



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT (PADSS)

London Luton Airport Expansion



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1 HERTFORDSHIRE HOST AUTHORITIES' - PRINCIPAL AREAS OF DISAGREEMENT SUMMARY STATEMENT

- 1.1.1. This Principal Areas of Disagreement Summary Statement (PADSS) has been produced for the three Hertfordshire Host Authorities (Hertfordshire County Council, Dacorum Borough Council, and North Herts Council), in collaboration with their technical consultants, for the London Luton Airport Expansion Project (the Proposed Development). It identifies those areas where there is disagreement in relation to the project. For each issue, the Hertfordshire Host Authority(ies), to which the issue relates to, has been identified in the final column of the table.
- 1.1.2. It should be noted that the PADSS is predominantly designed to discuss where the Hertfordshire Host Authorities and the Applicant have arrived at on issues from a technical perspective. The PADSS is not considered to be the appropriate place to provide a position on the Proposed Development; this detail will be provided in the Closing Position Statement, submitted at Deadline 9.
- 1.1.3. The Hertfordshire Host Authorities note that the Examining Authority has requested further information in their Rule 17 letter dated 17 January 2024. At time of writing the information requested by the ExA from the Applicant was not yet available and is therefore not reflected in this PADSS.



Table 1 - Hertfordshire Host Authorities - Principal Areas of Disagreement Summary Statement

Principal issue in question	Concern held	What needs to change / be amended / be included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination	Hertfordshire Host Authority to which the PAD / issue relates to
Cultural Heritage				
Built Heritage				
Setting of heritage assets	<p>Concerns in relation to the methodology and approach to the settings assessment as follows:</p> <ul style="list-style-type: none"> • Environmental Statement (ES) Chapter 10 Cultural Heritage Revision 1 [AS-077] on the issue of quietness and setting. The Hertfordshire Host Authorities have questioned the overall assessment that St Paul’s Walden Bury would experience a negligible change to the park’s noise environment, which is assessed as resulting in an imperceptible change to the park’s setting and resulting in no harm to its heritage significance. • Scoping out of assets at Appendix 10.2. Although Appendix 10.2 Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] has been updated, there is still no explanation as to why assets have specifically been scoped out and there is no explanation as to how setting contributes to these assets’ significance. In the case of designated heritage assets for example the Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] states ‘Scoped 	<p>The following actions are recommended:</p> <ul style="list-style-type: none"> • The issue of quietness and overall assessment of effect in relation to the setting of St Paul’s Walden Bury Registered Park and Garden needs to be re-assessed. • The example of St Paul’s Walden Bury highlights the potential need for further assessment on current levels of aircraft noise emanating out from the current airport along its existing routes at designated intervals to gain an existing benchmark. Then predictive modelling could be employed to calculate this increase at the same points. The data could then be set against national noise levels (tangible measurement) and more importantly against existing and increased noise impacts and the potential for impacts to designated and non-designated heritage assets, through changes to setting. This second measurement should also include engagement with stakeholders that may be affected. • Appendix 10.2 Cultural Heritage Gazetteer (Tracked Change 	Unlikely.	All Hertfordshire Host Authorities



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	<p><i>out of ES. No changes to setting that would affect heritage value.</i> In the case of non-designated heritage assets, the Cultural Heritage Gazetteer (Tracked Change Version) [REP4-018] notes, for example: <i>'Scoped out of ES. Asset is located outside of site boundary and there would be no physical impact or change to its setting.'</i></p>	<p>Version) [REP4-018] to be updated in line with comments.</p>		
Greenhouse Gases (GHG)				
GHG emission boundary	<p>Potential underestimate of GHG emissions from aviation. Clarity is required on the compatibility of the GHG emissions accounting approach used in Chapter 12 – Greenhouse Gas Emissions of the ES [REP3-007]. The GHG emissions accounting approach that has been taken only accounts for one way aviation trips above 3000 feet, which is not considered to be in line with Institute of Environmental Management & Assessment (IEMA) GHG guidance. For instance, Section 5.2 of the IEMA Guidance states: <i>“The assessment should seek to quantify the difference in GHG emissions between the proposed project and the baseline scenario (the alternative project / solution in place of the proposed project). Assessment results should reflect the difference in whole life net GHG emissions between the two options”</i>. Only accounting for emissions from one-way flights above 3000ft does not account for whole life</p>	<p>The Applicant should update the GHG assessment, ES Chapter and associated information to include GHG emissions from flights above 3000 ft both to and from London Luton Airport to comply with IEMA best practice guidance. Or alternatively, update the ES Chapter to provide clarity and justification as to why only GHG emissions from one-way flights above 3000 ft have been included in the GHG assessment.</p>	Unlikely	All Hertfordshire Host Authorities



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	net GHG emissions arising from the Proposed Development.			
GHG: determination of significance within the ES	Potential reassessment of significance required. Clarity is required on the determination of a Minor Adverse effect rather than Moderate Adverse, despite it being predicted by the Applicant to increase carbon emissions by 5,835,293 tonnes CO ₂ e. This assessment is not in line with the latest IEMA GHG best practice guidance on gauging significance, given the predicted magnitude of carbon emissions increase resulting from the Proposed Development. For instance, in Section 6.3 of the IEMA guidance, for an effect to be Minor Adverse (not significant), the project must be <i>“doing enough to align with and contribute to the relevant transition scenario, keeping the UK on track towards net zero by 2050 with at least a 78% reduction by 2035 and thereby potentially avoiding significant adverse effects”</i> .	The Applicant should re-evaluate GHG emissions significance to ensure significance evaluation aligns with IEMA guidance. In accordance with IEMA guidance, significance of GHG emissions should be evaluated as Significant and Moderate Adverse due to the predicted magnitude of carbon emissions increase resulting from the Proposed Development. Or alternatively, the ES Chapter should be updated to provide further clarity and justification on how the currently evaluated significance level accords with IEMA best practice guidance.	Unlikely	All Hertfordshire Host Authorities
Traffic and Transportation / Surface Access				
Covid-19 and baseline traffic	There is insufficient baseline information incorporating any impacts of the Covid-19 Pandemic. The basis for the traffic forecasts and mode share targets is not based on the post-pandemic situation and the Base model is seven years old. The Applicant has provided a summary of their analysis of counts from 2016 and 2023 in the Applicant’s Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1 [REP4-	The Hertfordshire Host Authorities have reviewed the final transport modelling report summarising the outcome of the accounting for Covid-19 [REP7-079] and still have concerns. The Applicant has undertaken analysis of pre / post Covid-19 counts - in summary, the Strategic Road Network (SRN) is back to pre-Covid-19 Levels and the Local Road Network (LRN) traffic flows are lower than pre-Covid-19 levels. The Applicant though, in its updated	Unlikely	All Hertfordshire Host Authorities



