift, the overall number of vehicle trips would increase as a result of the increase in passengers from a baseline of 18mppa to 21.5, 27 and 32mppa at each of the Phases.</p> <p>The minimum public transport mode share that would be required to reduce the number of vehicles generated by passenger travel compared to the baseline for each phase of the development are set out below:</p> <p>Passenger Mode Share</p>

PINS ID	Action Point / Response																													
	Passengers	Scenario	With Development																											
			Phase 1 (2027)	Phase 2a (2039)	Phase 2b (2043)																									
			21.5mppa	27mppa	32mppa																									
	Public transport mode share	TA modelling assumption	40%	45%	45%																									
		To reduce number of vehicles	53%	61%	68%																									
	<p>To reduce the number of vehicles generated by passengers, the public transport mode share assumption included in the Transport Assessment would need to be significantly increased by 13% in 2027, 16% in 2039 and 23% in 2043. Whilst the Applicant is keen to promote sustainable travel to/from the airport as far as practicable, the level of mode shift required to achieve a reduction in trips would be unachievable. This was demonstrated in the Public Transport Strategy – Summary Report (see Appendix H of the Transport Assessment [APP-202], which analysed the potential for mode shift at London Luton Airport. Through a benchmarking approach, the assessment considered various factors that could contribute to an improvement in the public transport mode share in the future. It concluded that a public transport mode share in the range of 43% to 50% was possible. The mode share required to reduce the vehicular trips would therefore exceed the upper limit of the realistically achievable range by a considerable margin in all three phases, confirming that they are unachievable.</p> <p>For new staff, the Transport Assessment assumes that the proportion of staff travelling to/from the airport by car would be less than in the baseline. In 2018 (the last pre-covid staff travel survey), 24% of staff travelled by public transport (see Table 6.4 of the Transport Assessment [AS-123]). The Transport Assessment assumes a steady increase in the public transport mode share up to 40% by 2043 for new staff associated with the airport expansion. Measures to support the higher public transport mode share would be set out in the Framework Travel Plan [REP4-044] and Bus and Coach Study [REP5-058] and funded by the Sustainable Transport Fund. The minimum public transport mode share that would be required to reduce the number of vehicles generated by staff travel to the airport for each phase of the development are set out below:</p> <p>Staff Mode Share</p> <table border="1"> <thead> <tr> <th style="background-color: #e91e63; color: white;">Staff</th> <th style="background-color: #e91e63; color: white;">Scenario</th> <th colspan="3" style="background-color: #e91e63; color: white;">With Development</th> </tr> <tr> <td></td> <td></td> <td style="background-color: #e91e63; color: white;">Phase 1 (2027)</td> <td style="background-color: #e91e63; color: white;">Phase 2a (2039)</td> <td style="background-color: #e91e63; color: white;">Phase 2b (2043)</td> </tr> <tr> <td></td> <td></td> <td style="background-color: #e91e63; color: white;">21.5mppa</td> <td style="background-color: #e91e63; color: white;">27mppa</td> <td style="background-color: #e91e63; color: white;">32mppa</td> </tr> </thead> <tbody> <tr> <td>Public transport mode share</td> <td>TA modelling assumption</td> <td>30%</td> <td>35%</td> <td>40%</td> </tr> <tr> <td></td> <td>To reduce generated vehicles</td> <td>54%</td> <td>65%</td> <td>69%</td> </tr> </tbody> </table> <p>* The staff mode share assumptions for the With Development scenarios relates to the growth in staff or new staff in the future and as a result of the Proposed Development only and not existing staff in order to assess a reasonable worst-case scenario</p> <p>To reduce the number of vehicles generated by staff, the public transport mode share assumption included in the Transport Assessment would need to be significantly increased by 24% in 2027, 30% in 2039 and 29% in 2043. The Public Transport Strategy – Summary Report (see Appendix H of the Transport Assessment [APP-202]) suggested that a public transport mode share of 30-40%, based on the Stansted 35+ planning application, is achievable through a number of initiatives set out in the Travel Plan. The mode share required to reduce the vehicular trips is higher than the upper limit of the realistically achievable range by a considerable margin in all three phases, confirming that this is unachievable.</p>					Staff	Scenario	With Development					Phase 1 (2027)	Phase 2a (2039)	Phase 2b (2043)			21.5mppa	27mppa	32mppa	Public transport mode share	TA modelling assumption	30%	35%	40%		To reduce generated vehicles	54%	65%	69%
Staff	Scenario	With Development																												
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		21.5mppa	27mppa	32mppa																										
Public transport mode share	TA modelling assumption	30%	35%	40%																										
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ISH7 - AP16	<p>Action:</p> <p>Hold a meeting with National Highways to discuss the FTP and resolve outstanding disagreement regarding the proposed off-site highways works to M1 Junction 10.</p> <p>Response:</p> <p>A meeting was held on 15 December 2023. Works to M1 Junction 10 are agreed subject to the works identified in the DCO including the provision of a maintenance bay and two gantries.</p>																													

PINS ID	Action Point / Response
	<p>National Highways has identified to the ExA the need in their opinion for further works to the interface of the south facing slips with the M1 mainline to address concerns that National Highways have with regard to the merging and diverging to the south of the junction.</p> <p>The Applicant has submitted the Accounting for Covid-19 in Transport Modelling Final Report [AS-159] which shows that the impacts on the south facing slip roads are reduced when compared with the Core assessment and any concerns as such should be reduced. The Accounting for Covid-19 in Transport Modelling Final Report has also sought to show that the development does not have an adverse impact on the operation of the M1 mainline and that the package of measures included within the DCO mitigate the impacts of the development. The Applicant has continued dialogue with National Highways and National Highways are considering the findings of the updated modelling work. The Applicant will continue to engage with National Highways to seek agreement on this residual matter.</p>
ISH7 – AP18	<p>Action:</p> <p>Detail potential options to mitigate the fly parking issue in the Luton area including exploration of whether a Controlled Parking Zone could be progressed/ would be viable including exploration of how these measures could be funded without any cost to residents.</p> <p>Response:</p> <p>The Applicant's response to this action is as per Luton Borough Council's response on this matter in their post-hearing submission response to ISH7 Action Point 18, page 4 [REP6-105].</p> <p>The Applicant recognises the potential for fly-parking to increase as a result of the Proposed Development. The OTRIMMA [TR020001/APP/8.97] provides a mechanism for the mitigation of fly-parking; further information will be contained in the version of the OTRIMMA to be submitted at Deadline 7. Authorities may choose to provide Controlled Parking Zones via this mechanism as a means of mitigating fly-parking; the detail of how these schemes would operate would be agreed when the need for such a scheme is identified and following consultation with local residents.</p>
ISH7 - AP24	<p>Action:</p> <p>Provide an update on the ongoing discussions regarding the proposed off-site highway works to the three junctions in Hitchin.</p> <p>Response:</p> <p>As part of the Rule 9 work undertaken to update the transport modelling in respect of Covid-19, the Applicant has met with and provided the Hertfordshire Host Authorities with an updated assessment of the impacts on the three junctions in Hitchin.</p> <p>The Applicant notes the Hertfordshire Host Authorities' comments with regard to compliance with local policy requirements and, as has been previously set out, the Applicant's mitigations do not preclude the ability for the authorities to deliver alternative measures. The Applicant has had further discussions with the Hertfordshire Host Authorities to set out how the existing proposals could be amended to incorporate measures to support pedestrian/cycle crossings and public transport priority within the existing proposals. Discussions are on-going with the Hertfordshire Host Authorities to provide sufficient confidence on how this could be delivered through the TRIMMA process.</p>
ISH7 - AP29	<p>Action:</p> <p>Review comments made by IPs on the outline TRIMMA and resubmit outline TRIMMA.</p> <p>Response:</p> <p>The Applicant has resubmitted the OTRIMMA [TR020001APP/8.97] at Deadline 7 and responded to comments made by IPs.</p>
ISH7 - AP30	<p>Action:</p> <p>North Herts to explain its concerns regarding on-going monitoring of off-site car parking and Applicant to provide a response</p>

