



**CENTRAL BEDFORDSHIRE COUNCIL COMMENTS ON DEADLINE 7
SUBMISSIONS**

LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER

Version – FINAL

Introduction

This document sets out the response of Central Bedfordshire Council (CBC) to various documents submitted at Deadline 7. The comments include input from technical consultants.

CBC consider that some submissions require a response where it is necessary to provide clarification. Where a document has not been responded to, this does not mean that the points are agreed.

1. REP7-034 Design Principles

The introduction of a design review process is welcomed. However, given the concerns that CBC has raised regarding the visual impact of the Fire Training Ground (FTG) and multi-storey car park P1 on Someries Castle and Luton Hoo RPG, respectively, it is requested that the design review process also applies to:

- Work no. 2d – Fire Training Ground
- Work no. 4g - Car Park P1

CBC would request that they are consulted as part of the design review process in respect to these elements of the development.

The updated Design Principles document provides suitable clarification regarding lighting but there is still insufficient information in terms of the smoke reduction measures. The Applicant provides some clarification in REP7-067 but this information should be included in the Design Principles document.

2. REP7-039 Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA)

3.3.7 - As with previous representations made, CBC remain of the view that the TRIMMA should include offsite car parking in its data sources used to determine whether the airport is considered to have grown. Otherwise, the airport could grow and create considerable offsite impacts, without triggering the need to either monitor or mitigate. Similarly, CBC remain of the view that offsite car parking, when directly related to the growth of the airport, is not background traffic growth and should not be defined or treated as such. At present, by including this as 'background' growth, the assessment work has failed to account for the impacts of this element of airport related growth in traffic, and by including as 'background' this omission is exacerbated, as it provides an artificially high forecast baseline (as this traffic would not be on the network in the background / no airport scenario).

3.3.13 – The addition of text requiring the agreement of thresholds with the relevant Highway Authority is welcomed, however it remains unclear what the implications would be should the thresholds not be agreed. It is also unclear what control or restriction, if any, there would be upon the development in such an eventuality.

3.3.17 – On the same basis, there are no specific controls on development should the measures covered within TRIMMA not be delivered in accordance with the timings agreed through the TRIMMA process (which in itself is subject to agreement between the two parties and dependent upon their respective work programmes). The related requirement (29 (4)) within the DCO require the undertaker to implement any mitigation scheme as approved, but without reference to this being required within a specified timeframe, or the implications should the works not be delivered.

4.2.2 – Reference is made to the need for evidence to be provided that the incidence of an identified impact must be greater than the incidence at the time of the issuance of the notice to grow (with the exception of fly parking). Whilst the need to evidence base requests for funded works is understood, it is unclear how the authorities could

be expected to provide evidence of levels of impact at the time of the issuance of the notice to grow, at locations which may not yet have been identified (as it is probable that no traffic data collection or other survey work would have been carried out at this, as yet, unidentified locations).

4.2.4 – The reference to the reimbursement of costs incurred in the providing evidence for MT2 proposals is noted and considered a positive move, although CBC note that the terminology used is that the costs ‘may’ be reimbursed, rather than ‘will’.

4.2.6 – The removal of the need for Fly Parking proposals to provide an evidence base is noted and considered positive in light of the significant amount of survey work and analysis that would otherwise be required.

Notwithstanding the positive changes made, the view of CBC remains that, whilst the TRIMMA process may be more suited for the longer-term infrastructure commitments within the DCO, where there is greater uncertainty over future traffic flows and patterns, it would be more pragmatic, and provide a far greater degree of certainty to the process, for earlier phases of highways mitigation to be specifically tied to development triggers. At present there will need to be a considerable, time-consuming, and complex process undertaken to allow for the delivery of works which have already been acknowledged as being required by 2027, and for which it would be beneficial for detailed design work to commence as soon as possible after the granting of the DCO (if successful), rather than having to wait for the submission and agreement of the full TRIMMA, and for three subsequent stages of assessment and monitoring to be agreed and triggered.

