

December 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.127 Applicant's Response to Deadline 5 Submissions

Appendix C - Central Bedfordshire Council

Infrastructure Planning (Examination Procedure) Rules 2010 Application

Document Ref: TR020001/APP/8.127

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.127 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS
APPENDIX C – CENTRAL BEDFORDSHIRE COUNCIL**

Deadline:	Deadline 6
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.127
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	December 2023	Additional Submission – Deadline 6

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Appendix C – Central Bedfordshire Council [REP5-066]

Table 1.1 Applicant's response to submission by Central Bedfordshire Council at Deadline 5

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
1	Landscape and visual	<p>Matters Raised Impact of the Fire Training Ground.</p> <p>Host Authorities Comments It is acknowledged that assessments have been undertaken as set out in the relevant chapters of the ES. However, further information is needed to understand the practical impact of the FTG (i.e. extent of fumes/smoke, nature of training operations including duration etc.). There are no visual representations showing how the FTG would operate.</p>	<p>A description of the operation of the Fire Training Ground (FTG) is provided in paragraphs 3.7.39 to 3.7.41 in Appendix 7.1 Air Quality Methodology [AS-028].</p> <p>The landscape and visual assessment (Chapter 14 of the ES [AS-079]) took into account the proposed operations of the FTG, as described in Appendix 7.1. Due to the temporary and intermittent nature of the training operations at the site it was not deemed proportionate to provide visual representations of operations, particularly as 'operations' will not always involve live fire drills.</p>
2	Cultural heritage	<p>Matters Raised Clarification of public benefits</p> <p>Host Authorities Comments The Applicant has not provided a suitable response to this point. The query raised by CBC is in respect to clarity on the public heritage benefits. The applicant has referred to the mitigation strategies within Chapter 10 of the ES and the CHMP and it is noted that no mitigation is proposed for Someries Castle or Luton Hoo. Mitigation is not a public heritage benefit. Paragraph: 020 of the Planning Practice Guidance for Historic Environment provides clarification on public heritage benefits.</p>	<p>The NPPF paragraph 202 requires any less than substantial harm to heritage assets to be weighed against the public benefit of the proposals. Paragraph 8 of the NPPF clarifies what is considered to constitute public benefits, expanded upon in paragraph 20 of the Historic Environment Planning Practice Guidance. These state that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives. It also states that these should be of benefit to the public at large and not just be a private benefit. There is no specific requirement for these to be heritage specific benefits; however, it does give examples of heritage benefits where these are appropriate.</p> <p>Chapter 10: Cultural Heritage of the Environmental Statement [AS-077] identifies those heritage assets where an adverse effect has been identified. Appendix 10.2 Cultural Heritage Gazetteer [REP-4-017] assesses where these effects constitute harm to the heritage asset and where on the scale of harm the effect falls. The assessment concludes that all the harm falls within the less than substantial category and results from changes to the setting of heritage assets which lie outside the boundaries of the development, and thus outside the control of the Applicant. As such, the Applicant considers that there are no appropriate public heritage benefits which can be implemented as part of the Scheme and that it should be weighed against the benefits of the Scheme as a whole.</p> <p>For individual heritage assets beyond the Applicant's control, mitigation measures are set out in the Cultural Heritage Management Plan [APP-77], which includes a condition survey and air quality monitoring at Someries Castle. The Applicant considers that there is no feasible solution to mitigate noise impacts within a park setting, therefore no specific mitigation measures have been identified in respect of Luton Hoo.</p>
3	Noise and Vibration	<p>Matters Raised Noise assessment</p> <p>Host Authorities Comments It is not typical for an airport noise assessment to be based on the 'reasonable worst case', as the Applicant proposes, but rather from realistic forecasts such as those used in the Core case, which itself should form the 'reasonable worst case'. While the overall noise effects as defined in the EIA may be comparable, the number of people exposed to specific</p>	<p>It is not agreed that it is atypical for airport noise assessment for the purpose of environmental impact assessment to be based on a 'reasonable worst case'. This is a standard approach as set out in Chapter 5 Approach to the Assessment [AS-075].</p>

