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# London Luton Airport Expansion

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**8.128 Written Question Responses - Applicant's  
Response to Buckinghamshire Council's Comments**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.128

**The Planning Act 2008**

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

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

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**8.128 Written Question Responses -  
Applicant's Response to Buckinghamshire Council's Comments**

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# 1 INTRODUCTION

## 1.1 Purpose

- 1.1.1 This document provides the Applicant's response at Deadline 6 to the comments made by Buckinghamshire Council on the answers provided by the Applicant in response to the Examining Authority's (ExA) first set of Written Questions.
- 1.1.2 Questions directed to parties other than the Applicant have not been addressed, neither have responses provided by other parties – unless the Applicant initially provided a comment which was considered relevant to the question being asked.
- 1.1.3 Where the Applicant disputes comments made by the Interested Party, this document will provide an explanatory rebuttal as to why there is a difference of opinion. The Applicant has responded only to parts of the submissions made by the Interested Party which it considers warrants a response. If a new issue has not been raised, then a further response has not been provided, however this does not represent acceptance or agreement by the Applicant of the point raised.

## 1.2 Structure

- 1.2.1 Table 1.1 sets out the Written Questions initially issued by the ExA and the Applicant's answer, along with the comments made by Buckinghamshire Council at Deadline 5 and the Applicant's response to this at Deadline 6.

Table 1.1: Applicant's response to comments on Written Question responses

| PINS ID  | Question / Luton Rising Response  | Buckinghamshire Council Comment at D5   | Luton Rising Response at D6   |
|--|---|---|---|
| <b>REP4-052. 8.66 Applicant's response to Written Questions – Broad and General, Cross-topic Questions</b> |   |   |   |
| BCG.1.2  | <p><b>Question:</b><br/> <b>Neighbourhood Plans</b><br/>           Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you:</p> <ol style="list-style-type: none"> <li>1. Provide details, confirm their status and – if they are emerging – the expected timescales for their completion;</li> <li>2. Provide a copy of the made plan or a copy of the latest draft.</li> <li>3. Indicate what weight you consider the ExA should give to these documents.</li> </ol> <p><b>Applicant Response:</b><br/>           The Applicant notes that this question is directed to the Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification.</p> <p>There are no made Neighbourhood Plans that the Applicant believes the ExA should be aware of with respect to the Proposed Development. Hyde Neighbourhood Area (Central Bedfordshire) was designated on 25 April 2019, however a draft Neighbourhood Plan has not been prepared at the time of writing.</p> | <p><b>The Council provided a response to this question in REP4-112.</b><br/> <b>It is replicated and extended upon here:</b></p> <p>The Council is of the opinion that full weight should be given to the following documents that are relevant to the development:<br/>           Edlesborough Neighbourhood Plan (Made 2017)</p> <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/Edlesborough_NP_Referendum_Version_X2fA4P2.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/Edlesborough_NP_Referendum_Version_X2fA4P2.pdf</a></p> <p>Wingrave with Rowsham Neighbourhood Plan (Made 2016)</p> <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/Wingrave_NP_REFERENDUM_VERSION_5S0IL3z.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/Wingrave_NP_REFERENDUM_VERSION_5S0IL3z.pdf</a></p> <p>Pitstone Neighbourhood Plan (Made 2016)<br/>           - Paragraph 2.6 states that within the top 3 issues which need attention within the transport topic are the issues of traffic congestion, an HGV diversion/ban and the lack of public transport.</p> <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/pnp_referendum_edition_23_jan_2016-1_QW9tNsv.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/pnp_referendum_edition_23_jan_2016-1_QW9tNsv.pdf</a></p> <p>Ivinghoe Neighbourhood Plan (Made 2018)<br/>           - <b>TRA2: Developer contribution to highway safety and parking</b><br/>           All development (other than householder) which generates additional traffic will be expected to contribute proportionately to improved safety and parking through agreement with the Highways Authority and Parish Council. In Ivinghoe, this should comprise traffic calming measures, the provision of safe crossing points and additional off-street parking spaces. In Ivinghoe Aston this should comprise traffic calming measures and the provision of safe crossing points. (Para 5.6.4)</p> | <p>Similar to the response to the Hertfordshire authorities, as none of these Neighbourhood Plans fall within the area of the Order Limits, they are, at most, of limited relevance or importance and, accordingly, these were not further considered within the <b>Planning Statement [AS-122]</b>.</p> <p>Indeed, it is noted that all of these Neighbourhood Plan areas are located a considerable distance from the Proposed Development.</p> |

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|         |  | <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/IPNP_Referendum_Version_Final-accessible.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/IPNP_Referendum_Version_Final-accessible.pdf</a></p> <p>Slapton Neighbourhood Plan (Made 2018)<br/>- Paragraph 2.32 stresses the lack of public transport provision within the area.</p> <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/Slapton_NDP_Plan__Policies_Maps_IF7MYc4.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/Slapton_NDP_Plan__Policies_Maps_IF7MYc4.pdf</a></p> <p>Cheddington Neighbourhood Plan (Made 2015)<br/>- <b>Policy 5: Southend Hill and Westend Hill Heritage Asset &amp; Special Landscape</b><br/>The Neighbourhood Plan defines land at Southend and Westend Hills, as shown on the Policies Map, as a non-designated heritage asset and as a landscape of special value. Development proposals in this area should respect the landscape character. Development that adversely affects this character will not be permitted unless appropriate mitigation measures can be secured.</p> <p><a href="https://buckinghamshire-govuk.s3.amazonaws.com/documents/Cheddington_NP_Final_Version_Post_Examiner_14.08.15_xx17fYt.pdf">https://buckinghamshire-govuk.s3.amazonaws.com/documents/Cheddington_NP_Final_Version_Post_Examiner_14.08.15_xx17fYt.pdf</a></p> <p>If required, full copies can be sent separately.<br/>There are no relevant emerging Neighbourhood Plans.</p> |   |
| BCG.1.3 | <p><b>Question:</b><br/><b>Central Government Policy and Guidance</b><br/>Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application</p> <p><b>Applicant Response:</b><br/>The Applicant notes that this question is directed to both the Applicant and Interested Parties.</p> <p>The Applicant is not aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application for development consent that have occurred since it was</p> | <p><b>The Council provided a response to this question in REP4-112.</b><br/><b>It is replicated here:</b></p> <p>The National Planning Policy Framework was updated in September 2023. The Council has not identified any specific changes of direct relevance to airport development, but notes that the update includes a number of amendments made under heading 14- 'Meeting the challenge of climate change, flooding and coastal change' that may have indirect relevance, including the policy that development should be planned in ways that 'can help to reduce greenhouse gas emissions' (NPPF, para 154.b). Therefore, as a minimum this should be captured in the Applicant's Errata Report, with the onus on the Applicant to</p>  | <p>The Applicant has no further comments to add to its previous response.</p> |

| PINS ID | Question / Luton Rising Response  | Buckinghamshire Council Comment at D5   | Luton Rising Response at D6  |
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|         | <p>submitted, except for the Overarching Noise Policy Statement for which the Applicant has provided a detailed response [REP1-012] at Deadline 1.</p>  | <p>consider wider implications for the proposed development that should also be applied to the wider DCO application.</p> <p>The Zero Emission Vehicle Mandate will require vehicle manufacturers to sell a rising proportion of electric vehicles before the 2035 ban on conventional petrol and diesel Updated legislation on the selling of petrol and diesel vehicles comes into force. The Applicant should consider any implications of the mandate and the Government's pushing back of the ban on new petrol and diesel cars to 2035 on the Environmental Statement (ES) and its conclusions.</p> |  |
| BCG.1.6 | <p><b>Question:</b><br/> <b>Airspace Change Process (ACP)</b><br/>                     Provide an update on the status of the ACP, the timeline for implementation and explain whether this has any implications for the application.</p> <p><b>Response:</b><br/>                     The Applicant notes that this question is directed to both the Applicant and the CAA.</p> <p>The Applicant's response is that the airspace change effected to the arrival routes to London Luton Airport, known as AD6, has been implemented and is subject to post implementation review by the CAA.</p> <p>In terms of the broader airspace change as part of the overall airspace modernisation programme for the South East of England (known as FASI-S), the specific London Luton Airport change proposals are at Stage 3a of CAP 1616 airspace change process, having Stage 2 gateway in March 2022. Stage 1 involves assessing the requirement and determining the design principles, Stage 2 involves the development and appraisal of options. Stage 3a is preparation for consultation.</p> <p>This stage is currently on hold as the airport is required to wait until the other airports with whom its airspace interacts, Stansted, RAF Northolt, London City and Heathrow, have also reached this stage so that any interactions can be identified and shown for consultation on a combined basis. This is awaiting Heathrow to pass the Stage 2 gateway of the process and this is anticipated to be by the end of October 2023. The process of coordinating interactions is being led by the Airspace Change Coordinating Group (ACOG).</p> | <p>The Council has no comments relating specifically to the Applicant's conclusions relating to GHG emissions.</p> <p>The Council has previously commented on the need to consider the interaction of the FASI-S with noise impacts. The Council considers that its communities and the Chilterns AONB could benefit from changes, or conversely, be adversely affected. This is one of the reasons the Council wishes to be part of the green controlled growth scrutiny process.</p>  | <p>Noted. The Applicant recognises the potential for airspace change to give rise to variation in the impacts across the Chilterns Area of Outstanding Natural Beauty (AONB) but, as made clear by the CAA in response to WQ BCG1.6 [REP4-125], the FASI-S airspace change for London Luton Airport is part of a broader cluster of airspace change proposals across a number of airports, the details of which are not yet known in sufficient detail to enable the impacts on the Chilterns AONB to be modelled.</p> |

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|  | <p>The overall process and timelines for the airspace change process is set out in the ACOG masterplan and an update of this is expected by the end of the year. As set out in <b>REP1- 028</b>, the Applicant considers the airspace change process to be separate from the DCO process, albeit there are expected to be environmental benefits from the realisation of airspace modernisation.</p>  |  |   |
| <b>REP-055. 8.69 Applicant's response to Written Questions – Climate Change and Greenhouse Gas Emissions</b> |   |  |   |
| CC.1.1   | <p><b>Question to the Applicant:</b><br/> <b>Greenhouse Gas (GHG) Action Plan</b><br/>           Explain what these dates associated with implementation of aviation mitigation measures in the GHG Action Plan [APP-081, Table 3] are based on. If these are an estimate, discuss if these should be included in the sensitivity analysis and, if so, update the assessment accordingly.</p> <p><b>Applicant Response:</b><br/>           The dates in Table 3 of the <b>GHG Action Plan [APP-081]</b> are based on discussion between the Applicant and the current Airport Operator (LLAOL), these are partly based on existing plans and the requirements and the timescales of the Proposed Development.</p> <p>These are therefore not considered to be an estimate but based on operational requirements. The nature of these measures means that any variation in these dates would not have a material impact on the outcome of the GHG assessment, <b>Chapter 12 of the ES [REP3-007]</b> as such sensitivity analysis is not required.</p> | <p>The Council remains of the opinion that the Applicant has not conducted sufficient sensitivity analyses. The Council has considered this response and has no further comments to make.</p>  | <p>Noted. This point was addressed at ISH8 – see the Applicant's post hearing note submitted at Deadline 6 <b>[TR020001/APP/8.135]</b>.</p>   |
| CC.1.2   | <p><b>Question to the Applicant:</b><br/> <b>GHG Action Plan</b><br/>           Tables 3 and 5 of the <b>GHG Action Plan [APP-081]</b> uses phrases such as 'encourage', 'may include', 'seek to implement'. How would these proposals be measured and enforced? How much weight should be given to the likelihood of their delivery?</p> <p><b>Applicant Response:</b><br/>           In the case of emissions from aviation these are controlled by government policy. For example, following a second consultation which finished in June 2023 the Government is finalising the UK sustainable aviation mandate. This consultation was to build on the existing commitment made in 2022 to introduce a SAF mandate in 2025 requiring at least 10% of jet fuel to be made from sustainable feedstocks by 2030. It is not within the control of the airport to enforce airlines to use sustainable aviation fuels or use more efficient aircraft.</p>  | <p>The Council is in agreement with the ExA insofar as the phrases selected do not lend themselves to measurement or enforcement. The Council does not consider that the Applicant's response addresses the question – no further comment can be made.</p> | <p>Noted. It is important that the Applicant and airport operator work together to create an environment in which carbon reduction measures implemented by others are supported and facilitated. The Applicant acknowledges that indirect enabling actions like these are more challenging to enforce or measure, but notes that they have an important role to play alongside actions that may lead directly to carbon emissions reductions.</p> |



