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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.107 Applicant's response to Deadline 3 Submissions -
Appendix I Buckinghamshire Council (REP3-083)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.107

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.107 APPLICANT'S RESPONSE TO DEADLINE 3 SUBMISSIONS -
APPENDIX I BUCKINGHAMSHIRE COUNCIL [REP3-083]**

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Appendix I – Buckinghamshire Council [REP3-083]

Table I.1 Applicant's response to submission by Buckinghamshire Council at Deadline 3

I.D	Topic	Deadline 3 submission (Verbatim)	Luton Rising's Response
1	Draft DCO	<p>Consultation on discharge of requirements</p> <p>2. This point was not one which BC had an express opportunity to raise at the ISH itself and so is set out in writing.</p> <p>3. As drafted, certain requirements specify bodies to be consulted during the discharge process, others do not. Part 5 of Schedule 2, which sets out the discharge process, only refers to consultation in the context of further information (Requirement 36) by reference back to the consultees identified in the requirements. The discharge procedure does not provide an express opportunity to the discharging authority to consult as appears necessary to them at that stage.</p> <p>4. In addition, Requirement 2 (amendments to approved details), under which a wide spectrum of important documents (including the approved parameters under Requirement 6 which relates to maximum dimensions of the authorised</p>	<p>Taking due account of Buckinghamshire Council's request, the Draft DCO submitted at Deadline 4 has been updated at Requirement 35 to afford the discharging local planning authority (LPA) the discretion to consult other specified bodies (including Buckinghamshire Council) where this is considered by the LPA relevant to the matter which is subject to approval.</p>

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		<p>development) can be amended, does not specify any consultees.</p> <p>5. BC submits that the discharging authority should have an express ability to consult within the discharging process (but without extending that process). BC submits the paragraph 35 should be amended as follows (amendments being underlined):</p> <p>“Requirement 35 – procedure for discharge of requirements</p> <p>35.—(1) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) in Part 1, Part 2 or Part 4 of this Schedule the discharging authority must consult any consultee specified in the requirement and may otherwise consult as it appears to the discharging authority appropriate and give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—</p> <p>(a) the day immediately following that on which the application is received by the discharging authority; 2</p>	

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		<p>(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 36 (further information); or</p> <p>(c) such longer period as may be agreed between the parties. (2) In the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application (without any condition or qualification at the end of that period).</p> <p><u>(3) Any consultation under paragraph (1) above, shall give the consultee at least 21 days to respond starting on the date of the provision of the application to the consultee but always being within the overall time period under paragraph (1)."</u></p> <p>6. This flexibility is important, in particular, where Requirement 2 as currently drafted does not have any requirement to consult where the Applicant seeks to amend the parameters of the proposed development under Requirement 6, which has no in built requirement to consult (and as such Requirement 2(4) is no answer).</p>	

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2	Green Controlled Growth	<p>Green Controlled Growth</p> <p>7. It is a key concern of BC that it is not included in the membership of the Environmental Scrutiny Group (ESG) as set out in Requirement 20(2). Many of BC's concerns would be addressed by the inclusion of BC in Requirement 20(2). It is inclusion in the ESG that will permit BC to represent its communities' best interests most effectively as described further in these submissions.</p>	<p>The Applicant considers that the issue raised regarding Buckinghamshire Council's inclusion in the ESG was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] page 285.</p>
3	Green Controlled Growth	<p>8. Requirement 20(6) requires the undertaker must establish Technical Panels, which will provide technical support to the ESG in relation to (a) air quality; (b) greenhouse gas emissions; (c) noise; and (d) surface access. These are areas where there are accepted impacts in BC's area. There is some dispute as to the extent of the impacts in particular with regards highways. The Applicant accepts that there is a significant impact on the AONB in relation to tranquillity through noise impacts and including in the AONB in Buckinghamshire. Further and importantly, the GCG Framework is designed to be dynamic and over the period of operation of the authorised</p>	<p>The Applicant considers that the issue raised regarding noise impacts on the Chilterns AONB was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] page 286.</p> <p>The Applicant considers that the issue raised regarding membership of the ESG and Technical Panels was answered within the Applicant's Response to Relevant Representations Part 2A [REP1-021] pages 298-300, in response to RR-0166.</p> <p>The Applicant is currently considering the inclusion of a review process of the membership of the Noise Technical Panel aligned with the periodic review of noise forecasts every five years, to reflect the potential for changes to the shape of noise contours in future years, for example in response to future airspace change proposals. The criteria for determining the</p>

