

London Luton Airport Expansion

Buckinghamshire Council Response to The Examining Authority's Written Questions and requests for further information

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1 Introduction

1.1. Terms of Reference

- 1.1.1. Buckinghamshire Council (the Council) is a neighbouring authority for the London Luton Airport Expansion Development Consent Order (DCO) referred to as 'the Scheme'.
- 1.1.2. This document provides the Council's response to the Examining Authority's (ExA's) Further Written Questions and requests for further information. The primary focus is on the ExA's requests directed to the Council. However, there are a small number of questions that the Council has commented on in addition to the above.

2 Buckinghamshire Council Response to The Examining Authority's Further Written Questions and requests for further information

Abbreviations Used:

Abbreviation	Definition
19mppa consent	Ref 15/00950/VARCON granted on 13 October 2023 allowing, among other things, commercial passenger throughput of up to 19 million passengers in any twelve-month period
ACV	Asset of Community Value
AEDT	Aviation Environmental Design Tool
ANPR	Automatic Number Plate Recognition
ANPS	Airports National Policy Statement: new runway capacity and infrastructure at airports in the south-east of England
AONB	Area of Outstanding Natural Beauty now known as National Landscapes
ATM	Air Traffic Movements
CAH	Compulsory Acquisition Hearing
CBC	Central Bedfordshire Council
CHG	Cultural Heritage Gazetteer [REP4-017]
CHMP	Cultural Heritage Management Plan [REP4-020]
CoCP	Code of Construction Practice [ADD REF]
D	Deadline
DALYs	Distribution of Disability Adjusted Life Years
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
draft DCO	Draft Development consent Order [REP5-003]
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement

Abbreviation	Definition
ExA	Examining Authority
ExQ1	Examining Authority's written questions [PD-010]
ExQ2	Examining Authority's further written questions
GCG	Green Controlled Growth
GDP	Gross Domestic Product
GHP	Green Horizons Park
HCC	Hertfordshire County Council
HoT	Heads of Terms
ICAO	International Civil Aviation Organisation
IEMA	Institute of Environmental Management and Assessment
IPs	Interested Parties
ISH	Issue Specific Hearing
JZS OyO	Jet Zero strategy: one year on (2023)
km	Kilometres
LADACAN	Luton and District Association for the Control of Aircraft Noise
LBC	Luton Borough Council
LLAOL	London Luton Airport Operations Limited
MCERTS	Monitoring Certification Scheme
MPPA	Million Passengers Per Annum
NEDG	Noise Envelope Design Group
NPPF	National Planning Policy Framework
OBR	Office for Budgetary Responsibility
PA2008	Planning Act 2008
PADSS	Principal Areas of Disagreement Summary Statements
PSZ	Public Safety Zones
QALYs	Quality Adjusted Life Years

Abbreviation	Definition
RIF	Residual Impact Fund
RPG	Registered Park and Garden
s	Section
s106	Section 106
SLAE	Stop Luton Airport Expansion
SoCG	Statement of Common Ground
SoS	Secretary of State
STF	Sustainable Transport Fund
TRIMMA	Transport Related Impacts Monitoring and Mitigation Approach [REP5-041]
UKHSA	UK Health Security Agency
UXO	Unexploded Ordnance
WSI	Written Scheme of Investigation

ExQ2	Question to	Question	Buckinghamshire Response
Broad, cross-topic and general questions			
BCG.2.1	All Interested Parties	<p>Written questions following Hearings</p> <p>At the Hearings [EV13-006], [EV14-008], [EV15-013] and [EV16-009] a number of questions were converted to written questions to be answered at deadline (D)7. Please provide responses to these questions alongside those requested under further written questions (ExQ2). If you are providing your responses to ExQ2 in a table, the Examining Authority (ExA) is happy for you to include the responses to the hearing questions at the end of the relevant section. For example, questions from EV-014 could be included at the end of the responses to the traffic and transport questions from ExQ2.</p>	<p>Q21 of Issue Specific Hearing 10 (ISH10): Discussion with Buckinghamshire regarding Employment and Training Strategy [APP-215] component of s106. No such discussions have taken place.</p>
BCG.2.3	All Interested Parties	<p>Central Government policy and guidance</p> <p>Are you aware of any updates or changes to Government policy or guidance, including emerging policies, such as the National Planning Policy Framework (NPPF), that may come into force before the end of the reporting period that could be relevant to the determination of this application? If yes, what are the likely implications for the application?</p>	<p>Update to National Planning Policy Framework (NPPF) published December 2023. No significant changes.</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>

