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London Luton Airport Expansion

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8.11 Statement of Common Ground between London Luton Airport Limited and National Highways (Tracked Change Version)

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.11

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.11 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
NATIONAL HIGHWAYS (TRACKED CHANGE VERSION)**

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) London Luton Airport Limited (trading as Luton Rising) and (2) National Highways.

Signed on Behalf of LONDON LUTON AIRPORT LIMITED (TRADING AS LUTON RISING)

Signature:

Name:

Position:

Date:

Signed on Behalf of NATIONAL HIGHWAYS

Signature:

Name:

Position:

Date:

Contents

1	Introduction and purpose	1
1.1	Purpose of Statement of Common Ground	1
1.2	Parties to this SoCG	2
1.3	Proposed Development description	2
2	Engagement with National Highways	4
2.1	Summary of engagement	4
3	Matters agreed, ongoing, or not agreed	8
3.1	Modelling	8
3.2	M1 Junction 10	15
3.3	Construction impact	38
3.4	Commercial	42
3.5	Noise and vibration	45
3.6	Air Quality	46
3.7	Traffic and transport	47
3.8	Construction compound	51
3.9	Climate change	54
3.10	Cultural heritage	54
3.11	Greenhouse gases	55
3.12	Landscape and visual impact	55
3.13	Water resources and flood risk	56
3.14	Health and Community	56
3.15	In-combination and cumulative effects	58
3.16	Future engagement	58
3.17	Aviation	59

Tables

Table 2-1: Engagement between the Applicant and National Highways

Table 3-1: Summary of matters

1 INTRODUCTION AND PURPOSE

1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) relates to an application made by London Luton Airport Limited, trading as Luton Rising (“the Applicant”), to the Secretary of State for Transport under section 37 of the Planning Act 2008 (“the Act”).
- 1.1.2 The application is for an order granting development consent, known as a Development Consent Order (DCO). The draft DCO is referred to as the London Luton Airport (Expansion) Development Consent Order. The DCO, if granted, would authorise an increase of the permitted capacity of London Luton Airport (“the airport”) to 32 million passengers per annum (mppa) (“the Proposed Development”).
- 1.1.3 This SoCG has been prepared by the Applicant and National Highways in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. Modelling;
 - b. M1 Junction 10;
 - c. Construction impacts; and
 - d. Environmental Impact Assessment (**ESEIA**);
- 1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “Planning Act 2008: examination of applications for development consent” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- “A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.1.5 SoCGs are therefore, a useful and established means of ensuring that the evidence at the DCO examination phase, focuses on the material differences between the main parties, and so aim to help facilitate a more efficient process.
- 1.1.6 It ~~is was~~ noted that the Examining Authority (ExA) ~~has~~ requested further modelling as part of Rule 9. -This considers the Department for Transport’s guidance on the treatment of Covid-19 within the DCO process, which was published after the modelling for the application had been completed. -The Rule 9 work ~~is being~~**has been** undertaken to enable the ExA to consider whether the package of mitigation measures set out in the application documents continue to mitigate the impacts of the Proposed Development, **and the final report was submitted at Deadline 8 [REP8-039]**.

- 1.1.7 As such, the submitted documents and associated mitigation strategy remain the main application documents for consideration within this SoCG.
- 1.1.8 The Applicant noted~~s~~ that National Highways retain~~ed~~s the right to provide further updates to this SoCG once the Rule 9 modelling ~~is was made~~ available. There has been productive and ongoing engagement with National Highways on the Rule 9 modelling throughout the ~~rest of the Examinationsummer and autumn and this is expected to continue over the forthcoming period.~~

1.2 Parties to this SoCG

- 1.2.1 The Applicant is the owner of the airport and is a private limited company wholly owned by Luton Borough Council (LBC). The airport is managed and operated by London Luton Airport Operations Ltd through a Concession Agreement with the Applicant and LBC. This agreement lasts until 2032.
- 1.2.2 National Highways is the highway, traffic and street authority for England's motorways and certain major A-roads known collectively as the Strategic Road Network (SRN) and is a government-owned company which plans, designs, builds, operates and maintains the SRN. It is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations (2009) and has been consulted throughout the course of the development of the Proposed Development.
- 1.2.3 The Applicant and National Highways are collectively referred to in this SoCG as "the parties". The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

1.3 Proposed Development description

- 1.3.1 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the northeast of the runway. This will take the overall passenger capacity ~~from 19~~ to 32 mppa¹. In addition to the above and to support the initial increase in

¹ On 1 December 2021, the Local Planning Authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. However, the application was then called-in and referred to the Secretary of State for determination instead of being dealt with by the Local Planning Authority. An inquiry to consider the application took place between Tuesday 27 September 2022, and Friday 18 November 2022. At the time, the application for development consent was submitted, the outcome of the inquiry was still unknown and, therefore, all of the core assessment work undertaken for the application used a "baseline" of 18 mppa. However, the application has since been approved, with a joint decision to grant planning permission issued by the Secretary of State for Transport and Secretary of State for Levelling Up, Housing and Communities on 13 October 2023. In anticipation of this, the Applicant's environmental assessments were updated to include sensitivity analysis of the implications of the permitted cap increasing to 19 mppa. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the "core" assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline. The findings of the assessment, including the sensitivity analysis, are presented in the Environmental Statement submitted with the application for development consent.

demand, the existing infrastructure and supporting facilities will be improved in line with the incremental growth in capacity of the airport.

1.3.2 Key elements of the Proposed Development include:

- (a) extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;
- (b) new passenger terminal building and boarding piers (Terminal 2);
- (c) earthworks to create an extension to the current airfield platform. The vast majority of materials for these earthworks would be generated on site;
- (d) airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- (e) landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
- (f) enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
- (g) extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
- (h) landscape and ecological improvements, including the replacement of existing open space; and
- (i) further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040², with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

1.3.3 As the Proposed Development will increase the demand for surface access trips, mitigation is proposed at several off-site locations to provide additional capacity. This includes M1 Junction 10 on the SRN, which is of interest to National Highways.

² This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

2 ENGAGEMENT WITH NATIONAL HIGHWAYS

2.1 Summary of engagement

- 2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it has informed the application for development consent, is set out in full in the **Consultation Report [AS-048]**. As a statutory consultee, National Highways was consulted on the Proposed Development in accordance with section 42 of the Act and submitted a formal response to the consultation carried out by the Applicant.
- 2.1.2 The parties continue to be in direct communication in respect of the Proposed Development.
- 2.1.3 This SoCG between the parties is based on an extensive programme of consultation and ongoing engagement, which is summarised in Table 2-1 below. This sets out the meetings and substantive correspondence that took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and National Highways

Date	Form of correspondence	Details
18 May 2018	Meeting	Kick-off meeting – Transport Assessment (TA) scope
2 November 2018	Meeting	Update on the Proposed Development and approach to the TA
7 December 2018	Meeting	Surface access approach
1 February 2019	Meeting	Provide overview of progress of Surface Access Study
<u>15 March 2019</u>	<u>Meeting</u>	<u>Surface access progress update</u>
22 March 2019	Meeting	Update on modelling
25 June 2019	Meeting	Surface access update to National Highways
8 November 2019	Meeting	Strategic transport/traffic modelling and transport strategy
16 December 2019	Email/letter	Response submitted to the 2019 statutory consultation
17 January 2020	Meeting	Surface access update to National Highways
1 October 2020	Meeting – MS Teams	Update on the Proposed Development
10 November 2020	Meeting – MS Teams	Travel Plan Workshop 1
9 June 2021	Meeting – MS Teams	Update on the revised key forecasting assumptions and programme in general

