

September 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.18 Statement of Common Ground between London Luton Airport Limited and Buckinghamshire Council

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.18

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.18 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
BUCKINGHAMSHIRE COUNCIL**

Deadline:	Deadline 2
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.18
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	September 2023	Additional Submission - Deadline 2

STATEMENT OF COMMON GROUND

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

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

Signature:

Name:

Position:

Date:

Signed on Behalf of Buckinghamshire Council

Signature:

Name:

Position:

Date:

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1 INTRODUCTION AND PURPOSE

1.1 Purpose of Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) relates to an application made by London Luton Airport Limited, trading as Luton Rising (“the Applicant”), to the Secretary of State for Transport under section 37 of the Planning Act 2008 (“the Act”).
- 1.1.2 The application is for an order granting development consent, known as a Development Consent Order (DCO). The draft DCO is referred to as the London Luton Airport (Expansion) Development Consent Order. The DCO, if granted, would authorise an increase of the permitted capacity of London Luton Airport (“the airport”) to 32 million passengers per annum (mppa) (“the Proposed Development”).
- 1.1.3 This SoCG has been prepared by the Applicant and Buckinghamshire Council in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. Climate change and greenhouse gases
 - b. Surface access
 - c. Noise and vibration
 - d. Air quality
 - e. Green Controlled Growth
 - f. Economics and employment
 - g. Landscape and visual impact
 - h. Draft DCO
- 1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “Planning Act 2008: examination of applications for development consent” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:
- “A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*
- 1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination phase focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.2 Parties to this SoCG

- 1.2.1 The Applicant is the owner of the airport and is a private limited company wholly owned by Luton Borough Council (LBC). The airport is managed and operated by London Luton Airport Operations Ltd through a Concession Agreement with the Applicant and LBC. This agreement lasts until 2032.
- 1.2.2 Buckinghamshire Council is a neighbouring local authority under Section 42(a) of the Act. It is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the course of the development of the Proposed Development. Until April 2020, when Buckinghamshire Council was formed, the Applicant engaged with Buckinghamshire County Council, Aylesbury Vale District Council, and Chiltern District Council as neighbouring authorities.
- 1.2.3 Having reviewed the application documents and the Relevant Representations, the ExA requested on 13 July 2023 that the Applicant should seek to develop an SoCG with Buckinghamshire Council.
- 1.2.4 The Applicant and Buckinghamshire Council are collectively referred to in this SoCG as ‘the parties’. The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

1.3 Proposed Development description

- 1.3.1 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity from 18 mppa to 32 mppa¹. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with the incremental growth in capacity of the airport.
- 1.3.2 Key elements of the Proposed Development include:
- a. extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;

¹ On 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. Since then, the application was called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority. The inquiry to consider the called-in application opened on Tuesday 27 September 2022, and closed on Friday 18 November 2022. At the time of submission of the application for development consent the outcome of the inquiry was still unknown and, therefore, all of the assessment work to date has been undertaken using a “baseline” of 18 mppa. Nonetheless, in anticipation of LLAOL’s 19 mppa planning application, the Applicant’s environmental assessments included sensitivity analysis of the implications of the permitted cap increasing. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the “core” assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline. The findings of the assessment are presented in the Environmental Statement submitted with the application for development consent.

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

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

2 ENGAGEMENT WITH BUCKINGHAMSHIRE COUNCIL

2.1 Summary of engagement

- 2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it has informed the DCO application, is set out in full in the **Consultation Report [AS-048]**. As a statutory consultee, Buckinghamshire Council was consulted on the proposals as a neighbouring local authority in accordance with Section 42 of the Act and submitted a formal response to the statutory consultation carried out by the Applicant in 2022.
- 2.1.2 The parties continue to be in direct communication in respect of the Proposed Development.
- 2.1.3 This SoCG is based on a programme of consultation and ongoing engagement which are summarised in Table 2-1. This sets out the meetings and substantive correspondence that took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and Buckinghamshire Council

Date	Form of correspondence	Details
18 March 2021	Greenhouse Gas and Climate change working group – meeting no 1.	Meeting to discuss GHG assessment on topics of methodology, assessing the significance of the effects and potential mitigation. Zero Strategy and Green Controlled Growth were also discussed.
04 November 2021	Climate change and greenhouse gas working group – meeting no 2	Preliminary findings of 2022 PEIR presented and update on Green Controlled Growth was provided and discussed.
04 April 2022	Email/letter	Response submitted to the 2022 Statutory Consultation
13 September 2022	Climate change and GHG working group – meeting no 3	Updates to assessment since PEIR outlined, including changes to assessment criteria and UKCP18 projection. Detail provided on how consultation responses have been addressed and overview of assessment findings presented. Comments raised about some of the thresholds in the new likelihood and consequence criteria.
8 June 2023	Meeting – MS Teams	Meeting to discuss the DCO application, Buckinghamshire Council's role in the DCO process, and key issues related to Highways &

Date	Form of correspondence	Details
		Passenger Transport, Noise, Air Quality, Climate Change and Sustainability.
2 August 2023	Meeting – MS Teams	Meeting to discuss Landscape and Visual Impact, Climate Change and Sustainability, and Cultural Heritage.
3 August 2023	Meeting – MS Teams	Meeting to discuss Transport, Air Quality, Economic Development, and Noise.
8 August 2023	Meeting – MS Teams	Meeting to discuss Transport.
8 August 2023	Meeting – MS Teams	Meeting to discuss Airspace Change and Sustainable Aviation Fuels.

3 MATTERS AGREED, ONGOING, OR NOT AGREED

3.1.1 The following table relates to the position of the parties based on the meetings referred to in Section 2 above, and the Council’s Relevant Representation [RR-0166] and Principal Areas of Disagreement Summary Statement [AS-052]. As the Examination progresses, the Statement of Common Ground will be updated to reflect the position of the parties in respect of Buckinghamshire Council’s submissions at Deadline 1 and 1A. An updated SoCG will be provided at Deadline 3 in accordance with the Examining Authority’s Rule 8 Letter.

