

November 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.114 Applicant's Response to Deadline 4 Submissions**  
**Appendix C - Central Bedfordshire Council (REP4-124)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.114

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**APPLICANT'S RESPONSE TO DEADLINE 4 SUBMISSIONS  
APPENDIX C - CENTRAL BEDFORDSHIRE COUNCIL  
(COMMENTS ON DEADLINE 3 SUBMISSIONS) [REP4-124]**

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## Appendix C – Central Bedfordshire Council (Comments on Deadline 3 Submissions) [REP4-124]

Table 1.1 Applicant's response to submission by Central Bedfordshire Council at Deadline 4

1.1.1 Please also see **Appendix A Luton Borough Council (Response to Deadline 3 Documents)** for responses to the Host Authorities comments on ISH1, ISH2 and ISH3 post hearing submissions [TR020001/APP/8.114].

I.D	Topic	Deadline 4 submission (Verbatim)	Luton Rising's Response
1	Green Controlled Growth	<p>REP3-051 Applicant's Post Hearing Submission – ISH4</p> <p>Agenda Item 4: The further responses with regards to Requirements 20 – 24(9)(a) and the additional clarification provided with regards to the allocation of Slots highlights the degree to which the ESG is expected to be responsible for regulating and controlling the GCG process. Whilst the appointment of Technical Expert/s is noted, concerns remain with regards to the capacity of the Local Authority representation on these boards to carry out the full functions expected. The response with regards to slot allocation and 'grandfather rights' calls into question how robust the slot allocation process is as the ultimate sanction for the GCG process. As such CBC will await the further response proposed for Deadline 4 and reserves the right to comment further in due course.</p>	<p>Noted.</p> <p>The GCG process is designed to function within existing international slot allocation guidelines which cannot be altered by the DCO. Please see the paper <b>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 [REP4-072]</b> submitted at Deadline 4.</p> <p>This paper expands on, and confirms the Applicant's position, with regards to slot allocation.</p>
2	Surface Access	<p>Agenda Item 7: At present there is a significant amount of work necessary to allow for the S106 to be agreed and signed by Deadline 9, including mechanisms for securing off-site highways works falling outside of the DCO redline boundary. There is therefore a related and remaining concern that alternate mechanisms for securing elements of work may need to be considered, to cover the eventuality that the S106 is not agreed and signed by Deadline 9.</p>	<p>The Applicant's preferred position is to agree with the host authorities the terms of a section 106 agreement and to sign such an agreement before the end of the examination;</p> <p>The Applicant does acknowledge, however, that there remains a significant amount of work to be carried out before such a position can be reached. Whilst the Applicant is committed to reaching agreement on this issue, the Applicant accepts that, if significant progress on agreeing terms is not made soon, it will be necessary to consider alternative approaches to take should it not be possible to agree and sign the section 106 agreement by Deadline 9.</p>
3	Surface Access	<p>Agenda Item 3: The applicant's proposals to provide additional with and without development flow plots are welcomed and CBC will await the additional information proposed for submission at Deadline 4. It is requested that comparable information is provided for the updated (accounting for COVID-19) modelling.</p>	<p>This information is provided in the <b>Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 [REP4-106]</b>.</p>
4	Surface Access	<p>Agenda Item 5: It is noted that no reference is made to the commitment given during the hearings to engage with CBC with regards to the issue of Fly-Parking, other than a general update being provided by Deadline 5. As stated in the Hearings, CBC would encourage and welcome active engagement on this matter.</p> <p>CBC are also awaiting clarity on how off-site parking has been allowed for in terms of the modelling and assessment work. This is considered of particular relevance as it feeds directly into the Agenda Item 6: Monitoring and the TRIMMA process (which at present is understood to be based purely upon</p>	<p>The Applicant is committed to discussing the matter of fly parking with CBC, as agreed during engagement on Statements of Common Ground on 20<sup>th</sup> October 2023 and 7<sup>th</sup> November 2023. The Applicant refers CBC to the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [REP4-085]</b> submitted at deadline 4 for further commentary on the proposed approach to addressing this matter.</p> <p>The OTRIMMA also contains commentary on non-airport traffic associated with off-site parking facilities, which was discussed with CBC during engagement on 19<sup>th</sup> September 2023.</p> <p>Please see <b>Applicant's Response to Issue Specific Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 1 [REP4-086]</b>; and <b>Applicant's Response to Issue Specific</b></p>