Date	Form of correspondence	Details
13 August 2021	Meeting – MS Teams	Discussion regarding the results of the 21.5 mppa for 2027 design year scenario
13 October 2021	Meeting – MS Teams	Travel Plan Workshop 2 Engagement to collect ideas and views for promoting sustainable travel at the airport
15 October 2021	Meeting – MS Teams	Discussion regarding results of the 32 mppa for 2043 design year scenario
19 November 2021	Meeting – MS Teams	Discussion regarding statutory consultation, submission of the application for development consent, Surface Access Strategy Report, and Strategic Modelling Forecasting Report
17 December 2021	Meeting – MS Teams	Travel Plan Workshop 3 Surface Access Travel Plan Workshop
17 March 2022	Meeting – MS Teams	Consultation feedback discussion
4 April 2022	Email/letter	Response submitted to the 2022 statutory consultation
26 April 2022	Meeting – MS Teams	Discussion about outstanding modelling comments
10 May 2022	Meeting – MS Teams	Consultation feedback discussion and ongoing liaison
25 May 2022	Meeting – MS Teams	Sensitivity testing
12 July 2022	Meeting – MS Teams	Travel Plan Workshop 4 Governance
25 July 2022	Meeting – MS Teams	Update on sensitivity testing
25 January 2023	Meeting – MS Teams	M1 Junction 10 proposals
4 April 2023	Meeting – MS Teams	M1 Junction 10 – assessment Phase 2b LinSig
12 May 2023	Meeting – MS Teams	Discussion on next steps for finalising the SoCG
18 May 2023	Meeting – MS Teams	Discussion on contents of SoCG
9 June 2023	Meeting – MS Teams	Discussion on matters listed in SoCG
26 July 2023	Meeting – MS Teams	SoCG Modelling and design issues update meeting

Date	Form of correspondence	Details
23 August 2023	Meeting – MS Teams	M1 Junction 10 proposals
06 September 2023	Meeting – MS Teams	Update meeting
13 September 2023	Meeting – MS Teams	Update meeting to discuss modelling and matters in the SoCG.
15 September 2023	Email	Comments on draft protective provisions provided to National Highways.
20 September 2023	Meeting – MS Teams	National Highways update on National Highways M1 J10 study
21 September 2023	Meeting – MS Teams	Meeting to discuss protective provisions and related commercial issues.
11 October 2023	Meeting – MS Teams	Meeting to discuss updates to SoCG.
11 October 2023	Meeting – MS Teams	Meeting to discuss progress of matters with NH National Highways .
20 October 2023	Meeting – MS Teams	Meeting to discuss SoCG and protective provisions.
8 November 2023	Meeting – MS Teams	Meeting to discuss the eustanding outstanding matters in the SoCG.
14 November 2023	Meeting – MS Team	Meeting to discuss the SoCG and D6 updates
29 November 2023	Meeting – MS Teams	Meeting to discuss progress on the outstanding matters in the SoCG.
6 December 2023	Meeting – MS Teams	Update on Rule 9 modelling.
18 December 2023	Meeting – MS Teams	Meeting to discuss Protective Provisions.
19 December 2023	Meeting – MS Team	Meeting to discuss progress of matters with National Highways NH.
8 January 2024	Meeting – MS Team	Meeting to discuss modelling matters with NH National Highways.
15 January 2024	Meeting – MS Team	Meeting to discuss remaining ongoing matters with NH National Highways.
1 February 2024	Meeting – MS Team	Meeting to discuss Protective Provisions.
6 February 2024	Meeting – MS Team	Follow up meeting to discuss Protective Provisions

Date	Form of correspondence	Details
<u>7 February 2024</u>	<u>Meeting – MS Team</u>	<u>Meeting to discuss remaining SoCG matters with National Highways</u>

3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1 Modelling				
3.1.1	Passenger demand forecasts	National Highways deem the passenger demand forecasts as set out in the Need Case [AS-125] and the Transport Assessment [APP-203, AS-123, APP-205, APP-206] to be reasonable.	This has been discussed as part of on-going engagement and is agreed by the Applicant. Any updates to the modelling as part of the Rule 9 Covid-19 assessment will be reflected in the SoCG when the work is complete. <u>The Covid-modelling is now complete and the final report has been issued in the Applicant's Response to Comments from Highway Authorities on the Accounting for Covid-19 in Transport Modelling Final Report [REP8-039] and the SoCG has been updated to reflect this.</u>	Agreed
3.1.2	Use of the CMBTM-LTN SATURN model to assess strategic impacts and VISSIM micro-simulation to assess operational impacts.	Overarching modelling approach is agreed.	This has been discussed as part of on-going engagement and is agreed by the Applicant.	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
	CMBTM-LTN SATURN model was also the basis of information for the Environmental Statement (ES) .			
3.1.3	Peak hours on the highway network for assessment are between 08:00 – 09:00 for the AM peak and 17:00 – 18:00 for the PM Peak	Modelling time periods are agreed.	This has been discussed as part of on-going engagement and is agreed by the Applicant.	Agreed
3.1.4	<p>Base model validation – both the CMBTM-LTN SATURN model and the VISSIM micro-simulation have been validated in accordance with TAG guidance.</p> <p>Base models continue to represent pre-Covid-19 baselines and are considered to be robust.</p>	<p>Base model validation is accepted. Use of pre-Covid-19 baseline is accepted.</p> <p>Following the ExA's request in the Rule 9 letters of 16 May and 13 June 2023, part of the response work will be undertaken to understand the how traffic flows have changed over time from available data sources.</p>	This has been discussed as part of on-going engagement and is agreed by the Applicant.	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1.5	<p>Modelling forecast years have been set to be consistent with the passenger forecasts at three future time periods and form the assessment Phases as follows:</p> <ul style="list-style-type: none"> • Assessment Phase 1: 2027 equivalent to 21.5 mppa • Assessment Phase 2a: 2039 equivalent to 27 mppa • Assessment Phase 2a: 2043 equivalent to 32 mppa 	<p>Modelling assessment years are agreed.</p>	<p>This has been discussed as part of on-going engagement and is agreed by the Applicant.</p>	<p>Agreed</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1.6	<p>Forecast year do-minimum networks and forecast demands - as set out in the Transport Assessment [APP-203, AS-123, APP-205, to APP-206 and AS-123] - have been derived and include committed developments, committed transport schemes and background growth.</p> <p>Green Horizons Park (formerly New Century Park) is not included in the do-minimum modelling and only in the do-something'. This is because the Proposed Development now incorporates Century Park Access Road (now known as Airport Access Road) to provide access to the proposed Terminal 2. As such, the assessment of impacts of the Proposed Development is robust given that Green Horizons Park could add significant trips in the do-minimum scenario. Airport forecast demand is in line with the current consent of 18 mppa. Do-minimum mode</p>	Approach accepted subject to matter 3.1.8.	Refer to matter 3.1.8.	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
	share assumptions for passengers of 40% and for employees of 27% is consistent with the current consent.			

