



LONDON LUTON AIRPORT EXPANSION DCO

Written Representation

**Hertfordshire County Council, Dacorum Borough
Council and North Herts Council**

22 August 2023



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1. INTRODUCTION

Terms of Reference

- 1.1 Hertfordshire County Council, Dacorum Borough Council and North Hertfordshire District Council (referenced as North Herts Council) (“the Councils”) are the host authorities for the London Luton Airport Expansion Development Consent Order (DCO) (“The Proposed Development”).
- 1.2 The Proposed Development is being progressed by an application for Development Consent by Luton Rising (“the Applicant”) that was accepted by the Planning Inspectorate on 27 March 2023. If granted, the DCO will permit consent for the Expansion of London Luton Airport from its current permitted cap of 18 million passengers per annum (mppa) up to 32 mppa (“the Proposed Development”).
- 1.3 The Councils have engaged with the Applicant and have made comments at each stage of public consultation, have attended technical workshops, engaged in the Statement of Common Ground (SoCG), the Principal Areas of Disagreement Summary Statement (PADSS) [PINS Ref: AS-057] and have submitted Relevant Representations for Dacorum Borough Council [PINS Ref: RR-0297], Hertfordshire County Council [PINS Ref: RR-0558] and North Herts Council [PINS Ref: RR-1119].
- 1.4 This report is the Councils Written Representation submitted 22 August 2023; Deadline 1 of the examination. The report expands upon some of those issues identified in the Local Impact Report (LIR) which will be submitted at Deadline 1a of the examination.

The Councils’ Position

- 1.5 The position of the Councils, and as set out in their Relevant Representation, is as follows for each Council.

Hertfordshire County Council

- 1.6 Hertfordshire County Council maintains its on-going in-principle pre-submission objection:

“Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government’s aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to



within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.”

Dacorum Borough Council

- 1.7 Dacorum Borough Council maintains its on-going in-principle pre-submission objection:

“The application in its current form lacks sufficient clarity, transparency and consistent methodology to provide sufficient reassurance to local communities that the airport can grow and be operated in a responsible manner to achieve sustainable growth as set out in Aviation 2050. The evidence does not currently exist that environmental, health and well-being, and surface access impacts will be within agreed and acceptable limits that can be appropriately enforced and will achieve overall betterment to local communities. Dacorum Borough Council therefore has in-principle objection to growth of the airport pending satisfactory and appropriate resolution of those matters.”

North Herts Council

- 1.8 North Herts Council maintains its on-going in-principle pre-submission objection:

“North Herts Council objects in principle to the proposed scale of expansion of London Luton Airport on the grounds that it is inconsistent with the Council’s declaration of a climate emergency and with national targets on decarbonisation for 2030, 2035 and 2050.

The Council is unpersuaded that the evidence submitted and the enforcement mechanisms proposed in the DCO application reports are sufficient to demonstrate that the Airport can grow by 78% (from 18mppa to 32mppa) and still meet its climate change obligations in full, as required by national policy.

Furthermore, the Council remains concerned that the impacts on North Herts’ residents, businesses, heritage and natural environment, in terms of increased air pollution, noise exposure and road traffic, have not been robustly modelled and that the proposed mitigations and remedies are inadequate. Without prejudice to its in-principle objection to the development,



the Council is willing to engage with the Applicant to review the data and analysis, agree any additional data and analysis required, and co-design any additional or altered mitigations with a view to making the proposed development acceptable in planning terms to the Council.”

- 1.9 The Councils anticipate continuing to engage technically with the Applicant, where relevant and necessary, on the matters identified, with a view to informing the on-going preparation of the SoCG and PADSS and to provide clarity for the remainder of the process.
- 1.10 Where the process identifies issues (by other parties) directly relevant to Hertfordshire in addition to the above, that the Examining Authority consider need to be pursued, the Councils have access to their consultancy team and are available to assist, resources permitting.

Planning Overview

- 1.11 The Proposed Development falls to be determined in accordance with s105 of the Planning Act 2008. This requires the Secretary of State, in making a decision for regard to be had to:
- Any LIR;
 - Any matters prescribed in relation to that Proposed Development; and
 - Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 1.12 It is noted that the statutory requirements from s104 of the Planning Act 2008 are not applicable, and that the Proposed Development is not one to be determined in accordance with the Airports National Policy Statement (NPS).
- 1.13 For this Proposed Development, the test is therefore a determination ‘on its merits’ and having regards to the ‘planning balance’ of need / benefits, in relation to environmental impacts. It is not the case that there is a presumption in favour of the application being granted in accordance with the Airports NPS, or that environmental harm must outweigh the need / benefits.
- 1.14 The Councils place the highest levels of emphasis on the importance of addressing the environmental impacts, and controls and mitigation, in dealing with this planning balance. This includes but is not limited to: air quality, health and community; surface access; noise, emissions and landscape and visual impact, and together with any cumulative effects.



- 1.15 It is imperative that the decision should not be driven simply by demand and economic benefits, which are at risk of being over estimated, and which do not benefit the Councils in the same way that they do the Applicant and Luton Borough Council, and that the adverse environmental effects must carry full weight in the decision making process, and in relation to any mitigation, including through requirements, s106 Obligations and the Green Controlled Growth (GCG) Framework.
- 1.16 In support of the issues in relation to environmental impacts, and principally air quality, health and community, surface access, noise, GHG and landscape and visual impact, further details are set out in the following sections in relation to each topic area, and these include where relevant consideration of national and local planning policy issues.
- 1.17 On balance, the Councils are of the view that the alleged and uncertain economic and other benefits of the Proposed Development do not outweigh the adverse impacts.
- 1.18 Further detail on the local planning policy issues can be found in the Councils LIR.
- 1.19 In relation to the relevant Development Plans in force for the Councils, these comprise:
- North Herts Council Local Plan 2011-2031;
 - Dacorum's Local Planning Framework Core Strategy 2006-2031;
 - Hertfordshire Waste Development Framework;
 - Hertfordshire County Council Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026;
 - Hertfordshire Minerals Local Plan Review 2002-2016;
 - Stevenage Borough Local Plan 2011-2031;
 - St Albans Saved Policies; and
 - Welwyn Hatfield Saved Policies.
- 1.20 Policies within the Development Plan that are considered relevant to the proposals are identified within the relevant 'Assessment of Impacts' sections within the sections of the LIR, and also in this Written Representation where relevant.
- 1.21 In summary, the key issues (in the order as set out in this Written Representation), are:
- Need case and economic benefits - concern that these are over-estimated, relative to conservative projections for Heathrow and Gatwick;



- Community First Fund - confirmation as to whether the proposed terms of its operation and scope of eligibility are sufficiently robust and flexible to ensure eligible communities / organisations are fully able to access it;
- Air Quality - concerns in relation to GCG Framework (see below), and impacts on ammonia and nitrogen deposition levels at habitat sites;
- Biodiversity - further clarity required on compensation for loss of Wigmore Park County Wildlife Site (CWS), and Landscape and Environmental Management Plan (LEMP) monitoring proposal;
- Greenhouse Gases (GHG) - Potential underestimate of GHG emissions from aviation (only accounts for one way aviation trips above 3000 feet);
- Cultural Heritage - Clarity required about extent of setting and issue of 'quietness';
- Traffic and Transport - further modelling information required for public transport and highways (including M1 junction 9-10 works which are not committed, and wider network including to the east and south east of London Luton Airport), and additional detail required for mitigation schemes (including Pirton Road / A505), other interventions to promote and support sustainable travel to / from London Luton Airport, construction traffic, Travel Plan and ongoing monitoring and managing of traffic levels (Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA));
- Landscape and Visual - clarify approach to Area of Outstanding Natural Beauty (AONB) from movements, justification for visually prominent structures, and provide night-time assessment;
- Noise and Vibration - aviation noise policy is not met due to a lack of noise reduction, with considerable numbers of residents being exposed to increased noise levels and the '2019 actual' baseline breached both the daytime and night-time summer noise contours and so it not a valid baseline to use. Substantial noise impacts, not in accordance with relevant national and Local Plan policies. Communication strategy required for Noise Insulation Scheme
- Water Resources and Flood Risk – Further information regarding the proposed wastewater infiltration basin are required. Detailed design will need to be developed in consultation with the Councils;
- Economic and Development - It would be beneficial for the Councils to understand the effects for each local authority (where possible). An agreed plan for managing those minor adverse impacts. Creation of an Employment and Training Strategy;
- Health and Community - to provide details of how impacts on mental health and wellbeing are mitigated; and
- Unforeseen Local Impact Management Strategy (ULIMS) – There is no provision for ULIMS to cover all significant environmental effects arising



from the approved growth of London Luton Airport through the DCO Application.

- Surface Access Funding - The Applicant is to clarify whether it intends to bring forward funding proposals to deliver transport-related projects and schemes. There are no transport related obligations, other than for the specific off-site highways works, proposed in the current application at Luton; and
- GCG Framework - process changes to improve monitoring and response times, for the Environmental Steering Group (ESG) to direct changes to Plans and Mitigation Plan, and for these to be operative in the interim, if appealed. For noise, to set out how the Thresholds and Limits would have operated previously, and to include a range of metrics. For GHG, confirmation that the Limits will not be increased. For Surface Access, to have a better understanding of worse case impacts and appropriate metrics (including addressing weakness in the CAA surveys), Thresholds / Limits.

- 1.22 On balance, the Councils are of the view that the alleged and uncertain economic and other benefits of the Proposed Development do not outweigh the adverse impacts.

2. WRITTEN REPRESENTATION

- 2.1 This document only considers those topics which have identified key issues; therefore, the following topic; Climate Change Resilience will not be considered further, as no key issues were identified:
- 2.2 It is imperative that the decision should not be driven simply by demand and economic benefits, which are at risk of being over estimated, and which do not benefit the Councils in the same way that they do the Applicant and Luton Borough Council, and that the adverse environmental effects must carry full weight in the decision making process, and in relation to any mitigation, including through requirements, s106 Obligations and the GCG Framework.

Need Case

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.1.1.1 The 'need case' put forward by the Applicant incorporates national policy need, and demand led forecast need, including addressing current and future capacity constraints and the economic benefits of the proposals. The need case sets out a case for policy support, demand led need and economic benefits, to be weighed in the planning balance.



2.2.1.1.2 The major influence on demand at Luton is the airport capacity available and its utilisation at Stansted, Gatwick and Heathrow, which in turn depends on whether a new runway is built at Heathrow or the emergency runway at Gatwick is brought into regular use.

2.2.1.1.3 There remains considerable uncertainty, and considerable down-side risks that the forecasts are likely to be too high.

2.2.1.1.4 The risk, therefore, is that the need case and economic benefits may be over-estimated, and this should be weighed in the planning balance with the environmental impacts.

2.2.1.1.5 This is also the case with economic benefits, that are linked to ATM growth, and if the growth does not occur as projected the benefits may not be realised, or may be delayed. The actual economic benefits for the Councils in Hertfordshire are also at risk of being over optimistic, as it becomes more difficult to estimate these direct, indirect, and induced benefits over a larger area, further away from the Proposed Development and its main conurbation, Luton.

Community First Fund

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.1.1.6 The proposal for the creation of 'Community First' is designed to enhance the benefits to neighbouring communities of airport growth providing grant funding to local organisations. The proposal is considered to have a positive impact in terms of the requirements to contribute to the Community First Fund providing £1/passenger from growth above 18m passengers per annum (mppa), resulting in up to £14m per year by the time London Luton Airport reaches a throughput of 32 mppa. The extent of and precise positive impacts of this initiative will depend upon the implementation methodology.

2.2.1.1.7 The Fund is eligible to registered charities, community groups with their own bank account, parish councils and town councils, for projects supporting either decarbonisation or tackling deprivation, with a maximum level of any single grant award will be limited to £25,000 in any one grant year. The Councils appreciate that the eligible area for the Fund is considered by the Applicant to be 'large enough to be confident that all Community First funds should be capable of being used but not so wide that it dilutes the effectiveness of the fund in meeting its objectives'. However, at full capacity 560 grants per annum would be required to ensure the Fund reached its full



potential, on the assumption all grants sought the maximum allowable amount, which is highly unlikely to be the case in practice. There remains some uncertainty as to the capability of eligible organisations to fully utilise the Fund in any one given year or on an ongoing basis, particularly given its narrow focus upon decarbonisation/deprivation. It would be helpful if the examination process might be provided with some historic patterns of grant funding to provide some context for the scale of historic take-up of community funding (some evidence for which was presented to participants at the Open Floor Hearings). Notwithstanding the commitment to regular review (not exceeding 5 years) in Section 11 of 7.10 Draft Compensation Policies, Measures and Community First Revision 1 (AS-128), it might be advantageous if the scheme could be designed for flexibility at the outset – for example, to enable uplift the maximum £25,000, to shift funding between the currently proposed 60/40 (Luton / elsewhere) split were there to be an annual / ongoing deficit, to enable underspend to be rolled forward for future use, and so on.

- 2.2.1.1.8 The Councils have yet to see a draft of the s106 Agreement that will include Community First proposals.

Air Quality

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.2.1.1 Notwithstanding any concern regarding traffic model assumptions that are expressed under the section 'Traffic and Transport' below, the approach to the air quality assessment as presented in Environmental Statement (ES) Chapter 7 Air Quality [PINS Ref: AS-076] is considered generally acceptable. However, should traffic modelling assumptions be found to be inadequate then the basis of the air quality assessment as presented in the ES would be undermined and the assessment would need to be updated accordingly.
- 2.2.2.1.2 There is concern regarding the National Highways method of determining the impacts on ammonia and nitrogen deposition levels at designated habitat sites due to road traffic emissions, in-particular the lack of transparency of this method and the question of acceptance by Natural England. The method is an update to that given in the current version of DMRB LA 105 (revision 0) which attempts to address ammonia emissions from road traffic (a factor that was previously omitted). Given Natural England's concerns regarding the methodology as written in LA 105 (revision 0) and the opaque nature of the updated National Highways methodology used by the Applicant (it is not readily available in the public domain for scrutiny), the Councils require assurance that Natural England is satisfied with the science behind the



method used and for details this method to be visible to all in the public domain.

2.2.2.1.3 Of particular concern is the adequacy of the proposals under the GCG Framework to monitor air quality and airport related emissions, and how monitoring is to be used to ensure that emissions can be pro-actively managed to minimise – as far as is practicable – the risks of causing acute and chronic health impacts. The current GCG Framework proposal, which is for monitoring of annual mean concentrations only, is completely inadequate in this regard as it does not enable detection of and action to address relatively short-term spikes in concentrations that relate to acute health impacts. The proposed approach also relies on indicate methods for particulate matter monitoring which are inadequate for demonstrating compliance with standards.

Biodiversity and Habitats Regulations Assessment

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

Legislation, Policy and Guidance

2.2.3.1.1 The legislation, policy and guidance referred to in ES Chapter 8 Biodiversity [PINS Ref: AS-027] are broadly appropriate. The Councils do however maintain a request that additional information is provided on how judgments within ES Chapter 8 Biodiversity [PINS Ref: AS-027] are made at a local level which will be those directly relevant to the Councils.

