

# London Luton Airport Expansion

## Buckinghamshire Council Comments on Further Deadline 4 Submissions

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**PINS REFERENCE:** TR020001

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Directorate for Planning, Growth & Sustainability

Planning & Environment

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## 1 Introduction

### 1.1. Terms of Reference

- 1.1.1. Buckinghamshire Council (the Council) is a neighbouring authority for the London Luton Airport Expansion Development Consent Order (DCO) referred to as 'the Scheme'.
- 1.1.2. This document provides the Council's overarching comments on the updated application documents submitted after Deadline 4, focusing on the 107 documents supplied by the Applicant. The Council notes that the Applicant's cover letter (**REP4-001**) signposts the documents that address the various Written Questions posed by the Examining Authority (ExA) – the Council has addressed the relevant parts of these in a separate submission document that replicates the tabular format of the Applicant's submissions (**REP4-052 – REP4-069**). Where updated documents from other parties relate to the Council's position, these are referenced.

### 1.2. Buckinghamshire Council's Position

- 1.2.1. The Council welcomes the Applicant's approach to continuing to supplement the information relating to the Proposed Development with additional submissions. Notwithstanding this, based on the review of the additional submissions supplied by the Applicant at Deadline 4, the Council maintains that its comments made to date have not been fully addressed.
- 1.2.2. The Council's latest position remains as per that expressed within its principal submissions - the Council's Written Representation (**REP1-042**) and Local Impact Report (**REP1A-001**), the Updated Principal Areas of Disagreement Summary Statement (**REP2-045**), comments previously supplied on Deadline 2 and 2A documents (**REP3-079**) and Deadline 3 documents (**REP4-114**). The Council's position is anticipated to evolve through the examination process and the continuing development of a Statement of Common Ground (SoCG) between the Council and the Applicant. The Council is receptive to continuing to engage with the Applicant and welcomes involvement in discussions on all matters raised in respect of its stated position.

## 2 Comments on Further Deadline 4 Submissions

### 2.1. REP4-001: Deadline 4 Submission – Cover Letter

2.1.1. The content of this submission is noted. The Council has no comments.

### 2.2. REP4-002: 1.06 Guide to the Application (Application Document Tracker)

2.2.1. This submission has been reviewed and the Council welcomes its inclusion to assist with navigating Applicant content and relevant versions. The Council does not have any further comments.

### 2.3. REP4-003; REP4-004: 2.01 Draft Development Consent Order (clean and Tracked change version)

2.3.1. The Council notes the Applicant's changes to the dDCO in relation to the LLAOL planning permission and has no comments to make.

2.3.2. The Council also notes the Applicant's amendments made in relation to Paragraph 35, of Part 5, of Schedule 2 of the dDCO and the inclusion of discretionary consultee(s) as part of the procedure for the discharge of DCO requirements. The Council welcomes its inclusion as a defined discretionary consultee and its potential role in the discharge of requirement process moving forward.

2.3.3. However, the Council would suggest that the Applicant should also seek to update paragraph 36 to take account of the inclusion of discretionary consultees in the discharge of requirement process. In its current format paragraph 36 does not provide any direction to, or timeline for, the discharging authority with regard to consulting a discretionary consultee.

2.3.4. Notwithstanding the above the Council maintains its position that paragraphs 35 and 36 fail to establish a minimum consultation period that is to be undertaken within the specified period for the discharge of DCO requirements, be that with stated or discretionary consultees. In view of the above it is suggested that paragraph 35 of the dDCO be amended to include text akin to the following:

*Where, by or under this paragraph or paragraph 36, the discharging authority are required or choose to consult any person or body (“consultee”) before granting approval—*

*(a) they must, unless the undertaker has undertaken pre-application consultation for the application under paragraph (1), give notice of the application to the consultee; and*

*(b) where pre-application consultation has not been undertaken, they must not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a).*

- 2.3.5. The Council's remaining concerns, outlined in its Updated Principal Areas of Disagreement Summary Statement (REP2-045), are still to be addressed. However, the Council will continue to engage with the Applicant on these matters through the SoCG process.
- 2.4. [REP4-005; REP4-006: 2.02 Explanatory Memorandum \(clean and Tracked change version\)](#)
- 2.4.1. The content of this submission is noted. The Council has no further comments.
- 2.5. [REP4-007; REP4-008: 5.01 Chapter 4 The Proposed Development \(clean and Tracked change version\)](#)
- 2.5.1. This submission has been reviewed. The Council notes that the changes comprise formatting alterations and updated descriptions for Work No. 4d - Water Treatment Plant and water supply. These matters are not key concerns for the Council; therefore, it does not have any comments.
- 2.6. [REP4-009; REP4-010: 5.01 Chapter 20 Water Resources and Flood Risk \(clean and Tracked change version\)](#)
- 2.6.1. This submission has been reviewed. The Council does not have any comments.
- 2.7. [REP4-011; REP4-012: 5.02 Appendix 4.2 Code of Construction Practice \(clean and Tracked change version\)](#)
- 2.7.1. The Council notes that addition of 'well-being' to the suite of topics proposed for contractor training (3.6.3) – this is welcome. The additional clarifications in relation to additional working hours provide a useful basis for considering the potential for additional impacts that could occur, as well as information for sensitive receptors - this clarity is welcome; however, it would benefit from expansion to explain what factors will influence the choice of time band. For example, it is assumed that some work will necessarily be overnight and therefore the order of preference will not be relevant.
- 2.7.2. The additions to Section 5.5 relating to the monitoring and contractor response to changes in light levels and perception of nuisance/complaints are a welcome addition to the scope. The Applicant should consider phrasing 5.5.10 with a defined commitment, so there is certainty that a mitigation will be pursued - the current language is more ambiguous.
- 2.7.3. There are no additional measures provided to address any obligations to be placed on the contractors to consider the presence of freight management zones or restrictions that may be applicable to HGV movements associated with the construction. The Council has consistently presented the need to mitigate against freight movements within the Ivinghoe Freight Management Area. This could be

addressed through the Traffic Management Working Group (TMWG), however, no membership has been outlined within the document.

- 2.7.4. The Council therefore retains its position of requiring certainty of consultation as set out in the SoCG to ensure that the Buckinghamshire Highway Network shall be properly and effectively protected from adverse impacts due to freight trips.
- 2.8. [REP4-013; REP4-014: 5.02 Appendix 7.3 Air Quality Results \(clean and Tracked change version\)](#)
- 2.8.1. This submission has been reviewed. The Council considers that the changes made are minimal and relate to monitoring locations that are not within Buckinghamshire. The Council does not have any comments.
- 2.9. [REP4-015; REP4-016: 5.02 Appendix 7.4 Air Quality Sensitivity Tests \(clean and Tracked change version\)](#)
- 2.9.1. This submission has been reviewed. The Council considers that the changes made are minimal and relate to monitoring locations that are not within Buckinghamshire. The Council does not have any comments.
- 2.10. [REP4-017; REP4-018: 5.02 Appendix 10.2 Cultural Heritage Gazetteer \(clean and Tracked change version\)](#)
- 2.10.1. This submission has been reviewed. The Council does not have any comments.
- 2.11. [REP4-019: 5.02 Appendix 10.5 Archaeological Trial Trenching Evaluation Report \(Cotswold 2019\)](#)
- 2.11.1. This submission has been reviewed. The Council does not have any comments.
- 2.12. [REP4-020; REP4-021: 5.02 Appendix 10.6 Cultural Heritage Management Plan \(clean and Tracked change version\)](#)
- 2.12.1. This submission has been reviewed. The Council does not have any comments.
- 2.13. [REP4-022: 5.02 Appendix 10.7 Archaeological Trial Trenching Evaluation Report \(Cotswold 2023\)](#)
- 2.13.1. This submission has been reviewed. The Council does not have any comments.
- 2.14. [REP4-023; REP4-024: 5.02 Appendix 16.2 Operational Noise Management \(Explanatory Note\) \(clean and Tracked change version\)](#)
- 2.14.1. This submission has been reviewed. The amendments relating to the TRIMMA refer to locations that are close to the airport, which are not the Council's primary concern. The Council does not have any further comments.