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	<p>086]. This shows the local road network traffic flows are lower than those in 2016. However, the Applicant has not made any adjustment to the traffic flows to take this into consideration. This therefore is overestimating the base year vehicles on the local road network which is likely to impact the future year routing of traffic from London Luton Airport.</p>	<p>modelling results, has only updated the uncertainty log and National Trip End Model (NTEM) version; has not undertaken any post Covid-19 adjustments in line with Department for Transport (DfT) Guidance. This means that traffic flows on the LRN are likely to be higher in the modelling work than in reality. This could impact the routing that the additional airport traffic will take. In addition, the Applicant, in its updated modelling, has provided little evidence of the post-Covid-19 change in public transport usage to London Luton Airport. Therefore, the private vehicular mode-share used in the modelling for future airport trips could be underrepresented. This translates to a significant uncertainty and risk with regard to the potential adverse impacts on the Hertfordshire road network. The Hertfordshire Host Authorities understand that at this late stage no further modelling will be undertaken and, as a consequence, this risk will carry forward to any DCO consent.</p> <p>The Hertfordshire Host Authorities have some detailed queries regarding the latest transport modelling report: Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159]. These are documented in Appendix 2 of the Hertfordshire Host Authorities Response to the Examining Authorities Further Written Questions [REP7-087].</p> <p>In the absence of further modelling and to help manage future uncertainty and risk associated with this, the</p>		



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		<p>Hertfordshire Host Authorities are seeking additional monitoring sites. The Applicant has proposed a 'side agreement' (not received at time of writing) to cover additional monitoring in the North Herts 'rural areas'. Hertfordshire County Council are also seeking additional monitoring sites near Harpenden: A1081 south of Junction 10a; Annables Lane / Watery Lane on the approach to M1 junction 9, within Kimpton and Whitwell villages and further south from the proposed monitoring site on the A1081 to better pick up flows towards Harpenden; monitored directly by the Applicant as part of TRIMMA. This is to ensure there is adequate geographical and temporal coverage for the TRIMMA Type 2 monitoring to identify and mitigate any adverse impacts that may arise. These sites have not yet been agreed by the Applicant.</p> <p>To further mitigate the uncertainty and risk, the Hertfordshire Host Authorities also require access to a significantly larger Residual Impact Fund to cover the cost of any unplanned mitigations sought under the TRIMMA (covered in more detail below).</p>		
Core scenario for traffic modelling and assessment	The Hertfordshire Host Authorities need further detail to be able to fully understand the impacts within their networks. The figures and images which the Applicant has provided to date do not provide the Hertfordshire Host Authorities with the information they require. All plans require numbers of traffic flows on links,	Please see the Hertfordshire Host Authorities response to their concern on 'Covid-19 and baseline traffic'. in column 3 above The Hertfordshire Host Authorities maintain the same views for this concern. That there is considerable uncertainty and risk with regard to the potential adverse implications for the Hertfordshire road network. However, the Hertfordshire Host Authorities understand that at	Unlikely	All Hertfordshire Host Authorities



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	specifically the local road network through Hertfordshire.	this late stage no further modelling is to be undertaken and as a consequence, this is an inherent risk associated with any consent.		
Geographic distribution of London Luton Airport trips (all modes)	The assumptions around the geographic distribution of London Luton Airport trips (all modes) are not adequately represented. In particular, it is not possible to fully appreciate the share that travels through Hertfordshire, the forecasts and the impacts.	<p>Additional detail on the geographic distribution of London Luton Airport trips (all modes) including the detail through Hertfordshire. The additional plots provided to date have no numbers attached to the bandwidths and relate only to vehicular traffic, it continues to be very difficult to assess potential impacts on specific Hertfordshire rural roads.</p> <p>The Hertfordshire Host Authorities still require additional information from the Applicant to understand the distribution of the airport trips to determine whether the assumptions used are reasonable. The questions are documented in Appendix 2 of the Hertfordshire Host Authorities Response to the Examining Authorities Further Written Questions [REP7-087].</p>	Unlikely	All Hertfordshire Host Authorities
The Transport Assessment (TA)	The Scenario test without the M1 hard shoulder running scheme should now form the core scenario on which the TA is based. Insufficient detail is provided on the modelling outcomes from this Scenario in the TA, including updates following the Covid-19 adjustments.	<p>The Hertfordshire Host Authorities have reviewed the final transport modelling report summarising the outcome of the accounting for Covid-19. This assumes the M1 hard shoulder running is not included and provides figures showing the changes in traffic across the Hertfordshire highway network.</p> <p>In addition, junction modelling has been updated using the latest flows, including the Hitchin junctions. The Hertfordshire Host Authorities do have some outstanding detailed queries regarding the latest transport</p>	Likely, subject to receipt of information at Deadline 8.	All Hertfordshire Host Authorities



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		<p>modelling report: Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159], and these are documented in Appendix 2 of the Hertfordshire Host Authorities Response to the Examining Authorities Further Written Questions [REP7-087].</p> <p>In order to overcome the uncertainty and lack of confidence in the transport modelling, the Hertfordshire Host Authorities would like to ensure that sufficient monitoring is undertaken within their network to be able to identify and mitigate London Luton Airport's impacts. This is covered in more detail under the TRIMMA section in this document.</p>		
Traffic impacts in Hertfordshire	Insufficient information about how the traffic impacts in Hertfordshire would be mitigated, monitored, and managed. The Hertfordshire Host Authorities would like the Applicant to explore more holistic ways to mitigate impacts, e.g., measures that will mode-shift non-airport related car trips in order to free up road capacity for the expected increase in airport-related car trips (e.g., enhanced bus services and priority).	<p>Please see the Hertfordshire Host Authorities response in column 3 to their concern on 'Covid-19 and baseline traffic' above. The Hertfordshire Host Authorities maintain the same views for this concern.</p> <p>The Hertfordshire Host Authorities still have concerns about the impacts the airport traffic could have on the rural road network.</p> <p>The Applicant has proposed a 'side agreement' to cover additional monitoring in the North Herts 'rural areas', which at time of writing has not been received. Hertfordshire County Council are also seeking additional monitoring sites near Harpenden: A1081 south of Junction 10a; Annables Lane / Watery Lane on the approach to M1 junction 9, within Kimpton and Whitwell villages and</p>	Unlikely	All Hertfordshire Host Authorities



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		further south from the proposed monitoring site on the A1081 to better pick up flows towards Harpenden; monitored directly by the Applicant as part of TRIMMA. These sites have not yet been agreed by the Applicant.		
The proposed highway mitigation schemes at the three Hitchin junctions are in conflict with local policy for improving sustainable modal choice	<p>The mitigations proposed in Hitchin provide increased capacity for vehicular traffic which is in conflict with local plans and policies to enable and support active travel. The Applicant is not proposing to develop alternative proposals as part of this application process but is willing to consider alternatives being implemented at these locations post-consent, however they would expect the Hertfordshire Host Authorities to fund any additional cost associated with any alternative scheme.</p> <p>Linked to the traffic modelling the Hertfordshire Host Authorities continue to lack confidence in the strategic modelling that feeds into the forecasts for the traffic flows on the A505 and A602 through Hitchin.</p>	<p>The Hertfordshire Host Authorities have some detailed queries regarding the latest transport modelling report: Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159], these are documented in Appendix 2 of the Hertfordshire Host Authorities Response to the Examining Authorities Further Written Questions [REP7-087]. This means the Hertfordshire Host Authorities continue to lack confidence in the modelling that supports the development of the proposed mitigation schemes at the Hitchin junctions.</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 submitted at Deadline 7 [REP7-087] for an update on the ongoing discussions between the Applicant and the Hertfordshire Host Authorities.</p> <p>The Applicant has proposed a 'side-agreement' to deal with two of the three Hitchin junctions, which would include provision for additional funding</p>	Unlikely	Hertfordshire County Council / North Herts Council



