

## **Development Management**

### **Central Bedfordshire Council**

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Application by London Luton Airport Limited for an Order Granting Development  
Consent for the London Luton Airport Expansion project

## **LOCAL IMPACT REPORT**

Date – August 2023

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# 1. Terms of Reference

## Introduction

- 1.1 This Local Impact Report (LIR) has been prepared by Central Bedfordshire Council in accordance with the advice and requirements set out in the Planning Act 2008 and Advice Note One: Local Impact Reports issued by the Infrastructure Planning Commission in April 2012 (Version 2). The content and conclusions were presented to the Executive Member for Planning and Development in accordance with Central Bedfordshire Council's Constitution.
- 1.2 The LIR is part of the Council's response to an application submitted by Luton Rising for a Development Consent Order (DCO) on land at London Luton Airport. The DCO would authorise, in summary, the expansion of the airport to increase passenger throughput to 32 million per annum, provision of a second terminal and provision of associated infrastructure over a phased period.

## Scope of the LIR

- 1.3 The LIR only relates to impacts of the proposed development within the administrative area of Central Bedfordshire Council.
- 1.4 No further description of the proposed development is provided, relying on the applicant's description as set out in Volume 5, Chapter 4 of the Environmental Statement (ref. TR020001/APP/5.01) and the Planning Statement (ref. TR020001/APP/7.01).
- 1.5 A detailed description of the site and its surroundings are provided that highlights particular features within Central Bedfordshire. The relevant policy is set out and the LIR details the impacts on Central Bedfordshire and whether the proposal accords with local policy.
- 1.6 The detailed planning history as set out in the Planning Statement has been considered but it is not deemed necessary to replicate within the LIR.

## Purpose of the LIR

- 1.7 The Advice note states that a Local Impact Report is a *'report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'*. The Advice Note indicates that the LIR should be used to set out existing local knowledge and evidence on local issues and it is not necessary to replicate the EIA or National Policy Statements. There is no requirement in producing an LIR for the local authority to conduct its own community consultation.
- 1.8 The Advice Note indicates that topics addressed in the LIR may include:
- Site description and surroundings/ location
  - Details of the proposal
  - Relevant planning history and any issues arising

- Relevant development plan policies, supplementary planning guidance or documents, development briefs or approved master-plans and an appraisal of their relationship and relevance to the proposals
- Relevant development proposals under consideration or granted permission but not commenced or completed
- Local area characteristics such as urban and landscape qualities and nature conservation sites
- Local transport patterns and issues
- Site and area constraints
- Designated sites
- Socio-economic and community matters
- Consideration of the impact of the proposed articles and requirements within the draft Order (such as the scheme) in respect of all of the above
- DCO obligations and their impact on the local authority's area

1.9 The Advice Note states that representations from Parish Council's, organisations and members of the public may have made representations to the local authority or directly to the applicant about the scheme. There is scope for these to be referenced within the LIR. The local authority has not undertaken consultation with the Parish Councils in the area, but the Relevant Representations submitted by Caddington PC, Kensworth PC, Slip End PC and Whipsnade PC have been reviewed to inform the LIR.

1.10 The LIR has been written to incorporate the topic areas suggested in the Advice Note (set out above), the subject areas in the Environmental Statement, and the obligations and proposed requirements submitted with the application for the DCO and seeks to reflect the comments and view of Parish Councils as set out above.

## 2. Site Description and Constraints

### Introduction

2.1 As identified in Figure 3.1 of the Planning Statement (ref. TR020001/APP/7.01) the 'Order Limits' lie partly within the administrative area of Central Bedfordshire Council. The Order Limits within Central Bedfordshire include the following:

- Highway junction (A1081 London Road roundabout to the west of Luton Hoo Estate)
- Highway junction (A1081 junction with B653)
- M1 Junction 10 (falls under jurisdiction of National Highways)
- South western corner of the main application site (as identified in Figure 3.2 of the Planning Statement (ref. TR020001/APP/7.01)
- Public rights of way and a bridleway to the south of the main application site. These areas are identified for the provision of offsite planting.

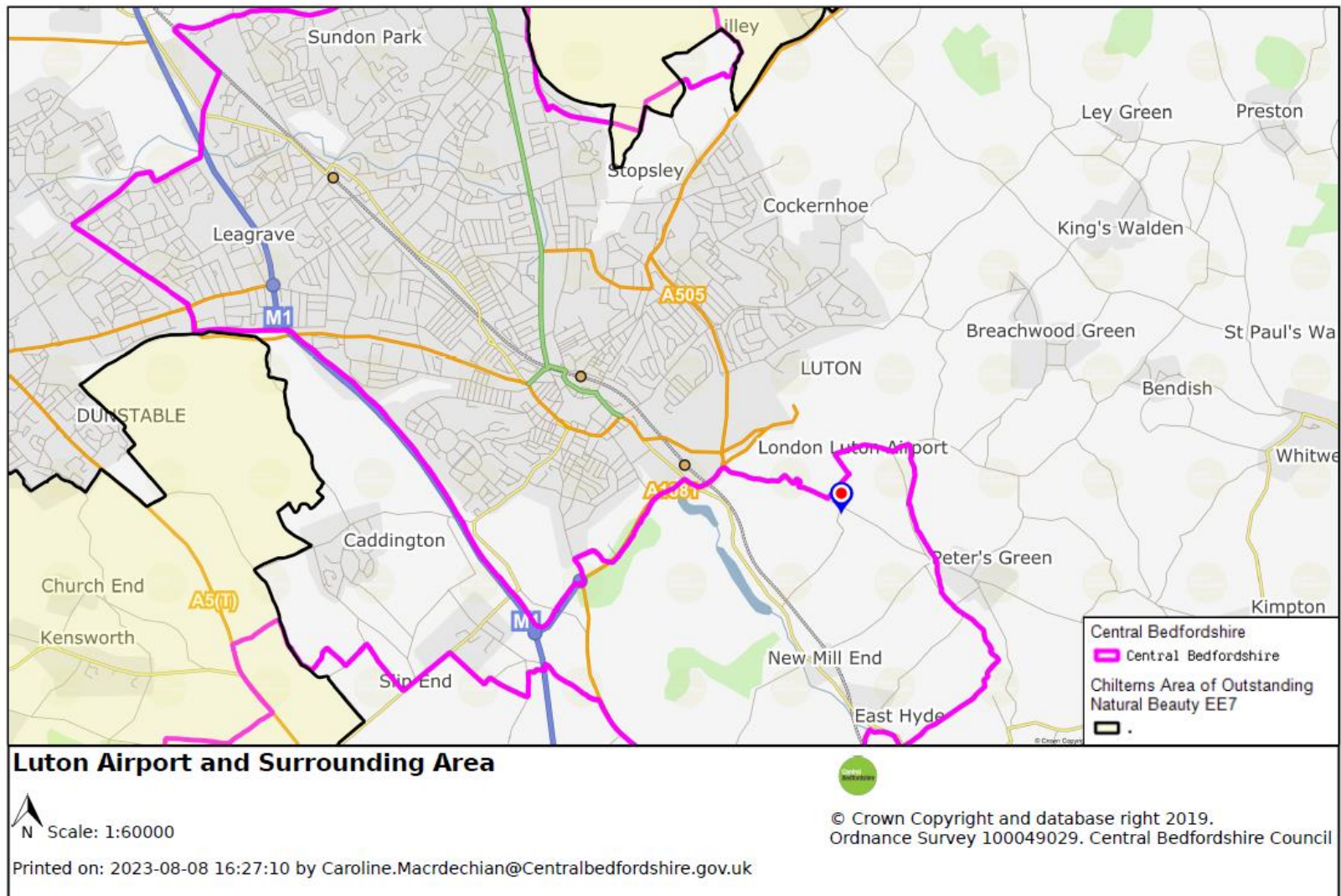
### Site Description

2.2 The DCO site is located on the urban edge of Luton approximately 2km to the east of Luton town centre. The site is predominantly within the

administrative boundaries of Luton Borough Council and North Hertfordshire District Council, although the southwestern corner of the main application site lies within the administrative area of CBC. It incorporates the existing airport, Wigmore Valley Park and agricultural fields to the east within North Hertfordshire, which are classified as the 'Main Application Site' on Figure 3.2 of the Planning Statement (ref. TR020001/APP/7.01). There are a number of highway junctions outside of the Main Application Site, including those referenced above within Central Bedfordshire. The administrative area for Central Bedfordshire lies immediately to the south of the application site.

- 2.3 The airport sits on a plateau and the land falls in a southern direction away from the existing airport. The areas to the south of the site are predominantly rural in character. There are some residential properties located in close proximity to the airport boundary. These include Someries Farm, Someries Farm House, Someries Cottages and The Lodge, which are within the parish of Hyde and are located a minimum of 200m from the southern boundary of the application site. Other properties within close proximity to the application site include Dane Street Farm, which is located approximately 160m from the southern boundary. Copt Hall Farm and cottages are also closely sited to the application site boundary.
- 2.4 To the southwest of the main application site is Luton Hoo Estate, which covers an area of 431 hectares and is a Grade II\* Registered Park and Garden, comprising of Luton Hoo Mansion house (Grade I), which operates as a hotel, a golf course, country club with spa facilities and Warren Weir conference facility. Luton Hoo Estate is set within extensive Capability Brown designed parkland on an elevated plateau that descends to the east/southeast to the River Lea. There are a number of listed buildings within the estate, including the stable buildings, (referred to as Adam's stable block), which are Grade II\*. Part of the Luton Hoo Estate is designated Luton Hoo Conservation Area, which was designated in 1994. The eastern boundary of the estate is adjoined by the Lower Harpenden Road (B653) beyond which is the Midland Mainline Railway, Upper Lea Valley Walk (National Cycle Network 6). The western boundary of the estate is adjoined by the A1081 London Road.
- 2.5 Someries Castle is a Scheduled Monument of national significance that is located to the south of the main application site.
- 2.6 Within the Luton Hoo Estate there are three County Wildlife Sites and there are other County Wildlife Sites to the south of the Main Application Site.
- 2.7 To the south of the Main Application Site there are public footpaths and bridleways including Footpath No. 4 that lies adjacent to the south western boundary of the main application site. Footpath No. 4 connects to footpath No. 5 to the east, which extends north-east where it connects to Bridleway No. 2 and 3.

- 2.8 The villages of Slip End, Caddington and Kensworth are located to the west. These villages include a variety of local businesses, community facilities and educational facilities alongside residential. There are also smaller settlements to the west, which include Woodside, Aley Green and Pepperstock. The village of Hyde is located to the south of the site.
- 2.9 The eastern boundary of the site adjoins agricultural fields within North Hertfordshire District Council's administrative area. To the north of the DCO site are residential areas within the Borough of Luton.
- 2.10 The part of the Main application site within Central Bedfordshire is washed over by Green Belt and the surrounding areas to the south and south-west of the site within Central Bedfordshire are all within the Green Belt.
- 2.11 Chilterns Area of Outstanding Natural Beauty (AONB) is approximately 3km north and 5km to the west of the airport, as shown on Figure 2.1.



**Figure 2.1 – Luton Airport and Surrounding Area**

Source – CBC GIS Maps

### 3. Planning Policy

#### National Planning Policy Framework

- 3.1 The Planning Act 2008 requires NSIPs to be determined in accordance with any relevant National Planning Statements as well as any other matters that are considered important and relevant, which would include the National Planning Policy Framework (NPPF) and the applicant has referenced this within the Planning Statement.

#### Statutory Development Plan

- 3.2 The development plan for Central Bedfordshire is the Central Bedfordshire Local Plan (2015-2035) which was adopted in July 2021 and for the purpose of the DCO must be considered.

#### Other relevant documents

CBC Tranquillity Strategy (August 2022)  
 CBC Biodiversity Net Gain guidance (March 2022)  
 CBC Landscape Character Assessment (2015)  
 CBC Air Quality and Emission Planning Guidance Document (July 2022)  
 CBC Local Transport Plan (2011-2026)  
 Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

### 4. Summary of Proposed Development

- 4.1 An extensive assessment of planning history is contained within the submitted documents. It is not considered necessary to replicate this information.

### 5. Assessment of Local Impacts

#### 5.1 Air Quality

##### Local Plan Policy

##### 5.1.1 Policy HQ1 states:

“The Council will ensure that all developments are of the highest possible quality and respond positively to their context. All development proposals, including extensions and change of use, must ensure that:  
 [...] There is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.”

