

Development Management

Central Bedfordshire Council

Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



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

RESPONSE TO THE APPLICANTS' COMMENTS ON CENTRAL BEDFORDSHIRE COUNCIL'S LOCAL IMPACT REPORT (LIR) - DEADLINE 3 SUBMISSION

Date – October 2023

Procedural Deadline Submission – Deadline 3 - 5 October 2023

**Response to the Applicant's Comments on Central Bedfordshire Council's
Local Impact Report (LIR)**

This document set out the response of Central Bedfordshire Council (CBC) to the Applicant's Comments on the Council's Local Impact Report (LIR) (ref. REP2A-005)

Reference from LIR	Extract from CBC's LIR	Applicants' Response to CBC's LIR	CBC's Response to the Applicant
5.1 Air Quality			
5.1.8	<i>It is recommended that targets for the reduction of emissions on-site are written into environmental procurement requirements and a monitoring regime established to assess the effectiveness and application of emission saving measures. It is welcomed that this would be secured through a Code of Construction Practice (Requirement 8 of the draft DCO).</i>	Agreement on a commitment to include these recommendations in the environmental procurement requirements and secured through the Code of Construction Practice (CoCP) is being sought in the submitted at Deadline 2 [Statement of Common Ground TR020001/APP/8.14].	Noted.
5.1.9	<i>There are some issues with the [Code of Construction Practice] which has been submitted in outline form. The lead contractor is charged with responsibility for the implementation of an environmental system covering all construction works including those carried out by</i>	The Code of Construction Practice (CoCP) [APP-049] applies to all works so that the lead contractor can take that overarching approach to management of all works and sub-contractors on site as is best practice across the industry. Any suggestion that management should be divided would exacerbate the issue raised. The lead contractor will be suitably qualified and will have experience of addressing construction effects and the environmental	This does not address the request for independent checking.

	<p><i>subcontractors and others. This is a substantial role for implementing and ensuring controls and mitigation is in place for large and complex works happening concurrently on multiple fronts. For example, it is not clear how cumulative impacts and risk will be predicted from work statements submitted by contractors carrying out works at the same time and how will higher performing or greater controls be implemented, monitored and audited to ensure absolute limits are not exceeded.</i></p>	<p>management of construction activities through an appropriately certified management systems (e.g. ISO14001) across the whole works. The environmental effects during construction of the whole Proposed Development over the three assessment Phase have been assessed and reported in Chapter 7 Air Quality of the Environmental Statement [AS-076], which includes construction activities programmed to occur simultaneously within each assessment Phase.</p>	
<p>5.1.10 and 5.1.11</p>	<p><i>Regarding air quality, the outlined controls or measures that would be included in the planned Dust Monitoring Plan appear standard, but not empirically informed. There is a lot of detail needed to make an effective plan and emergency procedures such as prolonged periods of dry weather and wind which significantly increase</i></p>	<p>Dust mitigation measures have been informed following industry best practice. The method of assessment of risk and suitable mitigation has been agreed with CBC as noted in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14]. With application of suitable mitigation all dust impacts can be reduced to be a negligible level. Required 8 of the draft Development Consent Order (DCO) [AS-067] requires the appointed contractor to develop several management plans outlined in the Code of Construction</p>	<p>The Applicant indicates that dust mitigation measures have been informed by industry best practice. However, there has been no progress on the dust management plan so it cannot be confirmed that dust impacts would be reduced to negligible.</p>

	<i>windblown dust. Currently, there is no third-party checking or independent checking planned by the applicant, and considering the magnitude of the works, duration and potential for high-risk events such as prolonged dry weather and wind, contaminated fines or dust or contractual or management difficulty, we recommended this is included for by Luton Rising.</i>	Practice (CoCP) [APP-049], including the dust management plan, which are to be submitted to the relevant planning authority for approval before works commence. This setting of outline principles for construction management at planning consent and a requirement for them to be developed further by the contractor post consent is standard practice.	
5.1.13	<i>Communities to the west of the airport in Central Bedfordshire are less well represented by assessment locations in this area. For example, Caddington, Slip End, Woodside, Lower Woodside, Aley Green located proximate to departure flight paths have not been included but are within the scope of interest of Central Bedfordshire Council and the Parish Councils. Relative change of pollution concentrations and portion of compliance with current and future limits are</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no CBC73 and item no CBC74). It is noted this will be discussed further with the council to clarify impacts in the listed areas. The Applicant considers the modelling methodology including modelled receptor locations to be robust. The modelling methodology is detailed in section 3 in Appendix 7.1. of Chapter 7 Air Quality of the ES [AS028]. There are multiple modelled receptors west of the airport, including 18 receptors in and west of Caddington, a receptor at Woodside and three receptors at Slip End. The Applicant considers these receptors to be representative of the areas west of the airport in Central Bedfordshire, as they are	It is welcomed that further discussion will be undertaken with CBC.

	<p><i>not discussed by the applicant. Discussion of predictions of air pollution in the human and ecological environment is widely scant and would also usefully include, Luton Hoo and Someries Castle, and for the long-term effects of erosion to historic buildings and remains of heritage value. Natural England's concerns include air pollution of Sites of Special Scientific Interest, as are Central Bedfordshire Council's on the ecology.</i></p>	<p>also more sensitive to the relevant sources of emissions to the airport (aircraft flightpaths and the affected road network) than those located further away. Receptors were also included at Luton Hoo (C1) and Someries Castle (C2). The details of these receptors can be found in table 3.1 in Appendix 7.1. of Chapter 7 Air Quality of the ES [AS-028] and are shown in Figure 7.3a (page 17, 21 and 22 of 23) of Chapter 7 Air Quality Figures 7.1 – 7.3a of the ES [AS-098]. There are also multiple ecological receptors modelled in Central Bedfordshire, identified in the study area using criteria defined in the Appendix 7.1. of Chapter 7 Air Quality of the ES [AS-028]. Details of the receptors are also provided in that Appendix 7.1 and the receptors are shown in Figure 7.3b of Chapter 7 Air Quality Figures 7.3b – 7.26 of the ES [AS099]. The results at these receptors can be found in Appendix 7.3. of Chapter 7 Air Quality of the ES [APP-063] and no significant impacts are predicted to occur.</p>	
5.1.15	<p><i>Monitoring locations are planned...but there is no coverage in the southwestern parishes of South Bedfordshire relevant to the predominantly westerly take off directional</i></p>	<p>The GCG Framework [APP-218] and appended Air Quality Monitoring Plan [APP-222] set out the mechanism for monitoring air quality and implementing mitigation where required to control potential future air quality impacts from the Proposed Development. This includes the</p>	<p>Provision of monitoring locations in South Bedfordshire would provide appropriate safeguards for local residents to monitor any changes in air quality. CBC request that this is considered.</p>

	<p><i>mode of operation. Monitoring results would usefully inform members of the Environmental Scrutiny Group proposed in the Green Controlled Growth (GCG) Framework and should include Central Bedfordshire Council including for air quality and noise impact topics and changes regarding threshold and limits changing according to regulation.</i></p>	<p>annual reporting made available to the public and independent bodies in the Environmental Scrutiny Group (ESG) and Technical Panels. The process for determining the air quality monitoring locations based on the results of the air quality assessment reported in Chapter 7 Air Quality of the ES [AS-076] is set out in Section 3.3 of the Green Controlled Growth Explanatory Note [APP-217]. No air quality impacts have been predicted in the South Bedfordshire area as detailed in Chapter 7 Air Quality of the ES [AS-076] as such no monitoring is required in this location. Details of monitoring can be found in section 7.13 of Chapter 7 Air Quality of the ES [AS076]. As set out in Section 2.4 of the Green Controlled Growth Explanatory Note [APP217], Central Bedfordshire Council are proposed to be members of the ESG, as well as the Air Quality and Noise Technical Panels.</p>	
5.1.16	<p><i>There is concern regarding the assessment and future monitoring of air quality in Central Bedfordshire due to the limited number of monitoring locations. Based on the foregoing, Central Bedfordshire consider the impact on air quality to be negative and it is not</i></p>	<p>The Applicant considers that the issue raised regarding impacts on air quality was answered within the Applicant's Response to Relevant Representations Part 2A of 4 [REP1-021] page 9, in response to RR-0210. As no significant impacts are predicted to occur across the study area, the application does meet requirements of the local plan.</p>	Noted.

	<i>considered that the requirements of the local plan have been satisfied</i>		
5.2 Biodiversity			
5.2.4	<i>The Council's Ecologist has reviewed the submission and has confirmed that the on the ground impacts in Central Bedfordshire are likely to be limited.</i>	Noted.	
5.2.6	<i>Whilst biodiversity net gain is not a mandatory requirement for NSIPs, CBC welcome the commitment made by the applicant to achieve 10% biodiversity net gain. However, it is necessary to ensure these measures are appropriately managed</i>	Noted. This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no CBC97). The OLBMP (Appendix 8.2 of the ES [AS-029] will ensure appropriate management of the habitats for 50 years with monitoring included to identify the need for adjustments to the management as required.	Noted.
5.2.9	<i>Based on the foregoing, Central Bedfordshire consider the impact on biodiversity to be neutral and it is considered that the requirements of the local plan have been satisfied</i>	Noted.	
5.3 Climate Change Resilience and Green House Gases			

5.3.6	<i>Overall, the assessment is considered sufficient and accords with the requirements of Policy CC1. Based on the foregoing, Central Bedfordshire Council consider the impact on Climate Change and Green House Gas emissions to be neutral.</i>	Noted.	
5.4 Cultural Heritage			
5.4.9	<i>During the statutory consultation stage in 2019 and 2022 concerns were raised regarding the evident crumbling of important brickwork detailing at Someries Castle, which has accelerated in recent years and is demonstrable through photographs from the 1970s onwards. The loss of brickwork detailing at Someries Castle impacts fundamentally on building significance. Significant concern remains that the proposed development could result in direct impacts resulting from vibration and</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC148).	Discussions ongoing. Whilst we acknowledge that Sulphur Dioxide has been scoped-out in respect of pollutants, we remain concerned about the impacts of a combination of Nitrogen Oxides and moisture on the surface of the Monument brickwork, and how any such impacts can be practically mitigated. Discussions to take place between Central Bedfordshire Council and Historic England on this matter, and an update on these discussions will be provided at Deadline 4.

	<i>pollution, which may result in the deterioration of the fabric of Someries Castle.</i>		
5.4.11	<i>The existing FTG facilities have a maximum height of 15.4m as set out in Chapter 4 of the Environmental Statement. There is concern that the FTG, due to its size and operational nature would have an impact on the setting of Someries Castle, which is a point of concern that was raised during the statutory consultation stage.</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC150).	Discussions ongoing. There remains a lack of clarity, in particular, in respect of the visual and olfactory (i.e. sight and smell) impacts of the FTG during operation.
5.4.15	<i>The development has the potential to impact negatively on the significance of the Luton Hoo Estate (Grade II* Registered Park and Garden) and the setting of the mansion house by virtue of the additional built development that would be visible from the grounds. The existing airport buildings occupy an elevated location to the northeast of the Registered Park and Garden and are visible from key vantage points from</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC147 and item no. CBC149).	Further clarity is required on this point.

	<p><i>principal rooms of the east front of the mansion and glimpsed views from within the hotel grounds.</i></p>		
<p>5.4.16</p>	<p><i>The development would be phased, and components of the proposed development would be visible through the treeline and skyline, introducing external built form into the setting.</i> <i>Appendix 14.7 Representative Viewpoint 18 shows the intrusive impact of new built form about the treeline, although it is unclear what building is shown as the viewpoints have not been annotated, a point raised in the PADSS. This building would be visible at low level at the north end of Tank Drive (Luton Drive) within the north section of the historic designed parkland landscape, an area where Capability Brown's design concept for Luton Hoo was executed on its most grand scale.</i></p>	<p>Appendix 14.7 of the Environmental Statement has been updated to include annotations of buildings (work nos.). This was submitted to the ExA on 9 August (refer to AS142). The building in question is Work 4g Car Park P1 (known as Tiered Car Park).</p>	<p>Noted. The annotated viewpoints will be assessed.</p>

5.4.17	<i>Viewpoint 18 also shows built form breaking the skyline at the opposite end of its sweep but it is not clear what element of the proposed development is represented.</i>	Appendix 14.7 of the Environmental Statement has been updated to include annotations of buildings (work nos.). This was submitted to the ExA on 9 August [AS-142]. The building in question is Work 2b(02) New Airport Equipment (IRVR).	Noted. The annotated viewpoints will be assessed.
5.4.18	<i>Paragraph 10.9.76 of Chapter 10 of the Environmental Statement acknowledges that the visual impact of these new components would be significant moderate adverse effect yet no additional mitigation measures have been put forward.</i>	Additional landscape and visual mitigation measures are set out in Section 14.10 of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079]. No specific additional mitigation measures to address the visual impacts on views from Luton Hoo RPG can be included. as There are no reasonably practical measures that would reduce the moderate effect identified.	Further clarity to Applicant's Response requested in respect of the scope of "reasonably practical measures" considered.
5.4.19	<i>Overall, it is considered that elements of the proposed development would erode the visual quality, and consequent vital contribution, of outward views within the parkland and also its wider, historically resonant landscape setting.</i>	An assessment of the impacts of the Proposed Development on visual quality and outward views within the parkland and its wider landscape setting are presented in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] and Section 14.9 of Chapter 14 Landscape and Visual of the Environmental Statement [AS079]. All reasonably practicable measures have been explored to reduce these impacts as set out in Sections 10.8 and 10.10 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] and	Further clarity to Applicant's Response requested in respect of the scope of "reasonably practical measures" considered..