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		noise levels will differ and this is highly material with regard to complying with UK aviation noise policy such as Aviation Policy Framework 2013 ("limit and where possible reduce the number of people in the UK significantly affected by aircraft noise").	
4	Surface Access	<p>REP4 – 086 Applicant's response to Issue Specific Hearing 4 Action 2 – COVID19 Additional Modelling Technical Note 1 and Applicant's response to Issue Specific Hearing 4 Action 2 – COVID19 Additional Modelling Technical Note 2 Risk Assessment: TR020001/APP/8.109</p> <p>Whilst the comparison exercise carried out and presented is understood to exclude the Smart Motorways scheme, and it is also understood that revised forecasting will be used to inform an update to the Microsimulation modelling of Junction 10, this would also suggest that the remainder of the wider more detailed modelling, as reported within the Transport Assessment, if not updated, would continue to be based upon the previous strategic model outputs which included Smart Motorways in the 2043 forecast. The additional traffic plots provided as figures 3.7-3.12 do provide a degree of reassurance that the distribution of traffic appears not to have changed significantly as a result of the updated modelling, however without numbers assigned to the various routes it is not possible to fully determine the level of change.</p>	The Rule 9 'accounting for Covid-19 in transport modelling' work includes taking the updated strategic traffic modelling and further assessing the impact of the airport expansion via the VISSIM model and individual junctions modelling. The updated strategic modelling excludes any smart motorway upgrade. The results of the VISSIM and individual junctions modelling will be reported in the Rule 9 final report.
5	Surface Access	With regards to areas where CBC have previously raised concern, it appears that in both the 2039 and 2043 forecast PM peak models there is no growth in traffic on the M1 north of J10 in the updated modelling (compared to the increases forecast in the previous model), which would suggest that this strategic traffic is getting displaced elsewhere within the network. It also appears that the increase in the level of traffic routing via Caddington following development, is higher in the updated modelling (the 2043 assessment). As such, whilst it is appreciated that the scope to fully update the strategic model is limited and the reasons for the applicants proposing continuing use of the previous model are similarly understood, the areas above are of concern to CBC, with the realistic prospect of having to monitor, manage, and mitigate scheme impacts which could be different to those modelled, in terms of both the distribution and mode of development trips. To address these would place further reliance upon the TRIMMA process, and the mechanisms for addressing unforeseen impacts.	The Rule 9 'accounting for Covid-19 in transport modelling' work includes taking the updated strategic traffic modelling and further assessing the impact of the airport expansion via the VISSIM model and individual junctions modelling at key locations which include Caddington. The results of the VISSIM and individual junctions modelling will be reported in the Rule 9 final report.
6	Surface Access	As detailed above, the information provided in Figures 2.7 to 3.12 does provide a helpful level of additional information, it is however difficult to fully identify the net changes between the two models without numbers assigned to the modelled links. CBC would therefore request a further set of difference plots with number assigned to links within CBCs network or tabulated flows for those links, and / or a plot showing the net difference between the two models (previous and updated). Following receipt of this information, and clarification of the above points, CBC would be in a	The Rule 9 'accounting for Covid-19 in transport modelling' work includes taking the updated strategic traffic modelling and further assessing the impact of the airport expansion via the VISSIM model and individual junctions modelling at key locations which include Caddington. The results of the VISSIM and individual junctions modelling will be reported in the Rule 9 final report.