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		<p>to deliver enhanced mitigations. Whilst the Hertfordshire Host Authorities acknowledge this offer, this is a late change in approach. The Hertfordshire Host Authorities are prepared to work further with the Applicant on this matter, however without due regard to the process that the highway authority needs to go through to agree to a proposal that impacts their network, it is not possible to agree to these alternatives at this stage, without further technical evidence, including Road Safety Audits, and detailed costings being made available. Otherwise, the highway authority is exposed to an unacceptable level of financial risk.</p> <p>The Applicant (through Arup) has presented plans for the enhanced mitigations for two of the three Hitchin junctions, which include signalisation. North Herts Council and Hertfordshire County Council will provide a response to the Applicant on the revised layouts when more technical detail (including Road Safety Audit (RSA)) becomes available. For the avoidance of doubt, the original schemes presented as part of the DCO Schedule 1 remain unacceptable.</p> <p>The mitigation schemes proposed are not compliant with adopted policies and plans (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, the Applicant would only fund the equivalent value of the Schedule 1</p>		



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		<p>mitigation proposal, leaving the responsibility to fund and deliver any enhanced scheme to the Highway Authority, which is not acceptable as detailed in Deadline 6 Submission Updated PADSS [REP6-099] and Comments on Any Further Information / Submissions received by Deadline 5 [REP6-100].</p> <p>The main reasons for continued disagreement are summarised here:</p> <ul style="list-style-type: none"> • The proposed mitigations are modelling-led (“predict-and-provide”) to provide additional capacity for motor traffic, rather than a “vision-and-validate” or “decide-and-provide” approach that seeks to manage traffic through behaviour change and modal shift, as set out, inter alia, in the Hertfordshire Local Transport Plan 2018-2031 (May 2018), and DfT Circular 01/2022, ‘Strategic road network and the delivery of sustainable development’ (January 2022)”. • Poor level of modelling validation in Hitchin which is leading the scheme development is concerning. • The Schedule 1 mitigation proposals benefit only private motor vehicles. • The Hitchin Hill junction is in an Air Quality Management Area (AQMA) and measures to attract additional traffic in this area should therefore not be encouraged. • The proposed layouts do not align with schemes set out in the 		



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		<p>adopted North Central Hertfordshire Growth and Transport Plan, Stage 3 Interventions Paper, HCC & AECOM, May 2022. AECOM Report South Central Hertfordshire Growth and Transport Plan 2017-03-30 :</p> <ul style="list-style-type: none"> Hertfordshire County Council's LTP4 Policy 1 states 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. Signalisation opens up the opportunity for 'hurry call' prioritisation for buses and safer crossing facilities, but the effectiveness depends on how the junctions are functioning. 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 and cycle crossing facilities and bus priority. <p>North Herts District Local Plan Infrastructure Delivery Plan, Appendix 1 Delivery Schedule There has been no RSA provided for the alternative schemes.</p> <p>The funding for any enhanced mitigation proposals at the Hitchin</p>		



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		<p>junctions should be considered as part of the application not post-application to ensure that there is sufficient funding available for implementation as part of the DCO. The Hertfordshire Host Authorities are willing to work with the Applicant to identify the alternative schemes to ensure they are adequately reflected in the funding arrangement for their implementation. The funding needs to be committed and secured and Hertfordshire needs to be confident that the value is sufficient to deliver acceptable mitigation.</p>		
Mitigation in rural areas	<p>The current approach assumes that all impacts can be mitigated with localised interventions. This is unlikely to be true for rural areas, where there is little opportunity to mode-shift trips from car to public transport or active travel. Interventions are most likely to displace traffic from one village to another. An area-based strategy is therefore likely to be necessary.</p>	<p>Applicant to consider alternative mitigations for potentially significant growth in airport-bound traffic growth through rural areas.</p> <p>It is assumed that these additional impacts would be identified through the TRIMMA Type 2 monitoring and mitigation, funded via the Residual Impacts Fund (RIF).</p> <p>Additional monitoring sites in the Hitchin 'rural areas' are proposed by the Applicant to be the subject of a 'side-agreement'. Additional sites have been identified near Harpenden (A1081 south of Junction 10a; Annables Lane / Watery Lane approach to M1 Junction 9; and in Kimpton and Whitwell villages), monitored directly by the Applicant as part of TRIMMA. These sites have not yet been agreed by the Applicant.</p> <p>The concerns of Hertfordshire County Council and North Herts Council in relation to the provisions being made for additional mitigation are now greater given the additional impacts</p>	Unlikely	North Herts Council & Hertfordshire County Council



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		<p>on traffic flows in these rural areas that have been identified in the current (post-Covid) modelling scenario. Additional monitoring sites are being sought.</p> <p>See further comments on the RIF in relevant section below.</p>		
Sustainable Transport Fund (STF)	It is unclear how the STF will be used to deliver sustainable transport improvements, particularly with regard to public transport and the necessary early pump-priming of bus services to effect travel behaviour and whether sufficient funding will be available for the range of measures that could draw on this fund.	<p>The Applicant has provided additional information in relation to the size of the STF and the measures identified in the Framework Travel Plan (FTP) [REP7-043] that could be implemented with the funds used to deliver sustainable transport improvements.</p> <p>The Hertfordshire Host Authorities consider that there should be no cap on the STF and that it should run in perpetuity to ensure that any ongoing impacts of the airport can continue to be managed and that the success of measures being implemented can be sustained. This could be periodically reviewed by the Airport Transport Forum (ATF) Steering Group following London Luton Airport reaching full capacity. Were reviews to find there to be a reduced need for STF interventions the levy could be subject to a phased reduction and in time ceased, if appropriate.</p> <p>The Applicant has confirmed that a fund of up to £1m could be brought forward to pump-prime early schemes (not limited to bus services) if required and evidenced through the monitoring, with the provision for the money to be re-couped from the fund by the Applicant at a later stage.</p>	Unlikely	All Hertfordshire Host Authorities



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		<p>Typical costs of traffic calming measures are approximately £75k for up to a 1km section. However, traffic calming which incorporates raised crossings and narrowing and rural schemes could have a cost in the region of £100-£300k. This shows the variability in cost range associated with potential additional traffic calming.</p> <p>The Hertfordshire Host Authorities would like to see greater flexibility in the timing and value assigned for any early pump-priming of schemes through the STF as the level of schemes and potential value is currently unknown and it cannot be confirmed that £1m would be sufficient. The pump-priming fund should be available for any schemes that are identified and backed through the ATF process as providing significant additional benefit through early delivery. Flexibility in the value and timing is therefore required to manage the risk that is introduced to the Hertfordshire Host Authorities through insufficient funding being available.</p>		
Framework Travel Plan (FTP)	The FTP does not set any mode share targets. There is no commitment towards an ambitious target for mode share that delivers more than the existing P19 targets, which are not referenced.	The Applicant should provide an indication of the level of additional ambition and targets that they will be seeking to achieve through the Travel Plan. This should be more demanding than those agreed in the P19 Travel Plan and these targets should be included in the FTP.	Unlikely	All Hertfordshire Host Authorities
Rail Capacity	Hertfordshire County Council is concerned that the original assessment was based on pre-Covid	In their Rail Impacts Summary [REP5-057], the Applicant has responded to show that the forecast rail demand at	Unlikely.	Hertfordshire County Council