Table 3-1: Summary of matters between the Applicant and Buckinghamshire Council (BC)

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
<p>3.2 Climate Change and Greenhouse Gases</p>					
<p>3.2.1</p>	<p>Sustainable Aviation Fuels</p>	<p>BC considers that the Applicant places an unwarranted level of confidence in the introduction of Sustainable Aviation Fuels (SAF) and next generation aircraft.</p> <p>The Applicant should assess and account for, in a meaningful way, the probability of the delivery of hydrogen/Low Carbon aircraft and sufficient quantities of SAF being available in the future.</p> <p>Sensitivity analysis using uncertainty analysis should be undertaken to reflect the probability of realisation. Graphics should be updated to show this meaningfully</p>	<p>Carbon emissions for aviation in the ES are modelled on the Jet Zero Strategy High Ambition scenario that represents current UK Government policy on aviation.</p> <p>As such, the assumptions that underpin this scenario are therefore assumed to be an appropriate basis on which to model future GHG emissions from the Proposed Development.</p> <p>There are numerous DCO and other planning application examples where future GHG emissions have assumed to be in line with Government Policy for example</p>		<p>Ongoing</p>

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>and clearly e.g. apply uncertainty bars/probability bars to figures 12.1 and 12.2 of ES Chapter 12.</p> <p>Historically, efficiency improvements are offset by increased use, see Jevons Paradox. Any efficiency gains in future and next generation aircraft are likely to be at least in part or totally offset by an increase in flying. For example, although jet engines are considerably more efficient than in the 1950s, they are also significantly larger and more powerful. Aircraft size is typically increased to accommodate more passengers thus negating the efficiency savings. This must be adequately accounted for and graphically displayed within the conclusions.</p> <p>Future legislative targets relating to the introduction of Sustainable Aviation Fuels (SAF) and next generation aircraft are presented as “certainties” without accounting for probability of delivery.</p>	<p>Bristol Airport aligns with the Jet Zero Strategy with the recently awarded DCO for the A428 Black Cat to Caxton Gibbet is reliant on the government’s commitments set out in the Transport Decarbonisation Plan to decarbonise emissions from road transportation.</p> <p>The Applicant does not consider there to be any specific evidence on the production and take up of SAFs that could be modelled to provide a more ‘meaningful way’ of modelling emissions from aviation.</p> <p>The Climate Chapter in the ES [APP- 038] acknowledges that there is some uncertainty about the speed and mix at which the various technology options, including SAFs and next generation aircraft, will be implemented. The graph presented in Inset 12.4, on page 70, presents the contribution each GHG reduction option makes to overall reduction from aviation emissions. Given the acknowledgement around uncertainty, it is therefore possible to see the relative contributions that the use of SAFs, improvements in</p>		

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		<p>In addition, “efficiency savings” are presented as pure gains. This has implications for the assessment of greenhouse gas emissions, air quality and noise generated by the Proposed Development.</p>	<p>efficiencies, and the use of zero emission aircraft make according to the High Ambition Scenario presented in the Jet Zero Strategy and to discount each mitigation measure as necessary. But it is not possible, given the existing availability of modelling data, to apply quantitative estimates of uncertainty via the use of error bars or similar means.</p> <p>The Applicant recognises that greater efficiencies resulting from improvements in aircraft engines and airspace management could exert a downward pressure on costs that might lead to increased demand (via the Jevons Paradox noted). But this downward pressure will be more than countered by increased costs resulting from market-based measures such as the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) as well as the higher costs associated with the use of SAFs and other new technologies.</p>		

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>The Jet Zero Strategy envisages that the costs associated with carbon or its abatement through the adoption of SAFS, or other new technologies are expected to increase the costs to airlines.</p> <p>The demand forecasts underpinning the Proposed Development have taken these higher costs, using the same assumptions as used in Jet Zero, into account, so reducing the level of demand growth projected. Ultimately, passenger demand cannot grow beyond the limits imposed by planning authorities, and overall aviation emissions from aviation at Luton Airport will be managed and capped by the UK ETS within the European Economic Area, and CORSIA for all international aviation.</p> <p>The UK ETS sets an overall, scheme-wide cap on the amount of carbon which may be emitted by operators, including participating airlines. The available allowances place a cap on the total amount of GHG emissions that can be emitted by sectors, including aviation,</p>		

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			<p>covered by the UK ETS. This cap will be reduced over time stimulating innovation by participants to increase the carbon efficiency of their operations, or indeed to take steps which would reduce the overall scale of their operations. This effectively puts a binding cap on the amount of GHG emissions the aviation sector can emit. The UK government has made it clear that available allowances under the UK ETS will be aligned with the UK meeting the 6th Carbon Budget and later Carbon Budgets to net zero in 2050.</p> <p>CORSIA works alongside other measures to offset CO₂ emissions that cannot be reduced through the use of technological improvements, operational improvements, and sustainable aviation fuels (SAF) with emissions units from the carbon market. CORSIA aims to ensure that international aviation's net carbon emissions do not increase from 2020 levels. Participating airlines are required to monitor their emissions and report them to their</p>		

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>respective national authorities. These authorities verify the reported emissions and ensure compliance with CORSIA regulations.</p> <p>Currently the scheme is voluntary and serves as a pilot phase. From 2027 onward, all eligible international flights will be required to offset their emissions above the baseline level.</p> <p>As part of the forecasting process, account has been taken of the costs of carbon abatement, i.e. the higher cost of SAFs or of electric or hydrogen aircraft consistent with the assumptions made by Government in the Jet Zero Strategy as explained in the Need Case and Appendices [APP-213/214]. Efficiency savings such as from improved airspace design are also taken into account in the demand forecasts to ensure that the forecasts are robust.</p>		
3.2.2	Forecasting	BC agree with the use of 10%, 50% and 90% probability levels, leading to the selection of Representative Concentration	<p>Noted.</p> <p>The Applicant is willing to discuss BC’s recommendation regarding</p>	Meeting with BC on 2 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>Pathway (RCP) 8.5 from UKCP18, commensurate with a global temperature increase of approximately 4.3 degrees centigrade by 2100. This represents an appropriately conservative case to assess climate change resilience against. - It is noted that de-commissioning of the proposed development has been scoped out (para 9.3.18 of Chapter 9 of the Environmental Statement). BC recommend a Requirement of the DCO to ensure that a separate assessment is required for future de-commissioning.</p>	<p>Requirements of the DCO during future engagement with BC.</p>		
<h3>3.3 Surface Access</h3>					
3.3.1	<p>Impacts of airport traffic on Buckinghamshire communities</p>	<p>BC accepts that the M1 motorway will provide the primary vehicular access to the airport. However, there is a large catchment area to the west of the airport that is not well served by the motorway network and therefore the local road network will continue to provide preferential routes across</p>	<p>The Applicant understands there is the potential for some redistribution of vehicular trips around the local highway network as a result of the Proposed Development.</p> <p>However, any significant effects have been identified through detailed modelled assessments and mitigation proposed. More details</p>	<p>Meeting with BC on 3 August</p>	<p>Ongoing</p>