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		position to comment more fully upon this matter, including whether there would be a need to update any off-site junction modelling where flows are predicted to be higher in the updated modelling (as is potentially the case in Caddington).	
7	Surface Access	<p>REP4 – 105 - Applicant's response to Issue Specific Hearing 4 Action 4 – M1-A6 Routing Analysis: TR020001/APP/8.108</p> <p>The additional information is noted. As with the wider trip distribution plots (TR020001/APP/8.30) the scale of the plans makes any change in flows as a result of the airport expansion difficult to isolate (either primary impacts in terms of airport traffic, or secondary impacts in terms of re-routing of existing traffic). The addition of numbering on the plans, or the provision of difference plots would make it easier to identify the impact of the expansion.</p>	<p>The M1-A6 Routing Analysis [REP4-105] concludes 'The analysis shows a similar pattern of trips (by peak hour, year and without/with airport expansion scenario), with the M1-A6 link road forecasted to be used primarily for east-west movements and not by airport traffic.' Airport traffic is therefore not forecast to use this new road link.</p> <p>All previous and recent modelling indicates no primary or secondary impact as a result of the airport expansion on the M1-A6 Link Road. This is best illustrated by Figure 3.11 2043 Original runs – with vs without airport expansion and Figure 3.12 2043 Updated runs – with vs without airport expansion shown in Issue Specific Hearing 4 Action 2 – COVID19 Additional Modelling Technical Note 2 Risk Assessment [REP4-106], where these figures show either zero impact or extremely small changes, dependent on the year and peak hour.</p>
8	Surface Access	<p>REP4 – 084 - Applicant's Response to Issue Specific 4 Action 29: Catchment area for staff walking and cycling</p> <p>Whilst the majority of the measures to encourage staff to walk and cycle are likely to fall within the Luton Borough Council Authority area, there is a notable cluster of staff postcodes within the 30 - 45 minute banding provided as Figure 4.1, covering the Houghton Regis and Dunstable areas. This would generally appear to support the need for appropriate measures, whether based around cycling or public transport, to facilitate sustainable staff access to / from the Airport from these postcode areas. Whilst it is understood that it may be difficult to identify specific public transport routes, CBC would be seeking an acknowledgement of this demand and a commitment to include it within the measures to be reviewed through the Sustainable Transport Fund process.</p>	<p>The Applicant notes this. Future mitigation can be discussed through the Airport Transport Forum Steering Group – which Central Bedfordshire Council (CBC) are a named member of.</p>
9	Surface Access	<p>REP4 – 085 Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA)</p> <p>It is noted that the initial trigger for more detailed assessment, and the related need for the delivery of highways mitigations is driven in the first instance by the findings of Monitoring Level 1, which is informed by an Annual Monitoring of airport traffic at airport sites. CBC would have some concern that, whilst this approach would capture growth in traffic routing directly to and from the airport, and therefore passing through the junctions identified within the submitted Transport Assessment, it does not take into account growth in background traffic, the displacement of existing traffic, or clarify at what point the delivery of mitigation would be required.</p> <p>To provide some context to these areas of concern, this could result in a scenario in which the amount of traffic routing to and from the Airport increases initially within a phase of development, (for example when new car parking capacity is provided for on-site), but then does not grow for a</p>	<p>The Applicant has proposed off-site highways works to mitigate the impacts of the proposed development and has proposed – as outlined in the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [REP5-041] – these works are delivered when they are necessitated by the airport's growth. It is not the objective of the proposed mitigation to mitigate impacts due to background traffic if there has not been a meaningful impact due to the proposed development. However, the Applicant acknowledges that there may have been changes to background traffic between the baseline year (2016) and the year in which the airport will exceed its extant planning capacity; the Applicant has proposed to agree monitoring/mitigation thresholds which will have been informed by updated monitoring of background traffic, as described in REP5-041.</p> <p>It is the intention of Monitoring Level 1 (ML1) to ascertain whether airport traffic is increasing due to the airport's expansion – it is not to monitor traffic at any particular location, which is within the purview of ML2 as described in REP5-041.</p>

