



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' COMMENTS ON ANY FURTHER INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 6

London Luton Airport Expansion



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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared jointly by Hertfordshire County Council (“HCC”), Dacorum Borough Council (“DBC”) and North Herts Council (“NHC”) in collaboration with their technical consultants, together as “the Hertfordshire Host Authorities” to set out further comments considered necessary in detailing the impacts upon the local area of the Applicant’s proposed London Luton Airport Expansion Project (the “Proposed Development”).
- 1.1.2. This document represents a table of responses by the Hertfordshire Host Authorities to certain further information and submissions made by the Applicant at Deadline 6. The Hertfordshire Host Authorities consider that some submissions require a response where new matters have been raised or where a clarification of a point would be beneficial. Where a matter has been addressed previously or elsewhere in submissions at Deadline 7, it is not responded to in this document, [although references are provided to the document where the response can be found]. It should be noted that where information or a submission or point has not been responded to, it should not be taken that means the Hertfordshire Host Authorities agree to it. The current status of the various matters under discussion with the Applicant are recorded in the Statements of Common Ground (SoCG) and Principal Areas of Disagreement Summary Statements (PADSS).



2 REP6-052 - RESPONSE TO SUONO'S NOTE ON NOISE CONTROLS

Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment																																			
Table 2.1 ID.3	Night Quota Count (in the QC period)	<p><i>"The reduced quota count limit goes hand in hand with the reduced contour area limit that applies from 2028 in the current permission (21/00031/VARCON), noting that the current permission has no requirement to calculate quota count budgets for the full night period. The reduced quota count limit of 2,800 would not align with the growth permitted by the DCO.</i></p> <p><i>However, the DCO Noise Envelope requires quota count budgets to be calculated for the full night period for each five-year period, which includes reductions in 2029 and 2034, and a mechanism to reduce these further (the Noise Limit Review) if and when quieter next generation aircraft become available.</i></p> <p><i>An additional reduced quota count limit would therefore overlap and duplicate and conflict the quota count controls for the full night period."</i></p>	<p>The full night period quota count (QC) budget referred to in the second paragraph in the text to the left of the Applicant's response is an internal tool for London Luton Airport only and does not constitute a control. The tool is proposed by the Applicant to assist in meeting the noise contour control and is not a replacement for, or duplication of, separate QC controls (such as the 2,800 QC over a different time period).</p> <p>The Noise Envelope Design Group recommendations do not strictly require core night QC to reduce to 2,800, only to a level below 3,500.</p> <p>The Hertfordshire Host Authorities note that the Need Case [AS-125] shows in Table 6.17 that the existing 2,800 limit would be met if the Applicant produced summer noise contour limits using the Core case and did not have growth without noise reduction beyond 2039. This has been put to the Applicant at every stage of the DCO process. This would clearly assist in the requirement to "limit, and where possible reduce" noise.</p> <p>Table 6.17: Projected annual night control period aircraft movements (23:30-05:59) in the Core Planning Case</p> <table border="1"> <thead> <tr> <th></th> <th>2019 Actual</th> <th>2027</th> <th>2039</th> <th>2043</th> </tr> </thead> <tbody> <tr> <td>Passenger Movements</td> <td>6,113</td> <td>6,950</td> <td>7,500</td> <td>8,600</td> </tr> <tr> <td>Cargo Movements</td> <td>1,546</td> <td>1,550</td> <td>1,550</td> <td>1,050</td> </tr> <tr> <td>Sub-Total</td> <td>7,659</td> <td>8,500</td> <td>9,050</td> <td>9,650</td> </tr> <tr> <td>Available for Business Aviation²⁰⁴</td> <td>1,185</td> <td>1,150</td> <td>600</td> <td>0</td> </tr> <tr> <td>Movement Limit</td> <td>9,650</td> <td>9,650</td> <td>9,650</td> <td>9,650</td> </tr> <tr> <td>QC Count</td> <td>3,159</td> <td>2,926</td> <td>2,607</td> <td>2,879</td> </tr> </tbody> </table> <p style="text-align: right;">Source: York Aviation</p>		2019 Actual	2027	2039	2043	Passenger Movements	6,113	6,950	7,500	8,600	Cargo Movements	1,546	1,550	1,550	1,050	Sub-Total	7,659	8,500	9,050	9,650	Available for Business Aviation ²⁰⁴	1,185	1,150	600	0	Movement Limit	9,650	9,650	9,650	9,650	QC Count	3,159	2,926	2,607	2,879
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Table 2.1 ID.10	Noise Violation Limits	<p><i>"Noise Violation Limits (NVLs) graded based on certified departure noise performance can have the opposite effect than intended as it can act as a disincentive to airlines replacing their aircraft with quieter aircraft as they would be subject to a lower limit (in effect penalised by being at greater risk of being fined). The airport operator noted in their response to the NEDG Final Report (Annex A of Appendix 16.2 of the ES [REP4-023]) that this was observed in the 2014 planning permission (12/01400/FUL) which had NVLs set according to quota count and this was demonstrated to be inappropriate and subsequently changed to NVLs with a set limit for all aircraft, reducing over time, in the 2017 planning permission (15/00950/VARCON).</i></p> <p><i>Therefore, to incentivise the use of quieter aircraft, in line with current consented noise controls, NVLs with a set limit for all</i></p>	<p>Local communities have been noted to complain about noise from business jets, which would be expected to be well below the NVL set for much larger aircraft, even if operating in a less responsible way.</p> <p>It is acknowledged that the Applicant does not wish for a highly refined NVL system but there is likely a sensible middle ground that uses a less granular approach. NVLs could be set for broader aircraft groups, such as commercial jets, cargo aircraft and business jets, to ensure each is operating as it should, without risking a situation arising whereby louder aircraft within a grouping are incentivised.</p> <p>Differential fines could then also be applied, such as business movements being fined a greater amount than commercial aircraft, as it might be expected that business aircraft are more able to absorb the costs of such penalties into their overall fees without changing their flying practice.</p> <p>This approach should be investigated by the Applicant.</p>																																			



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		<p>aircraft, reducing over time, are contained in the Air Noise Management Plan [TR020001/APP/8.125] secured by a DCO Requirement.”</p>	
<p>Table 2.1 ID.12</p>	<p>Movement Cap</p>	<p>“As this comment later notes, it is not the case that there is no proposal for annual movement limits – there is an annual movement limit of 9,650 in the Night Quota Period (23:30 – 06:00).</p> <p>Movement limits are poorly correlated with noise impact metrics (as demonstrated in Noise Envelope - Improvements and worked example [REP2-032]) and provide no incentive for the adoption of quieter aircraft and therefore no further movement limits are proposed, though annual movements will be reported as set out in the Aircraft Noise Monitoring Plan [REP5 028], secured by a DCO Requirement.</p> <p>This is in line with CAA’s CAP1731 document (Ref 1), which includes a review of suitable noise metrics for limiting and controlling noise, and which notes on page 58 that the number of movements: “has good correlation with day noise quota count and night noise quota count, when broken down into the number of movements per day and night respectively. It shows reasonable correlation with day noise contour area, but it gives no mechanism to limit impact within a given area. It also does not have any correlation with people exposed, so it would not be effective in controlling population noise exposure or in driving noise reduction. Overall, the number of movements is a metric that should be monitored to understand the growth of the aviation market, but it does not provide effective controls to limit noise generation, noise exposure nor noise impacts.””</p>	<p>The Applicant’s response has not provided any justification for lack of other controls within this section; namely, shoulder period QC Limits, Threshold values and staging periods.</p> <p>During the (Noise Envelope Design Group (NEDG) process, AECOM (one of the Applicant’s acoustic consultants) stated:</p> <p>“Enforcing a cap on the total number of aircraft movements within a fixed time period provides a simple and transparent control on the operations at the airport and, as such, is worth considering within the suite of controls. Such controls already exist in the current permissions for the airport and the project already proposes to maintain the annual movement cap on the night time quota period (23:30-06:00).</p> <p>A movement cap is easily understandable by local residents and addresses the often-stated view that the number of flyovers is a key consideration in annoyance related to aircraft noise. Such a cap also allows for relatively simple control by the airport operator and easy identification of any breaches or when the limit is being approached. The key disadvantages of a movement cap are that it does not relate directly to noise levels in the community and does not discriminate between the level of noise from individual aircraft (any aircraft movement counts the same towards the number of movements regardless of the level of noise generated). A simple cap on the number of movements would also not achieve the aim of allowing both the operator and community to benefit from the introduction of quieter aircraft, as the benefits would all be seen by the community. It is considered that the above disadvantages could all be resolved through the application of additional control measures, such as contour area limits and/or quota count limits. However, the value of the absolute movement cap would need to be selected such as to allow these measures to interact appropriately. For example, one might expect a quota count or noise contour area limit to provide the primary control on noise levels with the operation of current (or latest) generation aircraft, but the movement cap would provide a back-stop to ensure that the total number of aircraft movements did not continue to increase unreasonably if future aircraft are quieter again. These additional controls would also be necessary to encourage the uptake of quieter aircraft, with the introduction of quieter aircraft essentially being necessary to allow the airport to approach the movement cap without breaching other control measures. If a movement cap were implemented in the absence of a cap on passenger numbers, there is potential that it could drive a movement towards use of larger (and hence noisier) aircraft in order to remain within the movement cap. However, this should be considered in the context of the overall DCO application, which includes a cap at 32 million passenger movements per year, and hence should alleviate this concern. Other controls on noise levels (such as contour areas) would also interact with the movement cap to prevent this situation.”</p> <p>AECOM then went on to recommend an annual 24-hour period limit, as it would provide overall control whilst allowing for seasonal and daily variations [compared to more</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			refined time periods]. The Hertfordshire Host Authorities note that the Applicant is entitled to consider the NEDG findings as recommendations only and is not obliged to adopt them wholesale. However, we consider an overall operations limit to be a simple, understandable and therefore effective tool for communicating to the local community that the operator will stand by its stated intentions with regard to controlling noise nuisance.



3 REP6-057 - APPLICANT’S RESPONSE TO DEADLINE 5 SUBMISSIONS APPENDIX D - DACORUM BOROUGH COUNCIL, HERTFORDSHIRE COUNTY COUNCIL AND NORTH HERTFORDSHIRE COUNCIL

