

London Luton Airport Expansion

Buckinghamshire Council Comments on Further Deadline 5 Submissions

PINS REFERENCE: TR020001

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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 5, focusing on the submissions from the Applicant. The Council notes that the Applicant's cover letter [REP5-001] signposts the documents that address the various Action Points for Deadline 5 from the Issue Specific Hearings (ISH). 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 5, 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], Deadline 3 documents [REP4-114] and Deadline 4 documents [REP5-064]. 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 5 Submissions

2.1. REP5-001: Deadline 5 Submission – Cover Letter

2.1.1. The content of this submission is noted. The Council considers the following items referenced in the letter to be of interest:

- Response to ISH4 Action 26 – the Applicant has provided an update on Sustainable Transport Fund (STF) to include indicative costs and how it will be secured [REP5-056] – the Council has reviewed this submission and provides comment in this document.
- Response to ISH3 A17 – the Cover Letter states that the Applicant is considering the commitment to monitoring and mitigation in addition to that described in the OTRIMMA and is engaging with local highway authorities on this. The Council is of the view that it is a relevant local highway authority in this context but draws the ExA's attention to the fact that it has not been engaged by the Applicant in this regard. The Council invites the Applicant to involve the Council. The Deadline 6 submission is awaited.
- The Council notes that the Applicant is intending to make further updates to the noise controls secured in the DCO at Deadline 6. The letter cites the inclusion of relevant information within the comparison of consented and proposed operational noise controls document [REP5-014/015]. The Council has reviewed this submission and provides comment in this document.
- The Trip distribution plans [REP5-037/038] have been re-submitted by the Applicant. The Council has reviewed this submission and notes that the updates provided do not include the additional information requested by the Council – further comment is provided later in this document.

2.2. REP5-002: 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. REP5-003; REP5-004: 2.01 Draft Development Consent Order (clean and Tracked change version)

2.3.1. The Council notes the Applicant's changes to the dDCO since Deadline 4 and has no comments to make.

2.3.2. Notwithstanding the above the Council maintains its position that the Applicant should seek to update requirement 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.

- 2.3.3. Additionally, the Council maintains its position that requirements 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:
- 2.3.4. *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—*
- 2.3.5. *(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*
- 2.3.6. *(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).*
- 2.3.7. The Council's remaining concerns, outlined in its Updated Principal Areas of Disagreement Summary Statement, submitted at Deadline 6, are still to be addressed. However, the Council will continue to engage with the Applicant on these matters through the SoCG process.
- 2.4. [REP5-005; REP5-006: 2.02 Explanatory Memorandum \(clean and Tracked change version\)](#)
- 2.4.1. The content of this submission is noted. The Council has no comments.
- 2.5. [REP5-007; REP5-008: 3.02 Book of Reference \(clean and Tracked change version\)](#)
- 2.5.1. This submission has been reviewed. The Council has no comments.
- 2.6. [REP5-009: Funding Statement](#)
- 2.6.1. This submission has been reviewed. The Council has general concerns regarding the adequacy of funding to support the Schemes wider mitigation strategy that seems to be absent from the Funding Statement’s considerations.
- 2.7. [REP5-010: GA Drawings Part 3 of 3](#)
- 2.7.1. This submission has been reviewed. The Council has no comments.
- 2.8. [REP5-011: Crown Land Plans](#)
- 2.8.1. This submission has been reviewed. The Council has no comments.

2.9. REP5-012; REP5-013: The Proposed Development

2.9.1. This submission has been reviewed. The Council notes that the changes relate to one aspect of the Proposed Development, which is not considered to directly affect Buckinghamshire. The Council has no comments.

2.10. REP5-014; REP5-015: 5.12 Comparison of consented and proposed operational noise controls (clean and Tracked change version)

2.10.1. This submission has been reviewed. The Council welcomes the Applicant's submission of the comparison document, which shows that the proposed operational noise controls are unique and fundamentally different from the traditional approach to noise controls. The Council requires a place on the Green Controlled Growth Noise Technical Panel to properly protect the interest of its community.

2.11. REP5-016; REP5-017: 7.01 Planning Statement (clean and Tracked change version)

2.11.1. This submission has been reviewed. The Council notes that updates have been made to reflect the Secretaries of States' decision to approve what the Applicant terms the P19 application. The Planning Statement has not been updated to reflect the response provided by the Applicant at Deadline 4 reviewing the implication of the P19 decision for the Proposed Development – the Council awaits this update and would draw the ExA's attention to the differing interpretations of the Applicant and the Council (as well as some of the host authorities) in terms of the transferable elements of the P19 decision.

