

# London Luton Airport Expansion

## Buckinghamshire Council Response to the Applicant and selected other parties' responses to the Examining Authority's Written Questions and requests for further information

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PINS REFERENCE: TR020001

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November 2023



Directorate for Planning, Growth & Sustainability  
Planning & Environment  
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PINS ID	Subject	Question / Response	Buckinghamshire Response
<b>REP4-052. 8.66 Applicant's response to Written Questions – Broad and General, Cross-topic Questions</b>			
BCG.1.1		<p><b>Question:</b>  <b>Development Plan policies</b>                      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. 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><b>Applicant Response:</b>                      The Applicant notes that this question is directed to the Local Authorities and does not consider it necessary to provide a response at this time.</p>	<p><b>The Council provided a response to this question in REP4-112. It is replicated here:</b></p> <p>Please find links to the Council's relevant local planning policy documents below. The Council's comments in relation to the Applicant's planning policy analysis are contained within its LIR [REP1A-001].                      Vale of Aylesbury Local Plan (adopted 2021)</p>
		<p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Local Impact Report for Hertfordshire County Council, Dacorum Borough Council and North Herts Council [REP1A-00] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District.</p> <p><b>'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.'</b></p> <p>The Local Impact Report by Hertfordshire Country Council, Dacorum Borough Council and North Herts Council [REP1A-003] presents what are considered to be relevant policies within the adopted local plans of North Hertfordshire and Dacorum (within whose administrative area part of the application lies) and those of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District.</p> <p>Copies of those policies referred to in the Local Impact Report [REP1A-003] are submitted as Appendix 1 Development Plan Policies.</p> <p><b>Have there been any relevant updates to the statutory Development Plans since the compilation of the application documents?</b></p> <p>Since the compilation of the application documents a Welwyn Hatfield Local Plan 2016-2036 was adopted at a meeting of the Council on 12<sup>th</sup> October 2023.</p> <p><b>'Are the local planning authorities' content with the Applicant's policy analysis?'</b></p> <p><b>Spatial coverage</b>                      Appendix E (APP-199) of the Planning Statement [AS-122] comprises of Policy Compliance Tables, which present a consideration of the Scheme against the national aviation policies and the national and local planning policies. The Applicant considers these likely to be important and relevant to the determination of the application for development consent.                      Within Hertfordshire, that consideration is applied to the adopted local plans of North Hertfordshire District and Dacorum Borough because they are the local authorities within whose administrative</p>	<p><a href="https://buckinghamshire.gov-uk.s3.amazonaws.com/documents/Aylesbury_local_plan_L46JWaT.pdf">https://buckinghamshire.gov-uk.s3.amazonaws.com/documents/Aylesbury_local_plan_L46JWaT.pdf</a></p> <p>Buckinghamshire Minerals and Waste Local Plan 2016-2036 (adopted 2019)  <a href="https://buckinghamshire.gov-uk.s3.amazonaws.com/documents/buckinghamshire-minerals-and-waste-local-plan-2016-2036_yiYUGSb.pdf">buckinghamshire.gov-uk.s3.amazonaws.com/documents/buckinghamshire-minerals-and-waste-local-plan-2016-2036_yiYUGSb.pdf</a></p> <p>If required, full copies of local plans can be provided separately.</p>

	<p>area the Order Limits fall (paragraph 6.4.3 of <b>AS-122</b>).</p> <p>The Hertfordshire Local Impact Report [<b>REP1A-003</b>], however, also identifies policies within the local plans of the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District which, together with Dacorum and North Hertfordshire, are considered to represent a reasonable development plan 'arc' around the proposal. Within which, the influence of the Proposed Development would be most likely felt, taking into account the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [<b>APP-164</b>] (Figure 21.1) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [<b>AS-044</b>] Figure 18.3 Simulation Network.</p> <p>It did not, however, consider policies within local plans covering the whole of the Core Zone of Influence (East Hertfordshire District) and Simulation Network (Three Rivers District and Hertsmere Borough).</p> <p>Whilst appreciating that the City and District of St Albans, Stevenage Borough and Welwyn and Hatfield District are not local authorities within whose administrative area the Order limits fall, in light of <b>APP-164</b>, Figure 21.1 and <b>AS-044</b> Figure 18.3 the Host Authorities would have expected the Applicant to have considered development plan policies on a wider spatial coverage.</p> <p><b>Content and conclusions of the Applicant's policy analysis</b></p> <p>For the local plans that the Applicant has considered, the breadth of policies assessed is considered to be pretty comprehensive.</p> <p>The Applicant's assessment of policies is essentially that the Proposed Development is compliant with the local plans of Dacorum Borough and North Hertfordshire District. Whilst there are a range of topics with which the Host Authorities would agree with the Applicant's analysis, there are also others where the Host Authorities are in active discussions with the Applicant and where further information to support the scheme are awaited – for example in relation to noise, surface access, landscape, air quality, economic impacts, possible impact on the Green Belt.</p>	
<p>BCG.1.2</p>	<p><b>Question:</b></p> <p><b>Neighbourhood Plans</b></p> <p>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"> <li>1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion;</li> <li>2. Provide a copy of the made plan or a copy of the latest draft.</li> <li>3. Indicate what weight you consider the ExA should give to these documents.</li> </ol> <p><b>Applicant Response:</b></p> <p>The Applicant notes that this question is directed to the Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification.</p> <p>There are no made Neighbourhood Plans that the Applicant believes the ExA should be aware of with respect to the Proposed Development. Hyde Neighbourhood Area (Central Bedfordshire) was designated on 25 April 2019, however a draft Neighbourhood Plan has not been prepared at the time of writing.</p>	<p><b>The Council provided a response to this question in REP4-112. It is replicated and extended upon here:</b></p> <p>The Council is of the opinion that full weight should be given to the following documents that are relevant to the development:</p> <p>Edlesborough Neighbourhood Plan (Made 2017)</p> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Edlesborough_NP_Referendum_Version_X2fA4P2.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Edlesborough NP Referendum Version X2fA4P2.pdf</a></p> <p>Wingrave with Rowsham Neighbourhood Plan (Made 2016)</p> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Wingrave_NP_REFERENDUM_VERSION_5S0IL3z.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Wingrave NP REFERENDUM VERSION 5S0IL3z.pdf</a></p>
	<p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Hertfordshire Local Impact Report [<b>REP1A-003</b>] identifies relevant policies within the Local Plans of the local planning authorities of City and District of St Albans, Dacorum, North Hertfordshire, Stevenage and Welwyn Hatfield. The following are the 'Made' and emerging (where there is a draft plan available) Neighbourhood Plans within those five Hertfordshire</p>	<p>Pitstone Neighbourhood Plan (Made 2016)</p> <ul style="list-style-type: none"> <li>- Paragraph 2.6 states that within the top 3 issues which need attention within the transport topic are the issues of traffic</li> </ul>

	<p>local authority areas.</p> <p>Within the City and District of St Albans:  <i>Made:</i></p> <ul style="list-style-type: none"> <li>• Wheathampstead Neighbourhood Plan (Appendix 2)</li> <li>• Redbourn Neighbourhood Plan (Appendix 3)</li> <li>• St. Stephen Neighbourhood Plan (Appendix 4)</li> <li>• Sandridge Neighbourhood Plan (Appendix 5)</li> <li>• Harpenden Neighbourhood Plan (Appendix 6)</li> </ul> <p>Within Dacorum Borough:  <i>Made:</i></p> <ul style="list-style-type: none"> <li>• Grovehill Future Neighbourhood Plan (Appendix 7)</li> <li>• Kings Langley Neighbourhood Plan (Appendix 8)</li> </ul> <p><i>Emerging:</i></p> <ul style="list-style-type: none"> <li>• Bovingdon Neighbourhood Plan – Draft – currently at consultation (29<sup>th</sup> September-12<sup>th</sup> November 2023). Completion date unknown. (Appendix 9)</li> </ul> <p>Within North Hertfordshire:  <i>Made:</i></p> <ul style="list-style-type: none"> <li>• Ashwell Neighbourhood Plan (Appendix 10)</li> <li>• Pirton Neighbourhood Plan (Appendix 11)</li> <li>• Baldock, Bygrave and Clothall Neighbourhood Plan (Appendix 12)</li> <li>• Preston Neighbourhood Plan (Appendix 13)</li> <li>• Knebworth Neighbourhood Plan (Appendix 14)</li> <li>• Wymondley Neighbourhood Plan (Appendix 15)</li> </ul> <p><i>Emerging:</i></p> <ul style="list-style-type: none"> <li>• Icklford - Consultation on the submitted neighbourhood plan took place between Thursday 11 May and Tuesday 27 June 2023. Completion date unknown. (Appendix 16)</li> <li>• Wallington - Consultation on a draft plan took place between Tuesday 18 July and 12pm on Wednesday 30 August 2023. Completion date unknown. (Appendix 17)</li> </ul> <p>Within Stevenage Borough there are no 'Made' or emerging Neighbourhood Plans. Within Welwyn Hatfield District:  <i>Made:</i></p> <ul style="list-style-type: none"> <li>• Northaw and Cuffley Neighbourhood Plan (Appendix 18)2.The relevant</li> </ul> <p>appendices are noted in the above list of plans.</p> <p>3. None of the 'Made' or emerging Neighbourhood Plans fall within the area of the Order limits. As a consequence, their weight is necessarily restricted/limited. The extent to which any residual restricted/limited weight may be attached to these Plans is considered to be dependent upon:</p> <ol style="list-style-type: none"> <li>The stage they have reached in the preparation/adoption process.</li> <li>The extent to which the application might have an impact on the areas involved [taking</li> </ol>	<p>congestion, an HGV diversion/ban and the lack of public transport.</p> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/pnp_referendum_edition_23_jan_2016-1_QW9tNsv.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/pnp_referendum_edition_23_jan_2016-1_QW9tNsv.pdf</a></p> <p>Ivinghoe Neighbourhood Plan (Made 2018)</p> <ul style="list-style-type: none"> <li>- <b>TRA2: Developer contribution to highway safety and parking</b>                  All development (other than householder) which generates additional traffic will be expected to contribute proportionately to improved safety and parking through agreement with the Highways Authority and Parish Council. In Ivinghoe, this should comprise traffic calming measures, the provision of safe crossing points and additional off-street parking spaces. In Ivinghoe Aston this should comprise traffic calming measures and the provision of safe crossing points. (Para 5.6.4)</li> </ul> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/IPNP_Referendum_Version_Final_ACCESSIBLE.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/IPNP_Referendum_Version_Final_ACCESSIBLE.pdf</a></p> <p>Slapton Neighbourhood Plan (Made 2018)</p> <ul style="list-style-type: none"> <li>- Paragraph 2.32 stresses the lack of public transport provision within the area.</li> </ul> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Slapton_NDP_Plan_Policies_Maps_IF7MYc4.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Slapton_NDP_Plan_Policies_Maps_IF7MYc4.pdf</a></p> <p>Cheddington Neighbourhood Plan (Made 2015)</p> <ul style="list-style-type: none"> <li>- <b>Policy 5: Southend Hill and Westend Hill Heritage Asset &amp; Special Landscape</b>                  The Neighbourhood Plan defines land at Southend and Westend Hills, as shown on the Policies Map, as a non-designated heritage asset and as a landscape of special value. Development proposals in this area should respect the landscape character. Development that adversely affects this character will not be permitted unless appropriate mitigation measures can be secured.</li> </ul> <p><a href="https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Cheddington_NP_Final_Version_Post_Examiner_14.08.15_xx17fYt.pdf">https://buckinghamshire-gov-uk.s3.amazonaws.com/documents/Cheddington_NP_Final_Version_Post_Examiner_14.08.15_xx17fYt.pdf</a></p>
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	<p>into account whether, for example, they fall within the Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Core Zone of Influence [APP-164], (Figure 21.1 – the authorities consider that the Air Noise Zone of Influence to be the most important) and Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network].</p> <p>iii. Whether the Plans reference London Luton Airport or have policies relating to the potential influence of growth at the Airport.</p> <p>With regard to i., 'Made' local plans will carry more residual weight than emerging ones. As a consequence of this the emerging Bovington, Ickford and Wallington plans carry less, if any, residual restricted/limited weight.</p> <p>With regard to ii. (for the remaining neighbourhood plans), Ashwell, Northaw and Cuffley falls outside the Core Zone of Influence and Simulation Network and are considered to have no restricted/limited weight.</p> <p>All of the other neighbourhood plans fall within the Environmental Statement and Related Documents Chapter 18 Traffic and Transportation Figures [AS-044] Figure 18.3 Simulation Network and therefore in some measure fall within the scope of the Applicant's surface access (highways) assessment.</p> <p>Grovehill (partially), Wheathampstead, Redbourn, Sandridge, Harpenden, Baldock (partially), Bygrave and Clothall, Preston, Knebworth and Wymondley all fall within the air noise Zone of Influence [Environmental Statement - Chapter 21 In-Combination and Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1)].</p> <p>Of the neighbourhood plans falling within the Cumulative Effects Air Noise Core Zone of Influence [APP-164], (Figure 21.1)], none of them make specific reference to the potential implications of London Luton Airport or growth of it on the noise environment and therefore have negligible, if any, weight.</p> <p>Of the neighbourhood plans falling within the Simulation Network, three make specific reference to London Luton Airport with regard to the traffic implications of London Luton Airport and/or growth/expansion of it:</p> <p>Harpenden Neighbourhood Plan makes reference to transport congestion with London Luton Airport identified as one of the contributory factors to that:</p> <p>'Chapter 9 Transport and Movement</p> <p>9.1 This chapter sets out a number of policies in relation to transport and movement within the Harpenden Neighbourhood Plan Area. Located just east of the M1, near Luton Airport and within close proximity of a number of medium-large town and cities, including Hemel Hempstead, St Albans, Welwyn Garden City, Stevenage and Luton, congestion is frequently experienced in the area. In particular, Main Roads through Harpenden such as the A1081 (which runs from St Albans to Luton via Harpenden Town Centre), the B653 (which runs from Luton to the A1(M) near Welwyn Garden City/Hatfield), B652 (Station Road), which runs from Harpenden Town Centre to the B653 and Redbourn Lane (which connects with the M1 via Redbourn) experience congestion regularly.</p> <p><i>Policy T2 – Proposals Affecting the A1081, B653 and B652 Proposals that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road (as demonstrated by a Transport Assessment) will be required to make provision for, and contribute to, appropriate highways improvement measures to ease traffic congestion on those roads, including in relation to traffic flow and on-street parking pressure. Where creation or alteration of a junction on one of these roads is proposed, evidence must be provided that demonstrates how the proposed junction would minimise disruption to traffic flow.</i></p>	<p>If required, full copies can be sent separately.</p> <p>There are no relevant emerging Neighbourhood Plans.</p>
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	<p><i>Policy T9 – Sustainable Transport Routes Appropriate provision of new and improved walking or cycling routes, improvements to the public transport network, the introduction of electric car charging points and the introduction of appropriate facilities for cyclists (including storage and changing facilities) are supported. New and improved cycle routes, pathways and bridleways within the Neighbourhood Plan Area, including those connected to nearby settlements, will be supported. In particular, improvements to the Harpenden to St Albans Cycle Route through the provision of a cycle only lane from Beesonend Lane past West Common would be supported.</i></p> <p><i>9.12 A key ambition of the Neighbourhood Plan is to support a modal shift away from private motor vehicles and towards more sustainable modes of transport. This approach is intended to be through positive encouragement of measures that makes sustainable transport options more accessible rather than seeking to make driving less accessible. Reducing the number of vehicle trips will ease congestion and support better air quality in the Neighbourhood Plan Area.'</i></p> <p>Wheathampstead Neighbourhood Plan makes reference to the contribution that expansion of London Luton Airport has on the volume of traffic in the area.</p> <p><i>'3 VISION AND OBJECTIVES Challenges for Wheathampstead</i>  <i>There is an ever-increasing volume of traffic through the area caused not only by the demand on housing but also the expansion of Luton Airport. This puts increased pressure on the Lower Luton Road and village centre.'</i></p> <p>Preston Neighbourhood Plan makes reference to the impact of the expansion of London Luton Airport, including the DCO Proposal, will have on the volume of traffic having a huge impact on the quality of life of residents.</p> <p><i>'1. Introduction</i>  <i>.....</i>  <i>Some of the points raised by local people are not within the remit of either the Neighbourhood Plan or the Parish Council: aircraft noise and pollution and lights from Luton Airport.'</i></p> <p><i>'11. Transport and Communications</i>  <i>.....</i>  <i>11.3 Because there are only rural lanes within the parish there is huge concern locally about the increase in traffic which will inevitably occur if the proposed developments for East of Luton go ahead as well as the planned expansion to Luton airport. In addition to the planned and agreed increase in numbers to 18 million passengers per year, a recently submitted planning application requests that this number should increase to 38 million. The much greater volume of traffic through Preston as a result of these developments will have a huge impact on the quality of life for local residents.</i></p> <p><i>Policy TC1: Safe and Sustainable Transport: Residential and community development proposals will be supported where amenities in the village can be readily and safely accessed by pedestrians and cyclists. In addition, development proposals should conform to the following criteria: a) development proposals should not generate an unacceptable increase in traffic volume and movements within or through the village and b) development proposals should not generate unacceptable highway safety risks and c) development proposals should provide a minimum of 2 off-road parking spaces per new residential unit with 2-3 bedrooms and a minimum of 3 parking spaces for 4+ bedroom residential units.'</i></p> <p>Whilst the Wheathampstead and Preston Neighbourhood Plans raise concerns about traffic related issues associated with London Luton Airport, they do not appear to have any directly relevant policies and therefore are considered to carry little of the restricted / limited weight.</p> <p>Policy 2 of the Harpenden Neighbourhood Plan makes reference to the requirement for proposals</p>	
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	<p>that may result in a material increase in traffic on the A1081, B653 (Lower Luton Road), B652 (Station Road) or Redbourn Road to make provision for, and contribute to, appropriate highways improvement measures. Policy 9 supports improvements to the public transport provision. Both of these policies are considered to carry some restricted / limited weight.</p>	
<p>BCG.1.3</p>	<p><b>Question:</b>  <b>Central Government Policy and Guidance</b>                  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> <p><b>Applicant Response:</b>                  The Applicant notes that this question is directed to both the Applicant and Interested Parties.</p> <p>The Applicant is not aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application for development consent that have occurred since it was submitted, except for the Overarching Noise Policy Statement for which the Applicant has provided a detailed response [REP1-012] at Deadline 1.</p> <p><b>Host Authorities Response [REP4-126]:</b></p> <p>TA revised National Planning Policy Framework (NPPF) has been published and is included within Appendix 19. It is not believed this has any significant implications for the application.</p>	<p><b>The Council provided a response to this question in REP4-112. It is replicated here:</b></p> <p>The National Planning Policy Framework was updated in September 2023. The Council has not identified any specific changes of direct relevance to airport development, but notes that the update includes a number of amendments made under heading 14- 'Meeting the challenge of climate change, flooding and coastal change' that may have indirect relevance, including the policy that development should be planned in ways that 'can help to reduce greenhouse gas emissions' (NPPF, para 154.b). Therefore, as a minimum this should be captured in the Applicant's Errata Report, with the onus on the Applicant to consider wider implications for the proposed development that should also be applied to the wider DCO application.</p> <p>The Zero Emission Vehicle Mandate will require vehicle manufacturers to sell a rising proportion of electric vehicles before the 2035 ban on conventional petrol and diesel Updated legislation on the selling of petrol and diesel vehicles comes into force. The Applicant should consider any implications of the mandate and the Government's pushing back of the ban on new petrol and diesel cars to 2035 on the Environmental Statement (ES) and its conclusions.</p>
<p>BCG.1.6</p>	<p><b>Question:</b>  <b>Airspace Change Process (ACP)</b>                  Provide an update on the status of the ACP, the timeline for implementation and explain whether this has any implications for the application.</p> <p><b>Response:</b>                  The Applicant notes that this question is directed to both the Applicant and the CAA.</p> <p>The Applicant's response is that the airspace change effected to the arrival routes to London Luton Airport, known as AD6, has been implemented and is subject to post implementation review by the CAA.</p> <p>In terms of the broader airspace change as part of the overall airspace modernisation programme for the South East of England (known as FASI-S), the specific London Luton Airport change proposals are at Stage 3a of CAP 1616 airspace change process, having Stage 2 gateway in March 2022. Stage 1 involves assessing the requirement and determining the design principles, Stage 2 involves the development and appraisal of options. Stage 3a is preparation for consultation.</p>	<p>The Council has no comments relating specifically to the Applicant's conclusions relating to GHG emissions.</p> <p>The Council has previously commented on the need to consider the interaction of the FASI-S with noise impacts. The Council considers that its communities and the Chilterns AONB could benefit from changes, or conversely, be adversely affected. This is one of the reasons the Council wishes to be part of the green controlled growth scrutiny process.</p>

