

Sian Evans  
Case Manager  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Spatial Planning & Economy Unit  
Hertfordshire County Council  
CHN216  
County Hall  
Pegs Lane  
Hertford, Herts SG13 8DF  
www.hertfordshire.gov.uk**

**Tel:** [REDACTED]

**Email:** [REDACTED]@hertfordshire.gov.uk

**My ref:**

**Your ref:** TR020001

**Date:** 14<sup>th</sup> March 2023

Dear Sir/Madam,

**Planning Act 2008 (as amended) – Section 55**

**Application by London Luton Airport Limited for an Order Granting Development Consent for the Expansion of London Luton Airport**

**Adequacy of consultation request**

Thank you for your letter dated 28<sup>th</sup> February 2023 regarding the above.

**1. Section 42 Duty to consult**

1.1 The County Council has been consulted on and responded to two s42 Duty to Consult consultations relating to the First (2019) and Second (2022) Statutory Consultation exercises described in sections 4 and 6 of 6.01 Consultation Report, was notified of the deadline for the receipt of responses and the period of consultation was in excess of 28 days.

1.2 In relation to s42(1)(b) Duty to Consult each local authority that is within s43, it appears that until 9<sup>th</sup> February 2022:

- Dacorum Council had been incorrectly classified by the applicant as a neighbouring s43(2) authority rather than a host s43(1) (6.02 Appendix H1).
- Three Rivers Council had failed to be classified by the applicant as a neighbouring s43(2) authority (6.02 Appendix H2).

1.3 In terms of the First Statutory Consultation this meant that:

- Dacorum Council was incorrectly consulted as a neighbouring authority, rather than a host (6.01 Consultation Report, Paragraph 4.5.3 footnote 2 and paragraph 6.4.6).
- Three Rivers Council should have been consulted as a neighbouring authority, but were not (6.01 Consultation Report, footnote 2 and paragraph 6.4.6).

1.4 In terms of the Second Statutory Consultation it appears Dacorum Council and Three Rivers Council were correctly consulted as host and neighbouring authorities respectively (6.01 Consultation Report paragraphs 6.4.4-6.4.6 and 6.02 Appendix H1 and H2).

1.5 More generally, the County Council has no reason or evidence to assume that the contents of the 6.01 Consultation Report are other than generally correct with regard to the requirements of s42 and that those requirements have been satisfied.

## **2. Section 47 Duty to consult local community**

### ***Section 47 (2)***

2.1 The County Council can confirm that it has received two s47(2) consultations in 2019 and 2021 on a draft Statement of Community Consultation (SoCC - 6.02 Appendix B1 and 6.02 Appendix G1) and that the period of consultation was that stipulated within s47(3).

2.2 As indicated in paragraph 1.2, it appears that until 9<sup>th</sup> February 2022 Dacorum Council was incorrectly classified as a neighbouring rather than a host authority and Three Rivers Council had failed to be classified as a neighbouring authority.

2.3 In terms of 6.02 Appendix B1 and 6.02 Appendix B5, this has meant that:

- Dacorum Council had been incorrectly classified as a s43(2) authority – i.e. a neighbouring authority, rather than a host authority in both the draft (Appendix B1, paragraph 1.14) and published (Appendix B5, page 5) SoCC.
- Neither the draft (Appendix B1, paragraph 1.14) nor published (Appendix B5, page 5/6) SoCC contain reference to Three Rivers Council as a neighbouring authority.
- Three Rivers Council should have been consulted on 6.02 Appendix B1, but were not and therefore were not afforded the opportunity to comment upon it.
- And as a consequence of the failure to consult Three Rivers Council ‘Table 3.1: Summary of consultation on 2019 draft SoCC and regard had to responses received’ of the 6.01 Consultation Report contains no reference to Three Rivers Council.

2.4 In terms of 6.02 Appendix G1 and 6.02 Appendix G4 this has meant that:

- Dacorum Council had been incorrectly classified as a s43(2) authority – i.e. a neighbouring authority, rather than a host authority in both the draft (6.02 Appendix G1, paragraph 2.1.8) and published (6.02 Appendix G4, paragraph 2.1.9) SoCC.

- Neither the draft (6.02 Appendix G1, paragraph 2.1.8) nor published (6.02 Appendix G4, paragraph 2.1.9) SoCC contain reference to Three Rivers Council being a neighbouring authority.
- Three Rivers Council should have been consulted on 6.02 Appendix G1, but were not and therefore were not afforded the opportunity to comment upon it.
- And as a consequence of the failure to consult Three Rivers Council ‘Table 5.1: Summary of consultation on 2022 draft SoCC and regard had to responses received’ (and insofar as this table replicates 6.02 Appendix G2) of the 6.01 Consultation Report contains no reference to Three Rivers Council.

### **Section 47(5)**

2.5 With regard to s47(5), the County Council responded (attached as Appendix 1 and 2) to consultations on 6.02 Appendix B1 and 6.02 Appendix G1.

*London Luton Airport Limited DRAFT Future LuToN Statement of Community Consultation (SoCC) Statutory Consultation – January 2019 (6.02 Appendix B1)*

2.6 At paragraph 3.3.3 and Table 3.1 the 6.01 Consultation Report summarises the response received on the draft SoCC from the County Council and the regard had to that response. Table 3.1 is an accurate reflection of the County Council’s comments and the regard had to them, apart from the following:

	<b>Summary of responses received</b>	<b>Regard had to the responses</b>
i.	Leafletting – the consultation should state how ‘households living beneath the airport’s flightpaths’ has been defined (map Appendix 2).	It is not clear what regard has been had to the County Council’s response.  The published SoCC contains no explanation as to the basis of what constitutes ‘living beneath a flightpath’ and therefore the basis upon which households are leafletted.
ii.	There are people/settlements adversely impacted by current operation of the Airport which are not designated by the map in Appendix 2 as ‘living underneath the airport’s flight paths’. There are Hertfordshire communities who would very much classify themselves as living under flight paths and impacted by them and yet parts of these communities would not appear to be captured by the ‘living underneath the airport’s flight paths’ category.	It is not clear what regard has been had to the County Council’s response.  The ‘living beneath a flightpath’ maps in Appendix 3 of the published SoCC changes makes the area larger, but does not fully address the County Council’s concerns.

	<p>The County Council would recommend that consideration be given to directly leaflet all properties within the Airports noise preferential routes and also those within a suitable similar measure for defined zones of arrivals. This approach might introduce a greater likelihood of establishing direct contact with people and communities currently impacted by flightpaths and therefore likely interest in being engaged in the statutory consultation and DCO generally.</p>	
iii.	<p>Some consultation events are taking place in settlements where the current and likely future impact of the Airport is less (or virtually non-existent) than at other settlements where events are taking place which are directly impacted by the Airport – and yet the circular areas on the maps to be subject to leafletting are the same size for all events. So, for example, a considerable section of central Hertford will receive leaflets, and yet there are parts of Harpenden (southern), St Albans (northern, for example the King William area) and Sandridge which will not receive leaflets. The County Council considers these communities, and others demonstrably directly adversely impacted currently by the Airport, warrant targeting with leaflets.</p>	<p>It is not clear what regard has been had to the County Council's response.</p> <p>The 'living beneath a flightpath' maps in Appendix 3 of the published SoCC changes makes the area larger, but does not fully address the County Council's concerns.</p>
iv.	<p>Include a commitment to actively engage with representative organisations, such as Harpenden Sky, Luton And District Association for the Control of Aircraft Noise, St Albans Quieter Skies, Stop Low Flights from Luton, Stop Luton Airport Expansion, St Albans Aircraft Noise Defence, etc.</p>	<p>Table 3.1 is not quite accurate. It appears regard was had to the County Council's response as the published SoCC contained a new stakeholder category 'Representative groups' committing to the following:</p> <p>'We recognise that there are specific representative groups whose primary objective is to highlight and deal with issues in relation to the airport. We will encourage these groups to engage with the consultation process and submit their feedback on the proposals.'</p>

		<p>Whilst encouraging groups to actively engage in the consultation process does not represent direct active engagement, the SoCC does recognise the importance of these groups.</p>
--	--	--

*Future LuToN Statement of Community Consultation (SoCC) Statutory Consultation – January 2022 (6.02 Appendix G1)*

2.7 Paragraph 5.3.3. and Table 5.1 of 6.01 Consultation Report and 6.02 Appendix G2 summarise the response received on the draft SoCC from the County Council and the regard had to that response. Table 5.1 and Appendix G2 are an accurate reflection of the County Council's comments and the regard had to them, apart from the following:

v.	See i. above.	See i. above.
----	---------------	---------------

**Section 47(6)**

2.8 The County Council has had regard to the 6.01 Consultation Report and has no reason or evidence to assume that the contents of that report are other than correct and that the s47(6) Duty to publicise requirements have been satisfied.

**Section 47(7)**

2.9 The County Council has had regard to the 6.01 Consultation Report and has no reason or evidence to assume that the contents of that report are other than correct, that consultation was carried out generally in accordance with the Statement of Community Consultation (with the exception of those matters highlighted within Section 5.5 of the 6.01 Consultation Report) and that the requirements of s47(7) have been generally satisfied.

**Section 48 Duty to publicise**

2.10 The County Council has had regard to the 6.01 Consultation Report and has no reason or evidence to assume that the contents of that report are other than correct and that the s48 Duty to publicise requirements have been satisfied.

**3. Non-statutory consultation**

3.1 The County Council was consulted on and responded to the 2018 non-statutory consultation described in section 2 of 6.01 Consultation Report.

3.2 The County Council can confirm that the 'Local Authority Engagement' set out in section 1.4 and 'Informal Stakeholder Engagement' set out in Section 7 of 6.01 Consultation Report are generally correct.

## 4. Wider Consultation/Engagement Issues

4.1 The host authorities' collective response to the two statutory consultations are attached as Appendix 3 and Appendix 4 and the County Council's as Appendix 5 and 6. These responses raise concerns about the quality of the consultation materials and of the applicant's engagement with the host authorities. Whilst the host authorities were of the view that the second statutory consultation represented a significant improvement on the first, they remained of the view that further engagement was required in the period up to submission.

*'2.6 Overall, we consider that this consultation provides a significant step forward. In preparing this response we have sought to be constructive and reasonable and to establish a further platform from which to focus our ongoing engagement in the period up to submission and beyond.'*

4.2 Whilst there has been engagement since the second statutory consultation, the host authorities have continued to raise concerns relating to the need for a more constructive engagement in advance of submission. For example, the response of:

- the host authorities to an informal consultation by the applicant on a selection of draft submission documents (attached as Appendix 7).
- the host authorities to an informal consultation by the applicant on a draft Statement of Common Ground (attached as Appendix 8).
- Hertfordshire County Council to an informal consultation by the applicant on a draft Statement of Common Ground (attached as Appendix 9).

4.3 There remain a considerable number of outstanding issues that have not been the subject of sufficient engagement in advance of submission to move them significantly forward. The consequences of this include:

- i. it has not been possible to substantively progress the Statement of Common Ground (Appendices 8 and 9).
- ii. the scale of the resources required to review the application as submitted are greater than they might otherwise have been – to the extent that the authorities have sought (letter to applicant attached as Appendix 10) additional PPA funding from the applicant to help assist with this (as well as other resource demands required of the process).
- iii. it will be challenging to review the application with regard to those outstanding matters within the timeframe for submission of relevant representations, particularly given specialist technical and legal advice are likely to be required to be commissioned to assist that process.

### **Concerns of other parties**

4.4 Advice note 8.1 states:

*7.4 If you have concerns about the way in which the developer is carrying out the pre-application consultation, you should let them know as soon as possible and allow them the opportunity to respond to any issues you raise. You can also make your local authority aware of your concerns. The Inspectorate will request the*

*relevant local authorities' view on the adequacy of the consultation at the point the application is submitted.'*

4.5 The Planning Inspectorate Community Consultation Frequently Asked Questions (FAQ) states:

*'Frequently Asked Questions (FAQ)*

*2. I am concerned about an applicant's Pre-application community consultation, and have sent comments to the Applicant. Who should I contact if I am not satisfied that the Applicant has or will take account of my comments?*

*If you have provided your comments to the Applicant but remain unsatisfied, you can make comments to the relevant local authority who can consider them as part of their Adequacy of Consultation Representation to the Secretary of State. See FAQ 3 which explains role of local authorities in the Planning Act 2008 process and FAQ 8 which explains the role of local authorities in providing an Adequacy of Consultation Representation.'*

4.6 In advance of the closing date for the Second Statutory Consultation 2022 the County Council was provided with a copy of the response (attached as Appendix 11) of LADACAN (Luton And District Association for the Control of Aircraft Noise - 'a community group which represents people who are affected by the noise from Luton Airport and concerned about its growing impacts on climate change and local quality of life'). A number of the comments raised appear to fall into the category of the advice referred to in paragraphs 4.4 and 4.5 above – particularly points 7, 8, 9, and 10 of response to Question 5a. but also multiple subsequent references to the lack of evidence presented and a range of other concerns on the quality of the consultation.

Yours sincerely,



**Head of Spatial Planning**

# APPENDIX 1



**Director of Environment and Infrastructure: Mark Kemp  
Hertfordshire County Council**

Fergus McMorrow  
Consultant  
GL Hearn Limited  
Prudential Building  
11-19 Wine Street  
BRISTOL  
BS1 2PH

Spatial Planning and the Economy  
Environment and Infrastructure Department  
Hertfordshire County Council  
County Hall  
Hertford  
Hertfordshire  
SG13 8DN

Paul Donovan

[REDACTED]

[REDACTED]@hertfordshire.gov.uk

17<sup>th</sup> July 2019

Dear Mr McMorrow,

**London Luton Airport Limited  
DRAFT Statement of Community Consultation (SoCC)  
Statutory Consultation 2019**

Thank you for the opportunity to respond to the above. The County Council has the following comments.

**Generally**

Whilst there may be a relatively restricted target audience for this document, there are a number of areas where the language used does not make it user-friendly, particularly to the lay reader (for example, where legislative terminology is used). Whilst links are provided where the reader can go to obtain more information, without too much effort (and indeed as a matter of principle in terms of drafting, given the prime purpose of this document is to seek to introduce processes that achieve openness, transparency and opportunity for input) it could in places be redrafted with suitable explanatory text/glossary to be more open to a wider audience.

Similarly, consideration could also be given to a restructuring of the document so that it flows more logically, along the following lines:

- what LLAL is – including what is currently ‘About us’ – paras 1.21-1.22.
- LLAL wants to grow the airport – para 1.2 and 1.6, suitably amended.
- the growth is of a scale that makes it an NSIP for which there are specific legislative requirements - para 1.8, 1.9, 1.10, 1.18-1.20 and other paragraphs relating to what the requirements and process are, brought together into a simple summary, with links.
- there was an informal consultation on a range of options to achieve that growth in 2018 - currently Section 2, expanded to summarise what the options were, with links.
- following the informal consultation LLAL identified a preferred option. That preferred option is – paragraphs 1.2-1.5, with links. LLAL is required to undertake a statutory consultation on its preferred option.
- new section Statement of Community Consultation - in advance of statutory consultation LLAL is required to set out in a Statement of Community Consultation how it proposes to consult on its proposals to be subject to statutory consultation - incorporating paragraphs 1.11-1.15.
- this then leads on to what is currently Section 3 – the Statutory Consultation [but incorporating sections 4, 5 and much of 6 (Section 6 is not really about ‘Next Steps’), as these are also essentially about the statutory consultation].

## **Specifically**

### ***Paragraph 1.3***

Should this sentence indicate that the scheme boundary is identified in Appendix 1?

### ***Paragraph 1.10***

Might it be helpful to broadly explain what the ‘statutory criteria’ are?

### ***Paragraph 1.11, 1.12, 1.16***

Various references to legislative requirements with limited intelligence/summary of what these are.

### ***Paragraph 1.12***

Might it be helpful to explain what a ‘host’ authority is?

### ***Paragraph 1.14***

‘Given the nature of the scheme’ – might it be useful here to highlight why the scheme generates issues of more than local significance – noise, surface access, employment and the economy, etc?

### ***Paragraph 1.16***

This paragraph could be usefully redrafted to make it more meaningful to the lay person.

## **Paragraph 1.22**

Should the regulators include DEFRA (Noise Action Plan)?

## **Paragraph 3.1**

There will be a substantial amount of material available as part of the consultation, the scale of which will make it challenging to many parties wishing to engage in the process. Serious consideration should be given to extending the proposed 8 week period to 10 or even 12 weeks.

## **Paragraph 3.2**

*'This consultation will be an important opportunity for members of the public to provide feedback on the project to allow us to develop our plans responsibly and in a manner that supports local community interests'. Whilst the County Council welcomes plans being taken forward that support local community interests it remains to be seen whether this will be possible. The County Council would suggest perhaps rewording the end of this statement along the following lines - '.....seeks to respond to and address community interests and concerns'.*

*'LLAL is committed to open and honest engagement, so it will be made clear that this is not a consultation or referendum on whether or not expansion should go ahead, nor a consultation on new flightpaths, but a consultation on the proposals that we will put forward to PINS for consideration, and how we will avoid and mitigate the impacts of this.'*

The Department for Communities and Local Government 'Planning Act 2008: Guidance on the pre-application process March 2015' states:

*'16. The Planning Act regime provides the ability to anyone interested in or affected by a major infrastructure proposal to both object in-principle to a proposed scheme and at the same time suggest amendments to design out unwelcome features of a proposal. Engaging in a developer's preapplication consultation including for example offering constructive mitigations to reduce a scheme's impact on the local community, does not per se undermine any submission on the principle of whether or not development consent should be granted.'*

The Planning Inspectorate's Advice Note 8.1: Responding to the developer's pre-application consultation states:

*'1.3 Making substantial changes to an application becomes more difficult after an application is submitted. Responding to the developer's consultation at the pre-application stage is therefore the best time to influence the project and have your say on whether you agree with it, disagree with it or believe it could be improved.'*

### **3. Statutory consultation with the local community**

*This is required and is usually carried out nearer to the submission of the application. At this stage the project is likely to be more defined, although the developer should retain the flexibility to alter the development based on consultation feedback. The developer is under a legal duty to demonstrate that they have had regard to consultation responses at this stage, although that isn't to say that they must agree with all of the views put to them in the responses received.*

## **7. Who is responsible for doing the pre-application consultation?**

*7.3 The pre-application consultation is very important because it is your opportunity to influence what is applied for. Even if you think the project should not be allowed to go ahead, you should take the opportunity to explain your concerns to the developer so that, if it does go ahead, the project is as good as it can be and its impact on the local community and the environment is managed in the best way possible. It's also your opportunity to find out as much as you can about the project.'*

Whilst Government and the Planning Inspectorate guidance is clear that an important part of the pre-application process is to enable those consulted to identify their issues and help shape the proposal/development, it is also acknowledged that the process can also be used to offer an opinion on the proposal. In light of this, the County Council would suggest rewording '*.....it will be made clear that this is not a consultation or referendum on whether or not expansion should go ahead.....*' as it could be viewed that the purpose of this is to restrict consultees offering an opinion on whether they support or object to the proposal.

### **Paragraph 3.3**

*'.....and made available at a number of Document Inspection Venues, as listed in section 5.2.'* There is no section 5.2. '5.2' should be replaced with '3.13'.

### **Paragraph 3.6**

*'Requirements for the development'* – suggest rewording. The development is not 'required' - the applicant considers there is a case/need for the development.

### **Paragraph 3.7**

*'Due to the size of these documents, copies can be purchased on request.'* This statement would benefit from clarification – this presumably being that providing documents free of charge would represent an unreasonable cost to the applicant.

### **Paragraph 3.9, Paragraph 4.1 and Appendix 2**

#### **Postal communication: Leaflets**

*'We will send out leaflets that will detail the project, all the consultation events, and how stakeholders can engage with the proposals. For maps of the areas where we will distribute these leaflets, please see Appendix 2.'*

*This will advertise the consultation to households living underneath the airport's flight paths, and to people living in proximity to each consultation event.'*

It would be helpful to insert text in paragraph 4.1 to explain that there are no maps within Appendix 2 where the consultation events lie within areas that will be leafletted due to *'living underneath the airport's flight paths'*.

The County Council appreciates that postal communication in the form of leaflets is one of a range of mechanisms being employed to raise awareness of the proposal. Nevertheless, leafletting is perhaps amongst the most direct of these and the approach proposed does appear to generate some issues.

The consultation should state how *'households living underneath the airport's flight paths'* has been spatially defined.

There are people/settlements adversely impacted by the current operations of the Airport which are not designated by the map in Appendix 2 as *'living underneath the airport's flight paths'*. There are Hertfordshire communities who would very much classify themselves as living under flight paths and impacted by them and yet parts of these communities would not appear to be captured by the *'living underneath the airport's flight paths'* category.

The County Council would recommend that consideration be given to directly leafletted all properties within the Airport's noise preferential routes and also those within a suitable similar measure for defined zones of arrivals ('X' flight path swathe to 'X' distance from the airport). This approach might introduce a greater likelihood of establishing direct contact with people and communities currently impacted by flightpaths and therefore likely interest in being engaged in the statutory consultation and DCO process generally. It would also contribute to avoiding the scenario outlined below where people/communities less likely to be impacted by the Airport receive a leaflet whereas others that clearly are do not.