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Table 1.1 ID 4	GCG (Air Quality)	<p>GCG Transition Period</p> <p>Applicant’s response to matter raised: <i>“See response to the same comment raised by Luton Borough Council in Applicants response to Luton Borough Council D5 submission [TR020001/APP/8.127], see ID48.” [REP4-07]</i></p> <p>Extract of Applicant’s response from REP4-072 item 48 page 16: <i>“Furthermore, the Applicant would like to draw attention to Section 4.1.5 of the Applicant’s response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific hearing 3 Action 28: Green Controlled growth – Transition Period and Slot Allocation Process [REP4-072] which outlines the Applicant’s proposal to shorten the Transition Period in relation to air quality, greenhouse gases and surface access, and will only last for the remainder of the calendar year in which notice under Article 44(1) is served. During this period there will be no requirement to carry out monitoring as for these environmental topics monitoring will need to be carried out over a full calendar year. This proposed change has been reflected in the Draft Development Consent Order [REP5-003] and Green Controlled Growth Framework [REP5-022] included London Luton Airport Expansion Development Consent Order Applicant’s Response to comments on Deadline 5 submissions TR020001/APP/8.127 December 2023 Page 17 I.D. Topic Deadline 5 submission (Verbatim) Luton Rising’s Response as part of the submission for Deadline 5 and is also in response to the concerns raised by the Host Authorities and the Examining Authority.”</i></p>	<p>The Hertfordshire Host Authorities do not consider this proposal to be acceptable. As the Hertfordshire Host Authorities have stated in the post-hearing submission for ISH 9 [REP6-094] page 4-5 ‘Post hearing note’:</p> <p><i>“There is no good reason why air quality monitoring should not be operational by the start of Phase 1; indeed, the Authorities consider that it would be in the interests of the Applicant and Airport Operator to have collected and considered a full calendar year of baseline data in the run-up to Phase 1 at the proposed GCG monitoring sites.</i></p> <p><i>The Applicant has indicated that it considers that there is no point in monitoring during this period as the Level 2 Limits and Thresholds cannot apply, on the basis that they are applicable on the basis of an annual metric, and so cannot apply over part of a year.</i></p> <p><i>The Hertfordshire Host Authorities have made representations that a more adaptive approach would be appropriate for example for air quality in particular, where there is a need to account for short term exceedances that may impact on health. If such an adaptive approach were adopted, then it would be possible to meaningfully undertake monitoring and reporting against those shorter term metrics, and the Authorities’ position is that the GCG should include more adaptive monitoring and management, which should be introduced as early as possible, so that the Environmental Scrutiny Group (ESG) can properly oversee and undertake enforcement in relation to exceedances of Level 2 Thresholds and / or Limits from the outset.</i></p> <p><i>The Applicant says that it would not be in the Airport Operator’s interests to exceed a Level 2 Threshold or Limit during the Transition Period, but it is clear that the controls themselves would be absent during this period, leaving a risk of exceedance without any ability on the part of the ESG to require mitigation.</i></p> <p><i>The Hertfordshire Host Authorities welcome the proposal to bring forward the application of all Thresholds and Limits to the start of the first full calendar year, but would request that the Applicant consider whether, on the basis of adaptive monitoring and management, these could be applicable at an earlier stage.”</i></p> <p>The key point here is that controls are required for a shortened Transition Period and that these could be achieved by implementing the adaptive approach suggested.</p> <p>With regard to short-term objectives, the Hertfordshire Host Authorities could accept that use of short-term monitoring data falls outside of the scope of the Green Control Growth Framework in return for a formal commitment by the Applicant to consider short term data and action Thresholds as part of routine everyday environmental management of London Luton Airport’s operations. This would allow a responsive approach to managing / reducing short-term emissions, which would in turn contribute towards overall reductions in annual emissions.</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
<p>Table 1.1 ID 7, 8, 9 & 10</p>	<p>Surface Access – Hitchin Junctions</p>	<p>ID 7 Applicants response: <i>The approach adopted is consistent with the approach explained to the ExA at ISH4. Notwithstanding this, the Transport Assessment report establishes a future baseline scenario against which the effectiveness of the mitigation measures has been assessed.</i></p> <p>ID 8 Applicants response: <i>Table 1, 2 and 3 show that the proposed development in Assessment Phase 1 has minimal impact on the operation of the junctions. It is noted that the additional Airport demand in Assessment Phase 1 is not substantial and as a consequence it is correct that there is little difference between the scenarios. Wratten Road is a local access road and not within the CBLTM-LTN model. As such no data was available for Wratten Road. To reflect the local use of the road, a flow of 15 PCUs in and 15 PCUs out of the junction was assumed with the flow split equally over the other arms.</i></p> <p>ID 9 Applicants response: <i>Table 4 shows that the proposed mitigation significantly reduces average delays across the junction and also reduces queues on the A602 approaches.</i> <i>Table 5 shows that the junction operates with improved performance in the AM peak hour and marginally worse performance in the PM peak hour. On balance the mitigation is therefore considered to be effective.</i> <i>Table 6 shows that there is a rebalancing of queues at the junction in the AM peak hour but that in overall terms, whilst some queues increase, other decreases and there is a significant reduction in delays across the junction. In the PM peak, the queue on the A505 Offley Road is reduced to below the future baseline queues and therefore the proposed mitigation is considered effective.</i> <i>The Applicant disagrees that the modelling results show that the mitigation schemes are ineffective. The schemes are shown to mitigate the impacts of the Proposed Development given that the performance of the junction is no worse than in the future baselines and in most cases provides a significant improvement in average delays.</i></p> <p>ID 10 Applicants response: <i>Table 7 shows that the proposed mitigation significantly reduces queues and average delays across the junction.</i></p>	<p>The proposed mitigation at the three Hitchin junctions remains an area of disagreement with the Applicant from North Herts Council and Hertfordshire County Council perspective. Please see the response to TT.2.15 in the Hertfordshire Host Authorities' Responses to the Examining Authorities' Further Written Questions also being submitted at Deadline 7 for an update on the ongoing discussions between the Applicant and the Hertfordshire Host Authorities.</p> <p>The mitigation schemes proposed are not in keeping with policy aspirations (further details summarised in bullet points below) in relation to providing for active and sustainable travel and whilst the Applicant has indicated there is opportunity for the local and highway authority to implement an alternative, it would be the responsibility of the Hertfordshire County Council to fund the additional cost, which is not acceptable. Please see Hertfordshire Host Authorities' Principal Areas Of Disagreement Summary Statement (PADSS) [REP6-099] and Hertfordshire Host Authorities' Comments On Any Further Information / Submissions Received By Deadline 5 [REP6-100] submitted at Deadline 6.</p> <p>Insufficient information has been provided with respect to the costs of the respective junction changes at the three Hitchin junctions. Hertfordshire County Council and North Herts Council seek clarity on the assumed value for the junction changes.</p> <p>The Applicant (through Arup) has presented modified plans that include signalisation of two of the junctions. HCC and NHDC will provide a comprehensive response to the Applicant on the revised and currently proposed layouts presented as part of the DCO process which are unacceptable. The main reasons for continued disagreement are summarised here:</p> <ul style="list-style-type: none"> • The current mitigations are modelling-led and space for additional capacity is unlikely to be realised in practice. • Poor level of modelling validation in Hitchin which is leading the scheme development is concerning. • The mitigation proposals benefit only private vehicles. • The mitigation proposals provide no enhancement for pedestrians and cyclists. • The Hitchin Hill junction is in an Air Quality Management Area (AQMA), measures to attract additional traffic in this area should not be encouraged. • The proposed layouts do not align to proposals in HCC and NHDC adopted strategies: • HCC's LTP4 policy 1 says that the needs of vulnerable road users such as pedestrians and cyclists as well as public transport should be considered before the needs of private vehicles - the proposed mitigation measures provide minor increases to vehicle capacity but nothing to improve the junctions for pedestrians, cyclists or buses.



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		<p>Table 8 shows that the junction operates with improved performance in the AM peak hour and marginally worse performance in the PM peak hour. On balance the mitigation is therefore considered to be effective.</p> <p>Table 9 shows that the junction is forecast to operate over capacity in the future baseline.</p> <p>Table 9 shows that there is a rebalancing of queues at the junction in the AM peak hour but that in overall terms, whilst some queues increase, other decreases and there is a significant reduction in delays across the junction.</p> <p>The junction operation would be worsened in the PM peak hour however when the increased impact in the PM peak hour is balanced against the improvement in the AM peak hour, the overall impact is not considered to materially worsen the performance of the junction in Assessment Phase 2b. The junction location is constrained by properties on all sides and options to add further mitigation are limited.</p>	<ul style="list-style-type: none"> The adopted North Central Growth and Transport Plan (a supporting Local Transport Plan (LTP) document) suggests signalised improvements at A602/B656 Hitchin Hill (SM47) and signalised improvements at A505 Pirton Road and A602/A505 junctions (SM48) for improved pedestrian crossing facilities. North Herts District Council (2016) <i>Infrastructure Delivery Plan to support the North Hertfordshire Local Plan 2011 – 2031, Appendix A</i> Available at: https://www.north-herts.gov.uk/sites/default/files/TI1%20Infrastructure%20Delivery%20Plan.pdf, further identifies these junctions and the measures that could be provided. A505 Corridor Strategy (unpublished) has an aspiration for road-based public transport system along the existing A505 with priority infrastructure. The Road Safety Audit (RSA) and designers' response has been the subject of a review by Hertfordshire County Council's road safety team and raises concerns over the deliverability of the proposed layouts.
Table 1.1 ID 12	Surface Access	<p>ATF Terms of Reference, query around the relationship between the ATF and the other processes.</p> <p>The Applicant's response: "The full Terms of Reference for the Steering Group will be provided in final TRIMMA. The final TRIMMA must be substantially in accordance with this OTRIMMA and be approved in writing by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function. The airport cannot be operated above its extant passenger cap until the TRIMMA has been approved."</p>	<p>The Applicant has provided a relationship mapping for the surface access controls as part of their response to ISH9. Further comments on this are provided in Section 10 of this document to Action point 33 [REP6-067].</p> <p>NHDC request that they should be included in the Membership of the ATF given the significant likely east-west impacts through the district. Similar comments have been made in relation to the s106 to request inclusion in the group membership.</p> <p>The Hertfordshire Host Authorities are content with the Terms of Reference and understand there will be further opportunity to agree the detail of these at the appropriate later stage and prior to expansion taking place.</p>
Table 1.1 ID 13	Surface Access	<p>Catchment area for staff walking and cycling, response rate to staff survey.</p> <p>The Applicant recognises that this is a low response rate (6-7% of total staff), though at the time of the analysis these were the most up-to-date data available. For future surveys, that will inform the future Travel Plans, an increased response rate will be sought, with measures to increase awareness of the survey and incentivise staff to complete it when distributed.</p>	<p>The Applicant should propose what they would consider to be a minimum response rate for the annual staff survey as the basis for decisions in relation to the monitoring for both the Green Control Growth (GCG) and the Travel Plan which are both based on the Staff Survey responses.</p> <p>For the survey to be used for decision-making around the need for mitigation associated with both the GCG and the Travel Plan, a minimum requirement should be specified, a very low response rate will not provide a sufficient basis for the monitoring and mitigation plans.</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
Table 1.1 ID 14	Surface Access	TRIMMA – query regarding the pause in the monitoring. <i>“The Applicant is not proposing a pause in the monitoring process during the Airport growth period. It is proposed to pause monitoring if the airport has not grown for the previous five years. After the airport exceeds its extant planning capacity after the granting of the DCO, GCG limits on surface access mode shares must be met at all times – even if the airport is not growing. This ensures that there will be a minimum mode share for sustainable modes at all times, and therefore that airport traffic will also be limited.”</i>	The Applicant confirms that there will not be a pause in the monitoring during the growth, but that there will be a pause if London Luton Airport has not grown in the previous 5 years. It is not clear to the Hertfordshire Host Authorities in what scenario the monitoring would be paused. The annual monitoring of traffic impacts will be needed without any pause during any no-growth scenario; patterns of travel could settle into a different pattern during any 5-year period as a result of ongoing mitigations implemented through the Framework Travel Plan or MT1 which would still need monitoring. Therefore, there should be no pause in the TRIMMA monitoring.
Table 1.1 ID 17	Surface Access	Monitoring associated with trips to the off-site car parks to get a full picture of the airport expansion traffic impacts.	The additional off-site car parking assumes an additional 4,080 parking spaces could be required to maintain the modes share, based on the growth assumptions. As previously raised within the Hertfordshire Host Authorities' Principal Areas Of Disagreement Summary Statement (PADSS) [REP6-099], the Hertfordshire Host Authorities are concerned that the trips associated with these car parks will not be part of the trip monitoring through TRIMMA as it is only London Luton Airport operated car parks that will be monitored through Automatic Number Plate Recognition (ANPR) cameras. This means that the airport trips associated with the Proposed Development, that are on the highway network and contributing to congestion in the Hertfordshire towns, but have a destination at an off-site location, evade the trip monitoring. These trips could be having a local impact that requires mitigation; however, the Applicant's monitoring plan will not obtain this key data which is necessary to inform the level of mitigation required.
Table 1.1 ID 18	Surface Access	Alternative mitigations at the three Hitchin junctions, <i>“The OTRIMMA proposes that highway authorities will be enabled to deliver alternative works instead of the mitigation proposals, funded by the Applicant up to the cost of the original proposals. The Applicant believes that this is an appropriate mechanism, given that the value of the Applicant's contribution would be equal to the estimated cost of the current MT1 mitigation proposals and is considered proportionate to the Airports impacts. The Applicant also wishes to clarify the value would be adjusted for inflation.”</i>	The proposed mitigation at the three Hitchin junctions remains an area of disagreement between the Applicant and North Herts Council and Hertfordshire County Council. Again, please see the response to TT.2.15 in the Hertfordshire Host Authorities' Responses to the Examining Authorities' Further Written Questions also being submitted at Deadline 7 for an update on the ongoing discussions between the Applicant and the Hertfordshire Host Authorities and also refer to response to Table 1.1 ID 7, 8, 9 & 10 for further detail on reasons. The mitigation schemes proposed are not in keeping with policy aspirations in relation to providing for active and sustainable travel and whilst there is opportunity for the local and highway authority to implement an alternative, it would be the responsibility of the authority to fund the additional cost which is clearly not an equitable solution. Sufficient information has not been provided with respect to the costs of the respective junction changes and therefore the potential availability of resources for alternatives to the proposed junction improvements. It is assumed this matter will not be resolved and will remain as not agreed in the Statement of Common Ground and as a Principal Area of Disagreement in the PADSS. There was a meeting with Arup on 14th December 2023 to specifically discuss the three Hitchin junctions. Arup presented an alternative design for the Hitchin Hill junction which is more in line with the Host Authorities' aspirations but were challenging the concept of



