



**LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER APPLICATION  
CENTRAL BEDFORDSHIRE COUNCIL PRINCIPAL AREAS OF DISAGREEMENT SUMMARY  
STATEMENT (PADSS)**

Ref.	Principal Issue in Question	Concern held	What needs to change/be amended/included in order to satisfactorily address the concern	Likelihood of concern being addressed during Examination
Highways				
1.	Sustainable Transport Mode	<p>The base mode share assumptions appear to be based upon public transport usage recovering to levels above the 2018 CAA mode share, in which 24% of staff used public transport, but with 2020 levels recorded at 5%. Likewise, the 2018 passenger mode share was recorded as being 33%, with the 2020 survey recording combined public transport mode share of 9%. As such the baseline 2027 level of 40% passenger public transport mode share appears to be similarly optimistic.</p> <p>It is not considered that reliance upon commercial operators to meet demand is an appropriate strategic approach to public transport access or achieving the public transport targets relied upon within the modelling work. In the absence of evidence to substantiate demands for individual route enhancements, it is unclear how or if improvements would be brought forward.</p> <p>Whilst reference is made to a ‘toolbox’ approach, this is not currently a funded or defined process, nor is there a</p>	<p>Taking the example of Stanstead – public transport improvements are partially funded by a passenger transport levy, which contributes circa £600k-£800k per annum to public transport measures. There appear to be no comparable proposals associated with the DCO.</p> <p>The applicant presented initial proposals with regards to a Sustainable Transport fund (presentation of the 19th Sept 2023) and further details of the STF were submitted at deadline 5, with further details related to the fund to be addressed within the Section 106.</p> <p>CBC welcome the inclusion of an allowance for pump priming bus services included within the updated STF submitted at Deadline 7, (ref. REP7-043), but are concerned that the latest version removes reference to the fund primarily funding measures to achieve sustainable mode share in</p>	<p>Whilst some elements of CBCs concerns have been addressed, the latest updated version of the Sustainable Transport Fund document submitted at Deadline 7 (REP7-042), whilst detailing a greater level of overall funding, is considered to be less ambitious in its scope and the potential application of funding. As such this area of disagreement is not considered to fully addressed.</p>

		<p>mechanism for the prioritisation of investment Taking the example of Stanstead – public transport improvements are partially funded by a passenger transport levy, which contributes circa £600k-£800k per annum to public transport measures. There appear to be no comparable proposals associated with the DCO.</p>	<p>excess of the defined (worst case) GCG targets, and appears to allow for the associated funding to be put towards the business as usual operation of the airport.</p> <p>In combination with the lack of stretching targets within the Framework Travel Plan, this appears to represent a lesser commitment than previously proposed.</p>	
2	Assumed Infrastructure	<p>As with the concerns raised with regards to the content of the ‘Core’ scenario – The Council have specific concerns over the inclusion of infrastructure within the forecast scenarios without certainty over funding, phasing, or delivery.</p> <p>This includes:</p> <ol style="list-style-type: none"> <li>1. M1 Smart Motorways</li> <li>2. East of Luton Highways schemes, including the dualling of Vauxhall Way</li> </ol> <p>These infrastructure assumptions are sufficiently closely related to the traffic study area as to directly influence traffic routing, and as such should be limited to those where delivery within specified timescales, by either the DCO promoter or others can be ensured.</p> <p>It is understood that the revised modelling work due to be reported in November 2023 is</p>	<p>As with matter 2, the updated Core modelled scenario assessed within the updated COVID19 modelling is considered to have addressed the majority of the Councils concerns related to infrastructure.</p> <p>Whilst some concerns remain with regards to the development’s reliance upon the delivery of schemes associated with the East of Luton study, following meetings with LBC Officers, CBC understand that Luton Council are content with the assumptions applied and therefore CBC are content for this matter to be removed from the PADSS.</p> <p>Whilst the OTRIMMA has been updated in REP7-039, and CBC welcome the changes related to fly-parking, at present CBC remain</p>	<p>The Council’s concerns with regards to infrastructure assumed within the Model are considered to have been addressed, however concerns over the funding, phasing and delivery of offsite highways works via the TRIMMA remain.</p>

