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London Luton Airport Expansion

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8.188 Applicant's Response to Deadline 9 Submissions

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.188

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

8.188 APPLICANT’S RESPONSE TO DEADLINE 9 SUBMISSIONS

Deadline:	Deadline 10
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1 INTRODUCTION

1.1 Purpose of this document

1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority (ExA). It provides the Applicant's response to Deadline 9 submissions by Interested Parties (IPs). This document does not include responses to matters that the Applicant considers will be addressed as part of the Statements of Common Ground (SoCG). Responses to such matters are reflected in the final SoCG documents.

1.1.2 To avoid unnecessary repetition of information, and in acknowledgement that the Examination will soon close, the Applicant has only provided responses to points of clarification or new matters raised in submissions, i.e., the Applicant has not responded to matters that it considers have already been addressed in previous submissions. The Applicant's **Closing Submissions**, to be submitted at Deadline 11, will provide a summary of the Applicant's final position in respect of the principal matters considered during the course of the Examination.

1.1.3 In instances where the Applicant considers that no relevant matter has been raised or the point raised has been dealt with previously and the Applicant has not responded to a matter, this should not be read as the Applicant's acceptance of, or agreement with, the matter raised.

1.2 Structure of document

1.2.1 Where possible, the Applicant has responded to Deadline 9 submissions in Tables 2.1-2.9. This includes responses to the following submissions:

- a. Buckinghamshire Council [REP9-060 & REP9-061]
- b. Central Bedfordshire Council [REP9-062]
- c. Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council & North Hertfordshire District Council (the 'Host Authorities') [REP9-063 & REP9-064]
- d. Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire District Council (the 'Hertfordshire Host Authorities') [REP9-067]
- e. Luton Borough Council [REP9-069]
- f. Affinity Water Limited [REP9-070]
- g. National Highways [REP9-072 & REP9-073]
- h. LADACAN [REP9-080 & REP9-081]
- i. New Economics Foundation [REP9-082]
- j. Peter Motson [REP9-083]
- k. Peter White [REP9-084 & REP9-085]
- l. Stop Luton Airport Expansion ('SLAE') [REP9-088]
- m. The Harpenden Society [REP9-093]

- 1.2.2 The Applicant's response to the above Deadline 9 submissions are outlined in the below tables, arranged by the relevant topic.
- a. Table 2.1 Climate Change and Greenhouse Gases
 - b. Table 2.2 Construction
 - c. Table 2.3 Design
 - d. Table 2.4 Draft Development Consent Order
 - e. Table 2.5 Employment and Training Strategy
 - f. Table 2.6 Need Case (includes Employment and Economics, Fleetmix & Flightpaths)
 - g. Table 2.7 Noise and Vibration
 - h. Table 2.8 Section 106 Agreement
 - i. Table 2.9 Surface Access

2 APPLICANT'S RESPONSE TO DEADLINE 9 SUBMISSIONS

2.1 CLIMATE CHANGE & GREENHOUSE GASES

Table 2.1 provides a response to matters the Applicant considers need to be responded to.

Table 2.1 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	LADACAN	[REP9-081] section. 1 page. 2	<p>If the Applicant believes that the Jet Zero trajectory will be achieved, it should put in place Green Controlled Growth Limits which reflect the aviation emissions trajectory. The Applicant has consistently refused to accept that point, and now argues that to do so would put it at a commercial disadvantage. This demonstrates that the claims of Green Controlled Growth are a sham.</p> <p>The Outline Greenhouse Gase Action Plan boils down to very little for which the Airport will take responsibility.</p> <p>These are not challenging targets for a development due to faciality dear doubling of emissions by 2043 without any other intervention. Please see our separate comments on the Outline Greenhouse Gas Action Plan.</p> <p>Reference to CORSIA ignores the facts. CORSIA is set to end in 2035 and it is now known what if anything will replace it between 2036 and 2050. The Government is working with ICAO to strengthen CORSIA because it does not regard CORSIA as adequate in its current form.</p>	<p>The Jet Zero Strategy is Government policy to decarbonise aviation to net zero by 2050. Aviation emissions are managed at a national level, there is therefore no benefit to manage aviation emissions as part of Green Controlled Growth.</p> <p>The Outline Greenhouse Gas Action Plan [APP-081] will be reviewed and updated into a final Greenhouse Action Plan as provided for in the draft DCO [REP9-003] and periodically updated to account for any changes in Government Policy on decarbonising the aviation sector. Updates to the Greenhouse Gas Action Plan will include alignment with the Government's target for Zero Emissions from Airports by 2040 and any updates to carbon budgets.</p> <p>The Jet Zero Strategy has committed the UK to net zero emissions from aviation by 2050 where carbon markets and removals play a key part of the solution. In Jet Zero: One Year On (page 5, (REF) government has acknowledged that during 2022/23 it has been "<i>negotiating to uphold the environmental integrity of ICAO's Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), publishing the government response to the Developing the UK Emissions Trading Scheme consultation, and supporting the development of greenhouse gas removals technologies</i>".</p> <p>The UK Government has not yet announced any specific plans to replace CORSIA as a mechanism to control aviation emissions after 2035. However, as government policy, the Jet Zero Strategy is expected to provide a road map for the aviation industry to achieve net-zero emissions by 2050.</p>
2	LADACAN	[REP9-080] page. 1	The Applicant's Outline Greenhouse Gas Action Plan (GGAP) APP-081 is unambitious when compared to a set of peer proposals from Bristol Airport, for example, as set out in the document "Bristol Airport Draft CCCAP May 2021.pdf"	See response on Outline Greenhouse Gas Action Plan provided at ID 1 above.

2.2 CONSTRUCTION

Table 2.2 provides a response to matters the Applicant considers need to be responded to.

Table 2.2 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	SLAE	[REP9-088]	<p>Many individual comments on:</p> <ul style="list-style-type: none"> • 5.02 Environmental Statement Appendix 4.1 Construction Method Statement and Programme Report • 5.02 Environmental Statement Appendix 4.2 Code of Construction Practice • 5.02 Environmental Statement Appendix 18.4 Outline Construction Workers Travel Plan) • 5.02 Appendix 18.3 Outline Construction Traffic Management Plan 	<p>The Construction Method Statement and Programme Report [REP8-011] provides a description of an indicative and feasible approach to constructing the Proposed Development and allows this approach to be understood and inform required assessments. The document is not prescriptive and does not describe an approach to construction that must be followed.</p> <p>The Code of Construction Practice (CoCP) [REP8-013] and the outline Construction Traffic Management Plan (CTMP) [REP6-009] and the outline Construction Workers Travel Plan (CWTP) and [REP8-018] were consulted on before the application for development consent was submitted and updated during the Examination in response to comments received from stakeholders including the relevant Local Authorities.</p> <p>Their respective implementation is secured by the draft DCO including the measures described within each document. These are widely accepted mechanisms to secure appropriate management of environmental effects during construction of a large scale project such as the Proposed Development.</p> <p>The construction of the authorised development must be carried out in accordance with the CoCP and with the various management plans which sit underneath the CoCP, all of which must be approved by the relevant planning authority. In addition, no part of the authorised development may commence until a final version of the outline CTMP and CWTP has been approved for that part by the relevant planning authority.</p> <p>The Applicant believes that the measures described in these documents are appropriate for the Proposed Development.</p>

2.3 DESIGN

Table 2.3 provides a response to matters the Applicant considers need to be responded to.

Table 2.3 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
Aviation Fuel and alternatives				
1	Peter White	[REP9-085] page. 1	I.D 2-The applicant does not state definitely as to if the pipeline intended to service the new fuel farm, will have capacity to actually meet that requirement. It has conducted sensitivity testing. When airlines increase throughput, they will have to have a guarantee of fuel supply, therefore any sensitivity testing will be made irrelevant, as supply demand will have to be met, irrespective of the environmental impacts of delivering that supply. The applicant states that potentially the current storage facility could be supplied by pipeline from the new fuel terminal to the East of the development, either by tanker or pipeline connection. The suggestion of a pipeline connection is clearly a false statement by the applicant. Any linking pipeline would have to run through airport site, and would generate significant disruption to airport operations. The site for Terminal 2 development was specifically chosen to bring no disruption to those operations whilst in development, so any suggestion that they would be willingly interrupted is extremely hard to believe?	<p>In addition to the Applicant's Response to Deadline 7 Submissions [REP8-038] please see below additional confirmation on points raised.</p> <p>It is the Applicant's, and the pipeline operator's, intention and preference to deliver all the fuel for all annual air traffic movements via the pipeline (as this provides the best environmental solution) and the proposed fuel storage facility at Terminal 2 has been designed for this. In case this is not possible, the Applicant has carried out sensitivity testing to inform environmental impact assessments for a reasonable worst-case scenario in which all the fuel cannot be delivered via the pipeline and so some fuel must be transported by tanker.</p> <p>The Applicant refutes the statement that the pipeline is a 'false statement'. Work No. 4c(01) shows the proposed route for the fuel pipeline connection between the existing and proposed fuel storage facilities. This route has been carefully selected to minimise additional disruption to the existing airfield with most of the route being within the construction zone of the Proposed Development. The route continues westwards thus providing an opportunity to provide fuel hydrants to some of the existing Terminal 1 aircraft parking stands.</p> <p>It is also incorrect to say that any of the options considered during the Sift process would cause no disruption to the existing airport operations. All options require, for example, expansion of taxiways and drainage works which will incur some degree of disruption.</p>
2	Peter White	[REP9-085] page. 1	I.D 3- The applicant and the fuel providers have decided that current fossil fuels and sustainable aviation fuels (SAF) will be blended off site and therefore no separate storage would be required. This infers that all operators, both airlines and executive jet, will be using a blend of SAF and current fuels. Neither the applicant or fuel providers can make that assumption as fact. Current production methods for SAF mean that it is at least twice the price of jet fuel, due to production costs and the small scale production at present. This price may of course lower as production increase, but that is not guaranteed. Therefore the applicants/fuel company's assumption that no separate facility will be required for storage cannot be relied upon, and separate storage arrangements should be included in this application. Neither the applicant or the fuel deliverers have any say or control of this issue, it is solely down to the needs of the aircraft operator.	<p>The Applicant agrees that airports do not generally buy aviation fuel but facilitate the fuel infrastructure. This is why the Applicant has undertaken extensive engagement with fuel providers who have specialist expertise and who have, independently of one another, confirmed their agreement with the approach to SAF as described in the Design and Access Statement [AS-124] para 5.22.13 and Statements of Common Ground [REP6-011] and [REP6-012].</p> <p>However, the two existing Terminal 1 fuel farms will also be retained in addition to the proposed Terminal 2 fuel storage facility. This would give the opportunity for different fuel companies to store fuels with varying proportions of bio-fuel, should the market demand such flexibility.</p>
3	Peter White	[REP9-085]	I.D 4-Document AS-124, 5.22 14-15 covers electrical powered aircraft, and the provision of refuelling services for such aircraft. It	The Applicant recognises that with current technology, electric aircraft may not be commercially or operationally viable for the size required for this