	<p>This stage is currently on hold as the airport is required to wait until the other airports with whom its airspace interacts, Stansted, RAF Northolt, London City and Heathrow, have also reached this stage so that any interactions can be identified and shown for consultation on a combined basis. This is awaiting Heathrow to pass the Stage 2 gateway of the process and this is anticipated to be by the end of October 2023. The process of coordinating interactions is being led by the Airspace Change Coordinating Group (ACOG).</p> <p>The overall process and timelines for the airspace change process is set out in the ACOG masterplan and an update of this is expected by the end of the year. As set out in <b>REP1-028</b>, the Applicant considers the airspace change process to be separate from the DCO process, albeit there are expected to be environmental benefits from the realisation of airspace modernisation.</p>	
	<p><b>CAA Response:</b>                  CAA answer It is not clear in this question which ACP is being referred to by the ExA. However, we note that the Applicant has stated it will not require an Airspace Change to implement its expansion plans should the DCO be approved. There is a Luton airport ACP related to airspace modernisation (ACP-2018-70) which is currently at step 3a. This Airspace Change forms part of the Airspace Modernisation Masterplan1, which foresees it as part of the London Terminal Manoeuvring Area cluster. Figure 12 of that document sets out a deployment sequence which shows ACPs for the LTMA deploying no earlier than 2027. The CAA has no information to say whether or not this has any implications for the application, but notes that in REP1-028, the Applicant states in paragraph 1.4.11 that it considers airspace modernisation will have been delivered 'well before the major step up in capacity can be delivered in Assessment Phase 2a' and in AS-125, Figure 6.15 shows that major step up in movements to occur after 2035.</p>	
<p><b>REP4-053. 8.67 Applicant's response to Written Questions – Air Quality and Odour – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-054. 8.68 Applicant's response to Written Questions – Biodiversity – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP-055. 8.69 Applicant's response to Written Questions – Climate Change and Greenhouse Gas Emissions</b></p>		
<p>CC.1.1</p>	<p><b>Question to the Applicant:</b>  <b>Greenhouse Gas (GHG) Action Plan</b>                  Explain what these dates associated with implementation of aviation mitigation measures in the GHG Action Plan [APP-081, Table 3] are based on. If these are an estimate, discuss if these should be included in the sensitivity analysis and, if so, update the assessment accordingly.</p> <p><b>Response:</b>                  The dates in Table 3 of the <b>GHG Action Plan [APP-081]</b> are based on discussion between the Applicant and the current Airport Operator (LLAOL), these are partly based on existing plans and the requirements and the timescales of the Proposed Development.</p> <p>These are therefore not considered to be an estimate but based on operational requirements. The nature of these measures means that any variation in these dates would not have a material impact on the outcome of the GHG assessment, <b>Chapter 12 of the ES [REP3-007]</b> as such sensitivity analysis is not required.</p>	<p>The Council remains of the opinion that the Applicant has not conducted sufficient sensitivity analyses. The Council has considered this response and has no further comments to make.</p>
<p>CC.1.2</p>	<p><b>Question to the Applicant:</b>  <b>GHG Action Plan</b>                  Tables 3 and 5 of the <b>GHG Action Plan [APP-081]</b> uses phrases such as 'encourage', 'may include', 'seek to implement'. How would these proposals be measured and enforced? How much weight should be given to the likelihood of their delivery?</p>	<p>The Council is in agreement with the ExA insofar as the phrases selected do not lend themselves to measurement or enforcement. The Council does not consider that the Applicant's response addresses the question – no further comment can be made.</p>



	<p><b>Response:</b>                  In the case of emissions from aviation these are controlled by government policy. For example, following a second consultation which finished in June 2023 the Government is finalising the UK sustainable aviation mandate. This consultation was to build on the existing commitment made in 2022 to introduce a SAF mandate in 2025 requiring at least 10% of jet fuel to be made from sustainable feedstocks by 2030. It is not within the control of the airport to enforce airlines to use sustainable aviation fuels or use more efficient aircraft. The Applicant will however play a part in facilitating government policy through the provision of sustainable aviation fuels and through operating policy that will incentivise more efficient aircraft.</p> <p>The Applicant notes that measures which could be implemented by the Airport Operator for example electric towing, are not reflected in the methodology used to calculate emissions from aviation i.e., the European Monitoring and Evaluation Programme/European Environment Agency (EMEP/EEA) Calculator. As a result, should the suggested measures to mitigate emissions during LTO not be implemented, this would have no bearing on the GHG emissions reported in <b>Chapter 12 Greenhouse Gases of the ES [REP3-007]</b>.</p> <p>For GHG emissions from airport operations and surface access journeys Green Controlled Growth will provide a control mechanism.                  The GCG mechanism provides additional certainty that GHG emissions from airport operations and surface access journeys will not be exceeded irrespective of performance of mitigation measures. The surface access model makes assumption based on a transition from petrol/diesel cars to EVs so any measures to implement emissions based car parking would not have any impact on the GHG emissions figures reported.</p>	
<p>CC.1.3</p>	<p><b>Question to the Applicant:</b>  <b>GHG Action Plan</b>                  Table 3 of the GHG Action Plan [APP-081] states that completing an annual aircraft emissions inventory is a mitigation measure. Is it correct that this is described as a mitigation measure?</p> <p><b>Response:</b>                  While completing an annual emissions inventory will not in itself reduce GHG emissions it is an activity that will enable and incentivise emissions reduction. Without measuring the impact of GHG emissions from aircraft it is not possible to robustly understand the effectiveness of reduction measures that are being implemented.</p>	<p>This response has been reviewed. The Council has no comment.</p>
<p>CC.1.5</p>	<p><b>Question to the Applicant:</b>  <b>Airport ground operations</b>                  Chapter 12 of the ES [APP-038, Section 12.5.12] states that “<i>as the target for ground operations in the Jet Zero strategy to be net zero by 2040 is only a target outcome, it hasn't been incorporated in the GHG assessment</i>”. There does not appear to be an intention in the published consultation document to remove the objective of airport operations meeting net zero by 2040; the purpose of the consultation is to assess how this would be achieved [<a href="https://www.gov.uk/government/calls-for-evidence/2040-zero-emissions-airport-target/2040-zero-emissions-airport-target#implementation">https://www.gov.uk/government/calls-for-evidence/2040-zero-emissions-airport-target/2040-zero-emissions-airport-target#implementation</a>]. In addition, Luton Borough Council have pledged to become a carbon neutral town by 2040 in response to their declared climate emergency [REP3-100].</p> <ol style="list-style-type: none"> <li>1. Given this context, why isn't the 2040 net zero target for ground operations being treated as 'policy' for the purposes of the modelling, equivalent to the other targets in the JetZero Strategy, such as Zero Emission Aircraft and Sustainable Aviation Fuels?</li> <li>2. If the 2040 target for airport ground operations has not been included in the assessment,</li> </ol>	<p>This response has been reviewed. The Council has no comments.</p>

		<p>where has it been demonstrated that this would be achievable in principle? Please provide this if it has not been done already.</p> <p>3. If there remain significant uncertainties around delivery of this target, consider if this should be included in the sensitivity analysis and, if so, update the assessment accordingly.</p>	
		<p><b>Response:</b></p> <p>1. The Applicant recognises that the target for Zero Emissions from Airport Operations by 2040 within the Jet Zero Strategy is Government Policy and the intention is to be compliant with this requirement. Given the current uncertainties about what will be included in the scope of the Zero Emissions airport policy outlined in Jet Zero, we have included a residual amount of emissions in our modelling to be conservative based on the current policy position. This represents a worst case position.</p> <p>2. The Applicant anticipates that airport operations will be zero emissions by 2040 in line with the commitment in Jet Zero. The Applicant has acknowledged that emissions from airport operation in <b>Chapter 12 Greenhouse Gas Emissions of the ES [REP3-007]</b> do not show as zero. The Government have acknowledged in the Jet Zero Strategy that the scope of airport operations is still yet to be defined and that a consultation will be undertaken on this matter. The Applicant has acknowledged in Chapter 12 of the ES that the Green Controlled Growth (GCG) Framework [REP3-017] requires that within three months of a decision being made on the definition of airport operations a review of the Greenhouse Gas Action Plan would be undertaken and the plan updated to reflect the new definition. Emissions from airport ground operations would be controlled over time by GCG.</p> <p>3. As outlined above, within three months of a decision being made on the definition of airport operations, a review of the Greenhouse Gas Action Plan would be undertaken and the plan updated to reflect the new definition which would remove any uncertainties around the delivery of this target. As noted in <b>Chapter 12 Greenhouse Gas Emissions of the ES [REP3-007]</b>, paragraphs 12.11.35 to 12.11.37, the Applicant will bring forward further measures to ensure airport operations are consistent with government policy on this aspect.</p>	
<p>CC.1.8</p>		<p><b>Question to the Applicant:</b>  <b>Surface access journeys</b>                  Emissions from surface access journeys have been compared against the entire United Kingdom (UK) carbon budget in Chapter 12 of the ES [APP-038, Section 12.5.47]. Are there any other measures that the operational emissions should be compared against, such as national and local policies or 'area-based targets'? Include consideration of Luton Borough Council's 'Net Zero Climate Policy and Action Plan' submitted at D3 [REP3-100].</p>	<p>This response has been reviewed. The Council notes the Applicant's acknowledgement that surface access journeys from beyond Luton Borough make up a significant proportion of emissions – this is interesting to note in the context of the Applicant's other points regarding low impacts from some of the longer distance travel.</p>