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>Buckinghamshire. It is also recognised that the highway network in Aylesbury acts as a route hub for all directions and is therefore very sensitive to congestion and small changes in traffic have a significant impact on the performance of the network. Additionally, the villages of Pitstone, Marsworth and Ivinghoe are also sensitive to traffic changes, noting they are situated on a direct route to the airport. It is these areas that the Highway Authority seeks to ensure are not impacted in an unacceptable manner as a result of this DCO.</p> <p>Further work has been requested by BC to demonstrate that the strategic modelling is appropriate and accurate within Buckinghamshire before such a time as a conclusion can be reached.</p>	<p>are provided in the Transport Assessment [APP-203 to APP-206].</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.3.2	Highway mitigation works	BC seeks agreement from the Applicant for highway mitigation works at the junction of the B488 and B489 in Ivinghoe to change	This junction was not identified as requiring mitigation following a comprehensive Transport Assessment. Any proposed		Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>the junction priority, as required by Policy TRA2 of the 'made' Ivinghoe Parish Neighbourhood Plan 2014-2033. It is acknowledged that the projected peak hour traffic in this area is expected to be low, but the Council considers that this is a major route from Buckinghamshire and Dacorum to the Airport, and the sensitivity of the network in this area is such that small changes would have unacceptable impacts. The continuous nature of the traffic profile is therefore sufficient to justify this mitigation.</p>	<p>mitigation at this junction is the responsibility of the local highway authority.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.3.3	Airport Transport Forum representation	<p>BC welcome the fact that two of the five objectives for the Surface Access Strategy relate to improving public transport mode share, and that there is a focus on bus and coach access specifically. BC note that there is an Airport Transport Forum which includes many local Councils, and the Council would wish to be represented at this forum.</p>	<p>The Applicant is committed to working with local stakeholders to improve sustainable transport options including public transport. The 5-yearly Travel Plans will monitor airport travel against the agreed targets and any mitigation required will be subject to consultation before implementation on potential initiatives to improve the sustainable mode share and meet targets. The Applicant is happy to</p>	Meeting with BC on 3 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>discuss appropriate ways of working together through this process.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.3.4	Local bus routes in Buckinghamshire	<p>In the Surface Access Strategy and the Framework Travel Plan it is mentioned that there should be improved connections to nearby villages. BC would like to secure the restoration of a local bus route (service 61) connecting Luton and Aylesbury via the communities of Eaton Bray, Edlesborough, Pitstone, Ivinghoe, Marsworth and Cheddington. For the majority of northern Buckinghamshire, Luton Airport will be primarily a destination for leisure/holiday trips. However, it is also a major employer in the region, with this likely to be especially notable in villages close to the border with Central Bedfordshire and Luton Borough Councils. This local bus service should run hourly rather than every 90 minutes and have its operational hours extended as dictated by the operational needs</p>	<p>The Applicant is committed to working with bus operators to support measures for further improving sustainable transport within the area.</p> <p>Improvements to the public transport network are not entirely within the gift of the Applicant and require discussion and negotiation with third parties. In the future, the airport operator will work closely with bus service operators through the Airport Transport Forum and development of future Travel Plans, which will set out measures to improve services in order to meet future mode share Targets.</p> <p>The Applicant will continue to engage with BC on this matter.</p>	Meeting with BC on 3 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>of the airport. A Demand Responsive Transport (DRT) service may also be able to meet the connectivity needs of these communities.</p> <p>BC is seeking additional information about the Airport Transport Forum, including membership, remit and power to influence</p>			
3.3.5	Local bus services in Buckinghamshire	<p>BC would like to secure a more strategic express service to Aylesbury and points further west. This would address the existing lack of long-distance fast bus services connecting east and west, or locations within Buckinghamshire with Luton Airport or the M1 corridor and the East Coast mainline, without a requirement to use London interchanges. The express service should be secured explicitly within the Surface Access Strategy as well as detailed within the Travel Plans.</p>	<p>The Applicant is committed to working with bus operators to support measures for further improving sustainable transport within the area.</p> <p>Improvements to the public transport network are not entirely within the gift of the Applicant and require discussion and negotiation with third parties. In the future, the airport operator will work closely with bus service operators through the Airport Transport Forum and development of future Travel Plans, which will set out measures to improve services in order to meet future mode share Targets.</p>	Meeting with BC on 3 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			The Applicant will continue to engage with BC on this matter.		
3.3.6	Mitigating impacts of construction traffic	<p>BC welcome the prioritisation of traffic via the Primary Route Network and acknowledge that the majority of spoil movements are unlikely to pass through Buckinghamshire, but note that sections of the Major Road Network which may be affected include routes through Buckinghamshire (e.g. A41 via Hemel Hempstead or A418 via Leighton Buzzard). A robust Construction Traffic Management Plan will be required, which should include measures that protect rural routes from impacts and BC are happy to work with the Applicant to develop this.</p> <p>It is acknowledged that some of this detail will not be available until a contractor is involved. It may be possible for the Applicant to set stipulations within the CTMP of things that will not be permissible, and this could include certain stipulations regarding the Bucks</p>	<p>An Outline Construction Traffic Management Plan (CTMP) has been prepared and submitted as part of the application for development consent (Appendix 18.3 of the Environmental Statement [APP-130]). This includes a proposal for a Traffic Management Working Group to be formed as a forum for stakeholder engagement during construction (refer to Section 3 of the Outline CTMP). A detailed CTMP, substantially in accordance with the Outline CTMP, will be prepared and submitted for approval by the relevant local planning authority following approval of the DCO. This is secured by Requirement 14 of the Draft DCO [AS-005].</p> <p>The Applicant will continue to engage with BC on this matter.</p>	Meeting with BC on 3 and 8 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		transport network. This needs to be explored further.			
3.3.7	Impacts of HGV movements on Buckinghamshire	<p>For post-build movements, BC note that the increase in HGVs (rising from 133 currently to a projected 2043 figure of 268) is unlikely to impact upon local roads in Buckinghamshire. A large proportion of the projected HGV flows appear to serve the extended passenger terminal facilities – these do not identify Buckinghamshire as being a generator of these movements, but BC would welcome clarification of this.</p> <p>BC is seeking clarity on how HGV movement will be controlled/excluded from the BC highway network.</p>	<p>The Applicant confirms that the forecast increase in HGVs would be minimal on the Buckinghamshire local road network, with negligible traffic originating in Buckinghamshire. However, more information would be provided within the detailed CTMP which will be prepared and submitted for approval by the relevant local planning authority following approval of the DCO. This is secured by Requirement 14 of the Draft DCO [AS-005]. Further engagement can also be arranged once that document has been prepared.</p> <p>The Applicant will continue to engage with BC on this matter.</p>	Meeting with BC on 8 August	Ongoing
3.3.8	Traffic modelling methodology	The full potential impacts of any change in the traffic modelling data (in line with the request of the Examining Authority in their letters dated 16th May 2023 and 13 June 2023) are not fully known in respect of the following matters:	The Applicant agreed the approach to modelling with officers at relevant highway authorities including LBC and National Highways. The approach is consistent with that adopted for the 2019 statutory consultation and no material	Meeting with BC on 3 and 8 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>traffic and transport, noise and air quality. In addition, the growth of Aylesbury is not currently accurately represented within the analysis for the DCO.</p> <p>BC would like to reach agreement with the Applicant as to the appropriate methodology if the traffic modelling data is not re-based. Accurate representation of Aylesbury within the LMVR is also requested.</p>	<p>concerns on the approach were raised at the time. The base models have been developed, calibrated and validated in compliance with TAG guidance with 2016 and 2017 base years. The modelling approach has been agreed with the relevant local and national highway authorities and the base validated model reflected operational conditions at the time.</p> <p>Future baseline models have taken account of the changes in demand and mode share as the airport grows in both the Do Minimum and Do Something scenarios. The future year projections of airport passenger demands and mode split take account of CAA data and trends. Comprehensive analysis and assessment of the surface access effects and impacts is provided within the Transport Assessment [APP-203 to APP-206] and the Surface Access Strategy [APP-228] and associated Appendices which set out the Local Model Validation Report and Forecasting Note.</p>		