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		<p>number of years. An initial assessment may determine that the combination of Airport traffic and background traffic does not trigger the need for mitigation. However, during subsequent years within a Phase, even with no further growth in traffic routing directly to and from the airport estate, due to wider traffic growth the operation of junctions within the assessment area may continue to degrade, with the combination of airport and background traffic then being sufficient to require mitigation (and with the Airport element being sufficient to justify the delivery of mitigation associated with the DCO). At present there would be no requirement for further assessment of junction operation until there was a further growth in traffic routing directly to and from the Airport under ML1, which could mean that the need for required off-site mitigation may not be identified for a number of years.</p> <p>It would also appear to be the case that the review under ML1 would be both annual and global, i.e.: based upon an annual measurement and without an indication of the balance of movements across the various access routes to and from the Airport.</p>	
10	Surface Access	<p>With regards to clarifying at what point mitigation would be triggered via the TRIMMA process, it is noted in Figure 3.2 that this is detailed as 'Thresholds to be determined'. The network is already subject to levels of congestion and delay, and whilst the Transport Assessment has identified a need for mitigation by the time certain levels of development (i.e.: Phase 1, 2a, or 2b) come forward, it does not confirm at what point prior to that Phase being delivered the works may be required, with a twelve year period between Phase 1 and Phase 2a for example, and with the operation of a number of junctions within the study area deteriorating significantly over that twelve year period. As currently forecast, the operation of the London Road South junction would suggest the need to implement mitigation at Junction 10 earlier than Phase 2b, whilst the operation of the A1081 / Gypsy Lane Junction also deteriorates to unacceptable levels by the 2039 (Phase 2a) assessment year – as per table 10.86 of the submitted TA.</p> <p>However, the level of average delay at the Gypsy Lane junction (when considered relative to the forecast baseline), improves in both the AM and PM peak periods by 2043 when taking into account full development and associated mitigation for Phase 2b (2043 assessment) as detailed in Table 10.115. This is particularly notable in the PM peak hour when average delay is reported as reducing in the with development scenario from 105 seconds to 25 seconds.</p> <p>However no additional works to this junction are proposed as part of the mitigation assumed in the Phase 2(b) modelling work, which would indicate that the improvements in operation are due to the removal of constraints elsewhere on the network. This would also suggest that the wider improvements would need to be implemented at Phase 2(a) rather than Phase 2(b).</p>	<p>Figure 3.2 of the Outline Transport Related Impacts Monitoring and Mitigation Approach [REP5-041] refers to the proposed MT1 annual monitoring process. As stated in the document, it is proposed that the Applicant and relevant highway authority agree the thresholds for each monitoring level; it is proposed that the process for agreeing these thresholds will be contained in the final TRIMMA.</p>

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11	Surface Access	<p>The Gypsy Lane example summarised above highlights the other main area of initial concern that CBC would have over an approach (as appears to be the current case with the TRIMMA) in which the traffic routing to individual junctions is assessed and the need for improvement works is currently identified based upon a threshold for the related individual junctions.</p> <p>Within the submitted TA the highway works from Junction 10 of the M1 and along the A0181 have been modelled as a combined network within VISSIM, with the works to the M1 in particular appearing to have a significant secondary effect upon the other junctions within that modelled network (and as recognised within the submitted TA, with paras 10.3.98, 10.3.100, 10.3.102 all referring to the wider benefits of works to the M1 junction experienced elsewhere within the network).</p> <p>It would therefore appear that the works within the VISSIM would be more appropriately considered as a package of schemes, and that the provision of isolated or individual elements of mitigation within that overall package would not have the same impact as the delivery of the full and combined mitigation schemes.</p> <p>As such, it is the view of CBC that should the TRIMMA process be followed, there would need to be a robust set of thresholds to determine the point at which mitigation comes forward, which in a number of cases may need to be at the very earliest stages of development. Where this is the case, for example where works are detailed as being required by 2027, there would appear to be logic in providing these works outside of the TRIMMA process as a committed set of mitigation works to be delivered by the time the 21.5 mppa threshold is met, as these works are modelled as being required by Phase 1, are necessary for all further phases of development (with mitigation generally building upon the Phase 1 works), and would still require a relatively long run in period to allow for the relevant detailed design and approvals. This would also (in the case of the initial works to J10 and the A1081) allow for the works to be delivered as a single package.</p> <p>In addition, that the works to J10 of the M1 and along the A1081 corridor for further phases should also be considered as a package of interconnecting schemes, rather than being considered individually within the TRIMMA process.</p>	<p>The Applicant notes this comment and proposes to include this matter as part of discussions on monitoring/mitigation thresholds after Monitoring Level 0 (ML0).</p>
12	Surface Access	<p>As a general point with regards to the above, and as previously raised, at present the identification of thresholds for mitigation is proposed to be agreed under the TRIMMA process by the Steering Group. It is the view of CBC that the DCO should define Thresholds at this point, to provide a suitable level of certainty to the process, whether within the DCO itself or within the OTRIMMA as a certified document.</p>	<p>It is proposed that the Applicant agrees thresholds with the highway authorities relevant to each MT1 location. It is also proposed that the thresholds are based on updated monitoring of highway traffic (ML0), as described in the Outline Transport Related Impacts Monitoring and Mitigation Approach [REP5-041]. As this updated monitoring would need to occur around the time at which the airport exceeds the extant planning capacity, it would not be appropriate to undertake this monitoring at this point.</p>