	<p><b>Response:</b>                  National Carbon Budgets are the only legally binding carbon budget. It is therefore assumed to be appropriate to test the significance of the impact of GHG emissions from surface access journeys against the national budgets. It is not possible to definitively allocate any surface access emissions to a particular local authority area.</p> <p>Furthermore, a significant proportion of emissions from surface access journeys arise outside of the Borough of Luton and therefore do not sit within the boundary of the local carbon budget.</p>	
<p>CC.1.9</p>	<p><b>Question to the Applicant:</b>  <b>GHG emissions assessment methodology</b></p> <ol style="list-style-type: none"> <li>1. Has any sensitivity analysis for GHG emissions been undertaken for the peak year(s) of construction? If not, please provide an assessment of the implications of this for the potential adverse effects from these emissions.</li> <li>2. Have emissions from the faster growth scenario been quantified? Please signpost to this or provide these figures. Alternatively, explain how Insert 12.4 [APP-038] illustrates the faster growth scenario and sensitivity analysis of this, as signposted in the Applicant's previous response.</li> <li>3. Confirm whether offsetting is included for the Scope 3 emissions in both the GHG assessment [APP-038, Table 12.19], and if not, should it be? Please amend the documents as necessary.</li> </ol> <p><b>Response:</b></p> <ol style="list-style-type: none"> <li>1. No sensitivity testing has been undertaken for peak construction years. Construction emissions have been modelled based on anticipated construction activities for each phase. There is not sufficient granularity of data to allow construction emissions to be reported on a more detailed basis. There will be no implications on the potential adverse effects from these emissions as a result of this.</li> <li>2. Emissions from the faster growth scenario have not been quantified. As per Table 12.23, of <b>Chapter 12 Greenhouse Gases of the ES [REP3-007]</b> it was determined that while there would be an increase in overall emissions from a faster growth scenario the impact would be relatively small in the context of the Jet Zero trajectory.</li> <li>3. There will be no emissions to offset as offsetting cannot be used under a zero emissions scenario. <b>Table 12.19 of Chapter 12 Greenhouse Gas Emissions of the ES [REP3-007]</b> presents airport operational emissions. The Applicant anticipates that airport operations will be zero emissions by 2040 in line with the commitment in Jet Zero. The Applicant has acknowledged that emissions from airport operation in <b>Chapter 12 of the ES [REP3-007]</b> do not show as zero. The Government has stated in the Jet Zero Strategy that the scope of airport operations is still yet to be defined, and that a consultation will be undertaken on this matter. The Applicant has acknowledged in Chapter 12 of the ES that within three months of a decision being made on the definition of airport operations a review of the Greenhouse Gas Action Plan will be undertaken and the plan updated to reflect the new definition. As such, offsetting is not included for the Scope 3 emissions.</li> </ol>	<p>The Council has commented on the issue raised in question 2 within the Council's response to <b>[REP4-104]: 8.107 Applicant's response to Deadline 3 Submissions – Appendix I Buckinghamshire Council (REP3-083) [TR020001/APP/8.107]</b>. This is provided in Section 3 of the Council's Deadline 5 submission reviewing documents submitted at Deadline 4.</p>
<p><b>REP-056. 8.70 Applicant's response to Written Questions – Compulsory Acquisition and temporary possession of land and rights – THE COUNCIL HAS NO COMMENTS TO MAKE ON THIS SUBMISSION</b></p>		
<p><b>REP-057. 8.71 Applicant's response to Written Questions – Draft Development Consent Order</b></p>		

<p>DCO 1.14</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Requirement 18 – Interpretation</b>                  To improve precision should the interpretation of Level 2 Plan (b) have ‘including timescales’ inserted after implementation ie ‘the proposed programme for the implementation including timescales’? Mitigation Plan (a) includes the phrase ‘as soon as reasonably practicable’ how does this meet the test for precision and enforceability? 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’? 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><b>Applicant Response:</b>                  In relation to the inclusion of ‘including timescales’ in the definition of the Level 2 Plan, the Applicant considers that the use of “programme” is sufficiently clear to include the timescales associated with the measures sought to be secured in a Level 2 Plan. A “programme” would include the proposed schedule or sequencing of such measures. In line with the Office for Parliamentary Counsel drafting guidance (June 2020), the Applicant has not used more words than necessary for the dDCO as a proposed piece of secondary legislation.</p> <p>In relation to the use of ‘as soon as reasonably practicable’, the Applicant considers the phrase is also sufficiently precise. First, it is a phrase which is commonly used in a legal context in a number of contexts. For example, the Court of Appeal (in its judgment in <i>Edwards v. National Coal Board</i>, [1949] 1 All ER 743) held that “‘Reasonably practicable’ is a narrower term than ‘physically possible’ ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them”. Second, even leaving aside the considerable judicial treatment of the phrase and notwithstanding the unique context of the GCG Framework, the Applicant notes its use is well precedented in the context of DCOs (the phrase is used 35 times in the Norfolk Boreas Offshore Wind Farm Order 2021 and 29 times in the Norfolk Vanguard Development Consent Order 2022). Finally, the Applicant would note that the phrase is used in relation to the timescales for achieving an avoidance or prevention of an exceedance of a Limit, and it does not require only measures which are themselves reasonably practicable. This is important as it shows that the judgment to be applied is to the programme, not to the measures per se, thereby limiting the scope of the phrase.</p> <p>In relation to both of these matters (i.e., the programme and the use of ‘as soon as reasonably practicable’), the Applicant wishes to emphasise that given the Level 2 Plan (as well as the Mitigation Plan) is required to be approved by the ESG (or determined via an appeal to the Secretary of State), there are sufficient safeguards in place to ensure that the measures and any associated timescales are appropriate and not subject to the unilateral determination of the Applicant (and/or the operator).</p> <p>In relation to the definition of the slots regulations, the Applicant would highlight section 17(2) of the Interpretation Act 1978 which provides “(2) Where an Act repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears.. (a) any reference in</p>	<p>Buckinghamshire Council supports the comments of the Host Authorities on this matter.</p>
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		<p>any other enactment to the enactment so repealed shall be construed as a reference to the provision re-enacted" and section 20(2) which provides "Where an Act refers to an enactment, the reference, unless the contrary intention appears, is a reference to that enactment as amended". It is noted that these provisions refer to an "Act" rather than subordinate legislation (such as the Draft DCO if made) but these provisions are applied to subordinate legislation under section 23(1) of the Interpretation Act 1978. In light of these provisions, the Applicant does not consider a reference to "or successor regulations" necessary.</p> <p><b>Host Authority:</b>          The Host Authorities 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 Plan" the Host Authorities do have some concerns. In view of the fact that the Applicant has set what it considers to be the maximum acceptable "Limits", it is of critical importance to residents that exceedances of the Limits are mitigated promptly. 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.          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' but in view of the key role that these provisions play in regulating the Proposed Development, such drafting could be appropriate in the circumstances.          The Host Authorities 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>	
<p>DCO 1.15</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Requirement 20- Environmental Scrutiny Group Paragraph 2</b></p> <p><b>Applicant:</b> 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><b>Paragraph 6</b>  <b>Everyone:</b> As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?</p>	<p><b>At REP4-112 the Council stated:</b>          It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council concurs that this responsibility should fall to the ESG, in order to ensure the technical panels remain independent and objective.</p> <p>The Applicant's subsequent response does not change this position.</p>



		<p><b>Response:</b>                  The Applicant would note that there is a distinction between the processes for the 'first' appointment of the independent chairperson, and independent aviation specialist, and their appointment following the establishment of the ESG. In relation to the latter, the <b>Terms of Reference [REP3-019]</b> set out that "the airport operator will, following consultation with the other members of ESG (including the outgoing member(s) where appropriate), submit a recommendation to the Secretary of State of suitable candidates for the relevant role as soon as reasonably practicable". This simply reflects the fact that the processes for establishing the ESG, as well as ensuring the first appointments, would necessarily occur prior to the first appointment.</p> <p>The Applicant considers these arrangements appropriate given Luton Borough Council (LBC) is distinct from the Applicant, and as a public authority, would have to ensure its powers were exercised reasonably and properly. As explained in <b>[REP1-018]</b>, The decision-making statutory function of a Local Planning Authority on planning matters is always totally separate from a Council's other functions and as such, within LBC, the roles and responsibilities of the Local Planning Authority are carried out as a wholly separate function. The separation, distinct persons and functions set out in that document would apply in this context. The fact that the Secretary of State has to approve the appointment provides further assurance in this context as the Secretary of State, who is capable of being judicially reviewed, would have to ensure its decision is reasonable, rational and procedurally fair.</p> <p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Host Authorities do not have an issue with the undertaker establishing the technical panels in accordance with the requirements of the DCO – on the basis this is something that practically needs to happen / is procedural.</p>	
<p>DCO 1.16</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Requirement 23- Exceedance of Level 2 threshold Paragraph 2</b></p> <p><b>Applicant:</b> 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><b>Paragraphs 4 and 6</b>                  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 agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p>	<p><b>At REP4-112 the Council stated:</b>                  It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council is of the opinion that this timeframe may take longer than 21 days, especially where consultation with bodies takes place. The Council suggest that 'unless otherwise agreed in writing' should be added.</p> <p>The Council has no further comments to make on the Applicant's</p>

		<p><b>Applicant Response:</b></p> <p>In relation to paragraph 2, the Applicant does not consider the use of the phrase 'certify' is confined to regulatory bodies. The Applicant would note that the term 'certify' is used in relation to organisations and bodies which are not regulatory bodies in others DCOs (see, for example, paragraph 4 of Part 4 of Schedule 12 to the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 as well as the Dogger Bank Teesside A and B Offshore Wind Farm Order 2015).</p> <p>In relation to paragraphs 4, and 6, the Applicant is considering the matter further for Deadline 5, alongside other amendments being considered for the GCG regime.</p> <p><b>Host Authorities Response [REP4-126]:</b></p> <p>While this part of the question is directed to the Applicant, the Host Authorities are content that a body such as the ESG is capable of "certifying" a matter for the purposes of requirement 23.</p> <p>The Host Authorities 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. The Host Authorities would suggest that a period of 8 weeks to 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 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, the Host Authorities 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>	<p>subsequent response.</p>
<p>DCO 1.19</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Requirement 39 – Application of Part 8 of the Planning Act 2008</b></p> <ol style="list-style-type: none"> <li>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?</li> <li>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?</li> </ol> <p><b>Response:</b></p> <p>Whilst recognising that this question is directed to the Joint Host Authorities, the Applicant wishes to make the following remarks.</p> <p>In relation to both of these questions regarding Part 8 of the Planning Act 2008, the Applicant wishes to emphasise that these provisions do not modify or otherwise affect the application of the</p>	<p><b>At REP4-112 the Council stated:</b></p> <p>The Council is of the opinion that there should be a right of appeal where a request for enforcement action has been declined. Without this, there is no other recourse to escalate these issues, should they arise. This should be dealt with through an appeal to the Secretary of State, as arbitration is not an appropriate vehicle for such disputes.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>

	<p>enforcement regime under the Planning Act 2008. Instead, they supplement that regime by adding a process around enforcement action which may be considered or brought by LBC. The Applicant would note that the statutory enforcement provisions – deemed appropriate by Parliament, and which apply to all DCO projects – would apply to the Proposed Development (should development consent be granted). Those provisions bestow enforcement functions on local authorities and allow relevant local planning authorities to bring enforcement action. The Applicant would further note that given section 160/161 are criminal offences, any person would be able to bring a private prosecution in relation to a breach of the DCO. The extant and applicable statutory enforcement regime therefore is not limited to the two scenarios, and in that context the Proposed Development is no different to any other DCO project.</p> <p>Paragraph 39 seeks to provide supplemental and explicit transparency, over and above the established statutory enforcement regime, around the process for LBC bringing enforcement actions to provide assurance that such matters will be considered appropriately. The two scenarios highlighted have been selected because they are the fundamental and critical parts of the GCG regime: monitoring, and the implementation of the plans which are designed to prevent or avoid exceedances of Limits. Given the criticality of these issues to the operation of the GCG Framework, the need to balance the additional administrative burden placed on LBC under paragraph 39 (and in particular, the requirement to produce a written account), and the continued operation of the statutory enforcement regime, the use of the two scenarios in requirement 39 is considered to be proportionate, and appropriate.</p> <p>In relation to the latter question, the Applicant does not consider arbitration or an appeal to be appropriate in those circumstances. LBC, as a public authority, is amenable to judicial review and it is considered that route is the appropriate route for any challenge to its decision not to bring enforcement action. In this context, the failure to bring enforcement action would be no different from any other local authority failing to bring such action under the existing statutory regime. In addition, it is not considered appropriate for a decision on enforcement action, granted to local authorities under the Planning Act 2008, to be made by an arbitrator (a private individual).</p> <ol style="list-style-type: none"> <li>1. The Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council have queried at paragraphs 9.1.79 to 9.1.80 of their joint Local Impact Report <b>[REP1A- 003]</b> 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. The Applicant's response to this submission is set out in Hertfordshire Host Authorities' Response to the Applicant's Responses to Local Impact Report <b>[REP3-090]</b> 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 above referenced Host Authorities can only assume that the Applicant disagrees but is not clear on the Applicant's reasons for disagreeing.</li> <li>2. The Host Authorities are considering the extent that it would be desirable to include a provision allowing an appeal to the Secretary of State under this provision. However, the Host Authorities consider 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.</li> </ol>	
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<p>DCO 1.20</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Phasing</b>                  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 not and, if it is, provide a form of preferred drafting.</p> <p><b>Applicant Response:</b>                  The Applicant notes that this question was directed to the Joint Host Authorities but confirms it has included substantial revised drafting in Schedule 2 to respond to the ExA's questions on phasing. The Applicant notes that the <b>Scheme Layout Plans [AS-072]</b> already serve as the "masterplan" for the works authorised by the Draft DCO, and therefore it is not necessary to replicate the creation of these plans. Instead, revised paragraph 5 ("<i>Detailed design, phasing and implementation</i>") references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised.</p> <p>Provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity. Provision has been made for a Register of Requirements (new paragraph 36 – see ExQ DCO 1.22 below) so that a public record of approved works is maintained. Lastly, it should be noted that existing paragraph 35 permits the relevant planning authority to request further information before discharging a requirement. It is envisaged that the detailed design discharging process would, in practice, be a collaborative exercise as between the undertaker and the relevant planning authority.</p> <p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Host Authorities responded to this issue during in their Issue Specific Hearing 1 – Draft Development Consent Order Post Hearing Submission <b>[REP3-108]</b>, see in particular the post hearing note under paragraph 2.14. In summary the Host Authorities 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. The Host Authorities undertook to review the Applicant's written responses 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 <b>[REP3-048]</b>. 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> <p>The Host Authorities 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.</p>	<p><b>At REP4-112 the Council stated:</b>                  It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council considers that details of phasing of works are important not just for the joint host authorities, but also in order to understand construction works impacts to Buckinghamshire Authority and should therefore be necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures.</p> <p>The Council suggests the use of wording along the lines of the following:</p> <p><i>No part of the authorised development shall commence until a phasing plan outlining the timed provision of the proposed works has been submitted to.... And approved in writing.</i></p> <p><i>No part of the authorised development shall commence until a fixed masterplan depicting the proposed works has been submitted to.... And approved in writing.</i></p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>
<p>DCO 1.21</p>	<p>Requirements</p>	<p><b>Question:</b>  <b>Decommissioning</b>                  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</p>	<p><b>At REP4-112 the Council stated:</b>                  It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has previously commented to the effect that there is a need for the</p>

		<p>whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?</p> <p><b>Response:</b>                  Due to the operational lifecycle of the Proposed Development, being permanent, reliance cannot be placed on a requirement to decommission on an unknown date far into the future, and no assessment could meaningfully be undertaken. Additionally, it is considered that the site will not be undertaking activities that pose a long- term risk requiring detailed decommissioning requirements.</p> <p>In the unlikely event that the airport is decommissioned in any foreseeable time horizon, the Applicant would need to secure any necessary associated permissions at that time. That can reasonably be expected to implement necessary measures, such as a Decommissioning Environmental Management Plan, taking into account the circumstances of the site and the use of best practice methods available at that time.</p> <p>This approach is precented within a number of made DCOs for schemes that have a long operational life, for example the Manston Airport Development Consent Order 2022, the East Northamptonshire Resource Management Facility Order 2023 and the A47 Wansford to Sutton Development Consent Order 2023.</p> <p><b>Host Authority:</b></p> <p>The Host Authorities note that the assessment of decommissioning was scoped out of the Environmental Impact Assessment and that much of the built infrastructure of London Luton Airport exists currently.</p>	<p>Applicant to commit to addressing future decommissioning through the inclusion of a suitably worded Requirement.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>
DCO 1.22	Requirements	<p><b>Question:</b>                  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 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.                  (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.                  (3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</p>	<p><b>At REP4-112 the Council stated:</b>                  It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to endorse the draft wording of an electronic register requirement.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>