It is assumed that there is an assumption that the DCO process will proceed on the basis that flight paths remain unchanged and it is not feasible at this stage to second-guess which communities might be affected post-Airspace Change processes (FASI-South). If the above proposal to use noise preferential routes and arrival flight path swathes were taken forward, perhaps this should be made clear.

Some consultation events are taking place in settlements where the current and likely future impact of the Airport is less (or virtually non-existent) than at other settlements where events are taking place which are directly impacted by the Airport – and yet the circular areas on the maps to be subject to leafletting are the same size for all events. So, for example, a considerable section of central Hertford will receive leaflets, and yet there are parts of Harpenden (southern), St Albans (northern, for example the King William area) and Sandridge which will not receive leaflets. The County Council considers these communities, and others demonstrably directly adversely impacted currently by the Airport, warrant targeting with leaflets.

It would be helpful if the titles of each of the maps within Appendix 2 cross-referenced to the list of consultation events in paragraph 3.9. For example, consultation event 20 'Sandridge' is referenced as Marshalswick in the map in Appendix 2 and Hemel Hempstead is referenced Apsley.

St Albans/Hatfield map - it is not clear which consultation event corresponds to the St Albans/Hatfield map (however, see 'Welwyn Garden City' below).

Welwyn Garden City is listed as a consultation event, but there appears to be no map in Appendix 2. Has the St Albans/Hatfield map used the wrong Oaklands College Campus?

Redbourn is spelt wrong in Appendix 2 – Redbourne.

### **Paragraph 3.13**

It would be useful if documents could also be deposited at Marshalswick Library.

### **Section 5 - Engagement**

Local authorities – is the intention that this would also include Parish and Town Councils?

A number of specific representative groups (for example, Harpenden Sky, District Association for the Control of Aircraft Noise, St Albans Quieter Skies, Stop Low Flights from Luton, Stop Luton Airport Expansion, St Albans Aircraft Noise Defence, etc) within Hertfordshire whose primary objective rests in dealing with issues related to the existing airport. It is highly likely these and other similar groups elsewhere, will wish to proactively engage with the applicant in any consultation exercise. A useful addition to Section 5 would be a commitment to actively engage with such representative organisations.

### **Paragraph 6.2**

*'The form will include questions on key aspects of the proposed development to help stakeholders provide feedback in a structured way and will also include sections for general comments.'*

The County Council appreciates that there will be scope within the form and through other mechanisms to make general comments. Nevertheless, In constructing the form care is required to ensure that consultees do not feel they are being restricting in voicing their general views on the proposal (support or opposition – see comment above) and that the 'questions' and approach to securing feedback 'in a structured way' are not designed in a way which leads/draws the consultee towards making a particular response/observation.

It would be helpful for the document to commit to the form being explicit about how the feedback will be interpreted and presented.

### **Paragraph 6.4**

The feedback options here only seem to provide the opportunity for general comments, not using the form, to be made by e:mail. Should consultees be allowed to submit general comments in writing, not using the form, perhaps using the Freepost option?

***Paragraphs 6.4, 6.9, 6.14 and 6.15***

It would be helpful if the SoCC could make a commitment to explain to consultees through all consultation/feedback mechanisms how responses are to be analysed and the results of analysis presented.

Yours sincerely,

Paul Donovan  
**Environment and Infrastructure Department**  
**Hertfordshire County Council**

Graham Olver  
LLAL Chief Executive  
Hart House Business Centre  
Kimpton Road  
Luton  
LU2 0LA

Spatial Planning and the Economy  
Hertfordshire County Council  
County Hall  
Pegs Lane  
Hertford  
Herts  
SG13 8DN  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)

Tel [REDACTED]  
[REDACTED]@hertfordshire.gov.uk  
Date: 17<sup>th</sup> September 2021

Dear Mr Olver,

**Future LuToN - Statement of Community Consultation - Statutory Consultation –  
January 2022**

Thank you for the opportunity to comment on the above. Attached is a copy of the County Council's response to the 2019 Statement of Community Consultation (SoCC) which contains a number of comments that apply equally to the SoCC the subject of this consultation.

**Generally**

The County Council's first SoCC response made general introductory comments in relation to matters such as language used, structure, provision of web links - many of which are applicable to this SoCC.

**Specifically**

Where specific potential changes are suggested, proposed deletions are identified ~~thus~~ and additional wording **thus**.

**1.1.2 A project of this nature and scale is classified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (the Act). We therefore need to submit an application for development consent to the Planning Inspectorate for its acceptance and examination before the Secretary of State for the Department for Transport can approve the project by granting a Development Consent Order (DCO).**

This paragraph reads as if the granting of consent by the Secretary of State (SoS) is inevitable. Some minor redrafting might be helpful to explain that the SoS makes a decision – either positive or negative. For example:



*‘.....before the Secretary of State for the Department for Transport can **come to a decision on whether or not to approve the project by granting a Development Consent Order (DCO).**’*

**1.1.3 London Luton Airport Limited (LLAL), owner of LTN, has prepared this Statement of Community Consultation (SoCC) under Section 47 of the Act. This SoCC sets out our approach to consulting the local community as part of a second statutory consultation on the scheme. This consultation will take place between 18 January and 14 March 2022.**

An 8 week consultation is proposed. The County Council response to this proposed duration remain as articulated in its response to the first proposed SoCC:

*‘There will be a substantial amount of material available as part of the consultation, the scale of which will make it challenging to many parties wishing to engage in the process. Serious consideration should be given to extending the proposed 8 week period to 10 or even 12 weeks.’*

### **Paragraphs 1.1.3 – 1.1.7**

Paragraphs 1.1.3 to 1.1.7 in various ways refer to the first statutory consultation and the first SoCC. Some reassembly might make these paras clearer. A new paragraph after para 1.1.2 could set out when the first consultation took place, leading into the current para 1.1.4 and 1.1.5.

The current 1.1.3 would then move to after 1.1.5 and state that:

*‘Under Section 47 of the Act, applicants are required to prepare a Statement of Community Consultation, setting out their approach to consulting the local community on their scheme..... then text as per current para 1.1.6 and 1.1.7.*

### **Paragraph 2.1.1**

Suggested edit to avoid repetition and unnecessary reference to works starting:

*‘2.1.1 As we are intending to seek consent for an airport-related development that would expand the existing permitted capacity of LTN by over 10 mppa, the project meets the threshold for an NSIP for the purposes of the Act. As such, we must apply to the Secretary of State for Transport for a DCO and gain consent before we can start work on the expansion.’*

### **Paragraph 2.1.7**

Suggested edit for clarity:

*‘2.1.7 The consultation with local host authorities on this a draft of this SoCC took place between 6 August and 17 September 2021.’*

**3.2.4 We would encourage people to access the materials via our website wherever possible. However, we will make printed copies of each consultation document available to inspect at the following venues for those who are not able to access the**

**internet at home. We will also provide a limited number of USB drives containing the consultation materials for people to take away.**

The number of venues at which documents are proposed to be made available for inspection has reduced by nine in comparison to the first SoCC, including the removal of Hemel Hempstead and Letchworth libraries, both of which are also no longer event locations (see below). Consideration should be given to reinstating the full list of document availability locations and if not, provide an explanation as to why changes have been made.

**3.3.5 There was a high rate of attendance at the face-to-face events for the first statutory consultation in autumn 2019. We recognise that there is a strong public interest in the project and that face-to-face events are beneficial in helping people to understand the proposals.**

The SoCC for the DCO process and the first statutory consultation undertaken in accordance with that had 34 consultation events spread across the sub-region, with 19 in Hertfordshire. This revised scheme second statutory consultation proposes a substantive drop in events to 13, 8 of which are in Hertfordshire.

The County Council understands the sustainability and Covid-19 rationale for the proposed 'digital first' approach to the consultation. However, given the '*.....high rate of attendance at the face-to-face events for the statutory consultation in autumn 2019*', the scale in reduction in events is significant and it would be beneficial for the SoCC to explain how the event locations and their catchments have been selected to facilitate relatively easy access to venues. There are some substantive urban areas in Hertfordshire whose catchments are within areas either currently adversely impacted by operations at the airport or potentially in the future, but are not identified as consultation venues – Hemel Hempstead and Letchworth, for example. The County Council considers there is scope to increase the number of consultation events and for the SoCC to be clear about the rationale for the choice of those locations.

**4.9.1 We will send out a newsletter to properties within the same mailing area used during the 2019 statutory consultation. The newsletter will provide details about the consultation, including how to respond and details of the events. For a map of the distribution area for the newsletter, please see Appendix 2.**

The County Council's response to the first SoCC made a number of comments in relation to the approach to newsletters – for example in relation to potentially sending newsletters to all properties within the Airport's noise preferential routes and also those within a suitable similar measure for defined zones of arrivals ('X' flight path swathe to 'X' distance from the airport), clarification as to how '*households living underneath the airport's flight paths*' has been spatially defined, etc. These comments apply equally to this SoCC. As this is a standalone SoCC and not to be read in conjunction with the first SoCC, it would be appropriate to set out the rationale for the distribution area for the newsletter.

The proposed newsletter distribution areas still include areas in close proximity to event locations for the first statutory consultation which are no longer so as part of the second statutory consultation. Even more so than the first statutory consultation, this appears to target households with newsletters that are far less likely to be impacted by the proposals

than those living in closer proximity who would not receive newsletters. The desirability for consistency of engagement is, however, acknowledged and supported – though it would be helpful for this (if this is indeed the case) to be explained in the rationale referred to above.

## **5. Engagement**

As the County Council's response to the first SoCC stated and which it considers still to hold true:

*'A number of specific representative groups (for example, Harpenden Sky, District Association for the Control of Aircraft Noise, St Albans Quieter Skies, Stop Low Flights from Luton, Stop Luton Airport Expansion, St Albans Aircraft Noise Defence, etc) within Hertfordshire whose primary objective rests in dealing with issues related to the existing airport. It is highly likely these and other similar groups elsewhere, will wish to proactively engage with the applicant in any consultation exercise. A useful addition to Section 5 would be a commitment to actively engage with such representative organisations.'*

### **Traveller communities**

**5.4.4 Local authority contacts with the traveller communities in the local area will be utilised to ensure that people without permanent addresses who reside in the local area are informed about the consultation. We will offer to support local authorities to deliver face-to-face engagement with these groups.**

*'We will offer to support local authorities to deliver face-to-face engagement with these groups'* – is this text correct - the applicant is expecting local authorities to deliver face-to-face meetings on the proposal?

**5.4.6 We will provide printed copies of the consultation documentation to the Luton Home Library Service. This service is free and provided by the local authority for residents unable to visit a local library. The documents will be able to be delivered to homes with other books by their team of dedicated staff and volunteers, upon request.**

It is unclear why printed copies of documentation are only to be provided to the Luton Home Library Service and not those of adjoining authorities.

## **6.1 Responding to the consultation**

**6.1.1 People will be able to respond to the consultation via the following channels:**

- **Online response form – available at [TBC]**
- **Email – comments can be emailed to [TBC]**
- **Post – by returning a printed copy of the response form to us via our Freepost address (no stamp required) at [TBC]**
- **Face-to-face events – by completing and submitting a printed copy of the response form at one of our events (listed in section 3.3 of this document)**

As the County Council's response to the first SoCC advised:

*'The feedback options here only seem to provide the opportunity for general comments, not using the form, to be made by e:mail. Should consultees be allowed to submit general comments in writing, not using the form, perhaps using the Freepost option?'*

**Map of development boundary**

The first SoCC contained a map of the proposed development boundary as Appendix 1. It would be helpful for this SoCC to do likewise.

Yours sincerely,

Paul Donovan

## APPENDIX 2

**Director of Environment and Infrastructure: Mark Kemp  
Hertfordshire County Council**

Fergus McMorrow  
Consultant  
GL Hearn Limited  
Prudential Building  
11-19 Wine Street  
BRISTOL  
BS1 2PH

Spatial Planning and the Economy  
Environment and Infrastructure Department  
Hertfordshire County Council  
County Hall  
Hertford  
Hertfordshire  
SG13 8DN

Paul Donovan

[REDACTED]

[REDACTED]@hertfordshire.gov.uk

17<sup>th</sup> July 2019

Dear Mr McMorrow,

**London Luton Airport Limited  
DRAFT Statement of Community Consultation (SoCC)  
Statutory Consultation 2019**

Thank you for the opportunity to respond to the above. The County Council has the following comments.

**Generally**

Whilst there may be a relatively restricted target audience for this document, there are a number of areas where the language used does not make it user-friendly, particularly to the lay reader (for example, where legislative terminology is used). Whilst links are provided where the reader can go to obtain more information, without too much effort (and indeed as a matter of principle in terms of drafting, given the prime purpose of this document is to seek to introduce processes that achieve openness, transparency and opportunity for input) it could in places be redrafted with suitable explanatory text/glossary to be more open to a wider audience.

Similarly, consideration could also be given to a restructuring of the document so that it flows more logically, along the following lines:

- what LLAL is – including what is currently ‘About us’ – paras 1.21-1.22.
- LLAL wants to grow the airport – para 1.2 and 1.6, suitably amended.
- the growth is of a scale that makes it an NSIP for which there are specific legislative requirements - para 1.8, 1.9, 1.10, 1.18-1.20 and other paragraphs relating to what the requirements and process are, brought together into a simple summary, with links.

- there was an informal consultation on a range of options to achieve that growth in 2018 - currently Section 2, expanded to summarise what the options were, with links.
- following the informal consultation LLAL identified a preferred option. That preferred option is – paragraphs 1.2-1.5, with links. LLAL is required to undertake a statutory consultation on its preferred option.
- new section Statement of Community Consultation - in advance of statutory consultation LLAL is required to set out in a Statement of Community Consultation how it proposes to consult on its proposals to be subject to statutory consultation - incorporating paragraphs 1.11-1.15.
- this then leads on to what is currently Section 3 – the Statutory Consultation [but incorporating sections 4, 5 and much of 6 (Section 6 is not really about ‘Next Steps’), as these are also essentially about the statutory consultation].

## **Specifically**

### ***Paragraph 1.3***

Should this sentence indicate that the scheme boundary is identified in Appendix 1?

### ***Paragraph 1.10***

Might it be helpful to broadly explain what the ‘statutory criteria’ are?

### ***Paragraph 1.11, 1.12, 1.16***

Various references to legislative requirements with limited intelligence/summary of what these are.

### ***Paragraph 1.12***

Might it be helpful to explain what a ‘host’ authority is?

### ***Paragraph 1.14***

‘*Given the nature of the scheme*’ – might it be useful here to highlight why the scheme generates issues of more than local significance – noise, surface access, employment and the economy, etc?

### ***Paragraph 1.16***

This paragraph could be usefully redrafted to make it more meaningful to the lay person.

### ***Paragraph 1.22***

Should the regulators include DEFRA (Noise Action Plan)?

### ***Paragraph 3.1***

There will be a substantial amount of material available as part of the consultation, the scale of which will make it challenging to many parties wishing to engage in the process. Serious consideration should be given to extending the proposed 8 week period to 10 or even 12 weeks.

### **Paragraph 3.2**

*'This consultation will be an important opportunity for members of the public to provide feedback on the project to allow us to develop our plans responsibly and in a manner that supports local community interests'. Whilst the County Council welcomes plans being taken forward that support local community interests it remains to be seen whether this will be possible. The County Council would suggest perhaps rewording the end of this statement along the following lines - '.....seeks to respond to and address community interests and concerns'.*

*'LLAL is committed to open and honest engagement, so it will be made clear that this is not a consultation or referendum on whether or not expansion should go ahead, nor a consultation on new flightpaths, but a consultation on the proposals that we will put forward to PINS for consideration, and how we will avoid and mitigate the impacts of this.'*

The Department for Communities and Local Government 'Planning Act 2008: Guidance on the pre-application process March 2015' states:

*'16. The Planning Act regime provides the ability to anyone interested in or affected by a major infrastructure proposal to both object in-principle to a proposed scheme and at the same time suggest amendments to design out unwelcome features of a proposal. Engaging in a developer's preapplication consultation including for example offering constructive mitigations to reduce a scheme's impact on the local community, does not per se undermine any submission on the principle of whether or not development consent should be granted.'*

The Planning Inspectorate's Advice Note 8.1: Responding to the developer's pre-application consultation states:

*'1.3 Making substantial changes to an application becomes more difficult after an application is submitted. Responding to the developer's consultation at the pre-application stage is therefore the best time to influence the project and have your say on whether you agree with it, disagree with it or believe it could be improved.'*

### **3. Statutory consultation with the local community**

*This is required and is usually carried out nearer to the submission of the application. At this stage the project is likely to be more defined, although the developer should retain the flexibility to alter the development based on consultation feedback. The developer is under a legal duty to demonstrate that they have had regard to consultation responses at this stage, although that isn't to say that they must agree with all of the views put to them in the responses received.*

### **7. Who is responsible for doing the pre-application consultation?**



*7.3 The pre-application consultation is very important because it is your opportunity to influence what is applied for. Even if you think the project should not be allowed to go ahead, you should take the opportunity to explain your concerns to the developer so that, if it does go ahead, the project is as good as it can be and its impact on the local community and the environment is managed in the best way possible. It's also your opportunity to find out as much as you can about the project.'*

Whilst Government and the Planning Inspectorate guidance is clear that an important part of the pre-application process is to enable those consulted to identify their issues and help shape the proposal/development, it is also acknowledged that the process can also be used to offer an opinion on the proposal. In light of this, the County Council would suggest rewording '*.....it will be made clear that this is not a consultation or referendum on whether or not expansion should go ahead.....*' as it could be viewed that the purpose of this is to restrict consultees offering an opinion on whether they support or object to the proposal.

### **Paragraph 3.3**

*'.....and made available at a number of Document Inspection Venues, as listed in section 5.2.'* There is no section 5.2. '5.2' should be replaced with '3.13'.

### **Paragraph 3.6**

*'Requirements for the development'* – suggest rewording. The development is not 'required' - the applicant considers there is a case/need for the development.

### **Paragraph 3.7**

*'Due to the size of these documents, copies can be purchased on request.'* This statement would benefit from clarification – this presumably being that providing documents free of charge would represent an unreasonable cost to the applicant.

### **Paragraph 3.9, Paragraph 4.1 and Appendix 2**

#### **Postal communication: Leaflets**

*'We will send out leaflets that will detail the project, all the consultation events, and how stakeholders can engage with the proposals. For maps of the areas where we will distribute these leaflets, please see Appendix 2.'*

*This will advertise the consultation to households living underneath the airport's flight paths, and to people living in proximity to each consultation event.'*

It would be helpful to insert text in paragraph 4.1 to explain that there are no maps within Appendix 2 where the consultation events lie within areas that will be leafleted due to '*living underneath the airport's flight paths*'.

The County Council appreciates that postal communication in the form of leaflets is one of a range of mechanisms being employed to raise awareness of the proposal. Nevertheless,

leafletting is perhaps amongst the most direct of these and the approach proposed does appear to generate some issues.

The consultation should state how *'households living underneath the airport's flight paths'* has been spatially defined.

There are people/settlements adversely impacted by the current operations of the Airport which are not designated by the map in Appendix 2 as *'living underneath the airport's flight paths'*. There are Hertfordshire communities who would very much classify themselves as living under flight paths and impacted by them and yet parts of these communities would not appear to be captured by the *'living underneath the airport's flight paths'* category.

The County Council would recommend that consideration be given to directly leafletted all properties within the Airport's noise preferential routes and also those within a suitable similar measure for defined zones of arrivals ('X' flight path swathe to 'X' distance from the airport). This approach might introduce a greater likelihood of establishing direct contact with people and communities currently impacted by flightpaths and therefore likely interest in being engaged in the statutory consultation and DCO process generally. It would also contribute to avoiding the scenario outlined below where people/communities less likely to be impacted by the Airport receive a leaflet whereas others that clearly are do not.

It is assumed that there is an assumption that the DCO process will proceed on the basis that flight paths remain unchanged and it is not feasible at this stage to second-guess which communities might be affected post-Airspace Change processes (FASI-South). If the above proposal to use noise preferential routes and arrival flight path swathes were taken forward, perhaps this should be made clear.

Some consultation events are taking place in settlements where the current and likely future impact of the Airport is less (or virtually non-existent) than at other settlements where events are taking place which are directly impacted by the Airport – and yet the circular areas on the maps to be subject to leafletting are the same size for all events. So, for example, a considerable section of central Hertford will receive leaflets, and yet there are parts of Harpenden (southern), St Albans (northern, for example the King William area) and Sandridge which will not receive leaflets. The County Council considers these communities, and others demonstrably directly adversely impacted currently by the Airport, warrant targeting with leaflets.

It would be helpful if the titles of each of the maps within Appendix 2 cross-referenced to the list of consultation events in paragraph 3.9. For example, consultation event 20 'Sandridge' is referenced as Marshalswick in the map in Appendix 2 and Hemel Hempstead is referenced Apsley.

St Albans/Hatfield map - it is not clear which consultation event corresponds to the St Albans/Hatfield map (however, see 'Welwyn Garden City' below).

Welwyn Garden City is listed as a consultation event, but there appears to be no map in Appendix 2. Has the St Albans/Hatfield map used the wrong Oaklands College Campus?

Redbourn is spelt wrong in Appendix 2 – Redbourne.

### **Paragraph 3.13**

It would be useful if documents could also be deposited at Marshalswick Library.