2.11.2. At 5.8.3 the Applicant has updated the reference to the draft S106 agreement, indicating that it has been shared with the host authorities, which excludes the Council. The Council is not a host authority, however, there are matters that the Council wishes to secure in an appropriate manner with the Applicant – receipt of the draft S106 agreement would assist with this and the Council will continue to engage through the SoCG process.

2.12. REP5-018; REP5-019: 7.01 Policy Compliance Tables (clean and Tracked change version)

2.12.1. This submission has been reviewed. The Applicant has not included any Buckinghamshire Council policy, therefore the Council has no comments to make.

2.13. REP5-020; REP5-021: 7.07 Green Controlled Growth Explanatory Note (clean and Tracked change version)

2.13.1. Paragraph. 2.2.47 states during the transition period of the GCG Framework there will be no requirement to carry out any monitoring for air quality, greenhouse gases and surface access, as for these environmental topics, the Applicant asserts

that monitoring will need to be carried out over a full calendar year. The Council does not agree with this interpretation – Local Air Quality Management (LAQM) Technical Guidance 22 (TG22) states in para. 7.140 where automatic monitoring has been completed for less than 75% of the year, annualisation techniques can be used to estimate an annual average from a part year average. For annualisation to be completed, there must be 25% annual monitoring data available. Therefore there will only be a need for 3 months of monitoring data to be available within a calendar year for air quality, thus it would be possible for the monitoring to start sooner, and the Council would be supportive of such a change. The Council notes that this matter was also raised at ISH9.

- 2.13.2. It is welcomed that the Applicant has added within para. 2.4.7 that reasonable costs of the involvement of the local authority representatives in the ESG or Technical Panels will be funded by the Applicant. However, the Council is still discussing the representation of the Council on these groups, which is not currently confirmed.
- 2.13.3. It is noted Table 3.5 has been amended to remove the references to the different phases of the development so that the GCG limits and thresholds for air quality will now apply to all phases of the development. In addition, the limits and thresholds for PM_{2.5} have been amended to reflect the new legal targets and interim targets required by the Environment Act 2021. These changes are welcomed by the Council.
- 2.13.4. It is noted that the document has been updated to include the additional requirement to review out of scope monitoring locations during Phase 2a of construction as outlined within [REP-089]. This change is welcomed by the Council as outlined within comments previously made in para. 2.51 of [REP5-064].
- 2.13.5. It is welcomed that a distinction has been made between noise and environmental impacts included in other environmental themes and that no transition period will apply for aircraft noise (REP5-020 para 2.2.45-46). This adds weight to the Council's argument that the noise envelope should be a separated from the Green Controlled Growth Framework document and be a Schedule 9 certified document.
- 2.13.6. The Council is concerned that the five-year threshold and level review cycle will not allow for correction of noise limits because it is overly long. The Section 106 agreement for 21/00031/VARCON requires that the Luton Airport 2022 Noise Management Plan Technical Document is reviewed 12 months following the implementation date, 30 June 2025, 30 June 2027, and subsequently every five years following 30 June 2027. The Council would be satisfied if a noise envelope review program with similar periods was included in the Green Controlled Growth Framework. The noise envelope design group for Luton Airport has been disbanded. If or when it is reformed the Council wishes to be included as member.

