



**LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER APPLICATION
CENTRAL BEDFORDSHIRE COUNCIL RESPONSE TO ExAs WRITTEN QUESTIONS**

ExQ1	Question to:	Question	
Broad, general and cross-topic questions			
BCG.1.1	All Local Authorities	<p>Development Plan policies If not already provided in a Local Impact Report (LIR), provide full copies of any Development Plan policies that you have referred to in any of your submissions. Should you refer to any additional Development Plan policies at any time in your future submissions then, if they have not already been provided, please also submit copies of these into the Examination.</p> <p>Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents? Are the local planning authorities content with the Applicant's policy analysis?</p>	<p>The relevant policies from the Central Bedfordshire Local Plan (CBLP) (2021) are discussed in the CBC LIR (Ref. REP1A-002). Copies of these policies are submitted separately via email.</p> <p>There have been no updates to the development plan since the LIR was compiled.</p> <p>A policy compliance table is provided in Appendix E of the Planning Statement (APP-199) and this presents a comprehensive assessment of the proposal against the policies of the CBLP 2021.</p>
BCG.1.2	All Local Authorities	<p>Neighbourhood Plans Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you:</p> <ol style="list-style-type: none"> 1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion; 2. Provide a copy of the made plan or a copy of the latest draft. 3. Indicate what weight you consider the ExA should give to these documents. 	<p>Below is a list of made Neighbourhood Plans in the areas to the west of Luton and identified in the Core Zones of Influence as shown on Figure 2.1 of Chapter 21 of the ES.</p> <ul style="list-style-type: none"> • Caddington and Slip End Neighbourhood Plan (adopted in 2018) <p>Copies of this Neighbourhood Plan to be sent via email.</p> <p>Caddington and Slip End Neighbourhood Plan area extends to J10 of the M1, which is within the Order Limits. Section 8 of the Neighbourhood Plan relates to</p>

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			<p>Transport but there are no specific transport related policies. However, one of the objectives is 'traffic will be better managed, with the safety of pedestrians being the top priority.' Given the concerns raised within CBCs LIR (REP1A-002) and the area is identified in Figure 2.1 (Core Zones of Influence) of Chapter 21 of the ES and covers a number of environmental and highway zones of influence, significant weight should be given the Caddington and Slip End Neighbourhood Plan.</p> <p>The following parishes have been designated Neighbourhood Areas but no progress has been made on the Neighbourhood Plans:</p> <ul style="list-style-type: none"> • Studham • Hyde
BCG 1.3	Applicant and Interested Parties	<p>Central Government Policy and Guidance</p> <p>Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?</p>	<ul style="list-style-type: none"> • Government's Overarching Aviation Noise Policy published on 27 March 2023; • Updated NPPF published on 5 September 2023 (with the insertion of footnote 53a on wind energy); • Levelling Up and Regeneration Act which received Royal Assent on 26 October 2023.
BCG.1.4	All Local Authorities	<p>Updates on development</p> <p>Please provide an update on any submitted planning applications or consents granted since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these would affect the conclusions reached in the Environmental Statement (ES).</p>	<p>CBC have restricted this assessment to the areas to the south and west of the main application site and to major development only, notably those referenced in the CBC LIR (Hyde, Slip End, Caddington and Kensworth). Owing to the rural nature of these areas there are no developments of relevance.</p>

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Air Quality and odour			
AQ.1.1	Joint Host Authorities	Post-covid air quality data trends Provide air quality monitoring status reports for 2023, where not already provided.	CBCs air quality monitoring review status for 2023 is under review internally and with DEFRA. It is not considered that this would change the outcome of the assessments.
Biodiversity			
BIO.1.2	Natural England and Joint Host Authorities	Nitrogen deposition Provide comment on the appropriateness of applying the approach advocated in the 'Design Manual for Roads and Bridges' to the Local, District and County Wildlife Sites, protected habitats and protected species given the potential sources of nitrogen from the Proposed Development. As part of this, confirm if you are satisfied, or not, with the use of 0.4 kg/N/ha/yr as a maximum dose threshold applied as an average. The effects of atmospheric NO _x (nitrogen oxides) and NO ₂ on all receptors are screened out [AS-027, paragraph 8.5.59] because the equivalent concentrations of sulphur dioxide are not anticipated. Confirm whether or not you agree with this approach.	It is considered appropriate to defer to Natural England on this matter.
BIO.1.4	Joint Host Authorities	Citations for Wildlife Sites Provide citations for all County, District and Local Wildlife Sites listed in Table 8.12 of Chapter 8 [AS-027].	Copies of citations for the following sites to be sent via email: <ul style="list-style-type: none"> • Kidney and Bull Woods CWS • River Lea CWS • River Flit CWS • Luton Hoo Park CWS • Kingshoe Wood CWS