PINS ID	Action Point / Response
	<p>Response:</p> <p>The Applicant notes that the first part of this action is directed to NHDC.</p> <p>Please see the Applicant's response in number 13 of the Applicant's Response to Deadline 6 Submissions - Appendix G - Dacorum Borough Council, Hertfordshire County Council, North Hertfordshire Council [REP6-097, REP6-100 & REP6-101] [TR020001/APP/8.163].</p>
ISH7 - AP31	<p>Action:</p> <p>Mr Smith to look at [REP5-057] and then submit any outstanding concerns in writing and Applicant to respond.</p> <p>Response:</p> <p>The Applicant notes that the first part of this action is directed to Mr Smith.</p> <p>Please see the Applicant's response to comments made by the Interested Party in item number 11 of the Applicant's Response to Deadline 6 Submissions [TR020001/APP/8.165].</p>
ISH7 - AP35	<p>Action:</p> <p>The Construction Workers Travel Plan (CWTP) [APP-131] states the assumption that 60% of construction workers will arrive to site by car. Explain how the figure of 60% was calculated.</p> <p>Response:</p> <p>The 60% figure of staff arriving by car is an estimation based on current trends of travel to site. A more precise figure on the % of staff that will arrive on site by car will most likely be available once a contractor is on board.</p>
ISH7 - AP37	<p>Action:</p> <p>Provide further detail regarding capacity of the proposed on site construction worker parking and explain the contingency plan to accommodate parking if more than 60% of construction workers drove to site.</p> <p>Response:</p> <p>Due to the potentially limited areas available for parking available during all construction phases, parking spaces will be available on a permit only scheme basis and this scheme will be prioritised on a need to use for business/construction requirements basis and for operatives arriving in a car share scheme. Other operatives travelling in single occupancy mode of transport will be encouraged to use other available modes of transport as accommodating for more cars will most likely not be possible on site.</p>

Table 2.3 Applicant's Response at Deadline 7 to Action Points from Issue Specific Hearing 8

PINS ID	Action Point / Response
ISH8 – AP10	<p>Action:</p> <p>Revise ES Chapter 13 to remove references to a significant perception effect during operation, consistent with the errata document. In addition, update the document to include the updated future baseline information submitted to the Examination at D4 [REP4-068]. Update of ES to also include any adjustments that would result from Action Points 14 or 15.</p> <p>Response:</p> <p>Chapter 13 Health and Community of the Environmental Statement [TR020001/APP/5.01] has been updated and re-submitted at Deadline 7.</p>
ISH8 – AP13	<p>Action:</p> <p>Submit in writing the comments, including any further follow up comments, made on health. The Applicant to make a written response at D7, including the matter of the errata.</p> <p>Response:</p> <p>The Applicant notes that the first part of this action is directed to Buckinghamshire Council.</p> <p>The Applicant has responded to comments made by the Council in the Applicant's Response to Deadline 6 Submissions [TR020001/APP/8.163].</p>
ISH8 – AP15	<p>Action:</p> <p>Council to explain what the Healthy Airports checklist referred to in its LIR [REP1A-002] does and what additional benefit using the checklist would provide to the assessment of health and community effects. In addition, confirm whether this is something that can be applied retrospectively. Applicant to respond at following deadline.</p> <p>Response:</p> <p>The Applicant notes that the first part of this action is directed to Central Bedfordshire Council.</p> <p>The Applicant has reviewed the CHETRE Healthy Airports Checklist. The stated purpose of this Australian document is to <i>'outline the dimensions that would create a Healthy Airport'</i>. A <i>'framework for capturing the idea of the Healthy Airport'</i> is provided, which is divided into twelve 'dimensions' including: environment, ecosystem, community, participation, basic services and facilities, experiences and resources, economy, heritage, form and design, public health and sick care services, connectedness, nuisance and impact. These 'dimensions' are broadly consistent with the scope of the health assessment reported in Chapter 13 Health and Community of the Environmental Statement [AS-078], which assesses health effects arising from impacts on the wider environmental, social and economic determinants of health.</p> <p>'Parameters' are identified against each of these 'dimensions'; covering a range of high-level issues affecting both airport users and impacted communities. For example: <i>'A Healthy Airport: • Engages in planning processes that result in health promoting aesthetic built environments; • Provides a clean, safe, high quality physical environment for all people inside the airport boundaries and in surrounding communities'</i> etc. This high-level framework does not provide any specific guidance or thresholds for assessing the health effects associated with an airport development. As such, the Applicant does not consider that the high-level objectives included in this checklist are directly applicable to an assessment of the specific health effects of a DCO project.</p>

PINS ID	Action Point / Response
ISH8 – AP20	<p>Action:</p> <p>Applicant and UKHSA/ Office of Health and Improvement and Disparities (OHID) to meet to discuss possible health monitoring and an agreed position statement/ way forward</p> <p>Response:</p> <p>The Applicant notes that this action is addressed to both the Applicant and the UKHSA/Office of Health and Improvement and Disparities.</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 8 Action 20: Position Statement on Health Monitoring [TR020001/APP/8.168] submitted at Deadline 7.</p>
ISH8 – AP29	<p>Action:</p> <p>If Actions 26, 27 and 28 result in changes to the assessment of environmental effects, re-visit the assessment of cumulative assessments on these sites.</p> <p>Response:</p> <p>Detailed responses were provided to ISH 9 Actions Points 26, 27, and 28 in the Applicant's Post Hearing Submission - Issue Specific Hearing 8 (ISH8) [REP6-066] submitted at Deadline 6. The Applicant confirms that the actions did not result in changes to the assessment of environmental effects.</p>
ISH8 – AP41	<p>Action:</p> <p>Provide a full response to the suggestion that there are methods available to assess the effects of noncarbon dioxide emissions by NEF, including those at D3 [REP3-131]. If there is no proposal to use these methods, please explain why not.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 8 Action 41: Commentary Regarding Non Carbon Dioxide Emissions [TR020001/APP/8.169] submitted at Deadline 7.</p>
ISH8 – AP42	<p>Action:</p> <p>Submit draft of the assessment on the special qualities of the Chilterns National Landscape¹ with completed report to be submitted at the following deadline.</p> <p>Response:</p> <p>A draft of the Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment was submitted to the ExA at Deadline 6 [REP6-075]. The final version of the Assessment is submitted at Deadline 7 [TR020001/APP/8.144].</p>
ISH8 – AP43	<p>Action:</p> <p>Review whether the special qualities assessment report can be accompanied by a table showing baseline overhead flights within the National Landscape compared to increased flights. If possible, this should include both the percentage increase and numerical increase split between different flight paths. In addition, the report to be accompanied by a map showing flightpaths over affected areas.</p> <p>Response:</p> <p>A response to this action was provided in the Applicant's Post Hearing Submission – Issue Specific Hearing 8 (ISH8) [REP6-066] submitted at Deadline 6.</p>