	<p><b>Applicant Response:</b>                  The Applicant agrees to include a 'Register of requirements' requirement. The new requirement 36 has been included in the Draft DCO submitted at D4, and the requirement reads as follows:</p> <p><b>36A Register of Requirements</b></p> <p><i>(1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for public inspection a register of those requirements contained within Parts 1, 2 and 4 of this schedule that provide for further approvals to be given by the relevant planning authority.</i></p> <p><i>(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 has been applied for or given, providing an electronic link to any document containing any approved details.'</i></p> <p>The Applicant has amended the drafting proposed by the ExA to take into account that:</p> <ul style="list-style-type: none"> <li>- Part 3 (GCG) should not be included, as this has sperate publication processes;</li> <li>- reference to the Secretary of State has been removed as this is no longer relevant due to Part 3 being removed;</li> <li>- similarly reference to the "relevant highway authority" has been removed, as they do not have an approval function; and</li> </ul> <p>the time limit in (3) has been deleted as some of the requirements are permanent operational commitments and could be varied at any point in the future under Requirement 2.</p>	
	<p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Host Authorities 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 it 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 appropriate for the obligation to maintain the register cease after 3 years of operation.</p> <p>The Host Authorities 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, interested bodies</u> a register of those requirements contained within Parts <u>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 a <u>discharging body</u>. <del>the relevant planning authority, the relevant highway authority or the Secretary of State.</del></p> <p>(2) The register must set out in relation to each <u>such</u> requirement <del>the its</del> status of the <u>requirement</u> in terms of whether any <u>application has been made to a discharging body and</u></p>	

		<p><del>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 has been applied for or given, providing an electronic link to any document comprised in such an application or in details that have been approved, consented to or agreed, containing any approved details.</del></p> <p><del>(3) The register must be maintained by the undertaker for a period of three years following the completion of the authorised development.</del></p> <p>The above amendments would require the definition of "discharging body" contained in paragraph 37(1), to be moved to paragraph 1(1).</p>	
DCO 1.23	Requirements	<p><b>Question:</b>  <b>Operational Ground Noise</b>                  At Issue Specific Hearing (ISH) 3 the Applicant stated that it intended to submit an outline operational ground noise management plan with a final plan secured by requirement. Please provide a copy of the outline plan and suggested requirement wording.</p> <p><b>Response:</b>                  The <b>Outline Ground Noise Management Plan [TR020001/APP/8.46]</b> has been submitted at Deadline 4. This is secured by new requirement 27 included in the version of the Draft DCO also submitted at Deadline 4.</p>	Noted – The Council has considered the content of the Outline Ground Noise Management Plan and this is referred to within the Council's submission at Deadline 5 that provides comments on additional submissions at Deadline 4.
DCO 1.23	Requirements	<p><b>Question:</b>  <b>Missing requirements</b>                  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><b>Host Authorities Response [REP4-126]:</b>                  The Hertfordshire County Council, North Hertfordshire District Council and Dacorum Borough Council joint Local Impact Report <b>[REP1A- 003]</b> set out the results of its initial review of, among other matters, the requirements included in the draft DCO. A consistent theme arising from that review is that the efficacy of the requirements relies on the suitability of the underlying subordinate outline documents, plans and strategies. The Host Authorities are proceeding on the basis that agreement can be reached on the necessary technical details but if this proves not to be the case the Host Authorities reserve their position and will table the proposed requirements necessary to address their outstanding concerns.                  See response to Written Question PED.1.2 in relation to master planning.</p>	<p><b>At REP4-112 the Council stated:</b>                  Whilst the Council has no further comments to make regarding missing requirements at this time it reserves its right to raise this matter in the future. This will be dependent upon ongoing discussions with the Applicant which may lead to the need for additional requirements to be considered as part of the DCO.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>
<b>REP4-058. 8.72 Applicant's response to Written Questions – Green Controlled Growth</b>			
GCG.1.1		<p><b>Question:</b>  <b>GCG – ESG/ GCG process</b>                  Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].</p> <p><b>Response:</b> The Applicant does not believe it is necessary for the ESG to be established at the point at which notice under Article 44(1) is served as the processes undertaken by the ESG are not triggered until submission of the first Monitoring Report. In addition, establishment of the ESG requires actions to be undertaken by third parties which the Applicant does not have direct control over. As set out in the <b>Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86]</b>.</p>	The ESG is a new body and will need time to establish and become effective. The Council is of the view that it should be set up from, or before, the point of serving notice under Article 44 of the DCO (REP4-003/004).

	<p>Notwithstanding this, the Applicant is considering changes to the <b>Draft Development Consent Order [REP3-003]</b> to be made at Deadline 5 that would require the ESG to be established as soon as is reasonably practicable.</p>	
	<p>In respect of the processes undertaken by the ESG, Section 2.4 of the <b>Green Controlled Growth Explanatory Note [REP3-015]</b> sets out the proposals for independent scrutiny and review of the GCG process, including the role of the ESG. Paragraph 2.4.2 sets out the powers of the ESG, enshrined in the Terms of Reference included within the <b>Green Controlled Growth Framework Appendix A Draft ESG REP3-019]</b>. These are:</p> <ul style="list-style-type: none"> <li>a. Providing commentary on periodic Monitoring Reports produced by the airport operator (see Section 2.3) following reviews by the relevant Technical Panels;</li> <li>b. Approving or refusing Level 2 Plans or Mitigation Plans put forward as required by the airport operator if any GCG environmental effect has exceeded a Level 2 Threshold or Limit respectively (see Section 2.2);</li> <li>c. Where the airport operator can demonstrate that this is the case, certifying that an exceedance of a Level 2 Threshold or Limit is due to circumstances beyond the operator's control;</li> <li>d. Forum for consideration of statutory enforcement representations;</li> <li>e. Mutually agreeing to modifications to the Terms of Reference included at Appendices A and B and Monitoring Plans included at Appendices C to F of the <b>Green Controlled Growth Framework [REP3-017]</b> and;</li> <li>f. Approving or refusing applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits, as allowed for under Paragraph 25 of Schedule 2 to the <b>Draft Development Consent Order [REP3-003]</b>.</li> </ul> <p>The ESG Terms of Reference set out in more detail how the ESG would exercise these powers (Section A4, 'Operating Powers'). Crucially, all of the routine procedures that the ESG is required to undertake are triggered by the submission of a Monitoring Report by the airport operator. Where the ESG is required to undertake other more ad hoc procedures, for example taking action in relation to a potential breach of the DCO or in response to a periodic review of GCG by the airport operator, these could not be triggered until after submission of the first Monitoring Report. In this context, the requirement for the ESG to be established a minimum of 56 days ahead of the planned submission of the first Monitoring Report by the airport operator is appropriate. Were the ESG to be established on or before the point which notice is served under Article 44(1) of the draft DCO, it would not be required to undertake any actions until the point that the first Monitoring Report is submitted.</p>	
<p>GCG.1.2</p>	<p><b>Question:</b></p> <p><b>GCG – Fixed noise monitoring</b>          [REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise monitoring stations in line with 'ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports' and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was 'necessary' and the provisional programme for agreeing locations for</p>	<p>The Council requests a permanent noise monitor be installed near Ivinghoe under the flight path. This would help calibrate the model at the margin of the predicted night time LOAEL.</p>

	<p>additional permanent noise monitors.</p> <p><b>Response:</b> The airport operator's current noise monitoring terminals provide sufficient information to be able to accurately calibrate the noise modelling and comply with the modelling requirements of the Civil Aviation Authority's CAP2091 (Ref 1). Triggers for reviewing existing noise monitoring terminals are therefore likely to be, but would not be limited to:</p> <ul style="list-style-type: none"> <li>• Updates to the CAA CAP2091 guidance, or publication of further noise modelling or noise monitoring guidance from the CAA</li> <li>• If the CAP2091 noise modelling category for London Luton Airport were to change to a category that requires additional noise monitors to be installed</li> <li>• An implemented airspace change which moves flightpaths such that the existing noise monitoring terminals were no longer relevant</li> <li>• Ongoing review of the noise monitoring terminals as part of the Noise and Track Subcommittee</li> <li>• Ongoing review of the noise monitoring terminals as part of any update to Noise Action Plans</li> </ul> <p>The principle criteria for the requirement for new noise monitoring terminals as part of such a review would be if they were required to meet the minimum standards of noise monitoring terminals with respect to validation of aircraft noise modelling as per CAP2091.</p> <p>With regards to the provisional programmes, should any of the reviews described above result in the identification of additional noise monitoring terminals it is worth noting the following:</p> <ul style="list-style-type: none"> <li>• flight paths generally overfly the least populated areas where possible, therefore the best places for noise monitors are usually in rural locations and fields;</li> <li>• landowner consent must be sought for access and permission to install noise monitors on private land and contract negotiations can be time consuming;</li> <li>• fixed noise monitors require a continuous power source, which usually requires digging up some of the land to install the cabling, the timing of which can be affected by crop harvesting given monitors are frequently installed in fields; and</li> <li>• installation also requires concreting the equipment into the ground (to ensure it is fixed and theft resistant).</li> </ul> <p>For the additional noise monitoring terminals that are already committed to in paragraph C4.2.3 of the <b>Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023]</b> it would not be proportionate to seek to install these before the conclusion of the current ongoing airspace change proposal. Given the process for securing a new monitoring terminal location described above, any new terminals may only be in place for a very short amount of time (between the DCO being implemented, and the process described above being completed) before needing to be moved again once the airspace change process is concluded. It is therefore proposed that the location of these new monitoring terminals would be discussed with the Noise and Track Subcommittee and agreed with the GCG Noise Technical Panel in line with the program for the airspace change and that all reasonably practicable efforts will be made (subject to achieving landowner consent) to install these new monitors within 18 months of the conclusion of</p>	
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	<p>the airspace change process.</p> <p>Updates to the <b>Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023]</b> will be made at Deadline 5 to clarify these points.</p>	
<p>GCG.1.3</p>	<p><b>Question:</b></p> <p><b>GCG – controls on early/ late flights</b>                  The ExA welcomes the Applicant's proposal in Noise Envelope – improvements and worked example [REP2-032], that early/late running flights would not be dispensed from the noise contour calculations. Can the Applicant explain what measures would be taken to avoid or minimise late running flights?</p> <p><b>Response:</b> Clearly, by their nature, late running flights are difficult to control as the external factors that cause these can be varied, such as air traffic control delays, aircraft having technical issues, weather and other operational factors. It needs to be borne in mind that failing to accommodate such delayed movements would lead to substantial inconvenience to passengers, e.g. through aircraft having to divert to an alternative airport, or major operational disruption if an aircraft was unable to return to its operating base at the airport and so was unable to undertake the following day's flights.</p> <p>The use of a 5% allowance on top of the expected scheduled movements in the night period, as indicated in Para 6.6.61 of the <b>Need Case Revision 1 [AS-125]</b> is based on historic data from the airport when operating normal patterns of traffic (i.e. before COVID disruption). This data shows late running flights made up between 1% and 5% of movements in the night periods and therefore the choice of 5% was selected to provide for the likely worst-case scenario given that most years operate below this. If a lower (than 5%) delay factor had been included, this would have allowed the Applicant to increase the number of scheduled movements in the night periods and the night noise contour assessments would have given a similar answer. However, as there is less ability to control late running flights the use of a lower delay factor was not deemed sensible by the Applicant. In light of this, there are no measures that can feasibly be taken, but protection is added by the inclusion of the aforementioned 5% as part of the overall process.</p>	<p>Should late running flights exceed the 5% contingency, the Council expects (following the green controlled growth process) that this figure would be increased.</p>
<p>GCG.1.4</p>	<p><b>Question:</b></p> <p><b>GCG - Appendix C – Annex C1 DCO noise model assumptions</b>                  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><b>Applicant Response:</b>                  The Applicant would like to clarify that points a-j of Annex C1 of the <b>Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023]</b> are not the only requirements for future noise modelling. Paragraph C4.2.1 also requires the airport operator to validate the noise model in line with the Civil Aviation Authority's CAP2091 (Ref 1) which sets the industry standard for aircraft noise modelling.</p> <p><b>Host Authorities Response [REP4-126]:</b>                  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 – AircraftNoise 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></p>	<p>Whilst the Council has no further comments to make at this time it reserves the right to raise this matter in the future.</p>



	<p>This caveat is also acceptable.                  It is the Host Authorities' expectations 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> <p><b>CAA Response:</b>                  The CAA can confirm that, in its opinion, the assumptions/parameters expressed in points a-j of Annex C1 [REP3-023] are acceptable and a reasonable basis for future noise modelling, providing that point i is intended to indicate the process detailed in Section 7.8 of the Environmental Statement Appendix 16.1 [AS-096]</p>	
GCG.1.5	<p><b>Question:</b></p> <p><b>Quota Counts</b>                  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><b>Applicant Response:</b>                  This question is directed toward the Local Authorities and the Applicant would provide comments on their responses if necessary.</p> <p><b>Host Authorities Response [REP4-126]:</b>                  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]. 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.                  The internal QC process only proposes once Threshold level 1 is exceeded. In the Host Authorities' view 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.                  Separately, within Section 5.1, it states that one outcome of the internal QC process would be, "as part of the bi-annual process<sup>8</sup> of slot management and capacity declaration," with footnote 8 reading, "Twice each year, once for winter and once for summer".                  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>	<p>Whilst the Council has no further comments to make at this time it reserves the right to raise this matter in the future.</p>
GCG.1.11	<p><b>Question:</b></p> <p><b>GCG framework – Revision of limits and thresholds in light of changing legal limits</b>                  Explain the circumstances in which it would be acceptable for the operational controls under the GCG framework [REP3-017] not to align with new UK legal limits (or interim targets) as stated in <b>paragraph 4.4.2</b> and why new pollutants should be excluded from consideration as stated in <b>paragraph 4.4.1</b>.</p>	<p>EIAs cannot consider every outcome and include only those assumptions about future identification of likely significant effects relevant at the time of the assessment. The validity of the environmental assessment in light of changing legal limits should be reviewed on a case-by-case basis. GCG must be flexible enough to incorporate changes.</p>

	<p><b>Response:</b> Please see response to Issue Specific Hearing 5 (ISH5) Action 18 provided in <b>Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [TR020001/APP/8.84]</b> with regards to the need for the alignment of GCG Limits with new UK legal limits. As set out in that paper, the key distinction is whether any future changes to legislation must automatically be transposed into GCG, such that they would automatically be linked to controls on growth of the airport, rather than the need to comply with any new legislative requirements independently from GCG. Environmental assessments and consenting decisions (based on the findings of those assessments) can only be made against current and known future legislation and policy. It is not reasonable for requirements to be imposed where they would prevent the implementation of a planning consent (such as one that would require future legislation to be automatically transposed into GCG).</p> <p>Regarding the exclusion of new pollutants from GCG in future, and further to the response to ISH5 Action 16, the basis of the GCG air quality Limits is the findings of Air Quality Assessment reported in the <b>Environmental Statement Chapter 7 Air Quality Revision 1 [AS-076]</b>. The following pollutants were considered within the assessment; nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), oxides of nitrogen (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>), with all other pollutants screened out as they are not likely to cause exceedances of their respective standards as demonstrated by local monitoring and the work carried out by the local authority, and agreed through EIA Scoping and engagement summarised in the Section 7.4 [of Chapter 7]. Of the pollutants scoped in, NO<sub>x</sub> and NH<sub>3</sub> were only included on the basis of their potential impacts on vegetation and ecosystems rather than human health, and no significant effects are predicted at ecological sites. The remaining three pollutants are therefore the ones most relevant to human health, which were consequently assessed and included as GCG air quality Limits.</p> <p>In circumstances where new UK legal limits are introduced or new pollutants brought into the legal framework it is not considered proportionate to bring those into GCG as it would require a significant re-assessment of the work carried out for the Environmental Impact Assessment (EIA) to provide the necessary evidence base. To undertake such an assessment again in the future (essentially needing to repeat the EIA) would in the Applicant's view be disproportionate and unnecessary, for the reasons set out in the response to ISH5 Action 18.</p> <p>However, without prejudice to the position set out in the response to ISH5 Action 18, as part of the mandatory review process committed to by the Applicant where new legal limits are published, consideration will be given to the need for additional measures to be included within the Operational Air Quality Plan (i.e. outside of GCG). This could, if deemed appropriate, include measures relating to other pollutants in addition to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. The Applicant is willing to make changes to the <b>Green Controlled Growth Framework [REP3-017]</b> to reflect these requirements as part of the review process, subject to further engagement on the changes with relevant stakeholders.</p>	
GCG.1.12	<p><b>Question:</b></p> <p><b>GCG Appendix A – Draft ESG Terms of Reference [REP3-019]</b>  <b>Applicant:</b> Explain why the threshold for ESG being quorate in <b>paragraph A2.2.1</b> 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><b>At REP4-112 the Council stated:</b>          It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a technical panel being quorate. It is considered that this severely undermines the integrity of the technical panel's role as a representative body. This change should plainly be reversed.</p>