| PINS ID | Question / Luton Rising Response  | Buckinghamshire Council Comment at D5  | Luton Rising Response at D6   |
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|         | <p>The Applicant will however play a part in facilitating government policy through the provision of sustainable aviation fuels and through operating policy that will incentivise more efficient aircraft.</p> <p>The Applicant notes that measures which could be implemented by the Airport Operator for example electric towing, are not reflected in the methodology used to calculate emissions from aviation i.e., the European Monitoring and Evaluation Programme/European Environment Agency (EMEP/EEA) Calculator. As a result, should the suggested measures to mitigate emissions during LTO not be implemented, this would have no bearing on the GHG emissions reported in <b>Chapter 12 Greenhouse Gases of the ES [REP3-007]</b>.</p> <p>For GHG emissions from airport operations and surface access journeys Green Controlled Growth will provide a control mechanism.</p> <p>The GCG mechanism provides additional certainty that GHG emissions from airport operations and surface access journeys will not be exceed irrespective of performance of mitigation measures. The surface access model makes assumption based on a transition from petrol/diesel cars to EVs so any measures to implement emissions based car parking would not have any impact on the GHG emissions figures reported.</p> |  |   |
| CC.1.8  | <p><b>Question to the Applicant:</b><br/> <b>Surface access journeys</b><br/>                     Emissions from surface access journeys have been compared against the entire United Kingdom (UK) carbon budget in Chapter 12 of the ES [APP-038, Section 12.5.47]. Are there any other measures that the operational emissions should be compared against, such as national and local policies or 'area-based targets'? Include consideration of Luton Borough Council's 'Net Zero Climate Policy and Action Plan' submitted at D3 [REP3-100].</p> <p><b>Applicant Response:</b><br/>                     National Carbon Budgets are the only legally binding carbon budget. It is therefore assumed to be appropriate to test the significance of the impact of GHG emissions from surface access journeys against the national budgets. It is not possible to definitively allocate any surface access emissions to a particular local authority area.</p>   | <p>This response has been reviewed. The Council notes the Applicant's acknowledgement that surface access journeys from beyond Luton Borough make up a significant proportion of emissions – this is interesting to note in the context of the Applicant's other points regarding low impacts from some of the longer distance travel.</p> | <p>The previous response provided states that '<i>a significant proportion of emissions from surface access journeys arise outside of the Borough of Luton and therefore do not sit within the boundary of the local carbon budget</i>', not a significant proportion of overall emissions.</p> |

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|  | <p>Furthermore, a significant proportion of emissions from surface access journeys arise outside of the Borough of Luton and therefore do not sit within the boundary of the local carbon budget.</p>  |  |   |
| <b>REP-057. 8.71 Applicant's response to Written Questions – Draft Development Consent Order</b> |  |  |   |
| DCO.1.14   | <p><b>Question:</b><br/> <b>Requirement 18 – Interpretation</b><br/>           To improve precision should the interpretation of Level 2 Plan (b) have 'including timescales' inserted after implementation ie 'the proposed programme for the implementation including timescales'? Mitigation Plan (a) includes the phrase 'as soon as reasonably practicable' how does this meet the test for precision and enforceability? Slot regulations are defined with respect to Airport Slot Allocation Regulations 2006 – does the drafting need to allow for any future variation of those regulations eg 'or successor Regulations'? Technical panel a) refers to Environmental Scrutiny Group (ESG) which isn't included in interpretations (as it's covered by Requirement 20) but should this be in full? And for precision after ESG should 'as set out in the terms of reference' be included?</p> <p><b>Applicant Response:</b><br/>           In relation to the inclusion of 'including timescales' in the definition of the Level 2 Plan, the Applicant considers that the use of "programme" is sufficiently clear to include the timescales associated with the measures sought to be secured in a Level 2 Plan. A "programme" would include the proposed schedule or sequencing of such measures. In line with the Office for Parliamentary Counsel drafting guidance (June 2020), the Applicant has not used more words than necessary for the dDCO as a proposed piece of secondary legislation. In relation to the use of 'as soon as reasonably practicable', the Applicant considers the phrase is also sufficiently precise. First, it is a phrase which is commonly used in a legal context in a number of contexts. For example, the Court of Appeal (in its judgment in <i>Edwards v. National Coal Board</i>, [1949] 1 All ER 743) held that "<i>Reasonably practicable</i> is a narrower term than 'physically possible' ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the risk being</p> | <p>Buckinghamshire Council supports the comments of the Host Authorities on this matter.</p> | <p>The Applicant notes Buckinghamshire Council's position but is of the view that the concerns raised have already been addressed in its response to Questions DCO.1.1.4 as set out in column 2. The Applicant also notes that due to subsequent drafting changes to the draft DCO, the requirement referred to is now Requirement 17 rather than 18.</p> |

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|          | <p><i>insignificant in relation to the sacrifice – the defendants discharge the onus on them</i>". Second, even leaving aside the considerable judicial treatment of the phrase and notwithstanding the unique context of the GCG Framework, the Applicant notes its use is well precedented in the context of DCOs (the phrase is used 35 times in the Norfolk Boreas Offshore Wind Farm Order 2021 and 29 times in the Norfolk Vanguard Development Consent Order 2022). Finally, the Applicant would note that the phrase is used in relation to the timescales for achieving an avoidance or prevention of an exceedance of a Limit, and it does not require only measures which are themselves reasonably practicable. This is important as it shows that the judgment to be applied is to the programme, not to the measures per se, thereby limiting the scope of the phrase. In relation to both of these matters (i.e., the programme and the use of 'as soon as reasonably practicable), the Applicant wishes to emphasise that given the Leve 2 Plan (as well as the Mitigation Plan) is required to be approved by the ESG (or determined via an appeal to the Secretary of State), there are sufficient safeguards in place to ensure that the measures and any associated timescales are appropriate and not subject to the unilateral determination of the Applicant (and/or the operator).</p> <p>In relation to the definition of the slots regulations, the Applicant would highlight section 17(2) of the Interpretation Act 1978 which provides "(2) Where an Act repeals and re-enacts, with or without modification, a previous enactment then, unless the contrary intention appears.. (a) any reference in any other enactment to the enactment so repealed shall be construed as a reference to the provision re-enacted" and section 20(2) which provides "Where an Act refers to an enactment, the reference, unless the contrary intention appears, is a reference to that enactment as amended". It is noted that these provisions refer to an "Act" rather than subordinate legislation (such as the Draft DCO if made) but these provisions are applied to subordinate legislation under section 23(1) of the Interpretation Act 1978. In light of these provisions, the Applicant does not consider a reference to "or successor regulations" necessary.</p> |   |   |
| DCO.1.15 | <p><b>Question:</b><br/> <b>Requirement 20 - Environmental Scrutiny Group Paragraph 2</b><br/> <b>Applicant:</b> A number of organisations have raised concerns about the appointment of the independent chairperson and independent aviation specialist, the</p>  | <p><b>At REP4-112 the Council stated:</b><br/> It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council concurs that this responsibility should fall to the ESG, in order to ensure the technical panels remain independent and objective.</p> | <p>The Applicant considers that the appointment of members to the technical panel constitutes an independent and objective process and maintains its position as stated in response to Question DCO.1.1.5 as set out in column 2.</p> |

| PINS ID  | Question / Luton Rising Response  | Buckinghamshire Council Comment at D5   | Luton Rising Response at D6   |
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|          | <p>concern being that, whilst their appointment would need to be approved by the Secretary of State, their selection would be by Luton Borough Council in consultation with the airport operator – what do you think could be done to alleviate these concerns?</p> <p><b>Paragraph 6</b><br/> <b>Everyone:</b> As currently drafted the undertaker would be responsible for establishing the technical panels. Should this be the ESG? If not, why not?</p> <p><b>Applicant Response:</b><br/> The Applicant would note that there is a distinction between the processes for the 'first' appointment of the independent chairperson, and independent aviation specialist, and their appointment following the establishment of the ESG. In relation to the latter, the <b>Terms of Reference [REP3-019]</b> set out that "the airport operator will, following consultation with the other members of ESG (including the outgoing member(s) where appropriate), submit a recommendation to the Secretary of State of suitable candidates for the relevant role as soon as reasonably practicable". This simply reflects the fact that the processes for establishing the ESG, as well as ensuring the first appointments, would necessarily occur prior to the first appointment. The Applicant considers these arrangements appropriate given Luton Borough Council (LBC) is distinct from the Applicant, and as a public authority, would have to ensure its powers were exercised reasonably and properly. As explained in <b>[REP1-018]</b>, The decision-making statutory function of a Local Planning Authority on planning matters is always totally separate from a Council's other functions and as such, within LBC, the roles and responsibilities of the Local Planning Authority are carried out as a wholly separate function. The separation, distinct persons and functions set out in that document would apply in this context. The fact that the Secretary of State has to approve the appointment provides further assurance in this context as the Secretary of State, who is capable of being judicially reviewed, would have to ensure its decision is reasonable, rational and procedurally fair.</p> | <p>The Applicant's subsequent response does not change this position.</p>   | <p>Within the <b>Green Controlled Growth Framework Appendix A - Draft Technical Panels Terms of Reference [REP5-026]</b>, at Paragraph B2.1.1, it is stated the independent technical expert that chairs the technical panel will be appointed by the chairperson of the Environmental Scrutiny Group (ESG). As stated at Paragraph B2.1.9 of the same document, this independent technical expert will consequently be responsible for determining whether other members of the technical panel are suitably qualified for their role. Disputes regarding a proposed decision to approve the technical officer's nomination to the Technical Panel will be determined by the chairperson of the ESG.</p> |
| DCO.1.16 | <p><b>Question:</b><br/> <b>Requirement 23- Exceedance of Level 2 threshold Paragraph 2</b></p> <p><b>Applicant:</b> As drafted this refers to the ESG certifying that a Level 2 threshold has been exceeded. Given the ESG is</p>  | <p><b>At REP4-112 the Council stated:</b><br/> It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council is of the opinion that this timeframe may take longer than 21 days, especially where consultation with bodies takes place. The</p> | <p>The Applicant has considered the point raised in relation to Requirement 23, paragraphs 4 and 6 (now Requirement 22, paragraphs 5 and 7 due to subsequent dDCO updates).</p>   |