PINS ID	Action Point / Response
ISH8 – AP46	<p>Action:</p> <p>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'</p> <p>Response:</p> <p>A response to this action was provided in the Applicant's Post Hearing Submission – Issue Specific Hearing 8 (ISH8) [REP6-066] submitted at Deadline 6.</p>
ISH8 – AP49	<p>Action:</p> <p>If possible, provide a video of the fire training ground in operation that could be made available to Mr Prosser (Central Bedfordshire Council) to enable an understanding of the visual effects of a fire training event.</p> <p>Response:</p> <p>A video of the fire training ground in operation was shared with Central Bedfordshire Council by the Applicant on 2 January 2024.</p>
ISH8 – AP50	<p>Action:</p> <p>Joint Host Authorities to provide further detail on the clarity they are seeking regarding the reporting of winter screening set out in Appendix 14.5 of the ES [AS-139]. Applicant to respond at following deadline.</p> <p>Response:</p> <p>The Applicant notes that the first part of this action is directed to the Host Authorities.</p> <p>The Applicant's response to this action is provided in the Applicant's Response to Deadline 6 Submissions - Appendix F - Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council [TR020001/APP/8.163].</p>
ISH8 – AP51	<p>Action:</p> <p>Respond to questions on lighting to be asked as written questions as the Applicant's lighting expert was not available (see table below).</p> <p>Response:</p> <p>A response was provided in the Applicant's Post Hearing Submission – Issue Specific Hearing 8 (ISH8) [REP6-066] (Action 52) submitted at Deadline 6.</p>
ISH8 – AP53	<p>Action:</p> <p>Applicant and LBC to further discuss how design would be reviewed to ensure good design as required by paragraphs 4.29 to 4.35 of the Airport National Policy Statement and paragraph 126 of the NPPF, if it is not to be delivered through an independent design review panel.</p> <p>Response:</p> <p>On the 12 December 2023 the Applicant met with Luton Borough Council (LBC) and Hertfordshire County Council to discuss further how the design process would be reviewed. At this meeting the Applicant confirmed its agreement to the introduction of an independent design review process to secure good design via a Design South East Panel (or similar) for specified elements of the Proposed Development.</p>

PINS ID	Action Point / Response
	<p>The design review process would take place as part of a pre-application process for Terminal 2 (Work Nos. 3b(01) and 3b(02), T2 Plaza (Work No. 3f) and the Hotel (Work no 4a).</p> <p>A design review process was added to the Design Principles document [TR020001/APP/7.09] submitted at Deadline 7.</p>
ISH8 – AP54	<p>Action:</p> <p>Questions on heritage to be asked as written questions as the Applicant's heritage expert was not available (see table below)</p> <p>Response:</p> <p>This action has been addressed in the Applicant's response to Issue Specific Hearing 8 (ISH8) Action WQ11, 13, 14, 16 and 18 in the Applicant's Response to Written Questions Arising from Hearings [TR020001/APP/8.146] submitted at Deadline 7.</p>

Table 2.4 Applicant's Response at Deadline 7 to Action Points from Issue Specific Hearing 9

PINS ID	Action Point / Response
ISH9 – AP4	<p>Action: Continue to discuss as part of Statement of Common Ground process the concerns regarding the ESG chairperson having the final say as to whether an ESG member is suitably qualified.</p> <p>Response:</p> <p>Discussions regarding concerns regarding the ESG chairperson having the final say as to whether an ESG member is suitably qualified are ongoing. A SoCG meeting was held with the host authorities on the 14 December 2023 with the following key points being raised by the Host Authorities:</p> <ul style="list-style-type: none"> • Can it be made clearer that this is a decision based on whether members meet criteria? • Could this be by vote of ESG rather than decision only sitting with chair? <p>Following the discussion, the ESG Terms of Reference [Appendix A of TR020001/APP/7.08] have been updated to amend the criteria for ESG membership as requested by the Host Authorities, and to make it clearer that the decision of the chair should solely be on the basis of whether or not the proposed member meets these criteria to address the first bullet point above. However, the Applicant's view on the second bullet point is that it is appropriate for the ESG chairperson to have responsibility for this decision as part of their responsibilities as the chair of the group.</p> <p>Notwithstanding this, engagement regarding this Action Point has continued via email into January 2024 and a follow-up meeting to discuss outstanding points of common ground is scheduled for 10 January 2024. Given these timescales, any further changes to the GCG documents or DCO drafting on this point will be captured after Deadline 7.</p>
ISH9 – AP5	<p>Action:</p> <p>Provide ongoing updates on discussions regarding the need for the ESG to be a limited company, with the aim of resolving matters before the close of the Examination. In the first update, explain if there are any implications from this for the efficacy of the GCG Framework.</p> <p>Response:</p> <p>Discussions regarding concerns regarding the need for the ESG to be established as a limited company are ongoing. A SoCG meeting was held with the host authorities on the 14 December 2023 with the following key points being raised:</p> <ul style="list-style-type: none"> • Host Authorities acknowledged there is no precedent for this in other DCOs – this is due to the unprecedented nature of GCG. • Host Authorities outlined initial concerns, relating to directors' duties, tax and administration. At present, Host Authorities are uncertain of the benefit of this approach over establishing the ESG as an unincorporated body. • Luton Rising outlined the benefits of the approach, particularly in relation to allowing the ESG the ability to contract for services (providing independence from the airport operator) and protecting ESG members from legal challenge as the ESG as a corporate body would be making decisions that impact on growth at the airport. <p>Following the discussion, the following actions were agreed:</p> <ul style="list-style-type: none"> • The Applicant will circulate a note outlining the rationale and workings behind the proposed approach of establishing the ESG as a limited company versus an unincorporated body. • The Host Authorities will provide an outline of the areas of concern regarding ESG being established as a limited company in writing. <p>Engagement regarding this point, including completion of the actions above, has continued via email into January 2024 and a follow-up meeting to discuss outstanding points of common ground is scheduled for 10 January 2024. Given these timescales, any changes to the GCG docs or DCO drafting on this point are expected to be captured after Deadline 7.</p>