ExQ2	Question to	Question	Buckinghamshire Response
BCG.2.11	Applicant and all Interested Parties	<p>s106 – HoT</p> <p>Throughout the Examination the Applicant and various Interested Parties (IPs) have advised that certain mitigation measures would be needed and could be secured through the s106. These include, but are not limited to:</p> <ul style="list-style-type: none"> • request by Historic England [REP1-070] and [REP4-173]; • request by Bedfordshire Fire and Rescue Service [RR-0142]; • request by East of England Ambulance Service NHS Trust [RR-0401]; and • various requests from the Joint Host Authorities. <p>1. Applicant: Explain why these are not included in the current HoT and, if they are required, signpost where/how these are being secured.</p> <p>2. Interested Parties: List any further mitigation measures that should be included in the HoT with an explanation as to why.</p>	<p>In Buckinghamshire Council's view the following need to be secured:</p> <ul style="list-style-type: none"> • New express bus route from Aylesbury to Luton <p><i>Expansion of airport would mean increased passenger air travel. Customers will need to have real choice of sustainable transport to contribute to sustainable development and minimise use of private car. Required to ensure traffic impacts of development within Bucks are mitigated by promoting sustainable transport.</i></p> <ul style="list-style-type: none"> • Reinstatement of Bus Route 61 from Aylesbury to Luton <p><i>Expansion of airport would mean increased passenger air travel. Customers will need to have real choice of sustainable transport to contribute to sustainable development and minimise use of private car. Required to ensure traffic impacts of development within Bucks are mitigated by promoting sustainable transport. This would address the existing lack of long-distance fast bus services connecting east and west, or locations within Buckinghamshire with Luton Airport or the M1 corridor and the East Coast mainline, without a requirement to use London interchanges.</i></p>

ExQ2	Question to	Question	Buckinghamshire Response
			<ul style="list-style-type: none"> • Priority junction improvements at the B489 and B488 Ivinghoe <p><i>Long distance commuting route uses the Buckinghamshire network via the B489. The intensification in use of this is shown within the DCO Trip Distribution Plans. Small increases in traffic flow would have unacceptable impacts to this junction.</i></p> <ul style="list-style-type: none"> • An agreed Sustainable Transport Fund <p><i>Fund to support sustainable transport to serve the Scheme. Expansion of airport would mean increased passenger air travel. Customers will need to have real choice of sustainable transport to contribute to sustainable development and minimise use of private car. This should be extended to sustainable transport measures within Buckinghamshire County.</i></p> <ul style="list-style-type: none"> • Community First fund to include areas of Buckinghamshire: wards of Aylesbury North, Aylesbury North-West, Aylesbury South-West and Chesham

ExQ2	Question to	Question	Buckinghamshire Response
			<p><i>Expansion of airport would mean increased passenger air travel which will result in an increase in air pollution. The Community First Fund will help provide schemes which improve air quality in local communities within Buckinghamshire.</i></p> <ul style="list-style-type: none"> • Buckinghamshire membership on the Local Economic Development Working Group implementation and monitoring. <p><i>Significant economic, employment and training opportunities will be generated by the DCO. Buckinghamshire required involvement in the ETS which will take place via the Local Economic Development Working Group. The ETS will secure actions that will be targeted at Bucks' residents and businesses.</i></p>
BCG.2.12	Applicant and all Interested Parties	<p>s106 – Alternatives The Applicant intends to submit a completed s106 agreement at D9 (30 January 2024) [REP6-072]. However, should the s106 not be completed could any of the matters that would have been secured by the agreement be secured through other means eg a requirement? If so, provide details of which elements, how they could be secured and an appropriate form of drafting.</p>	<p>In Buckinghamshire Council's view the following would need to be secured via a DCO Requirement:</p> <ul style="list-style-type: none"> • Employment and Training Strategy. <p><i>The authorised development must be carried out in accordance with the Employment and Training Strategy.</i></p>