##### 5.1.2 Policy CC8 also refers to airborne pollution and states:

“Development proposals which are likely to cause pollution or land instability, or are likely to be exposed to potential unacceptable levels of pollution or land instability will only be permitted where it can be demonstrated that:  
 1. In or near an AQMA, development would not have a negative impact on the local air quality and that;



2. Measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life for users and occupiers, which protects health natural and historic environment, water quality, property, infrastructure and amenity; and
3. The conditions of the site can be suitably mitigated or land can be remediated for the proposed end use and cause no adverse effects.”

### Key Local Issues

- 5.1.3 Air quality issues resulting from the development would consist of those associated with the construction and operational phases. The key air quality impacts relate to the additional aircraft movements but there is scope for impacts from road traffic at other locations in Central Bedfordshire.
- 5.1.4 The Council have an Air Quality and Emissions Planning Guidance Document (July 2022), which was produced to support the local plan. The guidance deals with the pollutants from transport under the Local Air Quality Management (LAQM) regime and the assessment and control of dust during demolition and construction.
- 5.1.5 The main application site that falls within the administrative area of Central Bedfordshire is not within an Air Quality Management Area (AQMA). Within Central Bedfordshire the nearest AQMA to the site is High Street, Dunstable but this is some 10 km (approx.) from the site and although there could be some additional highway movements, it is not considered that there would be direct impact.
- 5.1.6 As set out in section 2 of the report there are residential properties located in close proximity to the southern boundary of the airport and there are public footpaths to the south of the site. During the construction phase the most notable impact would be the impact on local residents due to the generation of dust, which could be exacerbated depending on weather conditions and wind direction. During the operational phase there would be an impact on human and ecological receptors in Central Bedfordshire, particularly residents to the south and communities to the west of the airport, proximate to the predominant departure paths, for example, Caddington, Slip End, Woodside, Lower Woodside and Aley Green.

### Adequacy of application/DCO

- 5.1.7 Chapter 7 of the ES deals with Air Quality and assesses both construction and operational phase air quality impacts and identifies mitigation measures.
- 5.1.8 Good practice measures to mitigate the construction dust effects are identified. However, further measures beyond those good practices required have been considered including options to reduce on-site emissions from equipment and diesel generators as they are becoming more readily available and affordable in the market. The applicant recommends that through planning it is possible to achieve substantial reductions in on-site emissions including dust and odour during the construction phase. Given the size of the works and duration it is

recommended that targets for the reduction of emissions on-site are written into environmental procurement requirements and a monitoring regime established to assess the effectiveness and application of emission saving measures. It is welcomed that this would be secured through a Code of Construction Practice (Requirement 8 of the draft DCO).

- 5.1.9 The Construction Code of Practice is intended as an “overarching document for all construction related activity” including for air quality such as dust and odour. However, there are some issues with the document, which has been submitted in outline form. The lead contractor is charged with responsibility for the implementation of an environmental system covering all construction works including those carried out by sub-contractors and others. This is a substantial role for implementing and ensuring controls and mitigation is in place for large and complex works happening concurrently on multiple fronts. For example, it is not clear how cumulative impacts and risk will be predicted from work statements submitted by contractors carrying out works at the same time and how will higher performing or greater controls be implemented, monitored and audited to ensure absolute limits are not exceeded.
- 5.1.10 Regarding air quality, the outlined controls or measures that would be included in the planned Dust Monitoring Plan appear standard, but not empirically informed. There is a lot of detail needed to make an effective plan and emergency procedures such as prolonged periods of dry weather and wind which significantly increase wind-blown dust.
- 5.1.11 Currently, there is no third-party checking or independent checking planned by the applicant, and considering the magnitude of the works, duration and potential for high-risk events such as prolonged dry weather and wind, contaminated fines or dust or contractual or management difficulty, we recommended this is included for by Luton Rising.
- 5.1.12 In terms of the operational phases, the applicant, predicts according to methodology agreed by Central Bedfordshire Council, the proposed development would not impact compliance with the air quality standards for human and ecological receptors.
- 5.1.13 No significant impacts are predicted by the applicant, however communities to the west of the airport in Central Bedfordshire are less well represented by assessment locations in this area. For example, Caddington, Slip End, Woodside, Lower Woodside, Aley Green located proximate to departure flight paths have not been included but are within the scope of interest of Central Bedfordshire Council and the Parish Councils. Relative change of pollution concentrations and portion of compliance with current and future limits are not discussed by the applicant. Discussion of predictions of air pollution in the human and ecological environment is widely scant and would also usefully include, Luton Hoo and Someries Castle, and for the long-term effects of erosion to historic buildings and remains of heritage value. Natural England’s concerns include air pollution of Sites of Special Scientific Interest, as are Central Bedfordshire Council’s on the ecology.

- 5.1.14 Continued air quality monitoring around the airport will be conducted and an air quality emissions inventory will be maintained to help track implementation of the 'Outline Operational Air Quality Plan' measures and report on the above on an annual basis. An Outline Operational Air Quality Plan is supplemented by measures set out in a Green Controlled Growth document submitted with the application for development consent, which provides a mechanism for future review and implementation of future actions if required.
- 5.1.15 Monitoring locations are planned, and they naturally number in concentration around the take-off and landing pathways near to the airport. But there is no coverage in the southwestern parishes of South Bedfordshire relevant to the predominantly westerly take off directional mode of operation. Monitoring results would usefully inform members of the Environmental Scrutiny Group proposed in the Green Controlled Growth (GCG) Framework and should include Central Bedfordshire Council including for air quality and noise impact topics and changes regarding threshold and limits changing according to regulation.

### Conclusion

- 5.1.16 There is concern regarding the assessment and future monitoring of air quality in Central Bedfordshire due to the limited number of monitoring locations. Based on the foregoing, Central Bedfordshire consider the impact on air quality to be **negative** and it is not considered that the requirements of the local plan have been satisfied.

## **5.2 Biodiversity**

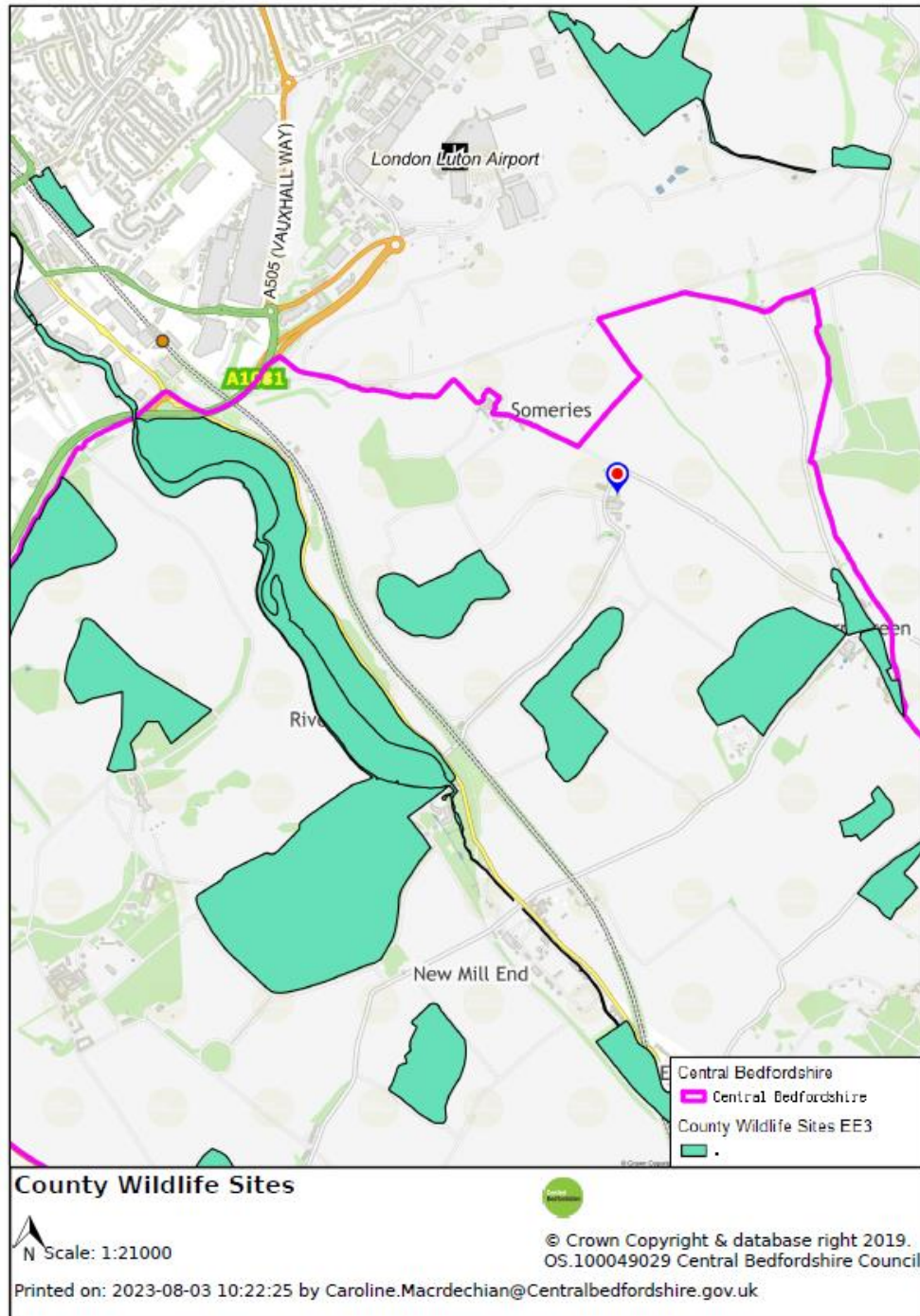
### Local Plan Policy

- 5.2.1 Policy EE2 of the local plan specifies that development will be permitted where negative impacts on biodiversity and geodiversity can be avoided and biodiversity net gain can be achieved through enhancement of existing and creation of new biodiversity features, along with maximising opportunities to enhance and create links between ecological networks.
- 5.2.2 Policy EE3 emphasises that important habitats must be protected, maintained and enhanced and seeks that up-to-date ecological surveys are undertaken. It further states that development proposals will be permitted where they are designed to prevent any adverse impact on County Wildlife Sites, protected species or species and habitats of principal importance. Nature conservation is also covered by Policy EE4.

### Key Local Issues

- 5.2.3 The main application site/Order Limits are not located within any international or national ecological designated sites. The area of the site that falls within the administrative area of Central Bedfordshire does not include any statutory or non-statutory designations. There are non-statutory County Wildlife Sites within

Luton Hoo RPG and also to the south of Someries Castle, as shown in Figure 5.1.



**Figure 5.1 – County Wildlife Sites in Central Bedfordshire**

Source – CBC GIS Maps

5.2.4 The Council's Ecologist has reviewed the submission and has confirmed that the on the ground impacts in Central Bedfordshire are likely to be limited.

5.2.5 The River Lea County Wildlife Site lies within Central Bedfordshire. Concerns were raised in the responses to the 2019 and 2022 statutory consultations

regarding the potential for hydrological impacts to the watercourse. This is a matter for consideration by the Environment Agency who have submitted a Relevant Representation.

- 5.2.6 Whilst biodiversity net gain is not a mandatory requirement for NSIPs, CBC welcome the commitment made by the applicant to achieve 10% biodiversity net gain. However, it is necessary to ensure these measures are appropriately managed.

#### Adequacy of application/DCO

- 5.2.7 It is considered that the information contained in Chapter 8 Biodiversity of the ES is sufficient to enable an adequate assessment of the impacts in Central Bedfordshire.

- 5.2.8 An Outline Landscape and Biodiversity Management Plan (LBMP) has been submitted. The full detailed plan would be secured prior to commencement of development under requirement 10 as set out in the draft DCO.

#### Conclusion

- 5.2.9 Based on the foregoing, Central Bedfordshire consider the impact on biodiversity to be **neutral** and it is considered that the requirements of the local plan have been satisfied.

### **5.3 Climate Change Resilience and Greenhouse Gases**

- 5.3.1 These two elements have been assessed separately in the ES but due to the overlap they are discussed together in the LIR.

#### Local Plan Policy

- 5.3.2 Policy CC1 of the local plan sets the climate change and sustainability standards for all new development, seeking that new development is designed to increase its resilience to the impacts of climate change, takes full advantage of opportunities to incorporate renewable energy, reduces carbon emissions.