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|          | <p>not a regulatory body, can it certify this or should it be 'confirmed in writing'?</p> <p><b>Paragraphs 4 and 6</b><br/>Sets out that the ESG have 21 days to approve or refuse a plan, otherwise it is a deemed consent. Unlike other requirements this does not include the 'unless otherwise agreed in writing' tailpiece so, as drafted, there is no flexibility to extend the timescale by agreement – is this reasonable and is the 21 day timeframe appropriate? If not, why not and what timeframe would be appropriate?</p> <p><b>Applicant Response:</b></p> <p>In relation to paragraph 2, the Applicant does not consider the use of the phrase 'certify' is confined to regulatory bodies. The Applicant would note that the term 'certify' is used in relation to organisations and bodies which are not regulatory bodies in others DCOs (see, for example, paragraph 4 of Part 4 of Schedule 12 to the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 as well as the Dogger Bank Teesside A and B Offshore Wind Farm Order 2015).</p> <p>In relation to paragraphs 4, and 6, the Applicant is considering the matter further for Deadline 5, alongside other amendments being considered for the GCG regime.</p> | <p>Council suggest that 'unless otherwise agreed in writing' should be added.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>   | <p>The Applicant has made changes to this requirement to extend the timescales for the ESG to approve a Level 2 Plan (and Mitigation Plan) from 21 to 28 days. This has been achieved by reducing the amount of time that the airport operator has to prepare and submit a Level 2 Plan following submission of a Monitoring Report showing the exceedance of a Level 2 Threshold.</p> <p>The time period for the preparation of a Plan, and the approval of said plan by ESG, is constrained by the timing of the reporting of monitoring results and the need to have an approved plan in place prior to the airport capacity declaration. As a result, the overall timescales for preparation and approval of a Level 2 Plan cannot extend beyond the current proposal as this would result in the Green Controlled Growth (GCG) timescales extending beyond the September deadline for the airport to declare its capacity for the following summer season and would therefore not be workable. The Applicant considers that the 28 day period is an appropriate and reasonable time period within which for the ESG to make a decision.</p> |
| DCO.1.19 | <p><b>Question:</b><br/><b>Requirement 39 – Application of Part 8 of the Planning Act 2008</b></p> <p>1. As currently drafted, this would appear to seek to limit the requests for enforcement action to the two scenarios listed in the requirement. Is this appropriate?</p> <p>2. As currently drafted, there is no right of appeal against a situation where a request for enforcement action has been declined. Should there be and should this be dealt with by Article 52 (arbitration) or should the appeal be to the Secretary of State?</p> <p><b>Response:</b><br/>Whilst recognising that this question is directed to the Joint Host Authorities, the Applicant wishes to make the following remarks.</p> <p>In relation to both of these questions regarding Part 8 of the Planning Act 2008, the Applicant wishes to emphasise that these provisions do not modify or otherwise affect the application of the enforcement regime under the Planning</p>   | <p><b>At REP4-112 the Council stated:</b><br/>The Council is of the opinion that there should be a right of appeal where a request for enforcement action has been declined. Without this, there is no other recourse to escalate these issues, should they arise. This should be dealt with through an appeal to the Secretary of State, as arbitration is not an appropriate vehicle for such disputes.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p> | <p>The Applicant notes Buckinghamshire Council's position but is of the view that the concerns raised have already been addressed in its response to Question DCO.1.1.9 as set out in column 2. The Applicant also notes that due to subsequent drafting changes to the draft DCO, the requirement referred to is now Requirement 40 rather than 39.</p>   |

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|         | <p>Act 2008. Instead, they supplement that regime by adding a process around enforcement action which may be considered or brought by LBC. The Applicant would note that the statutory enforcement provisions – deemed appropriate by Parliament, and which apply to all DCO projects – would apply to the Proposed Development (should development consent be granted). Those provisions bestow enforcement functions on local authorities and allow relevant local planning authorities to bring enforcement action. The Applicant would further note that given section 160/161 are criminal offences, any person would be able to bring a private prosecution in relation to a breach of the DCO. The extant and applicable statutory enforcement regime therefore is not limited to the two scenarios, and in that context the Proposed Development is no different to any other DCO project.</p> <p>Paragraph 39 seeks to provide supplemental and explicit transparency, over and above the established statutory enforcement regime, around the process for LBC bringing enforcement actions to provide assurance that such matters will be considered appropriately. The two scenarios highlighted have been selected because they are the fundamental and critical parts of the GCG regime: monitoring, and the implementation of the plans which are designed to prevent or avoid exceedances of Limits. Given the criticality of these issues to the operation of the GCG Framework, the need to balance the additional administrative burden placed on LBC under paragraph 39 (and in particular, the requirement to produce a written account), and the continued operation of the statutory enforcement regime, the use of the two scenarios in requirement 39 is considered to be proportionate, and appropriate.</p> <p>In relation to the latter question, the Applicant does not consider arbitration or an appeal to be appropriate in those circumstances. LBC, as a public authority, is amenable to judicial review and it is considered that route is the appropriate route for any challenge to its decision not to bring enforcement action. In this context, the failure to bring enforcement action would be no different from any other local authority failing to bring such action under the existing statutory regime. In addition, it is not considered appropriate for a decision on enforcement action, granted to local authorities under the Planning Act 2008, to be made by an arbitrator (a private individual).</p> |                                       |                             |

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| DCO.1.20 | <p><b>Question:</b><br/><b>Phasing</b><br/>Many of the requirements refer to 'no part of the authorised development may commence until a...for the construction of that part has been submitted to...'. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced.</p> <p>In order to manage the discharge of requirements and to ensure certain elements of the scheme don't come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting.</p> <p><b>Applicant Response:</b><br/>The Applicant notes that this question was directed to the Joint Host Authorities but confirms it has included substantial revised drafting in Schedule 2 to respond to the ExA's questions on phasing. The Applicant notes that the <b>Scheme Layout Plans [AS-072]</b> already serve as the "masterplan" for the works authorised by the Draft DCO, and therefore it is not necessary to replicate the creation of these plans. Instead, revised paragraph 5 ("<i>Detailed design, phasing and implementation</i>") references the Scheme Layout Plans (now certified by Schedule 9) and sets out the detailed information that would be required for an application under that paragraph to provide sufficient clarity to the relevant planning authorities as to the scope / phase of works contained in the application, and how they relate to the Scheme Layout Plans and any DCO works previously authorised. Provision has also been made regarding the programming of works, notice of the start and conclusion of the phase of works, and the effect of those works on airport capacity.</p> <p>Provision has been made for a Register of Requirements (new paragraph 36 – see ExQ DCO 1.22 below) so that a public record of approved works is maintained. Lastly, it should be noted that existing paragraph 35 permits the relevant planning authority to request further information before discharging a requirement. It is envisaged that the detailed design discharging process would, in practice, be a collaborative exercise as between the undertaker and the relevant planning authority.</p> | <p><b>At REP4-112 the Council stated:</b><br/>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council considers that details of phasing of works are important not just for the joint host authorities, but also in order to understand construction works impacts to Buckinghamshire Authority and should therefore be necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures.</p> <p>The Council suggests the use of wording along the lines of the following:</p> <p><i>No part of the authorised development shall commence until a phasing plan outlining the timed provision of the proposed works has been submitted to.... And approved in writing.</i></p> <p><i>No part of the authorised development shall commence until a fixed masterplan depicting the proposed works has been submitted to.... And approved in writing.</i></p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p> | <p>The Applicant notes Buckinghamshire Council's position but is of the view that the concerns raised have already been addressed in its response to Question DCO.1.2.0 as set out in column 2. The Applicant also notes that due to subsequent drafting changes to the draft DCO, paragraphs 35 and 36 referred to in that response are now paragraphs 36 and 37.</p> |
| DCO.1.21 | <p><b>Question:</b><br/><b>Decommissioning</b></p>  | <p><b>At REP4-112 the Council stated:</b><br/>It is acknowledged that this question is not posed directly to</p>   | <p>Noted. The Applicant's position remains as stated in its original response.</p>   |

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|          | <p>Should the draft DCO include a requirement to deal with decommissioning? If not, why not? If it should, provide suitable drafting, and, given the duration of the Proposed Development, consider whether the drafting would need to include a requirement for an assessment of the impacts of decommissioning?</p> <p><b>Applicant Response:</b><br/>                     Due to the operational lifecycle of the Proposed Development, being permanent, reliance cannot be placed on a requirement to decommission on an unknown date far into the future, and no assessment could meaningfully be undertaken. Additionally, it is considered that the site will not be undertaking activities that pose a long- term risk requiring detailed decommissioning requirements.</p> <p>In the unlikely event that the airport is decommissioned in any foreseeable time horizon, the Applicant would need to secure any necessary associated permissions at that time. That can reasonably be expected to implement necessary measures, such as a Decommissioning Environmental Management Plan, taking into account the circumstances of the site and the use of best practice methods available at that time.</p> <p>This approach is precented within a number of made DCOs for schemes that have a long operational life, for example the Manston Airport Development Consent Order 2022, the East Northamptonshire Resource Management Facility Order 2023 and the A47 Wansford to Sutton Development Consent Order 2023.</p> | <p>Buckinghamshire Council. Notwithstanding this, the Council has previously commented to the effect that there is a need for the Applicant to commit to addressing future decommissioning through the inclusion of a suitably worded Requirement.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p>                          |  |
| DCO.1.22 | <p><b>Question:</b><br/>                     Register of requirements<br/>                     Given the number of proposed requirements that would require discharging, some of which would need to be discharged multiple times over an extended period of time, is a requirement that would require the undertaker to establish and maintain an electronic register of requirements that require further approvals needed? If not, why not? And if yes would the suggested drafting below be appropriate?</p> <p><b>Suggested Drafting:</b><br/>                     (1) The undertaker must, as soon as practicable following the making of the Order, establish and maintain in an electronic form suitable for inspection by members of the public, the joint host authorities and other interested bodies a register of those requirements contained within Part 1 of this schedule that provide for</p>  | <p><b>At REP4-112 the Council stated:</b><br/>                     It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to endorse the draft wording of an electronic register requirement.</p> <p>The Council has no further comments to make on the Applicant's subsequent response.</p> | <p>Noted. The Applicant would also like to clarify that due to subsequent drafting changes to the draft DCO, requirement 36 referred to in column 2 is now requirement 37.</p> |



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

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| <b>REP4-058. 8.72 Applicant's response to Written Questions – Green Controlled Growth</b> |  |   |  |
| GCG.1.1   | <p><b>Question:</b><br/> <b>GCG – ESG/ GCG process</b><br/>           Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].</p> <p><b>Response:</b> The Applicant does not believe it is necessary for the ESG to be established at the point at which notice under Article 44(1) is served as the processes undertaken by the ESG are not triggered until submission of the first Monitoring Report. In addition, establishment of the ESG requires actions to be undertaken by third parties which the Applicant does not have direct control over. As set out in the <b>Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86]</b>.</p> <p>Notwithstanding this, the Applicant is considering changes to the <b>Draft Development Consent Order [REP3-003]</b> to be made at Deadline 5 that would require the ESG to be established as soon as is reasonably practicable.</p> <p>In respect of the processes undertaken by the ESG, Section 2.4 of the <b>Green Controlled Growth Explanatory Note [REP3-015]</b> sets out the proposals for independent scrutiny and review of the GCG process, including the role of the ESG. Paragraph 2.4.2 sets out the powers of the ESG, enshrined in the Terms of Reference included within the <b>Green Controlled Growth Framework Appendix A Draft ESG REP3-019</b>. These are:</p> <ul style="list-style-type: none"> <li>a. Providing commentary on periodic Monitoring Reports produced by the airport operator (see Section 2.3) following reviews by the relevant Technical Panels;</li> <li>b. Approving or refusing Level 2 Plans or Mitigation Plans put forward as required by the airport operator if any GCG environmental effect has exceeded a Level 2 Threshold or Limit respectively (see Section 2.2);</li> <li>c. Where the airport operator can demonstrate that this is the case, certifying that an exceedance of a Level 2 Threshold or Limit is due to circumstances beyond the operator's control;</li> <li>d. Forum for consideration of statutory enforcement representations;</li> </ul> | <p>The ESG is a new body and will need time to establish and become effective. The Council is of the view that it should be set up from, or before, the point of serving notice under Article 44 of the DCO (REP4-003/004).</p> | <p>Noted. The Applicant has made changes at Deadline 5 to the drafting of the <b>Development Consent Order [REP5-003]</b>. Requirement 19 now states that the undertaker must establish the ESG as soon as reasonably practicable following service of the notice under article 44(1).</p> <p>Considering that all functions of the ESG are triggered by the submission of the first Monitoring Report by the airport operator, the Applicant believes that this provides an appropriate amount of time for the establishment of the body.</p> |

