



Hertfordshire Host Authorities

HERTFORDSHIRE HOST AUTHORITIES' COMMENTS ON ANY FURTHER INFORMATION / SUBMISSIONS RECEIVED BY DEADLINE 9

London Luton Airport Expansion



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1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1. This document represents a table of responses by the Hertfordshire Host Authorities to certain further information and submissions made by the Applicant at Deadline 9, to be submitted at Deadline 10. It has been prepared jointly by Dacorum Borough Council ("DBC"), North Herts Council ("NHC") and Hertfordshire County Council ("HCC"), in collaboration with their technical consultants and legal advisors, together referred to as the "the Hertfordshire Host Authorities" to set out further comments considered necessary in relation to the impacts upon the local area of the Applicant's proposed London Luton Airport Expansion Project ("the Proposed Development").
- 1.1.2. This document should be read alongside separate documents also submitted at Deadline 10, these include:
- Hertfordshire Host Authorities' Response to the Examining Authority's Rule 17 Letter (dated 25 January 2024);
 - Hertfordshire Host Authorities' Further Response to the Examining Authority's Rule 17 Letter (dated 25 January 2024); and
 - Hertfordshire Host Authorities' Response to the Examining Authority's Rule 17 Letter (dated 31 January 2024).
- 1.1.3. It should be noted that the struck through text in this document is quoted deleted text from the Applicants' Deadline 9 tracked changes documents. This has been included to add context to the Hertfordshire Host Authorities' response.



2 REP9-021 - GREEN CONTROLLED GROWTH EXPLANATORY NOTE (TRACKED CHANGE VERSION)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
2.4.15	ESG Representatives	<i>The representatives of the local authorities on ESG should be competent officers working within the relevant local authorities. Planning professionals have the relevant experience of considering reports from technical specialists and using these to support a decision-making function through deciding planning proposals, which is similar in concept to the function of the ESG. The requirement for officers will also help ensure that any decisions made by the ESG are made on an impartial, apolitical basis</i>	The Hertfordshire Host Authorities remain concerned with the wording in this paragraph. The Hertfordshire Host Authorities welcome the amendments to now reference “ <i>competent officers working with the relevant local authorities</i> ” but remain of the opinion that nomination of a suitably qualified person should rest with the Council and not the Chair of the Environmental Scrutiny Group (ESG). This will be reflected in the final Statements of Common Ground (SoCG) between the Applicant and the Hertfordshire Host Authorities to be submitted at Deadline 11.
3.3.41	Greenhouse Gas (GHG) Limit Review	<i>As part of the periodic GCG review process set out in Paragraphs 2.2.50 and 2.2.51, consideration should also be given to the appropriateness and practicality of revising the Greenhouse Gases Limits and Thresholds to align with current greenhouse gas policies; however, there will be no absolute requirement to do so.</i>	The additional text covered in Section 3.3.41 states that ‘ <i>As part of the periodic GCG review process set out in Paragraphs 2.2.50 and 2.2.51, consideration should also be given to the appropriateness and practicality of revising the Greenhouse Gases Limits and Thresholds to align with current greenhouse gas policies; however, there will be no absolute requirement to do so</i> ’ This text appears to contradict other parts of the GCG Framework Explanatory Note (including Table 3.7), which sets out the proposal to review GHG Limits and Thresholds to align with GHG policy, including the Jet Zero Strategy.
3.3.30	Air Quality	Paragraph 3.3.30, list item d.: “ <i>Whether it is appropriate to revise Limits the appropriateness and practicality of revising the Air Quality Limits and Thresholds to align with the new UK legal limits (or interim targets); however, there will be no absolute requirement to do so.</i> ”	The Hertfordshire Host Authorities request the following amendment to paragraph 3.3.30, Item D.: ‘ <i>Whether it is appropriate to revise Limits to align with the new UK legal limits (or interim targets); however, there will be no absolute requirement to do so to ensure that London Luton Airport growth can be sustained within the requirements of the law.</i> ’