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		<p>parking growth within the Airport Estate in terms of monitoring and triggering of mitigation).</p> <p>CBC will comment further upon the TRIMMA, ATF, and ATF Steering Group upon the submission of the documents at the relevant Deadline.</p> <p>With regards to the updated work on Transport Modelling CBC can confirm that meetings have taken place as outlined within the applicant's response to Question 1 and note the references made to the initial risk assessment indicating risks to be low, due to slightly overall reduced traffic levels (particularly on the local rather than strategic network). However, it is not presently clear whether this changes routing within the forecast modelling (due to additional baseline capacity on the local road network). CBC have requested additional information from the applicant team to clarify the above, and as such reserve the right to comment further upon receipt of the additional information requested. CBC will comment further upon the submission of TN1 and TN2.</p>	<p><b>Hearing 4 Action 2: Covid 19 Additional Modelling Technical Note 2 [REP4-106].</b> TN2 shows the changes in forecast traffic volumes and routing.</p>
5	Surface Access	<p>Applicant response to Deadline 2 submissions</p> <p>ID8: Noted – however queries remain over the realism of the inclusion of the M1–A6 link road in the forecast modelling, but with the exclusion of the related Land North of Luton development allocation. It is noted that a number of changes, including the removal of the Smart Motorways scheme, will be considered within the updated work to account for COVID-19 in modelling work. However, based upon the submitted REP3-077, it is unclear whether the intention is now to update the forecast modelling work (with the implication that the forecasting would continue to be based upon a scenario including Smart Motorways if a Future Year update is not considered necessary).</p>	<p>The related Land North of Luton development has been classed as Reasonably Foreseeable and was not included in the Core runs but included in the Local Plan runs reported in <b>Strategic Modelling Forecast Report [APP-201]</b> of the DCO documents. For the Rule 9 updated modelling work, the uncertainty log was reviewed, and the development was again classed as Reasonably Foreseeable and therefore not included in the Core runs.</p> <p>The Rule 9 updated modelling work does not include any new smart motorway improvement.</p>
6	Surface Access	<p>Applicant response to Deadline 2 submissions</p> <p>ID12: Noted – it would be helpful if the data referred to (or associated reference / link) could be shared, including confirmation as to whether this is main mode or final mode of travel.</p>	<p>Please see the <b>Green Controlled Growth Framework Appendix F: Surface Access Monitoring Plan [TR020001/APP/7.08]</b>. Paragraph F2.1.5 explains the interpretation of CAA data with regards to final mode of travel.</p>
7	Surface Access	<p>Applicant response to Deadline 2 submissions</p> <p>ID15: Noted – However, it is not clear why there is a difference between the scheme description in Table 3.3 and that in Table 3.4, with Table 3.3 appearing to suggest that the funded scheme within the latest infrastructure delivery plan is not the same as the scheme in Table 3.4 assumed within the DCO.</p>	<p>As previously noted in the response to ID15, Table 3.4 of the <b>Strategic Modelling Forecast Report [APP-201]</b> sets out details of the proposed mitigation at the junction of Vauxhall Way and Crawley Green Road. This confirms that the scheme proposes to convert the existing roundabout into a signalised crossroads, and as such the measures shown in drawing LLADCO-3C-ARP-SFA-HWM-DR-CE-0034 are correct. This drawing is contained within <b>Appendix A - Transport Assessment Appendices - Part 1 of 3 (Appendices A-E) [APP-200]</b>.</p> <p>The scheme shown in drawing LLADCO-3C-ARP-SFA-HWM-DR-CE-0034 forms part of the Future Baseline highway network- to be implemented by Luton Borough Council- and is not part of the highway measures which would be provided by the Applicant.</p>