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|         | <p>e. Mutually agreeing to modifications to the Terms of Reference included at Appendices A and B and Monitoring Plans included at Appendices C to F of the <b>Green Controlled Growth Framework [REP3-017]</b> and;</p> <p>f. Approving or refusing applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits, as allowed for under Paragraph 25 of Schedule 2 to the <b>Draft Development Consent Order [REP3-003]</b>.</p> <p>The ESG Terms of Reference set out in more detail how the ESG would exercise these powers (Section A4, 'Operating Powers'). Crucially, all of the routine procedures that the ESG is required to undertake are triggered by the submission of a Monitoring Report by the airport operator. Where the ESG is required to undertake other more ad hoc procedures, for example taking action in relation to a potential breach of the DCO or in response to a periodic review of GCG by the airport operator, these could not be triggered until after submission of the first Monitoring Report. In this context, the requirement for the ESG to be established a minimum of 56 days ahead of the planned submission of the first Monitoring Report by the airport operator is appropriate. Were the ESG to be established on or before the point which notice is served under Article 44(1) of the draft DCO, it would not be required to undertake any actions until the point that the first Monitoring Report is submitted.</p> |  |  |
| GCG.1.2 | <p><b>Question:</b><br/> <b>GCG – Fixed noise monitoring</b><br/>                     [REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise monitoring stations in line with 'ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports' and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was 'necessary' and the provisional programme for agreeing locations for additional permanent noise monitors.</p> <p><b>Applicant Response:</b> The airport operator's current noise monitoring terminals provide sufficient information to be able to accurately calibrate the noise modelling and comply with the modelling requirements of the Civil Aviation Authority's CAP2091 (Ref 1). Triggers for</p>  | <p>The Council requests a permanent noise monitor be installed near Ivinghoe under the flight path. This would help calibrate the model at the margin of the predicted night time LOAEL.</p> | <p>The Applicant notes the Council's request but does not agree that an additional noise monitor in the requested location is necessary at this stage given that the current position and number of noise monitors is compliant with relevant CAA guidance (Ref 1). The Applicant has set out the process which the airport operator will follow when reviewing and considering locations for new permanent noise monitors in the response to the referenced Written Question and in the <b>Aircraft Noise Monitoring Plan [REP5-028]</b>.</p> |

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|         | <p>reviewing existing noise monitoring terminals are therefore likely to be, but would not be limited to:</p> <ul style="list-style-type: none"> <li>• Updates to the CAA CAP2091 guidance, or publication of further noise modelling or noise monitoring guidance from the CAA</li> <li>• If the CAP2091 noise modelling category for London Luton Airport were to change to a category that requires additional noise monitors to be installed</li> <li>• An implemented airspace change which moves flightpaths such that the existing noise monitoring terminals were no longer relevant</li> <li>• Ongoing review of the noise monitoring terminals as part of the Noise and Track Subcommittee</li> <li>• Ongoing review of the noise monitoring terminals as part of any update to Noise Action Plans</li> </ul> <p>The principle criteria for the requirement for new noise monitoring terminals as part of such a review would be if they were required to meet the minimum standards of noise monitoring terminals with respect to validation of aircraft noise modelling as per CAP2091.</p> <p>With regards to the provisional programmes, should any of the reviews described above result in the identification of additional noise monitoring terminals it is worth noting the following:</p> <ul style="list-style-type: none"> <li>• flight paths generally overfly the least populated areas where possible, therefore the best places for noise monitors are usually in rural locations and fields;</li> <li>• landowner consent must be sought for access and permission to install noise monitors on private land and contract negotiations can be time consuming;</li> <li>• fixed noise monitors require a continuous power source, which usually requires digging up some of the land to install the cabling, the timing of which can be affected by crop harvesting given monitors are frequently installed in fields; and</li> <li>• installation also requires concreting the equipment into the ground (to ensure it is fixed and theft resistant).</li> </ul> <p>For the additional noise monitoring terminals that are already committed to in paragraph C4.2.3 of the <b>Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-</b></p> |                                       |                             |

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|         | <p><b>023]</b> it would not be proportionate to seek to install these before the conclusion of the current ongoing airspace change proposal. Given the process for securing a new monitoring terminal location described above, any new terminals may only be in place for a very short amount of time (between the DCO being implemented, and the process described above being completed) before needing to be moved again once the airspace change process is concluded. It is therefore proposed that the location of these new monitoring terminals would be discussed with the Noise and Track Subcommittee and agreed with the GCG Noise Technical Panel in line with the program for the airspace change and that all reasonably practicable efforts will be made (subject to achieving landowner consent) to install these new monitors within 18 months of the conclusion of the airspace change process.</p> <p>Updates to the <b>Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023]</b> will be made at Deadline 5 to clarify these points.</p>  |  |   |
| GCG.1.3 | <p><b>Question:</b><br/> <b>GCG – controls on early/ late flights</b><br/>                     The ExA welcomes the Applicant's proposal in Noise Envelope – improvements and worked example [REP2-032], that early/late running flights would not be dispensed from the noise contour calculations. Can the Applicant explain what measures would be taken to avoid or minimise late running flights?</p> <p><b>Response:</b> Clearly, by their nature, late running flights are difficult to control as the external factors that cause these can be varied, such as air traffic control delays, aircraft having technical issues, weather and other operational factors. It needs to be borne in mind that failing to accommodate such delayed movements would lead to substantial inconvenience to passengers, e.g. through aircraft having to divert to an alternative airport, or major operational disruption if an aircraft was unable to return to its operating base at the airport and so was unable to undertake the following day's flights.</p> <p>The use of a 5% allowance on top of the expected scheduled movements in the night period, as indicated in Para 6.6.61 of the <b>Need Case Revision 1 [AS-125]</b> is based on historic data from the airport when operating normal patterns of traffic (i.e. before COVID disruption). This data shows late running flights made up between 1% and 5% of movements in the night periods</p> | <p>Should late running flights exceed the 5% contingency, the Council expects (following the green controlled growth process) that this figure would be increased.</p> | <p>The 5% contingency for late flights is included solely for the purpose of calculating the expected future noise contours. The choice of 5% was based on past experience pre-pandemic (see paragraph 6.6.15 of the <b>Need Case [AS-125]</b>). Such delayed flights would be included within the future noise contours used for GCG monitoring unless otherwise covered by dispensations, see paragraph C4.1.5 of the <b>Aircraft Noise Monitoring Plan [REP5-028]</b>.</p> |

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|          | <p>and therefore the choice of 5% was selected to provide for the likely worst-case scenario given that most years operate below this. If a lower (than 5%) delay factor had been included, this would have allowed the Applicant to increase the number of scheduled movements in the night periods and the night noise contour assessments would have given a similar answer. However, as there is less ability to control late running flights the use of a lower delay factor was not deemed sensible by the Applicant. In light of this, there are no measures that can feasibly be taken, but protection is added by the inclusion of the aforementioned 5% as part of the overall process.</p>   |   |  |
| GCG.1.11 | <p><b>Question:</b><br/> <b>GCG framework – Revision of limits and thresholds in light of changing legal limits</b><br/>           Explain the circumstances in which it would be acceptable for the operational controls under the GCG framework [REP3-017] not to align with new UK legal limits (or interim targets) as stated in <b>paragraph 4.4.2</b> and why new pollutants should be excluded from consideration as stated in <b>paragraph 4.4.1</b>.</p> <p><b>Response:</b> Please see response to Issue Specific Hearing 5 (ISH5) Action 18 provided in <b>Applicant's Response to the Examining Authority's Deadline 4 Hearing Actions [TR020001/APP/8.84]</b> with regards to the need for the alignment of GCG Limits with new UK legal limits. As set out in that paper, the key distinction is whether any future changes to legislation must automatically be transposed into GCG, such that they would automatically be linked to controls on growth of the airport, rather than the need to comply with any new legislative requirements independently from GCG. Environmental assessments and consenting decisions (based on the findings of those assessments) can only be made against current and known future legislation and policy. It is not reasonable for requirements to be imposed where they would prevent the implementation of a planning consent (such as one that would require future legislation to be automatically transposed into GCG).</p> <p>Regarding the exclusion of new pollutants from GCG in future, and further to the response to ISH5 Action 16, the basis of the GGC air quality Limits is the findings of Air Quality Assessment reported in the <b>Environmental Statement Chapter 7 Air Quality Revision 1 [AS-076]</b>. The following pollutants were considered within the assessment; nitrogen dioxide</p> | <p>EIAs cannot consider every outcome and include only those assumptions about future identification of likely significant effects relevant at the time of the assessment. The validity of the environmental assessment in light of changing legal limits should be reviewed on a case-by-case basis. GCG must be flexible enough to incorporate changes.</p> | <p>The Applicant notes Buckinghamshire Council's position but is of the view that the concerns raised have already been addressed in its response to Question GCG.1.11 as set out in column 2.</p> |

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|          | <p>(NO<sub>2</sub>), particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), oxides of nitrogen (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>), with all other pollutants screened out as they are not likely to cause exceedances of their respective standards as demonstrated by local monitoring and the work carried out by the local authority, and agreed through EIA Scoping and engagement summarised in the Section 7.4 [of Chapter 7]. Of the pollutants scoped in, NO<sub>x</sub> and NH<sub>3</sub> were only included on the basis of their potential impacts on vegetation and ecosystems rather than human health, and no significant effects are predicted at ecological sites. The remaining three pollutants are therefore the ones most relevant to human health, which were consequently assessed and included as GCG air quality Limits.</p> <p>In circumstances where new UK legal limits are introduced or new pollutants brought into the legal framework it is not considered proportionate to bring those into GCG as it would require a significant re-assessment of the work carried out for the Environmental Impact Assessment (EIA) to provide the necessary evidence base. To undertake such an assessment again in the future (essentially needing to repeat the EIA) would in the Applicant's view be disproportionate and unnecessary, for the reasons set out in the response to ISH5 Action 18.</p> <p>However, without prejudice to the position set out in the response to ISH5 Action 18, as part of the mandatory review process committed to by the Applicant where new legal limits are published, consideration will be given to the need for additional measures to be included within the Operational Air Quality Plan (i.e. outside of GCG). This could, if deemed appropriate, include measures relating to other pollutants in addition to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. The Applicant is willing to make changes to the <b>Green Controlled Growth Framework [REP3-017]</b> to reflect these requirements as part of the review process, subject to further engagement on the changes with relevant stakeholders.</p> |   |   |
| GCG.1.12 | <p><b>Question:</b><br/> <b>GCG Appendix A – Draft ESG Terms of Reference [REP3-019]</b><br/> <b>Applicant:</b> Explain why the threshold for ESG being quorate in <b>paragraph A2.2.1</b> has been revised from “<i>where the independent chair and independent aviation specialist (or a substitute agreed as per paragraph A2.1.12) and at least 50% of other representatives are present</i>” to “<i>where the independent chair, independent aviation specialist and slot allocation</i>”</p>  | <p><b>At REP4-112 the Council stated:</b><br/> It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a technical panel being quorate. It is considered that this severely undermines the integrity of the technical panel's role as a representative body.<br/> This change should plainly be reversed.</p> | <p>The Applicant considers that the matter raised regarding the threshold for ESG being quorate has been addressed on Page 8 of the <b>Applicant's Response to Deadline 4 Submissions Appendix B - Dacorum Borough Council, Hertfordshire County Council &amp; North Hertfordshire Council (Response to D3 Documents) [REP5-048]</b> submitted at Deadline 5.</p> |

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|          | <p><i>expert (or a substitute agreed as per paragraph A2.1.12) are present”.</i><br/> <b>Joint Host Authorities:</b> Is this change acceptable and if not, why not?</p> <p><b>Applicant Response:</b> Following submission of the application for development consent, a critical review of the Terms of Reference for both the Environmental Scrutiny Group and Technical Panels included at <b>Green Controlled Growth Framework Appendix A Draft ESG Terms of Reference [REP3-019]</b> and <b>Green Controlled Growth Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021]</b> was carried out to ensure that the functioning of GCG could not be frustrated or otherwise unintentionally hindered by any party to the process. This review identified a risk that local authorities could nominate an officer to represent them on the ESG and Technical Panels, but that if these local authority representatives subsequently did not attend meetings of the ESG or Technical Panels they would not be quorate and the GCG process could not be moved forward. The changes made at Deadline 3 were therefore only to ensure the future functioning of the GCG process in this (unlikely) scenario, with the intention that the operation of ESG and the Technical Panels would still be independent from the airport and would be in accordance with the operating principles of GCG.</p> <p>However, the Applicant understands the potential concerns around the changes made to this wording and is engaging with the Host Authorities on this matter, with a view to agreeing further changes through the Statement of Common Ground process to be made to the Terms of Reference at Deadline 5. The changes will reintroduce a minimum number of local authority representatives to be present for the ESG and Technical Panels to be quorate.</p> | <p>The Council has not changed its position based on the Applicant's subsequent response.</p>  |   |
| GCG.1.13 | <p><b>Question:</b><br/> <b>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</b><br/> <b>Applicant:</b> Explain why the threshold for a technical panel being quorate in <b>paragraph B2.2.1</b> has been revised from <i>“where the independent technical expert and at least 50% of any other approved representatives (as per Paragraph B2.1.7) are present”</i> to <i>“where the independent technical expert is present.”</i><br/> <b>Joint Host Authorities:</b> Is this change acceptable and if not, why, not?</p> <p><b>Applicant Response:</b><br/> Please see the response to GCG.1.12.</p>   | <p><b>At REP4-112 the Council stated:</b><br/> It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the reduction in the threshold for a technical panel as it is felt that this severely undermines the integrity of the technical panel's role as a representative body. This change should plainly be reversed.</p> <p>The Council has not changed its position based on the Applicant's subsequent response.</p> | <p>The Applicant considers that the matter raised regarding threshold for a technical panel being quorate has been addressed on Page 8 of the <b>Applicant's Response to Deadline 4 Submissions Appendix B - Dacorum Borough Council, Hertfordshire County Council &amp; North Hertfordshire Council (Response to D3 Documents) [REP5-048]</b> submitted at Deadline 5.</p> |