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			signalising the Pirton Road junction. The Hertfordshire Host Authorities are awaiting more information from Arup (layouts, modelling results and costs). However, it is not expected that this will be done within the timelines of the DCO and the plans already submitted as part of the DCO application cannot be substituted. This could however potentially form part of a side agreement to identify a proportional contribution to the costs of the improvements. These costs will need to be index linked and have adequate flexibility in any agreement to ensure there is sufficient cost coverage.
Table 1.1 ID 55	Surface Access	Bus / coach provision and pump-priming. <i>"The Applicant would consider pump-priming routes to improve their commercial viability if they are shown to be the appropriate routes to improve connectivity to the airport."</i>	The Hertfordshire Host Authorities request the costings for the <i>'Toolbox of interventions'</i> in the Framework Travel Plan against the proposed Sustainable Transport Fund and to understand the assumed cost for pump-priming bus services. This is needed to provide an understanding that the fund is sufficient to cover the potential demands on the fund during the course of the expansion, particularly in relation to pump-priming bus services. The Hertfordshire Host Authorities have sought confirmation from the Applicant that it would be possible to provide additional bus services at an early stage in the London Luton Airport expansion to promote travel behaviour change rather than reacting to problems arising. Confirmation on whether this will be possible has not been provided. The Hertfordshire Host Authorities have provided additional comments on the Bus and Coach Study [REP5-058] at Deadline 6 within Comments on Any Further Information / Submissions Received by Deadline 5 [REP6-100] and request to understand the updated outcomes.
Table 1.1 ID 48	Landscape and Visual	Visual receptors - Provision of visual receptors plan. <i>'The Visual Receptors plan provided at Deadline 4 [REP4-091] in response to actions raised at ISH6 provides the information that was requested. Figure 14.2 Zone of Theoretical Visibility (Bare Earth) and Figure 14.8 Assessment Viewpoint Locations were also updated as requested at Deadline 4...'</i>	The Hertfordshire Host Authorities note the Applicants reluctance to provide a version of the Visual Receptors Plan with the Zone of Theoretical Visibility overlayed. However, the Hertfordshire Host Authorities maintain that such a plan would be helpful so that the specific visual receptors can be perceived in relation to the general theoretical visibility coverage.
Table 1.1 ID 49	Landscape and Visual	Hedgerow restoration. <i>'The Applicant believes that the plan provided meets the requirements of and purpose for the information requested. These are illustrative locations to understand the location of mitigation proposed, detailed landscape design will be developed and submitted to the relevant planning authority as part of Requirement 8 of the draft DCO [REP5-003]'</i>	The Hertfordshire Host Authorities request further clarification on mitigation and justification for appropriateness of that proposed in order to understand its effectiveness and purpose, particularly given that this forms the framework for the detailed design. The Hertfordshire Host Authorities have provided additional comments on Mitigation at Deadline 6 in ISH8 Post-Hearing Submission: Agenda Item 9 – Landscape and Visual – Visual effects and approach to Mitigation [REP6-093]. The Hertfordshire Host Authorities have provided additional comments on Mitigation in their Responses to the Examining Authorities Further Written Questions relating to Agenda Item 10 - Design - Primary Mitigation submitted at Deadline 7.
Table 1.1 ID 54	Landscape and Visual	Glint and Glare Assessment <i>'The Glint and Glare Assessment has not informed the Landscape and Visual Impact Assessment (LVIA), or the draft Chilterns Area of Outstanding Natural Beauty (AONB) Special Qualities Assessment as Glint and Glare is not a matter which requires to be considered within the scope of either of these assessments.'</i>	The Hertfordshire Host Authorities request that the Glint and Glare Assessment is used to inform the Landscape and Visual Impact Assessment (LVIA) in relation to perceptual and aesthetic qualities, as well as visual amenity, in line with the Landscape institute (2013) Third Edition on Guidelines on Landscape and Visual Impact Assessment (GVIA3) (e.g., paragraph 2.20); or that the Applicant clarifies why glint and glare do not contribute to perceptual qualities in the surrounding area.



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
Table 1.1 ID.1	Noise and vibration	<p><i>“It is not typical for an airport noise assessment to be based on the ‘reasonable worst case’, as the Applicant proposes, but rather from realistic forecasts such as those used in the Core case, which itself should form the ‘reasonable worst case’. While the overall noise effects as defined in the EIA may be comparable, the number of people exposed to specific noise levels will differ and this is highly material with regard to complying with UK aviation noise policy such as Aviation Policy Framework 2013 (“limit and where possible reduce the number of people in the UK significantly affected by aircraft noise”).”</i></p>	<p>It is manifestly clear that Environmental Impact Assessment (EIA) is expected to be based on a reasonable worst case, as is noted by the Hertfordshire Host Authorities in their statement. The position is that the reasonable worst case is formed by the Core case, as has been used for other airport EIA applications.</p> <p>The Applicant has not, at any stage, provided a convincing argument as to why a faster growth case should be used to set future noise contour limits instead of the Core case, and continues to reference a position that has previously been rebutted without adequate response.</p> <p>The use of the Core case is required by the Applicant to “limit and where possible reduce the number of people in the UK significantly affected by aircraft noise”, as quoted by the Applicant from APF2013, where this is a clear instance of reducing people experiencing significant noise effects.</p> <p>Use of the faster growth case to set noise contour limits is expected to lead to increased numbers within local communities experiencing higher noise levels than compared to the Core case, which is taken to not comply with UK aviation noise policy, where noise effects should be reduced where possible.</p> <p>Although we understand the Applicant’s response and agree that in general terms ‘reasonable worst case’ is a standard approach in EIA the Applicant fails in its response to address or grapple with the substance of the submission made and demonstrate that in taking this approach that the ‘reasonable worst case’ used and applied uses the realistic forecasts and covers all likely receptors across the life of the project based on all relevant policy, guidance and practice in relation to noise, particularly in relation to airports and these particular proposals. It is not reasonable to provide realistic forecasts and then not fully account for these in any consideration of the ‘reasonable worst case’. Therefore, it is necessary to ensure that adequate assessment has been taken account of by the Applicant fully addressing the underlying substance of the local authority submissions and context and legitimate concerns set out in this response.</p> <p>To be clear the Authorities and Examining Authority need to be assured that the assessment is robust and fit for purpose, in the context of airports (and Luton in particular within the full consented envelope sought). This means that those that can be significantly affected over the life of the Proposed Development must be appropriately assessed on a precautionary basis having regard to all relevant policy, guidance and practice and this is fully accounted for and adequate monitoring and protections are secured to avoid direct and indirect adverse effects on existing and future population and sensitive receptors.</p>
Table 1.1 ID.3	Green Controlled Growth	<p>This comment has not considered the sentence of paragraph 3.2.16 of Green Controlled Growth Explanatory Note [REP5-020] which introduces the noise mitigation toolbox: <i>“As set out above, key to maintaining growth whilst controlling the noise impacts with respect to the Noise Envelope Limits will be the forward planning of capacity declaration and slot management measures.”</i> The Applicant has provided a worked example in which shows how</p>	<p>The comment has considered paragraph 3.2.16 of the Green Controlled Growth Explanatory Note [REP5-020], as London Luton Airport was and is fully able to introduce an internal QC budget tool to aid them to meet their noise contour limits at any stage – this is not something that can only be introduced as a result of this application. GCG only serves to bring London Luton Airport in line with every other UK airport’s noise controls given that no other such airport has breached its noise contour limits.</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		<p>forward planning of capacity declaration and slot management measures would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [REP2-032]. LBC also notes in [REP5-076] that “It appears that through implementation of Local Rules to manage the release of slots, alongside 5-year advanced planning (both of which are proposed), Luton Airport may be able to manage noise so as not to need to reduce capacity.”</p>	<p>The Hertfordshire Host Authorities note again, as has been raised in various noise meetings with the Applicant since its publication, that the worked example does not cover the reasons why the historic breaches occurred. It would be more transparent and more convincing if this was the case.</p> <p>The Applicant has not yet proposed to introduce Local Rules ahead of time and as such, there remains concern that breaches could still occur.</p> <p>The Applicant’s response fails to provide the certainty and control mechanism required to ensure the noise envelope limits are attained and kept within. There needs to be certainty and controls to ensure performance and limitation on noise effects to greater than assessed levels. The Applicant’s response and the mechanisms still fail to provide this certainty or confidence.</p>
Table 1.1 ID.5	Noise and Vibration	<p>“The sharing of the benefits of growth and technology improvements is set out in Section 3 of Appendix 16.2 of the Environmental Statement [REP4-023]. The quantification of sharing the benefits shows a greater proportion of benefit going to the community when using the current permission baseline as modified by the P19 approval, see Applicant's Post Hearing Submission - Issue Specific Hearing 8 (ISH8) [TR020001/APP/8.135]. There is a mechanism for reducing noise contour area limits (i.e. driving effects down) – the Noise Limit Review, see paragraphs 3.2.29 onwards of Green Controlled Growth Explanatory Note [REP5-020].”</p>	<p>The quantifications referenced by the Applicant involve a range between the faster growth case and the slower growth case. There is no reason to expect anything other than the faster growth case to materialise, given historic trends after granting of permissions at London Luton Airport, meaning that the quantification provided by the Applicant would remain entirely negligible at night-time (being 0-1% in 15 of the 20 years stated when compared to P19 future baseline, or 0% in all years when compared to P18 future baseline).</p>