ExQ2	Question to	Question	Buckinghamshire Response
			<ul style="list-style-type: none"> • Draft Compensation Policies, Measures and Community First document. <p><i>No part of the authorised development may commence until a Compensation Policies, Measures and Community First document, substantially in accordance with the draft document, has been approved in writing by the relevant planning authority.</i></p>
BCG.2.13	Applicant and all Relevant Highway Authorities	<p>Traffic modelling – implications for air quality, health, and noise and vibration assessments</p> <p>3. Relevant Highway Authorities: Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15th December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactory address the concern(s) by D7.</p> <p>4. Applicant: If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8.</p> <p><i>You may wish to link the answer to this question with your response to question TT.2.1.</i></p>	<p>The Council agrees with the Applicant's conclusions not to amend the baseline and future years modelling assessments included within the Transport Assessment to maintain a robust assessment, notwithstanding the concerns raised by the Council with regard to this.</p> <p>The Council is aware that within its own network there are areas of increased and decreased traffic volumes as a result of the post COVID effects.</p> <p>Section 6. 1. 2 of the final report also states that noise and air quality modelling is required to confirm any potential changes to the conclusions of the Environmental Statement. The applicant states that this work is underway, and the outcome of the environmental review will be reported in a separate document to be submitted at</p>

ExQ2	Question to	Question	Buckinghamshire Response
			Deadline 7. The Council awaits submission of this document.
Air Quality and odour			
<i>The Council has no further comments to make in response to the questions relating to air quality.</i>			
Biodiversity			
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>			
Climate change and greenhouse gas emissions			
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>			
Compulsory Acquisition and Temporary Possession of land and rights			
<i>The Council has no further comments to make in response to the questions relating to compulsory acquisition.</i>			
Draft Development Consent Order			
<i>The Council has no further comments to make in response to the questions relating to the draft Development Consent Order.</i>			
Green Controlled Growth (GCG)			
GCG.2.2	All Local Authorities	Increase of thresholds, limits and contours Confirm whether any additional wording is required in the GCG framework [REP5-022] to limit the circumstances in which an increase in the thresholds, limits or contours could be allowed, for example in paragraph 2.3.4 of the framework.	Wording should be included to cover a scenario where the number of people overflow increases due to a change in the shape of the contours due to circumstances not assessed in the Environmental Statement (ES).
GCG.2.6	Applicant	Noise Envelope Design Group (NEDG) review of final noise envelope In light of comments at Issue Specific Hearing (ISH) ⁸ regarding consultation on the final noise envelope, confirm whether it would be possible for the presently disbanded NEDG to provide comments on the final noise envelope design. Also confirm whether there is time within the examination timetable to allow submission of comments on any NEDG response by IPs prior to the end of the Examination.	Matters relating to the NEDG and its role and potential value moving forward have been raised previously by the Council. The Council welcomes the ExA's question and will review the Applicant's response in due course.