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1.7	<p>Forecast year do-something networks and forecast demands have been derived and include committed developments, committed transport schemes, background growth and Proposed Development mitigations.</p> <p>Green Horizons Park (formerly New Century Park) is included in the do-something modelling and therefore total impact of the Proposed Development reported in the ‘do-something’ scenarios is robust given these trips would have occurred in the do-minimum scenario.</p> <p>Airport forecast demand is based on passenger forecasts and employee growth provided by York Aviation. Do-something mode share assumptions of up to 45% for passengers and of up to 40% for employees.</p>	Approach agreed, subject to matter 3.1. 8.	Refer to matter 3.1.8.	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1.8	<p>The future year 2043 baseline has included a capacity upgrade on the M1 between Junction 9 and Junction 10.</p> <p>This has been included as transport modelling showed that in the do-minimum scenario there would likely be the need for National Highways to address this constraint. This does not imply that there is an approved scheme for widening of the M1, or that hard shoulder running, or any other capacity improvement is programmed to be delivered.</p>	<p>The approach to <u>All Lane Running (ALR)</u> was discussed with National Highways and included within the 2043 modelling at the time of Statutory Consultation. Since that time, the Government has paused any further implementation of Smart Motorway Schemes and given that there is no committed improvement scheme for the M1 in this location, ALR should not be included within the Core Assessment.</p>	<p>A sensitivity test was included within the submitted documents which considered the impacts of the Proposed Development in the absence of any capacity upgrade on the M1. The Rule 9 modelling will<u>does</u> not include any capacity upgrade on the M1 between Junction 9 and Junction 10.-</p>	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
3.1.9	<p>Assessment of the Proposed Development has identified no need for any mitigation to Junction 9 or Junction 11 of the M1 motorway.</p> <p>The assessment has shown that mitigation measures are needed at M1 Junction 10, and these have been developed in accordance with the designs within the published Transport Assessment [APP-203, AS-123, APP-205, APP-206APP-200 to APP-202].</p> <p>Transport modelling has shown that the proposed mitigation strategy mitigates the impact of the Proposed Development on the Strategic Road Network (SRN) to an acceptable level.</p>	<p>Impacts of the Proposed Development are agreed for J9 and J11.</p>	<p>The Applicant has provided further information to confirm that the impacts of the Proposed Development in assessment Phase 2b, would not have a significant impact on the SRN at either Junction 9 or Junction 11. This has included consideration of the impacts for the no M1 capacity upgrade scenario.</p>	<p>Agreed</p>
3.2	M1 Junction 10			
3.2.1	<p>M1 Junction 10 Design – <u>DCO Works</u></p>	<p>The design of the mitigation at M1 Junction 10 to enable the SRN to operate safely and effectively is acceptable, as far as it goes. However, some</p>	<p><u>The design of the mitigation at M1 Junction 10 has been reviewed alongside National Highways, including the completion of a Stage 1 Road</u></p>	<p>Ongoing<u>Agreed with regards to Junction 10 Design but not the impact on</u></p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p>additional works are believed by National Highways to be required to enable safe operation. These include, gantries, smart technology and a maintenance bay. bay. <u>However, National Highways position is that not all of the impact on the SRN has been mitigated (refer to ID 3.2.2)</u> National Highways have identified further remedial measures as we remain concerned about the operation of the south facing slip roads and their interaction with the mainline carriageway. We remain in discussion with the Applicant on addressing this residual impact.</p> <p><u>National Highways have identified further remedial measures as we remain concerned about the operation of the south facing slip roads and their interaction with the mainline carriageway. The identified concerns arise in the future baseline and no development should be</u></p>	<p><u>Safety Audit (RSA) and design matters are now agreed. The Applicant acknowledges the need to amend or provide appropriate signage and a maintenance bay and is content that this can will be accommodated within the Order limits as part of the detailed design of the works.</u> Matters around smart motorway technology are addressed in 3.5.8. The transport modelling included within the application for development consent clearly sets out how the Applicant has addressed the impacts of the Proposed Development on the highway network including the SRN.</p> <p><u>The Applicant's view is that when considering the works to Junction 10 as a whole, the impacts of the Proposed Development on the SRN have been mitigated.</u></p> <p><u>The Applicant notes the concerns that have been set</u></p>	<p><u>the SRN as per commentary.</u> Position not confirmed by National Highways</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p>permitted unless and until an agreed scheme is developed. National Highways would require a Grampian condition to address their concerns.</p>	<p>out by National Highways regarding the south facing slips however, given that these are related to a baseline constraint on the network, the matter should be for National Highways to resolve through its on-going requirements to manage the network and as part of its Road Investment Strategy programme.</p> <p>The Applicant aAcknowledges the need to amend or provide appropriate signage and a maintenance bay and is content that this can be accommodated within the DCO Order limits as part of the detailed design of the works.</p> <p>The Applicant notes National Highways' concerns on the south facing slips and is continuing to work with National Highways to resolve this outstanding matter.</p> <p>The applicant continues to discuss this with National Highways as part of the Rule 9</p>	

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			work.	
3.2.2	<u>M1 Junction 10 – South facing slips</u>	<p><u>National Highways have identified further remedial measures as we remain concerned about the operation of the south facing slip roads and their interaction with the mainline carriageway based on the VISSIM modelling results (REP9-072). The identified concerns arise in the future baseline but there are outstanding concerns about the robustness of the modelling and National Highways believe there is a risk that safety performance will worsen with future airport growth.</u></p> <p><u>and Notwithstanding this, National Highways’ position is that no development should be permitted unless and until an agreed mitigation scheme is developed. -National Highways would therefore requires a Grampian requirement condition to address their concerns. National Highways position is that the Applicant should fully</u></p>	<p><u>The transport modelling included within the application for development consent clearly sets out how the Applicant has addressed the impacts of the Proposed Development on the highway network including the SRN. The Rule 9 modelling has considered specifically the impacts on the south facing slips.</u></p> <p><u>The Applicant therefore disagrees that a Grampian condition is required.</u></p> <p><u>The Applicant notes that the concerns that have been set out by National Highways regarding the south facing slips relate to forecast demand even in the absence of the Proposed Development. Whilst the Applicant acknowledges that the Proposed Development would form part of any future forecast demand, the issues identified by National Highways</u></p>	<p><u>Not agreed</u> <u>Position not confirmed by National Highways</u></p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>mitigate the impacts of their development.</u> <u>The DfT Circular 01/2022, Strategic Road Network and the delivery of sustainable development, Para 51, states that</u> <u>“Where a transport assessment indicates that a development would have an unacceptable safety impact or the residual cumulative impacts on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary.”</u></p> <p><u>Further, paragraph 111 of the National Planning Policy Framework (NPPF) (dated 20 January 2021) states that: ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on</u></p>	<p><u>can only be addressed holistically and the Applicant believes that however, given that these are related to a baseline constraint on the network, the matter should be for National Highways to resolve through its on-going requirements to manage the network and as part of its Road Investment Strategy programme.</u> <u>However, section 4.2.3 of the OTRIMMA [TR020001/APP/8.97] sets out a commitment from the Applicant to make a financial contribution to assist National Highways in the event that National Highways considers that the operation of the M1 J10 southbound on-slip or M1 mainline between J9 and J10 requires works to alleviate congestion, and in the event that National Highways develop and implement proposals for such works.</u></p> <p><u>The Applicant has This offer is yet to be accepted by National</u></p>	

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>the road network would be severe.'</u></p> <p><u>Therefore, the risk of residual congestion and associated safety concerns highlighted by the modelling is material in this instance. It is not appropriate to limit consideration of impacts and their mitigation to those of the proposed development alone or suggest that holistic mitigation should be undertaken by National Highways as there is at present no funding or agreed scheme in this location.</u></p> <p><u>National Highways has received an offer of a funding contribution towards a future scheme in this location, Whilst it is open to further discussions on the principle of the proposal and the potential quantum of funding, National Highways is not in a position to agree and withdraw its request requirement for a Grampian requirement condition, due to</u></p>	<p><u>Highways but is secured by the DCO and further removes the need for a Grampian condition. continued to have ongoing engagement with National Highways on how such an approach could be taken forward with support from the Applicant such that a Grampian condition is not required.</u></p> <p><u>The Applicant has demonstrated that the Proposed Development has mitigated its impacts on the SRN and as such, no further mitigation is necessary, and no Grampian conditions should therefore be applied to the Proposed Development.</u></p> <p><u>The Applicant acknowledges the need to amend or provide appropriate signage and a maintenance bay and is content that this can be accommodated within the Order limits as part of the detailed design of the works.</u></p>	