#### Key Local Issues

- 5.3.3 The Council has adopted a Sustainability Strategy setting out a commitment for the Council; to improve its operations and processes, facilitate investments in infrastructure-led projects and influence and support residents and local businesses to adopt sustainable behaviours. Whilst the Strategy does not directly apply to the proposed development, it demonstrates the commitment of Central Bedfordshire to reduce the impact of climate change in the local area.
- 5.3.4 The Council have developed a 2050 Vision for Central Bedfordshire, which is a statement of aspirations for place, people and the economy, which improves the lives of residents, communities and businesses. Climate responsiveness and resilience is at the heart of the Vision.

### Adequacy of application/DCO

5.3.5 The ES Chapter 9 on Climate Change Resilience sets out the applicant's approach to ensuring climate change resilience during the construction and operational phases. The ES Chapter 12 on Green House Gases assesses the GHG emissions from four key activities: aviation, airport operations (use of buildings etc.), surface access journeys and construction activities. For each of the four key activities, the significance of emissions is evaluated as Minor Adverse or Not significant, which is due to appropriate control mechanisms, use of renewables and the role of the GCG Framework in controlling emissions. Control measures would be secured through the GCG Framework.

### Conclusion

5.3.6 Overall, the assessment is considered sufficient and accords with the requirements of Policy CC1. Based on the foregoing, Central Bedfordshire Council consider the impact on Climate Change and Green House Gas emissions to be **neutral**.

## **5.4 Cultural Heritage**

### Local Plan Policy

5.4.1 Policy HE1 applies to known heritage assets with archaeological interest including Scheduled Monuments. The policy requires that where development would have an impact on heritage assets with archaeological interest, where possible the Council will seek the preservation of those remains in situ. Where this cannot be achieved, a scheme of archaeological investigation, recording, analysis and publication will be required prior to completion of the development. Policy HE1 also states that the Council will support proposals that includes provision for the enhancement, conservation, and enjoyment of the historic environment by the creation of appropriate management and interpretation schemes. It also states that development proposals that result in the total loss, or which would cause substantial harm to the significance of heritage assets with archaeological interest or their settings, will be refused unless the harm or loss of significance is necessary to achieve substantial public benefits that outweigh the loss of significance of the harm.

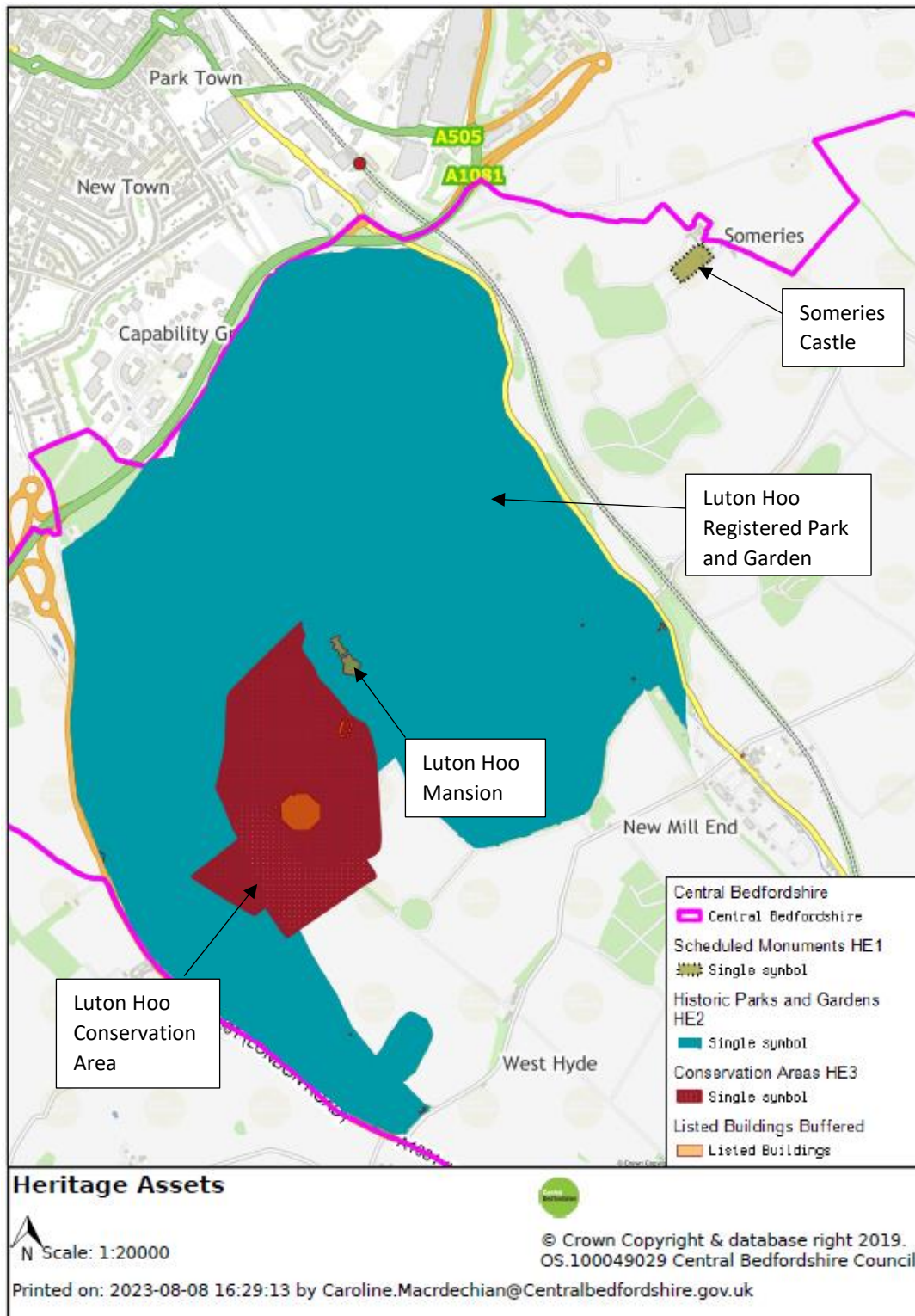
5.4.2 Policy HE2 and HE3 of the local plan provide the policy context for assessment of proposals that affect Registered Parks and Gardens (or their settings) and Listed Buildings, Conservation Areas and built heritage, respectively. Each policy requires the submission of a Heritage Assessment that describes the significance of the heritage asset and the level of impact of the proposed development. Policy HE2 states that development proposals that would degrade the character and appearance of a Registered Park and Garden, or which will cause substantial harm to the significance of these assets will be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that would outweigh the loss of significance or the harm. Policy HE3 states that where development proposals would lead to harm

to designated heritage assets, they will be assessed against the relevant criteria in the NPPF, considering the scale of harm and the significance of the heritage asset.

### Key Local Issues

5.4.3 The main issues relate to the impact of the proposed development on the designated heritage assets within close proximity to the southern boundary of the main application site, notably Someries Castle and Luton Hoo Estate that fall within the administrative area for Central Bedfordshire.

5.4.4 Figure 5.2 below shows the designated heritage assets within Central Bedfordshire that are to the south of the application site.



**Figure 5.2 – Heritage Assets in Central Bedfordshire**

Source – CBC GIS Maps

### Someries Castle

5.4.5 Someries Castle is a Scheduled Monument of national significance that is sited in close proximity to the southern boundary of the airport and main application site.



- 5.4.6 Someries Castle represents the remains of a 15<sup>th</sup> century manor house with a gatehouse, chapel, and 16-17<sup>th</sup> century formal gardens. The name is derived from William de Someries, whose residence is assumed to have been on the same site in the 13<sup>th</sup> century, although its exact location is not known. The upstanding remains include the gatehouse and chapel which formed the north-west wing of the magnate's residence. The walls survive to almost full height and the gatehouse has two semi-octagonal bastions either side of the entrance passage, which would have led into an enclosed courtyard. The chapel has a large perpendicular window opening in the gable.
- 5.4.7 The building is constructed largely of brick and includes the use of darker vitrified bricks, some of which appear randomly placed, whilst over the inner arch of the gateway they have been used to form a lozenge-shaped design. Someries Castle is generally accepted to be Bedfordshire's earliest surviving brick building. The area of the main residence is now defined by a raised platform containing low, irregular earthworks. These are separate to the garden earthworks, which lie to the south-west, which are largely defined by a rectangular earthwork measuring up to 100m long by 80m wide. The construction of Someries Castle is attributed to Lord Wenlock and is believed to have commenced in the 1430's. After his death it passed through various hands before becoming part of the Luton Hoo estate. Whilst the residence was never completed, an inventory of 1606 lists 20 rooms in use. The archaeological interest (evidential value) of Someries Castle largely lies with the surviving earthworks and the potential for the site to include below ground deposits relating to the development and occupation of the building and its surroundings.
- 5.4.8 It is acknowledged that the setting of Someries Castle is heavily influenced by the Airport and surrounding agricultural and light industrial buildings that occupy the land to the north and north-east. However, the existing situation does not diminish its importance as a designated heritage asset of the highest significance. The airport is both visually and audibly dominating at this location, but both parts of the monument (the ruins and the earthworks) can still be appreciated for their heritage interest and despite their physical separation (by way of the fencing that surrounds the ruins) their relationship to one another can be perceived.
- 5.4.9 During the statutory consultation stage in 2019 and 2022 concerns were raised regarding the evident crumbling of important brickwork detailing at Someries Castle, which has accelerated in recent years and is demonstrable through photographs from the 1970s onwards. The loss of brickwork detailing at Someries Castle impacts fundamentally on building significance. Significant concern remains that the proposed development could result in direct impacts resulting from vibration and pollution, which may result in the deterioration of the fabric of Someries Castle.
- 5.4.10 The proposed development includes the relocation of the Fire Training Ground. The Indicative Scheme Layout Plan for Phase 2b shows that the FTG would be located adjacent to the southern boundary of the main application site, approximately 370m to the north-east of Someries Castle Scheduled

Monument site. Chapter 4 of the Environmental Statement specifies in paragraph 4.6.59 that *'the facilities would be used both during the day and night on average twelve times a month by the airport's fire services. In addition, external fire services use the facility for training periodically.'*

- 5.4.11 The existing FTG facilities have a maximum height of 15.4m as set out in Chapter 4 of the Environmental Statement. There is concern that the FTG, due to its size and operational nature would have an impact on the setting of Someries Castle, which is a point of concern that was raised during the statutory consultation stage.

#### *Luton Hoo*

- 5.4.12 Luton Hoo Estate is a historic designated landscape that is a Grade II\* Registered Park and Garden. The designed landscape is the work of Lancelot 'Capability' Brown (1716-1783), a British landscape garden designer of pioneering and influential renown. The mansion house is Grade I listed and there are other listed buildings and structure within the estate. The estate operates as a hotel, which is recognised as the 'optimum viable use' for the mansion and parkland and is recognised as a key business in Central Bedfordshire. Beyond its historic significance, the parkland possesses a tranquillity which is a significant asset of the hotel offer.

- 5.4.13 The heritage interest of Luton Hoo parkland is multi-faceted, archaeologically it holds the potential to include evidence of the parkland design and features that are no longer readily appreciable above ground level. Archaeological investigations within the parkland also indicate that there are surviving traces of earlier human activity (mostly later prehistoric). The setting of Luton Hoo is semi-urban with views of the urban edge of Luton visible from certain vantage points within the parkland and this does not detract from the significance of the parkland or the built heritage assets within it.

- 5.4.14 Existing buildings at the airport are visible from within the estate, most notably from the northern sections of the estate, including the south-western end of Hog's Trough and Tank Drive (Luton Drive), both of which are key aspects of the designed landscape.

- 5.4.15 The development has the potential to impact negatively on the significance of the Registered Park and Garden and the setting of the mansion house by virtue of the additional built development that would be visible from the grounds. The existing airport buildings occupy an elevated location to the northeast of the Registered Park and Garden and are visible from key vantage points from principal rooms of the east front of the mansion and glimpsed views from within the hotel grounds.

- 5.4.16 The development would be phased, and components of the proposed development would be visible through the treeline and skyline, introducing external built form into the setting. Appendix 14.7 Representative Viewpoint 18 shows the intrusive impact of new built form about the treeline, although it is unclear what building is shown as the viewpoints have not been annotated, a

point raised in the PADSS. This building would be visible at low level at the north end of Tank Drive (Luton Drive) within the north section of the historic designed parkland landscape, an area where Capability Brown's design concept for Luton Hoo was executed on its most grand scale.

