

London Luton Airport Expansion

Buckinghamshire Council Comments on Further Deadline 9 Submissions

PINS REFERENCE: TR020001

February 2024



Directorate for Planning, Growth & Sustainability
Planning & Environment
Buckinghamshire Council
King George V House, King George V Road
Amersham, Buckinghamshire, HP6 5AW

CONTENTS

Contents

1	Introduction	5
1.1.	Terms of Reference	5
1.2.	Buckinghamshire Council's Position	5
2	Comments on Further Deadline 9 Submissions	6
2.1.	REP9-001: Deadline 9 Submission – Cover Letter	6
2.2.	REP9-002: 1.06 Guide to the Application (Application Document Tracker)	6
2.3.	REP9-003; REP9-004: 2.01 Draft Development Consent Order (clean and Tracked Change Version)	6
2.4.	REP9-005; REP9-006: 2.02 Explanatory Memorandum (clean and Tracked Change Version)	6
2.5.	REP9-007; REP9-008: 3.02 Book of Reference (clean and Tracked Change Version)	6
2.6.	REP9-009; REP9-010: 5.01 Chapter 6 Agricultural Land Quality and Farm Holdings (clean and Tracked Change Version)	6
2.7.	REP9-011; REP9-012: 5.01 Chapter 16 - Noise and Vibration (clean and Tracked Change Version)	6
2.8.	REP9-013; REP9-014: 5.02 Appendix 7.5 Outline Operational Air Quality Plan (clean and Tracked Change Version)	7
2.9.	REP9-015; REP9-016: 5.02 Appendix 14.3 Arboricultural Impact Assessment (clean and Tracked Change Version)	7
2.10.	REP9-017; REP9-018: 5.02 Appendix 16.1 Noise and Vibration Information (clean and Tracked Change Version)	7
2.11.	REP9-019: 5.03 Chapter 20 Water Resources and Flood Risk Figures 20.1 - 20.7	7
2.12.	REP9-020; REP9-021: 7.07 Green Controlled Growth Explanatory Note (clean and Tracked Change Version)	7
2.13.	REP9-022; REP9-023: 7.08 Green Controlled Growth Framework (clean and Tracked Change Version)	7
2.14.	REP9-024; REP9-025: 7.08 Green Controlled Growth Framework Appendix A - ESG Terms of Reference (clean and Tracked Change Version)	7
2.15.	REP9-026; REP9-027: 7.08 Green Controlled Growth Framework Appendix B - Technical Panels Terms of Reference (clean and Tracked Change Version)	7
2.16.	REP9-028; REP9-029: 7.08 Green Controlled Growth Framework Appendix D - Air Quality Monitoring Plan (clean and Tracked Change Version)	8
2.17.	REP9-030; REP9-031: 7.09 Design Principles (clean and Tracked Change Version)	8

2.18.	REP9-032; REP9-033: 7.10 Compensation Policies, Measures and Community First (clean and Tracked Change Version)	8
2.19.	REP9-034: 8.05 Statement of Common Ground between London Luton Airport Limited and Historic England	8
2.20.	REP9-035; REP9-036: 8.07 Statement of Common Ground between London Luton Airport Limited and the Environment Agency (clean and Tracked Change Version)	8
2.21.	REP9-037; REP9-038: 8.10 Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority (clean and Tracked Change Version)	8
2.22.	REP9-039: 8.20 Statement of Common Ground between London Luton Airport Limited and the Bedfordshire Fire and Rescue Service	8
2.23.	REP9-040; REP9-041: 8.42 Statement of Common Ground between London Luton Airport Limited and Natural England (clean and Tracked Change Version)	9
2.24.	REP9-042: 8.54 Summary of Changes to the Draft Development Consent Order	9
2.25.	REP9-043: 8.106 Statements of Common Ground Updates Document	9
2.26.	REP9-044; REP9-045: 8.119 Sustainable Transport Fund (clean and Tracked Change Version)	9
2.27.	REP9-046: 8.124 Schedule of Changes to the Book of Reference	9
2.28.	REP9-047; REP9-048: 8.125 Air Noise Management Plan (clean and Tracked Change Version)	9
2.29.	REP9-049; REP9-050: 8.167 Draft Section 106 Agreement (clean and Tracked Change Version)	10
2.30.	REP9-051: 8.177 Applicant's Response to Deadline 8 Submissions	11
2.31.	REP9-052: 8.178 Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 - Deadline 9	11
2.32.	REP9-053: 8.182 Section 127 Submission	11
2.33.	REP9-054: 8.183 Response to Examining Authority's Commentary on the Draft Development Consent Order [PD-018] - Proposed Amendments to Schedule 1 Off-site Highway Works Work No. 6e	11
2.34.	REP9-055: 8.184 Applicant's Position on Noise Contour and Movement Limits	11
2.35.	REP9-056: 8.185 Alternative Mechanisms to the Section 106 Agreement	11
2.36.	REP9-057: 8.186 Applicant's Response to Examining Authority's Rule 17 Request Dated 25 January 2024	11
2.37.	REP9-058: 8.187 Applicant's Position Paper on Financial Penalties	11

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 9, 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**), Deadline 6 documents (**REP7-080**), Deadline 7 documents (**REP8-047**) and Deadline 8 documents (**REP9-060**). 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 9 Submissions

2.1. REP9-001: Deadline 9 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 11.

2.1.2. The Council has raised any other matters of concern against the relative Deadline 9 submission documents, as set out below.