		<p>expected to exclude the Smart Motorways scheme, which (subject to this being fully reported as the updated Core Scenario) would address one of the Councils areas. However, the other areas of concern raised currently remain unaddressed.</p> <p>As discussions have progressed, this area of concern is also considered to be of direct relevance to those 'off-site' highways works proposed to be delivered by the applicant through the TRIMMA. Whilst further information from the applicant is awaited, at present the TRIMMA is not considered to provide a sufficiently robust or binding mechanism for ensuring timely delivery of necessary highways mitigation, leading to the same concerns with regards to funding, phasing and delivery.</p>	<p>concerned that too much of the process remains undefined, subject to a complex and process heavy monitoring and agreement process before any works are delivered.</p> <p>CBC remain of the view that specific trigger points, particularly for the earlier phases of highways works where there is more certainty over traffic conditions, should be secured through the DCO.</p>	
3	Lack of detail on proposed mitigation – and associated redline boundary concerns	<p>The Council have consistently raised concerns that the highways works within Central Bedfordshire have not been discussed in sufficient detail with the authority, with regards to either the details of the junction modelling informing the designs or the checking of the proposed mitigation schemes, which to date have not been subject to any Technical checks or Safety Audits. Whilst the applicant team have referred to Safety Audits being undertaken after the conclusion of the DCO process, this is not considered to be appropriate, with GG119 stating that 'Stage 1</p>		<p>This area of disagreement is not considered to have been addressed and remains of significant concern, representing a number of areas of unacceptable liability, risk, and cost to the Council.</p>

		<p>RSA should include road safety matters which have a bearing upon land take, licence or easement before the draft orders are published or planning consent is applied for.’ As such it is considered that the appropriate point in the process for a Stage 1 RSA to be required is prior to the full consideration of the DCO and related hearings. The proposed DCO wording provides significant powers to the applicant to deliver the highways works proposed, and therefore there is an associated requirement for the local highway authorities to be satisfied, as far as possible, that the highways works are appropriate, safe and deliverable. At present the level of detail is not considered to be sufficient to allow for this, including potential variations required due to vertical alignment constraints.</p> <p>As outlined above, due to concerns over some of the base modelling, and the lack of technical or safety audits or reviews of the proposed schemes, there remains the potential that the schemes in question could change, with the redline boundary drawn relatively closely to the schemes in question, raising further concerns that there is insufficient flexibility within the redline to accommodate changes.</p> <p>The submitted Safety Audits at Deadline 5 (REP5-055) and subsequent discussions with</p>		
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		<p>the Applicant are not considered to have addressed these concerns, and CBC do not have sufficient confidence that the highways works proposed can be fully delivered within the DCO limits (when taking into account the recommendations of the Safety Audit and the need to meet relevant design standards).</p> <p>As the DCO has progressed CBCs concerns have been further exacerbated by the lack of suitable wording within either the DCO or the Section 106 to provide appropriate protections to the Local Highway Authorities with regards to more detailed design review, approvals and delivery process, exposing the Local Highway Authorities to unacceptable risk, liabilities and costs.</p>		
4	Lack of mitigation at local junctions outside of the VISSIM modelled area/s	<p>We are concerned that the detailed modelling requested by the Council identified several of the junctions in question as forecast to be significantly over capacity; but note that these locations were not identified within the initially provide wider modelling work as being areas of concern or predicted congestion. This may be due to the use of Link V/C rather than junction V/C metrics within the TA.</p> <p>In addition, where impacts have been identified, no mitigation had been proposed, despite the level of impact being significant.</p> <p>CBC have subsequently discussed potential mitigation with the applicant and an</p>	<p>The Council would therefore request that junction approach V/C metrics are provided alongside the link metrics, to ensure that areas of impact at specific junctions within the Central Bedfordshire network are not missed. This may result in the requirement for further detailed junction assessments.</p> <p>Where DCO traffic related impacts at junctions within Central Bedfordshire are identified, appropriate mitigation schemes should be</p>	<p>Subject to the signing of an appropriate side agreement then this area of disagreement would be considered to be addressed. In the absence of such an agreement CBC would have to maintain a position of objection on the basis of identified and unmitigated harm on the Local Road Network.</p>