2.2.3.1.2 While it is not considered that the outcomes of the Habitats Regulations No Significant Effects Report (NSER) are directly relevant to the Councils, it is noted that no legislation or guidance is referred to within the document.

Baseline Information

2.2.3.2.1 Baseline information including the biodiversity surveys undertaken were subject to discussion and agreement within the Technical Working Group (TWG). Surveys were undertaken over an extended period and a review was conducted to ensure baseline information is contemporary. ES Chapter 8 Biodiversity [PINS Ref: AS-027] refers to an agreement with the TWG that habitats have not changed since the main extent of surveys undertaken in 2018 - 2019. This agreement influenced the limited level of updated surveys that were undertaken in 2021. Important ecological features are valued 'in line with the principles' with Chartered Institute of Ecology and Environmental



Management (CIEEM) guidelines (2018) and follow a geographical frame of reference (Table 8.9).

Assessment of Significant Effects

- 2.2.3.3.1 The Proposed Development will result in the total loss of Wigmore Park CWS over the different construction phases. It is mitigated for as part of the enhanced provision of open space included in the Proposed Development (i.e., embedded mitigation); a judgment is made that the effects will be of minor significance in the long term (10-15 years) on the CWS.
- 2.2.3.3.2 While it is understood that the CWS does not lie within the boundaries of the Councils, areas identified for enhancement are directly relevant as these fall within North Hertfordshire. Clarity is required on the basis of the enhanced areas; ES Chapter 8 Biodiversity [PINS Ref: AS-027] does not directly assess them as compensating for the loss of the CWS. The scope and premise behind the enhanced areas is therefore unclear.

Mitigation, Enhancement and Monitoring

- 2.2.3.4.1 Notwithstanding comments given above about the premise behind the scope of enhanced areas, further clarity is outstanding on how mitigation is framed within ES Chapter 8 Biodiversity [PINS Ref: AS-027]. Several measures are proposed for receptors that are not considered to have significant effects in the assessment e.g., birds. The process of identifying the required additional mitigation should be clarified.
- 2.2.3.4.2 The Landscape and Biodiversity Management Plan (AS-029) summarises proposed actions relevant to biodiversity. It is noted that there is no mention of Biodiversity Net Gain (BNG) within the justification for areas and types of habitats proposed. If BNG is pursued and claimed, the LEMP should reflect and demonstrate the delivery of required Biodiversity Units.
- 2.2.3.4.3 Proposals for habitat establishment and management are generally acceptable. Accountability for essential monitoring requires clarification. As the LEMP is partly intended to 'compensate' for the loss of an otherwise publicly accessible existing CWS, some accountability should be determined to demonstrate the aims of the compensation and wider BNG are being delivered on behalf of those LPAs and communities affected, at least in respect of major habitat provision. Whether this could be a Management Board on behalf of the LPAs affected will need to be considered; as such, wider governance of these proposals has not been addressed.



Habitat Regulations Assessment

2.2.3.4.4 The Councils note the conclusion of the HRA and concur with Natural England's view that there are no adverse effect on any National Network Site.

GHG

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.4.1.1 Paragraph 12.11.56 of ES Chapter 12 GHG [PINS Ref: APP-038] concludes that the increases in all four of the carbon emission sources considered (Aviation, Airport Operations, Surface Access, and Construction) resulting from the Proposed Development would result in a Minor Adverse (i.e., not Significant) effect, both individually and collectively. The ES notes that this assessment of significance has followed the latest Institute of Environmental Management and Assessment (IEMA) guidance on this issue (IEMA, 2022). The same IEMA guidance notes that *"A 'minor adverse' effect or better is therefore a high bar and indicates exemplary performance where a project meets or exceeds measures to achieve net zero earlier than 2050."*

2.2.4.1.2 Given that a proportion of the carbon emissions increases under consideration will occur within the geographical boundaries of all three Councils and hence will be of relevance to current or potential future 'area based targets' as referenced in the IEMA GHG guidance, with particular reference to Aviation emissions, there is insufficient explanation as to why a 'minor adverse' assessment has been determined for these effects, rather than a 'moderate adverse' (i.e. Significant) assessment.

2.2.4.1.3 Regarding the 'Matters scoped in' (paragraph 12.3.12), the carbon emissions from air traffic movements including take-off (Landing and Take Off (LTO) - below 3000 feet) and Climb, Cruise, Descent (CCD - above 3000 feet) are stated to be included in the assessment. However, Paragraph 12.5.9 notes that of the CCD emissions, only those from flights departing London Luton Airport have been included in the assessment. While this may accord with the UNFCCC approach (to avoid double counting between corresponding airports) this appears to be at odds with the IEMA significance assessment approach which should include the overall carbon emissions impact of a Proposed Development. Has the ES underestimated the actual aviation emissions resulting from the Proposed Development by only including half of the CCD emissions?



2.2.4.1.4 It should be acknowledged that there are three national targets for GHG emission reductions, relative to 1990 levels:

- 68% reduction by 2030 (Nationally Determined Contribution, as communicated to the United Nations Framework Convention on Climate Change);
- 78% reduction by 2035 (UK's Sixth Carbon Budget, enshrined in the Carbon Budget Order 2021); and
- 100% reduction by 2050 (enshrined in the Climate Change Act 2008, as amended in 2019).

Cultural Heritage

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.5.1.1 The ES Chapter 10 Cultural Heritage [PINS Ref: AS-077] at paragraph 10.7.38 states that 'quietness' does not contribute to an asset's setting – but if an asset is, as an example, in a quiet, isolated rural environment, then a lack of noise would be expected – and is part of its isolated setting. The introduction of noise, from a road, railway, or airport, would have a bearing on any change to that asset's setting. As Historic England GPA3 notes: *"significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting"* (Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (GPA3) Second Edition, December 2017, page 4). This approach means that some assessments of effects are potentially not fully understood.

2.2.5.1.2 Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] scopes out a number of designated heritage assets on the grounds that *"The setting of this asset does not extend into the Site."* There is no fixed distance for an asset's setting, as Historic England GPA3 notes: *"Contextual relationships apply irrespective of distance, sometimes extending well beyond what might be considered an asset's setting and can include the relationship of one heritage asset to another of the same period or function, or with the same designer or architect"* (ibid., page 3). This can be particularly relevant to registered parks and gardens and the individual assets located within them. The criteria in Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] requires clarification as this approach means that some assessments of effects are potentially not fully understood.



2.2.5.1.3 Appendix 10.2 Non-designated Heritage Assets Gazetteer of the ES [PINS Ref: APP-073] notes that non-designated heritage assets have been scoped out on the grounds that an *'Asset is located outside of site boundary and there would be no physical impact.'* However, this means that potential changes to the setting of non-designated above ground assets is not considered, in contradiction of NPPF paragraph 203, which states: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* These assets have settings which should be considered as part of the assessment. This approach means that some assessments of effects are potentially not considered at all.

2.2.5.1.4 Appendix 14.7 Accurate Visual Representations of the ES [PINS Ref: APP-78] includes wirelines for some views and block forms for others. This seems to contradict the consultation response received from Historic England (dated 14.12.2021) contained in the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077] at Table 10.6 which specifically notes that *"HE (Historic England) requested that photomontages used solid block colour."* The absence of this consistent approach means potentially that changes to the setting of heritage assets (for example, through changes to the wider historic landscape), resulting in impacts on the historic environment, or significant impacts on the historic environment, cannot be fully understood. This means that some assessments of effects are potentially not fully understood.

2.2.5.1.5 In respect of the impact assessment, there needs to be more detailed explanations as to why assets would not be impacted or significantly impacted by noise and vibration. The assessment should include detailed cross-referencing throughout to ES Chapter 16 Noise and Vibration [PINS Ref: AS-080]. This requires further elaboration in the report as this approach means that some assessments of effects are potentially not fully understood. As a case in point, it is noted that no significant impacts are predicted to the scheduled Someries Castle (located in Central Bedfordshire). However, ES Chapter 16 Noise and Vibration [PINS Ref: AS-080] at paragraph 16.9.254 states: *"A small number of properties to the south of the airport near Someries Castle and on Dane Street experience adverse likely significant effects due to noise change from both aircraft air noise and ground noise during the night-time."*

2.2.5.1.6 Regarding physical impacts to the historic landscape, the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077] makes no mention of the Hedgerow



Regulations 1997. Environmental effects arising from the impact on possible historic hedgerows has not been assessed.

- 2.2.5.1.7 The Written Representation with regard to potential impacts on the historic environment, and potential significant impacts on the historic environment, is in line with concerns raised by Hertfordshire County Council, who have further noted that all designated heritage assets impacted by overflight should be assessed within the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077].
- 2.2.5.1.8 In respect of the assessment of archaeology topic within the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077], the main concerns outlined in the Relevant Representation were discussed at a virtual meeting on 3 August 2023 with the Applicant's cultural heritage consultant, the Archaeology Advisor for Hertfordshire County Council, and WSP, as the Councils external cultural heritage consultant.
- 2.2.5.1.9 The concerns have been addressed via mutual agreement and will be set out in the SoCG.
- 2.2.5.1.10 The Cultural Heritage Management Plan (CHMP), prepared in consultation with Hertfordshire County Council Archaeology Advisor, which is provided as Appendix 10.6 CHMP of the ES [PINS Ref: APP-77], sets out the scope and methodology for further archaeological evaluation and mitigation, should consent be granted. The approach set out in the CHMP is standard and is considered sufficient to mitigate the impact on archaeological remains, so that no significant residual adverse effects should arise upon successful implementation.
- 2.2.5.1.11 In respect of the assessment of the archaeology topic within the ES Chapter 10 Cultural Heritage [PINS Ref: AS-077], please see the Hertfordshire County Council archaeology response above.
- 2.2.5.1.12 The Written Representation with regard to potential impacts on the historic environment, and potential significant impacts on the historic environment, is in line with concerns raised by North Herts Council: 'Furthermore, the Council remains concerned that the impacts on North Herts' residents, businesses, heritage, and natural environment, in terms of increased air pollution, noise exposure and road traffic, have not been robustly modelled and that the proposed mitigations and remedies are inadequate. Without prejudice to its in-principal objection to the Proposed Development, the Council is willing to engage with the Applicant to review the data and analysis, agree any additional data and analysis required, and co-design



any additional or altered mitigations with a view to making the Proposed Development acceptable in planning terms to the Council.'

Traffic and Transport

Modelling / Forecasts

Hertfordshire County Council / Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.6.1.1 The Core Scenario includes highway improvements which are not committed associated with the M1 9-10 All Lane Running and major improvements to M1 (Junction 10) as this Proposed Development is not in the National Highways' Road Investment Strategy (RIS) programme and All Lane Running / Smart Motorway schemes have been suspended by government due to safety concerns. This will have an impact on congestion levels and wider traffic routing which is not currently reflected in the core assessments. The mitigation response may therefore need to be different to that currently presented. Although a modelling sensitivity test has been undertaken without these improvements, insufficient detail on the results and outcomes of this test across the full area are not provided.

2.2.6.1.2 There is insufficient baseline information incorporating any impacts of the Covid-19 Pandemic. The basis for the traffic forecasts and mode share targets is not based on the post pandemic situation and the Base model is seven years old. Consideration and any agreement to the surface access needs before the outcomes of this work are fully understood are premature.

2.2.6.1.3 North Herts Council queries the accuracy of the baseline traffic counts for modelling junctions in Hitchin, and would like to see more transparent analysis and sensitivity testing of the modelled impacts of the forecast >50% increase in vehicle trips generated by the airport expansion.

Public Transport

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.6.1.4 The Transport Assessment and accompanying documents provide minimal detail about how buses will be enhanced to connect to Hertfordshire towns which currently have poor connections to Luton, including Hemel Hempstead, Hatfield and Welwyn Garden City as well as continuing to develop the services that already exist connecting to Hitchin, Letchworth, and Stevenage. Hertfordshire County Council and North Herts Council are



concerned that if a broad plan and funding mechanism is not established at this planning stage, there can be no confidence that meaningful improvements will be made to the bus connections to Hertfordshire to support their sustainable airport growth, which could make it difficult for the Proposed Development to achieve their sustainable travel goals and therefore impact negatively on the Hertfordshire highway network. Local bus travel from the nearby Hertfordshire towns would provide a sustainable travel choice for trips from the east and south, and the Councils would like to see that sufficient planning of these services has occurred and that a suitable level of funding is secured to deliver the improvements. The funding mechanism and values are currently unclear for investment in supporting public transport.

2.2.6.1.5 North Herts Council is concerned that a below-threshold increase in trips by non-sustainable modes along transport corridors well-served by rail, coach and bus will offset an above-threshold increase in trips by non-sustainable modes from the east, which is not served by rail or coach and is mostly poorly served by bus.

2.2.6.1.6 North Herts Council is concerned that the proposals for bus transport are insufficiently ambitious and detailed to achieve sustainable travel targets from origins not served by direct rail connections to Luton Airport. To minimise negative impacts on North Hertfordshire, the public transport strategy should include as an explicit objective mode-shifting existing car trips to public transport, not only to Luton airport but other destinations, in particular along the A505, to free up highway capacity for the inevitable growth in vehicular trips generated by the airport expansion (estimated at a 37% increase in airport passenger trips and a 46% increase in airport staff trips by car, based on GCG Level 1 thresholds for travel by non-sustainable modes).

2.2.6.1.7 There is a heavy reliance on rail for access to the Proposed Development to achieve the target mode share however it is not clear whether there is sufficient capacity to accommodate all of the public transport trips within the proposed networks for rail and bus / coach, the distributional assessment of passenger and employee demand is not clear from the information presented. Hertfordshire have particular concerns about overcrowded trains leaving the airport having a negative impact on existing and future passengers at stations such as St Albans and Harpenden, particularly in the morning peak. The Councils recognise that there is an opportunity to maximise use of Luton Airport Parkway and the DART connection to the airport by providing improved links by bus / coach and cycling to Luton Airport Parkway.



2.2.6.1.8 It is not clear whether the effect of the Proposed Development has been treated in isolation without a proper understanding of the other demand and growth in rail travel on the Thameslink and EWR network. Trains that are already or forecast to be over capacity as a result of general and/or airport growth need to be identified. The original assessment was based on pre-Covid levels of service with the aspiration to have 24 service per hour through the peak times on GTR services. All rail companies are now under pressure to cut costs, and this has resulted in the rationalisation of some rail services which means the rail capacity envisaged in 2019 is unlikely to be the present day reality and for the foreseeable future.

Physical Highway Improvement Schemes

Hertfordshire County Council and North Herts Council

2.2.6.1.9 The Transport Assessment included three drawings of junction improvements in Hitchin. At present, the Councils are concerned that these mitigation measures are modelled capacity improvements that do not comply with the objectives of the Local Transport Plan 4 (LTP4) or our aspirations in local strategy documents such as the North Central Growth and Transport Plan and North Herts LCWIP. In Hertfordshire County Council's 'opinion, the proposed mitigations do not offer meaningful improvements for active and sustainable modes of travel. Designs should be updated to include meaningful provision for pedestrians, cyclists and lock in any additional capacity for public transport.