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		<p>development, change is very likely and indeed there are material changes in the offering, namely airspace changes that could materially affect, e.g., the noise environment in Buckinghamshire. In such circumstances and where BC has previously been involved in the noise envelope design group and the London Luton Airport Consultative Committee ("LLACC") which has a 'Noise and Track' sub-committee, the resistance to BC's presence on the ESG and its Technical Panels is not understood. Given BC's involvement in the 'Passenger Services' sub-committee of the LLACC its participation in the surface access technical panel is also significant in terms of ensuring that the communities from Buckinghamshire including residents and businesses can take the opportunities afforded by the airport. In addition, BC has specific highways impacts points dealt with in ISH4 below.</p>	<p>appropriate membership of the Technical Panel would remain the same as part of any review.</p>
4	Green Controlled Growth Surface access	<p>9. BC also takes the view that the review mechanism in the GCG Framework is insufficient in that Requirement 25 only envisages review of the implementation of the GCG Framework every five years (see Requirement 25(1)). In BC's view, 5-</p>	<p>As outlined in Section 3 of the Green Controlled Growth Explanatory Note [REP3-015], monitoring of the airport's environmental effects is already proposed to be undertaken on an annual basis. This is to ensure that the measured environmental effects can be assessed effectively against the Thresholds and Limits established for GCG.</p>

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		<p>year review periods are insufficient and could lead to negative impacts being felt by local communities across the full breadth of effects subject to the GCG Framework, for extended periods of time. The short point is that change and redirection is easier and more effective at an earlier stage. For example, in relation to surface access, in order for a Travel Plan to be successful (and in this regard the 5-year review of Travel Plans under Requirement 30(3) also needs amendment), measures are required to be implemented as early as possible in the process of the development in order to establish travel patterns and behaviours. Setting expectations and behaviours in this way is significantly more successful than attempting to change established and entrenched patterns. It is necessary to determine that the measures being implemented are achieving their aims quickly and to make any necessary adjustments early. The optimum position would be to have continuous monitoring; however, BC recognises the need to be pragmatic about monitoring and suggests annual monitoring until full airport passenger</p>	<p>This is separate to the review mechanism for the GCG process as outlined in Requirement 25(1) of Schedule 2 of the Draft Development Consent Order [REP3-004], which sets out the requirement for a review of the GCG process to be undertaken within 12 months of the end of the Transition Period, and then on a five-yearly basis from this point. These timings have been proposed to ensure an adequate and proportionate level of review and scrutiny of the GCG process and its effectiveness in controlling environmental effects occurs.</p> <p>The obligations relating to the Travel Plan are separate from, and unrelated to those relating to GCG within the Draft DCO. However, a similar principle applies to that described above, in that the Framework Travel Plan [AS-131] also requires annual monitoring of performance (like GCG) against the surface access Targets (which will be set within each future Travel Plan). Table 7.1 of the Framework Travel Plan describes this annual monitoring, which includes annual staff surveys, annual employers' surveys and the annual CAA departing passenger survey.</p> <p>As described in paragraph 1.2.1 of the Framework Travel Plan [AS-131], each future Travel Plan will also serve as the Airport Surface Access Strategy (ASAS) for the airport in accordance with Department for Transport's (DfT) policy requirements within the Aviation Policy Framework (APF) (2013), which recommends that an ASAS is updated every five years. However, the DCO requirement for the five-yearly update of the</p>

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		<p>capacity is reached and 5-year reviews thereafter.</p> <p>10. Changes required as a result:</p> <p>(i) “25.—(1) The undertaker must undertake a review of the implementation of this Part 12 months following the end of the transition period set out in paragraph 18(4) (interpretation) and every 5-year following this initial review <u>until full capacity under the authorised development is reached and thereafter every 5 years</u>, and produce and submit to the ESG a report which sets out whether any improvements to the operation of this Part are considered necessary to ensure the efficient and effective operation of authorised development within the Limits.</p> <p>(ii) “...30 (3) Every five years following the date a travel plan was submitted for approval under sub- paragraph (1) <u>until full capacity under the authorised development is reached and thereafter every 5 years</u>, the undertaker must submit an updated travel plan to the relevant planning authority...”</p>	<p>Travel Plan does not preclude the earlier review of specific interventions and performance against Targets within that period. Specifically, Section 4.2 of the Framework Travel Plan sets out the requirements for the review of Targets, and Section 4.3 sets out the requirements for tracking progress against Targets, both of which require action to be taken if needed prior to the full five-year period elapsing.</p>
5	Green Controlled Growth	<p>11. As to Requirement 21 (1) this should be amended (for the purpose of clarity only) as indicated below: “(1) The</p>	<p>The Applicant is considering this change, in tandem with other changes to the GCG provisions set out in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and</p>

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	Draft DCO	undertaker must prepare and submit to the ESG the first Monitoring Report no later than 31 July following the end of the first full calendar year after the date the notice is served in accordance with article 44(1) (interaction with LLAOL planning permission) of this Order and then <u>thereafter</u> a Monitoring Report on or before 31 July is required to be submitted <u>each year.</u> "	26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86] submitted at Deadline 4, and will provide an update at Deadline 5.
6	Greenhouse Gases and Climate change	<p>Greenhouse Gases and Climate Change</p> <p>32. It is BC's view that the Applicant should:</p> <p>(i) Make explicit the sensitivity analyses conducted on UK ETS and CORSIA price development within its models;</p>	<p>Potential future paths for UK ETS and CORSIA are a key input to the demand forecasts for the application as they represent the future cost of carbon to users. They are an input to the price that will be paid by passengers in the future for air services from other airports. If either UK ETS prices or CORSIA prices are higher than expected, this may contribute a slower growth in demand (as reflected in the Slower Growth Case). Conversely, if they are lower than expected, this may result in a faster growth in demand (as reflected in the Faster Growth Case).</p> <p>The process by which they are included is set out in the Need Case [AS-125] on pages 99 to 105. The actual prices assumed in different scenarios are set out in the Need Case Appendices [APP-214] at page 9.</p>