ExQ1 Question to: Question Climate change and greenhouse gas emissions Compulsory Acquisition and Temporary Possession of land and rights			
General questions			
How it is intended to use the land, alternatives and whether rights sought are legitimate, proportionate and necessary			
CA.1.4	All relevant planning and highway authorities and National Highways	Reasonable alternatives/ necessity In your roles as the Local Planning Authority and the Highway Authority are you aware of: <ol style="list-style-type: none"> 1. Any reasonable alternatives to Compulsory Acquisition (CA) or Temporary Possession (TP) for land sought by the Applicant? 2. Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired. 	No
Draft Development Consent Order			
Please note: The references to articles and requirements relate to the numbering of articles and requirements for the draft DCO that was submitted at D2 [REP2-003] and discussed at ISH1, unless otherwise stated.			
Articles			
DCO.1.3	Joint Host Authorities	Article 24 – compulsory acquisition of land For precision should paragraph 2 include more articles eg 26, 31, 32, 33, 39 and a reference to Schedule 8	The general approach of applying the compulsory acquisition power to the land within the Order limits and then imposing restrictions on the exercise of that power over land that is proposed to be only possessed temporarily or subject to the acquisition of rights or the imposition restrictive covenants, is well precedented. In principle, there is no reason to also include a longer list of provisions in relation to which the power is to be subject.

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			<p>However, CBC note that the definitions in article 2(1) of “Order land” and “Order limits” appear to be functionally the same, covering all of the land within the Order limits and as a consequence article 36(1)(a) would appear to authorise the compulsory acquisition of statutory undertaker’s land that would otherwise be restricted by article 27(2) (compulsory acquisition of rights and imposition of restrictive covenants) and article 33(1)(a)(i) (temporary use of land for carrying out the authorised development). This does not appear to be the Applicant’s intention as there is no discussion of the effect in the Explanatory Memorandum and the Applicant is requested to clarify its intentions in this regard. While this is a matter for the relevant statutory undertakers to satisfy themselves, CBC are concerned for the potential disruption to key utilities, and the consequent effects to residents, arising from the inadvertent consequences of this drafting approach.</p>
DCO.1.8	Applicant, Relevant Highways Authorities and Statutory Undertakers	<p>Article 37 – Apparatus and rights of statutory undertakers in stopped up streets Is this article necessary given you are not stopping up any streets?</p>	<p>While this is a matter predominantly for the statutory undertakers concerned, the CBC note that the term “street” is defined in article 2(1) by reference to the definition for that term contained in section 48 of the New Roads and Street Works Act 1991. That definition is sufficiently wide to encompass the public rights of way proposed to be stopped up under article 14. As such CBC consider that there is the potential need for article 37.</p>
DCO.1.10	Joint Host Authorities	<p>Article 47 – defence to proceeding in respect of statutory notice As currently drafted the article carves out a</p>	<p>CBC acknowledge that section 158 of the Planning Act 2008 provides a defence in civil and criminal proceedings for nuisance subject to any contrary</p>

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		<p>significant number of paragraphs from the Environmental Protection Act 1990 and would also cover both construction and operation. Are you satisfied with the paragraphs that are being carved out and if not, why not?</p> <p>provision in the relevant DCO and that article 47 is intended by the Applicant to be such a contrary provision, as it acknowledges in its Explanatory Memorandum.</p> <p>Paragraphs 4.60 to 4.62 of the Airports National Policy Statement is relevant in that urges the examination of possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990 and under sections 76 and 77 of the Civil Aviation Act 1982 and advises the Examining Authority to consider the how the possible sources of nuisance might be mitigated. The Applicant has prepared a Statement of Statutory Nuisance [APP-169], Table 3.1 of which considers each of the categories of statutory nuisance under section 79(1) of the Environmental Protection Act 1990.</p> <p>Table 3.1 indicates that it is the Applicant's view that: (c) (fumes or gasses from private dwellings) is not relevant to its proposed development; (fb) (artificial light emitted from premises) is not relevant to its proposed development; (h) (any other matter declared by any enactment to be a statutory nuisance) is not relevant to its proposed development.</p> <p>Each of section 79(1)(c), (fb) and (h) are proposed to be subject to the statutory authority defence provided by article 47, which is surprising given that it is the Applicant's case that these grounds of nuisance are not engaged by its proposals. It is therefore not clear why the statutory authority defence ought to apply to categories of nuisance which are not anticipated by the Applicant to arise.</p>

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			In relation to the other grounds for which the Applicant seeks the statutory authority defence (which includes (e) dust and odour, (g) noise emitted from premises (ga) noise emitted by vehicles or plant in a street) CBC have set out elsewhere in submissions their concerns in relation to how these matters have been assessed in the Applicant's Environmental Statement. The key point is that the Host Authorities will be content with the scope of the proposed statutory authority defence only when satisfied that the Applicant's mitigation proposals, and how they are secured through the provisions of the draft Order, is sufficient to prevent a statutory nuisance arising or, if one were to arise, sufficiently enforceable to enable remedial action to be enforced under the provisions of the Order.
DCO.1.11	Joint Host Authorities and Interested Parties	Article 52 – arbitration In order to manage expectation and ensure consensus should further detail about how the arbitration process would work be included in a Schedule?	CBC are content with the level of detail in article 52 and note that its current terms provide a degree of flexibility to the arbitrator and the parties to establish a dispute resolution procedure that is proportionate to the matter in dispute.
Requirements			
DCO.1.13	Applicant and Joint Host Authorities	Requirement 10 – Landscape and biodiversity management plan Should (1) include the requirement for the relevant planning authority to consult with Natural England? Yes	Yes, this should be included.
DCO.1.14	Applicant and Joint Host Authorities	Requirement 18 – Interpretation To improve precision should the interpretation of Level 2 Plan (b) have 'including timescales' inserted after implementation ie 'the proposed	CBC support the amendment suggested by the Examining Authority in relation to timescales. In relation to the use of the phrase "as soon as reasonably practicable" in the definition of "Mitigation