2.2.6.1.10 The Councils note that these schemes are subject to further, future detailed design development and discussion with the councils prior to implementation (if required) and any scheme taken forwards should take into account the factors described above, or current Hertfordshire County Council policy at that time. Additional details about how the three junction improvement schemes comply with the LTP4 objectives and requirements must be provided at the relevant time, otherwise these schemes are not acceptable based on our current policy.

Outline Transport Related Impacts Monitoring and Mitigation Approach

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

2.2.6.1.11 The Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) which is contained at Appendix I of the Transport Assessment (7.02) is very light on detail of the approach and locations that will be monitored, instead setting out a broad commitment to agreeing what, where



and how the impacts are monitored at a later date. With the exception of three junctions located in Hitchin which are listed in the bulleted list after paragraph 2.3.3 of the Outline TRIMMA, no other junctions or roads with Hertfordshire are mentioned. It is noted that paragraph 2.3.3 also indicates that the Full TRIMMA is not expected to “materially expand the scope” of the list at paragraph 2.3.3.

2.2.6.1.12 Hertfordshire County Council is concerned that the Outline TRIMMA does not sufficiently protect Hertfordshire, as the main east-west and north south routes from Hertfordshire to the airport are not included in paragraph 3.3, nor are the routes through the North Herts Villages to the east of the airport where the applicant believes that future traffic calming may be required.

2.2.6.1.13 Overall, Hertfordshire County Council believes that the Outline TRIMMA should include more detail about the locations where monitoring will take place, what the monitoring will entail, how often the monitoring will take place and be reported back and details of what happens when the monitoring shows significant difference to the expectations of the Transport Assessment. At present the TRIMMA is not considered sufficiently binding on the applicant to allow Hertfordshire County Council certainty that unforeseen impacts in Hertfordshire will be addressed.

2.2.6.1.14 In order for the TRIMMA monitoring to provide a reliable indication of changes in vehicular traffic associated with the airport, it needs to include regular or continuous tracking of vehicles between the airport and agreed locations in North Hertfordshire using linked ANPR cameras.

Framework Travel Plan

Hertfordshire County Council / Dacorum Borough Council / North Hertfordshire District Council

2.2.6.1.15 There is no quantitative or geographical analysis of the impacts of the interventions proposed in the Framework Travel Plan (FTP). It is therefore not possible to evaluate how plausible the plan is.

North Herts Villages Traffic Calming

Hertfordshire County Council and North Herts Council

2.2.6.1.16 The Transport Assessment identifies a future need for traffic calming in several villages (Great Offley, Tea Green, Breachwood Green, Whitwell) to the east of the Proposed Development, but does not provide details of the type or magnitude of the proposals. The Councils believe that if the current



modelling is predicting a problem that needs mitigation in these villages, more details about the location and type of traffic calming should be provided at the planning stage, before any problems exist, and to allow local residents to have meaningful consultation on what is being proposed. The need for and location of these potential measures needs to be managed at the appropriate stage.

- 2.2.6.1.17 The traffic monitoring (TRIMMA) does not include monitoring at the villages in North Hertfordshire where the Applicant proposes traffic calming and the method of data collection is not clear, this means there could be undetected traffic increases at these locations as the airport grows.

A505 / Pirton Road Highway Improvement

- 2.2.6.1.18 North Herts Council is concerned that the proposed highway improvement at Pirton Road / A505 is shown to significantly increase queueing and delay to traffic on Pirton Road to provide benefit to traffic on the A505. North Herts Council is concerned that the turning counts in the Saturn model (which have been used at this junction) are not calibrated and that the model does not include the fourth arm (Wratten Road) at all, indicating that the analysis is based on unrealistic forecast traffic flows. A proper assessment at this junction using traffic counts could lead to a different (possibly larger) scheme being required. For example, if the traffic from Wratten Road West is more than currently modelled it is likely that the issues predicted on Pirton Road may be worsened.

Construction Traffic Parking

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.6.2.1 While the Councils understands that the Construction Traffic Management Plan (CTMP) requirement for the precise details of construction traffic management to be decided by the future contractor, the Councils are concerned that there is not a current commitment to ensuring that deliveries associated with the Proposed Development's construction and future operation to not fill (or overwhelm) existing lorry parking facilities in the local area. Such a commitment would provide parameters for the future contractor to consider and would ensure that deliveries of essential goods to other locations in Luton and the surrounding area were still able to take place.



Landscape and Visual

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.7.1.1 ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] has assessed that there would be adverse effects on the tranquillity of the Chiltern AONB as a consequence of the increase in air traffic brought about by the Proposed Development. However, more detail is required to understand the nature and geographical extent of these effects.
- 2.2.7.1.2 The Campaign to Protect Rural England (CPRE) tranquillity mapping is only used to describe tranquillity levels for the area immediately surrounding the Proposed Development. The baseline tranquillity levels for the AONB are not described so it is not clear how the basis for the tranquillity assessment has been determined.
- 2.2.7.1.3 ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] refers to effects on 'aesthetic and perceptual qualities' of the AONB but not on the specific 'Special Qualities' set out in the Chilterns AONB Management Plan 2019-2024. How would the Special Qualities of the AONB be affected? It is acknowledged that one of the Special Qualities relates to tranquillity and this is partially addressed in the ES, however, there are a number of other Special Qualities including long distance views and these are not specifically addressed. It is therefore considered that the Proposed Development is not compliant with local planning policy which is supported by national planning policy, specifically in relation to designated landscapes.
- 2.2.7.1.4 ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] states that the Proposed Development would "*permanently deteriorate the sense of tranquillity perceived by those recreating within the AONB*". However, it is not stated what the geographical extent of influence would be across the AONB. Clarification is therefore sought from the Applicant as to the distance from the aircraft flightpaths they consider would result in a deterioration in tranquillity. It should also be recognised that a range of receptors will be affected not just recreational receptors as stated in ES Chapter 14 Landscape and Visual [PINS Ref: AS-079].
- 2.2.7.1.5 Lighting and dark night skies. The lighting assessment does not specifically address night-time effects on the AONB. ES Chapter 14 Landscape and Visual [PINS Ref: AS-079] should consider the introduction of new light sources in skyline views which may be directly visible and not just



assimilated into the general perception of 'skyglow' as stated in ES Chapter 14 Landscape and Visual [PINS Ref: AS-079].

- 2.2.7.1.6 The introduction of new large-scale buildings and structures on elevated landform will be widely visible and introduce views of built form in some areas where existing views are relatively devoid of large structures.
- 2.2.7.1.7 There are concerns from both North Herts Council and Hertfordshire County Council regarding the appearance of new built development in skyline views, in particular, associated with Works 4d and 4c(01) which whilst constructed within Luton Borough would be conspicuous within views north and east, within Hertfordshire County Council and North Herts Council areas. The Proposed Development is illustrated in a number of the viewpoint Accurate Visual Representations (AVS) [PINS Ref: AS-143] for example Representative Viewpoints 10 (Offley 01), 28 (Footpath (Kings Walden 43), 29 (Footpath (Kings Walden 41), 30 Footpath (Kings Walden 052), 31 (Footpath (Kings Walden 09) and 34 (Footpath (Kings Walden 006)). Clarification is required as to the approach to siting these large structures in sensitive elevated locations, including consideration of alternatives and the design approach in terms of scale, massing, finishes and mitigation. In addition, the mitigation proposals as outlined would not take advantage of advanced planting and proposals as they stand would not provide an appropriate level of screening, particularly during winter months.
- 2.2.7.1.8 A proportion of the North Herts Council area is covered by the north-eastern extent of the Chilterns AONB and there are proposals by Natural England to extend the boundary southwards. More detail is required regarding the effects of the Proposed Development on the Special Qualities of the AONB within the North Herts Council area as set out in the Chilterns AONB Management Plan. In particular, regard should be given to the influence of increased air traffic movements, the geographical extent of influence and the range of receptors which may be affected. North Herts Council request that the Examining authority give particular consideration to the views and comments of the Chilterns conservation Board on this matter.

Noise and Vibration

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.8.1.1 The noise impacts predicted to arise as a result of the Proposed Development are set out in the Councils joint LIR. The LIR also identifies



specific areas within these Councils where noise impacts are proposed to occur with the areas covering a considerable number of communities / residents across Hertfordshire.

- 2.2.8.1.2 There remain outstanding noise issues on which agreement is not expected to be reached.

Policy

- 2.2.8.1.3 Since the Relevant Representations have been made, the Applicant has clarified that the one document deemed outstanding by the Councils (Building Bulletin 93: Acoustic Design of Schools) should have been on the Applicant's list of guidance documents and was omitted in error. The list of legislation, policy and guidance documents is therefore now considered complete.
- 2.2.8.1.4 The Councils await clarification from the Applicant setting out how the Proposed Development adheres to emerging UK aviation noise policy. However, the Councils do not believe the Proposed Development to be in compliance with this. An overview of the reasoning for this is as follows.
- 2.2.8.1.5 The impacts identified within the LIR are predicated on the core case within the Applicant's noise assessment. Impacts that would arise from the 'faster growth' sensitivity case are set out in Table 16.74 within ES Chapter 16: Noise and Vibration [PINS Ref: AS-080] and impact a greater number of people with increased noise levels. Future noise contour limits within the Applicant's noise assessment have been set using the faster growth case within the Applicant's noise assessment. This is contrary to UK aviation noise policy as use of the faster growth case to set limits neither limits, nor reduces where possible the number of people in the UK significantly affected by aircraft noise (see paragraph. 17 of the Aviation Policy Framework).
- 2.2.8.1.6 As is required by UK aviation noise policy, benefits are arising from future technological improvements are to be shared between operators and communities. The Applicant has committed to this.
- 2.2.8.1.7 However, the Applicant has not committed to equal sharing, and is basing all sharing off of benefits on the 2019 Actual baseline. Benefit sharing is not an exercise that involves comparing future noise levels against the current baseline or some other historic baseline. When assessing the benefits to be shared in a hypothetical future year, it is necessary to consider the contours generated by the developed scheme (with development) as compared to the future baseline (without development). An equal sharing



arises when control and mitigation measures are in place that ensure that community noise levels are minimised compared to those that might otherwise arise. It is not sufficient to simply argue that future noise levels will be lower than those that occurred in 2019 (irrespective of the fact that the 2019 baseline did not comply with its planning constraints).

Baseline Information / Assessment of Significant Effects

- 2.2.8.2.1 The Applicant has used both the Do Something vs Do Minimum and Do Something vs 2019 Actual Baseline comparisons to determine significant effects. As set out in the paragraph above, the mitigation specified as a result of these comparisons (through GCG) does not lead to benefit sharing.
- 2.2.8.2.2 The assessment of significant effects is based off the comparison of Do Something vs Do Minimum in all assessment years.
- 2.2.8.2.3 The use of the 2019 Actual baseline to demonstrate noise reduction is also not accepted as London Luton Airport did not comply with its day or night-time noise contour constraints as set by the extant planning conditions. This has resulted in incorrect comparisons taking precedence within the Applicant's noise assessment.
- 2.2.8.2.4 The Councils have requested the reasoning for this be clearly set out, including in Statutory Consultation responses and within the Noise Envelope Design Group meetings. This information is not contained within the ES [PINS Ref: AS-080] Noise and Vibration, nor associated appendices.
- 2.2.8.2.5 The Councils have yet to see any valid reasoning for use of a non-compliant baseline. The Councils should be provided with an updated assessment with a valid baseline, coupled with an analysis that shows genuine benefit sharing.

Mitigation, Enhancement and Monitoring

- 2.2.8.3.1 The technical basis of the Noise Insulation Scheme proposed by the Applicant is considered fundamentally acceptable and to be secured by a Section 106 agreement. There are some matters to be agreed with the Councils, which can be secured in the Section 106.
- 2.2.8.3.2 This mitigation is a material improvement on the extant scheme, consistent with UK best practice and would lead to benefits across Dacorum and North Hertfordshire, as set out in the LIR.
- 2.2.8.3.3 The Councils seek to ensure that this scheme is as accessible as possible to those who qualify for it and would welcome details of a communication and engagement strategy on the subject from the Applicant.



2.2.8.3.4 GCG is dealt with separately below.

Water Resources and Flood Risk

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.9.1.3 The Applicant proposes to discharge treated wastewater to ground via an infiltration basin located to the east of the Main Application site. Whilst Hertfordshire County Council accept the proposals in principle, insufficient information has been provided to assure the Council of the viability of this method of discharge. The location of the proposed drainage feature (infiltration basin) raises a potential concern with regards to its feasibility, especially given the presence of the Netherfield Spring a short distance away from the proposed drainage feature. The presence of the spring indicates a potentially shallow water table in the area. A shallow water table is generally not desirable when considering ideal conditions for a soakaway drainage feature as (1) it would limit the rate of inflow due to lack of hydraulic gradient and (2) the EA generally do not accept direct discharges to the saturated part of the aquifer. Given the chalk principal aquifer which is present there is also likely to be significant seasonal variability in the water table which also might affect the feasibility of the drainage system (particularly during winter months when the water table would be expected to be higher).
- 2.2.9.1.4 The Council request that further detail is provided to demonstrate the following aspects: 1) The depth to the groundwater table. If not already undertaken it would be recommended to undertake a high-level feasibility assessment to determine the suitability of the local geological and hydrogeological conditions for the soakaway drainage feature. Depending on the outcome of the initial high-level study more detailed assessment, including some ground investigation e.g. a borehole at the location of the proposed drainage feature, which targets the preferred drainage layer, along with groundwater monitoring to determine seasonal variation in groundwater levels; and 2) Site-specific infiltration testing at the location of the proposed infiltration basin, clarification of expected peak and daily inflow rates to the infiltration basin, and calculation of the required size of the infiltration basin based on the above information, taking into account an appropriate factor of safety, to inform the detailed design of the drainage system.
- 2.2.9.1.5 The review of the submitted Drainage Design Statement Appendix 20.4 Drainage Design Statement of the ES [PINS Ref: APP-137] has identified



that the Applicant has not provided any designs for off-site junction improvements and has only provided a high-level summary of drainage mitigation required at each junction.

- 2.2.9.1.6 The review of the submitted Drainage Design Statement Appendix 20.4 Drainage Design Statement of the ES [PINS Ref: APP-137] also identified that the Applicant proposes to defer a HEWRAT assessment (to assess risks to water quality) until detailed design stage.
- 2.2.9.1.5 These aspects are discussed below with reference to the relevant Council:
- 2.2.9.1.6 The works in regard to drainage systems associated with the proposed junction improvement works in Hitchin are expected to be relatively minor and therefore unlikely to pose significant risk in terms of impacts to water quality or flood risk. The draft DCO (2.01 Draft Development Consent Order) also includes requirement for prior agreement with the relevant authority for highway drainage (Part 4 Reg 19(3): The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld. It is therefore considered reasonable that the design can be appropriately managed as part of the DCO requirements.
- 2.2.9.1.7 With regard to the HEWRAT assessment, the ES Chapter 20: Water Resources and Flood Risk [PINS Ref: AS-031] states that there are no changes in predicted traffic flow associated with highway improvements in North Herts that exceed recommended assessment thresholds as set out in DMRB LA113. It is recommended that North Herts Council review their database to identify if there are any known water quality issues associated with the existing drainage systems in this area of Hitchin as this may need to be taken into account in the assessment of risks to water quality and subsequent detailed design of the drainage systems. As per above, the draft DCO also includes requirement for prior agreement with the relevant authority for highway drainage which would include treatment provision, if required.