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8	Surface Access	<p>Applicant response to Deadline 2 submissions</p> <p>ID22: Whilst CBC will await the details of any such approach, assumed to be included within the TRIMMA proposals to be submitted at Deadline 4, it is of significant concern that the LHAs are being assumed as delivering the mitigation in question, as this appears to transfer major risk elements to the LHAs without associated protections being secured through the DCO. As detailed previously, the level of scheme detail is not sufficient for CBC as Local Highway Authority to determine the deliverability of the schemes in question, nor is there any detail with regards to costs (including standard cost allowances such as the diversion of Statutory Undertakers apparatus). It is also noted that the response states that 'in circumstances where the Applicant delivers highway mitigation measures, the final design of each junction will be agreed with the relevant Highway Authority', which would suggest that the same may not apply where there is an expectation of LHA scheme delivery. At present it is highly unlikely that CBC would wish to be the body responsible for delivering highway mitigation works (where they fall within the DCO redline boundary).</p>	<p>As set out in the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [REP4-085]</b> submitted at Deadline 4, the Applicant would be responsible for delivering the off-site mitigation works; the powers to undertake these works would be granted by the DCO. If agreed between the Applicant and the relevant highway authority, responsibility for delivery may be transferred to the relevant highway authority.</p>
9	Surface Access	<p>Applicant response to Deadline 2 submissions</p> <p>ID24: It is not considered appropriate that parking management measures to address Fly Parking should fall within the TRIMMA, with this being a discreet area of concern where specific and pro-active (rather than purely reactive) measures are required, including the provision of firm commitments to delivery. As per the discussions held during the ISH4 Hearing Sessions, CBC are seeking active engagement on the matter, comparable to that undertaken within Luton.</p>	<p>The Applicant – as agreed during engagement on Statements of Common Ground on 20th October 2023 and 7th November 2023 – is committed to discussing this matter with Central Bedfordshire Council. The Applicant considers the proposed approach (of addressing this matter via the TRIMMA) reasonable.</p>
10	Green Controlled Growth	<p>Applicant response to Deadline 2 submissions</p> <p>ID30: Noted – However it remains the view of CBC that there should be consistency between the GCG targets, the FTP targets, and the modelling assumptions applied in terms of modal share.</p>	<p>As stated at Paragraph 3.5.9 of the <b>Green Controlled Growth (GCG) Explanatory Note [REP3-015]</b>, the targets within the Travel Plans are more extensive and ambitious than the GCG surface access Limits, which are linked to the 'reasonable worst case' assumptions of the Environmental Statement (ES) and Transport Assessment (TA). The purpose of GCG is to prevent environmental effects that are materially worse than those arising from this modelling of reasonable worst-case assumptions in the TA and ES, which the GCG Limits are aligned with.</p> <p>The Framework Travel Plan (FTP) does not fulfil the same purpose as GCG, with the FTP promoting sustainable travel in response to ambition shown by stakeholders. For this reason targets in the first Travel Plan will not be aligned with modelling assumptions and GCG Limits, but will instead be set in reference with the latest Civil Aviation Authority (CAA) air passenger travel data and the most recent staff survey, as stated in response to ID30 in <b>Applicant's Response to Deadline 2 Submissions (Written Representations) Appendix A [REP3-057]</b>.</p>
11	Green Controlled Growth	<p>Applicant response to Deadline 2 submissions</p>	<p>Noted. The Applicant considers that the proposed methodology for monitoring Surface Access within the GCG Framework, as set out in the <b>Surface Access Monitoring Plan [APP-224]</b>, is appropriate.</p>

