



Deadline 3 Submission - Principal Areas of Disagreement Summary Statement (PADSS) from Central Bedfordshire Council

Version 3 – dated 05/10/2023

Ref.	Principal Issue in Question	Concern held	What needs to change/be amended/included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination
Highways				
1.	Sustainable Transport Mode	<p>The base mode share assumptions appear to be based upon public transport usage recovering to levels above the 2018 CAA mode share, in which 24% of staff used public transport, but with 2020 levels recorded at 5%. Likewise, the 2018 passenger mode share was recorded as being 33%, with the 2020 survey recording combined public transport mode share of 9%. As such the baseline 2027 level of 40% passenger public transport mode share appears to be similarly optimistic.</p> <p>It is not considered that reliance upon commercial operators to meet demand is</p>	<p>Taking the example of Stanstead – public transport improvements are partially funded by a passenger transport levy, which contributes circa £600k-£800k per annum to public transport measures. There appear to be no comparable proposals associated with the DCO.</p> <p>Without an identified framework for funding and delivering sustainable</p>	TBC

		<p>an appropriate strategic approach to public transport access or achieving the public transport targets relied upon within the modelling work. In the absence of evidence to substantiate demands for individual route enhancements, it is unclear how or if improvements would be brought forward.</p> <p>Whilst reference is made to a ‘toolbox’ approach, this is not currently a funded or defined process, nor is there a mechanism for the prioritisation of investment Taking the example of Stanstead – public transport improvements are partially funded by a passenger transport levy, which contributes circa £600k-£800k per annum to public transport measures. There appear to be no comparable proposals associated with the DCO.</p>	<p>transport connections to and from the airport, then the Council would continue to question how achievable the mode share targets are, and how much reliance can be placed upon them when considering the DCO.</p> <p>The applicant has presented initial proposals with regards to a Sustainable Transport fund (presentation of the 19th Sept 2023, which the authority is currently considering. However details of the fund are not expected to be submitted to the ExA until deadline 5, and as such until CBC have had the opportunity to fully consider any further details submitted, the view of the authority would remain unchanged.</p>	
2	Core modelling scenario	<p>The Council have a number of significant concerns with regards to the ‘Core’ modelled scenario, which have been laid out in our representations to date:</p> <ol style="list-style-type: none"> 1. The assumed inclusion of a Smart Motorways improvement on the M1, which is not programmed or funded, and following the Governments announcement on Smart Motorways, now certain not to 	<p>The agreement of an updated and more representative ‘Core’ scenario, most likely formed as a combination of the ‘no Smart Motorways’ sensitivity test and the ‘Local Plan sensitivity test’ and then applied as an uplift to the</p>	TBC

		<p>happen.</p> <p>2. The assumed inclusion of East of Luton highways schemes, including major junction works and dualling of Vauxhall Way, without confirmation of the funding or delivery programme for the schemes in question. By including these in the base scenario it is also not possible to determine the degree to which the airport expansion is reliant upon their delivery, or the point in time when they would be required.</p> <p>3. The separate reporting of the 'Local Plan' scenario, which is considered to be the more robust forecast, with limited outputs and metrics.</p> <p>4. The separate reporting of the scenario in which the VISSIM model cordon is uplifted to match the strategic model flows, with limited outputs and metrics.</p> <p>5. The inclusion of Century Park within the 'with development' scenario, despite not forming part of the DCO application.</p>	<p>VISSIM modelling. Also feeding through to the detailed junction modelling (including those junctions outside of the VISSIM modelled area).</p> <p>This would need to include clarity on the infrastructure assumptions within each forecast year, and a realistic phasing of assumed infrastructure in the base and with development scenarios.</p>	
3	Assumed Infrastructure	As with the concerns raised with regards to the content of the 'Core' scenario – The Council have specific concerns over the inclusion of infrastructure within the forecast scenarios without certainty over funding,	There would need to be either certainty over the programming, funding, and delivery of the schemes in question from third parties, or	TBC