		Sections 14.8 and 14.10 of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079].	
5.4.20	<i>Additionally, the proposed development, particularly due to operational impacts could impact on the tranquillity of the RPG. It is recognised that the levels of tranquillity are already influenced by the existing airport operations and there are other external noise sources including background road and rail noise. However, increased aircraft movements, which generally follow a flight path that passes over the northern section of the RPG could impact tranquillity.</i>	An assessment on the impact of noise (amongst other factors) on the setting of heritage receptors (including Luton Hoo RPG) is presented in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077]. The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]. Section 10.9 of Environmental Statement Chapter 10 Cultural Heritage [AS-077] identifies a moderate adverse significance of effect to Luton Hoo Grade II* Registered Park and Garden (RPG) arising from change within its setting due to aviation noise (paragraphs 10.9.77 – 10.9.82). This considers the existing noise environment of the park and the importance of 'quietness' as part of its setting. An assessment of the harm, in accordance with paragraph 202 of the NPPF, is provided in Appendix D, Heritage Statement [APP 198] of the Planning Statement [AS-122]. This concludes that less than substantial harm will be caused to the heritage significance	Noted.

		of Luton Hoo Grade II* RPG as a result of aviation noise within its setting.	
5.4.21	<i>Part of the estate is designated a Conservation Area and whilst 'scoped in' in Chapter 10 of the ES, it is not specifically referenced or discussed thereafter. The proposed development would not be visible from within the Conservation Area but nonetheless an assessment is expected as the Conservation Area contributes to the significance of the RPG</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC147).	Noted.
5.4.22	<i>There is concern that the use of the FTG would impact on the Luton Hoo mansion house and RPG due to the close proximity and it is unclear how far the visual and air quality impacts of FTG facility use would travel.</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC144). The impacts from the FTG have been assessed as detailed in section 7.5.22 of Chapter 7 Air Quality of the Environmental Assessment [AS-076]. Effects from uses of the FTG along with cumulative effects from all airport operations were assessed including at the locations noted and results are presented in table 3.1 in Appendix 7.1. All impacts are predicted to be not significant.	Discussions ongoing. There remains a lack of clarity, in particular, in respect of the visual and olfactory (ie sight and smell) impacts of the FTG during operation.
5.4.24	<i>The proposed development site lies within a known archaeological landscape</i>	Noted.	

	<p><i>with remains dating from the later prehistoric periods onwards recorded on the Central Bedfordshire and Luton Historic Environment Record (HER) for the area. The nature of the proposals outlined in the DCO application are such that the development will not have direct impacts on known below ground archaeological remains within Central Bedfordshire.</i></p>		
<p>5.4.25 and 5.4.26</p>	<p><i>It is noted that neither of these documents [Chapter 10 of the ES and the Heritage Desk Based Assessment] provide a detailed description of Someries Castle, despite it being identified in Table 10.11 (Heritage Assets Considered in the Impact Assessment, Chapter 10) as a receptor which has the potential to be affected by both construction and operational impacts. It is also noticeable in its absence because of the greater level of detail that is</i></p>	<p>Someries Castle scheduled monument is described in Section 4.5 of Appendix 10.1: Cultural Heritage Desk Based Assessment (DBA) [APP-072], with photographs provided in Annex A of the DBA. A description of Someries Castle's heritage interests, and the contribution its setting makes to its heritage value, is detailed in Section 5.1 of the DBA. The greater level of detail in the DBA between Luton Hoo RPG and Someries Castle's is because the former has more components of heritage interest that have been articulated when describing its heritage value. The visual component of Luton Hoo RPG's setting, that contributes to its value, is also more extensive than that of Someries Castle's,</p>	<p>Noted.</p>

	<i>provided about Luton Hoo parkland. Nevertheless, Sections 10.9.6 to 10.9.30 do assess the contribution that the setting of the monument makes to its significance and considers what the potential impacts of the construction and operational phases of the development might be.</i>	and therefore further narrative was required in order to describe it fully.	
5.4.27	<i>Based on the assessment by the Council's Conservation Officer and Archaeologist it is considered that the potential impact and harm arising from the proposed development on Someries Castle, particularly regarding the impact on brick erosion, has not been adequately addressed in the submission documents.</i>	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC144 and item no. CBC148).	Discussions ongoing. Whilst we acknowledge that Sulphur Dioxide has been scoped-out in respect of pollutants, we remain concerned about the impacts of a combination of Nitrogen Oxides and moisture on the surface of the Monument brickwork, and how any such impacts can be practically mitigated. Discussions to take place between Central Bedfordshire Council and Historic England on this matter, and an update on these discussions will be provided at Deadline 4.
5.4.28	<i>The Cultural Heritage Management Plan (CHMP) (appendix 10.6 of the ES), which would be secured by requirement 16 of the draft</i>	This matter is acknowledged by the Applicant and the matter is being considered in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC138).	

	<p><i>DCO, sets out a commitment to undertake air quality monitoring at Someries Castle, which is welcomed. However, there is no suggestion that a condition assessment of the monument pre-construction is proposed. Additionally, there is insufficient detail in the CHMP as to how the collected data would be used and shared with the Local Planning Authority, or how the monitoring results might inform specific actions in respect to preservation of the building fabric. CBC therefore suggest that a baseline understanding of the current state of the monument would be beneficial to devise an appropriate course of action, should the predicted change to air quality be such that it does have the potential to cause deterioration to the fabric of the ruins.</i></p>		
<p>5.4.29</p>	<p><i>Pursuing tangible public heritage benefits from the proposed development in</i></p>	<p>The NPPF (paragraph 197) requires local authorities to take into account the desirability of sustaining or enhancing the</p>	<p>For complete clarity, it is requested that the deliverable public heritage benefits are itemised in respect of individual</p>

	<p><i>respect to sustaining or enhancing the significance of a heritage asset and reducing or removing risks to a heritage asset is a policy requirement. However, it is unclear from the assessments what the tangible benefits are.</i></p>	<p>significance of a heritage asset when determining applications. The Proposed Development has considered where assets within their control can be enhanced as part of the project. These have been incorporated into the mitigation strategy as appropriate. All risks to heritage assets resulting from the Proposed Development have been reduced where possible, with mitigation in place for residual risks.</p>	<p>heritage assets within the control of the Applicant, and also itemised in respect of the reduction of risks/mitigation measures to individual heritage assets beyond the Applicant's control.</p>
<p>5.4.30</p>	<p><i>In respect to the Fire Training Ground, there is insufficient information to fully understand the visual and environmental impacts of the relocated facility on Someries Castle and Luton Hoo RPG, particularly during operation. There are particular concerns regarding the impact of the use of the facility on local air quality and the resultant impact of emissions on the vulnerable brick fabric of Someries Castle.</i></p>	<p>This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC144).</p>	<p>Discussions ongoing.</p> <p>Whilst we acknowledge that Sulphur Dioxide has been scoped-out in respect of pollutants, we remain concerned about the impacts of a combination of Nitrogen Oxides and moisture on the surface of the Monument brickwork, and how any such impacts can be practically mitigated.</p> <p>Discussions to take place between Central Bedfordshire Council and Historic England on this matter, and an update on these discussions will be provided at Deadline 4.</p> <p>There remains a lack of clarity, in particular, in respect of the visual and olfactory (ie sight and smell) impacts of the FTG during operation.</p>

<p>5.4.31</p>	<p><i>In terms of Luton Hoo RPG, Chapter 10 of the Environmental Statement concludes the level of harm to be minor adverse (not significant). However, it is considered that the level of harm has been downplayed and the increase in air traffic would erode the tranquillity in and around the RPG. Additionally, components of the proposed development would erode the visual quality, and consequent vital contribution of outward views within the parkland and also its wider historically resonant, landscape setting. Further clarity is required in terms of Viewpoint 18 and 19 of Volume 5 ES Appendix 14.7 Accurate Visual Representations.</i></p>	<p>This matter is being addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.14] (item no. CBC145, item no. CBC149 and item. no CBC77). Section 10.9 of Environmental Statement Chapter 10 Cultural Heritage [AS-077] identifies a moderate adverse (significant effect) to Luton Hoo Grade II* Registered Park and Garden (RPG) arising from change within its setting due to aviation noise (paragraphs 10.9.77 – 10.9.82). This considers the existing noise environment of the park and the importance of 'quietness' as part of its setting. An assessment of the harm is provided in Appendix D, Heritage Statement [APP 198] of the Planning Statement. [AS- 122] This concludes that less than substantial harm will be caused to the heritage significance of Luton Hoo Grade II* RPG as a result of aviation noise within its setting. 'Tranquillity' is considered as part of the landscape assessment as reported in Chapter 14 of the Environmental Statement [AS-079]. The Accurate Visual Representations provided as Appendix 14.7 of the Environmental Statement have been revised since submission and are available in the examination library [AS141 to AS-145], the Applicant believes these are clear and provide the information necessary to</p>	<p>Noted.</p>
----------------------	---	---	---------------

		understand the impacts of the Proposed Development.	
5.4.32	<i>The Planning Statement concludes less than substantial harm to the significance of Luton Hoo RPG. Policy HE2 of the Central Bedfordshire Local Plan and paragraph 202 of the NPPF require the harm to be weighed against the public benefits of the proposal. It is unclear from the Planning Statement and Heritage Statement (Appendix D of the Planning Statement) how the necessary test set out in national and local policy has been undertaken.</i>	An assessment of the harm to the historic environment has been provided in Appendix D Heritage Statement [APP 198] of the Planning Statement [AS- 122] This has concluded that less than substantial harm will be caused to a single designated heritage asset, Luton Hoo Grade II* listed Registered Park and Garden. In accordance with paragraph 202 of the NPPF this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are set out in the Section 9 of the Planning Statement [AS-122]. The statement concludes that the harm caused to the heritage asset should be afforded a limited negative weight in the planning balance taking into consideration the less than substantial harm caused, and that the substantial benefits of the Proposed Development 'clearly and demonstrably outweigh the harms that would arise' (paragraph 9.1.24).	Noted.
5.4.33	<i>Based on the above it is not considered that the proposed development complies with the requirements of Policy HE1, HE2 and HE3 of the Central Bedfordshire Local Plan in respect to impact on</i>	Appendix E Policy Compliance Tables [APP199] of the Planning Statement [AS-122] demonstrates compliance of the Proposed Development with Policies HE1, HE2 and HE3 of the Central Bedfordshire Local Plan in respect to impact on designated heritage assets.	Discussions ongoing in respect of the completeness of impact assessments with regard to Someries Castle Scheduled Monument and Luton Hoo RPG.

	<i>designated heritage assets. Further assessment and clarification are required to fully understand the impact on Someries Castle and Luton Hoo RPG. The impact resulting from the development is therefore considered negative.</i>		
5.4.34	<i>In terms of archaeology, the information and data gathered for the Cultural Heritage Desk Based Assessment is adequate and sufficient to consider the impact of the proposals on the known below ground archaeological resource in Central Bedfordshire. The nature of the Order Limits is such that it is unlikely that there will be any direct impacts on below ground archaeology.</i>	Noted.	Noted.
5.5 Economics and Employment			
5.5.5	<i>There is some concern regarding the methodology used in Chapter 11 Economics and Employment in the ES, notably the basis</i>	It is acknowledged that the relevant assumptions underpinning the effects on housing market assessment are based on 2011 Census data and this is a limitation. Applying 2021 Census data would not	Noted.

	<p><i>for assessing sensitivity of the local housing market. The assumptions are based on 2011 census data, which is deemed a limitation and should be stated as such. Additionally, effects relating to outbound tourism have not been assessed.</i></p>	<p>materially alter the assessment conclusions. A limitation relating to the non-availability of Census 2021 data at the time of preparing the Environmental Statement is in paragraph 11.6.2 of Chapter 11 of the Environmental Statement [APP-037], which is applicable to this assessment. The implications for outbound tourism in terms of the effect on local businesses has been taken into account in the assessment of the wider economic impacts as set out in Section 8 of the Need Case [AS-125], which includes an assessment of the implications of inbound tourism as well as the supply chain (indirect) implications of the airport operation, including hotel related employment. Consideration of the tourism deficit was scoped out of the environmental assessment.</p>	
<p>5.5.6</p>	<p><i>An Employment and Training Strategy has been submitted and this articulates the goals and joined up approach required to ensure an airport expansion is successful across functional market areas. In order to realise the associated economic benefits. The ETS would be secured through the S106</i></p>	<p>The Employment and Training Strategy (ETS) [APP-215] submitted as part of the application for development consent sets out that the ETS would be secured through a Section 106 agreement and that any monitoring and evaluation of outcomes and initiatives outlined within the ETS would be agreed to and scoped out once the decision on the DCO has been reached. The Applicant will continue to engage with the Council on this issue.</p>	<p>Noted. To date no draft S106 has been reviewed.</p>

	<i>agreement as set out in the Heads of Terms in the Planning Statement, although to date no draft agreement has been provided.</i>		
5.5.7	<i>Based on the foregoing, the impact on employment is considered positive.</i>	Noted.	
5.6 Health and Community			
5.6.2	<i>There are significant concerns regarding the potential impact of the proposed development both during construction and operational phases on the public health and wellbeing of local residents, particularly relating to sleep disturbance and air quality. This would be most prevalent in areas that are under the flight path. The impact on health from noise is a significant issue and it is noted that physical and mental health outcomes associated with aircraft noise include annoyance, sleep disturbance, disruption</i>	The impact of noise (day and night) from the Proposed Development on health and quality of life has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]. The assessment of noise impact on schools considers the risk of cognitive impairment at higher noise exposures, but no significant effects have been identified for schools. An assessment of the impact of noise on health and communities, including an assessment of annoyance, sleep disturbance and cardiovascular health has been undertaken and reported in Chapter 13 Health and Community of the Environmental Statement [APP-039]. This assessment inherently considers impacts and results of	The comments are noted and will be considered in further detail.