5.4.17 Viewpoint 18 also shows built form breaking the skyline at the opposite end of its sweep but it is not clear what element of the proposed development is represented.

5.4.18 Paragraph 10.9.76 of Chapter 10 of the Environmental Statement acknowledges that the visual impact of these new components would be significant moderate adverse effect yet no additional mitigation measures have been put forward.

5.4.19 Overall, it is considered that elements of the proposed development would erode the visual quality, and consequent vital contribution, of outward views within the parkland and also its wider, historically resonant landscape setting.

5.4.20 Additionally, the proposed development, particularly due to operational impacts could impact on the tranquillity of the RPG. It is recognised that the levels of tranquillity are already influenced by the existing airport operations and there are other external noise sources including background road and rail noise. However, increased aircraft movements, which generally follow a flight path that passes over the northern section of the RPG could impact tranquillity.

5.4.21 Part of the estate is designated a Conservation Area and whilst 'scoped in' in Chapter 10 of the ES, it is not specifically referenced or discussed thereafter. The proposed development would not be visible from within the Conservation Area but nonetheless an assessment is expected as the Conservation Area contributes to the significance of the RPG.

5.4.22 There is concern that the use of the FTG would impact on the Luton Hoo mansion house and RPG due to the close proximity and it is unclear how far the visual and air quality impacts of FTG facility use would travel.

5.4.23 It is noted that Historic England have submitted a Relevant Representation which highlights that the impact on Luton Hoo RPF and Someries Castle is pertinent to their statutory remit.

#### *Archaeology*

5.4.24 The proposed development site lies within a known archaeological landscape with remains dating from the later prehistoric periods onwards recorded on the Central Bedfordshire and Luton Historic Environment Record (HER) for the area. The nature of the proposals outlined in the DCO application are such that the development will not have direct impacts on known below ground archaeological remains within Central Bedfordshire.

#### Adequacy of application/DCO

- 5.4.25 Cultural Heritage is dealt within in Chapter 10 of the ES and the Heritage Desk Based Assessment, both of which have been assessed by the Council's Archaeologist and Conservation Officer.
- 5.4.26 It is noted that neither of these documents provide a detailed description of Someries Castle, despite it being identified in Table 10.11 (Heritage Assets Considered in the Impact Assessment, Chapter 10) as a receptor which has the potential to be affected by both construction and operational impacts. It is also noticeable in its absence because of the greater level of detail that is provided about Luton Hoo parkland. Nevertheless, Sections 10.9.6 to 10.9.30 do assess the contribution that the setting of the monument makes to its significance and considers what the potential impacts of the construction and operational phases of the development might be.
- 5.4.27 For each phase of the development, it is concluded in Chapter 10 of the Environmental Statement that the impact of the proposed development on Someries Castle would be minor adverse (not significant). However, based on the assessment by the Council's Conservation Officer and Archaeologist it is considered that the potential impact and harm arising from the proposed development on Someries Castle, particularly regarding the impact on brick erosion, has not been adequately addressed in the submission documents.
- 5.4.28 The Cultural Heritage Management Plan (CHMP) (appendix 10.6 of the ES) which would be secured by requirement 16 of the draft DCO, sets out a commitment to undertake air quality monitoring at Someries Castle, which is welcomed. However, there is no suggestion that a condition assessment of the monument pre-construction is proposed. Additionally, there is insufficient detail in the CHMP as to how the collected data would be used and shared with the Local Planning Authority, or how the monitoring results might inform specific actions in respect to preservation of the building fabric. CBC therefore suggest that a baseline understanding of the current state of the monument would be beneficial to devise an appropriate course of action, should the predicted change to air quality be such that it does have the potential to cause deterioration to the fabric of the ruins.
- 5.4.29 Pursuing tangible public heritage benefits from the proposed development in respect to sustaining or enhancing the significance of a heritage asset and reducing or removing risks to a heritage asset is a policy requirement. However, it is unclear from the assessments what the tangible benefits are.
- 5.4.30 In respect to the Fire Training Ground, there is insufficient information to fully understand the visual and environmental impacts of the relocated facility on Someries Castle and Luton Hoo RPG, particularly during operation. There are particular concerns regarding the impact of the use of the facility on local air quality and the resultant impact of emissions on the vulnerable brick fabric of Someries Castle.
- 5.4.31 In terms of Luton Hoo RPG, Chapter 10 of the Environmental Statement concludes the level of harm to be minor adverse (not significant). However, it is considered that the level of harm has been downplayed and the increase in air

traffic would erode the tranquillity in and around the RPG. Additionally, components of the proposed development would erode the visual quality, and consequent vital contribution of outward views within the parkland and also its wider historically resonant, landscape setting. Further clarity is required in terms of Viewpoint 18 and 19 of Volume 5 ES Appendix 14.7 Accurate Visual Representations.

5.4.32 The Planning Statement concludes less than substantial harm to the significance of Luton Hoo RPG. Policy HE2 of the Central Bedfordshire Local Plan and paragraph 202 of the NPPF require the harm to be weighed against the public benefits of the proposal. It is unclear from the Planning Statement and Heritage Statement (Appendix D of the Planning Statement) how the necessary test set out in national and local policy has been undertaken.

### Conclusion

5.4.33 Based on the above it is not considered that the proposed development complies with the requirements of Policy HE1, HE2 and HE3 of the Central Bedfordshire Local Plan in respect to impact on designated heritage assets. Further assessment and clarification are required to fully understand the impact on Someries Castle and Luton Hoo RPG. The impact resulting from the development is therefore considered **negative**.

5.4.34 In terms of archaeology, the information and data gathered for the Cultural Heritage Desk Based Assessment is adequate and sufficient to consider the impact of the proposals on the known below ground archaeological resource in Central Bedfordshire. The nature of the Order Limits is such that it is unlikely that there will be any direct impacts on below ground archaeology.

## **5.5 Economics and Employment**

### Local Plan Policy

5.5.1 Policy SP1 sets out the overall growth strategy for Central Bedfordshire which specifies that approximately 24,000 new jobs will be delivered in Central Bedfordshire over the period 2015 to 2035.

5.5.2 There are strategic objectives within the local plan relating to economics and employment, these are:

- SO1 Ensuring sustainable growth and associated infrastructure including the continued regeneration of town and neighbourhood centres to deliver the annual target for new homes and the provision of integrated health and care hubs.
- SO5 Provide a minimum of 24,000 jobs by 2035, accommodating new economic growth along strategic and sustainable transportation routes, new mixed-use developments and established sites.
- SO7 Link deprived areas with employment benefits arising from the development of major sites and existing key locations.

Key Local Issues

- 5.5.3 The development has the potential to deliver 4,200 direct employment opportunities and thousands more through supply chains and distribution. In order to ensure residents in Central Bedfordshire benefit from this and have access to these employment opportunities it is necessary to ensure an appropriate geographical split and mechanisms to enable access to training opportunities.
- 5.5.4 Additionally, due to the high number of jobs there would be demand for additional housing within the local area, which could place pressure on existing services.

Adequacy of application/DCO

- 5.5.5 There is some concern regarding the methodology used in Chapter 11 Economics and Employment in the ES, notably the basis for assessing sensitivity of the local housing market. The assumptions are based on 2011 census data, which is deemed a limitation and should be stated as such. Additionally, effects relating to outbound tourism have not been assessed.
- 5.5.6 An Employment and Training Strategy has been submitted and this articulates the goals and joined up approach required to ensure an airport expansion is successful across functional market areas. Continued dialogue and partnership working with all Local authorities across the study area will be critical to realise the associated economic benefits. The ETS would be secured through the S106 agreement as set out in the Heads of Terms in the Planning Statement, although to date no draft agreement has been provided.

Conclusion

- 5.5.7 Based on the foregoing, the impact on employment is considered **positive**.

**5.6 Health and Community**Local Plan Policy

- 5.6.1 There are no specific policies within the local plan relating to health and well-being.

Key Local Issues

- 5.6.2 There are significant concerns regarding the potential impact of the proposed development both during construction and operational phases on the public health and wellbeing of local residents, particularly relating to sleep disturbance and air quality. This would be most prevalent in areas that are under the flight path. The impact on health from noise is a significant issue and it is noted that physical and mental health outcomes associated with aircraft noise include annoyance, sleep disturbance, disruption to children's learning, mental health

and cardiovascular health. Increased carbon emissions could also impact on cardiovascular health.

- 5.6.3 Within the Landscape and Cultural Heritage section of the report, reference is made to the impact of the development on tranquillity. Paragraph 15.6.12 of the Central Bedfordshire Local Plan specifies that '*tranquillity can support health and well-being and be a key contributor to quality of life.*' The extent of aircraft movements across Central Bedfordshire could impact on the peaceful enjoyment of open countryside, negatively impacting on the well-being and mental health of local residents.

#### Adequacy of application/DCO

- 5.6.4 Chapter 13 of the ES relates to Health and Community and include a Health Assessment in Appendix 13.5. The Council's Public Health Team have assessed the information and consider there to be a number of shortcomings.
- 5.6.5 The evidence base and methodology that underpins the assessment, and consequently, the conclusions drawn is based on the significant and residual effects identified by other topics and is therefore perceived as a reactive and passive approach to assessment, potentially lacking influence on the proposed design. There is concern that the assessment fails to clearly demonstrate a direct impact on the design of the proposal.
- 5.6.6 The assessment has disregarded locally produced health assessment (except for Luton), such Joint Strategic Needs Assessments (JSNA), Health and Wellbeing Strategies (HWB), or Direction of Public Health Annual Reports, in favour of national data sets provided by the Office for Health Improvements and Disparities (OHID). As a result, the localised knowledge necessary for proper interpretation and understanding of health data is absent. There is no justification within the assessment for discounting these strategies, despite this point being raised in the statutory consultation response. Nonetheless, the inclusion of OHID/PHE Mental Health JSNAs for all relevant authorities is welcomed.
- 5.6.7 This issue becomes evident when examining the assessment of health and population characteristics for Central Bedfordshire, which are only assessed at the authority-wide level (Paragraphs 13.7.31 through .41). This approach masks localised health and population inequalities that we know exist in Central Bedfordshire. For instance, the assessment concludes that Central Bedfordshire exhibits above-average life expectancy and lower-than-average deprivation (13.7.41). However, publicly available ward-level data from OHID's Fingertips indicates that there is a difference of over 8 years in life expectancy between the highest and lowest levels within Central Bedfordshire for both males and females (see Appendix 1). The areas with the lowest life expectancy are those closest to the airport and fall below the England average, but this aspect has not been assessed by the applicant. Particularly in-light of the conclusions made on the Disability Adjusted Life Expectancy (DALYs). A DALY is a sum of the potential years of life lost due to premature death and the

equivalent years of 'healthy' life lost from being in a state of poor health or disability.

- 5.6.8 This metric has been used to assess the impacts of the proposal on population healthy life expectancy arising from the proposed development and concludes that the Proposed Development is predicted to result in a potential reduction in DALYs for all health outcomes when compared to the situation in 2019. This is based on the use of newer aircraft with quieter and more efficient engines by operators, which would offset the impacts of an increase in air traffic movements. The mechanism for securing this, such as the use of a Night Quota Count system as in force at Gatwick, Heathrow, and Stansted Airports, is not mentioned in the Health and Community Assessment.
- 5.6.9 Additionally, there is also uncertainty whether the disparity in life expectancy in Central Bedfordshire has been considered in the assessment and recommendations arising from the DALYs findings.
- 5.6.10 Similarly, IMD scores and Income Deprivation vary across Central Bedfordshire, and our most deprived areas are predominantly located near the airport, specifically in and around Dunstable and Houghton Regis (see Appendix 2 and 3). Once again, this level of detail is absent from the applicant's assessment, casting doubt on whether the conclusions drawn regarding Central Bedfordshire's population health and the impacts from the proposal have considered this.
- 5.6.11 There is also concern that Table 13.11 contains several unknown datasets (absent data), despite information such as the LGBTQ+ population being available from Census data. It is unclear which attempts or data sources have been examined to determine the unknown data for other vulnerable groups and if present whether these would impact on the assessment.
- 5.6.12 The Health and Community assessment section (13.9.39) presents the assessment at a regional level for the 'Three Counties' of Beds, Bucks, and Herts, and then provides more localised information specifically for 'Luton.' However, no justification is provided for why the data is presented separately for Luton but not for any of the other constituent authorities or areas. The 'Three Counties' cover a vast regional area, and each authority and place have their own economic characteristics and functions, which are not explicitly considered in the presentation of this assessment.
- 5.6.13 CBC raised the specific economic impacts on the populations of Dunstable and Houghton Regis in the statutory consultation response due to their higher deprivation and proximity to the airport thus being able to benefit from increased economic activity. We are therefore unable to distinguish the applicant's assessed economic benefits arising from the proposal and their impact on more deprived communities (and in turn the health inequalities they face) in Central Bedfordshire.
- 5.6.14 Regarding the design impacts on health, we have expressed concerns about the Health and Communities Assessment's passivity and the lack of clarity



regarding its influence on the design or other aspects of the proposal. In their statutory consultation response, CBC recommended the completion of the Healthy Airports Checklist by CHETRE, yet it is unclear whether this recommendation was followed and informed the assessment and analysis presented. Addressing these concerns and incorporating the recommended checklist would contribute to a more proactive and impactful assessment.