### **Section 5 - Engagement**

Local authorities – is the intention that this would also include Parish and Town Councils?

A number of specific representative groups (for example, Harpenden Sky, District Association for the Control of Aircraft Noise, St Albans Quieter Skies, Stop Low Flights from Luton, Stop Luton Airport Expansion, St Albans Aircraft Noise Defence, etc) within Hertfordshire whose primary objective rests in dealing with issues related to the existing airport. It is highly likely these and other similar groups elsewhere, will wish to proactively engage with the applicant in any consultation exercise. A useful addition to Section 5 would be a commitment to actively engage with such representative organisations.

### **Paragraph 6.2**

*'The form will include questions on key aspects of the proposed development to help stakeholders provide feedback in a structured way and will also include sections for general comments.'*

The County Council appreciates that there will be scope within the form and through other mechanisms to make general comments. Nevertheless, In constructing the form care is required to ensure that consultees do not feel they are being restricting in voicing their general views on the proposal (support or opposition – see comment above) and that the *'questions'* and approach to securing feedback *'in a structured way'* are not designed in a way which leads/draws the consultee towards making a particular response/observation.

It would be helpful for the document to commit to the form being explicit about how the feedback will be interpreted and presented.

### **Paragraph 6.4**

The feedback options here only seem to provide the opportunity for general comments, not using the form, to be made by e:mail. Should consultees be allowed to submit general comments in writing, not using the form, perhaps using the Freepost option?

### **Paragraphs 6.4, 6.9, 6.14 and 6.15**

It would be helpful if the SoCC could make a commitment to explain to consultees through all consultation/feedback mechanisms how responses are to be analysed and the results of analysis presented.

Yours sincerely,

Paul Donovan  
**Environment and Infrastructure Department**

**Hertfordshire County Council**

**County of opportunity**

## APPENDIX 3

VINCENT+GORBING

Planning Act 2008 (as amended)

Application by London Luton Airport Limited (LLAL) for an Order granting  
Development Consent for the  
Expansion of London Luton Airport

PINS Reference: TR020001

Response to Statutory Consultation on behalf of the Host Authorities

Hertfordshire County Council, North Hertfordshire District Council,  
Central Bedfordshire Council and Luton Borough Council



**Planning Act 2008 (as amended)**

**Response to Statutory Consultation on behalf of**

**Hertfordshire County Council, North Hertfordshire District Council,  
Central Bedfordshire Council and Luton Borough Council**

**CONTENTS**

1.0 INTRODUCTION ..... 3

2.0 COMMENTS ON THE CONSULTATION MATERIAL AND ENGAGEMENT.. 5

3.0 POLICY CONSIDERATIONS AND THE NEED FOR THE SCHEME ..... 9

4.0 CROSS TOPIC ISSUES ..... 12

5.0 TOPIC SPECIFIC ISSUES ..... 17

VINCENT AND GORBING  
STERLING COURT  
NORTON ROAD  
STEVENAGE  
HERTS  
SG1 2JY

 [@vincent-gorbing.co.uk](mailto: [REDACTED]@vincent-gorbing.co.uk)

23 December 2019

## 1.0 INTRODUCTION

### Context

- 1.1 This document provides a collective response by the host authorities to the statutory consultation documentation prepared by London Luton Airport Limited (“LLAL”) in respect of their project entitled “*Future LuToN: Making best use of our runway*” (the ‘Proposed Development’).
- 1.2 LLAL propose to increase the capacity of London Luton Airport (LTN) from the current consented capacity of 18 million passengers per annum (mppa) to 32 mppa and propose to apply for a DCO under the Planning Act 2008 (PA2008) as the Proposed Development is a nationally significant infrastructure project under Section 23 of that Act.
- 1.3 The Proposed Development includes a number of elements including *inter alia* an extended airfield platform, a new terminal, additional taxiways and aprons, additional parking, various airside and landside facilities, changes to surface access, surface water management, landscaping and replacement open space.
- 1.4 This response has been prepared by Vincent and Goring (V+G) and represents the collective response of :-
- Hertfordshire County Council (“HCC”)
  - North Hertfordshire District Council (“NHDC”)
  - Central Bedfordshire Council (“CBC”); and
  - Luton Borough Council (“LBC”)
- 1.5 Local authorities are identified as consultation bodies under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as each local authority that is defined within s43 of the PA2008.
- 1.6 Each of the above authorities fall into the s43 definition and each is in their own right a ‘host authority’ for the purposes of the Proposed Development as



some part of the land within their municipal area falls within the draft Development Order Boundary.

### **The WSP Technical Review**

- 1.7 As well as this document, the host authorities are submitting a package of technical assessments of the statutory consultation documentation and an associated summary. This analysis has been prepared by environmental and engineering specialists at WSP and provides a detailed review of the content of the documentation. It has been the subject of consultation with various specialist officers within the host authorities and therefore can be taken as reflecting the detailed views of all four of the authorities. It will form the basis for further engagement with LLAL as the process moves forward.
- 1.8 It is not the intention here to repeat or summarise the detailed technical assessment work that has been undertaken by WSP. The intention of this document is to emphasise some broad strategic matters that are particular issues of concern to the host authorities. Equal weight should be given to the detailed technical assessment and the submitted documentation read as a whole.

### **Joint response and individual responses**

- 1.9 In providing a single joint response in the form of the WSP package and this document, the host authorities emphasise the value of engagement wherever possible on a joint and co-ordinated basis throughout the DCO process. That said, the overall position of the authorities on the Proposed Development remains a matter for each authority and this document does not preclude individual authorities from expressing their views on the statutory consultation material as well as the overall case for or acceptability of the Proposed Development. However, the views expressed in this document are shared by all four authorities and for clarity the word 'we' in this document refers to those authorities.

## Content of this document

- 1.10 This document makes comments on the following strategic issues:-
- Overall acceptability of the consultation material at this stage of the process (section 2.0);
  - Policy considerations and the need for the Proposed Development (section 3.0)
  - Cross topic issues concerning mitigation, management and monitoring (section 4.0);
  - Particular issues regarding surface access and noise (section 5.0)

## 2.0 COMMENTS ON THE CONSULTATION MATERIAL AND ENGAGEMENT

2.1 Statutory consultation is an important stage in the DCO process and a crucial opportunity to properly explain the proposals, the evidence collected to date on the baseline, the likely environmental impacts and proposals for mitigation, compensation and monitoring.

2.2 Government guidance provided in the publication *'Planning Act 2008: Guidance on the pre-application process'* makes clear that the pre-application stage is crucial to the effective operation of the national infrastructure consenting regime. The guidance highlights that thorough pre-application engagement can *"give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues."* It goes on to state that:-

*"Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be*

*accepted.<sup>1</sup>*

- 2.3 In general, we are content that the *Statement of Community Consultation* (SoCC), published as part of the Statutory Consultation documentation, sets out an engagement process which is appropriate.
- 2.4 However, although we consider that the consultation material meets the statutory requirements of the Planning Act 2008, we are concerned by the lack of detail in some areas of the assessment, and the lack of published evidence base to support the assessments made to date. Whilst it is appreciated that the PEIR can only be a 'point in time' indication of progress at the time of the statutory consultation, undertaking this consultation with significant areas of technical work still to undertake and publish brings into question whether this consultation is premature and in that respect adequate.
- 2.5 The PEIR lacks transparency across a number of topics (particularly but not exclusively noise, air quality, surface access and health) in relation to data inputs, assumptions and assessments. This limits the degree to which the technical analysis can be properly scrutinised at this stage.
- 2.6 We are therefore particularly concerned by the amount of information still to be provided and agreed prior to the submission of the application which is presently planned by LLAL for mid-2020. To achieve adequate consultation will require a 'step change' in technical engagement following the completion of this statutory consultation. We are keen to work collaboratively with LLAL and believe that a clear project plan needs to be provided by LLAL to formalise the engagement process henceforward. This needs to set out clear milestones for the provision of technical work and allow appropriate time for us to properly review this technical work and reach agreement wherever possible prior to the submission of the application. It is clearly in both our and LLAL's interests to achieve such agreement and minimise the degree of technical debate during the examination process in order to give the Secretary of State the confidence to accept the application once it is submitted.

---

<sup>1</sup> *Planning Act 2008: Guidance on the pre-application process*, Department for Communities and Local Government, March 2015, para.19

- 2.7 WSP's review has identified a number of areas where the PIER is lacking in information, particularly around:-
- The description of the development itself;
  - Assessment of alternatives;
  - Full explanation of how consultation has informed the design of the Proposed Development;
  - Incomplete explanation of existing and future baseline;
  - Issues around assessment methods and data collection in some topics;
  - Lack of clarity around mitigation, enhancement and monitoring;
  - Incomplete Cumulative Effects Assessment.
- 2.8 We are particularly concerned that the description of the Proposed Development in the PEIR lacks clarity as to the phasing of the scheme, especially given the overall length of the construction period and the interaction of environmental effects at different stages of development.
- 2.9 To address this, a detailed description of the worst-case parameters of the proposals at the completion of each phase is required. WSP provide further analysis on this point in their technical assessment of the PEIR. The complexity of the phasing is such that WSP suggest year by year indicative plans and this is an approach that we fully endorse in order that there can be clarity as to the timescale for various elements of the Proposed Development to be brought forward and the related assessment of effects at each stage. This will be of particular value in the context of a comprehensive monitoring regime that we discuss further in Section 4.0 below. It will also allow clarity around EIA assessment years which is presently lacking.
- 2.10 It is clear from the PEIR that LLAL still have a considerable amount of technical work to complete prior to the submission of the application. Whilst it is appreciated that there must be a degree of fluidity in the proposals at this stage in the preparation of a DCO application in order that meaningful

consultation can take place that allows comments to influence the final proposals, there remains a lack of detail in certain areas of the environmental assessment work undertaken to date which makes providing a proper critique problematic.

- 2.11 The fixed programme for consideration of an application for a DCO once accepted is such that the level of scrutiny beyond this stage is necessarily focussed. It is essential that proper analysis of the technical and environmental issues is allowed for prior to the submission of the application. Indeed, in some areas (surface access being one, but others also), the amount of engagement prior to this statutory consultation has been insufficient. Detailed discussions regarding the drafting of the Development Consent Order itself, including mitigation and compensation proposals and protective provisions for the host authorities has also not taken place to date will also be needed.
- 2.12 The above comments need to be urgently addressed in the coming months in order that by the time the application is made we are able to be confident as to the adequacy of consultation and make representations to the Secretary of State accordingly.
- 2.13 In summary, we consider that the present lack of clarity in both the description of the development and the lack of detail in certain topic areas points to the need for a considerable amount of technical work and further engagement with statutory consultees prior to the submission of the application. Indeed, we consider that there may be a case for a further statutory consultation when the technical work is further advanced. Further consultation would allow for formal engagement with all statutory consultees and the local community. A more advanced scheme and additional technical work would ensure the fullest possible consideration of the proposals prior to submission.

### 3.0 POLICY CONSIDERATIONS AND THE NEED FOR THE SCHEME

#### Changing national policy

- 3.1 As accepted in the consultation material, national aviation policy is in a state of flux. A new Aviation Strategy is expected in Spring 2020. At the present time, the Aviation Policy Framework (APF) (2013), Making best use of existing runways (June 2018) and Airports National Policy Statement, June 2018 indicate that the government is supportive of airports beyond Heathrow making best use of their existing runways.
- 3.2 However, although if there is currently a national policy basis supporting the Proposed Development in principle, there must be some prospect that Government policy will change either before a decision on the application (which could therefore take any new policy into account) or during the phased expansion of the Airport. This is particularly so given that the Government has clarified the target of achieving net-zero greenhouse gas emissions by 2050 must cover the whole economy, including international aviation and shipping (IAS) emissions. The advice from the Climate Change Committee (“CCC”) to the Secretary of State dated 25 September 2019 makes clear that to achieve this will mean that *“demand cannot continue to grow unfettered over the long-term. Our scenario reflects a 25% growth in demand by 2050 compared to 2018 levels. This compares to current Government projections which are for up to a 49% increase in demand over the same period.”*<sup>2</sup> The Department for Transport has stated that the implications of the CCC’s recommended policy approach to aviation will be taken into account in further developing aviation policy through the Aviation 2050 process.
- 3.3 We consider that greater clarity is needed as to how future potential changes in policy on climate change and reduction in greenhouse gas emissions (including demand management) could be accommodated by the proposals in the future such that the growth of the airport can be managed within environmental limits. At the very least, LLAL needs to recognise and consider how to deal with the uncertainties in respect of future policy. In their technical

---

<sup>2</sup> Letter dated 25<sup>th</sup> September 2019 from Lord Deben, Chairman, Committee on Climate Change, to Grant Shapps MP, Secretary of State for Transport.

response, WSP have advised that LLAL should set out within the need case (and its greenhouse gases assessment as part of the ES) how it will seek to demonstrate alignment with potential targets and carbon budgets, through further sensitivity testing. We consider that this is a necessary element in proving the future consistency of the Proposed Development with the changing policy landscape.

### **Airports Capacity**

- 3.4 Part of the case for the Proposed Development is continued and unrestrained growth and demand forecasts issued by the DfT in 2017. This premise needs to be full tested. Even on its own terms, the assumptions as to capacity at other airports within the south east will need to be updated to reflect the latest published master plans for Gatwick and London City Airport. Whilst we accept that this capacity is not presently consented, the potential delivery and timing of these proposals will have implications for the passenger allocation model used to estimate Luton's share of the market within Luton's catchment area. It will then be possible to properly assess whether the need case is robust or whether the cumulative result of all of the planned growth in the south east will be over supply.
- 3.5 In essence, it will be necessary to sensitivity test capacity scenarios and consider how these influence the assessment of effects within the Environmental Statement. Such sensitivity testing could materially alter the findings from the PEIR. As per our comments on consultation above, this will require further engagement across all topics, potentially on a statutory basis with all stakeholders.

### **Sub-regional and local planning context**

- 3.6 Topic chapters of the PEIR vary in the extent to which they comprehensively set out EU Directives, national and local planning policy. It is clearly essential that the Environmental Statement thoroughly identifies all relevant policy and how this is relevant to the assessment process.
- 3.7 We assume that in due course an umbrella 'Planning Policy Compliance Statement' or similar will be prepared and submitted with the application to

assess in one document the overall compliance or conflict with all aspects of planning policy. As well as the NPS, LLAL should demonstrate the role played by the National Planning Policy Framework and the applicable development plans in the design development of the proposals. Although not explicitly referred to in section 104 of the PA2008, they are documents that are likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008.

- 3.8 Moreover, the proposed expansion at Luton Airport is outside of any statutory plan-making process. The scale of the proposal is such that it will clearly have fundamental consequences for *future* plan-making for the host authorities.
- 3.9 On the one hand, we are keen to ensure that the economic benefits for the sub-region are maximised. The Outline Employment and Training Strategy is clearly at an early stage and it will be fundamental to ensure that if the Proposed Development does proceed, the construction and operational phases support local access to employment both by education and training and by infrastructure that supports ease of transport to the direct, indirect and induced employment that will result. It is also important to ensure that supply chain opportunities are maximised, particularly for small and medium sized business in the locality. We consider that LLAL should look to good practice at other airports – in particular the Heathrow Economic Development Framework<sup>3</sup> and the Stansted Employment and Skills Academy<sup>4</sup> – that set out proactive strategies that could be included at Luton.
- 3.10 However, the proposed development is of a scale that is likely to result in demographic consequences and increased pressure on housing and community infrastructure. We note that the impact on housing, in particular, is not considered in the PEIR and will be considered in the Environmental Statement. Pressure on housing, particularly in respect of affordability, may lead to increased future housing requirements that will be for the local authorities to address in their Local Plans subsequent to any DCO being made. In preparing the ES, it is important that LLAL engage with the plan-

---

<sup>3</sup> [REDACTED]

[REDACTED]

[REDACTED]



making functions of the host authorities in order to fully explore this issue.

### **Planning policy compliance – including Green Belt**

- 3.11 With specific reference to intrusion of the development into the Green Belt, the options analysis makes reference in a number of places as to how alternative development layouts were considered, with Green Belt policy being one of a number of factors taken into consideration as part of the optioneering.
- 3.12 We consider that it will be necessary to demonstrate in detail that the Proposed Development minimises all impacts on the Green Belt both in principle and in practice, considering the openness and permanence of the Green Belt and the five purposes of the Green Belt set out in paragraph 134 of the National Planning Policy Framework. This will need to assess both direct impacts and the visual amenity of the Green Belt by impacts effecting its setting. How the Green Belt has played a role in the detailed scheme development is fundamental to this understanding.

## **4.0 CROSS TOPIC ISSUES**

### **Construction impacts**

- 4.1 Given the scale and duration of the construction, considerably more detail is required as to the construction process itself, including a more detailed explanation of the construction activities allied to the phasing of the development. Information about construction is presently limited and as such the assessment of effects at each phase of the Proposed Development and the effectiveness of mitigation during construction cannot at present be properly considered.
- 4.2 Clearly, construction activities to deliver later phases will be taking place in parallel with operation of earlier phases. It is unclear whether or how temporally overlapping construction and operational effects have been or will be assessed. We are particularly concerned to ensure a full assessment of noise and vibration during the construction phase which at present is not included in the PEIR.

- 4.3 It will clearly be necessary to have a comprehensive suite of documents to control the construction process either within one comprehensive Code of Construction Practice or as separate documents dealing with environmental mitigation and construction traffic management. These documents will be fundamental to the successful mitigation of construction effects across all environmental topics. We consider that agreement to these documents at an early stage is essential in order to provide certainty in the delivery of construction stage mitigation and would envisage that wherever possible they should be certified documents within the Development Consent Order rather than being subject to future approvals. They should include detailed monitoring regimes and a clear understanding of how construction activities will be modified if environmental objectives are breached.

#### **Future Baseline(s)**

- 4.4 WSP highlight in their technical review that the Do-Nothing alternative was discounted from LLAL's sifting process on the basis that it does not deliver LLAL's strategic economic objectives. It is, however, considered necessary to assess the Do-Nothing scenario to inform the future baseline scenario as required by Schedule 4 of the Infrastructure Planning EIA Regulations 2017. The future baseline with no development taking place needs to be clearly established and consistently applied across all topics.
- 4.5 Indeed, it is fundamental to the communities around the airport (and hence the host authorities) to understand assumptions as to changes outside of the scheme itself that may change the future baseline (for example the change in the aircraft fleet or fleet of road vehicles accessing the airport). There needs to be clear 'with' and 'without' development scenarios as the phasing of the scheme progresses.
- 4.6 Indeed, the phased nature of the Proposed Development is such that a number of future baselines need to be established. At present, there is a lack of clarity as well as inconsistency as to assessment years within the PEIR. Future baseline assessment years need to be established within the ES and used on a consistent basis across all topics.

### **Monitoring and environmentally managed growth**

- 4.7 At present, there is a lack of detail across all topics as to future monitoring and environmental management allied to a comprehensive Mitigation Route Map. This is a key area of concern as enforcing compliance with the DCO will fall to the host authorities. We consider that a comprehensive approach to Environmentally Managed Growth is essential.
- 4.8 WSP recommend a separate section in the ES on monitoring to make it clear what monitoring is to be carried out during construction and operational phases. This should set out monitoring methods and potential additional adaptive measures that could be implemented to ensure predicted effects are not exceeded and assumed targets with mitigation are achieved.
- 4.9 We consider that the DCO itself will need to include control mechanisms that provide safeguards for affected communities in a manner which gives confidence that mitigation to address the assessed effects will be delivered as the Proposed Development is constructed in phases and which introduces conditionality – growth only proceeds to next phase in the event that certain prescribed limits/targets are met. Adaptive monitoring and management processes should be set out, based on a robust assessment of the range of potential effects of the Proposed Development (including sensitivity testing), taking account of the possible need for consequential or corrective mitigation and how these will be delivered if required. We will need to agree a compliance assessment process, designed to monitor and manage implementation in consultation with local communities. Together with a comprehensive monitoring framework, this will provide transparency as to how the effects of the Proposed Development will be controlled within the worst case assumptions of the ES. A framework for adaptive changes will be needed in order to implement an Environmentally Managed Growth strategy which should allow for operational controls or alternative and additional mitigation. The monitoring of outcomes versus predictions/assumptions (for example the modal shift assumptions contained in the surface access strategy) can then be considered alongside this package of adaptive mitigation measures, allowing clarity over the control of unforeseen local impacts.

- 4.10 The auditing and approvals process will inevitably be administered by the host authorities and the DCO should provide for the necessary resources to ensure it is effective.

### **Health**

- 4.11 As set out in our response to the Scoping Report, we remain of the view that the in-combination effects of the Proposed Development across topics (particularly noise and air quality) on local communities need to be comprehensively assessed in a separate Health Impact Assessment (HIA). As well as considering receptors generally across the affected areas, specific vulnerable groups (children, pregnant women, elderly people, malnourished people, and people who are ill or immunocompromised) within the population, who might experience disproportionate effects, have not presently been identified. This is a fundamental principle of Health Impact Assessment (HIA) and needs to be considered in detail.