- 2.15. REP4-025; REP4-026: 5.02 Appendix 16.3 Fixed Plant Noise Management Plan (clean and Tracked change version)
- 2.15.1. This submission has been reviewed. Given the proposed locations for fixed plant, this is not the Council's primary concern. The Council does not have any comments.
- 2.16. REP4-027; REP4-028: 5.02 Appendix 20.2 Water Framework Directive Compliance Assessment (clean and Tracked change version)
- 2.16.1. This submission has been reviewed. The Council does not have any comments.
- 2.17. REP4-029; REP4-030: 5.02 Appendix 20.3 Hydrogeological Characterisation Report (clean and Tracked changes version)
- 2.17.1. This submission has been reviewed. The Council does not have any comments.
- 2.18. REP4-031; REP4-032: 5.02 Appendix 20.4 Drainage Design Statement (clean and Tracked change version)
- 2.18.1. This submission has been reviewed. The Council does not have any comments.
- 2.19. REP4-033; REP4-034: 5.02 Appendix 20.5 Water Cycle Strategy (clean and Tracked change version)
- 2.19.1. This submission has been reviewed. The Council does not have any comments.
- 2.20. REP4-035; REP4-036: 5.02 Appendix 20.6 Hydrogeological Risk Assessment – Drainage (clean and Tracked change version)
- 2.20.1. This submission has been reviewed. The Council does not have any comments.
- 2.21. REP4-037: 5.03 Chapter 14 Landscape and Visual Figures 14.1 – 14.17
- 2.21.1. This submission has been reviewed. The content does not change the Council's position.
- 2.22. REP4-038; REP4-039: 5.07 Appendix 20.1 Flood Risk Assessment (clean and Tracked change version)
- 2.22.1. This submission has been reviewed. The Council does not have any comments.
- 2.23. REP4-040; REP4-041: 5.13 Glint and Glare Assessment (clean and Tracked Change version)
- 2.23.1. This submission has been reviewed. The content does not change the Council's position.

2.24. [REP4-042; REP4-043: 7.10 Draft Compensation Policies, Measures and Community First \(clean and Tracked change version\)](#)

2.24.1. The Council welcomes the expansion of the Community First zone to include the four additional wards in Buckinghamshire (paragraph 9.1.2 and figure 9.1). The Council is aware that Central Bedfordshire Council has raised the lack of detail relating to the Community First Scheme as an issue – the Council agrees that more detail would be helpful but accepts that this is unlikely to be forthcoming until the administering body is appointed.

2.25. [REP4-044; REP4-045: 7.13 Framework Travel Plan \(clean and Tracked change version\)](#)

2.25.1. The Framework Travel Plan still does not set an annual frequency for the measurement of targets as a maximum. The Council remains of the position that this should be the maximum period between surveys undertaken to provide a meaningful measure of the effectiveness of Travel Plan interventions in achieving its aims. This maximum period should be entrenched within the FTP.

2.25.2. With reference to section 4.2, targets should be reviewed on an annual basis to ensure that trends are identified and if there is information to show a target is unlikely to be met, additional measures should be introduced to either support the measure to achieve the target, or review if the measure should be changed in order to achieve the overarching objective during the life of the Travel Plan period.

2.25.3. The Council takes the opportunity to reiterate the position presented during ISH4 that the 5 year TP period is too long for review processes and allows travel behaviours to become entrenched that would then be harder to amend through the next TP cycle.

2.25.4. The Council is pleased to see that there is a recognition of the need to identify and subsidise new bus routes, within the TP toolbox. However, there is a lack of certainty that this will be introduced as it forms part of a list of options. The Council remains of the position that certain elements of the FTP should be absolute commitments within this document.

2.25.5. The Council does not consider that this document has addressed the concerns raised previously in its written representations (**REP3-082**) and SoCG.

2.26. [REP4-046; REP4-047: 8.11 Statement of Common Ground between London Luton Airport and National Highways \(clean and Tracked change version\)](#)

2.26.1. This submission has been reviewed. The Council does not have any comments.

2.27. REP4-048: 8.30 Trip Distribution Plans

- 2.27.1. The submitted trip distribution plans present a visible increase in the number of passengers travelling through Buckinghamshire to the west of Luton when comparing the with and without expansion in 2043. However, quantitative data has not been included within this document to allow the Council to determine the full extent of this impact.
- 2.27.2. It has been previously raised that the Buckinghamshire villages to the west of Luton are sensitive to traffic changes, even if the increase in traffic through these locations appear to have a smaller impact than other routes identified. The Council therefore remains of the position that further work is requested to allow a judgement to be made on the extent of mitigation works which may be necessary within Buckinghamshire.
- 2.27.3. The plans do not show peak hour impacts or the impact of the distribution in the early mornings or interpeak periods when development traffic would have cause to impact on other matters such as health and environmental concerns. This omission should be addressed to allow the necessary assessment to be undertaken and reported as a supplement to the relevant chapters in the ES.

2.28. REP4-049: 8.46 Outline Ground Noise Management Plan

- 2.28.1. This submission has been reviewed. The Council does not have any comments.

2.29. REP4-050: 8.54 Summary of changes to the Draft Development Consent Order

- 2.29.1. The content of this submission is noted. The Council notes and welcomes the Applicant's amendments to Requirement 35 in relation to the inclusion of Buckinghamshire Council as a discretionary consultee. The Council's remaining concerns, outlined in its Updated Principal Areas of Disagreement Summary Statement (**REP2-045**), are still to be addressed. However, the Council will continue to engage with the Applicant on these matters through the SoCG process.

2.30. REP4-051: 8.62 Applicant's response to Issue Specific Hearing 3 Action 29: Historical Flight Path information

- 2.30.1. This submission has been reviewed. The Council does not have any comments.

2.31. REP4-052 - REP4-069 – Applicant's response to Written Questions

- 2.31.1. These submissions have been reviewed as appropriate in the interests of the Council. The Council's comments in respect of these Written Questions are provided in a separate submission provided by the Council at Deadline 5. The

Council has provided comments in respect of REP4-052, REP4-055, REP4-057, REP4-058, REP4-061, REP4-063, REP4-067, REP4-068 and REP4-069.