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		<p>programme for the implementation including timescales'?</p> <p>Mitigation Plan (a) includes the phrase 'as soon as reasonably practicable' how does this meet the test for precision and enforceability?</p> <p>Slot regulations are defined with respect to Airport Slot Allocation Regulations 2006 – does the drafting need to allow for any future variation of those regulations eg 'or successor Regulations'?</p> <p>Technical panel a) refers to Environmental Scrutiny Group (ESG) which isn't included in interpretations (as it's covered by Requirement 20) but should this be in full? And for precision after ESG should 'as set out in the terms of reference' be included?</p>	<p>Plan" CBC do have some concerns. [Given that the exceedance of a Limit is the point at which significant adverse effects are anticipated] it is of critical importance to residents that such effects are mitigated as soon as is possible. In the context of the exceedance of a Limit it is reasonable to anticipate that the undertaker will have taken action, via a Level 2 Plan to avoid exceeding a Limit and yet, despite those efforts, an exceedance of a Limit has nonetheless occurred. When seen in that context a duty to prepare a Mitigation Plan that must include measures designed to avoid an exceedance of a Limit "as soon as reasonably practicable" is likely to be largely without teeth; "reasonably" practicable methods are likely to have been tried and will have failed.</p> <p>A more appropriate formulation, which reflects the escalating nature of the proposed Green Controlled Growth Framework would be "(a) details of the proposed mitigation and actions which are designed to promptly avoid or prevent exceedances of a Limit; and It is generally unnecessary to include in a statutory instrument a reference to 'successor Regulations'. CBC are content that the terms of reference in relation to the ESG are adequately secured by paragraph 20(4) and consider that conformity with the terms of reference is better secured via an operative provision in the body of the requirement instead of being left to a definition in the interpretation provisions.</p>
DCO.1.15	Applicant and Joint Host Authorities	Requirement 20 – Environmental Scrutiny Group Paragraph 2	CBC are content that the undertaker establishes the technical panels in accordance with the requirements of the DCO.

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		<p>Applicant: A number of organisations have raised concerns about the appointment of the independent chairperson and independent aviation specialist, the concern being that, whilst their appointment would need to be approved by the Secretary of State, their selection would be by Luton Borough Council in consultation with the airport operator – what do you think could be done to alleviate these concerns?</p> <p>Paragraph 6 Everyone: As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?</p>	
DCO.1.16	Applicant and Joint Host Authorities	<p>Requirement 23 – Exceedance of Level 2 threshold Paragraph 2 Applicant: As drafted this refers to the ESG certifying that a Level 2 threshold has been exceeded. Given the ESG is not a regulatory body, can it certify this or should it be 'confirmed in writing'?</p> <p>Paragraphs 4 and 6 Sets out that the ESG have 21 days to approve or refuse a plan, otherwise it is a deemed consent. Unlike other requirements this does not include the 'unless otherwise agreed in writing' tailpiece so, as drafted, there is no flexibility to extend the timescale by</p>	<p>While this part of the question is directed to the Applicant, CBC are content that a body such as the ESG is capable of "certifying" a matter for the purposes of requirement 23.</p> <p>CBC have set out elsewhere their concerns with the adequacy of the Green Controlled Growth mechanism and their concerns with the timescales related to it. Given the need to assemble the representatives of the ESG, consider what may be quite considerable submissions and take the necessary technical advice 21 days is too short a determination period. It is suggested that a period of 8 weeks would be appropriate. This would be the equivalent to the time afforded to a local planning authority to determine an application for planning permission for development</p>

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		<p>agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p>	<p>that is not major development under article 34(2)(b) of the Town and Country Planning (Development Management Procedure) Order 2015. This period is both challenging, recognising the importance of bringing forward nationally significant infrastructure promptly, whilst also being realistic in relation to the logistical and technical challenges posed by the GCG mechanism and its deemed consent provisions. Of course, in the circumstances where the production of a Level 2 Plan is necessary, the constituent members of the ESG will be incentivised to take the decisions necessary to ameliorate the adverse effects of the proposed development as promptly as it is able to do so.</p> <p>In relation to the drafting point, CBC would welcome the addition of wording that would enable the ESG and undertaker to agree in writing to vary the determination periods referred to in the question.</p>
DCO.1.19	Joint Host Authorities	<p>Requirement 39 – Application of Part 8 of the Planning Act 2008</p> <ol style="list-style-type: none"> 1. As currently drafted, this would appear to seek to limit the requests for enforcement action to the two scenarios listed in the requirement. Is this appropriate? 2. As currently drafted, there is no right of appeal against a situation where a request for enforcement action has been declined. Should there be and should this be dealt with by Article 52 (arbitration) or should the appeal be to the Secretary of State? 	<ol style="list-style-type: none"> 1. CBC note that the three Hertfordshire authorities have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report [REP1A- 003] why requirement 39 would not permit an enforcement request to be made by a specified local authority where there is a failure to produce a Level 2 Plan or Mitigation Plan and where there is a failure to act appropriately in relation to future airport capacity declarations. We also note the Applicant's response to this submission is set out in [REP3-090] to note "where appropriate the Applicant will provide a response at Deadline 3 alongside an updated DCO". As the updated DCO does not appear to address the issue the three