	<p><b>Joint Host Authorities:</b> Is this change acceptable and if not, why not?</p> <p><b>Applicant Response:</b> Following submission of the application for development consent, a critical review of the Terms of Reference for both the Environmental Scrutiny Group and Technical Panels included at <b>Green Controlled Growth Framework Appendix A Draft ESG Terms of Reference [REP3-019]</b> and <b>Green Controlled Growth Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021]</b> was carried out to ensure that the functioning of GCG could not be frustrated or otherwise unintentionally hindered by any party to the process. This review identified a risk that local authorities could nominate an officer to represent them on the ESG and Technical Panels, but that if these local authority representatives subsequently did not attend meetings of the ESG or Technical Panels they would not be quorate and the GCG process could not be moved forward. The changes made at Deadline 3 were therefore only to ensure the future functioning of the GCG process in this (unlikely) scenario, with the intention that the operation of ESG and the Technical Panels would still be independent from the airport and would be in accordance with the operating principles of GCG.</p> <p>However, the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes through the Statement of Common Ground process to be made to the Terms of Reference at Deadline 5. The changes will reintroduce a minimum number of local authority representatives to be present for the ESG and Technical Panels to be quorate.</p> <p><b>Host Authorities Response [REP4-126]:</b>          The Host Authorities understand that the rationale for reducing the Quorate to independent chair, independent aviation specialist and slot allocation expert relates to a review of the Terms of Reference by the Applicant to ensure that the ESG could still function if there were a failure (however unlikely) to secure 50% of the other members. Given the importance of the role of ESG the Host Authorities are of the view that their engagement in ESG and the decisions that it makes is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of other members to be present. The text should be returned to <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>.</p>	<p>The Council has not changed its position based on the Applicant's subsequent response.</p>
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<p>GCG.1.13</p>	<p><b>Question:</b></p> <p><b>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</b>  <b>Applicant:</b> Explain why the threshold for a technical panel being quorate in <b>paragraph B2.2.1</b> 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><b>Joint Host Authorities:</b> Is this change acceptable and if not, why, not?</p> <p><b>Applicant Response:</b></p> <p>Please see the response to GCG.1.12.</p> <p><b>Host Authorities Response [REP4-126]:</b></p> <p>The Host Authorities understand that the rationale for reducing the Quorate to where the independent technical expert is present relates to a review of the Terms of Reference by the Applicant to ensure that Technical Panels could still function if there were a failure (however unlikely) to secure 50% of other approved representatives. Given the importance of the role of the Technical Panels the Host Authorities are of the view that their engagement in them is crucial and that it is entirely appropriate for the DCO to make provision for and require a reasonable representation of approved representatives to be present. The text should be returned to “<i>where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present</i>”.</p>	<p><b>At REP4-112 the Council stated:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a technical panel as it is felt that this severely undermines the integrity of the technical panel's role as a representative body. This change should plainly be reversed.</p> <p>The Council has not changed its position based on the Applicant's subsequent response.</p>
<p>GCG.1.15</p> <p>[GCG1.14 not included by ExA]</p>	<p><b>Question:</b></p> <p><b>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</b>  <b>Applicant:</b> Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in <b>B2.5.1</b>.</p> <p><b>Joint Host Authorities:</b> Is this change acceptable and if not, why not?</p> <p><b>Applicant Response:</b></p> <p>The Applicant would note that this is not a change, and that this drafting has been in the <b>GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021]</b> since submission of the application for development consent. This drafting has been put forward to recognise the fact that there may not always be a requirement for a Technical Panel to meet and that, where this is the case, there should be no obligation secured via the DCO to do so. For example, if all members of a Technical Panel are satisfied that monitoring results reported to it do not give rise to any issues and have not triggered any requirements linked to a Level 2 Threshold or Limit, they are able to respond to the airport operator and ESG on that basis in writing without a requirement to formally meet, as per the process set out in Section B4.3 of the Terms of Reference.</p> <p>As set out in Paragraph B2.5.1, any member of a Technical Panel may request that a meeting takes place where they feel this is necessary, but ultimately this will be at the discretion of the technical expert in their role as chair of the relevant Technical Panel</p>	<p><b>At REP4-112 the Council stated:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the meeting of the Technical Panel being at the discretion of the technical expert. As is usual for the operation of such panels all panel decisions should be made on the basis of a majority with the technical expert having a casting vote, where necessary.</p> <p>The Council has not changed its position based on the Applicant's subsequent response.</p>

	<p><b>Host Authorities Response [REP4-126]:</b></p> <p>No. If it is considered there needs to be some form of provision made for Technical Panels not meeting, then it should be crafted in a manner where it is assumed that meetings will happen unless there is agreement of membership otherwise.</p>	
<p><b>REP4-059. 73 Applicant's response to Written Questions – Need Case – THE COUNCIL HAS NO COMMENTS TO MAKE ON THIS SUBMISSION</b></p>		
<p><b>REP4-060. 8.74 APPLICANT'S RESPONSE TO WRITTEN QUESTIONS – Noise – THE COUNCIL HAS NO COMMENTS TO MAKE ON THIS SUBMISSION</b></p>		
<p><b>REP4-061. 8.75 Applicant's response to Written Questions – Design</b></p>		
<p>PED.1.2</p>	<p><b>Question:</b></p> <p>Masterplan</p> <p>It is noted that the <b>Design and Access Statement [AS-049]</b> 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.</p> <p>2. 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>	<p><b>At REP4-112 BC stated:</b></p> <p>Yes, a masterplan and details of phasing of works in order to understand construction works impact to Buckinghamshire Authority is necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures.</p> <p>The Council has no further comments to make.</p>
	<p><b>[The Applicant notes that question 2 of the below Written Question is directed to Luton Borough Council and All Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification]</b></p> <p><b>Applicant Response:</b></p> <p>1. The requirements for airports to prepare Masterplans arose in the Aviation White Paper of 2003 entitled 'The future of Air Transport' (Ref 4) (this document is now withdrawn). The White Paper set out a strategic framework to improve airport capacity in the United Kingdom over the next 30 years.</p> <p>It set out policies which guided decisions on future planning applications and against which public bodies, airport operators and airlines could plan ahead. The document set out the need for airports to develop Masterplans and that they should be updated every seven years.</p> <p>The Airport operator, LLAOL, published a Masterplan in September 2012. It included proposals for expansion of the Airport to 18 million passengers per annum (mppa). (This level of throughput was achieved in 2019). In 2020 the airport operator consulted upon a new Masterplan, which was formally submitted with the 19mppa application in January 2021. This Masterplan was a re-working of the 2012 Masterplan to accommodate the proposed uplift from 18 to 19 mppa.</p>	

	<p>In 2017 the Applicant launched their 'Vision for Sustainable Growth 2020-2050' which assessed Luton Airport's potential growth of up to 36-38 mppa, or in the region of 240,000 aircraft movements per year (which is in line with the assessment in the Aviation White Paper from 2003). The stated aim of the Vision included:</p> <p>"To make the best use of the existing runway at LTN to provide the maximum benefit to the local and sub-regional economy; to deliver good levels of service; and to actively manage environmental impacts at the local and wider levels in line with our commitment to responsible and sustainable development."</p> <p>With the publication of the Vision, the Applicant set out its plan for the long-term future of the Airport to ensure the regional economy could enjoy the benefits of this expected growth as it is the Applicant's responsibility to deliver this growth, cognisant that the existing concession for the operator (LLAOL) will expire in 2031.</p> <p>The Vision led to the commencement of preparations for the application for development consent and the development of a new Masterplan for the Airport, recognising that LLAOL's Masterplan was limited to 18mppa and the concession end date. The launch of the Applicant's Vision was contemporaneous with the LBC Local Plan 2011-2031 which was published in November 2017.</p> <p>For the above reasons, the Applicant, as the airport owner, has taken on responsibility for the longer-term Masterplan rather than the operator. As such the Applicant's Masterplan supersedes the operator's Masterplan.</p> <p>It is clear that the Local Plan and Policy LLP6 specifically did not envisage an expansion of the scale now proposed and could not have meaningfully or reasonably attempted to anticipate that with a Masterplan option for 32mppa, the development of which also goes well beyond the plan period to 2031. Rather, the iterative Masterplan development process undertaken by the Applicant, including a SIFT process and multiple rounds of statutory consultation that has led to the current version is the most appropriate and robust way to develop the long-term Masterplan. Indeed, LBC officers have advised if the application for development consent were to be approved, the Applicant's Masterplan would be automatically "adopted" by the Council for the purposes of the application of Policy LLP6 in the determination of future planning applications made under the Town and Country Planning Act, and that this would not require any formal adoption process.</p> <p>Accordingly, it is considered that Policy LLP6B(iii) is neither relevant nor important in the determination of the application for development consent and that no weight should be placed on any non-compliance with that specific aspect of the policy in the planning balance.</p> <p>2. The illustrative Masterplan and associated supporting documents submitted with the application provide details significantly beyond the level of information that would be typically provided in an Airport Masterplan. Furthermore, it is the intention to "certify" the scheme layout plans in the DCO to allow the progressive discharge of "parts" of the scheme as identified and described against the Masterplan to which they are drawn from. Therefore, it is not considered that there should be a requirement for a more detailed Masterplan to be developed post-consent.</p>	
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	<p><b>Host Authorities Response [REP4-126]:</b>                  The Aviation Policy Framework (APF) 2013, submitted in Appendix 29, contains a range of expectations about the role of master plans. For example:</p> <ul style="list-style-type: none"> <li>• The primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes.</li> <li>• The Government recommends that airports continue to produce master plans. We recommend that they are updated at least once every five years.</li> <li>• The Government also recommends that Airport Operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings.</li> <li>• Airport Operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area.</li> </ul> <p>Annex B of the APF sets out the Government's suggested content of master plans – forecasts, infrastructure proposals, safeguarding and land/property take, impact on people and the natural environment; and proposals to minimise and mitigate impacts.</p> <p>Aviation 2050 'The Future of UK Aviation, submitted in Appendix 30, contains a commitment to update the 2013 Aviation Policy Framework Guidance to help airports in completing surface access strategies and master plans. The Jet Zero Strategy, submitted in Appendix 31, states that Government will work with airports, other government departments, local authorities, and other interested bodies to help airports in England improve their surface access through developing Master Plans and Surface Access Strategies.</p> <p>Whilst more latterly, the approach of Government appears to place master plans within a surface access context, the Host Authorities are of the view that the principles and objectives of master plans set out in the APF remain relevant and continue to be Government expectations. If consented, the DCO will approve a wide range of very substantive works to be brought forward over a lengthy time period but with considerable uncertainty surrounding when those works will be brought forward. A wide range of stakeholders and communities would benefit from a process through which the operator regularly updates and consults upon its intentions to bring forward the development over short-, medium- and longer-term time horizons. The Host Authorities would support the addition of a requirement for a post-consent detailed master plan to be developed, consulted on and approved and suggest that the requirement should be crafted for that master plan to be subject to regular review to reflect delivery uncertainty.</p>	
<p><b>REP4-062. 8.76 Applicant's response to Written Questions – Historic Environment – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-063. 8.77 Applicant's response to Written Questions – Landscape and Visual Impacts – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-064. 8.78 Applicant's response to Written Questions – Green Belt – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-065. 8.79 Applicant's response to Written Questions – Effects on Safety – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-066. 8.80 Applicant's response to Written Questions – water environment – THE COUNCIL HAS NO COMMENTS ON THIS SUBMISSION</b></p>		
<p><b>REP4-067. 8.81 Applicant's response to Written Questions – Socio-economic effects</b></p>		