- 2.31.2. The Council has no comments to make in respect of REP4-053, REP4-054, REP4-056, REP4-059, REP4-060, REP4-062, REP4-064, REP4-065, REP4-066.
- 2.31.3. Within its response, the Council has also copied the responses of the host authorities and other organisations to certain of the ExA's questions, to contextualise the further comments provided. The cross-references to the DCO library numbers for these documents are included within the Council's submission (REP4-126).
- 2.31.4. In response to REP4-069 the questions of concern to the Council are TT.1.17 and TT.1.18. The Council welcomes the proposed increases in coach bays as a result of the development, however, is concerned that it is now being stated that this is a maximum and the detailed design may not deliver all the capacity which is proposed. A failure to provide the capacity currently proposed would lead to a situation whereby new or additional services identified through the examination, or the ATF would not be deliverable on the basis of lack of capacity at the airport. The DCO process should secure the levels of provision to be provided at the airport.
- 2.31.5. With respect to question TT1.18, the Council has significant concerns regarding the response from the Applicant to this question. No commitment to meet the requirement of the question is made within the response, and it remains that there is no detail regarding the value of the sustainable transport fund, or when it will become available. This authority does not consider public transport funding to be 'a future intervention for the TPs', rather a necessary intervention to be set out at the outset, prior to the DCO being granted to ensure that public transport provision is provided on first opening and enables sustainable transport to be entrenched at the outset.
- 2.31.6. If no interventions are to be secured prior to the DCO being granted and the ATF being formed, then there is no certainty as to the measures within the FTP that will be brought forward.

## 2.32. [REP4-070: 8.84 Applicant's response to Deadline 4 Hearing Actions](#)

- 2.32.1. This submission has been reviewed. The Council notes that the submission provides a summary and signposting to the way in which the Issue Specific Hearing (ISH) action points have been addressed. Where the Applicant has submitted documents to address specific ISH action points these have been considered under their respective examination library references. However, for those action points that are addressed solely in **REP4-070** the Council makes the following comments:

- Issue Specific Hearing 2, Action Point 7 – The Council notes the Applicant's statement that Buckinghamshire Council is welcome to join the Local Economic

Development Working Group (LEDWG), however, the Council maintains its position that Employment and Training Strategy, and in turn the LEDWG, is not sufficiently secured by the dDCO.

- Issue Specific Hearing 4, Action Point 18 – The Council can confirm its acceptance of the invitation to join the Airport Transport Forum.

2.33. [REP4-071: 8.85 Applicant's response to Compulsory Acquisition Hearing 1 Action 14-17: Wigmore Valley Park](#)

2.33.1. This submission has been reviewed. The Council does not have any comments.

2.34. [REP4-072: 8.86 Applicant's response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process](#)

2.34.1. This submission has been reviewed. The Council would like an explanation of why the Applicant is considering the removal of the Transition Period for Aircraft Noise.

2.34.2. The Council notes that the Applicant intends to make further updates to the noise controls secured in the DCO as part of submissions at Deadline 5 - the Council awaits these with interest.

2.35. [REP4-073: 8.87 Applicant's response to Issue Specific Hearing 1 Action 1: Green Horizons Park and the Proposed Development](#)

2.35.1. This submission has been reviewed. The Council does not have any comments.

2.36. [REP4-074: 8.88 Applicant's response to Issue Specific Hearing 2 Actions 11, 12 and 13: New Policy Status Paper](#)

2.36.1. The Council does not dispute the Applicant's view that the Jet Zero Strategy and Transport Decarbonisation Plan are referred to as policy documents. The Council refers the Applicant to its previous comments regarding undertaking of sensitivity testing of scenarios (**REP1-042, REP1A-001, REP3-084**), particularly in the case of greenhouse gas emissions generated by Air Transport Movement as a result of the airport expansion to accept 32 million passengers per annum. The Council considers that there is little focus in this submission on the subject, therefore no comment can be made. The Council's position on this remains unchanged.

2.37. [REP4-075: 8.89 Applicant's response to Issue Specific Hearing 2 Actions 5 and 6 – Past Employment Estimates](#)

2.37.1. The Council notes the detail provided on past employment estimates and recognises the difficulties associated with estimating employment based upon SIC codes. Whilst the employment forecasts from Halcrow have been provided for

2028, it would be helpful to understand the forecast level of employment in earlier years to understand how actual growth compared to forecast growth.

- 2.37.2. Similarly, further detail could be provided to strengthen the arguments around the Airport's contribution to levelling up and tackling deprivation. This could include more up to date statistics and more information on the beneficiaries of some of the earlier employment and training schemes. This would help to substantiate the argument for the impact of future expansion on levelling up, for both Luton and surrounding counties.
- 2.37.3. The Council welcomes engagement and involvement with the Employment and Training Strategy associated with the DCO. The Council is keen to utilise this involvement, particularly through representation on the Local Economic Development Working Group, to try and maximise the economic benefits for Buckinghamshire. The Council will be seeking to ensure activities align with local need and priority and to facilitate linkages with education, training and support providers in Buckinghamshire.
- 2.37.4. Challenges, however, remain with accessibility by public transport to the Airport. As highlighted in the comments on surface access, addressing this is fundamental to achieving the economic objectives of expansion, particularly around the levelling up agenda. Failing to do so could undermine the aims and activities associated with the Employment and Training Strategy, for Buckinghamshire and other authorities either hosting or close to the Airport.
- 2.38. [REP4-076: 8.89 Applicant's response to Issue Specific Hearing 2 Actions 5 and 6 – Past Employment Estimates – Appendices A to D](#)
- 2.38.1. See response for REP4-075.
- 2.39. [REP4-077: 8.89 Applicant's response to Issue Specific Hearing 2 Actions 5 and 6 – Past Employment Estimates – Appendices E to J](#)
- 2.39.1. See response for REP4-075.
- 2.40. [REP4-078: 8.90 Applicant's response to Issue Specific Hearing 2 Actions 15, 17, 22, 23: Greenhouse Gases and Climate Change Matters](#)
- 2.40.1. The Applicant's response to action 15 highlights that Inset 12.4 of Chapter 12 of the ES (**REP3-007**) provides a quantified sensitivity test, based on the High Ambition Scenario in the Jet Zero Strategy that's incorporated in the Core Planning Case. The Council maintains that, by definition, this is not a sensitivity analysis. It is rather a breakdown of the contribution of each of the different measures. A sensitivity test would analyse the impact of differential rates of delivery of each of these measures. This point has been made repeatedly and the Council fundamentally objects to the Applicant's misuse of the term sensitivity study, which is becoming misleading due to its repeated misuse.

- 2.40.2. The Applicant places an unwarranted level of confidence in the introduction of Sustainable Aviation Fuels (SAF) and next generation aircraft. The above are uncertain. This is recognised as a challenge within the JZS and a sensitivity analysis leading to quantitative assessment is therefore appropriate. This is further demonstrated in the Department for Transport's 'Jet Zero Illustrative Scenarios and Sensitivities' document, that:

*"The emissions reductions delivered in practice by SAF will depend on the type of SAF used in future. It is envisaged that some SAF production pathways, with the integration of carbon capture and storage into the production process, will be able to achieve 100% lifecycle savings. However, due to the current early stages of SAF (and carbon capture) development, there is significant uncertainty around the types of SAF that will make up the fuel mix in future." (p.24)*