Outside of the areas of update and change referred to above, the comments made by CBC on the OTRIMMA in REP 7-083, at Deadline 7 remain as previous.

3. REP7-042 Applicant’s Response to ISH4 Action 26 and ISH 7 Action 10 – Sustainable Transport Fund

Having reviewed the updated Sustainable Transport Fund Document, (REP7-042), whilst CBC note the proposed increase in the overall value of the fund, and welcome a number of the changes, in particular the commitment to an initial ‘pump priming’ sum, there are a number of changes which also cause the authority some concern.

The document references two scenarios which would result in the STF ceasing to accumulate funds. Either being within 1 million of the permitted passenger cap, or reaching an accumulated fund value of £37 million. Whilst CBC appreciate the need for a pragmatic limit on the overall fund value, and that there may be a finite number of capital projects the fund could / should contribute towards, there is an expectation that a number of sustainable transport projects would have ongoing revenue funding requirements. When considering public transport subsidies, staff shuttle buses, or other measures, the revenue costs could reasonably be expected to be ongoing for the lifetime of the airport, and any funding support should therefore be available for the same period. It would however appear pragmatic to include a review mechanism at either of the points identified in para 2.3.15 of the updated STF document, to allow for the ATF steering group to determine whether a lower cap, or reduced funding

stream would be appropriate, with a subsequent annual (or other period as considered appropriate) review mechanism.

It is noted that the majority of wording related to the STF being focused on achieving mode share in excess of the minimums required to meet the Green Controlled Growth thresholds and limits has been removed in the most recent iteration of the document. For example, the deletion of the wording in paras. 2.4.1, 2.4.4, and 3.6.2-3.6.5.

These changes would appear to allow for STF monies to be spent on a wider range of areas than initially proposed, including addressing GCG threshold and limit breaches, funding the operator's business as usual practices, the funding of capital works which form part of the development (such as the extension of Dart to Terminal 2) and meeting the mandatory requirements of future planning applications, (with all of the aforementioned previously being specifically excluded from STF funding in the document REP5-056) submitted at Deadline 5, but with those exclusions deleted in the most recent iteration of the document).

Whilst it is appreciated that it would not be feasible to fully disaggregate the impacts of some sustainable transport measures between meeting GCG targets and those of any site Travel Plan, CBC are concerned that the fund is now less directly focused on Sustainable Transport interventions and could theoretically be used, in part, to fund the business-as-usual transport requirements of the development, which was not the understood purpose of the fund. CBC are also concerned that the sustainable transport aspirations within the document appear to have been scaled back, despite the references to a greater amount of potential funding.

4. REP7-003 Draft Development Consent Order

It is noted that the Provisions for the Protection of Local Highway Authorities have not been updated in the most recent iteration of the Draft DCO (Rep 7-003). As such CBC remain of the view that the provisions remain wholly inadequate, and expose the Local Highway Authorities to unacceptable risks, costs, and liabilities. It is noted that the Provisions for the Protection of National Highways provide a far more comprehensive, appropriate, and binding set of provisions, allowing for a structured approvals process, payment of reasonable costs, adherence to design standards, conformity with Road Space Booking protocols, transfers of warranties and other elements that would generally be covered by Section 278 agreements.

Based upon this CBC are strongly of the view that a clause requiring the applicant to enter a Section 278 agreement should be included within any Section 106, along with a clause requiring the applicant to work with and adhere to, the appropriate Road Space Booking processes, as these would address otherwise significant areas of unaddressed concern within the current Draft DCO, whilst also providing parity between the provisions currently proposed for National Highways with those for the Local Highway Authorities.

5. REP7-032 GCG Surface Access Monitoring Plan

As this appears largely unchanged outside of the addition of Para F3.1.5, the Councils previous comments would continue to apply.

6. REP7-049 Applicant's Response to Written Questions – Broad, cross-topic and general

BCG.2.6 The ExA's question appeared to include a query over the removal of the reference to entering into S278 agreements in para 5.8.13 of the planning Statement (REP5-016). CBC do not consider that the applicant's response addresses this element of the question. However, CBC remain strongly of the view that a commitment to entering into Section 278 agreements should be reinstated within the S106.