4 REP6-061 - WRITTEN QUESTION RESPONSES - APPLICANT'S RESPONSE TO HERTFORDSHIRE HOST AUTHORITIES' COMMENTS

Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
GCG.1.11	GCG (Air Quality)	GCG framework – Revision of limits and thresholds in light of changing legal limits Applicant's response <i>"Noted. Section 4.4 of the Green Controlled Growth Framework [REP5-022] has been updated as suggested."</i>	On review of the tracked change version of the GCG Framework [REP5-022] [REP5-023], it does not appear that any amendments have been made under Section 4.4 beyond additional text concerning review of monitoring locations at Phase 2a – which is not the subject of the Hertfordshire Host Authorities' Written Question. It would appear that the matter has not been addressed in GCG as stated that it would be by the Applicant.
PED.1.18	Landscape and Visual	Applicant's response: <i>'The Applicant believes the assessment of Landscape and Visual effects (Chapter 14 Landscape and Visual [AS079] of the ES) of the Proposed Development is robust and welcomes the authorities' agreement that further categories are not required'.</i>	Whilst the Hertfordshire Host Authorities agree that no further categories are required, they have previously noted that the LVIA methodology does not set out how value and susceptibility are combined to determine overall sensitivity, and this remains a weakness, given that receptor sensitivity is a key component in determining the subsequent significance of the effect. Clarification on how value and susceptibility are combined to determine overall sensitivity should be provided in order to robustly justify the sensitivity ratings shown.
PED.1.22	Landscape and Visual	Chilterns Area of Outstanding Natural Beauty (AONB) Applicant's response: <i>'The Hertfordshire Host Authorities' response to the draft Chilterns AONB Special Qualities Assessment is welcomed and is being considered further, ahead of the finalisation of the document'.</i>	The Hertfordshire Host Authorities welcome receipt of the Draft Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment. Comments on this draft document have been sent to the Applicant (prior to Deadline 7) and are included within Appendix 1 to this document.
PED.1.23	Landscape and Visual	Chilterns AONB Sensitivity Test [APP107] Applicant's response: <i>'The Applicant therefore maintains the position that visual receptor sensitivity would not be affected by the potential extension of the AONB'.</i>	The Hertfordshire Host Authorities have provided further comments in response below as part of [REP6-066].
PED.1.25	Landscape and Visual	Landscape Proposals Applicant's response: <i>'The Applicant believes that sufficient information is contained within the response including appropriate cross references to where extensive information is provided across the application submission documents including the Environmental Statement covering the subjects raised.'</i>	The Hertfordshire Host Authorities maintain the position that the Applicant's response does not provide the level of information required to satisfy the Hertfordshire Host Authorities that the sustainability aspirations are met in terms of landscape design. The Applicant's response requires input from a range of relevant topic leads on the Applicant's side (including biodiversity, drainage, communities, noise and heritage) in order to provide the required detail.
PED.1.27	Landscape and Visual	Solar Energy Generation Applicant's response: <i>'The Glint and Glare assessment was requested from an engineering drawing requirement and is for risk and safety purposes. It is not accounted for in Chapter 14 Landscape and Visual [AS-079] of the ES...'</i>	The Hertfordshire Host Authorities request that glint and glare, particularly from solar energy generation, should be factored into the assessment of landscape and visual effects as they contribute to the perceptual and aesthetic qualities of landscape and visual amenity (in line with GLVIA3 e.g., paragraph 2.20).
PED.1.31	Landscape and Visual	Unacceptable Levels of Harm. Applicant's response: <i>'The visual effects of the buildings and structures are considered fully in Chapter 14 Landscape and Visual [AS-079] of the ES and the detailed visual impact assessment in</i>	The Hertfordshire Host Authorities disagree that, <i>"In most instances, these (landscape and visual) impacts can be adequately mitigated"</i> and maintain fundamental concerns regarding the visual impact of the introduction of large scale built development. It does not believe that mitigation in relation to built form has been adequately considered, such as how landscape has informed the approach to siting design. Identification of mitigation



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		<p>Appendix 14.5 Detailed Visual Assessment Rev2 [AS-139] of the ES'</p> <p>and</p> <p>'The effects of the Proposed Development on the Special Qualities of the Chilterns AONB are being assessed via the Special Qualities Assessment being prepared by the Applicant.'</p>	<p>measures in relation to anything other than soft planting is highly limited in the Design Principles [REP5-034] document e.g. the approach to building heights, colour, massing, rooflines and similar. Mitigation measures in relation to the built form and site therefore needs strengthening. The Landscape Design Principles should also cross reference the Sustainability principles, so it is clear which sustainability objectives they are actively contributing to.</p> <p>The Hertfordshire Host Authorities also maintain their concerns in relation to the <i>Special Qualities Assessment</i> – see comments raised in [REP6-066] and [REP6-075].</p>
NE.1.3	Need (Aviation)	<p>Factors determining the rate of increase in passengers per movement at Heathrow and Gatwick, and influencing the passenger handling capacity of these two airports and thence the passenger volumes which might be forecast for London Luton Airport.</p>	<p>The Applicant's response does not seek to defend its previous statement that increases in passenger load factors account for a substantial proportion of the growth in passengers per movement and does not dispute the Authorities' evidence presented at Deadline 5 that increases in load factor and in average number of seats per flight account for similar proportions of increases in passengers per movement.</p> <p>The Applicant's response focuses on one replacement possibility for the largest long-haul aircraft (the A380) and argues that the only way that passengers per movement could be increased at Heathrow and Gatwick would as a result of a switch from short haul to long haul flights. This ignores the possibility of increases to aircraft seating capacity across the spectrum of air services from regional (albeit limited at the two airports) through short and medium haul to long haul flights. The assumed passengers per aircraft at the two airports implied by CSACL's capacity assessments of the airports are set out in Table 3.3 of the Initial Review of DCO Need Case [REP2-057] and are at average levels which are eminently achievable. This is certainly the view of the management of Gatwick Airport with its higher assessment of its own capacity.</p> <p>To the extent that passenger capacity is greater at Heathrow and Gatwick than assumed by the Applicant, it will reduce (at any particular year) the number of passengers using London Luton Airport, which the Applicant's own forecasts show higher proportions of traffic being attracted from areas closer to Heathrow and Gatwick as illustrated for example in Figure 6.6. of the Applicant's own primary Need Case document [AS-125].</p>



5 REP6-065 - APPLICANT’S POST HEARING SUBMISSION - ISSUE SPECIFIC HEARING 7 (ISH7)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
ISH7 Action 20	Surface Access	<p>Detail the number of spaces that the Transport Assessment (TA) assumed would be provided by third party car parks and explain how this was determined. Signpost where this information can be found in the application.</p> <p>It is assumed that the off-site car parking mode share for the expanded airport would be 5.2% in 2027, and 5% in 2039 and 2043. The assumed future year off-site car parking spaces have been estimated from the baseline parking spaces (6,800). Total off-site car parking:</p> <ul style="list-style-type: none"> • 2019 Baseline, 18mppa – 6,800 • 2027 Phase 1, 21.5mppa – 7,480 • 2039 Phase 2a, 27mppa – 9,520 • 2043 Phase 2b, 32mppa – 10,880 	<p>The additional off-site car parking assumes that an additional 4,080 parking spaces could be required to maintain the mode share, based on the growth assumptions.</p> <p>As previously raised in the Hertfordshire Host Authorities’ Principal Areas Of Disagreement Summary Statement (PADSS) [REP6-099], the Hertfordshire Host Authorities are concerned that the trips associated with these car parks will not form part of the trip monitoring through TRIMMA as it is only London Luton Airport operated car parks that will be monitored through ANPR cameras. This means that the airport trips associated with the Proposed Development, that are on the highway network and contributing to congestion in the Hertfordshire towns but have a destination at an off-site location, evade the trip monitoring proposals. These trips could be contributing to a local impact that requires mitigation however this will not be assessed through the monitoring plan and further clarity on how these trips will be monitored is requested. It is understood that assumptions have been made in the modelling to account for these trips which leads to a disconnect between the modelling and the monitoring.</p>



6 REP6-066 - APPLICANT'S POST HEARING SUBMISSION - ISSUE SPECIFIC HEARING 8 (ISH8)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.2.6 Action Point 42	Landscape and Visual	The Applicant stated that its intention is to submit an updated draft of the assessment to stakeholders by Deadline 6. The ExA requested that a draft assessment be submitted to the ExA as well by Deadline 6, with a final version to be submitted to the ExA by Deadline 7.	Received. The updated version is welcomed. The Hertfordshire Host Authorities welcome receipt of the Draft Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment. Comments on this draft document have been sent to the Applicant (prior to Deadline 7) and are included within Appendix 1 to this document.
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.2.11 Action Point 43	Landscape and Visual	10.2.11 The Applicant confirmed that a visual intrusion at day and night from aircraft had not been considered, however please see note below. 10.2.12 Post hearing submission: Correction - the visual impact of aircraft movements is considered in the Landscape and Visual assessment reported in Chapter 14 of the ES [AS-079] in the day as described in paragraph 14.3.11 and section 14.9 and night-time as reported in paragraph 14.6.6, limited to brief discussion where required.	Noted. Paragraph 14.3.11 only cites consideration in relation to construction effects. The Applicant should confirm if effects have been considered at operational stages as well. In relation to paragraph 14.6.6, <i>'It is understood additionally that, in comparison to sitewide lighting, the transient and dynamic impact of lower powered vehicular headlights and/or aircraft lights would not have a significant impact on dark skies'</i> . Can the Applicant confirm how they have arrived at this 'understood' position and how this conclusion in relation to LVIA was made? Transient lighting was not modelled in the Light Obtrusion Assessment Part A [APP-052] and therefore consideration of transient lighting should be included.
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.3.5 Action Point 46	Landscape and Visual	The ExA asked whether the landscape in the proposed Area of Outstanding Natural Beauty (AONB) area of search should be considered a 'valued landscape' under paragraph 174 of the National Planning Policy Framework (NPPF) (Ref 14) and what weight should be given. Action point 46: 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.'	The Hertfordshire Host Authorities maintain that the proposed AONB Extension Area should be considered as a 'valued landscape', but limited weight should be given to it. Refer to the Hertfordshire Host Authorities comments made in the post-hearing submission for Issue Specific Hearing 8 [REP6-093], in relation to the Agenda Item covering the proposed AONB Extension Area, the suitability of the Sensitivity Test [APP-107] and the weighting to be given to the proposed AONB Extension Area in the assessment of the Proposed Development.
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.3.9 - 10.3.10	Landscape and Visual	Action point 47: Provide a response to Natural England request [REP4- 198] to re-evaluate judgements around the 'susceptibility of visual receptors' and the 'value of views' for visual receptors in the Chilterns AONB Sensitivity Test [APP-107]. Confirm whether the existing judgement is to be reconsidered and, if not, explain why. <i>10.3.9 The Applicant also reiterated its view that section 6.37 of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute, third edition) referred to as 'GLVIA3' did not apply as it relates to current and not potential views. The LVIA</i>	The Hertfordshire Host Authorities maintain their disagreement with the Applicant that the 'value' of a view would not alter after designation. Perception of the value of a view would change where a location / view is recognised in art or literature such as guidebooks or tourist leaflets. The expectation as to the quality of the view and its management, tranquillity and scenic beauty is raised in a location that is designated. It could also generate more visitors to experience the landscape, with a similar raised expectation as to quality and value of that view. Whilst the proposed AONB Extension Area may not currently be listed in guidebooks or tourist information leaflets, it would become so after designation by virtue of that



