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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 B Central Bedfordshire Council (REP3-085)**

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 B CENTRAL BEDFORDSHIRE COUNCIL [REP3-085]**

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Appendix B – Central Bedfordshire Council [REP3-085]

Table B.1 Applicant’s response to submission by Central Bedfordshire Council at Deadline 3

I.D	Topic	Deadline 3 submission (Verbatim)	Luton Rising’s Response
1	Air Quality	<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>	<p>The Code of Construction Practice (CoCP) [AS-087] includes the relevant industry best practices for mitigating dust, in line with IAQM construction dust guidance.</p> <p>Following the guidance, with application of suitable mitigation, the Applicant is satisfied that all dust impacts can be reduced to be a negligible level. As stated in section 8.1.2 of the CoCP, the dust management plan (DMP) will incorporate, but not be limited to, the measures in the CoCP, and therefore the DMP will include the industry best practice mitigation.</p> <p>Requirement 8 of the draft Development Consent Order secures the CoCP and the authorised development must be carried out in accordance with the CoCP (and any plans secured under it including the Dust Management Plan) (DMP) by the lead contractor. The DMP will also require approval from relevant planning authorities, which allows a process for local authorities to feedback in terms of ensuring suitable mitigation is applied, to reduce dust impacts to be negligible.</p>

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			<p>Therefore, considering the measures included in the CoCP and the process set out on how the DMP will be developed post consent, it is considered reasonable to conclude that dust impacts would be reduced to a negligible level.</p> <p>As mentioned previously [REP2A-005], 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.</p>
2	Air Quality	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>As stated in the previous response [REP2A-005], the process for determining the future air quality monitoring locations is set out in Section 3.3 of the Green Controlled Growth (GCG) Explanatory Note [APP-217]. The future monitoring locations included in the GCG represent the most sensitive receptor locations to airport related emissions, across all phases assessed. This is to ensure that the approach to the air quality limit within GCG is proportionate to airport impact.</p> <p>No air quality impacts have been predicted in the South Bedfordshire area as detailed in Chapter 7 Air Quality of the Environmental Statement (ES) [AS-076]. Accordingly, no monitoring is considered to be required in this location.</p>

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3	Landscape and Visual	<p>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.</p>	<p>The Fire Training Ground (FTG) is described in Chapter 4 The Proposed Development of the ES [AS-074] (paragraphs 4.6.57 to 4.6.64) and assumptions regarding FTG operations are described in Appendix 7.1 Air Quality Methodology of the ES [AS-028] (paragraphs 3.7.39 to 3.7.41) which confirms intentions for the frequency of operations to remain the same as existing.</p> <p>The visual effects of the FTG are considered in Appendix 14.5 of the ES [AS-139], specifically as part of the assessment of effects on visitors to Someries Castle and users of PRoW south of the airport. Representative viewpoints with annotations showing the views towards the FTG are provided in Appendix 14.7 of the ES [REP3-009 to REP3-014], annotation for which have been corrected at Deadline 3.</p> <p>The Applicant responded to odour queries from the ExA in ISH5 as summarised in Applicant's Post Deadline Submission – Issue Specific Hearing 6 [REP3-052]. ES Appendix 7.5, the Outline Operational Air Quality Plan's (AQP) [APP-065] purpose is to provide additional actions which will result in reduction in air pollution.</p> <p>The AQP covers all areas where emissions could be expected from the airport or related activity, such as</p>

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			aircraft emissions, airside vehicles, surface access, any fixed plant or energy and miscellaneous emissions, for example fire training ground or engine testing bay, and also odour and monitoring.
4	Cultural Heritage	For complete clarity, it is requested that the deliverable public heritage benefits are itemised in respect of individual 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>Section 10.8 and 10.10 of Chapter 10 Cultural Heritage of the ES [AS-077] sets out the proposed embedded design and additional mitigation measures for each individual asset where effects have been identified as a result of the Proposed Development.</p> <p>All mitigation strategies associated with each individual asset requiring mitigation are itemised and set out in the Cultural Heritage Management Plan [APP-077].</p>
5	Health and Community	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 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>Detailed health profiles for the Wards within the Local Neighbourhood Study Area are presented in the health baseline, Chapter 13 Health and Community of the Environmental Statement [APP-039], this includes wards that fall within Central Bedfordshire's jurisdiction (i.e. Caddington ward).</p> <p>The local neighbourhood study area is the area in which the majority of direct and indirect effects on health and community resources are likely to occur. The majority of the Central Bedfordshire area, including Dunstable and Houghton Regis, falls within the 'wider study area' for the health assessment.</p>