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>the risk that the funding gap will not be filled and a scheme not secured by RIS4 at the latest, which would be a decision for the Secretary of State.</u></p>		
<p>3.2.23.2.3</p>	<p>All Lane Running <u>ALR</u> – M1 South of Junction 10</p>	<p>National Highways and the Applicant have discussed the assumption that an improved capacity scheme (such as ALR) will have been implemented in advance of the final phase of the Proposed Development opening. Consultation feedback has suggested that National Highways considers this is an unlikely scenario and is not compliant with TAG guidance. National Highways request that the implications of a scenario of the <u>A</u>airport operating with 32 mppa without improved capacity south of M1 Junction 10 (between Junction 9 and Junction 10) are investigated and agreed.</p>	<p>Sensitivity modelling was undertaken and was reported in the published Transport Assessment [APP200-206 <u>APP-200, APP-201, APP-202, APP-203, AS-123, APP-205, APP-206</u>] which considered the operation of the network in the absence of any upgrade to the mainline capacity. As part of the on-going engagement, further work has been undertaken and shared with National Highways. The Rule 9 modelling <u>does</u> will not include any capacity upgrade on the M1 between Junction 9 and Junction 10 and the Applicant will continue to work with National Highways to agree the outcomes.</p>	<p>Agreed</p>
<p>3.2.33.2.4</p>	<p>Wider impacts on the SRN</p>	<p>Impact<u>s</u> of the Proposed Development are agreed for J9</p>	<p>Further information with regard to the impacts of the Proposed</p>	<p>Agreed</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		and J11.	Development on M1 between Junction 9 and Junction 11 have been shared with National Highways. This has included consideration of the impacts for the no M1 capacity upgrade scenario. <u>It is agreed that the Proposed Development does not have a wider impact on the SRN.</u>	
<u>3.2.43.2.5</u>	Impact of the M1 Junction 10 mitigation works	National Highways has no further comments - position agreed.	Section 13 of the Transport Assessment [APP-203, APP-205, to APP-206 and AS-123] considers the transport impacts of the construction works associated with the Proposed Development and shows that the impacts are not expected to be substantial. The movement of construction vehicles will be discouraged during the normal peak traffic periods and the Outline Construction Traffic Management Plan (OCTMP) (Appendix 18.3 [TR020001/APP/5.02] of the Environmental Statement (ES) [REP6-009APP-130]) sets out further measures to reduce the impacts of construction traffic.	Agreed

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			<p>Details of the construction phasing of any works associated with the SRN will be discussed with National Highways as part of the detailed design.</p> <p>Each aspect (or technical assessment) of the Environmental Statement <u>ES</u> (see Chapter 6 to 20) describes appropriate Study Areas within which, potentially significant effects or sensitive receptors are identified. These are then included in the assessment as agreed, through EIA Scoping and ongoing engagement with technical consultees as reported in each chapter. Each chapter reports the assessed effects and appropriate mitigation measures, and where relevant, includes those receptors near Junction 10 and the M1, including:</p> <ul style="list-style-type: none"> • Agricultural Land [APP-033]; • Air Quality [AS-07683]; 	

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			<ul style="list-style-type: none"> • Biodiversity [AS-027]; • Cultural Heritage [AS-077]; • Health and Community [AS-078]; • Landscape and Visual [AS-079]; • Noise <u>and Vibration</u> [REP9-011TR020001/APP/5.01REP1-003] • Traffic and Transportation [REP8-009AS-030]; • Water and Flood Risk (including climate change allowance) [REP4-009AS-031]; and • Cumulative effects [AS-032]. <p>The Applicant considers that the <u>Environmental Statement</u> provides <u>more than</u> adequate information for National Highways to understand the effects on the environment from the Proposed Development and allows them to make their own judgment on how that may affect their performance.</p>	

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			Further engagement as the design and measures develop will be conducted as the project progresses.	
3.2.5 <u>3.2.6</u>	Junction 10 enhancements – lane widths	It is important that lane widths within the curved section of the circulatory are able to accommodate HGV swept paths without cross-lane encroachment.	<p>Tests have been undertaken to ensure that the proposed circulatory lane widths are able to accommodate side-by-side HGV movements and further information can be provided to National Highways to confirm this.</p> <p>This matter will be <u>has been</u> considered as part of the _-Road Safety Audit (RSA)_ process <u>and is agreed with National Highways.</u></p>	Ongoing <u>Agreed</u>
3.2.6 <u>3.2.7</u>	Junction 10 enhancements – Design Manual for Roads and Bridges (DMRB) standards	The circulatory at Junction 10 is part of the National Highways network, with the SRN boundary situated on the A1081 approximately 420m east of the eastern edge of the J10 circulatory carriageway. DMRB standards will need to apply to these sections of road and confirmation is required that no departures are	<p>Further engagement with National Highways has been undertaken regarding the design proposals for Junction 10.</p> <p>The design has been developed in accordance with DMRB and no departures have been identified at this stage. However, on-going</p>	Agreed

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		<p>expected to be required (or agree any that are), before National Highways can agree to the outline design.</p>	<p>engagement would form part of the detailed design at the appropriate stage.</p>	
<p><u>3.2.73.2.8</u></p>	<p>Junction 10 enhancements – northbound exit slip</p>	<p>Providing improved stacking capacity on the M1 Junction 10 northbound exit slip is welcomed. National Highways would like to discuss the land-take implications and road markings.</p> <p>Whilst the works to M1 Junction 10 are agreed National Highways has identified the need for some additional works to the northbound <u>mainline and</u> off-slip (provided in a Technical Note to PINS at Deadline 3) <u>and remain in discussion with the Applicant on addressing this residual impact. based on the VISSIM modelling results (REP9-072). The identified concerns arise in the future baseline but there are outstanding concerns about the robustness of the modelling and National Highways believe there is a risk that safety</u></p>	<p>The mitigation drawings which were discussed during several engagement meetings with National Highways give an indication of land take and road markings.</p> <p>The Applicant notes National Highways' concerns where the northbound off-slip interfaces with the mainline and is continuing to work with National Highways to resolve this outstanding matter <u>but maintains that the Covid-modelling as reported in the Applicant's Response to Comments form Highway Authorities on the Accounting for Covid-19 in Transport Modelling Final Report [REP8-039] shows that the Proposed Development does not have an impact on the off-slip that requires mitigation by the Applicant. -</u></p>	<p><u>Not agreed</u> <u>Ongoing</u> <u>Agreed</u></p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>performance will worsen with future airport growth. Notwithstanding this, National Highways’ position is that no development should be permitted unless and until an agreed mitigation scheme is developed. National Highways therefore requires a Grampian condition to address their concerns. National Highways position is that the Applicant should fully mitigate the impacts of their development. The DfT Circular 01/2022, Strategic Road Network and the delivery of sustainable development, Para 51, states that</u> <u>“Where a transport assessment indicates that a development would have an unacceptable safety impact or the residual cumulative impacts on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary.”</u></p>	<p><u>However, section 4.2.3 of the OTRIMMA [TR020001/APP/8.97] sets out a commitment from the Applicant to make a financial contribution to assist National Highways in the event that National Highways considers that the operation of the M1 J10 southbound on-slip or M1 mainline between J9 and J10 requires works to alleviate congestion, and in the event that National Highways develop and implement proposals for such works.</u></p> <p><u>The Applicant has demonstrated that the Proposed Development has mitigated its impacts on the SRN and as such, no further mitigation is necessary, and no Grampian conditions should therefore be applied to the Proposed Development.</u></p>	

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>Further, paragraph 111 of the National Planning Policy Framework (NPPF) (dated 20 January 2021) states that: ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’</u></p> <p><u>Therefore, the risk of residual congestion and associated safety concerns highlighted by the modelling is material in this instance. It is not appropriate to limit consideration of impacts and their mitigation to those of the proposed development alone or suggest that holistic mitigation should be undertaken by National Highways as there is at present no funding or agreed scheme in this location.</u></p> <p><u>National Highways has</u></p>		