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
		page. 1-2	<p>contains the following statement:- "Whilst electric aircraft are being developed now, commercially and operationally viable aircraft of the size which the Proposed Development would serve will not be available for some time. Although the impact and detail of these new technologies remains uncertain, the Proposed Development has been designed to safeguard for the potential future use of electric aircraft" How can the applicant design/safeguard/deliver for electric powered aircraft, when it states that such aircraft may not be commercially or operationally viable for the size required for this expansion? To make such sweeping statements could only be to portray a future without current engine technology, predominantly fossil fuel powered, and thus give the illusion that this development will cut emissions and climate change impacts, rather than just massively expand them? 5.22 16-17 covers hydrogen powered aircraft:- "The use of hydrogen as fuel for aircraft is immature at present, which makes it challenging to predict at this stage what airports may need to provide to support such technology should it come forward in future. At this stage, it is expected that a transition to the use of hydrogen aircraft would require significant changes to aircraft technology, fuel distribution and fuel storage. Early studies indicate that hydrogen fuel could potentially be delivered by tankers and, as uptake increases, by pipeline. A transition to hydrogen aircraft is likely to mean that existing infrastructure for current aircraft technologies will no longer be required at the same scale, and the fuelling infrastructure at the airport will need to be reconsidered as a whole to service the transition to hydrogen aircraft." The applicant shows little grasp of the complexities currently being experienced by Rolls Royce and other engine manufacturers around the world as the start to investigate hydrogen as a fuel. They storage temperatures required keeping hydrogen stable, how it is transferred to the engine and stored on board. https://www.rolls-royce.com/innovation/alternative-fuels/hydrogen.aspx To suggest that hydrogen could be transported by tankers or pipeline is quite frankly, ridiculous. There are no descriptions of how it would then be stored on site, and delivered to the aircraft parking aprons, yet another example of how this application which claims to be future-proofed, clearly is not? All the responses by the applicant indicate to me that, to use a phrase I have used previously, this development will be defined by the "make it up as we go along" mantra that has been a keystone of all recent developments by the applicant.</p>	<p>expansion and that the impact and detail of new technologies remains uncertain. Nevertheless, due to the timescale of the Proposed Development reaching the early 2040's the Applicant has given thought to safeguarding space on the aircraft stands for potential charging facilities.</p> <p>The Applicant fully acknowledges the use of hydrogen as fuel for aircraft is in its early stages and recognises the challenges to predict what airports may need to support such technology. It is because of the uncertainty and early stage of research and development into hydrogen aircraft, the Applicant has not considered how hydrogen may be stored or delivered to the aircraft and has only mentioned potential delivery methods taken from early studies such as The Royal Society Policy Briefing - Net Zero Aviation Fuels: Resource Requirements and Environmental Impacts (REF.1).</p> <p>However, due to the long life-cycle of the Proposed Development, the Applicant would be remiss not to consider the long-term possibility that this technology may become viable.</p>
Design Principles				
4	Dacorum Borough Council, Hertfordshire County Council,	[REP9-067] Table. 3, page. 3	No changes have been made to Section 3 except for some document reference updates. Comments provided to the Applicant at Deadline 7 within Appendix 1 of the Hertfordshire Host Authorities' Comments On Any Further Information / Submissions Received By Deadline 6 [REP7-085] have not been	In addition to the Applicant's Response to Deadline 7 Submissions [REP8-038] the Applicant would highlight that para. 4.34 of the ANPS specifically deals with the landscape and landform issues raised by the Hertfordshire Host Authorities.

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
	North Hertfordshire Council		incorporated. The updated version therefore adds nothing to the discussion relating to landscape design principles.	This criteria for 'good design' is included within the Design Principles [REP9-030] as DQ.01 b. This is a scheme-wide Design Quality principle, and the Applicant therefore considers this to be a meaningful and effective approach to this issue.

2.4 DRAFT DEVELOPMENT CONSENT ORDER

Table 2.4 provides a response to matters the Applicant considers need to be responded to.