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			<p>Hertfordshire authorities assume that the Applicant disagrees, thought they are not clear on the Applicant's reasons for disagreeing.</p> <p>2. CBC are considering the extent that it would be desirable to include a provision allowing an appeal to the Secretary of State under this provision.</p> <p>However, it is considered that it would be inappropriate to make a disagreement in relation to the taking, or otherwise, of regulatory enforcement action to be subject to arbitration. To do so would result in an authority subjecting the exercise of its statutory functions to an appointed independent person who, while that person may have the necessary expertise and capacity to manage a dispute, would lack a democratic mandate.</p>
DCO.1.20	Joint Host Authorities	<p>Phasing Many of the requirements refer to 'no part of the authorised development may commence until a...for the construction of that part has been submitted to...'. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced.</p> <p>In order to manage the discharge of requirements and to ensure certain elements of the scheme don't come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why</p>	<p>This issue was responded to during Issue Specific Hearing 1 – Draft Development Consent Order Post Hearing Submission [REP3-108], see in particular the post hearing note under paragraph 2.14. In summary CBC are not currently seeking a specific phasing requirement but do wish to ensure that there is a need for clarity around what constitutes a part. A review of the Applicant's written responses was undertaken in this regard.</p> <p>The Applicant's response is contained in section 5.4 of its Post Hearing Submission for Issue Specific Hearing 1 [REP3-048]. The Applicant's response indicates that it will consider additional drafting to assist the relevant planning authorities to keep track of which "parts" of the project are being discharged for Deadline 4.</p>

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		not and, if it is, provide a form of preferred drafting.	CBC look forward to reviewing the Applicant's considered response and will provide an update to the Examining Authority once they have had the opportunity to review the Applicant's deadline 4 submissions.
DCO.1.21	Applicant and Joint Host Authorities	<p>Decommissioning Should the draft DCO include a requirement to deal with decommissioning? If not, why not? If it should, provide suitable drafting, and, given the duration of the Proposed Development, consider whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?</p>	CBC note that the assessment of decommissioning was scoped out of the EIA and that much of built infrastructure of the airport exists currently. It is not clear on what basis a requirement relating to the decommissioning of the Proposed Development would meet the policy tests for the imposition of a requirement.
DCO.1.22	Applicant and Joint Host Authorities	<p>Register of requirements Given the number of proposed requirements that would require discharging, some of which would need to be discharged multiple times over an extended period of time, is a requirement that would require the undertaker to establish and maintain an electronic register of requirements that require further approvals needed? If not, why not? And if yes would the suggested drafting below be appropriate?</p> <p>Suggested Drafting: (1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the joint host</p>	<p>CBC are supportive of a requirement for the Applicant to maintain a publicly accessible register in relation to the requirements included in the draft Order.</p> <p>The general thrust of the suggested drafting is appropriate, but there is scope for it to be more closely integrated within the drafting of Schedule 2. In particular, it is important that the scope of the requirements to be included in the register includes both the construction matters included in Part 2 and the operational matters included in Part 4, together with any application to amend the approved details in under paragraph (2), which is contained in Part 1. Given the importance of making public the requirements governing operation for the duration of the operation of the proposed development, it is not</p>

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		<p>authorities and other interested bodies a register of those requirements contained within Part 1 of this schedule that provide for further approvals to be given by the relevant planning authority, the relevant highway authority or the Secretary of State.</p> <p>(2) The register must set out in relation to each requirement the status of the requirement in terms of whether any approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.</p> <p>(3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</p>	<p>appropriate for the obligation to maintain the register cease after 3 years of operation.</p> <p>CBC suggest the following amendments and would welcome engagement with the Applicant on the proposed drafting for a requirements register.</p> <p>(1) The undertaker must, as soon as <u>is</u> practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the <u>relevant planning authorities joint host authorities and other relevant persons,</u> interested bodies a register of those requirements contained within <u>Parts 1, 2 and 4</u> of this <u>Schedule</u> that provide for <u>further any consent, agreement or approvals</u> to be given by <u>a discharging body, the relevant planning authority, the relevant highway authority or the Secretary of State.</u></p> <p>(2) The register must set out in relation to each <u>such</u> requirement <u>the its status of the requirement</u> in terms of whether any <u>application has been made to a discharging body and whether or not any consent, agreement or approval has been granted, together with approval to be given by the relevant planning authority, the relevant highway authority or the Secretary of State</u> has been applied for or given, providing an electronic link to any document <u>comprised in such an application or in details that have been</u></p>