		<p>associated Side Agreement was received on 11<sup>th</sup> Jan – currently being reviewed by the Councils legal team. If this is signed prior to the conclusion of the DCO (or a requirement to sign the side agreement is secured through the DCO) then this aspect can be removed from the PADSS and a letter confirming the position will be provided at D9/10.</p>	<p>proposed and secured via the DCO process. The applicant has made further contact with CBC to consider these matters further, but the matter is not currently considered to be resolved.</p>	
5	Off-site parking	<p>Concern is raised that the parking demands above those predicted could be realised if the mode share targets are not achieved, and that the additional parking demand would be generated at off-site locations. There may be increased pressure for long term parking provisions in the surrounding areas, and the implications of this need to be considered as part of the Application for development consent.</p> <p>This concern relates to both formal ‘off-site’ car parking, which already provides for a large proportion of the existing Airports parking, but which has not been modelled as expanding in line with the increases in all other modes of access, and also informal ‘fly-parking’ in existing communities, which would be outside of the host authorities ability to control through the planning system. Whilst it is within the gift of local authorities to implement policies that control parking, this has cost and timescale implications, which the Host Authorities would not face in</p>	<p>The only way this could feasibly be dealt with through the DCO is planning for parking control areas to be extended to Caddington and Slip End and plans provided accordingly. Including a related financial commitment to support ongoing monitoring and management.</p> <p>Whilst not representing the Councils preferred approach, due to the added complexity required to agree to the funding and delivery of works to mitigate fly parking, the revised OTRIMMA is considered to represent a viable way of providing mitigation.</p> <p>CBC remain of the view that offsite car parking has not been adequately accounted for within the modelling work, as detailed within the Councils submission at Deadline 7.</p>	Unlikely.

		<p>the absence of the proposed DCO. This adds a further burden in terms of the Authorities’ network management duties.</p> <p>in the Hearings for ISH4 the applicant stated that offsite car parking had been accounted for in the Transport Assessment work. CBC would seek further details from the applicant on how this has been modelled and accounted for.</p> <p>It was also confirmed that engagement with regards to fly parking would be carried out, which CBC welcome.</p>	<p>As such elements of this area of disagreement remain unaddressed.</p>	
Public Health				
6	Methodology and Evidence Base	<p>Assessment has disregarded locally produced health assessments (except for Luton). Localised knowledge is absent.</p> <p>Central Bedfordshire assessment is authority wide level, masking localised health and population inequalities. By reporting on the wider area at a county level, there is a risk that vulnerable groups situated within close proximity to the airport have not been identified and potential impacts missed.</p>	<p>Assessment of local data reports, ensuring a consistent approach for all host authorities.</p> <p>There continues to be a lack of robust justification for the discounting of localised health strategies and datasets. The response that health impacts on the wider study area (incorporating CBC) are dispersed throughout the population and not linked to specific locations or communities does not seem to account for the geography of CBC – a resident living in Dunstable or Houghton Regis is more likely to be impacted by the development due to</p>	<p>The Applicant has provided clarification on this point but CBC remain of the view that local health assessment should have been used in the ES.</p>



			proximity than a resident in Sandy. The spatial variation in health (and deprivation) within the population of CBC is an important factor on the overall health impacts the expansion will have on our population.	
7	Securing mitigation measures to address effects on mental wellbeing	Mitigation to address the significant effect on mental wellbeing that has been identified once the scheme is operational should be secured to minimise harm to affected populations.	Applicant needs to demonstrate how mitigation would be secured.	Unlikely.
Noise				
8		<p>CBC consider that the application is not in line with UK aviation noise policy. As a result, noise impacts on local communities are expected to be greater than if the application was in line. This is particularly the case during the night-time, a period which UK policy recognises that noise has additional health impacts. The two broad arms of noise policy not taken to be in compliance are:</p> <ul style="list-style-type: none"> <li>- Whether the development complies with policy in terms of ‘limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise’ (Overarching Aviation Noise Policy, 2023) or ‘limit and, where possible, reduce the number of people in the</li> </ul>	For the first bullet, future noise contour area limits are based from the ‘Faster Growth Case’ rather than the ‘Core Case’, leading to increased total adverse impacts from aviation noise and an increase in the number of people significantly affected by aircraft noise. It is taken to be clearly possible to reduce noise levels through use of the Core Case to set noise contour area limits. If limits are not based from the Core Case then the Government’s overall policy on aviation noise is not expected to be achieved. The Applicant’s position is that policy is complied with and relies on the balance of economic benefits but this is not accepted.	Unlikely.