- 2.14. [REP5-022; REP5-023: 7.08 Green Controlled Growth Framework \(clean and Tracked change version\)](#)
- 2.14.1. The Council welcomes the changes to **[REP5-022]** Para 3.3.8 but asserts that it should be the change in LOAEL contours that identify new relevant noise impacts. The Council points out that the Noise Envelope Design Group decided that “A suitable intermediate noise level between the LOAEL and SOAEL (lower and significant observed adverse effect level) was therefore recommended by the NEDG, with the daytime contour reduced from 57dBLAeq,16h to 54dBLAeq,16h in line with research from the Civil Aviation Authority which suggest that the same percentage of respondents said by a previous research study to be highly annoyed at 57 dBLAeq,16h now occurs at 54 dBLAeq,16h.” It should be LOAEL that is the basis for inclusion, not the annoyance contour. This is a material point that needs to be addressed by the Applicant.
- 2.14.2. It is noted Table 4.3 has been amended to remove the references to the different phases of the development so that the GCG limits and thresholds for air quality will now apply to all phases of the development. In addition, the limits and thresholds for PM_{2.5} have been amended to reflect the new legal targets and interim targets required by the Environment Act 2021. These changes are welcomed by the Council.
- 2.14.3. It is noted that the document has been updated to include the additional requirement to review out of scope monitoring locations during Phase 2a of construction as outlined within **[REP-089]**. This change is welcomed by the Council as outlined within comments previously made in para. 2.51 of **[REP5-064]**.
- 2.15. [REP5-024; REP5-025: 7.08 Green Controlled Growth Framework Appendix A – Draft ESG terms of reference \(clean and Tracked change version\)](#)
- 2.15.1. The Council’s principal concern remains membership of the ESG.
- 2.15.2. Although the Council maintains its position that it wants a place on the Noise Technical Group, it welcomes the provision in **[REP5-024]** Para A4.9.3 concerning limit reviews, the Council seeks an amendment to sub paragraph e. making it clear that, following a review, should any of the actual or predicted LOAEL contours (day or night) include a local authority which was not a previous member of the panel, it is automatically granted membership.
- 2.15.3. The GCG addresses surface access by applying a cap to the percentage of trips to be made to the airport through unsustainable modes for both passengers and staff. There remains a lack of clarity regarding the relationship between the GCG framework and the Framework Travel Plan **[REP4-044]**. The Framework Travel Plan states that its targets are to be set in such a way as to strive to exceed those required within the GCG framework. However, there is no obligation to secure this through the GCG document or the Framework Travel Plan **[REP4-044]**. The monitoring of surface access is proposed to be based on CAA annual passenger

surveys and so will only be able to monitor this target retrospectively. Given that, it is stated that the Framework Travel Plan is a suite of options available to the Travel Plan coordinator, and there is no certainty of any of the measures included being delivered, similarly the TRIMMA [REP5-041] requires local authorities to monitor for mitigation type 2.

- 2.15.4. The GCG does not contain any measures within it to deliver measures that would address surface access failing to meet the GCG limits, without certainty of how the Sustainable Transport Fund or the Residual Impact Fund would have sufficient funds within it to deliver necessary interventions.
- 2.15.5. The Council notes that the Errata Report [REP5-036] corrects a typographical error in the reference numbers in Paragraph A4 13.2, which should refer to clauses 13.3 and 13.7.
- 2.15.6. The Council notes that in in Section A4.11.1 the Applicant states that a Greenhouse Gases Limit Review shall be submitted to the Environmental Scrutiny Group (ESG). This has changed from the Greenhouse Gases Technical Panel. Further in section A4.11.2, it is stated that input from the Technical Panel is at the discretion of the ESG and not mandatory. The Council takes the view that it is important that the Greenhouse Gases Limit Review should reviewed by, and comment provided, by technical experts in the field to ensure that detail is robust and technically sound. The Council would suggest that the inclusion of the Greenhouse Gases Technical Panel be mandatory within the review procedure.
- 2.16. [REP5-026; REP5-027: 7.08 Green Controlled Growth Framework Appendix B – Draft Technical Panels Terms of Reference \(clean and Tracked change version\)](#)
- 2.16.1. As outlined above the Council’s principal concern remains membership of the ESG and the technical panels. Although the Council has not changed its position and asks for membership of the Noise Technical Panel, it welcomes the provision in REP5-026 B4.10.3 concerning limit reviews. The Council seeks an amendment to sub paragraph e. making it clear that, following a review, should any of the actual or predicted LOAEL contours (day or night) include a local authority which was not a previous member of the panel, it is automatically granted membership.
- 2.16.2. The Council notes that in Section A4.11.1 the Applicant states that a Greenhouse Gases Limit Review shall be submitted to the Environmental Scrutiny Group (ESG). This has changed from the Greenhouse Gases Technical Panel. Further in section A4.11.2, it is stated that input from the Technical Panel is at the discretion of the ESG and not mandatory. The Council takes the view that it is important that the Greenhouse Gases Limit Review should reviewed by, and comment provided, by technical experts in the field to ensure that detail is robust and technically sound. The Council would suggest that the inclusion of the Greenhouse Gases Technical Panel be mandatory within the review procedure.