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13	Surface Access	Figure 3.2 sets out the proposed approach to monitoring, within which CBC would query why, when airport traffic exceeds an identified threshold, the process still links to the preparation and sharing of a monitoring report. It is also unclear why the term 'potential mitigation' rather than 'mitigation' is used when thresholds are exceeded.	Figure 3.2 of the Outline Transport Related Impacts Monitoring and Mitigation Approach [REP5-041] refers to the proposed MT1 annual monitoring process. The Applicant assumes that CBC's query relates to the proposal to prepare a monitoring report if ML3 is triggered; the Applicant considers that it would be good practice to document pre-ML3 monitoring, regardless of the outcome. The word 'potential' is used because there is no guarantee that ML3 will necessitate mitigation.
14	Surface Access	It is noted that Figure 3.4 provides indicative locations for survey cameras – CBC would be seeking additional survey locations to the west of the M1. The placement of a camera on Newlands Road and a camera on Luton Road would allow for the identification of any trips routing via the B4540 via Slip End, whilst also providing an overview of trips routing west of the M1. CBC would also advise that there should be cameras on the A1081 to either side of the junction with the B653 / Gypsy Lane.	Figure 3.4 of [REP5-041] shows indicative locations of ANPR cameras located to monitor traffic at MT1 locations. It is not final; the final version will enable the sufficient monitoring of traffic at MT1 locations. It is the sole purpose of this proposed survey to monitor traffic at MT1 locations. The Applicant may agree to undertake further monitoring on behalf of local authorities; discussions on such matters are ongoing.
15	Surface Access	It is noted that the approach proposed in para 3.3.13 now refers to the works being implemented by the applicant, which is a welcome amendment to the draft proposals previously presented by the applicant within which it was proposed that the Highway Authority would be responsible for scheme delivery. Notwithstanding this, it appears that the option for schemes to be delivered by the Local Highway Authorities may remain, including where an alternative to the scheme options included within the DCO is proposed. In such an instance there would need to be far greater definition within the document with regards to the calculation and agreement of scheme costs.	The Applicant notes that the OTRIMMA is not a final document and as such considers it appropriate for the OTRIMMA to address the relevant principles with the detail requested being included in the final TRIMMA.
16	Surface Access	Paragraph 3.4 of the OTRIMMA refers to the assessment of Third-Party off-site car parking. It is noted that this is detailed as having been incorporated into background traffic. Further clarity on what is meant by this statement is required (as well as further detail as to how this has been accounted for within the modelling), as this traffic would only be present on the network in the scenarios including the DCO, rather than being background traffic.	The trips associated with the off-site car parks are already on the road network in the baseline scenario and growth applied to produce future year traffic flows (see Section 9.4 of the Transport Assessment [APP-205] therefore includes growth in the baseline off-site car parking trips. The small peak hour increase in trips associated with the off-site car parks would also be accessing various off-site car park locations, and the associated trips would, therefore, be dispersed across the road network, making any impacts immaterial.
17	Surface Access	It is noted that the 5 yearly review will update the distribution of airport traffic. Whilst this has the benefit of allowing for any changes in routing to be identified, this does not appear to follow through with regards to the delivery of alternative mitigation (should the need be identified), with the commitment to fund improvement works appearing to be capped at that associated with the currently submitted schemes. I.e.: Should the monitoring determine that a different form or location for mitigation is required as a direct result of development traffic impacts, as identified through the revised distribution, then the responsibility for the funding and delivery should sit fully with the applicant. With regards to Mitigation type 2 (MT2) it is noted that monitoring is proposed as being undertaken by the relevant highway authority, however it is not clear how this monitoring is to be funded (or if there is an expectation that the relevant highway authority will be responsible for funding, which would not appear to be reasonable). It is also unclear how, in the absence of baseline surveys, it would be possible to demonstrate that issues identified are related to the expansion	The MT1 mitigation proposals are representative of the requirement of the proposed development to mitigate its forecast effects. However, in recognition that highway authorities may wish to propose an alternative arrangement at the location of mitigation proposals, the OTRIMMA [REP5-041] proposes that highway authorities will be enabled to deliver alternative works instead of the mitigation proposals, funded by the Applicant up to the cost of the original proposals because the Applicant cannot be held responsible for works which go over and above works to mitigate its impact. The Applicant has assessed the impact of the proposed development and has proposed mitigation for identified impacts. The Residual Impacts Fund will exist to mitigate previously unforeseen impacts (including at other locations) which have been demonstrated to have arisen due to the proposed development. Having assessed the aforementioned impacts within the scope (agreed with highway authorities) of the transport assessment, it is not necessary for the Applicant to monitor for further impacts. Regarding the absence of baseline surveys for MT2, the baseline assessment has been completed for the scope of work developed through engagement with the highway authorities and presented in the Transport Assessment [APP-203, AS-123, APP-205, APP-206] . The