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			<p>approved, consented to or agreed. containing any approved details. (3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development. The above amendments would require the definition of “discharging body” contained in paragraph 37(1), to be moved to paragraph 1(1).</p>
DCO.1.24	Joint Host Authorities, any other public authority, body or organisation affected by the Proposed Development and Interested Parties	<p>Missing requirements Review the requirements as drafted. If you consider that there are requirements that are currently not included provide details including any preferred drafting and an explanation of why they would need to be included.</p>	<p>Paragraph 5.7.22 of CBCs LIR seeks a requirement to secure lighting details. It is noted that this is being reviewed by the Applicant.</p> <p>See also the response to Written Question PED 1.2 in relation to masterplanning.</p>
Green Controlled Growth (GCG)			
<p>Please note: The references to GCG measures relate to the application version of the GCG framework, explanatory note and appendices and which were discussed at ISH1 and ISH3, unless otherwise stated. Where any matters identified below are addressed by updates to the GCG documentation submitted at D3, signpost to where this information is now provided.</p>			
GCG.1.4	All Local Authorities and CAA	<p>GCG - Appendix C – Annex C1 DCO noise model assumptions Confirm whether the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling.</p>	<p>The points listed in a-j are acceptable, noting that these are followed by the following caveat in the Green Controlled Growth Framework Appendix C – Aircraft Noise Monitoring Plan [REP3-023], “<i>Departure from the above parameters/assumptions, such as the use of more up-to-date software methodologies, shall be allowable if agreed with the GCG Noise Technical Panel.</i>” This caveat is also acceptable.</p>

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			<p>It is CBCs expectation that the model used within the DCO (or the specific inputs within the model) is to be passed to the relevant body / company to undertake future modelling, rather than a new model developed from scratch. This is based on discussions held with the Applicant and would prevent any unintended differences between future modelled contour sizes and those stated within the application documents.</p>
GCG.1.5	All Local Authorities	<p>Quota Counts Confirm whether the approach to calculating day and night-time quota counts in Noise Envelope – improvements and worked example [REP2-032] would form an acceptable basis for noise control on exceedance of a Level 1 and Level 2 thresholds.</p>	<p>The approach taken to using Quota Counts (QC) as forward planning indicators is set out in Section 5.1 Improvement #1 in the Noise Envelope – Improvements and Worked Example [REP2-032].</p> <p>As set out, equivalent QCs would be calculated for noise contour areas (Threshold 2 and GCG noise Limit), which are then used to allow slot capacity declarations. This process would be an internal tool for the airport operator and appears a sensible and acceptable way to control exceedances of Threshold level 2 and Limits.</p> <p>The internal QC process only proposes once Threshold level 1 is exceeded. However, it would be far more appropriate to maintain this internal QC process at all times, firstly to ensure that there cannot be a jump from below Threshold 1 to above Limit in such a short timeframe that a breach cannot be prevented; and secondly to avoid slot allocations being declared that potentially cannot be withdrawn.</p>

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			<p>Separately, within Section 5.1, it states that one outcome of the internal QC process would be, “<i>as part of the bi-annual process⁸ of slot management and capacity declaration,</i>” with footnote 8 reading, “<i>Twice each year, once for winter and once for summer</i>”.</p> <p>Given that the only noise control proposed through GCG covers solely the summer 92-day period (against the expectations of the Host Authorities), it is not clear why the internal QC process would be involved in allocating winter slots, as there is no corresponding limit against which to compare the equivalent QC.</p>
GCG.1.12	Applicant and Joint Host Authorities	<p>GCG Appendix A – Draft ESG Terms of Reference [REP3-019] Applicant: Explain why the threshold for ESG being quorate in paragraph A2.2.1 has been revised from “<i>where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present</i>” to “<i>where the independent chair, independent aviation specialist and slot allocation expert (or a substitute agreed as per paragraph A2.1.12) are present</i>”.</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>The rationale for reducing the quorate is understood but it is considered that appropriate representation of members to be present. The ESG have an integral role and this is not an acceptable change.</p>
GCG.1.13	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p>	<p>The Host Authorities understand the rationale for reducing the Quorate but it is not considered that the reduction is acceptable given the important role of the</p>

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		<p>Applicant: Explain why the threshold for a technical panel being quorate in paragraph B2.2.1 has been revised from “<i>where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present</i>” to “<i>where the independent technical expert is present.</i>”</p> <p>Joint Host Authorities: Is this change acceptable and if not, why, not?</p>	<p>Technical Panels and the need for an appropriate representation of members.</p>
GCG.1.15	Applicant and Joint Host Authorities	<p>GCG Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</p> <p>Applicant: Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in B2.5.1.</p> <p>Joint Host Authorities: Is this change acceptable and if not, why not?</p>	<p>This is not an acceptable change. Meetings should take place unless there is agreement from the members and a mechanism should be included in the Terms of Reference.</p>
Need			
NE.1.6	Applicant, All Local Authorities and Harpenden Society	<p>Exports</p> <p>The Need Case [AS-125, Section 4.4] focuses on trade and the percentage of exports in goods by sector for this region where it is stated 30% of Gross Value Added (GVA) in the East of England derives from exports, reflecting that the region has a strong international focus with growing need for international connectivity. Given that the Need Case identifies limited growth in cargo operations, where any additional cargo would only occur when longer haul flights are</p>	<p>Focussing on cargo growth as the primary measure of how expansion at the airport can drive exports is perhaps not the right way to look at this issue. Undoubtedly, the export of cargo goods is important, and the airport will have an important role to play enabling the transportation of high value exports - the Need Case at para 4.3.6 highlights that Luton, the Three Counties and the Six Counties, have above average employment in High Tech Manufacturing clusters. The graphs included highlight for example Stevenage, Welwyn Hatfield, Chiltern, East Hertfordshire and South Bucks having double the rate</p>