Economics and Employment

Hertfordshire County Council / North Herts Council

- 2.2.10.1.1 There are no specific policies or development plans published by the Councils relating directly to the economic growth at London Luton Airport, however the general themes of growth, employment generation, and



workforce skills and training are general themes within many local policies. This is acknowledged within ES Chapter 11 Economics and Employment [PINS Ref: AP-037], and linkages to the proposals and associated benefits are effectively drawn out.

2.2.10.1.2 Whilst the study area is considered appropriate and is clearly outlined and justified, it would have been beneficial for the Councils to understand the effects for each local authority (where possible) rather than the combined wider study area of Luton Borough Council and the three Councils.

2.2.10.1.3 The assessment presents the construction and operational effects of the scheme, many of which are significant and beneficial, particularly with regard to employment generation. The Councils are in broad agreement with the assessment findings; however, it is important that a clear plan for managing those minor adverse impacts identified, particularly during the construction process, is agreed. This is set out in further detail in the LIR produced by the Councils.

2.2.10.1.4 It is noted that there is the potential for displacement of businesses and associated jobs during construction, however that construction and operational employment generation as a result of the expansion of London Luton Airport has the potential to be significant and beneficial overall. The Councils would like to maximise the benefits of employment and mitigate for any losses or displacement. They welcome the creation of an Employment and Training Strategy for the construction and operational phases and that the implementation of this will be secured through Section 106 obligation(s).

2.2.10.1.5 The assessment of employment effects associated with the Proposed Development are informed by the study 'The Economic Impact of London Luton Airport' undertaken by Oxford Economics in 2022, based on demand forecasts provided to by York Aviation. The Councils acknowledge that whilst economic forecasting for a proposal of this nature is difficult to predict, the overall outcome would be beneficial from an economic perspective. The Councils (with the assistance of specialist technical consultancy advice) are in on-going technical discussions with the Applicant in relation to the methodology and conclusions of the economic assessment and on matters relating to passenger forecasting to inform the remainder of the Examination process.

2.2.10.1.6 The Wider Economic Impacts section of the assessment notes that part of the airport's profit is distributed back to the community through its 'community funding scheme.' It is assumed that the scheme referred to is Community First. The intentions of the scheme are outlined within Volume



7 'Draft Compensation Policies, Measures and Community First', which describes how the proposed Airport expansion can directly contribute to the 'Luton 2040 Vision' and wider objectives for tackling deprivation and supporting community and economic growth within the authorities. The introduction of this new funding stream is acknowledged and supported by the authorities who recognise the positive impact the grants could make to local organisations such as community groups, charities, and parish and town councils.

Health and Community

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.11.1.1 The Councils are concerned about the absence of mitigation to address the significant effects anticipated on mental wellbeing for residents once the Proposed Development is operational. While mitigation is proposed in the Code of Construction Practice (CoCP) (PINS Ref: APP-049) in the form of a community engagement strategy to address mental wellbeing effects during the construction phase, no further mitigation is proposed for the operational phase of the Proposed Development.
- 2.2.11.1.2 The Councils believe that there may be opportunities brought about by the Community First Fund which could support the mitigation of impacts on mental wellbeing. Currently community groups who support local residents with mental health issues are offered community grants by the Councils. As stated above, the Councils would like to see the Applicant give consideration to broadening the scope of eligibility for access to Community First and that might include support for mental health and wellbeing.

ULIMS and Funding of Those Impacts

- 2.2.12.1.1 Given the long timeframe of the proposal the Councils have requested throughout the process clarity on how the Applicant is proposing to deal with managing unidentified local impacts. In the proposals being put forward at Heathrow for its third runway, the Applicant was proposing, as part of its Environmentally Managed Growth proposals (upon which the Applicant's proposed GCG mechanisms is largely based) the preparation and implementation of a ULIMS. The below provides a summary of the scope of this for Heathrow and the Councils would welcome further discussion on this.
- 2.2.12.1.2 Extract from Heathrow ULIMS proposals below:

"Introduction



The purpose of this Strategy is to recognise there may be environmental effects arising from the expansion of Heathrow beyond the headline effects covered by the framework for Environmentally Managed Growth. The large majority of those effects will have been identified through the process of detailed EIA, reported in the DCO ES and limited, mitigated or compensated through a detailed set of DCO requirements and obligations.

However, for any development of this scale and long-term duration, whilst the DCO ES will set out a thorough assessment of likely significant effects, it cannot be guaranteed that other significant effects will not arise as circumstances change over time, particularly as airport operations grow.

This strategy puts in place a mechanism for mitigating those impacts, to the extent that they have not already been mitigated through other measures committed in the DCO, or existing environmental regulatory regimes.

Those impacts would be identified through a programme of annual monitoring reported in Monitoring Reports, which would be independently validated and submitted to the Independent Scrutiny Panel.

The purpose of the ULIMS is:

- To recognise that the 4 headline environmental limits covered by the Environmentally Managed Growth Framework are not the only effects of growth;*
- To recognise that growth might take place beyond that anticipated in the DCO but within the overall limits identified in the framework for Environmentally Managed Growth Limits - such growth could have other impacts which Heathrow is committed to mitigate;*
- To recognise that even the most robust ES cannot predict with certainty all of the precise environmental effects of a long term and complex development such as the expansion of Heathrow Airport and that some impacts could arise differently from those anticipated and assessed within the DCO ES; and*
- To provide a mechanism to regulate the process.*

Scope

The principles of the way in which ULIMS would operate are set out below:

- The ULIMS would cover all significant environmental effects arising from the approved growth of Heathrow through the DCO*



application, where these have not been addressed within the DCO and its requirements / obligations;

- The baseline for ULIMS will be the assessment of effects set out in the DCO application;*
- In relation to traffic impacts, for example, the Transport Assessment would identify specific links or junctions where there is some uncertainty or dispute exists with the transport authorities about the significance of expansion impacts. Monitoring or subsequent assessments may demonstrate effects sufficient to trigger the operation of the ULIMS mechanism.*
- Monitoring would establish a process for isolating the impacts of expansion and reporting those impacts against the defined thresholds; and*
- The principal candidate topics for ULIMS are expected to be public transport links and traffic capacity, local air quality impacts, etc. but ULIMS can apply in principle to any significant effect of growth which is not already mitigated through the consented DCO.*

Heathrow would commit to ULIMS as a contingent liability or obligation to address significant effects arising from growth not previously identified or mitigated. In the event that monitoring triggered reference to ULIMS, the Independent Scrutiny Panel may have a role in mediating the necessary solution, within a clear qualifying and governance framework.

The ULIMS would identify a dispute resolution mechanism.

It is proposed that any expenditure from the ULIMS would be funded by the Heathrow Community Fund.

As the DCO ES and the full suite of environmental information that will be submitted with the DCO Application is intended to be comprehensive, it is not anticipated that ULIMS would be called upon often - it exists to respond to exceptional, unforeseen circumstances arising from growth.'

2.2.12.1.2 The Councils have not received any satisfactory response from the Applicant as to why a similar approach to unforeseen impacts is considered not to be appropriate at London Luton Airport, nor, in its absence, how it proposes to identify, manage and fund potential solutions to such impacts. The Councils do understand that the Applicant has brought forward its TRIMMA proposals in relation to the highway network, but this contains no



funding mechanism and apart from TRIMMA there are no proposals to address issues that might arise but are currently unaccounted for.

Surface Access Funding

2.2.13.1.1 Throughout the process, the Councils have asked the Applicant to clarify whether it intends to bring forward funding proposals to deliver transport-related projects and schemes, in much the same way as has happened at London Stansted Airport. The recent consent for London Stansted to grow to 43mppa contains s106 agreement commitments to the provision of operation of a Sustainable Transport Levy, a Local Bus Network Development Fund (£1,000,000), and a Local Roads Network Fund (£1,000,000), for example. No transport related obligations, other than for the specific off-site highways works, are proposed in the current application at Luton.

2.2.13.1.2 The following is included within the Surface Access Strategy [PINS Ref: APP-228]:

Funding of Sustainable Transport Interventions and Measures

“The Applicant and Airport Operator have a strong legacy of investment in sustainable travel.

The proposed interventions and measures will require funding to support a mixture of both operating and capital costs. This will require a step change from existing operations and will require suitable funding mechanisms to allow the assessment of potential funding options that are appropriate and suitable. This will involve developing an internal framework for assessing costs and benefits of surface access interventions to ensure that the Applicant and Airport Operator are making investment decisions that maximise the opportunity for reaching set Targets, achievement of the objectives and represent value for money, in line with the FTP and GCG monitoring.

The Airport Operator currently retains a portion of revenues from parking charges to fund a variety of capital and operating projects aimed at improving sustainable transport options and in surrounding communities. This funding source likely to be particularly relevant to interventions and measures for bus / coach and walking / cycling.”

2.2.13.1.3 However, this is vague in terms of the value and scope of the projects that could be funded through the Councils, this should be translated into a more



formal commitment and arrangement for funding necessary transport schemes to support the airport growth.

GCG Framework

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

Process and Procedures - Overview

2.2.14.1.1 The Councils understand the Applicant's aims and objectives in respect of these provisions. However, no engagement has taken place between the parties on this drafting. Given the novel (and critical) nature of these provisions, the Councils request detailed engagement on this as soon as possible.

2.2.14.1.2 Key issues from the perspective of the Councils include:

- The extent to which the Limits and Thresholds are sufficient and appropriate, and have appropriate associated controls and safeguards, to protect the environment and human health;
- Whether the proposals in respect of monitoring and reporting provide sufficient oversight for stakeholders, including the Councils;
- Whether there is a suitable framework for the Councils to participate effectively in the oversight and enforcement process, and provision for the resource and costs associated with this to be covered by the Airport Operator; and
- Whether proposals in terms of enforcement are suitable and provide sufficient controls to ensure that the environmental effects of the project, including in the event of any increase in capacity above the passenger cap, are within the envelope set out in the Environmental Impact Assessment (EIA).

2.2.14.1.3 The GCG Framework, which will be secured through the DCO, includes early warning Thresholds, and Limits that are not to be exceeded, based on the following environmental effects: a) Aircraft noise – by the total area of land experiencing noise above a certain threshold; (b) Air quality – by the concentrations in the air of the pollutants most relevant to human health; (c) GHG emissions – by emissions from airport operations and surface access; and (d) Surface access – by percentage of passengers and staff travelling by unsustainable modes of transport.



- 2.2.14.1.4 The need for controls for environmental impacts is imperative for the Councils, and whilst the approach to Thresholds and Limits is welcomed, the Councils do not consider that that approach taken is sufficiently comprehensive or robust.
- 2.2.14.1.5 As a consequence, this could lead to significant impacts occurring well in advance of actions being taken to reverse the harm that may have been caused, and which would be continuing before mitigation is agreed and put in place, to both reverse that harm and prevent future harm from occurring.
- 2.2.14.1.6 It will be important to minimise the time lag between publication of monitoring results and preparation and implementation of a Plan, to avoid any escalation from a Threshold Level 2 exceedance up to and beyond a breach, which would then require a Mitigation Plan be produced.
- 2.2.14.1.7 The risk is that the Threshold Level 2 Plans are running behind the exceedance of Thresholds by more than a year and the exceedance will continue to the Limits, such that the situation will already be worse by the point a Plan is agreed or implemented.
- 2.2.14.1.8 In the event that a Limit is breached, it will be necessary for a Mitigation Plan to have been drafted in advance, and then finalised and implemented urgently following a breach, to reverse that breach as quickly as possible. If a breach has occurred, there should be specific, e.g., monthly monitoring of that Limit, until such time as that harm is reversed, not simply stabilised and further harm prevented.
- 2.2.14.1.9 The Mitigation Plan to be prepared by the Airport Operator will need to set out mitigation measures to be considered and approved by the ESG which is to be established. The ESG should be able to direct changes to the Mitigation Plan to enforce a local Rule. to require the necessary mitigation be put in place.
- 2.2.14.1.10 Furthermore, in the event that the Airport Operator appeals an ESG decision, then the ESG decision and any Local Rule should stand on an interim basis until the Appeal decision is received. This is to avoid an absence of mitigation actions being implemented after, for example, a Limit has been breached, and it is critical that immediate action is taken to arrest and reverse the breach, and awaiting an Appeal decision before taking any actions could lead to at least a continuation, and potentially a serious worsening of the breach, in that intervening period.
- 2.2.14.1.11 More detailed commentary is provided under the following sections.



Exceedance of a Level 2 Threshold

2.2.14.1.12 In relation to exceedance of a Level 2 Threshold, discussion is needed as to the appropriateness of the proposals. In particular:

- The timeframes within which ESG has to consider a draft, and approve a final, Level 2 Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s);
- It is suggested that it should be made clear that a Level 2 Plan must relate to the specific exceedance identified – the precise purpose and content of such Plans needs further clarification;
- It is noted that approval of a Level 2 Plan can only be refused on specific grounds, which need to be further interrogated and justified;
- The Councils do not consider that the Level 2 Plan should be deemed to be approved given its vital role in ensuring that a Limit is not exceeded;
- The Councils note that new slots will still be permitted to be allocated within the existing capacity declaration whilst an exceedance of a Level 2 Threshold is ongoing, perpetuating the breach of that Level Threshold and increasing the risk of the Limit also being breached;
- The proposals state that the Level 2 Plan will need to consider whether continued operations at the declared level of airport capacity is expected to result in the effects increasing above the Limit, and that if this is the case it is stated that the Plan should include proposals for additional interventions or mitigation including timescales for delivery, to ensure that the Limit will not be exceeded. However, this is not expressed as a requirement for the Plan. The Councils consider that this should be a specific requirement for the first Level 2 Plan; and
- There is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Level 2 Threshold, and as such no incentive to address any exceedances.

Exceedance of a Limit

2.2.14.1.13 The Councils expect that when an exceedance of a Limit occurs, there should be an Immediate Cessation of the causes that led to the exceedances.



2.2.14.1.14 In relation to the exceedance of a Limit, discussion is needed as to the appropriateness of the proposals. In particular:

- The timeframes within which ESG has to consider a draft, and approve a final, Mitigation Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s);
- It is suggested that it should be made clear that a Mitigation Plan must relate to the specific exceedance identified – the precise purpose and content of such Plans needs further clarification;
- It is noted that approval of a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified;
- The Councils do not consider that the Mitigation Plan should be deemed to be approved given its vital role in bringing London Luton Airport back within the Limits;
- The Councils note that although no new slots will be permitted to be allocated and hourly runway capacity will not be allowed to be increased whilst an exceedance of a Limit is ongoing, the Airport Operator will still be able to operate within the existing capacity declaration and at the same level of capacity as the airport was operating at when the exceedance of the Limit occurred. The proposals would therefore allow an exceedance of the Limit to be perpetuated by maintaining the same capacity level, without requiring the Airport Operator to reduce the number of slots allocated, so as to bring the effects of the Proposed Development within the Limit. The Councils do not consider that this is an appropriate or effective approach to managing environmental impacts on an adaptive basis for the benefit of communities, and consider that in the event of an exceedance of the Limit the Airport Operator should be required to reduce capacity immediately if necessary, in order to remedy the exceedance of the Limit. In this context we note that the exceedance over the Limit could be significant and could be such as to put the UK government in breach of its legal obligations and/or could have significant implications for the Councils, for example in relation to air quality;
- under the proposals, it is only where a second Mitigation Plan has to be produced, after the original Mitigation Plan has not been effective in remedying the exceedance of the Limit within the timescales specified in the Mitigation Plan, that the Applicant would be required to consider whether implementation of a local



rule would reduce, avoid or prevent exceedance of the Limit.