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| GCG.1.15   | <p><b>Question:</b><br/> <b>GCG Framework Appendix B – Draft Technical Panels Terms of Reference [REP3-021]</b><br/> <b>Applicant:</b> Explain why meetings of the Technical Panel would only be at the discretion of the technical expert as set out in <b>B2.5.1</b>.<br/> <b>Joint Host Authorities:</b> Is this change acceptable and if not, why not?</p> <p><b>Applicant Response:</b><br/> The Applicant would note that this is not a change, and that this drafting has been in the <b>GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP3-021]</b> since submission of the application for development consent.<br/> This drafting has been put forward to recognise the fact that there may not always be a requirement for a Technical Panel to meet and that, where this is the case, there should be no obligation secured via the DCO to do so. For example, if all members of a Technical Panel are satisfied that monitoring results reported to it do not give rise to any issues and have not triggered any requirements linked to a Level 2 Threshold or Limit, they are able to respond to the airport operator and ESG on that basis in writing without a requirement to formally meet, as per the process set out in Section B4.3 of the Terms of Reference.<br/> As set out in Paragraph B2.5.1, any member of a Technical Panel may request that a meeting takes place where they feel this is necessary, but ultimately this will be at the discretion of the technical expert in their role as chair of the relevant Technical Panel</p> | <p><b>At REP4-112 the Council stated:</b><br/> It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council has concerns regarding the meeting of the Technical Panel being at the discretion of the technical expert. As is usual for the operation of such panels all panel decisions should be made on the basis of a majority with the technical expert having a casting vote, where necessary.</p> <p>The Council has not changed its position based on the Applicant's subsequent response.</p> | <p>In response to the concerns raised regarding the calling of Technical Panels meetings, changes have been made to <b>GCG Framework Appendix B ESG Technical Panels Draft Terms of Reference [REP5-026]</b>. It is now stated at Paragraph B2.5.1 that there is a presumption that each technical panel will meet following the submission of monitoring results by the airport operator.</p> <p>In response to comments on the operation of the panel by majority decision, it should be noted that, as stated at Paragraph B2.3.1 of the same document, Technical Panels do not make any decisions but give recommendations and advice to the ESG.</p> |
| <b>REP4-061. 8.75 Applicant's response to Written Questions – Design</b> |  |  |   |
| PED.1.2  | <p><b>Question:</b><br/> Masterplan</p> <p>It is noted that the Design and Access Statement [AS-049] explains that a masterplan was presented as part of the consultation process for the Proposed Development. Policy LLP6B in Luton Local Plan 2011- 2031 sets criteria to be met for airport expansion proposals, where applicable/ appropriate having regard to the nature and scale of such proposals. Part iii) is where proposals are in accordance with an up-to-date Airport Master Plan published by the operators of</p>  | <p><b>At REP4-112 BC stated:</b><br/> Yes, a masterplan and details of phasing of works in order to understand construction works impact to Buckinghamshire Authority is necessary. It will also assist with the relevant phasing of infrastructure and mitigation measures.</p> <p>The Council has no further comments to make.</p>   | <p>The Applicant's position remains as stated in response to Question PED.1.2, as set out in column 2. It should be noted that under Item 2 of the Applicants response the Scheme Layout Plans have now been certified within the dDCO Schedule 9 <b>[REP5-003]</b>.</p>  |

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|         | <p>London Luton Airport and adopted by Luton Borough Council.</p> <p>1. Are the proposals in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport which has been adopted by Luton Borough Council? If yes, please submit details.</p> <p>2. If no, should there be a requirement added to the draft DCO for a detailed masterplan to be developed post-consent to set out in more detail how the Proposed Development would be delivered, including phasing of works?</p> <p><b>[The Applicant notes that question 2 of the below Written Question is directed to Luton Borough Council and All Local Authorities, however the Applicant considers that a response from the Applicant will help provide further clarification]</b></p> <p><b>Applicant Response:</b></p> <p>1. The requirements for airports to prepare Masterplans arose in the Aviation White Paper of 2003 entitled 'The future of Air Transport' (Ref 4) (this document is now withdrawn). The White Paper set out a strategic framework to improve airport capacity in the United Kingdom over the next 30 years.</p> <p>It set out policies which guided decisions on future planning applications and against which public bodies, airport operators and airlines could plan ahead. The document set out the need for airports to develop Masterplans and that they should be updated every seven years.</p> <p>The Airport operator, LLAOL, published a Masterplan in September 2012. It included proposals for expansion of the Airport to 18 million passengers per annum (mppa). (This level of throughput was achieved in 2019). In 2020 the airport operator consulted upon a new Masterplan, which was formally submitted with the 19mppa application in January 2021.</p> <p>This Masterplan was a re-working of the 2012 Masterplan to accommodate the proposed uplift from 18 to 19 mppa.</p> <p>In 2017 the Applicant launched their 'Vision for Sustainable Growth 2020-2050' which assessed Luton Airport's potential growth of up to 36-38 mppa, or in the region of 240,000 aircraft movements per year (which is in line with the assessment in the Aviation White Paper from 2003). The stated aim of the Vision included:</p> |                                       |                             |

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|         | <p>“To make the best use of the existing runway at LTN to provide the maximum benefit to the local and sub-regional economy; to deliver good levels of service; and to actively manage environmental impacts at the local and wider levels in line with our commitment to responsible and sustainable development.”</p> <p>With the publication of the Vision, the Applicant set out its plan for the long-term future of the Airport to ensure the regional economy could enjoy the benefits of this expected growth as it is the Applicant’s responsibility to deliver this growth, cognisant that the existing concession for the operator (LLAOL) will expire in 2031.</p> <p>The Vision led to the commencement of preparations for the application for development consent and the development of a new Masterplan for the Airport, recognising that LLAOL’s Masterplan was limited to 18mppa and the concession end date. The launch of the Applicant’s Vision was contemporaneous with the LBC Local Plan 2011-2031 which was published in November 2017.</p> <p>For the above reasons, the Applicant, as the airport owner, has taken on responsibility for the longer-term Masterplan rather than the operator. As such the Applicant’s Masterplan supersedes the operator’s Masterplan.</p> <p>It is clear that the Local Plan and Policy LLP6 specifically did not envisage an expansion of the scale now proposed and could not have meaningfully or reasonably attempted to anticipate that with a Masterplan option for 32mppa, the development of which also goes well beyond the plan period to 2031. Rather, the iterative Masterplan development process undertaken by the Applicant, including a SIFT process and multiple rounds of statutory consultation that has led to the current version is the most appropriate and robust way to develop the long-term Masterplan. Indeed, LBC officers have advised if the application for development consent were to be approved, the Applicant’s Masterplan would be automatically “adopted” by the Council for the purposes of the application of Policy LLP6 in the determination of future planning applications made under the Town and Country Planning Act, and that this would not require any formal adoption process.</p> |                                       |                             |

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|  | <p>Accordingly, it is considered that Policy LLP6B(iii) is neither relevant nor important in the determination of the application for development consent and that no weight should be placed on any non-compliance with that specific aspect of the policy in the planning balance.</p> <p>2. The illustrative Masterplan and associated supporting documents submitted with the application provide details significantly beyond the level of information that would be typically provided in an Airport Masterplan. Furthermore, it is the intention to “certify” the scheme layout plans in the DCO to allow the progressive discharge of “parts” of the scheme as identified and described against the Masterplan to which they are drawn from. Therefore, it is not considered that there should be a requirement for a more detailed Masterplan to be developed post-consent.</p>  |  |  |
| <b>REP4-067. 8.81 Applicant’s response to Written Questions – Socio-economic effects</b> |   |  |  |
| SE.1.4   | <p><b>Question to the Applicant and Luton Borough Council:</b></p> <p><b>Employment and training strategies</b></p> <p>The s106 agreement attached to the current planning consent for the airport requires the delivery of an employment, skills and recruitment plan:</p> <ol style="list-style-type: none"> <li>Under the s106 agreement annual monitoring of this plan should have occurred. Can you provide details of what outcomes has it delivered since the granting of consent?</li> <li>What would happen to this strategy given Articles 44 and 45 in the draft DCO [REP2-003] ie would it be in addition to or replaced by the proposed Employment and Training Strategy (ETS)?</li> <li>The Green Horizons Park s106 requires the delivery of an employment, skills, procurement and training strategy. Would the ETS be in addition to or replace this strategy?</li> <li>Given what the ETS is delivering should it be secured through a requirement rather than a s106 agreement as has been done on other DCOs? If not, why not, and what is the advantage of securing it through a s106 as opposed to a requirement?</li> </ol> <p><b>Applicant Response:</b> It is noted that -</p> <ol style="list-style-type: none"> <li>Annual reporting of the effectiveness of the Employment Skills and Recruitment Plan is undertaken by LLAOL through its Annual Monitoring Report (which from 2022 is now incorporated into LLAOL’s</li> </ol> | <p><b>At REP4-112 BC stated:</b></p> <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council views the ETS as a document that it will necessarily be involved in the production of, with the aim of ensuring that it manages adverse effects and seeks to deliver beneficial effects for Buckinghamshire. On that basis, the Council considers it to be a means of delivering essential mitigation for the Proposed Scheme.</p> <p>In relation to part 4 of the ExA question: as a neighbouring authority, the Council would not be capable of being a party to any s106 agreement that may relate to the implementation of the ETS. For this reason, the Council has a strong preference that it be secured through a DCO requirement, to enable direct interaction with Buckinghamshire Council as one of a number of affected authorities.</p> <p>In addition to the above, the Council views the key point for the Council to be that there is an ETS which it is now to be involved with. The ETS is not enough alone to ensure the economic benefits are felt locally – the Council maintains that public transport commitments are essential too. However, having involvement in the ETS will improve the likelihood of achieving economic benefits for Buckinghamshire.</p> <p>If a s106 agreement does not secure this, then the Council is of the opinion that it should be a DCO requirement</p> | <p>Buckinghamshire Council would not be party to a S106 agreement however the Applicant is considering alternative approaches to help ensure their involvement in the delivery of the <b>Employment and Training Strategy (ETS) [APP-215]</b>.</p> |

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|         | <p>Sustainability Report) (REF 5). Headline findings from the 2022 report include:</p> <ul style="list-style-type: none"> <li>a. around 53% of procurement spend going to local suppliers;</li> <li>b. becoming a Real Living Wage employer;</li> <li>c. recruiting 76 corporate and management colleagues;</li> <li>d. delivering 13 recruitment events and assessment days;</li> <li>e. hiring 75 security officers;</li> <li>f. delivering the "Get into Airports" Programme; and</li> <li>g. delivering seven airport careers events.</li> </ul> <p>Further information can be found in the 2022 Annual Sustainability Report.</p> <p>2. The proposed ETS would replace (supersede) the existing strategy, given the Proposed Development ETS is greater in ambition, reflecting the increased scale of the Proposed Development</p> <p>3. The Applicant views the Green Horizons Park the Proposed Development as two separate schemes. The Luton Employment and Skills Strategy 2022-2027 (REF 4) published by Luton Borough Council outlines the need for the development of an Employment and Training Strategy specific to the expansion of the airport. The Applicant recognises that there may be overlap across both schemes and will ensure that there is alignment and collaboration across both schemes. The London Luton Airport Expansion ETS has been developed to tailor to the specific needs of the construction and operational phase of the expansion and would have different requirements to the strategy for the Green Horizons Park. Therefore, the proposed ETS can (and does) align with Green Horizons Park, however, would not replace it.</p> <p>As outlined in the proposed ETS, a s106 agreement would secure the ETS and the commitments required to deliver it. The ETS is being secured through a section 106 agreement rather than by a DCO requirement to enable greater flexibility for the terms of the ETS to be amended at a later date. The process for making an amend to an obligation secured by section 106 is quicker than the process for amending a DCO requirement. The Applicant is keen to retain this flexibility.</p> |   |  |
| SE.1.6  | <p><b>Question to the Applicant:</b><br/> <b>Local procurement</b><br/> One of the potential economic benefits highlighted in the application documents is the opportunities to local companies and businesses during both construction and operation.</p>  | <p>The Council accepts that the ETS is an overarching strategy, with more detailed activities to support its delivery developing over time and in consultation with local authority and other appropriate partners. It is to be expected however, that through some of the existing procurement activities, there will be some understanding of businesses, at least in the Luton area.</p> | <p>Noted. There is some knowledge of the existing businesses, however the <b>Employment and Training Strategy [APP-215]</b>, specifically Initiative 4.2, will look to strengthen relationships and ensure opportunities are available to a wider range of local businesses across the ETS study area to encourage local employment.</p> |