PINS ID	Action Point / Response
ISH9 – AP8	<p>Action:</p> <p>Provide a response on whether the airport could introduce a local rule from the start of DCO operations that would restrict slot allocations to meet the relevant noise contour/ noise quota count point limit. If this is the case, confirm if the Applicant could commit to this.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 9 Actions 8, 9, 19 and 20: QC noise controls [TR020001/APP/8.170] submitted at Deadline 7.</p>
ISH9 – AP9	<p>Action:</p> <p>Provide a further response as to whether a representative from ESG could sit on the Airport Coordination Committee.</p> <p>Response:</p> <p>Article 5 of <i>The Airports Slot Allocation Regulations 2006</i> defines the requirement for a coordinated airport to establish and maintain a Coordination Committee, cross referring to Article 5 of the council regulation for the specific requirements for the Committee.</p> <p>Article 5 of the council regulation (<i>Council Regulation (EEC) No 95/93 of 18 January 1993 (as amended) on common rules for the allocation of slots at Community airports</i>) sets out the requirements for a coordination committee:</p> <p style="padding-left: 40px;"><i>“1. At a coordinated airport, the Member State responsible shall ensure that a coordination committee is set up. The same coordination committee may be designated for more than one airport. Membership of this committee shall be open at least to the air carriers using the airport(s) in question regularly and their representative organisations, the managing body of the airport concerned, the relevant air traffic control authorities and the representatives of general aviation using the airport regularly.”</i></p> <p>Article 5.2 also provides that <i>“Member State representatives and the coordinator shall be invited to the meetings of the coordination committee as observers.”</i></p> <p>Article 5.3 requires each coordination committee to draw up rules of procedure, which in the case of London Luton Airport are contained in an agreed Constitution (appended), which follows a common template across other UK coordinated airports. This constitution provides, at paragraph 5.7, that <i>“The Committee may invite other persons to its Meeting as observers at its discretion.”</i></p> <p>Hence, it would be possible for a representative of ESG to be invited to the meeting as an observer but this would be subject to the agreement of the other members of the committee, including the airlines.</p>
ISH9 – AP18	<p>Action:</p> <p>Provide commentary on the implications of the detailed aviation noise policy statement if published by Department for Transport prior to the close of Examination.</p> <p>Response:</p> <p>The new Aviation Noise Policy Statement has not yet been published but the Applicant will provide a commentary as and when it is produced if prior to the close of the Examination.</p>
ISH9 – AP19	<p>Action:</p> <p>Provide indicative quota count point limits to enable a benchmarking exercise against equivalent data (eg Air Traffic Movements (ATM), quota count point limit and contour limits for other similar airports).</p>

PINS ID	Action Point / Response
	<p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 9 Actions 8, 9, 19 and 20: QC noise controls [TR020001/APP/8.170] submitted at Deadline 7.</p>
ISH9 – AP20	<p>Action:</p> <p>Provide information on the spread of travel into the non-summer season (see section 6 of need case [AS-125]). Clarify whether the quota count point limit should be defined for both the summer and winter periods.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 9 Actions 8, 9, 19 and 20: QC noise controls [TR020001/APP/8.170] submitted at Deadline 7.</p>
ISH9 – AP24	<p>Action:</p> <p>Respond to questions rolled over from this hearing into written questions. These are presented in an additional table at the end of this action list.</p> <p>Response:</p> <p>The questions referred to in this Action Point have been responded to in the Applicant's response to Written Questions Arising from Hearings [TR020001/APP/8.146] submitted at Deadline 7.</p>
ISH9 – AP26	<p>Action:</p> <p>Continue to work with the relevant local authorities to develop a robust QA/ QC monitoring process.</p> <p>Response:</p> <p>This was submitted at Deadline 6 – please refer to the Applicant's Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [REP6-076]. Engagement with the relevant local authorities on this point is ongoing.</p>
ISH9 – AP27	<p>Action:</p> <p>Provide a note contextualising the limits in Table 5.1 of [REP5-022]. Provide an assessment of the likelihood of all the thresholds and limits being exceeded within a year.</p> <p>Response:</p> <p>This action has been addressed in the Applicant's Response to Issue Specific Hearing 9 Action 27: Note on GHG Limits [TR020001/APP/8.171] submitted at Deadline 7.</p>
ISH9 – AP31	<p>Action:</p> <p>The Applicant's response to ExQ1 TT.1.8 [REP4-069] refers to the Public Transport Strategy Summary Report [APP-202] to explain how the staff mode share targets were determined. There is only a small part of this document which is specifically about staff mode share. Please signpost the documents where staff mode share has been determined, or provide further explanation.</p>