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>It is the view of the Applicant that the effects and impact of the scheme that forms part of the application for development consent has been robustly tested and assessed and this has been subject to numerous pre-application discussions with the Host Authorities and their appointed consultants.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.3.9	Scope of transport assessments	<p>BC request to know if any transport assessments have been undertaken which suggest that the airport is or will be a regular attractor of trips from the south of Buckinghamshire, in particular Chesham, Amersham or High Wycombe, for which public transport access is also unavailable.</p> <p>BC request further information is provided with regards to the scope of the transport assessment and implications for south Buckinghamshire.</p>	<p>See response to 3.2.1. Any significant effects have been identified through detailed modelled assessments and mitigation proposed. More details are provided in the Transport Assessment [APP-203 to APP-206]. The Applicant will continue to engage with BC on this matter.</p>	<p>This was discussed at a meeting on 3 August</p>	<p>Ongoing</p>

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
3.3.10	Glint and glare assessment	BC await the receipt of the glint and glare assessment to understand if there are any likely impacts upon highway safety as a result of glint and glare.	Noted. The results of the glint and glare assessment will be shared in due course.		Ongoing
3.3.11	Rule 9 Covid Modelling	BC remain as of the above positions and await the results of the additional modelling work and remain that the Council's position is reserved.	In May 2023 the Examining Authority requested the Applicant to review the transport modelling undertaken for the DCO in light of DfT interim advice, dated April 2023, regarding the treatment of the COVID-19 pandemic in transport modelling. The ExA stated it "has made a Procedural Decision to request that the Applicant reviews its transport modelling considering the recently published guidance. The ExA also requests that the Applicant engages with stakeholders, including National Highways and the Local Highway Authorities, at the earliest possible opportunity with a view to gaining agreement as to the appropriate methodology if the model is not re-based.'. The proposed approach set forward by the Applicant considers the size and complexity of the	This was discussed at a meeting on the 3 August	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>strategic transport model and the timescale for the DCO examination though will include (1) analysis of recent local and national trends in travel demand (2) updating the future year forecasts using the latest DfT projections case scenario (NTEM8 & NRTP22) and (3) an assessment of the risks associated with the updated forecasts and determination of any necessary adjustment factors that may arise from the analysis of recent trends. The VISSIM model will follow a similar approach to the base year update and the forecasts will update committed developments and take growth from the strategic model as an input. For the M1 motorway and Vauxhall Way - the M1 motorway approach, considering the Governments pause of 'smart motorways' will (1) retain the motorway widening as a core scenario and for the Demand Scenario 2043 (32mppa) assume Phase 2 J10 improvements. For Vauxhall Way dualling was assumed to be delivered by LBC by 2027, this delivery is now expected</p>		

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			<p>in 2028 and so the revised modelling will remove dualling from the 2027 modelling scenario.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
<p>3.4 Noise and Vibration</p>					
3.4.1	Operational air noise impacts on Buckinghamshire residents	<p>BC consider that an increase in operational air noise may be noticed by some Buckinghamshire residents. This is because despite the whole of the Buckinghamshire administrative area falling outside the predicted lower observed adverse effect level (LOAEL) contours, although Environmental Statement assessments indicate the final phase night-time contour could extend just across the Buckinghamshire border), the 92-day summer average day and night noise (as measured by the LOAEL) doesn't reflect the noise generated by individual overflights or at periods of peak activity. It is these events that generally lead to complaints. Areas most likely to be affected are Dagnall, Pitstone and</p>	<p>The assessment has shown that Buckinghamshire is outside of the Lowest Observable Adverse Effect Level (LOAEL), even for the final phase night-time contour. Below the LOAEL, Planning Practice Guidance – Noise (Department for Communities and Local Government (2019), Planning Practice Guidance: Noise) notes that noise may be “present and not intrusive” and that the outcome is that “Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.” This is consistent with the conclusions of the</p>		Ongoing

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		a section of BC to the east of Aylesbury, including Wendover, which is also overflowed by low level northbound traffic from Heathrow.	<p>assessment presented in Chapter 16 of the ES [AS-086].</p> <p>However, additional context for the noise assessment is provided using N65, N60 and overflight metrics, which provides information on noise generated by individual overflights over Buckinghamshire. For example, see Figures 16.21 – 16.26 (assessment phase 1), Figures 16.45 – 16.50 (assessment phase 2a) and Figures 16.69 – 16.74 (assessment phase 2b) of the Environmental Statement [AS-106; AS-107; AS-110; AS-111; AS-114].</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.4.2	Air noise impacts on the Chilterns AONB	Part of the Chilterns Area of Outstanding Natural Beauty (Chilterns AONB) lies within the Council's administrative area. The Council will resist any changes which have a permanent significant noise effect on the Chilterns AONB. The NPPF states that planning policies and decisions should 'identify and protect tranquil	<p>The approach to the assessment of noise and tranquillity in line with the NPPF is set out in Section 16.5 of Chapter 16 of the ES [AS-086].</p> <p>An assessment of the impact of noise (amongst other factors including overflight below 7,000 ft)</p>		Ongoing

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		<p>areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value'. As set out in section 3.2(e) of the Air Navigation Guidance 2017, where practicable, it is desirable that airspace routes below 7,000 feet should seek to avoid flying over AONBs and National Parks. The Council seeks better protection than this. In line with CAA expectations the impact must be considered more carefully by the applicant during the remainder of the DCO process.</p>	<p>on the Chilterns AONB is presented in Chapter 14 of the ES [AS-088].</p> <p>As is made clear in Paragraph 3.2 and 3.3 of the Air Navigation Guidance (Ref 1), paragraph 3.3(e) which notes “where practicable, it is desirable that airspace routes below 7,000 feet should seek to avoid flying over Areas of Outstanding Natural Beauty (AONB) and National Parks” is in the context of “requests to change the airspace design” (para 3.3). Changes to airspace and flightpaths are outside the scope of the Proposed Development and any changes, including their impact on AONBs and National Parks, would be assessed as part of the Civil Aviation Authority’s environmental assessment process (Ref 2).</p> <p>The Applicant will continue to engage with BC on this matter.</p>		