The Councils believe that this should be required to be considered by the Airport Operator in the original Mitigation Plan, and not left to a second Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a local rule to address the exceedance of the Limit;

- The proposals state that the Airport Operator may feel that the most appropriate way of addressing a breach of a Limit is through a planned capacity reduction. The Councils consider that this should be required to be considered by the Airport Operator in the original Mitigation Plan, and that the ESG should also have the power at the stage of the original Mitigation Plan to require the Airport Operator to implement a planned capacity reduction to address the exceedance of the Limit;
- The current proposals would enable the Airport Operator to make a case that growth at the airport should be allowed to continue even when a Limit has been exceeded, and this would only 'potentially' be subject to the delivery of or a contribution to a particular piece of mitigation. An example given is where the delivery of the necessary mitigation is not solely within the control of the Airport Operator, and another is that the approach could be used if airport related traffic is found to be making a small contribution towards a breach of UK legal limits. Discussion is needed as to the appropriateness of this approach, which could increase the extent of any exceedance of the Limit prior to any steps being taken to remedy the exceedance and / or perpetuate the exceedance of a Limit for longer than would be the case if it were remedied before growth were continued. Further justification and interrogation is required in relation to this aspect of the proposals;
- The Councils consider that the right of appeal to the Secretary of State in respect of any decision made by the ESG, without specific grounds on which such appeal may be made, risks removing the local control and decision making that the ESG is designed to facilitate. The Councils view is that any right of appeal should be limited to specific grounds; and
- There is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Limit, and as such no incentive to address any exceedances. Further discussion, justification and interrogation is required in relation to this aspect



of the proposals and its appropriateness in terms of facilitating green growth at the airport.

2.2.14.1.15 The Councils consider that in the event of an exceedance the Airport Operator should immediately reduce activity in order to avoid continuing the exceedance and that it should then be required to take and report active steps it is taking to understand the cause of the breach and put forward measures and steps it is putting in place to ensure that the same situation and any further exceedance does not occur.

2.2.14.1.16 In this context it is noted that each Limit is to be aligned with the assessment results from the faster growth sensitivity test, which it is stated represents a realistic worst-case scenario. The Councils are concerned that under the current proposals the realistic worst-case scenario assessed in the EIA would be likely to be exceeded (by an unspecified and uncontrolled margin) for around 2 years before it could be brought back under control through capacity reductions or a local rule, if other mitigation was not effective. Further discussion, justification and interrogation is required in relation to this aspect of the proposals and its appropriateness in terms of facilitating green growth at the airport.

2.2.14.1.17 The Environment Act 2021 provided for new environmental targets to be set in legislation and reflected in the Environmental Improvement Plan (EIP), alongside interim targets to be published in the EIP. The Councils consider that it is important that the GCG proposals (including Level Thresholds and Limits) should be reflective of and take account of the interim targets and environmental targets, including where these change from time to time in accordance with periodic updates to the EIP and environmental targets.

Monitoring and Reporting

2.2.14.1.18 The Councils note that the GCG proposals are for annual monitoring and reporting of environmental effects by the Airport Operator. This is not frequent enough to enable effective and adaptive oversight of the airport's operations, and the Councils consider that monitoring should be undertaken (with access provided to the Councils and ESG) on as close to a 'real time' basis as possible, and at a minimum reporting to the ESG on any exceedances should take place on a monthly basis or whenever such exceedances are measured as having occurred. An annual Monitoring Report should also be submitted and published as currently proposed.



2.2.14.1.19 The Councils note that under the current GCG proposals it is stated that there would be a minimum two summer season lag between an exceedance of a Level 2 Threshold or a Limit and action being taken to manage future capacity where required, based on the timings for future slot allocation. The Councils consider that this is too long a period for an exceedance of a Level 2 Threshold or a Limit to be perpetuated before action is taken to reduce capacity accordingly, particularly noting that this would see London Luton Airport operating in exceedance of the realistic worst case scenario reported in the EIA during this period. This further underlines that the controls around the exceedance of a Level 2 Threshold and / or a Limit as currently outlined are insufficient to facilitate effective adaptive environmental management and ensure that growth only takes place within appropriate parameters.

2.2.14.1.20 The Councils consider that where other monitoring of environmental impacts pursuant to the DCO is relevant to the outcomes and/or mitigation being reported or proposed in the Monitoring Report and / or any Level 2 Plan or Mitigation Plan, such monitoring should be provided to the Technical Panel and ESG along with the relevant Monitoring Report, Level 2 Plan or Mitigation Plan, to ensure transparency and ensure a complete and comprehensive consideration of the issues in the relevant plan.

Independent Scrutiny and Review

2.2.14.1.21 It is noted that Dacorum Borough Council is not proposed to be a member of ESG but it is considered that it should be, given it is a host authority for the Proposed Development. In addition, discussion will be needed on the precise operation of the ESG, particularly in terms of all members having one vote, given (depending on the matter at hand) issues may affect different members differently. It is suggested in the GCG proposals that any Councils not on the represented on the ESG could sit instead on the Technical Panel. However, this is not a decision-making body and therefore representation on it would not enable Dacorum Borough Council to have effective oversight and enforcement in relation to matters affecting its area and communities, such as noise.

2.2.14.1.22 The Councils consider that the ESG should have some form of approval role in respect of a Monitoring Report (which is lacking currently), as this will allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded.

2.2.14.1.23 It is noted that the ongoing reasonable and properly incurred and evidenced costs of the ESG and Technical Panel will be funded by the



Airport Operator. This is welcomed, but should also include the resource and management costs of the Councils in relation to their participation in the ESG (and / or any Technical Panel), including reviewing, amending and approving minutes of meetings, management packs and reviewing, commenting and consulting internally on documents pursuant to the ESG.

2.2.14.1.24 The Councils welcome the principle of periodic reviews of the GCG Framework, which will allow for improvements to the process to be implemented over the medium and longer term. However, the Councils do have concerns around the time period within which ESG has to approve any proposed amendments to the GCG Framework before the deemed consent mechanism is triggered. Given the importance of such an application, a period of 56 days is short, particularly (again) having regard to the need for the ESG to congregate and seek input from the Technical Panels.

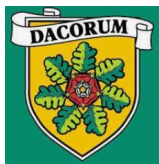
2.2.14.1.25 As set out above, the Councils urge the Applicant to engage with it on the GCG Framework in detail as soon as possible.

GCG and Slot Co-ordination

2.2.14.1.26 The appropriateness of the use of the Airports Slot Allocation Regulations 2006 as the primary mechanisms to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils) – indeed, the reference to a ‘local rule’ appears to acknowledge that the Applicant can only seek such a rule, rather than definitely secure one.

2.2.14.1.27 As such, the question arises as to what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured. The GCG proposals refer to a ‘toolbox’ of interventions that that Airport Operator can use to manage or mitigate environmental effects, but it is not clear from the proposals what effective interventions could be introduced in circumstances where a planned capacity reduction or local rule cannot be achieved, or cannot be achieved in an appropriate timeframe. As currently proposed, exceedances of Level 2 Thresholds and Limits could prevail for a significant period of time before being mitigated.

Compliance with GCG

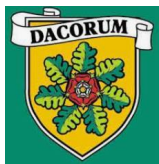


- 2.2.14.1.28 It is noted that under current proposals it would only be a breach of the processes of the GCG Framework that would constitute a breach of the legally binding terms of the DCO. It is stated that the process is designed to require action by the Airport Operator to address any exceedances.
- 2.2.14.1.29 However, as set out above, there is no incentive on the Airport Operator to strive to reach the Level 1 Threshold, and there is no sanction in the event of a breach or even a continued breach of a Limit, and as such no incentive to address any exceedances. Indeed, it could be argued that it could be in the interests of the Airport Operator to breach a Limit in order to facilitate growth, since it would then have around two years of increased capacity prior to having to potentially consider capacity reductions or local rules to bring the position back into compliance with the Limit.
- 2.2.14.1.30 The Councils consider that under the supplemental process the Airport Operator should be required to report to Luton Borough Council as the relevant planning authority in the event of the ESG serving a notice on it that it considers that a breach has taken place.
- 2.2.14.1.31 The current proposals do not sufficiently reward good behaviours and performance, and do not provide any sanctions on the Airport Operator in the event of exceedances of the Level 2 Thresholds or Limits.
- 2.2.14.1.32 Issues in relation to the individual Thresholds and Limits and technical aspects are covered in the following sections under their topic headings.

Aircraft Noise – Thresholds and Limits

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.14.1.33 With regards to noise, the GCG Framework remains unproven as a suitable process as it does not contain enough noise controls to be demonstrably effective. The current and necessary requirements are set out in the LIR, which would enable year-round control.
- 2.2.14.1.34 At present, the GCG Framework is, at best, capable of bringing London Luton Airport up to the minimum levels of other UK airports over the summer 92-day period that the noise contours are assessed over, as no other UK airport has breached its noise contours in successive years with no contour reduction strategy.

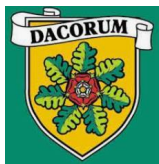


- 2.2.14.1.35 The introduction of Thresholds is in principle a good idea, but these are set at arbitrary points that may not be effective at preventing a Limit breach.
- 2.2.14.1.36 Ultimately, the remedy available to the local community in the event of future breaches of the proposed Thresholds and Limits remains Statutory Enforcement by Luton Council. This is no different a position than that applicable in the years leading up to and containing breaches.
- 2.2.14.1.37 The use of Thresholds and Limits affect all three Councils, and it is deemed highly unlikely that a breach of the Limits would lead to a noise impact in only one Council area, but rather would impact on all those communities identified to be affected by aircraft noise in the LIR.

Air Quality – Thresholds and Limits

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.15.1.1 The Thresholds and Limits for air quality are for annual mean concentrations only. Whilst this addresses compliance with Government standards for annual mean pollutant concentrations it does not support a proactive approach to emissions management which should take into account short-term pollution events. It also does not serve to help protect people from acute health conditions such as asthma that can be brought on by short-term air pollution episodes - and could be associated with emissions from airport related sources (LTO, airside, landside and roads carrying airport related traffic). As such, the proposed Air Quality Monitoring Plan is inadequate.
- 2.2.15.1.2 The proposed use of “AQMesh or equivalent” is not sufficient to demonstrate compliance with Government standards as such indicative methods (even with MCERTS certification) do not meet DEFRA reference method equivalence criteria.
- 2.2.15.1.3 Although at present there are no Government standards to address short-term concentrations of PM_{2.5} (or finer fractions), the World Health Organisation (WHO) gives interim targets and guideline levels 24-hour mean PM_{2.5} which could be adopted now. As the Government has recently legislated a 10µg/m³ target (for 2040) for annual mean PM_{2.5}, which is the same threshold as the WHO interim target 4, with a Government interim target of 12µg/m³ (for 2028), it would seem appropriate to set thresholds for 24-hour mean PM_{2.5} concentrations based at least on the WHO interim target 3. This WHO target is 37.5µg/m³ not to be exceeded more than 3-



4 days per year. As the corresponding WHO interim target 3 for annual mean PM_{2.5} is 15µg/m³, this is reasonably in-line with the Government's interim annual mean target. A 24-hour mean threshold, coupled with attention to air pollution forecasts, would enable a more proactive approach to emissions management than would be possible if only annual mean thresholds are considered.

- 2.2.15.1.4 Additionally, there is no mention of annual reporting of airport related emissions of local air pollutants based on recorded activity data. This would assist the Applicant in demonstrating the effectiveness of environmental management in reducing emissions over time.

GHG – Thresholds and Limits

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.16.1.1 Section 5.1 outlines Limits and Thresholds relating to GHG emissions associated with the activities described in this section (notably excluding Aviation emissions). It is noted that these Limits will be reviewed to align with the Jet Zero Strategy ambition of zero-emissions airport operations by 2040.
- 2.2.16.1.2 Given that these Limits relate to operations and activities within the Council area(s) and they are therefore indirectly connected to Councils climate action plans and net zero trajectories, the GCG would benefit from the addition of confirmation that the limits included will not be increased (i.e. allowing more GHG emissions), regardless of revisions to the Jet Zero Strategy or updated policy or guidance. If this cannot be confirmed, explanation as to how the GCG Framework will ensure alignment with local authority net zero trajectories would be welcomed.

Surface Access – Thresholds and Limits

Hertfordshire County Council / Dacorum Borough Council / North Herts Council

- 2.2.16.2.1 Time lag between the detection of a breach in surface access controls and the halting of airport growth needs to be better understood in terms of the resulting temporary further potential increase beyond the limit after the breach has been identified through the annual monitoring and the timescale for amending the slot allocations has been actioned. It is understood there could be a two summer season lag between a breach being detected and action being taken.



- 2.2.16.2.2 The GCG approach is generally welcomed at this stage, but the Councils need to understand more of the detail in terms of what this will mean in real terms within the authority. When the traffic modelling has been reviewed and confirmed the Councils will need to understand the potential maximum impacts on the Hertfordshire road network and to consider the potential localised impacts in detail.
- 2.2.16.2.3 The data collection for monitoring the GCG is based on annual Civil Aviation Authority (CAA) passenger surveys which may not necessarily reflect the worst encountered situation and impacts on the local road network during the year. A monthly monitoring and reporting would help to identify exceedances in a timely manner to be addressed appropriately. The Limits and Thresholds are based on overall airport passenger mode share targets alone, this will not reflect the potential additional traffic that could be experienced within the Hertfordshire highway network. There are also concerns that the survey is appropriate and that the method for implementing the survey is robust and unbiased towards particular travel modes, as well as returning a good sample rate (this should be defined) to ensure it is representative of the passengers using London Luton Airport.
- 2.2.16.2.4 Annual data collection will also be taking place in relation to the TRIMMA and the FTP and this localised monitoring will be able to identify where additional local mitigation is needed, but the mechanism for requiring additional local measures is unclear along with the financial mechanisms and whether there is sufficient budget available for implementation of the additional measures is not defined. Each of the Councils could require additional mitigation schemes to manage the airport expansion impacts. If the GCG monitoring demonstrates that London Luton Airport is operating within the GCG Thresholds and Limits, we would expect the Airport Operator to still be committed to providing local mitigation improvements in relation to TRIMMA and the FTP, however the relationship is not clear.

Comments on the Draft DCO

- 2.2.16.2.5 The Councils have reviewed the various versions of the draft DCO submitted by the Applicant, including the most recent version accepted at the discretion of the Examining Authority (version 2, [PINS Ref: AS-067]). Any references to the draft DCO in this document are to [PINS Ref: AS-067].
- 2.2.16.2.6 Whilst the Applicant has engaged with the Councils on a number of issues prior to the Application being submitted, the Councils did not have sight of any form of the draft DCO as part of this engagement. In addition, no



engagement on the draft DCO has taken place since the Application was submitted.