PINS ID	Action Point / Response
	<p>Response:</p> <p>Whilst Action Point 31 refers to staff mode share targets, as the Applicant has previously set out in the response to ExQ1 TT.1.7 [REP4-069], staff (and passenger) mode share Targets for the Proposed Development have not yet been set, and the Framework Travel Plan [REP4-044] defines the process for the setting, monitoring and review of Targets aligned to production and implementation of each future five-year Travel Plan. The application does however include staff (and passenger) mode share Limits (as set out in the in the Green Controlled Growth Framework [TR020001/APP/7.08]), which correspond to the transport modelling assumptions referenced in the the Applicant's response to ExQ1 TT.1.8 [REP4-069]. It is therefore assumed that this Action Point is referring to the setting of the GCG Limits for staff mode shares, and hence the underlying modelling assumptions that informed those Limits. The GCG Limits are defined with reference to "non-sustainable travel" by airport staff (primarily car-based modes), with "sustainable travel" primarily consisting of public transport (bus, coach and rail) and active travel (walking and cycling).</p> <p>The Public Transport Strategy Summary Report [APP-202] provides a summary of the analysis undertaken to inform the transport modelling required for the Transport Assessment (TA). This report focused on public transport (bus, coach and rail only), and did not consider changes to levels in walking and cycling (active travel) by staff.</p> <p>The future public transport mode share for staff utilised within the TA has been forecast from a baseline of 24%, which was the figure published in the Airport Operator's 2018 Annual Monitoring Report and based on the 2018 staff travel survey. The staff travel survey had over the previous eight years shown a general increase in the levels of public transport use, with the largest increase occurring between 2016 and 2018. It has therefore been assumed that this upward trend in the staff public transport mode share would continue. Over the same period, there was also a small increase in levels of walking and cycling (active travel) by staff.</p> <p>To assist with establishing a reasonable future year public transport mode share assumption, the Stansted 35+ planning application was used as a guide to what could be achieved. The Stansted 35+ application suggested that a staff public transport mode share of between 30% and 40% was achievable through a number of Travel Plan initiatives. Whilst the staff public transport mode share was lower at London Luton Airport than at Stansted Airport in 2019, the Applicant considers that the 40% public transport mode share for staff would be challenging but achievable. This has therefore been adopted as the staff public transport mode share assumption for the 2043 With Development scenario (Phase 2b) – see Tables 9.4 and 9.7 of the Transport Assessment [APP-205].</p> <p>An increase in the levels of active travel (walking and cycling) were also considered to be achievable through the implementation of specific initiatives focused on these modes, based on the catchment of staff working at the airport (i.e. the number of staff living within a reasonable distance of the airport to travel by these modes).</p> <p>Professional judgment has been used to establish the public transport mode share assumptions for 2027 (Phase 1) and 2039 (Phase 2a). The judgement applied assumes a steady increase in the public transport mode share between each phase. The assumed increase in public transport mode share for staff is higher than for passengers, as the Operator has greater influence over staff travel patterns. For walking and cycling, a 2-3 percentage points increase in mode share has been applied between each phase. Professional judgement has also been used to adjust the non-sustainable (private car (on-site car park) and motorcycle) mode share assumptions to reflect the forecast increase in public transport use and walking and cycling - see Table 9.7 of the TA.</p> <p>For the purposes of the TA, these mode share assumptions have been applied to new staff only, to model a reasonable worst case in terms of highways impacts. For absolute clarity, the intention would be to influence the travel behaviour of all staff (existing and new) through the Travel Plan. This approach was solely a conservative assumption used for the purpose of assessing a reasonable worst case scenario within the transport modelling and for the Environmental Impact Assessment that utilises the modelling results.</p> <p>The GCG mode share Limits, as set out in Table 6.1 of the GCG Framework [TR020001/APP/7.08], are defined with reference to "non-sustainable" travel by airport staff (i.e. they only include the percentage of staff travelling by private car, taxi and motorcycle).</p> <p>The final numerical Limit values are derived from the modelling assumptions for the staff mode shares shown in Table 9.7 of the TA (including their application to new staff only), but have been adjusted to exclude the percentage of staff car sharing (only staff members travelling as a passenger in a car; drivers are still included). The Limits are also defined with reference to the 'Faster Growth Case', which sees an increased number of new staff in Phase 1 only.</p> <p>The transport modelling, and hence GCG, therefore correspond to the reasonable worst case scenario, for which the likely significant environmental effects are identified and reported within the Environmental Statement. GCG therefore provides certainty that the identified likely significant environmental effects will not be exceeded.</p> <p>Whilst Action Point 31 refers to staff mode share targets, the Applicant wishes to make clear that the modelling assumptions used and described above and the corresponding GCG Limits represent the basis from which more ambitious Targets will be set, in accordance with the process defined by the Framework Travel Plan [REP4-044]. The use of conservative modelling assumptions is necessary to ensure a robust assessment of highway impacts that considers a reasonable worst-case scenario. Further detail on the process for the setting of these more ambitious Targets has previously been provided in the Applicant's response to ExQ1 TT.1.7 [REP4-069]. The Framework Travel Plan [REP4-044] goes on to set out a longlist (toolbox) of interventions and measures that the operator can draw upon to encourage and support staff to switch from car based travel to sustainable modes, with ringfenced funding committed through the Sustainable Travel Fund [TR020001/APP/8.119].</p>

PINS ID	Action Point / Response																																																																																	
ISH9 – AP37	<p>Action:</p> <p>Provide a breakdown of the number of Category Three interests that have been assumed to be eligible for noise insulation, including the numbers eligible for each of the compensation categories, to demonstrate how the provisional sums in the funding statement Revised Funding Statement [REP5-009] have been determined.</p> <p>Response:</p> <p>Provided below is a breakdown of the number of properties potentially eligible for noise insulation which is a larger number than those identified as Category Three interests. By including the larger dataset the figures align with the data as set out in the Revised Funding Statement [REP5-009], consistent with the commitments made by the Applicant in Compensation Policies, Measures and Community First [TR020001/APP/7.10]</p> <table border="1"> <thead> <tr> <th>Scheme</th> <th>No. of Cat 3 Properties - Core Case</th> <th>Cost Per Property</th> <th>Expected % Take Up</th> <th>Budget Cost of Policy - Core Case</th> <th>No. of Cat 3 Properties - Faster Growth Case</th> <th>Budget Cost of Policy - Faster Growth Case</th> <th>Additional Cost of 100% Take up - Core Case</th> <th>Additional Cost of 100% Take up - Faster Growth Case</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>150</td> <td>£ 20,000</td> <td>80%</td> <td>£ 2,400,000</td> <td>400</td> <td>£ 6,400,000</td> <td>£ 600,000</td> <td>£ 1,600,000</td> </tr> <tr> <td>2</td> <td>1300</td> <td>£ 18,500</td> <td>80%</td> <td>£ 19,240,000</td> <td>1300</td> <td>£ 19,240,000</td> <td>£ 4,810,000</td> <td>£ 4,810,000</td> </tr> <tr> <td>3</td> <td>500</td> <td>£ 20,000</td> <td>80%</td> <td>£ 8,000,000</td> <td>650</td> <td>£ 10,400,000</td> <td>£ 2,000,000</td> <td>£ 2,600,000</td> </tr> <tr> <td>4</td> <td>2450</td> <td>£ 6,000</td> <td>50%</td> <td>£ 7,350,000</td> <td>2550</td> <td>£ 7,650,000</td> <td></td> <td></td> </tr> <tr> <td>5</td> <td>3350</td> <td>£ 4,500</td> <td>50%</td> <td>£ 7,537,500</td> <td>3950</td> <td>£ 8,887,500</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>£ 44,527,500</td> <td></td> <td>£ 52,577,500</td> <td>£ 44,527,500</td> <td>£ 52,577,500</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Contingency</td> <td>£ 8,905,500</td> <td>20%</td> <td>£ 10,515,500</td> <td></td> <td></td> </tr> <tr> <td></td> <td>Total</td> <td></td> <td>Total</td> <td>£ 53,433,000</td> <td></td> <td>£ 63,093,000</td> <td>£ 51,937,500</td> <td>£ 61,587,500</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> Actual Budget in Funding Statement is £60m - high mid point between core and faster growth cases Estimated take up rates showed cost of faster growth case as £52.5m Contingency of 20% recognised uncertainty at submission stage Funding has cost of inflation added elsewhere, £60m being a Day One cost Cumulative take up columns show sufficient funding to complete 100% of Schemes 1-3 from contingency were that to arise 	Scheme	No. of Cat 3 Properties - Core Case	Cost Per Property	Expected % Take Up	Budget Cost of Policy - Core Case	No. of Cat 3 Properties - Faster Growth Case	Budget Cost of Policy - Faster Growth Case	Additional Cost of 100% Take up - Core Case	Additional Cost of 100% Take up - Faster Growth Case	1	150	£ 20,000	80%	£ 2,400,000	400	£ 6,400,000	£ 600,000	£ 1,600,000	2	1300	£ 18,500	80%	£ 19,240,000	1300	£ 19,240,000	£ 4,810,000	£ 4,810,000	3	500	£ 20,000	80%	£ 8,000,000	650	£ 10,400,000	£ 2,000,000	£ 2,600,000	4	2450	£ 6,000	50%	£ 7,350,000	2550	£ 7,650,000			5	3350	£ 4,500	50%	£ 7,537,500	3950	£ 8,887,500							£ 44,527,500		£ 52,577,500	£ 44,527,500	£ 52,577,500				Contingency	£ 8,905,500	20%	£ 10,515,500				Total		Total	£ 53,433,000		£ 63,093,000	£ 51,937,500	£ 61,587,500
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ISH9 – AP44	<p>Action:</p> <p>Respond to the potential option that the Applicant submits listed building consent applications, including feasibility of this and implications.</p> <p>Response:</p> <p>The Applicant has considered the potential for taking direct responsibility for submitting listed building consent applications required to install noise insulation and is aligned with feedback already received by the ExA from local authorities. The detail provided in a planning application is specific to each property and often personal to the applicant. Whilst it might be feasible for the Applicant to collate the required information for submission the process carries with it significant risk that the detail provided is inaccurate or incorrect at</p>																																																																																	