### **Compensation and 'FIRST'**

#### FIRST Scheme

- 4.12 Clarity over the operation of the 'FIRST' compensation scheme is essential. We have had no meaningful engagement on this proposed compensation fund. As set out in the WSP assessment, the key issues are :-
- Clarification of and justification for geographical coverage including confirmation that it would apply to LBC as well as the other host authorities as 'neighbours' to the airport
  - How the figure of £1 for every passenger over 18 mppa has been arrived at; whether it is proportionate compensation for the harm caused by the Proposed Development and whether it should be extended to allow for unforeseen impacts identified through monitoring; in our submission, defining a compensation figure at this time when the full extent of impacts has not been fully assessed is premature;
  - Type of schemes that are being considered – i.e. whether this would fund

highway schemes if monitoring indicated further improvements were necessary – and how they would be delivered;

- Management of the scheme.

4.13 We consider that the FIRST scheme might reasonably be expanded to play a role in the Environmentally Managed Growth approach outlined above, as part of the an Unforeseen Local Impacts Mitigation Strategy, cover a range of topics including *inter alia* air quality, landscape, biodiversity, surface access and carbon emissions, providing a resource to deliver additional mitigation particularly where monitoring demonstrates that the environmental effects assumed within the ES are being exceeded.

4.14 A range of initiatives might fall into this scheme such as additional public transport initiatives, landscape payments or proposals engaging with surrounding landowners to fund additional planting as landscape or climate change compensation and quality of life initiatives targeted at vulnerable groups identified through the Health Impact Assessment.

4.15 We would want to ensure that each authority has oversight as to how such funding is spent in their particular administrative area.

#### Relationship to Wigmore Valley Park

4.16 Within the context of community based mitigation, further clarity is required as to the future management of Wigmore Valley Park including the nature of that management and how long it would continue. LLAL need to be able to demonstrate that safeguards are in place to ensure the successful future management of the extended park delivers on the mitigation it is designed to address (including recreational impact and biodiversity enhancement). It is also unclear whether or when this park will be handed over to the host LPA. It is noted that the preparatory works to create the Wigmore Park extension could be subject to an advanced planning permission but this approach has not been discussed or agreed.

### Noise insulation scheme

- 4.17 We also consider that further detailed discussion will be required in respect of the proposed noise insulation scheme, particularly in respect of night time noise, when the insulation would be made available and the type of noise insulation measures that will be offered. In addition, we consider that the threshold for full noise insulation should be reduced from 63dB LAeq, 16hr to 60d LAeq, 16hr in accordance with emerging Government Policy in Aviation 2050. We also consider that the noise compensation scheme should be made available during construction, particularly given the length of the phased development.

## **5.0 TOPIC SPECIFIC ISSUES**

- 5.1 WSP have undertaken a topic by topic assessment of the PEIR and their comments will provide the basis for further engagement. We do not repeat these in detail here but raise specific concerns on (i) surface access, given this has significant cross-topic implications and (ii) Noise, given the particular concerns of the host authorities on the assessment of this topic to date.

### **Surface Access**

- 5.2 The PEIR suggests a significant increase in public transport mode share from a baseline 31% of 15.6 mmpa to 45% of 32 mmpa by bus and rail passenger transport. The assumptions to justify this mode need to be fully explained and understood in order to fully evidence that it is achievable. At present, the extent of additional public transport infrastructure beyond that already planned is limited and more detail will be required on a comprehensive Green Travel Plan which demonstrates how passengers and employees are going to access the airport by public transport. LLAL should be looking to best practice such as the Stansted Airport Discount Scheme on public transport (Stansted Commuter), as an example of a project to assist with sustainable transport and also encourage lower paid workers to take advantage of the employment opportunities at the airport.
- 5.3 In any event, we consider this mode share to be a 'best case' rather than a

'worst case' scenario. Given the relatively limited highway interventions proposed, this figure needs to be fully justified and sensitivity tested. As set out in our response to the Scoping Report, we consider that all the various modelling scenarios need to have a sensitivity test run with public transport uptake set at its current level in order to ensure the assessment of the worst case scenario. This will clearly have implications for *inter alia* noise, air quality and health effects. It is essential that sufficient time is allowed to ensure the highways authorities agree the modelling assumptions and outputs well before the application is lodged with the Secretary of State.

- 5.4 Sensitivity testing should allow for a comprehensive assessment of further highways interventions that may be needed; these may usefully be embraced in the Environmentally Managed Growth strategy identified above. The potential need for and deliverability of additional mitigation must be scrutinised in detail including the funding arrangement should the need for further improvements arise.
- 5.5 We consider that further clarity is required as to the relationship between surface access modelling and car parking provision. We remain concerned that provision by private operators may undermine the strategy for a relative reduction in parking provision per mppa, and could further have localised impacts within those communities where this off-site parking provision occurs.
- 5.6 We also have a specific concern regarding the apparent assumption that the highway works proposed within the East Luton Study will be implemented and will form part of the future baseline. This is not the case as not all of the highway works have been funded. This needs to be discussed in detail with LBC but in essence, any schemes on which LLAL place reliance that are not funded should be within the DCO Order Limits and assessed as part of the ES.

### **Noise**

- 5.7 We accept that there has been initial discussion through the Noise Working Group and the Noise Envelope Design Group (NEDG) but we remain concerned by the assessment of this topic to date. We consider that this is a

key environmental issue in terms of the acceptability of the Proposed Development and believe that significant further engagement, monitoring, (including attended monitoring and assessments) will be required.

5.8 We note that the noise baseline is set for 2017 and the air noise assessment fails to fully take account of existing noise controls; night time noise levels were breached in 2017, 2018 and 2019, with daytime noise levels breached in 2019 as well. The noise model is insufficiently accurate to identify the future benefits of new generation lower noise aircraft or the implications of the extent of fleet change not materialising as expected. This emphasises our general point above regarding clarity as to future baselines. Overall, the conclusions of the noise assessment in the PEIR are not robustly supported by the analysis. No monitoring regime is articulated and this needs to be considered within the context of the wider Environmental Managed Growth agenda discussed above.

5.9 Moreover, we question why consideration has not been given to the possibility of a night-flight ban. The ANPS includes an expectation by government that there will be a ban on scheduled flights within a 6.5h period between 23h00 and 07h00<sup>5</sup> and this is already being considered within the environmental assessment of the expansion plans of London Heathrow Airport. This would represent a significant benefit to local communities within the context of the substantial growth being planned by LLAL.

---

<sup>5</sup> Airport National Policy Statement, June 2018, paras. 3.54, 5.62.



## APPENDIX 4

**VINCENT+GORBING**

**Planning Act 2008 (as amended)**

**Application by London Rising (LR) for an Order granting Development Consent  
for the  
Expansion of London Luton Airport**

**PINS Reference: TR020001**

**Response to Second Statutory Consultation on behalf of the Host Authorities**

**Hertfordshire County Council, North Hertfordshire District Council,  
Central Bedfordshire Council and Luton Borough Council**

**4 April 2022**



**Planning Act 2008 (as amended)**

**Application by London Rising (LR) for an Order granting Development Consent for the Expansion of London Luton Airport**

**PINS Reference: TR020001**

**Response to Second Statutory Consultation on behalf of**

**Hertfordshire County Council, North Hertfordshire District Council, Central Bedfordshire Council and Luton Borough Council**

**4 April 2022**

**CONTENTS**

1.0	INTRODUCTION.....	3
2.0	COMMENTS ON THE CONSULTATION MATERIAL AND ENGAGEMENT...6	
3.0	POLICY CONSIDERATIONS AND THE NEED FOR THE SCHEME .....	8
4.0	CROSS TOPIC ISSUES .....	11
5.0	TOPIC SPECIFIC ISSUES.....	21

VINCENT AND GORBING  
STERLING COURT  
NORTON ROAD  
STEVENAGE  
HERTS  
SG1 2JY

 [vincent-gorbing.co.uk](http://vincent-gorbing.co.uk)

## 1.0 INTRODUCTION

### Context

- 1.1 This document provides a collective response by the Host Authorities (“HAs”) to the second Statutory Consultation by London Rising (“LR” - the trading name of London Luton Airport Limited) in respect of their project entitled “*Future LuToN: Making best use of our runway*” (the ‘Proposed Development’). Responses were made to the first Statutory Consultation in December 2019 by the HAs both collectively and individually. The HAs welcome this second statutory opportunity to comment on the emerging proposals and the documentation prepared by LR. Overall, we consider significant progress has been made in the breadth, clarity and quality of the published material and we look forward to working further with LR as matters progress towards an application.
- 1.2 LR propose to increase the capacity of London Luton Airport from the current consented capacity of 18 million passengers per annum (mppa) to 32 mppa and propose to apply for a DCO under the Planning Act 2008 (PA2008) as the Proposed Development is a nationally significant infrastructure project under Section 23 of that Act.
- 1.3 It is noted and recognised that on 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. Since then, the Secretary of State for Levelling up, Housing and Communities has issued a “holding direction” which prevents Luton Borough Council from issuing a final decision while the Secretary of State considers whether he should call-in and decide the 19 mppa planning application. It would be helpful if the position with this application is resolved prior to the submission of the application for development consent for the Proposed Development to give greater certainty as to the baseline (albeit it is noted that LR have generally taken the 18 mppa as the baseline at this stage, which we support).
- 1.4 The Proposed Development includes a number of elements including *inter*

*alia* an extended airfield platform, a new terminal, additional taxiways and aprons, additional parking, various airside and landside facilities, changes to surface access, surface water management, landscaping and replacement open space.

1.5 This response has been prepared by Vincent and Gorbing (V+G) and represents the collective response of:-

- Hertfordshire County Council (“HCC”)
- North Hertfordshire District Council (“NHDC”)
- Central Bedfordshire Council (“CBC”); and
- Luton Borough Council (“LBC”)

1.6 Local authorities are identified as consultation bodies under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as each local authority that is defined within s43 of the PA2008.

1.7 Each of the above authorities fall into the s43 definition and each is in their own right a ‘host authority’ for the purposes of the Proposed Development as some part of the land within their municipal area falls within the draft Development Order Boundary.

### **The WSP Technical Review**

1.8 As well as this document, the HAs are submitting a technical assessment of the Statutory Consultation documentation. This analysis has been prepared by environmental and engineering specialists at WSP (with input on noise from Suono) and provides a detailed review of the content of the documentation. It has been the subject of consultation with various specialist officers within the HAs and therefore can be taken as reflecting the views of all four of the authorities though the HAs may make further individual technical responses in addition to the WSP report. It follows a similar exercise to that carried out in 2019 as part of the response to the first Statutory Consultation. It will form the basis for further engagement with LR as the process moves forward towards an application.

1.9 It is not the intention here to repeat in detail or summarise the detailed technical assessment work that has been undertaken by WSP. Their review does not identify any fundamental flaws in the consultation documents but does raise numerous detailed points that should be addressed as LR prepare their Environment Statement. There are also some repeated themes across many of the topics that we comment on further in this document as concerns of the HAs.

1.10 In this context, the intention of this document is to emphasise some broad strategic matters that are particular issues of concern to the HAs. Equal weight should be given, however, to the detailed technical assessment of WSP and the submitted documentation should be read as a whole.

### **Joint response and individual responses**

1.11 In providing a single joint response in the form of the WSP report and this document, the HAs emphasise the value of engagement wherever possible on a joint and co-ordinated basis throughout the DCO process. That said, the overall position of the authorities on the Proposed Development remains a matter for each authority and this document does not preclude individual authorities from expressing their views on the Statutory Consultation material as well as the overall case for or acceptability of the Proposed Development. However, the views expressed in this document are shared by all four authorities and for clarity the word 'we' in this document refers to those authorities.

### **Content of this document**

1.12 This document makes comments on the following strategic issues:-

- Overall acceptability of the consultation material at this stage of the process (section 2.0);
- Policy considerations and the need for the Proposed Development (section 3.0)
- Cross topic issues concerning mitigation, management and monitoring, particularly in respect of the proposals for 'Green Controlled Growth'

("GCG") (section 4.0);

- Particular issues regarding certain environmental topics (section 5.0).

## **2.0 COMMENTS ON THE CONSULTATION MATERIAL AND ENGAGEMENT**

2.1 We recognise that there have been on-going discussions between LR and the HAs since the first Statutory Consultation and this has been welcomed. Whilst in some topic areas this has been more information sharing rather than interactive engagement, we particularly welcome the discussions on Green Controlled Growth (GCG) and the work of the Noise Envelope Design Group (NEDG).

2.2 As LR are fully aware, Statutory Consultation is an important stage in the DCO process and a crucial opportunity to properly explain the proposals, the evidence collected to date on the baseline, the likely environmental impacts and proposals for mitigation, compensation and monitoring. At the time of the first Statutory Consultation, we raised concerns as to the lack of detail in some areas of the assessment, the lack of published evidence base to support the assessments made to date and the need for significant further engagement. We also highlighted that the PEIR lacked transparency across a number of topics in relation to data inputs, assumptions and assessments. Moreover, it was considered that the description of the Proposed Development in the PEIR at that time lacked clarity as to the phasing of the scheme, especially given the overall length of the construction period and the interaction of environmental effects at different stages of development. We specifically suggested that a second Statutory Consultation would be necessary and therefore this current consultation is welcomed.

2.3 Generally speaking, we consider that the quality and clarity of the material presented at this second Statutory Consultation is much improved and the description of the development parameters (including the Worst Case Scenario) and the phasing of the development is now generally much clearer and understandable. We consider that the works descriptions are considerably more developed although LR will need to justify that the flexibility proposed in relation to the Worst Case Scenario is no more than absolutely

necessary.

- 2.4 However, whilst we consider that progress is being made as to the drafting of the application, there are still areas of concern and a lack of clarity around certain aspects of the proposals and associated environmental impact assessment work. There are some topics where there is still more information to be provided and further discussion would be needed and welcomed prior to the application being submitted including *inter alia*, noise, surface access, and landscape and visual assessment, as well as discussion around the various control, mitigation and compensation documents. .
- 2.5 WSP's review has identified that there is still a lack of clarity around the future baseline and an incomplete assessment in some topics of the cumulative effects of development. It is accepted that the PEIR is *not* the final Environment Statement and LR still clearly have technical work to complete prior to the submission of the application. It is essential that proper analysis of the technical and environmental issues is allowed for prior to the submission of the application and we consider that further engagement on key aspects such as noise, surface access, landscape, Green Controlled Growth and the Employment Training Strategy in particular should continue in the coming months. Detailed discussions regarding the drafting of the Development Consent Order itself, including mitigation and compensation proposals and protective provisions for the HAs also needs to take place prior to the application being made.
- 2.6 Overall, we consider that this consultation provides a significant step forward. In preparing this response we have sought to be constructive and reasonable and to establish a further platform from which to focus our ongoing engagement in the period up to submission and beyond. Whilst outside the scope of this consultation, we would wish to discuss further the PPA funding arrangements to ensure that the HAs are sufficiently resourced in this regard.



### 3.0 POLICY CONSIDERATIONS AND THE NEED FOR THE SCHEME

#### National policy

3.1 It is accepted that at the present time there is government policy support for the principle of airports making best use of their runways, as set out by the government in Making Best Use of Existing Runways (June 2018) (“MBU policy”) alongside the proposals for a new runway at Heathrow set out in the Airports National Policy Statement (ANPS). The Government confirmed this in the July 2021 Jet Zero consultation, although it is emphasised that Jet Zero was just that - a consultation - not a development of national policy. The content of the Jet Zero policy that is set to be published in July 2022 will be a relevant consideration in the determination of the acceptability of the proposals.

3.2 The Inspectors in the recent Bristol Airport appeal decision considered the weight to be accorded MBU<sup>1</sup> as some parties to that appeal had argued that it should be afforded limited or no weight as it pre-dates the Government’s adoption of the 2050 net-zero target and the Sixth Carbon Budget in June 2021, and was published before the inclusion of international aviation in domestic targets. The Inspectors concluded that

*“Certainly, these are material considerations, and are issues which may or may not change the policy approach in the future. But MBU itself recognises there is uncertainty over climate change policy and over international measures, and notes that therefore matters might change after its publication.”* (our underlining)

3.3 The Inspectors concluded further that :-

*“While there are many who may disagree with the direction of current Government aviation policy and specifically the approach set out in MBU, it is not the role of the Panel to question the merits or otherwise of current Government policy. APF and MBU therefore remain the most recent national policy statements and as such are material considerations. Though matters*

---

<sup>1</sup> Appeal Decision APP/D0121/W/20/3259234 dated 7 February 2022

*have to an extent moved on this does not make policy out of date.*" (our underlining)

3.4 It is therefore accepted that at the present time there is national policy support for the principle of making the best use of the existing runway at Luton. However, this is clearly only one factor in the overall planning balance, with local planning and transportation policy documents likely to be considered 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008. We comment further below on this matter. Moreover, MBU policy itself recognises that the development of airports can have negative as well as positive local impacts, including on noise levels and that *"any proposals should be judged by the relevant planning authority [or in this case, the Panel and SoS], taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations."*

3.5 We also accept that at the present time there is no apparent Government appetite for demand management in the aviation sector to be part of the toolkit to achieve net zero by 2050, with the draft Jet Zero consultation instead focussing on, system efficiencies, Sustainable Aviation Fuels, zero emission flight, markets and removals and influencing consumers. This is clearly a national political as well as policy issue. However, the Climate Change Committee's Report of October 2021 on the Government's Net Zero strategy criticised this, commenting that:-

*"There is less emphasis [in the UK's Net Zero Strategy] on consumer behaviour change than in the Committee's scenarios. The Government does not address the role of... limiting the growth of aviation demand in reducing emissions, while policies to reduce or reverse traffic growth are underdeveloped. These options must be explored further to minimise delivery risks from an increased reliance on technology and to unlock wider co-benefits for improved health, reduced congestion and increased well-being."*<sup>2</sup>

3.6 In short, the exact position with national aviation policy, the weight accorded

---

<sup>2</sup> Climate Change Committee's Report of October 2021 on the Government's Net Zero strategy, Page 4

MBU and potential future changes to this policy context in the context of net zero will need to be reviewed further as the application progresses to submission, Examination and a final decision. We reserve the right to reconsider this policy position, weighed in the balance with local planning and transportation policy and environment effects of the development as against the economic benefits. As we stated previously, we consider that at the very least LR need to recognise and consider how to deal with the uncertainties in respect of future policy and how this could affect the overall need case in the long term.

- 3.7 Moreover, the strategic economic case for the development will also need to be reviewed, along with further interrogation of the scale of the alleged economic benefits resulting from the proposal were consent to be forthcoming.

#### **Local planning context**

- 3.8 Compared to the first Statutory Consultation, topic chapters of the PEIR now more comprehensively set out EU Directives, national and local planning policy. There are still certain omissions, however, and this point should be thoroughly reviewed and must include emerging Local Plans, particularly as these will be relevant to the future baseline. It is clearly essential that the Environmental Statement thoroughly identifies all relevant policy and how this is relevant to the assessment process.
- 3.9 As we stated at first Statutory Consultation we had hoped LR would prepare an umbrella 'Planning Policy Compliance Statement' or similar to assess in one document the overall compliance or conflict with all aspects of planning policy. As well as the NPS, LR need to demonstrate the role played by the National Planning Policy Framework and the applicable development plans in the design development of the proposals as 'important and relevant' to the Secretary of State's decision under section 104(2)(d) of the PA2008 given that the proposed expansion at Luton Airport is outside of any statutory plan-making process.
- 3.10 LR have responded in their 2019 Statutory Consultation Feedback Report by stating that a 'Planning Statement' will be prepared and submitted with the

application. Whilst this is welcomed we assume this will go beyond a policy compliance assessment and look at the overall planning balance given the benefits and environmental effects of the development. We remain of the view that a specific planning policy compliance document is necessary and should be prepared and agreed between LR and the HAs that identifies relevant policy and where the parties consider the Proposed Development to be in accordance with or contrary to this policy, taking into account proposed mitigation. We consider that this should be agreed prior to submission/examination as part of the SoCG process.

- 3.11 As part of this analysis, clarity should be provided as to how Green Belt policy has been factored into the optioneering of the scheme. LR need to demonstrate in detail that the Proposed Development minimises all impacts on the Green Belt both in principle and in practice, considering the openness and permanence of the Green Belt and the five purposes of the Green Belt set out in paragraph 138 of the National Planning Policy Framework. This will need to assess both direct impacts and the visual amenity of the Green Belt by impacts effecting its setting. How the Green Belt has played a role in the detailed scheme development is fundamental to this understanding.

## **4.0 CROSS TOPIC ISSUES**

### **Overall approach to mitigation and control documents**

- 4.1 The extent of mitigation proposed is significant and varied, relying on embedded mitigation and design, control mechanisms (various action and management plans and their associated governance arrangements), compensation proposals and on-going monitoring now included within the Green Controlled Growth strategy and other documents including the Travel Plan.
- 4.2 The material prepared for this Statutory Consultation now suggests increased complexity in this regard, with layers of proposed mitigation being 'nested' within proposed control documents, making them less obvious. LR have confirmed that a Mitigation Route Map will be prepared. This will be essential to clarify how mitigation will be achieved and we consider it would have been

helpful to see this document at this stage, given that the mitigation strategy is now much more developed compared to first Statutory Consultation. We would request that this document is prepared in draft and be the subject of informal engagement with the HAs prior to the application being submitted. This will assist our assessment of the application and the preparation of Local Impact Reports (LIRs).