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		of the airport. Whilst it is appreciated that the MT2 approach is to look at wider, and potentially unforeseen, impacts, there are a number of locations previously identified (for example Slip End crossroads) where there has been a previous recognition of the need for further monitoring through the TRIMMA process. CBC would suggest that a list of locations where there is a reasonable expectation of future impacts, to be addressed through the MT2 approach, is agreed through the DCO and an initial baseline survey of these locations included as part of the ML0 survey work. This would then provide a sound evidence base for all parties to work from.	implications of this in terms of the use of the Residual Impacts Fund will be represented in the Fund's terms of reference, which will be agreed with highway authorities.
18	Surface Access	With regards to the split of monies assigned to different authority areas, CBC would be seeking further clarity about how such a split would be determined, to account for a likely disproportionate balance of impacts. There is also some concern that limiting the funding to a maximum sum per year may make larger, and potentially more effective, mitigation schemes harder to deliver. Some flexibility in terms of scheme funding is therefore likely to be required.	This concern will be considered. The full Terms of Reference for the Steering Group will be provided in final TRIMMA. The final TRIMMA must be substantially in accordance with this OTRIMMA [REP5-041] and be approved in writing by the relevant planning authority, following consultation with the relevant highway authority on matters related to its function. The airport cannot be operated above its extant passenger cap until the TRIMMA has been approved.
19	Surface Access	It is also noted that Parking controls are included within MT2 – with reference to the identification of where airport staff / passenger parking is impacting upon the public highway. It is unclear how monitoring could determine this, and it remains the view of CBC that parking management, in areas which are already identified as being of concern, should fall outside of the TRIMMA process and be subject to a separate and proactive approach.	The Applicant has proposed the inclusion of fly parking in the TRIMMA because it is a possible traffic-related impact of the airport. CBC's point will be considered by the Applicant. The required evidence of fly-parking will be clarified in the Deadline 7 version of the OTRIMMA.
20	Surface Access	<p>With regards to data, reference is made to bus / coach stations as potential sources, and with regards to ML1 reference is made to 'using data from existing data sources' at the airport. CBC would appreciate further clarity on what the actual scale and type of data collection is intended to be. It would appear appropriate (particularly when also considering the Green Controlled Growth Framework and the site Travel Plan), that there would need to be an annual travel data collection exercise, to cover traffic surveys and manually (if needed) counting of passenger numbers at the bus / coach station, and the counting of passengers arriving via shuttle buses from offsite parking providers.</p> <p>As such, whilst the additional information and detail contained within the updated OTRIMMA is welcomed, CBC have a number of queries over the universal application of such an approach, with some elements of mitigation appearing more suited to being delivered outside of the process, as well as having a number of queries related to practical implementation.</p>	The data will be sufficient to ascertain the volume of airport vehicle trips on the public highway and to enable them to be 'assigned' to/from the correct airport site to the correct links on the public highway. Further detail on data sources will be contained in a revised version of the Approach.
21	Draft DCO	<p>Lighting Requirement</p> <p>Within REP2A – 005 Applicant's Comments on CBCs LIR, it states that the Applicant is considering a requirement for a lighting strategy but to date this has not been captured in the amended draft DCO.</p>	The Applicant considers that its response in [REP5-052] addresses the concerns raised.
22	Draft DCO	Action point 28 of ISH6 required the applicant to consider comments from CBC regarding requests for cross sections, boundary treatment details	The Applicant notes that Requirement 8 of the draft DCO (previously Requirement 9) [REP5-003], lists a number of things that the landscaping scheme must include. However, the Applicant