2.2. REP9-002: 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. REP9-003; REP9-004: 2.01 Draft Development Consent Order (clean and Tracked Change Version)

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

2.4. REP9-005; REP9-006: 2.02 Explanatory Memorandum (clean and Tracked Change Version)

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

2.5. REP9-007; REP9-008: 3.02 Book of Reference (clean and Tracked Change Version)

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

2.6. REP9-009; REP9-010: 5.01 Chapter 6 Agricultural Land Quality and Farm Holdings (clean and Tracked Change Version)

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

2.7. REP9-011; REP9-012: 5.01 Chapter 16 - Noise and Vibration (clean and Tracked Change Version)

2.7.1. This submission has been reviewed. The Council does not have any further comments to make.

- 2.8. REP9-013; REP9-014: 5.02 Appendix 7.5 Outline Operational Air Quality Plan (clean and Tracked Change Version)
- 2.8.1. This submission has been reviewed. The Council has no further comments to make.
- 2.9. REP9-015; REP9-016: 5.02 Appendix 14.3 Arboricultural Impact Assessment (clean and Tracked Change Version)
- 2.9.1. This submission has been reviewed. The Council does not have any comments.
- 2.10. REP9-017; REP9-018: 5.02 Appendix 16.1 Noise and Vibration Information (clean and Tracked Change Version)
- 2.10.1. This submission has been reviewed. The Council does not have any comments.
- 2.11. REP9-019: 5.03 Chapter 20 Water Resources and Flood Risk Figures 20.1 - 20.7
- 2.11.1. This submission has been reviewed. The Council has no further comments to make.
- 2.12. REP9-020; REP9-021: 7.07 Green Controlled Growth Explanatory Note (clean and Tracked Change Version)
- 2.12.1. This submission has been reviewed. The Council has no further comments to make.
- 2.13. REP9-022; REP9-023: 7.08 Green Controlled Growth Framework (clean and Tracked Change Version)
- 2.13.1. This submission has been reviewed. The Council has no further comments to make.
- 2.14. REP9-024; REP9-025: 7.08 Green Controlled Growth Framework Appendix A - ESG 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. REP9-026; REP9-027: 7.08 Green Controlled Growth Framework Appendix B - Technical Panels Terms of Reference (clean and Tracked Change Version)
- 2.15.1. This submission has been reviewed. The Council has no further comments to make other than to reiterate its position that for a panel meeting to be considered quorate the number of local authority members in attendance should remain at

50%, even in the event that quorum cannot be achieved at the first scheduled meeting.

- 2.16. [REP9-028; REP9-029: 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 has no further comments to make.
- 2.17. [REP9-030; REP9-031: 7.09 Design Principles \(clean and Tracked Change Version\)](#)
- 2.17.1. This submission has been reviewed. BC have no further comments to make on the changes to this document.
- 2.18. [REP9-032; REP9-033: 7.10 Compensation Policies, Measures and Community First \(clean and Tracked Change Version\)](#)
- 2.18.1. This submission has been reviewed. The Council does not have any further comments to make.
- 2.19. [REP9-034: 8.05 Statement of Common Ground between London Luton Airport Limited and Historic England](#)
- 2.19.1. This submission has been reviewed. The Council has no comments to make.
- 2.20. [REP9-035; REP9-036: 8.07 Statement of Common Ground between London Luton Airport Limited and the Environment Agency \(clean and Tracked Change Version\)](#)
- 2.20.1. This submission has been reviewed. The Council has no comments to make.
- 2.21. [REP9-037; REP9-038: 8.10 Statement of Common Ground between London Luton Airport Limited and the Civil Aviation Authority \(clean and Tracked Change Version\)](#)
- 2.21.1. This submission has been reviewed. The Council has no comments to make.
- 2.22. [REP9-039: 8.20 Statement of Common Ground between London Luton Airport Limited and the Bedfordshire Fire and Rescue Service](#)
- 2.22.1. This submission has been reviewed. The Council has no comments to make.

