

Development Management

Central Bedfordshire Council

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Sian Evans (Planning Inspectorate)
By email only

Your ref: TR02001
Contact Caroline Macrdechian
Direct Dial [REDACTED]
Email [REDACTED]@centralbedfordshire.gov.uk
Date 13 March 2023

Dear Sian,

Application by London Luton Airport Limited for an Order Granting Development Consent for the Expansion of London Luton Airport – Adequacy of Consultation Response

Thank you for your letter dated 28 February 2023 seeking views on the adequacy of the pre-application consultation in respect to the Application by London Luton Airport Limited (airport owner – rebranded as Luton Rising) (hereafter “the Applicant”) for the expansion of London Luton Airport. Central Bedfordshire Council’s (CBC) views are sought on whether the Applicant has complied with the duties of the Planning Act 2008 (as amended) (hereafter “the Act”) as set out below:

Duty to Consult – Section 42 of the Planning Act 2008
Duty to consult local community – Section 47 of the Planning Act 2008
Duty to publicise – Section 48 of the Planning Act 2008

Duty to Consult – Section 42 of the Planning Act 2008

This section of the Act requires the Applicant to consult, as applicable to the application, the following:

- Certain prescribed persons
- Each local authority under s43 of the Act
- Each person who is within one or more of the categories set out in s44 of the Act.

CBC have reviewed the Consultation Report and Appendices prepared by the Applicant dated February 2023 (ref: TR020001/APP/6.01), which provides a list of the local authorities that were consulted as identified in s43 of the Act. CBC were included in the consultation process.

CBC were consulted as part of the two statutory consultations in October to December 2019 and February to April 2022. CBC provided responses to each of the statutory consultations, including a joint response by Vincent and Gorbing with technical review

by WSP and Suono. The response was compiled on behalf of the host authorities, which are CBC, Hertfordshire County Council, Luton Borough Council and North Hertfordshire District Council. CBC has continued to work closely with the host authorities, which now also includes Dacorum Borough Council. In addition, CBC were consulted as part of the non-statutory process in June to August 2018.

CBC consider that the requirements of s42 have been satisfied as set out in the Consultation Report.

The Consultation Report identifies that Dacorum Borough Council (DBC) were not originally identified as a host authority, instead they were listed as a neighbouring authority in the Statement of Community Consultation (SoCC) compiled for the 2019 and 2022 statutory consultations. As a result of DBC becoming a host authority, Three Rivers District Council is now classed as a neighbouring authority and should have been identified and consulted as such. The Consultation Report provides further detail on this matter. This is a matter for review by PINS on whether the requirements of s42 have been adequately satisfied.

Duty to consult local community – Section 47 of the Planning Act 2008

Section 47 requires the Applicant to prepare a statement setting out how it proposes to consult people in the local area about the application, which is in the form of a 'Statement of Community Consultation' (SoCC). CBC were consulted on the draft SoCC compiled for the two statutory consultations.

2019 Statutory Consultation

CBC provided feedback on the draft 2019 SoCC in July 2019, a copy of CBCs feedback is included as Appendix A. Several changes were requested, including the addition of a consultation event in Leighton Buzzard, additional newsletter mailing in Studham, Hyde and Kensworth. A summary of concerns raised by CBC and how they were addressed is set out in Table 3.1 of the Consultation Report.

CBC are satisfied that the Applicant undertook the 2019 statutory consultation in accordance with the methodology and commitments set out in the 2019 SoCC. Close monitoring of the consultation process was undertaken by the Applicant with modifications, where appropriate, as set out in the Consultation Report.

2022 Statutory Consultation

As a result of changes to the scheme a second statutory consultation was undertaken. The consultation process for the 2022 statutory consultation was revised, with a reduction in face-to-face events and a focus on virtual engagement in response to Covid-19 concerns and sustainability principles. The Applicant consulted CBC on a draft SoCC and a copy of CBCs feedback is included in Appendix B. Several changes were requested including the addition of a document inspection venue in Biggleswade, request for further discussion on the engagement approach for hard-to-reach groups (particularly the traveller community in Central Bedfordshire), and clarity on the plans/maps used. An extension of the consultation period from 8 to 10 weeks was

requested due to the volume of information, a point that was raised by other host authorities.

Table 5.1 of the Consultation Report summarises the concerns raised by CBC and the means that these concerns were addressed, where appropriate. In respect to the requested extension of the consultation period, this was not agreed and remained 8 weeks.