2.17. [REP5-028; REP5-029: 7.08 Green Controlled Growth Framework Appendix C – Aircraft Noise Monitoring Plan \(clean and Tracked change version\)](#)

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

2.18. [REP5-030; REP5-031: 7.08 Green Controlled Growth Framework Appendix D – Air Quality Monitoring Plan \(clean and Tracked change version\)](#)

This submission has been reviewed and it is noted that the document has been updated to include the additional requirement to review out of scope monitoring locations during Phase 2a of construction as outlined within [\[REP-089\]](#). This change is welcomed by the Council as outlined within comments previously made in para. 2.51 of [\[REP5-064\]](#).

2.19. [REP5-032; REP5-033: 7.08 Green Controlled Growth Framework Appendix F – Surface Access Monitoring Plan \(clean and Tracked change version\)](#)

2.19.1. This submission has been reviewed, and the Council is satisfied that it provides a suitable methodology for collecting data from passengers and staff regarding their arrivals at the airport. It is not clear if the CAA data obtains any information regarding passengers' arrangements for their return journey. In order to properly assess mode share, data should be sought for those passengers arriving at the airport and then making onward journeys to their final destinations by surface transport. On the assumption that the majority of flights will be accompanied by a return leg, then it should be possible for the survey to be updated to capture that trip.

2.19.2. The Council recognises that amending the CAA survey may be out of the airport's control, however, consider it to be a matter that the airport could and should usefully address through additional questions applied to the CAA survey or through its own surveys.

2.19.3. It is the Council's view that the document should be updated to show how the airport intends to monitor mode share for both those on departing flights and arrival flights as focus on departing flights would only represent 50% of the surface access trips.

2.20. [REP5-034; REP5-035: 7.09 Design Principles \(clean and Tracked change version\)](#)

2.20.1. This submission has been reviewed. The Council has no comments.

2.21. [REP5-036: 8.26 Errata Report](#)

2.21.1. This submission has been reviewed. Where appropriate, the Council has taken account of the content of this submission in relation to the documents that it has commented upon.

- 2.21.2. The Council does not agree with the Applicant that the changes made to Table 13.6 and Para. 16.9.3 (page 64) in **AS-078** are Errata in nature. In the opinion of the Council, they are not minor in nature and do materially change the assessment. This is a matter that was raised in the context of health at ISH 8 and is expanded upon below and within the Council's post-hearing submission at Deadline 6.
- 2.21.3. The change to 16.9.3 was made as a result of questions posed by the ExA seeking clarification of the changing nature of effects on perception and uncertainty in construction and operation, not suggesting that the effect was not relevant to one of the phases. The Council therefore considers that the Applicant has elected to present this as an Errata rather than undertake the necessary work to address perceptions and uncertainty in the operational phase. This is viewed as a weakness in the assessment, especially as the operational phase involves incremental increases in capacity provided that certain thresholds are not breached, which in itself means that there is inherently uncertainty about the pace at which the airport will grow, should a DCO be secured. The consequence of this is that the mitigation proposed by the Applicant – principally relating to engagement secured through the CoCP – will not necessarily be supported through the operational phase. The Council wishes the Applicant to provide a fuller justification of this matter.
- 2.21.4. Inclusion of the change proposed to Table 13.6 within the Errata report essentially provides a de-scoping of much of the health assessment for the wider area, as a subset of the study area. Presentation of this as an Errata downplays the implications and further is supported by an unsubstantiated statement that '*Environmental impacts from the construction and operation of the airport are not relevant for the wider study area*'. The Council asserts that the environmental impacts of the airport are relevant since they can give rise to environmental effects for human health and communities within the wider study area, which includes communities in Buckinghamshire. The Applicant states that there will be environmental effects in the wider study area in **AS-078** (para. 13.3.5(c)), albeit at ISH8 the Applicant sought to amend this statement by indicating that the effects relevant to the wider study area were related to economic matters.
- 2.21.5. The Council is not satisfied with this response and considers that there are health effects in Buckinghamshire, especially in terms of consequential effects of traffic impacts, for example in terms of noise, air quality and changes to the characteristics of rural settlements. This is a matter that has also been raised by the Council at ISH8 and is the subject of continued discussions with the Applicant in developing the SoCG and PADSS.
- 2.22. [REP5-037; REP5-038: 8.30 Trip Distribution Plans \(clean and Tracked change version\)](#)
- 2.22.1. This submission has been reviewed. The Council has previously set out the need for quantitative data to be supplied as part of the trip distribution plans. These

changes have not been made to the documents as supplied by the Applicant at Deadline 5.