ExQ2	Question to	Question	Buckinghamshire Response
GCG.2.10	All Local Authorities	<p>Automatic Number Plate Recognition (ANPR) data</p> <p>Do you consider that a specific mechanism is required in the draft DCO to agree the location and approach to monitoring traffic using ANPR, or similar, to inform air quality impacts in Appendix C of the GCG framework [REP5-028]? If not, why not?</p>	No air quality monitoring is due to take place within Buckinghamshire as part of Appendix D of the GCG Framework. Therefore, Buckinghamshire Council do not require such a mechanism to be created within the draft DCO. This may however be something the Host Authorities would wish to consider.
Health and community effects			
HAC.2.3	Applicant	<p>Errata</p> <p>The Errata document [REP5-036] states that Table 13.6 relating to the Study Area should be amended to delete '<i>Areas within which there are likely to be environmental impacts (e.g noise and visual impacts of the airport, construction and surface access traffic routes)</i>' as a typological error. The ExA considers that the explanation that '<i>Environmental impacts from the construction and operation of the airport are not relevant for the wider study area</i>' lacks an evidential basis. The Applicant must provide robust justification for this deletion cross referencing the original scope of assessment and explaining whether any agreement has been reached with stakeholders to scope out this matter from assessment. Where such justification cannot be provided, the Applicant should clearly explain how conclusions on such impacts have been factored into the assessment of effects.</p>	The Council raised this matter at ISH 8 and welcomes the ExA's inclusion of the pertinent points within this question. The Council will review the Applicant's response in due course.
Major Accidents and Disasters			
<i>The Council has no further comments to make in response to the questions relating to major accidents and disasters.</i>			
Need			
<i>The Council has no further comments to make in response to the questions relating to need.</i>			

ExQ2 Noise	Question to	Question	Buckinghamshire Response
NO.2.1	All Local Authorities	<p>2019 actuals/ consented baseline</p> <p>The called-in decision for application ref: 21/00031/VARCON creates a potential 19 mppa fall-back position. On the basis that this fall-back position now exists, can the local authorities provide detailed reasons if, and if so why, they consider it necessary to use a baseline position other than the 2019 actuals that is set out in the ES? If an argument remained to use the 2019 consented baseline as the core case, what specific additional assessment do the Local Authorities consider would need to be submitted (including any health-related assessment) and why?</p>	<p>The Council would accept that adopting the 2019 actuals provides a more accurate representation than the consented baseline. As highlighted in Buckinghamshire Council Comments on Further Deadline 4 Submissions (TR020001) adopting 19mppa has an impact on the economic case for expansion. Most notably, this includes a reduction in the number of jobs expected to be created. The Council wishes to see a quantitative assessment of this change, rather than a qualitative sensitivity analysis, which is the approach that the Applicant has taken to date.</p>
NO.2.3	All Local Authorities	<p>Disregarded movements</p> <p>The Air Noise Management Plan [REP6-051, paragraph 2.6.1] includes a list of movements to be disregarded. Confirm whether the grounds for dispensation are acceptable, given that certain matters identified may be within the control or influence of the airport. Confirm whether the Applicant should reference any particular guidelines on dispensation.</p>	<p>The applicant should reference the "Department for Transport Guidelines on Flights Which May Be Given Dispensation from the Night Restrictions" issued by Department for Transport in July 2014.</p>
NO.2.4	Applicant and all Local Authorities	<p>Noise violation limits</p> <p>The Air Noise Management Plan [REP6-051] includes a proposed reduction in the noise violation limits from 2028, consistent with the current permission. Given the long-term nature of the Proposed Development, should the plan seek to include additional reductions in those limits in subsequent phases?</p>	<p>The Council would welcome further measures to avoid unnecessary noise generation affecting communities overflowed.</p>

ExQ2	Question to	Question	Buckinghamshire Response
NO.2.6	Applicant and all Local authorities	<p>Shoulder period noise controls If additional ATMs were consented during the night shoulder periods, as proposed by the Applicant, can you suggest what would be suitable shoulder period quota count point limits and/ or ATM limits?</p>	<p>The Overarching Aviation Noise Policy sets out the Government's overarching noise policy statement as reproduced below.</p> <p>"The government's overall policy on aviation noise is to balance the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management. This should take into account the local and national context of both passenger and freight operations, and recognise the additional health impacts of night flights."</p> <p>On this basis the Council would resist any additional ATMS during the night shoulder periods.</p>
NO.2.9	Applicant and all Local Authorities	<p>Cargo, business and private ATM movements The impact of night flights has been raised as a significant concern by residents, in particular late night/ early morning cargo flights.</p> <ol style="list-style-type: none"> 1. Applicant: explain what specific restrictions apply to cargo, business and private flights during the night-time period if different from commercial flights. 2. Local authorities: Given the proposed increase in commercial flights during the night period, should 	<p>See answer to 6 above.</p> <p>Also, it is suggested that the restrictions at [REP6-051] Para 2.3 "Maximum quota count for night-time (23:00 – 07:00) aircraft movements be amended so that aircraft" be amended so that no cargo, business and private flights with a quota count of 1 or more are permitted to take off or land. To align it with the Night Quota Period (23:30 – 06:00) movement cap.</p>