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>received an offer of a funding contribution towards a future scheme in this location, Whilst it is open to further discussions on the principle of the proposal and the potential quantum of funding, National Highways is not in a position to agree and withdraw its requirement request for a Grampian condition requirement, due to the risk that the funding gap will not be filled and a scheme not secured by RIS4 at the latest, which would be a decision for the Secretary of State.</u></p> <p><u>The identified concerns arise in the future baseline and no development should be permitted unless and until an agreed scheme is developed. National Highways would require a Grampian condition to address their concerns. National Highways position is that the Applicant should fully mitigate the impacts of their development.</u></p> <p><u>The DfT Circular 01/2022,</u></p>		

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>Strategic Road Network and the delivery of sustainable development, Para 51, states that</u> <u>“Where a transport assessment indicates that a development would have an unacceptable safety impact or the residual cumulative impacts on the SRN would be severe, the developer must identify when, in relation to the occupation of the development, transport improvements become necessary.”</u></p> <p><u>Further, paragraph 111 of the National Planning Policy Framework (NPPF) (dated 20 January 2021) states that: ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’</u></p>		

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p>Therefore, the risk of residual congestion and associated safety concerns highlighted by the modelling is material in this instance. It is not appropriate to limit consideration of impacts and their mitigation to those of the proposed development alone or suggest that holistic mitigation should be undertaken by National Highways as there is at present no funding or agreed scheme in this location.</p>		
<p>3.2.8<u>3.2.9</u></p>	<p>Junction 10 enhancements – smart motorway technology</p>	<p>An overview of the design has been provided by the Applicant and at this stage the impact on the existing smart motorway technology is expected to be limited and it is agreed that this is a matter that can be addressed as part of the detailed design stage.</p>	<p>This is agreed by the Applicant.</p>	<p>Agreed</p>
<p>3.2.93<u>3.2.1</u></p>	<p>Junction 10 enhancements – northbound entry slip</p>	<p>It is agreed that engagement would continue as part of the detailed design stage.</p>	<p>Engagement with National Highways will continue as part of the detailed design stage.</p>	<p>Agreed</p>
<p>3.2.103<u>3.2.</u></p>	<p>Junction 10 enhancements – CCTV coverage of the new proposed merge</p>	<p>Further engagement has been undertaken by the Applicant to provide an understanding of the design and whilst this is a standing matter, it is agreed</p>	<p>This is agreed by the Applicant.</p>	<p>Agreed</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		that engagement would continue as part of the detailed design stage. The matter is closed at this stage.		
3.2.113.2.	Junction 10 enhancements – safety audits and assessments	A Stage 1 Road Safety Audit <u>RSA</u> should be undertaken as soon as possible.	The Stage 1 Road Safety Audit <u>RSA</u> has commenced in consultation with National Highways. Where appropriate and/or necessary, the Applicant will provide a response at Deadline 6. The applicant will carry out a RSA at deadline 6.	Ongoing <u>Agreed</u>
3.2.12	Junction 10 – southbound slip	Further engagement has been undertaken by the Applicant to provide an understanding of the design. Whilst the works to M1 Junction 10 are agreed National Highways has identified the need for some additional works to the southbound on-slip (provided in a Technical Note to PINS at Deadline 3) and remain in discussion with the Applicant on addressing this residual impact.	The Applicant notes that this matter is subject to ongoing engagement.	Ongoing

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3.2.13	Effective operation of circulatory carriageway at M1 Junction 10, with five lanes on the western side	National Highways would like a commitment from the Applicant to provide two gantries at Junction 10 to assist the management of lane utilisation.	<p>Noted. The Applicant will address signage and gantries as part of the detailed design, however, it is acknowledged that amendments will be required to the existing provision.</p> <p>Furthermore, National Highways will be able to raise potential improvements at the Airport Transport Forum, and if evidenced that the airport is the primary cause of the impact, mitigation could be discussed as part of the Mitigation Type 2 package.</p>	Ongoing
3.2.14 <u>3.2.</u>	Operational impacts at M1 Junctions 9, 11 and 11a are not fully understood	Impact of the Proposed Development are agreed for J9, J11 and J11a.	Information relating to wider SRN impacts has been provided to National Highways as part of the on-going engagement for both the core modelling and also for the M1 sensitivity test. The information showed that the development proposals would have minimal impact on the wider SRN.	Agreed

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<p>3.2.153.2.</p>	<p>Replacement maintenance bay at M1 Junction 10 not provided in the design</p>	<p>Maintenance parking bay should <u>has been</u> incorporated into the design and included in the DCO. This may require land-take outside the highway boundary. National Highways are not content with this being left until detailed design.</p>	<p>The design has been checked to ensure that a replacement maintenance bay could be accommodated on the eastern side of the gyratory, within the highway boundary and within the land requirements identified for the DCO. The maintenance parking bays will be shared with National Highways as part of the on-going engagement. <u>has now been incorporated in the Draft DCO [TR020001/APP/2.01].</u></p>	<p>Ongoing <u>Agreed</u></p>
<p>3.2.163.2.</p>	<p>Lack of detail available concerning the traffic monitoring regime for determining when interventions at M1 Junction 10 are required and monitoring approach outline.</p>	<p>Inadequate protection for National Highways in respect of how the timing/trigger points for the requirement for implementation of mitigation works will be managed.</p> <p>Agreement by all parties needed to a detailed monitoring regime for the M1 Junction 10 works, which is then incorporated into the DCO.</p> <p><u>National Highways position is</u></p>	<p>The Applicant notes that the monitoring regime for MT1 locations (of which M1 Junction 10 is one) is subject to further consideration and will be engaged on with relevant authorities in due course.</p> <p><u>The Applicant discussed the TRIMMA approach with National Highways on the 10 January 2024.</u></p>	<p>Ongoing <u>Not agreed</u></p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>that not enough detail has been provided within the OTRIMMA to enable the Applicant and National Highways to accurately monitor and determine when the thresholds for mitigation are triggered at M1 Junction 10 and other at-risk locations on the SRN. National Highways' position is that the OTRIMMA is not robust enough in respect of monitoring and measuring critical airport-related traffic flows at M1 Junction 10. The submitted OTRIMMA is in outline form only and sets out the Applicant's proposed traffic monitoring regime, and is a stand-alone document which will be secured by the DCO. However, a more detailed TRIMMA with specific thresholds triggering the implementation and mitigation works is intended to be developed following approval of the DCO. The provision of a detailed TRIMMA outside of the DCO process does not provide National Highways with</u></p>	<p><u>The Applicant submitted the revised Outline TRIMMA (OTRIMMA) [TR020001/APP/8.97] at Deadline 7, providing more detail of the proposed monitoring regime and intervention triggers, and the OTRIMMA [TR020001/APP/8.97] was developed and refined further at Deadline 8.</u></p> <p><u>The main change requested by National Highways relates to the need for an arbitration process if thresholds cannot be agreed. It has been confirmed that this will be included in the final TRIMMA.</u></p> <p><u>National Highways confirmed that the changes to the OTRIMMA [TR020001/APP/8.97] document at Deadline 7 allowed them to agree the thresholds for implementing the</u></p>	