PINS ID	Action Point / Response
	<p>the time of submission. The Applicant does not consider that it would be something it could reasonably assume to take over from a houseowner no more than a houseowner might prefer the Applicant to prepare on their behalf. The houseowner has accepted a responsibility as the custodian of a Listed Building and it is right and proper for them to remain in control of the application.</p> <p>The Applicant does not believe that the process would be assisted or simplified as a consequence of taking control of applications and thinks the negative implications could far outweigh the positives.</p> <p>The Applicant has updated its draft policy for Deadline 7 Compensation Policies, Measures and Community First [TR020001/APP/7.10], to provide substantial financial support to homeowners who may be required to go through this process and has further made a commitment for its contractors to offer sufficient flexibility of product to satisfy any specific requirements emerging from the consenting process.</p>
ISH9 – AP45	<p>Action:</p> <p>Explain what happens to the existing noise insulation funds at the point of serving the Article 44 notice.</p> <p>Response:</p> <p>At the point at which notice is served under Article 44(1) of the DCO the new noise insulation policy will be introduced. At this time any approved or part completed noise insulation applications being processed under the existing scheme will be seen through to completion under the funding provided for the existing scheme. This point has been added to the updated policy submitted for Deadline 7, see para 6.1.47 of Compensation Policies, Measures and Community First [TR020001/APP/7.10].</p> <p>Once the new noise insulation policy has been introduced it will be fully funded from the Proposed Development as set out in the Funding Statement [REP5-009].</p>
ISH9 – AP47	<p>Action:</p> <p>Review the Chapters of the ES to assess if effects (and any underpinning assumptions) falling outside of the GCG chapters are sufficiently controlled through Requirements, or whether there is any basis for requiring an unidentified local impacts mitigation fund.</p> <p>Response:</p> <p>The Environmental Statement Mitigation Route Map [AS-047] has been provided to demonstrate that all necessary environmental mitigation measures for the Proposed Development have been identified and secured. It provides an audit trail of controls and mitigation measures upon which the EIA relies, and the enforceable controls, either via Development Consent Order (DCO) requirements, development consent obligations or matters regulated under other consent regimes.</p> <p>Essential mitigation secured by the DCO requirements must (if applying the test for planning conditions) be necessary, relevant to planning and reasonable (amongst other things). Any mitigation secured by a section 106 planning obligation must be necessary to make the development acceptable in planning terms. The Applicant considers that mitigation for environmental effects have not been identified through the assessment process is not necessary and would not be reasonable to impose, having regard to these tests. The Applicant is not aware of any precedent for such fund.</p>

Table 2.5 Applicant's Response at Deadline 7 to Action Points from Issue Specific Hearing 10

PINS ID	Action Point / Response
ISH10 – AP6	<p>Action:</p> <p>Applicant to confirm whether Framework Travel Plan can be updated to reflect Travel Plan conditions within 19mppa consent.</p>

PINS ID	Action Point / Response
	<p>Response:</p> <p>At this stage the Applicant cannot update the Framework Travel Plan to reflect the full Travel Plan for the 19 mppa consent as this has yet to be finalised by the Airport Operator or approved by Luton Borough Council.</p>
ISH10 – AP9	<p>Action:</p> <p>Provide a more detailed explanation or revised drafting of Article [4]5 [<i>we assume this should read “article 45”</i>] to address concerns regarding the risk that mitigation for significant effects would not be implemented due to conflicts under Article 45.</p> <p>Response:</p> <p>The Applicant does not consider that Article 45(2)-(5) will result in mitigation for significant effects not being implemented, because any inconsistent development in an overlapping planning permission (e.g. Green Horizons Park) that cannot physically be implemented will be because of development under the DCO which contains its own mitigation for adverse effects which accounted for that development in its design. The delivery of mitigation under another overlapping planning permission which is not inconsistent with the DCO will not be affected by article 45 at all, and will still be required to be delivered.</p> <p>See further the Applicant's response to Written Questions - Draft Development Consent Order [TR020001/APP/8.153], DCO.2.1 for a full and detailed justification of Article 45.</p>
ISH10 – AP12	<p>Action:</p> <p>LBC to provide comments in writing on the design review panel. Applicant to respond in writing on LBC comments on its potential attendance at a design review panel.</p> <p>Response:</p> <p>Please refer to the Applicant's response to ISH8 – AP53 in this document.</p>
ISH10 – AP13	<p>Action:</p> <p>Review the Design Principles Document in light of the discussions at ISH8 and the comments made by Mr Gurtler at this Hearing including the potential for including a mechanism for design review in the pre-discharge process.</p> <p>Response:</p> <p>Please refer to the Applicant's response to ISH8 – AP53 in this document.</p>
ISH10 – AP18	<p>Action:</p> <p>In Schedule 9 consider the practicability of stating what provisions of the draft DCO each certified document responds to and why is on the list.</p> <p>Response:</p> <p>The Applicant has given consideration to the practicability of this proposal, but has concluded that such an approach would not be a helpful addition to the draft DCO. There are many certified documents that, although not expressly mentioned in a provision of the draft DCO, may still be relevant to that provision depending on the circumstances that have</p>

PINS ID	Action Point / Response
	<p>arisen during implementation of the project. To omit reference to those “implicitly relevant” provisions in Schedule 9 could be misleading. The ultimate answer would be for many of the certified documents to be listed as relevant to “all provisions” of the DCO, which would defeat the object of the exercise.</p> <p>The essential purpose of Schedule 9 is to confirm, for any DCO application document which is referred to in the DCO, the relevant version of the document that has been certified by the Secretary of State as the true version of the document that should be read in conjunction with the relevant provision of the DCO. It will be clear enough for the reader of the DCO to engage effectively with the interface between the provisions of the DCO, the certified documents, and Schedule 9 in the form that the DCO currently takes.</p> <p>The approach taken by the Applicant (already amended to address commentary from the ExA) is consistent with many made DCOs and the Applicant is not aware of a precedent which departs from this to include a “wayfinding” reference in the certified document Schedule, in the form that has been mooted.</p> <p>In view of the above, the Applicant’s position is that it would be unduly onerous and disproportionate to depart from the approach the Applicant has taken.</p>
ISH10 – AP20	<p>Action:</p> <p>Review and update if necessary [AS070] consents and agreements position statement.</p> <p>Response:</p> <p>The Applicant has updated the Consents and Agreements Position Statement, and this has been submitted for Deadline 7 [TR020001/APP/2.03].</p>
ISH10 – AP21	<p>Action:</p> <p>Discussion with Buckinghamshire regarding Employment and Training Strategy [APP-215] component of s106.</p> <p>Response:</p> <p>The Applicant has shared the draft section 106 agreement with Buckinghamshire Council. The Applicant is currently liaising with the Council to arrange a meeting to discuss the Employment and Training Strategy components of this.</p>