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	<p>levels of service and forecasts for increases in network capacity. The effects of Covid-19 on patronage and forecast service levels have not been accounted for. Demand may not have fully recovered and train companies may not see their plans come to fruition due to cost-cutting. It is unclear whether there is capacity on the existing and forecast networks and impacts on current passengers at stations in Hertfordshire.</p>	<p>the Hertfordshire stations is not significant (3%) of the total demand and that there is sufficient rail network capacity to accommodate the forecast additional trips.</p> <p>Hertfordshire County Council has concerns that the assumption is that the trips from the east will be primarily by private vehicle, and that incentives to influence mode share from the east are not being fully explored.</p> <p>It is understood that Network Rail have undertaken a rail capacity assessment, and it is understood their findings will be submitted at Deadline 8, but at the time of writing this was not available.</p>		
<p>Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)</p>	<p>The TRIMMA is not considered sufficiently binding on the Applicant to give the Hertfordshire Host Authorities certainty that any additional unforeseen impacts on the Hertfordshire highway network will be included adequately in the monitoring or mitigated and funded.</p> <p>In Hitchin, the Hertfordshire Host Authorities seek enhanced mitigation that does not just provide for additional traffic capacity and seek additional funding from the Applicant to cover this. The Applicant (through Arup) has presented modified plans that include signalisation of two of the junctions. Hertfordshire County Council and North Herts Council have undertaken an initial review of the layouts and whilst they are closer to their aspirations, they do not have sufficient technical evidence</p>	<p>The Applicant has provided a revised Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) document [REP7-040] which sets out the monitoring approach to identify additional mitigation (outside of the Schedule 1 proposed works) and funding for the unforeseen impact through the Residual Impacts Fund (RIF).</p> <p>The Hertfordshire Host Authorities seek to reduce their cost risk in needing to provide additional mitigation measures within their network, by requesting additional monitoring sites as part of the TRIMMA.</p> <p>On the basis of the current modelling that has been shared and that it is not possible to undertake further modelling to investigate these areas, the Hertfordshire Host Authorities are</p>	<p>Unlikely</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>(modelling and RSA) to be able to accept the alternative mitigation proposals and linked to the queries about the wider traffic modelling, are unable to provide a more positive response.</p> <p>Monitoring of only the on-site airport car parks under the TRIMMA will put a natural cap on the associated traffic impacts that are measured, which is unrealistic for the adjoining highway networks due to the additional traffic associated with the private off-site airport car parks / fly-parking which are also assumed to increase in the modelling but not proposed to be monitored through the TRIMMA sites.</p>	<p>seeking to agree additional monitoring sites where changes in traffic flows have been identified near Harpenden: A1081 south of Junction 10a; Annables Lane / Watery Lane approach to M1 Junction 9; and within Kimpton and Whitwell villages, monitored directly by the Applicant as part of TRIMMA. These sites have not yet been agreed by the Applicant. Additional monitoring sites have been agreed in the 'rural areas' around Hitchin and are proposed to be the subject of a 'side agreement'. This is to ensure there is sufficient coverage through the monitoring sites (both by geographical location and time period) so that the TRIMMA Type 2 is able to identify, monitor and mitigate the impacts in Hertfordshire which may arise.</p> <p>The Applicant should include the monitoring of the traffic impacts associated with the off-site car parks. Whilst it is understood that the Applicant cannot control the third-party car parks, there is predicted to be an increase in the capacity of these car parks to support the airport growth and there will be additional traffic associated with private vehicles travelling to and from these. Although the Applicant is not proposing to monitor these trips, they have been included in the modelling, which has been used to identify the proposed mitigation sites and measures. At the very least the Hertfordshire Host Authorities expect the Applicant to monitor the capacity of third-party off-site parking and make this available to the ATF for review against the Applicant's growth assumptions.</p>		



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		<p>The monitoring of the off-site car parking as part of the TRIMMA remains an area of disagreement as the trips associated with the predicted increase in car parking at third-party sites to support the airport growth is not included in the monitoring approach and the Hertfordshire Host Authorities do not have sufficient confidence in the modelling outputs in relation to this.</p>		
Residual Impacts Fund (RIF)		<p>The Applicant has provided a revised Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) document [REP7-040] which sets out the monitoring approach to identify additional mitigation (outside of the Schedule 1 proposed works) and funding for the unforeseen impact through the Residual Impacts Fund (RIF).</p> <p>The value of the proposed RIF has been confirmed as £1m. The Hertfordshire Host Authorities do not have confidence in the sufficiency of this fund, particularly considering:</p> <ul style="list-style-type: none"> • The uncertainty introduced into the Hertfordshire network in relation to the updated traffic modelling; • The time period over which the fund could be expected to provide support; and • The number of authorities that may need to draw on this fund. <p>By way of example, the Applicant has identified through modelling that the villages and roads to the south of the A505 will see an increase in airport-related traffic. For this reason, they have agreed to additional monitoring</p>	Unlikely	



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		<p>of these roads though a 'side agreement' [not received at time of writing]. Should the observed traffic increase require mitigation through the TRIMMA, an appropriate package of mitigations is likely to consume a considerable portion of the £1m RIF. Such a package will need to go beyond localised reactive interventions to ensure that traffic is not simply displaced from one village to the next but is rather pushed back to the strategic and major road network or mode shifted. The Hertfordshire Host Authorities have asked the Applicant to propose such a holistic mitigation plan.</p> <p>Typical costs of traffic calming measures are approximately £75k for up to a 1km section. However, traffic calming which incorporates raised crossings and narrowing and rural schemes could have a cost in the region of £100-£300k. This shows the variability in cost range associated with potential additional traffic calming.</p> <p>The £1m cap on the RIF is not evidenced and the fund should be flexible to meet the requirements of the residual impacts that are identified, particularly given the lack of confidence and uncertainty in the traffic modelling on the Hertfordshire network.</p> <p>The Hertfordshire Host Authorities would prefer to see a more flexible approach to this fund strongly linked to the outcomes of the monitoring process and the identification of the need for mitigation of the airport impacts. The monitoring and agreement of the mitigation will be</p>		



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		presented and endorsed through the ATF and there should be a commitment by the Applicant to fund all those mitigations, and an arbitrary value can therefore not be agreed on the basis that this introduces increased risk to the Hertfordshire Host Authorities.		
Noise				
Policy compliance	<p>The Hertfordshire Host Authorities consider that the application is not in line with UK aviation noise policy. As a result, noise impacts on local communities are expected to be greater than if the application complied with the policy. This is particularly the case during the night-time, a period which UK policy recognises that noise has additional adverse health impacts. The two broad arms of noise policy not considered to be in compliance are:</p> <ul style="list-style-type: none"> • Whether the development complies with policy in terms of <i>'limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise'</i> (Overarching Aviation Noise Policy, 2023) or <i>'limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise'</i> (Aviation Policy Framework, 2013 & Consultation response on UK Airspace Policy, 2017). • Whether there is an appropriate balance between growth and noise reduction, with London Luton Airport not adequately sharing the benefits with local communities; 	<p>For the first bullet, future noise contour area limits are based on the 'Faster Growth Case' rather than the 'Core Case', leading to increased total adverse impacts from aviation noise and an increase in the number of people significantly affected by aircraft noise. It is taken to be clearly possible to reduce noise levels through use of the Core Case to set noise contour area limits. If limits are not based on the Core Case then the Government's overall policy on aviation noise is not expected to be achieved. The Applicant's position is that policy is complied with and relies on the balance of economic benefits, but this is not accepted by the Hertfordshire Host Authorities.</p> <p>Balance between noise emissions of an airport and its economic benefits has historically been, and continues to be, allowed for as UK airports are allowed to generate noise covering sometimes large areas and populations due to the benefits they bring to local and wider communities. However, it is also clear that noise must be controlled. As stated within the Overarching Aviation Noise Policy: <i>"We consider that "limit, and where</i></p>	Unlikely	All Hertfordshire Host Authorities