- 2.40.3. This further demonstrates the need to perform sensitivity analysis regarding SAF and Zero Emissions Aviation technologies to ensure that stated benefits in the areas of greenhouse gas emissions are not overstated.
- 2.40.4. The Council's position regarding the need to model these uncertainties remains unchanged.
- 2.40.5. Regarding the Applicant's response to action 17, the Council welcomes the breakdown of how many flights are caught by CORSIA, the UK ETS or neither and the provision of the forecast emissions. Though this demonstrates one scenario, the Council's position regarding the need to model uncertainties in areas such as carbon price and the availability of low/zero carbon aviation remains unchanged.
- 2.40.6. By undertaking such an exercise, the Applicant will also be able to demonstrate the impacts of the slower development in the decarbonisation of aviation. Where this could be the case, the slower development in SAF and next generation aircraft would result in greater reliance on the UK Emissions Trading Scheme and CORSIA to offset the resulting GHG emissions from increased passenger number, as well as the BAU emissions. With the increased need for offsetting, this could impact on the Right to Fly at low-cost aspect put forward by the DCO, with the cost of offsetting passed through to the customer by airlines and potentially resulting in reduced passenger numbers due to affordability.
- 2.40.7. The Applicant's response to action 22 is noted.
- 2.40.8. The Applicant's response to action 23 is noted. The Council has already commented on this, and the Council's position remains unchanged.
- 2.41. [REP4-079: 8.91 Applicant's response to Issue Specific Hearing 3: Action 26: Noise Insulation Delivery Programme](#)
- 2.41.1. This submission has been reviewed. The Council does not have any comments.

2.42. [REP4-080: 8.92 Applicant's response to Issue Specific Hearing 3 Action 1: Assessment of night-time construction noise](#)

2.42.1. This submission has been reviewed from the perspective of health effects. The geographical scope of the assessment provided by the Applicant focuses on construction activities at and close to the airport and thus excludes the consideration of impacts from night-time working associated with Off-Site highway activities, which may become relevant to the Council depending on the outcome of ongoing SoCG discussions. On this basis, the Council does not comment on any specific points of detail.

2.42.2. The Council accepts that the conclusions of 'no significant effects' within the Applicant's submissions follow the recognised noise assessment methodology. However, the Council considers that this approach fails to reflect the potential significance of night time noise disturbance impacts, leading to sleep disturbance or deprivation that can manifest as adverse mental health and well-being effects that may be significant even over a short duration. There is a need for this to be reflected in the ES and suitable mitigation measures to be clarified and appropriately secured.

2.43. [REP4-081: 8.93 Applicant's response to Issue Specific Hearing 3: Action 23: Non-residential receptors and screening criteria](#)

2.43.1. This submission has been reviewed. The Council notes, with concern, that the screening approach means that the AONB would continue to fall out of scope, as would any extension to the AONB.

2.44. [REP4-082: 8.94 Applicant's response to Issue Specific Hearing 4 Action 8: Off-Site Highway Works](#)

2.44.1. This submission has been reviewed. It is noted that the scope of the ExA's request at Action Point 8 is repeated at 1.1.2. At present, the Applicant is resisting the Council's request to develop discrete Off-site Highway Works in Buckinghamshire, and this matter is being discussed through on-going engagement between the Applicant and the Council in relation to developing the SoCG between the two parties. Notwithstanding this, the Council views the scope of data requested by the ExA as an appropriate request to also apply in relation to updated modelling that the Council is seeking in respect of the B489/B488 Junction and the east-west regional route to the Airport through Buckinghamshire.

2.45. [REP4-083: 8.95 Applicant's response to Issue Specific Hearing 4 Action 17: Terms of reference for the Airport Transport Forum \(ATF\)](#)

2.45.1. The Council welcomes the recognition of having a seat on the ATF and being a part of the ATF steering group.



- 2.45.2. It is noted that the terms of reference do not make any reference to the decision making process or the commissioning of implementation of interventions identified through the TRIMMA. Further clarification is required on the ATF's role with respect to this implementation and decision making process. The Council considers that whilst the full membership of the ATF would be able to bring forward suggestions for mitigation type 2 requirements through the TRIMMA, it is not clear if the full membership would have the expertise to assess the suggestions and therefore determine a decision on the implementation of type 2 mitigation within the TRIMMA. It is suggested that those decisions should be retained within the steering group.
- 2.45.3. The Council requests details of the ATF steering group Terms of Reference to be supplied at the earliest opportunity.
- 2.46. [REP4-084: 8.96 Applicant's response to Issue Specific Hearing 4: Action 29: Catchment area for staff walking and cycling](#)
- 2.46.1. It is noted that the outer most catchment of the cycling isochrones clip the edges of Buckinghamshire. It is questioned whether the Applicant has applied any correction factors for topography and available routes when producing these isochrones.
- 2.46.2. The Council does not consider that there are any safe or suitable routes between the county boundary and the airport that could be considered appropriate for any significant numbers of people commuting between villages in the east of Buckinghamshire and the airport. In order to consider these isochrones to be representative of routes that people could be expected to use for sustainable access to the airport, an audit of available routes should have been carried out and areas where improvements are required identified to allow suitable corridors to be provided.
- 2.47. [REP4-085: 8.97 Outline Transport Related Impacts Monitoring and Mitigation Approach \(TRIMMA\)](#)
- 2.47.1. The Council considers paragraphs 2.1.2 and 2.1.3 to be misleading. They set out that the TRIMMA is to be governed by a subgroup of the ATF steering group, but it then goes on to give details of the steering group and not the sub group. It is the Council's position and understanding from discussion with the Applicants that the whole steering group should be the governing group.
- 2.47.2. The Council is concerned that the Applicant is setting out that Highway Authorities should be responsible for the costs of undertaking monitoring on behalf of the Applicant to show that their development has given need for mitigation type 2. A local authority has no funds of its own and is reliant on taxpayers to carry out its functions. It should be incumbent on the Applicant to assess and mitigate the impacts of its own development.

- 2.47.3. It is not possible to provide the ExA a position on the acceptance of the RIF as this has not been presented to the Council at this time. It is however said to be finite, which will be acceptable on the basis that it is of a significant enough value to deliver a range of potential schemes and will not be exhausted too readily, and therefore nullifying the proposals of the mitigation type 2.
- 2.47.4. The Council welcomes the examples of the RIF Indicative Principles, of a maximum allocation per year, and a maximum allocation per authority, as ways of ensuring that each authority has the ability to access funding if required.
- 2.48. [REP4-086: 8.98 Applicant's response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1](#)
- 2.48.1. The Council acknowledges the national trends identified within the Technical Note and is conscious of the work undertaken within the host authorities' areas. It is noted that no assessment has been carried out within Buckinghamshire and so it is not possible for the Council to determine if these trends are replicated within its network. The Council's concern remains that the modelling has not been validated for the Buckinghamshire Network and so conclusions drawn from the strategic modelling work cannot, as yet, be considered robust in this area.
- 2.48.2. As part of the Deadline 3 submission, the Council offered to provide recent survey data to be used as part of a 2023 baseline or requested that the Applicant carry out their own surveys of this route. However, this request has not been included as part of the recent submissions. This offer to the Applicant remains.
- 2.49. [REP4-087: 8.99 Applicant's response to Issue Specific Hearing 4: Action 6 Traffic on B489 Link](#)
- 2.49.1. An additional note has been submitted by the Applicant regarding the traffic on the B489 link through Buckinghamshire. This note has identified that largest forecasted increase in traffic would be the equivalent of 38 PCUs in the AM peak hour which is a 2.1% increase in relation to the overall total increase in traffic.
- 2.49.2. This note only details the forecasted traffic flow differences for the network peak hours and does not provide flow differences across a 24-hour period. Further information is therefore requested to allow a final judgement to be made on the full impact on this route and any necessary mitigation measures that may be required.
- 2.49.3. Furthermore, both the submitted Transport Assessment and the Traffic on B489 Link document do not contain information on the baseline survey data used as part of the strategic modelling. The model used to inform the forecasted traffic growth is not validated within Buckinghamshire and the Council is therefore unaware of the survey data used to inform this. As part of the Deadline 3 submission, the Council offered to provide recent survey data to be used as part of a 2023 baseline or requested that the Applicant carry out their own surveys of this

route. However, this request has not been included as part of the recent submissions. The Council can therefore not be confident that the modelling provided is reliable and further work is required.