APPENDIX A – CONSTITUTION OF THE LONDON LUTON AIRPORT COORDINATION COMMITTEE

London Luton Airport Coordination Committee

CONSTITUTION OF
LONDON LUTON AIRPORT COORDINATION COMMITTEE

Constitution of the London Luton Airport Coordination Committee

(1) Definitions and Interpretation

1.1 In this Constitution the following expressions shall have the following meanings:-

Air Carrier	means an air transport undertaking with a valid Operating Licence;
Airport	means London Luton Airport;
Airport Operator	means London Luton Airport Ltd or such other person as shall from time to time be the airport operator of LTN;
Air Traffic Control	means NATS or such other person as shall from time to time be the provider of air traffic control services at LTN;
Annual General Meeting	means the Annual General Meeting of the Committee;
Authorised Representative	means any person nominated by a Member attending a Meeting on behalf of that Member;
Chairman	means the Chairman of the Committee;
Committee	means the London Luton Airport Coordination Committee;
Complaint	has the meaning given in Clause 7 of this Constitution;
Coordinator	means the person responsible for coordination at LTN from time to time with the meaning of Article 4.1 of the Regulation;
Department for Transport	means the Department for Transport of the UK Government, howsoever it shall be called from time to time;
Extraordinary General	means an Extraordinary General Meeting of the

Meeting	Committee;
IATA	means the International Air Transport Association;
IATA Worldwide Scheduling Guidelines	means the Worldwide Scheduling Guidelines published by IATA from time to time;
LTN	means London Luton Airport;
Meeting	means either an Annual General Meeting or an Extraordinary General Meeting;
Member	means a Member recorded in the Membership Register;
Membership Register	means the Register maintained in accordance with Clause 4.3 of this Constitution;
New Entrant	shall have the same meaning as in the Regulation;
Operating Licence	means an authorisation, issued by a legally competent authority, to an undertaking permitting it to carry out carriage by air of passengers mail and/or cargo, as stated in the operating licence, for remuneration and/or hire;
Regulation	means Council Regulation (EEC) No 95/93 of 18 January 1993, as amended,;
Secretary	means the Secretary of the Committee
Slot	shall have the same meaning as in the Regulation
Undertaking	means any natural person, any legal person whether profit making or not, or any official body whether having its own legal personality or not;

(2) Name and Object

- 2.1 The name of the Committee shall be the London Luton Airport Coordination Committee.
- 2.2 The object of the Committee is to be the Coordination Committee at LTN for the purpose of the Regulation.

(3) Purpose and Principles

- 3.1 The Committee shall make proposals concerning or advise the Coordinator and/or the Department for Transport and/or the Airport on:-
- 3.1.1 the possibilities for increasing the capacity of the Airport determined in accordance with Article 3 of the Regulation or for improving its usage;
 - 3.1.2 the coordination parameters to be determined in accordance with Article 6 of the Regulation;
 - 3.1.3 the methods of monitoring the use of allocated slots;
 - 3.1.4 local guidelines for the allocation of slots or the monitoring of the use of allocated slots, taking into account, inter alia, possible environmental concerns, as provided for in Article 8(5) of the Regulation;
 - 3.1.5 improvements to traffic conditions prevailing at the Airport;
 - 3.1.6 serious problems encountered by New Entrants, as provided for in Article 10(9) of the Regulation;
 - 3.1.7 all questions relating to the capacity of the Airport.
- 3.2 The Committee shall also mediate between all parties concerned on complaints on the allocation of slots, as provided for in Article 11 of the Regulation.
- 3.3 In performing its functions set out in Clauses 3.1 and 3.2 of this Constitution the Committee shall have regard to the provisions of the IATA Worldwide Scheduling Guidelines applicable to LTN.

(4) Membership

- 4.1 The following shall be entitled to be Members of the Committee:-
- the Airport Operator
 - Air Traffic Control
 - Air Carriers and aircraft operators using the Airport regularly and the representative organisations of Air Carriers using the Airport regularly
 - the representatives of general aviation using the Airport regularly.
- 4.2 The Airport Operator, Air Traffic Control, the Air Carriers and aircraft operators listed in Schedule 1 and the following representative organisations are Members at the date of the adoption of the Constitution:-
- European Business Aviation Association,
 - The British Business and General Aviation Association
 - IATA
 - ERAA
- 4.3 The Secretary shall keep an up-to-date Membership Register of Members of the Committee.

- 4.4 An Air Carrier or aircraft operator which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the Membership Register if that Carrier uses LTN regularly.
- 4.5 A representative organisation of Air Carriers or aircraft operators which is not on the Membership Register and which wishes to be a Member shall apply for membership in writing to the Secretary who shall enter its name on the Membership Register if that representative organisation represents Air Carriers using LTN regularly.
- 4.6 A Member shall cease to be a Member if it:-
- resigns, or
 - goes into liquidation, or
 - ceases to use the Airport regularly
- 4.7 The Secretary shall make a note in the Membership Register of the names of Members who have ceased to be Members together with the date of such cessation.
- 4.8 The Members shall decide all disputed issues about membership by a majority vote at a Meeting.

(5) Members Representatives

- 5.1 Each Member shall delegate an individual to be its Authorised Representative at Meetings.
- 5.2 No Member shall be represented by more than one Authorised Representative.
- 5.3 The Authorised Representative may vary from Meeting to Meeting but must be an employee of the Member in the case of an Air Carrier and in the case of a representative organisation an employee of the organisation or of one of its members.
- 5.4 In the case of an Air Carrier the Authorised Representative shall where practicable have responsibility for and experience of scheduling and shall preferably be a Member's delegate to the most recent IATA Scheduling Conference.
- 5.5 The Authorised Representative may bring to a Meeting as observers not more than two other representatives.
- 5.6 The Authorised Representative of the Airport Operator and Air Traffic Control may each bring to a Meeting as observers not more than three employees of their respective organisations.
- 5.7 The Committee may invite other persons to its Meeting as observers at its discretion.
- 5.8 Each person at a Meeting shall if requested by the Chairman or the Secretary state the organisation they represent and in what capacity.