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			<p>Impacts on health determinants in the wider study area are dispersed across the population rather than impacting specific receptors.</p> <p>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>
6	Landscape and Visual	<p>CBC has concerns that the lighting from the 4g Car Park (Tiered Car Park) may be harmful within Luton Hoo.</p> <p>Applicant to provide a night time view of Viewpoint 18.</p>	<p>Car Park P1 (otherwise known as the Tiered Car Park, Work no. 4g), is located at a low point in the valley of the River Lea. At its highest point, it will reach a height of approximately 20.4m (135m AOD). The view of the Tiered Car Park from Luton Hoo illustrates this maximum parameter in Accurate Visual Representations Viewpoints 18 (Appendix 14.7 of the ES [REP3-011]).</p> <p>An assessment of light obtrusion on assets including Luton Hoo is reported in Appendix 5.2 of the ES [APP-052 and APP-053], including High Dynamic Range (HDR) images showing luminosity at night for Viewpoints 5, 18 and 19 on the Luton Hoo Estate in Appendix B). Mitigation proposed within lighting design includes shielding for structures including car parks, as detailed in the Lighting Design Strategy (Appendix F of Appendix 5.2 of the ES [APP-053]).</p>

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			<p>Table 8.3 of the light obstruction assessment concludes the effects of light spill are negligible using a methodology in line with Institute of Lighting Professionals (2021). Guidance Note 01/21 - The Reduction of Obtrusive Light. Rugby: Institute of Lighting Professionals (which considers source intensity, sky glow and light intrusion).</p>
7	Noise and Vibration	<p>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.</p> <p>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 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 counterbalanced, but that limiting, mitigating and minimising are all still required. The</p>	<p>As noted in the Green Controlled Growth Explanatory Note [REP3-015], the Limits and Thresholds are aligned with the 'Faster Growth' case to ensure that environmental impacts will not exceed the assessed 'reasonable worst case' in the ES. Section 12.3 of Appendix 16.1 of the ES [AS-096] provides an assessment of the total adverse impacts on health and quality of life from noise arising from the Faster Growth scenario, noting that there are only differences in identified effects between the Faster Growth and the Core case for Phase 1 and that the effects in Phase 2a and 2b are the same as reported in the Core case. Table 16.74 in Chapter 16 of the ES [REP1-003] notes that the additional significant effects in Phase 1 would be avoided through the provision of noise insulation, so Faster Growth effects are both limited and reduced.</p> <p>The Applicant considers that the Proposed Development is fully compliant with UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental</p>

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		<p>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>Statement [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012].</p> <p>This includes compliance with the Government's OANPS (Ref 1) that <i>"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."</i></p>
8	<p>Surface Access</p> <p>Draft DCO</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 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</p>	<p>The designs of the off-site mitigation works have been produced taking consideration of relevant standards, which include DMRB. The Applicant remains committed to continue to work alongside CBC in developing and delivering the schemes of off-site highway mitigation within its administrative area, including any departures from or relaxation of applicable standards. However, at this stage it is not anticipated that the proposed designs within CBC would include any such departures or relaxations.</p> <p>In relation to the proposed mitigation at the junction between A1081 New Airport Way / Gipsy Lane, Traffic Signs Manual (TSM) Chapter 6- para 4.4.3- sets out the relevant guidance for a signalised junction lane gain / lane loss.</p>

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		<p>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>“The number of lanes on the exit side of the junction should match the number of ahead lanes at the stop line. If localised widening of an exit is necessary to achieve this, the subsequent reduction in the number of lanes should be carried out beyond the junction over a distance of at least 100m for a single lane reduction.”</p> <p>The proposed lane reduction in the westbound direction is approx. 175m west of the junction, and therefore complies with the TSM guidance. Similarly, the eastbound merge from three to two lanes complies with the TSM guidance, however, there remains the potential to amend lane markings if, or when, required during the detailed design exercise, within the order limits.</p> <p>Requirement 5 applies to the authorised development, i.e. the development described in Schedule 1 and any other development authorised by the Order (see definition in article 2), which therefore includes the offsite highway works authorised by the Order.</p> <p>In addition to Requirement 5 (which has now been updated and clarified), article 12 (Construction and maintenance of new, altered or diverted streets) provides protection for local highway authorities by requiring that any new or altered highway is completed to the reasonable satisfaction of the</p>

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			<p>relevant highway authority in whose area the highway lies.</p> <p>The Applicant is engaging with CBC on providing appropriate assurances regarding delivery of any additional off-site mitigation works.</p>
9	Surface Access	<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 seek early delivery of the schemes outside of the TRIMMA process. It is the view of CBC that the schemes in question could instead be secured via appropriate s106 obligations.</p>	<p>The Applicant continues to engage with CBC with regard to the impacts of the Proposed Development on the Newlands Road / Luton Road and Luton Road / Chaul End Road junctions.</p>
10	Surface Access	<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.</p> <p>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</p>	<p>The comment with regard to the Front Street / B5450 junction is noted.</p> <p>The Applicant also notes CBC's comments relating to the West Hyde Road junction. The Applicant continues to engage with CBC however the Applicant notes that 50% of the increase in the PM peak hour is a straight-ahead movement on the B653 Lower Harpenden Road southbound approach to the junction, which is an unopposed movement and as</p>