- 2.22.2. The plans show average daily distributions. However, during the SoCG meeting with the Applicant on the 15 November 2023, the Council was informed that the distribution plans did not include traffic for the early hours of the morning prior to the network peak hours. Therefore, the diagrams do not represent the total 24 hour development trips using the network.
- 2.22.3. The Council requested from the Applicant (during the 15 November 2023 meeting) information regarding the early hours trip distribution and projected numbers of vehicles to be using the routes (notably the B489, which is the western long-distance approach route). This is to enable consideration of the impacts of traffic associated with the morning flight peak, which is from 7am, and thus is anticipated to be experienced in Buckinghamshire from c. 4.30/5am. The response during the meeting was that those figures would not be able to be extracted from the modelling, but numbers could be produced based on certain assumptions. It is the Council's position that these plan updates also do not answer the ExA's request made during ISH4. The Council also reiterated the need for this data in the context of health assessment, which was raised by the Council at ISH 8.
- 2.22.4. The Council remains of the position that the distribution diagrams show increases in traffic on the B489 in the modelled time periods and that these are material. It is also the Council's position that the strategic model provides route assignment, contrary to comments made during ISH7 implying that the distribution plans represent desire lines only.
- 2.22.5. It is therefore the Council's position that, on the limited information presented, the villages of Ivinghoe, Pitstone and Marsworth are impacted by the development traffic. Without further granularity in the data, it is not possible for the Council to revise its holding position regarding the impacts on the B489.
- 2.23. [REP5-039: 8.54 Summary of changes to the Draft Development Consent Order](#)
- 2.23.1. This submission has been reviewed. The Council has no comments on the Deadline 5 updates.
- 2.24. [REP5-040: 8.68 Applicant's response to Written Questions – Biodiversity](#)
- 2.24.1. This submission has been reviewed. The Council has no comments.
- 2.25. [REP5-041; REP5-042: 8.97 Outline Transport Related Impacts Monitoring and Mitigation Approach \(TRIMMA\) \(clean and Tracked change version\)](#)
- 2.25.1. The Council is concerned that the TRIMMA remains unable to achieve its stated objectives. Paragraph 1.2.3. states that it will allow the airport operator to actively

detect and introduce mitigation on the highway network at the appropriate time. However, the TRIMMA requires Local Authorities to fund and gather evidence for submission to the airport operator to request mitigation (Mitigation type 2). This is incongruent with the statement of the airport operator actively detecting and introducing mitigation. It is recognised that the Applicant should not be in a position to be financially liable for unlimited commitments, however the Residual Impact Fund has not as yet been defined, and it should not be incumbent on local authorities to self-fund the monitoring of the success or failure of the airport's mitigation nor should it be the responsibility of local authorities to determine and make a case for any need to provide further mitigation.

- 2.25.2. In the context of applying the mitigation hierarchy to addressing impacts on human health, the reactive approach proposed by the TRIMMA is sub-optimal. Its fundamental operation means that a 'problem' must manifest and be experienced as an adverse effect before any intervention is discussed and there will then be both uncertainty and delivery lag in terms of addressing emergent issues. Further, it does not support the delivery of active and sustainable transport modes from the outset of the expansion, missing the ideal time to seek to embed sustainable travel behaviours, particularly amongst the workforce – building capacity and realistic choices as part of the core of the Proposed Development is considered to offer much greater health benefits across a number of topics than the current approach, which is unnecessarily biased to supporting car-based modes.
- 2.25.3. It is not clear how the TRIMMA is connected to Green Controlled Growth and its monitoring of surface access.
- 2.26. [REP5-043: 8.111 Applicant's Response to Issue Specific Hearing 6, Action 33 – Principles of Good Design](#)
- 2.26.1. This submission has been reviewed. The Council has no comments.
- 2.27. [REP5-044: 8.112 Applicant's Response to Issue Specific Hearing 1 Actions 8 and 11 – Note on existing/previous planning conditions and s106 obligations](#)
- 2.27.1. This submission has not been reviewed. This is on the basis that the Council has reviewed REP5-098, which supersedes it. The Council has no comments over and above those made by the Host Authority.
- 2.28. [REP5-045: 8.113 Applicant's response to Issue Specific Hearing 3 Action 24 – Additional Ground Noise Modelling Information](#)
- 2.28.1. This submission has been reviewed. The Council has no comments.
- 2.29. [REP5-046: 8.114 Applicant's response to Deadline 4 submissions](#)
- 2.29.1. This submission has been reviewed. The Council notes that the Applicant has not responded to **[REP4-111]** submitted by the Council, on the basis that it believes all

issues have been addressed in the Applicant's responses to relevant representations at Deadline 1 and Written Representations at Deadline 2 (para. 1.1.4m). The Council does not concur with this view – a number of issues have not been resolved to the satisfaction of the Council and conversations with the Applicant are continuing through the SoCG process.