CBC are satisfied that the 2022 statutory consultation undertaken by the Applicant was in accordance with the methodology set out in the SoCC. The Applicant monitored the consultation process and identified some issues, for example, paragraph 6.3.5 of the Consultation Report states '*At the start of consultation it emerged that 4,852 properties on the edge of the newsletter mailing zone had been missed. These properties were delivered the newsletter by first class post on 15 February 2022.*' It is unclear from the Consultation Report, which areas of the mailing zone were missed but CBC are satisfied that this was promptly addressed to ensure the consultation process was not prejudiced. Additionally, two of the consultation documents were updated during the consultation phase but letters were issued notifying appropriate consultees of the update (para. 6.8.5, Consultation Report). CBC has no issues in the manner that these matters were dealt with.

Overall, CBC consider that the Applicant has satisfied the requirements of Section 47 of the Act.

Duty to publicise – Section 48 of the Planning Act 2008

Section 48 of the Act requires the Applicant to publicise the proposed application in the prescribed manner. The Consultation Report provides details of the s48 notices that were published and are included in the Consultation Report appendices. CBC have no reason to doubt that the contents of the report are correct and that the duty to publicise was satisfied.

Consultation Content

As previously stated, a joint response to the 2019 and 2022 statutory consultations was compiled on behalf of all host authorities by Vincent and Gorbings with technical support from WSP and Suono. Copies of the responses are available [on CBCs website](#).

The joint responses identified several gaps in the published consultation documents. There is recognition, however, that the quality and clarity of material presented at the second statutory consultation is an improvement on that provided in 2019. Notwithstanding this, paragraph 2.5 of the joint response to the second statutory consultation states '*WSPs review has identified that there is still a lack of clarity around the future baseline and an incomplete assessment in some topics of the cumulative effects of development.*' There is particular reference to the need for clarity and further engagement on noise, surface access, landscape, Green Controlled Growth and the Employment Training Strategy.

In addition to the joint response, CBC provided an individual response to each statutory consultation, which also raised concerns regarding gaps in the information. CBC's response to the second statutory consultation dated 4 April 2022 concluded that *'there are too many issues and shortcomings with the Preliminary Environmental Information Report (PEIR) that need further discussion and consideration with the Host Authorities before the Environmental Statement is finalised.'*

Section 12 of the Consultation Report sets out how the Applicant has altered the scheme in response to the 2022 statutory consultation and further detail is included in Appendix M (Due Regard Tables). Scheme changes have been undertaken along with additional assessment of impacts, which is welcomed. However, much of the detail is contained in the application documents and not yet available for sharing with colleagues and external advisers. Therefore, CBC cannot comment on the extent to which due regard has been given to concerns raised.

Local Authority Engagement

Planning Officer Co-ordination Group

CBC as a host authority has attended Planning Officer Co-ordination Group (POCG) meetings since 2018 following the non-statutory consultation. The frequency of meetings increased in 2021 and 2022 and during the latter part of 2022 there was engagement on the draft Development Consent Order and the draft Statement of Common Ground (SoCG). Consultation on the draft Development Consent Order was undertaken in September but there has been no further engagement on this. In December 2022 the POCG were consulted on the first draft of the Statement of Common Ground (SoCG). CBC provided feedback to the Applicant identifying some shortfalls including reference to application documents that CBC has not viewed. There has been no substantive progress on this matter. Further engagement on this is welcomed and the Applicant is intending to schedule a meeting in due course.

Despite the high volume of meetings, there is concern that outstanding issues have not been adequately addressed and there remains concern regarding the constructive nature of engagement.

Technical Working Groups

A series of Technical Working Groups (TWG) were set up to discuss detailed matters, as listed in paragraph 7.4.1 of the Consultation Report.

The Heritage Working Group has been omitted from the list and there is no summary of the various meetings held about the impact of the proposals on the historic environment. There is some detail on the discussions held with Historic England but there is failure to acknowledge the Heritage TWG, which is of importance to CBC due to the proximity of heritage assets in the area.

Consultation on noise has been a particular area of focus through the Noise Working Group and Noise Envelope Design Group. There have also been a series of workshops including Green Controlled Growth in October 2022 and a Planning Policy Compliance workshop in December 2022. The Applicant intended to hold a Surface

Access Workshop, but this did not take place. This workshop would have been beneficial as this is an area of concern where additional discussions are required, in CBCs view.