Table 2.4 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	National Highways	[REP9-073] para. 2.3.5 page. 7	<p>The OTRIMMA sets out that the process for agreeing thresholds will be documented in the final TRIMMA which will include a description of how thresholds will be determined and a process for settling thresholds. Any dispute between the Applicant and National Highways with respect to matters contained in the OTRIMMA will be settled via article 52 of the Order (arbitration).</p> <p>National Highways considers this to be unsatisfactory for a number of reasons.</p> <p>Firstly, article 52 of the DCO states that "Except where otherwise expressly provided for in this Order and unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal or which falls to be determined under paragraph 378 (appeals to the Secretary of State) of Part 6 (Appeals) of Schedule 2 (requirements) to this Order) must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State". Any difference between the parties concerning a matter contained within the OTRIMMA (or the final TRIMMA) would not be a difference between the parties under a provision of the DCO. The OTRIMMA is a document that flows from a provision in the DCO (i.e. it is not a provision of the DCO that would be in dispute – it is a provision in a document which flows from the DCO) and consequently if the Applicant wishes to invoke the dispute resolution provisions within the DCO to cover disputes concerning the OTRIMMA, then the DCO (not the OTRIMMA) needs to reference this expressly.</p> <p>Secondly, arbitration is not a satisfactory means of dispute resolution for matters which relate to airport capacity and the impacts to the SRN which flow from an increase in airport capacity. The impacts to the SRN have been triggered and</p>	<p>The Applicant notes that the OTRIMMA submitted at Deadline 8 [REP8-043] provides at paragraph 3.3.12 that the final TRIMMA will settle the process for resolving disputes, which may utilise, but at this stage is not limited to, article 52. The flexibility was included for the benefit of the parties to the OTRIMMA, so that there is scope to shape the final TRIMMA accordingly.</p> <p>On National Highways' first point, the Applicant disagrees with this interpretation of article 52 which may perhaps relate to an earlier version of the provisions in the draft DCO which secure the TRIMMA.</p> <p>Article 52 provides that arbitration may be utilised for "any difference under any provision" of the Order to which article 52 applies. Paragraph 30(3) of Schedule 2 (off-site highway works) to the draft DCO [REP9-003] requires the Applicant to "implement and comply with the TRIMMA". Paragraph 30(3) is plainly a "provision of the Order". It follows that, if National Highways was to consider that the Applicant was not complying with the TRIMMA, that would be a "difference" over which it could pursue arbitration under article 52. That "difference" would clearly need to be resolved having regard to what the TRIMMA obliges of the Applicant.</p> <p>Any interpretation to the contrary would mean that no management plan secured and required to be adhered to by the draft DCO (nor indeed plans secured by the many DCO precedents on which it is based) would be capable of enforcement. The Applicant's view is that this cannot be a correct interpretation of article 52.</p> <p>Turning to National Highway's second point, the Applicant adopted a standard and precedented arbitration article in its draft DCO. Whilst the provision didn't preclude interim negotiations between parties to resolve disputes (something highly likely to happen in any event) the Applicant has amended the Deadline 10 version of the draft DCO [TR020001/APP/2.01] to include an escalation process within article 52.</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<p>National Highways cannot be in a situation where lengthy adversarial proceedings are required before the process for resolving the impacts is agreed upon. Arbitration is also substantially more expensive as a means of dispute resolution than other approaches. National Highways would be agreeable to a staggered process of escalation from discussions between senior management to expert determination, but clarity as to the approach has to be provided.</p>	
2	<p>Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire District Council</p>	<p>[REP9-063] section. 3 page. 1</p>	<p><u>Article 12</u></p> <p>While the Applicant has made no amendments to this provision, the Host Authorities wish to continue to draw attention to article 12(1) and (2) which provide for highways altered or constructed under the provisions of the draft DCO to be maintained by the relevant highway authority from the date of completion.</p> <p>This provision remains inconsistent with the protective provisions for the benefit of local highway authorities contained in Schedule 8, which provide for the adoption of highway works on the issue of the final certificate following the completion of the maintenance period. The conflict could be readily resolved by ensuring that article 12(1) and (2) are made subject to the protective provisions in Parts 5 and 6 of Schedule 8, as the case may be.</p>	<p>In the draft DCO submitted for Deadline 10 [TR020001/APP/2.01], the Applicant has included a new article 12(3) which clarifies that articles 12(1) and 12(2) are subject to Parts 5 and 6 of Schedule 8 to the draft DCO.</p>
3	<p>Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council</p>	<p>[REP9-063] section. 5 page. 1-2</p>	<p><u>Article 34</u></p> <p>The Host Authorities note the Applicant's explanation that the "maintenance period" defined in paragraph (13) is to be commensurate with the duration of the required landscaping and that this could extend to a very long duration (such as thirty years). The Host Authorities note that this is a significant departure from typical practice and query whether it is justified to impose the threat of the exercise of temporary possession powers for such a long duration after the construction of the authorised development is completed.</p>	<p>In the draft DCO submitted for Deadline 10 [TR020001/APP/2.01], the Applicant has amended article 34(13) to better clarify that the landscaping scheme referred to is one referred to in paragraphs 9 and 10 of Schedule 2 to the draft DCO.</p> <p>However, the Applicant disagrees with the Host Authorities' concerns raised at Deadline 9. Although the maintenance period may, in some instances, be a longer period of time, the Applicant considers that this is justified as it allows the Applicant to carry out the maintenance of the landscape and biodiversity elements that it has committed to under paragraphs 9 and 10 of Schedule 2. It should also be noted that entrance onto any land under article 34, for the purposes of carrying out maintenance under paragraphs 9 and 10 of Schedule 2, is limited by the provisions of article 34 and would be for the purpose of carrying out such maintenance and not for any other purpose. Any interference with rights would therefore be minimised.</p> <p>The Applicant does not consider that such a provision is a significant departure from typical practice, and notes that the M25 junction 10/A3 Wisley interchange improvement contains a similar provision where maintenance is for up to 20 years.</p>
4	<p>Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire</p>	<p>[REP9-063] section. 6 page. 2</p>	<p><u>Article 43</u></p> <p>The Host Authorities re-iterate that the disapplication of the provisions of the Land Drainage Act 1991 are not justified and ought to be deleted. They further re-iterate that consent under</p>	<p>The Applicant confirms that in the draft DCO submitted for Deadline 9 [REP9-004], the provision referred to has now been removed from article 43. Associated protective provisions for drainage authorities have also been removed from Schedule 8.</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
	County Council, Luton Borough Council, North Hertfordshire Council		section 150 of the Planning Act 2008 will not be granted as the disapplication cannot be justified.	
5	Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council	[REP9-063] section. 7 page. 2	<p><u>Schedule 2, Paragraph 5</u></p> <p>The Host Authorities note, but do not necessarily accept at this stage, the Applicant's position in relation to phasing being "informative".</p> <p>Nonetheless, the Host Authorities remain of the firm view that, given the Applicant's choice to distinguish between the terms "begun" and "commence" in this Order (the former being easier to satisfy than the latter, which would require the prior discharge of "pre-commencement" requirements), the reporting and review obligation contained in the Applicant's sub-paragraph (3) ought to run from when the authorised development is "begun" and not when it is "commenced".</p> <p>This ensures that if minor acts of development are used to ensure the development has "begun" for the purposes of the time limit in requirement 2 the undertaker will be obliged, at the very least, to keep the phasing scheme under review and the authorities updated as to its intentions.</p>	<p>New requirement 5 (Phasing of authorised development) is explicitly drafted to allow the undertaker to carry out the specified pre-commencement activities listed in requirement 1, before discharging this requirement, consistent with the discharging of other requirements.</p> <p>The exclusion of these works is considered proportionate given that they are minor in nature. Furthermore, the Code of Construction Practice [REP8-013] (CoCP) applies prior to "commencement", and so pre-commencement works must still be carried out in accordance with the CoCP. The approach taken by the Applicant is heavily precedented and allows for minor works, such as site preparation, to get under way whilst requirements are being discharged.</p> <p>Given that the phasing requirement concerns a 20-plus year programme of activities, the undertaking of some minor preparatory works before the phasing plan is submitted to the Host Authorities (in accordance with paragraph 5(1)) will have no material bearing on the timing of receipt of that plan, and therefore no material impact on the timing of the first review. It must be remembered that the authorised development (i.e. any work other than minor preparatory works) cannot commence until paragraph 5(1) has been discharged.</p>
6	Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council	[REP9-063] section. 8 page. 2	<p><u>Schedule 2, Paragraph 6, Schedule 8, Part 6</u></p> <p>With the exception of sub-paragraph (3), the Host Authorities are generally content with the Applicant's revisions to this requirement.</p> <p>Sub-paragraph (3), which must be read alongside the revised protective provisions for both National Highways and the local highway authorities contained in Parts 5 and 6 respectively of Schedule 8, essentially requires the "detailed design information" as defined in Parts 5 and 6 to be submitted to the relevant planning authority or local highway authority for approval.</p> <p>This gives rise to a number of issues.</p> <p>First, from the perspective of a relevant planning authority that is obliged to determine an application for works to National Highways' strategic road network, the relevant planning authority is being asked to approve the "detailed design information" which contains information beyond what is required for the purposes of planning. Given the detailed and technical nature of the detailed</p>	<p>The Applicant made changes to the draft DCO at Deadline 8 [REP8-003] with a view to providing more clarity to the Host Authorities about the content of an application for detailed design approval in relation to roads, and with a view to streamlining decision-making. It seemed, to the Applicant, unnecessarily burdensome to require the same local authority to receive two applications for consenting the same works – one to its planning department and one to its highway department.</p> <p>The Applicant recognises, however, that the discharging process falls on the Host Authorities, so it is happy to accommodate their request for what they consider to be a "conventional" approach.</p> <p>As a result, previous sub-paragraph 6(3) has been omitted and all highway works applications fall to be approved by the local planning authority under sub-paragraph (1). The Applicant has made some consequential amendments to sub-paragraph (2) to make clear which elements do / do not apply to highways design applications. The key provision for highways applications to a local planning authority are now sub-paragraphs (2)(a), (b), (f) and (g) – along with sub-paragraph (3) – and so 8 weeks is ample time for a decision.</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<p>design information the Host Authorities are further concerned that the 8 week determination period, coupled with the Applicant's deemed approval provisions, would mean that there is a real risk that National Highways may not be in a position to confirm its satisfaction with the detailed design before the relevant planning authority is required to either approve or refuse an application under this requirement. This is not an hypothetical concern and it will arise in relation to the works to junction 10 of the M1.</p> <p>Second, from the perspective of the relevant highway authority being required to approve works on its own network the Host Authorities have concerns that the 8 week determination period coupled with the deemed consent provisions does not contain sufficient time to ensure that the stage 1 and 2 road safety audit process can be completed and its recommendations incorporated into the design for which approval is sought (in relation to which see below).</p> <p>While the Host Authorities understand the Applicant wishes the approval under requirement 6 to "stand-in" as approval under the local highway authority protective provisions, this approach fails to acknowledge that the two approval processes carry out different functions. If considered in a conventional Town and Country Planning Act 1990 context a developer seeking to carry out works to the public highway would require (i) planning permission from the local planning authority under the Town and Country Planning Act 1990 and (ii) the necessary technical approvals under Highways Act 1980 agreement of works that the highway authority will be required to adopt and maintain in perpetuity.</p> <p>The Host Authorities would seek to restore this conventional approach such that the approval under requirement 6 remains a "planning approval" that is separate from the technical approval required under the protective provisions.</p> <p>The Host Authorities further note that while the Applicant considers it to be desirable for there to be a single approval of the detailed design, this principle has not been insisted upon by the Applicant elsewhere in the protective provisions contained in Schedule 8. For example, National Highways and other utility undertakers are afforded the ability to provide technical approvals of works to their assets, notwithstanding that such works would nonetheless also require a "planning" approval under Requirement 6.</p>	<p>The protective provisions for local highway authorities have been amended to require approval of the relevant highway on the "technical matters" which relate to highways under those provisions. Those provisions now apply to all forms of highway, and not just roads, as requested by the Host Authorities.</p>
7	Central Bedfordshire Council, Dacorum	[REP9-063] section. 9 page. 3	<p><u>Schedule 8, Part 6</u> The Host Authorities note that the revised protective provisions address many of the concerns raised previously in their Host</p>	<p>The Host Authorities duly submitted to the Applicant on 2 February 2024 their proposed amendments to the protective provisions at Part 6 of Schedule 8. The Applicant has accommodated the majority of the amendments in the</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
	Borough Council, Hertfordshire County Council, Luton Borough Council, North Hertfordshire Council		<p>Authorities Post Hearing Submission (including written summary of oral case) for ISH 10 [REP6-095].</p> <p>However, there remains some significant outstanding issue that are still to be resolved. These include:</p> <ul style="list-style-type: none"> • Ensuring that the protective provisions apply to all local “highways” and not just “roads”. While the Host Authorities have used local roads to illustrate its concerns those concerns apply equally to public rights of way and other highways that are not “roads”. • Provisions that would ensure that the stage 1 and stage 2 road safety audits are included within the detailed design information submitted for approval and which secure the adoption of the safety recommendations or the approval of any exceptions before works are carried out. • Securing at the appropriate juncture, the carrying out stage 3 and 4 road safety audits and the carrying out of their recommendations prior to the issue of the final certificate; • In all cases ensuring that the relevant highway authority can approve the CVs of the persons carrying out the road safety audit so as to be satisfied at their competence and independence. • Ensuring that compliance with the relevant local design specifications and guidance are secured, noting that the National Highways documents referred to in the protective provisions will not be appropriate for all local roads. • Provisions securing compliance with the road space booking procedures. • Provision of a bond or security (such as that provided in paragraph 47 of the National Highways protective provisions). <p>The Host Authorities intend to supply the Applicant with a mark-up of the protective provisions in a form that would be satisfactory (noting also the comments above in relation to requirement 6) with a view to reaching agreement prior to the next deadline. If that is not achievable, the Host Authorities will submit their preferred form of protective provisions at the next deadline.</p>	<p>draft DCO submitted for Deadline 10 [TR020001/APP/2.01]. Specifically, amended Part 6:</p> <ul style="list-style-type: none"> - applies to all local “highways” rather than just “roads”; - accommodates the road safety audit process / drafting requested by the Host Authorities; - references the relevant specifications and guidance applicable to local highways; - makes provision for a bond and a cash surety (equivalent to the National Highways protective provisions); - adopts the provisional and final certification drafting requested by the Host Authorities; - provides for compliance with road space booking procedures; and - align the maintenance period with the defects period, to apply until the final certificate is issued. <p>The Applicant has on 5 February 2024, ahead of Deadline 10, provided the Host Authorities with its revised version of the protective provisions, with explanations for the amendments not accepted. The Applicant will await to see whether the Host Authorities now accept this form of protective provisions at Deadline 10, or submit an alternative version. If the Host Authorities adopt the latter approach the Applicant reserves the right to comment further at Deadline 11.</p>
8	Buckinghamshire Council	[REP9-060] section. 2.3 page. 5	<p>This submission has been reviewed. The Council acknowledges the amendments made by the Applicant in relation to requirements 5 (Phasing of authorised development), 14 (Construction traffic management), 15 (Construction workers), 30 (Offsite highway works) and 31 (Travel plans) and welcomes its establishment as a named consultee in relation to the discharge of these matters. Notwithstanding the above the Council would also reiterate its support for other amendments proposed by the Examining Authority's proposed to the draft Development Consent Order, in particular the inclusion of a requirement securing the Employment and training strategy and the establishment of consultation periods within the discharge</p>	<p>The Applicant remains of the view that the Employment and Training Strategy (ETS) [REP8-020] will be secured through the section 106 agreement which it is seeking to complete and submit at Deadline 11.</p> <p>However, the Applicant is cognisant of the fact that it cannot guarantee completion of the section 106 agreement by this date. At Deadline 9, it therefore submitted Alternative Mechanisms to the Section 106 Agreement [REP9-056] which set out alternative methods of securing the obligations contained in the section 106 agreement. In relation to the ETS, the alternative that the Applicant has set out is a new requirement in Schedule 2 to the draft DCO. In this eventuality the Applicant will request of</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<p>process. This is of particular relevance to Buckinghamshire Council as it is not a co-signatory of the s106 agreement.</p>	<p>the ExA, at Deadline 11, that its recommended form of DCO to the Secretary of State includes the proposed ETS requirement.</p> <p>However, the Applicant does not anticipate that this will be required as it considers that the section 106 agreement will be completed before the end of the Examination period. In either case, the ETS will be legally secured by the end of the Examination.</p> <p>In relation to the establishment of consultation periods, the Applicant refers Buckinghamshire Council to its response at row 36(3) of the Applicant's Response to the Examining Authority's Commentary on the draft DCO [REP8-036] submitted at Deadline 8.</p>
9	Affinity Water	[REP9-070] page. 1	<p>Comments from AW are in relation to the Applicant's Response to the Examining Authority's Commentary on the draft DCO [REP8-036] that was submitted into the Examination at Deadline 8 (23 January 2024).</p> <p>This comment concerns Schedule 2, 35(3) (which has subsequently become paragraph 36(3) in the latest version of the draft DCO [REP8-003])</p> <p>ExA's recommended amendment/insertion: <i>In the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application (without any condition or qualification at the end of that period) <u>the undertaker may lodge an appeal for non determination under paragraph 38 (appeals to the Secretary of State) no later than 42 days starting the day after the decision or the date that the decision was due to be made by the discharging authority.</u></i></p> <p>Applicant's response: <i>The Applicant does not agree with this amendment and has retained "deemed approval" in its version of the draft DCO submitted at Deadline 8. Such provisions are well-precedented and justified in the delivery of nationally significant infrastructure, where there is a public benefit in the efficient delivery of that infrastructure. The provision prevents approving bodies from frustrating the delivery of a project by simply failing to issue any decision. It is reasonable to include a mechanism the encourages decision-making – the provision does not prevent an approving body from refusing an application, but at least in those circumstances the Applicant would be in receipt of reasons with which to act upon.</i></p> <p>AW's comment: <i>AW reiterates its comments outlined in paragraphs 2.3.6 and 3.19-3.20 of AW's Deadline 6 submission [REP6-120] and Row ID.10 of AW's Deadline 8 submission [REP8-061]. The Applicant's response to the Examining</i></p>	<p>The Applicant maintains its position. As submitted at Deadline 8, the Applicant does not agree with the proposed amendment and has retained "deemed approval" in its version of the draft DCO submitted at Deadline 9. Such provisions are well-precedented and justified in the delivery of nationally significant infrastructure, where there is a public benefit in the efficient delivery of that infrastructure. The provision prevents approving bodies from frustrating the delivery of a project by simply failing to issue any decision. It is reasonable to include a mechanism the encourages decision-making – the provision does not prevent an approving body from refusing an application, but at least in those circumstances the Applicant would be in receipt of reasons with which to act upon.</p> <p>Without prejudice to the points above, the Applicant made a concession at Deadline 9 by modifying article 2 as follows:</p> <p><i>(12) In this Order, any deemed consent provision is only effective where the application for that consent contains a statement notifying the effect of that provision.</i></p> <p><i>(13) In paragraph (12), a "deemed consent provision" means any provision of this Order in which—</i></p> <p><i>(a) the undertaker is required to seek any form of consent, approval or agreement from another body; and</i></p> <p><i>(b) that body is deemed to have granted consent, approval or agreement, in circumstances where it fails to notify the undertaker of its decision within the time period specified for that notification in the provision</i></p> <p>The Applicant explained in the Summary of Changes to the Draft Development Consent Order [REP9-042] this was "inserted in order to provide comfort to discharging bodies. The provision provides that where a deemed consent provision applies anywhere within the Order, it is only effective if the undertaker has included a statement notifying the discharging body of its effect as part of the application for consent. This provides any such bodies with sufficient notice that if they do not respond within the allocated timeframe, consent will be deemed to have been given."</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<i>Authority's Commentary on the Draft DCO does not resolve AW's concerns.</i>	The Applicant considers that strikes an appropriate balance.

