

London Luton Airport Expansion

Buckinghamshire Council Comments on Further Deadline 7 Submissions

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Directorate for Planning, Growth & Sustainability

Planning & Environment

Buckinghamshire Council

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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 overarching comments on the updated application documents submitted after Deadline 7, focusing on the 79 supplied by the Applicant.

1.2. Buckinghamshire Council's Position

- 1.2.1. The Council welcomes the Applicant's approach to continuing to supplement the information relating to the Proposed Development with additional submissions. Notwithstanding this, based on the review of the additional submissions supplied by the Applicant at Deadline 7, the Council maintains that its comments made to date have not been fully addressed.
- 1.2.2. The Council's latest position remains as per that expressed within its principal submissions - the Council's Written Representation (**REP1-042**) and Local Impact Report (**REP1A-001**), the Updated Principal Areas of Disagreement Summary Statement (PADSS) (**REP2-045**), comments previously supplied on Deadline 2 and 2A documents (**REP3-079**), Deadline 3 documents (**REP4-114**), Deadline 4 documents (**REP5-064**), Deadline 5 documents (**REP6-086**) and Deadline 6 documents (**REP7-080**). The Council's position has evolved through the examination process and the continuing development of a Statement of Common Ground (SoCG) between the Council and the Applicant. The Council's updated PADSS reflects what is likely to be its final position on outstanding matters raised, however, it is receptive to continuing to engage with the Applicant on all outstanding matters raised should time constraints allow.

2 Comments on Further Deadline 7 Submissions

2.1. REP7-001: Deadline 7 Submission – Cover Letter

2.1.1. The content of this submission is noted. The Council notes that the Applicant has submitted a SoCG updates document and would draw the ExA's attention to the fact that the Council continues to actively engage with the Applicant and further SoCG progress is anticipated prior to Deadline 9.

2.1.2. The Council notes the Applicant's proposals in relation to the alternative methods for securing of the S106 agreement. The Council is supportive of the use of DCO requirements to secure the majority of the S106 matters, however, where this is considered inappropriate the Council would seek a side agreement with the Applicant to ensure that all other, relevant matters are secured. In their current form these alternative mechanisms require further development and justification to satisfy the Council to their acceptability.

2.2. REP7-002: 1.06 Guide to the Application (Application Document Tracker)

2.2.1. This submission has been reviewed and the Council welcomes its inclusion to assist with navigating Applicant content and relevant versions. The Council does not have any further comments.

2.3. REP7-003; REP7-004: 2.01 Draft Development Consent Order (clean and Tracked Change Version)

2.3.1. This submission has been reviewed. The Council would support the Examining Authority's proposed amendments to the draft Development Consent Order.

2.4. REP7-005; REP7-006: 2.02 Explanatory Memorandum (clean and Tracked change version)

2.4.1. This submission has been reviewed. The Council would expect that the Explanatory Memorandum is updated in accordance with the proposed amendments to the draft Development Consent Order.

2.5. REP7-007; REP7-008: 2.03 Consents and Agreements Position Statement (clean and Tracked change version)

2.5.1. This submission has been reviewed. The Council does not have any comments.

2.6. REP7-009; REP7-010: 5.01 Chapter 13 Health and Community (clean and Tracked change version)

2.6.1. This submission has been reviewed. The Council notes that minor alterations have been made, for example, to Table 13.6, para. 13.5.3 and the additions of a high level commentary on demographic statistics for the authorities within the wider

study area. It is the Council's review that these edits respond only in part to the points made by the Council at ISH8 and reflected in the relevant post-hearing submission [REP6-087] - the fundamental issues regarding the different interpretation and application of IEMA guidance between the Council and the Applicant remain.

- 2.6.2. Notwithstanding the above, the Council wishes to alert the ExA to a meeting held between the health specialists representing both parties on 17th January 2024. A number of options to lessen the Council's concerns and pro-actively address key issues for Buckinghamshire were discussed – the outcome of these discussions is anticipated to be reflected within the SoCG or, if this is not possible, the PADSS at the forthcoming Deadline 9.