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		<p>sufficient assurance that the monitoring regime will be sufficiently robust and that the thresholds to trigger each intervention will be at a satisfactory level. National Highways position is also that it remains concerned as to how the OTRIMMA and its funding is secured and the governance that applies to its administration and disputes under it, as well as to the funds to be paid in relation to it as set out in REP9-073. Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) does not give sufficient detail on how the monitoring approach will be undertaken. Further discussions with the Applicant are ongoing.</p>	<p>mitigation at Junction 10 as per the Schedule 1 of the DCO.</p> <p>Further updates to the OTRIMMA [TR020001/APP/8.97] at Deadline 10 set out how the Applicant has committed to providing financial contributions to National Highways in the event that National Highways considers that the operation of the M1 J10 southbound on-slip or M1 mainline between J9 and J10 requires works to alleviate congestion, and in the event that National Highways develop and implement proposals for such works. TR020001/APP/8.97 [TR020001/APP/8.97] [TR020001/APP/8.97] was. [TR020001/APP/8.97] The Applicant has submitted the revised OTRIMMA (Outline TRIMMA) at deadline 4 as part of the DCO process providing more detail of the proposed monitoring regime and intervention triggers and the</p>	

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			<p>OTRIMMA will be developed and refined further in advance of Deadline 7. <u>utline D₁₁</u></p>	
<p>3.2.17</p>	<p>M1 Junction 10 National Highways Technical Note to PINS at Deadline 3 which has identified the need for some additional works to the south facing slip</p>	<p>National Highways have identified further remedial measures as we remain concerned about the operation of the south facing slip roads and their interaction with the mainline carriageway. The identified concerns arise in the future baseline and no development should be permitted unless and until an agreed scheme is developed. National Highways would require a Grampian condition to address their concerns.</p>	<p>The transport modelling included within the application for development consent clearly sets out how the Applicant has addressed the impacts of the Proposed Development on the highway network including the SRN.</p> <p>The Applicant's view is that when considering the works to Junction 10 as a whole, the impacts of the Proposed Development on the SRN have been mitigated.</p> <p>The Applicant notes the concerns that have been set out by National Highways regarding the south facing slips however, given that these are related to a baseline constraint on the network, the matter should be for National Highways to resolve through its on-going requirements to manage the network and as part of its Road Investment</p>	<p>On-going</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			<p>Strategy programme.</p> <p>The Applicant is keen to work with National Highways to support the development of any such proposals that would complement the Proposed Development as it relates to the junction.</p>	
<p>3.3 Construction impact</p>				
3.3.1	Construction Workers Travel Plan	<p>Outline Construction Workers Travel Plan (CWTP) - Appendix 18.4 of the Environmental StatementES. A full CWTP will need to be secured through a planning condition stating that prior to the commencement of the development, an Outline Construction Traffic Management Plan (CTMP) and phasing plan shall be agreed and approved in writing with the local planning authority/highways authorities/National Highways.</p>	<p>The Applicant has produced and submitted an Outline Construction Workers Travel Plan (CWTP) at Appendix 18.4 of the Environmental StatementES [REP8-018APP-431], to identify key matters that will need to be considered by the lead contractor during the logistical planning and execution of the construction works. As stated in the Outline CWTP and secured by Requirement 15 in the Draft DCO [TR020001/APP/2.01], a CWTP for each part of the Proposed Development will be prepared by the lead</p>	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			contractor, substantially in accordance with this Outline CWTP, and will be submitted for approval from the relevant planning authority (in consultation with the relevant highway authority) prior to the commencement of the Proposed Development.	
3.3.2	Construction Traffic Management Plans	Outline Construction Traffic Management Plan (CTMP) - Appendix 18.3 of the Environmental Statement ES . A full CTMP will need to be secured through a planning condition stating that prior to the commencement of the development, a CTMP and phasing plan shall be agreed and approved in writing with the local planning authority/highways authorities/National Highways.	The Applicant has produced and submitted an Outline Construction Traffic Management Plan (CTMP) as Appendix 18.3 [TR020001/APP/5.02] of the Environmental Statement ES [REP6-009APP-130] to identify key matters that will need to be considered by the lead contractor during the logistical planning and execution of the construction works. The final CTMP will be a live document that will be prepared by the lead contractor, building upon the Outline CTPM. The final CTMP(s) will be submitted for the approval of the relevant planning authority following consultation with the relevant highway authorities. This will	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			<p>include National Highways in relation to the SRN. This is secured by Requirement 14 in Part 2 of Schedule 2 of the Draft DCO [TR020001/APP/2.01].</p> <p>In response to the Applicant’s response above, National Highways have stated ‘<i>Noted and accepted</i>’ in Deadline 3 submission document [REP3-124].</p>	
3.3.3	Construction traffic impacts	Agreed.	<p>The Transport Assessment [APP-203, AS-123, APP-205, to APP-206 and AS-123] sets out the impact of the Proposed Development on the highway network, whilst the construction traffic is dealt with in the Appendix 4.1 of the ES the Construction Method Statement and Programme Report as Appendix 4.1 of the ES [REP8-011]. This includes Appendix A, which is an outline programme. Inset 18.1 in Chapter 18 Traffic and Transportation of the Environmental StatementES [REP8-009AS-030] shows the</p>	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			<p>total construction vehicles travelling to site by quarter over the course of the two phases of development. It is considered that the level of construction traffic is not sufficient to warrant a dedicated modelling scenario.</p>	
3.3.4	Construction assessment considerations	Agreed.	<p>This is covered within Appendix 4.1 of the Environmental Statement ES, the Construction Method Statement and Programme Report [[REP8-011]AS-082], as well as Section 13 of the Transport Assessment [APP-203, AS-123, APP-205, to APP-206 and AS-123].</p> <p>Further detail on construction impacts has been shared with National Highways as part of the ongoing engagement. Construction impacts are agreed and no further information is required at this stage.</p>	Agreed

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
<p>3.4 Commercial</p>				
<p>3.4.1</p>	<p>Future maintenance requirements</p>	<p>Reviews of the highway mitigation designs are required to enable an assessment of the future maintenance requirements and calculation of a commuted lump sum, which will need to be provided to National Highways.</p> <p>This is agreed. What is not agreed at this point is the value of the bond, which includes the commuted sum. This continues to be the subject of discussions between the parties. This item remains as part of the Protective Provisions and must remain as ongoing until this matter is agreed upon.</p>	<p>Details of the proposed highway mitigation were included in the application. However, dDiscussions are have been-ongoing with National Highways as to Protective Provisions including an appropriate commuted sum;. <u>The Applicant has agreed with the proposed elements of the protective provisions which commit to payment of a commuted sum and the method for calculating that sum. The Applicant accepts a bond sum of 200% on the face of the Order and in the Applicant's D11 submissions, it is requesting that the ExA makes an amendment to the draft DCO to this effect.</u></p>	<p>Ongoing<u>Agreed/</u> Not agreed</p>
<p>3.4.2</p>	<p>SRN works</p>	<p>Discussion and agreement on the delivery model for the SRN works and the role to be played by National Highways. <u>Protective provisions have been included in the draft DCO</u></p>	<p>It is agreed that a delivery model will need to be agreed with National Highways and SRN works will form a key element. -Protective Provisions addressing the SRN works and</p>	<p>Ongoing<u>Agreed/</u> Not agreed</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		<p><u>at D10 but not in the form that National Highways have requested or that they require to ensure the safety of the SRN and road users. A number of critical provisions will not be agreed by the close of the Examination and National Highways will be making submissions to the ExA and Secretary of State at D11.</u> This item remains as part of Protective Provisions and must remain as ongoing until this matter is agreed upon.</p>	<p>the role of National Highways are under discussion <u>have been included in the draft DCO at D10, although it is recognised that some elements of these protective provisions are not agreed.</u></p>	
3.4.3	Section 278 agreement	<p>A s.278 agreement is needed to fund National Highways' costs in support of the Proposed Development during the construction phase.</p> <p>This item remains as part of Protective Provisions and must remain as ongoing until this matter is agreed upon.</p>	<p>Protective provisions addressing these issues are under discussion with National Highways. <u>The TRIMMA process, secured by the DCO commits the Applicant to funding Mitigation Type 1 works contained in schedule 1 to the DCO. The OTRIMMA submitted at D10 also contains a commitment to provide a contribution to any future works to Junction 10, undertaken by National Highways. The Applicant is willing to discuss an agreement with National</u></p>	<p>Ongoing <u>Agreed</u> Not agreed</p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
			<p>Highways to support the TRIMMA process but such an agreement is not required to fund the works because the funding commitments are already secured.</p>	
<p>3.4.43.4.3</p>	<p>Funding of costs during the pre-construction stages</p>	<p>Request for the Applicant to fund <u>legal and technical</u> costs during the pre-construction stages in support of the Proposed Development, above and beyond its statutory role. This is in line with National Highways’ approach on other major third-party Nationally Significant Infrastructure Projects.</p> <p><u>This is supported by precedent – Drax Bioenergy Carbon Capture and Storage, Yorkshire Green, Medworth Energy from Waste Combined Heat and Power Facility, Gatwick Airport Northern Runway. It is also supported by legislation in s54A of the Levelling Up and Regeneration Act 2023.</u></p> <p>This item remains as part of Protective Provisions and must</p>	<p>Protective Provisions addressing these issues are under discussion with National Highways. The Applicant has made what it considers to be a proportionate and reasonable commitment to cover National Highways’ costs as defined in the Applicant’s form of protective provisions contained in the draft DCO at D10.</p>	<p>Not agreed Ongoing <u>Agreed</u></p>