- 4.3 We would also want further clarity prior to the application being submitted as to which documents are proposed to be 'certified' at the point of the DCO being made and which will be the subject of subsequent engagement and approval through Requirements within the DCO.
- 4.4 Despite the extent of mitigation and the GCG proposal, we remain of the opinion that Unidentified Local Impacts (ULIs) need to be considered and a mechanism and funding to mitigate these be put in place.
- 4.5 Indeed, we remain concerned as to the health impacts of increased exposure of urban populations around the airport to increasing particulate matter and harmful levels of other pollutants. In our view, the modelling may not capture all effects that occur in the future, especially from particulate pollution. A detailed monitoring programme as part of the GCG or separately should be put in place to consider health impacts before development and at each phase, with funding to address measures to address any impacts beyond those presently forecast.
- 4.6 A separate fund with a specific remit to address ULIs would give the HAs confidence that outside of GCG and Community First Funding is in place to address issues that arise that are not forecast at the present time.

### **Green Controlled Growth (GCG)**

- 4.7 We very much welcome, in principle, the GCG proposals and consider this to be a significant step forward in reassuring the communities around the airport that LR and the airport operator will deliver on mitigation and that this can be adaptive to account for changes in external variables compared to what has been assumed through the environmental impact assessment work. It is noted that this is a draft document and that it will be developed further as

progress is made towards the application being submitted and that it will be subject to subsequent engagement beyond this Statutory Consultation stage. We would very much welcome this further engagement to the extent that a refined GCG will be prepared and submitted with a large measure of agreement between the HAs and LR without prejudice to the position each authority will take on the acceptability of the Proposed Development overall.

4.8 As with other documents referred to above, it will be important to understand how the GCG proposals are secured through the DCO, to what extent the mechanisms suggested are on the 'face' of the DCO itself or within a certified GCG document that will be approved and be subject to review in the future. The document notes that the DCO will define the necessary procedures relating to the governance of GCG, creating a legal framework for compliance and enforcement. The detail of this will be crucial to the role that GCG will play in the future.

4.9 It is noted that it is suggested (para. 3.5.16) that the Airport Operator would have a right to appeal to the Secretary of State over decisions by the ESG, for example the failure to approve a Level 2 Plan or Mitigation Plan, or where it is felt that an event beyond the Airport Operator's control has resulted in an impact above a Limit but this has not been accepted by the Environmental Scrutiny Group (ESG). We would wish to understand the process in more detail and how it will be secured through the DCO.

4.10 As noted above, we would want to engage further on the approach to GCG prior to the application being submitted. In particular, we would wish to discuss in further detail matters such as :-

- The proposed limits, how they are set and reviewed;
- How the analysis feeding into the compliance assessment will, where appropriate, be distinguished from baseline changes (for example in air quality or noise);
- The governance structure and in particular the role of the HAs and the local community. The composition of the ESG needs further discussion including how it can be independently chaired;

- The enforcement process. The suggested structure where breaches are reported to Luton Council who are both the local planning authority and the owners of the airport may be perceived by some as a conflict of interest and there may be a role for an external body; as suggested by WSP this could be the recently formed Office of Environment Protection.
- How any changes will be legally enforced on airlines to achieve compliance.

4.11 Importantly, we will want to understand how the GCG process is going to be resourced for the long term. Para. 3.3.11 states that it is expected that the ongoing reasonable costs of the ESG, *“including meetings, monitoring, and funding of necessary technical support to the Technical Panels would be funded by the Airport Operator.”* The ESG and Technical Panels will need significant funding and expertise, staff resource at the HAs and external consultancy support over a significant number of years. We will need more detail on this funding regime to ensure that the HAs can play a full part in the governance and technical monitoring process.

4.12 We also have some concern that the approach to limiting GHG emissions allows (in respect of Scope 3 emissions, from surface transport for example) for the airport operator to adopt offsetting arrangements. Whilst accepting that changes in factors such as the take-up of electric vehicles more widely is outside of the control of the airport operator, there is much that the operator *can* do to encourage the reduction of Scope 3 emissions and to allow offsetting will not encourage such action. We would wish to explore this point further with LR as we consider that there remains a lack of commitment to addressing emissions from surface access and encouraging sustainable modes of access to the airport. .

4.13 It is noted that at the present time the Draft GCG document does not include a proposed target for sustainable travel mode share for staff but indicates that this will be somewhere in the range between 23% to 31% in Phase 1. This reflects the proportions using sustainable transport options in 2016 and 2018 respectively. We consider that LR should show greater ambition, with a goal of ensuring that modal shift to non-car modes allows the number of staff

working at the airport to increase as forecast whilst resulting in no net increase in traffic generation, taking into account changes in background traffic levels. We would welcome further discussions on this target. .

### **Employment and Training Strategy**

- 4.14 We welcome the proposed Draft Employment and Training Strategy (ETS). This will clearly be important to ensure that the economic benefits of the Proposed Development, on which the case for approval squarely relies, are actually delivered. We consider that further discussions with the HAs are needed on this document, linking it to and aligning it with economic development strategies in the area. In their own assessment, WSP conclude that in its current form, the document contains limited details relating to the commitments, monitoring and governance processes that would be adopted by the ETS to maximise benefits arising from the Proposed Development. We would expect significant further engagement on this document.
- 4.15 At the present time, the role of local authorities in the ETS is unclear and needs to be discussed further. Indeed, the ETS relies on significant partnership working across a wide range of stakeholders, playing in large part a facilitation role rather than seeking to directly provide new opportunities for training. The strategy places considerable emphasis on working across various existing institutions, although the HAs' economic development function appears limited to consultation through the Local Economic Development Working Group to align growth strategies with local government partners and share good practice.
- 4.16 The ETS suggests 'direct' provision of a 'Luton Lifelong Training Centre' but it is unclear to what degree this is a commitment. The ETS states (para. 4.2.9) that *"The provision of physical on-site training facilities (where possible) would be explored by the SLP [Skills Leadership Panel] and the operator to enable education and training institutions to provide training at the airport alongside airport employers."*
- 4.17 In our view the ETS could do more to ensure a positive and pro-active approach such that the airport operator and other airport employers provide direct training opportunities rather than simply relying on existing institutions.



We consider the 'Luton Lifelong Training Centre' should be seen as an essential element in the ETS that LR should commit to; as per our comments at first Statutory Consultation, LR should consider the approach of the Stansted Airport Employment and Skills Academy which is under London Stansted Airport's direct management and delivered in partnership with Harlow College. This initiative could link directly to subsidised sustainable travel initiatives to widen access to the airport for those seeking work as part of the approach to reducing reliance on the private car, particularly in the current era of significantly rising fuel prices, with both social and environmental benefits.

- 4.18 Monitoring of the success of the ETS is left for future detail. It is clearly important that a monitoring framework is established with Key Performance Indicators (KPIs) to transparently demonstrate whether the ETS is being successful and whether the forecast benefits of the development are being delivered, including the home location of those taking up new employment at the airport to demonstrate that the socio economic benefits are being realised as forecast in the socio-economic assessment of the Proposed Development. To monitor progress and results of the committed initiatives, the ETS should include a regular monitoring process – twice yearly or yearly - as part of the governance process.

#### **Current and Future Baseline(s)**

- 4.19 WSP highlight in their technical review that there is still a lack of clarity in certain topic areas as to the "Do-Nothing" option to inform the future baseline scenario as required by Schedule 4 of the Infrastructure Planning EIA Regulations 2017. The future baseline with no development taking place needs to be clearly established and consistently applied across all topics.
- 4.20 Indeed, it is fundamental to the communities around the airport (and hence the HAs) to understand assumptions as to changes outside of the scheme itself that may alter the future baseline (for example the change in the aircraft fleet or fleet of road vehicles accessing the airport and the implications on air quality and noise). There needs to be clear 'with' and 'without' development scenarios as the phasing of the scheme progresses. In particular, the 'do

nothing' scenario needs to be fully transparent as to flight numbers and fleet make-up and be clear that this is based on compliance with current planning conditions rather than pre-pandemic breaches of these conditions.

- 4.21 WSP have raised deficiencies in the transparency/definition of the future baseline in a number of other topics including economic impact, health, biodiversity and cultural heritage.

### **Reflecting engagement within the ES**

- 4.22 The ES topic chapters vary in their commentary on engagement with stakeholders and the outcomes of that engagement. Where discussions have been held with the HAs, we would request that the outcomes of those discussions are identified in each topic chapter in the Environmental Statement. Whilst the Consultation Report will also provide such an analysis the ES should reflect on any changes in the Proposed Development itself, the EIA methodology, or assessment outcomes that have resulted from engagement.

### **Compensation Policies and Measures**

#### Community First

- 4.23 We consider that the proposed compensation policies and the 'Community First' proposals should be clearly separated as two different and unrelated initiatives. LR make clear in their Consultation Report that the Community First scheme is *not* mitigation.

*"Community First is not intended to mitigate impacts – that is the role of mitigation identified and secured through the Environmental Statement that will be submitted with the application for development consent. The purpose of Community First is to make funds available to community groups and Town and Parish Councils to address local needs in areas of high deprivation or for decarbonisation projects."* (Response to 5.1.10)

- 4.24 However, contradicting this statement, the Community First fund is identified within the PEIR as mitigation, for example in Chapter 13 (Health), the fund is specifically identified under the heading of 'Mitigation.'

*“The Applicant intends to introduce a fund aimed specifically at tackling adverse effects of airport expansion not addressed by mitigation already included elsewhere in the Proposed Development. The Applicant is calling this Community First.”* (para. 13.10.5)

4.25 Accordingly, it is unclear what role Community First plays in the Proposed Development and what weight, if any, it should be accorded in the overall planning balance. It is clearly ‘compensation’ of sorts but whether and how it is proportionate to some level of defined ‘harm’ caused by the Proposed Development is not stated.

4.26 The change in emphasis from earlier proposals to decarbonisation projects is on the one hand understandable, but it brings into question the extent to which community groups in particular are going to be able to define suitable schemes that meet the eligibility criteria such that the fund will successfully perform the role expected of it. Before it is finalised, LR need to engage with the HAs, parish councils and community groups (perhaps by means of workshops) to better establish how the fund would be used and what sort of projects would qualify for funding, the application and assessment process and the monitoring of the fund, to ensure that it will be successful. Once established, we would expect to see the fund fully publicised and community groups and town and parish councils given assistance to make appropriate applications to ensure that the money is actually spent.

4.27 It is also unclear what role the HAs will play in Community First as within the PEIR it appears to indicate that the funding would be directed to local authorities rather than town and parish councils and community groups – we can only assume this is incorrect as it contradicts the Community First document which at para. 10.2.2. states that the funding will be available to registered charities, community groups, and parish and town councils. In contrast the PEIR at para. 13.10.5 states:-

*“The purpose of Community First is to provide a source of funds for local authorities surrounding the airport to be used in ways to enhance the distribution of the benefits of our proposals for those who live around the airport or who would be affected by its expansion.”*

4.28 A number of questions, some of which were raised at first Statutory Consultation, need to be unanswered, namely :-

- How the figure of £1 for every passenger over 18 mppa has been arrived at; whether it is proportionate 'compensation' for the harm caused by the Proposed Development; also whether this figure will be indexed;
- What is the basis for the proposed 60/40 split between Luton and the other qualifying local authority areas;
- Whether it could or should be extended to allow for unforeseen impacts identified through monitoring (see below);
- Type of schemes that are being considered – i.e. whether this funding could or should fund highway schemes if monitoring indicated further improvements were necessary – and how they would be delivered;

#### Unidentified Local Impacts Mitigation Strategy

4.29 On the basis that LR wish to limit Community First to *only* being aimed at community based initiatives, we reiterate our view that a separate funding mechanism needs to be set up to fund an Unforeseen Local Impacts Mitigation Strategy, to include funding mechanisms covering a range of topics including *inter alia* air quality, landscape, biodiversity, surface access and carbon emissions, providing a resource to deliver additional mitigation particularly where monitoring demonstrates that the environmental, surface access and other effects or impacts assumed within the ES and application material are being exceeded or not being met or delivered with resultant substantive adverse implications. .

4.30 Such a fund could provide additional mitigation including capital and (importantly) revenue funding for the lifetime of the development to a range of wider initiatives aimed at mitigating/enhancing the overall impact of the airport in both the rural and urban areas in its vicinity by a range of initiatives.

4.31 Consideration would need to be given to how such a Strategy/fund would be linked to other initiatives aimed at addressing future uncertainty, such as the proposed Travel Plan.

### Noise insulation scheme

- 4.32 The success of the noise insulation scheme will be crucial to the acceptability of the proposals to the local communities around the airport. WSP's technical analysis (and the appendix to this provided by Suono) suggests improvements to and makes comments on the scheme. We consider that further detailed discussion will be required in respect of the proposed noise insulation scheme, particularly in respect of night time noise, prior to the application being made.
- 4.33 As was commented previously during the 2019 Statutory Consultation, the proposed scheme does not contain any night-time qualifications. It is therefore questionable whether it is in line with UK good practice. The PEIR sets out that noise impacts affect more local people negatively during the night than during the day and as such there is a clear case for including such criteria. The alternative mitigation of reducing or avoiding night-flights is not discussed and is considered a reasonable alternative mitigation for assessment.
- 4.34 Whilst recognising that the noise insulation scheme goes beyond that currently operating at the airport, Suono, on behalf of the HAs, also highlight that if the revised scheme is to align fully with proposals set out in emerging government policy (Aviation 2050), there is a case for the daytime threshold for full noise insulation package to be reduced down to 60 dB LAeq,16hour from 63 dB Laeq,16hour currently proposed.
- 4.35 Moreover, as stated in the Draft Policy and Compensation Measures document, the noise insulation scheme will only begin to be implemented when airport operations reach 19 mppa. We do not see the justification for this and consider that this mitigation should be introduced at the point the DCO is made to ensure that noise insulation to affected properties is provided as soon as possible.
- 4.36 For public buildings, acoustic insulation is proposed to be offered to noise-sensitive buildings within the 63 dB Laeq,16hour contour. Suono highlight that some of these buildings could be viewed as residential, such as hospices

and nursing homes, and so any night-time qualification should also extend to such relevant public buildings.

- 4.37 Overall there needs to be a more detailed consideration of the metrics used within the PEIR and subsequent EA, to ensure that there is a consistency of approach with the metrics used within Planning Permissions, the Noise Control Scheme (existing and proposed), Noise Action Plans, and compensation policies and measures.

#### Relationship to Wigmore Valley Park

- 4.38 Generally, we welcome the changes to the layout of the revised Wigmore Valley Park. However, the lack of certainty over future management and funding of future management highlighted at first Statutory Consultation remains. There is a need for further clarity over the scale and duration of mitigation schemes and aftercare. LR need to be able to demonstrate that safeguards are in place to ensure the successful future management of the extended park delivers on the mitigation it is designed to address (including recreational impact and biodiversity enhancement). Whilst the proposals for a general-purpose management company / trust are welcomed, there will be a need for a long term ecological warden to ensure the delivery of biodiversity improvements. Discussions about the long-term stewardship of the public open space and landscape need to take place at the earliest opportunity, as any decisions could have a fundamental impact upon the strategic landscape masterplan and management strategies.
- 4.39 We do not believe that sufficient engagement on this matter has yet occurred and request that this is remedied prior to the application being submitted.

## **5.0 TOPIC SPECIFIC ISSUES**

- 5.1 WSP have undertaken a topic by topic assessment of the PEIR and their comments (and those by Suono on noise appended thereto) will provide the basis for further engagement. WSP have used a scoring methodology that allows ease of identification of those topics where they consider the assessment to date is incomplete or unclear.

- 5.2 We do not repeat these in detail here but raise specific concerns on (i) Noise, given the particular concerns of the HAs on the assessment of this topic to date (ii) Health (given this is a 'new' topic in the PEIR); (iii) surface access and (iv) Landscape impacts.

### **Noise**

- 5.3 We accept that there has been on-going discussion through the Noise Working Group and the NEDG but we remain concerned by the assessment of this topic to date. We consider that this is a key environmental issue in terms of the acceptability of the Proposed Development and believe that significant further engagement will be required.
- 5.4 We have commented above regarding the Noise Insulation Scheme and the various deficiencies identified by Suono.
- 5.5 Our wider concern is that the noise assessment concludes that a significant adverse effect will result and that this will arise in 2043 when the throughput is at 32mmpa, countering any improvements in the air noise climate that appear to occur up to 2039 as a result of fleet modernisation. Air noise levels are expected to increase in the day and night between 2039 and 2043 as no new generation aircraft are expected to come into service as the fleet is as modernised as possible by 2039. As Suono state in their analysis, this is in contradiction to two key parts of the government's ANPS 2018, where "*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.*". This is also a key noise objective made within the Aviation Policy Framework 2013 (section 3.29, bullet 2) with near identical wording.
- 5.6 In effect, the improvements in the noise climate that will otherwise be experienced by the communities around the airport, despite the expansion up to 2039, will be subsequently eroded and then lost altogether. This remains a considerable concern to the HAs and a key factor to weigh in the planning balance in the context of MBU policy.

5.7 If consent were to be granted despite this policy conflict, the Noise Insulation Scheme becomes of paramount importance and for the reasons set out above we consider it will be out of step with government policy. Moreover, as we stated at first Statutory Consultation, we question why consideration has not been given to the possibility of a night-flight ban as mitigation.

5.8 Suono raise a range of other technical issues regarding the noise assessment. It is concerning that despite the critical importance of this issue and the extent of dialogue, there are still apparent methodological and assessment issues being raised. For example, the comparison of noise levels as between 2019 and 2043 uses the 2019 baseline when the airport operator was breaching the current Condition 10 and is not therefore an appropriate comparison. Suono raise a range of other deficiencies and state that :-

*“It remains the case that a considerable amount of technical work needs to be done to ensure that the ES contains an accurate and comprehensive assessment of noise effects.”*

5.9 We would clearly welcome further dialogue on this topic prior to the application being made.

### **Health**

5.10 We welcome the inclusion of Health as a discrete topic in the PEIR which deals effectively with in-combination effects of the Proposed Development across topics (particularly noise and air quality) on local communities. The conclusions of this PEIR chapter underline the concerns of the HAs as to the overall impact during construction and operation of the expanded airport on nearby local communities.

5.11 Whilst it is accepted that the positive effects of economic growth and employment will be experienced in the vicinity of the airport, the PEIR identifies significant adverse effects on health and well being as a result in particular of noise during operation. It notes that physical and mental health outcomes associated with aircraft noise include annoyance, sleep disturbance, children’s learning, mental health, and cardiovascular health. It further notes that the extent to which different groups within the community



will be affected will vary. Noise sensitive individuals, shift workers, socio-economically disadvantaged individuals, people with existing ill health, children and the elderly are particularly vulnerable to noise and may be disproportionately affected by changes in aircraft noise. As part of the development from the PEIR to the ES we would expect to see quantitative refinement of this assessment and the extent to which the additional mitigation can adequately address these health outcomes.

### **Surface Access**

- 5.12 We consider that the surface access proposals still require further development and discussion. Whilst the mode shift targets and monitoring contained in the proposed Travel Plan/GCG proposals are welcomed, the public transport measures continue to focus primarily on public transport (DART) within Luton. Other than by rail and existing public transport, it appears no additional public transport measures are proposed for east-west travel to Luton.
- 5.13 Moreover, many of the measures are reliant on third parties such as bus operators. As WSP highlight in their review, there is significant emphasis on increased public transport services but there is no detail as to what these will entail in terms of new or enhanced bus or coach services and whether the capacity will be sufficient to accommodate predicted demand if the modal shift targets are met. It is disappointing that the extent of bus and coach service enhancement is no more defined than at the first statutory consultation. There is also uncertainty as to how maximising the number of rail services calling at Luton Parkway will be achieved.
- 5.14 We believe that LR should be more ambitious in relation to setting out how the Travel Plan is to be delivered and for providing funding for public transport improvements, particularly local bus services. LR's proposals include the potential introduction of access charges to dissuade private motor vehicle use. We consider that revenue from any such charges should be ring-fenced to sustainable transport improvements (including for cycling and walking). The HAs highlight that a charging structure for parking to dissuade employee and passenger trips to the airport will only work if the alternatives are in place

and at the present time this is not fully demonstrated by the proposals. Moreover, the highway interventions proposed do not consider how these can facilitate improved public transport.

- 5.15 In achieving real shifts to public transport as well as encouraging cycling and walking, the regular reporting and enforcing of Travel Plan targets is clearly essential and the role of the HAs and the proposed Airport Transport Forum (ATF) needs to be developed further, including how any ATF is constituted and funded.
- 5.16 A specific point raised by WSP is that the highways modelling currently assumes hard shoulder running (or Smart motorway) to be present in all future options. If the present government review comes down on the side of no further Smart motorways, a sensitivity test will be needed to demonstrate that the proposals will not cause an unacceptable impact on the Strategic Road Network.
- 5.17 Whilst specific highway interventions are identified within the Proposed Development, future monitoring of the highway network around the airport will be essential, alongside monitoring of the use of sustainable transport modes. It is indicated that proposed improvements will be delivered over the duration of the access strategy, informed by the rate of passenger growth and local monitoring. However, we consider that there remains a case for a general local highway network fund to cover additional improvements in physical highway infrastructure should future monitoring demonstrate that there is a need for such improvements. Unforeseen or unintended consequences of future growth on the highway network should not be left to the highways authorities to fund in the future. Such interventions would be considered alongside demand management and sustainable transport initiatives in the Sustainable Transport Fund with priority given to reducing highways impacts by modal shift prior to capacity interventions given the environmental benefits that would result.
- 5.18 Attention is drawn to the approach taken at Stansted Airport where the Unilateral Undertaking in relation to their 2021 planning permission to grow to 43 mppa provides for a £1million contribution to a 'Local Bus Network

Development Fund', £1million to a Local Road Network Fund and a Sustainable Transport Levy of 25p from passenger parking, all of which are managed by the Airport Transport Forum.