2.2.16.2.7 Given the critical importance of the draft DCO as the primary consenting instrument of the Proposed Development, the Councils have reviewed, with their legal advisors, the draft DCO. This review has highlighted a number of concerns with the drafting as it stands, particularly around the control mechanisms during both construction and operation of the Proposed Development. To this end, the Councils request that the Applicant engages with the Councils on the draft DCO as soon as possible, with a view to them being provided with sufficient comfort on their concerns.

2.2.16.2.8 The primary concerns with the draft DCO identified by the Councils are set out and explained below. However, given the weight of material that comprises the Application which the Councils are currently considering, the Councils may wish to raise further points on the draft DCO in subsequent submissions.

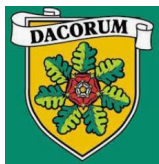
2.2.16.2.9 The Councils acknowledge outline plans referred in the draft DCO are available and content for the Councils to be engaged in agreeing final plans in writing in due course, for example the Outline Construction Worker Travel Plan.

Draft DCO - Time Limits for Consents / Approvals

2.2.16.2.10 The Councils note that consents / approvals are required from one or more of them under various provisions of the draft DCO. However, there is the concept of a 'deemed consent' where if no response is received within a prescribed time limit (the time limits are generally 28 days - see article 13(6) as an example - except for applications under the DCO Requirements, where an eight-week period applies - see paragraph 35 of Schedule 2) the consent or approval is deemed to have been granted.

2.2.16.2.11 The Councils fully understand the Applicant's need for certainty in terms of timing (and that the Proposed Development should not be unduly delayed due to inactivity by the Councils) but there is a material concern that the deemed consent time limits are much too short.

2.2.16.2.12 It goes without saying that the Proposed Development is a major, complex project - it is a Nationally Significant Infrastructure Project (NSIP) after all. The Councils only have limited resources to deploy in dealing with various applications for consent / approval under the DCO, if granted. The Councils are concerned that the Applicant may submit a number of applications for consent / approval concurrently which could not be



adequately considered within the relevant timeframes. This could mean that the deemed consent mechanism is triggered where an application is unsatisfactory for one reason or another that could have significant consequences - for example, in relation to the temporary stopping up of streets under article 13 or traffic regulation measures under article 16. There does not appear to be any safeguard against this which could result in the Councils not being able to fully discharge their statutory duties in their area.

- 2.2.16.2.13 The Councils therefore wish to discuss the deemed consent provisions in more detail with the Applicant, including seeking some mechanism or legally binding assurance in terms of implementing a solution where there is a balance between the Proposed Development being able to proceed in a timely manner and the Councils being able to give applications for consent / approval due consideration.

Draft DCO - Part 1 - Principal Powers

- 2.2.16.2.14 **Article 6 (Limits of Works)** - The Councils are currently considering the acceptability of the limits of deviation secured by this provision and the extent to which these have been assessed and reported on in the ES. The Councils will engage with the Applicant on this point.

Draft DCO - Part 3 – Streets

- 2.2.16.2.15 **Article 9 (Application of the 1991 Act)** - Whilst the Councils note this provision is largely drafted in accordance with a number of precedents, it is noted that it (at paragraph (8) onwards) deals expressly with the East of England Permit Scheme (a permit scheme made under the Traffic Management Act 2004), limiting the conditions that can be attached to any permit granted under it. Clearly the Proposed Development has been implemented with a view to suitably managing street/highway works - as such, the Councils wish to fully understand the practical implications for any works associated with the Proposed Development. This will need to be further informed by information from the Applicant as to its intentions in respect of street / highway works that would ordinarily be subject to the Proposed Development on an unfettered basis.
- 2.2.16.2.16 **Article 12 (Construction and Maintenance of New, Altered or Diverted Streets)** - Similarly to article 9, the Councils acknowledge that broadly speaking this provision is in line with a number of precedents. However, it is noted that there does not appear to be any mechanism for an initial maintenance period (or any equivalent provision around defects / cost recovery) for any new, altered or diverted streets implemented under



the DCO prior to their handover to the relevant street/highway authority. This does, in the Councils experience, depart from the norm (see, for example, article 11(1) of the Manston Airport DCO 2022 which does contemplate a maintenance period). The Councils therefore require some form of contractual arrangement to secure these matters if the Applicant does not wish to reflect these on the face of the Draft DCO.

2.2.16.2.17 Article 14 (Permanent Stopping up of Public Rights of Way) - It should be noted that the Councils are currently considering the list of public rights of way contained in Schedule 3 to the draft DCO that are proposed to be permanently stopped up under this article. It is not possible at this stage to confirm these are acceptable or not, but the Councils seek engagement with the Applicant on this point.

2.2.16.2.18 Article 18 (Designation of Highways) - Similarly to the above, the Councils are currently considering the proposed right of way designations contained in Schedule 4 to the draft DCO. It is not possible at this stage to confirm these are acceptable or not, but the Councils seek engagement with the Applicant on this point.

Draft DCO - Part 4 - Supplemental Powers

2.2.16.2.19 The Councils note the various powers contained in Part 4 of the draft DCO. In general, it is acknowledged that these powers are consistent with precedents and, in principle, there is no objection to them. However, the Councils are currently considering the precise extent to which these powers could impact their interests or duties (for example via protective works to buildings, via the discharge of water or the environmental impacts associated with the tree powers). This review is on-going, and the Councils will seek to engage with the Applicant on any areas of concern.

2.2.16.2.20 As a related point, the Councils note the use of the term 'may be affected by the authorised development' - see article 20(1) for example. This introduces a significant level of uncertainty as to the extent to which certain draft DCO powers could be implemented, which could impact on the Councils interests. The Councils therefore seek further clarity from the Applicant in this regard.

Draft DCO - Part 5 - Powers of Acquisition and Possession

2.2.16.2.21 It is acknowledged by the Councils that projects of the scale of the Proposed Development will inevitably need to seek compulsory land powers, and those contained in Part 5 of the draft DCO reflect precedent.



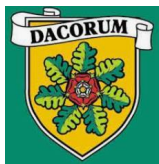
2.2.16.2.22 However, land interests of the Councils are listed throughout the Book of Reference [PINS Ref: APP-011] which means that such interests will be subject to a range of compulsory land powers, including permanent acquisition (outright or rights only) and temporary possession.

2.2.16.2.23 The Councils also note the provisions contained in article 35 of the draft DCO in relation to the proposed permanent acquisition of existing special category land and the provision of replacement land. Under article 35(1) a scheme for the provision of the replacement land must be 'certified' by the local planning authority and the implemented by the Applicant. The Councils wish to discuss the mechanics of this with the Applicant, given (it is understood) that the existing special category land is currently within Luton Borough, but the replacement land is to be located in both Luton Borough and North Herts Council. Given the need to ensure equivalent provision for local residents (having regard to the definition of "replacement land" in section 131(12) of the Planning Act 2008).

Draft DCO - Part 7 – Miscellaneous

2.2.16.2.24 **Article 43 (Disapplication of Legislative Provisions)** - The Councils note that the proposed legislative disapplications listed in article 43(1) are reasonably 'standard' across DCO projects. However, these do have a direct impact on Hertfordshire County Council's land drainage functions / oversight, removing certain consenting roles. The usual position is for disapplications to be given in exchange for a set of appropriate 'protective provisions' in the draft DCO. Having reviewed the protective provisions contained in Schedule 8 to the draft DCO, at this stage the Applicant does not appear to be proposing to include land drainage protective provisions in the draft DCO. This is a significant concern for Hertfordshire County Council and therefore urgent engagement with the Applicant is sought, as Hertfordshire County Council considers protective provisions are necessary to be included in the draft DCO for its benefit to ensure suitable oversight of land drainage interfaces.

2.2.16.2.25 **Article 44 (Interaction with LLAOL Planning Permission)** - In summary, this provision confirms that the passenger cap of 18 million passengers per annum to which the Applicant is currently subject (as contained in planning permission reference 12/01400/FUL, granted by Luton Borough Council (**the LLAOL Permission**)) applies until a notice has been served on the 'relevant planning authority'. On the service of that notice, the LLAOL Permission ceases to have effect and is not enforceable. The Councils have significant concerns with this provision which require urgent further detailed engagement with the Applicant, including:



- The fact that service of the notice triggering the LLAOL Permission ceasing to have effect appears to be entirely at the discretion of the Applicant;
- The effect this provision would have on the existing planning obligations and how any replacement obligations would be secured;
- Whilst it is understood that the ultimate aim of the Applicant is for the GCG Framework and other operational requirements to regulate operations at the Proposed Development through the DCO, including its capacity, the Councils have a number of concerns in relation to this which need to be settled before they can confirm contentment with the existing passenger cap falling away - if the Applicant wishes to proceed in this way, the draft DCO must contain a comprehensive set of controls, at least equivalent in effect to those conditions contained in the LLAOL Permission and associated planning obligation(s); and
- Practically how the GCG Framework and other restrictions will link to London Luton Airport operations as they sit today - this is because the various obligations in the draft DCO which prevent operations until certain measures are in place (including operational mitigation in Part 4 of Schedule 2 to the draft DCO) only link to the operations of the 'authorised development' which, as defined in article 2, is the Proposed Development authorised by the draft DCO (i.e. new works) as opposed to pre-existing works. It therefore appears to the Councils that, in theory, the Applicant could serve notice under article 45 of the draft DCO and operate the existing works without any/sufficient controls being in place (as those under the LLAOL Permission would be unenforceable) - **this appears at first glance to be a fundamental flaw in the proposals.**

2.2.16.2.26 **Article 45 (Application of the 1990 Act)** - The Councils note this provision and require discussion with the Applicant as to its proposed effect. One of the intentions behind it appears to be to deal with inconsistencies between extant planning permissions (specifically the LLAOL Permission and the 'Green Horizons Park permission' as defined) and the Proposed Development, whilst at the same time not precluding development coming forward under either. This could, for example, result in any inconsistent planning conditions ceasing to have effect (article 45(2)(c)) and the removal of the relevant planning authority's ability to take enforcement action. Ultimately, the Councils need to be clear that there is no regulatory gap in respect of the control of development and suggest at this stage that the drafting could give rise to uncertainty.



Draft DCO - Schedule 2, Part 1 and Part 2 - Requirements (General and Construction)

2.2.16.2.27 General - The Councils note that the Proposed Development can be split into 'parts' for the purpose of discharging the requirements. Whilst it is acknowledged this is a common approach in DCOs, the Councils would welcome clarification from the Applicant in terms of how this is proposed to work in terms of the proposed phasing of the Proposed Development, over quite lengthy periods of time (as per the assumptions contained in the ES). Is a 'part' a geographically distinct part, a temporally distinct part, or both?

2.2.16.2.28 Requirement 1 (Interpretation) - The Councils note that a number of requirements are triggered only when the Proposed Development is 'commenced'. The definition of this term includes a number of 'carve outs', whereby works can be undertaken without the discharge of requirements in advance. Whilst it is acknowledged that is a well precedented approach, the Councils are currently undertaking a review to ensure that none of these carve outs have an unintended consequence in terms of a regulatory gap (e.g., because such carved-out works could give rise to an environmental effect which would otherwise be mitigated through the requirements. The Councils will engage with the Applicant on this point.

2.2.16.2.29 Requirement 5 (Detailed Design) - The Councils welcome the ability to approve the details of the layout, siting, scale and external appearance of the buildings, structures and other works that form the Proposed Development, but note that such details must be in 'general accordance' with the Design Principles [PINS Ref: APP-225]. There are two points to note in this regard:

- The Councils are still reviewing the Design Principles to ensure it is fit for purpose; and
- The reference to 'in general accordance' appears a weak way to secure the document, as this indicates there could be a substantial departure from them - they should either be secured or not. The Councils consider that the word 'general' should be deleted.

2.2.16.2.30 Requirement 7 (Notice of Commencement of Development) - The Councils require more than 14 days' notice of the commencement of the Proposed Development. In addition, they also require notice of when any works authorised by the DCO are begun. The Councils will discuss this in more detail with the Applicant.



- 2.2.16.2.31 **Requirement 8 (CoCP)** - CoCP is a key construction works control document. The Councils wish to comment on the wording of the requirement itself as follows:
- 2.2.16.2.32 Requirement 8(1) only requires the Proposed Development to be carried out 'substantially in accordance' with the CoCP and its subsidiary plans - it is the Councils view that this wording allows too much latitude for the Applicant to depart from measures within the CoCP. Ultimately, the CoCP measures should either be fully secured or not. The Councils require that the word 'substantially' is deleted.
- 2.2.16.2.33 There is reference in Requirement 8(2) to 'the contractor' - this does not appear to be a defined term and the Councils query whether this should instead refer to 'the undertaker'.
- 2.2.16.2.34 **Requirement 9 (Landscaping Design)** - The Councils are currently considering the adequacy of the strategic landscape masterplan document, clearly the efficacy of this requirement rests on that. In terms of the DCO drafting, the Councils query whether it is appropriate for the details to only 'reflect' that strategic document, rather than be 'substantially in accordance with...', which would be consistent with drafting elsewhere in the DCO (e.g., in Requirement 10).
- 2.2.16.2.35 **Requirement 10 (Landscape and Biodiversity Management Plan)** - The Councils are currently considering the adequacy of the outline landscape and biodiversity management plan - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable. The only question the Councils have links in with how the Proposed Development is being split into 'parts' and how practically approval of details across numerous local authority areas would work. This comment, indeed, applies to almost all of the requirements.
- 2.2.16.2.36 **Requirement 11 (Protected Species)** - The Councils are currently considering the adequacy of the ecological mitigation strategies, - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the Councils request the Applicant engages with it around the split in regulatory oversight between it and Natural England.
- 2.2.16.2.37 **Requirement 13 (Surface and Foul Water Drainage)** - The Councils are currently considering the adequacy of the surface and foul water drainage plan - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although it is noted "the



surface and foul water drainage plan" is not currently a defined term in Requirement 1, so should be added.

2.2.16.2.38 Requirement 14 (Construction Traffic Management) - The Councils are currently considering the adequacy of the outline construction management plan, - clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.

2.2.16.2.39 Requirement 15 (Construction Workers) - The Councils are currently considering the adequacy of the outline construction workers travel , clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.

2.2.16.2.40 Requirement 16 (Archaeological Remains) - The Councils are currently considering the adequacy of the cultural heritage management plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.

2.2.16.2.41 Requirement 17 (Remediation of Former Eaton Green Landfill) - The Councils are currently considering the adequacy of the outline remediation strategy. Otherwise, the DCO drafting appears appropriately enforceable.

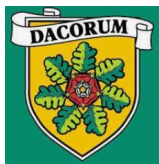
Draft DCO - Schedule 2, Part 3 - Requirements Pertaining to GCG

2.2.16.2.42 Part 3 of Schedule 2 to the draft DCO contains the provisions that legally secure the GCG Framework, through a number of requirements relating to the ESG, monitoring plans, the actions that need to be taken where there is an exceedance of a Limit or a Threshold and, finally, what such an exceedance means in terms of the ability for London Luton Airport to grow in operational terms.