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
Action Point 47		<i>original judgements effectively take into account the value of the views that may merit future designation. The views experienced by visual receptors within an area are the same in terms of the composition, character and nature of view and qualities or detractors present.</i>	<p>designation. As such, its recognition to a wider audience would alter and therefore the existing judgements, including its value, should be reconsidered.</p> <p>With regards to Section 6.37 of GLVIA3 and the Applicant's view that this does not apply as it relates to current and not potential views, the Hertfordshire Host Authorities disagree, given that the purpose of the Sensitivity Test is to reconsider the assessment as though the extended area were in operation. As such, the effects on the Setting of the AONB should also be considered.</p> <p>Refer to Section 2 of the Hertfordshire Host Authorities' Comments on Any Further Information / Submissions Received by Deadline 5: Written Questions [REP6-101] in relation to PED.1.23 Chilterns AONB Sensitivity test.</p>
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.4.8 - 10.4.9	Landscape and Visual	<p>Implications of Section 245 of the Levelling-up and Regeneration Act 2023 (LURA), which will amend Section 85 of the Countryside and Rights of Way Act 2000</p> <p>Post hearing submission:</p> <p><i>'10.4.8 Taking these policies as a whole, the Applicant's conclusion is that they have a combined effect and outcome that is consistent with the LURA amendment to section 85 of CROW.</i></p> <p><i>10.4.9 It follows that, in the Applicant's view, the LURA amendment has no material effect on the existing assessments contained in its Environmental Statement...significant effects are predicted for assessment Phase 2b...'</i></p>	<p>Hertfordshire Host Authorities agree with the Applicant that significant effects on the Chilterns AONB are predicted for assessment Phase 2b. However, it disagrees that these effects avoid compromising the purposes of designation i.e. to conserve and enhance their natural beauty. Hertfordshire Host Authorities maintain that a 'significant effect' on the AONB will result in compromising the natural beauty of the Chilterns AONB by way of the perceptual and aesthetic qualities experienced. To that end, the Hertfordshire Host Authorities do not agree that the Proposed Development is consistent with the Levelling-up and Regeneration Act 2023 (LURA) amendment to Section 85 of the Countryside and Rights of Way Act 2000, in relation to impacts on the Chilterns AONB.</p>
ISH 8 Agenda Item 9: Landscape & visual Paragraph 10.5.4	Landscape and Visual	<p>Visual effects and approach to mitigation.</p> <p><i>10.5.4 The Applicant confirmed that all of the new planting proposed is considered appropriate to mitigate the significant landscape and visual effects identified.</i></p>	<p>The Hertfordshire Host Authorities do not agree that planting, as the sole form of mitigation, is appropriate, particularly where planting has the consequent effect of screening existing open views.</p> <p>Refer to the Hertfordshire Host Authorities comments provided in the ISH8 Post-Hearing Submission [REP6-093] relating to "Visual effects from buildings and structures on the eastern edge of the development, the fire training ground (Work No. 2d) and the appropriateness of new planting at mitigating effects including in winter".</p>
Action point 52	Landscape and Visual	<i>'...the modelled and quantified light levels reported in the LOA have been appropriately considered qualitatively using the methodology described in Chapter 14 of the ES [AS-079].'</i>	<p>The Hertfordshire Host Authorities do not agree that appropriate landscape and visual methodology has been used to describe effects of lighting.</p> <p>Refer to Section 2 of the Hertfordshire Host Authorities' Comments On Any Further Information / Submissions Received By Deadline 5: Written Questions [REP6-101] in relation to PED.1.23 Chilterns AONB Sensitivity test.</p>
ISH 8 Agenda Item 10: Design Paragraph 11.1.8	Landscape and Visual	<i>11.1.8 The Design Principles [REP5-034] have been developed to secure 'good design' at the detailed design stage and were updated at Deadline 5 in response to feedback.</i>	<p>The Hertfordshire Host Authorities do not agree that the revised Design Principles [REP5-034] document will secure 'good design' at Detailed Design Stage. It maintains its requirement for on-going Masterplan discussions with the Hertfordshire Host Authorities throughout detailed design to ensure each "part" of the development realises 'good design' and as part of a holistic Masterplan.</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			<p>The Hertfordshire Host Authorities do not agree that primary mitigation measures have been thoroughly thought through, particularly in relation to built form, including site levels, scale, massing, colour or similar. Clear identification of Primary (embedded) mitigation should be provided, such as how the built form is responding to site character (including levels) and context in order to reduce adverse visual effects at outline design stage, and how this mitigation should be further developed to ensure 'good design' going forwards. The Hertfordshire Host Authorities are not aware of any such discussion relating to landform and built form considerations informing outline design but would welcome signposting to such.</p> <p>The Hertfordshire Host Authorities also reiterate the need for a Design Panel going forward, precisely because of its complex nature which requires even more input to ensure 'good design' is ultimately realised.</p> <p>Refer to comments made in Section 2 of the Hertfordshire Host Authorities' Comments On Any Further Information / Submissions Received By Deadline 5: Written Questions [REP6-101], in relation to PED.1.2 Masterplan.</p> <p>Refer to comments made in Design Principles (Tracked Changes) [REP5-035].</p> <p>Refer to comments made in response to the Applicant's Response to Issue Specific Hearing 6, Action 33: Principles of Good Design [REP5-043].</p>
<p>ISH 8 Agenda Item 10: Design Paragraph 11.1.17 Action Point 53.</p>	<p>Landscape and Visual</p>	<p><i>Action 53: The Design Principles [REP5-034] remains 'live' and the Applicant is engaging with the Host Authorities and other stakeholders to further refine these principles and to consider the merits of a design review process or other mechanism(s) to secure good design as per ISH 8 Action Point 53.</i></p>	<p>The Design Principles [REP5-034], Design Principles (Tracked Change Version) [REP5-035] and the Applicant's Response to Issue Specific Hearing 6, Action 33: Principles of Good Design [REP5-043] documents do not provide an indication of design intent relating to the built form. The Hertfordshire Host Authorities set out their concerns in relation to the Design Principles in their Response to Action Points From Issue Specific Hearings [REP4-161] to ISH6-AP31. They have subsequently met with the Applicant on two occasions.</p> <p>In responding to the Examining Authority and others' concerns, the Design Principles [REP5-034] and Design Principles (Tracked Change Version) [REP5-035] documents, along with the changes to Requirement 5 'Detailed design, phasing and implementation' of the draft Development Consent Order introduced by [REP4-003 and REP4-004], are considered to be a substantive step forward in relation to establishing a suitable design framework. However, the Design Principles [REP5-034 and REP5-035] still require considerable work to provide the Hertfordshire Host Authorities with reassurance that the documents will secure 'Good Design'.</p> <p>The Design Principles, including Landscape-specific Design Principles should outline design intent in relation to building height, massing, colour and similar to ensure that site context, character and setting has already been appropriately responded to - not just in terms of soft landscape planting but in terms of built form responding to local topography, character and identity – in order to create an appropriate framework for the detailed design. Such design intent is not yet clearly outlined in the Design Principles [REP5-034 and REP5-035], except in relation to the 'country park' character area (Wigmore Valley Park and Replacement Open space).</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			<p>The Design intent relating to the area with 'country park' character is welcomed. However, there is no clear direction in terms of massing, rooflines, colour – in broad terms – to indicate how they have and should respond to local character, context or setting. Similarly, how the Proposed Development has already, and should in the future, be responding to landform is not indicated in Chapter 14 Landscape and Visual of the ES [AS-079].</p> <p>How the Proposed Development has responded to the existing site character, landform, and context (including local vernacular), is also not included in any part of the discussion within Chapter 14 Landscape and Visual of the ES [AS-079] or its Appendices [AS-086 and AS-087]. The primary mitigation in relation to the site design, layout, building form, massing or similar has not been appropriately identified. Chapter 14 Landscape and Visual of the ES [AS-079] and its Appendices [AS-086 and AS-087] do not clearly identify planting mitigation in terms of demonstrating which features have been included specifically for screening purposes of which elements and from which locations. Where significant visual effects are identified in Appendix 14.5 [AS-087], reference to the Landscape Mitigation Plans shown in Figures 14.9-14.13 of Chapter 14 Landscape and Visual Figures 14.1-14.17 [REP4-037] should be made to indicate which features have been included specifically for visual mitigation purposes.</p> <p>The Applicant is directed towards the Drainage Design Principles which indicates the level of detail required at this stage to appropriately guide the Detailed Design.</p> <p>The Hertfordshire Host Authorities remain of the view that the introduction of a post-approval independent Design Review would provide a valuable independent addition to the future detailed design process.</p>
Section 3.5.7 and 3.5.8	Noise: aircraft modelling assumptions	<p><i>“3.5.7 The ExA referenced the airport operator’s draft 2024-2029 Noise Action Plan submitted in response to WQ GCG.1.6 [REP5-090] which notes that a full runway length trial demonstrated a small reduction in noise close to the airport and queried whether that had been taken into account in the noise modelling.</i></p> <p><i>3.5.8 The Applicant confirmed that this small noise benefit has not been taken into account, and this remains as a potential mitigation measure that could be employed by the airport operator to minimise noise and stay within the noise contour area limits in the Green Controlled Growth Framework [REP5-022].”</i></p>	The Hertfordshire Host Authorities understand that the full-length runway trial caused delays due to aircraft backtracking to the full length of the runway and is not expected to be introduced.
Section 3.7.2-3.7.8	Noise: ATM Cap	-	Please see response to [REP6-052] - Response to Suono’s Note on Noise Controls.



7 REP6-067 - APPLICANT’S POST HEARING SUBMISSION - ISSUE SPECIFIC HEARING 9 (ISH9)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
3.5 Timescales for approval of plans, paragraph 3.5.1	Air Quality	“... in order to provide validated air quality monitoring data, it is necessary to use bias factors typically published by Defra at the end of March. There are, therefore, practical constraints in terms of when monitoring data can be collected, analysed reported and put into the GCG process.”	The Hertfordshire Host Authorities would agree this is true for NO ₂ diffusion tubes which do require bias adjustment, but assert that this is not the case for data from the “continuous sensor monitoring system” that has been proposed by the Applicant at each of the 15 monitoring sites identified in the Green Controlled Growth Framework [REP5-022 page 10-13] and Green Controlled Growth Framework Appendix – Air Quality Monitoring Plan (Tracked Change Version) [REP5-030 page 3-4, 8-9]. Whilst the data collected should go through a QA (ratification) process, there is no need to wait until the end of March each year to undertake this. Unlike diffusion tubes, the use of continuous instruments allows the Applicant continuous visibility of the data collected and associated statistics – including 1-hour mean, 24-hour mean and rolling annual mean concentrations.
6 Agenda Item 5: Air Quality ISH9 Action 25 paragraphs 6.1.4 and 6.1.5	Air Quality	“Post Hearing Submission: The Applicant has confirmed with the airport operator that short term monitoring data will be provided within the annual monitoring summary reporting. This monitoring data will be provided for information only, and it is not proposed that the GCG Framework incorporates Limits or Thresholds for short term emissions for the reasons set out in the Applicant’s Response to Issue Specific Hearing 9 Action 2– - Air Quality Monitoring [TR020001/APP/8.147].”	The Hertfordshire Host Authorities could accept that use of short-term monitoring data falls outside of the scope of the GCG Framework, in return for a formal commitment by the Applicant to consider short term data and action Thresholds as part of routine everyday environmental management of the Airport’s Operations. This would allow a responsive approach to managing / reducing short-term emissions, which would in turn contribute towards overall reductions in annual emissions.
ISH Action 33	Surface Access	“Submit document displayed during hearing showing relationship between transport documents and GCG Framework, including the amendment to show where the Framework Travel Plan would link to GCG. Local Authorities/ National Highways to review the document and respond at D7”.	Figure 1.1 shows the relationship between the Green Controlled Growth Framework [REP5-022], Framework Travel Plan [REP4-044] and Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) (an Outline of which was submitted with the application [REP5-041]). Produced in response to requests by both the Examining Authority and Interested Parties at Issue Specific Hearings 7 and 9 for information about how the three control frameworks interact, from pre-consent through to recurring activities as part of the operation of the expanded London Luton Airport. ISH9 Post Hearing Submission from the Applicant [REP6-067] states the following: “7.5.2 GCG acts as a headline control mechanism to ensure impacts do not exceed the assessed reasonable worst case. GCG monitoring in line with the GCG Surface access Monitoring Plan will be carried out and reported to the surface access Technical Panel and ESG, and any mitigation that is required is pursuant to an approved Level 2 Plan or Mitigation Plan would need to be funded separately by the operator, in line with the GCG Requirement that these plans need to demonstrate that the relevant effect will be reduced below the Limit as soon as reasonably practicable.” It is helpful to understand how the three control frameworks for surface access monitoring and mitigation relate to each other and that the Green Control Growth (GCG) is considered as separate and additional to the sustainable transport and highway mitigation in terms of funding source, but would be likely to draw on the toolbox of travel plan measures if limits and Thresholds are exceeded.