### **Landscape Impacts**

- 5.19 In WSP's review of the PEIR, the quality of the assessment of landscape and visual impact is scored poorly and we would welcome further engagement on the details and overall outcomes of the assessment prior to the submission of the application. We continue to be concerned by the landscape and visual impact of the proposals, both within the vicinity of the airport and further afield.
- 5.20 The PEIR identified that there will be significant effects: several temporary adverse effects on landscape features, as well as effects on overall character of some areas. There will be permanent adverse visual effects from local footpaths, as well as on character of some areas of the landscape.
- 5.21 There is concern in respect of the intervisibility between the proposed development and surrounding area. For clarity, and to assist in the scrutiny of the Landscape and Visual Impact Assessment (LVIA), further information is needed including plans and cross sections that clearly show the relative heights of the existing and proposed built development and features in the landscape. Further details with regards to the approach to visually recessive architectural detailing and materials is also required.
- 5.22 The visibility of the development from the Chilterns AONB is also a concern. WSP highlight that identification of key receptors should be discussed further with the Chilterns Conservation Board; concerns are raised about how the AONB and those within it are addressed.
- 5.23 The ES needs to provide greater detail on how the various mitigation measures are to be secured, implemented, and maintained. A Strategic Landscape Masterplan (SLMP) is required to set out the vision, key landscape features, qualities and characteristics that inform the development of a cohesive, beautiful, multifunctional, and resilient place for people and wildlife. This should be produced in collaboration with all key stakeholders. Whilst the proposals to date focus on the delivery of mitigation, there also needs to be a

focus on placemaking and stewardship to ensure that proposed open space is successful and ultimately delivers quality over quantity. The SLMP also needs to ensure that advanced planting is clearly identified and programmed to maximise its potential as part of the wider strategy.

## APPENDIX 5



**FREEPOST FUTURE LUTON LLAL**

**Derrick Ashley  
County Councillor  
Executive Member  
Growth, Infrastructure, Planning  
& the Economy**

County Hall  
Postal Point: CH0147  
Pegs Lane  
Hertford  
SG13 8DE

████████████████████  
email: ██████████@hertfordshire.gov.uk

24<sup>th</sup> December 2019

Dear Sir/Madam,

**London Luton Airport Limited - Future LuToN Making best use of our runway  
Public consultation – 16 October to 16 December 2019**

Thank you for the opportunity to comment on the above and for your extension to the consultation deadline until 24<sup>th</sup> December.

This County Council response is separate and in addition to the collective response '*Response to Statutory Consultation on behalf of the Host Authorities*' (dated 23<sup>rd</sup> December 2019) of Central Bedfordshire, Luton, North Hertfordshire and Hertfordshire County councils.

**National aviation policy and the Climate Change Act 2008**

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO<sub>2</sub> in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO<sub>2</sub> emissions targets:

1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.
2. whether now is the right time for the UK to set such a target.
3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C” and “towards global efforts to limit the increase to 1.5°C.
4. how reductions in line with your recommendations might be delivered in key sectors of the economy.
5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.
6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.

In December 2018 Government consulted on its Aviation Green Paper ‘*Aviation 2050 - The future of UK aviation*’, reaffirming Government’s commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

*‘The UK’s currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK’s statutory framework, including when ‘net-zero’ emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK’s long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.’*

*Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around their 2005 level (i.e. 37.5 MtCO<sub>2</sub>e). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.*

*Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'*

In May 2019, the CCC published its report ('Net Zero The UK's contribution to stopping global warming Committee on Climate Change' May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – *'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'. The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'*

*'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019.....Reducing emissions from aviation will require a combination of international and domestic policies, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'*

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels, with potential to reduce emissions further with



lower levels of demand. The CCC advises that *'The Government should assess its airport capacity strategy in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'*

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing aviation policy through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its *'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions'* (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will *'continue to consider the implications of our 2050 net zero target.....'*

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment *'due to the timing of its introduction into UK law'*, but recognises that *'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'*.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.

**The need for substantive further technical work and engagement with the host authorities and other partners/Scope for further public consultation**

The County Council appreciates that the scheme is still within its development stages – further evidence and material to support it is not yet available. The Planning Inspectorate’s ‘Advice Note two: The role of local authorities in the development consent process’ states the following:

*‘Engaging in developer consultation*

*6.1 Local authorities are able to influence the preparation of the developer’s application. The preparation of the application will be an iterative process which means that the amount of detail should increase as the preparation proceeds.*

*6.2 Local authorities should engage proactively with a developer even if they disagree with the proposal in principle. It is important to recognise that a local authority is not the decision maker but will want to contribute towards the development of the emerging proposals with the benefit of their detailed local knowledge. Local authorities are not undermining any ‘in principle’ objections to a scheme by engaging with a developer at the pre-application stage.*

*6.3 Nothing is to be gained by disengaging from the pre-application consultation process. It is in a local authority’s own interests to engage in shaping a scheme. Once an application has been submitted it cannot be changed to the extent that it would be a materially different application, so as to constitute a new application. It is therefore important for local authorities to put any fundamental points to the developer during the pre-application stage.’*

Government guidance ‘Planning Act 2008: Guidance on the pre-application process’ states the following:

***‘The pre-application consultation process***

*15. Pre-application consultation is a key requirement for applications for Development Consent Orders for major infrastructure projects. Effective preapplication consultation will lead to applications which are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible in advance of submission of the application to the Secretary of State. This in turn will allow for shorter and more efficient examinations.*

*16. The Planning Act regime provides the ability to anyone interested in or affected by a major infrastructure proposal to both object in-principle to a proposed scheme and at the same time suggest amendments to design out unwelcome features of a proposal. Engaging in a developer’s preapplication consultation including for example offering constructive mitigations to reduce a scheme’s impact on the local community, does not per se undermine any submission on the principle of whether or not development consent should be granted.*

*18. Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by:*

- *helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;*
- *enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;*
- *helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;*
- *enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;*
- *enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and*
- *identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.*

*19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.'*

It is within this context that the County Council is engaging with you on your proposal. You will be aware of the resources the County Council and other host authorities have committed to the process to date and, in relation to this consultation, the commissioning of specialist independent technical advice. That advice, the views of the host authorities articulated in their collective response and the responses of the individual hosts will hopefully provide a positive platform from which to further engage over the coming months in shaping the scheme in preparation for the further stages of the DCO process to come.

As the host authority collective response indicates, in some areas considerable further evidence and engagement is required. In particular, the County Council will expect there to be a substantive focus on noise - (including the rationale for why a ban on night flights is not being considered), surface access impacts in Hertfordshire and mitigations (the impacts on the network and potential mitigations required, for all modes, are currently not satisfactorily evidenced and explored), employment and skills strategy (which is not yet even in draft form), bringing forward a comprehensive monitoring, mitigation and compensation strategy [including exploring how to apply the principles of environmentally managed growth (growth conditional upon environmental and other limits/targets/parameters being met) and unforeseen local impacts mitigation]; the scale, geographic scope and proposed operating mechanisms of the proposed FIRST scheme; air quality (aircraft and road traffic-related), specific analysis as to how the scheme in terms of its development/design/mitigation will minimise the

impact on the aim and purposes of the Green Belt; the purpose and future management of the Wigmore Valley Park and associated open space, etc.

In relation to surface access, the *'Response to Scoping Report on behalf of the Host Authorities'* highlighted concerns in relation to the Hertfordshire road network relating to the A505 (Hitchin), the A1081 (Harpenden), B653 (Wheathampstead), A602 (Hitchin to Stevenage), M1 and A1(M) junctions, the heavily trafficked Hitchin routes (the A505, A600 and A602), and the rural roads around Breachwood Green. It also identified the need for bus and coach service improvements to bring passengers and staff to the airport from areas not linked directly to Luton by rail (for example east-west in Hertfordshire, from Stevenage, Hitchin, Welwyn Garden City, Hatfield, Hemel Hempstead and Watford). Such improvements would be important mitigation and at present remain under-developed. In terms of rail, the impact on passengers travelling from St Albans and Harpenden, particularly commuters in the peak, is not reflected in the Surface Access Strategy. There is mention that there will be insufficient seats for passengers getting on at Luton Parkway, but it fails to acknowledge that this means less or no seats from stations south. Considerable further technical work is required in relation to the surface access implications of the proposal on the Hertfordshire networks.

The County Council is strongly of the view that, moving forward, there needs to be a step-change in the level of technical engagement and that serious consideration needs to be given to appropriately informed political processes.

The majority, if not all, of the evidence and material identified as required by the host authorities will also be of interest to other local authorities, other parties and to communities. Given the scale of this material and evidence still to be compiled to underpin the scheme and to address its impacts, there would appear to be a strong case, within the spirit of national guidance, for a further period of statutory consultation to be programmed into the DCO process. The purpose of such further consultation would be to engage parties more meaningfully with a more advanced scheme.

### **The County Council's position**

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile, airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18mppa to 19mppa - again, because the Airport has mismanaged growth.

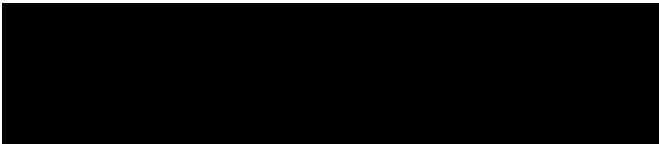
The consultation material states:

*‘Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.’*

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government’s aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.

Yours sincerely,



Derrick Ashley  
Executive Member for Growth, Infrastructure, Planning and the Economy

## APPENDIX 6



**Hertfordshire**

**FREEPOST FUTURE LUTON 2022**

**Sustainable Growth  
Hertfordshire County Council  
Postal Point CH0246  
County Hall  
Pegs Lane  
Hertford, Herts SG13 8DN  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

Email: [REDACTED]@hertfordshire.gov.uk

Tel: 01992 556122

My ref: CH/MCG

Date: 4<sup>th</sup> April 2022

Dear Sir/Madam,

**Future LuToN Making best use of our existing runway Statutory Consultation  
8 February – 4 April 2022**

Thank you for the opportunity to comment on the above. These comments are in addition to those made in the separate response of the host authorities (the 'collective response').

Together with the other host authorities the County Council has been engaging technically with you on your emerging scheme, both prior to and since the first statutory consultation. That process has also involved local authorities and other agencies.

Under the terms of the Planning Performance Agreement (PPA) the host authorities engaged specialist consultancy services to review your first statutory consultation material in 2019 and the outputs of that review (the 'Technical Review') informed their collective and individual responses. The Technical Review has informed the engagement we have had since then and influenced the scheme as it has evolved.

The host authorities have commissioned the same consultancy services to prepare a further Technical Review to assist in responding to this second statutory consultation. With your consent, the host authorities' and your consultancy teams have been liaising during the consultation period and this engagement has hopefully proved to ensure the output of the Technical Review and collective response is as productive as it possibly can be. It will provide a platform from which to focus our ongoing engagement in the period up to submission and beyond.

You will recall that the host authorities' and the County Council's own response to the first statutory consultation raised concerns about the nature of engagement to that point and the need for this to be substantively improved moving forward. Significant progress has been made in this regard, though as the collective response states, this

**County of opportunity**

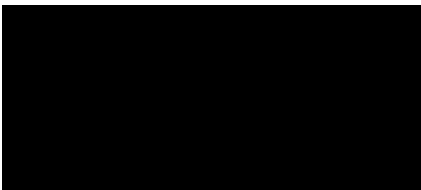
has been more productive in some areas than others. I hope we can sustain and improve the nature of our engagement moving forward. I appreciate this is a matter outside the scope of this consultation, but it would be useful to have a discussion as soon as practicable regarding the funding arrangements set out within the PPA to facilitate this.

I do not intend to repeat here in any detail the outputs of the Technical Review or the collective response. That response recognises that we are at a point-in-time and that the scheme, technical evidence supporting it, mitigation, and compensation proposals, and so on, are still in preparation and development. Nevertheless, the issues that remain to be addressed continue to be of a scale that the County Council's position remains as articulated in its response to the first statutory consultation, as follows:

*'Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.'*

Please find attached a number of additional detailed observations from technical leads with regard to ecology, landscape, and surface access matters, which I hope are helpful.

Yours sincerely,



**Colin Haigh**  
**Director, Growth & Place**



# APPENDIX 7 - Luton Rising DCO - informal consultation on draft documents

**From:** [REDACTED]  
**Cc:** [REDACTED] [n@arup.com](mailto:[REDACTED]@arup.com)  
**Subject:** Appendix 7 - Luton Rising DCO - informal consultation on draft documents  
**Date:** 14 October 2022 16:30:20  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[Draft DCO documents - Comments Schedule 13 October 2022.xlsx](#)

---

Good afternoon Farhana

Vincent and Gorbing were recently instructed by Herts County Council, North Herts District Council and Central Bedfordshire Council (“our clients”) to review draft documents provided by Luton Rising in advance of the submission of their application for a Development Consent Order.

Please see the response of the three authorities attached in the spreadsheet provided.

As LR requested, a generally ‘light touch’ review has been undertaken by ourselves with input from planning officers and some LA technical specialists. No legal review has been undertaken of the draft DCO itself but it is considered that this will be necessary as we move forward.

We do not wish to make comment at this stage on the Draft Consultation Report, Draft Book of Reference or the Works and Land Plans.

Our clients accept that the documents provided are in draft only and there still significant progress needed, particularly regarding the Green Controlled Growth proposals, including governance, funding, limits, and review mechanisms.

Moreover, the draft documents do not include some fundamental elements that the LAs would like to see, particularly the Mitigation Route Map, the latest proposals for the FIRST funding and the monitoring framework. With regards to the latter, they have previously raised through Statutory Consultation a concern that Unidentified Local Impacts (ULIs) could arise in the future and we remain of the view that a monitoring, management and funding strategy for these needs to be established.

A common theme running through the documents is the desire of LR to have significant flexibility over delivery timescales and phasing of the work. Whilst the commercial reality of delivering a large infrastructure project is understood, there are significant environmental and practical implications of allowing such flexibility. Our clients are concerned that an undefined delivery trajectory and phasing of the works will result in a potentially prolonged period of construction overlapping with operational impacts, changes to the future baseline that cannot be predicted at this time, and significant resource implications for the LAs in responding to or directly dealing with discharge of requirements in respect of a significant number of works packages.

Our clients forward to discussing the above further as you progress to the submission of your application.

Regards



**Martin Friend**

Consultant



Vincent and Gorbing Limited  
Sterling Court, Norton Road  
Stevenage, Hertfordshire SG1 2JY



Please consider the environment before printing this email.  
The information in this e-mail (including any files transmitted with it) is confidential and may also be legally privileged. It is intended for the addressee only and access to it by others is unauthorised. If you have received this e-mail in error please notify us immediately, destroy any copies and delete it from your computer system. Copyright in this e-mail and any transmitted files will remain vested in us and will not be transferred to recipients.  
Registered in England No. 1942616.

## APPENDIX 8 – Luton Airport DCO

## Burnie, Rammiel

---

**From:** Paul Donovan <Paul.Donovan@hertfordshire.gov.uk>  
**Sent:** 14 March 2023 15:27  
**To:** Paul Donovan  
**Subject:** FW: Appendix 8 - Luton Airport DCO - Statement of Common Ground

---

**From:** Paul Donovan  
**Sent:** 20 January 2023 16:08  
**To:** Farhana Hussain <Farhana.Hussain@arup.com>; Ian.fullstone <Ian.fullstone@north-herts.gov.uk>; Frost, Sue <sue.frost@luton.gov.uk>; Gurtler, David <david.gurtler@luton.gov.uk>; Caroline Macrdechian <caroline.macrdechian@centralbedfordshire.gov.uk>; Lynsey Hillman-Gamble <Lynsey.Hillman-Gamble@centralbedfordshire.gov.uk>; louise.symes <louise.symes@north-herts.gov.uk>; Stephen Mendham <stephen.mendham@dacorum.gov.uk>; Ashton, Kathryn <Kathryn.Ashton@aecom.com>; Martin Plummer <Martin.Plummer@centralbedfordshire.gov.uk>  
**Cc:** Keenan, Madeleine <Madeleine.Keenan@aecom.com>; Ashton, Kathryn <Kathryn.Ashton@aecom.com>; Claire Miller (X) <Claire-x.Miller@arup.com>; Nicole McShane <Nicole.McShane@arup.com>  
**Subject:** Appendix 8 - Luton Airport DCO - Statement of Common Ground

Farhana,

Thank you for forwarding the first draft of the Statement of Common Ground (SoCG) for review by the host authorities (the 'authorities'). They had been expecting this some while ago, but given it was only actually received on 23<sup>rd</sup> December and with Christmas and New Year taking up a substantial proportion of the period available to comment (deadline 20<sup>th</sup> January), I'm afraid responding with detailed comments is proving challenging.

However, the authorities have been discussing the approach adopted by the draft SoCG with a view to establishing whether it is fit-for-purpose for the process moving forward. They have a number of substantive concerns, outlined below, on which they would appreciate further discussion.

### The format/register of issues

1. The authorities' understanding of the approach that was to be taken by the SoCG was that it would adopt a logical step-by-step, left→right 'story', with the identification of key generic issues in the left hand column, then transitioning sequentially to the right with the applicant statement, host authority position and finally, way forward (if required) – thus becoming a register of all the key issues – and agreement or otherwise on these (along with appropriate sourcing/referencing). But the document does not do this – at least perhaps not as well as it could do. The left hand column appears to be an incomplete list of matters raised by the authorities, not a good representation of the key generic issues raised by the proposal. That's not to say that the matters raised by the authorities do not contain a range of these, but they are certainly not complete. When one looks down the 'Applicant's position' column other key generic issues appear to crop up. This approach doesn't aid clarity.

2. The DCLG 'Planning Act 2008: Guidance for the examination of applications for development consent' states:

*'61. There are good examples of statements of common ground on the National Infrastructure Planning website. The statement should be clear about the basic information on which the parties have agreed, such as the precise nature of the proposed infrastructure, a description of the site and its planning history. Effective cross-referencing of other application documents should be used in order to avoid duplication between documents and keep the volume of examination material to the necessary minimum.'*

3. And when one looks to the good practice case study examples provided by the Planning Inspectorate, one finds an example which starts off with the 'issue' to the left and moves through to agreement to the right.

[140325\\_EN010027\\_Updated-SoCG-Natural-England-1.pdf \(planninginspectorate.gov.uk\)](#)

4. And the Planning Inspectorate's 'Advice Note two: The role of local authorities in the development consent process' states:

*'22.5 It is worth noting that just because a matter has been agreed in a SoCG does not necessarily mean that the issue will not be the subject of further questioning by the ExA, who may want to test the basis upon which agreement was reached on a particular issue. Other interested parties may also object to the position set out in the SoCG.'*

5. And paragraph 1.1.6 of the draft SoCG refers to Paragraph 58 of the DCLG guidance:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

6. And paragraph 64 of that guidance states:

*'64. However, the duty of the Examining Authority is not simply to accept the statement of common ground or to react to the evidence presented. The role of the Examining Authority is to ensure that all aspects of any given matter are explored thoroughly, especially with regard to the matters fundamental to the decision, rather than simply accepting the statement of common ground without question.'*

7. And, importantly, Advice Note two states:

*'22.2 It is often beneficial (and can reduce resourcing requirements) if you work proactively to prepare a SoCG in the pre-application and pre-examination stages. Having a clear understanding between a local authority and developer about the matters agreed / not agreed from the outset will assist in the preparation of other documents such as the LIR and written representations; potentially allowing these documents to take their lead from the SoCG and focus the detailed consideration of matters on issues which are the most controversial and remain outstanding.'*

8. Unless the SoCG is genuinely issues-based and genuinely comprehensive, it cannot properly perform the function of being a register of issues/matters and a statement of agreement reached on those matters to assist the EA and other interested parties, nor will it assist as well as it should the preparation of things like LIRs and written representations.

### **Referencing documentation and agreement/disagreement**

9. Paragraph 58 of the DCLG guidance states that the '*statement should include references to show where those matters are dealt with in the written representations or other documentary evidence*'. The SoCG does not generally reference any source documentation, nor does it reference where and when the authorities' position was allegedly arrived at. Indeed in identifying the good example reference above from the Planning Inspectorate website, one of the ways in which that good practice example could have been improved is described as..... '*These documents could have been further improved by cross-referencing to relevant documents in order to keep their overall size shorter*'.

### **An approach reflecting the authorities' expectations**

10. The authorities do not have the resources, nor is it their responsibility, to redraft the SoCG to reflect their concerns. However, by way of example, the Planning Policy section of the draft SoCG is currently comprised of two rows – HA004 and HA005. HA004 relates to the host authorities accepting that Green Belt policy has been factored

into the optioneering of the Proposed Development (why pick this out of the plethora of planning policy that could have been identified?) and HA005 to a workshop LR is arranging. Surely the left hand column should list the relevant planning policy applicable to the proposal – with as many rows as are deemed necessary for the task – and the remainder of the template to the right would then set out the extent of agreement.