SoCG ID	Matter	National Highways position	The Applicant position	Agreed / Ongoing / Not agreed
		remain as ongoing until this matter is agreed upon.		
<h3>3.5 Noise and vibration</h3>				
3.5.1	Construction noise impacts on residential areas	<p>The ES concludes that the likely noise effects on residential receptors close to M1 J10 will be negligible during construction. This conclusion appears to only relate to construction traffic and does not appear to consider noise from the M1 J10 construction compound. Applicant to demonstrate how noise from the construction compound has been assessed, and what the associated effects are.</p>	<p>The methodology for the construction noise assessment is based on current industry standard approach and is presented in Section 16.5 of Chapter 16 Noise and Vibration of the Environmental Statement ES [REP9-011TR020001/APP/5.01REP1-003] and details of the works that are included in the assessment, are presented in Section 5 of Appendix 16.1 Noise and Vibration Information [REP9-017TR020001/APP/5.02AS-096] of the Environmental Statement ES. As set out in this Appendix, the assessment is based on reasonable worst-case activities that are likely to generate the highest noise levels during construction. In line with this methodology, the</p>	Agreed

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			<p>construction compound has not been assessed due to the relatively minor works required, limited duration of noisy works and distance to the nearest sensitive receptors. Measures included within Appendix 4.2 the Code of Construction Practice [REP6-003REP4-011REP8-013] are deemed to be sufficient to manage noise and vibration emissions from the construction compound.</p> <p>In response to the Applicant’s responses above, National Highways have stated ‘<i>Noted and accepted</i>’ in Deadline 3 submission document [REP3-124].</p>	
3.5.2	Operational noise impacts on residential areas	The ES concludes that the likely noise effects on residential receptors close to M1 J10 will be negligible during operation.	This is agreed by the Applicant.	Agreed
<p>3.6 Air Quality</p>				
3.6.1	Air quality impacts	The ES concludes that there will be no significant air quality effects associated with the M1	This is agreed by the Applicant.	Agreed

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		J10 works.		
<p>3.7 Traffic and transport</p>				
3.7.1	Oversight of the travel plan data	National Highways is particularly interested in how the travel plan will be managed and monitored, as current demand forecasts for the SRN rely on the travel plan targets being met to achieve the modal share assumptions. Whilst there is an intention that the travel plan will be monitored and data shared with the local authorities, National Highways requests to be a partner in this arrangement and to have an oversight of the monitoring of the travel plan data.	The Framework Travel Plan [TR020001/APP/7.13] REP84-02444AS-131 sets out the measures to be implemented to ensure sustainable access to the airport is encouraged. As part of this process, the existing Airport Transport Forum will be used and a new Environmental Scrutiny Group established as part of the Green Controlled Growth (GCG) governance. National Highways have agreed to have a role on the Technical Panel that supports the Environmental Scrutiny Group, which will allow them to retain oversight of the monitoring of surface access data.	Agreed
3.7.2	The Transport Assessment has been produced with reference to DfT Circular 02/2013[i].	The Circular was updated in November 2022 and significant changes were made to how scheme developers must treat the SRN, specifically at paragraphs of 29 and 52.	Noted. The new Circular[ii] requires that new development should be facilitating a reduction in the need to travel by private car and focus on locations that are or can be made sustainable. The airport	Ongoing Agreed

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			<p>currently has a bus interchange and the Luton DART, which provide access to a comprehensive network of bus and rail services. The Applicant aims to build on the existing provision in the Proposed Development with an extension of the Luton DART. A new bus and coach station at Terminal 2 and restricted growth in car parking spaces, will be supported by travel plans. Through the Green Controlled Growth Framework [TR020001/APP/7.08REP7-020REP5-022] proposals, the Applicant is committed to a series of clearly specified 'Limits' for the lifetime operation of the airport. Surface access monitoring and controls form one of the key components, and breaches of these Limits could result in the airport's ability to grow being limited, if appropriate and reasonable actions are not implemented.</p>	
3.7.3	Green Controlled Growth – Environmental Scrutiny Group	National Highways request a role on the Environmental	The Applicant's position is set out in Paragraph 2.4.12 of the	<u>Agreed</u> <u>Not agreed</u>

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	and Technical Panels	Scrutiny Group (in addition to their agreed role on the Surface Access Technical Panel).	<p>Green Controlled Growth Explanatory Note [TR020001/APP/7.07REP5-020REP3-015] as follows:</p> <p><i>“Luton Rising believe it is important for the ESG to include representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. Luton Rising believe that a role on the ESG in this case is proportionate and relevant, but where a local authority is only forecast to experience impacts in one area a role on the relevant Technical Panel would be more appropriate.”</i></p> <p>On this basis the Applicant does not consider it appropriate for National Highways to have a role on the ESG, as only surface access-related impacts associated with the Proposed Development are relevant to National Highways</p>	

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			<p>as an organisation. In addition, National Highways only has responsibility for managing part of the transport infrastructure impacted by the Proposed Development.</p> <p>It is also understood that National Highways concerns relate to their ability to control congestion and highway safety impacts on the M1, for which they are the highway authority. The Green Controlled Growth Framework [TR020001/APP/7.08REP7-020REP5-022] has been established to ensure that non-sustainable mode share for passengers and staff does not exceed Limits, but will not monitor and mitigate highway impacts at specific locations for which alternative mechanisms, such as the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA), exist.</p>	

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<p>3.8 Construction compound</p>				
<p>3.8.1</p>	<p>Assessment of construction compounds</p>	<p>The construction compound, located on fallow farmland field, is variously referred to within the ES as ‘Compound 6’, but with other references also to Compounds 7, 14 and 15. It is unclear whether this refers to distinct phases of the construction period to be sited within the same compound boundary, or whether these are differing locations. This is not described clearly in the assessment reports and should be clarified, as should the precise footprint of the compound.</p>	<p>The Applicant considers that the issues raised regarding the compound next to J10 is answered within the Applicant’s Response to Relevant Representation Part 4 of 4 [REP1-027] page 119 in response to [RR-1076].</p> <p>In response to the Applicant’s representation above, National Highways have stated ‘<i>Noted and accepted</i>’ in Deadline 3 submission document [REP5-0289].</p>	<p>Agreed</p>
<p>3.8.2</p>	<p>Landscape and visual impact</p>	<p>The chapter specifically assesses the impact of the M1 J10 construction compound and works on users of Bridleway Slip End BW1 and Half Moon Lane.</p> <p>The nearby public right of way FP12 is shown on figures as being close to the M1 J10</p>	<p>The Applicant considers that the issue raised regarding FP12 is answered within the Applicant’s Response to Relevant Representations Part 4 of 4 [REP1-027] page 125, in response to RR-1076.</p> <p>In response to the Applicant’s responses reference above,</p>	<p>Agreed</p>