3 REP9-025 - GREEN CONTROLLED GROWTH FRAMEWORK APPENDIX A – ESG TERMS OF REFERENCE (TRACKED CHANGE VERSION)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
A2.1.14 and A2.1.15	ESG Representatives	<p><i>Each local authority may nominate a competent officer to represent them on the ESG. The officer must be a suitably qualified senior planning professional (i.e., a chartered town planner or someone with equivalent professional experience) working within the relevant body authority and must not be an elected councillor.</i></p> <p><i>The final decision as to whether a nominated officer meets the criteria in paragraph A2.1.14 rests with the chair of the ESG. Suitably qualified senior planning professionals will be allowed as substitutes if for any reason the nominated representative of a local authority is unable to attend a particular ESG meeting, subject to prior approval of the nominated substitute by the chair of the ESG.</i></p>	<p>See response to the Green Controlled Growth Explanatory Note (Tracked Change Version) [REP9-021] above. The Hertfordshire Host Authorities welcome the removal of the reference to a “<i>suitably qualified senior planning professional...</i>” in paragraph A2.1.14. However, the following paragraph A2.1.15 still refers to “<i>suitably qualified senior planning professionals will be allowed as substitutes</i>” which is not in accordance with ESG representative as a competent officer.</p>
A2.2.1 and A2.2.2	ESG Quorum	<p><i>A quorum for an ESG meeting is met where the independent chair, independent aviation specialist, slot allocation expert (or a substitute agreed as per paragraph A2.1.12) and a minimum of two local authority representatives (or substitutes as agreed as per paragraph A2.1.14) are present.</i></p> <p><i>In the event that quorum cannot be achieved at the first scheduled meeting, then a further meeting will be held within 7 days with a quorate requirement of the independent chair, independent aviation specialist, slot allocation expert (or a substitute agreed as per paragraph A2.1.12) and a minimum of one representative from a local authority (or a substitute as agreed as per paragraph A2.1.14).</i></p>	<p>This is now agreed and will be reflected in the final Statements of Common Ground (SoCG) between the Applicant and the Hertfordshire Host Authorities to be submitted at Deadline 11.</p>



4 REP9-027 - GREEN CONTROLLED GROWTH FRAMEWORK APPENDIX B – TECHNICAL PANELS TERMS OF REFERENCE (TRACKED CHANGE VERSION)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
B2.2.1 and B2.2.2	Quorum	<p><i>A quorum for a Technical Panel is met where the chairperson of that Technical Panel and at least 50% of other approved members are present (in the unlikely scenario where no other members are approved, only the chairperson, acting as an independent technical expert, will be required to be present for the Technical Panel to be quorate).</i></p> <p><i>In the event that quorum cannot be achieved at the first scheduled meeting, then a further meeting will be held within 7 days with a quorate requirement of the chairperson of that Technical Panel and at least one other approved member.</i></p>	This is now agreed and will be reflected in the final Statements of Common Ground (SoCG) between the Applicant and the Hertfordshire Host Authorities to be submitted at Deadline 11.



5 REP9-031 - DESIGN PRINCIPLES (TRACKED CHANGE VERSION)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
REP9-031 Section 3	Design	Updated Design Principles document.	<p>As detailed in the Hertfordshire Host Authorities' Principal Areas of Disagreement Summary Statement [REP8-055] and the Hertfordshire Host Authorities' Comments on Any Further Information / Submissions Received by Deadline 6 [REP7-085], the Hertfordshire Host Authorities consider that the following updates should be made to Section 3: Landscape design principles:</p> <ul style="list-style-type: none"> The Hertfordshire Host Authorities are not aware of any narrative relating to how the Proposed Development has responded to the existing site character, landform, and context (including local vernacular), and how landform and built form considerations have informed the outline design but would welcome signposting to such. Such narrative relating to landform and built form considerations informing outline design should be complimented by the requirements set out in the Design Principles [REP9-031] document to provide 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 to ensure that such considerations are carried through to detailed design. Whilst there have been some steps towards this (such as a couple of additions to Section 4 regarding facade treatments) which are clearly welcomed, the Hertfordshire Host Authorities believe more should be included. <p>The Applicant has not made these changes to Section 3 in Design Principles (Tracked Change Version) [REP9-031].</p>