- 2.29.2. Table 2.1 (19) of this document provides a response from the Applicant to only one selected item from the Council's Deadline 4 submission [REP4-114]. The Council welcomes inclusion of the Council within the Employment and Training Strategy study area and the commitment of the Applicant to engage with the Council on the implementation of the proposed ETS. However, the Council maintains its reservations about whether the ETS is suitably secured, in its entirety, through the DCO – this matter has been raised previously [REP3-084] and is referenced in relation to the most relevant Deadline 5 submissions reviewed by the Council.
- 2.30. [REP5-047: 8.114 Applicant's response to Deadline 4 submissions Appendix A Luton Borough Council \(response to Deadline 3 documents\)](#)
 - 2.30.1. This submission has been reviewed. The Council has no comments.
- 2.31. [REP5-048: 8.114 Applicant's response to Deadline 4 submissions Appendix B Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire Council \(Response to Deadline 3 documents\)](#)
 - 2.31.1. This submission has been reviewed. The Council has no comments.
- 2.32. [REP5-049: 8.114 Applicant's response to Deadline 4 submissions Appendix C Central Bedfordshire Council \(response to Deadline 3 documents\)](#)
 - 2.32.1. This submission has been reviewed. The Council has no comments.
- 2.33. [REP5-050: 8.114 Applicant's response to Deadline 4 submissions Appendix D Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire Council \(CSACL Response\)](#)
 - 2.33.1. This submission has been reviewed. The Council has no comments.
- 2.34. [REP5-051: 8.114 Applicant's response to Deadline 4 submissions Appendix E The Harpenden Society](#)
 - 2.34.1. This submission has been reviewed. The Council has no comments.
- 2.35. [REP5-052: 8.115 Applicant's comments on Responses to Written Questions by Interested Parties](#)
 - 2.35.1. This submission has been reviewed. The Council has the following comments:

- BCG.1.2 – the Council does not accept the Applicant’s response. As an example, the absence of reference to the Ivinghoe Neighbourhood Plan is considered indicative of the Applicant’s continued resistance to acknowledging the effects on this community of the trip generation impacts that will be experienced, as depicted in the Trip Distribution Plans [REP5-037/038].
- DCO.1.13 – the Council and the Applicant disagree on this point. Central Bedfordshire Council and the Hertfordshire authorities share the same view as the Council. It is noted, however, that the Applicant and Luton Borough Council share the view that consultation with Natural England should be at the discretion of the relevant LPA. The Council maintains its position that the consultation with Natural England should be mandatory.
- DCO.1.19; 1.20, 1.21 – the Council notes the Applicant’s response in relation to [REP4-057] setting out its position, however, the Council maintains its position on the matters of enforcement right of appeal, phasing and decommissioning.
- GCG.1.5 - The Councils position has not changed. Buckinghamshire Council asks that the Luton Rising noise envelope design group be given an opportunity to review the worked example and final noise envelope.
- GCG.1.12 – The Council notes that the Applicant has amended the arrangements regarding quorate and signposts the Draft ESG Terms of Reference [REP5-024/025]. The Council has not altered its position regarding the need to ensure an appropriate quorate and this matter is ongoing.
- GCG.1.13 – The Council notes that the Applicant has amended the arrangements regarding quorate and signposts the Draft Technical Panel Terms of Reference [REP5-026/027]. The Council has not altered its position regarding the need to ensure an appropriate quorate and this matter is ongoing.
- GCG.1.15 – The Council notes that the Applicant has amended the Draft Technical Plans Terms of Reference at B2.5.1 [REP5-026/027]. The Council’s position has not changed on this matter. Before accepting the amended arrangements, it seeks clarification on the Applicant’s definition of noise impacts.
- PED.1.32 – the Applicant’s response is noted, providing an explanation and justification for its perspective. The Council maintains its position, which differs from that of the Applicant.
- SE.1.4 – This matter was raised as a point for clarification by the Council at ISH8. The Applicant’s health expert attained confirmation from the Applicant in ISH8 (29.11.23) that the ETS is considered a core mitigation, secured through the DCO (which accords with its presentation in [AS-078] as a key measure (13.8.3 (I)). The clarification through the ISH8 conflicts with the Applicant

response provided in this submission. The Council also maintains its position that the Mitigation Route [AS-047] fails to secure the entirety of the ETS and in particular the establishment of the LEDWG which the Applicant's response relies upon.