CBCs Highways Team have advised that the consultation has been extensive in terms of presenting the work carried out to date and explaining the processes followed. However, the consultation process has not resulted in the level of engagement that CBC were seeking on some important aspects including sensitivity testing, traffic modelling, modal shift aspirations, junction modelling details etc. As such, CBC are concerned that challenges will be faced when seeking to determine and report upon the full extent of local impacts and fundamental areas of concern will need to be addressed during the DCO process. Appendix C provides a detailed response from CBC Highways on the consultation process and availability of information.

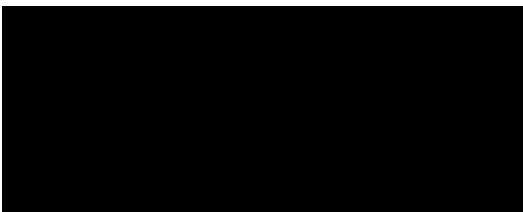
Whilst engagement with CBC and other host authorities through the POCG and TWGs has provided some benefits, there are substantive gaps in information that were identified at statutory consultation stage. CBC anticipated that the consultation comments would have facilitated focused engagement leading up to submission of the DCO. However, there remain gaps in information and assessment which has impacted on the progress on the SoCG. In addition, it is likely that these gaps in information may also impact on the number of issues raised in the Local Impact Reports.

Conclusion

In summary, there have been shortfalls in the level of information available at statutory consultation stage and concern remains that these gaps have not been adequately addressed prior to submission of the DCO. However, as set out in the response there have been examples of positive engagement. For example, the Applicant has sought to engage with CBC on aspects such as Green Controlled Growth and there has been an opportunity to review the draft DCO and draft SoCG, although further discussion is necessary.

Notwithstanding the concerns raised, for the avoidance of doubt, CBC consider that the consultation undertaken by the Applicant, as detailed in the Consultation Report and Appendices, satisfies the requirements of Section 42, 47 and 48 of the Planning Act 2008.

Yours sincerely



Andrew Davie
Assistant Director – Development Infrastructure

APPENDIX A - Feedback on 2019 Statement of Community Consultation



Fergus McMorrow
GL Hearn Limited
Prudential Building
11-19 Wine Street
Bristol
BS1 2PH

Central Bedfordshire Council
Development & Infrastructure
Priory House
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18 July 2019

Dear Mr. McMorrow,

London Luton Airport Limited - Draft Statement of Community Consultation

Thank you for the opportunity to respond to the above consultation. Central Bedfordshire Council has the following comments to make.

1.12

It would be worth elaborating on what constitutes a 'host' authority, as this may not be clear to everyone reading the document.

2.2

A short-list of options for the airport expansion are mentioned, it would be helpful if this could be expanded to give some background to where we were and how we have got to the current proposal.

3.1

The proposed consultation is set to be 8 weeks, in line with the statutory period. However, it may be more suitable to extend this to 10 weeks as previously the case with the early engagement last year.

3.3

This point in the document mentions that Document Inspection Venues can be viewed at 5.2, however these are listed at 3.13.

3.6

The reference to Wigmore Valley Park could be improved by expanding on what is proposed and where this is. In addition, it might be helpful to provide information on the process once the DCO is granted. Members of the public may need more information on how the next stage is dealt with and who by.

3.7

Perhaps useful to include costs (postage excluded) for the documents available for purchase and how soon copies would be available once a request is made.

3.9

Would be useful to reference Appendix 2 here and explain the presence of a map in the back of the document that shows these locations to understand the geographic spread of the events taking place. The map could also be improved by numbering the pins on the map in-line with those in the table at 3.9, using a different base map than that used by Google and including the map in the document at a larger size for clarity.

The event listed as Dunstable, is actually in Houghton Regis. Linking back to the reference on reaching areas of higher deprivation, holding an event in Houghton Regis is a positive, however the reference to Dunstable would need to be amended. We would also propose another event in Dunstable. In addition to this, being our largest town in southern Central Bedfordshire, we would also recommend holding an event in Leighton Buzzard. The proposals would be of interest to residents here and an event would attract visitors from the surrounding smaller villages. It is also a positive that events are being held in both Caddington and Slip End, however we would request that the dates for these are kept apart to allow as many people in the area to attend one of the events.