		<p>UK significantly affected by aircraft noise' (Aviation Policy Framework, 2013 &amp; Consultation response on UK Airspace Policy, 2017).</p> <ul style="list-style-type: none"> <li>- Whether there is an appropriate balance between growth and noise reduction, with the airport not adequately sharing the benefits with local communities; such as, 'the benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction' (Airports National Policy Statement, 2018 &amp; Aviation Policy Framework, 2013).</li> </ul>	<p>Balance between noise emissions of an airport and its economic benefits has historically been, and continues to be, allowed for as UK airports are allowed to generate noise covering sometimes large areas and populations due to the benefits they bring to local and wider communities. However, it is also clear that noise must be controlled. As stated within the Overarching Aviation Noise Policy: <i>"We consider that "limit, and where possible reduce" remains appropriate wording. An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England."</i></p> <p>An overall reduction would be where noise contours associated with the development reduce to below the future baseline, which is not predicted to occur within the project's lifetime. Noise contour area limits should not</p>	
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			<p>be any greater than those set out in the Core Case within REP1-003 (the ES noise chapter).</p> <p>For the second bullet, noise levels arising as a result of the application are not predicted to decrease materially over time during the day, or at all at night and this is taken to be in contradiction to the requirement for benefit sharing with local communities. Claims of noise reduction are made within REP1-003 (the ES noise chapter) but this is from an incorrect, inflated baseline year and are not accepted. Aviation 2050 states that all major airports are expected to set out a plan which commits to future noise reduction but noise contour areas in future years (2039-2043) are not proposed to reduce and are actually proposed to increase compared to prior years. Further, growth should not be allowed if there is no noise reduction benefit from next-generation aircraft. This increases in noise contour areas proposed clearly demonstrates that growth is sought even if there is no associated noise reduction, contrary to policy.</p>	
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			Existing and consultation-proposed noise controls have also not been included, such as the extant early morning shoulder period movement limit, which has simply been removed rather than adjusted.”	
Heritage/ Landscape				
9	Location of the Fire Training Ground Impact on Heritage Assets (Luton Hoo and Someries Castle)	<p>The location of the large scale Fire Training Ground adjacent to the southern boundary of the airport would result in adverse visual effects from public footpaths and Someries Castle Scheduled Monument. CBC have expressed concerns through the Examination that the permanent installation would have a significant impact on Someries Castle. No mitigation is proposed to minimise the intrusive and incongruous nature of the FTG as proposed. There also remains concern regarding the operational effects from smoke, lighting etc. when the FTG is in use.</p> <p>Potential impact and harm arising from the proposed development on Someries Castle have not been adequately addressed particularly regarding impact on brick erosion. It is unclear how harm will be mitigated. CBC acknowledge that there is further information in Appendix 7.1 Air Quality Methodology (AS-028) regarding the operation of the FTG. However, the operational effects of the FTG have not been</p>	An alternative location for the fire training ground should have been considered that would address the concerns of CBC and enable effective on-site mitigation.	No.

		<p>included in the LVIA as highlighted by the Applicant.</p> <p>It remains that the proposed FTG by virtue of its prominent location would have a detrimental impact on the setting of Someries Castle and public footpaths in the locality.</p>		
10	Impact of development on Luton Hoo RPG	The location of multi-storey Car Park P1 is a significant concern due to its visibility from vantage points within Luton Hoo Grade II* RPG. The car park would be visible from key elements of Capability Brown's landscape and there is not mitigation proposed that would offset this harm. CBC consider that visual presence could be exacerbated by the provision of solar panels, lighting and inappropriate design (materials, reflectiveness). Whilst the Applicant has progressed a Design Principles document and includes specific reference to Luton Hoo the concern remains.	This element should have been removed from the scheme or at least reduced in scale.	No.
<b>Green Controlled Growth Framework</b>				
11	Environmental Scrutiny Group (ESG) Terms of Reference	CBC do not agree with the Applicant's proposals for the ESG to be set up as a company limited by guarantee and the overall Terms of Reference for the ESG. There are also ongoing concerns regarding sanctions and suitable local authority membership.	GCG should not be set up as a company limited by guarantee. CBC have raised concerns with this approach.	Unlikely.

12	Surface Access	CBC remain concerned that the current Surface Access monitoring will be based upon a single metric, informed by a single data source, and with clauses which may allow that data to be invalidated in the event that an event outside of the operators control takes place within that annual period. CBC are of the view that more granular data should be collected and inform the Surface Access monitoring.		
13	Air Quality Monitoring	With the exception of air quality monitoring at Someries Castle, the GCG Framework does not include any monitoring in the southwestern parishes near to the airport (i.e. Caddington and Slip End). This point has been raised by CBC during the process.	Additional air quality monitoring should have been provided.	No.
Draft Development Consent Order				
14		<p>A number of issues have been raised in CBCs Local Impact Report with respect to the Articles and Requirements of the Draft Order. Further information has been provided in Joint Host Authority responses.</p> <p>CBC remain of the view that the Protective Provisions for Local Highway Authorities are not acceptable, opening the Council to unacceptable risks, liabilities, and costs. The applicants response with regards to Protective Provisions in REP7-062 do not address the Councils concerns.</p>	Further engagement required with the Applicant.	Unlikely.