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3.5 Air Quality					
3.5.1	Air quality assessment study area	It is noted that the study area for the air quality assessment completed as part of the ES does not cover any area within Buckinghamshire Council. The study area has been discussed and developed with stakeholders in the air quality working group, of which Buckinghamshire Council is a member.	This is noted by the Applicant.	BC's relevant representation submitted to PINS on 30 June	Agreed
3.5.2	Air quality assessment methodology and baseline data	The approach to the air quality assessment and baseline data used is generally considered acceptable.	This is noted by the Applicant.	BC's relevant representation submitted to PINS on 30 June	Agreed
3.5.3	Air quality assessments	BC believe that there is the potential for the villages within the north of Buckinghamshire to be negatively impacted by changes in traffic from the proposed development. If the revised traffic data shows that the screening	This is noted by the Applicant. The Applicant will continue to engage with BC on this matter.		Ongoing

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		<p>thresholds, as outlined within the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) guidance document 'Guidance on land-use planning and development control: Planning for air quality', are exceeded then there may be a requirement to conduct an additional air quality assessment.</p>			
3.5.4	Automatic monitoring station data	<p>Section 7.5.6 of Chapter 7 of the ES states that an automatic monitoring station has been installed at the airport and that the data is published near to real time. It is noted in the exceedance summary monitoring data for PM10 and PM2.5 (particulate matter) in 2023 that there is limited data and what data is available is at very low capture rates (between 10 and 60%). It is therefore recommended that the automatic monitor is inspected to understand why this pollutant is no longer being measured as the data could prove to be very important to understanding the impact the</p>	<p>This is noted by the Applicant and has been investigated. Data loss occurred due to repairs required on the GRIMM monitor. This has now been fixed and is back in operation, it does not impact any of the data used in the ES to inform the baseline. The Applicant is happy to discuss any additional queries and will continue to engage with BC on this matter.</p>		Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>proposed development may have on the local air quality.</p> <p>BC wishes to see the evidence supporting the Applicant's assertion that the data gap does not impact the baseline.</p>			
3.5.5	Air quality baseline data	BC agrees with the baseline data collection and presentation of future baseline information	<p>The Applicant considers that the baseline data collection and future baseline information, as detailed in Appendix 7.2 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02], are robust. These were discussed and agreed during Air Quality TWG meetings.</p> <p>The Applicant will continue to engage with BC on this matter.</p>	Air Quality TWG meetings from 2020 to 2022	Ongoing
3.5.6	Air quality assessment study area	BC agrees with the study area	<p>The Applicant considers that the study area, as detailed in sections 7.3.5 to 7.3.9 in Chapter 7 Air Quality of the ES [TR020001/APP/5.01], is appropriate and robust. This was discussed and agreed during the EIA Scoping Meeting and Air Quality TWG meetings. However, it is acknowledged that this cannot be</p>	Air Quality TWG meetings from 2020 to 2022	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>confirmed until such time that the updated traffic modelling has been finalised.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.5.7	Air quality assessment – construction dust methodology, results and mitigation	BC agrees with the construction dust assessment methodology and findings, including mitigation included in the code of construction practice which follows best practice.	<p>The Applicant considers that the construction dust methodology is robust and the findings, including mitigation which is included in the code of construction practice follows best practice. The construction dust assessment methodology is detailed in section 2 in Appendix 7.1 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02]. The construction dust results are detailed in section 2.2 in Appendix 7.3 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02]. The construction dust mitigation included in the code of construction practice is detailed in section 8 of Chapter 4 The Proposed Development of the ES [TR020001/APP/5.02]. These have been discussed and agreed during Air Quality TWG meetings.</p>	Air Quality TWG meetings from 2020 to 2022	Agreed

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3.5.8	Air quality assessment modelling methodology	BC agrees with the modelling methodology including data sources, model set up including use of ADMS, receptor locations selected, assessment years, emission inventory methodology, model parameters, spatial modelling aspects, and verification methodology.	The Applicant considers the modelling methodology including the data sources, model setup including use of the Atmospheric Dispersion Modelling System (ADMS), modelled receptor locations, assessment years, emission inventory methodology, model parameters, spatial modelling aspects and verification methodology to be robust. The modelling methodology is detailed in section 3 in Appendix 7.1. of Chapter 7 Air Quality of the ES [TR020001/APP/5.02] . The modelling methodology was discussed and agreed during Air Quality TWG meetings.	Air Quality TWG meetings from 2020 to 2022	Agreed
3.5.9	Air quality assessment significance criteria	BC agrees with the significance criteria used in the assessment.	The Applicant considers the significance criteria used in the assessment, as detailed in section 4 in Appendix 7.1 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02] , to be appropriate and robust. The significance criteria used in the assessment was discussed and	Air Quality TWG meetings from 2020 to 2022	Agreed

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			agreed during Air Quality TWG meetings.		
3.5.10	Air quality assessment – odour impact methodology	BC agrees with the odour impact methodology and results and requests additional information on odour report methodology.	<p>The Applicant considers the odour impact methodology, as detailed in section 5 in Appendix 7.1 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02], to be robust. The odour impact methodology was discussed and agreed during Air Quality TWG meetings.</p> <p>The Applicant will continue to engage with BC on this matter.</p>	Air Quality TWG meetings from 2020 to 2022	Ongoing
3.5.11	Air quality assessment results for construction and operational phases	BC agrees with the air quality assessment results for construction and operational phases.	<p>The Applicant considers the air quality assessment results for construction and operational phases to be robust. The air quality assessment results for construction and operational phases are detailed in 7.9 of Chapter 7 Air Quality of the ES [TR020001/APP/5.01] and Appendix 7.3 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02]. The results were discussed and agreed during Air Quality TWG meetings. However, it is acknowledged that this cannot be confirmed until such</p>	Air Quality TWG meetings from 2020 to 2022	Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>time that the updated traffic modelling has been finalised.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.5.12	Air quality good practice mitigation for operational phase	BC agrees with the good practice mitigation identified for the operational phase.	The Applicant considers the good practice mitigation identified for the operational phase, as detailed in Appendix 7.5 of Chapter 7 Air Quality of the ES [TR020001/APP/5.02] , to be appropriate. The mitigation identified were discussed and agreed during Air Quality TWG meetings.	Air Quality TWG meetings from 2020 to 2022	Agreed
<h3>3.6 Green Controlled Growth</h3>					
3.6.1	Environmental Scrutiny Group membership	The applicant proposes to use a “Noise Envelope” to control the expansion and as part of the Green Controlled Growth (GCG) principle. This will impose a series of ‘thresholds’, ‘stops’ and ‘limits’ on the size of average summer daytime and night-time noise contours, based on an agreed noise envelope design group approach. The applicant claims	It is agreed that independent, effective scrutiny and review of the environmental effects of the expanding airport, combined with robust governance, is fundamental in making the GCG Framework [APP-218] effective. Section 2.4 of the Green Controlled Growth Explanatory Note [APP-217] sets out proposals for the Environmental Scrutiny Group (ESG) that is		Ongoing