3.13

Reference to the address of Dunstable Library will need to be amended as this has recently closed and moved into a new building. New address for Dunstable Library is 'The Dunstable Centre, Court Drive, Dunstable, LU5 4JD'. In addition to this, Central Bedfordshire Council also have an office in Dunstable which could also be included as a Document Inspection Venue. The address for this is 'Watling House, High Street North, Dunstable, LU6 1LF'.

4.1

We would recommend the potential inclusion of public notices in the Biggleswade Comet and Leighton Buzzard Observer. Although these areas are not directly linked to the proposals, residents will appreciate being informed and have already viewed previously-published articles in relation to the proposed airport expansion.

For clarity, it may also help to have an appendix which outlines, for example, which parishes can expect to receive packs of posters to put on their local noticeboards. Concern has also been raised around the sentence that states 'organisations which have registered an interest in helping to advertise the consultation'. This implies that these organisations will need to register to assist when there could be many organisations that are not aware of the proposals who could be targeted to help to advertise the consultation. We would also request that Studham, Hyde and Kensworth are added to the leaflet distribution areas as this would more appropriately reflect the noise contour details and ensure those most affected are directly consulted.

5.1

It is positive to see a strategy for hard-to-reach groups, however there may need to be more thought around engaging effectively with the traveler community. Literacy levels are often low in these communities so face-to-face engagement is commonly an effective way to consult with these groups and more support for Local Authorities may be needed when delivering this message, or perhaps more tailored documentation is an option.

Reference is also made to the Luton Home Library Service and there is a similar service offered in Central Bedfordshire, perhaps this could be extended to include this. Details on the service in Central Bedfordshire can be found [here](#).

The document also mentions requests for alternative document formats. Again, it might be suitable to include information on how soon copies would be available once a request is made as there is a need to ensure that individuals are not disadvantaged if there is a delay in providing appropriate formats.

6.4

The scope of the feedback forms could be widened to include blank copies left alongside the literature in the Document Inspection Venues. This would provide an option to those who cannot access the web or attend an event.

Appendix 1

This appendix is not referenced anywhere so the document could be improved by linking the main text and appendices more effectively.

The map at Appendix 1 would be easier to read if it was larger in size and rotated to fill the page. The detail is viewable when zoomed in, however the map as included is a little difficult to read. It may also be of benefit to include maps showing the existing and potential future flight paths and areas impacted by noise, plus a map showing the context of the airport in relation to the host authorities and their boundaries.

Appendix 2

CBC would propose extending the leaflet distribution area further to the west of Luton to include more of Central Bedfordshire, specifically Studham and amending the first map to show this change.

With regards to the map showing the location of the consultation events, we feel this could be improved in several ways. The map could be larger, with a base map that is more detailed and each pin on the map could be numbered as per the table in the document for clarity.

In addition, it is not clear whether the series of maps in Appendix 2 are showing the areas where leaflets are due to be distributed or the locations of the consultation events and their catchment areas. We would recommend extending the radii on certain maps to include the wider built environment to sufficiently notify as much of the community as possible. There is not a map for Caddington or Slip End, so we would recommend their inclusion in Appendix 2 in order to target smaller villages beyond these locations, specifically Studham, Hyde and

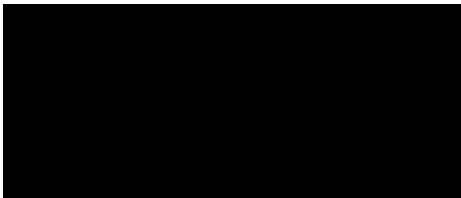
Whipsnade. As per the previous point at 3.9, the map for Dunstable in Appendix 2 shows Houghton Regis. We would propose amending this reference but also including a map of Dunstable itself, in-line with our aspirations for an additional consultation event in the town. These maps would also be easier to read if they were larger in scale too.

General

There are several links to web and email addresses which need to be hyperlinked, specifically at 1.17, 2.3. 3.3 and 6.16.

Central Bedfordshire Council trust that these comments can be taken on board and are of assistance in improving the approach to the consultation.