	<p><i>to children's learning, mental health and cardiovascular health. Increased carbon emissions could also impact on cardiovascular health.</i></p>	<p>the assessment in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]. An assessment of the health effects of air emissions (particulates and NO2), including mortality rates and hospital admissions for respiratory and cardiovascular disease, has been undertaken and reported in Chapter 13 Health and Community of the Environmental Statement [APP-039].</p>	
<p>5.6.3</p>	<p><i>Within the Landscape and Cultural Heritage section of the report, reference is made to the impact of the development on tranquillity. Paragraph 15.6.12 of the Central Bedfordshire Local Plan specifies that 'tranquillity can support health and well-being and be a key contributor to quality of life.' The extent of aircraft movements across Central Bedfordshire could impact on the peaceful enjoyment of open countryside, negatively impacting on the well-being and mental health of local residents</i></p>	<p>Changes in tranquillity can deter the use of open and green space or reduce the health benefits gained from using these spaces. Countryside and open space around the airport is affected by existing flightpaths and has low levels of existing tranquillity. While tranquillity will be reduced compared with the 'do nothing' option, the magnitude of change is not considered to materially affect the use or enjoyment of open space resulting in adverse health effects. Impacts of the Proposed development on tranquillity have been assessed in other sections of the Environmental Statement. An assessment of the landscape and visual effects, including consideration of noise and tranquillity (amongst other factors including overflight below 7,000 ft) on the Chilterns AONB is presented in Chapter 14 of the Environmental Statement [AS-079]. This has identified a moderate adverse effect on the sense of</p>	

		tranquillity perceived by those recreating within the AONB.	
5.6.5	<i>The evidence base and methodology that underpins the assessment, and consequently, the conclusions drawn is based on the significant and residual effects identified by other topics and is therefore perceived as a reactive and passive approach to assessment, potentially lacking influence on the proposed design. There is concern that the assessment fails to clearly demonstrate a direct impact on the design of the proposal.</i>	Embedded mitigation is taken into account in the final health assessment. Embedded mitigation initiated by the Health and Community topic and other related topics such as Noise, Landscape and Visual, Traffic and Transport, is presented in Section 8 of Chapter 13 Health and Community of the Environmental Statement [APP-039]. The assessment presented in the Environmental Statement (ES) reports the conclusions of the final assessment of the final scheme. The environmental and social considerations of options and alternatives are reported in Chapter 3 of the ES [AS-026], and two Preliminary Environmental Information Reports were consulted on as the project developed. This shows that shows that environmental and social consideration were given throughout design development.	
5.6.6	<i>The assessment has disregarded locally produced health assessment (except for Luton), such Joint Strategic Needs Assessments (JSNA), Health and Wellbeing Strategies (HWB), or Direction of Public Health</i>	Detailed health profiles for the Wards within the Local Study Area are presented in the health baseline, Chapter 13 Health and Community of the Environmental Statement [APP-039]. The majority of the Central Bedfordshire area falls within the 'wider study area' for the health assessment. Impacts on health determinants in the wider study area are	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 of CBC – a resident

	<p><i>Annual Reports, in favour of national data sets provided by the Office for Health Improvements and Disparities (OHID). As a result, the localised knowledge necessary for proper interpretation and understanding of health data is absent. There is no justification within the assessment for discounting these strategies, despite this point being raised in the statutory consultation response. Nonetheless, the inclusion of OHID/PHE Mental Health JSNAs for all relevant authorities is welcomed.</i></p>	<p>dispersed across the population rather than impacting specific receptors. Detailed health baseline information (such as that included in the JSNA) for the wider study area has not been presented in the baseline as this is not proportionate to the level of assessment undertaken for this area.</p>	<p>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.</p>
<p>5.6.7 – 5.6.9</p>	<p><i>This issue becomes evident when examining the assessment of health and population characteristics for Central Bedfordshire, which are only assessed at the authority-wide level (Paragraphs 13.7.31 through .41). This approach masks localised health and population inequalities that we know exist in Central</i></p>	<p>See above response. Ward-level data on health indicators, including life expectancy, for areas closest to the airport are presented in Section 13.7 of Chapter 13 Health and Community of the Environmental Statement [APP-039] and have been taken into account in the assessment of receptor sensitivity. The applicant agrees that variation in the socioeconomic and health status of communities is masked by local-authority level data presented for the wider study</p>	<p>See above comments.</p>

	<p><i>Bedfordshire. For instance, the assessment concludes that Central Bedfordshire exhibits aboveaverage life expectancy and lower-thanaverage deprivation (13.7.41). However, publicly available ward-level data from OHID's Fingertips indicates that there is a difference of over 8 years in life expectancy between the highest and lowest levels within Central Bedfordshire for both males and females (see Appendix 1). The areas with the lowest life expectancy are those closest to the airport and fall below the England average, but this aspect has not been assessed by the applicant. Particularly in-light of the conclusions made on the Disability Adjusted Life Expectancy (DALYs). A DALY is a sum of the potential years of life lost due to premature death and the equivalent years of 'healthy' life lost from being in a state of poor health or</i></p>	<p>area. Health effects in the wider study area are associated with issues such as economic growth and employment, which are distributed throughout the population and not linked to specific locations or communities. Therefore, it is considered proportionate to base this assessment on local-authority level data. The methodology for assessing impacts of operational noise on DALYS is based on changes in total population exposure. The assessment notes that 'the extent to which different groups within the community would be affected by the physical and mental health outcomes associated with aircraft noise will vary. Noise sensitive individuals, shift workers, socioeconomically disadvantaged individuals, people with existing ill health, children and the elderly are particularly vulnerable to noise and may be disproportionately affected by changes in aircraft noise'. See paragraph 13.9.59 of Chapter 13 Health and Community of the Environmental Statement [APP-039]. The mechanism for securing the fleet mix transition to quieter new-generation aircraft is the Noise Envelope, which is referenced in Chapter 13 Health and Community of the Environmental Statement [APP-039] and cross-references are provided to Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]</p>	
--	---	---	--

	<p><i>disability. This metric has been used to assess the impacts of the proposal on population healthy life expectancy arising from the proposed development and concludes that the Proposed Development is predicted to result in a potential reduction in DALYs for all health outcomes when compared to the situation in 2019. This is based on the use of newer aircraft with quieter and more efficient engines by operators, which would offset the impacts of an increase in air traffic movements. The mechanism for securing this, such as the use of a Night Quota Count system as in force at Gatwick, Heathrow, and Stansted Airports, is not mentioned in the Health and Community Assessment. Additionally, there is also uncertainty whether the disparity in life expectancy in Central Bedfordshire has been considered in the assessment and</i></p>	<p>where further detail is provided. The benefit of the transition to 'new generation' aircraft (e.g. the Airbus 320Neo and 321Neo and the Boeing 737Max) in the early years of expansion (phase 1) will be shared with the community, with the Noise Envelope Limits to be set at commensurate levels to secure this. For the later years of expansion (phase 2 and onwards), the Noise Envelope includes a defined mechanism to share the noise reduction benefits of future technological improvements in aircraft between the airport and local communities. This would be controlled through a requirement to review the Limits and Thresholds in 5-year cycles and reduce these, if reasonably practicable, as and when future technology becomes available, and its noise performance known. Please refer to the Green Controlled Growth Explanatory Note [APP-217] for further information.</p>	
--	---	---	--

	<i>recommendations arising from the DALYs findings.</i>		
5.6.10	<i>Similarly, IMD scores and Income Deprivation vary across Central Bedfordshire, and our most deprived areas are predominantly located near the airport, specifically in and around Dunstable and Houghton Regis (see Appendix 2 and 3). Once again, this level of detail is absent from the applicant's assessment, casting doubt on whether the conclusions drawn regarding Central Bedfordshire's population health and the impacts from the proposal have considered this.</i>	Ward-level data on health indicators, including IMD scores, for areas closest to the airport are presented in Section 13.7 of Chapter 13 Health and Community of the Environmental Statement [APP-039] and have been taken into account in the assessment of receptor sensitivity. The applicant agrees that variation in the socioeconomic and health status of communities is masked by local-authority level data presented for the wider study area. Health effects in the wider study area are associated with issues such as economic growth and employment, which are distributed throughout the population and not linked to specific locations or communities. Therefore, it is considered proportionate to base this assessment on local-authority level data.	
5.6.11	<i>There is also concern that Table 13.11 contains several unknown datasets (absent data), despite information such as the LGBTQ+ population being available from Census data. It is unclear which attempts or data sources have been examined to determine the unknown data for other</i>	The 2011 Census did not include LGBTQ+ data. 2021 Census data on LGBTQ+ groups was not available at the time of writing. No effects on LGBTQ+ groups are identified in the Equalities Impact Assessment, and these groups are not considered to be more vulnerable to the health effects identified in Chapter 11 Economics and Employment of the ES Environmental Statement [APP-0xx], compared with the general population.	

	<i>vulnerable groups and if present whether these would impact on the assessment.</i>		
5.6.12	<i>The Health and Community assessment section (13.9.39) presents the assessment at a regional level for the 'Three Counties' of Beds, Bucks, and Herts, and then provides more localised information specifically for 'Luton.' However, no justification is provided for why the data is presented separately for Luton but not for any of the other constituent authorities or areas. The 'Three Counties' cover a vast regional area, and each authority and place have their own economic characteristics and functions, which are not explicitly considered in the presentation of this assessment.</i>	The assessment of the health effects associated with employment are based on employment forecasts for the Luton and Three Counties Areas, presented in Chapter 11 Economics and Employment of the ES Environmental Statement (ES) [APP-037]. That assessment has been undertaken in line with methodology defined in the EIA Scoping Report [APP-166 and APP167] of the (ES). Responses were provided to all Scoping Opinion comments received in Appendix 1.4 of the ES [APP-047]. The Economics and Employment assessment presented in Chapter 11 of the ES does not set out to provide effects at the individual authority level of each authority in the Three Counties except Luton, in line with proposed methodology. The economic implications of the Proposed Development at the operational stage are set out for each local authority area at Appendix 4 of Appendix 11.1 to the ES [APP-079].	
5.6.13	<i>CBC raised the specific economic impacts on the populations of Dunstable and Houghton Regis in the</i>	More specific information on the employment and GVA impacts of the development in specific towns is provided in Appendix 6 of Appendix 11.1 of the ES	Noted.

	<p><i>statutory consultation response due to their higher deprivation and proximity to the airport thus being able to benefit from increased economic activity. We are therefore unable to distinguish the applicant's assessed economic benefits arising from the proposal and their impact on more deprived communities (and in turn the health inequalities they face) in Central Bedfordshire.</i></p>	<p>[APP-079]. This includes information for Dunstable.</p>	
<p>5.6.14</p>	<p><i>Regarding the design impacts on health, we have expressed concerns about the Health and Communities Assessment's passivity and the lack of clarity regarding its influence on the design or other aspects of the proposal. In their statutory consultation response, CBC recommended the completion of the Healthy Airports Checklist by CHETRE, yet it is unclear whether this recommendation was followed and informed the</i></p>	<p>See response to 5.6.5 above. The assessment methodology for health and community effects is applicable to both the construction and operational phases of the Proposed Development. The methodology for the health assessment is based on relevant UK guidance provided by IEMA, HUDU, WHIASU and the IAIA. See Table 13.4 of Chapter 13 Health and Community of the Environmental Statement [APP-039]. Embedded mitigation initiated by the Health and Community topic and other related topics such as Noise, Landscape and Visual, Traffic and Transport, is presented in Section 8.</p>	<p>Noted.</p>

	<i>assessment and analysis presented. Addressing these concerns and incorporating the recommended checklist would contribute to a more proactive and impactful assessment.</i>		
5.6.16	<i>In summary, there is concern regarding the passive nature of the Health and Community Assessment and the lack of clear demonstration of its impact on the proposals design. The need for a more comprehensive and inclusive approach that considers localised health and population inequalities is required. Furthermore, addressing the absence of justified discounting of Public Health assessment and unknown data for vulnerable groups is crucial.</i>	See above responses.	
5.6.17	<i>The Council is concerned about the impact of the development on public health and wellbeing. Further information and clarity is required as set out above. Based on the</i>	Noted. The Applicant considers that the issue raised regarding the impact of the development on public health and wellbeing was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] page 18, in response to RR-0210.	The responses provided by the Applicant are noted but the concerns remain.