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|         | <p>1. Are there the companies and businesses locally that could deliver the resources to meet the needs of construction/ operation opportunities?<br/>2. How would these benefits be secured?</p> <p><b>Applicant Response:</b> It is noted that –<br/>2. The Employment Training Strategy (ETS) is an overarching strategy which provides a framework to ensure that as many of the jobs and economic opportunities generated by the Proposed Development as possible go to the residents of Luton and surrounding areas. The ETS sets out how the Applicant and its strategic partners can maximise employment benefits of the expansion for the ETS Study Area through collaborative and good practice approaches to employment and training support for residents and businesses at the airport. For example, as part of LLAOL's procurement process, we have seminars to encourage local suppliers to bid for contracts and the social value question rewards local suppliers. The ETS is therefore an overarching strategy that has been developed to support the application for development consent, it is not a detailed study that sets out the route to market or provides analysis on the existing market conditions. It is a strategy to provide a framework to allow benefits to be realised locally.<br/>2. As outlined within the ETS, benefits will be secured through a s106 agreement.</p> | <p>It is unclear to the Council whether the second question relates to the specific activities that could be undertaken to support local procurement or whether it relates to the planning approach. If it is the latter, presumably the point made earlier about a S106 vs a requirement applies here.</p> | <p>Noted. See response above at SE.1.4 on matters relating to the S106 agreement.</p>  |
| SE.1.7  | <p><b>Question to the Applicant:</b></p> <p><b>Displaced jobs</b></p> <p>The ES [APP-037] only considers jobs that would be physically displaced as a result of the construction of the Proposed Development ie because the land/ building is needed to enable it. Has any assessment of displacement of jobs from current businesses by employees choosing to work for the airport either during construction/ operation been assessed? If so signpost where in the documentation this can be found and if not, why not and should it be?</p> <p><b>Applicant Response:</b> Displacement of jobs during construction from current businesses by employees choosing to work for the airport has not been assessed. The large size of the construction workforce (194,320 people) within a 60-minute drive time means that displacement of workers is unlikely to undermine the capacity of the construction sector to meet demand for</p>   | <p>The Council recognises there is an argument for looking at displacement (and substitution), particularly given the emphasis on the economic case for the project.</p>  | <p>The employment numbers take into account displacement of other employment generating activity as set out in <b>Chapter 11 Economics and Employment [APP-037]</b> of the ES, at paragraphs 11.9.10-11.9.14. No account was taken of broader displacement of employees from other economic activities in the light of the higher levels of unemployment in Luton and other nearby areas such as parts of Stevenage.</p> |

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|         | <p>workers at other projects. As stated in Paragraph 11.9.7 of <b>Chapter 11 Economics and Employment of the ES [APP-037]</b> comparing the Proposed Development's employment requirements to the size of the workforce generates a need of less than 2% of this workforce on a per annum basis, such that there is likely to be capacity within the construction sectors to respond to economic change and growth. Also, the application of displacement would have a significant limitation given there would be no certainty that it would remain accurate over a long construction period to 2043. Based on these considerations, an assessment of displacement of jobs from current businesses by employees choosing to work for the airport during construction is unnecessary.</p> <p>Similarly, factor displacement in terms of overall employment in Luton has not been taken into account for the operational phase as this is not considered relevant in the context of higher levels of unemployment in Luton.</p>            |  |  |
| SE.1.10 | <p><b>Question to the Applicant:</b></p> <p><b>Monitoring</b><br/>The ES [APP-037, paragraph 11.13.1] concludes that there would be no requirement for continued monitoring during construction or operation of the Proposed Development.</p> <p><b>Applicant:</b> Provide further detail as to how this conclusion was reached.</p> <p><b>Applicant Response:</b><br/>Typically, socio-economics monitoring during construction and operation of the Proposed Development is not covered in within an environmental statement. Socio-economic monitoring will be covered as part of the Employment Training Strategy. The Employment Training Strategy sets out the approach to the monitoring and evaluation of outcomes and initiatives outlined within the Strategy. Any monitoring and evaluation will be agreed and scoped out once a decision on the DCO has been reached. The Applicant together with the airport operator will regularly monitor and review progress against its own objectives, to ensure their efficiency.</p> | <p>Ongoing monitoring of the delivery of the Employment and Training Strategy is fundamental. Without this, it will be impossible to gauge the impact and the extent to which the proposed economic benefits associated with expansion are being achieved. It is also vital in informing activity throughout the programme; what is working, what needs to be changed, are new initiatives required?</p> <p>The Local Economic Development Working Group, as proposed in the ETS, should have input into the monitoring and evaluation approach.</p> | <p>Noted. The ETS has acknowledged the need to undertake the monitoring and evaluation of outcomes and initiatives set out within the strategy. The Applicant together with the operator will regularly monitor and review progress against objectives, however details on the monitoring approach will be scoped out once a decision on DCO consent has been reached.</p> |

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| <b>REP4-068. 8.82 Applicant's response to Written Questions – Health and Community Effects</b> |   |  |  |
| HAC.1.3  | <p><b>Question to the Applicant and Joint Host Authorities:</b></p> <p><b>Joint Strategic Needs Assessment (JSNA)</b><br/>The ExA requests that the Applicant and the Joint Host Authorities meet to agree any specific datasets relating to local health inequalities within the JSNA document(s) relevant to the Proposed Development that are necessary to ensure that the assessment, receptor selection and any consequent mitigation is representative of the likely significant effects. The Health and Community chapter should be updated accordingly, where possible by Deadline 4 and no later than Deadline 5.</p> <p><b>Applicant Response:</b><br/>The Applicant has undertaken a review of JSNA datasets relating to health and health inequalities and a comparison with datasets included in the ES. The Applicant will meet with the Joint Host Authorities to review these datasets and, subject to the outcome of these discussions, will update the Health and Community chapter accordingly for Deadline 5.</p>   | <p>The Council is supportive of this ExA request and is of the opinion that the additional data will be a useful input, provided that it is then used to ensure that suitability interventions and mitigation proposals are identified for proactive implementation. Such proposals will need to be appropriately secured. The Council believes that there would also be value in the Applicant considering the additional baseline as a means of supplementing the EqIA provided to date.</p> | <p>Meetings were held with Joint Host Authorities on the following dates and points discussed are summarised:</p> <ul style="list-style-type: none"> <li>• Central Bedfordshire Council: 31 October (further info provided on rationale for defining local study area).</li> <li>• Hertfordshire County Council: 9 November (further info provided on national datasets used, cross checked against JSNA datasets)</li> <li>• Luton Borough Council: 13 Nov (LBC satisfied with ward-level datasets used)</li> </ul> <p>The Applicant provided further information on the approach to baseline data collection in the local and wider study area to support a robust and proportionate assessment. The Applicant provided further detail on the datasets used, which were obtained from National datasets and are consistent with JSNA data. These discussions with the Host Authorities have allowed comments to be resolved and no amendments to the Health and Community Assessment are required.</p> |
| HAC.1.4  | <p><b>Question to the Applicant:</b></p> <p><b>Future baseline</b><br/>Future baseline information is provided for the Luton administrative area in the ES [AS-078, Section 13.7]. Can the Applicant provide a proportionate description of the future baseline for the wider study area?</p> <p><b>Applicant Response:</b> The future baseline for the wider study area is as follows:</p> <p><i>Hertfordshire</i><br/>The projected population growth for Hertfordshire is relatively stable. Over the decade from 2021-31, Hertfordshire's population is expected to grow by 2%. Older age groups are forecasted to have the largest increase in population, while a decline in population is expected for children and working age groups.</p> <p><i>Central Bedfordshire</i><br/>The population of Central Bedfordshire increased by 15.7% from 2011 to 2021. This rate of growth was higher than the growth rate in the overall East of England region, which was 8.3%, and higher than the national growth rate of 6.6%. The population of Central Bedfordshire is expected to increase by 22.6% in the next decade. The</p> | <p>The Council concurs that the data matches published materials; however, for clarity, the Council proposes a change in the decade to 2020 to 2030 in the sentence about the 3.4% increase just so it is clear it is not referring to 2023 to 2033.</p>   | <p>The population in Buckinghamshire increased by 9.5% between 2011 and 2021. Buckinghamshire's population is expected to increase at a rate of 3.4% for the next decade (2020 to 2030). There is a forecasted 20.3% population increase for the 15-19 age band and a 17.7% increase for the 60+ age group from 2020 to 2030.</p>  |



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|         | <p>number of people aged over 80 is expected to double by 2043.</p> <p><i>Buckinghamshire</i></p> <p>The population in Buckinghamshire increased by 9.5% between 2011 and 2021. Buckinghamshire's population is expected to increase at a rate of 3.4% for the next decade. There is a forecasted 20.3% population increase for the 15-19 age band and a 17.7% increase for the 60+ age group from 2020 to 2030.</p>  |   |  |
| HAC.1.5 | <p><b>Question to the Applicant:</b></p> <p><b>Community assessment</b><br/>ES Chapter 13 [AS-078, Table 13.6] states that population within the lowest observed adverse effect level (LOAEL) contour and population affected by issues such as economic growth and employment are scoped out of the community assessment. Provide further justification for scoping these matters out and evidence of any agreement with relevant local authorities regarding this approach.</p> <p><b>Applicant Response:</b><br/><b>Chapter 13 Health and Community Revision 1 of the ES [AS-078]</b> at paragraph 13.3.5, confirms that the study area for the community assessment is based on the spatial distribution of the impacts of the Proposed Development. Paragraph 13.3.17 identifies the matters which are scoped into the community assessment including loss or gain of community resources, displacement of community resources, changes to the amenity of a resource (referred to as an in-combination effect), and isolation of communities from community services or facilities. Within Table 13.6 of <b>Chapter 13 Health and Community Revision 1 of the ES [AS-078]</b>, the wider study area described as 'areas within which there are likely to be environmental impacts' covers the full extent where in-combination community effects are likely to occur.</p> <p>The other two study areas (population within the LOAEL and population affected by issues such as economic growth, employment and changes to the housing market) relate to specific effects which are reported in other topic chapters, namely <b>Chapter 16 Noise and Vibration of the ES [REP1-003]</b> and <b>Chapter 11 Economics and Employment of the ES [APP-037]</b>. As the community assessment only reports in-combination community effects where there are two or more residual significant effects, it is unlikely that there will be in-combination</p> | <p>The Council considers the Applicant's response to be confusing. If the intention is that the study area should address locations where 'impacts' (not qualified as significant or significant residual) are identified, then those within the LOAEL contour and affected by economic growth and employment should be scoped in (as indeed should others).</p> <p>The second paragraph of the Applicant's response then refers to the inclusion only of locations experiencing two or more significant residual effects as being incorporated in the community assessment. The Applicant then appears to rely on topic chapters to address any single impact issues. The Council is of the opinion that this frustrates the intended value of a health and community assessment – the role is not to repeat the findings of other assessment, or simply report based on accumulation of significant effects from other topic assessments. Instead, there should be professional judgement applied to consider impacts more holistically, acknowledging that a combination of effects that are not necessarily deemed significant within their individual topic assessment may have a significant health (including well-being) effect and / or give rise to community effects such as shared anxiety. This is also expressed within IEMA guidance on the assessment of health in EIA, published in November 2022 – the Council is therefore seeking a greater focus on qualitative health and well-being assessment by the Applicant as a specialist topic in its own right, with a broader range of potential effects than is currently addressed with the Applicant's ES.</p> <p>Furthermore, the Council is of the opinion that the 'wider study area' assessment should not be treated as a 'catch all', but instead given focus that is commensurate with the purported benefits of the Proposed Scheme as being at least sub-regional, as expressed within the Needs Case. The Council does not agree with the final sentence of the Applicant's response – the Council has raised such issues through the SoCG process</p> | <p>The ExA's question relates specifically to the community assessment as only the community assessment scoped out the aforementioned study areas. The health assessment did not scope these out. Although the health and community assessments are contained within the same chapter, the assessments are separate and are based on different methodologies.</p> <p>The Applicant notes Buckinghamshire Council's position however the Applicant's position remains as stated in the response to question HAC.1.5. There is no single defined methodology for undertaking a community assessment as part of an ES for an infrastructure project. The methodology adopted is based on professional judgement and good practice and was discussed with Luton Borough Council in December 2019. The Applicant considers the community assessment methodology to be proportionate and robust.</p> <p>The health assessment considers the effects of shared anxiety about the effects of the Proposed Development across the whole of the study area, including those areas not deemed by individual topics to have significant environmental effects.</p> <p>Buckinghamshire Council has not raised this issue previously through the SoCG process.</p> |