5.6.15 Furthermore, it is considered appropriate for mitigation to address the significant effect on mental wellbeing that has been identified once the scheme is operational should be secured to minimise harm to affected populations. There is currently no mechanism in the Heads of Terms for the S106 of the draft DCO requirements to secure this.

5.6.16 In summary, there is concern regarding the passive nature of the Health and Community Assessment and the lack of clear demonstration of its impact on the proposals design. The need for a more comprehensive and inclusive approach that considers localised health and population inequalities is required. Furthermore, addressing the absence of justified discounting of Public Health assessment and unknown data for vulnerable groups is crucial.

## Conclusion

5.6.17 The Council is concerned about the impact of the development on public health and wellbeing. Further information and clarity is required as set out above. Based on the foregoing, the level of impact on health and communities is considered **negative**.

## **5.7 Landscape and Visual**

### Local Plan Policy

5.7.1 Policy EE5 of the local plan focuses on landscape character and value and sets out that all development proposals need to have regard to the key characteristics and sensitivities of its site and setting as set out in the Central Bedfordshire Landscape Character Assessment (LCA). Furthermore, the policy requires development to respect, retain and enhance the character and distinctiveness of the local landscape by reflecting the local character and distinctiveness in terms of the scale and pattern of the surrounding landscape and existing settlement form; and integrating on-site mitigation sympathetic to local character in scale with the landscape setting as well as the scale of the development.

5.7.2 Policy EE4 is also necessary to consider as this relates to the provision of new landscaping and requires new landscaping to take into account local landscape character and should consider climate change, ease of maintenance and ecological enhancement.

5.7.3 Policy EE7 states that planning permission for any proposals that would affect the setting or appreciation of the AONB will be restricted to proposals that conserve and enhance the Chiltern AONB's special qualities, distinctive

character, tranquillity and remoteness in accordance with national planning policy and the overall purpose of the AONB designation; Are appropriate to the economic, social and environmental wellbeing of the area or are desirable for its understanding and enjoyment. There is a need to respond to the landscape character and to be informed by landscape and visual impact assessment to understand the impacts of the proposed development on landscape character, and what options for mitigating negative impacts are possible.

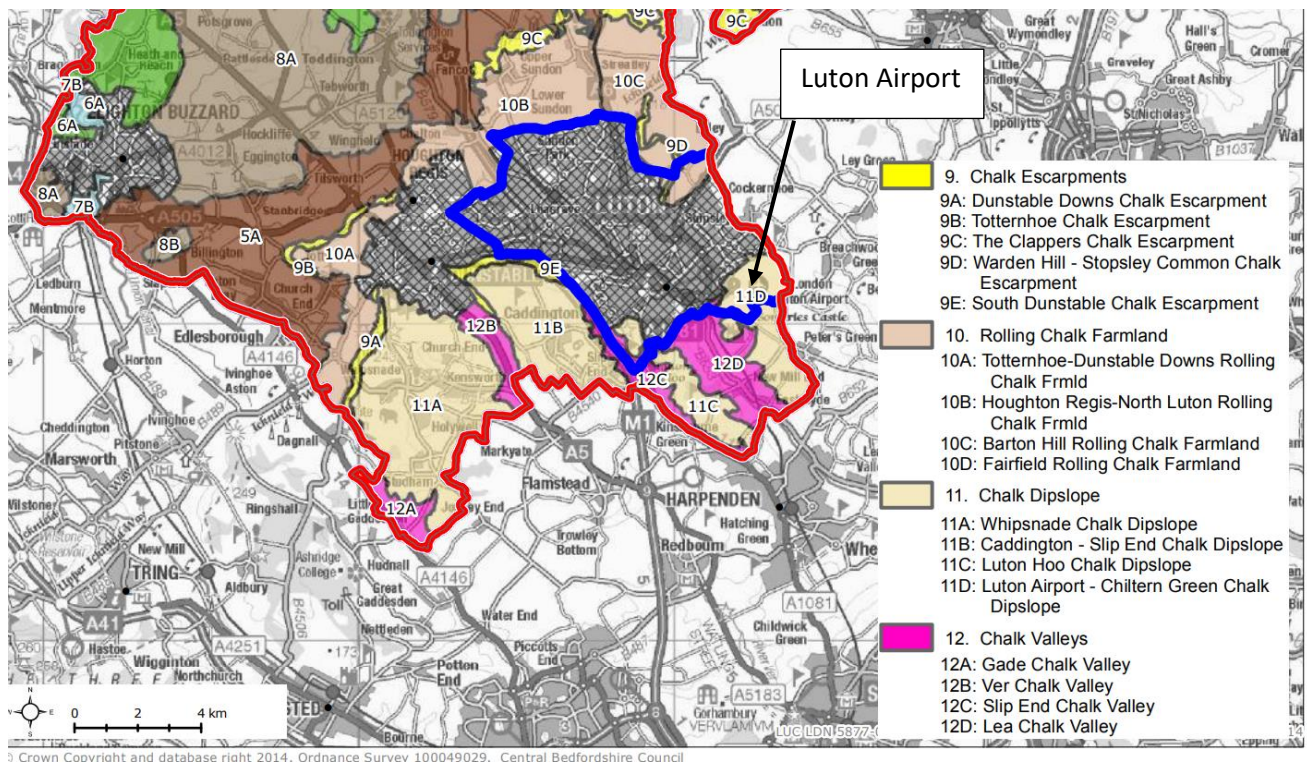
- 5.7.4 Policy HQ1 relates to high quality design and one of the objectives is to ensure that any lighting associated with development does not have a detrimental impact on the surrounding area.

#### Other Documents

- 5.7.5 The Tranquillity Study for Central Bedfordshire dated August 2022 includes guidance on what should be assessed in relation to the potential impact of proposals on tranquillity and identifies general principles/strategies that can be put in place to protect, enhance, and create tranquillity.

#### Key Local Issues

- 5.7.6 The LCA identifies the area of the site within the administrative boundary of Central Bedfordshire as being in the landscape character area 11D Luton Airport – Chiltern Green Dipslope, which is characterised by its distinct flat, elevated plateau comprising of large-scale arable landscape with field boundaries and significant woodland blocks. Predominantly characterised by long ranging views but these are interrupted by development at Luton Airport. There is a strong connection between the open plateau and the sensitive views to and from Luton Hoo Estate.
- 5.7.7 The LCA indicates that *'the ruins of Someries Castle and its associated gardens, originally an isolated tranquil location, have been over-shadowed by the harsh edge and noise intrusion of the adjacent Luton Airport.'*
- 5.7.8 The surrounding areas within Central Bedfordshire to the south of the site fall within 12D Lea Chalk Valley and beyond that to the west the Luton Hoo Estate is in 11C Luton Hoo Chalk Dipslope (see Figure 5.3).



**Figure 5.3 – Landscape Character Areas in Central Bedfordshire**  
 (Source – *Central Bedfordshire Landscape Character Assessment (2015)*)

5.7.9 The area to the south of the site is washed over by Green Belt and the area to the west of Luton is within the Chilterns Area of Outstanding Natural Beauty (AONB). The Central Bedfordshire Green Belt was formally adopted in 1980 and serves to safeguard the identity of Central Bedfordshire by maintaining the openness of the countryside.

5.7.10 There is a network of public rights of way in close proximity to the southern boundary of the main application site and operational effects on local footpath receptors would be significant. There are also footpaths to the west of the site in Slip End and Caddington that would be sensitive to change particularly during the construction phases when site compounds would be visible.

5.7.11 There is concern that the proposed development in terms of, for example scale of built form, transport and movement, lighting, vapour trails and tranquillity would have a significant impact on the sensitive landscape areas during construction phases but most notably during operation.

5.7.12 Mitigation measures are proposed in Chapter 14 of the ES and this includes the use of muted surface finishes on proposed building elevations and where feasible, airfield equipment. Whilst these measures are welcomed there remains strong concern regarding the visual intrusion of built development from Luton Hoo RPG, Someries Castle and users of public footpath Hyde FP4 (west of Someries Castle).

5.7.13 Off-site landscaping mitigation is proposed along the northern edge of Hyde FP4 (to the east of Someries Castle), Hyde FP5 and Hyde Bridleway 3. As per

the draft DCO (Work 5e) this includes soft landscaping and boundary treatment including fencing. There is currently insufficient information to assess the impact of these works on the function of the public rights of way network and the rural landscape character of the area to be assessed. The authority would expect the submission of cross sections, boundary treatment details and a plan showing the extent of landscaping to be provided. The proposed hedgerow planting should be native species that respond positively to the context of the area and management/maintenance procedures should be secured. It is currently unclear whether off-site hedgerow maintenance is captured in the Outline Landscape and Biodiversity Management Plan. Requirements that secure this information prior to commencement of off-site hedgerow restoration should be included in the DCO.

5.7.14 Due to concerns regarding the impact from the public footpaths, the Landscape Officer has suggested that the mitigation is extended so that the likely significant landscape effects during the construction and operation phase for users of public footpath Hyde FP4 (to the west of Someries Castle) can be reduced. It is acknowledged that this area is not included in the red line boundary but alternative mechanisms for securing mitigation should be explored, such as additional planting along the southern boundary of the application site.

5.7.15 There is concern that the areas to the north, northwest and west of Luton have not been assessed within the LVIA. As shown on Figure 14.17 Number of Aircraft Overflights per day up to 7000ft (Assessment Phase 2b) of Chapter 14 Landscape and Visual Figures, there would be increased overflights across areas in Central Bedfordshire, which could impact on local residents.

#### *Chilterns AONB*

5.7.16 There is concern that the construction effects, notably during Phase 2b would result in a noticeable deterioration to the aesthetic and perceptual characteristics of the AONB. Significant impact would also result during the operational phase due to increased aircraft movements, which could impact on the recreational use and overall enjoyment of the AONB.

5.7.17 It is noted that Chilterns Conservation Board have submitted a Relevant Representation detailing their concerns regarding the proposal. The response indicates that the boundary of the Chilterns AONB is currently under review.

#### Adequacy of application/DCO

5.7.18 The application is supported by an LVIA (Chapter 14 of the ES) which has been assessed by the Council's Landscape Officer who is satisfied with the baseline information and methodology used. The Landscape Officer agrees with the assessment and conclusions within the LVIA, which in many instances indicate significant landscape effects during construction and operational phases.

- 5.7.19 However, it is necessary for additional viewpoints to the north, north-west and west of Luton to be assessed due to potential impact resulting from increased aircraft movement across these areas of Central Bedfordshire.
- 5.7.20 It is also considered that a consistent approach should be adopted for the LVIA visuals. Currently there is lack of consistency with the use of wireframes for some visual and blocks for others.
- 5.7.21 A Lighting Obtrusion Assessment has been undertaken (as set out in Appendix 5.2 of the ES), which concludes that the lighting from the development on views from the surrounding area would be negligible. This has been assessed by the Council's Landscape Officer. The conclusions regarding lighting impact are accepted but there is concern that due to the elevated position of the airport, the extensive scale of development there would be an impact on the sensitive Luton Hoo RPG.
- 5.7.22 Moreover, the draft DCO does not contain any requirement for the submission of a full lighting strategy and Schedule 2 Part 2 of the draft DCO is inadequate as it does not contain sufficiently clear references to matters such as the design, height and location of any high mast lighting required within the airport (which is specified in Schedule 1 of the draft DCO).
- 5.7.23 The application is supported by an Outline Landscape and Biodiversity Management Plan, which is considered acceptable.
- 5.7.24 Requirement 5 would secure the details of the external appearance of the buildings prior to commencement of development and requirement 6 sets the parameters, including building volume and heights that must be adhered to. In the absence of further detail, it is not possible to fully assess the adequacy of the landscaping mitigation measures.
- 5.7.25 It is noted that a Glint and Glare Assessment has been requested by the ExA and CBC would welcome the opportunity to review this document once submitted.