	<i>foregoing, the level of impact on health and communities is considered negative.</i>		
5.7 Landscape and Visual			
5.7.11	<i>There is concern that the proposed development in terms of, for example scale of built form, transport and movement, lighting, vapour trails and tranquillity would have a significant impact on the sensitive landscape areas during construction phases but most notably during operation.</i>	An assessment of the impacts of the Proposed Development on sensitive landscape areas is presented in Section 14.9 of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079]. All reasonably practicable measures have been explored to reduce these impacts as set out in Sections 14.8 and 14.10 of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079].	Noted.
5.7.12	<i>Mitigation measures are proposed in Chapter 14 of the ES and this includes the use of muted surface finishes on proposed building elevations and where feasible, airfield equipment. Whilst these measures are welcomed there remains strong concern regarding the visual intrusion of built development from Luton Hoo RPG, Someries Castle</i>	No specific mitigation measures are available (over and above those set out in Sections 14.8 and 14.10 of Chapter 14 Landscape and Visual of the Environmental Statement [AS079]) are available to address the impacts on these views.	Mitigation measures to be subject to detailed conditions and to include: <ul style="list-style-type: none"> • Material of new build to be muted surfaces and non-reflective. • Lighting strategy particularly upon 4g Car Park (Tiered Car Park) protecting dark landscapes or preventing an increase in light levels in already lit landscapes and • Soft landscape details inclusive of green walls.

	<i>and users of public footpath Hyde FP4 (west of Someries Castle).</i>		
5.7.13	<i>Off-site landscaping mitigation is proposed along the northern edge of Hyde FP4 (to the east of Someries Castle), Hyde FP5 and Hyde Bridleway 3. As per the draft DCO (Work 5e) this includes soft landscaping and boundary treatment including fencing. There is currently insufficient information to assess the impact of these works on the function of the public rights of way network and the rural landscape character of the area to be assessed. The authority would expect the submission of cross sections, boundary treatment details and a plan showing the extent of landscaping to be provided. The proposed hedgerow planting should be native species that respond positively to the context of the area and management/maintenance</i>	The level of landscape mitigation information provided within the application is based on the 'Rochdale envelope' as explained in Chapter 5 Approach to the Assessment of the Environmental Statement [AS-075]. The maximum physical extents of the Proposed Development have been assessed i.e. reasonable 'worst-case' physical extent and environmental impacts. A degree of flexibility in final design details will be maintained, allowing detailed design to be developed without affecting the validity or robustness of the conclusions of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079]. The information provided in the application is therefore considered sufficient for the assessment of the effects of the Proposed Development on the function of the public rights of way network and the rural landscape character of the area. Off-site hedgerows proposed as part of the Proposed Development are subject to the Outline Landscape and Biodiversity Management Plan as described in section 5.2 of that document [AS-029].	Noted. Where possible proposed off site hedgerows as mitigation measures are to be included within representative viewpoints.

	<p><i>procedures should be secured. It is currently unclear whether off-site hedgerow maintenance is captured in the Outline Landscape and Biodiversity Management Plan. Requirements that secure this information prior to commencement of off-site hedgerow restoration should be included in the DCO.</i></p>		
<p>5.7.14</p>	<p><i>Due to concerns regarding the impact from the public footpaths, the Landscape Officer has suggested that the mitigation is extended so that the likely significant landscape effects during the construction and operation phase for users of public footpath Hyde FP4 (to the west of Someries Castle) can be reduced. It is acknowledged that this area is not included in the red line boundary but alternative mechanisms for securing mitigation should be explored, such as additional planting along the southern</i></p>	<p>Options for exploring landscape mitigation (such as hedgerow planting) along the southern boundary of the site are limited. The airport runway is in close proximity to the southern boundary and the introduction of additional planting along this boundary is likely to conflict with the objective of minimising the risk of bird strike, as set out in the Bird Strike Risk Assessment [APP-066]</p>	<p>Noted and accepted.</p>

	<i>boundary of the application site.</i>		
5.7.15	<i>There is concern that the areas to the north, northwest and west of Luton have not been assessed within the LVIA. As shown on Figure 14.17 Number of Aircraft Overflights per day up to 7000ft (Assessment Phase 2b) of Chapter 14 Landscape and Visual Figures, there would be increased overflights across areas in Central Bedfordshire, which could impact on local residents</i>	An assessment of the impacts of the Proposed Development on areas to the north, northwest and west of Luton have been considered as part of Chapter 14 Landscape and Visual of the Environmental Statement [AS-079]. All reasonably practicable measures have been explored to reduce these impacts as set out in Sections 14.8 and 14.10 of Chapter 14 of the Environmental Statement [AS-079].	Noted.
5.7.16	<i>There is concern that the construction effects, notably during Phase 2b would result in a noticeable deterioration to the aesthetic and perceptual characteristics of the AONB. Significant impact would also result during the operational phase due to increased aircraft movements, which could impact on the recreational use and overall enjoyment of the AONB.</i>	An assessment of the construction effects of the Proposed Development during Phase 2b and the operational phase on the aesthetic and perceptual characteristics of the Chilterns AONB is included as part of Chapter 14 of the Environmental Statement [AS-079].	Noted.

5.7.17	<i>It is noted that Chilterns Conservation Board have submitted a Relevant Representation detailing their concerns regarding the proposal. The response indicates that the boundary of the Chilterns AONB is currently under review.</i>	The Applicant considers that the issue raised regarding the ongoing review of the Chilterns AONB boundary project was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] page 46-47, in response to RR-0229.	Noted.
5.7.18	<i>The application is supported by an LVIA (Chapter 14 of the ES) which has been assessed by the Council's Landscape Officer who is satisfied with the baseline information and methodology used. The Landscape Officer agrees with the assessment and conclusions within the LVIA, which in many instances indicate significant landscape effects during construction and operational phases</i>	Noted.	
5.7.19	<i>However, it is necessary for additional viewpoints to the north, north-west and west of Luton to be assessed due to potential impact resulting from increased aircraft movement across these</i>	The extensive number of viewpoints included in Chapter 14 of the Environmental Statement [AS-079] were discussed and agreed with the Host Authorities Technical Working Group (TWG) which included the landscape officer from CBC. Further viewpoints are	Accepted. See CBC Post Hearing Submission for ISH6, which covers this under Action point 22.

	<i>areas of Central Bedfordshire.</i>	not considered necessary to understand the potential effects.	
5.7.20	<i>It is also considered that a consistent approach should be adopted for the LVIA visuals. Currently there is lack of consistency with the use of wireframes for some visual and blocks for others.</i>	A combination of wireframe, block and illustrative visualisations have been used in Appendix 14.7 of the Environmental Statement [AS-037, AS-141 to AS-145] to graphically represent the Proposed Development. Wireframes have been used for long distant views and/or where little or none of the Proposed Development is visible. Block photomontages are used for short and middle distance views and/or where more of the Proposed Development is visible. This is in line with best practice which advocates a proportionate approach for the production of visualisations of development proposals (Ref 2.1).	A consistent approach to be provided with all viewpoints. Applicant to revisit short and middle distance views and/or where more of the Proposed Development is visible with particular attention to Viewpoints 18, 24 & 25. Please see CBC Post Hearing Submission for ISH6 (Appendix 1).
5.7.21	<i>A Lighting Obtrusion Assessment has been undertaken (as set out in Appendix 5.2 of the ES), which concludes that the lighting from the development on views from the surrounding area would be negligible. This has been assessed by the Council's Landscape Officer. The conclusions regarding lighting impact are accepted but there is concern that due to the elevated position of</i>	The comment states that the findings of the Light Obtrusion Assessment [APP-052 and APP053] are accepted. That assessment included the assessment of 2 representative viewpoints in the Luton Hoo Estate and concluded negligible effect at both.	CBC has concerns that the lighting from the 4g Car Park (Tiered Car Park) may be harmful within Luton Hoo. Applicant to provide a night time view of Viewpoint 18.

	<i>the airport, the extensive scale of development there would be an impact on the sensitive Luton Hoo RPG.</i>		
5.7.22	<i>Moreover, the draft DCO does not contain any requirement for the submission of a full lighting strategy and Schedule 2 Part 2 of the draft DCO is inadequate as it does not contain sufficiently clear references to matters such as the design, height and location of any high mast lighting required within the airport (which is specified in Schedule 1 of the draft DCO).</i>	The Applicant is considering the point raised and will provide a response at the next deadline	It is welcomed that the Applicant is considering this and the proposed wording will be reviewed when the draft DCO is updated.
5.7.23 -5.7.24	<i>The application is supported by an Outline Landscape and Biodiversity Management Plan, which is considered acceptable. Requirement 5 would secure the details of the external appearance of the buildings prior to commencement of development and requirement 6 sets the parameters, including building volume and heights</i>	The level of landscape mitigation information provided within the application is based on the 'Rochdale envelope' as explained in Chapter 5 Approach to the Assessment of the Environmental Statement [AS-075]. The maximum physical extents of the Proposed Development have been assessed i.e. reasonable 'worst-case' physical extent and environmental impacts. The information provided in the application is considered sufficient to assess the adequacy of the landscaping mitigation	Noted.

	<i>that must be adhered to. In the absence of further detail, it is not possible to fully assess the adequacy of the landscaping mitigation measures</i>	measures at this stage, and this assessment is reported in the Environmental Statement [AS-079]. The applicant notes that requirement 5 sets out that no part of the authorised development is to commence until details on detailed design are approved in writing by the relevant planning authority, following consultation with the relevant highway authority on matters related to its functions.	
5.7.25	<i>It is noted that a Glint and Glare Assessment has been requested by the ExA and CBC would welcome the opportunity to review this document once submitted.</i>	A Glint and Glare Assessment [AS-146] was submitted to the ExA on 9 August 2023 and is available to view on the application website.	CBC will review the Glint and Glare Assessment and provide comments at Deadline 4.
5.7.26	<i>Overall due to the extensive scale of the proposed development, which includes large scale buildings and associated facilities, along with the intensity of operations, it is considered that the proposed development would have a negative local landscaping and visual impact. Mitigation measures are proposed but given the design has not been finalised it is not possible to fully determine the suitability</i>	The Applicant's assessment of landscape and visual effects is reported in Chapter 14 of the Environmental Statement [AS-079] and support appendices. Compliance with local policy is considered and reported in the Planning Statement [AS-122] and Append E - Policy Compliance Tables [APP-199].	The response of the Applicant is noted but the concerns of the local authority remain.

	<i>of the mitigation to offset the impacts. It is not considered that the proposal fully satisfies the requirements of Policy EE5 and EE7 of the local plan.</i>		
5.8 Major Accidents and Disasters			
5.8.4	<i>Based on the foregoing, it is considered that the impact in respect to major accidents and disasters would be neutral.</i>	Noted.	
5.9 Noise and Vibration			
5.9.3 – 5.9.4	<i>Most flights departing from and landing at Luton Airport follow a flight path that already has a significant impact on residents in Central Bedfordshire. There is strong concern that the increased air traffic movements would exacerbate the detrimental impact on local residents, a point that has been raised by local Parishes There are residential properties located in close proximity to</i>	The impact of noise from increased air traffic as a result of the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].	The Applicant states that all reasonably practicable measures are used to reduce noise impacts; our position is that this isn't true. Use of the faster growth sensitivity case to set limits, rather than the core case, means that there is scope to both limit and reduce noise impacts down to the core case. The Overarching Aviation Noise Policy Statement states within the policy paper: "We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the

	<p><i>the southern boundary of the main application site, including Someries Farm, Someries Cottage and The Lodge. There is concern that during the operational phase there would be an increase in the number of people affected by noise and impacts on residents in Central Bedfordshire, particularly residents to the south and communities to the west of the airport, proximate to the predominant departure paths, for example, Caddington, Slip End, Woodside, Lower Woodside and Aley Green.</i></p>		<p>context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, “limit” would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England.”</p> <p>The OANPS therefore allows for noise and economic benefits to be counter-balanced, but that limiting, mitigating and minimising are all still required. The noise assessment must happen first, before considering the overall planning balance. It is entirely feasible for noise levels arising from the proposed development to be minimised by moving noise contour limits from the faster growth case to the core case.</p>
<p>5.9.5</p>	<p><i>As expressed in the Health and Community section of the report there is concern regarding the impact on human health as a result of increased noise levels, which can lead to sleep deprivation leading to health issues and impacting on general wellbeing.</i></p>	<p>See response to paragraph 5.6.2. The approach to the assessment of noise and tranquillity in line with the National Planning Policy Framework (Ref 2.2) is set out in Section 16.5 of Chapter 16 of the Environmental Statement (ES) [REP1-003].</p>	

	<i>Additionally, as discussed in the Landscape section of the report, increased noise levels could impact on use of recreational areas due to impacts on tranquillity, which collective can lead to harm to health and well-being.</i>		
5.9.6	<i>It is recognised that construction noise effects would be time limited, although the project is phased and due to its scale, the construction work would be undertaken over an extensive period of time. Road traffic noise is also a concern but the most important issue for local communities would be in respect to air noise from the additional flights.</i>	Noted.	
5.9.10	<i>The noise documents do not present a case that complies with UK aviation noise policy or emerging policy which is equally important when looking at timeframes well into the future. Assessment for various sources of noise is not portrayed consistently or transparently. The air</i>	The applicant considers that the Proposed Development is fully compliant with local policy, UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012]. As described in Chapter 16 of the	The Applicant states that the only comparison that 2019 Actuals baseline is used for is “to demonstrate how noise impacts will reduce over time”. Given that the 2019 Actual baseline is unfairly inflated, a compliant baseline must be used to allow for a fair demonstration of how noise levels would reduce. Using a compliant baseline, noise levels would reduce marginally over the next 20