<p>SE.1.4</p>	<p><b>Question to the Applicant and Luton Borough Council:</b></p> <p><b>Employment and training strategies</b>          The s106 agreement attached to the current planning consent for the airport requires the delivery of an employment, skills and recruitment plan:</p> <ol style="list-style-type: none"> <li>1. Under the s106 agreement annual monitoring of this plan should have occurred. Can you provide details of what outcomes has it delivered since the granting of consent?</li> <li>2. What would happen to this strategy given Articles 44 and 45 in the draft DCO [REP2-003] ie would it be in addition to or replaced by the proposed Employment and Training Strategy (ETS)?</li> <li>3. The Green Horizons Park s106 requires the delivery of an employment, skills, procurement and training strategy. Would the ETS be in addition to or replace this strategy?</li> <li>4. Given what the ETS is delivering should it be secured through a requirement rather than a s106 agreement as has been done on other DCOs? If not, why not, and what is the advantage of securing it through a s106 as opposed to a requirement?</li> </ol> <p><b>Response:</b> It is noted that -</p> <ol style="list-style-type: none"> <li>1. Annual reporting of the effectiveness of the Employment Skills and Recruitment Plan is undertaken by LLAOL through its Annual Monitoring Report (which from 2022 is now incorporated into LLAOL's Sustainability Report) (REF 5). Headline findings from the 2022 report include:             <ol style="list-style-type: none"> <li>a. around 53% of procurement spend going to local suppliers;</li> <li>b. becoming a Real Living Wage employer;</li> <li>c. recruiting 76 corporate and management colleagues;</li> <li>d. delivering 13 recruitment events and assessment days;</li> <li>e. hiring 75 security officers;</li> <li>f. delivering the "Get into Airports" Programme; and</li> <li>g. delivering seven airport careers events.</li> </ol>             Further information can be found in the 2022 Annual Sustainability Report.           </li> <li>2. The proposed ETS would replace (supersede) the existing strategy, given the Proposed Development ETS is greater in ambition, reflecting the increased scale of the Proposed Development</li> <li>3. The Applicant views the Green Horizons Park the Proposed Development as two separate schemes. The Luton Employment and Skills Strategy 2022-2027 (REF 4) published by Luton Borough Council outlines the need for the development of an Employment and Training Strategy specific to the expansion of the airport. The Applicant recognises that there may be overlap across both schemes and will ensure that there is alignment and collaboration across both schemes. The London Luton Airport Expansion ETS has been developed to tailor to the specific needs of the construction and operational phase of the expansion and would have different requirements to the strategy for the Green Horizons Park. Therefore, the proposed ETS can (and does) align with Green Horizons Park, however, would not replace it.</li> </ol> <p>As outlined in the proposed ETS, a s106 agreement would secure the ETS and the commitments required to deliver it. The ETS is being secured through a section 106 agreement rather than by a DCO requirement to enable greater flexibility for the terms of the ETS to be amended at a later date. The process for making an amend to an obligation secured by section 106 is quicker than the process for amending a DCO requirement. The Applicant is keen to retain this flexibility.</p>	<p><b>At REP4-112 BC stated:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council views the ETS as a document that it will necessarily be involved in the production of, with the aim of ensuring that it manages adverse effects and seeks to deliver beneficial effects for Buckinghamshire. On that basis, the Council considers it to be a means of delivering essential mitigation for the Proposed Scheme.</p> <p>In relation to part 4 of the ExA question: as a neighbouring authority, the Council would not be capable of being a party to any s106 agreement that may relate to the implementation of the ETS. For this reason, the Council has a strong preference that it be secured through a DCO requirement, to enable direct interaction with Buckinghamshire Council as one of a number of affected authorities.</p> <p>In addition to the above, the Council views the key point for the Council to be that there is an ETS which it is now to be involved with. The ETS is not enough alone to ensure the economic benefits are felt locally – the Council maintains that public transport commitments are essential too. However, having involvement in the ETS will improve the likelihood of achieving economic benefits for Buckinghamshire.</p> <p>If a s106 agreement does not secure this, then the Council is of the opinion that it should be a DCO requirement.</p>
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<p>SE.1.5</p>	<p><b>Question to the Applicant:</b></p> <p><b>Availability of construction workers</b></p> <ol style="list-style-type: none"> <li>1. The ES [APP-037] uses a sixty-minute commute time when assessing availability of construction workers who would not therefore need to live/ move to Luton. Whilst this might be appropriate in less dense/ urban areas where workers are used to commuting for longer periods for work, why is a sixty-minute commute distance appropriate in this instance?</li> <li>2. Buckinghamshire Council [REP1A-001, paragraph 3.6.12] highlighted that there are a number of other major infrastructure projects which are either under construction or likely to be constructed at the same time as the Proposed Development (eg HS2 and the East-West rail link) which could affect the availability of construction workers to work on the Proposed Development. Has this been assessed, if so signpost where in the documentation this can be found and if it hasn't, explain why not and whether it should be?</li> <li>3. Explain whether the answer to these questions would affect the conclusions contained in the ES.</li> </ol> <p><b>Response:</b> It is noted that -</p> <ol style="list-style-type: none"> <li>1. A 60-minute drive time was applied in the assessment of availability of home-based construction workers on the basis of available research and professional experience. As set out in Paragraph 11.6.2 of <b>Chapter 11 Economics and Employment of the ES [APP-037]</b>, a research survey completed by IFF Research on behalf of Construction Skills, the Engineering Construction Training Board, South East England Development Agency and the Department of Trade and Industry in 2005 found construction labour can travel up to a 50 mile/90-minute drive time area for major projects. This was based on consideration of both urban and less urban project contexts. This is further supported by a recent study completed by the Construction Industry Training Board in April 2019 which found that nearly half (48%) of the construction workers in the South East of England, a comparable area in respect of transport accessibility, have travelled more than 50 miles away from their permanent home. Based on this evidence, a 60- minute drive time was considered appropriate to reflect the high local and wider density of labour and also capture construction workers likely to be travelling from a further distance from the Proposed Development Site. The location of the Proposed Development at a highly accessible location in the Thameslink Corridor will also provide potential for workers to commute from locations within 60-minutes by public transport from some areas beyond the identified drive time catchment.</li> <li>2. The impact of the project on the availability of construction workers is discussed in Paragraph 11.9.7 of <b>Chapter 11 Economics and Employment of the ES [APP-037]</b>. Through comparing the Proposed Development's employment requirements to the total supply of construction workers within the 60-minute drive time, need from the Proposed Development represents less than 2% of the workforce on a per annum basis. This impact on labour availability is not considered sufficient to have an impact on capacity within the construction sectors to respond to economic change and growth. The need for construction workers arising from the Proposed Development is considered sufficiently limited that the requirements of other major infrastructure projects could also be met without impact on labour market availability. In respect of the two most notable projects, HS2 and East-West Rail, the known or potential location of construction worksites in relation to the Proposed Development are such that they would draw on a labour market catchment that includes areas lying beyond the 60-minute drive time from Luton Airport, particularly in respect to HS2 given its alignment lies a distance to the west of the Proposed Development. Therefore, when these considerations are taken into account, the cumulative effect from the Proposed Development on the availability of construction workers is not expected to result in significant adverse effects.</li> </ol>	<p>The response focuses upon the impact of the development on the availability of construction workers; the initial question was around the labour force that would be available to the Airport, given the other infrastructure projects underway or planned. The point about the distance construction workers are willing to travel is noted and accepted. However, the points in the Employment and Training Strategy in relation to developing the skills of local people to enable them to secure construction roles should be prioritised rather than relying on a workforce drawn from a wider geographical area.</p>
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		Based on the responses above, the conclusions to the assessment within <b>Chapter 11 Economics and Employment of the ES [APP-037]</b> would not be affected.	
SE.1.6	<p><b>Question to the Applicant:</b></p> <p><b>Local procurement</b>                  One of the potential economic benefits highlighted in the application documents is the opportunities to local companies and businesses during both construction and operation.</p> <ol style="list-style-type: none"> <li>1. Are there the companies and businesses locally that could deliver the resources to meet the needs of construction/ operation opportunities?</li> <li>2. How would these benefits be secured?</li> </ol>	<p><b>Response:</b> It is noted that -</p> <ol style="list-style-type: none"> <li>1. The Employment Training Strategy (ETS) is an overarching strategy which provides a framework to ensure that as many of the jobs and economic opportunities generated by the Proposed Development as possible go to the residents of Luton and surrounding areas. The ETS sets out how the Applicant and its strategic partners can maximise employment benefits of the expansion for the ETS Study Area through collaborative and good practice approaches to employment and training support for residents and businesses at the airport. For example, as part of LLAOL's procurement process, we have seminars to encourage local suppliers to bid for contracts and the social value question rewards local suppliers. The ETS is therefore an overarching strategy that has been developed to support the application for development consent, it is not a detailed study that sets out the route to market or provides analysis on the existing market conditions. It is a strategy to provide a framework to allow benefits to be realised locally.</li> <li>2. As outlined within the ETS, benefits will be secured through a s106 agreement.</li> </ol>	<p>The Council accepts that the ETS is an overarching strategy, with more detailed activities to support its delivery developing over time and in consultation with local authority and other appropriate partners. It is to be expected however, that through some of the existing procurement activities, there will be some understanding of businesses, at least in the Luton area.</p> <p>It is unclear to the Council whether the second question relates to the specific activities that could be undertaken to support local procurement or whether it relates to the planning approach. If it is the latter, presumably the point made earlier about a S106 vs a requirement applies here.</p>
SE.1.7	<p><b>Question to the Applicant:</b></p> <p><b>Displaced jobs</b>                  The ES [APP-037] only considers jobs that would be physically displaced as a result of the construction of the Proposed Development ie because the land/ building is needed to enable it. Has any assessment of displacement of jobs from current businesses by employees choosing to work for the airport either during construction/ operation been assessed? If so signpost where in the documentation this can be found and if not, why not and should it be?</p>	<p><b>Response:</b> Displacement of jobs during construction from current businesses by employees choosing to work for the airport has not been assessed. The large size of the construction workforce (194,320 people) within a 60-minute drive time means that displacement of workers is unlikely to undermine the capacity of the construction sector to meet demand for workers at other projects. As stated in Paragraph 11.9.7 of <b>Chapter 11 Economics and Employment of the ES [APP-037]</b> comparing the Proposed Development's employment requirements to the size of the workforce generates a need of less than 2% of this workforce on a per annum basis, such that there is likely to be capacity within the construction sectors to respond to economic change and growth. Also, the application of displacement would have a significant limitation given there would be no certainty that it would remain accurate over a long construction period to 2043. Based on these considerations, an assessment of displacement of jobs from current businesses by employees choosing to work for the airport during construction is unnecessary.</p>	<p>The Council recognises there is an argument for looking at displacement (and substitution), particularly given the emphasis on the economic case for the project.</p>

	<p>Similarly, factor displacement in terms of overall employment in Luton has not been taken into account for the operational phase as this is not considered relevant in the context of higher levels of unemployment in Luton.</p>	
<p>SE.1.9</p>	<p><b>Question to the Applicant:</b></p> <p><b>Impact of COVID-19</b>                  The studies done by Oxford Economics are based on employment levels in and around the airport in 2019. During COVID a significant number of staff directly employed by the airport were furloughed/ laid off. In addition, post COVID many industries which furloughed staff have reviewed their operating procedures/ employment needs and subsequently do not employ as many people or employ in the same way. Has any assessment of changing employment practices post-COVID been included in the employment and economic assessments? If so, please signpost where this can be found. If not, why not and should it be?</p> <p><b>Response:</b> No specific assessment has been carried out on changes in working practices post-Covid but the airport operator has recently updated the assessment of employment in the vicinity of the airport, which will shortly be published in its Annual Monitoring Report. This shows employment in the vicinity of the airport of 11,100 in 2022 (Source: Interdepartmental Business Register) (REF 7). This compares to a total of 11,200 in 2019. Whilst this includes some employment that is not strictly related to the operation of the airport (see <b>Applicant's Response to Issue Specific Hearing 2 Action 5 and 6: Past Employment Estimates [TR020001/APP/8.90]</b>), experience of the situation pre-Covid would suggest that the total needs to be adjusted by 300 to be equivalent to the stricter definition of airport related employment. This would suggest airport related employment at the airport of 10,800 in 2022, which is only 100 jobs less than assessed by Oxford Economics despite the airport traffic not having recovered to 2019 levels.</p> <p>This strongly suggests that the long-term impact of Covid-19 and staff furloughs has not impacted directly on airport related employment and the anticipated productivity trends going forward.</p>	<p>Changing employment practices post Covid are noted. The data suggests limited ongoing impact; much of the impact has resulted from the increase in remote working, which is less relevant in this sector.</p>
<p>SE.1.10</p>	<p><b>Question to the Applicant and the Joint Host Authorities:</b></p> <p><b>Monitoring</b>                  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.  <b>Applicant:</b> Provide further detail as to how this conclusion was reached.  <b>Joint Host Authorities:</b> Should economic and employment effects during construction/ operation be monitored? If so why and how should this be secured?</p> <p><b>Applicant Response:</b>                  Typically, socio-economics monitoring during construction and operation of the Proposed Development is not covered in within an environmental statement. Socio- economic monitoring will be covered as part of the Employment Training Strategy. The Employment Training Strategy sets out the approach to the monitoring and evaluation of outcomes and initiatives outlined within the Strategy. Any monitoring and evaluation will be agreed and scoped out once a decision on the DCO has been reached. The Applicant together with the airport operator will regularly monitor and review progress against its own objectives, to ensure their efficiency.</p> <p><b>Host Authorities Response [REP4-126]:</b>                  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</p>	<p>Ongoing monitoring of the delivery of the Employment and Training Strategy is fundamental. Without this, it will be impossible to gauge the impact and the extent to which the proposed economic benefits associated with expansion are being achieved. It is also vital in informing activity throughout the programme; what is working, what needs to be changed, are new initiatives required?</p> <p>The Local Economic Development Working Group, as proposed in the ETS, should have input into the monitoring and evaluation approach.</p>

		<p>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 raiseskill 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 andwhether jobs and skills benefits for local people can improve over time as the airport grows.</p> <p>It is understood that the proposed Employment and Training Strategy would besecured through the S106 agreement.</p>	
<b>REP4-068. 8.82 Applicant's response to Written Questions – Health and Community Effects</b>			
HAC.1.3		<p><b>Question to the Applicant and Joint Host Authorities:</b></p> <p><b>Joint Strategic Needs Assessment (JSNA)</b>                  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 significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.</p> <p><b>Applicant Response:</b>                  The Applicant has undertaken a review of JSNA datasets relating to health and health inequalities and a comparison with datasets included in the ES. The Applicant will meet with the Joint Host Authorities to review these datasets and, subject to the outcome of these discussions, will update the Health and Community chapter accordingly for Deadline 5.</p> <p><b>Host Authorities Response:</b>                  The Host Authorities note this request, welcome a meeting with the Applicant andwill continue these discussions with the Applicant through the Statement of Common Ground process.</p>	<p>The Council is supportive of this ExA request and is of the opinion that the additional data will be a useful input, provided that it is then used to ensure that suitability interventions and mitigation proposals are identified for pro-active implementation. Such proposals will need to be appropriately secured. The Council believes that there would also be value in the Applicant considering the additional baseline as a means of supplementing the EqIA provided to date.</p>
HAC.1.4		<p><b>Question to the Applicant:</b></p> <p><b>Future baseline</b>                  Future baseline information is provided for the Luton administrative area in the ES [AS-078, Section 13.7]. Can the Applicant provide a proportionate description of the future baseline for the wider study area?</p>	<p>The Council concurs that the data matches published materials; however, for clarity, the Council proposes a change in the decade to 2020 to 2030 in the sentence about the 3.4% increase just so it is clear it is not referring to 2023 to 2033.</p>

	<p><b>Response:</b> The future baseline for the wider study area is as follows:</p> <p><i>Hertfordshire</i>                  The projected population growth for Hertfordshire is relatively stable. Over the decade from 2021-31, Hertfordshire's population is expected to grow by 2%. Older age groups are forecasted to have the largest increase in population, while a decline in population is expected for children and working age groups.</p> <p><i>Central Bedfordshire</i>                  The population of Central Bedfordshire increased by 15.7% from 2011 to 2021. This rate of growth was higher than the growth rate in the overall East of England region, which was 8.3%, and higher than the national growth rate of 6.6%. The population of Central Bedfordshire is expected to increase by 22.6% in the next decade. The number of people aged over 80 is expected to double by 2043.</p> <p><i>Buckinghamshire</i>                  The population in Buckinghamshire increased by 9.5% between 2011 and 2021. Buckinghamshire's population is expected to increase at a rate of 3.4% for the next decade. There is a forecasted 20.3% population increase for the 15-19 age band and a 17.7% increase for the 60+ age group from 2020 to 2030.</p>	<p><a href="https://bucksdataexchange.org/data/population/#:~:text=In%202021%20the%20total%20population,population%20during%20the%20same%20period.">https://bucksdataexchange.org/data/population/#:~:text=In%202021%20the%20total%20population,population%20during%20the%20same%20period.</a></p> <p><a href="https://www.buckinghamshire.gov.uk/health-wellbeing-and-sports/joint-strategic-needs-assessment/health-and-wellbeing-data-profiles-and-tools/jsna-data-profile-protected-characteristics/population-projects-for-buckinghamshire/">https://www.buckinghamshire.gov.uk/health-wellbeing-and-sports/joint-strategic-needs-assessment/health-and-wellbeing-data-profiles-and-tools/jsna-data-profile-protected-characteristics/population-projects-for-buckinghamshire/</a></p>
<p>HAC.1.5</p>	<p><b>Question to the Applicant:</b></p> <p><b>Community assessment</b>                  ES Chapter 13 [AS-078, Table 13.6] states that population within the lowest observed adverse effect level (LOAEL) contour and population affected by issues such as economic growth and employment are scoped out of the community assessment. Provide further justification for scoping these matters out and evidence of any agreement with relevant local authorities regarding this approach.</p> <p><b>Applicant Response:</b>  <b>Chapter 13 Health and Community Revision 1</b> of the <b>ES [AS-078]</b> at paragraph 13.3.5, confirms that the study area for the community assessment is based on the spatial distribution of the impacts of the Proposed Development. Paragraph 13.3.17 identifies the matters which are scoped into the community assessment including loss or gain of community resources, displacement of community resources, changes to the amenity of a resource (referred to as an in- combination effect), and isolation of communities from community services or facilities. Within Table 13.6 of <b>Chapter 13 Health and Community Revision 1</b> of the <b>ES [AS-078]</b>, the wider study area described as 'areas within which there are likely to be environmental impacts' covers the full extent where in-combination community effects are likely to occur.</p> <p>The other two study areas (population within the LOAEL and population affected by issues such as economic growth, employment and changes to the housing market) relate to specific effects which are reported in other topic chapters, namely <b>Chapter 16 Noise and Vibration</b> of the <b>ES [REP1-003]</b> and <b>Chapter 11 Economics and Employment</b> of the <b>ES [APP-037]</b>. As the community assessment only reports in-combination community effects where there are two or more residual significant effects, it is unlikely that there will be in-combination effects within these much wider areas. Regardless of this, the wider study area described as 'areas within which there are likely to be environmental impacts' provides a catch all for any wider potential effects.</p> <p>As reported in Table 13.7 of <b>Chapter 13 Health and Community Revision 1</b> of the <b>ES [AS-078]</b>, the</p>	<p>The Council considers the Applicant's response to be confusing. If the intention is that the study area should address locations where 'impacts' (not qualified as significant or significant residual) are identified, then those within the LOAEL contour and affected by economic growth and employment should be scoped in (as indeed should others).</p> <p>The second paragraph of the Applicant's response then refers to the inclusion only of locations experiencing two or more significant residual effects as being incorporated in the community assessment. The Applicant then appears to rely on topic chapters to address any single impact issues. The Council is of the opinion that this frustrates the intended value of a health and community assessment – the role is not to repeat the findings of other assessment, or simply report based on accumulation of significant effects from other topic assessments. Instead, there should be professional judgement applied to consider impacts more holistically, acknowledging that a combination of effects that are not necessarily deemed significant within their individual topic assessment may have a significant health (including well-being) effect and / or give rise to community effects such as shared anxiety. This is also expressed within IEMA guidance on the assessment of health in EIA, published in November 2022 – the Council is therefore seeking a greater focus on qualitative health and well-being assessment by the Applicant as a specialist topic in its own right, with a broader range of potential effects than is currently addressed with the Applicant's ES.</p>