6 REP9-045 - SUSTAINABLE TRANSPORT FUND (TRACKED CHANGE VERSION)

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
Para 2.3.14-2.3.16	Surface Access – Sustainable Transport Fund (STF)	<p>The Applicant is proposing to remove the STF fund cap and provides details on additional uses of the surplus funds.</p> <p><i>2.3.14 - If there is any surplus revenue (i.e. any uncommitted funds remaining) at the end of any anniversary of the inception of the STF, up to 25% of this surplus may be redistributed (upon the recommendation of the ATF Steering Group) to Community First, the Community Fund or the Residual Impacts Fund (RIF). Redistribution to the Residual Impacts Fund will be on the condition that the RIF has been exhausted at the time of redistribution. Redistribution to the Residual Impacts Fund will be on the condition that the RIF has been exhausted at the time of redistribution.</i></p> <p><i>2.3.15 - If there is a surplus upon any anniversary following the throughput of passengers at the airport exceeding 31.5 mppa, the ATF Steering Group may recommend to the operator that levies be reduced or removed as appropriate.</i></p> <p><i>2.3.16 - Further detail on this will be provided in the STF Terms of Use, contained in the [Draft Section 106 Agreement [TR020001/APP/8.167]] [this document if secured by the Draft DCO [TR020001/APP/2.01]]</i></p>	<p>The Hertfordshire Host Authorities welcome that the Applicant has removed the cap on the STF so that it can reasonably continue in some form in perpetuity initially with reviews via the Airport Transport Forum (ATF).</p> <p>However, the redistribution of funds from the STF should only apply to supporting other transport interventions (i.e. the Residual Impact Fund (RIF)). Widening the scope of potential benefactors of this transport-related fund may prevent the build-up of levels of funding needed to deliver meaningful sustainable travel and highway mitigations. Whilst the value of community funded projects is fully recognised, these have an existing and separate identified funding stream.</p> <p>Amended and more flexible arrangements are required to allow for a greater proportion of any annual surplus (above the 25% proposed) to be made available for re-assignment to the RIF. It is appreciated that there may be a need to retain a reasonable ‘buffer’ for any sustainable transport measures funded to allow for overspend, but there does not appear to be a need to set a specific percentage limit.</p> <p>Provision should be made for monies to be reassigned to the RIF at any point following the initial establishment of the fund, not limited to only when the RIF is exhausted. Part of the rationale for the flexibility proposed with regards to STF surplus funding was to offset the limited initial value of the RIF. As such the STF needs to allow for the RIF to accumulate in value, in order to allow it to deliver the range of projects which it may be required to fund. It is also possible that the RIF may need to fund a number of projects delivered in parallel when specific development Thresholds are reached. Delaying reassigning funds to the RIF until the fund is initially exhausted could preclude this kind of scenario from being deliverable and could also lead to a significant period of time during which the fund is too limited to deliver any meaningful works. The Hertfordshire Host Authorities are aware that the Applicant is submitting a revised Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) and STF at Deadline 10 which addresses a number of matters that have been discussed between the Applicant and the Hertfordshire Host Authorities. The Hertfordshire Host Authorities will provide appropriate comments at Deadline 11.</p>