## Conclusion

- 5.7.26 Overall due to the extensive scale of the proposed development, which includes large scale buildings and associated facilities, along with the intensity of operations, it is considered that the proposed development would have a **negative** local landscaping and visual impact. Mitigation measures are proposed but given the design has not been finalised it is not possible to fully determine the suitability of the mitigation to offset the impacts. It is not considered that the proposal fully satisfies the requirements of Policy EE5 and EE7 of the local plan.

## **5.8 Major Accidents and Disasters**

### Local Plan Policy

- 5.8.1 There are no specific policies in the local plan relating to major accidents and disasters.

#### Key Local Issues

- 5.8.2 Existing public safety zones are established and would remain. No concerns are raised regarding Major Accidents and Disasters resulting from increased airport activity.

#### Adequacy of application/DCO

- 5.8.3 Chapter 15 of the ES assesses major accidents and disasters, and no issues are raised regarding the assessment that has been undertaken.

#### Conclusion

- 5.8.4 Based on the foregoing, it is considered that the impact in respect to major accidents and disasters would be **neutral**.

### **5.9 Noise and Vibration**

#### Local Plan Policy

- 5.9.1 Policy HQ1 states:

The Council will ensure that all developments are of the highest possible quality and respond positively to their context. All development proposals, including extensions and change of use, must ensure that:

[...] There is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.

- 5.9.2 Policy CC8 specifies that pollution includes matters in relation to noise and states:

Development proposals which are likely to cause pollution or land instability, or are likely to be exposed to potential unacceptable levels of pollution or land instability will only be permitted where it can be demonstrated that:

1. In or near an AQMA, development would not have a negative impact on the local air quality and that;
2. Measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life for users and occupiers, which protects health natural and historic environment, water quality, property, infrastructure and amenity; and
3. The conditions of the site can be suitably mitigated or land can be remediated for the proposed end use and cause no adverse effects.

#### Key Local Issues

- 5.9.3 Most flights departing from and landing at Luton Airport follow a flight path that already has a significant impact on residents in Central Bedfordshire. There is strong concern that the increased air traffic movements would exacerbate the

detrimental impact on local residents, a point that has been raised by local Parishes.

- 5.9.4 There are residential properties located in close proximity to the southern boundary of the main application site, including Someries Farm, Someries Cottage and The Lodge. There is concern that during the operational phase there would be an increase in the number of people affected by noise and impacts on residents in Central Bedfordshire, particularly residents to the south and communities to the west of the airport, proximate to the predominant departure paths, for example, Caddington, Slip End, Woodside, Lower Woodside and Aley Green.
- 5.9.5 As expressed in the Health and Community section of the report there is concern regarding the impact on human health as a result of increased noise levels, which can lead to sleep deprivation leading to health issues and impacting on general well-being. Additionally, as discussed in the Landscape section of the report, increased noise levels could impact on use of recreational areas due to impacts on tranquillity, which collective can lead to harm to health and well-being.
- 5.9.6 It is recognised that construction noise effects would be time limited, although the project is phased and due to its scale, the construction work would be undertaken over an extensive period of time. Road traffic noise is also a concern but the most important issue for local communities would be in respect to air noise from the additional flights.

#### *Relevant planning history*

- 5.9.7 The anticipated trajectory for passenger numbers for the 2012 application to expand London Luton Airport (LBC ref. 12/01400/FULL) was 18 million passengers per annum up to 2028 but due to unprecedented levels of growth in passenger numbers day and night noise levels breached Condition 10 in 2019.
- 5.9.8 An application to amend various conditions of application LBC 12/01400/FULL was submitted to accommodate 19 million passengers per annum and to amend the day and nighttime contours. As a neighbouring authority, CBC were consulted on this application and expressed concern regarding the impact on local communities in respect to noise and highway matters. The decision is pending following call in by the Secretary of State and a public inquiry that commenced in September 2022. Central Bedfordshire Council submitted a written representation to PINS but did not attend the public inquiry. The outcome of this should be considered in the determination of the DCO.

#### Adequacy of application/DCO

- 5.9.9 Chapter 16 of the ES covers Noise and Vibration and focuses on the likely significant effects on noise and vibration from the construction and operation of the proposed development. In addition, noise controls and monitoring would be secured through the GCG Framework.

5.9.10 The noise documents do not present a case that complies with UK aviation noise policy or emerging policy which is equally important when looking at timeframes well into the future. Assessment for various sources of noise is not portrayed consistently or transparently. The air noise assessment, which is typically the most important issue for local communities, seeks to present a case of noise reduction over time through focusing on the wrong test and use of 2019 baseline data that was not in compliance with extant planning conditions. The incorrect methodology allows claims of noise reduction, rather than the clear noise increase brought about by the proposed development compared to the do minimum case in all future years. Generally, it is considered that the transparency of the ES documents should be improved as the conclusions are misleading.

5.9.11 Mitigation measures proposed in the Draft Compensation, Policies, Measures and Community First are acceptable in principle. However, modifications are required to ensure clarity and to avoid unwarranted restrictions. For example, clarity is sought on what sort of rooms are referred to in paragraph 6.1.8, which excluded rooms solely for leisure activities. There is reference in paragraph 6.1.8 that suitable ventilation 'may' be provided but this is too vague. Section 6.1.14 states that the Noise Insulation Scheme will roll out to the most noise-affected properties first. Given that the extant scheme is not complete, it would be appropriate for an independent party to decide which properties need insulating to avoid currently eligible properties being pushed back.

5.9.12 It is unclear whether the GCG Framework would provide additional certainty for local communities that they would not be exposed to the same type of breaches as previously experienced.

### Conclusion

5.9.13 Overall, it is considered that the proposal would have a **negative** impact on local communities. There are shortcomings in the information submitted and it fails to comply with the requirements of local planning policy.

## **5.10 Soils and Geology**

### Local Plan Policy

5.10.1 Policy CC8 specifies that pollution includes matters in relation to noise and states:

Development proposals which are likely to cause pollution or land instability, or are likely to be exposed to potential unacceptable levels of pollution or land instability will only be permitted where it can be demonstrated that:

1. In or near an AQMA, development would not have a negative impact on the local air quality and that;
2. Measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life for



users and occupiers, which protects health natural and historic environment, water quality, property, infrastructure and amenity; and  
 3. The conditions of the site can be suitably mitigated or land can be remediated for the proposed end use and cause no adverse effects.

### Key Local Issues

5.10.2 Due to the limited area of the application site within the administrative area of Central Bedfordshire no significant concern has been raised with regard to soils and geology.

### Adequacy of application/DCO

5.10.3 Chapter 17 of the ES deals with soils and geology. Central Bedfordshire Council have no issues to raise regarding the methodology adopted.

### Conclusion

5.10.4 Based on the foregoing, the impact on soils and geology is considered **neutral**.

## **5.11 Traffic and Transport**

### Local Plan Policy

5.11.1 Policies T1, T2, of the local plan seek to promote more sustainable modes of transport, mitigate the impact of development on the highway network, ensure safety for all highway users and design in suitable parking to accommodate development.

5.11.2 Policy T1: Mitigation of Transport Impacts on the Network  
 Travel Plans, Travel Plan Statements and Transport Assessments will be required for any development which meets or exceeds the Gross Floor Area thresholds set out in the Council's Guidance on Travel Plans and Transport Assessment.

5.11.3 It should be demonstrated how the proposal will seek to reduce the need to travel and secure a modal shift towards sustainable forms of transport. This should be through an approach which first considers the ability to cater for walking and cycling, provide suitable public transport services, and make better use of existing highway capacity before considering the provision of additional roads. Evidence must be provided in Transport Assessments to demonstrate:

1. The principles established to give priority to pedestrians and other vulnerable road users in new developments, together with links to local service provision;
2. Comprehensive, convenient and safe pedestrian and cycle links to schools, local employment and service provision;
3. Connectivity with existing walking and cycling networks; and
4. Robust consideration of the cumulative impacts of planned growth, including the cross-boundary impacts where appropriate.

Transport Assessments and Travel Plans must demonstrate how the development can be served by public transport services and the frequency of the service.

Where a Travel Plan is in place, the developer and/or user will provide an annual update on their action plan, reporting progress against agreed aims and targets for a minimum of 5 years post occupation.

The Council will require developers to deliver Travel Plan measures as outlined in their approved Travel Plans, particularly in relation to sustainable travel mode share targets and in some cases, will require an up-front financial contribution to be used to fund requisite additional measures/ corrective action.

#### 5.11.4 Policy T2: Highways Safety and Design

Proposals for new development must not have a detrimental effect on highway safety and patterns of movement, must provide appropriate access and have regard to the Council's standards as set out in the Council's Design Guide and Highway Construction Standards and Specifications Guidance.

Development will be permitted where:

1. The proposal is, or will be, well integrated with the existing transport network within and beyond the development itself; avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the network;
2. The proposal does not impede the free flow of traffic on the existing network or create hazards to that traffic and other road users;
3. The proposal retains or enhances existing footpaths, bridleways and cycleway links;
4. The proposal promotes walking and cycling permeability and ensures that linkages and publicly accessible through-routes are created to successfully integrate the development into wider networks;
5. The development provides safe and convenient access and has regard to the appropriate standards in the Council's Design Guide and Highway Construction Standards and Specifications Guidance, that promote accessibility for all users and all modes of transport and includes designs, where appropriate, that incorporate low speeds;
6. The proposal must make adequate provision for loading and unloading, circulation, servicing and vehicle turning; and
7. The proposal fully funds where appropriate, or contributes towards the costs of any measures required to cost effectively mitigate the impacts arising from the development.

Development will be refused on transport grounds where the residual cumulative impacts of development are severe.

#### Other Considerations

5.11.5 LTP3 is the Council's current Local Transport Plan until such time as LTP4 is adopted. The relevant objectives of LTP3 are listed below:

A- Increase the ease of access to employment by sustainable modes

B- Reduce the impact of commuting trips on local communities

Whilst the development of the Council's 4th Local Transport plan is ongoing, it will be prepared under four agreed key objectives:

- Connectivity: Improve connectivity within CBC and beyond.  
Connected communities which can readily access the new jobs and opportunities provided by growth ensure that all residents can realise the benefits associated with new investment in an area. Improved connectivity also helps to give business a competitive advantage and embed sustainability into the growth agenda.
- Communities: Enable attractive and safe communities through a hierarchical approach to transport investment.  
Safe, attractive and inclusive communities are places in which people want to live and businesses want to invest. Through the creation of more civilised streets, reducing the dominance of traffic and improving safety and personal security, transport investment can help create communities and preserve a local environment that draws in external investment.
- Capacity: Provide extra capacity where appropriate to enable growth.  
New development will increase pressures on the transport network and the demand to travel in the local area. Meeting this additional demand will include both adding additional and making better use of existing capacity. Significant and sustained investment in walking, cycling, public transport and shared mobility services will support modal shift towards sustainable travel and reduce reliance on the private car. The shift to sustainable travel alongside mitigation measures on the highway network will allow development to come forward with minimal impact on existing residents.
- Carbon: Deliver CBC's commitment to become carbon neutral by 2030

5.11.6 Achieve objectives for improved connectivity, capacity, and communities at the same time as decarbonising travel within the authority. This is an additional objective to those that were agreed by Executive in 2016. Decarbonisation of transport is a key agenda for central government and this objective also supports CBC's carbon neutral aspirations. LTP4 will be specifically focussed on how it can contribute to this aim, focusing particularly on active travel infrastructure and solutions, such as walking and cycling.

## Key Local Issues

### *Context and Existing Issues*

5.11.7 The most immediate settlements to the proposed scheme with Central Bedfordshire are Slip End (located approximately 5.0km to the west of the Airport) and East Hyde, (located approximately 4.0km to the south). All of these being relatively small village communities with a number of traffic sensitive receptors on the routes forecast to be impacted by changes in traffic. These include 2 Churches and public open space on Luton Road, Caddington, the Village Hall in the centre of Slip End, and a Church on the B653 in East Hyde.