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	<p>such as, ‘the benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction’ (Airports National Policy Statement, 2018 & Aviation Policy Framework, 2013).</p>	<p><i>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.”</i></p> <p>An overall reduction would be where noise contours associated with the development reduce to below the future baseline, which is not predicted to occur within the Proposed Development’s lifetime. Noise contour area limits should not be any greater than those set out in the Core Case within [REP1-003] (ES Noise and Vibration chapter).</p> <p>For the second bullet, noise levels arising as a result of the application are not predicted to decrease materially over time during the day, or at all at night and this is taken to be in contradiction to the requirement for benefit sharing with local communities. Claims of noise reduction are made within [REP1-003] (ES Noise and Vibration chapter) but this is from an incorrect, inflated baseline year and are not accepted. Aviation 2050 states that all major airports are expected to set out a plan which commits to future noise reduction but noise contour areas in future years (2039-2043) are not proposed to reduce and are actually proposed to increase compared to prior years. Further, growth should not be allowed if there is no noise reduction benefit from</p>		



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		<p>next-generation aircraft. This increase in noise contour areas proposed clearly demonstrates that growth is sought even if there is no associated noise reduction, contrary to policy.</p> <p>Existing and consultation-proposed noise controls have also not been included, such as the extant early morning shoulder period movement limit, which has simply been removed rather than adjusted.</p>		
Movement Caps	The Applicants proposed caps values are potentially greater than required with increased noise impact.	<p>The total number of aircraft movements forecast in 2043 the Applicant's Need Case is 209,410 (Core Development, summation of Tables 6.12, 6.15 and 6.16), 85% (or 177,110) of which are Passenger Air Transport Movements (ATMs). Of the balance, a further 2,300 are cargo ATMs, while there are 30,000 Business Aviation movements, some of which will be classified as ATMs operated by air taxi firms, but others will not be ATMs as they are operated by private and executive jets. In 2019, CAA statistics did not show a single air taxi movement at LTN, but recorded 27,813 Business Aviation movements, which were not ATMs. This position for air taxi movements was unchanged in 2022. It is improbable that there were zero air taxi operations at LTN, so there is likely to be a reporting issue. Hence, it is not possible for the Hertfordshire Host Authorities to suggest how many of the forecast 30,000 Business Aviation movements might be ATMs. If a cap is to be imposed, it may be preferable for it to govern aircraft movements rather than ATMs.</p>	Unlikely	Hertfordshire Host Authorities



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		<p>Notwithstanding this point, the Applicant's suggestion for a cap of 225,000 movements is 15,000 movements more than its own forecasts. The bulk of these movements are Passenger ATMs, which the CSACL review of the Need Case for the Hertfordshire Host Authorities considered to be an over-estimation although reasonable for assessment purposes (Para 2.10).</p> <p>The Applicant has in effect suggested that it does not know if its forecasts are correct in seeking to justify a higher movement limit. The advice to the Hertfordshire Host Authorities from CSACL has been that the Passenger ATM forecasts are likely to be over-estimated in view of the cautious assumptions made by York in their derivation. CSACL has also questioned the likely extent of long-haul services. Should some long-haul services not materialise as forecast by York, then CSACL has accepted that they might be substituted by passengers on short haul flights. CSACL has now estimated that this could lead to fewer than 1,000 extra flights per annum with 32 mppa. When combined with the likely over-estimation of the base Passenger ATM figure, any cap should be set at 210,000 annual aircraft movements. Setting the cap at a higher level would likely result in incompatible annual restrictions.</p> <p>The Applicant's states in their response to this question, "<i>The controls proposed represent the most restrictive noise controls in UK aviation.</i>"</p>		



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		<p>The controls proposed are viewed by the Hertfordshire Host Authorities as less restrictive than those currently in place at Luton, as can be seen from the (only) table in Appendix 1 (noise control benchmarking) in Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - Quota Count Noise Controls [REP7-077]. The Hertfordshire Host Authorities note again (as they did at ISH8) that the QC budgets marked within the summer and winter limits columns are not controls, as these only assist in planning for the noise contour limits.</p> <p>Taking Stansted Airport as a reasonable comparison to London Luton Airport, the table in Appendix 1 also shows that Stansted is subject to more noise controls than London Luton Airport is proposing, and so the basis of the Applicant's stated position is questioned. Manchester and Bristol Airports are also taken as having similar levels of noise control placed on them, demonstrating that Luton is not being subject to excessive controls and that the inclusion of an early morning limit would be appropriate (as the question pertains).</p> <p>The Applicant also puts forward an annual aircraft movement limit in the morning shoulder period of 0600-0700 of 13,000 movements. This value is not accepted; no justification has been provided for this figure nor is it demonstrated whether the noise assessment undertaken by the Applicant can accommodate this figure.</p> <p>Provision of the morning shoulder period (0600-0700) limit would in</p>		



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		<p>effect provide a proxy limit on the evening shoulder period (2300-2330), noting that there is already a core night period movement limit (2330-0600), the night-time summer contour and the potential annual 24-hour movement limit, all of which envelop this period. For the avoidance of doubt, the full night period is 2300-0700.</p> <p>The Hertfordshire Authorities take the view that given the very sensitive nature of the shoulder periods the operator should be required to provide an evidenced assessment of the lowest possible number of movements that ATMs could be restricted to in order to facilitate the proposal. That would then be available for all parties to review and comment.</p> <p>In advance of that, while all airports are different and have their own characteristics and features, the Hertfordshire Host Authorities consider that Stansted Airport may provide some guidance in determining an appropriate figure for an aircraft movement limit in the morning Shoulder period of 6 to 7 am. Like London Luton Airport, Stansted has a high proportion of its passenger traffic carried by Low-Cost Carriers with significant numbers of aircraft based at the airport. Stansted also handles a significant volume of air freight most of which is flown on pure freighter aircraft which also operate in the early morning period. Stansted is currently</p>		



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		<p>handling some 28 mppa and may therefore act as an analogue for what might be achieved at a 32 mppa London Luton Airport.</p> <p>In the current winter season and the forthcoming Summer 2024 season, Airport Co-ordination Limited (ACL) has approved slots for both airports: at these airports, all aircraft movements require a slot from ACL to operate legally. At Stansted, 5.0% of slots were in the period between 6 am and 7 am, whereas at Luton the figure was 5.9%. This shows that a busier airport can operate with a lower proportion of flights in this hour, perhaps illustrating that there has been some peak spreading as traffic levels have increased.</p> <p>Applying this lower proportion to LR's passenger ATM forecasts for a 32 mppa Luton (177,110 per annum) points to a Shoulder period limit at Luton of 8,829 movements per annum. Freighter aircraft generally operate at a lower utilisation (viz. flying hours per day) so should not be too inconvenienced by having operations delayed until after 7 am. The Hertfordshire Host Authorities also note that while LR's passenger ATM forecast was regarded as reasonable for assessment purposes they were also advised that it was likely to be an over-estimation, which in turn would suggest a shoulder period cap below the 8,829 figure derived above.</p>		