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|          | <p>effects within these much wider areas. Regardless of this, the wider study area described as 'areas within which there are likely to be environmental impacts' provides a catch all for any wider potential effects.</p> <p>As reported in Table 13.7 of <b>Chapter 13 Health and Community Revision 1 of the ES [AS-078]</b>, the community assessment was discussed at the meeting with the Director of Public Health, Luton Borough Council on 7 December 2019. The scoping out of these study areas was not raised as an issue. Nor has it been raised as an issue by any other stakeholders.</p>  |  |   |
| HAC.1.14 | <p><b>Question:</b></p> <p><b>Monitoring of health effects</b><br/>The UKHSA [RR-1546] recommended that health monitoring should be undertaken in light of the scale of adverse noise impacts from the Proposed Development. Explain what specific, proportionate monitoring could be undertaken to enable understanding of impacts on health and quality of life for affected communities and how this could be used to inform future mitigation requirements.</p> <p><b>Applicant Response:</b> The Applicant notes that this question is directed to the UKHSA and does not consider it necessary to provide a full response until it has had the opportunity to consider the response provided by the UKHSA at Deadline 4. However, the Applicant notes that evidence on the effects of noise on health and wellbeing is best established through large-scale, national studies. The airport operator supports existing studies of this kind, for example by providing data to the Aviation Night Noise Effects (ANNE) Study (Ref 1).</p> | <p>The Council welcomes the clarifications offered within the UKHSA response. It supports the concerns that the Council has regarding due and proper consideration of the potential adverse health and well-being effects from impacts of traffic noise increases. For the Council, this is particularly relevant in the early hours of the morning, for residential and other sensitive receptors lining the routes identified by the Applicant as being affected by increases in trip generation due to the increase in flights (i.e. including the B489/B488, as depicted on the Trip Distribution Plans).</p> <p>The Council remains concerned that the health assessment within the ES relies on significance thresholds within the individual topic assessments, rather than fully applying the latest guidance (from IEMA) that advocates a qualitative consideration of multiple factors that can affect determinants of health.</p> <p>Noise LOAELs, SOAELs and UAELs are set within the environmental statement noise theme following national policy and guidance. Should these be altered in light of new and emerging evidence the Green Controlled Growth Framework should be capable of altering GCG noise limits and level/thresholds accordingly.</p> | <p>The assessment of the effects of aircraft noise on health and quality of life reported in <b>Chapter 16 Noise and Vibration [REP1-003]</b> of the ES has not been duplicated in the health assessment. The health assessment has qualitatively considered the effects on life satisfaction and wellbeing arising from multiple effects on environmental determinants, including aircraft noise, and has not identified any significant health effects associated with such effects. The health assessment has been undertaken in accordance with IEMA guidance on Determining Significance for Human Health in Environmental Impact Assessment (2022) (Ref 2).</p> <p>The Limits and Thresholds for noise in the Noise Envelope are not set to align with LOAELs, SOAELs or UAELs, in line with recommendations from the Noise Envelope Design Group. The principle of the Noise Envelope is to limit and control overall noise impacts, and this principle would not change if thresholds for noise assessment were to change in future noise policy.</p> |
| HAC.1.15 | <p><b>Question:</b></p> <p><b>Need for requirements in relation to health and wellbeing</b><br/>The Joint Host Authorities' LIR [REP1A-003, paragraphs 7.8.7 to 7.8.9] concludes that the Proposed Development would create adverse health and wellbeing effects on residents during operation and recommends that additional requirements should be included in the draft DCO to mitigate this negative impact. Please provide further detail of the requirements that should be included, including any preferred drafting.</p> <p><b>Applicant's Response:</b> The Applicant notes that this question is directed to the Joint Host Authorities and does</p>   | <p><b>At REP4-112 the Council stated:</b><br/>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to concerns raised in its previous submissions (Written Representation (REP1-042) and Local Impact Report (REP1A-001), reinforced within the Updated Principal Areas of Disagreement Summary Statement (REP2-045), comments previously supplied on Deadline 2 and 2A documents (REP3-082) and the Council's Deadline 3 submissions (REP3-079, REP3-080, REP3-081, REP3-083 and REP3-084)) relating to potential for adverse health and well-being effects that it considers that the Applicant has not yet fully evidenced, both in construction and operation.</p>   | <p>Please refer to the response previously provided by the Applicant at Deadline 5: <b>Applicant's Comments on Responses to Written Questions by Interested Parties [REP5-052]</b> (page 51).</p>   |

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|  | <p>not consider it necessary to provide a response at this time.</p>  | <p>In the operational phase, the Council's concerns relate to two matters. Adequate controls being in place in relation to effects on health determinants from the impacts of aircraft noise, noting that this will change over time (e.g. tonality, location and aircraft numbers). Ensuring accessibility of job opportunities to residents of Buckinghamshire in the interests of supporting well-being (e.g. physical accessibility by a range of modes; and measures to support skillsmatching/upskilling of the local residents to secure and retain airport-related employment).</p> <p>The Council is keen to ensure that requirements are included to address health and well-being. The Council considers that the geographical reach of such requirements should encompass all affected parts of the study area, which it considers to extend beyond the joint host authorities, including (but not necessarily limited to) Buckinghamshire. The Council has no additional comments to make.</p> |  |
| <p><b>REP4-069. 8.83 Applicant's response to Written Questions – Traffic and Transportation including Surface Access</b></p> |   |   |  |
| <p>TT.1.4</p>  | <p><b>Question:</b><br/> <b>Traffic</b><br/>                     In the response to <b>[RR-0472]</b> the Applicant states 'Some people may choose to take alternative routes and we have therefore taken steps to provide capacity improvements to the local network to ensure that if they do, local traffic is not adversely impacted.' Please signpost where in the application documentation it explains how these alternative routes have been determined and their locations.</p> <p><b>Response:</b><br/>                     Section 4 of the <b>Transport Assessment [APP-203, AS-123, APP-205, APP-206]</b> sets out (para 4.2.4) that highway interventions have been identified in conjunction with the local highway authorities in order to provide mitigation for the increased volumes of traffic on roads in the locality of the airport and the corridor to the M1.</p> <p>Luton Local Plan Policy LLP31A(i) states that <i>“the Council will work with its partners, agencies and developers to deliver: reduced congestion around the town centre and key strategic routes including seeking to deliver targeted road and junction improvements needed to accommodate Luton's growth including strategic and local improvements to address cross boundary growth while promoting sustainable modes of transport.”</i></p> | <p>The response does not appear to go into the level of detail requested when answering how the alternative routes have been determined, other than stating that they have been identified in conjunction with the local highway authorities.</p> <p>The response only signposts to the off-site mitigation drawings. However, this does include a map of their locations – it is noted that these are Luton focused.</p>   | <p>RR-0427 was a relevant representation from Friends of Wigmore Park, and was specifically questioning the potential use of residential roads to the immediate north and east of Luton airport by airport related traffic, i.e. 'alternative routes'.</p> <p>The potential use of roads to the north and east of the airport was determined by the strategic model, which helped to inform the indicative locations of mitigation and traffic calming which are shown within <b>Appendix A of the 7.02 Transport Assessment Appendices - Part 1 of 3 (Appendices A-E) [APP-200]</b>. In addition, the mitigation proposed within the Wigmore area, as highlighted within RR-0247, was demonstrated as being required to accommodate traffic associated with consented developments, and background growth.</p> <p>As would be expected, the most significant impacts occur closer to the Proposed Development. Hence, the proposed mitigation is focused closer to the airport and reduces as the impacts reduce further from the Proposed Development.</p> |

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|         | <p>With regard to London Luton Airport Policy LLP31D adds <i>“Support for the continued economic success of London Luton Airport as a transport hub (policy LLP6) will be delivered through: measures to ensure there is capacity at strategically important junctions”</i></p> <p>Mitigation measures have therefore been developed on the main access routes into the Airport and further supported by additional locations identified through the on-going engagement which has occurred with highway authorities around with regard to the impacts of the scheme.</p> <p>The routes and locations on which mitigation measures are proposed are set out in <b>Appendix A of the 7.02 Transport Assessment Appendices - Part 1 of 3 (Appendices A-E)[APP-200]</b>.</p>   |   |  |
| TT.1.7  | <p><b>Question: GCG</b><br/>The Applicant states in their response to Transport for London [REP1-024] that the mode share targets identified in the Framework Travel Plan would be more ambitious than those set out in the Green Controlled Growth Framework. Please can the Applicant clarify by signposting to the relevant section within the Framework Travel Plan or provide detail as to the value of these more ambitious mode share targets.</p> <p><b>Response:</b><br/>The <b>Framework Travel Plan [AS-131]</b> does not set out the values of the mode share Targets (as distinct from the mode share Limits contained within the Green Controlled Growth Framework [REP3-017]). Section 4.1 of the Framework Travel Plan instead sets out how future Targets will be set, reviewed and updated as part of the production and ongoing monitoring of each future iteration of the Travel Plan. Specifically, paragraph 4.1.4(a) captures the requirement for the setting of more ambitious Targets (“Targets should strive to achieve higher levels of sustainable transport mode share than the Limits”).</p> <p>It is not considered appropriate to set specific mode share Targets for the first Travel Plan at this stage, due the significant variation in recent mode share trends as a result of the COVID-19 pandemic, and potential time-lag until those Targets would come into force, which could render them out-of-date (i.e. Targets set now might not be reflective of mode share levels by the time the examination has been concluded, the application for development consent granted, and the DCO subsequently</p> | <p>The process of setting mode share targets for the travel plan at a later stage is appropriate. The Council is supportive of the Applicant setting mode share targets in the FTP that are ambitious. The fact that this means that they may differ from those set out in the GCG Framework, which is the enforceable means of enabling expansion at the airport, raises the question of what level of confidence the Applicant has in the likely efficacy of the FTP measures. It is suggested that if these measures were fully financed and supported, then there would be no need to aim higher than GCG within the FTP targets. Alternatively, the GCG targets could be raised to match the FTP ones if a more ambitious approach is proposed, as this would have more beneficial environmental outcomes overall.</p> | <p>The Surface Access Limits in the <b>Green Controlled Growth Framework [REP5-022]</b> are aligned to the mode share assumptions used in the <b>Transport Assessment [APP 200-207 and AS-123]</b> (‘reasonable worst case’ – i.e., the minimum that must be achieved for impacts (after mitigation) to be acceptable).</p> <p><b>The Framework Travel Plan [REP4-044]</b> recognises it is desirable, if not essential, to deliver beyond the ‘reasonable worst case’ mode share. As such, the Applicant should strive to reduce surface impacts beyond the reasonable worst case assessment where possible. The requirement of the Framework Travel Plan will therefore set targets for increased use of sustainable modes that are more ambitious than the Green Controlled Growth Limits.</p> <p>This approach is proportionate to the consequences of a failure to meet the Limit: Limits based on the reasonable worst case, with significant consequences for exceedance (i.e., stopping growth), and more ambitious Targets in excess of the Limits, with annual monitoring and reporting through the ATF.</p> |