- 5.11.8 The road networks within, and adjacent to the communities detailed, are predominantly as would be expected for rural villages, with on-street parking and direct residential frontages.
- 5.11.9 An important local factor is the Airparks site adjacent to Slip End, which is understood to provide for 4,400 off site car parking spaces related to the Airport. The Parish Council within Slip End have also previously raised concerns over the prevalence of 'Fly Parking', as detailed within the Parish Council's Relevant Representations and the appended correspondence between the Parish and the applicant.
- 5.11.10 With regards to the junctions within Central Bedfordshire where changes in traffic flows are predicted, or where works are proposed, the most recently available collision data is summarised below.
- 5 recorded collisions at the junction of West Hyde Road with the B653 (including 1 serious injury)
  - 11 recorded collisions at, or on the approaches to, the junction of the B653 with the A1081 (including 1 serious collision)
  - 3 recorded collisions at the southern A1081 dumbbell roundabout.
  - 6 recorded collisions at, or on the approaches to, the junction of Luton Road with Newlands Road (including 1 serious accident)
  - 3 recorded collisions at the junction of Luton Road with Chaul End Road
  - 6 recorded collisions the junction of Newlands Road with the A1081 (including 2 serious collisions)

#### *Predicted effects of the scheme*

- 5.11.11 Whilst the Airport and the associated works sit within Luton, the Airport is a significant trip generator and attractor for all modes of travel, and as such the proposed expansion is predicted to result in impacts on the highway network within the Central Bedfordshire Local Authority Area. These effects are forecast to predominantly be to the south and west of the Airport and broadly fall within the following categories.
1. Changes in traffic levels and patterns on the highway network immediate to the Airport, and routes providing access to and from the M1, including Junction 10, the A1081, and associated junctions.
  2. Changes in traffic levels on routes to the south and west of the Airport, which sit within the Central Bedfordshire highway network.
  3. The potential for informal and uncontrolled parking by staff and travellers, referred to as 'Fly Parking' taking place within the communities to the south and west of the Airport.
  4. Increased demand for sustainable travel between the Airport and conurbations within Central Bedfordshire.

#### *Construction Phase Impacts*

- 5.11.12 There is relatively limited information available with regards to construction traffic, with a brief summary provided in the Transport

Assessment (ref. TRO20001/APP/7.02, with some further detail contained within the Construction Traffic Management Plan (Appendix 18.3 of the ES TR020001/APP/5.02) and the Construction Workers Travel Plan (Appendix 18.4 of the ES TR020001/APP/5.02).

- 5.11.13 The documents outline the proposed routing of HGV traffic to be via the M1 and A1081, with reference also made to east-west movements from the A1. Based upon the outline proposals within the submitted documents, the traffic impacts related to the construction phase of the development (outside of immediate traffic management associated with off-site highways works) are expected to be limited within Central Bedfordshire. It is however considered important that sufficient construction staff bus capacity and on-site parking is provided for, to avoid offsite parking taking place in locations such as Slip End and Caddington and adding to the issue of 'fly parking', which is addressed further within this report.
- 5.11.14 In addition, should there be any change to the proposed routing of HGVs, for example as a result of the granular fill material for the development being sourced from within Central Bedfordshire, this would alter the level of impact within the Authority area, and as such the Authority would reserve the right to comment further in this eventuality.

#### *Operational Phase Impacts*

- 5.11.15 The operational phase impacts of the development have been modelled for a number of forecast years, covering 2027, 2039, and 2043. Central Bedfordshire have raised a number of queries over the modelling assumptions and following the issuing of the Rule 9 letter by the Planning Inspectorate it is understood that the applicant will be required to review the modelling work, with details of the indicative programme for a review and update process appended to the applicants response to the Rule 9 Letter dated 13th June 2023. As such the Council are of the view that only limited weight can be given to the currently submitted Transport Work in advance of receipt and review of that updated work and would request the right to comment further once that additional and updated information is made available.
- 5.11.16 Notwithstanding this, based upon the information currently available, and the Council's own knowledge of the highway network, there are a number of areas where impacts are expected within Central Bedfordshire.
- 5.11.17 The most significant immediate changes in traffic demand would be those on the major access routes to and from the Airport, focused around the M1 corridor, the A1081 (New Airport Way), and the connecting roads, including the A1081 (London Road) and the B563 (Lower Harpenden Road).

- 5.11.18 Whilst the A1081 (New Airport Way) falls predominantly within Luton, elements of the road are within Central Bedfordshire, including locations where highway mitigation works are proposed. These consist of:
- New Airport Way / Gipsy Lane junction – As shown in document TR020001/APP/4.13, plan refs. LLADCO-3C-ARP-SFA-HWM-DR-CE-0003 rev P01 / LLADCO-3C-ARP-SFA-HWM-DR-CE-0005 rev P01.
  - London Road South – As shown in document TR020001/APP/4.13, plan ref. LLADCO-3C-ARP-SFA-HWM-DR-CE-0017 rev P01.
- 5.11.19 The works proposed at the New Airport Way / M1 Junction 10 are also immediately adjacent to the section of the A1081 within Central Bedfordshire – As shown in document TR020001/APP/4.13, plan refs. LLADCO-3C-ARP-SFA-HWM-DR-CE-0009 rev P01 / LLADCO-3C-ARP-SFA-HWM-DR-CE-0024 rev P01. / LLADCO-3C-ARP-SFA-HWM-DR-CE-0029.
- 5.11.20 In the short term, the need to deliver mitigation works at these locations will require significant traffic management and will therefore impact upon driver journey times and route choices. The ability of the Authority to effectively discharge its traffic management duties could be impacted if sufficient allowance is not made within the DCO for appropriate liaison to take place with regards to road space booking, traffic management, and other Streetworks activities associated with the delivery of highway mitigation works at these traffic sensitive locations.
- 5.11.21 Central Bedfordshire, as Highway Authority will also be expected to adopt the works carried out within its network as a result of the DCO, with the related need to determine that the works are safe, practicable, and provide suitable levels of capacity.
- 5.11.22 At present the offsite highways works plans supporting the DCO are to an indicative level only, and without the benefit of either vertical design or a Safety Audit, with a Stage One Safety Audit generally expected when considering a scheme at the planning stage, due to potential implications related to design and subsequent land requirements. As such this would require the majority of the review and approvals process to be carried out after DCO consent has been granted.
- 5.11.23 At present the Authority have concerns that the articles, requirements, and obligations of the Draft DCO do not provide sufficient timescales for the above activities to take place, or a framework within which Central Bedfordshire's interests as Highway Authority are sufficiently protected with regards to either traffic management or the review and approval of highways works. Further details with regards to this and the amendments to the DCO that Central Bedfordshire would be seeking with regards to these matters are provided later in this report.

- 5.11.24 The submitted Transport Assessment details the operation of the London Road South Roundabout junction as operating over capacity in the 2027 forecast assessment period, (table 10.78 of document TR020001/APP/7.02), with the base operation detailed as 'intolerable delay', worsening in the AM peak hour following the addition of DCO traffic. However, no mitigation is proposed until Phase 2a, in 2039 (table 8.1 of document TR020001/APP/7.02). As such, and without amendment to the proposed phasing of mitigating works, the junction can be expected to operate increasingly over capacity, with worsening levels of congestion and delay without mitigating works for a period of up to 12 years. This is not considered to be acceptable by the Authority.
- 5.11.25 In addition to the Highways impacts most immediate to the site, the submitted Transport Assessment identifies further areas within Central Bedfordshire to the south and west where links or junctions are forecast to be impacted as a result of traffic changes resulting from the Development Consent Order.
- 5.11.26 Relatively large traffic impacts are identified on the route to the west, crossing under the M1, via Farley Hill, Luton Road and Chaul End Road. The submitted Transport Assessment acknowledges the degree of impact at two junctions on this route, with increased levels of congestion and delay at both.
- 5.11.27 At the Newlands Road / Luton Road junction, average junction delay in 2043 is forecast to increase from 116 seconds per vehicle to 259 seconds per vehicle in the PM peak hour following the addition of DCO related traffic, (TR020001/APP/7.02 table 10.152) whilst at the Luton Road / Chaul End Road average junction delay is predicted to increase from 263 seconds per vehicle to 939 seconds per vehicle during the same period (TR020001/APP/7.02 table 10.153).
- 5.11.28 Without mitigation, this is considered to be represent an unacceptable impact upon the routes and junctions in question, creating significant additional delay for the travelling public within Central Bedfordshire, and resulting in lengthy queues of stationary or slowly moving traffic within predominantly rural or village environments.
- 5.11.29 The submission also identifies impacts in the centre of Slip End (at the signal crossroads junction of Front Street with the B4540) and at the crossroads junction of the B653 with West Hyde Road. No detailed assessment of the operation of these junctions has been carried out at the time of this report, although additional information has been requested to allow the impacts at these locations to be more fully quantified and mitigation identified if found to be necessary.
- 5.11.30 As outlined previously, and as referred to in the relevant representations submitted by the effected Parishes, the proximity of several local communities to the Airport, in combination with exiting bus services, whether scheduled public services, or shuttle services associated with

the Airparks off-site car park, result in 'fly parking' being reported as a local issue on existing residential roads.

- 5.11.31 Mitigation in the form of parking controls would therefore be considered necessary as part of any future expansion proposals. This issue is considered to be of particular relevance due to the limited increases in on-site parking proposed within the DCO submission, and the potential for this to drive additional demand for off-site car parking.
- 5.11.32 It is noted that areas of concern in Luton are highlighted for potential controls or restrictions (DCO document ref TR020001/APP/4.13). The Council are of the view that this concern could feasibly be dealt with through the DCO by extending the parking control areas to Slip End (and Caddington if required) and similar plans provided accordingly, including an associated commitment to the costs of local engagement, management, and enforcement.
- 5.11.33 It is noted that areas of concern in Luton are highlighted for potential controls or restrictions (DCO document ref TR020001/APP/4.13). The Council are of the view that this concern could feasibly be dealt with through the DCO by extending the parking control areas to Slip End (and Caddington if required) and similar plans provided accordingly, including an associated commitment to the costs of local engagement, management, and enforcement.
- 5.11.34 There is a related concern that parking demands above those predicted could be realised if the mode share targets are not achieved, and that the additional parking demand would be generated at off-site locations. There may be increased pressure for long term parking provisions in the surrounding areas, including an increased demand within Central Bedfordshire, which is not currently acknowledged within the submission.
- 5.11.35 The Council are of the view that the parking assumptions applied, which subsequently feed through to the car driver mode share within the modelling work, and in particular the lack of allowance for any increase in demand for off-site car parking, may underestimate the wider traffic impacts of the expansion, particularly on routes more remote from the airport. As such some of the impacts identified within Central Bedfordshire may be more significant than currently forecast.
- 5.11.36 Proposals to improve the levels of sustainable connectivity to and from the Airport are welcomed, including the investment in the DART system. It is also noted that the Transport work assumes a recovery in levels of public transport use to exceed the mode share recorded in the 2018 CAA report. For reference the 2018 CAA report detailed 24% of staff using public transport, which had reduced to 5% in 2020, and reported 33% of passengers using public transport in 2018, reducing to 9% in 2020. As such it is the view of CBC that considerable investment in public transport services would be required to achieve the baseline 2027 public



transport mode share target detailed within the submission (staff baseline of 27% and passenger baseline of 40%) TR020001/APP/7.02 table ES.2.

- 5.11.37 As such one of the wider expected impacts of the proposed DCO within Central Bedfordshire would be an increased demand for public transport capacity to and from Luton Airport, with adjacent conurbations such as Dunstable expected to represent an attractive location from which staff as well as travellers would wish to travel sustainably to the airport.
- 5.11.38 At present there is no detail of how any uplift in public transport provision would be provided for, or secured within the DCO, or any assessment of what the increase in demand from the surrounding areas might be (at a local geographical level). As such CBC have some concerns that the proposed development could result in unmet and unfunded demands for additional bus travel originating within Central Bedfordshire.

### Conclusion

- 5.11.39 It is considered that further assessment is required in order to fully understand the impact of the proposed development on the local highway network. Concerns are raised regarding the submitted information. Overall, it is considered that the proposed development would have a **negative** impact and does not accord with local plan policies.

## **5.12 Waste and Resources**

### Local Plan Policy

- 5.12.1 There are no relevant policies within the local plan that deal with Waste and Resources. However, a joint Minerals and Waste Local Plan: Strategic Sites and Policies was adopted in January 2014 by Bedfordshire Borough Council, Luton Borough Council and Central Bedfordshire Council.