7. REP7-061 Applicant's Response to Written Questions – Traffic and Transport

TT.2.11 CBC note the applicant's response to the question over whether the STF is intended to cease when the airport reaches 32mppa. Whilst reference is made to a commitment to spending any remaining STF funds, the response does not make it completely clear that, under the currently proposed STF as laid out in REP 7-042, the fund would cease to accumulate prior to this point (and would in fact cease to gather funds at 31mppa, so may in actuality cease by 32mppa). CBC have made separate representations on this matter with regards to REP 7-042.

8. REP7-067 – Applicant's Response to D6 Submissions – Appendix D Central Bedfordshire Council

2 – The applicants response states that the STF funding is not a form of mitigation for impacts associated with the airport's expansion, and will not be used to fund measures required to address breaches of GcG limit. This however appears contrary to the most recent changes to the updated Deadline 7 STF document, which now permits these areas to be funded by the STF.

This appears to be reflected further in the response to ISH7-AP15 in REP 7-072, which states that meeting the developments proposed public transport mode share of 45% (which also forms the basis of the GCG limit) would be supported by measures within the Travel Plan and funded by the STF.

Whilst, as previously stated, CBC understand it may not be possible to fully disaggregate the effects of STF funding from meeting GCG requirements, there remains a lack of clarity over how differing funding sources will be applied, with apparently differing positions laid out within the submitted documents and responses.

9. REP7 – 052 Applicant's Response to Written Questions – Physical Effects of Development and Operation

PED.2.21 Ash dieback

CBC response: Although the applicant has undertaken a tree survey within the site CBCs concerns relate to the woodlands outside of the site that have been identified to reduce the visual harm for Luton Hoo (as per CBCs Deadline 7 response). CBC do not consider that the applicant's response adequately addresses this question.

10.REP7-055 Applicant's Response to Written Questions – Need

NE.2.1 Revised GDP Forecasts

CBC Response: Passenger forecasts are generally one of the first products of a forecasting exercise and form the basis of most other forecasts that need to be considered in an airport's expansion plans. Therefore, it is often necessary to persist with the initial forecast for practical and economic reasons. One approach to handling this difficulty is to assume that the timing for other forecasts moves forward or backward but their values are not altered.

In this application, the lower GDP forecasts of the OBR in November 2023 would be likely to result in lower passenger forecasts with other forecasts moving later in time. The impact on the forecasts for London Luton Airport though as noted previously can be overwhelmed by the assumptions made about the passenger handling capacities of Heathrow and Gatwick.

The Applicant has presented the performance of previous Government forecasts against actual outcome, and draws attention to the DfT's forecasts for 2011 and 2013. The data presented for those two years appears to correspond with the forecasts given in the original documents for those two years. However, The PDF version of the DfT's 2011 forecast currently available online shows lower forecasts, with some 520 mppa in 2050 in the Central Case (c.f. nearly 600 mppa in Figure 1 of the LR document). The ExA should note that a systematic (though unacknowledged) error in the DfT's modelling approach (pointed out to the DfT by CSACL) resulted in a change in the DfT's approach applied to all later forecasts from 2013 onwards. The 2011 forecast gives at Para 8.3, a forecast of 345 mppa in 2030, some 40 mppa lower than that believed to be in the original 2011 document itself and which would be in agreement with the data presented in LR (York's) Figure 1. It would seem that the DfT has retrospectively corrected its 2011 forecasts: it would be unreasonable to expect York to be aware of this.

If Figure 1 of the LR document were re-drawn using the corrected (and lower) 2011 DfT forecasts, different conclusions might be drawn about whether forecasts "...produced during periods of strong economic growth can lead to an overstatement of long term demand...".

Passenger traffic at UK airports in the 12 months to the end of November 2023 was 269.5 mppa based on the addition of data in CAA monthly airport statistics. Calendar year 2023 traffic is likely to be some 272 mppa, compared to a 2019 total of 296.8 mppa.