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			<p>Could the Applicant confirm that this is the correct understanding in relation to the funding and how this will be managed to ensure that the funding is additional to the STF, particularly in relation to for example pump-priming bus services and the period over which this would be implanted under GCG additional funding rather than STF?</p> <p>ISH9 Post Hearing Submission from the Applicant [REP6-067] states the following:</p> <p><i>“7.5.8 The Applicant noted that the GCG Framework is deliberately not prescriptive about what mitigation measures would be implemented as part of a Level 2 Plan or Mitigation Plan given the length of time over which the Proposed Development will take place. However, there is likely to be significant overlap between the ‘toolbox’ of measures that could be used for mitigation under GCG and those that could be used in the Travel Plan.”</i></p> <p>It would be helpful if the Applicant could confirm the types of mitigation that are envisaged to be provided under the GCG mechanism, independently of the FTP toolkit. It is understood that the measures identified and associated with the GCG will be funded directly via the operator and not draw on any of the other funding streams: Sustainable Transport Fund (STF) or Residual Impacts Fund (RIF).</p> <p>In reality the GCG will act as a ‘back-stop’ if the implementation of the locally monitored sustainable transport measures are not resulting in sufficient modal shift at a more strategic level.</p> <p>The Toolkit table of sustainable measures in the FTP could be usefully split to separate measure that will be:</p> <ul style="list-style-type: none"> • Delivered as part of the application; • Implemented by the Applicant if the GCG Level 1 Threshold for Surface Access is breached; • Available to the ATF to implement using the STF.
Section 3.4	Noise (slot allocations and local rules)	<p><i>“3.4.1 The ExA queried whether the Applicant could confirm if the need to comply with GCG Limits or Thresholds would constitute ‘exceptional circumstances’ to justify a capacity reduction that could impact on historic (grandfather) slots as per the Worldwide Slot Allocation Guidelines. The Applicant noted that the Slots Paper [REP4-072] details the Applicant’s position in relation to the Slot Allocation process. The Applicant noted that the taking away of grandfather rights and historical allocations on a unilateral basis could result in diplomatic issues if this impacted on the slots historically allocated to non-UK airlines, as is currently the case at Schiphol airport.</i></p> <p><i>3.4.3 The Worldwide Slot Allocation Guidelines (Ref 1) do not allow airports to take away slots from airlines. Whilst the Airport Operator can request that airlines voluntarily forgo historic rights, the chances would be slim given the requirement for a majority at the</i></p>	<p>The Applicant highlights, particularly in paragraph 3.4.7, that Green Controlled Growth is unique in providing a forward-looking noise mechanism. London Luton Airport is the only major airport in the UK that has breached its noise contour limit and so the GCG scheme can only be viewed as bringing London Luton Airport in line with every other airport’s noise control schemes. There is no reason why London Luton Airport could not introduce forward-looking QC-budgets to assist in protecting the existing noise contour condition outside of this DCO application.</p> <p>Section 3.4 makes clear, particularly in paragraphs 3.4.1, 3.4.3, 3.4.5 and 3.4.7, that it would be extremely difficult to withdraw slots from airlines, even if the situation constitutes ‘exceptional circumstances’. From the response provided in Section 3.4, it could be easily and fairly reasoned that the process of withdrawing slots in any circumstance could take several years of legal action, all the while local communities are exposed to increased noise levels.</p> <p>Every effort should therefore be made to prevent a breach from occurring, which includes London Luton Airport seeking to agree Local Rules in advance with airlines. If</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		<p><i>Coordination Committee to get approval to a local rule, with 96% of votes being assigned to the airlines (and the remainder to the airport and air traffic control operator). This is why proactive mechanisms have been put in place to prevent the need for any such removal of historic slots through the proposal to adopt QC budgets as a planning tool [REP4-072]. However, there are existing processes to seek planning-related approval for conditions which would enable the use of existing processes to take away slots. The introduction of such "operating restrictions" must only be made with approval from the Secretary of State which are subject to the EU 598 process and this provides a backstop position if needed.</i></p> <p><i>3.4.5 The Applicant considered that a breach of a GCG Limit would be likely to constitute 'exceptional circumstances' sufficient that the removal of historic rights under the Worldwide Slot Allocation Guidelines could be proposed, subject to the appropriate process being followed.</i></p> <p><i>3.4.7 However, what is unique about the Proposed Development are the proposed thresholds and limits applied through GCG and the proposed use of QC budgets providing a forward looking mechanism which, together, provide a high level of confidence that limits would only be exceeded in highly exceptional circumstances. The Applicant considered that of itself would be a powerful argument for exceptional circumstances existing to remove grandfather rights."</i></p> <p>[only referenced sections have been repeated above, but the provided response applies to all of section 3.4]</p>	<p>Local Rules cannot be agreed, this could be a legitimate reason for limiting growth, to ensure that aircraft movements (and therefore noise) are suitably controlled.</p> <p>A Local Rule would ensure airlines are aware of the local noise constraints to London Luton Airport; the QC budget would ensure London Luton Airport is taking account of noise constraints; the noise contour would provide the means of enforcement to the Local Authority (or Authorities). All these measures, taken together, would assist in providing the local community with a high degree of certainty that it will be suitably protected.</p> <p>See also the response to ISH9 - AP14 under BCG.2.1 in the Hertfordshire Host Authorities Response to the Examining Authorities Further Written Questions in relation to the inclusion of sanctions for continued breaches of Limits.</p>
Paragraph 4.4.3	Noise limit review	<p><i>"4.4.3 The Noise Limit Review process will secure further reduction in noise levels from next-generation aircraft if the next ICAO noise chapter specifies that next gen aircraft are to be quieter. The Noise Limit Review requires the airport operator to reduce the limits to below the 2019 Consented baseline (based on the 2017 permission consent not the higher P19 consent) as quickly as is reasonably practicable. The Noise Limit Review is independently overseen by the Noise Technical Panel and subject to approval by ESG."</i></p>	<p>Considering that the Applicant is not expecting future aircraft to have reduced noise levels during the lifespan of the project, it is not clear how the Noise Limit Review process would offer any changes to noise limits beyond those set out in the documentation.</p> <p>For instance, it would have been practicable to reduce noise limits during the COVID-affected summers of 2020-2022 but would have been manifestly unreasonable. The Applicant should clarify what would bring about a reduction in noise limit, other than an airspace change. The Hertfordshire Host Authorities note that this may overlap with the response to NO.2.10 (noise abatement procedures), for which the Hertfordshire Host Authorities await the Applicant's response.</p>
Section 4.5	The balance of growth vs future noise reduction	<p><i>"4.5.3 The Applicant noted, with regards to sharing the benefit, there is a balance to be struck in a balance of growth and noise reduction. In terms of the stepping down of noise limits in the current planning permission, the Applicant noted these steps down reflect the transition of current generation aircraft to new generation aircraft. For the DCO, the growth that occurs in the late 2030s and</i></p>	<p>In the EIA proposals, there is a noise reduction in the daytime (up to 2039), but this also represents an increase in total adverse noise effects, as noise levels are proposed to be greater than the do-minimum scenario. This scenario would be in compliance with the Overarching Aviation Noise Policy Statement, as referred to by the Applicant in section 4.5.7 and 4.5.8.</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		<p>2040s is when one would expect next generation aircraft so there is no further benefit to be shared.</p> <p>4.5.5 The Applicant further sought to clarify the meaning of sharing the benefits in policy. The Applicant referred to paragraph 3.3 of the Aviation Policy Framework (Ref 6) which states “We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities.” At paragraph 3.12, the APF notes (emphasis added): “The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.”</p> <p>4.5.6 Therefore, the Applicant considers that the sharing of benefits is not just concerned with new technology and noise reduction but a broader concept involving the extent to which broader economic benefits outweigh any harms.</p> <p>4.5.7 Post hearing submission: This position is reiterated in the Overarching Noise Policy Statement which makes clear that “We consider that “limit, and where possible reduce” remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, “limit” would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England.”</p> <p>4.5.8 This means that there may be circumstances where noise might increase if there were strong economic and consumer benefits but this would place the emphasis on mitigation and minimising the impacts rather than them necessarily reducing over time. This would still be consistent with the concept of sharing the benefits.”</p> <p>[only referenced sections have been repeated above, but the provided response applies to all of section 4.5]</p>	<p>A ‘do something vs. do minimum’ noise increase can arise and still be compliant with UK aviation policy providing an overall reduction against historic noise levels still occurs. The Applicant’s proposals for higher noise levels due to the development in 2039, with no overall decrease in the daytime, and an increase in noise in all years at night-time, do not therefore comply with the policy statement.</p> <p>This position would then also conflict with the Aviation Policy Framework 2013 reference stated by the Applicant in paragraph 4.5.5 (APF 2013 paragraph 3.3), as they highlight, “aviation industry and local communities.” At paragraph 3.12, the APF notes (emphasis added): “The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.” (their emphasis).</p> <p>The Applicant has submitted a noise assessment, which is standalone and cannot be weighed against any economic benefits potentially arising. They therefore remain outside of the planning balance, a matter that could have been addressed had the Applicant submitted a noise and economic benefits chapter.</p> <p>The Applicant’s position stated in paragraph 4.5.6 that sharing of benefits is not just concerned with technology and noise reduction does not take account of APF paragraph 3.3, which states:</p> <p>“We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.”</p> <p>This then also tallies with the requirement in the Airports National Policy Statement 2018, requiring an overall noise reduction compared to the relevant historic baseline.</p> <p>Irrespective of the Applicant’s position, it is therefore clear that the industry must continue to reduce and mitigate noise, especially as airport capacity grows. It is mandated in policy that future technological improvements must lead to noise benefits being shared.</p>
Section 4.7	Noise: ban on scheduled movements during the night	-	Please see response to [REP6-052] - Response To Suono’s Note On Noise Controls.



8 REP6-068 - APPLICANT’S POST HEARING SUBMISSION - ISSUE SPECIFIC HEARING 10 (ISH10)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
4.1.4 to 4.1.5	Agenda Item 3: Article 44 (interaction with LLAOL planning permission) and the granting of consent to increase the passenger cap to 19 million passengers per annum (MPPA)	Paragraphs 4.1.4 to 4.1.5: P19 noise controls being carried forward into the Air Noise Management Plan secured by requirement 26.	<p>The Hertfordshire Host Authorities welcome the Applicant’s confirmations contained in paragraphs 4.1.4 that the Applicant is proposing in the Deadline 7 iteration of the draft DCO:</p> <ul style="list-style-type: none"> • To carry forward from the P19 noise management plan a new Air Noise Management Plan that will be secured by requirement 26; and • Adding additional noise controls, including a night-time quota based on a quota count system, a night-time ban on aircraft with a quota count of 2 or more, track violation measures and departure noise violation limits. <p>The Hertfordshire Host Authorities also welcome the acknowledgement in paragraph 4.1.5 of some of the potential complexities arising from the partial implementation of the TCPA 1990 permissions at the point of service of the article 44(1) notice and confirmation that the Applicant is contemplating including additional drafting in the Deadline 7 DCO to address.</p> <p>The Hertfordshire Host Authorities note that their suggestion made at ISH10 (noted on page 9 of their post hearing submission [REP6-095]) that such drafting could contain procedural provisions requiring notice to be given to the relevant planning authority as to which permission / consenting regime was being relied upon in relation to which aspects of development. This would provide clarity for the enforcing authority as to which regime prevailed and would address the risk that article 45 could be construed as rendering certain development unenforceable under either regime.</p>
5.1.12	Action Point 7 in relation to article 45(1) and “operational land”	The Applicant agreed that in the next iteration of the DCO (Deadline 7) it will consider clarificatory drafting to confirm the effect of the provision and allay any concerns of Interested Parties.	The Hertfordshire Host Authorities note that they are content that article 45(1) is well precedented and they do not have concerns that it could be construed as applying to Wigmore Country Park permitted development rights associated with an operational airport. However, the Hertfordshire Host Authorities would draw the Applicant’s attention to their suggestion on page 8 of their ISH 10 post hearing submission [REP6-095] that the concerns in relation to Wigmore Country Park could be adequately addressed by ‘carving out’ its application from that land.
5.2.9	Article 45(2)-(5)	The Host Authorities explained that there may be a gap in the drafting and the main point causing concern is in relation to paragraph (2 c) where it states that any inconsistent conditions cease to have effect from the date the authorised development is begun. The point at which enforcement action arises is the point the authorised development is begun but the Order does not define begun but refers to section 155 of the Planning Act 2008 which says that development begins when a material operation is carried out which is a very broad definition. There is the potential that conditions can therefore be rendered unenforceable at quite an early stage of the process. The Host Authorities invited the Applicant to consider this point. Post-hearing note: the Applicant	The Hertfordshire Host Authorities look forward to the outcome of the Applicant’s review in the Deadline 7 iteration of the draft DCO.