Landscape and Visual



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<p>Visual impact of large scale-built development in a relatively elevated location.</p>	<p>The introduction of large-scale buildings and structures into the rural landscape to the east of the existing London Luton Airport will result in adverse visual effects. Built development will be introduced into some views which are predominantly characterised by soft landscape elements. In some longer distance views, the expansion of built development will be apparent increasing visual prominence.</p>	<p>The Applicant should provide an explanation of how the architecture (building design), masterplan and landscape design work together to provide an appropriate design response to the location of built development on this sensitive elevated plateau landform. Particularly, the Applicant should provide an explanation of how the design response is compliant with objectives DQ.01 and DQ.02 as set out in the Design Principles [REP7-034 and REP7-035].</p> <p>The following areas of concern remain:</p> <ul style="list-style-type: none"> • Lack of clarity in the Design Principles [REP7-034] such that it fails to create an appropriate design framework in relation to built form and structures. The 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 and will do so going forwards. Such design intent is not clearly outlined in the Design Principles, particularly given that a Design Code for the Proposed Development is not being considered. • Lack of appropriate mitigation identified in relation to built form – mitigation focusses on soft landscape implementation to block views, including blocking currently open, rural views. 	<p>Unlikely</p>	<p>North Herts Council / Hertfordshire County Council</p>



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		<p>Other forms of mitigation should be considered such as green facade treatments or planting tree blocks closer to the buildings to maintain open views.</p> <ul style="list-style-type: none"> • Lack of discussion or apparent understanding of site character and context to inform outline layout of the built form. • Requirement for the Operator to undertake a masterplan consultation process at regular intervals by way of updating all stakeholders – including the local community - about what they can expect over time. <p>The Hertfordshire Host Authorities provided additional comments in the Hertfordshire Host Authorities' Comments on any Further Information/ Submissions Received by Deadline 6 relating to Item 3 – [REP6-057]; Item 4 – [REP6-061] (PED 1.25 and PED 1.31) and Item 6 – [REP6-066] submitted at Deadline 7, these remain outstanding.</p> <p>The Hertfordshire Host Authorities have provided additional comments in ISH8 Post-Hearing Submission: Agenda Item 9 – Landscape and Visual – Visual effects and approach to Mitigation [REP6-093] submitted at Deadline 7, these remain outstanding.</p> <p>The Hertfordshire Host Authorities have provided additional comments in their Responses to the Examining Authorities' Further Written Questions relating to Agenda Item 10 - Design, namely PED2,18 and PED 2,19</p>		



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		submitted at Deadline 7 [REP7-087], these remain outstanding.		
<p>The Landscape and Visual Impact Assessment (LVIA) does not specifically assess the effects of the Proposed Development on the Special Qualities of the Chilterns Area of Outstanding Natural Beauty (AONB)</p>	<p>Additional flight movements across the Area of Outstanding Natural Beauty and the presence of additional large scale-built development, potentially with associated glint and glare, is anticipated to result in a deterioration of the Special Qualities of the AONB. Specific concerns relate to the following two Special Qualities:</p> <ol style="list-style-type: none"> 1. Long distance views and 2. Tranquillity as defined in the Chilterns AONB Management Plan 2019–2024: <p><i>“Panoramic Views from and across the escarpment interwoven with intimate dipslope valleys and rolling fields; and</i></p> <p><i>Relative tranquillity and peace on the doorstep of ten million people, one of the most accessible protected landscapes in Europe; relatively dark skies, of great value to human and wildlife health; unspoilt countryside, secret corners and a surprising sense of remoteness.”</i></p>	<p>The Hertfordshire Host Authorities note that some of their previous comments (provided on 03 November 2023 prior to Deadline 6) have been incorporated into the latest version submitted at Deadline 7 [REP7-046 and REP7-047] and this is welcomed. However, comments provided on 8th January 2024 prior to Deadline 7 have not been acknowledge in the latest version. A number of comments provided in the Hertfordshire Host Authorities Comments on any Further Information/ Submissions Received by Deadline 6 Appendices remain outstanding, and this remains a concern. These concerns include:</p> <ul style="list-style-type: none"> • The appropriate establishment of baseline tranquillity is still required. • Appropriate baseline discussion on tranquillity and dark skies is still required in order to understand and justify the assessment and conclusions in a robust manner. • Identification of the capacity of the baseline landscape to absorb more overflying aircraft. • Impacts on features that contribute to its Special Qualities (SQs) such as distinctive buildings; attractiveness and setting of villages, places and features. <p><i>‘Susceptibility’</i> in relation to tranquillity is probably higher than <i>‘medium’</i>, given the importance of this designation. The Applicant should consider whether aircraft movements directly over the AONB are at the</p>	Unlikely	All Hertfordshire Host Authorities



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		<p>AONBs ‘capacity’ to absorb such movements and therefore whether any further increase (however small) will result in a situation where the Special Qualities become 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. The Hertfordshire Host Authorities do not agree with this position.</p> <p>In relation to tranquillity and dark skies, a more detailed narrative description regarding the areas / receptors which would be affected and details regarding the change they would experience should be provided.</p> <p>Case law and decisions (e.g., <i>Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1)</i> [2021]) 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. It is therefore not the percentage of the AONB that is being harmed by the development that should be considered. Susceptibility and Value should not be ‘watered down’ in the Special Qualities assessment. This requires review, and subsequent reconsideration of effects.</p>		
<p>Whether the Lighting Obtrusion Assessment [APP-052] and [APP-053] adequately identifies likely significant effects and the need or otherwise for a night-time Landscape and Visual Impact Assessment.</p>	<p>A night-time assessment based generally on GLVIA3 criteria for determining sensitivity is likely to result in different levels of sensitivity for some receptors from those identified in Appendix 5.2 Light Obtrusion Assessment Part A of the ES [APP-052], submitted by the</p>	<p>There has been no known update since the Hertfordshire Authorities’ request in their Written Representations [REP1-069] for submission of a night-time assessment that is GLVIA3 compliant rather than simply relying on the light obtrusion assessment.</p>	<p>Unlikely.</p> <p>There has been no known update since the Hertfordshire Authorities’ request in their Written Representations [REP1-069] for submission of a night-time assessment that is GLVIA3 compliant.</p>	<p>All Hertfordshire Host Authorities</p>