ExQ2	Question to	Question	Buckinghamshire Response
		additional constraints now be placed on any cargo, business and private flights? If not, why not, and if yes what should they be?	
NO.2.12	Applicant	<p>Early morning traffic movements Explain the likely surface access noise impact arising from early morning traffic movements to the airport and whether such peaks would be likely to give rise to significant changes in noise during these periods compared with the Do Minimum situation. Draw on traffic and noise modelling data and provide commentary on specific areas such as Buckinghamshire, where specific concerns have been raised about traffic flows in the early morning period [REP6-087].</p>	<p>The early morning traffic increases on the B489 between the hours of 03:00 and 07:00 are predicted to be 57 two-way movements. At present the Council's ATC survey data shows that in this time period there are 156 two-way movements on this corridor. The growth set out in the Applicant's latest data would represent a 37% increase in these early hours for this corridor.</p> <p>It is understood that the low numbers are unlikely to equate to a significant effect in relation to the thresholds of the noise assessment work. However, the Council's concern is related to the health implications of the changes to the noise environment, particularly in terms of the potential for sleep disturbance. The Council would welcome specific qualitative analysis of this matter to be included within the relevant parts of the ES. Furthermore, the Council is of the opinion that the percentage change is sufficient to merit intervention in the village locations along this route, to seek to mitigate adverse effects arising from the traffic impacts.</p>

ExQ2		Question to	Question	Buckinghamshire Response
Physical effects of development and operation				
Design				
PED.2.4	Applicant and the Local Authorities	<p>Design principles – highway works</p> <p>Applicant: Design Principle HW.01 [REP5-034] refers to the detailed design being in accordance with the DMRB and Local Authority Highway Design Requirements. Has any consideration been given to design being in accordance with the DfT guidance Manual for Streets, particularly in areas where public realm functions are proposed? If not, why not?</p> <p>Local Authorities: Are there any aspects of Manual for Streets where the design of highway works would be applicable or should be applied in your respective areas? If so, indicate where and if not, why not?</p>	At the junction of the B488 /B489, use of the Manual for Streets principles of tightening radii to slow traffic could be used; however, this will need to be balanced against swept path requirements on a classified road.	
Historical Environment				
PED.2.11	Buckinghamshire Council	<p>Heritage impacts from highway works/ noise</p> <p>Your Principal Areas of Disagreement Summary Statement (PADSS) maintains that there is a lack of clarity regarding the impact of the scheme on heritage assets and seeks updated noise modelling and a CTMP.</p> <ol style="list-style-type: none"> 1. Provide details on which heritage assets are most of concern. 2. Should assets of concern be identified with an assessment of likely effects/ harm in the CHG [REP4-017]? 	Further to the Council's submission of the latest version of its PADSS (REP6-088) the Council has been informed that the Applicant is now not willing to undertake a comparison of data collected by the Council on recent traffic flows along the B489. However, the Applicant has provided additional information (REP6-070) with specific data on the locations of the validation counts. The Council has undertaken its own review of this additional information and is now satisfied that the B489 data is sufficient for the assessment of the traffic impacts on that corridor. As a result the clarity	