7 REP9-051 - APPLICANT’S RESPONSE TO DEADLINE 8 SUBMISSIONS

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
Table 2.4 I.D. 7	Design	<p>Design Review</p> <p><u>Applicants’ response (verbatim):</u></p> <p><i>“The Applicant has included the Coach Station (Work No. 3d) and Direct AirRail Transit Terminal 2 Station (Work No. 3g) within the detailed design review process included as an appendix to the Design Principles [REP8- 022]. The reasons for not including the MSCP (P12, Work No.4r) are set out in the Applicant’s Response to Examining Authority’s Rule 17 Request dated 17 January 2024 [REP8-040], ID.7. The Applicant would highlight Design Principles T.01 to T.13 [REP8-022] which are written for the Terminal 1 extensions (Work No. 3a (01-05). The Applicant does not consider the proposed Terminal 1 extensions would benefit from a design review as these are minor extensions to the existing terminal substantially driven by operational requirements and technical standards and therefore the Applicant does not believe there is scope for a Design Review Panel to add enough value to justify the process.”</i></p>	<p>The addition of the Coach Station (Work No. 3d) and Direct Air Rail Transit Terminal 2 Station (Work No. 3g) within the detailed design review process is welcomed. The Hertfordshire Host Authorities still consider additional work package should be subject to Design Review (such as Terminal 1 extensions (Work No. 3a) and car park P12 (Work No. 4r) but are content for the scope of independent design review to be progressed by Luton Borough Council as the relevant planning authority.</p>



8 REP9-055 - APPLICANT’S POSITION ON NOISE CONTOUR AND MOVEMENT LIMITS

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
Section 3 and Appendix A	Updated Faster Growth (UFG) Case	Applicant’s updated noise contour limits.	<p>The Applicant’s Position on Noise Contour and Movement Limits [REP9-055] sets out the results of the ‘Updated Faster Growth (UFG) case, which is produced by the Applicant having “revisited the fleet transition assumptions in the light of more recent orders for new generation aircraft by airlines including easyJet and the trends of aircraft modernisation seen at the airport during 2023 and anticipated in 2024.” [paragraph 3.1.6]. No updated Core Case is provided, which presumably would also decrease by the same or a similar percentage, due to the increased new-generation aircraft applying to both the UFG and Core Case scenarios. An updated Core Case would then be expected to lead to fewer properties again being exposed to above-SOAEL noise levels, with the Hertfordshire Host Authorities agreeing with the Examining Authority’s (ExA’s) approach “to avoid additional effects above SOAEL” [PD-018].</p> <p>The Applicant’s reasoning for using the UFG Case over the Core Case is that there is uncertainty in the forecasting and the Applicant is seeking to move this risk on to the local communities, rather than taking this risk on themselves. This reasoning, as set out in, for example, paragraph 3.1.3 of the Applicant’s Position on Noise Contour and Movement Limits [REP9-055], is not acceptable. Such a passing of risk also does not apply the same incentive for airlines to re-fleet as fast as possible to enable growth as soon as possible; the benefits are already available due to the increased flexibility provided in the increased Limits.</p> <p>The Applicant should be applying Limits to what they are applying for, i.e. the Core Case. By setting noise Limits using the Core Case, as the ExA is minded, the same airport expansion is brought about, but in a more sustainable manner with noise effects that have been limited and reduced, where possible. It is not deemed necessary to cover again the same aviation policy points raised in the Post-Hearing Submissions to Issue Specific Hearing 3 [REP3-094], but the Hertfordshire Host Authorities simply note that they take the same position here.</p>
Section 4	Annual Movement Limits	Applicant’s position on annual movement Limits.	<p>So far as the inclusion of a movement Limit is concerned, the Applicant’s position set out in Section 4 is contradictory. It is stated that such a Limit is not required as it is not strictly correlated with population noise exposure. It is then argued, however, that if a Limit were included it should be no less than 225,000 movements rather than the figure on which all environmental assessments set out in the Environmental Statement (ES) have been based, namely 209,410. This argument suffers from the same flaw as that which seeks to use the Faster Growth Case, or Updated Faster Growth Case, to set noise Limits rather than the Core Case. The passing of risk to the local</p>



Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
			<p>community which should properly be borne by the Applicant or future Airport Operator is not acceptable.</p> <p>It would be possible to operate 225,000 movements within a noise Limit set for 209,410 aircraft movements if each of the higher number of movements were 0.3dB quieter. This difference in level is imperceptible to the human ear, meaning that the local community would experience 7% (or so) more flights that were perceptibly just as noisy as if the ES number had been maintained as a Limit. No consideration has been given to the effect on overflights which are assessed as a supplementary metric in the ES, with results reported for all assessment years. These would all need to be revised upwards if the actual movements were 225,000 rather than 209,410. It is not appropriate to permit operations at a level that have not been fully tested in the ES, as no addendum overflight information has been provided along with that proposed movement Limit.</p> <p>The Host Authorities consider that appropriate movement Limits would in fact be lower than currently forecast by the Applicant at some 206,682 annual aircraft movements, and 8,720 aircraft movements in the morning shoulder period. The basis of these figures is set out in Chris Smith Aviation Consultancy Limited (CSACL's) Review of the "Applicant's Position on Noise Contour and Movement Limits" [REP9-055]. For further information please refer to the "London Luton Airport DCO: Review of the "Applicant's Position on Noise Contour and Movement Limits" [REP9-055] Joint Host Authorities" which has been submitted separately alongside this document.</p> <p>The position remains that movement Limits should be restricted to the absolute minimum required.</p>



9 REP9-056 - ALTERNATIVE MECHANISMS TO THE SECTION 106 AGREEMENT

Reference	Topic	Matters Raised	Hertfordshire Host Authorities Comment
REP9-056	Section 106	This paper presents the Applicant’s response to a request by the ExA [PD-017] to provide event that it might not be possible to reach agreement on the section 106 by the end of the examination.	Agreement has now been substantively reached on the section 106 and it is expected that this will be executed before the end of the examination, so the Hertfordshire Host Authorities have no comments to make on this document at this stage, other than the following comments should the ExA recommend the inclusion of the following requirements into the DCO.
Schedule 4 – Employment and Training Strategy (ETS)	Employment and Training Strategy	This schedule requires the Applicant and the airport operator to adhere to the ETS. The Applicant has suggested in the event that the section 106 is not agreed before the end of the Examination, the inclusion of a new requirement 35.	The Hertfordshire Host Authorities suggest that, should for any reason, the requirement be included in place of, or as well as the section 106, the ETS should be implemented from the date of commencement.
Schedule 7 – Compensation Policies, Measures and Community First	Compensation Policies, Measures and Community First	This schedule requires the Applicant and the airport operator to comply with and implement the measures in the Compensation Policies, Measures and Community First document. The Applicant has suggested in the event that the section 106 is not agreed before the end of the Examination, the inclusion of a new requirement 36.	The Hertfordshire Host Authorities suggest that, should for any reason, the requirement be included in place of, or as well as the section 106, the Compensation Policies, Measures and Community First document should be implemented from the date of commencement.
Schedule 8 – TRIMMA, Residual Impact Fund	TRIMMA, Residual Impact Fund	This schedule requires the Applicant to make available £1m in the form of the “Residual Impacts Fund” (“RIF”) towards the costs of yet to be identified mitigation works identified according to the final version of the TRIMMA to be secured under requirement 30 of the DCO.	The Hertfordshire Host Authorities have agreed in principle with the Applicant that the RIF will be combined with the Sustainable Transport Fund and will provide any further comments on these developments once the revised Sustainable Transport Fund and revised OTRIMMA document has been submitted by the Applicant at Deadline 10.
Schedule 9 – Sustainable Transport Fund	Sustainable Transport Fund	This schedule has been removed from the section 106 agreement, that has now been substantively agreed with the Applicant.	This schedule has been removed from the section 106 agreement, that has now been substantively agreed with the Applicant. The Hertfordshire Host Authorities understand that a revised Sustainable Transport Fund document will be submitted at Deadline 10 and will provide any further comments on that document at Deadline 11, together with any comments on the drafting of a requirement that would be required to implement it.