2.50. [REP4-088: 8.100 Applicant's Response to Issue Specific Hearing 5 Action 9: Effects in relation to Pollution Climate Mapping Locations](#)

2.50.1. This submission has been reviewed. The Council notes the Applicant's statement at para. 6.1.3 that the Proposed Development is not predicted to impact compliance for PM2.5. Further, that monitoring of PM2.5 is included as part of the GCG Framework, which will be subject to a review every 5 years and that this will help to identify whether additional monitoring is needed. The Council is concerned that although the air quality monitoring is understood to be annual, there is a risk that any changes to air quality objectives (i.e. the targets set by Government) may not actually be reflected and therefore become enforceable until they are incorporated in the GCG framework, which are proposed on a five year cycle. The Council therefore reiterates to the ExA that it believes the GCG reviews should be annual.

2.50.2. The Council does not have any comments on the mapping locations.

2.51. [REP4-089: 8.101 Applicant's response to Issue Specific Hearing 5 Action 16: Green Controlled Growth Scope Monitoring](#)

2.51.1. This submission has been reviewed and the Council welcomes the proposed changes to the GCG Framework for Phase 2a as set out within the document. The Council agrees that out of scope monitoring locations should continue to be reviewed within this phase of construction and that they should be brought back in scope if required. This will ensure that if there were to be any changes in future air quality concentrations from those which are forecast within the air quality assessment at the time of the phase 2a development, they will be appropriately considered and reviewed.

2.51.2. The Council would also urge the Applicant to adopt the proposed changes to Phase 2b of the construction in addition the Phase 2a.

2.51.3. It is also noted that the Applicant states that the proposed amendments will be formalised as part of a future update of the GCG Explanatory Note (**REP3-015**), the GCG Framework (**REP3-017**) and its appendices and the Draft Development Consent Order (**REP3-003**) where required, at a future examination deadline. The Council will review these documents when they become available.

2.52. [REP4-090: 8.102 Applicant's response to Issue Specific Hearing 6 Action 5: Habitats and species of principal importance plan](#)

2.52.1. This submission has been reviewed. The focus of the plan is to the east of the airport. Given the geography, the Council does not have any comments.

2.53. [REP4-091: 8.103 Applicant's response to Issue Specific Hearing 6 Action 23: Visual receptors plan](#)

2.53.1. This submission has been reviewed. The focus of the plan is outside the Council's administrative boundary. Given the geography, the Council does not have any comments.

2.54. [REP4-092: 8.104 Applicant's response to Issue Specific Hearing 6: Action 30 and Compulsory Acquisition Hearing 1 Action 32: Hedgerow restorations proposals plan](#)

2.54.1. This submission has been reviewed. The Council does not have any comments.

2.55. [REP4-093: 8.105 Applicant's response to Rule 17 Request – Implications of the P19 Approval for the DCO](#)

2.55.1. The Council has provided comments on the P19 submission at Deadline 4 (**REP4-113**).

2.55.2. This submission provides the Applicant's interpretation of the implications of the P19 decision and has been reviewed. The Council is mindful of the limits on the scope of the response stated by the Applicant at 1.2.3, namely that it excludes the Section 106 obligations, deferring its response to Deadline 5 to be provided as part of the response to Actions 8 and 11 from Issue Specific Hearing 1 on the Draft DCO. The Council also notes that the Applicant does not yet consider whether any of the conditions attached to the airport's existing consent, including those associated with the P19 permission, should be rolled over to the DCO – the Applicant states that this is a matter also to be addressed at Deadline 5.

2.55.3. Set against this context, the Council has the following observations and comments:

- The Applicant makes the case (2.2.1) that the assessments written up in the ES have all been subject to a sensitivity analysis in anticipation of the baseline position changing from 18mppa to 19mppa and, consequently, the Applicant asserts that the conclusions remain robust. The Council interprets this as meaning that there is no intention by the Applicant to revisit the assessments. The Council has reservations about whether this approach is acceptable for all topics, particularly socio-economics, where the change in baseline has direct implications for the quantum of benefits that have been cited by the Applicant (e.g. jobs created) as well as mitigation measures, noting that the Applicant highlights the impact of the change on the maximum Community First Fund per annum, as an illustration of this point.
- The Transport Assessment did not include a sensitivity analysis as per the above (2.2.4). The Applicant asserts that, nonetheless, maintaining a baseline of 18mppa means that the impacts of the proposed Development are reported as marginally greater, meaning that the assessment remains robust. The

Council accepts the principle of this approach and conclusion; however, the principal concern for the Council is the absence of the baseline validation in Buckinghamshire, irrespective of whether that baseline remains at 18mppa or is altered to 19mppa.

- The change in baseline from 18mppa to 19mppa is acknowledged as meaning that an element of the job creation and GVA reported in the ES will need to move into the baseline. The Applicant estimates the difference to be c.300 jobs and considers that this change is not material to the overall assessment of the effects of or need for growth at the airport (2.2.6). The Council is not in agreement with the Applicant that a reduction of 300 jobs (through transference into the baseline) is not material. Furthermore, the Council considers that a more detailed analysis of the consequential implications of the change in baseline mppa may identify a number of other matters that need alteration – the Council wishes to see this aspect of the assessment reviewed in a more thorough and transparent manner.
- The Applicant considers the impact of the change in the baseline to be marginal in respect of the environmental effects within the scope of the GCG. Also in relation to noise, it is noted that the commentary to P19 condition 8 signposts the Applicant’s intention to make further updates to its proposals for noise controls secured in the DCO – something to be published at Deadline 5. The Council awaits this document with interest.

#### 2.56. [REP4-094: 8.106 SoCG Updates Document](#)

- 2.56.1. This submission has been reviewed. The Council is not included within the scope of the document. The Council does not have any further comments.

#### 2.57. [REP4-095: 8.107 Applicant’s response to Deadline 3 submissions](#)

- 2.57.1. This submission has been reviewed. The Council notes that Appendix I is of relevance, which is provided as a separate submission. The Council has no further comments on this document.

#### 2.58. [REP4-096: 8.107 Applicant’s response to Deadline 3 Submissions – Appendix A New Economics Foundation \(REP3-131\)](#)

- 2.58.1. This submission has been reviewed. The Council does not have any comments.

#### 2.59. [REP4-097: 8.107 Applicant’s response to Deadline 3 Submissions – Appendix B Central Bedfordshire Council \(REP3-085\)](#)

- 2.59.1. This submission has been reviewed. The Council does not have any comments.