		<p>phasing, or delivery.</p> <p>This includes:</p> <ol style="list-style-type: none"> 1. M1 Smart Motorways 2. East of Luton Highways schemes, including the dualling of Vauxhall Way <p>These infrastructure assumptions are sufficiently closely related to the traffic study area as to directly influence traffic routing, and as such should be limited to those where delivery within specified timescales, by either the DCO promoter or others can be ensured.</p> <p>It is understood that the revised modelling work due to be reported in November 2023 is expected to exclude the Smart Motorways scheme, which (subject to this being fully reported as the updated Core Scenario) would address one of the Councils areas. However, the other areas of concern raised currently remain unaddressed.</p> <p>As discussions have progressed, this area of concern is also considered to be of direct relevance to those 'off-site' highways works proposed to be delivered by the applicant through the TRIMMA. Whilst further information from the applicant is awaited, at present the TRIMMA is not considered to provide a sufficiently robust or binding mechanism for ensuring timely delivery of</p>	<p>a commitment through the DCO process to deliver the schemes in question, where these are to be delivered by the applicant. This would need to be associated with additional supporting transport work to determine the point within the phased delivery of the DCO project when these works are required, allowing appropriate controls to be imposed through the DCO process.</p> <p>As such a number of the proposed mitigation projects should be removed from the TRIMMA and specific trigger points for delivery secured through the DCO.</p> <p>Where TRIMMA is to be applied there needs to be a robust method of monitoring which evidences the link between DCO related traffic and impacts to ensure that there is no future disagreement on the need to implement mitigation.</p>	
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		necessary highways mitigation, leading to the same concerns with regards to funding, phasing and delivery.		
4	Lack of detail on proposed mitigation – and associated redline boundary concerns	The Council have consistently raised concerns that the highways works within Central Bedfordshire have not been discussed in sufficient detail with the authority, with regards to either the details of the junction modelling informing the designs or the checking of the proposed mitigation schemes, which to date have not been subject to any Technical checks or Safety Audits. Whilst the applicant team have referred to Safety Audits being undertaken after the conclusion of the DCO process, this is not considered to be appropriate, with GG119 stating that ‘Stage 1 RSA should include road safety matters which have a bearing upon land take, licence or easement before the draft orders are published or planning consent is applied for.’ As such it is considered that the appropriate point in the process for a Stage 1 RSA to be required is prior to the full consideration of the DCO and related hearings. The proposed DCO wording provides significant powers to the applicant to deliver the highways works proposed, and therefore there is an associated requirement for the local highway authorities to be satisfied, as far as possible, that the highways works are appropriate, safe and deliverable. At present the level of detail is not considered		

		<p>to be sufficient to allow for this, including potential variations required due to vertical alignment constraints.</p> <p>As outlined above, due to concerns over some of the base modelling, and the lack of technical or safety audits or reviews of the proposed schemes, there remains the potential that the schemes in question could change, with the redline boundary drawn relatively closely to the schemes in question, raising further concerns that there is insufficient flexibility within the redline to accommodate changes.</p>		
5	<p>Lack of mitigation at local junctions outside of the VISSIM modelled area/s</p>	<p>We are concerned that the detailed modelling requested by the Council identified several of the junctions in question as forecast to be significantly over capacity; but note that these locations were not identified within the initially provide wider modelling work as being areas of concern or predicted congestion. This may be due to the use of Link V/C rather than junction V/C metrics within the TA.</p> <p>In addition, where impacts have been identified, no mitigation had been proposed, despite the level of impact being significant.</p>	<p>The Council would therefore request that junction approach V/C metrics are provided alongside the link metrics, to ensure that areas of impact at specific junctions within the Central Bedfordshire network are not missed. This may result in the requirement for further detailed junction assessments.</p> <p>Where DCO traffic related impacts at junctions within Central Bedfordshire are identified, appropriate mitigation schemes should be</p>	TBC

			proposed and secured via the DCO process. The applicant has made further contact with CBC to consider these matters further, but the matter is not currently considered to be resolved.	
6	Off-site parking	<p>Concern is raised that the 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, and the implications of this need to be considered as part of the Application for development consent.</p> <p>This concern relates to both formal 'off-site' car parking, which already provides for a large proportion of the existing Airports parking, but which has not been modelled as expanding in line with the increases in all other modes of access, and also informal 'fly-parking' in existing communities, which would be outside of the host authorities ability to control through the planning system. Whilst it is within the gift of local authorities to implement policies that control parking, this has cost and timescale implications, which the Host Authorities would not face in</p>	The only way this could feasibly be dealt with through the DCO is planning for parking control areas to be extended to Caddington and Slip End and plans provided accordingly. Including a related financial commitment to support ongoing monitoring and management.	TBC

		<p>the absence of the proposed DCO. This adds a further burden in terms of the Authorities' network management duties.</p> <p>in the Hearings for ISH4 the applicant stated that offsite car parking had been accounted for in the Transport Assessment work. CBC would seek further details from the applicant on how this has been modeled and accounted for.</p> <p>It was also confirmed that engagement with regards to fly parking would be carried out, which CBC welcome.</p>		
Public Health				
7	Methodology and Evidence Base	<p>Assessment has disregarded locally produced health assessments (except for Luton). Localised knowledge is absent.</p> <p>Central Bedfordshire assessment is authority wide level, masking localised health and population inequalities. By reporting on the wider area at a county level, there is a risk that vulnerable groups situated within close proximity to the airport have not been identified and potential impacts missed.</p>	<p>Assessment of local data reports, ensuring a consistent approach for all host authorities.</p> <p>There continues to be a lack of robust justification for the discounting of localised health strategies and datasets. The response that health impacts on the wider study area (incorporating CBC) are dispersed throughout the population and not linked to specific locations or communities does not seem to account for the geography</p>	TBC