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	<p>Applicant. Sensitivity in that document (Appendix 5.2) is determined by categories as set out in Table 4.2. 'Sensitivity of receptor to light obtrusion.' In this table, the typical example for a Medium sensitivity receptor is 'Dwelling'. In assessments based on LVIA nighttime methodologies, residents would typically be determined to be High sensitivity receptors rather than Medium.</p>	<p>The LVIA should not use the sensitivity ratings assigned by different technical specialists but should apply sensitivity based on GLVIA3 guidance.</p> <p>A review of the sensitivity assigned to receptors should be undertaken in line with GLVIA3, along with the subsequent review of the overall outcomes of the assessment to reflect any changes in sensitivity identified.</p> <p>GLVIA requires consideration of perceptual qualities (which would include transient lighting). Perceptual qualities form a crucial part in understanding magnitude and effect in relation to landscape and visual assessment and should be considered appropriately. It is worrying that the Applicant suggests that such perceptual qualities should be ignored.</p> <p>Appendix 5.2 Light Obtrusion Assessment Part A of the ES [APP-052] identifies the Main Application Site as being within an E3 zone, with obtrusive light at identified viewpoints not exceeding the E3 guidance limits on light obtrusion. However, where a viewpoint is not located within an E3 zone (and it can reasonably be assumed that receptors in the AONB for example would be located within an E0 or E1 zone) then the Applicant should confirm that there would be no increase in light obtrusion in those locations within the acceptable limits of an E0 or E1 zone.</p> <p>The Hertfordshire Host Authorities maintains its position that the Lighting Obtrusion Assessment [APP-052] and [APP-053] fails to adequately identify likely significant effects in relation to landscape and visual impacts and</p>	<p>Previous comments remain unaddressed.</p>	



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Aviation Forecasts				
York Aviation Forecasts	York's approach to air traffic forecasting is generally reasonable. However, several of its econometric, pricing and elasticity input assumptions carry downside risks such that the outputs are likely to be over-estimates of future demand, and hence also lead to over-estimates of impacts (both beneficial and adverse). These forecasts are for the south of the UK and to forecast traffic at London Luton Airport they are then subject to the application of airport capacity constraints. The most important of these are the number of runways at Heathrow and at Gatwick, and the passenger traffic that could be handled at them. The Core Planning Case assumption of one extra runway at either Heathrow or Gatwick is agreed, but there is disagreement about how many passengers these runways could allow to be handled. This results in material differences in when London Luton Airport might reach 32 million passengers per annum.	Correction required for Heathrow and Gatwick passenger numbers and Luton forecasts, to address potential over-estimating.	Unlikely.	All Hertfordshire Host Authorities
Unforeseen Forecasts				
Unforeseen Local Impact Management Strategy (ULIMS)	The Hertfordshire Host Authorities believe that due to the longevity of the project, there needs to be provision for ULIMS to cover all significant environmental effects arising from the London Luton Airport expansion.	The ULIMS should cover all significant environmental effects arising from the London Luton Airport expansion.	Unlikely.	All Hertfordshire Host Authorities



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Draft Development Consent Order (DCO)				
Draft DCO drafting - general	There are a number of queries and concerns that the Hertfordshire Host Authorities have identified in relation to the drafting of the DCO as it currently stands. Some of these points are expanded upon below, but this is not an exhaustive list (please see the relevant Written Representations / Local Impact Reports submitted for further information).	The Applicant should further engage with the Hertfordshire Host Authorities to ensure the concerns raised are sufficiently understood and addressed and outcomes secured, either through amendments to the DCO and related control documents or by way of explanation that provides adequate confidence.	Unlikely	All Hertfordshire Host Authorities
Time limits for consents and approvals	The DCO as currently drafted provides for various <i>'deemed consent'</i> mechanisms, whereby should a response to an application for consent / approval not be received from an authority within a certain time limit, that consent / approval is deemed to be approved. Given resource constraints and the uncertainty of the programme, the Hertfordshire Host Authorities consider there is a risk that consent / approvals could be deemed to be granted inappropriately, even where there has been no wilful or unreasonable inaction from the Hertfordshire Host Authorities.	The Applicant should seek to build in appropriate resourcing and flexibility to these mechanisms, to ensure consents and approvals are not <i>'waved through'</i> , where the Hertfordshire Host Authorities have not wilfully or unreasonably not responded to an application for a consent or approval under the DCO.	Unlikely	All Hertfordshire Host Authorities
Powers of compulsory acquisition and temporary possession	There are a number of land interests held by the Hertfordshire Host Authorities which would be subject to powers of compulsory acquisition and / or temporary possession under the DCO.	Further engagement is needed with the Applicant to understand the necessity for and acceptability of these proposals.	Unlikely	North Herts Council / Hertfordshire County Council
Drainage and local highway authority protective provisions	Certain drainage consents are disapplied in the DCO, but there are nor relevant ordinary watercourses.	The disapplication of the provisions of the Land Drainage Act 1991 contained in article 43 of the draft DCO ought to be removed. Consent under section 150 of the Planning Act 2008 will not	Unlikely	Hertfordshire County Council



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	Inadequate protective provisions are included for the benefit of the local highway authorities.	<p>be granted for the disapplication of the provisions of the Land Drainage Act 1991 that are prescribed consents and so the continued inclusion in the DCO would be <i>ultra vires</i>.</p> <p>The local highway authority has set out its reasonable requirements for protective provisions in its Post-hearing Submission for ISH10 [REP6-095] which need to be included in the draft DCO.</p>		
Treatment of the existing 'LLAOL Planning Permission' and other extant permissions	That the DCO appears to potentially introduce a regulatory 'gap' whereby controls under the existing planning permission fall away under Article 44, prior to any DCO controls being triggered.	While progress has been made in relation to the provisions of Articles 44 and 45 concerns remain, particularly in relation to the breadth of what could be considered to be "inconsistent". A more focussed definition of "inconsistent" that aligns with the judgement in <i>Hillside</i> is required together with a narrow range of factors that could give rise to such inconsistency i.e. only the physical "authorised development". Further safeguards are required to ensure that there are not circumstances where inappropriate development cannot be enforced against under both 1990 Act and the 2008 Act.	Unlikely	All Hertfordshire Host Authorities
DCO requirements – Parts 1, 2 and 4 of Schedule 2 to the DCO	The Hertfordshire Host Authorities have a number of concerns in relation to the DCO requirements set out in Schedule 2 to the DCO. This is both in terms of specific drafting (e.g., requirement 8(1)) or more generally, in terms of the adequacy of the control documents secured.	Engagement with the Applicant together with amendments to the DCO as required.	Unlikely	All Hertfordshire Host Authorities
GCG DCO requirements – Part 3 of Schedule 2 to the DCO	Similarly, to the points made elsewhere in this document around the GCG generally, the Hertfordshire	Engagement with the Applicant together with amendments to the DCO as required.	Unlikely	All Hertfordshire Host Authorities



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	<p>Host Authorities have a number of concerns in relation to how the GCG is proposed to be secured in legal terms in the DCO requirements. This relates to, for example, the operation and make-up of the ESG, how monitoring reports are produced / approved, the actions and processes required where there is an exceedance of a Threshold or Limit and the robustness of relying on the Slot Regulations as a form of control.</p>			
Green Controlled Growth				
<p>GCG – Limits and Thresholds Level 2 Threshold Limits</p>	<p>A Level 2 Plan and a Mitigation Plan can be deemed to be approved.</p>	<p>A Level 2 Plan and / or a Mitigation Plan should not be deemed to be approved given their vital role in ensuring that a Limit is not exceeded. The approval of the ESG should be required. This is particularly the case noting the very tight timescales that have been agreed for review and approval of such Plans.</p>	<p>Unlikely.</p>	<p>All Hertfordshire Host Authorities</p>
<p>GCG – Limits and Thresholds Limits</p>	<p>The right of appeal to the Secretary of State in respect of any decision made by the ESG, without specific grounds on which such appeal may be made, risks removing the local control and decision making that the ESG is designed to facilitate.</p>	<p>Any right of appeal to the Secretary of State should be limited to specific grounds. Any decision of the ESG should stand and be implemented, pending an appeal decision.</p>	<p>Unlikely.</p>	<p>All Hertfordshire Host Authorities</p>
<p>GCG – Monitoring and Reporting</p>	<p>The GCG proposals are for annual monitoring and reporting of environmental effects by the Airport Operator. This is not frequent enough to enable effective and adaptive oversight of the airport's operations.</p>	<p>The Applicant has confirmed that monitoring will be undertaken (with access provided to the Hertfordshire Host Authorities and ESG) on as close to a 'real time' basis as possible. Regarding air quality, whilst the Applicant will inform the ESG of exceedances of thresholds and limits for annual mean pollutant</p>	<p>Unlikely</p>	<p>All Hertfordshire Host Authorities</p>