- 2.60. REP4-098: 8.107 Applicant's response to Deadline 3 Submissions – Appendix C LADACAN (REP3-121)
- 2.60.1. This submission has been reviewed. The Council does not have any comments.
- 2.61. REP4-099: 8.107 Applicant's response to Deadline 3 Submissions – Appendix D Peter White (REP3-133)
- 2.61.1. This submission has been reviewed. The Council does not have any comments.
- 2.62. REP4-100: Applicant's response to Deadline 3 submissions – Appendix E: Stop Luton Airport Expansion (REP3-136 AND REP3-137)
- 2.62.1. This submission has been reviewed. The Council does not have any comments.
- 2.63. REP4-101: Applicant's response to Deadline 3 submissions – Appendix F: The Chilterns Conservation Board (REP3-143)
- 2.63.1. This submission has been reviewed. The Council does not have any comments.
- 2.64. REP4-102: 8.107 Applicant's response to Deadline 3 Submissions – Appendix G The Eldridge Family (REP3-134)
- 2.64.1. This submission has been reviewed. The Council does not have any comments.
- 2.65. REP4-103: 8.107 Applicant's response to Deadline 3 Submissions – Appendix H HCC, DBC, NHC (REP3-090)
- 2.65.1. This submission has been reviewed. The Council does not have any comments.
- 2.66. REP4-104: 8.107 Applicant's response to Deadline 3 Submissions – Appendix I Buckinghamshire Council (REP3-083)
- 2.66.1. This submission has been reviewed. Section 3 of this document provides a line-by-line comment in relation to the responses provided by the Applicant to the Council's **REP3-083**. It is noted that the Applicant's responses do not cover all of the matters raised in the cross-referenced Deadline 3 submission.
- 2.66.2. The Applicant does state that within the Green Controlled Growth Explanatory Note (**REP3-015**) that, '*monitoring of the airport's environmental effects is already proposed to be undertaken on an annual basis*' however, it also states that this is '*separate to the review mechanism for the GCG process as outlined in Requirement 25(1) of Schedule 2 of the Draft Development Consent Order [REP3-004]*'. The review of the GCG process will be undertaken within 12 months of the end of the Transition Period, and then on a five-yearly basis from this point. However, BC maintains its position that an annual review process would enable emerging issues

to be identified more quickly and effectively, with corrective action undertaken without delay.

2.67. [REP4-105: 8.108 Applicant's response to Issue Specific Hearing 4 Action 4: M1 A6 Routing Analysis](#)

2.67.1. This submission has been reviewed. The Council does not have any comments.

2.68. [REP4-106: 8.109 Applicant's response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 Risk Assessment](#)

2.68.1. Technical notes have been submitted by the Applicant regarding the updates to the transport modelling in line with guidance from the DfT. It was previously requested by the Council that the Applicant should provide calibration information within Buckinghamshire to confirm that the model results are reliable for the local road network within Buckinghamshire. This has not been provided as part of the recent submissions.

2.68.2. The Council remains of the position that validation is required within Buckinghamshire to confirm that the model results are reliable within Buckinghamshire.

2.69. [REP4-107: 8.110 Applicant's response to Issue Specific Hearing 4 Action 3: Modelling Concerns from John Smith](#)

2.69.1. This submission has been reviewed. It relates to specific concerns raised principally in relation to traffic impacts at Harpenden. Given the geography, the Council does not have any comments.

2.70. [REP4- 189: Economic Impact Assessment Independent Review, September 2023 \(Genecon\), Luton Borough Council](#)

2.70.1. As indicated in document 8.37 Applicant's Comments on Local Impact Reports (Buckinghamshire Council) Application Document Ref: TR020001/APP/8.37, the Council worked on the assumption that the forecast employment and Gross Domestic Product (GDP) figures provided by the Applicant were reasonable and accurate. The Council did not intend to explore this further unless a reason should arise for such examination.

2.70.2. Notwithstanding this, the conclusion by the Independent Review that the forecasting approaches used are detailed and sound reinforces the argument around the potential economic benefits.

### 3 Comments on REP4-104

- 3.1.1. The section provides a line-by-line response to the Applicant's response to selected items that were set out in the Council's REP3-083 submission.



Table 3-1 Summary of comments on updated Application documents submitted by the Applicant at Deadline 4

I. D	Topic	Deadline 3 submission (Verbatim)	Luton Rising's Response	The Council response at Deadline 5
1	Draft DCO	<p>Consultation on discharge of requirements</p> <p>2.This point was not one which BC had an express opportunity to raise at the ISH itself and so is set out in writing.</p> <p>3.As drafted, certain requirements specify bodies to be consulted during the discharge process, others do not. Part 5 of Schedule 2, which sets out the discharge process, only refers to consultation in the context of further information (Requirement 36) by reference back to the consultees identified in the requirements. The discharge procedure does not provide an express opportunity to the discharging authority to consult as appears necessary to them at that stage.</p> <p>4.In addition, Requirement 2 (amendments to approved details), under which a wide spectrum of important documents (including the approved parameters under Requirement 6 which relates to maximum dimensions of the authorized development) can be amended, does not specify any consultees.</p> <p>5.5. BC submits that the discharging authority should have an express ability to consult within the discharging process (but without extending</p>	<p>Taking due account of Buckinghamshire Council's request, the Draft DCO submitted at Deadline 4 has been updated at Requirement 35 to afford the discharging local planning authority (LPA) the discretion to consult other specified bodies (including Buckinghamshire Council) where this is considered by the LPA relevant to the matter which is subject to approval.</p>	<p>The Council notes the Applicant's amendments made in relation to Paragraph 35, of Part 5, of Schedule 2 of the dDCO and the inclusion of discretionary consultee(s) as part of the procedure for the discharge of DCO requirements.</p> <p>The Council welcomes its inclusion as a defined discretionary consultee and its potential role in the discharge of requirement process moving forward. However, the Council would suggest that the Applicant should also seek to update paragraph 36 to take account of the inclusion of discretionary consultees in the discharge of requirement process. In its current format paragraph 36 does not provide any direction to, or timeline for, the discharging authority with regard to consulting a discretionary consultee.</p> <p>Notwithstanding the above the Council maintains its position that paragraphs 35 and 36 fail to establish a minimum consultation period that is to be undertaken within the specified period for the discharge of DCO requirements, be that with stated or discretionary consultees.</p> <p>In view of the above it is suggested that paragraph 35 of the dDCO be amended to include text akin to the following:</p>