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		works but does not appear to be specifically assessed in the chapter.	National Highways have stated ' <i>Noted, including that BW1 is assessed, and accepted</i> ' in Deadline 3 submission document [REP3-124] .	
3.8.3	Impacts on agricultural land	The ES states that ' <i>approximately 0.6ha of agricultural land to the west of Junction 10 of the M1 highway intervention would be affected by the Proposed Development, some of which is no longer being farmed</i> ', however there is a lack of clarity which land parcels this affects, as the highway verges are non-agricultural land within the highway boundary (National Highways ownership). The precise footprint of the construction compound(s) should be clarified in order to determine the impacts on agricultural land.	The Applicant considers that the issue raised regarding agricultural and non-agricultural land near J10 is answered within the Applicant's Response to Relevant Representations Part 4 of 4 [REP1-027] page 121, in response to [RR-1076] . In response to the Applicant's responses reference above, National Highways have stated ' <i>Noted and accepted</i> ' in Deadline 3 submission document [REP3-124] .	Agreed
3.8.4	Vegetation clearance	Within the Arboricultural Report, it is noted that off-site highway works are not included within the assessment and 'are to be considered separately' no inclusion is given therefore to tree retention or facilitative	The Applicant considers that the issue raised regarding vegetation clearance is answered within the Applicant's Response to Relevant Representations Part 4 of 4 [REP1-027] page	Agreed

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		<p>clearance/ removal, and it is unclear where or if the impacts on the highway tree estate are assessed.</p> <p>Given the nature of the existing junction circulatory being surrounded by mixed deciduous woodland cover, it would be assumed some level of tree, shrub and scrub clearance would be required to accommodate the widening and/or construction compound establishment. This should be clarified</p>	<p>122, in response to RR-1076.</p> <p>In response to the Applicant's above response, National Highways have stated '<i>Noted and accepted</i>' in Deadline 3 submission document [REP3-124].</p>	
3.8.5	Management and operation of the compound	Management and operation of the construction compound, such as any Section 61 applications, expected Traffic Management arrangements, and site lighting (in the absence of other street light sources on Half Moon Lane) should be detailed.	<p>The Applicant considers that the issue raised regarding management and operation of the compound near J10 is answered within the Applicant's Response to Relevant Representations Part 4 of 4 [REP1-027] page 77, in response to [RR-1076].</p> <p>In response to the Applicant's above response, National Highways have stated '<i>Noted and accepted</i>' in Deadline 3 submission document [REP3-</p>	Agreed

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			124].	
3.9 Climate change				
3.9.1	Measures to reduce climate change impacts	National Highways require that the final M1 J10 design is or can be compliant with appropriate drainage standards and climate change scenarios	<p>The Applicant considers that the raised drainage standards issue is answered within the Applicant’s Response to Relevant Representations Part 4 of 4 [REP1-027] page 123, in response to [RR-1076].</p> <p>In response to the Applicant’s response above, National Highways have stated ‘<i>Noted and accepted</i>’ in Deadline 3 submission document [REP3-124].</p>	Agreed
3.10 Cultural heritage				
3.10.1	Construction impacts on cultural heritage assets	The nearest listed building to M1 J10 is the Church of St Andrew (Grade II, reference 1114661), and neither the Listed Building itself nor its wider setting is affected by the scheme. No significant effects on this or any other assets or potential assets were identified due to the works at M1 J10.	This is agreed by the Applicant.	Agreed

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3.11 Greenhouse gases				
3.11.1	Greenhouse gases (GHG) emission assessments	The ES chapter assesses the greenhouse gas effects of surface access (which includes use of the SRN) and construction for the Proposed Development, both of which are pertinent to National Highways.	This is agreed by the Applicant.	Agreed
3.11.2	Emissions mitigation	The ES chapter does not specifically consider the construction works at M1 J10, although it does refer to good practice methods and mitigation during construction generally, which is sufficient. The Surface Access Strategy aims to provide a long-term shift away from private car use, which would entail a reduction in emissions from traffic using the SRN.	This is agreed by the Applicant.	Agreed
3.12 Landscape and visual impact				
3.12.1	Land quality impacts	The soils and geology chapter of the ES included only brief and passing references to M1 J10. There is not expected to be significant effects as a	The Applicant believes that Chapter 17 Soils and Geology of the Environmental Statement ES [APP-043] is robust and	Agreed

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		consequence of the works to this junction, but this should be confirmed.	correct. It is agreed s that there will be no significant effects as a consequence of the works to this junction.	
3.13 Water resources and flood risk				
3.13.1	Surface water management plan (SWMP)	We have not assessed the SWMP or the HEWRAT assessment. We assessed the relevant ES chapter and noted only that there would be no significant effects.	This is agreed by the Applicant.	Agreed
3.13.2	HEWRAT assessment	We have not assessed the SWMP or the HEWRAT assessment. We assessed the relevant ES chapter and noted only that there would be no significant effects	This is agreed by the Applicant.	Agreed
3.14 Health and Community				
3.14.1	Health and Community	There is no reference to Pepperstock or Slip End, two settlements immediately west of M1 J10. These two are also outside the study areas shown on Figure 13.1. There is reference to a generalised wider study area, which presumably these two	As stated in Chapter 13 Health and Community of the Environmental Statement ES [REP7-009TR020001/APP/5.01AS-078] , (paragraph 13.3.5), the study area has been defined based on the spatial distribution of the	Agreed

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		<p>settlements would fall into. Significant effects would not be expected on Pepperstock or Slip End as a result of the SRN works, but there should be a justification as to why they are excluded from the core study area</p>	<p>environmental, social and economic impacts of the Proposed Development and the location of sensitive receptors. The 'local neighbourhood area' is the area in which the majority of direct and indirect effects on health and community resources are likely to occur. The 'wider study area' covers the whole of the boroughs of Luton, Hertfordshire, Central Bedfordshire and Buckinghamshire. A figure of the wider study area has not been provided as it is defined by the location of impacts from other relevant topics and therefore, varies with determinant.</p> <p>As stated in the National Highways comment, significant effects would not be expected at these locations. The study areas for this aspect, are those identified and agreed through the Environmental Impact Assessment (EIA) scoping and engagement. These areas</p>	

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			<p>were identified as being potentially significant for this aspect. As significant effects are not expected at Pepperstock and Slip End, they are not in the study area and not specifically assessed. The areas are considered in other aspects of the EIA where appropriate.</p> <p>In response to the Applicant’s response above, National Highways have stated ‘<i>Noted and accepted</i>’ in Deadline 3 submission document [REP3-124].</p>	
<p>3.15 In-combination and cumulative effects</p>				
3.15.1	In-combination and cumulative effects assessment	The ES chapter noted that there were no significant in-combination or cumulative effects. We <u>National Highways</u> are satisfied that this is the case.	This is agreed by the Applicant.	Agreed
<p>3.16 Future engagement</p>				
3.16.1	Future engagement on environmental matters	National Highways seeks clarification on how the Applicant will continue	The Applicant will be happy to engage with National Highways going forward, times / dates	Agreed

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		engagement with the authority.	can be discussed.	
3.17 Aviation				
3.17.1	Passenger demand	National Highways consider the passenger demand forecasts to be robust, as confirmed in National Highways' relevant representation	This is agreed by the Applicant.	Agreed