(6) Meetings of the Committee

- 6.1 An Annual General Meeting shall be held at least once in each calendar year.
- 6.2 Extraordinary General Meetings may be held as and when business dictates, which may be called at less than twenty-one (21) days notice;
- 6.3 Meetings shall generally be held at LTN in premises provided by the Airport Operator.
- 6.4 Representatives of the Department for Transport and the Coordinator shall be invited to Meetings as observers.
- 6.5 The Secretary shall give a least twenty-one (21) clear days written notice of Meetings to each Member and to the Coordinator.
- 6.6 Each Annual General Meeting shall elect a Chairman and transact such other business as may from time to time be necessary.
- 6.7 The Chairman or five Members may request a Meeting. Such a request must be made in writing to the Secretary.
- 6.8 Within five working days of receiving a written request signed by the Chairman or by the Authorised Representatives of a least five Members giving reasons for the request, the Secretary shall call a Meeting.
- 6.9 Working papers for the Annual General Meeting will be distributed by the Secretary at least fourteen (14) clear days in advance of the meeting;
- 6.10 If a Meeting is convened for the purposes of Clause 3.1.6 of this Constitution the Secretary shall give sufficient notice of the Meeting to the European Commission and Department for Transport.
- 6.11 The quorum for a Meeting shall be the Authorised Representative of the Airport Operator and at least five other Members.
- 6.12 The Committee may receive advice from whomever it wishes on any matters under consideration and shall establish such ad hoc rules or procedures as the Members present and voting at a Meeting determine, provided that such rules are consistent with this Constitution.
- 6.13 The proceedings of the Committee shall be conducted in English.

(7) Complaints and Problems for New Entrants

- 7.1 The Committee may from time to time send to its Members, the Coordinator and other interested parties written procedural requirements approved by a majority of votes at a Meeting and consistent with this Constitution setting out the steps to be followed:-
- 7.1.1 where the Committee is required to examine possibilities for remedying serious problems for New Entrants as provided in Article 10 of the Regulation;
 - 7.1.2 where complaints are made as provided in Article 11 of the Regulation.
- 7.2. Where the Committee is notified of a Complaint it shall not meet to consider the Scheduling Complaint unless:
- 7.2.1. the complainant has first made a written submission to the Coordinator setting out the reasons for the Complaint, and
 - 7.2.2. the Coordinator has responded in writing to that submission or has had a reasonable time to do so, and
 - 7.2.3. the complainant has not accepted the Coordinator's response where one has been made.
- 7.3 At a Meeting to consider a Complaint the complainant shall be entitled to attend the Meeting even if it is not a Member and (in addition to the Authorised Representatives of Members) the complainant and the Coordinator shall be entitled to address the Meeting.
- 7.4 Complaints and problems for New Entrants may be considered at any Meeting.
- 7.5 The Committee shall not put any matter to a vote where it is required to give advice to the Coordinator on a Complaint or problems for New Entrants but shall ensure any advice given to the Coordinator sets out a fair summary of the feeling of the Meeting and of the views of any Members who dissent from the majority viewpoint.
- 7.6 The Secretary shall notify the complainant, the Chairman of the problems which remain unresolved after consideration by the Committee;

(8) Chairman and Secretary

- 8.1 The Chairman shall be elected at each Annual General Meeting from among the Members.

- 8.2 The Chairman shall hold office until the conclusion of the next Annual General Meeting after election.
- 8.3 The Secretary shall be an employee of the Airport Operator but shall be a different person from the Airport Operator's Authorised Representative.
- 8.4 Nominations for Chairman must be made in writing and must be in the hands of the Secretary no later than 24 hours before each Annual General Meeting.

(9) Voting

- 9.1 All questions arising at any Meeting shall be decided by a majority of votes of those Members present and entitled to vote at the Meeting, subject as provided in Clause 7.5 of this Constitution. Members may assign their vote to the Authorised Representative of another member by proxy provided the Secretary is advised and has received the authority for the proxy in advance of the Meeting.
- 9.2 In the event of a vote, there shall be a maximum of 1,000 votes available to cast at the Meetings. The voting procedure to be followed is set out in Schedule 2 of this Constitution.
- 9.3 Minutes shall be kept by the Committee and a proper record shall be kept of all proceedings, resolutions, the persons present and the capacity in which they attend the Meeting.

(10) Sub-Committees

The Committee may appoint sub-committees.

(11) Status

The Committee is not an incorporated association.

(12) Alterations To The Constitution

- 12.1 Any alterations of this Constitution must be approved by at least two thirds of the votes cast at a Meeting specially called for that purpose, where the voting procedures are those set out in Clause 9 of this Constitution.
- 12.2 Written requests for a Meeting to alter the Constitution must be received by the Secretary not less than fifteen clear days before the Meeting at which the alteration is to be considered.
- 12.3 At least ten clear working days' notice in writing of such a Meeting setting out the terms of the alteration to be proposed shall be sent to the Secretary.

(13) Dissolution

- 13.1 The Committee cannot be dissolved as long as the Regulation, or any regulation replacing it which requires a Coordination Committee at LTN, is in force.
- 13.2 If, once the Regulation, or any regulation replacing it which required a Coordination Committee at LTN, has ceased to be in force, at least two-thirds of those present at a Meeting and voting in accordance with the procedure set out in Clause 9 of this Constitution may resolve to dissolve the Committee. The Committee shall thereupon be dissolved and the Members shall have the power to dispose of any assets held by or on behalf of the Committee. Any assets shall be distributed to the Members of the Committee in equal shares.

(14) Costs And Expenses

For so long as European Community legislation requires a Coordination Committee at LTN, all reasonable and proper administration, premises and catering expenses of the Committee shall be met by the Airport Operator.

SCHEDULE 1

MEMBERSHIP REGISTER:

To be compiled

SCHEDULE 2

VOTING PROCEDURE

1. Only the Authorised Representative of a Member may vote at a Meeting.
2. An overall allocation of 1000 votes will be available for each topic for which a vote is required at each Meeting. These will be apportioned as follows:
 - Airport Operator = 40 votes
 - Air Traffic Control = 20 votes
 - Representative Organisations of Air Carriers = 10 votes to each organisation
 - Remaining votes to be shared in proportion to the number of movements flown by Members at LTN in the preceding year (the qualifying movements). Proportions will be taken to the second decimal place before rounding and are subject to a maximum of 400 votes for a single Member. FBO's will be given votes in relation to the number of movements handled in the preceding year but only when voting on runway issues, not stand or terminal issues.
 - A Member with no qualifying movements shall have 10 votes
 - Members not present will not be able to vote except when represented by their proxy
 - The Chairman will have the casting vote in the event of equality of votes (in addition to his/her own organisation's allocation of votes)
3. Where a Member's vote allocation will be variable, immediately following the end of each season the airport will advise the Secretary of the qualifying movements which is to be the basis for the calculation of votes to be allocated to each Member. The Secretary will advise each Member of its allocation when posting notices of the next Meeting.
4. Any questions relating to the allocation of votes will be resolved at the next Meeting of the Committee.

END