2.5 EMPLOYMENT & TRAINING STRATEGY

Table 2.5 provides a response to matters the Applicant considers need to be responded to.

Table 2.5 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	Buckinghamshire Council	[REP9-061] Table 2, ID 1 page. 6	At the meeting with the Applicant on 15 January 2024 the Council reiterated comments it has made previously regarding the wording within the Mitigation Route Map (AS-047) which is contradictory to the stance the Applicant is taking in the s106. The Applicant has advised that they will look to update the Mitigation Route Map to reflect the current position, however, an updated document is yet to be submitted.	The ETS in its entirety is secured by the section106 agreement. It was never the intention of the Mitigation Route Map to suggest only one part of it was secured. The Mitigation Route Map has been updated to clarify this and submitted at Deadline 10 [TR020001/APP/5.09] .

2.6 NEED CASE (INCLUDES EMPLOYMENT & ECONOMICS, FLEETMIX, FLIGHTPATHS)

Table 2.6 provides a response to matters the Applicant considers need to be responded to.

Table 2.6 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
Demand Forecasts				
1	Central Bedfordshire Council, Luton Borough Council, the Hertfordshire Authorities	[REP9-062] [REP9-069] [REP9-067]	The Applicant has used a fixed figure of 50 mppa, while the Host Authorities advocate a gently rising capacity over time, with in the CSACL report of September 2023 [REP2-057] and illustrative figure in 2050 of 60.4 mppa being presented. Gatwick Airport has more recently published a figure of 67 mppa in 2048. The Applicant dismisses the use of a capacity for Gatwick of 67mppa on the basis that it is not the figure used by the DfT. This is not correct. The DfT figure used by York dates from a 2017 document, with the DfT's position now (and since at least 2022) being that growth in passengers per ATM means that there is no fixed capacity at Gatwick (or Heathrow). The figure of 67 mppa identified by the Host Authorities is that determined by Gatwick's own management team. A fuller more detailed response is provided in the separate CSACL Review of the "Applicant's Response to Written Questions NE.2.1 and NE.2.2 - Demand Forecasts" [REP8-037].	See response to REP9-064 at ID 3 below.
2	CSACL for the Host Authorities	[REP9-064] page. 1	2.	This comment is not relevant to considering the extent to which the demand projections for the Proposed Development are robust.

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<p>The forecasts presented by York in general show an increase in both UK and foreign GDP assumptions over the period to 2050, with as York points out often lower growth in the short to medium term, and faster growth in the longer term. This is shown in the document's Figures 2.5 and 2.6, from the assumptions used in its Need Case. It is noted that this implies that the economic forecasters consider that the World's prospects have improved over the last two years.</p> <p>3.</p> <p>The improvements in GDP assumptions are not large, especially for the important UK GDP assumptions which is one of the growth drivers in categories covering about three quarters of all passengers (see for example Figure 2.5). However, the impact on forecasts demand appears more dramatic with, for example, the new Central Forecast being in 2050 at the same level as the Original Faster Growth forecast (Figure 3.2). There was no corresponding figure to this in the Need Case, and its value is reduced by the forecasts being presented on an index basis. However, if the new Central growth index of 190 in 2050 is applied to a UK passenger base of 221.6 mppa in 2022 (UK CAA Statistics), a total UK forecast in 2050 would be some 420 mppa. The most recent DfT forecast (March 2023) extends only to 2040, but applying York's growth rates (Table 3.1) to the DfT's 2040 end-point indicates a higher figure of 437 mppa. In other words, the new LR forecast may in fact be lower than the most recent DfT forecasts.</p>	<p>The Applicant has never claimed that it has based its demand projections on the Department for Transport's national aviation forecasts, rather that the overall demand forecasts at the UK level have been calculated using the DfT's demand elasticities but using the latest available economic projections at the time.</p> <p>The sensitivity testing undertaken and reported in the Applicant's Response to Written Questions NE.2.1 and NE.2.2 – Demand Forecasts [REP8-037] shows that marginally slower growth in demand is now expected in the short-term but, over the longer term beyond 2040, the growth rates accelerate. This demand growth profile is not necessarily the same as that within the DfT's 2023 projections, produced in connection with the consultation on the sustainable aviation fuels mandate (Ref 2), so applying the Applicant's growth rate to DfT's projected demand at 2040 has no validity or meaning without considering the growth trajectory in its entirety.</p> <p>Overall, the sensitivity testing carried out by the Applicant and reported in [REP8-037] demonstrates that the overall forecasts of air passenger demand used by the Applicant are robust to short-term fluctuations in economic variables.</p>
3	CSACL for the Host Authorities	[REP9-064] page. 1	<p>4.</p> <p>While York has tested a higher capacity for Gatwick with a single runway, no indication is given in this document on York's assumptions for the passenger handling capacity of a two-runway Heathrow. York's previous assumption was that it was capped at 90 mppa in line with DfT assumptions which have now been superseded. The Host Authorities have argued that Heathrow's capacity will also be higher than that assumed by York in view of the increase in passengers per ATM. In the absence of any clarification on this point from York, it is assumed that York has maintained its 90 mppa assumption.</p>	<p>Applicant's Response to Written Questions NE.2.1 and NE.2.2 – Demand Forecasts [REP8-037] sets out the results of testing a higher assumed single runway capacity at Gatwick as requested by the ExA in NE.2.2. The ExA made no similar request to test a higher capacity at Heathrow, notwithstanding representations from the Host Authorities to the same effect. The Applicant continues to believe that the appropriate approach is to adopt consistent approach for single runway capacity at those airports according to the assumptions previously used by DfT in modelling capacity constrained airport scenarios, i.e. 50 mppa at Gatwick and 90 mppa at Heathrow.</p> <p>Whilst increases in baseline capacity at either of these airports could defer the timescale over which London Luton Airport might reach 32 mppa in an unconstrained case (illustrated in respect of Gatwick in Figures 4.2 and 4.3 of REP8-037), it has no material effect on the assessment cases for the Proposed Development when the assumed phasing of capacity delivery is taken into account as is made clear in Section 5 of REP8-037.</p>
4	CSACL for the Host Authorities	[REP9-064] page. 2	<p>6.</p> <p>York summarises some aspects of its analysis in Table 5.1. However, despite LR and the Host Authorities agreeing that it is a reasonable assumption that a further runway will be provided in the London area¹, no such scenario is summarised there.</p>	<p>This is not correct, reference to the three growth cases for assessment in Table 5.1 of REP8-037 refers back to the capacity constrained forecasts for assessment purposes as defined by the scenarios set out in paragraph 6.4.8 of the Need Case [AS-125].</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
				<p>The situation of a new runway being provided at either Heathrow or Gatwick is still reflected in the Core Planning Case and Table 5.1 demonstrates that there is no material impact on the forecasts used to assess the effects of the Proposed Development.</p>
5	CSACL for the Host Authorities	[REP9-064] page. 2	<p>7. Comparison of demand and available airport capacity with an additional runway provides some indication of when LTN might reach 32 mppa. Using the most recent DfT forecasts of March 2023, notwithstanding the possibility that they may be higher than the Applicant's most recent Central forecast, suggests that with this extra runway, LTN's throughput would not reach 32 mppa until several years after 2050, as reflected in the demand:capacity balance.</p>	<p>This analysis seems to be predicated on the assumption that the airports fill up turn. If that was the case it would not explain how London Luton Airport was able to grow from 12 mppa to 18 mppa over the period between 2015 and 2019 when there was still spare capacity at both Gatwick and Stansted, if less so at Heathrow.</p> <p>During this period, passengers using the airport grew by 49% while Gatwick grew by 16% and Stansted 25%. This reflects strong demand for the airport, which is expected to continue.</p> <p>The approach adopted by CSACL has no validity or support in policy as it implies that an airport can only be allowed or expected to grow when all others are full. The Applicant would highlight the position taken by the Secretary of State in relation to the Manston DCO:</p> <p><i>"the MBU policy, which is relevant to this Application, does not require making best use developments to demonstrate a need for their proposals to intensify use of an existing runway or for any associated Air Traffic Movements ("ATMs")." and</i></p> <p><i>"Therefore, in order to assess whether the expected economic benefits will outweigh the expected environmental and other impacts from this Development, the Secretary of State has considered need in the context of identifying the likely usage of the Development" (Ref 3, paragraph 37).</i></p> <p>It is for this reason that the Applicant adopted a properly modelled approach to assessing the share of the overall market that the airport is expected to attract in future calibrated on past performance, taking into account capacity at other airports. The Applicant would note that this methodology has been accepted as appropriate by the Host Authorities in the Statements of Common Ground, with the final SoCG documents to be submitted at Deadline 11.</p>
Economics				
6	New Economics Foundation	[REP9-082] page. 2	<p>1. The document Transport Analysis Guidance: An Overview of Transport Appraisal published in January 2014 by the DfT states "WebTAG is a requirement for all interventions that require government approval" (para 1.2.2, p. 1). Even if WebTAG is not a "requirement" WebTAG is a best practice guide, clearly established by the DfT as "useful" for non-government interventions (WebTAG A5.2, para 1.1.3, p. 3).</p>	<p>The Applicant is clear that a planning application is not an intervention that requires Government approval.</p> <p>The Green Book (Ref 4, Chapter 2) is clear that appraisal in relation to an intervention applies at the options appraisal stage when a number of options to meet a broader policy objective are being considered. In this case, an application for planning approval for an airport development in accordance with the <i>Making Best Use</i> policy is not one where the decision maker is considering options. This was undertaken at the policy making stage where it was concluded that it was in the public interest that airports should be</p>