	<p>that process). BC submits the paragraph 35 should be amended as follows (amendments being underlined):</p> <p>6. “Requirement 35 – procedure for discharge of requirements</p> <p>7.35.—(1) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement (including consent, agreement or approval in respect of part of a requirement) in Part 1, Part 2 or Part</p> <p>8.4 of this Schedule the discharging authority must consult any consultee specified in the requirement and may otherwise consult as it appears to the discharging authority appropriate and give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—(a) the day immediately following that on which the application is received by the discharging authority; 2 the day immediately following that on which further information has been supplied by the undertaker under paragraph 36 (further information); or such longer period as may be agreed between the parties. (2) In the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application</p>		<p><i>Where, by or under this paragraph or paragraph 36, the discharging authority are required or choose to consult any person or body (“consultee”) before granting approval—</i></p> <p><i>(a) they must, unless the undertaker has undertaken pre-application consultation for the application under paragraph (1), give notice of the application to the consultee; and</i></p> <p><i>(b) where pre-application consultation has not been undertaken, they must not determine the application until at least 21 days after the date on which notice is given under sub-paragraph (a).</i></p>
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		<p>(without any condition or qualification at the end of that period).</p> <p>(3) Any consultation under paragraph (1) above, shall give the consultee at least 21 days to respond starting on the date of the provision of the application to the consultee but always being within the overall time period under paragraph (1)."</p> <p>6. This flexibility is important, in particular, where Requirement 2 as currently drafted does not have any requirement to consult where the Applicant seeks to amend the parameters of the proposed development under Requirement 6, which has no in built requirement to consult (and as such Requirement 2(4) is no answer).</p>		
2	Green Controlled Growth	<p><b>Green Controlled Growth</b></p> <p>7. It is a key concern of BC that it is not included in the membership of the Environmental Scrutiny Group (ESG) as set out in Requirement 20(2). Many of BC's concerns would be addressed by the inclusion of BC in Requirement 20(2). It is inclusion in the ESG that will permit BC to represent its communities' best interests most effectively as described further in these submissions.</p>	<p>The Applicant considers that the issue raised regarding Buckinghamshire Council's inclusion in the ESG was answered within the <b>Applicant's Response to Relevant Representations Part 2A [REP1-021]</b> page 285.</p>	<p>Ongoing</p> <p>The Council has maintained its position throughout that the GCG Framework's role is to manage future change and the associated environmental effects that will be felt as a result of that change. Given that this could also include the implications of airspace change for the controls set out in the GCG Framework, the Council does not believe that the Applicant can rule out significant effects being felt by its residents at some point in the future. As such the Council reiterates its request to be included within the ESG so that it may best represent its residents should the need arise.</p>

3	Green Controlled Growth	<p>8. Requirement 20(6) requires the undertaker must establish Technical Panels, which will provide technical support to the ESG in relation to (a) air quality; (b) greenhouse gas emissions; (c) noise; and (d) surface access. These are areas where there are accepted impacts in BC's area. There is some dispute as to the extent of the impacts in particular with regards highways. The Applicant accepts that there is a significant impact on the AONB in relation to tranquillity through noise impacts and including in the AONB in Buckinghamshire. Further and importantly, the GCG Framework is designed to be dynamic and over the period of operation of the authorized development, change is very likely and indeed there are material changes in the offing, namely airspace changes that could materially affect, e.g., the noise environment in Buckinghamshire. In such circumstances and where BC has previously been involved in the noise envelope design group and the London Luton Airport Consultative Committee ("LLACC") which has a 'Noise and Track' sub-committee, the resistance to BC's presence on the ESG and its Technical Panels is not understood. Given BC's involvement in the 'Passenger Services' sub-committee of the LLACC its participation in the surface access technical panel is also significant in terms of ensuring that the communities from Buckinghamshire including residents and businesses can take the opportunities afforded by the airport. In addition, BC has specific</p>	<p>The Applicant considers that the issue raised regarding noise impacts on the Chilterns AONB was answered within the <b>Applicant's Response to Relevant Representations Part 2A [REP1-021]</b> page 286.</p> <p>The Applicant considers that the issue raised regarding membership of the ESG and Technical Panels was answered within the <b>Applicant's Response to Relevant Representations Part 2A [REP1-021]</b> pages 298-300, in response to RR-0166.</p> <p>The Applicant is currently considering the inclusion of a review process of the membership of the Noise Technical Panel aligned with the periodic review of noise forecasts every five years, to reflect the potential for changes to the shape of noise contours in future years, for example in response to future airspace change proposals. The criteria for determining the appropriate membership of the Technical Panel would remain the same as part of any review.</p>	<p>Ongoing</p> <p>The environmental information contained in the Preliminary Environmental Information Report [PEIR Figure 16.24 [Change in 2043 do-something (DS) and do-nothing (DN) 8h Noise Contours] draws the Noise Contours (2043 do-something (DS) LAeq, 8h) 45dB LOAEL just over the Buckinghamshire Council border. The same noise contour was redrawn in the final environmental statement [AS-113] just the other side of the border effectively removing significant effects. The Council would like the Applicant to explain what caused the change. It can be seen that very small changes have an impact in the Buckinghamshire area. The fact that the Applicant is currently not predicting any significant effects is not a reason to exclude the Council from the ESG or technical panels. The appropriate response would be to include the Council.</p>
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		highways impacts points dealt with in ISH4 below.		
4	Green Controlled Growth Surface Access	<p>9. BC also takes the view that the review mechanism in the GCG Framework is insufficient in that Requirement 25 only envisages review of the implementation of the GCG Framework every five years (see Requirement 25(1)). In BC's view, 5-year review periods are insufficient and could lead to negative impacts being felt by local communities across the full breadth of effects subject to the GCG Framework, for extended periods of time. The short point is that change and redirection is easier and more effective at an earlier stage. For example, in relation to surface access, in order for a Travel Plan to be successful (and in this regard the 5-year review of Travel Plans under Requirement 30(3) also needs amendment), measures are required to be implemented as early as possible in the process of the development in order to establish travel patterns and behaviours. Setting expectations and behaviours in this way is significantly more successful than attempting to change established and entrenched patterns. It is necessary to determine that the measures being implemented are achieving their aims quickly and to make any necessary adjustments early. The optimum position would be to have</p>	<p>As outlined in Section 3 of the Green Controlled Growth Explanatory Note [REP3-015], monitoring of the airport's environmental effects is already proposed to be undertaken on an annual basis. This is to ensure that the measured environmental effects can be assessed effectively against the Thresholds and Limits established for GCG.</p> <p>This is separate to the review mechanism for the GCG process as outlined in Requirement 25(1) of Schedule 2 of the Draft Development Consent Order [REP3-004], which sets out the requirement for a review of the GCG process to be undertaken within 12 months of the end of the Transition Period, and then on a five-yearly basis from this point. These timings have been proposed to ensure an adequate and proportionate level of review and scrutiny of the GCG process and its effectiveness in controlling environmental effects occurs.</p> <p>The obligations relating to the Travel Plan are separate from, and unrelated to those relating to GCG within the Draft DCO. However, a similar</p>	<p>Ongoing</p> <p>The Applicant's response does not alter the Council's position.</p>