NE.2.2 Forecasting with Gatwick

The Applicant's response to the ExA's first question concerning the difference in capacity assumptions is that they come from different sources, the Applicant using a DfT assumption from 2017 and the Joint Host Authorities using those of Gatwick Airport's management. In a more recent document, the DfT has not given a passenger capacity assumption for Gatwick (or Heathrow) in acknowledgement that passenger handling capacities may increase with a given/capped number of aircraft movements

as a consequence of increases in passengers per ATM (DfT jet-zero-further-technical-consultation-dataset, March 2023, Airport Capacity tab). The DfT now allows capacity to be determined by the number of aircraft movements allowed.

Gatwick's own forecast of being able to handle 67 mppa in 2047 is based on greater use of the runway during both the quieter winter months and some less busy hours of the day to allow some 326,000 ATMs to be operated. It would in essence become more like Heathrow in having flatter diurnal and seasonal ATM profiles. This assumed capacities would require an average of 206 passengers per ATM – some short haul flights from Gatwick will already be operating today with passenger loads equal to or greater than this, with both easyJet and WizzAir operating their A321 neos with some 235 seats. In the 12 months to the end of November 2023 this parameter at Gatwick had recovered to 158 passengers per ATM. From this base, passengers per ATM would need to increase at an average rate of 1.1% per annum over the 23 year period. This may be compared with an historic achieved average rate of 1.4% per annum over the 20 years between 1999 and 2019.

Without resort to modelling it is clear that an extra 14 mppa capacity at Gatwick would mean fewer passengers at London Luton. The heat chart in LR's Need Case (Need Case Figure 6.6) showing the forecast growth rates in Luton's catchment area is hottest in areas south of the Thames meaning that many of these passengers are likely to find Gatwick a more convenient airport. This chart shows growth rates rather than actual incremental passengers at Luton, so analysis would clearly be required. However, given that the total growth forecast by LR for Luton Airport over the next 25 years or so is only some 14 mppa, an additional capacity at Gatwick of a similar magnitude would clearly lead to lower forecasts at London Luton.

NE.2.3 Load Factors

CBC Response: The Applicant's response adds little to support its contention. All airlines seek to maximise their load factors and it is very doubtful if any airline restricts its sales to accommodate requests for late changes of flights by holders of flexible tickets: if there happen to be seats available, then the passenger may change flights. In any event, many airlines have an over-booking policy in anticipation of 'no-shows': if more booked passengers turn up at departure than there are seats available, an airline will accommodate its most important commercial passengers first before deciding which passengers will not fly. easyJet carries most passengers at Gatwick Airport, and is expected to account for 45% of seat availability in the forthcoming summer season, verses British Airways' 12%.

NE.2.4 Load Factors and Average Seats per Flight

Passengers per Passenger ATM at Luton had reached 165.5 over the 12 months to the end of November 2023, exceeding 2019's 164.6, even though passenger numbers were only at 89% of 2019 levels.

The Applicant's response to the third question states that forecasts for other airports are based on passenger preferences limited only by any passenger cap. While Heathrow and Gatwick have no legal passenger caps, it is believed that York's modelling applies a de facto cap by limiting those airports' passenger capacities based

on outdated DfT capacity assumptions derived from application of a passenger per movement assumption applied to annual ATM limits (either legal or practical).

11.REP7 – 056 Applicant’s Response to Written Questions – Noise

NO.2.2 Fleet Forecasts

CBC response: There are long order books for both Airbus A320-family neos and Boeing-MAX aircraft as well as there being other concerns about the MAX. A cautious view about the rate of transition is justified, especially as this would be unlikely to lead to an under-estimation of the environmental consequences of their use.

In a faster growth scenario, it is plausible that there would be greater global demand for the Airbus neos, which considered against a finite build-capacity for new aircraft could result in delayed retirements of existing older generation aircraft. However, in the faster growth case the absolute number (rather than relative proportion) of neos should not be fewer than assumed in the Core Case. It would be reasonable to assume that such a position would be temporary (lasting a few years) while Airbus expands its manufacturing capability.