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		<p>that GCG provides a more robust and transparent approach to noise monitoring and enforcement than the current planning controls. This GCG framework will only be effective if the body managing it is truly independent and includes BC as a party to the Environmental Scrutiny Group. This should therefore be established early with clear terms of reference set out.</p>	<p>proposed to oversee the operation of Green Controlled Growth, with clear Terms of Reference provided at Appendix A of the Green Controlled Growth Framework [APP-219]. Requirement 20 of the Draft Development Consent Order [AS-067] sets out the required timing for the establishment of the ESG.</p> <p>It is considered important that the ESG includes representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. However, it is important to strike an appropriate balance between the need to capture a diversity of views, the relevance of views to the impacts arising from expansion that may be experienced around the airport and the need for membership of ESG to be focused in support of its decision-making role and in the interests of managing the costs of administering GCG (both for the airport operator and for local</p>		

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			<p>authorities). It is on this basis that the membership of ESG reflects those local authorities that are forecast to experience environmental impacts at the level upon which the Limits and Thresholds included within GCG are based.</p> <p>Paragraphs 2.4.19 to 2.4.24 of the GCG Explanatory Note set out the forecast distribution of environmental impacts within the scope of GCG. Specifically for aircraft noise, the baseline and forecast daytime and night-time noise contours used to inform the GCG noise Limits / Noise Envelope are shown in Chapter 16 of the ES [AS-080] as follows:</p> <ul style="list-style-type: none"> a. Baseline noise contours for day-time and night-time 2019 actuals are Figure 16.5 and 16.6 [AS-104] b. Phase 1 forecast noise contours for the Faster Growth scenario are Figure 16.91 and 16.92 [AS-117] 		

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			<p>c. Phase 2a forecast noise contours are Figure 16.41 and 16.42 [AS-109]</p> <p>d. Phase 2b forecast noise contours are Figure 16.65 and 16.66 [AS-113]</p> <p>In all of the above figures, the 54 dBL_{Aeq,16h} (daytime) and 48 dBL_{Aeq,8h} (night-time) noise contours, used as the basis for the GCG Limits, do not extend into Buckinghamshire.</p> <p>On this basis, a role for Buckinghamshire Council on the ESG (or the Noise Technical Panel) is not considered proportionate or relevant. The Applicant will continue to engage with BC on this matter.</p>		
3.6.2	Environmental Scrutiny Group membership	It is acknowledged that the Green Controlled Growth Framework, as outlined within the DCO, will place controls on air quality. This framework will only be effective if the body managing it is truly independent and includes BC as a party to the Environmental Scrutiny Group. This should therefore be established early with clear terms	It is agreed that independent, effective scrutiny and review of the environmental effects of the expanding airport, combined with robust governance, is fundamental in making the GCG Framework [APP-218] effective. Section 2.4 of the Green Controlled Growth Explanatory Note [APP-217] sets out proposals for the Environmental		Ongoing

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		<p>of reference set out. BC would also welcome if the community first fund proposed also supported schemes to help improve air quality in local communities within Buckinghamshire.</p>	<p>Scrutiny Group (ESG) that is proposed to oversee the operation of Green Controlled Growth, with clear Terms of Reference provided at Appendix A of the Green Controlled Growth Framework [APP-219]. Requirement 20 of the Draft Development Consent Order [AS-067] sets out the required timing for the establishment of the ESG.</p> <p>It is considered important that the ESG includes representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. However, it is important to strike an appropriate balance between the need to capture a diversity of views, the relevance of views to the impacts arising from expansion that may be experienced around the airport and the need for membership of ESG to be focused in support of its decision-making role and in the interests of managing the costs of administering GCG (both for the</p>		

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			<p>airport operator and for local authorities). It is on this basis that the membership of ESG reflects those local authorities that are forecast to experience environmental impacts at the level upon which the Limits and Thresholds included within GCG are based.</p> <p>During the first 5 year period of Community First the Applicant believes that this fund should reflect both national and local agendas of decarbonisation and levelling up. The 5 yearly reviews of the fund present the opportunity for the funding themes to change in the future.</p> <p>Paragraphs 2.4.19 to 2.4.24 of the GCG Explanatory Note [APP-217] set out the forecast distribution of environmental impacts within the scope of GCG. Specifically for air quality, Figure 3.8 of the GCG Explanatory Note shows proposed air quality monitoring locations, which have been derived based on an assessment of those locations that are forecast to experience the</p>		

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			<p>greatest air quality impact as a result of expansion. These are located across the administrative areas of Luton, Central Bedfordshire and North Hertfordshire, concentrated on the area immediately around the airport with some additional locations in Hitchin and to the west of Luton / east of Dunstable.</p> <p>There are no locations in Buckinghamshire, and on this basis, it is not considered relevant or appropriate for Buckinghamshire Council to have a role on the Environmental Scrutiny Group (or the Air Quality Technical Panel) on the basis of air quality impacts.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
<p>3.7 Employment, Training and Skills</p>					
3.7.1	Airport access accessibility	Whilst BC welcomes the activities outlined in the Employment and Training Strategy and supports a focus on some of the more deprived areas within	This is noted by the Applicant. The Framework Travel Plan [AS-131] , and future Travel Plans to be produced every 5-years in accordance with Requirement 30 of		Ongoing

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		<p>Buckinghamshire, it is vital that accessibility to the airport is addressed. As noted above in relation to surface access transport, at present there are no realistic public transport connections between Buckinghamshire and Luton Airport which could be utilised by potential employees of the airport. Without significant improvements in accessibility the prospect of Buckinghamshire residents taking up employment at London Luton Airport are limited and will undermine the aims of the Employment and Training Strategy.</p>	<p>the Draft Development Consent Order [AS-067] will seek to deliver improved public transport connectivity to the airport, including towards Buckinghamshire, which will support the aims of the Employment and Training Strategy.</p> <p>The Applicant is committed to working with bus operators to support measures for further improving sustainable transport within the area.</p> <p>Improvements to the public transport network are not entirely within the gift of the Applicant and require discussion and negotiation with third parties. In the future, the airport operator will work closely with bus service operators through the Airport Transport Forum and development of future Travel Plans, which will set out measures to improve services in order to meet future mode share Targets. The Applicant will continue to engage with BC on this matter.</p>		