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				<p>permitted to make best use of their runways to meet passenger demand, subject to local environmental issues being managed and mitigated.</p> <p>As the TAG Guidance (Ref 5) makes clear, planning applications should be determined in the normal way (Ref 5, paragraph 1.1.4), i.e in accordance the requirements of the Planning Act and the EIA Regulations. This provides for the environmental implications of any planning application to properly be considered alongside the economic benefits as expressed by employment and GVA as well as the wider economic benefits, which sit outside of any quantified appraisal.</p> <p>Quantification of environmental effects and netting them off the economic benefits is effectively double counting within the context of the decision maker seeking to determine the planning balance.</p>
7	New Economics Foundation	[REP9-082] page. 2	<p>NEF previously re-worked the Applicant's analysis to present such an assessment, repeated below (Table 1) with additional line numbering.</p> <p>5. Our re-working significantly reduces the benefits accruing from the scheme because a very large proportion (66%) of the claimed air fare savings of the scheme in the Applicant's assessment (Need Case Table 8.8, p. 207) are delivered to foreign residents.</p> <p>6. In relation to NEF's re-working the Applicant states "NEF's reworking, as presented in their Deadline 5 submission, [REP5-081], does not itself follow key principles of the WebTAG guidance to ensure that impacts are not double counted."</p>	<p>For the reasons set out in Table 2.6 ID 14-27 of Applicant's Response to Deadline 7 Submissions [REP8-038], NEF's reworking of the socio-economic cost benefit analysis is not considered to be correct and does not follow the latest WebTAG guidance (Ref 5).</p> <p>This particularly applies to the treatment of displacement (see ID 8 below).</p>
8	New Economics Foundation	[REP9-082] page. 3	<p>8. The applicant now advances a position that "limiting growth at London Luton Airport would simply result in airlines using their aircraft at other airports, in the UK or beyond, with no global reduction in emissions" (p.18). This is a claim of 100% displacement and it is not remotely credible. This claim opens up an 'impossibility' or logical fallacy – that every airport in the UK might apply to expand, that passenger numbers might rise rapidly, yet every airport can claim not to be creating net additional flights or moving net additional passengers. A scenario in which nobody bears responsibility. Ultimately, the international airplane fleet has been growing rapidly and passenger growth in the UK, enabled by new airport capacity, bears a share of the responsibility for that growth. Emissions, and their associated economic costs, logically, cannot be assumed to be displaced</p>	<p>If London Luton Airport is constrained and cannot meet the demand from consumers that would prefer to use it, such passengers and the aircraft to fly them would be displaced to other airports. Hence, there are benefits to consumers from allowing the airport to meet that demand. However, having the additional capacity at the airport does not <u>create</u> the demand to travel, which is ultimately driven by broader economic conditions.</p> <p>The MBU policy (Ref 6), as reconfirmed in the <i>Jet Zero Strategy (Ref 7)</i>, tested whether growth in UK air travel demand would place in jeopardy the achievement of the Government's climate change targets if all airports make best use of their runways and concluded that it would not (Ref 6). Paragraph 1.11 of MBU states that:</p> <p><i>"The government recognises that airports making the best use of their existing runways could lead to increased air traffic which could increase carbon emissions" compared to a situation where capacity remained constrained across the board, but goes on to conclude that "On balance, therefore, it is likely that these or other measures would be available to meet the planning assumption under this policy."</i> (paragraph 1.21).</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
				<p>Therefore, policy is clear that there is no need to restrict expansion of capacity at any one airport in order to ensure that the UK's climate change targets are met. In the circumstances of the making best use policy, demand unable to use its preferred airport is displaced to other airports further afield, albeit on the margin some passengers would be priced off from travelling.</p> <p>This is the approach adopted by the Applicant throughout its demand forecasts and economic assessment (see Need Case Appendix E [APP-214]).</p>
9	LADACAN	[REP9-081] page. 4	Having reviewed the referenced document, we disagree with the Applicant's use of one paragraph out of context to interpret the 2023 WebTAG guidance ("the Guidance") in respect of aviation.	<p>The guidance set out in TAG Unit A5.2 Aviation Appraisal (Ref 5) is clear at paragraph 1.1.4 that airport planning applications should be considered in the "normal way", i.e. as distinct from a business case for Government intervention that would require a full business case appraisal.</p> <p>Past airport planning decisions demonstrate that there is no requirement for a full WebTAG appraisal as was made clear in respect of the P19 application (Ref 8):</p> <p><i>"They further agree, for the reasons given in IR15.188-15.191 that the absence of an appraisal following a web-based transport analysis guidance (WebTAG) or similar methodology does not weigh against the proposal (IR15.190)".</i></p> <p>The environmental impacts of the Proposed Development are set out in the ES [TR020001/APP/5.01], as for any airport planning application, and are to be considered in the planning balance in the "normal way".</p>
Fleetmix				
8	The Harpenden Society	[REP9-093] para. 1-13	<p>12</p> <p>Finally, we note LR refer to host authorities saying the annual movements and fleet mix are "appropriate" (in response to NE2.4 REP7-055 page 5). We don't see any point in getting into a discussion about whether the annual movements and fleet mix represent a reasonable worst case for assessment purposes. For the purposes of assessing "significant effects" padding of aircraft movements ensures that the estimate is conservative. However, as we've highlighted, communities do not hear noise as an average and we believe that, under the EIA Regulations applicants should consider reasonable alternatives to meet policy objectives of reducing noise. It is perfectly reasonable for LR to recognise that airlines are targeting improved load factors to service the forecast demand as that's economically attractive compared to flying more aircraft. On this point, we note in Appendix 1 that the load factor LR's fleet mix implies does not change throughout the project. This is completely unrealistic.</p> <p>13</p>	<p>The Applicant does not accept that the fleet mix and aircraft movement projections adopted for the Proposed Development are inappropriate. They represent a reasoned view as to the likely number of aircraft movements and the type of aircraft expected to use the airport in future at each of the assessment throughputs.</p> <p>However, as noted in the Applicant's Position on Noise Contour and Movement Limits [REP9-055], the fleet projections are indicative of the future fleet, particularly in relation to the balance between existing and new generation aircraft, but cannot be taken as definitive in terms of the precise models of each aircraft that will be operated or their seating capacities.</p> <p>It is also important to highlight that the rate of modernisation of the aircraft fleets is accelerating as deliveries accelerate following the slow down during the pandemic and the well reported problems with the Boeing 737Max aircraft. The relationship is not linear as suggested by the Harpenden Society in terms of the year-on-year change in the proportion of new generation aircraft in the fleet. Hence, it is not inconsistent that the fleet may have a much lower proportion of new generation aircraft in 2027 than it may have in 2028.</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			We respectfully ask the ExA to require LR to come up with a sensible reduction in aircraft movements so communities see real reductions in noise they would otherwise hear.	For the reasons noted in REP9-055 , the Applicant considers it important that some flexibility is retained in the aircraft movement forecasts to allow for demand to be met in different ways in future. Whilst the Applicant has put forward its view of the expected transition of the fleet and future aircraft mix, there remain uncertainties as to the precise transition of the fleet in any given year. Ultimately, the implications of any deviation in the fleet projections will be managed by the Green Controlled Growth Limits.

2.7 NOISE & VIBRATION (INCLUDING NOISE INSULATION)

Table 2.7 provides a response to matters the Applicant considers need to be responded to.

Table 2.7 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	Peter Motson	[REP9-083] page. 1	c) I understand that there is currently a restriction to any flights taking off before 6.00am but this is often ignored with flights leaving earlier.	There are no restrictions saying that flights cannot take off before 06:00, however there is a restriction on the total number of aircraft movements (arrivals or departures) that can operate annually in the Night Quota Period of 23:30 – 06:00. This restriction of 9,650 annual movements will be secured in the DCO as part of the Air Noise Management Plan [REP9-047] .
2	LADACAN	[REP9-081] page. 11	Both the data which the Applicant has used to validate its noise model, and the way it has been processed for use, appears to be questionable as evidenced above for the following reasons: <ul style="list-style-type: none"> a) Mobile noise monitoring data shows instances of more-than-normal disparity between arithmetic average and 50th percentile values for some datasets: the Applicant has advised LADACAN that its averages agree with the averages in the CNRs but it has nevertheless used 50th percentile values. b) Known instances of errors in mobile noise monitoring, including during 2019, suggest that the data may be less than fully reliable for noise modelling unless properly sense-checked, and in any case only reflects sometimes short periods of time when weather effects may not be adequately normalised. c) Only a 92-day subset of the annual fixed noise monitoring data from 2019 was used for noise model calibration, rather than using the full year data which is custom-and-practice at LLA. 	<p>The approach adopted in the air noise model validation process has been subject to extensive technical scrutiny and agreed as appropriate in the Host Authority's SoCG [REP6-026 to 038] and the CAA's SoCG [REP6-021].</p> <p>The use of 50th percentile values was adopted as it allowed the distribution of data in large and complex datasets to be described graphically in a simple and understandable way. This method of presenting aircraft noise data allowed identification of where the predicted aircraft noise level at each monitoring location was located in each dataset and therefore provide an additional layer of transparency in the aircraft validation procedure.</p> <p>An aircraft L_{ASmax} noise level needs to be at least 10 dB higher than ambient noise levels for the Sound Exposure Level (SEL) of an aircraft to be measured. LADACAN state that "erroneous cut-off thresholds" are set when measuring aircraft noise, which they suggest affects the measurement of the SEL as there is not a 10 dB difference between the alleged 'cut off' and the measured L_{ASmax} noise level. LADACAN incorrectly identifies a 'cut off' at the lowest measured L_{ASmax} aircraft noise level. In fact, there is no 'cut off' and it is the ambient noise conditions at the monitoring locations that affect noise measurements. LADACAN acknowledges that this may be the case for measurements at NMT03, which is near the M1 and in a higher ambient noise environment than other noise monitored. LADACAN speculates without foundation that ambient noise conditions at temporary noise monitoring locations are too high such that the SEL is not appropriately measured. As</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			<p>d) ISO20906 describes use of arithmetic averaging to combine noise measurements for given aircraft types to reduce error, and does not mention 50th percentiles, and arithmetic averaging is custom and practice at LLA.</p> <p>e) Only when these issues have been resolved and the model validated to meet current standards – including use of the most recent 2013 data in an annual revalidation update – can disputed matters such as the noise benefit to allow for the A321neo compared to the A321ceo in the LLA context be adequately resolved.</p> <p>f) The Applicant has already agreed to follow established custom and practice at LLA and to revalidate the noise model annually, therefore it is appropriate to do this now bearing in mind the evidence provided here and using carefully cleaned and checked data in order to ensure the Limits for the DCO and Green Controlled Growth are as accurate as possible.</p> <p>We respectfully ask the ExA for this sense-checking and revalidation to be considered necessary to give adequate confidence in the model and the contour Limits derived from it, which would be key aspects of noise control going forward should the Application be granted.</p>	<p>such, alleged 'errors' in noise monitoring data are unsubstantiated and there are no 'cut offs' in measured data, only a minimum measured level.</p> <p>As aircraft noise contours are based around the 92-day summer period, it is standard practice that data used for validation is taken within this period as far as reasonably practicable. As there is full data from the permanent noise monitors to cover the full 92-day summer, it was not necessary to use additional data outside of the summer period for the permanent noise monitors. Hence, fixed monitoring position noise data from the 92-day summer period was used to validate the air noise model. To strengthen the validation process, it was considered useful to validate the model over as many locations possible based on historically available data from 2019. Noise monitoring data logged outside the 92-day summer period from temporary noise monitors were used to supplement noise data from the 92-day summer period from permanent noise monitoring stations. The benefits of additional validation locations outweighed any limitations of using data outside of the 92-day summer period. Typical weather conditions logged during monitoring were applied in the model when validating each aircraft variant at each monitoring location. This weather data is presented in Table 6.8 of ES Appendix 16.1 [REP9-017]. This approach was discussed with the Civil Aviation Authority (CAA) and as a result the CAA have agreed that the model validation is appropriate as recorded in the Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority [REP6-021].</p> <p>Statutory consultation responses from WSP (Ref 6.6 of [APP-188]) recommended that: <i>"The contour cannot be correlated with baseline measurements, made in 2018/2019 outside the 92-day summer contour period"</i>. Additionally, the statutory consultation response from the CAA (NV1.5.6 of [APP-189]) stated: <i>"The noise assessment is based on average summer day noise exposure. However, significant aircraft noise data presented was collected outside the summer period. It would be helpful if LLAL could clarify why noise measurement data was not limited to the same summer period."</i> These consultation responses confirm the standard practice approach of using data from the 92-day summer period as far as practicable.</p> <p>The DCO air noise model was validated using 2019 data, which is the DCO baseline year. There is a commitment to yearly validation of the air noise model in the Aircraft Noise Monitoring Plan [REP7-026].</p>
3	The Harpenden Society	[REP9-093] para. 15-16 page. 3	15 Faster Growth (or indeed Slower Growth) was labelled a "sensitivity" test for EIA purposes and was not subject to the level of assessment from LR's experts or was capable of the level of scrutiny by Host Authorities and Interested Parties that Core Growth has been subject to. We believe it would be entirely wrong to set environmental limits on the basis of a "sensitivity" test.	<p>The Faster Growth scenario was fully assessed in section 12.3 of Appendix 16.1 of the ES [REP9-017]. A further assessment has been undertaken using the Updated Faster Growth scenario as reported in Applicant's Position on Noise Contour and Movement Limits [REP9-055].</p> <p>REP9-055 provides an explanation (paragraph 3.1.3) for the rate of transition to newer generation aircraft in the Faster Growth and Updated Faster Growth scenarios as originally assumed and why there is now greater confidence in a faster fleet transition even in the Faster Growth Case, although uncertainties</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			16 By way of example, the Faster Growth fleet mix assumes a slower transition to newer generation aircraft, without offering either an explanation for why this might be the case or assessing whether airlines would seek, firstly, to increase load factors rather than send sub optimally filled aircraft to Luton.	still remain and, to the extent that the Faster Growth Case places greater reliance on inbound operations from non-based airlines, there is a greater degree of uncertainty than there is with the Core Planning Case.