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		and a plan showing the extent of landscaping in Requirement 9 of the draft DCO, notwithstanding wording in Requirement 9(2). Within REP3-053 Applicant's Post Hearing Submission – ISH6, it states that the applicant would deal with this at Deadline 4, but this matter appears to be outstanding.	does not consider that the Requirement ought to specifically request the provision of cross sections, boundary treatments details and a plan showing the extent of the landscaping, as requested by the Council as these will not be needed or applicable in each scenario. It should also be noted that existing paragraph 35 permits the relevant planning authority to request further information before discharging a requirement, should that be required in relation to the matter for which a discharging consent is being sought. 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.
23	Draft DCO	<p>Construction Traffic Management Plan</p> <p>Requirement 13 – Additional wording is required to ensure that matters to be covered within the CTMP are not excluded from what is considered to be commencement of works. At present the definition of 'commence' excludes:</p> <ul style="list-style-type: none"> • Site preparation and site clearance; • Erection of temporary buildings and structures; • Receipt and erection of construction plant and equipment; and • Erection of fencing <p>All of which would be matters relevant to the CTMP, but which could be carried out in advance of the CTMP being either submitted or approved based upon the current drafting.</p> <p>Requirement 13 – CBC would suggest that the wording is broadened to cover 'relevant highway authorities' as the CTMP is liable to have cross authority implications in terms of traffic.</p> <p>The same two comments would apply with regards to requirement 14, i.e.: that the matters to be covered by the Construction Workers Travel Plan are not excluded within the definition of commencement, and that the associated wording refers to 'relevant highway authorities'.</p>	<p>The Applicant agrees that the definition of "commence" excludes certain works, such as those listed by CBC in the preceding column. However, the Applicant considers that this approach is reasonable and proportionate as the works are minor in nature, and consequently would not have the level of traffic impacts that would require a construction traffic management plan to be in place before they are undertaken. Such works would only take place following the grant of the Order and while the Applicant was working to discharge the pre-commencement requirements. Furthermore, such works would be controlled by the Code of Construction Practice [REP4-011] which contains general measures to reduce construction traffic impacts at section 16.4. As explained in the Explanatory Memorandum [REP5-005], this is a widely precedented approach.</p> <p>In relation to broadening the wording of Requirement 13 to cover 'relevant highway authorities', rather than just one such authority, the Applicant does not consider this necessary. The undertaker is required to submit the CTMP to the relevant planning authority, who are required to consult the relevant highway authority in which works take place. However, the relevant planning authority does have the power under requirements 34 and 35 to consult other highway authorities if they consider it necessary to do so. The reasoning for this is that the scheme is due to be delivered in phases and so if a discrete phase of the scheme does not impact any other highway authority, it would be disproportionate for consultation to be required with other highway authorities.</p>
24	Draft DCO	<p>Requirement 29</p> <p>It is noted that under Offsite Highways Works – 29 (3) and based upon the interpretations in Part 1 of the Order, at present CBC would be classed as the relevant planning authority responsible for discharging the requirements related to a number of major highways works, including those to the M1. CBC have a number of areas of concern with regards to the related timescales associated with regards to the discharge of these requirements, detailed later with regards to Part 5 of the Draft DCO.</p>	The Applicant is considering the point raised by the Council as part of DCO drafting matters and will provide an update at Deadline 7.
25	Draft DCO	<p>Requirement 29 (part 4) – there appears to be no timescale associated with the delivery of any scheme identified through (3) following approval being granted by the relevant planning authority.</p> <p>Whilst the OTRIMMA makes some reference to timescales for delivery of works, the wording is not binding, referring purely to works being delivered 'at a suitable time to be agreed between parties based upon their overall programme of works'. CBC would therefore query whether further wording is required in 29(3) to include the submission of timescales for delivery</p>	The OTRIMMA [REP5-041] is an outline document and as such sets out the relevant principles, with the full detail to be included in the final TRIMMA. Nonetheless, the Applicant is reviewing and updating the OTRIMMA and will consider the Council's comment when doing so. An update will be provided at Deadline 7.