Yours sincerely,



Andrew Davie
Assistant Director
Development & Infrastructure
Central Bedfordshire Council

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APPENDIX B - Feedback on 2021 Statement of Community Consultation

Development Management

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SENT BY EMAIL

Graham Olver
LLAL Chief Executive
Hart House Business Centre
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LU2 0LA

Contact Caroline Macrdechian
Direct Dial [REDACTED]
Email [REDACTED]@centralbedfordshire.gov.uk
Date 17 September 2021

Dear Mr Olver,

Future LuToN: Consultation on Statement of Community Consultation under Section 47(2) of the Planning Act 2008

Thank you for providing Central Bedfordshire Council (CBC) with the opportunity to respond to the above consultation. CBC has engaged with relevant internal consultees and has the following comments to make.

Paragraph 1.1.2

The wording of this paragraph seems to imply that the proposal will be approved. It is suggested that this is reworded clearly stating that the Secretary of State makes a decision on the proposal.

Paragraph 1.1.3

An 8 week consultation is proposed but as per CBCs response to the first proposed SoCC it is considered appropriate for a 10 week consultation to be undertaken as the volume of information is significant and 10 weeks would be consistent with the previous statutory consultation period.

Paragraph 3.2.4

A list of document inspection venues are set out in the table within paragraph 3.2.4. The number of venues has been reduced and it would be beneficial to confirm the reasons for this. In respect to Central Bedfordshire locations, it is considered appropriate for documents to also be made available at a suitable public venue in Biggleswade.

A map showing the locations of the document inspection venues should be included in the Appendices, providing a clear indication of the geographic spread.

Paragraph 3.2.6 and 3.2.7

It is welcomed that printed and alternative format copies of the consultation brochure will be provided on request. It would be beneficial for the likely costs to be given, along with confirmation of the timescale for receiving the documents once a request is made.

Paragraph 3.3.5

It is noted in the SoCC that there was a high rate of attendance at the face-to-face events at the first public consultation in Autumn 2019. CBC understand the rationale for a 'digital first' approach in respect to Covid-19 and sustainability. Previously 34 venues were used and a significant reduction to 13 venues is proposed. It would be beneficial for the SoCC to provide an explanation as to how the event locations have been selected and how these represent the most accessible locations.

Central Bedfordshire Council request to be informed if the venues for face-to-face events are changed from those identified in the SoCC as we would wish to be involved in discussions to identify alternative suitable venues.

Section 5.4

It is positive that consideration is being given to engaging with hard-to-reach groups, however careful consideration may be required to ensure effective engagement with the traveller community, particularly given that a number of Gypsy and Traveller sites in Central Bedfordshire may be impacted by the proposed expansion. Paragraph 5.4 of the SoCC states *'We will be working with local authorities to draw on their knowledge of the local area and identify hard-to-reach groups that we can engage with during the consultation.'*

CBC would welcome further discussion on this to ensure an effective means of communicating with the Gypsy and Traveller community ahead of the statutory consultation process. It is noted that paragraph 5.4.4 refers to support for local authorities to deliver face-to-face engagement with these groups. It would be beneficial to understand what other options are being considered in light of Covid-19. It would also be beneficial to understand why the applicant expects local authorities to deliver face-to-face meetings on the proposal.

In respect to the first consultation, how effective was the engagement approach with hard-to-reach groups? It would be useful to set out any means to improve upon this.

Paragraph 5.4.6

Reference is made to the Luton Home Library Service and availability of printed documents. Why is this limited to Luton? Central Bedfordshire Council offer a similar service and it would be appropriate for this to be included. Further information is available via the following link: https://www.centralbedfordshire.gov.uk/info/81/leisure_and_countryside/436/libraries_-_find_or_join_a_library.

Paragraph 5.4.7 and 5.4.9

Alternative formats would be available, which is welcomed but it would be appropriate to confirm how soon copies would be provided once a request is made. There is a need to ensure individuals are not disadvantaged if there is a delay in providing alternative formats.

Section 6

Within the 'Next Steps' section of the SoCC it would be useful to provide clarification on how individuals can become involved in the examination process.

Paragraph 6.1.4

The consultation response forms will include questions on the entire scheme. It would be beneficial for the questions to be clarified and included as an appendices in the SoCC.

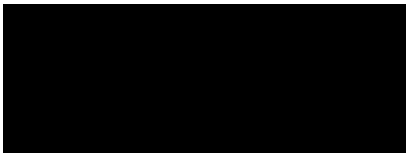
Appendix 2

The map showing newsletter distribution is quite unclear. Does this include Studham?

Map of development boundary

The first SoCC contained a map with the boundary of the development site outlined. It would be useful for this SoCC to also include such a map.