	<p><i>noise assessment, which is typically the most important issue for local communities, seeks to present a case of noise reduction over time through focusing on the wrong test and use of 2019 baseline data that was not in compliance with extant planning conditions. The incorrect methodology allows claims of noise reduction, rather than the clear noise increase brought about by the proposed development compared to the do minimum case in all future years. Generally, it is considered that the transparency of the ES documents should be improved as the conclusions are misleading.</i></p>	<p>Environmental Statement [REP1-003], the Applicant has undertaken an assessment of likely significant effects in Environmental Impact Assessment (EIA) terms by comparing the situation with the Proposed Development (the Do-Something scenario) to the situation without the Proposed Development (the Do-Minimum scenario) in each assessment year. The future air noise baseline (the Do-Minimum) is compliant with the airport's current consented long term noise limits in each assessment year and therefore demonstrates a scenario where the airport is operating within its currently consented noise limits. For aircraft air and ground noise the assessment also compares the Do-Something scenario in each year to the 2019 Actuals baseline (or the 2019 Consented baseline in the sensitivity test). This comparison is to demonstrate how noise impacts will reduce over time, in line with the government policy objective to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise. The Airports National Policy Statement (ANPS, Ref 2.3) provides clarity that this objective should be tested in relation to a historic baseline: "The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced</p>	<p>years in the daytime and would remain above the compliant baseline over the next 20 years in the night-time, rather than the larger benefits of noise reduction claimed by the Applicant. The reasoning for using 2019 Actuals provided by the Applicant are rejected; no guidance is specific enough to justify using a baseline where there was a breach of condition.</p>
--	--	--	---

		<p>compared to the 2013 baseline assessed by the Airports Commission.” (paragraph 5.58). The 'current baseline' is considered to be the actual noise levels in 2019, in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (which refers to the baseline scenario as “a description of the relevant aspects of the current state of the environment” in Schedule 4, paragraph 3). However, a sensitivity test using a '2019 Consented' baseline (derived for this purpose by adjusting the fleet mix that occurred in 2019 to reach a modelled noise impact that would sit within the existing 2019 short term Limits) is summarised in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]. An assessment against both the 2019 Actuals and 2019 Consented baseline has therefore been undertaken. The conclusions of residual significant effects remain the same for both assessments, as significant effects would be avoided through the provision of the full cost of noise insulation.</p>	
<p>5.9.11</p>	<p><i>Mitigation measures proposed in the Draft Compensation, Policies, Measures and Community First are acceptable in principle. However,</i></p>	<p>It is noted that the mitigation measures proposed in the Draft Compensation, Policies, Measures and Community First [AS-128] are accepted in principle. The extent to which a room is defined as habitable may vary depending on each</p>	

	<p><i>modifications are required to ensure clarity and to avoid unwarranted restrictions. For example, clarity is sought on what sort of rooms are referred to in paragraph 6.1.8, which excluded rooms solely for leisure activities. There is reference in paragraph 6.1.8 that suitable ventilation 'may' be provided but this is too vague. Section 6.1.14 states that the Noise Insulation Scheme will roll out to the most noise-affected properties first. Given that the extant scheme is not complete, it would be appropriate for an independent party to decide which properties need insulating to avoid currently eligible properties being pushed back.</i></p>	<p>household and its use. However, guidance has been included in paragraph 6.1.8 of the Draft Compensation, Policies, Measures and Community First [AS-128] which notes that habitable rooms would include bedrooms, living rooms and dining rooms, and may include kitchen/diners but would not include toilets, bathrooms, porches, conservatories, outbuildings and rooms used solely for leisure activities. Similarly, the extent to which suitable ventilation is required will depend on each household, the noise insulation package, and their existing ventilation provisions. The Draft Compensation Policies Measures and Community First [AS-128] document contains a commitment, in paragraph 6.1.14 to prioritise the most affected properties within the latest 63dB LAeq,16h and 55dB LAeq,8h contours and introduce each scheme as efforts to insulate those in worst affected contours are complete. As noted in paragraph 6.1.16 of the Draft Compensation, Policies, Measures and Community First [AS-128], in order to ensure successful delivery of the scheme London Luton Airport Consultative Committee (LLACC) will be provided with the data on eligible properties and will determine the priority areas for noise insulation based on those most significantly impacted and other</p>	
--	---	---	--

		<p>guidance from the Applicant covering eligibility criteria, commitments it has made to deliver the mitigation and the efforts it expects to be made to put works in place quickly.</p>	
<p>5.9.12</p>	<p><i>It is unclear whether the GCG Framework would provide additional certainty for local communities that they would not be exposed to the same type of breaches as previously experienced.</i></p>	<p>The Noise Envelope (see Green Controlled Growth Explanatory Note [APP-217]) has been designed to improve upon the existing noise control regime and to effectively prevent breaches from occurring. Appendix 16.2 Operational Noise Management (Explanatory Note) of the Environmental Statement [APP111] sets out how the proposed Noise Envelope contains mechanisms that should have avoided the noise Limit breaches that occurred at the airport from 2017-2019. This is further elaborated on in the Comparison of consented and proposed operational noise controls document [AS-121] which provides a direct comparison between the current and proposed operational noise controls, noting that the Noise Envelope provides several enhancements to the current consented noise controls that are designed to prevent breaches before they occur, such as independent scrutiny and oversight, increased transparency, adaptive mitigation and management plans and noise Limit reviews. Improvements have been made to the Noise Envelope since</p>	<p>We await further information from the Applicant on what mitigation measures could be employed within GCG in order to provide the certainty they refer to.</p>

		submission, and a worked example has been provided that can be used to reasonably conclude that the NE would have avoided the noise Limit breaches that occurred at the airport from 2017-2019 has been provided in Noise Envelope – improvements and worked example [TR020001/APP/8.36].	
5.9.13	<i>Overall, it is considered that the proposal would have a negative impact on local communities. There are shortcomings in the information submitted and it fails to comply with the requirements of local planning policy.</i>	Please refer to the Applicant's responses above to specific points on noise raised by CBC.	
5.10 Soils and Geology			
5.10.3 and 5.10.4	<i>Chapter 17 of the ES deals with soils and geology. Central Bedfordshire Council have no issues to raise regarding the methodology adopted. Based on the foregoing, the impact on soils and geology is considered neutral.</i>	Noted.	
5.11 Traffic and Transport			

<p>5.11.9</p>	<p><i>An important local factor is the Airparks site adjacent to Slip End, which is understood to provide for 4,400 off site car parking spaces related to the Airport. The Parish Council within Slip End have also previously raised concerns over the prevalence of 'Fly Parking', as detailed within the Parish Council's Relevant Representations and the appended correspondence between the Parish and the applicant.</i></p>	<p>Section 15 of the Transport Assessment [APP-203 to APP-206] states that whilst a mitigation strategy has been developed that would address the impact of the Proposed Development, a mechanism to monitor the highway network and manage any unforeseen consequences of the Proposed Development would also be provided. Through the on-going discussions with stakeholders, the Applicant is committed to investigating, and if necessary, provide assistance towards, measures such as parking controls, traffic management and calming measures.</p>	<p>Further to the ISH4 Hearings it is understood that the applicant will engage further with CBC on this matter. As per the representations made, it is the view of CBC that a pro-active approach to this issue is required, meaning it would likely fall outside of the TRIMMA process. Should the applicant wish to pursue this through the TRIMMA, then CBC would be seeking initial surveys to be carried out by the applicant team to allow for an agreed baseline, against which the impacts of the development could then be measured.</p>
<p>5.11.10</p>	<p><i>With regards to the junctions within Central Bedfordshire where changes in traffic flows are predicted, or where works are proposed, the most recently available collision data is summarised below. • 5 recorded collisions at the junction of West Hyde Road with the B653 (including 1 serious injury) • 11 recorded collisions at, or on the approaches to, the junction of the B653 with the A1081 (including 1 serious</i></p>	<p>Section 7 of the Transport Assessment [APP203 to APP-206] sets out the Personal Injury Collision data analysis undertaken by the Applicant. It is unclear what duration the listed accidents occurred over. Nevertheless, the Applicant and operator will continue to work with local authorities to understand the impacts of the airport through ongoing monitoring. There is an opportunity through this process to identify any impacts that are being realised in future and seek to investigate the potential implementation of traffic management measures to address any safety concerns if they are deemed to be associated with the Airport.</p>	

	<p><i>collision) • 3 recorded collisions at the southern A1081 dumbell roundabout. • 6 recorded collisions at, or on the approaches to, the junction of Luton Road with Newlands Road (including 1 serious accident) • 3 recorded collisions at the junction of Luton Road with Chaul End Road • 6 recorded collisions the junction of Newlands Road with the A1081 (including 2 serious collisions)</i></p>		
<p>5.11.11</p>	<p><i>Whilst the Airport and the associated works sit within Luton, the Airport is a significant trip generator and attractor for all modes of travel, and as such the proposed expansion is predicted to result in impacts on the highway network within the Central Bedfordshire Local Authority Area. These effects are forecast to predominantly be to the south and west of the Airport and broadly fall within the following categories. 1. Changes in</i></p>	<p>Noted. Section 10 Highway Capacity Assessment of the Transport Assessment [APP 203 to APP-206] has considered the impacts of the scheme and sets out a package of measure which include improvements within CBC.</p>	

	<p><i>traffic levels and patterns on the highway network immediate to the Airport, and routes providing access to and from the M1, including Junction 10, the A1081, and associated junctions. 2. Changes in traffic levels on routes to the south and west of the Airport, which sit within the Central Bedfordshire highway network. 3. The potential for informal and uncontrolled parking by staff and travellers, referred to as 'Fly Parking' taking place within the communities to the south and west of the Airport. 4. Increased demand for sustainable travel between the Airport and conurbations within Central Bedfordshire.</i></p>		
5.11.13	<p><i>The documents outline the proposed routing of HGV traffic to be via the M1 and A1081, with reference also made to east-west movements from the A1. Based upon the outline proposals within the</i></p>	<p>Noted. The Applicant will ensure that the appointed contractor meets the requirements of the Construction Workers Travel Plan (Appendix 18.4 of the ES APP-131) to effectively manage worker trips to and from the site during the various phases of construction.</p>	<p>Noted. Notwithstanding this, CBC would be looking to be consulted upon any submitted CTMP and Construction Workers Travel Plan and would request that the wording of the associated DCO requirements allows for this.</p>

	<p><i>submitted documents, the traffic impacts related to the construction phase of the development (outside of immediate traffic management associated with off-site highways works) are expected to be limited within Central Bedfordshire. It is however considered important that sufficient construction staff bus capacity and on-site parking is provided for, to avoid offsite parking taking place in locations such as Slip End and Caddington and adding to the issue of 'fly parking', which is addressed further within this report.</i></p>		
<p>5.11.14</p>	<p><i>In addition, should there be any change to the proposed routing of HGVs, for example as a result of the granular fill material for the development being sourced from within Central Bedfordshire, this would alter the level of impact within the Authority area, and as such the Authority would reserve the right to</i></p>	<p>The lead contractor will be required to manage impacts from construction as detailed in Appendix 4.2 Code of Construction Practice (CoCP) [APP-049] of the Environmental Statement. Detailed construction traffic impacts would be set out in the Construction Traffic Management Plan (CTMP), which would be developed in detail by the appointed contractor during the detailed design stage.</p>	<p>Noted. Notwithstanding this, CBC would be looking to be consulted upon any submitted CTMP and Construction Workers Travel Plan and would request that the wording of the associated DCO requirements allows for this.</p>

	<i>comment further in this eventuality.</i>		
5.11.15	<i>Central Bedfordshire have raised a number of queries over the modelling assumptions and following the issuing of the Rule 9 letter by the Planning Inspectorate it is understood that the applicant will be required to review the modelling work, with details of the indicative programme for a review and update process appended to the applicants response to the Rule 9 Letter dated 13th June 2023. As such the Council are of the view that only limited weight can be given to the currently submitted Transport Work in advance of receipt and review of that updated work and would request the right to comment further once that additional and updated information is made available.</i>	Noted. The transport modelling is being undertaken to respond to the ExA's 'Rule 9' request to consider the Department for Transport Guidance on the treatment of Covid-19 which was published after the modelling for the DCO had been completed. The modelling should enable the ExA to consider whether the package of mitigation measures set out in the DCO documents continue to mitigate the impacts of the Airport Expansion. As such, the submitted documents and associated mitigation strategy remain the as the main application documents for consideration. We note that CBC retains the right to provide further comment once the modelling requested by the ExA is available.	
5.11.18 to 5.11.20	<i>Whilst the A1081 (New Airport Way) falls predominantly within Luton,</i>	Discussions have been held between the Applicant and Central Bedfordshire Council with regard to the proposed highway	Whilst initial discussions have been held, the level of detail submitted remains at a very high, indicative level,