- 2.7. [REP7-011; REP7-012: 5.01 Chapter 17 Soils and Geology \(clean and Tracked change version\)](#)
- 2.7.1. This submission has been reviewed. The Council does not have any comments.

- 2.8. [REP7-013; REP7-014: 5.02 Appendix 16.1 Noise and Vibration Information \(clean and Tracked change version\)](#)
- 2.8.1. This submission has been reviewed. The Council has no further comments to make.

- 2.9. [REP7 -015: 5.03 Chapter 17 Soils and Geology Figures 17.1 - 17.3](#)
- 2.9.1. This submission has been reviewed. The Council does not have any comments.

- 2.10. [REP7-016; REP7-017: 7.05 Employment and Training Strategy \(clean and Tracked change version\)](#)
- 2.10.1. This submission has been reviewed. The Council does not have any comments.

- 2.11. [REP6-018; REP6-019: 7.07 Green Controlled Growth Explanatory Note \(clean and Tracked change version\)](#)
- 2.11.1. This submission has been reviewed. The Council has no further comments to make.

- 2.12. [REP7-020; REP7-021: 7.08 Green Controlled Growth Framework \(clean and Tracked change version\)](#)
- 2.12.1. This submission has been reviewed. The Council has no further comments to make.

- 2.13. REP7-022; REP7-023: 7.08 Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference (clean and Tracked change version)
 - 2.13.1. This submission has been reviewed. The Council has no further comments to make.
- 2.14. REP7-024; REP7-025: 7.08 Green Controlled Growth Framework Appendix B - Draft Technical Panels Terms of Reference (clean and Tracked change version)
 - 2.14.1 This submission has been reviewed. The Council has no further comments to make.
- 2.15. REP7-026; REP7-027: 7.08 Green Controlled Growth Framework Appendix C - Aircraft Noise Monitoring Plan (clean and Tracked change version)
 - 2.15.1. This submission has been reviewed. The Council has no further comments to make.
- 2.16. REP7-028; REP7-029: 7.08 Green Controlled Growth Framework Appendix D - Air Quality Monitoring Plan (clean and Tracked change version)
 - 2.16.1. This submission has been reviewed. The Council does not have any comments.
- 2.17. REP7-030; REP6-031: 7.08 Green Controlled Growth Framework Appendix E - Greenhouse Gases Monitoring Plan (clean and Tracked change version)
 - 2.17.1. This submission has been reviewed. The Council has no further comments to make.
- 2.18. REP7-032; REP7-033: 7.08 Green Controlled Growth Framework Appendix F - Surface Access Monitoring Plan (clean and Tracked change version)
 - 2.18.1. This submission has been reviewed. BC have no further comments to make on the changes to this document.
- 2.19. REP7-034; REP7-035: 7.09 Design Principles (clean and Tracked change version)
 - 2.19.1. This submission has been reviewed. The Council does not have any comments.
- 2.20. REP7-036; REP7-037: 7.10 Draft Compensation Policies, Measures and Community First (clean and Tracked change version)
 - 2.20.1. This submission has been reviewed. The Council has no further comments to make.

2.21. [REP7-038: 8.54 Summary of Changes to the Draft Development Consent Order](#)

2.21.1. This submission has been reviewed. The Council would support the Examining Authority's proposed amendments to the draft Development Consent Order.

2.22. [REP7-039; REP7-040: 8.97 Outline Transport Related Impacts Monitoring and Mitigation Approach \(TRIMMA\) \(clean and Tracked change version\)](#)

2.22.1. This submission has been reviewed. BC is satisfied that the OTRIMMA now provides for the reimbursement of local authorities with regards to evidence gathering for the submission of schemes under mitigation type 2.

2.22.2. The Council remains concerned regarding the way in which the value of the fund has been set, however this has not been addressed within this document. In addition for the OTRIMMA fund value, it is considered that it should be subject of an index linked mechanism; the Council considers that this is an omission in this regard in the latest draft S106 Agreement.