			of CBC – a resident living in Dunstable or Houghton Regis is more likely to be impacted by the development due to proximity than a resident in Sandy. The spatial variation in health (and deprivation) within the population of CBC is an important factor on the overall health impacts the expansion will have on our population.	
8	Securing mitigation measures to address effects on mental wellbeing	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.	Applicant needs to demonstrate how mitigation would be secured.	TBC
Noise				
9	Baseline	It is inappropriate to use the 2019 baseline as this year was not compliant with the planning conditions (giving elevated noise levels).	2019 compliant data or 2022 baseline should be used.	TBC
10	Policy	Whether the proposal accords with Government policy in terms of limiting the number of people significantly affected by aircraft noise. Whether the policy requirement for a balance between growth and noise reduction is appropriately weighted.	Revise assessment to comply with aviation noise policy.	TBC

11	Assessment	Whether the noise levels do decrease over time.	Revise assessment	TBC
12	Green Controlled Growth	Whether the Green Controlled Growth Framework will be effective (a matter that must be proven)		TBC
Air Quality				
13	Legislation and Policy	Whether the proposal accords with Government policy (and emerging policy).	Review of legislation and policy.	TBC
14	Assessment	Whether consultation took place with Natural England to agree the method to determine ammonia emissions and nitrogen deposition impacts was agreed.	The Applicant should confirm if Natural England have agreed to the methodology used for assessing ammonia emissions on ecological sites.	TBC
15	Assessment	No mention of acid erosion impacts at cultural heritage receptors (Luton Hoo and Someries Castle)	Updated assessment or justification within the report.	TBC
Heritage				
16	Luton Hoo Conservation Area	There is no consideration of the impact of the proposal on Luton Hoo Conservation Area, which contributes to the significance of the Registered Park and Garden and setting of the mansion. The Conservation Area is noted but there is no specific assessment in Table 10.11.	Assessment to be updated.	TBC
17	Someries Castle	Potential impact and harm arising from the proposed development on Someries Castle have not been adequately addressed	See ISH6 Post Hearing Submission document and CBCs response to the	TBC

		particularly regarding impact on brick erosion. It is unclear how harm will be mitigated.	Applicant's response to CBCs LIR.	
18	Viewpoints/Visualisations	Appendix 14.7 uses wirelines for some views and block forms for others. A consistent approach should be used. Lack of clarification on representative viewpoint 18 – clarification is required on what elements of the proposed development would be visible.	Applicant has provided clarification for this approach and annotation are provided on the visuals. Please see ISH6 post hearing submission document.	Annotated viewpoints have been submitted (dated 9 August 2023).
19	Fire Training Ground	Lack of information to understand the visual and environmental impact of the Fire Training Ground on Someries Castle and Luton Hoo Registered Park and Garden. This is in terms of built form and usage.	The location of the Fire Training Ground needs to be considered. Visuals have been annotated but further information required regarding the use. Engagement on this matter is ongoing.	TBC
20	Setting impacts to non-designated heritage assets	As per the NPPF the setting of a non-designated heritage asset should be taken into account. This has been scoped out of the assessment.	The applicant should assess the setting of non-designated assets.	TBC
Community First Fund				
21	Lack of detail	There is insufficient detail contained within <i>Draft Compensation Policies, Measures and Community First</i> to understand how the split between Luton and other authorities has been	Additional information to be provided.	TBC

		<p>determined. The split is based on 60% to Luton and 40% to other authorities has been demonstrated.</p> <p>There is lack of information regarding the operation, distribution, and overall effectiveness of the Community First Fund.</p> <p>See CBCs Local Impact Report for further discussion on this.</p>		
Landscape				
22	Assessment	Numerous clarifications are required, and various inconsistencies are noted. Lack of consideration of aesthetic and perceptual qualities contributing to landscape character. Impacts on the AONB are not fully considered.	Clarifications needed	TBC
Green Controlled Growth				
23		Concern regarding the approval process for the ESG, proposed timeframes. Insufficient information with respect to surface access. See CBCs Local Impact Report.	Further information needed. CBC welcome the ongoing engagement on this matter.	The Applicant has scheduled a meeting to discuss the GCG Framework.
Draft Development Consent Order				
24		<p>A number of issues have been raised in CBCs Local Impact Report with respect to the Articles and Requirements of the Draft Order</p> <p>Please also refer to pages 68-77 of the joint Herts authorities PADSS.</p> <p>Further information is provided in the Post Hearing Submission document for ISH1.</p>	Further engagement required with the Applicant.	