NO.2.5 ATM Cap

CBC Response: The total number of aircraft movements forecast in 2043 the Applicant’s Need Case is 209,410 (Core Development, summation of Tables 6.12, 6.15 and 6.16), 85% (or 177,110) of which are Passenger ATMs. Of the balance, a further 2,300 are cargo ATMs, while there are 30,000 Business Aviation movements, some of which will be classified as ATMs operated by air taxi firms, but others will not be ATMs as they are operated by private and executive jets. In 2019, CAA statistics did not show a single air taxi movement at LTN, but recorded 27,813 Business Aviation movements, that is they were not ATMs. This position for air taxi movements was unchanged in 2022. It is improbable that there were zero air taxi operations at LTN, so there is likely to be a reporting issue. Hence, it is not possible for the Host Authorities to suggest how many of the forecast 30,000 Business Aviation movements might be ATMs. If a cap is to be imposed, it may be preferable for it to govern aircraft movements rather than ATMs.

Notwithstanding this point, the Applicant’s suggestion for a cap of 225,000 movements is 15,000 movements more than its own forecasts. The bulk of these movements are Passenger ATMs, which the CSACL review of the Need Case for the Host Authorities considered to be an over-estimation although reasonable for assessment purposes (Para 2.10).

The Applicant has in effect suggested that it does not know if its forecasts are correct in seeking to justify a higher movement limit. The advice to the CBC from CSACL has been that the Passenger ATM forecasts are likely to be over-estimated in view of the cautious assumptions made by York in their derivation. CSACL has also questioned the likely extent of long haul services. Should some long haul services not materialise as forecast by York, then CSACL has accepted that they might be substituted by passengers on short haul flights. CSACL has now estimated that this could lead to fewer than 1,000 extra flights per annum with 32 mppa. When combined with the likely

over-estimation of the base Passenger ATM figure, any cap should be set at 210,000 annual aircraft movements. Setting the cap at a higher level would likely result in incompatible annual restrictions.

NO.2.6 Shoulder period noise controls

CBC Response: The Applicant's states in their response to this question, "The controls proposed represent the most restrictive noise controls in UK aviation."

The controls proposed are viewed by the Host Authorities as less restrictive than those currently in place at Luton, as can be seen from the (only) table in Appendix 1 (noise control benchmarking) in Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - Quota Count Noise Controls [REP7-077]. CBC note that the QC budgets marked within the summer and winter limits columns are not controls, as these only assist in planning for the noise contour limits.

Taking Stansted Airport as a reasonable comparison to London Luton Airport, the table in Appendix 1 also shows that Stansted is subject to more noise controls than London Luton Airport is proposing, and so the basis of the Applicant's stated position is questioned. Manchester and Bristol Airports are also taken as having similar levels of noise control placed on them, demonstrating that Luton is not being subject to excessive controls and that the inclusion of an early morning limit would be appropriate (as the question pertains).

Within the same question response, the Applicant also puts forward an annual aircraft movement limit in the morning shoulder period of 0600-0700 of 13,000 movements. This value is not accepted; no justification has been provided for this figure nor is it demonstrated whether the noise assessment undertaken by the Applicant can accommodate this figure.

Provision of the morning shoulder period (0600-0700) limit would in effect provide a proxy limit on the evening shoulder period (2300-2330), noting that there is already a core night period movement limit (2330-0600), the night-time summer contour and the potential annual 24-hour movement limit, all of which envelop this period. For the avoidance of doubt, the full night period is 2300-0700.

CBC take the view that given the very sensitive nature of the shoulder periods the operator should be required to provide an evidenced assessment of the lowest possible number of movements that ATMs could be restricted to in order to facilitate the proposal. That would then be available for all parties to review and comment.