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
		will review this as part of its preparations for an updated DCO at Deadline 7.	
5.2.14	Article 45(2)-(5)	The Host Authorities noted that currently Article 45(2)-(5) applies "automatically" and queried whether it could be qualified to include an additional safeguarding mechanism requiring e.g., the local planning authority to certify a conflict in respect of which Article 42(2)-(5) takes effect. Post-hearing note: the Applicant will give this proposal further consideration and will provide an update at Deadline 7.	The Hertfordshire Host Authorities look forward to the outcome of the Applicant's review in the Deadline 7 iteration of the draft DCO.
6.1.9 & 6.1.10	Article 45(2)-(5)	Action point 11: Confirm position on Requirement 5 following host authorities' comments and provide clarity on which management plan applies to which work area. Post-hearing note: the Applicant will consider for Deadline 7 whether additional drafting could assist clarifying the relationship between the discharge of related Requirements.	The Hertfordshire Host Authorities look forward to the outcome of the Applicant's review in the Deadline 7 iteration of the draft DCO.
6.4	Miscellaneous matters	Buckinghamshire Council welcomes the "discretionary consultee" mechanism under Requirement 35 but wish for it to include a minimum consultation period to ensure consultees have sufficient time to respond. The Applicant noted it is considering a minimum consultation period, but the current drafting had intentionally left it as a matter for the discretion of the discharging authority. Post-hearing note: the Applicant will provide an update on this at Deadline 7	The periods afforded for consultation, provisions relating to the deeming of an authority being in possession of sufficient information and the deeming of consent are all issues raised in the Hertfordshire Host Authorities post hearing note from ISH 10 [REP6-095] under Action Point 14 (pages 16 to 18) and encourage the Applicant to consider the matters raised in that response when contemplating amendments to the procedural requirements that apply to the discharge of requirements.
Agenda Item 6: Part 3, Requirements 18 to 25	Green Controlled Growth	On the query concerning remedies for persistent breaches of GCG Limits, this is not considered necessary. The GCG Framework is intended to be self-enforcing in respect of environmental Limits being exceeded, and requires proactive management of environmental impacts to make persistent breaches unlikely. The statutory enforcement regime under the Planning Act 2008 is the appropriate route to address situations where persistent breaches are due to the airport operator not implementing mitigation measures as agreed with the ESG, and there is also a significant commercial incentive for the airport operator to avoid persistently being in breach of a Limit as this will constrain airport growth. Please see Section 3.8 of the Applicant's Post Hearing Submission - Issue Specific Hearing 9 (ISH9) [TR020001/APP/8.136].	As noted at ISH9, the Host Authorities remain concerned that there are no effective sanctions for continued breaches of Limits under the proposed GCG Framework. As currently drafted, where a Limit is breached the Applicant would be required to implement a Mitigation Plan, but there is no consideration of what might happen should that Mitigation Plan not reduce impacts below those which were assessed as part of EIA, beyond implementation of a further Mitigation Plan. As such, simply by breaching a Limit, a breach of the DCO does not occur, provided efforts are made to mitigate that breach. This means the enforcement regime under the Planning Act 2008 would not apply. The Host Authorities noted the discussions at ISH9 around the appropriateness of use of a local rule restricting (or reversing) slot allocation in the event of a continued breach, but note concerns raised by the Applicant that local rules require agreement with airlines, and as such commitment to implementing a local rule could not be made by the Applicant. Absent an ability to 'reverse' growth in the event of continued breaches of Limits, the Host Authorities consider that a proportionate, but suitably robust, financial sanctions regime should be put in place, culminating in payments to a community fund (which the Authorities propose is the existing Community Fund proposed to be kept in place under the s.106 agreement, which already envisages 'penalty' payments for different breaches



Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
			<p>(by airlines) being paid into it). There has been discussion during the Examination as to the need for the benefits of growth to be equitably shared between the Applicant and local communities. The same principle applies in the event of continuing breaches which give rise to on-going adverse effects on communities – those communities should be appropriately compensated. This approach is supported in various aviation industry guidance, such as in the Civil Aviation Authority (2013) <i>CAP 1129 - Noise Envelopes</i> available at: https://publicapps.caa.co.uk/docs/33/CAP%201129%20Noise%20Envelopes.pdf [accessed on 5 January 2024]. This states on page 51 that financial compensation to a community fund is one form of appropriate action in the event planning controls are breached.</p> <p>The Host Authorities are not advocating for such a sanctions regime to be triggered in the event a Limit is breached initially. Instead, it is proposed to apply only where a Mitigation Plan has not been effective in removing that breach within 12 months of its implementation (or within the relevant timetable contained within that Plan). The financial sanctions could be payable periodically where a Limit is shown to remain breached (e.g. every 3 months) or annually on a pro rata basis – it would depend on the nature of the breach and the monitoring in place. This would clearly need to operate alongside the required revised Mitigation Plan – if that was able to correct the Limit breach within a reasonable timescale, the financial sanctions would clearly be reduced.</p> <p>The quantum of financial penalty needs to be of a sufficient level to act as a real incentive to operate the Airport in a way so as to encourage a precautionary approach to growth. In this context, the Host Authorities note that the Applicant will have benefited from increasing its capacity whilst not meeting the Limits in the GCG Framework. In terms of how such financial penalties should be calculated, it is helpful to consider, by way of analogy, penalties payable under other regulatory regimes. For example, the environmental sentencing guidelines link the level of fines with turnover, resulting in significant fines (running into the millions) for breaches of environmental legislation. Another example is that under the street works regime – in the event that such works overrun, a set amount is payable per day for the duration of that overrun. However, the Host Authorities also acknowledge the need for a proportionate, reasonable approach. For that reason, the Host Authorities are willing to discuss the level of financial penalty with the Applicant.</p> <p>The Host Authorities are aware of the Applicant's position that such a sanctions regime is not required due to the robustness of the GCG Framework. In response to that, the Authorities would submit that if that is correct, the risk of a financial sanctions regime being triggered would be minimal, so putting one in place would be of low risk to the Applicant. In any event, an approach similar to the GCG Framework is unprecedented, so it is reasonable there is some residual doubt as to its effectiveness.</p>



9 REP6-074 - APPLICANT’S RESPONSE TO ISSUE SPECIFIC HEARING 8 ACTION 21 - HITCHIN AIR QUALITY MANAGEMENT AREA IMPACT ASSESSMENT SUMMARY NOTE

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
5 Conclusion Paragraphs 5.1.1 and 5.1.2	Predicted air quality impacts in Hitchin AQMA	<p><i>“5.1.1 This note has detailed the results of the air quality dispersion modelling at AQMAs in Hitchin. The results show that predicted concentrations of annual mean and short term NO2 and PM10 concentrations are below the relevant air quality standards and impacts are predicted to be negligible for all assessment Phases (1, 2a and 2b).</i></p> <p><i>5.1.2 The results show that predicted concentrations of annual mean PM2.5 concentrations are above the relevant air quality standard in all assessment Phases (1, 2a and 2b) for receptor H188 located in NHDC AQMA Payne’s Park. However, impacts are predicted to be negligible.”</i></p>	The Hertfordshire Host Authorities have no ongoing concerns in relation to the Hitchin Air Quality Management Areas (AQMA) where the measured pollution levels, plus the outcome of this assessment, highlight that there is no potential for any significant air quality impact due to the Proposed Development. The measured levels are significantly below objective levels to the extent that there are proposals in place to revoke both these AQMAs.



10 REP6-075 - APPLICANT'S RESPONSE TO ISSUE SPECIFIC HEARING 8 ACTION 21 - DRAFT CHILTERNES AREA OF OUTSTANDING NATURAL BEAUTY SPECIAL QUALITIES ASSESSMENT

Reference	Topic	Matters Raised	Hertfordshire Host Authorities' Comment
REP6-075	Landscape & visual	Draft of the Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment.	The Hertfordshire Host Authorities welcome receipt of the Draft Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment. Comments on this draft document have been sent to the Applicant (prior to Deadline 7) and are included in Appendix 1 to this document.



11 REP6-076 - APPLICANT’S RESPONSE TO ISSUE SPECIFIC HEARING 9 ACTION 26 - AIR QUALITY MONITORING

Reference	Topic	Matters Raised	Hertfordshire Host Authorities’ Comment
Paragraph 2.1.2	PM ₁₀ and PM _{2.5} monitoring equipment	<i>“Indicative monitoring has been chosen over monitoring employing a DEFRA equivalent reference method for continuous ambient monitoring (reference MCERTS monitor) for several reasons: ...”</i>	The Hertfordshire Host Authorities could accept the use of indicative continuous monitoring methods if the Applicant commits to having at least one of these instruments permanently co-located at a monitoring station employing a DEFRA equivalent reference method for each measured parameter (i.e., NO ₂ , PM ₁₀ and PM _{2.5}) which is situated at no less than one of the Green Controlled Growth Framework monitoring locations, with calibration of the indicative measurements to be undertaken on a monthly basis to sustain assurance of data accuracy and precision (not just <i>“Prior to deployment ...”</i> as proposed by the Applicant in the Applicant’s Response to Issue Specific Hearing 9 Action 26 - Air Quality Monitoring [REP6-076 paragraph 2.2.2]. This matter is the subject of ongoing SoCG discussions.
3 Short Term Air Quality Impacts Paragraph 3.1.2	Short term monitoring	<i>“As the Environmental Statement (ES) has demonstrated there are no likely exceedances of the short-term objectives, it is not considered necessary to include targets for short term monitoring.”</i>	The Hertfordshire Host Authorities could accept that use of short-term monitoring data falls outside of the scope of the Green Control Growth Framework in return for a formal commitment by the Applicant to consider short term data and action Thresholds as part of routine everyday environmental management of London Luton Airport’s operations. This would allow a responsive approach to managing / reducing short-term emissions, which would in turn contribute towards overall reductions in annual emissions.



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' COMMENTS ON ANY FURTHER INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 6 APPENDICES

London Luton Airport Expansion



Hertfordshire Host Authorities

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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document forms an appendix to the Hertfordshire Host Authorities' responses to any further information and submissions received by Deadline 6. It has been prepared jointly by Hertfordshire County Council ("HCC"), Dacorum Borough Council ("DBC") and North Herts Council ("NHC") in collaboration with their technical consultants, referred to together as the "the Hertfordshire Host Authorities".
- 1.1.2. Comments on the Draft Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment have been sent to the Applicant (prior to Deadline 7). At the time of writing, the Hertfordshire Host Authorities await an update to the assessment in response to these comments. These responses are set out in this document (**Appendix 1**).