2.23. [REP7-041: 8.106 Statement of Common Ground Updates Document](#)

2.23.1. This submission has been reviewed. The Council can confirm that the document is a true reflection of the status of discussions at Deadline 7. As with the Applicant the Council is committed to progressing all outstanding matters to a conclusion in anticipation of the final SoCG.

2.24. [REP7-042; REP7-043: 8.119 Applicant's Response to Issue Specific Hearing 4 Action 26 and Issue Specific Hearing 7 Action 10 - Sustainable Transport Fund \(clean and Tracked change version\)](#)

2.24.1. This submission has been reviewed. The Council is now satisfied that the fund has been increased to a suitable level to be able to provide funding for schemes that are likely to be required to meet the sustainable transport mode targets. However it is noted that no rationale has been provided for the determination of the fund size, rather only an explanation regarding the way the fund is to be amassed.

2.24.2. The Council also welcomes the introduction of the Pump Priming mechanism. It does note that this is a limited value fund of up to £1m and that this can be recouped from the STF, however, the Council is satisfied that it will enable the Applicant to bring forward some measures as the fund starts to build. It would be necessary that the recouping of the funds do not starve funds available in any given year.

2.24.3. An updated draft S106 Agreement was provided to the Council on 19 January 2024, to rectify the omission to index linking. The latest draft S106 Agreement now refers to index linked payments being applied to the STF cap and levies referred to in Schedule 9 ('Sustainable Transport Fund').

- 2.25. REP7-044; REP7-045: 8.125 Air Noise Management Plan (clean and Tracked change version)
- 2.25.1. This submission has been reviewed. The Council has no further comments to make.
- 2.26. REP7-046; REP7-047: 8.144 Applicant's Response to Issue Specific Hearing 8 Action 42 - Chilterns Area of Outstanding Natural Beauty Special Qualities Assessment (clean and Tracked change version)
- 2.26.1. This submission has been reviewed. The Council has no further comments to make.
- 2.27. REP7-048: 8.146 Applicant's Response to Written Questions Arising from Hearings
- 2.27.1. This submission has been reviewed. The Council does not have any comments.
- 2.28. REP7-049: 8.149 Applicant's Response to Written Questions - Broad and General, cross-topic questions
- 2.28.1. This submission has been reviewed. The Council does not have any comments.
- 2.29. REP7-050: 8.150 Applicant's Response to Written Questions - Air Quality and Odour
- 2.29.1. This submission has been reviewed. The Council does not have any comments.
- 2.30. REP7-051: 8.151 Applicant's Response to Written Questions - Compulsory Acquisition and Temporary Possession of land and rights
- 2.30.1. This submission has been reviewed. The Council has no further comments to make.
- 2.31. REP7-052: 8.152 Applicant's Response to Written Questions - Physical Effects of Development and Operation
- 2.31.1. This submission has been reviewed. The scope of the written questions covered do not relate to matters of principle concern to the Council and no comments and therefore made.
- 2.32. REP7-053: 8.153 Applicant's Response to Written Questions – Draft Development Consent Order
- 2.32.1. This submission has been reviewed. The Council has no further comments to make.

2.33. [REP7-054: 8.154 Applicant's Response to Written Questions – Green Controlled Growth \(GCG\)](#)

2.33.1. This submission has been reviewed. The Council has no further comments to make.

2.34. [REP7-055: 8.155 Applicant's Response to Written Questions - Need](#)

2.34.1. This submission has been reviewed. The Council does not have any comments.

2.35. [REP7-056: 8.156 Applicant's Response to Written Questions - Noise](#)

2.35.1. This submission has been reviewed. The Council has no further comments to make.

2.36. [REP7-057: 8.157 Applicant's Response to Written Questions – Water Environment](#)

2.36.1. This submission has been reviewed. The Council does not have any comments.

2.37. [REP7-058: 8.158 Applicant's Response to Written Questions – Socio-economic Effect](#)

2.37.1. This submission has been reviewed. The Council does not have any comments.

2.38. [REP7-059: 8.159 Applicant's Response to Written Questions - Health and Community Effects](#)

2.38.1. This submission has been reviewed. The Applicant's response to HAC 2.3 relates to a matter also raised by the Council at the relevant ISH and within **[REP6-087]**. The Council notes the change made to Table 13.6 and can appreciate the general logic applied by the Applicant in conducting the assessment.