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		<p>concentrations it is understood that the Applicant is not proposing to inform the Hertfordshire Host Authorities in the event of the near-real time monitoring data providing an 'early warning' that there is a risk of a threshold or limit being exceeded [REP7-070].</p> <p>As the Applicant states in REP7-070 that the data will be "open source" the Hertfordshire Host Authorities ask that the hourly near real-time data are made available to download on a publicly accessible web page.</p>		
GCG – Independent Scrutiny and Review	Dacorum Borough Council is not proposed to be a member of ESG.	Dacorum Borough Council should be a member of the ESG, given that it is a Hertfordshire Host Authority for the Development. Please refer to the following: Local Impact Report [REP1A-003] see errata amendment in AS-147; Post-hearing Submission ISH 9 [REP6-094] and Post-hearing Submission ISH 10 [REP6-095].	Unlikely.	All Hertfordshire Host Authorities
GCG – Independent Scrutiny and Review	The ongoing reasonable and properly incurred and evidenced costs of the ESG and Technical Panel will be funded by the Airport Operator.	This should also include the resource and management costs of the Councils in relation to their participation in the ESG (and / or any Technical Panel), including reviewing, amending and approving minutes of meetings, management packs and reviewing, commenting and consulting internally on documents pursuant to the ESG.	Likely – positive discussions on this point are progressing as part of negotiations on the s.106 agreement.	All Hertfordshire Host Authorities
GCG – Slot Co-ordination	It is not clear what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured. The GCG proposals refer to a 'toolbox' of interventions that the Airport Operator can use to manage or	Discussion is required with the Applicant.	Unlikely – all parties accept the 'rolling back' of the allocation of slots is very difficult. As such, agreement on this point will depend on whether a sanctions regime for on-going breaches is introduced.	All Hertfordshire Host Authorities



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	mitigate environmental effects, but it is not clear from the proposals what effective interventions could be introduced in circumstances where a planned capacity reduction or local rule cannot be achieved or cannot be achieved in an appropriate timeframe.			
GCG – Compliance	Under the Applicant’s proposals it would only be a breach of the processes of the GCG framework that would constitute a breach of the legally binding terms of the DCO. There would be no sanction for continued breaches of a Limit.	<p>The Hertfordshire Host Authorities set out a proposed approach to sanctions for continued breaches and supporting rationale in [REP7-085 and REP7-087].</p> <p>The Hertfordshire Host Authorities also note that the Examining Authority has suggested the insertion of a new sub-paragraph under Requirement 23 between sub-paragraphs 14 and 15, which would impose a financial penalty on the undertaker for persistent breaches of a limit. The Hertfordshire Host Authorities welcome this and will respond at Deadline 8 to the Examining Authority’s request that the Relevant Planning Authorities confirm what they consider to be an appropriate penalty scale and penalty time period.</p>	Unlikely.	All Hertfordshire Host Authorities
GCG Framework: Air Quality	The GCG Limits and Thresholds for air quality do not address short-term pollution episodes which relate to acute health issues. Whilst there is no short-term legal limit for PM _{2.5} concentrations, it would seem appropriate to set Thresholds for 24-hour mean PM _{2.5} concentrations based at least on the World Health Organisation (WHO) interim target 3, which is 37.5µg/m ³ not to be exceeded more than 3-4 days per year (the corresponding WHO interim	<p>Whilst the Applicant is pushing back on including short-term Thresholds under the GCGF, the Applicant should at least commit to 24-hour mean PM_{2.5} Thresholds for routine environmental management purposes to address the matter of acute human health impacts and enable a more responsive approach to emissions management.</p> <p>Thresholds should be set as rolling averages to trigger prompt</p>	<p>Unlikely</p> <p>The matter of monitoring short-term concentrations has been agreed and this will be addressed in routine environmental management, with results reported for information only within the annual GCG Monitoring Report [REP7-028, paragraph D3.1.2]. However, there is no formal agreement on Threshold for 24-hour mean PM_{2.5}.</p>	All Hertfordshire Host Authorities



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	<p>target 3 for annual mean PM_{2.5} is 15µg/m³ - so it is reasonably in-line with the Government's interim annual mean target).</p> <p>The Level 1 and Level 2 Thresholds that are proposed by the Applicant are for annual mean concentrations only. For each pollutant, the Level 1 Threshold is set at 25% below the Limit and the Level 2 Threshold is at 5% below the Limit. In practical terms, ratified results for the previous calendar year would not be available until one or two months after the end of the year by which time it would be too late to effectively implement measures to avoid causing health impacts.</p> <p>In the event of exceedance of a monitoring Threshold at a sensitive receptor, to enable airport sources to be identified it would be necessary for continuous monitoring sites to be located at the Main Application Site boundary, not just at sensitive receptors. This is because the sensitive receptors are generally too far away for airport sources to ever be clearly identified using available data analysis techniques (such as a bivariate polar plot of pollutant concentration showing concentration by wind speed and direction).</p>	<p>investigation and action when they are exceeded.</p> <p>It is understood from discussion with the Applicant that the Airport Operator will be installing indicative continuous air quality monitors around the Main Application Site boundary to record NO₂, PM₁₀ and PM_{2.5} concentrations. Clarification is needed from the Applicant as to how the data would be used at part of GCGF and in routine environmental management of airport operations.</p>	<p>The matter of consideration of rolling averages to trigger prompt investigation and action has been discussed but not formally agreed. It is unlikely that this will be agreed.</p> <p>The matter of use of Airport Operator indicative continuous monitoring data has been discussed but not formally agreed. It is unlikely that this will be agreed.</p>	
Status of ESG	Current application documents (e.g. the ESG ToRs) propose that ESG is to be established as a company limited by guarantee. Limited concrete details have been provided in relation to this proposal by the Applicant.	The Hertfordshire Host Authorities consider that any reference to ESG being a company limited by guarantee should be removed from any certified documents, as the Hertfordshire Host Authorities have not agreed to this approach. It is understood from the Applicant that it is proposed that the	Unlikely	All Hertfordshire Host Authorities



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		<p>Authorities (or officers of the Authorities) would, under this model, act as Directors of such an entity. Without any detailed information as to how this would work in practice, this cannot be agreed. It may be that this model can be adopted, but further discussion is required post-consent (should the DCO be granted). The Hertfordshire Host Authorities consider that by removing references to a company limited by guarantee now, it provides more flexibility for all moving forward. The Applicant has said to the Hertfordshire Host Authorities that such amendments can be made to the documents in question post-consent, but the Hertfordshire Host Authorities query how that would be possible.</p>		