2.2.16.2.43 The Councils understand the Applicant's aims and objectives in respect of these provisions. However, no engagement has taken place between the parties on this drafting. Given the novel (and critical) nature of these provisions, the Councils request detailed engagement on this as soon as possible.

2.2.16.2.44 The appropriateness of the GCG Framework will largely rely on technical questions - e.g., the adequacy of the Limits and Thresholds.

2.2.16.2.45 However, in terms of the DCO Requirements, the Councils have the following initial (but by no means complete set of) comments:



2.2.16.2.46 Requirement 20 (Environmental Scrutiny Group) - it is noted that Dacorum Borough Council is not proposed to be a member of ESG but it is considered that it should be, given it is a host authority for the Proposed Development. In addition, discussion will be needed on the precise operation of the ESG, particularly in terms of all members having one vote, given (depending on the matter at hand) issues may affect different members (and, particularly the Councils) differently.

2.2.16.2.47 Requirement 21 (Monitoring of Permitted Operations) - It is suggested this is amended so:

- That monitoring is required to be undertaken on as close to a 'real time' basis as possible;
- Exceedances should be reported to the Technical Panel and ESG on a minimum monthly basis or whenever such exceedances are measured as having occurred;
- It is clear that a Monitoring Report is required to be produced annually; and
- That the ESG has some form of approval role in respect of a Monitoring Report (which is lacking currently), as this will allow ESG to have some say as to whether it agrees with the conclusions as to whether any Thresholds or Limits have been exceeded.

2.2.16.2.48 Requirement 22 (Exceedance of a Level 1 Threshold) - Discussion is needed as to the appropriateness of this provision, whereby (under the current drafting) an exceedance of a Level 1 Threshold simply requires 'commentary on the avoidance of the exceedance of a Limit' to be contained in a Monitoring Report, which is not precise and does not require any positive action or approvals - the Applicant's position on this is noted (i.e. that such exceedances are expected to regularly occur), but this requires further interrogation and justification.

2.2.16.2.49 Requirement 23 (Exceedance of a Level 2 Threshold) - The Councils have the following initial comments on this provision:

- The timeframes within which ESG has to consider a draft, and approve a final, Level 2 Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s);
- It is suggested that it should be made clear that a Level 2 Plan must relate to the specific exceedance identified - the precise purpose and content of such Plans needs further clarification;



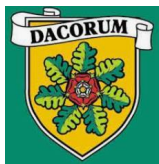
- It is noted that approval of a Level 2 Plan can only be refused on specific grounds, which need to be further interrogated and justified; and
- The appropriateness of the use of the Airports Slot Allocation Regulations 2006 as the primary mechanism to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils).

2.2.16.2.50 Requirement 24 (Exceedance of Limit) - The Councils have the following initial comments on this provision:

- The timeframes within which ESG has to consider a draft, and approve a final, Mitigation Plan (as defined) are too short, having regard to the importance of these matters and practicalities of assembling ESG and obtaining advice and input from the relevant Technical Panel(s);
- It is suggested that it should be made clear that a Mitigation Plan must relate to the specific exceedance identified - the precise purpose and content of such Plans needs further clarification;
- It is noted that approval of a Mitigation Plan can only be refused on specific grounds, which need to be further interrogated and justified; and
- The appropriateness of the use of the Airports Slot Allocation Regulations 2006 as the primary mechanism to limit capacity needs to be further interrogated and justified, given the processes under them are out of the hands of the Applicant (and, indeed, the Councils) - indeed, the reference to a 'local rule' appears to acknowledge that the Applicant can only seek such a rule, rather than definitely secure one. As such, the question arises as to what mitigation measures can be used if a planned capacity reduction or local rule cannot be secured.

2.2.16.2.51 Requirement 25 (Review of Implementation of the GCG Framework)

- The Councils welcome the principle of periodic reviews of the GCG Framework, which will allow for improvements to the process to be implemented over the medium and longer term. However, the Councils do have concerns around the time period within which ESG has to approve any proposed amendments to the GCG Framework before the deemed consent mechanism is triggered. Given the importance of such an application, a period of 56 days is short, particularly (again) having regard to the need for the ESG to congregate and seek input from the Technical Panels.



2.2.16.2.52 As set out above, the Councils urge the Applicant to engage with it on the GCG Framework DCO drafting (and indeed the GCG Framework more generally) in detail as soon as possible.

Draft DCO - Schedule 2, Part 4 - Requirements Pertaining to Other Operational Matters

2.2.16.2.53 **Requirement 26 (Passenger Cap)** - The Councils note the proposed overall cap of 32 million passengers per annum which they do not object to in principle. However, the key point relates to the comments above, in respect of whether the GCG Framework is an appropriate mechanism to control growth within that overall cap. In addition, the Councils query the reference to the 'airport comprised in the authorised development' that is subject to the cap - given the definition of 'authorised development' (i.e., new development) clarification is required on the treatment of existing development. Indeed, this formulation is different to that in Requirement 27 (which just refers to the airport) - it is not clear if this is intentional further engagement with the Applicant is required.

2.2.16.2.54 **Requirement 27 (Night Quota)** - Generally, the wording appears acceptable, subject to that commentary and, indeed, the conclusions reaches on the GCG Framework acceptability.

2.2.16.2.55 **Requirement 28 (Fixed Plant Noise Management Plan)** - The Councils are currently considering the adequacy of the fixed plant noise management plan,- clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the Councils query whether the wording should be that the authorised Proposed Development is 'operated' rather than 'carried out'.

2.2.16.2.56 **Requirement 29 (Offsite Highways Works)** - The Councils are currently considering the adequacy of the outline transport related monitoring and mitigation approach, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.

2.2.16.2.57 **Requirement 30 (Travel Plans)** - The Councils are currently considering the adequacy of the FTP, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although consideration is still being given as to whether the five-year review period in Requirement 30(3) is appropriate.

2.2.16.2.58 **Requirement 31 (Operational Air Quality Plan)** - The Councils are currently considering the adequacy of the outline operational air quality plan, clearly the efficacy of this requirement rests on that. Otherwise, the



DCO drafting appears appropriately enforceable, although the Councils query in practice which authority would be the approving planning authority, given the subject matter.

2.2.16.2.59 **Requirement 32 (GHG Action Plan)** - The Councils are currently considering the adequacy of the outline GHG action plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable, although the Councils query in practice which authority would be the approving planning authority, given the subject matter.

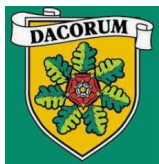
2.2.16.2.60 **Requirement 33 (Operational Waste Management Plan)** - The Councils are currently considering the adequacy of the outline operational waste management plan, clearly the efficacy of this requirement rests on that. Otherwise, the DCO drafting appears appropriately enforceable.

Draft DCO - Schedule 2, Part 5 and Part 6 - Discharge of Requirement and Appeals

2.2.16.2.61 The Councils note the provisions in **Requirements 35 (Applications Made Under Requirements) and 36 (Further Information)**, which govern the process for the discharge of the requirements (aside from those in Part 3 of Schedule 2). In short, these give the discharging authority eight weeks to make a decision (or request further information) on any discharge application. Should no decision be made, consent is deemed to have been given.

2.2.16.2.62 As set out above, the Councils understand the Applicant's desire to build in certainty in terms of timing, but further engagement is required as the Councils are concerned as to the resource implications in meeting these obligations, particularly should multiple discharge applications be submitted concurrently. They do not want to be in a position whereby due to resource constraints, applications for approval on critical matters are simply deemed to be consented. This point also extends to seeking input from consultees (as set out in Requirement 36(3) for example), with very tight timeframes for input from them.

2.2.16.2.63 In addition, the Councils welcome the ability for the parties to agree a longer period for a discharge decision, although they query whether the drafting in Requirement 35(1)(c) is strictly correct (i.e., it doesn't appear to follow on from the preceding wording and paragraphs (a) and (b)). There are also other typographical errors in this requirement.



- 2.2.16.2.64 Turning to **Requirement 37 (Appeals to the Secretary of State)**, the Councils welcome the mechanism proposed for the dealing with of appeals. However, the timescales proposed are short for responses (albeit it is recognised there is some precedent for these). The Councils wish to reflect further on these and, if appropriate, will make suggested drafting amendments in a future submission.
- 2.2.16.2.65 **Requirement 38 (Matters to be Considered in an Appeal by the Secretary of State)** sets out those matters that the person appointed by the Secretary of State must have due regard to in determining an appeal. These appear overly restrictive in the Councils view, albeit the catch-all in paragraph (c) is recognised. For example, the express matters appear to only relate to the operation and growth of London Luton Airport - of course, the matters that could be appealed are much more extensive than this. For example, there is no mention of the need to stay within the ES Rochdale Envelope, minimise community impacts, etc. It appears to the Councils that these sorts of matters should be included, to balance points such as the 'safe and efficient commercial operation of the airport' needing to be expressly considered.
- 2.2.16.2.66 Finally, the Councils note the provision in **Requirement 39 (Application of Part 8 of the Planning Act 2008)** that provides for non-relevant planning authorities to submit representations to the relevant planning authority, requesting that enforcement action is taken under the Planning Act 2008 in respect of specific GCG Framework related matters.
- 2.2.16.2.67 However, the Councils note that whilst the ESG determines that a Monitoring Report not being produced, or a Level 2 Plan or Mitigation Plan not being implemented, are circumstances where representations could be made, there is a query as to why (a) the failure to produce a Level 2 Plan or Mitigation Plan or (b) the failure to act appropriately in relation to future airport capacity declarations, are not covered.
- 2.2.16.2.68 In addition, the Councils would assume that this provision is not attempting to fetter the ability of any local authority to engage with the relevant planning authority around any potential non-compliance with the DCO (or indeed the relevant planning authority to take enforcement action of its own volition) as it could do absent this provision, but clarification on that would be welcome. For example, it is not clear whether this provision is aiming to only provide for enforcement action to be taken after the steps in this requirement have been followed.



3. SUMMARY OF WRITTEN REPRESENTATION

The key issues faced by the Councils as a result of the Proposed Development are documented in the table below.

ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
NEED CASE			
Need and Demand Forecasting	The major influence on demand at Luton is the airport capacity available at Heathrow and Gatwick, and which is related to both whether there is a new runway (or use of the emergency runway at Gatwick) at one or both of these airports, and also how the number of passengers per ATM evolves at each airport. There remains considerable uncertainty, and considerable down-side risks that the forecasts are likely to be too high.	The risk therefore, is that the need case may be over-estimated, and this should be factored in, and weighed in the planning balance with the environmental impacts, as identified below.	All Councils
Impacts of Forecasting on Economic Benefits	For those economic benefits that are linked to ATM growth, if the growth does not occur as projected, the benefits may not be realised, or may be delayed, but impacts may already have occurred. The actual economic benefits for the Councils in Hertfordshire are also at risk of being over optimistic, as it becomes more difficult to estimate these direct, indirect, and induced benefits over a larger area, further away from the Airport and its main conurbation, Luton, neither of which is within the three Councils.	The risk therefore, is that economic benefits associated with growth and forecasting may be over-estimated, and this should be factored in, and weighed in the planning balance with the environmental impacts, as identified below.	All Councils
COMMUNITY FIRST			
Community First Fund	The Proposed Development is considered to have a positive impact in terms of the	It would be helpful if the Examination process	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
	<p>requirements to contribute to the Community First Fund providing £1 / passenger from growth above 18 mppa, resulting in up to £14m per year by the time the airport reaches a throughput of 32 mppa.</p> <p>There remains some uncertainty as to the capability of eligible organisations to fully utilise the Fund in any one given year or on an ongoing basis, particularly given its narrow focus upon decarbonisation / deprivation.</p>	<p>might be provided with some historic patterns of grant funding to provide some context for the scale of historic take-up of community funding. Notwithstanding the commitment to regular review (not exceeding 5 years) in Section 11 of 7.10 Draft Compensation Policies, Measures and Community First Revision 1 [PINS Ref: AS-128], it might be advantageous if the Proposed Development could be designed for flexibility at the outset.</p>	
AIR QUALITY			
Assessment of Impacts on Ammonia and Nitrogen Deposition Levels at Ecological Receptors	Use of National Highways method of determining the impacts on ammonia and nitrogen deposition levels at designated habitat sites due to road traffic emissions, in-particular the lack of transparency of this method and the question of acceptance by Natural England.	The Councils would like assurance that this method is acceptable to Natural England, and to see the evidence behind the method as part of the Applicant's submission.	All Councils
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT			
Mitigation	Proposals for enhancement should be more accurately framed and provide compensation	Review of assessment and clarification within	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
	for loss of Wigmore Park County Wildlife Site and therefore needing appropriate assessment within ES Chapter 8 Biodiversity.	mitigation section of ES Chapter 8 Biodiversity.	
Monitoring	Accountability for monitoring of habitat sites not assigned.	Review of LEMP and clear process identified as to how monitoring will be secured.	All Councils
GHG			
Scoping / Potential Significant Impacts	Potential underestimate of GHG emissions from aviation within local authority boundaries.	Clarity required on compatibility of approach within ES Chapter 12 GHG that only accounts for one way aviation trips above 3000 feet with IEMA GHG guidance. Clarity required on determination of Minor Adverse effect rather than Moderate Adverse, given the predicted magnitude of carbon emission increase resulting from the Proposed Development.	All Councils
CULTURAL HERITAGE			
Setting	Setting of designated heritage assets.	Clarity required about extent of setting and issue of 'quietness'.	All Councils
Scoping	Scoping out of non-designated heritage assets.	Explanation as to why the setting of above	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
		ground non-designated heritage assets are not scoped in.	
Wirelines / Block Forms	Wirelines for some visualisations and solid block colour forms for others in Appendix 14.7 Accurate Visual Representations Viewpoints of the ES.	Consistent approach required.	All Councils
Potential Significant Impacts	Potential that impacts on the historic environment, particularly significant impacts on the historic environment, are not yet fully understood.	Above points to be answered / clarified.	All Councils
TRAFFIC AND TRANSPORT			
Core Scenario	The core scenario for the traffic modelling includes highway improvements which are not committed (M1 Jn9-10 hard shoulder running). This is currently reported as a sensitivity test only and the associated detailed outputs are therefore not available.	The Applicant is updating the traffic modelling and will need to provide the full set of modelling outputs for the updated Core Scenario.	All Councils
Baseline	Insufficient baseline information representing the Covid-19 impacts. The baseline for the traffic forecasts and mode share forecasts may not represent current conditions and the Base model is seven years old.	The Applicant is reviewing the baseline based on the new Transport Appraisal Guidance (TAG).	All Councils
Baseline	Query the accuracy of the baseline traffic counts for modelling junctions in Hitchin, including a more transparent analysis.	Confirmation from the Applicant that the baseline counts in Hitchin are representative of local conditions.	North Herts