	<p>continuous monitoring; however, BC recognises the need to be pragmatic about monitoring and suggests annual monitoring until full airport passenger capacity is reached and 5-year reviews thereafter.</p> <p>10.Changes required as a result:</p> <p>(i)“25.—(1) The undertaker must undertake a review of the implementation of this Part 12 months following the end of the transition period set out in paragraph 18(4) (interpretation) and every 5 year following this initial review until full capacity under the authorised development is reached and thereafter every 5 years, and produce and submit to the ESG a report which sets out whether any improvements to the operation of this Part are considered necessary to ensure the efficient and effective operation of authorised development within the Limits.</p> <p>(ii)“...30 (3) Every five years following the date a travel plan was submitted for approval under sub- paragraph (1) until full capacity under the authorised development is reached and thereafter every 5 years, the undertaker must submit an updated travel plan to the relevant planning authority...”</p>	<p>principle applies to that described above, in that the Framework Travel Plan [AS-131] also requires annual monitoring of performance (like GCG) against the surface access Targets (which will be set within each future Travel Plan). Table 7.1 of the Framework Travel Plan describes this annual monitoring, which includes annual staff surveys, annual employers’ surveys and the annual CAA departing passenger survey.</p> <p>As described in paragraph 1.2.1 of the Framework Travel Plan [AS-131], each future Travel Plan will also serve as the Airport Surface Access Strategy (ASAS) for the airport in accordance with Department for Transport’s (DfT) policy requirements within the Aviation Policy Framework (APF) (2013), which recommends that an ASAS is updated every five years. However, the DCO requirement for the five-yearly update of the Travel Plan does not preclude the earlier review of specific interventions and performance against Targets within that period. Specifically, Section 4.2 of the Framework Travel Plan sets out the requirements for the review of Targets, and Section 4.3 sets out the requirements for tracking progress against Targets, both of which require action to be taken if needed prior to the full five-year period elapsing.</p>	
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5	Green Controlled Growth Draft DCO	11. As to Requirement 21 (1) this should be amended (for the purpose of clarity only) as indicated below: "(1) The undertaker must prepare and submit to the ESG the first Monitoring Report no later than 31 July following the end of the first full calendar year after the date the notice is served in accordance with article 44(1) (interaction with LLAOL planning permission) of this Order and then thereafter a Monitoring Report on or before 31 July is required to be submitted each year."	The Applicant is considering this change, in tandem with other changes to the GCG provisions set out in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86] submitted at Deadline 4, and will provide an update at Deadline 5.	Ongoing  The Council reserves its position regarding this matter until it has had an opportunity to review the Applicant's Deadline 5 submissions.
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6	Greenhouse Gases and Climate Change	<p>Greenhouse Gases and Climate Change</p> <p>32.It is BC's view that the Applicant should:</p> <p>(i)Make explicit the sensitivity analyses conducted on UK ETS and CORSIA price development within its models;</p>	<p>Potential future paths for UK ETS and CORSIA are a key input to the demand forecasts for the application as they represent the future cost of carbon to users. They are an input to the price that will be paid by passengers in the future for air services from other airports. If either UK ETS prices or CORSIA prices are higher than expected, this may contribute a slower growth in demand (as reflected in the Slower Growth Case). Conversely, if they are lower than expected, this may result in a faster growth in demand (as reflected in the Faster Growth Case).</p> <p>The process by which they are included is set out in the Need Case [AS-125] on pages 99 to 105. The actual prices assumed in different scenarios are set out in the Need Case Appendices [APP-214] at page 9.</p>	<p>Ongoing</p> <p>The Applicant makes obvious points on how an increase or decrease in the carbon price would impact passenger demand for flights. However, they do not provide anything beyond what is already in the Needs Case [AS-125], which indicates that the Applicant is relying on one scenario, where UK Government assumptions are used.</p> <p>This does not change the Council's position that the Applicant should be able to demonstrate the impacts of the slower developments in SAF and next generation aircraft. If this scenario occurred, it would result in a greater reliance on the UK Emissions Trading Scheme and CORSIA to offset the resulting GHG emissions from increased passenger numbers, as well as existing Business as Usual (BAU) emissions.</p>
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7	Greenhouse Gases and Climate Change	(ii) Show the effect of the above within the GHG assessment [APP-038];	<p>As noted above, the price per tonne of emissions may in future be higher or lower than the values assumed by the UK Government, and which are reflected in the passenger and flight numbers that feed into the GHG assessment. Should this be the case, this could have a bearing on demand and consequently on aviation emissions.</p> <p>It is not practicable, with the data available, to quantitatively model the impact on GHG emissions resulting from higher or lower carbon prices. The Faster Growth and Slower Growth Cases described qualitatively in Table 12.23 of Chapter 12 GHG of the ES [APP-038] represent variations in demand, so these scenarios also effectively reflect the potential impact of variations in carbon pricing.</p> <p>Inset 12.3 of Chapter 12 GHG of the ES [APP-038] provide a graphical illustration of the difference in passenger number growth between the three scenarios.</p> <p>The Applicant considers that the magnitude of the difference between the Core Planning Case and the Faster Growth Case does not justify a quantitative analysis of the impact on overall GHG emissions.</p>	<p>Ongoing</p> <p>See response for ID 6. The Council does not accept that insufficient data is available; as a minimum, professional judgement should be used to apply uncertainty to the data e.g., a 40% slower development in each case and subsequently to re-calculate the carbon emissions that would result. This should also be fed into the GHG analysis and the modelling of the cost of the carbon etc.</p> <p>The Applicant's response does not change the Council's position.</p>
8	Greenhouse Gases and	(iii) Show also how the sensitivity analyses above account for failure of any or all of the Jet Zero Strategy measures to come forward and show the effect upon both price and cumulative emissions of each or all of	<p>Over time it is reasonable to assume that UK ETS prices and CORSIA prices will reflect the marginal cost of carbon abatement. In other words, prices will reflect the investment required in SAFs, aircraft technologies, carbon capture, fuel</p>	<p>Ongoing</p> <p>The Applicant's response reflects what has already been provided in IDs 6 and 7 and does not change the Council's position.</p>

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

			<p>affect the overall level of carbon emissions given that aircraft are mobile assets and will be flown from alternative airports meeting different demand. In any event, if passengers that would choose to use London Luton Airport if services are available are required to use other less convenient airports if the airport is capacity constrained, this would result in disbenefits and potentially additional carbon impacts through longer surface access journeys.</p>	
10	Greenhouse Gases and Climate Change	<p>(v)The above must demonstrate that the Proposed Development is robust to the sensitivities inherent within future technological development and that the Authorised Development would not increase GHG emissions to the extent that future Governments are unable to meet future carbon budgets.</p>	<p>The Proposed Development has been put forward within the context of the Jet Zero Strategy. It is reasonable to assume that this Government policy does not affect whether future Governments are able to meet future carbon budgets.</p> <p>It should be noted that in the recent decision by the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing and Communities to approve the application for the airport to operate at 19 million passengers per annum this was taken with consideration of the Jet Zero Strategy. In the decision letter published 13 October 2023 (Ref 1) the Secretary of State noted:</p> <p>“In addition, the aviation emissions arising from the proposal would be within assumptions within the Government’s policies and strategies, particularly the Making Best Use of existing runways (MBU) and Jet Zero Strategy (JZS), no</p>	<p>Ongoing</p> <p>The Council disagrees with the use of the Secretary of State’s decision letter for the application for the airport to operate at 19 million passengers per annum as evidence that sensitivity analysis is not required. Though the decision letter published by the Secretary of State on 13th October 2023 did not raise an issue with the lack of sensitivity analysis in this case, not raising an issue is not the same as saying that sensitivity studies are unnecessary. Moreover, this is a materially different and greater scheme.</p> <p>As noted in the DCO, the increase to 19 million passenger per annum will not largely be the result of an increase in airline traffic, but rather by a change in fleet mix, with newer and more efficient aircraft able to hold more passengers; along with 2 flights for a specific airline. In the case of an increase to 32 million passengers, this</p>

			<p>material adverse effects would arise. Therefore, the proposal would not impede the Government in achieving its emissions reductions targets, including through the sixth Carbon Budget and the Jet Zero trajectory, either by itself or in combination with other expansion proposals (IR15.69).”</p> <p>Sensitivities with regard future technology development were not called into question.</p>	<p>will result in a rise in Air Transport Movements resulting in an increase in scope 3 greenhouse gas emissions.</p> <p>As a result, the Council’s position remains unchanged, that robust sensitivity analysis should be undertaken.</p>
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