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3.7.2	Local Economic Development Working Group membership	The Employment and Training Strategy helpfully covers both the construction and operation phases. It references engagement with local government and the creation of a Local Economic Development Working Group. BC would welcome involvement in this working group.	This is noted by the Applicant – Buckinghamshire Council are welcome to join the Local Economic Development Working Group when this is set up.	Meeting with BC on 3 August	Agreed
3.7.3	Local employment benefits	The Employment and Training Strategy includes an initiative to “Encourage local employment and local businesses (Construction and Operation)” which talks of continuing to prioritise utilising local businesses within their supply chain. There is scope to include more information around this and other ideas that could be considered, e.g. ‘meet the buyer’ type events, training/information sessions for interested businesses covering how they apply, requirements etc. BC would welcome initiatives to support local procurement during both construction and operational phases.	This is noted by the Applicant, consideration will be given to adding further detail where appropriate. The Applicant will continue to engage with BC on this matter.	Meeting with BC on 3 August	Ongoing

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3.8 Economics and Employment					
3.8.1	Inbound tourism benefits for Buckinghamshire	BC welcomes the positive impact expansion will have on inbound tourism and the visitor economy. BC would welcome the opportunity to explore ways to maximise the positive impacts across the county, by promoting Buckinghamshire to those arriving at London Luton Airport, to increase visits and overnight stays.	This is noted by the Applicant and will be discussed with BC in future engagement.		Ongoing
3.8.2	Jobs and Gross Domestic Product forecast	At this stage BC reserves judgement on the number of jobs and Gross Domestic Product forecast to be created until it has had opportunity to interrogate the underpinning assumptions in more detail.	The full details of the estimation of employment and GDP impacts are given in Appendix 11.1 to the ES [APP-079] . The Applicant will continue to engage with BC on this matter.		Ongoing
3.9 Landscape and Visual Impacts					
3.9.1	Tranquillity impacts on the Chilterns AONB	BC notes the Applicant's conclusions in respect of landscape and visual impacts, particularly the deterioration to the aesthetic and perceptual	Noted: A draft note outlining the proposed Methodology to assess the Special Qualities of the AONB		Ongoing

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		<p>characteristics of the Chilterns AONB, including impacts on certain views, as well as its tranquillity. However, it is unclear from the submitted LVIA and accompanying information as to which parts of the Chilterns AONB and wider Buckinghamshire are anticipated to be affected. BC requests that the areas of effect are clearly identified. Whilst it may be anticipated that the response is that only those areas within the ‘study area’ are being identified, it is noted that the applicant has identified a viewpoint at Ivinghoe Beacon (Viewpoint 45) that is outside of the study area and that this along with the ambiguous nature of the assessment description within the LVIA leads to ambiguity. The applicant should be specific as to the extent of the AONB adversely affected.</p>	<p>has been submitted to Natural England for review.</p> <p>To address the ambiguity issue raised - 5.03 Chapter 14 Landscape and Visual Figure 14.7 sets out the Study Area and identifies the AONB as well as the candidate area for the AONB. The LVIA assesses the Landscape Character within the study area. Figures 14.14-14.17 illustrate the Overflights and identifies the extent of the AONB effected. An assessment of the impact of noise (amongst other factors including overflight below 7,000 ft) on the Chilterns AONB is presented in Chapter 14 of the ES [AS-088].</p> <p>Figure 14.8 Assessment Viewpoint Locations identifies the Viewpoints as well as including the Zone of Theoretical Visibility. View 45 (Ivinghoe Beacon is identified as view 45 on an inset plan (15km away from the order limits and not within the ZTV). Ivinghoe Beacon was added in as a viewpoint following a direct request from Buckinghamshire in the 2018 Non</p>		

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			<p>Statutory Consultation para 6.129 and response 6.134. LTN interim public report - 191118 _ reformat section 6.docx The LVIA concludes that the Airport is not visible from this location and anticipates only that there may be more aircraft visible in the sky.</p> <p>In response to clarification on the impact to Dark Skies raised 2nd August 2023 - The LVIA references A Light Obtrusion Assessment and is provided as Appendix 5.2 of the ES (TR020002/APP/5.02). The LVIA cannot address visibility of Aircraft Lighting.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.9.2	Glint and glare impacts on the Chilterns AONB	There is an absence of information to address possible glint and glare impact upon the Chilterns AONB. The Applicant should prepare a glint and glare assessment and assess any lighting impacts.	<p>A Glint and Glare assessment is being undertaken and will be submitted to PINS on 9 August. After which Buckinghamshire Council will have the opportunity to review this.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		Ongoing

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3.10 Draft DCO					
3.10.1	Draft DCO requirements	<p>'Limits of Works', Article 6, sub-paragraph 3, does not stipulate consultation outside of the relevant planning authority for works in excess of the limits. Given the unknowns associated with works being undertaken outside the limits of works there are concerns over the ability to certify such a change without the requirement to consult key external consultees, where relevant.</p>	<p>Article 6(3) stipulates that any variation to the limits of deviation must not give rise to any materially new or materially different environmental effects.</p> <p>This stipulation, therefore, provides a significant control on the Applicant's ability to vary the limits of deviation, and accordingly the provision is considered appropriate in limiting any 'unknowns' that may be associated with works undertaken outside of the limits of deviation.</p> <p>The relevant local planning authority, who has pre-existing knowledge of and experience with the project design and planning matters, is competent to authorise such variations.</p> <p>This provision is necessary to provide the proportionate flexibility required to ensure that the delivery of this nationally significant infrastructure project is not</p>		Ongoing

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			<p>unnecessarily impeded or delayed by a requirement to make minor variations to the limits of deviation.</p> <p>The Applicant notes the comments made and is considering these further.</p>		
3.10.2	Draft DCO requirements	<p>Given the unknowns associated with amending the parameters of the elements of the authorised development there are concerns over the ability to amend the parameters, under requirement/paragraph 2(1) of Part 1 of Schedule 2 of the draft DCO, without requiring consultation with consultees outside of the relevant planning authority. As requirement/paragraph 6 of Part 2 of Schedule 2 of the draft DCO is a compliance requirement there is an absence of consultee specification to inform paragraph 2(4) of Part 1 of Schedule 2 of the draft DCO.</p>	<p>Paragraph 2(3) of Part 1 of Schedule 2 stipulates that any amendments to those documents, plans, details, schemes or parameters referred to in paragraph 2(1) must not give rise to any materially new or materially different environmental effects.</p> <p>This stipulation therefore provides a significant control on the ability to vary those documents, plans, details, schemes or parameters, and accordingly the provision is considered appropriate in limiting any 'unknown' issues that may arise as a result of amending the parameters.</p> <p>The relevant local planning authority, who has pre-existing knowledge of and experience with the project design and planning</p>		Ongoing