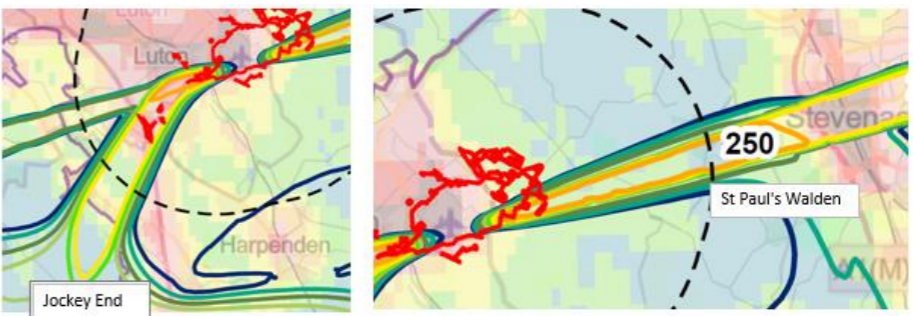
2 APPENDIX 1: RESPONSES ON THE DRAFT CHILTERN AREA OF OUTSTANDING NATURAL BEAUTY SPECIAL QUALITIES ASSESSMENT

Section	Page	Paragraph	Comment	Response Provided By	Date	Author Response	Final Comment
2	4	2.1.1	Also note reference to Special Qualities in <i>Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)</i> P.14 PP. 5(12).	Hertfordshire Host Authorities	02-Nov-2023	Noted	Noted but not added in/ acknowledged in the baseline text of the Special Qualities report currently.
2	4	2.2.2 Table 1 NE Comments Row 2	Don't entirely agree with the NE comment that, <i>"It will struggle to work with characteristics and attributes (e.g., related to tranquillity and cultural/historic associations) which the LVIA approach is not designed to address directly"</i> . These attributes could be intrinsic to landscape character and would be considered as part of an assessment on landscape character. This would include an assessment of the extent to which the proposed development would be consistent with and influence prevailing landscape characteristics which would typically include perceptual qualities such as tranquillity.	Hertfordshire Host Authorities	02-Nov-2023	Noted. The Assessment has considered the effects of the Proposed Development on perceptual qualities including relative tranquillity.	In Table 2.1 row 2, the Applicants response states that 'specific criteria' are needed to assess 'relative tranquillity' but goes on to state in Appendix A row ID 41 that 'Assessment has considered the effects of the Proposed Development on perceptual qualities including relative tranquillity'. This appears to be a contradiction. The Applicant is referred back to our previous comments requiring the appropriate establishment of baseline tranquillity. Also refer to next comment.
2	5	2.2.2 Table 1 NE Comments Row 3	The main issue is the relative lack of accepted methodologies to establish the baseline situation in relation to some of these characteristics eg. tranquillity. Without the meaningful establishment of baseline conditions the assessment outcomes will be less credible. There are some existing studies which may provide a source of useful reference material, including: <i>South Downs National Park Authority Tranquillity Study 2017</i> and <i>Broadly engaging with tranquillity in protected landscapes: A matter of perspective identified in GIS is published in the Journal of Landscape and Urban Planning 158 (2017) 185-201 Elsevier</i> , available at: https://www.winchester.ac.uk/research/our-impactful-research/research-in-business-and-digital-technologies/highlight-projects/tranquillity-project/ as well as the CPRE tranquillity mapping.	Hertfordshire Host Authorities	02-Nov-2023	The reference to existing studies is noted. However, such studies are not necessarily directly applicable to the Assessment. For example the South Downs National Park Authority Tranquillity Study states at paragraph 1.5 "The tranquillity scores apply specifically for the South Downs National Park; they are therefore to be considered relative to the National Park area only. They are not intended to be comparative or considered in relation to Tranquillity scores for other National Parks or other areas of the country.";	It is noted that there remains a lack of accepted methodologies, however, describing a baseline situation as simply having a 'varied' level of tranquillity is not considered a robust discussion. The perceptual and aesthetic baseline is identified as 'varied' in Section 5.3. This section, which includes identification of baseline tranquillity and darkness, is less than 220 words long. This does not provide a meaningful understanding of the baseline environment to understand potential changes to it. If CPRE tranquillity mapping and Dark Skies mapping only have informed aesthetic and preceptorial qualities, given that no field surveys appear to be informing the written discussion in Section 5.3, then a much stronger narrative should be provided to analyse the mapping in relation to the AONB and the Study Area defined on Figure 5.1. It is not expected that every detractor is identified, but an informed discussion on the mapping nuances in relation to the AONB existing baseline - and consequently how that changes - should be clearly provided in Section 5.3 and the subsequent assessment. There is still no indication in the Special Qualities Assessment of the capacity of the baseline resource to absorb more overflying aircraft. This consideration should be discussed as part of the baseline sensitivity of each SQ. This is crucial in understanding subsequent impacts.

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						The Assessment methodology has drawn on information contained in Chapter 14 Landscape and Visual of the ES [AS-079] and on tranquillity and dark skies mapping provided by CPRE.	
2	5	2.2.2 Table 1 NE Comments Row 3	The Hertfordshire Host Authorities agree with the following statement by NE that, <i>"That significant effects could occur beyond those parts of the AONB where aircraft would be below 7,000 feet (and therefore beyond the LVIA study area) should also be acknowledged if there is any uncertainty about this"</i> . The extent to which the aircraft movements/associated noise will be perceived beyond the area defined by flight paths should be considered in the assessment. The baseline should provide a more definitive description of the receptors which are likely to be affected. Although this is an assessment of special qualities effects on these aspects will be experienced by people and this should be acknowledged and addressed in the assessment.	Hertfordshire Host Authorities	02-Nov-2023	It is acknowledged that aircraft movements/noise may be perceptible beyond those parts of the AONB where aircraft would be below 7,000ft. The threshold height of 7,000 feet (ft) altitude derives from the Government's Air Navigation Guidance which requires effects on AONB's to be considered where overflying occurs below 7,000 ft. This is the recognised threshold set out in the relevant guidance and is considered appropriate for the Assessment. Occasional overflights would be above 7,000ft and it is considered that there would be no or negligible effects on areas of the AONB outside the Study Area. However, it is considered unlikely that increased aircraft movements (and any associated noise) would give rise to significant effects in these areas.	The use of the 7,000ft threshold is noted, and acknowledgement by the Applicant that aircraft movements/ noise may be perceptible beyond those parts of the AONB where aircraft would be below 7,000ft is welcomed. This acknowledgement should be clearly stated in the front end of the Special Qualities Assessment. There appears to be a typo on Figure 6.13 in relation to the '10' flights per day contour - this should only show '20' and not should not show 10' as well at Baldock.

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3	6	3.1.1, 3.3.1 and 3.3.3	Study area definition should include allowance for potential for effects to be experienced beyond the areas immediately below flight paths. The range of landscape and visual receptors within this spatially defined area should be described and assessed. This factor should be considered in relation to some Special Qualities, for example, <i>Distinctive buildings made from local brick, flint and clay tiles; many attractive villages, popular places to live in and visit; many notable individual buildings and follies including stately homes, monuments and mausoleums; a wealth of medieval churches, many built from flint.</i> The attractiveness and setting of some of these places and features could be compromised.	Hertfordshire Host Authorities	02-Nov-2023	It is acknowledged that there may be effects on SQs beyond the areas immediately below flight paths. However, it is unlikely such effects would be significant, particularly the examples cited by Herts Authorities. As noted in the response to CCB above (ID no. 15) it is considered that any increase in aircraft movements would not affect the setting and/or heritage value of any heritage assets within the AONB.	The Hertfordshire Host Authorities remain in disagreement. Enjoyment of a place and attractiveness of villages in landscape and visual terms is not the same as a consideration of a heritage asset - a distinctive and attractive village is more than just the heritage assets within it. We would refer the Applicant back to the original comment.
3	12	3.4.11 Table 7	The significance matrix conflates 'impact' and 'effect' as per the main LVIA chapter which is not in accordance with guidance in GLVIA3. Summary Table 11, P.31 uses 'magnitude of effect' which appears to be inconsistent with terminology earlier in the assessment.	Hertfordshire Host Authorities	02-Nov-2023	This matter was addressed in the Applicant's response to Written Questions - Landscape and Visual Impacts [REP4-063]. 'Impact' has been used to assess magnitude to provide consistency with other chapters of the ES. The summary table (Table 7.1) in Section 7 of the Assessment has been updated to refer to 'magnitude of impact'.	Noted, the conflation appears to have been corrected. No further comment
4	16	4.1.2	Please check grammar/meaning in relation to, "A summary of the significance of the s AONB is set out on Page 7 of the Chilterns AONB Management Plan (Ref. [ij]) (the Management Plan):"	Hertfordshire Host Authorities	02-Nov-2023	Noted. This is a typo and has been amended.	Noted. No further comment.
4	16	4.2.1	More consideration should be given to the assessment of effects on "Relatively dark skies" which is likely to be affected by an increase in night-time flights. This matter should also be considered in relation to the baseline description.	Hertfordshire Host Authorities	02-Nov-2023	"Relatively dark skies" have been added to Table 5.1 (Special Qualities Screening) of the Assessment and considered in Section 6.3 of the Assessment via the evaluation of the	As above, an informed discussion on 'relatively dark skies' should be provided in Section 5.3. Only 1 short paragraph currently outlines the baseline and this is not considered sufficient to understand the existing baseline situation and therefore the assessment conclusions on its effects.

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						effects on relative tranquillity.	
5	18	5.1.3	See comments for section 3.1.1, 3.3.1 and 3.3.3 in relation to spatial definition.	Hertfordshire Host Authorities	02-Nov-2023	See response to ID44 above	See response above relating to section 3.1.1, 3.3.1 and 3.3.3 in relation to spatial definition.
6	26, 27	6.2.1 onwards	Separate sections for ' <i>magnitude of impact</i> ' and ' <i>significance</i> ' with repeated headings for the different phases of development affects the legibility of the document. Consider simplifying the format by combining into one 'assessment of effects' section for each receptor at each phase.	Hertfordshire Host Authorities	02-Nov-2023	This section of the Assessment has been amended in line with HCC's suggestion.	Noted. No further comment.
6	28	6.3.3	In relation to; " <i>The assessment of relative tranquillity for the Proposed Development is a consideration of an existing noise source (aircraft noise) where the number of aircraft movements in areas currently exposed to aircraft noise would change, but the locations exposed to aircraft noise would not change.</i> " This is somewhat ambiguous please consider rewording to more succinctly describe which factors contribute to relative tranquillity, <i>including noise, movement of aircraft, lighting etc.</i>	Hertfordshire Host Authorities	02-Nov-2023	The wording of this paragraph is correct insofar as it relates to the relevant section of the ES. Additional text has been added after this paragraph of the Assessment to reference other factors which contribute to relative tranquillity.	Noted. No further comment.
6	28	6.3.6	Susceptibility in relation to tranquillity is probably higher than 'medium'. Consider whether aircraft movements directly over the AONB are at 'capacity' and whether any further increase will result in a situation where special qualities will be fundamentally compromised. The assessment takes the position, to some extent, that further aircraft movements would be an incremental change to the existing situation and therefore justifiable.	Hertfordshire Host Authorities	02-Nov-2023	It is acknowledged that there are difficulties in attempting to evaluate susceptibility in relation to relative tranquillity. There will be some locations within the study area which may be considered to be relatively tranquil whilst in other areas there will be an absence of tranquillity due to traffic noise, aircraft noise, lighting etc. In order to ensure a proportionate approach to the assessment of the Proposed Development on this SQ, the Assessment has considered susceptibility	<p>Case law and decisions have frequently upheld the position that impact on a part of the AONB is impact on the AONB as a whole - it's harm to natural beauty in that location, and therefore it's not the percentage of the AONB that is being harmed by the development that should be considered. Susceptibility and Value should therefore not be 'watered down'.</p> <p>The Applicant is again requested to review the susceptibility rating of 'medium' and to include identification of the capacity of the baseline resource to accommodate further aircraft movements - such as around St Paul's Walden to the north east and Jockey End to the south west which are both outside the 5km study area but within the AONB (in the case of Jockey End) and where there are c200 aircraft flights below 7000ft at Phase 2b and in areas of relative tranquillity and dark skies.</p> <p>There is still no indication in the Special Qualities Assessment of the capacity of the baseline resource to absorb more overflying aircraft. This consideration should be discussed as part of the baseline sensitivity of each SQ. This is crucial in understanding subsequent impacts.</p>

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						in relation to the relative tranquillity of the study area overall as a receptor and therefore assigned a value of 'medium'.	
6	29	6.3.8	"The relative tranquillity of the remainder of the AONB would not be affected". In reality there will be a transitional area where effects will progressively diminish with distance away from areas more directly affected. This should be acknowledged and defined. It would be beneficial to have more detailed narrative description regarding the areas/receptors which will be affected and details regarding the change they will experience.	Hertfordshire Host Authorities	02-Nov-2023	It is acknowledged that there is a transitional area where any effects on SQ's progressively diminish with distance. The Assessment has been updated to note this. It is impractical for the Assessment to attempt to define such an area as the geographical extent of such an area is difficult to quantify (for instance defining an area where effects on relative tranquillity diminish to a point where no effect is experienced).	Noted and agreed. However, see above comments - a better narrative and discussion of baseline tranquillity/ dark skies, capacity, and susceptibility is needed, along with a more reasoned discussion of impacts on the AONB. It is further reiterated that impact on any one part of the AONB affects the AONB as a whole - where only part of the AONB is affected, effects should not be 'watered down' when determining effects on the AONB as a whole. The assessment currently appears to take a 'watered down' view in terms of determining Susceptibility in particular, with subsequent knock-on effects in the assessment.