11. And by way of further illustration, undertaking a test of the WSP Technical Review of the second statutory consultation on just a couple of topics and adopting the approach the authorities were expecting, the draft SoCG would look something like the following:

Issue	Applicant statement	Host authorities' view	Further work/actions
<b>Surface access - highways</b>			
Highways modelling	The approach to and outputs from highways modelling are set out in paras X, X, and X of documents referenced X and X.	The host authorities position is set out in paras X-X of the WSP Technical Review of the Second Statutory Consultation. Representatives of the authorities' met with those of the applicant (25.03.2022), to discuss detailed questions about the transport modelling. At the meeting some queries were resolved however others are still outstanding (WSP 2 <sup>nd</sup> stat cons Tech Review, Page 8).	LR will provide responses as soon as possible. Awaited.
<b>Greenhouse Gases</b>			
Methodology	The applicant's methodology for the assessment of greenhouse gases is contained within Paras X-X of documents X and X.	Substantive methodological shortcomings have been identified with respect to a) omission of radiative forcing, b) an assumption that only one leg of a there-and-back journey should be considered, leading to significant under-reporting, and c) unsubstantiated fuel efficiency assumptions related to the future fleet, and d) the assessments over reliance on future improvements in aviation carbon emissions. (WSP 2 <sup>nd</sup> stat cons Tech Review, Page 9)	???????????????
<b>Landscape</b>			
Methodology, baseline, viewpoint locations, receptors and mitigation included within the Landscape and Visual Impact Assessment (LVIA).	The applicant's methodology, baseline, viewpoint locations, receptors and mitigation are included within the Landscape and Visual Impact Assessment (LVIA).	<ul style="list-style-type: none"> <li>• Insufficient explanation for many decisions on which the assessment and its conclusions are based;</li> <li>• Explanations of susceptibility, value, sensitivity and magnitude, as well as significance, require elaboration.</li> <li>• Detailed queries on assessment scope, and why certain potential impacts are scoped out, with explanatory evidence lacking.</li> <li>• Elaboration required on the different receptor types, including with their value and susceptibility.</li> <li>• Greater detail on how the various mitigation measures are to be secured, implemented, and maintained.</li> </ul> (WSP 2 <sup>nd</sup> stat cons Tech Review, Page 12)	???????????????

12. Whereas when one looks at the draft SoCG:

- For highways modelling it says:

HA030		The Applicant seeks agreement from the Host Authorities on the modelling assumptions.	Ongoing
-------	--	---	---------

- It doesn't appear to say anything about greenhouse gases in the collective host authorities section.
- For landscape it says:

HA038	The Host Authorities agree with the methodology, baseline, viewpoint locations, receptors and mitigation included within the Landscape and Visual Impact Assessment (LVIA).	The Applicant acknowledges this.	Agreed
-------	---	----------------------------------	--------

13. One can run through the WSP Technical Review and the Vincent and Gorbings responses to the second statutory consultation made on behalf of the authorities and find multiple missing 'issues' and therefore uncertainty about what has and has not been agreed, thereby reinforcing the concerns raised in paragraph 8.

**A comprehensive review of the SoCG**

14. You will be aware that WSP and Suono have been the authorities' key technical advisers, with Vincent and Gorbings taking an overview and raising further issues. The products of these three key advisers therefore represents the authorities' position on the proposals to date, supplemented by any matters raised by individual host authorities in responding to consultations and on occasion, perhaps, discussion/agreement of matters as part of the technical working groups process.

15. Ideally, the authorities would have chosen to raise Works Orders under the provisions of the PPA to commission WSP/V+G/Suono to review the draft SoCG to establish whether it reflects their engagement, advice and position to date. However, LR has refused to substantively increase the level of funding available through the PPA to support the authorities engagement with the DCO. The very limited amount of funding remaining available therefore needs to be prioritised. Given the very significant task ahead following DCO submission, the decision was made not to prepare WOs to seek resources to commission WSP/V+G to advise on the draft SoCG. However, given the ongoing engagement of Suono in the pre-application process (Noise Envelope Design Group and now the Noise Working Group) and the importance of noise issues, the authorities considered Suono engagement in the SoCG as being important. Accordingly, Suono has responded on noise issues on the authorities' behalf on 16<sup>th</sup> January.

16. The consequence of the lack of PPA resources available and the need to prioritise is that a proper full review of the SoCG has not happened at this stage and will not happen in advance of DCO submission.

**The authorities future engagement on the SoCG**

17. Looking forward, the extent to which the individual authorities will be able to effectively engage in the SoCG process in the future will be dependent upon decisions in relation to resourcing and whether, to what extent and how they engage in the remainder of the DCO process. Were resources to permit, the authorities would anticipate properly engaging in the SoCG process post-submission, by which time they would hope that a substantively improved version of the document would be available.

**Provision of informal comments/observations**

18. Notwithstanding the above, some but not necessarily all of the individual authorities hope to provide some likely relatively limited comments/observations on the draft SoCG in due course, with a view to these being provided early February.

Your mail of 16<sup>th</sup> January refers to a governance process for signing off by the POCG. I'm not at all sure, in light of their concerns, the authorities will be in a position to sign anything off.

Thanks.

Paul.



# APPENDIX 9 – RE Luton Airport DCO - Statement of Common Ground

## Burnie, Rammiel

---

**From:** Paul Donovan <[REDACTED]@hertfordshire.gov.uk>  
**Sent:** 14 March 2023 15:29  
**To:** Paul Donovan  
**Subject:** FW: Appendix 9 - RE: Luton Airport DCO - Statement of Common Ground

---

**From:** Paul Donovan  
**Sent:** 30 January 2023 16:53  
**To:** Farhana Hussain <Farhana.Hussain@arup.com>  
**Cc:** Rosalind Blewitt <Rosalind.Blewitt@arup.com>; Ashton, Kathryn <Kathryn.Ashton@aecom.com>; Nicole McShane <Nicole.McShane@arup.com>; Frost, Sue (Sue.Frost@luton.gov.uk) <Sue.Frost@luton.gov.uk>; 'David.Gurtler@luton.gov.uk' (David.Gurtler@luton.gov.uk) <David.Gurtler@luton.gov.uk>; Caroline Macrdechian <Caroline.Macrdechian@centralbedfordshire.gov.uk>; 'Lynsey.Hillman-Gamble@centralbedfordshire.gov.uk' <Lynsey.Hillman-Gamble@centralbedfordshire.gov.uk>; Martin Plummer <Martin.Plummer@centralbedfordshire.gov.uk>; Stephen Mendham <Stephen.Mendham@dacorum.gov.uk>; Ian Fullstone <Ian.Fullstone@north-herts.gov.uk>; Louise Symes <Louise.Symes@north-herts.gov.uk>  
**Subject:** Appendix 9 - RE: Luton Airport DCO - Statement of Common Ground

Farhana,

The host authorities response (dated 20<sup>th</sup> January) to your consultation on the draft SoCG sets out their concerns on the extent to which it can be considered to be fit-for-purpose. It should be issues-based and reflect the host authorities position on those issues as articulated in their collective response (Vincent and Gorbing, WSP, Suono) and individual responses to the Second Statutory Consultation (SSC).

Whilst there have been various topic-based technical working group meetings and meetings of the Planning Officers Coordinating Group since the SSC, these have not generally served to address the issues raised in the host authorities' /individual responses. LR has not engaged directly with V+G or WSP on any of the matters raised by them on behalf of the host authorities. The position in relation to noise is, however, different - Suono has been engaged directly with the Noise Envelope Design Group and Noise Technical Working Group process and has liaised directly with the applicant – all on behalf of the authorities. Suono has responded to the SoCG separately on behalf of the authorities.

The County Council has in-house resource relevant to a number of topics within the SoCG and I have received feedback from ecology, archaeology, landscape and surface access aspects of the SoCG. In each of these cases, the feedback from colleagues is that the outputs of the WSP report remain and need to be reflected within the SoCG. In addition, colleagues have the following general observations:

### Ecology

#### ***HA041 – 'Ongoing'***

Correct. The current proposals are considered to be constructive in providing a positive impact on the local environment with regards to biodiversity.

#### ***HA042 – 'Ongoing'***

Correct. The Management Plan should also be consistent with the aims of BNG delivery, as well as the SLMP. There is no reason why this cannot be achieved.

#### ***HA043 – 'Ongoing'***

Correct. The host authorities' position is supported. It is important that the context of the development - which will otherwise be damaging to the existing Green Infrastructure present in and around the airport – is established and developed (where possible) to enable compensation to be delivered from the outset of the works, consistent with the aims of the SLMP.

**HA 044 – ‘Ongoing’**

Correct. Management of any future park will be dependent upon proposed funding structures and appropriate guidance, responsibility and engagement. A Community Trust structure would appear suitable if it continues to pursue the agreed SLMP and LEMP etc. Consideration of proposals will continue as necessary, but must be clarified prior to formal agreement if the host authorities are to have confidence that it will be established.

**HA045 – ‘Ongoing’.**

Correct. A comprehensive approach guided by the SLMP is needed to provide the context within which details of any enhanced facilities can sit. The host authorities' position is supported.

**HA067 – ‘Ongoing’**

Correct. Surveys were considered acceptable to inform the previous proposals, which have changed significantly in terms of impacts in some places. However, it is unlikely the ecology has changed substantially. Updated surveys may be needed where necessary to inform the development as it progresses and to avoid committing any offences (e.g., badgers can move into a site), but it is likely that existing surveys are sufficient to make in-principle assessments of the impacts on biodiversity. Any data will need to be considered in respect of Biodiversity Net Gain (BNG) and consequently habitat data updated/presented in terms of UK Habitats Classification to enable the latest Biodiversity Metric (currently 3.1) to be completed.

In respect of the development as a whole, a stated commitment to delivering a minimum of 10% BNG should form part of the SoCG.

**HCC001 - ‘Agreed’**

Correct, no further comments.

**HCC002 – ‘Agreed’**

Correct - notwithstanding HA 067 above, no further comments.

**HCC003 – ‘Agreed’**

Correct - notwithstanding HA 067 above, no further comments.

**HCC004 – ‘Agreed’**

Correct, no further comments.

**Archaeology**

Matters raised by WSP still stand, some of which should be reflected within the SoCG.

**Landscape**

The Strategic Landscape Masterplan (HA041), the Outline Landscape and Biodiversity Management Plan (HA042), and issues of long-term stewardship (HA043) are indeed ‘ongoing’ and continue to be discussed in the relevant technical working group.

With regards to the LVIA (HA308), following the WSP technical review LR's landscape consultants gave the LVIA technical working group a presentation outlining how they intend to respond/or not to WSPs comments, but no subsequent confirmation documentation was forthcoming. HA038 is not considered to be agreed.

## Surface Access

***HA017 – ‘The Host Authorities welcome the ongoing discussions with National Highways regarding the capacity improvements and network solutions that will enable their support of the Proposed Development.’***

It has become clear from National Highways that the core underlying assumption that the M11 will be widened between junctions 9-10 is incorrect so ongoing discussions do not appear to have been taking place.

***HA018 – ‘This has shown that the rail network will have capacity to deal with the expected increase in passengers and increase in public transport mode share as a result of the Proposed Development.’***

This does not address the lack of E-W Public Transport provision.

## HA020

Although partially addressed, there is still a need for data to be made available on predicted train loadings at stations between St Pancras and Luton Airport. This will allow an assessment to be made on whether there will be any adverse impact on the ability for passengers to obtain a seat when boarding at the intermediate stations for journeys which are not connected with the airport.

***HA031 – ‘The highways modelling currently assumes hard shoulder running (or Smart motorway) to be present in all future options. If the present government review comes down on the side of no further Smart motorways, a sensitivity I will be needed to demonstrate that the proposals will not cause an unacceptable impact on the Strategic Road Network. There is an assumption in the assessments that an enhancement scheme will be provided at the M1 between junctions 9 and 10 including hard shoulder running (or Smart Motorway) in all forecast options. If the government review concludes no further Smart Motorways, an alternate test and/or scheme may be required.’***

Smart motorway is not a committed scheme.

***‘the Do Minimum and Do Something modelling scenarios, were previously agreed with National Highways.’***

Discussions with National Highways have confirmed that this scheme is not committed and therefore should not be assumed in the core assessment.

***‘This test has demonstrated that without M1 Smart motorway scheme there is no need for further mitigation, however there was some rerouting on local roads.’***

Information provided to date is very high level and more detail is required to better understand the impacts without M1 widening.

***HA033 – ‘The Host Authorities are satisfied they have been engaged in the development, calibration and validation of the models and are happy with the model scope, coverage and assumptions around the development/transport and highway scheme uncertainty log.’***

The development assumptions do not appear to reflect the full likely local plan growth in Dacorum and St Albans districts.

Paul.

## APPENDIX 11

**Sustainable Growth  
Executive Director Patsy Dell**



**Antony Aldridge  
Head of DCO Programme  
Luton Rising  
Hart House Business Centre  
Kimpton Road  
Luton  
LU2 0LA**

**Spatial Planning & Economy Unit  
Hertfordshire County Council  
CHN216  
County Hall  
Pegs Lane  
Hertford, Herts SG13 8DF  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

**Tel:** [REDACTED]  
**Email:** [REDACTED]@hertfordshire.gov.uk  
**My ref:**  
**Your ref:**  
**Date:** 20<sup>th</sup> January 2023

Dear Antony,

**London Luton Airport Development Consent Order – resourcing the  
engagement of the host authorities**

**Letter on behalf of the host authorities – Central Bedfordshire, Dacorum,  
Hertfordshire, Luton and North Hertfordshire councils**

There has, over recent weeks, been a surge in meetings between Luton Rising (LR) and the host authorities (the ‘Authorities’) in a range of topic areas. On 23<sup>rd</sup> December 2022 the Authorities received a first draft of the Statement of Common Ground, with a deadline for comment of 20<sup>th</sup> January 2023. This uplift in engagement is in anticipation of LR’s current intention to submit the Development Consent Order (DCO) in Quarter 1 of 2023. This has collectively served to focus the attention of the Authorities, once again, to the issue of resourcing their engagement in the process moving forward.

Your emails of 23<sup>rd</sup> June and 11<sup>th</sup> July 2022 were in response to the Authorities’ request for an extension of funds to be made available by LR to the Authorities. The purpose of these additional funds would be to enable them to engage effectively in the DCO process under the provisions of the Planning Performance Agreement (PPA) dated 3<sup>rd</sup> December 2019 that exists between them and LR. As you will be aware, the core principles of the PPA are threefold:

1. work positively together towards a collaborative project management framework;
2. constructively engage in the pre-examination and examination stages of the DCO process in relation to FL; and
3. adhere to deliverables, milestone dates and standards agreed under any Works Orders under the PPA.

The PPA sets out that LR would make available a sum of £250,000 (the Fee) to the Authorities to enable them to undertake the various activities identified within it, specifically in relation to any agreed Works Orders (WO). You will be aware of the Authorities' concerns from the outset of engagement and at the time of drafting and signing of the PPA that the quantum of the Fee would prove to be insufficient to cover the necessary resources required by the Authorities, given the significant complexity of the proposals. This was acknowledged by all parties at the time the PPA was entered into, and in this context a mechanism was included in the PPA for that Fee to be extended (albeit at LR's discretion and to be associated with WOs).

As the Authorities have completed various activities within the parameters of the PPA, it became apparent that the Fee would in fact prove insufficient in practice. For this reason, the Authorities have on various occasions requested an extension to it, notionally to make provision for an additional £250,000.

In response to that request, you set out by email of 23<sup>rd</sup> June 2022 the various reasons why this would not be possible. This includes the difficulties experienced as a consequence of the COVID-19 pandemic, the need to settle a complex commercial matter with your operator and maintaining your community funding programme. In addition, you highlighted the need to undertake a major review of the DCO, which has resulted in a 2 year prolongation of the programme and the need for a second Statutory Consultation.

You subsequently e:mailed on 11<sup>th</sup> July 2022 referring to the upcoming review by the Authorities of a number of draft documents that are proposed to form part of the suite of DCO application documents, stating that the review *"is not intended to be a revisit of the consultation type of review and is primarily around a review of the structure, format and indication of content of some of the key documents"*. Your e:mail goes on to conclude that, due to this proposed limited scope of review, LR does not consider that the Authorities would *'require extensive external support'*. Notwithstanding this, your mail concluded that *'On the basis that it would secure your commitment to continuing to work with us, through to submission of our application, in the helpful manner we have all benefitted from to date, Luton Rising would be prepared to round up this figure to £75,000' (emphasis added)*. In reality, this proposal represents an additional c£40,000 to the balance of c.£35,000 still available under the original Fee. The Authorities' engagement in the draft documents sharing process was in the 'light touch' spirit sought by LR – no technical or legal support was secured and part of the Authorities' rationale for this was to protect the remaining PPA resources.

Whilst the principle of offering this limited extension to the Fee is welcomed, the Authorities are of the view that it does not go anywhere near far enough. Primarily, this is because:

1. The intention of LR and the Authorities was and should be that the PPA would cover activities up to the Secretary of State's decision on the DCO – see, for example, the definition of 'Term' under the PPA. Your e:mail suggests that the Authorities and LR are working together *"through to submission of our*

*application*”, but this is not consistent with the terms of the PPA. As such, any extension to the Fee would need to be considered in this wider context.

2. The Authorities will need to undertake a detailed, meaningful review of the full DCO application, post-submission, particularly given their role in monitoring compliance with (and, it is assumed, discharging) the DCO requirements should the DCO be granted. To that end, the Authorities see no reason why support under the terms of the PPA should not be made available to them, as it has been to date – this would require a much more significant extension of the Fee than that currently proposed.
3. In addition, the work required to undertake a review of the DCO application post-application (and, indeed, any updates to key materials during the DCO examination) will be crucial to enable the Authorities to inform their input into the proposed Statement of Common Ground between them and LR, as well as the preparation of the Local Impact Report (as well as other functions), which are recognised by the PPA as being matters likely to be the subject of WOs for which resources are to be made potentially available to the Authorities. As such, the adequacy of the Fee needs to be considered in that context.
4. The PPA provides for matters not expressly included within it to form the basis for a WO, with the agreement of the Coordination Group. Given the PPA would last up to the Secretary of State making a decision on the DCO, it is inevitable that any activities would require significant resource, which would be unable to be covered under the current Fee.

Given the likely scale of the forthcoming engagement expectations of the host authorities and the lack of commensurate resources available, the host authorities urge LR to reconsider the financial support it is willing to provide to the Authorities for it to deliver on the arrangements set out within the PPA.

Yours sincerely,

Paul Donovan

**Sustainable Growth**



# LADACAN response to Luton Rising consultation April 2022

---

## Our expansion plans

5. Which of the following best reflects the extent to which you support or oppose the expansion of London Luton airport? Please select one option:  
Strongly oppose

### 5a.

Please provide us with the reasons for your response in the box below:

- 1) Because of the very significant additional environmental impacts and harms to health and well-being which it would cause to people in communities all around the airport
- 2) Because most or all of those impacts would not be effectively mitigated, and in terms of additional noise in particular would be unacceptably concentrated in the period 23:00-07:00
- 3) Because it would encourage additional and harmful carbon emissions from aircraft in flight and on the ground, and from passengers travelling in cars or taxis to and from the airport
- 4) Because it would lead to congestion on local surface transport by road and rail to and from an airport which is badly located for such significant additional capacity expansion
- 5) Because it does not accord with local or national policy or the overarching requirement to control and reduce carbon emissions in order for the UK to achieve net zero by 2050
- 6) Because it would build on Wigmore Valley Park, a County Wildlife site and an Asset of Community Value given to the people of Wigmore as a buffer between housing and the Airport
- 7) Because much of the information presented in favour of the application is contrived and poorly evidenced, without proper consideration of the alternative of "No Development"
- 8) Because of the very poor track record of both Luton Borough Council, Luton Rising and London Luton Airport Operations Ltd in failing to deliver balanced growth and mitigation to date
- 9) Because the presentation of consultation information has been biased and one-sided, failing to present transparent and properly balanced information about the downsides as well
- 10) Because much of the information required to assess the credibility and feasibility (such as sustainability plans, transport plans, monitoring and control plans) is not yet available
- 11) Because the application is clearly premature given that Project Curium still has 6 years to run and the promised reduction of the 18mppa noise impact has not yet been delivered
- 12) Because the applicant has not resolved the fundamental conflict of interest between Luton Borough Council as owner, financial beneficiary and supposed scrutineer of Luton Airport
- 13) Because the board of Luton Rising is not properly qualified under the Airports Act to oversee such a detailed proposal which strays into airport management as well as development

## Why grow?

Please see section 2 of the Consultation Brochure, which outlines the reasons why we are proposing to expand the airport. Further detail can be found in our Draft Need Case document.

### 6.

Do you have any comments on our Draft Need Case which sets out the reasons for our proposal to expand the airport? Please add your comments in the box below:

Our comments on Draft Need Case are as follows. See also our separately submitted report from the New Economics Foundation entitled "NEF Luton Airport consultation response\_01.04.2022.pdf"

#### Overview section

This comes across overblown marketing hype rather than a dispassionate scientifically-evidenced analysis.