ExQ1	Question to:	Question
		<p>potentially introduced in the later phases of the development, how significant a contribution could growth at the airport have to exports in the East of England?</p> <p>of employment in High Tech Manufacturing compared to the national average. Stevenage, is known to be on track to develop into the most important cluster in the field of cell and gene therapy across Europe. This is important, high value export output. It does not necessarily however equate to high tonnage, as much of the area's output is in high value R&D fields involving international collaboration.</p> <p>Section 4.4.3 of the Need case is perhaps on the right lines highlighting the dominance of services activities – stating that these account for around 77% of regional GVA in the East of England (compared to the average of 75% for regions outside of London).</p> <p>Although not highlighted in the Need case, there is a weight of research evidence that can be drawn upon to highlight the importance of airports as growth generators – for example, Conventz and Thierstein's research (2012) which points to how airports and their vicinities are no longer perceived as purely transportation nodes, but are now seen as advantageous business locations offering a crucial competitive advantage – accessibility and rapid global connectivity. They draw the link between airport location and the clustering of Knowledge Economy businesses – defining these as the combination of advanced producer services (finance, insurance etc) and companies working in high-technology sectors.</p> <p>PwC have also looked at the issue preparing their report entitled Econometric Analysis to Develop Evidence on the Links Between Aviation and the Economy, (PwC, 2013). Their work attempts to</p>

ExQ1	Question to:	Question	
			<p>quantify the link, reporting that a 10% increase in seat capacity increased the UK's goods exports by 3.3%, goods imports by 1.7%, service imports by 6.6% and service exports by 2.5%.</p> <p>Therefore, the issue of the importance of the airport's growth to exports in the East of England is a more nuanced argument which should consider not only the export of high value goods (as cargo), but the importance of the role of the airport as a hub that can play an increasingly important role in driving information and knowledge exchange, and therefore supporting the growth of high value service sectors of the area's economy.</p> <p>The Need Case does not set these arguments out particularly well, and undoubtedly more analysis could be provided to highlight these links.</p> <p>Further comment will be provided following receipt of the Applicant's response to this question.</p>
NE.1.11	Joint Host Authorities and Chris Smith Aviation Consultancy Limited	<p>Impacts on forecasting assumptions In respect of the comments made in the Initial Review of DCO Need Case [REP2-057, paragraph 3.37], which sets out potential weaknesses in the assumptions used by York Aviation, what effect of Brexit, long term effects of the pandemic and the Russian invasion of Ukraine have on the forecast assumptions? Would this be a major effect on the forecast assumptions or simply delay the anticipated growth?</p>	<p>These potential weaknesses in the economic growth assumptions from these known events (in addition to any arising from 'unknown unknowns') will delay growth. On their own, these three known events should not have a major effect. However, they should be considered alongside other delays which could arise from the weaknesses in the price assumptions. and Dr Smith's predicted 5 to 7 year delay from the underestimation of the capacities of Heathrow and Gatwick, (since these airport operators will strive to make maximum use of their runways in the absence of caps on passenger throughput).</p>

ExQ1			
Question to:		Question	
Noise			
Physical effects of development and operation			
Design			
PED.1.2	Applicant (1 only), Luton Borough Council (1 and 2), and All Local Authorities (2 only)	<p>Masterplan It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011-2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by Luton Borough Council.</p> <p>1. Are the proposals in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport which has been adopted by Luton Borough Council? If yes, please submit details. If no, should there be a requirement added to the draft DCO for a detailed masterplan to be developed post-consent to set out in more detail how the Proposed Development would be delivered, including phasing of works?</p>	Given the scale of the proposed development, lengthy delivery period for the works and uncertainty surrounding when those works would be delivered, it is deemed appropriate for a requirement to secure a masterplan. The requirement should ensure that there are suitable review mechanisms due to the uncertainty surrounding timescale deliverability.
Historical Environment			
PED.1.11	Joint Host Authorities	Heritage Assets scoped out of the ES	CBC had previously raised concern that Luton Hoo Conservation Area had not been considered but