- HAC.1.15 – the Council considers that the Applicant has only partially answered this question, both within this response and in the documents that are cross-referenced from previous deadlines. All have been reviewed by the Council. The Council's position is unchanged – for example, there remain unanswered questions in terms of the way in which the Applicant will respond to the future emergence of issues related to noise (not just airport noise, but also traffic related noise); and the Applicant has not responded to the point made by the Council relating to ensuring accessibility for all to job opportunities in order to support well-being. For the Council, this latter element is not (as suggested in the Applicant's response to SE.1.4, but contradicted in ISH8 during discussions relating to health) an enhancement, but rather it should be a core part of ensuring that the Proposed Scheme does not result in adverse effects that disadvantage Buckinghamshire community members because they are not provided with the means (e.g. bus services) to access employment and training from the outset. It is also noted that the Applicant's health expert confirmed in ISH8 (29.11.23) that the ETS is considered a core mitigation, secured through the DCO (which accords with its presentation in AS-078 as a key measure (13.8.3 (I))).
- The Council has reviewed the response to TT1.17 and welcomes the provision of the bus and coach study by the Applicant. Comments have been provided to this document, which will not be repeated here. It is noted that the Council has not been asked to contribute to the creation of this document, and to the current time, the Council has not been approached regarding any public transport proposals that might serve Buckinghamshire. A concern remains that this calls into question the confidence with which the proposals would be able to be supported and delivered. Matters pertaining to capacity at bus stations and key locations along the routes have not been addressed within the proposals. Therefore, the need for engagement with the Council remains and should be addressed by the Applicant.
- With respect to question TT1.18, the Council welcomes the position of pump priming being explored. However, as set out in the response to the REP5-058, certainty and detail regarding this is required. It is necessary to define the time period over which the support for new services shall be available to ensure that they are not withdrawn prior to being able to establish themselves as viable in their own right.

2.36. [REP5-053: 8.116: Applicant's comments on submissions by interested parties on the P19 approval](#)

2.36.1. This submission has been reviewed. The Council has the following comments:

- 1.3 Climate Change/GHG - The Council maintains its position with regards to the reliance on the UK Government's Jet Zero Strategy (JZS) to project aviation emissions. As a result, the Council continues to take the view that it disagrees with the Applicant's position that sensitivity analysis of this emission source is not required. The Council stated this position with these assertions at Deadline 3; **REP3-081** (p5), **REP3-082** (pp20) and **REP3-083** (pp6). This was re-stated within **REP5-063** (p8) and **REP5-064** (pp14). It remains the Council's view that quantitative sensitivity analysis is required to determine the significance of aviation emissions beyond JZS.

2.37. [REP5-054: 8.117: Applicant's response to Deadline 3 submission by Michael P Reddington](#)

2.37.1. This submission has been reviewed. The Council has no comments.

2.38. [REP5-055: 8.118 Applicant's response to Issue Specific Hearing 4 Action 7 – Updates on Road Safety Audits](#)

2.38.1. This submission has been reviewed. The Council has no comments.

2.39. [REP5-056: 8.119 Applicant's response to Issue Specific Hearing 4 Action 26 – Sustainable Transport Fund](#)

2.39.1. This submission has been reviewed. The Council remains concerned that the Sustainable Transport Fund has not been set based on any form of calculation of the costs of the required interventions. To base the size of the fund on that of the model used at other airports does not address the issue of ensuring that the fund is able to meet the needs of Luton Airport and the surrounding area. This is important as the FTP and STF are the only means on offer by which it can be assessed whether or not the Applicants can meet the GCG Surface Access limits.

2.39.2. As the fund is currently proposed, it will only be possible to implement measures based on the financial position of the STF in any given year.