	<p>community assessment was discussed at the meeting with the Director of Public Health, Luton Borough Council on 7 December 2019. The scoping out of these study areas was not raised as an issue. Nor has it been raised as an issue by any other stakeholders.</p>	<p>Furthermore, the Council is of the opinion that the 'wider study area' assessment should not be treated as a 'catch all', but instead given focus that is commensurate with the purported benefits of the Proposed Scheme as being at least sub-regional, as expressed within the Needs Case. The Council does not agree with the final sentence of the Applicant's response – the Council has raised such issues through the SoCG process.</p>
	<p><b>Host Authorities Response:</b>              With reference to Local Impact Report Para 7.8.9 [REP1A-003]:              The Host Authorities acknowledge the Errata Report [REP1-015] submitted by the Applicant which removed the significant effect previously identified during the operational phase of the Proposed Development. While effects on mental wellbeing are not identified as significant, the Host Authorities feel it would be beneficial to outline an approach to community engagement for the Proposed Development once it is operational.              Local residents should be provided with a clear process by which they can raise concerns with the Applicant, particularly as there are likely to be effects, such as noise, which arise during the operational phase.              Currently, community engagement is encouraged on the London Luton Airport website with the provision of email addresses to contact. The Host Authorities suggest engagement could be supported and improved by the provision of a specific forum and/or a named point of contact (such as a Community Liaison Officer) for local residents to reach out to, and request that provision for such resource is included in the draft DCO. Refer to response at DCO.1.24 above in relation to general comments on the drafting of requirements.</p>	
<p>HAC.1.14</p>	<p><b>Question:</b></p> <p><b>Monitoring of health effects</b>              The UKHSA [RR-1546] recommended that health monitoring should be undertaken in light of the scale of adverse noise impacts from the Proposed Development. Explain what specific, proportionate monitoring could be undertaken to enable understanding of impacts on health and quality of life for affected communities and how this could be used to inform future mitigation requirements</p> <p><b>Response:</b> The Applicant notes that this question is directed to the UKHSA and does not consider it necessary to provide a full response until it has had the opportunity to consider the response provided by the UKHSA at Deadline 4. However, the Applicant notes that evidence on the effects of noise on health and wellbeing is best established through large-scale, national studies. The airport operator supports existing studies of this kind, for example by providing data to the Aviation Night Noise Effects (ANNE) Study (Ref 1).</p>	<p>The Council welcomes the clarifications offered within the UKHSA response. It supports the concerns that the Council has regarding due and proper consideration of the potential adverse health and well-being effects from impacts of traffic noise increases. For the Council, this is particularly relevant in the early hours of the morning, for residential and other sensitive receptors lining the routes identified by the Applicant as being affected by increases in trip generation due to the increase in flights (i.e. including the B489/B488, as depicted on the Trip Distribution Plans). The Council remains concerned that the health assessment within the ES relies on significance thresholds within the individual topic assessments, rather than fully</p>



		<p>applying the latest guidance (from IEMA) that advocates a qualitative consideration of multiple factors that can affect determinants of health.</p> <p>Noise LOAELs, SOAELs and UAELs are set within the environmental statement noise theme following national policy and guidance. Should these be altered in light of new and emerging evidence the Green Controlled Growth Framework should be capable of altering GCG noise limits and level/thresholds accordingly.</p>
	<p><b>UKHSA Response:</b>                  We confirm our response to the Examining Authority on this matter as follows:                  Transportation noise is known to be a risk factor to several health and quality of life outcomes. Some of these outcomes (e.g. cardiovascular disease, stroke) are also linked to a number of other risk factors, and within the framework of the Luton Airport Expansion project (the Scheme), it can be difficult to attribute observed changes in these outcomes in the local population to changes in noise exposure as a result of the Scheme. However other health outcomes, such as long-term noise annoyance and noise-induced sleep disturbance are directly and unambiguously linked to noise and can be measured relatively easily using standardised methods. Furthermore, besides being health endpoints, annoyance and sleep disturbance are thought to be on the causal pathway to other more serious physical and mental health outcomes.</p> <p>In England there are currently two ongoing projects, sponsored by the Department for Transport, that are measuring noise annoyance, noise-induced sleep disturbance and other quality of life metrics in communities living around the main airports in England:</p> <ul style="list-style-type: none"> <li>• Aviation Noise Attitudes Survey (ANAS), managed by the Civil Aviation Authority</li> <li>• Aviation Night Noise Effects (ANNE), managed by a consortium including St George's, University of London, NatCen Social Research, Noise Consultants Limited, and the University of Pennsylvania.</li> </ul> <p>Both are based on social research that can be deployed cost-effectively at scale and repeated at regular intervals. Full details and results from both studies, including the relevant questionnaires, are expected to be published in 2025.</p> <p>In addition Heathrow Airport Ltd has been working with other international airports to better understand the value and effectiveness of the interventions airports make. Against this background, Heathrow airport has commissioned an independent longitudinal study to evaluate the QoL and health effects of the Heathrow Noise Insulation Scheme. A pilot study is running in 2023 for developing and refining the methodology and questionnaires; the main study will run from 2024. The study will collect information on noise exposure within the home and individual-level information about a range of QoL, wellbeing and health outcomes. See Porter et al. for more details.</p> <p>UKHSA believes that these three studies could form a suitable basis on which specific, proportionate surveys can be designed and deployed amongst the population living around Luton airport at regular intervals matched to key project milestones (subject to more detailed discussions with the studies' managers and funders). This type of monitoring could inform, amongst other things, the rate of deployment of the noise insulation scheme, the geographical coverage of the scheme and whether alternative ventilation measures need to be provided to ensure a holistic healthy indoor environment. The monitoring would also deliver much needed evidence to inform future applications for airport expansion.</p>	

HAC.1.15	<p><b>Question:</b></p> <p><b>Need for requirements in relation to health and wellbeing</b>                  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><b>Response:</b> The Applicant notes that this question is directed to the Joint Host Authorities and does not consider it necessary to provide a response at this time.</p>	<p><b>At REP4-112 the Council stated:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to concerns raised in its previous submissions (Written Representation (REP1-042) and Local Impact Report (REP1A-001), reinforced within the Updated Principal Areas of Disagreement Summary Statement (REP2-045), comments previously supplied on Deadline 2 and 2A documents (REP3-082) and the Council's Deadline 3 submissions (REP3-079, REP3-080, REP3-081, REP3-083 and REP3-084)) relating to potential for adverse health and well-being effects that it considers that the Applicant has not yet fully evidenced, both in construction and operation.</p> <p>In the operational phase, the Council's concerns relate to two matters. Adequate controls being in place in relation to effects on health determinants from the impacts of aircraft noise, noting that this will change over time (e.g. tonality, location and aircraft numbers). Ensuring accessibility of job opportunities to residents of Buckinghamshire in the interests of supporting well-being (e.g. physical accessibility by a range of modes; and measures to support skills-matching/upskilling of the local residents to secure and retain airport-related employment).</p> <p>The Council is keen to ensure that requirements are included to address health and well-being. The Council considers that the geographical reach of such requirements should encompass all affected parts of the study area, which it considers to extend beyond the joint host authorities, including (but not necessarily limited to) Buckinghamshire.</p> <p>The Council has no additional comments to make.</p>
<p><b>REP4-069. 8.83 Applicant's response to Written Questions – Traffic and Transportation including Surface Access</b></p>		
TT.1.4	<p><b>Question:</b></p> <p><b>Traffic</b>                  In the response to [RR-0472] the Applicant states 'Some people may choose to take alternative routes and we have therefore taken steps to provide capacity improvements to the local network to ensure that if they do, local traffic is not adversely impacted.' Please signpost where in the application documentation it explains how these alternative routes have been determined and their locations.</p>	<p>The response does not appear to go into the level of detail requested when answering how the alternative routes have been determined, other than stating that they have been identified in conjunction with the local highway authorities. The response only signposts to the off-site mitigation drawings. However, this does include a map of their</p>

	<p><b>Response:</b>                  Section 4 of the <b>Transport Assessment [APP-203, AS-123, APP-205, APP-206]</b> sets out (para 4.2.4) that highway interventions have been identified in conjunction with the local highway authorities in order to provide mitigation for the increased volumes of traffic on roads in the locality of the airport and the corridor to the M1.</p> <p>Luton Local Plan Policy LLP31A(i) states that <i>“the Council will work with its partners, agencies and developers to deliver: reduced congestion around the town centre and key strategic routes including seeking to deliver targeted road and junction improvements needed to accommodate Luton's growth including strategic and local improvements to address cross boundary growth while promoting sustainable modes of transport.”</i></p> <p>With regard to London Luton Airport Policy LLP31D adds <i>“Support for the continued economic success of London Luton Airport as a transport hub (policy LLP6) will be delivered through: measures to ensure there is capacity at strategically important junctions”</i></p> <p>Mitigation measures have therefore been developed on the main access routes into the Airport and further supported by additional locations identified through the on-going engagement which has occurred with highway authorities around with regard to the impacts of the scheme.</p> <p>The routes and locations on which mitigation measures are proposed are set out in <b>Appendix A of the 7.02 Transport Assessment Appendices - Part 1 of 3 (Appendices A-E)[APP-200]</b>.</p>	<p>locations – it is noted that these are Luton focused.</p>
<p>TT.1.5</p>	<p><b>Question:</b>  <b>Traffic</b>                  Natural England [REP1-112] raised a concern that increased road traffic generated by the airport expansion scheme could lead to an increase of traffic on minor roads in nearby parts of the AONB and that any proposed road engineering measures to mitigate this could alter the character of those lanes and the character of the landscapes they sit within. Provide details as to what specific mitigation measures could be applied within the AONB that would not alter the character of the landscape.</p> <p><b>Response:</b>                  The Applicant has provided additional information at Deadline 1, <b>Trip Distribution Plans [REP1-019]</b> which show the traffic distribution for airport users. The distribution plots show that the vast majority of the trips to and from the Airport access from the west via the M1 Junction 10. The volume of trips generated by the airport expansion on the minor roads within the AONB are relatively small and are not considered to have a material impact necessitating mitigation. Please see <b>Section 9 of the Transport Assessment [APP-205]</b> which sets out the approach to traffic generation and distribution.</p> <p>In addition, the Applicant and operator will continue to work with local authorities to understand the impacts of the airport expansion through ongoing monitoring as set out within the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) (Appendix I of the Transport Assessment [APP-202])</b>. There is an opportunity through this process to identify any impacts that are being realised in future as a result of the airport expansion and seek to investigate the potential implementation of traffic management and/or parking control measures, in order to discourage vehicles from using these roads to access the airport. Further information on the OTRIMMA has been submitted at Deadline 4.</p> <p>Highway engineering measures that could be introduced to mitigate traffic impacts without impacting</p>	<p>This response has been reviewed. The Council considers that it is for Natural England to consider whether potential highway engineering measures are suitable for the AONB. The Council does not have any comments.</p>

	<p>character would include traffic calming using changes to white lining, signage and kerb realignments within the highway boundary.</p>	
<p>TT.1.6</p>	<p><b>Question:</b>  <b>Traffic</b>                  A significant number of Relevant Representations raised a concern about the increase in traffic that would be generated by the proposed expansion. Transport for London [RR- 1543] stated 'The Proposed Development should not be dependent on any increase in car trips or car parking and the Applicant needs to set out a concrete package of measures to ensure this'. The ANPS states 'Heathrow Airport has committed to ensuring its landside airport-related traffic is no greater than today.' While this is not necessarily a requirement for this application, can the Applicant explain what they are doing to achieve a similar outcome?</p> <p><b>Response:</b>                  The Applicant cannot comment on the proposals or commitments made by other airports in their own applications for expansion which were made under different circumstances and conditional to that applicant. There is no obligation on airport (or other) developments to result in no net increase in traffic, only that any impacts where identified are mitigated. The ANPS "sets out Government policy on expanding airport capacity in the South East of England, in particular by developing a Northwest Runway at Heathrow Airport" (Ref 1). Any application for a new Northwest Runway development at Heathrow will be considered under the ANPS and specifically that "Other Government policy on airport capacity has been set out in the Aviation Policy Framework, published in 2013". It is therefore unclear the relevance to the application of the statement from TfL on the applicant to achieve a similar outcome as Heathrow. It should be noted that the ANPS does not place a requirement on Heathrow to secure 'no more traffic' it is a voluntary commitment from Heathrow and would be dependent on the construction of three new rail lines, none of which are being delivered directly by Heathrow (Crossrail, Western Rail, Southern Rail).</p> <p>The Surface Access Strategy and Framework Travel Plan set out the measures the Applicant proposes to increase sustainable travel mode share at the airport for both passengers and staff. These will reduce the number of vehicles travelling to the airport allowing the airport to appropriately develop and refine the strategy over the period of airport development. It is also noted that passengers parking at the airport have a lower impact on vehicle trips than those using "kiss and fly" or "taxi and private hire". If additional parking was not provided this could result in an increase in vehicle trips rather than a reduction as those from areas with low public transport availability choose alternative vehicle options over public transport.</p>	<p>The Council considers that the response from the Applicant regarding the areas of low public transport availability being reliant on additional parking provided within the site underlines the absolute need for a full and comprehensive public transport provision, which is financially supported by the Applicants, until such time that it is able to be commercially viable on its own merit.</p>