ExQ2	Question to	Question	Buckinghamshire Response
			sought by the Council on impacts to heritage assets has been provided.
Green Belt			
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>			
Effects on safety			
<i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i>			
Socio-economic effects			
SE.2.1	Applicant	<p>Previous job creation</p> <p>Following ISH2 [EV7-006, Action Points 5 and 6] you were asked to provide details of the number of jobs created as a result of the grant of consent to allow the airport to expand to 18 MPPA. In response, copies of the London Luton Airport annual monitoring report for 2014 to 2019 have been provided. Whilst each report does contain a section on employment can you please provide the information requested in table form setting out:</p> <ol style="list-style-type: none"> 1. the number of jobs generated by the airport over the relevant period compared to the number of jobs that it was indicated would be delivered in the application; and, 2. the number of jobs that were in existence prior to the increase in the passenger cap. <p>Where possible can you provide the actual number rather than the number rounded to the nearest hundred.</p>	The Council welcomes the request from the ExA for the information to be presented in this manner. It is considered that it may be useful in providing insight into the extent of job creation and the potential effectiveness of earlier strategies that, in turn, would be a helpful input to the development of interventions by the Applicant, including through the involvement of the LEDWG.

ExQ2	Question to	Question	Buckinghamshire Response
Traffic and transport			
TT.2.1	Applicant and all Relevant Highway Authorities	<p>Transport modelling</p> <ol style="list-style-type: none"> Relevant Highway Authorities: Review the final report summarising the outcome of the accounting for Covid-19 in transport modelling that should be submitted by the Applicant on 15th December 2023 [AS-159]. Provide a summary of any outstanding concerns and what needs to be amended/included in order to satisfactorily address the concern(s) by D7. Applicant: If there are outstanding concerns please review and provide details of how they will be resolved during the Examination by D8. 	<p>The Council agrees with the conclusions drawn by the Applicants based on the findings that the modelling remains robust as initially submitted.</p> <p>This is stated notwithstanding the Council's concerns regarding the modelling within Buckinghamshire. The Buckinghamshire validation is addressed separately within the Council's deadline 7 submissions.</p>
TT.2.6	Applicant	<p>TRIMMA</p> <p>Consider if the TRIMMA [REP5-041] could or should be amended so that expenses incurred in evidencing schemes to be funded by the Residual Impact Fund (RIF) would be reimbursed if found to meet the requirements of the TRIMMA mitigation type 2. If this is not possible explain why not.</p>	<p>The Council considers this approach to reimbursement to be a suitable way of ensuring that there will not be any unacceptable burden on the public purse in accessing the TRIMMA for type 2 mitigation – the Council welcomes the ExA's question.</p>
TT.2.9	Applicant	<p>Framework Travel Plan</p> <p>Confirm how Travel Plan mode share targets, which are more ambitious than those within the Green Controlled Growth Framework, would be secured in the DCO.</p>	<p>The Council welcomes the ExA's question and will review the Applicant's response in due course.</p>
TT.2.10	Applicant	<p>Sustainable Transport Fund (STF)</p> <p>In ISH7 the Applicant indicated that it is not the intention for the STF to cease when the airport reaches 32mppa, and that this would instead represent an appropriate time to review how the STF is structured. Confirm how the retention of the</p>	<p>The Council welcomes the ExA's question and will review the Applicant's response in due course.</p>

ExQ2	Question to	Question	Buckinghamshire Response
		STF after the airport reaches 32mppa would be secured in the DCO.	
TT.2.11	Applicant	STF [REP6-057] stated <i>'It is noted that the Applicant would consider pump priming routes to improve their commercial viability if they are shown to be the appropriate routes to improve connectivity to the airport.'</i> Explain how the STF would have grown sufficiently to allow for pump-priming of services if contributions to the fund would not start until notice to grow (under Article 44(1)) has been served.	The Council maintains that the Applicant should forward fund the STF (at least in part) to ensure that this issue is overcome.
TT.2.12	Applicant	STF At the Hearings you advised that mitigation measures required to address a breach of a GCG limit would be funded outside of the STF. Explain how this is secured in the DCO.	The Council welcomes the ExA's question and will review the Applicant's response in due course.
Water environment			
<i>The Council has no further comments to make in response to the questions relating to need.</i>			