ExQ1	Question to:	Question	
		<p>Comments have been raised in submissions raising concerns that designated heritage assets have been scoped out of the assessment that should have been included.</p> <p>Based on the content of Section 10.7 of ES Chapter 10, can you advise what assets should be included in the assessments that appear to have been scoped out and why?</p>	<p>further discussions between CBC and the Applicant have addressed this matter. CBC do not consider that there are any other assets within Central Bedfordshire that should be included in the assessments.</p>
PED.1.15	Applicant and Joint Host Authorities	<p>Cultural Heritage Management Plan (CHMP) Applicant: The CHMP [APP-077, paragraph 10.1.3] states that if the local planning authority determines in writing that the archaeological remains require further investigation, no construction operations are to take place within 10m of the remains until provision has been made for further investigation and recording in accordance with details set out in a Site Specific Written Scheme of Investigation (SSWSI) which will be submitted to, and approved in writing by, the relevant local planning authority in consultation with Historic England, as applicable.</p> <p>The wording 'which will be submitted to, and approved in writing by, the relevant local planning authority' implies that the relevant local planning authority are automatically bound to approve a SSWSI. Please reword this paragraph.</p> <p>Joint Host Authorities: Section 2.1 of the CHMP states that the Applicant would appoint</p>	<p>The archaeological remains are not in Central Bedfordshire and therefore CBC have no comments to make re: appointment of an Archaeological Clerk of Works.</p> <p>With the exception of Chapter 9, CBC are generally in agreement with the measures of the Cultural Heritage Management Plan (ref. APP-077). The Applicant has been liaising with CBC on a revised CHMP to address the concerns raised regarding the assessment of Someries Castle.</p>

ExQ1	Question to:	Question	
		<p>an Archaeological Clerk of Works (ACoW) who would manage the programme of archaeological investigation and ensure compliance with the CHMP and each SSWSI.</p> <p>Are the councils content that the appointment process of the ACoW, who would ultimately have responsibility amongst other matters for ensuring compliance with the DCO, rests solely with the Applicant? If not, should provision be made for the local authorities to approve the appointment of the ACoW?</p> <p>Joint Host Authorities: Except for Section 9 in respect of air quality monitoring at Someries Castle, which is subject to further review, are you otherwise in agreement with the measures in the CHMP?</p>	
Landscape and Visual Impacts			
PED.1.16	Applicant and Joint Host Authorities	<p>Methodology Chapter 14 of the ES [AS-079, paragraph 14.5.7] advises of the distinction between the terms 'impact' and 'effect' in the Guidelines for Landscape and Visual Impact Assessment third edition (2013) (GLVIA3) and that the term 'impact' should not be used to mean a combination of several effects. The paragraph then goes on to state that the Landscape and Visual Impact Assessment (LVIA) varies from this advice and refers to 'magnitude of impact,' even when describing a combination of several effects.</p>	No further comments – satisfied with the adopted approach.

ExQ1	Question to:	Question	
		<p>Chapter 5 of the ES [AS-075, paragraph 5.4.40] states that to provide consistency across topics within the Environmental Assessment, the methodology as described in Chapter 5 will be adopted, although where topic-specific alternatives exist (following industry-wide guidance or best practice) these have been presented within the relevant aspect assessment chapters of this ES.</p> <p>Applicant: Given the guidance in GLVIA3, which contains a topic-specific alternative, explain further why the term 'magnitude of impact' has been used as opposed to 'magnitude of effect' when judging the significance of effects in the LVIA. Explain further why this variance does not compromise the assessment, as stated in paragraph 5.6.1 of Appendix 14.1 of the ES [AS-036].</p> <p>Joint Host Authorities: Do you have any comments on the approach adopted to the methodology and use of terminology in the LVIA?</p>	
PED.1.19	Applicant and Joint Host Authorities	<p>Assessment of Significant Effects Applicant: There appear to be some discrepancies in the assessment of significance effects in Appendix 14.5 of the ES [AS-139]. For example, in the table in Section 2 'Construction Phase 2a – Visitors to Wigmore Valley Park' (page 41) the assessed effect is to remain a moderate adverse effect</p>	CBC are generally in agreement with the assessment findings.

ExQ1	Question to:	Question	
		<p>which is stated to be 'not significant' but Phase 2b, which is considered to also have a 'moderate adverse' effect, is stated to be 'significant'. Explain why a different conclusion on significance is reached for the same judged effect?</p> <p>If this is a typographical error, please review all findings to ensure that the correct assessment of effects is reported.</p> <p>Joint Host Authorities: Are you in agreement with the assessment findings on significant effects on the receptors assessed in Appendices 14.4 [AS-086] and 14.5 [AS-139]? If not, advise where disagreement on the findings exist and how this may affect conclusions.</p>	
PED.1.23	Applicant, All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board	<p>Chilterns AONB Sensitivity Test [APP-107] Applicant: Paragraph 2.4.2 states that extension to the boundary of the Chilterns AONB would neither change the judgements of magnitude of impact resulting from the Proposed Development nor those on the sensitivity of a visual receptor. This is because judgements on sensitivity are a product of the activity one is performing when experiencing a view, which would not be altered by the future designation of this land.</p> <p>Please explain further the rationale for this statement, given that introducing a statutory</p>	CBC do not agree that judgements on the sensitivity of a visual receptor would remain the same. The susceptibility to change would increase as the landscape value would be increased.