SoCG ID	Matter	Buckinghamshire Council position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>matters, is competent to authorise such amendments.</p> <p>This provision is necessary to provide the proportionate flexibility required to ensure that the delivery of this nationally significant infrastructure project is not unnecessarily impeded or delayed by a requirement to make non-material amendments. The Applicant notes the comments made and is considering these further.</p>		
3.10.3	Draft DCO requirements	BC has concerns regarding requirement/paragraph 10 of Part 2 of Schedule 2 of the draft DCO and the approval of Landscape and Biodiversity Management Plans without requiring consultation with external consultees such as Natural England.	<p>The Applicant would draw the Council's attention to the fact that the Landscape and Biodiversity Management Plan (LBMP), to be approved by the relevant planning authority, must be substantially in accordance the outline LBMP.</p> <p>This outline LBMP been produced as part of the environmental impact assessment process, and has been subject to consultation. The outline LBMP will be subject to further scrutiny by the ExA and interested parties during the examination.</p>		Ongoing

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			<p>The Applicant does not believe, therefore that the final LBMP requires additional consultation with other external consultees such as Natural England as the relevant local planning authority is competent to approve such a plan.</p> <p>The Applicant notes the comments made and is considering these further.</p>		
3.10.4	ESG membership	<p>Given the remit of the Environmental Scrutiny Group (ESG), particularly in relation to any approved increase in the Night quota cap (requirement/paragraph 27 of Part 4 of Schedule 2 of the draft DCO) and when considering the current uncertainty regarding the submitted traffic data, BC would request its inclusion in the ESG moving forward in order to allow it to represent its communities' best interests effectively.</p>	<p>It is considered important that the ESG includes representatives of local authorities to ensure that the views of those authorities that are impacted across the whole range of environmental topics within the scope of GCG are captured. However, it is important to strike an appropriate balance between the need to capture a diversity of views, the relevance of views to the impacts arising from expansion that may be experienced around the airport and the need for membership of ESG to be focused in support of its decision-making role and in the interests of managing the costs of administering GCG (both for the</p>		Ongoing

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			<p>airport operator and for local authorities). It is on this basis that the membership of ESG reflects those local authorities that are forecast to experience environmental impacts at the level upon which the Limits and Thresholds included within GCG are based.</p> <p>Paragraphs 2.4.19 to 2.4.24 of the GCG Explanatory Note set out the forecast distribution of environmental impacts within the scope of GCG. Specifically for aircraft noise, the baseline and forecast daytime and night-time noise contours used to inform the GCG noise Limits are shown in Chapter 16 of the Environmental Statement [AS-086] as follows:</p> <ul style="list-style-type: none"> • Baseline noise contours for day-time and night-time 2019 actuals are Figure 16.5 and 16.6 [AS-098] • Phase 1 forecast noise contours for the Faster Growth scenario are Figure 16.91 and 16.92 [AS-075] 		

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			<ul style="list-style-type: none"> • Phase 2a forecast noise contours are Figure 16.41 and 16.42 [AS-087] • Phase 2b forecast noise contours are Figure 16.65 and 16.66 [AS-094] <p>In all of the above figures, the 54 dBL_{Aeq,16h} (daytime) and 48 dBL_{Aeq,8h} (night-time) noise contours, used as the basis for the GCG Limits, do not extend into Buckinghamshire.</p> <p>Similarly, Appendix A to the Transport Assessment [APP-200] shows the locations of proposed off-site highway mitigation measures on the basis that these are the locations where transport impacts are potentially significant enough to require mitigation. Again, these are focused on Luton and North Hertfordshire, and include works to the Strategic Road Network, which is owned and operated by National Highways. There are no such locations in Buckinghamshire.</p> <p>On this basis, a role for Buckinghamshire Council on the</p>		

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			<p>ESG is not considered proportionate or relevant.</p> <p>The Applicant notes the comments made and is considering these further.</p>		
3.10.5	Draft DCO requirements	<p>BC would query whether requirements/paragraphs 31, 32 and 33 of Part 4 of Schedule 2 of the draft DCO should require consultation with the ESG as a minimum due to the broader, regional implications of the associated plans.</p>	<p>Under the terms of the dDCO, the ESG may not have been constituted prior to the undertaker seeking to discharge requirements 31, 32 and 33 of Part 4 of Schedule 2, so could not be consulted with.</p> <p>Furthermore, even when constituted the ESG only meets annually (within 28 days of receipt of the annual monitoring report) and so it would not be reasonable or practicable to have to await its sitting before these requirements could be progressed / discharged</p> <p>In any event:</p> <ul style="list-style-type: none"> - as regards requirements 31 and 32, the Applicant considers that the relevant planning authority is competent to discharge these matters without consulting with the ESG. The ESG will ultimately monitor air quality and greenhouse 		Ongoing

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			<p>gas emissions in accordance with its remit, and should further remedial action be necessary (i.e. additional to the operational air quality and greenhouse gas action plans), this will emerge through the GCG process with the ESG’s oversight.</p> <p>- requirement 33 does not pertain to the scope and remit of the ESG, and so the issue of consultation with the ESG is not considered to be relevant in this context.</p> <p>The Applicant notes the comments made and is considering these further.</p>		
<p>3.11 Airspace change</p>					
3.11.1	Airspace change impacts on heritage assets	BC requests an explanation of how the Applicant intends to integrate the CAA’s CAP1616 and the airport expansion whilst mitigating noise impacts. Consideration of how airspace change will impact local communities with possible implications for the area’s heritage assets is required.	The process of airspace change across the South East of England is a separate process being sponsored by the Department of Transport and the CAA, with the ultimate acceptability of any proposed change resting with the CAA. This requires complex coordination of the requirements of each of the airports. The DCO does not directly		Ongoing

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			<p>require an airspace change, so it does not form part of the application. Some sensitivity analysis has been undertaken of the potential implications of air space change on the noise envelope and this suggests that the noise implications are unlikely to be greater than assessed. Decisions on future airspace change will be taken in accordance with the CAA’s process as set out in <i>CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information.</i></p> <p>The Applicant will continue to engage with BC on this matter.</p>		
3.11.2	Airspace change	Change is needed to allocate more airspace for safe departures and arrivals across the southeast airports to allow expansion. It is acknowledged that this will be subject to a separate regulatory process to the DCO, however, there is a degree of uncertainty	A sensitivity test is presented in Chapter 16 of the ES to assess the potential implications of airspace change at Luton based on the options consulted on by the airport operator. As there is no information currently regarding potential options for airspace change associated with		Ongoing

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		<p>over how these changes will impact residents. Change to airspace and in combination effects with Heathrow should be reflected in the DCO.</p>	<p>London Heathrow Airport, it is not possible at this stage to consider in combination effects.</p> <p>The Applicant will continue to engage with BC on this matter.</p>		

REFERENCES

Ref 1 Department for Transport (2017), Air Navigation Guidance.

Ref 2 Civil Aviation Authority (2021), CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information, Version 4