	<p><i>elements of the road are within Central Bedfordshire, including locations where highway mitigation works are proposed. These consist of:</i></p> <ul style="list-style-type: none"> <i>• New Airport Way / Gipsy Lane junction – As shown in document TR020001/APP/4.13, plan refs. LLADCO3C-ARP-SFA-HWM-DR-CE-0003 rev P01 / LLADCO-3C-ARP-SFA-HWM-DR-CE-0005 rev P01.</i> <i>• London Road South – As shown in document TR020001/APP/4.13, plan ref. LLADCO-3C-ARP-SFA-HWM-DR-CE-0017 rev P01.</i> <p><i>The works proposed at the New Airport Way / M1 Junction 10 are also immediately adjacent to the section of the A1081 within Central Bedfordshire. In the short term, the need to deliver mitigation works at these locations will require significant traffic management and will therefore impact upon driver journey times and route choices. The ability of the</i></p>	<p>mitigation measures which fall within the CBC boundary. The Applicant would continue to work alongside CBC as the designs progress through to the detailed stage.</p>	<p>and as such CBC do not yet have full confidence that the schemes proposed accord with design standards and can be delivered within the application redline boundary. As referenced in ISH1, CBC would be seeking appropriate assurances and protections through the agreement and inclusion of Protective Provisions within the DCO covering works to highways, and would also promote the preparation and agreement of a legal side agreement to cover the detailed design, delivery and handover of highways assets.</p>
--	---	--	---

	<p><i>Authority to effectively discharge its traffic management duties could be impacted if sufficient allowance is not made within the DCO for appropriate liaison to take place with regards to road space booking, traffic management, and other Streetworks activities associated with the delivery of highway mitigation works at these traffic sensitive locations.</i></p>		
<p>5.11.22 and 5.11.23</p>	<p><i>At present the offsite highways works plans supporting the DCO are to an indicative level only, and without the benefit of either vertical design or a Safety Audit, with a Stage One Safety Audit generally expected when considering a scheme at the planning stage, due to potential implications related to design and subsequent land requirements. As such this would require the majority of the review and approvals process to be carried out</i></p>	<p>The proposed mitigation has been designed around relevant standards including Design Manual for Roads and Bridges (DMRB), Manual for Streets (MfS) and other applicable documents. Whilst the designs are produced to an outline stage of detail, consideration has been given to vertical design in locations where there is significant widening proposed, however it is noted that in the majority of locations the proposed mitigation is generally limited to localised widening or realignment of existing kerblines, with only a small number of locations requiring more extensive widening. Stage 1 Road Safety Audits are proposed to be commissioned in due course and these will be shared with</p>	<p>Whilst the applicant states that the proposed mitigation has been 'designed around' relevant standards including the DMRB, MfS, and other applicable documents, CBC would be seeking confirmation that the designs accord fully with DMRB (taking into account the nature of the roads and improvement works in question, where MfS would not be applicable). Should there be any departures or relaxations from standards these should be identified by the applicant at this stage.</p> <p>It is understood following the ISH4 Hearings session that Stage 1 RSAs are</p>

	<p><i>after DCO consent has been granted. At present the Authority have concerns that the articles, requirements, and obligations of the Draft DCO do not provide sufficient timescales for the above activities to take place, or a framework within which Central Bedfordshire's interests as Highway Authority are sufficiently protected with regards to either traffic management or the review and approval of highways works. Further details with regards to this and the amendments to the DCO that Central Bedfordshire would be seeking with regards to these matters are provided later in this report.</i></p>	<p>relevant parties. The draft DCO includes in Part 2, a requirement (5) Detailed Design which provides that the approval of the relevant planning authority is required at detailed design stage before that part of the Authorised Development is to commence.</p>	<p>to be provided, which are welcomed. However, CBC have raised some further queries with regards to the proposed schemes and have advised that these should be addressed prior to the RSA being undertaken. In particular a request for further detail with regards to how the lane loss (from three to two lanes) is to be accommodated on the exits from the A1081 / Gipsy Lane signalised junction), as this detail is considered necessary to help inform the Safety Audit process.</p> <p>Having reviewed the referenced requirement in Part 2 (5) with regards to the approval of detailed design, it is not considered that this is directly applicable to highways works and that further protections would be required by CBC as Highway Authority. As raised with regards to ISH1, and also referenced by the Host Authorities in CAH1, CBC would be seeking to agree Protective Provisions with regards to Highways works. CBC have also requested that a separate side agreement be entered into with regards to highways works, covering:</p>
--	---	--	---

			<ul style="list-style-type: none"> • Submission, review, and approval of detailed design, specifications, and schedules • Inspections of works • Defects • Maintenance periods • Handover of works • Transfer of warranties • Covering of reasonable costs <p>and that this is progressed and finalised prior to the conclusion of the DCO.</p>
<p>5.11.24</p>	<p><i>The submitted Transport Assessment details the operation of the London Road South Roundabout junction as operating over capacity in the 2027 forecast assessment period, (table 10.78 of document TR020001/APP/7.02), with the base operation detailed as ‘intolerable delay’, worsening in the AM peak hour following the addition of DCO traffic. However, no mitigation is proposed until Phase 2a, in 2039 (table 8.1 of document TR020001/APP/7.02). As such, and without amendment to the proposed</i></p>	<p>Table 10.62 of the Transport Assessment [APP 203 to APP-206] shows that the worst case on the junction in the future baseline in 2027 is the PM peak hour where the average delays will be higher than in the with development scenario in the AM peak. The wider mitigation strategy will provide a significant improvement to the operation of the junction in the PM peak hour. Whilst it is acknowledged that the conditions will worsen in the AM peak with the development, average delays will still be lower than the PM peak future baseline. Discussions have taken place between the Applicant and CBC with regard to the operation of the A1081 / London Road South roundabout and the proposed mitigation scheme. Detailed junction assessments were undertaken to better understand the operation of the</p>	<p>It is noted that ‘the wider mitigation’ strategy is detailed as being expected to provide significant improvement to the operation of the junction in the PM peak hour. This statement does reflect CBCs concerns, raised in ISH4 with regards to the TRIMMA process, that individual schemes cannot be considered and reviewed in isolation, as they have been modelled as full packages of work, with complex interactions. In this instance, with the mitigation works to M1 J10 also forecast within the VISSIM model as relieving pressure on the London Road South Roundabout. The applicant team have acknowledged that the junction will worsen in the AM peak period, but appear to be arguing the case that, as</p>

	<p><i>phasing of mitigating works, the junction can be expected to operate increasingly over capacity, with worsening levels of congestion and delay without mitigating works for a period of up to 12 years. This is not considered to be acceptable by the Authority.</i></p>	<p>junction between the 'Core' (no airport expansion) and 'Do Something' (with airport expansion) scenarios. Outputs from the detailed modelling exercise were provided to CBC for comment on 27th June 2023, and re-issued on 31st August 2023. Notwithstanding this, the application includes the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) (Appendix I of the Transport Assessment [APP-202]) which the Applicant has proposed would be the mechanism for determining the need and timing for the implementation of mitigation measures.</p>	<p>this is no worse than the PM peak, that mitigation could be held back. This is not a position which CBC would agree with, as the impacts of the development in the AM peak hour remain unaddressed. Notwithstanding the above, the more detailed modelling submitted by the applicant team on the 27th June and 31st August predicts the junction to operate over capacity in all forecast years and in both peak hours, in each case worsening as a result of adding development traffic. As such CBC remain of the view that earlier delivery of the proposed mitigation will be required.</p>
<p>5.11.27 and 5.11.28</p>	<p><i>At the Newlands Road / Luton Road junction, average junction delay in 2043 is forecast to increase from 116 seconds per vehicle to 259 seconds per vehicle in the PM peak hour following the addition of DCO related traffic, (TR020001/APP/7.02 table 10.152) whilst at the Luton Road / Chaul End Road average junction delay is predicted to increase from</i></p>	<p>Discussions have taken place between the Applicant and CBC with regard to the impacts at Newlands Road / Luton Road and Luton Road / Chaul End Road. Detailed assessments were undertaken to better understand the operation of the junctions between the 'Core' (no airport expansion) and 'Do Something' (with airport expansion) scenarios and shared with CBC. Outputs from the detailed modelling exercise, together with potential measures to address the identified impact, were provided to CBC for comment on</p>	<p>CBC have now reviewed the two schemes in question and, whilst being broadly content with the modelling work, have reverted to the applicant team with a number of follow up queries, related to elements of the design. Based upon the early and significant modelled impact of development traffic at these locations, and the intention that the works are also intended to limit attractiveness to through traffic, CBC would be seeking early delivery of the schemes outside of the TRIMMA process. It is the view of CBC</p>

	<p><i>263 seconds per vehicle to 939 seconds per vehicle during the same period (TR020001/APP/7.02 table 10.153). Without mitigation, this is considered to be represent an unacceptable impact upon the routes and junctions in question, creating significant additional delay for the travelling public within Central Bedfordshire, and resulting in lengthy queues of stationary or slowly moving traffic within predominantly rural or village environments.</i></p>	<p>27th June 2023, and re-issued on 31st August 2023.</p>	<p>that the schemes in question could instead be secured via appropriate S106 obligations.</p>
<p>5.11.29</p>	<p><i>The submission also identifies impacts in the centre of Slip End (at the signal crossroads junction of Front Street with the B4540) and at the crossroads junction of the B653 with West Hyde Road. No detailed assessment of the operation of these junctions has been carried out at the time of this report, although additional information has been requested to allow the</i></p>	<p>Correspondence with CBC on the 31st August 2023 provided details on the impact of airport related traffic on the named junctions, with flow data extracted from the strategic model highlighting differences between the 2043 Core (without airport expansion) and 2043 Do Something (with airport expansion). This data indicated that: - Front Street / B5450: There would be a 2% increase in overall flows passing through the junction in the AM peak, and a 2% reduction in flows in the PM peak and therefore was not considered to be material. - B653 / West Hyde Road: There</p>	<p>CBC agree that the level of difference modelled at the Front Street / B5450 junction is sufficiently limited to not require further assessment at this stage. It is also noted that Slip End is included within the scope of the TRIMMA. With regards to the B653 / West Hyde Road junction, the 6% increase in the PM peak equates to an additional 131 vehicle movements, which is considered a sufficient level of increase to justify a more detailed assessment. Whilst V/C values in the strategic model may not</p>

	<p><i>impacts at these locations to be more fully quantified and mitigation identified if found to be necessary.</i></p>	<p>would be a 2% increase in overall flows passing through the junction in the AM peak, and a 6% increase in flows in the PM peak. The V/C data indicated very minor changes between the Core and Do Something models. From this data it is concluded that the addition of airport related flows would have no significant impact to the operation of the two junctions.</p>	<p>show an issue, CBC are mindful that the nature of Strategic models means that they can under-represent delay, with the Caddington Chaul End junction (for example) also being shown as operating within capacity within the strategic model summary results, but operating with significant queueing and delay when modelled in more detail using ARCADY.</p>
<p>5.11.31 to 5.11.35</p>	<p><i>Mitigation in the form of parking controls would therefore be considered necessary as part of any future expansion proposals. This issue is considered to be of particular relevance due to the limited increases in on-site parking proposed within the DCO submission, and the potential for this to drive additional demand for off-site car parking. It is noted that areas of concern in Luton are highlighted for potential controls or restrictions (DCO document ref TR020001/APP/4.13). The Council are of the view that this concern could feasibly be dealt with</i></p>	<p>Section 15 of the Transport Assessment [APP-203 to APP-206] states that whilst a mitigation strategy has been developed that would address the impact of the Proposed Development, mechanisms to monitor the highway network and manage any unforeseen consequences of the Proposed Development would also be provided. As previously noted, the Applicant and operator will continue to work with local authorities to understand the impacts of the airport through ongoing monitoring. There is an opportunity through this process to identify any impacts that are being realised in future and seek to investigate the potential implementation of traffic management and/or parking control measures in surrounding areas. Whilst the Applicant is not considering additional off-site parking as part of the DCO application, this does not preclude other off-site car</p>	<p>Further to the ISH4 Hearings it is understood that the applicant will engage further with CBC in this matter. As per the representations made, it is the view of CBC that a pro-active approach to this issue is required, meaning it would likely fall outside of the TRIMMA process. Should the applicant wish to pursue this through the TRIMMA CBC would be seeking an initial survey to be carried out by the applicant team to allow for an agreed baseline, against which the impacts of the development could then be measured. It is noted that the TRIMMA process, at present, does not appear to include proposals associated with the monitoring and management of off-site car parking. It is noted that the response states that the applicant is not considering additional off-site car parking as part of the DCO</p>

	<p><i>through the DCO by extending the parking control areas to Slip End (and Caddington if required) and similar plans provided accordingly, including an associated commitment to the costs of local engagement, management, and enforcement. It is noted that areas of concern in Luton are highlighted for potential controls or restrictions (DCO document ref TR020001/APP/4.13). The Council are of the view that this concern could feasibly be dealt with through the DCO by extending the parking control areas to Slip End (and Caddington if required) and similar plans provided accordingly, including an associated commitment to the costs of local engagement, management, and enforcement. There is a related concern that parking demands above those predicted could be realised if the mode share targets are</i></p>	<p>park operators from providing off-site airport car parks which would be subject to separate planning applications, and within which appropriate mitigation would need to be agreed with the relevant planning authority.</p>	<p>application, although it is also noted that in response to questions raised in ISH4 Hearings, it was stated that offsite car parking had been considered within the TA. This remains an area of concern for CBC and CBC would seek further clarity from the applicant on whether allowances for growth in off-site car parking have been made, and if so, how this is reflected in the modelling.</p>
--	--	---	--