ExQ1	Question to:	Question	
		<p>landscape designation would likely increase the value of the receptor and its susceptibility to change.</p> <p>All Local Authorities, Natural England, The Chiltern Society and Chilterns Conservation Board: Are parties in agreement with the findings in the Sensitivity Assessment? If not, why not?</p>	
PED.1.32	All Local Authorities	<p>Landscape and the planning balance Chapter 8 of the Planning Statement [AS-122, paragraph 8.9.32] concludes that, allowing for mitigation measures, landscape and visual impacts should be accorded only limited weight in the planning balance.</p> <p>Do you agree that landscape and visual impacts should only be accorded limited weight? If not, why not and what weight should they be given?</p>	<p>CBC do not agree that landscape and visual impacts should only be accorded limited weight. Luton Airport is positioned on an elevated plateau visible from landscapes to the south and west of the airport that have significant quality and heritage value (Luton Hoo Grade II* RPG and Someries Castle Scheduled Monument). The surrounding rural area also has significant recreational value due to the numerous public footpaths and bridleways. Additionally, the increase in overflights and visual intrusion of the development could impact on the special qualities of the Chilterns AONB.</p> <p>Due to the high value of the surrounding landscape and its sensitivity to change, significantly greater weight should be given to the landscape and visual impacts.</p>
Water environment			
Socio-economic effects			
Social effects			
SE.1.1	Applicant and Joint Host Authorities	<p>Equity The New Economics Foundation [REP1-114, paragraphs 75 to 79] have highlighted that key</p>	<p>The importance of the airport within the local economy, as a driver of economic growth and as a key asset that will help the local area recover from the</p>

ExQ1	Question to:	Question
		<p>impacts of the scheme have not been assessed through an equity lens. Why has this assessment not been undertaken and given the emphasis that has been placed on how the Proposed Development would contribute to delivering the levelling up agenda should it be and, if not, why not?</p> <p>impact of the Covid-19 pandemic is highlighted in the Need case at paragraphs 2.4.23 to 2.4.30. Para 2.4.25 of the Needs case points to Luton Council setting up the Luton Inclusive Growth Commission in late 2018 as an independent body tasked with investigating how to develop an inclusive economy in Luton and to overcome specific barriers to inclusive growth. The Commission highlighted poverty and inequality as being among the most important issues in Luton.</p> <p>The Luton 2020-2040 Inclusive Economy Strategy that followed notes that the airport is a major asset to Luton and its local economy and that securing the airport's recovery and growth in line with what is being proposed will help to support further economic growth and deliver new jobs for local people.</p> <p>Para 2.4.30 of the Need Case points to the work to deliver Luton Council's Inclusive Economy Strategy, the importance of growing the economy to provide more high-value and well-paid jobs for local residents and driving growth in key sectors and at the airport. It points to the airport being one of the key economic strengths of the area in terms of supporting recovery post Covid-19 pandemic.</p> <p>However, airports and the jobs they support provide a range of jobs across skill levels, and providing a balance of high and lower paid roles is as important in the delivery of any inclusive growth strategy as is the objective of emphasizing the importance of high value jobs. The jobs growth projected as a result of the airport's growth will provide this balance of job roles</p>

ExQ1	Question to:	Question	
			and opportunities. The Needs case could perhaps draw this balance argument out a little more than it does.
Economic effects			
SE.1.10	Applicant and Joint Host Authorities	<p>Monitoring The ES [APP-037, paragraph 11.13.1] concludes that there would be no requirement for continued monitoring during construction or operation of the Proposed Development.</p> <p>Applicant: Provide further detail as to how this conclusion was reached.</p> <p>Joint Host Authorities: Should economic and employment effects during construction/operation be monitored? If so why and how should this be secured?</p>	<p>Monitoring of jobs growth, access to jobs by local residents would seem to be an important part of monitoring the socio-economic impact of the growth of the airport on the local economy over time. It is noted for example, that the average earnings of the 3,100 airport jobs taken by workers within the Luton area have an average worker wage of c. £26,200 (2019). This is well below the average airport wage of £41,100 (page 17 of Oxford Economics' report), which suggests Luton workers are not accessing the higher paid jobs at the airport. This suggests that it would be highly beneficial for the proposals to be linked closely to a robust Skills and Employment plan that can raise skill levels over time for Luton area airport workers to help them access the higher value jobs at the airport.</p> <p>If periodic monitoring is not undertaken, then it will be very difficult to track how and whether jobs and skills benefits for local people can improve over time as the airport grows.</p>
Health and community effects			
HAC.1.3	Applicant and Joint Host Authorities	<p>Joint Strategic Needs Assessment (JSNA) The ExA requests that the Applicant and the Joint Host Authorities meet to agree any specific datasets relating to local health inequalities within the JSNA document(s) relevant to the Proposed Development that are necessary to ensure that the assessment, receptor selection and any consequent mitigation is representative of the likely</p>	<p>CBC note this request and have had an initial discussion with the Applicant through the SoCG process.</p>

ExQ1	Question to:	Question	
		significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.	
HAC.1.15	Joint Host Authorities	<p>Need for requirements in relation to health and wellbeing</p> <p>The Joint Host Authorities' LIR [REP1A-003, paragraphs 7.8.7 to 7.8.9] concludes that the Proposed Development would create adverse health and wellbeing effects on residents during operation and recommends that additional requirements should be included in the draft DCO to mitigate this negative impact. Please provide further detail of the requirements that should be included, including any preferred drafting.</p>	<p>Whilst the ExA requests comments from the Joint Host Authorities, it should be noted that the Local Impact Report referred to here (REP1A-003) was prepared by the three Hertfordshire Authorities and did not represent the views of all five Host Authorities. This question is therefore not applicable to CBC.</p>