### Key Local Issues

- 5.12.2 Waste and Resources have been assessed in Chapter 19 of the ES. There is concern with respect to aggregate mineral supply. When demand is considered as a percentage of national demand, the impact is not significant. However, such materials are supplied on a local basis and are subject to both local market capacity and quantity constraints. In order to plan for this, an indication of when these materials might be required should be provided. This is considered to be lacking at this stage.

### Adequacy of application/DCO

- 5.12.3 Further information is required as set out above. However, generally the information is deemed satisfactory and the impact on waste and resources would be **neutral**.

## 5.13 Water Resources

### Local Plan Policy

- 5.13.1 Policy CC3 relates to Flood Risk Management and supports development that would not increase flood risk, promotes a sequential approach, manages surface water run-off, and promotes flood resilience and resistance.

### Key Local Issues

- 5.13.2 Due to the limited area of the application site within the administrative area of Central Bedfordshire no significant concern has been raised with regard to flood risk.
- 5.13.3 The River Lea is located to the south-west of the main application site and is Flood Zone 3. Impact on the watercourse is a matter for consideration by the Environment Agency so no further comment is provided on this matter.

### Adequacy of application/DCO

- 5.13.4 Chapter 20 of the Environmental Statement deals with water resources and Flood Risk. The applicant has produced a Flood Risk Assessment (FRA) for the proposed development (Volume 5 ES Appendix 20.1 FRA), thereby satisfying the requirement of Policy CC3. Requirement 13 is proposed with respect to surface and foul water drainage.

### Conclusion

- 5.13.5 Based on the foregoing, the impact on water resources is considered **neutral**.

## 6. Other Considerations

### Green Controlled Growth (GCG) Framework

- 6.1 The Green Controlled Growth (GCG) Framework seeks to ensure that airport growth takes place within environmental Limits, which would be legally binding and overseen by an independent body called the Environmental Scrutiny Group (ESG). GCG would place controls on four key environmental areas: air quality, greenhouse gas emissions, aircraft noise and surface access. It would be secured through the DCO.
- 6.2 Officers from Central Bedfordshire Council would be members of the ESG and this is welcomed. An independent chairperson would be appointed, and it is

considered that in terms of transparency the local authority should be involved in the appointment process. The ESG will be supported by four Technical Panels, one for each of the four environmental topics and these would be staffed by a combination of independent experts and representatives of local authorities including Central Bedfordshire.

- 6.3 Whilst the principles of GCG are welcomed there is some concern regarding the process, particularly in regard to the formal approval process for the ESG for example, in respect to exceedance of Level 1 Thresholds. Additionally, there is concern that the timeframes for review by the ESG and Technical Panels are too restrictive and do not allow sufficient time for appropriate review and scrutiny. In terms of surface access limit review, the information provided by the applicant is limited.
- 6.4 Paragraph 2.6 of GCG Framework Appendix A: Draft ESG Terms of Reference sets out details administrative costs that will be funded by the applicant. However, there is no mechanism for agreeing such costs which may be a barrier to agreeing them in a timely manner and could result in delays which will impact on the ESGs ability to meet other deadlines set.
- 6.5 Further discussion is required regarding the GCG Framework.

#### Community First Fund

- 6.6 Through the Community First Fund the applicant seeks to share the benefits of airport growth with its neighbours, which includes the administrative area of Central Bedfordshire (as shown in Figure 9.1 of the Draft Compensation Measures, Policies and Community First). Paragraph 8.1.5 of the Draft Compensation Measures, Policies and Community First document states the fund is aimed at *'local organisations to assist with delivery of interventions which address the objectives of tackling deprivation and achieving carbon neutrality by 2040.'* The funding would be provided at a rate of £1 per additional passenger above the planning cap at the time that the DCO is made. The fund would be split with 40% allocated to areas outside of the boundary of the Borough of Luton and 60% for use within the Borough of Luton. The split is put forward on this basis *'in recognition of the relatively higher incidence of social deprivation in the town.'*
- 6.7 The provision of a community fund that would help share the positive social impact with neighbouring areas is welcomed. However, the information contained in the Draft Compensation Measures, Policies and Community First document is limited and does not provide sufficient clarity on how the funds would be distributed and whether there is a role for local authorities to play in overseeing the distribution of funds, ensuring that local communities benefit.
- 6.8 There is limited justification for the 40/60 split in favour of the Borough of Luton. Areas in Central Bedfordshire also experience deprivation. For example, 3 Central Bedfordshire Lower Super Output Areas (LSOA) are in the 10 to 20% most deprived in England, based on the Index of Multiple Deprivation 2019.

- 6.9 Tackling deprivation and achieving carbon neutrality are two very varied criteria, and it would be beneficial to split the fund into two scheme targeting the different areas of focus as well as widening the use to include other potential projects that would benefit impacted communities.
- 6.10 Further discussion is required regarding the GCG Framework.

## 7. Consideration of Articles and Requirements of the Draft Order

- 7.1 The draft DCO has been reviewed and the following comments should not be considered as exhaustive with regards to the Draft DCO, with further and more detailed comments expected to be made throughout the DCO process but do refer back to a number of key areas of impact referenced within this report.
- 7.2 Schedule 1 details the work to be undertaken and Work No. 5e relates to Off-site hedgerow restoration and screening. This would be applicable to the works proposed adjacent to Hyde Footpath No. 4 and 5, and bridleway 3. The draft DCO specifies that this includes soft landscaping and erection of boundary treatments including fencing. However, the Work Plan Landscaping and Mitigation Works Scheme Layout do not provide any detail such as cross sections, boundary treatment, extent of planting to enable an assessment of the impact these works on the function of the public rights of way network and the rural landscape character of the area. There are no requirements that secure this information prior to commencement of off-site hedgerow restoration and this information needs to be secured through the DCO.
- 7.3 *Article 4 – Maintenance of authorised development*  
Whilst it is recognised that this is a standard DCO provision, it is considered that the wide definition of ‘maintain’ in Article 2(1) could allow a marked departure from the original Development.
- 7.4 There is concern regarding the various timescales that CBC would be bound by as set out in the DCO. For example, within Part 3 there are several requirements for consent to be sought from the ‘street authority’ and this includes a 28-day deemed consent mechanism.

### Schedule 2 Requirements

- 7.5 Many of the requirements in the draft DCO are triggered by ‘commencement’ of development. The concept of ‘commencement’ is defined in this requirement, which carves out a number of activities which would not trigger the need for compliance with various requirements. However, there is some concern that some of these activities could give rise to impacts that would require mitigation to be in place (and therefore would be inappropriate to be ‘carved out’ of the ‘commencement’ trigger).
- 7.6 Requirement 7 provides that no part of the development can commence until written notice (14 days) of the works comprising that part have been given to

the relevant planning authority. It is considered that the notice period should be extended to 21 days and further clarity is required on what is meant by 'part'.

- 7.7 Whilst it is welcomed that the Code of Construction Practice would be secured by Requirement 8, there is concern regarding the drafting of the requirement. The applicant is only required to construct the development 'substantially in accordance' with the code of construction practice, which gives flexibility. However, as the Code of Construction Practice is a certified document it should be complied with completely. Additionally, the wording includes reference to 'the contractor' developing management plans, a point raised in the Air Quality section of this report. There is no clear definition, and it is suggested that this is removed to avoid confusion.
- 7.8 Requirement 16 requires the development to be carried out in accordance with the cultural heritage management plan, which is welcomed. However, there are technical concerns regarding the management plan as set out in the Cultural Heritage section of this report which need to be addressed.
- 7.9 The GCG Framework would be secured via Requirements as set out Schedule 2 Part 3 of the draft DCO. Based on an initial review of the DCO there is some concern that the requirements are too vague, the drafting is unclear, and the timeframes appear too restrictive, particularly given the potential difficulties in co-ordinating the ESG response. Additionally, there is no immediate mechanism within the DCO where the ESG may disagree with where a limit or threshold has been exceeded. Further engagement is sought on this matter. Additionally, there are concerns regarding the information in the GCG Framework as set out in section 6 of this report.
- 7.10 The procedure for discharging requirements as set out in Schedule 2 Part 5 of the draft DCO, gives the discharging authority 8 weeks to provide a decision on the application. If the discharging authority does not determine the application within the 8 week period then the discharging authority is taken to have granted all parts of the application. There is also a requirement to request any additional information from the applicant within ten days of receipt of the application and notification of further information requested by consultees must be given within 5 business days of receipt. Whilst it is acknowledged that these are standard DCO timeframes, there is concern that due to the scale of the scheme and number of host authorities involved, meeting these timeframes is unreasonable and requires greater flexibility.
- 7.11 In terms of highway aspects within the DCO, the Council considers that there will be a need for negotiation on the matters set out in the draft DCO regarding determination periods, maintenance arrangements, covering costs borne by the Local Authority and approval of detailed design of offsite mitigation schemes. The limitations of these rights need to be agreed and set out. The comments below have been provided by Central Bedfordshire Council's Highway Development Management Team.
- 7.12 Taking into account that the works are currently at a feasibility level of design, and potential implications in terms of earthworks, signage, or further

modifications to the junction designs themselves, some allowance for horizontal deviation would allow more comfort in terms of the deliverability of proposed schemes. It should be noted that there has not been any detailed review of the junction modelling or mitigation schemes proposed at this point, and as such there is also the scope that amended or more significant junction works might be found to be necessary through the DCO process. Part 1, 10 assumes consent for works to be undertaken outside of the normal S278 process, so there would need to be a greater level of certainty in terms of the design at the time of the DCO being considered and granted.

- 7.13 The notice and determination periods proposed under the draft Order would not give the authority sufficient time to review and approve the highways works in question, nor for any standard review process, such as the Road Safety Audit process to be undertaken. As such we would advise that:
1. Scheme designs are progressed to a level where the authority can review prior to the DCO hearings, including an initial technical review and safety audit.
  2. That a longer notice and determination period is provided for within any DCO document, to allow for the necessary scrutiny and review process to be undertaken.
  3. That an undertaking to liaise with the Authority complying with the relevant road space booking and streetworks systems is included.
  4. That a separate undertaking to cover the authority's reasonable costs in undertaking and such review, in implementing any necessary traffic orders, road closures, road space booking, and inspection of works is provided.
  5. That a separate undertaking is provided to allow for an appropriate defect and maintenance period for any works undertaken as part of the DCO. (Currently Section 11 of the DCO confers ownership back to the LHA upon completion of the works).
- 7.14 Alternatively, the matters above should be covered within a separate legal agreement between the applicant and the Local Authorities, which is cross-referenced within the DCO.
- 7.15 Para 23: Surface access – refers to a Framework Travel Plan, which is also referred to within para 16: Interpretation but is not referenced elsewhere in the document. This appears to be an error as para 16: interpretation states that the Framework Travel Plan is referenced in Schedule 8 as a certifiable document. Considering the importance of the plan to the overall surface access strategy, the DCO should include details of the process for agreement, implementing, and reviewing the document.
- 7.16 Para 25: The 8-week period stipulated may not be sufficient for the discharging authority to carry out the consent, agreement, or approval process in question. There is no undertaking to reimburse the Highway Authority for its reasonable costs in discharging any of the activities detailed, including checking and approving plans, inspecting works, or booking road-space / providing consents. An additional undertaking to this effect should be included.

- 7.17 There is no mechanism within the DCO for works not included within the redline to be delivered. For example, when addressing offsite impacts in locations such as Caddington and Slip End. As referenced in preceding sections of this report, there are expected to be Local Impacts in areas within Central Bedfordshire which fall outside of the DCO redline boundary, and as such there is a need for a mechanism for the securing, funding, and delivery of any such works to be identified and secured through the DCO.

## **8. Conclusion**

- 8.1 CBC have reviewed the application and proposed DCO and conclude that there would be positive impacts in terms of employment opportunities during construction and operational phases. In respect to biodiversity, greenhouse gas emissions, major accidents and disasters, soils and geology, waste and resources, and water resources there would be neutral impacts.
- 8.2 Negative environmental impacts would result in terms of air quality, cultural heritage, landscape and visual, health and community, noise and vibration, traffic and transport. As set out in the report there are gaps in the assessments that have been undertaken for these topic areas, along with concerns regarding the suitability/effectiveness of mitigation.
- 8.3 Other matters that have also been assessed in the report are the Community First Fund and Green Controlled Growth Framework. Concerns have been raised regarding these mitigation measures.
- 8.4 A review of the draft DCO has been undertaken and identifies several areas for clarification and amendment, along with highlighting additional points that should be secured through the DCO.