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		within the details of the mitigation scheme to be submitted to the relevant planning authority for agreement in writing.	
26	Draft DCO	Part 5 Procedure for the discharge of requirements retains the 'specified period' of eight weeks to discharge a submission related to individual requirements. As Offsite Highways Works fall under Part 4 (Requirements pertaining to other operational matters), it would appear that applications such as that for the works to the M1 would be covered by the same time limit (with assumed consent if not discharged and requiring consultation with National Highways). There are related requirements under Para 36. Including the need to consult by issuing the application to a relevant consultee within 5 working days. CBC have some concerns that the timescales prescribed would not be sufficient for the discharge of complex highways related requirements, particularly where the majority of the review process would sit with third parties such as National Highways.	The Applicant is considering the point raised by the Council as part of DCO drafting matters and will provide an update at Deadline 7.
27	Construction	<p>REP4 – 011 and REP4 - 012 Environmental Statement Appendix 4.2 Code of Construction Practice</p> <p>16.4.5 refers to the design of temporary traffic management schemes – and that lane closures will be subject to the traffic regulation process established through the DCO. For clarity this section should state that all temporary traffic management within the public highway will accord with the processes detailed within the DCO, not just limited to lane closures.</p>	Wording in paragraph 16.4.5 in the CoCP [REP4-011] has been revised to remove the specific association to lane closures, as requested.
28	Landscape and visual	<p>REP4 – 040 Glint and Glare Assessment</p> <p>The focus of the Glint and Glare Assessment is on the operational activity at the airport. Sensitive visual receptors, notably for CBC Luton Hoo RPG or Someries Castle Scheduled Monument have not been assessed. It is noted that mitigation is proposed for car park P1 to reduce the impact on airport operations, but the document fails to assess the impact on the sensitive landscape.</p>	The Glint and Glare Assessment [REP4-041] is a preliminary assessment focused on the potential impacts of reflected glare from solar panels and the potential for this to affect airport operators and /or nearby sensitive receptors. It has reviewed the primary sensitive receptors namely air traffic using the runway, the air traffic control tower and road traffic using adjacent major routes. These receptors are based on best practise guidance. However, the mitigation proposed in the Glint and Glare assessment to reduce the impact on airport operations would also reduce any impact that there may be on the sensitive landscape.
29	Compensation	<p>REP4 – 042 Draft Compensation Policies, Measures and Community First</p> <p>With the announcement of planning permission being granted for 19 mppa at Luton Airport, the Applicant has updated the Community First pot to start applying when 19 mppa is reached, rather than 18 mppa. Given that the Airport has not yet ratified that it is implementing the new permission, this change could lead to £1 million being withdrawn from the Community First pot and should therefore be resisted.</p>	The Applicant has always been clear that Community First will apply to growth created through this application for development consent, and that the fund would use the permitted passenger throughput planning cap in place at the time that the DCO is made. The approval of the airport operator's planning application, raising the passenger throughput cap to 19 mppa does not change the Applicant's position.