	<p><i>not achieved, and that the additional parking demand would be generated at off-site locations. There may be increased pressure for long term parking provisions in the surrounding areas, including an increased demand within Central Bedfordshire, which is not currently acknowledged within the submission. The Council are of the view that the parking assumptions applied, which subsequently feed through to the car driver mode share within the modelling work, and in particular the lack of allowance for any increase in demand for off-site car parking, may underestimate the wider traffic impacts of the expansion, particularly on routes more remote from the airport. As such some of the impacts identified within Central Bedfordshire may be more significant than currently forecast.</i></p>		
<p>5.11.36</p>	<p><i>Proposals to improve the levels of sustainable</i></p>	<p>Noted. The Applicant is committed to supporting growth of sustainable modes</p>	<p>Could the applicant confirm if the updates to the modelling work will</p>

	<p><i>connectivity to and from the Airport are welcomed, including the investment in the DART system. It is also noted that the Transport work assumes a recovery in levels of public transport use to exceed the mode share recorded in the 2018 CAA report. For reference the 2018 CAA report detailed 24% of staff using public transport, which had reduced to 5% in 2020, and reported 33% of passengers using public transport in 2018, reducing to 9% in 2020. As such it is the view of CBC that considerable investment in public transport services would be required to achieve the baseline 2027 public transport mode share target detailed within the submission (staff baseline of 27% and passenger baseline of 40%) TR020001/APP/7.02 table ES.2.</i></p>	<p>through its Surface Access Strategy (APP-228) and Framework Travel Plan (AS-131).</p>	<p>include any allowance for changes in baseline mode choice, as well as traffic levels, as a result of COVID19 (accounting for the drop in public transport mode share in particular).</p>
<p>5.11.38</p>	<p><i>At present there is no detail of how any uplift in public</i></p>	<p>To respond to Relevant Representations submitted by authorities, the Applicant has</p>	<p>Noted - CBC will review the details of the proposed Sustainable Transport</p>

	<p><i>transport provision would be provided for, or secured within the DCO, or any assessment of what the increase in demand from the surrounding areas might be (at a local geographical level). As such CBC have some concerns that the proposed development could result in unmet and unfunded demands for additional bus travel originating within Central Bedfordshire</i></p>	<p>been undertaking a more detailed review of bus and coach routes to demonstrate the range of potential opportunities for improving bus and coach access to and from the airport. This includes considering potential improvements to current service provision and frequencies. Alongside this work, the Applicant is setting out its approach to the establishment of a Sustainable Transport Fund that will set the framework around how these types of improvements, alongside the others listed out within the toolbox of measures within the Framework Travel Plan [APP-229], would be funded.</p>	<p>Fund and comment further in due course.</p>
<p>5.11.39</p>	<p><i>It is considered that further assessment is required in order to fully understand the impact of the proposed development on the local highway network. Concerns are raised regarding the submitted information. Overall, it is considered that the proposed development would have a negative impact and does not accord with local plan policies.</i></p>	<p>The application is supported by an extensive package of measures including highway improvements to a number of junctions in CBC to mitigate the impacts of the proposed development. These are set out in Section 8 of the Transport Assessment [APP-200 to APP206]. The Applicant and operator will continue to work with local authorities to understand the impacts of the airport.</p>	<p>At present, whilst discussions are ongoing with regards to:</p> <ol style="list-style-type: none"> 1. Transport Modelling 2. Offsite highway works 3. TRIMMA 4. Sustainable Transport Fund 5. Framework Travel Plan 6. Green Controlled Growth Framework <p>the level of information and the degree of certainty over delivery would mean that CBCs position is currently unchanged. CBC would however welcome further discussion on these</p>

			points as proposed by the applicant and operator.
5.12 Waste and Resources			
5.12.2	<i>Waste an and Resources have been assessed in Chapter 19 of the ES. There is concern with respect to aggregate mineral supply. When demand is considered as a percentage of national demand, the impact is not significant. However, such materials are supplied on a local basis and are subject to both local market capacity and quantity constraints. In order to plan for this, an indication of when these materials might be required should be provided. This is considered to be lacking at this stage.</i>	Table 19.43 of Chapter 19 Waste and Resources of the ES [AS-081] provides estimated construction material and percentage of regional consumption by year. Assessment Phase 1 is 2.5 years in duration (2025-2027) and the estimated aggregate and earthworks material import quantity is 58,298 tonnes or 23,319 tonnes per year. Assessment Phase 2a is 3 years in duration (2033-2036) and the estimated aggregate and earthworks material import quantity is 475,243 tonnes or 158,414 tonnes per year. Assessment Phase 2b is 4 years in duration (2037-2040) and the estimated aggregate and earthworks material import is 165,341 tonnes or 41,335 tonnes per year.	Further discussion is considered necessary on this matter.
5.12.3	<i>Further information is required as set out above. However, generally the information is deemed satisfactory and the impact on waste and resources would be neutral.</i>	Noted.	

5.13 Water Resources			
5.13 to 5.13.5	<i>Due to the limited area of the application site within the administrative area of Central Bedfordshire no significant concern has been raised with regard to flood risk. The River Lea is located to the south-west of the main application site and is Flood Zone 3. Impact on the watercourse is a matter for consideration by the Environment Agency so no further comment is provided on this matter. Adequacy of application/DCO. Chapter 20 of the Environmental Statement deals with water resources and Flood Risk. The applicant has produced a Flood Risk Assessment (FRA) for the proposed development (Volume 5 ES Appendix 20.1 FRA), thereby satisfying the requirement of Policy CC3. Requirement 13 is proposed with respect to surface and foul water drainage. Based on the foregoing, the impact</i>	Noted.	

	<i>on water resources is considered neutral.</i>		
6. Other Considerations – Green Controlled Growth (GCG)			
6.3	<i>Whilst the principles of GCG are welcomed there is some concern regarding the process, particularly in regard to the formal approval process for the ESG for example, in respect to exceedance of Level 1 Thresholds. Additionally, there is concern that the timeframes for review by the ESG and Technical Panels are too restrictive and do not allow sufficient time for appropriate review and scrutiny. In terms of surface access limit review, the information provided by the applicant is limited.</i>	With respect to the ESG formal approval process, it is not considered appropriate or necessary for any formal approvals by the ESG where impacts remain below a Level 2 Threshold (but above a Level 1 Threshold), as no breach has occurred at this point, and the Limit is unlikely to be in immediate danger of being breached (i.e. within the next calendar year). In these circumstances, the airport operator will be operating the airport at acceptable levels of environmental impacts, for which it should not require approval to continue to do so. The required commentary is considered to be a form of positive action, that does not exist under current planning conditions, as it does require a level of consideration proportionate to the risk of a potential future breach. The development of the timings for the GCG Framework included significant engagement with the airport operator to understand the necessary timescales for the availability and analysis of monitoring data, which informs the need for and subsequent development of a Level 2 Plan (or Mitigation Plan). It is essential for a Level 2 Plan (or Mitigation Plan) to be	Further discussion is required on this.

		<p>approved ahead of the following summer season's capacity declaration at the end of September, as illustrated in Section 2.3 of the GCG Explanatory Note [APP-217]. The lengths of time for review and approval are considered acceptable in this context. However, if specific changes to timeframes are proposed by the Council, these can be reviewed in the context of the need to maintain the ability to meet the capacity declaration deadline. Information regarding the review of Limits is provided at Section 2.3 of the GCG Framework [APP-218]. This section states the process and programme for review, as well as highlighting that there will be no ability to change any of the Level 1, Level 2 Thresholds or Limits to permit materially worse environmental effects. The Council's position regarding the surface access Limit review is noted.</p>	
<p>6.4</p>	<p><i>Paragraph 2.6 of GCG Framework Appendix A: Draft ESG Terms of Reference sets out details administrative costs that will be funded by the applicant. However, there is no mechanism for agreeing such costs which may be a barrier to agreeing them in a timely manner and could</i></p>	<p>The Applicant is willing to discuss the details of local authority funding through future engagement on Statements of Common Ground and Section 106 obligations.</p>	<p>Noted.</p>

	<i>result in delays which will impact on the ESGs ability to meet other deadlines set</i>		
6.5	<i>Further discussion is required regarding the GCG Framework.</i>	Noted. The Applicant will continue its engagement with CBC on GCG.	Noted.
6.7	<i>The provision of a community fund that would help share the positive social impact with neighbouring areas is welcomed. However, the information contained in the Draft Compensation Measures, Policies and Community First document is limited and does not provide sufficient clarity on how the funds would be distributed and whether there is a role for local authorities to play in overseeing the distribution of funds, ensuring that local communities benefit.</i>	The Draft Compensation Policies Measures and Community First Revision 2 [AS-128] sets out at para 10.1.2 that awards panels will be established to make grant awards. Awards panels will differ dependent upon the nature and geographical area within which awards are being considered, with the expectation that relevant local authorities will be invited to sit on awards panels as appropriate.	
6.8	<i>There is limited justification for the 40/60 split in favour of the Borough of Luton. Areas in Central Bedfordshire also experience deprivation. For example, 3 Central</i>	The 60/40 split was a decision taken by the Board of Directors of the Applicant, having considered a number of factors including the existing comparatively higher levels of deprivation within Luton, that Luton experiences more negative effects of the operating airport than neighbouring	Noted but this remains a point of concern.

	<i>Bedfordshire Lower Super Output Areas (LSOA) are in the 10 to 20% most deprived in England, based on the Index of Multiple Deprivation 2019</i>	authorities, and that Luton is the home of the airport	
6.9	<i>Tackling deprivation and achieving carbon neutrality are two very varied criteria, and it would be beneficial to split the fund into two scheme targeting the different areas of focus as well as widening the use to include other potential projects that would benefit impacted communities.</i>	The Applicant wishes to maximise the flexibility available to the administrator of Community First to makes awards across either of the themes without restriction, and considers this is best achieved through a single 'pot' rather than separating these out. As set out at 8.1.1 and 8.1.2 of the Draft Compensation Policies Measures and Community First Revision 2 [AS-128], the two initial themes for Community First are specifically intended to align with Luton Councils' Luton 2040 Vision, noting good alignment also with the national levelling up and decarbonisation agendas. Community First includes a review provision built in through which future changes to the award themes can be made.	
6.10	<i>Further discussion is required regarding the GCG Framework.</i>	Noted. The Applicant will continue its engagement with CBC on GCG.	
7. Consideration of Articles and Requirements of the Draft Order			
7.2	<i>Schedule 1 details the work to be undertaken and Work</i>	The Applicant notes the comments made and is considering these further. Where	Action Point 28 from ISH6 requires the Applicant to consider comments from

	<p><i>No. 5e relates to Offsite hedgerow restoration and screening. This would be applicable to the works proposed adjacent to Hyde Footpath No. 4 and 5, and bridleway 3. The draft DCO specifies that this includes soft landscaping and erection of boundary treatments including fencing. However, the Work Plan Landscaping and Mitigation Works Scheme Layout do not provide any detail such as cross sections, boundary treatment, extent of planting to enable an assessment of the impact these works on the function of the public rights of way network and the rural landscape character of the area. There are no requirements that secure this information prior to commencement of offsite hedgerow restoration and this information needs to be secured through the DCO.</i></p>	<p>appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside an updated draft DCO.</p>	<p>Central Bedfordshire regarding request for cross sections, boundary treatment details and a plan showing the extent of landscaping in Requirement 9 of the draft DCO, notwithstanding wording in Requirement 9(2). The Council will provide feedback on this once this point has been actioned.</p>
7.3	<p><i>Article 4 – Maintenance of authorised development Whilst it is recognised that</i></p>	<p>The Applicant does not agree with the Council's concern. As identified by the Council, the definition is a standard</p>	<p>Further consideration to be given to this point by CBC.</p>

	<p><i>this is a standard DCO provision, it is considered that the wide definition of 'maintain' in Article 2(1) could allow a marked departure from the original Development.</i></p>	<p>provision and includes a non-exclusive list of those actions that comprise the maintenance of the authorised development, provided that such works do not give rise to any materially new or materially different environmental effects in comparison to those reported in the Environmental Statement. In the context of the airport it is important for the Applicant to be able to undertake all the elements of maintenance that are included within this definition. This approach has been taken in other made DCOs (see for example The M42 Junction 6 Development Consent Order 2020, The Southampton to London Pipeline Development Consent Order 2020, The A1 Birtley to Coal House Development Consent Order 2021, The Manston Airport Development Consent Order 2022, The Sizewell C (Nuclear Generating Station) Order 2022 and The M25 Junction 28 Development Consent Order 2022.</p>	
7.4	<p><i>There is concern regarding the various timescales that CBC would be bound by as set out in the DCO. For example, within Part 3 there are several requirements for consent to be sought from the 'street authority' and this</i></p>	<p>The Applicant considers that all time periods for Council responses are appropriate. In particular, the Applicant considers that it is necessary to include deemed consent so as to prevent unnecessarily delaying delivery of the Project. The Applicant has proposed reasonable periods of time for the Councils to determine such requests for approval</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<i>includes a 28-day deemed consent mechanism.</i>	(i.e., 28 days). The Councils, and other authorities, will have had time during the examination of the project to understand better (compared to any usual approval unrelated to a DCO) the particular impacts and proposals forming part of the DCO. It is important to note that deemed consent provisions take effect in relation to a failure to reach a decision, not a failure to give consent. It is, of course, open to the Councils and other local authorities, if so minded, to refuse consent or to request further information within the time periods specified. The concept of deemed consent is well precedented: see, for example, article 12(6) of the A19/A184 Testo's Junction Alteration Order 2018, article 15(6) of the A30 Chiverton to Carland Cross Development Consent Order 2020, article 13(8) of the Southampton to London Pipeline Development Consent Order 2020 and article 15(6) of the 303 Sparkford to Ilchester Dualling Development Consent Order 2021.	
7.5	<i>Many of the requirements in the draft DCO are triggered by 'commencement' of development. The concept of 'commencement' is defined in this requirement, which carves out a number of activities which would not</i>	The Applicant maintains its position explained in the Explanatory Memorandum [AS-069]. For the purposes of Schedule 2, the carrying out of a limited number of works that would constitute a "material operation" under the 2008 Act is not to be taken to mean that the development has "commenced", in the context of activating	Please see ISH1 post hearing submission document – Deadline 3 submission.