<p>TT.1.7</p>	<p><b>Question: GCG</b></p> <p>The Applicant states in their response to Transport for London [REP1-024] that the mode share targets identified in the Framework Travel Plan would be more ambitious than those set out in the Green Controlled Growth Framework. Please can the Applicant clarify by signposting to the relevant section within the Framework Travel Plan or provide detail as to the value of these more ambitious mode share targets.</p> <p><b>Response:</b></p> <p>The <b>Framework Travel Plan [AS-131]</b> does not set out the values of the mode share Targets (as distinct from the mode share Limits contained within the <b>Green Controlled Growth Framework [REP3-017]</b>). Section 4.1 of the Framework Travel Plan instead sets out how future Targets will be set, reviewed and updated as part of the production and ongoing monitoring of each future iteration of the Travel Plan. Specifically, paragraph 4.1.4(a) captures the requirement for the setting of more ambitious Targets (“Targets should strive to achieve higher levels of sustainable transport mode share than the Limits”).</p> <p>It is not considered appropriate to set specific mode share Targets for the first Travel Plan at this stage, due the significant variation in recent mode share trends as a result of the COVID-19 pandemic, and potential time-lag until those Targets would come into force, which could render them out-of-date (i.e. Targets set now might not be reflective of mode share levels by the time the examination has been concluded, the application for development consent granted, and the DCO subsequently implemented through the serving of notice under Article 44 of the <b>Draft DCO [REP3-003]</b>.</p> <p>Instead, as described in Section 4.1 of the Framework Travel Plan, the development of each Travel Plan must consider up-to-date baseline information to inform the setting of the Targets, which can be no lower than the GCG Limits (and strive to be more ambitious). The values of those Targets will need to be approved by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function, as part of the process to discharge Requirement 30 of the DCO and approve each Travel Plan.</p>	<p>The process of setting mode share targets for the travel plan at a later stage is appropriate. The Council is supportive of the Applicant setting mode share targets in the FTP that are ambitious. The fact that this means that they may differ from those set out in the GCG Framework, which is the enforceable means of enabling expansion at the airport, raises the question of what level of confidence the Applicant has in the likely efficacy of the FTP measures. It is suggested that if these measures were fully financed and supported, then there would be no need to aim higher than GCG within the FTP targets. Alternatively, the GCG targets could be raised to match the FTP ones if a more ambitious approach is proposed, as this would have more beneficial environmental outcomes overall.</p>
<p>TT.1.8</p>	<p><b>Question:</b> <b>GCG</b></p> <p>Can the Applicant explain how the surface access mode share targets [APP-218] were set for airport staff and why the percentage of airport staff travelling by non-sustainable means is set higher than that for passengers.</p>	<p>The mode share assumptions for staff have been based on information from Stansted Airport. Whilst this can be used as a base, the geographical differences between the two locations and the availability of public transport should be taken into account when making these assumptions. This</p>

	<p><b>Response:</b>                  Firstly, for clarity, the Applicant would like to confirm the terminology used in the application, including within the <b>Green Controlled Growth Framework [REP3-017]</b> and <b>Framework Travel Plan [AS-131]</b>. The Applicant differentiates between Limits (which are set out in the GCG Framework), and Targets (which will be required for each future TravelPlan, in accordance with the process for defining those Targets set out in the Framework Travel Plan). Table 5.1 of the <b>Surface Access Strategy [APP-228]</b> provides a summary of the distinction between the two terms used.</p> <p>The surface access mode share Limits within GCG correspond to the modelling assumptions for passenger and staff mode share utilised within the Transport Assessment. The transport modelling, and hence GCG, therefore correspond to the reasonable worst case scenario, for which the likely significant environmental effects are identified and reported within the Environmental Statement. GCG therefore provides certainty that the identified likely significant environmental effects will not be exceeded.</p> <p>The magnitude of the mode share assumptions (and consequently the surface access mode share Limits) for passengers and staff are based on a comparative analysis of other UKairports (identified in the <b>Transport Assessment Appendix H: Public Transport Strategy - Summary Report [APP-202]</b>), which included an analysis of baseline travel patterns at the airport, and the evolution of the transport offer at the airport. The results of this analysis indicated that higher levels of travel by sustainable modes for passengers could be achieved compared to staff. In addition, the staff mode share assumptions for the Future Baseline and With Development mode share scenarios (as set out in Table 9.4 of the <b>Transport Assessment [APP-205]</b>) have conservatively only been applied to the growth in staff or new staff in the future and as a result of the Proposed Development and not to existing staff, in order to assess a reasonable worst-case scenario.</p>	<p>response further emphasises the need for a comprehensive sustainable transport package with demonstrable funding and direct connection to ambitious mode share targets.</p>
<p>TT.1.10</p>	<p><b>Question:</b>  <b>GCG</b>                  The relevant and written representations highlighted a general lack of confidence that the mode share targets would be achieved. Central Bedfordshire Council LIR [REP1A-002] notes that in 2018, 24% of staff and 33% of passengers were using public transport to access the airport. However, this dropped to 5% for staff and 9% for passengers in 2020. Can the Applicant explain why they are confident that the surface access mode share targets that they have proposed are achievable?</p> <p><b>Response:</b>  <b>Table 6.3 of the Transport Assessment [APP-204]</b> provides a summary of the passenger mode shares from 2012 to 2020 showing the position and trend up to and including the early phases of the Covid-19 pandemic. It is acknowledged by the Applicant that during the Covid-19 pandemic there was a significant reduction in passenger travel by public transport, reducing from 38% in 2019 to 9% in 2020. However, estimates from the 2022 CAA survey data shows that the public transport mode share for passengers was 35%. This shows a strong recovery in public transport mode share from 2020. Public transport use by passengers is recovering towards pre-pandemic 2019 levels.</p> <p>Despite the initial impact of Covid restrictions during the first few months of 2022 and concerns among the general public, the share of public transport usage rebounded swiftly, surpassing the levels observed between 2016 and 2018.</p> <p>The Forecasts have established an initial target for the year 2027, aiming to achieve a 40% share of public transport usage. Considering the rapid recovery of public transport usage in 2022, the progressive easing of Covid restrictions throughout the year, the implementation of the DART scheme, and other planned public</p>	<p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this the Council, though supportive of the targets set out by the Applicant, considers it necessary to require monitoring through the Travel Planning and the ATF to remain robust and the frequency to be not greater than annual. If the targets are to be stringent, it will be imperative to ensure that regular monitoring of trends is carried out to allow additional measures if required to be implemented early enough to effect any necessary changes.</p>

	<p>transport improvements, it appears that the current trends align with the airport's forecasts and targets.</p> <p>Future rail capacity has been robustly assessed and the assumptions underpinning the analyses rely on pre-pandemic growth factors to ensure robustness in its approach. The analysis (Table 11.1 of the Transport Assessment [APP-206]) shows that at its busiest (32mppa) for the 1 Hour AM Peak there are forecast to be approximately 800 additional passengers above 2019 (18mppa) levels and that even with significant background growth there remains significant capacity in the morning.</p> <p>Potential interventions to support the growth of passenger numbers depend on the monitoring and evaluation carried out as part of the Future Travel Plans and linked to the Green Controlled Growth Framework [APP-218].</p> <p>Improvements can be discussed with Train Operating Companies, Network Rail and bus operators using the Future Travel Plan development process and the Airport Transport Forum to prioritise and agree any potential service enhancements required in the future.</p>	
<p>TT.1.17</p>	<p><b>Question:</b>  <b>Bus and Coach</b>                  Can the Applicant provide a summary of the discussions it has had with bus providers (which aimed to increase the coverage and frequency of services to the airport), and, considering these discussions, does the Applicant have confidence that the additional proposed spaces can and would be utilised by operators?</p> <p><b>Response:</b>                  The Applicant and operator are supportive of measures to improve sustainable travel modes and will work with local authorities and bus and coach service providers to implement improvements wherever reasonably practicable.</p> <p>The Proposed Development will enhance public transport infrastructure at the airport with increased bus and coach capacity proposed at Terminal 1 and new facilities at Terminal 2 that separate coach and bus activities. The Proposed Development will deliver almost triple the existing bus and coach capacity at the airport. The number of additional bus and coach bays forming part of the T1 and T2 proposals are the maximum bay provision, and the correct number of bays would be delivered to meet the required demand as part of the detailed design, as informed by discussions with bus and coach operators. At present, Luton Airport's bus station is provided as a free facility for bus operators to access.</p> <p>The airport operator is in the process of re-tendering coach services at the airport as the current contracts run out in Feb/Mar 2024. The contract period for the concession is normally 5 years, however, the new concession agreements will be for 5 years with an option to extend by 2 years (subject to the operators meeting service level requirements) and demonstrating growth in coach patronage. Contracts have been restructured to allow the facility to introduce mechanisms to encourage growth, such as different fee structures to incentivise start-up services. The airport operator will work with the new coach operators to consider opportunities to introduce new coach routes and ways to encourage airport users to travel via coaches.</p> <p>The Applicant and operator are engaging in discussions with local operators to develop understanding of their current and planned routes, and what interventions and measures would enhance their service offering. Engagement is ongoing and is supported by the Applicant's study into current gaps in bus provision and areas that would most benefit from improved/new services.</p>	<p><b>At REP4-112 the Council states:</b>                  It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council wishes to express that it considers it necessary for the Applicant to engage with local authorities when conducting discussions with operators.</p> <p>The Council is concerned that a lack of engagement to discuss the areas for which services are required would lead to no benefit to areas that are currently poorly served, resulting in a failure to ensure services cover a broad geographical area.</p> <p>The Council is concerned that the Applicant's subsequent response to the ExA's question does not guarantee the delivery of all the coach bays proposed within the application documents. This has a limiting effect on the services that can be provided in the future. As has been stated by the Applicant in <b>REP4-086</b>, the full expansion delivery is 20 years in the future. With the direction of national policy and the need to increase public transport use, the Council would seek the securing of the full provision of bus capacity at the airport – sufficient space must be safeguarded for this, irrespective of the current perspective of the operators, so that phased implementation remains possible when demand rises.</p>



<p>TT.1.18</p>	<p><b>Question:</b>  <b>Bus and Coach</b>                  Can the Applicant confirm that if proposed new routes are not initially commercially viable that the sustainable transport fund would be used to support operators in running these services until the demand is such that they are able to operate commercially? If yes, how would this be secured so that the ExA can afford it weight when reporting to the Secretary of State? And if no, why not?</p> <p><b>Response:</b>                  The Sustainable Transport Fund will be used to fund improvements to sustainable transport options including services and infrastructure related to public transport and cycling and walking. It will contribute towards realising the Surface Access Strategy's Vision, Objectives and Priority Areas, aligned to targets as set out in the successive Travel Plans.</p> <p>The FTP identifies a number of potential bus improvements, including new, improved and extended services, although it is noted that this is not an exhaustive list of potential interventions, which can be added to. Interventions to be taken forward will be determined on production of the first Travel Plan post-consent, and in successive five-yearly Travel Plans.. Funding for bus services has been raised by authorities as a future intervention for the TPs, however, no interventions will be selected until the formation of the ATF Steering Group post-consent. Therefore, the STF could be used for this purpose, among a number of other possible interventions identified in the FTP.</p>	<p><b>At REP4-112 the Council states:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to its experience – a bus route will intrinsically be unviable in its early stages of establishment. The sustainable transport fund as currently presented will have no forward funding to support public transport routes at the early stages of development. The Sustainable Transport Fund requires review of the structuring and the value to be made available. The Council remains concerned that the overall value of the Sustainable Transport Fund is insufficient to meet the objectives of the funds, discussions with the Applicant are still on-going in this regard, through the SoCG process between the Council and the Applicant.</p> <p>The Applicant's subsequent response does not change the Council's position.</p>
<p>TT.1.19</p>	<p><b>Question:</b>  <b>Cycling and Walking</b>                  How has the Applicant taken account of the Department for Transport Cycle Infrastructure Design guidance (Local Transport Note 1/20) in the design of the proposed off-site highway works? If there are any locations where the recommendations in LTN1/20 cannot be achieved identify the location(s) and detail the reasons why.</p> <p><b>Response:</b>                  Local Transport Note (LTN) 1/20 provides guidance to local authorities on designing cycle infrastructure. The document principally sets out guidance for the delivery of dedicated cycle infrastructure schemes. The document also provides guidance on the delivery of new and improved cycle infrastructure as an integral part of general highway improvements and as part of new developments and when making alterations to links and junctions on existing highways. LTN 1/20 notes that routes should be planned holistically as part of a network - isolated stretches of provision, even if individually good are of little value.</p> <p>The proposed off-site highway mitigation works have been principally designed to accommodate increased volumes of traffic given that the development will only generate limited numbers of additional walking and cycling trips by the very nature of an airport trip. At many off-site junctions, additional traffic capacity is therefore required to be provided so that it addresses airport growth, together with traffic associated with committed developments and background traffic growth. In the majority of locations this is achieved through the conversion of roundabouts / mini roundabouts to signalised junctions, or through the provision of additional traffic lanes.</p> <p>Nevertheless, the scheme offers significant opportunities for improvements for cycle provision at a number of locations as set out below:</p> <ul style="list-style-type: none"> <li>- Wigmore Lane: Wigmore Lane (between Crawley Green Road and Eaton Green Road) currently</li> </ul>	<p>The off-site mitigation works identified within the Applicants' response are distant from the Buckinghamshire boundary. The Council has no further comments to make.</p>

	<p>provides shared use pedestrian/cycle facilities on both sides of the road. The route is intersected by a series of roundabouts. The proposed works to this area upgrade the existing uncontrolled roundabout junctions to signal controlled junctions incorporating signal-controlled crossings. The detail of the works is subject to on-going discussions with LBC and could include advanced cycle lanes and Toucan crossings. Where possible, the widths of the existing provision along Wigmore Lane are proposed to be improved.</p> <ul style="list-style-type: none"> <li>- Airport Access Road (AAR): An off-road shared pedestrian and cycle facility is included along the length of AAR, between Eaton Green Road and the interface with the retained section of Percival Way. The current estimated demand for those walking and cycling to the airport has suggested that a shared facility in this location is sufficient and appropriate, in line with best practice guidance.</li> <li>- London Road (north and south): The proposed amendments to the two roundabout junctions would retain the existing off-road cycle facilities, with informal crossing facilities at side road junctions.</li> <li>- Vauxhall Way corridor: Whilst the Vauxhall Way corridor forms part of the future baseline and would be provided by others, this corridor incorporates off-road cycle facilities along the entire length of the route between Stopsley Way in the north and Kimpton Road / Airport Way to the south. The proposed LBC Local Cycling and Walking Infrastructure Plan (LCWIP) document includes a route along Kimpton Road and Airport Way which interacts with Vauxhall Way.</li> <li>- Eaton Green Road: The proposals for mitigation at the junctions with Frank Lester Way and Lalleford Road replace the existing junctions with signal controlled junctions which complement the LCWIP proposals for a route travelling between Wigmore Lane and Vauxhall Way along Eaton Green Road.</li> <li>- Gipsy Lane / Windmill Road corridor: The proposed off-site highway mitigation measures on this corridor do not specifically include cycle provision, however signalisation of the Kimpton Road junction would again allow cycle priority to be included through Advanced Stop Lines (ASLs), and signalised crossing points are also provided.</li> <li>- Within the area of the replacement parkland and reconfigured Wigmore Park, the proposed new footways and PRowS would be of a sufficient width to provide segregated cycle routes, if required due to expected usage volumes, which meet the various criteria set out within LTN 1/20.</li> </ul> <p>It is noted that the junctions located within Hitchin do not specifically include improved cycle facilities, as the North Herts LCWIP document did not highlight these routes as priority routes requiring improvement. However, as previously noted the Applicant will continue to engage with Hertfordshire in developing the proposed mitigation measures at these locations, which could include improvements to cycle provision. Similarly, the M1 J10 proposals do not include improvements to pedestrian or cycle provision, as this junction currently has no pedestrian or cycle accessibility, and this would be an inappropriate location for such facilities given that it provides access to the motorway.</p> <p>As such, whilst there are a limited number of locations where new cycle routes or cycle-specific facilities are proposed as part of the application for development consent, or where the schemes interact with existing cycle routes, many of the mitigation proposals have been designed to accommodate cycle movements where possible. For example, the AAR and Eaton Green Road Link proposals comprise a minimum width 3.0m shared route along the southern side of the carriageway, which as per LTN 1/20 guidance is considered appropriate given the relatively low volumes of pedestrian or cycle movement along this route. Improved crossing points are also provided at junctions and at standalone locations along the AAR route, to provide a continuous off-road cycle facility between Eaton Green Road and Percival Way.</p>	
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