Yours sincerely,



Andrew Davie

Assistant Director – Development Infrastructure
Place and Communities Directorate

APPENDIX C - Highway Memo dated 06.03.2023



Internal Memo

To:	Caroline Macrdechian (Principal Planning Officer)
Date:	06/03/2023
From:	Jethro Punter - Team Leader (Highways Development Management)
Ref:	London Luton Airport DCO Consultation

Message

Luton Rising Consultation

On matters of Surface Access, Transport Modelling, and Green Controlled Growth, the applicant team has consulted extensively in terms of presenting the work carried out to date and explaining the processes followed and the aims and objectives of the development proposed under the DCO process. However, it is also the view of Central Bedfordshire Council that the consultation process had not resulted in the level of engagement that the Council was seeking on a number of important aspects. As a result, the Council will face challenges when seeking to determine and report upon the full extent of local impacts and expect to have a number of fundamental areas of concern remaining to address through the remainder of the DCO process.

Pre-application consultation process guidance for nationally significant projects states that the pre-application process is considered to be an opportunity for the identification and resolution of issues at the earliest stage, reducing project risk, and enabling potential mitigating measures to be considered, and if appropriate, built into the project before an application is submitted.

The Consultation Report (doc ref. 6.01) references a number of changes arising from the 2018 and 2019 non-statutory consultations, two of which relate particularly to matters of transport. These being:

- The introduction of a target for 45% of all passenger journeys to be by non-car modes.
- The introduction of the Green Controlled Growth process.

These broad changes are supported by the Council, reflecting a progressive approach to sustainable transport provision. However, and as referred to later, the Council have consistently expressed concerns over how these progressive targets will be achieved, and cannot, at this point, see evidence that the applicant has sought to address the matters raised through the pre-application and consultation process.

Paragraph 1.2.3 of the Consultation Report (doc ref. 6.01) refers to additional sensitivity testing undertaken following the 2022 statutory consultation, including an assessment excluding a Smart Motorways scheme at J10. This sensitivity test was welcomed by the Council, as it was considered to

represent a more robust and realistic assessment case, particularly in the absence of a programmed or funded scheme to deliver hard shoulder running at this location.

The same paragraph also refers to a sensitivity test in which growth from the Strategic Model was added to the local VISSIM model to provide a greater level of consistency between the two models used.

Notwithstanding the above, whilst these sensitivity assessments have been carried out, it is unclear how they will be reflected within the final DCO documents, with the view of the Council being that these should form the 'Core' scenario, rather than being treated as sensitivity tests, and that the related results should feed through to the remainder of the transport work. There are further sensitivity tests referred to within the Due Regard Table related to Surface Access (doc ref. 6.02) and it is the view of the Council that the number of different sensitivity tests now supporting the application, which would ultimately need to be considered in combination, make the identification and related assessment of the actual impacts of the development proposed difficult to assess.

In addition to these specific matters referred to by the applicant as having been responded to via additional sensitivity testing, there were a number of further areas where Central Bedfordshire Council raised concerns or requested further information, to enable a better understanding of the scheme impacts. It is the Council's view that the areas of concern have not been adequately responded to or addressed. As such this will make the preparation of the Council's Local Impact Report more challenging, and will require the Council to make further representations throughout the DCO if progressed at this point in time.

Whilst not comprehensive, the following items, referred to within the Appended Due Regard Tables (doc ref. 6.02), are areas where the Council sought further consultation, additional clarification, or further work, through the consultation process, and where the Council is of the view that these matters were not adequately responded to.

SA.1.4 Impacts upon Caddington – whilst the number of trips has been quantified, and model reporting at a Strategic Level provided, the Council were seeking assessment at a sufficiently detailed level (e.g. PICADY modelling) to inform the Local Impact Report, which has not been provided. The Council is also of the view that any such assessment would need to be based upon an agreed scenario, which is currently split across several sensitivity tests. I.e.: the concerns raised over displaced traffic through areas such as Caddington may be exacerbated when excluding assumptions related to Hard Shoulder running on the M1, and further exacerbated when including Local Plan Growth. As such, it is not clear whether mitigation in Caddington is necessary, be that a capacity enhancement or measures to discourage additional trips routing this way.