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
Public Transport	Insufficient detail about how buses will connect to the Hertfordshire towns as part of the overall access strategy. If a broad plan is not established at the planning stage, there is no confidence that meaningful improvements will be delivered. The funding mechanism and values are currently unclear for investment in supporting public transport.	Hertfordshire would like to be involved in further discussions around future bus service planning to ensure that mode choice is available for Hertfordshire and to minimise impacts on the highway network particularly within North Herts Council.	All Councils
Rail / Coach	Heavy reliance on rail mode share for access to the expanded airport but it is not clear whether there is sufficient capacity within the proposed networks for rail / coach. The distributional assessment of passenger and employee demand is not clearly evidenced in the information presented. The proposed mode share may not be achievable or existing passengers may be impacted.	Further detail is needed to provide sufficient distributional assessment of the forecast rail / coach demand and the available capacity, also confirming whether background growth in demand for these services is accounted for.	All Councils
Rail / Coach	Rail companies are under pressure to cut costs and therefore rationalisation of some services which means the rail capacity envisaged in 2019 is unlikely to be the present-day reality and for the foreseeable future. Has the effect of the airport been treated in isolation without an understanding of the demand and growth in rail travel on Thameslink and EWR networks? Trains that are already or	Further detail is required around the rail service capacity proposals and growth in passenger numbers to ensure there is sufficient network capacity and no impact on existing passengers	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
	forecast to be over-capacity as a result of general growth need to be identified. The proposed mode share may not be achievable or there may be an impact on existing passengers.		
Highway Improvement Schemes	Compliance of the highway improvements in Hertfordshire (North Herts) with LTP4 and are capacity-led schemes which do not currently offer meaningful improvements for active and sustainable modes of travel.	Opportunities to provide improvements for active travel as part of the highway improvements need further consideration.	Hertfordshire County Council / North Herts Council
Highway Improvement Schemes	The Transport Assessment identifies a future need for traffic calming in villages in North Hertfordshire, but details of the magnitude and extent of proposed mitigation are not provided. More details about the type and extent of measures would be advantageous to understand at the planning stage.	North Herts Council and Hertfordshire County Council would welcome further discussion around the extent and type of mitigation that could be provided at the identified locations.	Hertfordshire County Council / North Herts Council
Transport Assessment	More detail is needed to provide a greater understanding of the predicted traffic modelling impacts within Hertfordshire, with the updated 'Core Scenario' which excludes the M1 Jn9-10 hard shoulder running. The three councils require a full understanding of the predicted impacts within their network and this is not currently provided through the sensitivity test.	Additional detailed presentation of traffic modelling results is requested.	All Councils
Construction Traffic	The Councils are concerned that there is no commitment within the current planning application to ensure that deliveries associated with the airport construction and the future	Assurance is required that a thorough assessment of construction traffic has	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
	operation do not fill (or overwhelm) existing lorry parking facilities.	been undertaken and that suitable contractual arrangement will be put in place to manage this.	
Highway Improvement Scheme	Pirton Road / A505 mitigation scheme is showing significant increase in queueing on Piton Road to provide benefit to the A5050 flow. Concerned that the turning counts in the Saturn model are not calibrated and that the model does not include Wratten Road. The forecast traffic flows seem unrealistic and North Herts Council consider that a different scheme to that proposed may be more appropriate.	North Herts Council would welcome further discussion around the modelling and improvements proposed at A505 / Pirton Road / Wratten Road to ensure the scheme meets the local needs.	Hertfordshire County Council / North Herts Council
Monitoring (Outline TRIMMA and FTP)	The TRIMMA and FTP monitoring locations and methodology needs further confirmation. The mechanisms for providing local mitigation and the budget available / responsibility for providing these measures is not clear how these will be prioritised across authorities and over time.	Hertfordshire would welcome further discussion about the monitoring mechanisms and funding that will be put in place to mitigate additional impacts within their authority.	All Councils
LANDSCAPE AND VISUAL			
Chilterns AONB	Effects on the Special Qualities of the AONB are not fully assessed.	Clarify the approach to the assessment of affects resulting from increased air traffic. Specifically assess effects relating to Special Qualities of the AONB, establish geographical	All Councils



ASPECT	ISSUE	SUGGESTED CHANGES AND REQUESTS	NAMED COUNCIL IN WHICH THIS ASPECT / ISSUE RELATES TO
		thresholds of influence for these effects and identify the full range of receptors which may be affected.	
Introduction of Large Scale Built Development	Visual impact resulting from introduction of large-scale buildings and structures on elevated landform which will be widely visible on the skyline.	Provide justification and the design rationale, including consideration of alternatives and mitigation, for the proposal to site these structures in an elevated, visually prominent location.	Hertfordshire County Council / North Herts Council
Night-time Effects	The night-time effects on the AONB and areas where lighting is introduced into areas which are relatively devoid of direct light sources are not fully assessed.	Provide night-time assessment based on LVIA Methodology (rather than simply relying on the light obtrusion assessment [PINS Ref: APP-052 and APP-053]) using a selection of relevant viewpoints to inform the assessment.	All Councils
NOISE AND VIBRATION			
Noise Policy	The Proposed Development does not adhere to UK Aviation noise policy, exposing a considerable number of residents to increased noise levels across Hertfordshire.	The Councils need to be provided with an updated assessment with a valid baseline, coupled with an	All Councils



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Baseline Used	The '2019 actual' baseline breached both the daytime and night-time summer noise contours and so it not a valid baseline to use.	analysis that shows genuine benefit sharing.	
Noise Insulation Scheme	Ensuring the Scheme is accessible and available to all those who qualify.	Applicant to provide a communication and engagement strategy that includes all residents who may qualify under the Proposed Development, with details of how they can engage with the measures available.	All Councils
WATER RESOURCES AND FLOOD RISK			
Drainage Design	Detailed design information of the wastewater infiltration basin has not yet been provided.	Information pertaining to groundwater levels, infiltration rates and inflows should be provided to provide reassurance of the viability of the proposed drainage solution.	Hertfordshire County Council
Drainage Design	Highway drainage design information not yet provided, with detailed assessment and design proposed to be undertaken at detailed design phase.	Detailed design will need to be developed in consultation with Hertfordshire County Council and North Herts Council with no discharge to existing drainage systems until	Hertfordshire County Council / North Hertfordshire District Council



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		relevant agreement made with relevant authority, as per requirements of draft DCO.	
Drainage Design	Highway drainage design information not yet provided, with detailed assessment and design proposed to be undertaken at detailed design phase.	Assumed that detailed design will be developed in consultation with National Highways and Central Bedfordshire Council, as appropriate, with no discharge to existing drainage systems until relevant agreement made with relevant authority, as per requirements of draft DCO.	Hertfordshire County Council / Dacorum Borough Council
ECONOMICS AND EMPLOYMENT			
Policies and Development Plans	Policies referred to have been superseded by more recent iterations.	The North Hertfordshire Local Plan 2011-2031 and the Hertfordshire County Council Corporate Plan 2022-2025 are considered in any subsequent drafts or addenda produced.	Hertfordshire County Council
Study Area	Whilst the study area is considered appropriate and is clearly outlined and justified, the combined 'wider' study area of Luton Borough	It would be beneficial for the Councils to understand the effects	All Councils



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	Council and the Councils does not allow a full appreciation of the effects.	for each local authority (where possible). It is acknowledged that this may not be possible in all instances.	
Adverse Impacts	The opportunities for mitigation of minor adverse impacts identified during construction and operation and could be explored more.	An agreed plan for managing those minor adverse impacts, particularly during the construction process. This is set out in further detail in the LIR produced by the Councils.	All Councils
Employment and Training Strategy	Employment displacement, and subsequent construction and operational employment generation.	Creation of an Employment and Training Strategy secured through section 106 obligation(s).	All Councils
York Aviation Forecasts	Assessment of employment effects drawing upon the Oxford Economics study which is based on demand forecasts by York Aviation.	The Councils are in on-going technical discussions with the Applicant in relation to the methodology and conclusions of the economic assessment and engagement is currently taking place with York Aviation relating to forecasting	All Councils



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		underpinning the assessment. Take account of the outputs from Chris Smith Aviation Consultancy on passenger forecasts, and the engagement taking place currently with York Aviation.	
Community First Fund	The Wider Economic Impacts section of the assessment notes that part of the airport's profit will be distributed back to the community through Community First.	The introduction of this new funding stream is acknowledged and supported by the Councils. The Councils encourage the Applicant to note the conclusions of the LIR and that the implementation of the Community First Fund will be secured through section 106 obligation(s).	All Councils
HEALTH AND COMMUNITY			
Mitigation	No mitigation has been identified to address the significant impact identified on the mental health of residents once the Proposed Development is operational.	The Applicant to provide details of how impacts on mental health and wellbeing will be mitigated once the Proposed Development is operational.	All Councils



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Community First Fund	It is noted that part of the airports profit will be distributed back to the community via a designated fund. The Councils believe that there may be opportunities brought about by the Community First Fund which could support the mitigation of impacts on mental wellbeing.	The Councils would like to be involved in the development of the implementation of this funding. The Councils would like to see the Applicant give consideration to broadening the scope of eligibility for access to Community First and that might include support for mental health and wellbeing.	All Councils
ULIMS & Surface Access Funding			
ULIMS / Surface Access Funding	<p>Given that implementation is over a long duration, the ULIMS would cover all significant environmental effects arising from the approved growth of London Luton through the DCO Application. The ULIMS is needed to address uncertain future significant environmental impacts that may not be covered by the ES. The principal candidate topics for ULIMS are expected to be public transport links and traffic capacity, local air quality impacts, etc.</p> <p>Throughout the process, the Councils have asked the Applicant to clarify whether it intends to bring forward funding proposals to deliver transport-related projects and schemes, in</p>	The Applicant is to clarify whether it intends to bring forward funding proposals to deliver transport-related projects and schemes. There are no transport related obligations, other than for the specific off-site highways works, proposed in the current Application at London Luton Airport.	All Councils



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	much the same way as has happened at London Stansted Airport.		
GCG FRAMEWORK: PLANNING PROCESSES AND PROCEDURES			
Breach of Thresholds	The risk is that the Threshold level 2 Plans are running behind the exceedance of Thresholds will continue, including up to breach of the Limits, such that the situation will already be worse by the point a Plan is agree or implemented.	Detailed engagement required. It is important that monitoring results are published more frequently, on as close to a 'real time' basis as possible, and at a minimum reporting to the ESG on any exceedances should take place on a monthly basis or whenever such exceedances are measured as having occurred. Question whether slots should continue to be allocated after a Threshold breach.	All Councils
Breach of Limits	In the event that a Limit is breached, it will be necessary for a Mitigation Plan to be prepared and implemented urgently, to reverse that breach as quickly as possible.	If a breach has occurred, the Airport Operator should be required to reduce capacity immediately if necessary in order to remedy the exceedance of the Limit.	All Councils



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ESG Mitigation Plan Approval Process	The Mitigation Plan to be prepared by the Airport Operator will need to set out mitigation measures to be considered and approved by the ESG, and the ability to only reject a Mitigation Plan is not sufficient, and this could continue to occur multiple times in a 'loop' if each Mitigation Plan submitted is not acceptable and would lead to delays in tackling the breach.	The ESG should be able to direct changes to the first version of the Mitigation Plan, to include a capacity reduction, and compliance with Local Rules, to require the necessary mitigation be put in place. It is noted that Dacorum Borough Council is currently excluded from the ESG and should be added.	All Councils
Operator Appeal of ESG Decisions	In the event that the Airport Operator appeals an ESG decision, there would be a period of no mitigation actions being implemented whilst the decision is awaited. It is critical that immediate action is taken to arrest and reverse the breach, and waiting an Appeal decision before taking any actions could lead to at least a continuation, and potentially a serious worsening of the breach, in that intervening period.	In the event that the Airport Operator appeals an ESG decision, this should only be on specific defined grounds, and the ESG decision should stand, and compliance with any Local Rules, on an interim basis until the Appeal decision is received. The Airport Operator should also be required to report to Luton Borough Council as the relevant planning	All Councils



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		<p>authority in the event of the ESG serving a notice on it that it considers that a breach has taken place.</p> <p>The current proposals do not sufficiently reward good behaviours and performance, and do not provide any sanctions on the Airport Operator in the event of exceedances of the Level 2 Thresholds or Limits.</p>	
GCG FRAMEWORK: AIRCRAFT NOISE – THRESHOLDS AND LIMITS			
Suitability	The process has not been demonstrated to be effective, such as how it would have prevented historic breaches, or how it is different from the extant situation.	The Applicant to provide evidence setting out how Thresholds and Limits would have been effective at managing historic situations to prevent a breach, as well as setting out why this Proposed Development is an improvement on the current situation.	All Councils
Controls	The process only has one control which is less effective than the current controls.	The Applicant to introduce controls for	All Councils



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		other metrics to form a suite of controls as part of the noise envelope.	
GCG FRAMEWORK: GHG – THRESHOLDS AND LIMITS			
Limits	The existing GHG limits are subject to change based on the Jet Zero strategy and national policy; it is possible that they may be increased to allow increased GHG which may affect the Councils net zero trajectories.	Confirmation either that the Limits will not be increased (allowing more GHG to be emitted) and / or confirmation that any future changes will align with the Councils net zero strategies.	All Councils
GCG FRAMEWORK: AIR QUALITY – THRESHOLDS AND LIMITS			
Monitoring	The GCG Framework proposal for monitoring is inadequate as it does not enable proactive emissions management or address risk of acute health impacts.	Continued engagement with the Councils to agree on long- and short-term monitoring Thresholds and Limits (to address risks of acute as well as chronic health impacts), monitoring equipment specifications, emissions inventory maintenance, procedure in the event of Threshold and Limit exceedance, and public reporting.	All Councils



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GCG FRAMEWORK: SURFACE ACCESS – THRESHOLDS AND LIMITS			
Time Lag to Action Change and Impact	The detection of a breach in surface access controls and the halting of airport growth is linked to the annual monitoring and the allocation of slots. There could be a time period where controls are exceeded for an extended time period.	The Councils need to have a better understanding of the potential worst-case impacts on their local network before they can agree that the Limits and Thresholds are appropriate.	All Councils
Monitoring	The data collection for monitoring the mode share for the GCG is based on the annual passenger survey, the localised situation will not be captured within this overall statistic and the method for implementation should be unbiased and a minimum sample rate should be required to offer a robust methodology.	The Councils would like assurance that the sample rate for the Civil Aviation Authority (CAA) survey is appropriate and that the method for implementing the survey is robust and unbiased towards particular travel modes.	All Councils
Monitoring	The commitment to localised mitigation improvements through the TRIMMA and FTP monitoring is unclear, will the Airport Operator still be committed to providing local mitigation and improvements if the GCG Thresholds and Limits are not being exceeded.	The Councils would like to understand the relationship and commitment to providing local mitigation schemes identified through the TRIMMA and FTP if the GCG metric is demonstrating good compliance.	All Councils



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COMMENTS ON THE DRAFT DCO			
Engagement on the draft DCO	The Councils did not have sight of any form of the draft DCO prior to submission of the Application. In addition, no engagement on the draft DCO has taken place since the Application was submitted. The Councils have a number of concerns with the draft DCO drafting as it stands, particularly around the control mechanisms during both construction and operation of the Proposed Development. The Councils acknowledge outline plans referred in the draft DCO are available and content for the Councils to be engaged in agreeing final plans in writing in due course, for example the Outline Construction Worker Travel Plan.	The Councils request that the Applicant engages with the Councils on the draft DCO as soon as possible, with a view to them being provided with sufficient comfort on their concerns.	All Councils