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		<p>more detailed assessment. Whilst V/C values in the strategic model may not 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>such the impacts of turning movements on the junction are much more limited with V/C ratios shown to be well within capacity.</p> <p>Given the relatively minor increase in total vehicle flow which this represents the Applicant does not propose to implement further mitigation at this stage and instead proposes that any impacts could be dealt with via the TRIMMA process. The Applicant also notes that any improvements to the relatively localised junction may only seek to draw other traffic through the junction resulting in further potential adverse impacts.</p>
11	Surface Access	<p>Could the applicant confirm if the updates to the modelling work will 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>The updates to the modelling work do not include any allowance for changes in baseline mode choice as a result of Covid-19.</p> <p>The Covid-19 pandemic has impacted traffic levels and mode choice, both for airport surface access and for non-airport background traffic.</p> <p>For the airport, the future year mode choice assumptions for the 2027, 2039 and 2043 assessment years have not been changed as they accord with the minimum targets (for surface access via public transport, plus walking and cycling). It is anticipated that any short-term impact on mode choice and traffic levels, as a result of Covid-19, will have dissipated as the airport's passenger demand</p>

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			<p>returns to pre-pandemic levels and then continues to grow.</p> <p>For the non-airport background traffic, the calibrated/validated base year strategic transport model and local VISSIM micro-simulation model have not been amended. It is again anticipated that any short-term impact on mode choice and traffic levels, as a result of Covid-19, will have dissipated as overall travel demands return to pre-pandemic levels for the 2027, 2039 and 2043 assessment years. The review of recent trends in traffic levels undertaken for the work on 'Accounting for COVID-19 in transport modelling (in response to Rule 9 Procedural Decision dated 13 June 2023)' has indicated that volumes on the strategic road network have largely 'recovered' to pre-pandemic levels and, while volumes on the local road network have been increasing, they are still not back to pre-pandemic levels. There are four more years until the first assessment year of 2027, and the assessment years 2039 and 2043 are respectively 16 and 20 years away. It was discussed at an October 2023 meeting on the Rule 9 work with National and Local Highway Authorities, and proposed, not to make adjustments to the base and future year models (apart from the recent changes in growth to take account of the summer 2023 update of the future year land use development 'uncertainty log' assumptions, and growth from the DfT's National</p>

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			<p>Trip End Model version 8 and National Road Traffic Projections 22) in order to continue to make a 'robust' assessment of overall future year traffic volumes.</p>
	<p>Surface Access</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>The Applicant has held discussions with Local Highway Authorities about fly-parking associated with airport users.</p> <p>This takes place outside the Airport on land that is outside the Airport's control.</p> <p>The Framework Travel Plan [AS-131] includes measures that can be introduced to mitigate the effect of fly-parking.</p> <p>Actioning of these and related measures would be governed through the Airport Transport Forum, through the STF processes. Discussions are on-going.</p>
	<p>Surface Access</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>The final CWTP and/or CTMP(s) will be submitted for the approval of the relevant planning authority following consultation with the relevant highway authorities.</p>

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	Surface Access	<p>Whilst initial discussions have been held, the level of detail submitted remains at a very high, indicative level, 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>The designs of the off-site mitigation works have been produced taking consideration of relevant standards, which include DMRB.</p> <p>The Applicant remains confident that the works can be delivered within the Order limits and will continue to work with CBC in developing and delivering the schemes through the detailed design process.</p> <p>The Applicant continues to discuss any further requirements as part of ongoing engagement and will capture these in the SoCG.</p> <p>Requirement 5 applies to the authorised development, i.e. the development described in Schedule 1 and any other development authorised by the Order (see definition in article 2), which therefore includes highway works authorised by the Order.</p> <p>In addition to the Requirement 5, article 12 (Construction and maintenance of new, altered or diverted streets) provides protection for local highway authorities by requiring that any new or altered highway is completed to the reasonable satisfaction of the relevant highway authority in whose area the highway lies.</p>

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			<p>The Applicant is engaging with CBC on providing appropriate assurances regarding delivery of off-site mitigation work.</p>
	<p>Surface Access</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 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 be operating 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>The Applicant is committed to continuing to engage with CBC on the wider mitigation strategy as part of ongoing engagement.</p> <p>The Applicant notes CBCs view that the mitigation should be delivered earlier and would note that the purpose of the TRIMMA process is to enable ongoing monitoring and, if necessary, delivery of mitigation sooner or at the appropriate time.</p>

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	Surface Access	<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 CBC's position is currently unchanged. CBC would however welcome further discussion on these points as proposed by the Applicant and operator.</p>	<p>The Applicant remains committed to continuing engagement with CBC on these and surface access related matters and as part of ongoing engagement and will capture these in the SoCG.</p>

REFERENCES

Ref 1 Department for Transport (2023), Policy Paper: Overarching Aviation Noise Policy