	<p><i>trigger the need for compliance with various requirements. However, there is some concern that some of these activities could give rise to impacts that would require mitigation to be in place (and therefore would be inappropriate to be 'carved out' of the 'commencement' trigger).</i></p>	<p>the obligation to discharge precommencement requirements contained in Schedule 2. This enables the Applicant to undertake certain preparatory works prior to the submission of relevant details for approval under the requirements. The Applicant considers that this approach is reasonable and proportionate. The works that are excluded from the definition do not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement, being either de minimis or have minimal potential for adverse effects, in line with the Planning Inspectorate's Advice Note 15 (Drafting Development Consent Orders). The Applicant should be permitted to carry out low impact preparatory works following the grant of the Order, while it is working to discharge the pre-commencement requirements, thereby helping to minimise the construction timetable. This is a widely precedented approach in other made DCOs (see for example The M20 Junction 10a Development Consent Order 2017, The Silvertown Tunnel Development Consent Order 2018, A1 Birtley to Coal House Development Consent Order 2021, A303 (Amesbury to Berwick Down) Development Consent Order 2020 The Sizewell C (Nuclear Generating Station)</p>	
--	--	---	--

		Order 2022 and The M25 Junction 28 Development Consent Order 2022). For the avoidance of doubt, the definition of commence relates to the discharge of the precommencement requirements in Schedule 2 and is independent of, and has no bearing upon, the issue of whether development has “begun” for the purposes of requirement 4.	
7.6	<i>Requirement 7 provides that no part of the development can commence until written notice (14 days) of the works comprising that part have been given to the relevant planning authority. It is considered that the notice period should be extended to 21 days and further clarity is required on what is meant by ‘part’.</i>	The Applicant maintains its position that 14 days is a reasonable notice period for the commencement of development. ‘Part’ should be read assuming its usual definition.	Please see ISH1 post hearing submission document – Deadline 3 submission.
7.7	<i>Whilst it is welcomed that the Code of Construction Practice would be secured by Requirement 8, there is concern regarding the drafting of the requirement. The applicant is only required to construct the development ‘substantially in accordance’ with the code of construction practice,</i>	The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside an updated draft DCO.	Please see ISH1 post hearing submission document – Deadline 3 submission.

	<p><i>which gives flexibility. However, as the Code of Construction Practice is a certified document it should be complied with completely. Additionally, the wording includes reference to 'the contractor' developing management plans, a point raised in the Air Quality section of this report. There is no clear definition, and it is suggested that this is removed to avoid confusion</i></p>		
<p>7.8</p>	<p><i>Requirement 16 requires the development to be carried out in accordance with the cultural heritage management plan, which is welcomed. However, there are technical concerns regarding the management plan as set out in the Cultural Heritage section of this report which need to be addressed.</i></p>	<p>The Applicant notes this comment and has responded to the relevant point in the Cultural Heritage section of this document.</p>	<p>Noted.</p>
<p>7.9</p>	<p><i>The GCG Framework would be secured via Requirements as set out Schedule 2 Part 3 of the draft DCO. Based on an</i></p>	<p>The development of the timings for the Green Controlled Growth Framework [APP-218] included significant engagement with the airport operator to understand the necessary timescales for the availability</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<p><i>initial review of the DCO there is some concern that the requirements are too vague, the drafting is unclear, and the timeframes appear too restrictive, particularly given the potential difficulties in co-ordinating the ESG response. Additionally, there is no immediate mechanism within the DCO where the ESG may disagree with where a limit or threshold has been exceeded. Further engagement is sought on this matter. Additionally, there are concerns regarding the information in the GCG Framework as set out in section 6 of this report.</i></p>	<p>and analysis of monitoring data, which informs the need for and subsequent development of a Level 2 Plan (or Mitigation Plan). It is essential for a Level 2 Plan (or Mitigation Plan) to be approved ahead of the following summer season's capacity declaration at the end of September and which cannot be amended, as illustrated in Section 2.3 of the GCG Explanatory Note [APP-217]. The lengths of time for review and approval are considered acceptable in this context. It is also important to note that the timings set out in the Requirement are worst case, and represent the latest possible point at which the submission and approval process must be completed by. As stated in paragraph 2.3.12 of the GCG Explanatory Note [APP-217] the airport operator is encouraged to raise any potential issues with the Technical Panels prior to the formal submission of the Monitoring Report to ESG, to allow issues to be resolved in a timely manner. Similarly, where it is clear that a Level 2 Plan or Mitigation Plan will be required, where possible, the draft plan should be presented to the Technical Panels alongside the monitoring results and subsequently submitted to the ESG alongside the Monitoring Report. In this way, the content of a Level 2 Plan or Mitigation Plan could be reviewed with the</p>	
--	---	---	--

		<p>Technical Panel/ESG prior to its formal submission. Whilst the ESG does not have a formal approval role over Monitoring Reports, it can still determine whether the Monitoring Report has been produced in compliance with relevant Monitoring Plan, of which a failure to follow would be a breach of the GCG Framework and could result in enforcement action being taken against the airport operator. Requirements 23 and 24 also provide the ability for the ESG to certify whether the exceedance of a level 2 Threshold or breach of a Limit are as a result of circumstances beyond the undertaker's control. Therefore, there are considered to be mechanisms through which the ESG could disagree with the reported level of environmental impacts with respect to the Limits and Thresholds, and whether those constitute a breach or not.</p>	
<p>7.10</p>	<p><i>The procedure for discharging requirements as set out in Schedule 2 Part 5 of the draft DCO, gives the discharging authority 8 weeks to provide a decision on the application. If the discharging authority does not determine the application within the 8 week period then the discharging</i></p>	<p>The Applicant does not agree with the Council on this point. Eight weeks is considered a reasonable period of time for a discharging authority to make a decision.</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<p><i>authority is taken to have granted all parts of the application. There is also a requirement to request any additional information from the applicant within ten days of receipt of the application and notification of further information requested by consultees must be given within 5 business days of receipt. Whilst it is acknowledged that these are standard DCO timeframes, there is concern that due to the scale of the scheme and number of host authorities involved, meeting these timeframes is unreasonable and requires greater flexibility.</i></p>		
<p>7.11</p>	<p><i>In terms of highway aspects within the DCO, the Council considers that there will be a need for negotiation on the matters set out in the draft DCO regarding determination periods, maintenance arrangements, covering costs borne by the Local Authority and approval of detailed design of offsite</i></p>	<p>The Applicant notes the comments and has responded to the specific points made below.</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<i>mitigation schemes. The limitations of these rights need to be agreed and set out. The comments below have been provided by Central Bedfordshire Council's Highway Development Management Team.</i>		
7.12	<i>Taking into account that the works are currently at a feasibility level of design, and potential implications in terms of earthworks, signage, or further modifications to the junction designs themselves, some allowance for horizontal deviation would allow more comfort in terms of the deliverability of proposed schemes. It should be noted that there has not been any detailed review of the junction modelling or mitigation schemes proposed at this point, and as such there is also the scope that amended or more significant junction works might be found to be necessary through the DCO</i>	The Applicant notes the Council's comments but considers that there is sufficient detail at this stage to appropriately anticipate the use of a particular consenting mechanism. It is not uncommon for DCOs to not have detailed design at this stage of their development. Article 10 is based on article 8 of the Model Provisions. It departs from the Model Provisions in that it authorises interference with any street within the Order limits, rather than just those specified in a schedule. This approach has precedence in The Thurrock Flexible Generation Plant Development Consent Order 2022.	Please see ISH1 post hearing submission document – Deadline 3 submission.

	<p><i>process. Part 1, 10 assumes consent for works to be undertaken outside of the normal S278 process, so there would need to be a greater level of certainty in terms of the design at the time of the DCO being considered and granted.</i></p>		
<p>7.13 and 7.14</p>	<p><i>The notice and determination periods proposed under the draft Order would not give the authority sufficient time to review and approve the highways works in question, nor for any standard review process, such as the Road Safety Audit process to be undertaken. As such we would advise that: 1. Scheme designs are progressed to a level where the authority can review prior to the DCO hearings, including an initial technical review and safety audit. 2. That a longer notice and determination period is provided for within any DCO document, to allow for the necessary scrutiny and</i></p>	<p>The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside an updated draft DCO.</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<p><i>review process to be undertaken. 3. That an undertaking to liaise with the Authority complying with the relevant road space booking and streetworks systems is included. 4. That a separate undertaking to cover the authority's reasonable costs in undertaking and such review, in implementing any necessary traffic orders, road closures, road space booking, and inspection of works is provided. 5. That a separate undertaking is provided to allow for an appropriate defect and maintenance period for any works undertaken as part of the DCO. (Currently Section 11 of the DCO confers ownership back to the LHA upon completion of the works). Alternatively, the matters above should be covered within a separate legal agreement between the applicant and the Local Authorities, which is cross-referenced within the DCO.</i></p>		
--	---	--	--

7.15	<p><i>Para 23: Surface access – refers to a Framework Travel Plan, which is also referred to within para 16: Interpretation but is not referenced elsewhere in the document. This appears to be an error as para 16: interpretation states that the Framework Travel Plan is referenced in Schedule 8 as a certifiable document. Considering the importance of the plan to the overall surface access strategy, the DCO should include details of the process for agreement, implementing, and reviewing the document.</i></p>	<p>The Applicant is unclear about which document the Council is referring to in this comment and will liaise further with the Council to understand their concerns.</p>	<p>Noted that further discussion is needed on this point.</p>
7.16	<p><i>Para 25: The 8-week period stipulated may not be sufficient for the discharging authority to carry out the consent, agreement, or approval process in question. There is no undertaking to reimburse the Highway Authority for its reasonable costs in discharging any of the activities detailed, including</i></p>	<p>The Applicant does not agree with the Council on this point. Eight weeks is considered a reasonably long period of time for a discharging authority to make a decision. The Applicant is considering the costs point that the Council has raised and will provide an update when it is possible to do so.</p>	<p>Please see ISH1 post hearing submission document – Deadline 3 submission.</p>

	<i>checking and approving plans, inspecting works, or booking road-space / providing consents. An additional undertaking to this effect should be included.</i>		
7.17	<i>There is no mechanism within the DCO for works not included within the redline to be delivered. For example, when addressing offsite impacts in locations such as Caddington and Slip End. As referenced in preceding sections of this report, there are expected to be Local Impacts in areas within Central Bedfordshire which fall outside of the DCO redline boundary, and as such there is a need for a mechanism for the securing, funding, and delivery of any such works to be identified and secured through the DCO.</i>	The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will provide a response at Deadline 3 alongside an updated draft DCO.	
8. Conclusion			
8.1 to 8.4	<i>CBC have reviewed the application and proposed DCO and conclude that</i>	Noted.	

	<p><i>there would be positive impacts in terms of employment opportunities during construction and operational phases. In respect to biodiversity, greenhouse gas emissions, major accidents and disasters, soils and geology, waste and resources, and water resources there would be neutral impacts. Negative environmental impacts would result in terms of air quality, cultural heritage, landscape and visual, health and community, noise and vibration, traffic and transport. As set out in the report there are gaps in the assessments that have been undertaken for these topic areas, along with concerns regarding the suitability/effectiveness of mitigation. Other matters that have also been assessed in the report are the Community First Fund and Green Controlled Growth Framework. Concerns have been raised</i></p>		
--	---	--	--

	<p><i>regarding these mitigation measures. A review of the draft DCO has been undertaken and identifies several areas for clarification and amendment, along with highlighting additional points that should be secured through the DCO.</i></p>		
<p>Conclusion</p>	<p><i>CBC have reviewed the application and proposed DCO and conclude that there would be positive impacts in terms of employment opportunities during construction and operational phases. In respect to biodiversity, greenhouse gas emissions, major accidents and disasters, soils and geology, waste and resources, and water resources there would be neutral impacts. Negative environmental impacts would result in terms of air quality, cultural heritage, landscape and visual, health and community, noise and vibration, traffic and transport. As set out in the report there are gaps in the</i></p>	<p>Noted. A full Environmental Impact Assessment has been undertaken and the findings reported in the Environment Statement submitted as part of the application. The ES reports all effect assessed, both adverse and beneficial, and describes appropriate measures to avoid, reduce and mitigate adverse effects where reasonably practicable. Therefore, all effects can be considered in the planning balance and decision regarding planning consent. The Applicant believes this assessment and proposed measures are extensive and robust.</p>	

	<p><i>assessments that have been undertaken for these topic areas, along with concerns regarding the suitability/effectiveness of mitigation. Other matters that have also been assessed in the report are the Community First Fund and Green Controlled Growth Framework. Concerns have been raised regarding these mitigation measures. A review of the draft DCO has been undertaken and identifies several areas for clarification and amendment, along with highlighting additional points that should be secured through the DCO.</i></p>		
--	---	--	--