2.8 SECTION 106 AGREEMENT

Table 2.8 provides a response to matters the Applicant considers need to be responded to.

Table 2.8 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
1	Peter White	[REP9-084] para. 8-12 page. 1	<p>Could the applicant explain, why in the interest of improving all sports facilities throughout the town, more sports sites have not been allocated equal shares of any Section 106 income?</p> <p>Could the applicant detail how many football teams there are in Luton who require use of Step 5 Class football facility?</p> <p>For the benefit of the ExA I ask these questions, as the entire sporting infrastructure under the control of Luton Borough Council has seen a lack of investment for many years, due to budget cuts by the Council. Investing across all sites and all sports, would give a greater share of the population the chance to continue in, or take up, sporting exercise that meets their interests, not just football? The costs, both in construction and running, a Step 5 facility are extensive. Is such an investment for the benefit of one or two teams a better use of monies than investment over a broader selection of sporting activity for the residents of Luton?</p> <p>There is a shortage of small size youth pitches in Luton, 5/7 and 9 a side. Providing these at local sites would be of better community value than a single large Step 5 facility.</p>	The Applicant confirms that the terms of the section 106 agreement have been agreed following discussions with Luton Borough Council. The Sports Pitch and Changing Room Provision Contribution and what it can be spent on has been agreed with Luton Borough Council and is a commitment that has been carried over from the Green Horizons Park section 106 agreement.
2	Buckinghamshire Council	[REP9-061] Table 2, ID 1 page. 6	At the meeting with the Applicant on 15 January 2024 the Council reiterated comments it has made previously regarding the wording within the Mitigation Route Map (AS-047) which is contradictory to the stance the Applicant is taking in the s106. The Applicant has advised that they will look to update the Mitigation Route Map to reflect the current position, however, an updated document is yet to be submitted.	The Applicant confirms that an updated Mitigation Route Map is being submitted at Deadline 10 [TR020001/APP/5.09] .

2.9 SURFACE ACCESS

Table 2.9 provides a response to matters the Applicant considers need to be responded to.

Table 2.9 Applicant's Response to Deadline 9 Submissions

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
Luton DART				
1	Peter White	[REP9-085] Section 2.17 I.D 27	<p>The applicant made the following responses:- "In considering the design of the Luton DART the Applicant was of course mindful that future expansion of the airport was always a possibility that should be considered, even if at that time specific plans had not been developed or considered. It was therefore prudent to design the Luton DART such that it allowed for possible future extension which would minimise likely future disruption to the operation of the airport. The fact that the Luton DART system was specifically designed to be future-proofed for possible unspecified future extension, does not follow that it must therefore be early facilitating works for a future second terminal as indicated by Mr White. On the contrary, it shows that it could not be considered as a facilitating work as no location for future extension had been identified at that stage. The Applicant further notes that, notwithstanding its clear position that the Luton DART was not a facilitating work for future expansion, even if it had been such that would have no effect on the current application for development consent."</p> <p>Could the applicant please explain the statement about future-proofing DART design for unspecified expansion?</p> <p>"In respect of Mr White's comments relating to [then named] New Century Park and the Century Park Access Road, the Applicant yet again notes that that application, and its content, does not form part of the proposals subject to the current examination. Notwithstanding this, the Applicant notes that the material referenced via the Hitchin Forum website is from a pre-application consultation on the New Century Park proposals undertaken several months before the application was submitted. The application subsequently submitted in December 2017 included the Eaton Green Road link, the Transport Assessment and all other relevant information relating to that application was submitted at the same time and set out, amongst other matters, the justification for the link. There is no attempt to 're-write' history as suggested; all the relevant information has been in the public domain throughout"</p> <p>The New Century Park Access Road (CPAR), as you are aware, has now been transferred to this application, and renamed. This road was initially for the delivery of an industrial unit development, and as can be seen did not include the Eaton Green Link Road, until later unspecified design changes required it.</p>	<p>The Luton DART design was future proofed through careful consideration of the station at the airport and through designing in the ability for future capacity upgrades (which of themselves may require disruptive work but which do not render the system incapable of future extension).</p> <p>In respect of the Century Park Access Road (CPAR) the Applicant notes that the Airport Access Road (AAR) is not to the same design as CPAR. The AAR is designed to cope with the higher volume of traffic forecast for airport expansion.</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
Modelling				
2	Buckinghamshire Council	[REP9-061] page. 25	The Council acknowledges the findings of the modelling; however, the Council's concern is not and has not been regarding the capacity of the junction, it is rather a question of the suitability of the B489 for development traffic and the impact of increased traffic on residents in the villages along that route. The impacts of traffic in the early hours will have a greater impact on downstream environmental effects. The change in junction priority that the council seeks therefore aims to protect residents from additional traffic being present on the route and maintaining the signed route as the preferential route between the airport and the A41.	The Applicant considers it is the Council's responsibility for routing traffic through its road network. The Applicant has demonstrated that the forecast additional traffic at this location arising from the Development to be small and it would not be proportionate for the Applicant to change the priority, especially since the Council has accepted the peak hour impact to not be 'severe'.
3	Buckinghamshire Council	[REP9-061] page. 29	The Council refers to its previous comment regarding this junction at item 5 in this table.	Please refer to the Applicant's response provided at ID 5 in Applicant's Response to Deadline 7 Submissions [REP7-080] .
4	National Highways	[REP9-072] Ref 2.3	Difference in flows for 2043 PM as shown in Figure 1 and Figure 2 of the response is not the same as those shown in ACTMFR. In particular, for the M1 NB diverge, the difference in flows between with and without Luton expansion in ACTMFR is 1525, whereas the difference shown in the latest response document is 132 PCU/hr (1547-1415). NH is still unclear why there are significant differences in the SRN flows.	The increase in traffic shown in the flow plot differences is due to the difference in configuration of link structure within the strategic traffic model, as was mentioned in paragraph 4.3.10 in Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159] . The numerical differences shown in the plots therefore do not represent the actual difference.
5	National Highways	[REP9-072] Ref 2.4	NH believes that the missing count site is important because the majority of flows with Luton expansion will use this link and the count between J10 and 10a is not on the A1081. This puts doubts on validity of flows on the A1081. NH is content with the forecast adjustments as they stand and the flows on the LRN not being adjusted.	The most important site on the A1081 is the site sourced from WebTRIS, which was used in the trends analysis. The Applicant agrees that it is unfortunate that the local authority count data could not be used as 'the A1081 New Airport Way data were deemed to be unusable as the analysis showed unrealistically low volumes, hence this site was subsequently omitted from the analysis.' [Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159]] However, the Applicant does not agree that this 'puts doubts on validity of flows on the A1081', as the more important site between J10 and J10a had robust data, which were used to inform the trends analysis. The Applicant notes that NH is content with the flows on the LRN not being adjusted.
6	National Highways	[REP9-072] Ref 3.2	Without receipt of the SATURN models, NH is unable to verify that the full level of development trips has been included in the SATURN model and then transferred to the VISSIM. National Highways considers that it should be able to verify the SATURN model runs and inputs.	The Applicant considers it has provided sufficient information to verify the level of difference between the demand and actual flows, which are minimal and would not have an impact on the assessment.
7	National Highways	[REP9-072] Ref 3.3	NH do not agree with applicant's position as the traffic flows supplied to the micro-simulation model are heavily dependent on the outputs of the strategic model and there is a need to check the consistency between the two models as set out in TAG.	The Applicant does not agree with National Highways' interpretation of the TAG guidance and does not consider the strategic and micro-simulation models as being "tiered" models, and they are both considered highway assignment models. The VISSIM model is one of the operational models used to assess the traffic flows and network capacity in detail. The other models are LinSig and TRL Junction 9 models (ARCADY9 and PICADY9). There are notable differences in the method and detail in VISSIM, LinSig and Junction 9 operational capacity modelling, versus strategic SATURN modelling, hence using such tools for more detailed analysis.

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
8	National Highways	[REP9-072] Ref 3.4	The Applicant has not provided a transparent set of information from the VISSIM modelling that would enable NH to isolate the impact of development rips. This issue has been raised consistently by National Highways since pre-application and has not been satisfactorily addressed. It is necessary to understand the impact of the development in any decision on the application.	The Applicant considers this was addressed on page 22 of the Applicant's Response to Comments from the Highway Authorities on the 'Accounting for Covid 19 in Transport Modelling Final Report' [REP8-039] .
9	National Highways	[REP9-072] Ref 3.7	NH considers that there is a risk that the operation of the southbound merge at Junction 10 and the northbound lane drop on the M1 is worsened due to development traffic within the VISSIM forecast scenario. This is due to the congestion evident at these locations in the DS VISSIM models. For the impacts if the development to be properly addressed, this must be mitigated.	The Applicant considers this was addressed on pages 25 and 26 of the Applicant's Response to Comments from the Highway Authorities on the 'Accounting for Covid 19 in Transport Modelling Final Report' [REP8-039] .
10	National Highways	[REP9-072] Ref 3.7	NH disagrees with the Applicant's assessment of the M1 northbound carriageway in the 2043 DM PM and considers that slow moving and stationary vehicles are present in the modelling. In determining the application, this matter needs to be properly resolved.	The Applicant considers this was addressed on page 28 of the Applicant's Response to Comments from the Highway Authorities on the 'Accounting for Covid 19 in Transport Modelling Final Report' [REP8-039] .
11	Dacorum Borough Council, Hertfordshire County Council, North Hertfordshire District Council	[REP9-067] page. 10	<p>Following the review of [REP8-039], the Hertfordshire Host Authorities still have concerns (as detailed in Appendix 2 of [REP7-087]) in relation to the transport modelling undertaken. The responses provided by the Applicant in [REP8-039] have not changed this position. The Hertfordshire Host Authorities position is detailed in the PADSS [REP8-056]. The Hertfordshire Host Authorities are not asking for any additional modelling to be undertaken at this stage due to the time constraints. However, the Hertfordshire Host Authorities are seeking to manage the modelling uncertainty and the risks associated with the impacts on their network. The management of this risk is best achieved through the TRIMMA, which is secured by the DCO, by agreeing to provide additional monitoring sites and ensuring that there are sufficient funds available to support identified mitigation improvements. The Applicant has proposed a 'side agreement' (not received at time of writing) to cover additional monitoring in the North Herts 'rural areas'.</p> <p>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 the 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 modelling uncertainty and risk, the Hertfordshire Host Authorities also require access to a</p>	The Applicant has now proposed a side agreement as described in this submission. This agreement also includes a provision for the monitoring of traffic at locations identified in the Transport Assessment [APP-203, AS-123, APP-205, APP-206] as requiring further monitoring. Any currently unforeseen impacts near Harpenden can be brought to the ATF Steering Group for funding as mitigation type 2. Please see changes to the Sustainable Transport Fund [TR020001/APP/8.119] and OTRIMMA [TR020001/APP/8.97] documents regarding the funding of MT2 submitted at Deadline 10.