- 2.23. [REP9-040; REP9-041: 8.42 Statement of Common Ground between London Luton Airport Limited and Natural England \(clean and Tracked Change Version\)](#)
- 2.23.1. This submission has been reviewed. The Council has no comments to make.
- 2.24. [REP9-042: 8.54 Summary of Changes to the Draft Development Consent Order](#)
- 2.24.1. This submission has been reviewed. The Council does not have any further comments to make.
- 2.25. [REP9-043: 8.106 Statements of Common Ground Updates Document](#)
- 2.25.1. This submission has been reviewed. The Council can confirm that the document is a true reflection of the current status of discussions and that it will work with the Applicant to close out all outstanding actions ahead of Deadline 11.
- 2.26. [REP9-044; REP9-045: 8.119 Sustainable Transport Fund \(clean and Tracked Change Version\)](#)
- 2.26.1. This submission has been reviewed. The Council notes the Applicant's submission and in particular the new commitment that would allow for a proportion of the surplus STF revenues to be made available for the Community Fund, Community First and the RIF. Whilst the Council welcomes the Applicant's admission that there is a need to further increase the funds available elsewhere, including through the OTRIMMA, it is not felt that this goes far enough as it offers no certainty to the level of funds available. The Council would proffer that even based on crude calculations the costs of initial evidence gathering and scheme design across a handful of mitigation type 2 related proposals is likely to use up the funds in their entirety and before considering the costs of the implementation works themselves. As such the Council would suggest that 100% of surplus funds should be made available to the RIF in the first instance (due to the funds' original purpose being to support transport related matters) before any resultant residual funds are redistributed elsewhere.
- 2.27. [REP9-046: 8.124 Schedule of Changes to the Book of Reference](#)
- 2.27.1. This submission has been reviewed. The Council does not have any comments.
- 2.28. [REP9-047; REP9-048: 8.125 Air Noise Management Plan \(clean and Tracked Change Version\)](#)
- 2.28.1. This submission has been reviewed. The Council does not have any comments.

2.29. REP9-049; REP9-050: 8.167 Draft Section 106 Agreement (clean and Tracked Change Version)

2.29.1. This submission has been reviewed. The Council has made more detailed comments in its separate response to **(REP9-051)**, however, outstanding matters are summarised below for ease of reference.

- The updated S106 names BC as a prospective member of the ATF Steering Group and prospective recipient of the RIF, but it fails to secure membership in perpetuity.
- The Council has concerns regarding the underfunding of the RIF and that the RIF is not index-linked.
- The Council has concerns with the definition of 'Local Area' within the S106 and believes that the entirety of Buckinghamshire Council's administrative area should fall within this definition, particularly when considering its inclusion in the ETS Study Area and that the aim of the ETS is to mitigate impacts from the expansion on this area.
- Schedule 5 of the draft S106 Agreement should be amended to ensure that should the Council, or any other authority, be included as a future member of the Noise Technical Panel (as a result of a noise limit review) then the S106 agreement should make allowance for a potential change in the technical panel membership to ensure relevant payments are made to any new member of the technical panel. It should also be noted that in its current form Schedule 5 fails to capture all additional members of the Technical Panel outlined in Table 2.1 of the Technical Panel Terms of Reference.
- Schedule 9 should align with Schedule 7 and make reference to the Compensation policies and Measures and Community First document as well as specifically confirm the 40% commitment within Schedule 9.
- Paragraph 2.5 of Schedule 9 refers to the potential discontinuance of the STF should certain thresholds be met. It is not clear from the Applicant's submission in what set of circumstances this would be deemed acceptable and the Council would seek further clarity on this matter.

2.29.2. Further to the above the Council would consider that the use of side agreements, alongside the S106, would go some way to addressing the Council's concerns regarding the securing of the necessary provisions.

2.30. [REP9-051: 8.177 Applicant's Response to Deadline 8 Submissions](#)

2.30.1. 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 10 submission.

2.31. [REP9-052: 8.178 Applicant's Response to Examining Authority's Rule 17 Request dated 17 January 2024 - Deadline 9](#)

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

2.32. [REP9-053: 8.182 Section 127 Submission](#)

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

2.33. [REP9-054: 8.183 Response to Examining Authority's Commentary on the Draft Development Consent Order \[PD-018\] - Proposed Amendments to Schedule 1 Off-site Highway Works Work No. 6e](#)

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

2.34. [REP9-055: 8.184 Applicant's Position on Noise Contour and Movement Limits](#)

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

2.35. [REP9-056: 8.185 Alternative Mechanisms to the Section 106 Agreement](#)

2.35.1. This submission has been reviewed. The Council does not have any further comments to make.

2.36. [REP9-057: 8.186 Applicant's Response to Examining Authority's Rule 17 Request Dated 25 January 2024](#)

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

2.37. [REP9-058: 8.187 Applicant's Position Paper on Financial Penalties](#)

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