2.39.3. The Council does not consider that the fund cap should be applied at any time prior to the airport reaching its full permitted capacity. This would not permit the airport to mitigate or develop services to serve the full capacity of the airport.

2.39.4. Capping the fund at £18.5m does not provide any indication of the anticipated costs of the needs that the STF is required to fund. This would also need to be able to increase with inflation through the life of the fund. It is not stated which measure of inflation is to be used for indexing purposes.

2.39.5. It is noted that consideration is being given to the concerns raised by Local Authorities regarding the availability of funds in the early years. It is requested that the conclusion of this consideration be shared with all relevant Councils at the earliest possible opportunity, on the basis that this has the potential to change the

funding model significantly if the fund is to be 'pump primed' as suggested during ISH4.

2.39.6. It is unclear how physical provisions within the airport to support sustainable transport would be delivered. This document states that the STF is not for use for the provision of capital works. During ISH7 it was implied that these would be considered works as part of the Framework Travel Plan and therefore could be funded from the STF. The Council considers that all works that form part of the design of the airport layout and buildings should be considered capital works and not be permitted to diminish the STF and its ability to deliver measures to have maximum impact on the mode share.

2.39.7. The Council welcomes its inclusion within the ATF and the ATF steering group.

2.40. [REP5-057: 8.121 Rail Impacts Summary](#)

2.40.1. This submission has been reviewed. The Council has no comments.

2.41. [REP5-058: 8.122 Bus and Coach Study](#)

2.41.1. This submission has been reviewed. It has been noted that the study identifies potential services that could be developed and delivered, but that there is no certainty that any of these services would be delivered either through commitment or requirement. It is noted that the Applicant sets out that the provision of bus and coach services are not in the direct control of the airport operator, it is acknowledged that current services are provided by commercial enterprises. However, the Council does not consider that this should preclude the Applicant from entering into a commercial arrangement to deliver services that are necessary to address the mode share requirements.

2.41.2. The analysis of the existing bus services and coach services clearly demonstrates the lack of provision of the network to the west of the airport for both bus and coach services. Therefore, the Council welcomes inclusion of the route X61 within this document, however it does not consider a three hourly service to provide a level of service suitable for use by commuters or passengers to the airport. The minimum level of service that could be considered appropriate would be an hourly service. In order to properly address the commuting requirements, the route should be every 30minutes to be considered a high-quality service.

2.41.3. The provision of public transport that enables residents in Buckinghamshire to travel to the Airport quickly, cost-effectively and at appropriate times (i.e. taking account of shift patterns) is essential to the delivery of the forecasted economic benefits. Without this, the aims of the Employment and Training Strategy will be undermined and the effectiveness of the activities it proposes will be lessened.

2.41.4. Census data shows that households in more deprived areas are less likely to have access to their own vehicle. Consequently, the degree to which airport expansion

can address the levelling up agenda in Buckinghamshire will be limited without improved public transport provision. Similarly, the Employment and Training Strategy includes school outreach activities aimed at promoting careers and opportunities to young people. It is to be expected that many young people will not have access to their own vehicle; without appropriate public transport, the accessibility of these opportunities to young people across Buckinghamshire will be restricted.

- 2.41.5. To enable residents in Buckinghamshire to take advantage of the construction opportunities arising from expansion, improved public transport needs to be available from the outset.
- 2.41.6. The Council still considers that the second service is requirements are outstanding for the highspeed service (either bus or coach) with provision for passengers and their luggage. The provision of the X61 does not give any reference to the ability of that service to provide facilities for luggage and so the Council is concerned that passenger mode share from the west would be entirely reliant on unsustainable modes.
- 2.41.7. It is noted that the Bus and Coach study gives no reference to the anticipated cost of the provision of these services. The Council remains concerned that the proposal for these services to be supported by the STF does not present any evidence that there is to be sufficient funding available to support the services. During ISH7 it was suggested that the STF would have at its disposal a maximum of £500,000.00 in its first year, this would be considered insufficient to support bus services for a year. Further information is required in this document and the STF as to how funds would be secured and allocated and the duration of the support.
- 2.42. [REP5-059: 8.123 Applicant's response to Deadline 3 comments from Holiday Extras Limited](#)
- 2.42.1. This submission has been reviewed. The Council has no comments.
- 2.43. [REP5-060: 8.124 Schedule of Changes to the Book of Reference](#)
- 2.43.1. This submission has been reviewed. The Council has no comments.