SA.1.10 – Impacts outside the redline boundary – Discussions held to date have not clarified how off-site impacts outside the redline boundary will be dealt with. It is, for example, possible that the assessment work will identify the need for works on the route via Caddington, previously identified as an area of concern by CBC, whether in the form of junction mitigation (to accommodate the increased flows predicted) or traffic calming (to discourage the identified routing). There are also areas where schemes to discourage on-street parking appear likely to be required.

SA.1.29 – Whilst a number of proposed highways works fall within the CBC network, no discussions have been held to date with regards to the agreement of these works, including any technical or safety auditing or review, or the process by which they would be delivered.

SA.1.30 – No Technical Review (by the adopting authority) or Safety Audits of the proposed highways works have been carried out, with the risk that either process would identify the need for works outside of the redline boundary. The response provided states that no works are envisaged outside of the highway boundary, however this is not the same as no works being required outside of the DCO redline

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boundary, and which would be the ultimate constraint upon variations to the schemes in question. Stage 1 RSAs are specifically related to the stage in the planning process where land availability is a consideration and is therefore considered to be appropriate at this stage. This is also reflected in the wider Host Authority comments made in SA.1.35 and National Highways comments with regards to J10 in SA.1.42.

SA.1.32 – The initial modelling work identified issues of ‘intolerable delay’ at the A1081 / London Road by 2027, but with no mitigation proposed until 2039, resulting in the request from the Council for discussions over the phasing of any mitigation works proposed. These requests have not been responded to.

SA.1.78 / SA.1.79 – The Council have consistently raised concerns over the reliance upon third parties to deliver the public transport proposals upon which the DCO’s mode share assumptions are reliant. This is also reflective of the wider comments made by the various host authorities in SA.1.56 onwards. CBC had requested further discussion on the matter of public transport provision, however these requests have not been responded to.

SA.1.1.35 – the Council have consistently raised concerns over the exclusion of ‘off-site’ car parking from the assessment work. Specifically, that the wider modelling work excludes the potential for car trips attracted to off-site car parks, and that the proposals could reasonably be expected to result in an increased demand for ‘off-site’ car parks, particularly when taking into account the requested powers with regards to access and parking charges, and the related differential to off-site provision. This approach also fails to recognise the current existing heavy reliance upon ‘off-site’ car parking provision. The absence of trips related to off-site car parks within the modelling work undertaken is also considered likely to under-estimate the true net increases in vehicular trip demand.

SA.1.19 onwards – The Council have raised a number of queries over the basis of the modelling work undertaken, including the absence of a number of major allocations from the ‘Core’ scenario. It is acknowledged that a ‘Local Plan Sensitivity Test’ scenario has been produced which is considered more representative, however it is unclear how this is to be reported, and how much weight it will be given in relation to the ‘Core’ scenario. Of particular concern has been the inclusion of highway improvement schemes associated with the East Luton Study within the ‘do-minimum’ scenario, which the DCO application assumes to be in place, but which it does not commit to provide.

SA.1.211 – The Council have previously requested sight of any individual junction modelling work undertaken to inform the assessment of individual junction operation and the development of mitigation schemes. As detailed in the previous responses provided by the Council, the high level ‘summary of service’ metrics provided do not allow for a full assessment of the forecast operation of junctions, or the effectiveness of any mitigation proposed. At present no detailed modelling information or base models have been provided.

As such, whilst it is acknowledged that the applicant has undertaken a relatively comprehensive consultation exercise, there are key areas where queries have not been responded to, resulting in a level of information available not considered sufficient for the Council to be able to fully assess the likely impacts of the development upon the local transport network. This is due to a number of factors:

1. The number of sensitivity tests which have been undertaken, and the need for these to be considered in combination. This makes the assessment of actual scheme impacts challenging. It is the view of the Council that there should be a consolidated and agreed ‘Core’ scenario, which pulls together a number of the sensitivity tests, and which should be agreed by the host authorities as the most representative forecast.

2. The inclusion of assumed levels of baseline infrastructure delivery, which is neither funded nor delivered as part of the DCO, without supporting work to identify the change in impacts if this assumed infrastructure baseline isn't achieved.
3. The lack of any allowance for 'off-site' car parking demands.
4. A lack of clarity over the wider public transport strategy for the development, in terms of routes, methods of delivery, funding, or capacity.
5. No details with regards to the detailed modelling used to test individual junctions or to generate mitigation schemes.
6. No technical discussions about highways schemes, or the associated technical and safety audit work to demonstrate that the schemes in question meet design standards, are safe, and can be delivered within the redline boundary of the DCO.