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
			significantly larger Residual Impact Fund (RIF) to cover the cost of any unplanned mitigations sought under the TRIMMA.	
Sustainable Transport				
12	Dacorum Borough Council, Hertfordshire County Council, North Hertfordshire District Council	[REP9-067] page. 6	The updated Bus and Coach Study [REP8-033] still omits the Peterborough– Cambridge–Hitchin–Luton–Heathrow NX788 service from the existing network assessment (NX788 service) [REP6-097]. [REP8-033] still proposes (in Figure 3.2) extending the NX737 service to Cambridge, rather than (or in addition to) increasing the frequency of the NX788 service, which has just six services a day as raised in the Issue Specific Hearing (ISH) 7 Post-hearing Submission [REP6-097]. There is still no proposal to have any buses or coaches to / from London Luton Airport call at Hitchin station to provide a quicker and more convenient rail-and-bus route to London Luton Airport from the north-east, as requested in the ISH 7 Post-hearing Submission [REP7-097]. It is understood that ultimately, the bus & coach strategy will be for the Airport Transport Forum (ATF) to develop and fund from the Sustainable Transport Fund (STF). The Hertfordshire Host Authorities request that the above points be incorporated into the study, to give the ATF a more complete starting point	An updated Bus and Coach Study [TR020001/APP/8.122] is provided at Deadline 10. This includes the existing NX788 service and will direct future bus and coach market studies and ATF discussions to include the stated service improvements (i.e. extending the NX737 to Cambridge and introducing or amending services to call at Hitchin Station).
13	Central Bedfordshire Council	[REP9-062] page. 3	<p>CBC have the following comments on the Framework Travel Plan:</p> <ul style="list-style-type: none"> • 1.3.5 suggest that there is a Travel Plan Champion at each business within the Airport and that the Champions liaise regularly with the overall Travel Plan Coordinator. Recommend that the businesses use Mode shift STARS to monitor their progress. • Table 5.3. Additional cycle spaces should be installed before the building is occupied. • Table 5.3 Provide clear signage for cyclists and pedestrians accessing the site. • Recommend that welcome packs are provided for new employees and sustainable travel information is included on the staff intranet and the main airport website for visitors. • Sustainable travel information for both staff and visitors should be displayed on noticeboards. • Numbers of employees and their postcodes to be added to the Travel Plan once known. • The Travel Plan funding commitments should be listed. • Surveys of vehicle numbers entering and exiting the site during peak times should be taken. • It should be noted that electric scooters should only be used if part of a hire scheme. 	The inclusion and such detail of transport interventions will be included in future Travel Plans and discussed in the ATF Steering Group.
Mitigation				
14	Dacorum Borough Council, Hertfordshire County Council, North	[REP9-067] page. 8	Mitigations at the three Hitchin junctions: The Hertfordshire Host Authorities had previously stated in ID.18 [REP8-038] that the revised layouts for two of the junctions were 'unacceptable'.	Noted. As stated by the Hertfordshire Host Authorities, side agreement discussions are on-going.

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response
	Hertfordshire District Council		<p>However, having considered these layouts further they acknowledge that the revised layouts are more in line with their aspirations and welcome the opportunity to continue discussions with the Applicant to reach an agreeable solution both in terms of deliverability and cost. The Applicant currently proposes a 'side agreement'. The revised layouts are now more policy compliant and therefore we agree to them forming the basis of a side agreement, however Hertfordshire County Council are seeking to reduce their cost risk associated with accepting these mitigations without necessary assurance in relation to cost and deliverability (including RSA and modelling). It is therefore expected that this will not be achieved within the timeframe of the DCO examination, while a side agreement is still being considered.</p>	
15	Dacorum Borough Council, Hertfordshire County Council, North Hertfordshire District Council	[REP9-067] page. 13-14	<p>The Hertfordshire Host Authorities are still seeking additional monitoring sites within the TRIMMA to protect their network, given the uncertainty with the traffic modelling.</p> <p>The updated TRIMMA [REP8-044] provides the Terms of Reference (ToR) and governance for the ATF Steering Group with respect to the RIF in Appendix A. The terms of reference for the Active Travel Forum (ATF) (the wider body) have not been updated since deadline 4 [REP4-083].</p> <p>The ToR for the Steering Group is provided in Appendix A to the updated TRIMMA [REP8-044], and paragraph 4.1.3 of the ATF Terms of Reference [REP4-083] is unnecessarily restrictive:</p> <p>4.1.3 "Each organisation invited will nominate a single person to represent them. Each representative must be suitably qualified (e.g. a chartership in the relevant subject area) or have equivalent professional experience to allow the ATF to fulfil its technically focused remit."</p> <p>The ATF suggested list of attendees in [REP4-083] are then listed including 4.1.1 (m) "Bodies representing interests of walkers, cyclists and disabled people in the area."</p> <p>However, representatives of those bodies noted in 4.1.1 (m) may be volunteers without a relevant qualification or professional experience. The second sentence in 4.1.3 above [REP4-083] could be reviewed to be more general, e.g. "Each representative shall contribute constructively to the ATF's technically-focused remit" as paragraph 4.1.4 [REP4-083] by itself gives the chair sufficient discretion over who can sit on the ATF:</p> <p>4.1.4 "The final decision as to whether a nominated officer is suitably qualified rests with the chair of the ATF".</p> <p>This paragraph could usefully be elaborated to give the chair, or the ATF as a group, discretion to remove any member who engages in an unconstructive way.</p> <p>There is no detail provided on how the ATF will interact with the Steering Group making the decisions. Clarity is therefore needed on the role of those members of the ATF who are not represented on the Steering Group and how the two groups will interact. In</p>	<p>Outline terms of reference (ToR) for the ATF Steering Group are contained in Appendix A of the OTRIMMA submitted at Deadline 8 [REP8-043]. The ToR will be finalised as part of the TRIMMA which will be certified by the Secretary of State under the DCO.</p> <p>The Applicant will consult with relevant highway authorities on the contents of the final TRIMMA; Herts authorities will therefore contribute to the wording of the final TRIMMA and wording of the ATF SG ToR, including more detailed information on the SG's interaction with the wider ATF. Approval will occur after the DCO Examination period but is secured by a requirement of the DCO.</p> <p>The request concerning the naming of the authorities and potential future changes to the names of these authorities is not considered necessary and will be dealt with if appropriate.</p> <p>The ATF ToRs already make clear that the ATF will seek to have representation from all relevant bodies, as outlined in the DfT Aviation Policy Framework, and as such the ToRs refer to suggested attendees as "local highway authorities and National Highways" [REP4-083]. This would allow for appropriate adjustment of membership in the event of any change to those authorities i.e. the name or boundaries. Whilst the outline ToRs for the ATF Steering Group do refer to specific authorities, these are in outline only and final ToRs will be approved as part of the final TRIMMA following consultation with relevant highway authorities, so this issue can be addressed at that stage, and the Steering Group ToRs brought in line with the ATF ToRs.</p> <p>If a member of the ATF Steering Group proposes one of the suggested measures (or similar) as a means of mitigating an identified and evidenced residual impact, the ATF Steering Group can decide whether to accept this proposal. There is no need for the list of example measures in Table 4-1 of the OTRIMMA [REP8-044] to be updated.</p> <p>The Applicant asserts that the principles of the STF are sufficient to address the proposed alteration to 2.2.2 in Schedule 9 of the Draft Section 106</p>

I.D	Interested Party	Reference	Summary of Matter Raised Requiring a Response (Verbatim)	Luton Rising's Response						
			<p>order to address this, some principles for additional terms of reference should be secured in the TRIMMA.</p> <p>To future-proof the ToR, the constituent parties should be described rather than named in Appendix A – A1.1.1 of the TRIMMA [REP8-044], e.g., “the national highways agency and the highway and transport authorities for all local authority regions within [for example] 20km of Luton Airport”. This would allow for any future reorganisation of local government or renaming of government bodies.</p> <p>The Hertfordshire Host Authorities would like to see mode-shifting and carsharing as explicit examples of acceptable mitigation in Table 4-1: MT2 example measures (p13 of the TRIMMA [REP8-044]) proposing the following or similar:</p> <table border="1" data-bbox="810 688 1673 997"> <thead> <tr> <th data-bbox="810 688 1047 741">Measure</th> <th data-bbox="1047 688 1673 741">Example Rationale</th> </tr> </thead> <tbody> <tr> <td data-bbox="810 741 1047 867">Vehicular travel demand management</td> <td data-bbox="1047 741 1673 867">Any measure that mode-shifts car trips to active travel or public transport, releasing road capacity that can accommodate growth in vehicular traffic to / from the airport.</td> </tr> <tr> <td data-bbox="810 867 1047 997">Car-sharing</td> <td data-bbox="1047 867 1673 997">Any scheme to increase vehicle occupancy by enabling, promoting, or incentivising people to ride-share when travelling to / from the airport, reducing vehicular traffic to / from the airport.</td> </tr> </tbody> </table> <p>If the STF should be available to fund mitigatory measures beyond the budget of the RIF, the Applicant needs to consider what may need to change in the STF Terms of Use (p11 of [REP7-042] (Sustainable Transport Fund) and Schedule 9 of the Draft s106 [REP7-074]. The wording of the Terms of Use for the STF is much looser than for the RIF, so the Hertfordshire Host Authorities request a small amendment to paragraph 2.1.2 in Schedule 9 [REP7-074] along the following lines: “2.1.2 Eligibility: ... The ATF Steering Group must be satisfied that the interventions proposed for funding are likely to provide a positive impact on ... priority areas, or to reduce a negative transport-related impact of the Development.”</p>	Measure	Example Rationale	Vehicular travel demand management	Any measure that mode-shifts car trips to active travel or public transport, releasing road capacity that can accommodate growth in vehicular traffic to / from the airport.	Car-sharing	Any scheme to increase vehicle occupancy by enabling, promoting, or incentivising people to ride-share when travelling to / from the airport, reducing vehicular traffic to / from the airport.	<p>Agreement [REP9-049]. As stated in the STF [TR020001/APP/8.119], ATF Steering Group recommendations must align with the vision, objectives and priority areas of the Surface Access Strategy (SAS) [APP-228], as set out in the successive Travel Plans (TPs). As stated in Figure 1.1 of the Framework Travel Plan (FTP; which sets out the structure and approach for Travel Plans) [REP8-024], two of the objectives of the SAS (which stem from its vision) are to increase the share of sustainable modes.</p>
Measure	Example Rationale									
Vehicular travel demand management	Any measure that mode-shifts car trips to active travel or public transport, releasing road capacity that can accommodate growth in vehicular traffic to / from the airport.									
Car-sharing	Any scheme to increase vehicle occupancy by enabling, promoting, or incentivising people to ride-share when travelling to / from the airport, reducing vehicular traffic to / from the airport.									
16	National Highways	[REP9-073] section 2.1	<p>The OTRIMMA is critical to National Highways as the physical mitigation proposed by the Applicant is intended to be delivered pursuant to its terms, meaning that it should be in a substantially complete form prior to the close of the examination to enable National Highways to understand how mitigation is to be secured and when that mitigation will be delivered. There is also an issue in that the OTRIMMA does not secure mitigation or monitoring of all potentially affected parts of the SRN or mitigation for impacts on those potentially affected links and junctions.</p>	<p>The Applicant considers that the OTRIMMA framework is complete and sets out in sufficient detail the process for how the highway mitigations works will be delivered in a timely manner and before adverse impacts would materialise on the network. The full TRIMMA being approved before the Notice to grow is issued is a requirement of the DCO (requirement 30). The Applicant disagrees with National Highways that the OTRIMMA does not secure mitigation or monitoring for all the impacts identified by the Transport Assessment [APP-203, AS-123, APP-205, APP-206]. The Applicant has identified all the required off-site highway mitigation and they are secured in Schedule 1 of the DCO.</p>						
17	National Highways	[REP9-073] section 2.1	<p>National Highways notes with concern that, in approaching the close of examination, very few of its concerns (maintained throughout the course of the examination) have been satisfactorily addressed. A consequence of this could be that an</p>	<p>The Applicant disagrees that the concerns of National Highways have not been addressed. The OTRIMMA sets out a clear framework for the timely delivery of the committed highway works as secured in Schedule 1 of the DCO.</p>						