In advance of that, while all airports are different and have their own characteristics and features, CBC consider that Stansted Airport may provide some guidance in determining an appropriate figure for an aircraft movement limit in the morning Shoulder period of 6 to 7 am. Like London Luton Airport, Stansted has a high proportion of its passenger traffic carried by Low Cost Carriers with significant numbers of aircraft based at the airport. Stansted also handles a significant volume of air freight most of which is flown on pure freighter aircraft which also operate in the early morning period. Stansted is currently handling some 28 mppa, and mppa and

may therefore act as an analogue for what might be achieved at a 32 mppa London Luton Airport.

In the current winter season and the forthcoming Summer 2024 season, Airport Co-ordination Limited (ACL) has approved slots for both airports: at these airports, all aircraft movements require a slot from ACL to operate legally. At Stansted, 5.0% of slots were in the period between 6 am and 7 am, whereas at Luton the figure was 5.9%. This shows that a busier airport can operate with a lower proportion of flights in this hour, perhaps illustrating that there has been some peak spreading as traffic levels have increased.

Applying this lower proportion to LR's passenger ATM forecasts for a 32 mppa Luton (177,110 per annum) points to a Shoulder period limit at Luton of 8,829 movements per annum. Freighter aircraft generally operate at a lower utilisation (viz. flying hours per day) so should not be too inconvenienced by having operations delayed until after 7 am. CBC also note that while LR's passenger ATM forecast was regarded as reasonable for assessment purposes they were also advised that it was likely to be an over-estimation, which in turn would suggest a shoulder period cap below the 8,829 figure derived above.

12. Comments on ExA's commentary on, or schedule of changes to the draft DCO

A review has been undertaken on behalf of the Host Authorities and should be read in conjunction with the comments below, which provide some more detailed commentary specific to CBC.

Offsite Highway Works Work No. 6E

Changes to the works included within Offsite Highway Works Work No. 6e.

It is noted that the Exa comment that there is not a requirement for works at the following junctions due to a lack of sufficient justification:

- Eaton Green Road / Lalleford Road
- Wigmore Lane / Crawley Green Road
- Wigmore Lane / Raynham Way
- Eaton Green Road / Wigmore Lane

The most recently submitted modelling note – ref. AS-159 includes update traffic plots detailing the predicted differences in flow between the with and without development forecast scenarios.

The plots provided in Figure 4-13 (2043 Updated Runs – “With” vs “Without” expansion) are relatively consistent with the previous assessment work and show a large increase in traffic East – West on Crawley Green Road, as well as on the connecting North – South routes (such as Lalleford Road). Whilst the trip distribution plots provided by the applicant at Deadline 5 don't show high levels of direct airport traffic on these routes, the difference plots between the two scenarios show much higher changes in flows.

Whilst the applicant is in the best position to explain this, it appears that the model is displacing existing (non-airport) traffic from Eaton Green Road and other East-West routes immediate to the airport, due to capacity constraints on those parallel routes, onto Crawley Green Road (due in part to airport traffic using up any available capacity on the routes closest to the airport). As such, even if the airport isn't directly putting traffic onto those routes, it would ultimately still be the cause of those traffic increases and responsible for providing appropriate levels of mitigation.

By removing those junction improvement schemes, it is the view of CBC that the modelling to date would be at least partially invalidated, as the routing of traffic may well change as a result of reduced capacity at these locations – that in turn might mean greater flows on other routes, whether those closer to the Airport (such as Eaton Green Road) or other parallel routes and potentially therefore result in traffic levels, above those that the DCO has assessed or mitigated.

In combination with the other changes that are reported in AS-159, between the previous and updated modelling work, this adds a further layer of difference between the modelling which informed the wider transport assessment work, and that traffic impacts which may be expected.

Whilst it appears likely that the greatest of these effects will largely be within Luton, and therefore this is a matter upon which LBC would be best placed to make a judgement, there is also a wider concern about how much reliance can now be placed upon the forecast modelling, as future infrastructure appears likely to be different to that assumed in all of the forecast modelling to date, with an expectation that future routing, and therefore impacts, may also be different.

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