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|         | <p>implemented through the serving of notice under Article 44 of the Draft DCO [REP3-003].</p> <p>Instead, as described in Section 4.1 of the Framework Travel Plan, the development of each Travel Plan must consider up-to-date baseline information to inform the setting of the Targets, which can be no lower than the GCG Limits (and strive to be more ambitious). The values of those Targets will need to be approved by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function, as part of the process to discharge Requirement 30 of the DCO and approve each Travel Plan.</p>   |   |   |
| TT.1.8  | <p><b>Question:</b><br/><b>GCG</b><br/>Can the Applicant explain how the surface access mode share targets [APP-218] were set for airport staff and why the percentage of airport staff travelling by non-sustainable means is set higher than that for passengers.</p> <p><b>Applicant Response:</b><br/>Firstly, for clarity, the Applicant would like to confirm the terminology used in the application, including within the <b>Green Controlled Growth Framework [REP3-017]</b> and <b>Framework Travel Plan [AS-131]</b>. The Applicant differentiates between Limits (which are set out in the GCG Framework), and Targets (which will be required for each future Travel Plan, in accordance with the process for defining those Targets set out in the Framework Travel Plan). Table 5.1 of the <b>Surface Access Strategy [APP-228]</b> provides a summary of the distinction between the two terms used.</p> <p>The surface access mode share Limits within GCG correspond to the modelling assumptions for passenger and staff mode share utilised within the Transport Assessment. The transport modelling, and hence GCG, therefore correspond to the reasonable worst case scenario, for which the likely significant environmental effects are identified and reported within the Environmental Statement. GCG therefore provides certainty that the identified likely significant environmental effects will not be exceeded.</p> <p>The magnitude of the mode share assumptions (and consequently the surface access mode share Limits) for passengers and staff are based on a comparative analysis of other UK airports (identified in the <b>Transport Assessment Appendix H: Public Transport Strategy -</b></p> | <p>The mode share assumptions for staff have been based on information from Stansted Airport. Whilst this can be used as a base, the geographical differences between the two locations and the availability of public transport should be taken into account when making these assumptions. This response further emphasises the need for a comprehensive sustainable transport package with demonstrable funding and direct connection to ambitious mode share targets.</p> | <p>The Applicant notes this and reiterates that surface access mode share targets as part of the future Travel Plans have not yet been derived. These will be set every 5-years in line with the Travel Plan review period and are differentiated from the GCG limits as previously stated.</p> |

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|                | <p><b>Summary Report [APP-202]</b>, which included an analysis of baseline travel patterns at the airport, and the evolution of the transport offer at the airport. The results of this analysis indicated that higher levels of travel by sustainable modes for passengers could be achieved compared to staff. In addition, the staff mode share assumptions for the Future Baseline and With Development mode share scenarios (as set out in Table 9.4 of the <b>Transport Assessment [APP-205]</b>) have conservatively only been applied to the growth in staff or new staff in the future and as a result of the Proposed Development and not to existing staff, in order to assess a reasonable worst-case scenario.</p>  |  |  |
| <p>TT.1.10</p> | <p><b>Question:</b><br/> <b>GCG</b><br/>                     The relevant and written representations highlighted a general lack of confidence that the mode share targets would be achieved. Central Bedfordshire Council LIR [REP1A-002] notes that in 2018, 24% of staff and 33% of passengers were using public transport to access the airport. However, this dropped to 5% for staff and 9% for passengers in 2020. Can the Applicant explain why they are confident that the surface access mode share targets that they have proposed are achievable?</p> <p><b>Applicant Response:</b><br/> <b>Table 6.3 of the Transport Assessment [APP-204]</b> provides a summary of the passenger mode shares from 2012 to 2020 showing the position and trend up to and including the early phases of the Covid-19 pandemic. It is acknowledged by the Applicant that during the Covid-19 pandemic there was a significant reduction in passenger travel by public transport, reducing from 38% in 2019 to 9% in 2020. However, estimates from the 2022 CAA survey data shows that the public transport mode share for passengers was 35%. This shows a strong recovery in public transport mode share from 2020. Public transport use by passengers is recovering towards pre-pandemic 2019 levels.</p> <p>Despite the initial impact of Covid restrictions during the first few months of 2022 and concerns among the general public, the share of public transport usage rebounded swiftly, surpassing the levels observed between 2016 and 2018.</p> <p>The Forecasts have established an initial target for the year 2027, aiming to achieve a 40% share of public transport usage. Considering the rapid recovery of public</p> | <p>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this the Council, though supportive of the targets set out by the Applicant, considers it necessary to require monitoring through the Travel Planning and the ATF to remain robust and the frequency to be not greater than annual. If the targets are to be stringent, it will be imperative to ensure that regular monitoring of trends is carried out to allow additional measures if required to be implemented early enough to effect any necessary changes.</p> | <p>Please see response TT.1.8 – no mode share targets for surface access have yet been determined.</p> |

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|         | <p>transport usage in 2022, the progressive easing of Covid restrictions throughout the year, the implementation of the DART scheme, and other planned public transport improvements, it appears that the current trends align with the airport's forecasts and targets.</p> <p>Future rail capacity has been robustly assessed and the assumptions underpinning the analyses rely on prepandemic growth factors to ensure robustness in its approach. The analysis (Table 11.1 of the Transport Assessment [APP-206]) shows that at its busiest (32mppa) for the 1 Hour AM Peak there are forecast to be approximately 800 additional passengers above 2019 (18mppa) levels and that even with significant background growth there remains significant capacity in the morning.</p> <p>Potential interventions to support the growth of passenger numbers depend on the monitoring and evaluation carried out as part of the Future Travel Plans and linked to the Green Controlled Growth Framework [APP218].</p> <p>Improvements can be discussed with Train Operating Companies, Network Rail and bus operators using the Future Travel Plan development process and the Airport Transport Forum to prioritise and agree any potential service enhancements required in the future.</p> |   |   |
| TT.1.17 | <p><b>Question:</b><br/><b>Bus and Coach</b><br/>Can the Applicant provide a summary of the discussions it has had with bus providers (which aimed to increase the coverage and frequency of services to the airport), and, considering these discussions, does the Applicant have confidence that the additional proposed spaces can and would be utilised by operators?</p> <p><b>Applicant Response:</b><br/>The Applicant and operator are supportive of measures to improve sustainable travel modes and will work with local authorities and bus and coach service providers to implement improvements wherever reasonably practicable.</p> <p>The Proposed Development will enhance public transport infrastructure at the airport with increased bus and coach capacity proposed at Terminal 1 and new facilities at Terminal 2 that separate coach and bus activities. The Proposed Development will deliver almost triple the existing bus and coach capacity at the airport. The</p>   | <p><b>At REP4-112 the Council states:</b><br/>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council wishes to express that it considers it necessary for the Applicant to engage with local authorities when conducting discussions with operators.</p> <p>The Council is concerned that a lack of engagement to discuss the areas for which services are required would lead to no benefit to areas that are currently poorly served, resulting in a failure to ensure services cover a broad geographical area.</p> <p>The Council is concerned that the Applicant's subsequent response to the ExA's question does not guarantee the delivery of all the coach bays proposed within the application documents. This has a limiting effect on the services that can be provided in the future. As has been stated by the Applicant in REP4-086, the full expansion delivery is 20 years in the future. With the direction of national policy and the need to increase public transport use, the Council would seek the securing of the full provision of bus capacity at the airport – sufficient space</p> | <p>The Applicant has developed a <b>Bus and Coach Study [REP5-058]</b>, submitted at Deadline 5, identifying gaps in provision and potential new/improved services that could receive financial support through the Sustainable Transport Fund (STF). The provision of bus and coach services is not within the Applicant's direct control, but there will be engagement with relevant parties through the Airport Transport Forum (ATF). New / improved routes need to be evidenced to be commercially viable in the longer term to receive funding support from the transport operator. These routes can be considered for funding through the STF. See <b>Applicant's Response to Issue Specific Hearing 4, Action 26 - Sustainable Transport Fund [REP5-056]</b>.</p> <p>It is proposed that every five years post-consent, the Applicant will commission a market study of bus and coach services accessing the airport to ensure that opportunities for new or improved services are identified and reported to the ATF and ATF Steering Group. This will gauge the interest and planned services of bus and coach operators, as well as the propensity of travel</p> |

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|         | <p>number of additional bus and coach bays forming part of the T1 and T2 proposals are the maximum bay provision, and the correct number of bays would be delivered to meet the required demand as part of the detailed design, as informed by discussions with bus and coach operators. At present, Luton Airport's bus station is provided as a free facility for bus operators to access.</p> <p>The airport operator is in the process of re-tendering coach services at the airport as the current contracts run out in Feb/Mar 2024. The contract period for the concession is normally 5 years, however, the new concession agreements will be for 5 years with an option to extend by 2 years (subject to the operators meeting service level requirements) and demonstrating growth in coach patronage. Contracts have been restructured to allow the facility to introduce mechanisms to encourage growth, such as different fee structures to incentivise start-up services. The airport operator will work with the new coach operators to consider opportunities to introduce new coach routes and ways to encourage airport users to travel via coaches.</p> <p>The Applicant and operator are engaging in discussions with local operators to develop understanding of their current and planned routes, and what interventions and measures would enhance their service offering. Engagement is ongoing and is supported by the Applicant's study into current gaps in bus provision and areas that would most benefit from improved/new services.</p> | <p>must be safeguarded for this, irrespective of the current perspective of the operators, so that phased implementation remains possible when demand rises.</p>   | <p>behaviour change for conurbations within the airport's catchment, as the Proposed Development is delivered.</p>  |
| TT.1.18 | <p><b>Question:</b><br/><b>Bus and Coach</b><br/>Can the Applicant confirm that if proposed new routes are not initially commercially viable that the sustainable transport fund would be used to support operators in running these services until the demand is such that they are able to operate commercially? If yes, how would this be secured so that the ExA can afford it weight when reporting to the Secretary of State? And if no, why not?</p> <p><b>Applicant Response:</b><br/>The Sustainable Transport Fund will be used to fund improvements to sustainable transport options including services and infrastructure related to public transport and cycling and walking. It will contribute towards realising the Surface Access Strategy's Vision, Objectives and Priority Areas, aligned to targets as set out in the successive Travel Plans.</p>   | <p><b>At REP4-112 the Council states:</b><br/>It is acknowledged that this question is not posed directly to Buckinghamshire Council. Notwithstanding this, the Council would like to draw the ExA's attention to its experience – a bus route will intrinsically be unviable in its early stages of establishment. The sustainable transport fund as currently presented will have no forward funding to support public transport routes at the early stages of development. The Sustainable Transport Fund requires review of the structuring and the value to be made available. The Council remains concerned that the overall value of the Sustainable Transport Fund is insufficient to meet the objectives of the funds, discussions with the Applicant are still on-going in this regard, through the SoCG process between the Council and the Applicant.</p> <p>The Applicant's subsequent response does not change the Council's position.</p> | <p>This is noted by the Applicant and the Applicant confirms that conversations are ongoing through the Statement of Common Ground process to discuss the Sustainable Transport Fund.</p> |



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|         | <p>The FTP identifies a number of potential bus improvements, including new, improved and extended services, although it is noted that this is not an exhaustive list of potential interventions, which can be added to. Interventions to be taken forward will be determined on production of the first Travel Plan post-consent, and in successive five-yearly Travel Plans. Funding for bus services has been raised by authorities as a future intervention for the TPs, however, no interventions will be selected until the formation of the ATF Steering Group post-consent. Therefore, the STF could be used for this purpose, among a number of other possible interventions identified in the FTP.</p> |                                       |                             |

## REFERENCES

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Ref 1 Civil Aviation Authority (2021), *CAP2091: CAA Policy on Minimum Standards for Noise Modelling*.  
Ref 2 IEMA (2022) *Determining Significance for Human Health in Environmental Impact Assessment*.