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			<p>approach purporting to monitor and mitigate major impacts to the SRN becomes precedent, but which does not enable the relevant effects to be understood at the point of consultation, application or decision-making and which has not been agreed by National Highways. This could seriously constrain National Highways' and other highway authorities' control over the highway network and its safety.</p>	
18	National Highways	[REP9-073] section 2.1	<p>Here, this has the potential to cause risk of addressing impacts at a critical location, over which impacts associated with third party development have not been secured. If the OTRIMMA approach is replicated across future developments (particularly those in the aviation sector or generating large amounts of traffic on the SRN), the number of locations where such shortfalls in provision and uncertainty exist will increase. This places significantly greater pressure on central funding for schemes that may not have required inclusion in RIS4 or RIS5.</p>	<p>The TRIMMA will deliver mitigation before the impact of the Proposed Development is realised. The TRIMMA does not introduce any risk that mitigation will not be delivered and is committed to delivering the mitigation secured in Schedule 1 of the DCO.</p>
19	National Highways	[REP9-073] section 2.1	<p>DfT Circular 01/2022 (Strategic Road Network and the Delivery of Sustainable Development) paragraph 29 states that: <i>"New connections and capacity enhancements to the SRN which are necessary to deliver strategic growth should be identified as part of the plan-making process, as this provides the best opportunity to consider the cumulative impacts of development (including planned growth in adjoining authorities) and to identify appropriate mechanisms for the delivery of strategic highway infrastructure. However, there cannot be any presumption that such infrastructure will be funded through a future RIS. The company will therefore work with local authorities in their strategic policy-making functions in identifying realistic alternative funding mechanisms, to include other public funding programmes and developer contribution strategies to be secured by a policy in a local plan or spatial development strategy"</i>.</p> <p>The OTRIMMA as drafted does not comply with paragraph 29 of the Circular. The OTRIMMA was not provided to National Highways during the formative pre-application stage of the project such that it would have been possible to inform and work with the Applicant on our requirements. All of these discussions have been managed through the examination process, which has created a short window in which to seek to agree appropriate mechanisms for the delivery of mitigation solutions.</p>	<p>It is the Applicant's position that nothing within the OTRIMMA [TR020001/APP/8.97] is contrary to DfT Circular 01/2022. The mitigation proposal for Junction 10 have been extensively assessed in the Transport Assessment [APP-203, AS-123, APP-205, APP-206] and subsequently in the Accounting for Covid-19 in Transport Modelling – Environmental Appraisal [REP7-079] and National Highways has agreed that the mitigation design is acceptable. The OTRIMMA process allows for the timely delivery of off-site highway works before the impacts on the network are realised.</p> <p>In addition, in line with DfT Circular 01/2022 a new commitment has been added to the OTRIMMA [TR020001/APP/8.97] for a developer contribution to part fund a future National Highways intervention on the M1 J10 slips.</p> <p>The current version of the OTRIMMA [REP8-043] has evolved from the initial version contained in Appendix I of the Transport Assessment [APP-202]. The content of the Transport Assessment was subject to engagement with National Highways prior to its submission preceding the commencement of the Examination process, it is not the case that all discussions regarding the OTRIMMA have occurred during the Examination process. National Highways and the Applicant met during the pre-Examination process to discuss the OTRIMMA approach to delivering off-site mitigation.</p>
20	National Highways	[REP9-073] section 2.1	<p>The OTRIMMA is a novel, complex and not fully worked up approach. If the OTRIMMA approach is replicated across future developments, this poses a serious risk to National Highways and other custodians of public infrastructure networks impacted by major development. It also potentially affects the policy of the Secretary of State as set out in Circular 01/2022.</p>	<p>The Applicant considers that the OTRIMMA is the appropriate mechanism to support the delivery of highway mitigation over a long period of time such as the timescales for the Proposed Development. The link between the outline TRIMMA (OTRIMMA) and the final TRIMMA is described in section 1.2 of the OTRIMMA [REP8-043].</p> <p>The Applicant disagrees that the TRIMMA will not comply with paragraph 29 of the Circular, as suggested in the preceding submission. If such an</p>

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21	National Highways	[REP9-073] section 2.3.1	<p>It is noted that ML3 includes that specific junction monitoring such as 'investigating queue lengths and delays' would be undertaken by the Applicant. National Highways is concerned that this will only be investigated and not committed as part of the monitoring regime.</p> <p>At present the OTRIMMA only sets out that junction specific type of monitoring will take place at ML3. National Highways' view is that more detail concerning the junction performance, for example queue lengths, delays and journey times is required at all monitoring levels, given the complexity of movements and potential patterns of congestion at the junction. Traffic volumes alone will be insufficient to confirm whether the capacity has been exceeded and whether the junction performance has deteriorated. National Highways' view is that further details concerning the metrics that will be used to monitor the airport impacts at ML0, ML2 and ML3 are required to give National Highways appropriate assurance of the data that will be collected and baseline junction performance to compare any future monitoring against. These requirements should be stated now in the OTRIMMA.</p>	<p>approach is deemed inappropriate by the DfT, the DfT would be responsible for clarifying this in future publications.</p> <p>Regarding the first part of this submission, the paragraph (3.3.15 (a)) which contains reference to this investigation states "The scope of any further junction-specific monitoring/assessment (such as to investigate queue lengths and delay) to be undertaken by the Applicant shall be approved by the relevant highway authority." This text means that the highway authority could require such monitoring to be 'committed' instead of 'investigated' if desired.</p> <p>Regarding the second part of this submission: to monitor and mitigate the impacts of the Proposed Development, 'further junction-specific monitoring/assessment (over and above the monitoring undertaken in ML2) will not be required until ML3; this will be pursuant to section 3.3.15 (a) of the OTRIMMA [REP8-043].</p>
22	National Highways	[REP9-073] section 2.3.6	<p>The ATF steering group process has now been included within the OTRIMMA. Membership of the ATF steering group will include the airport operator, National Highways, Buckinghamshire Council, Central Bedfordshire Council, Hertfordshire County Council and Luton Borough Council. All members of the steering group will have the ability to vote on decisions and each member will have a single vote. Any decision of the steering group must be passed by a majority of the votes and where there are equal votes, the chair (the airport operator) will have an additional casting vote.</p> <p>National Highways is concerned about the process outlined above for the following reasons.</p> <p>Firstly, it is still not clear when the requirement for MT2 mitigation (which relates to works other than those identified in Schedule 1 of the Order) is triggered. This information is essential and should not be postponed to the final TRIMMA which will be agreed after close of the Examination and is at present proposed to be subject to dispute resolution provisions which are not agreed (see above).</p> <p>Secondly, if the thresholds for MT2 mitigation are agreed by National Highways (when the Applicant provides details of them), the OTRIMMA states that if such thresholds are met and any intervention is proposed by steering group members, those interventions must be evidenced by an incidence of an identified</p>	<p>In response to the first concern, there will be no 'trigger' for MT2. ATF Steering Group members will be able to evidence impacts and propose solutions to mitigate these impacts, and the ATF Steering Group will decide whether a solution is to be funded. This is described in section 4 and Appendix A of the OTRIMMA [REP8-043].</p> <p>In response to the second concern, the Applicant does not view the relevant local highway authorities as a 'collective' in that they would have a collective interest preserving funding for local roads and other identified impacts such that tactical voting would occur as suggested. The ATF Steering Group membership has been formed so that each relevant highway authority is given an equal say in the use of the STF [TR020001/APP/8.119].</p>

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			<p>impact that is greater than the incidence around the time of the issuance of notice in accordance with article 44(1) of the DCO. ATF steering group members will then vote to decide on matters including “the validity of evidence of an identified impact and the associated intervention proposals”. National Highways considers that this is not appropriate as an approach to resolving complex and potentially very major mitigation requirements. We note that the ATF steering group is comprised of four other host authorities (including highway authorities) who all have competing demands for funding with respect to local services. The validity of evidence demonstrating need for MT2 mitigation at junction 10 could be out-voted by the other ATF steering group members, whose interest would be in preserving funding for local roads and other identified impacts.</p>	
Other				
23	Central Bedfordshire Council	[REP9-062] page. 4-5	<p>The updated submission related to the Road Safety Audits undertaken at two locations within the Central Bedfordshire Highway network seeks to address the outstanding matters related to:</p> <ul style="list-style-type: none"> • The A1081 / London Road (South) Roundabout • The A1081 / Gipsy Lane works <p>With regards to the A1081 / London Road (South) Roundabout it is noted that the applicant has now proposed to include high mast signals for the offside signal head as part of the detailed design stage. CBC would be content with this additional proposal.</p> <p>Whilst not raised within the Safety Audit, CBC have previously commented that an engineer's service bay will be required to facilitate maintenance and servicing of the signal equipment and that this had not been identified on the submitted plans. CBC were of the view that the bay should be shown on plan to demonstrate that a suitable location could be identified, but this has not been provided. CBC do however welcome the revised description of the works within the DCO which include reference to a maintenance bay and the removal of the 'no kerblines alterations' wording, which could have precluded such a bay being provided for.</p> <p>As such CBC are content that the Safety Audit Problems related to the A1081 / London Road (South) junction can be addressed at the detailed design stage.</p> <p>With regards to the A1081 / Gipsy Lane works CBC have maintained consistent concerns that the scheme proposed may not be fully deliverable (when taking into account the problems identified within the Safety Audit) within the DCO order limits.</p>	<p>The Applicant notes that CBC are content that the remaining RSA issues related to the A1081 / London Road (South) junction can be addressed at the detailed design stage. It is assumed that CBC will now sign off the Designer's Response to the Stage 1 RSA.</p> <p>The Applicant is continuing discussions with CBC regarding the comments on the A1081/Gipsy Lane junction.</p>

REFERENCES

Ref 1 The Royal Society, Net zero aviation fuels – resource requirements and environmental impact policy briefing, February 2023

Ref 2 Department for Transport, SAF Mandate dataset, March 2023

Ref 3 Department for Transport, Application for the Proposed Manston Airport Development Consent Order, Decision, 18th August 2022

Ref 4 HM Treasury, the Green Book, 2022

Ref 5 Department for Transport, TAG Unit A5.2 Aviation Appraisal, November 2023

Ref 6 Department for Transport, Beyond the horizon: making best use of existing runways, June 2018

Ref 7 Department for Transport, Jet Zero Strategy, July 2022

Ref 8 Department for Levelling Up, Housing & Communities, TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 APPLICATION MADE BY LONDON LUTON AIRPORT OPERATIONS LTD (LLAOL) LONDON LUTON AIRPORT, AIRPORT WAY, LUTON, LU2 9LY APPLICATION REF: 21/00031/VARCON Decision Letter, October 2023