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		ID31: Noted – However it remains the view of CBC that a single metric, which is unlikely to provide granular information in terms of the times of travel (and therefore relationship to peak congestion periods), would benefit from supplemental and more detailed data.	The purpose of the GCG Framework is to prevent environmental effects that are materially worse than those arising from this modelling of reasonable worst-case assumptions in the TA and ES. The <b>Outline Transport Related Monitoring and Mitigation Approach (OTRIMMA) [REP4-085]</b> and the <b>Framework Travel Plan [REP4-044]</b> will monitor more granular impacts and mitigate these accordingly.
12	Green Controlled Growth	<p>Applicant response to Deadline 2 submissions</p> <p>ID33: Noted – However at present it is unclear as to the linkage between the Slot Allocation process and the expected impact of these controls upon addressing breaches related to Surface Access (aside from being considered a generalised disincentive).</p>	<p>Further detail on the linkage between the GCG process and the slot allocation process is set out at Section 6.9 of the <b>Applicant's Post hearing Submission – Issue Specific Hearing 1 (ISH1) [REP3-048]</b> and the <b>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 [REP4-072]</b>.</p> <p>To ensure that growth at the airport only occurs within GCG Limits, the slot allocation process will be used to place controls on airport growth where a Level 2 Threshold or Limit has been exceeded.</p> <p>With respect to surface access specifically, where a surface access Limit has been breached a Mitigation Plan would need to be produced by the airport operator, outlining the measures the operator will take to reduce the environmental effect to below the surface access Limit. Given the nature of the surface access Limits which are based on mode share, it is likely that this would include direct transport mitigation measures such as increasing the frequency and/or operating hours of bus/coach routes rather than rely on the slot allocation process to mitigate surface access impacts.</p>
13	Draft DCO	<p>Matters Raised</p> <p>Use of the terms “paragraph” and “sub-paragraph”</p> <p>Host Authorities Comments</p> <p>Requirements 23(3) and 24(2) use the phrase “This paragraph applies...”. whereas the corresponding provisions in requirement 23(1) and 24(1) refer to circumstances unless “sub-paragraph” (3) or (2) applies. The Applicant is requested to review to ensure clarity and consistency of drafting.</p>	The Applicant has reviewed the use of the term “paragraph” and “sub-paragraph” and updated, as appropriate, the draft DCO for consistency of drafting submitted at deadline 5.
14	Draft DCO	<p>Matters Raised</p> <p>Use of “substantially in accordance with” and “reflect”</p> <p>Host Authorities Comments</p> <p>The Host Authorities note that there remains a significant number of provisions that require submissions of detailed documents to be “substantially in accordance with” the outline documents certified under the draft Order. The Host Authorities note the explanation in Table 1.1 to the Applicant's Post</p>	<p>The draft DCO submitted at deadline 4 [REP4-003] included revised drafting to relevant requirements removing the reference to ‘substantially’ where appropriate.</p> <p>The Applicant's position when it is appropriate to refer to ‘in accordance with’ or ‘substantially in accordance’ remains as stated in its Post Hearing Submission from ISH1 [REP3-048]. It is appropriate to refer to “in accordance” where compliance is required with a final or approved document as the expectation is that compliance should follow the terms of the approved document.</p>

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		<p>Hearing Submission from ISH1 [REP3-048] that "in accordance" is used where compliance is required with a final or approved document and "substantial accordance" is used in relation to outline documents. The Host Authorities consider that greater certainty would be provided by ensuring a consistent standard of conformity (i.e. "in accordance with"). Furthermore, the Host Authorities are not clear on the justification for the use of "reflect" in requirement 16(2).</p>	<p>It is appropriate, however, to refer to 'substantially in accordance' when used in relation to outline documents as is legitimate and necessary to allow a limited amount of flexibility when referring to a draft document which will inform the structure and content of the final document. Such final documents are approved in writing by the relevant authority so appropriate safeguards are provided to ensure that the final document properly reflects the intent and purpose of the draft.</p> <p>The Applicant can confirm that the reference to 'reflect' in requirement 16(2) was changed to 'substantially in accordance with' in the version of the draft DCO submitted at deadline 4.</p>