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7	Greenhouse Gases and Climate change	(ii) Show the effect of the above within the GHG assessment [APP-038];	<p>As noted above, the price per tonne of emissions may in future be higher or lower than the values assumed by the UK Government, and which are reflected in the passenger and flight numbers that feed into the GHG assessment. Should this be the case, this could have a bearing on demand and consequently on aviation emissions.</p> <p>It is not practicable, with the data available, to quantitatively model the impact on GHG emissions resulting from higher or lower carbon prices. The Faster Growth and Slower Growth Cases described qualitatively in Table 12.23 of Chapter 12 GHG of the ES [APP-038] represent variations in demand, so these scenarios also effectively reflect the potential impact of variations in carbon pricing.</p> <p>Inset 12.3 of Chapter 12 GHG of the ES [APP-038] provide a graphical illustration of the difference in passenger number growth between the three scenarios.</p> <p>The Applicant considers that the magnitude of the difference between the Core Planning Case and the Faster Growth Case does not justify a quantitative analysis of the impact on overall GHG emissions.</p>
8	Greenhouse Gases and	(iii) Show also how the sensitivity analyses above account for failure of any or all of the Jet Zero Strategy measures to come forward and show the	Over time it is reasonable to assume that UK ETS prices and CORSIA prices will reflect the marginal cost of carbon abatement. In other words, prices will reflect the investment required in SAFs, aircraft technologies, carbon capture, fuel

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	Climate change	effect upon both price and cumulative emissions of each or all of these measures not coming forward (i.e. efficiency savings, SAF savings, ZEA savings (see Inset 12.4 [APP038]);	<p>efficiency or any other potential decarbonising measure to save an additional tonne of carbon.</p> <p>If prices for ETS or CORSIA allowances are higher than expected, then this reflects a world in which it has been more difficult and more expensive to bring forward technologies to enable decarbonisation. This is reflected through the passenger forecasts via the Slower Growth Case.</p> <p>If all measures did not come forward, then there could be further constraint on growth, as this would raise the price of carbon further. However, very importantly, this is not the basis for policy, as set out in the Jet Zero Strategy and is, therefore, not considered an appropriate basis on which to assess this application.</p>
9	Greenhouse Gases and Climate change	(iv) The above ((i), (ii) and (iii)) notwithstanding, BC believes that Table 12.23 within [APP-038] should be extended to include sensitivity analyses upon Efficiency savings, SAF savings and ZEA savings not coming forward upon cumulative carbon emissions; and	<p>Table 12.23 shows the forecast passenger demand in the Core Planning Case, the Faster and Slower Growth Cases. As explained above, the Faster and Slower Growth Cases do show the sensitivity effects from efficiency savings, Sustainable Aviation Fuels and similar, alongside other risks to the forecasts.</p> <p>Furthermore, it should also be remembered that aviation, as a traded sector, has its emissions capped within any given year. So, the impact of any one development is unlikely to significantly affect the overall level of carbon emissions given that aircraft are mobile assets and will be flown from alternative airports meeting different demand. In any event, if</p>

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			<p>passengers that would choose to use London Luton Airport if services are available are required to use other less convenient airports if the airport is capacity constrained, this would result in disbenefits and potentially additional carbon impacts through longer surface access journeys.</p>
10	Greenhouse Gases and Climate change	<p>(v) The above must demonstrate that the Proposed Development is robust to the sensitivities inherent within future technological development and that the Authorised Development would not increase GHG emissions to the extent that future Governments are unable to meet future carbon budgets.</p>	<p>The Proposed Development has been put forward within the context of the Jet Zero Strategy. It is reasonable to assume that this Government policy does not affect whether future Governments are able to meet future carbon budgets.</p> <p>It should be noted that in the recent decision by the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing and Communities to approve the application for the airport to operate at 19 million passengers per annum this was taken with consideration of the Jet Zero Strategy. In the decision letter published 13 October 2023 (Ref 1) the Secretary of State noted:</p> <p><i>“In addition, the aviation emissions arising from the proposal would be within assumptions within the Government’s policies and strategies, particularly the Making Best Use of existing runways (MBU) and Jet Zero Strategy (JZS), no material adverse effects would arise. Therefore, the proposal would not impede the Government in achieving its emissions reductions targets, including through the sixth Carbon Budget and the Jet Zero trajectory, either by itself or in combination with other expansion proposals (IR15.69).”</i></p>

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			Sensitivities with regard future technology development were not called into question.

REFERENCES

Ref 1: Department for Levelling Up, Housing & Communities, Department for Transport, Decision in relation to Application Ref: 21/00031/VARCON, 13 October 2023