2.38.2. However, the Council and the Applicant have reached different conclusions about the magnitude of indirect effects on health determinants from traffic in relation to specific villages within Buckinghamshire, which the Council considers to include residents of elevated sensitivity to change. The Council asserts that there is a need for suitable mitigation to be defined and accessible to affected receptors should the potential adverse health effects that the Council has highlighted manifest in the operational phase.

2.38.3. This is a matter that the Applicant has acknowledged and has provided some additional traffic data to inform the Council's own analysis. The matter is ongoing through the SoCG process and it is anticipated that the final position will be presented at Deadline 9.

2.39. [REP7-060: 8.160 Applicant's Response to Written Questions - Major Accidents and Disasters](#)

2.39.1. This submission has been reviewed. The Council does not have any comments.

2.40. [REP7-061: 8.161 Applicant's Response to Written Questions - Traffic and Transport](#)

2.40.1. This submission has been reviewed. The Council makes no further comments on this document.

2.41. [REP7-062: 8.162 Applicant's Response to Comments on the Draft Development Consent Order at Deadline 6](#)

2.41.1. This submission has been reviewed. The Council would support the Examining Authority's proposed amendments to the draft Development Consent Order.

2.42. [REP7-063: 8.163 Applicant's Response to Deadline 6 Submissions](#)

2.42.1. This submission has been reviewed. The Council has provided comments within an updated version of the table that was included within the Applicant's document. This is provided as a separate Deadline 8 submission.

2.43. [REP7-064: 8.163 Applicant's Response to Deadline 6 Submissions Appendix A - Friends of Wigmore Park](#)

2.43.1. This submission has been reviewed. The Council has no comments.

2.44. [REP7-065: 8.163 Applicant's Response to Deadline 6 Submissions Appendix B - National Highways](#)

2.44.1. This submission has been reviewed. The Council has no comments.

2.45. [REP7-066: 8.163 Applicant's Response to Deadline 6 Submissions Appendix C - LADACAN](#)

2.45.1. This submission has been reviewed. The Council does not have any comments.

2.46. [REP7-067: 8.163 Applicant's Response to Deadline 6 Submissions Appendix D - Central Bedfordshire Council](#)

2.46.1. This submission has been reviewed. The Council does not have any comments.

2.47. [REP7-068: 8.163 Applicant's Response to Deadline 6 Submissions Appendix E - Luton Borough Council](#)

2.47.1. This submission has been reviewed. The Council does not have any comments.

2.48. [REP7-069: 8.163 Applicant's Response to Deadline 6 Submissions Appendix F - Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council, Luton Borough Council and North Hertfordshire District Council](#)

2.48.1. This submission has been reviewed. The Council does not have any comments.

2.49. [REP7-070: 8.163 Applicant's Response to Deadline 6 Submissions Appendix G -Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire District Council](#)

2.49.1. This submission has been reviewed. The Council does not have any comments.

2.49.2. [REP7-071: 8.164 Gas Mitigation Measures Technical Note](#)

2.49.3. This submission has been reviewed. The Council does not have any comments.

2.50. [REP7-072: 8.165 Applicant's Response to November Hearing Actions \(Compulsory Acquisition Hearing 2 and Issue Specific Hearings 7 - 10\)](#)

2.50.1. This submission has been reviewed. The Council does not have any comments.

2.51. [REP7-073: 8.166 Applicant's Response to Issue Specific Hearing 7 Actions 13 and 14 - Needs of Non-Motorised Users](#)

2.51.1. This submission has been reviewed. The Council does not have any comments.

2.52. [REP7-074: 8.167 Draft Section 106 Agreement](#)

2.52.1. The draft S106 Agreement provided at Deadline 7 was updated by the Applicant's Solicitor on 19 January 2024. The Council has provided comments to the Applicant on this version of the Agreement; these are summarised as follows:

- As both the express bus route from Aylesbury to Luton and the re-instatement of bus route 61 from Aylesbury to Luton are not specified for funding, this will become a matter for the Airport Transport Forum Steering Group to consider in the future through the allocation of the Sustainable Transport Fund. As a member of the Airport Transport Forum Buckinghamshire Council will be able to make representations at the appropriate time. It is vital that the Council's membership of the ATF is secured through the S106 Agreement. Furthermore, the Framework Travel Plan should require updates to the Bus and Coach Study with specific consideration of the bus route requirements between Aylesbury and Luton.
- The priority junction improvement at the B489 and B488 Ivinghoe should it be required to mitigate future impacts (type 2 mitigation) will be a matter for the ATF Steering Group to allocate funds through the TRIMMA. This re-

inforces the point about the DCO ensuring Buckinghamshire Council's membership of the ATF. Buckinghamshire Council considers the TRIMMA fund to be insufficient and must be indexed linked. Lastly, Buckinghamshire Council should be named as a 'relevant Highway Authority'.

- Definition of 'Local Area' – this only refers to the 'Aylesbury Vale area of Buckinghamshire Council'. The Council considers that to align with the Local Procurement Protocol, the Employment & Training Strategy and the Community Fund area that this definition should refer to the 'administrative area of Buckinghamshire Council'.
- Buckinghamshire Council will be invited to be a Member of the Noise Technical Panel should noise contour changes affect Buckinghamshire as a result of airspace changes. As such, Schedule 5 ('Green Controlled Growth Funding Elements') must enable funding to be provided to Buckinghamshire Council.
- In terms of Schedule 9 ('Sustainable Transport Fund') Buckinghamshire Council considers that the Applicant's 'Draft Compensation Policies & Measures and Community First' document should be appended to the S106 Agreement. Furthermore, in order to ensure an equitable distribution of the Community Fund, Buckinghamshire Council considers that the S106 Agreement should secure a commitment to spend at least a 40% commitment of the Community Fund on projects outside of the administrative area of Luton Borough Council.

2.53. [REP7-075: 8.168 Applicant's Response to Issue Specific Hearing 8 Action 20 - Position Statement on Health Monitoring](#)

- 2.53.1. This submission has been reviewed. The Council notes that UKHSA and the Applicant have not reached common ground on this matter and intend to each hold their own positions. The Council does not have any specific comments to make on this matter, since it relates principally to aircraft noise rather than indirect noise from surface access – the latter is the key concern for the Council.

2.54. [REP7-076: 8.169 Applicant's Response to Issue Specific Hearing 8 Action 41 - Commentary Regarding Non Carbon Dioxide Emissions](#)

- 2.54.1. This submission has been reviewed. The Council does not have any comments.

2.55. [REP7-077: 8.170 Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 - Quota Count Noise Controls](#)

- 2.55.1. This submission has been reviewed. The Council has no further comments to make.

- 2.56. [REP7-078: 8.171 Applicant's Response to Issue Specific Hearing 9 Action 27 - Note on GHG Limits](#)
- 2.57. This submission has been reviewed. The Council has no further comments to make.
- 2.58. [REP7-079: 8.172 Accounting for Covid-19 in Transport Modelling – Environmental Appraisal](#)
- 2.58.1. This submission has been reviewed. The air quality assessment has been screened following a review of the road traffic data used within the assessment. This was to identify any implications on the results and conclusions of the assessment. The review found there were no significant impacts for human receptors because of the updated traffic. Therefore, it is concluded the updated traffic is not considered to materially change the results and conclusions reported in Chapter 7 Air Quality Revision 1 of the ES [AS-076], nor are there any new significant impacts predicted. Buckinghamshire Council agrees with this conclusion and does not have any further comments.
- 2.59. [OD-001: LUTN- Regulation 32 Transboundary Screening](#)
- 2.59.1. This submission has been reviewed. The Council does not have any comments.
- 2.60. [OD-002: Section 56 Notice](#)
- 2.60.1. This submission has been reviewed. The Council does not have any comments.
- 2.61. [OD-003: Certificate of compliance with section 56 of the Planning Act 2008](#)
- 2.61.1. This submission has been reviewed. The Council does not have any comments.