Luton Airport has limited global connectivity of any net commercial value to the UK bearing in mind the £30bn balance of trade deficit in tourism in 2019, since it mostly supports the "visiting friends and family" and "leisure" sector by accommodating low-cost carriers and private-jet hirers or owners.

Neither is Luton Airport a key payer in global Britain nor the levelling up agenda, and the Oxford Cambridge Arc is not the solution to these issues – and the fact that the Arc project has lost support from government is not acknowledged in the documentation.

The claimed jobs figures and economic benefits do not stand up to scrutiny, as the accompanying report from the New Economics Foundation demonstrates. Given the very significant, negative and widespread environmental impacts which this proposal would undoubtedly cause, the lack of a sound economic case must seriously undermine the proposals.

The demand projections are over-ambitious for a post-COVID, post-Brexit world with economies affected by the war in Ukraine, and do not accord with EuroControl forecasts. DfT is currently revising its forecasts. In any case, at a national level, the demand forecasts have not taken account of the DfT's 2017 Aviation Growth figures which indicate that unconstrained national aviation growth demand can be met with Luton Airport still serving 18 million passengers per annum until 2050 – the figure used in the DfT tables.

Given the level of current uncertainty about many things: the economic situation over the coming decade; the need to reduce reliance on fossil fuels; the lack of any proven new technology for large-scale carbon capture and so-called zero-emissions flight; the costs of SAF; changing consumer behaviour in light of the pandemic and the growing seriousness of the Climate Crisis; changing travel patterns post-Brexit; the clear advice to government from the Climate Change Committee to rein in aviation emissions; and urgent calls from the IPCC to tackle emissions in this decade; the standout feature of this proposal is that it adopts a head-in-the-sand approach which ignores global developments since 2019, is highly risky and most likely ill-founded.

Moreover, the very significant infrastructure development costs have not been underwritten, and there is no certainty as to who would fund the development which is clearly needlessly costly due to the topology of this unsuitable site. Key documents such as the Transport Plan and the details of the Noise Envelope are as yet incomplete. There is also a worrying lack of clarity as to how the so-called control of environmental impacts would in fact deliver on the claims that it is independently overseen, when the clearly conflicted Luton Borough Council is in charge – with its own appalling track record of

failure adequately to scrutinise the Airport and in fact of financing it to achieve growth and super-growth when it was entirely foreseeable that this would lead to breaches of the Council's own supposedly legally binding planning control conditions.

The financial status of Luton Rising remains questionable, and the last three years' accounts of Luton Borough Council have not yet been signed off by External Auditors. Questions have been raised by the Auditors over the lack of transparency on past financial decision-making to do with airport investment. In fact, unaccountably, the Borough Council has already made decisions on facilitating works for this proposal without even knowing whether the proposal would be granted. This appears to be risking public money by accommodating the clear conflict of interest rather than eliminating it – in contravention of the high standards of probity expected from local authorities as set out in the reports of the Committee for Standards in Public Life.

There is no evidence of serious exploration of alternatives. Cost and long-term risk per claimed new job has not apparently been compared to other ways to grow (and diversify) the local economy. In cost-benefit terms, Project Curium delivered 9 million additional passengers at a cost of some £160m, ie £18 per additional passenger. The proposed further expansion is projected to cost £2.4bn to deliver an additional 14 million passengers, ie £170 per additional passenger. By an order of magnitude, the proposed project does not deliver value for money. Neither is there any business plan to show that the £280m invested in the DART so far – with more to come if it were to be extended to serve a second terminal, along with the running costs – would ever be recouped by the fares paid.

Instead of a genuine exploration of alternative, the proposals claim to be founded on an overriding need for Luton Airport to support the local economy and jobs by default. The plan appears not to be a one born of careful, competent and up-to-date strategic analysis, but of closed-minded tunnel-vision thinking which has failed to keep pace with a changing (and seriously climate-threatened) world and UK economy in which the patterns of behaviour and policy constraints of the future will be very different to that pre-2019. The proposal is made by Luton Rising, a company whose board is comprised of Members of Luton Borough Council, who are not qualified to manage an airport or experienced in the aviation industry. The Airports Act 1986 Section 17 requires the controlling authority to put in place an independent third party to manage the airport under those circumstances. Much of the detail of this proposal inevitably includes commitments to work with airlines and to set noise management processes and to develop suitable airport infrastructure. The board of Luton Rising is clearly acting outside its permitted role in respect of the Act since its members are not qualified or competent to set a sound strategic direction or to make implementation judgements on those matters which require directors skilled and experienced in airport operational management.

The proposal claims to have taken account of feedback from the non-statutory consultation, but there is no evidence of this. The majority of people responding to the questions asked were in more or less every case concerned about the potential noise impacts of further expansion, and rejected it.

Furthermore, Project Curium is not yet complete and has not delivered its promised noise mitigations. It is due to run until 2028 within its planning caps which – given its purported keenness on controlled growth – Luton Rising ought to fully endorse and support. The planning control for Project Curium which serves as a noise cap includes a clear requirement on the airport operator to produce a plan to reduce noise contour areas by 2028. Yet Luton Borough Council has failed to ensure this plan has been produced – demonstrating again that it cannot be trusted as an authority with any kind of planning control over Luton Airport. Instead of upholding its Local Plan and its noise control conditions, the Council's Development Control Committee voted in December 2021 to set them aside in favour of legalising non-permitted growth and permitting an increasing noise footprint until 2028, completely reversing the noise protections for local residents. This decision has been referred for call-in. Until 2028 any further expansion is

inappropriate and commitments that Luton Rising and Luton Borough Council are interested in environmental impact control are hollow.

1.2.2 The weight given to Oxford Cambridge Arc initiative appears to be overstated: recent reports (Financial Times 26 February 2022) indicate that this is no longer regarded as a significant part of levelling up. It is also clear that Stansted Airport is more conveniently accessed from Cambridge than Luton, and similarly Heathrow from Oxford. As is mentioned elsewhere, 50% of Luton passengers are visiting friends and family, which is unlikely to facilitate trade investment and tourism.

1.2.4 No evidence is provided to support the assertion that Luton Airport expansion would support the levelling up agenda or the aspirations of Global Britain.

1.3.3 No policy has yet emerged as a result of the Jet Zero consultation, nor indeed from going concern over climate change. It is not clear how “Green Controlled Growth” contributes to mitigation or indeed how it can be achieved without being a contradiction in terms.

1.3.4 No evidence is provided on how the proposed development meets the emerging objectives, in particular (c), (d), (e) and (f), nor whether any benefits are cost-effective compared to alternatives.

1.4.2 The SEMLEP focuses primarily on local roads, rail, sustainability and digital technologies.

1.4.3 The statements about pockets of deprivation around the airport appear to be unbalanced and do not explore whether the poverty arises due to the blighting noise and fumes. It does not mention enterprise areas in Stevenage for example. It is likely post-COVID that businesses will continue to leverage significantly improved online meeting and conferencing tools. No evidence is provided to support the assertion that growth of Luton airport to 32 mppa is required for the retention and growth of existing companies: given the low percentage of business travel at Luton it is likely that business travellers could simply use capacity released by a post-Brexit reduction in migrant worker travel and/or reduction in travel by people concerned about climate change or COVID. No risk analysis has been conducted to justify continuing investment in Luton Airport as opposed to investing in diversifying the local economy to make it more resilient.

1.5.1 It is too early to say with any certainty how Brexit and Covid will change long-term patterns of travel at Luton Airport. Neither is evidence available on what “business travel” consists of – for example a migrant worker may elect to describe their visit as “business travel” one way and “visiting friends and family” the other. Such customers may not be characterised as “high earners”, and there is no analysis of whether the destinations are key areas for development of global Britain.

1.5.2 There was a net balance of payments deficit in tourism of some £30bn in 2019. The cost of outbound tourism is not factored into the economic benefits case.

1.5.3 Luton Airport is not known for providing long-haul services and no evidence is provided to support the need for development of this new proposition. Two previous attempts at establishing long haul business services from Luton Airport ended in failure: the insolvency of Silverjet and the withdrawal of La Compagnie.

1.6.1 Demand forecasting by generic model is unlikely to be representative of the particular customer mix at Luton Airport particularly given the rising dominance of Wizz Air.

1.6.2 The Need Case is based on projections which attempt to look forward more than 20 years, at a time of significant uncertainty, including the pressing need for the government to put in place policy to enable it to meet its net zero obligations by 2050. Further

uncertainties created by: the war in Ukraine; increasingly severe storms; economic pressures including inflation and rising oil prices; as well as future trajectories for COVID all make it unlikely that these forecasts will prove to be reliable. No evidence is available to support the speculative assertion that demand at Luton Airport will reach 32 mppa within the expected timeframe.

1.6.3 The effect of the demand trajectory on the fleet mix has not been made clear, but clearly there would be an effect as airlines would deploy aircraft differently under different demand scenarios.

1.7.2 The quoted runway capacity is only achievable with the addition of the taxiways and links proposed, in which case it can be argued that this proposal does not make best use of the existing runway since the runway and taxiway ensemble is being enhanced through significant development work.

1.8.1 GDP figures from ONS statistics show that Luton Airport contributed barely 1.3% to the Three Counties and 0.6% to the Six Counties. The government requires decreasing dependency on Airport revenue by Luton Borough Council as a condition of the COVID bail-out funding, and external auditors are on record as recommending the same.

1.8.2 This paragraph is largely aspirational and does not appear to be based on well-founded research into alternative strategic plans for sustaining Luton's economy given the current economic uncertainties. Rather, it suggests that no alternatives for securing significant economic growth have been properly explored, confirming that Without Development scenarios have not been properly examined.

1.8.4 - 1.8.8 See our separately submitted report from the New Economics Foundation entitled "NEF Luton Airport consultation response\_01.04.2022.pdf"

1.8.7 There was a net balance of payments deficit in tourism of some £30bn in 2019. The cost of outbound tourism is not factored into the economic benefits case.

1.8.9 No balanced and dispassionate evidence is provided to support the assertions that airport expansion supports the aspirations of stakeholders or improves quality of life.

1.8.10 No evidence is given as to why passenger miles would be saved by those from the east of the airport travelling to Luton instead of Stansted, or those to the south of the airport travelling to Luton instead of Heathrow for example. No evidence is provided to support the contention that there is still fat on the low-cost carrier pricing to deliver competition-induced price reduction.

1.9.1 The claim that there is a strong need for development is not a balanced statement since it does not take account of the significant environmental, health and quality-of-life impacts; nor the negative impacts on the already crowded local surface transport; nor the impact of the additional carbon emissions on the national carbon budget; nor the fact that Luton's flights predominantly feed the loss-making tourism and leisure market.

1.9.2 No evidence is given to support this expectation.

1.9.3 No evidence is given to support this assertion - see comment on 1.2.2 above. Neither does the report assess the relative cost benefits of developing such additional capacity at an airport other than Luton.

2.2.2 No detail has been provided on the areas in which LLAOL has been actively involved with the applicant in developing the scheme.

2.3.3 (i) No evidence is given to indicate why interventions to support carbon neutrality would be delivered sooner with the scheme than without it, bearing in mind the high carbon cost of the scheme itself including significant use of cement and the emissions from

construction vehicles involved in earth moving operations and the construction of Terminal 2. Were this work not to occur, greater focus could be placed on achieving carbon neutrality for the airport operation as soon as possible.

2.3.5 There is no clear and correct Without Development baseline, due to the presumptive assumption of an entitlement to use 2019 as the baseline. 2019 was the third year in a row of non-permitted development of the airport, during which too many flights were permitted because the airport operator released too much capacity too soon in advance of introducing less noisy aircraft, in response to financial incentivisation from the Applicant and from Luton Borough Council. It is therefore incorrect to describe 2019 as a year of typical operation in any of the documentation, as is currently done (for example in chapter 16) since noise contour limits were breached in 2017, 2018, and 2019.

2.3.6 Information given at exhibition events indicated that the Applicant is not yet clear how or by whom the infrastructure developments will be paid for. The development has three phases spaced over some 20 years from the date of these documents: it is unclear whether and at what level likely cost increases due to inflation and other factors have been factored into the costs and the feasibility of achieving funding.

3.3.1 See comments under 1.2.2 above.

3.3.2 It is unclear how this proposal "builds back better" when it appears to be a continuation of an existing noisy and polluting industry.

3.3.8 - 3.3.9 As has been indicated above, the concept of levelling up includes a vision for development in the north of the UK rather than continuation of investment in the south-east and around London. The £20 million regeneration of the town centre is one thing; the proposed £2 billion development of the airport is quite out of proportion and no evidence is provided that this £2 billion investment could not be better used to invest in an economic future by facilitating the establishment of genuinely sustainable new and renewable technology enterprises in Luton, for example.

3.4.2 - 3.4.16 See comments under 1.2.2 above.

3.4.17 - 3.4.29 It was a condition of government COVID funding for Luton Borough Council that the Council should reduce its financial dependency on the airport. The provisions in the Local Plan for noise control in relation to airport development are not mentioned in the Need Case, but should be included to provide a rounded picture.

3.4.56 This remark was in the context of an upgrade to Luton's existing terminal, not to justify building another.

3.5.5 50% of Luton's passengers are simply visiting friends and family as indicated above.

3.6 The summary is ill-founded for the reasons given above.

Section 4 presents an unbalanced one-sided interpretation of aviation policy and includes influences which are not yet policy. The terms "sustainable" and "sustainability" are used without defining what is meant by them and whether they accord with the Brundtland definition.

The Making Best Use of Existing Runways policy inevitably includes recognition of the national commitment to achieving net zero by 2050: emissions of aircraft in flight must be factored into the carbon assessment.

5 Economic context - see our separate report commissioned from the New Economics Foundation.

6.1.1 The connection between the growth rate at Luton and the reduced landing charges which resulted from the growth and super-growth incentivisation scheme put in place by the Applicant and Luton Borough Council in 2014 needs to be made clear in order to explain the recent rapid growth at Luton Airport. Clarity is also needed on whether these reduced landing charges would continue in the future or whether the incentivisation scheme has now finished.

It will also be important to understand how the cost of infrastructure development will be born and how this will affect the profitability of the airport operator post-2031.

6.1.2 - 6.2.2 As indicated previously, the use of 2019 as a baseline is also representative since it was a year in which non-permitted development had occurred for the third year in a row. 2016 is the most recent year which could be described as "typical", but even then, there had been accelerated growth compared to the upper end forecasts which were presented for consultation in 2012/13 due to the incentivisation scheme. To achieve a balanced picture, it would be necessary to analyse relative growth by airline. In the material period, Wizz Air and Wizz UK have achieved an increased market share and are now dominant at Luton. It is unclear whether this position will continue post-Brexit.

6.2.20 No evidence is provided to indicate why very high load factors will be sustained, particularly given people's nervousness post-COVID of being in crowded situations, and the increased risk of infection which this causes. Equally, introduction of larger new-engine-option aircraft such as the A321neo may have washed through during the coming 5 years and so a growth in load factors is unlikely to be sustained.

Inset 6.9 clearly shows that business travel at Luton Airport is in a significant minority.

Insets 6.10 and 6.11 clearly show the problems involved in achieving the modal shift to public transport, since significant catchment is claimed to the east and west of the airport and there is only one north-south rail line. It should be noted that passengers who arrive by train may have taken a taxi some considerable distance to their local station in order to catch the train. The emissions from that journey would need to be factored in.

6.3.7 COVID is well known to have had a significant effect on business decisions regarding travel as opposed to online communication. This does not appear to have been factored into the assessments in this section.

6.3.15 We presume this should refer to Table 6.6

6.3.17 There is no evidence showing why so many more passengers would choose to fly to and from Luton Airport. Migrant workers would have been significant pre-Brexit, facilitated by the rapid growth of Wizz Air.

6.3.18 It is not evidenced where the increased proportion staying locally are actually residing – in hotels or in rented or other accommodation used by migrant workers? How much travel by road would be involved during their stay?

6.3.19 Without any clear evidence that someone describing themselves as a tourist on the questionnaire actually visits tourist locations accessible from Luton, it is possible that the tourism figure is overstated.

7.3, 7.4, 7.5 Forecasts - see our separate report commissioned from the New Economics Foundation.

7.6.5 No evidence is provided to support the assertion that electrical hydrogen powered aircraft could be introduced by the airlines using Luton during the timeframe of this project. Neither is it evidenced that such aircraft entering into service will be sufficient to meet the overarching targets set out within Jet Zero. Neither is there any consideration of likely pressure for other solutions or constraints on aviation emissions if next generation

aircraft are available within the Jet Zero timeframe in sufficient numbers to enable the UK to meet its net zero obligation by 2050.

7.6.28 Luton Airport is not associated with the commercial long-haul market and previous attempts to set up such operations there failed. No evidence is provided to support the assertion that this new business strand is likely develop sufficiently to influence seasonal and hourly flight patterns. Speculation about long-haul flights is hardly an adequate basis on which to justify building larger stands for terminal 2. A sensitivity test is required to test the implications if long-haul business does not develop at Luton.

7.6.37 A sensitivity test is required should the high load factors not be sustained.

Insets 7.20-7.24 demonstrate the unacceptable intrusion into the 23:00-07:00 "night" by the proposals to load 76% more aircraft into the night periods 23:00-23:30 and 06:00-07:00, causing significant increases in environmental and health impacts.

Table 7.10 should evidence correlation between these figures and available information about the fleet mix trends of the airlines presumed to form the customer base at Luton in the years projected.

7.6.48 This is speculative because the results of the Jet Zero consultation have not yet been published, and further consultation is currently under way on its technological aspects.

7.6.49 There is no evidence that 100% SAF-powered aircraft will be affordable (in fuel terms) or feasible (in SAF availability terms).

7.6.63 No justification is given for squeezing out business aviation activity in favour of commercial activity, particularly at night when the noisier commercial flights cause more disturbance to local communities.

Table 7.16 - if this information is indeed sourced by LLAOL, it is not made clear where and to what extent LLAOL has been involved in or influenced the projections which would underpin it?

8.2.1 It would be more accurate and transparent to say that passenger throughput is currently capped at 18 mppa until 2028 by the existing Section 106 agreement. It would also be more accurate and transparent to say that the reason for the application for variation of condition was to regularise the situation following breaches by LLAOL of its noise control conditions in 2017-2019 due to releasing too much capacity to soon, in other words by mismanaging the airport operation. The scrutiny required from the Director of Planning at Luton Borough Council to ensure LLAOL's compliance with that Section 106 agreement failed to prevent the airport operator committing a breach, even though the breach had been predicted. As a result, Luton Borough Council has lost the trust of communities due to its poor track record of oversight and control in relation to Luton Airport capacity growth since 2013.

8.3.5 It would be more accurate and transparent to say that the 18 mppa capacity was reached earlier due to financial incentivisation of the airport operator LLAOL by the Applicant and by Luton Borough Council.

8.5.38 No information is provided as to the current status of the New Century Park development.

8.6.6 and 8.6.7 No information is provided to confirm that the proposed mix of stands would accommodate uncertainty in the fleet mix between code C and code E aircraft.

8.7.1 Passenger numbers have significantly reduced due to COVID, and it is not clear how quickly demand will bounce back, so there is therefore currently growth headroom. It would be more accurate to say that due to the mismanagement of its slot capacity



declarations the airport is currently in a position where it will be in breach of its noise controls should its airlines utilise all their existing slots. The pressure on the airport operator currently is not due to demand, but due to its own dismal failure to manage growth in balance with mitigation, and this failure should not be used to justify further growth.

## Benefits of expansion

Please see section 2 of our Consultation Brochure, which explains the current benefits of the airport and the additional benefits that we believe expansion would bring to local and regional communities. Further details can be found in our Draft Need Case document, and our Draft Employment and Training Strategy document.

### 7.

Do you have any comments or suggestions for how we might maximise employment, skills, community and social benefits and training opportunities to help benefit neighbouring communities? Please add your comments in the box below:

The disbenefits of this further expansion proposal (which are understated due to the inappropriate selection of 2019 as the baseline for noise impacts) significantly outweigh the alleged benefits (which are overstated due to poor research and unnecessary due to the current expansion project not yet properly being completed). We therefore strongly oppose it.

Benefits to local communities and the local economy were set out and democratically agreed as being adequately delivered by Project Curium over a 15-year period from 2014. That project has not yet been delivered, although a front-loaded windfall of revenues was obtained as a result of financial incentivisation initiated in 2014 by Luton Borough Council and Luton Rising to encourage the Airport Operator to reduce charges for "growth" and "super growth" airlines, with apparent disregard by all parties to the lack of balanced growth which this would produce. Due to mismanagement by the Airport Operator in releasing too much capacity too soon before the promised less noisy had been introduced by airlines, communities were exposed to far higher noise levels than the planning conditions permitted between 2017 and 2019, and the capacity limit of 18mppa was reached in 2019 instead of 2028. This egregious disregard for planning controls by all parties involved was a breach of trust and a failure by the Council to meet the high standards of probity expected under the Localism Act.

It is also a failure of leadership. Rather than focusing on investing in developing skills and training to deliver commercial opportunities in the technologies of the future such as developing and installing renewable and more sustainable energy sources such as wind and solar technologies, as well as improving battery technology, heat pumps and home insulation, the windfall was used to invest further in the noisy and polluting kerosene-fuelled aviation industry. Sustainable energy would provide areas in which more valuable, diverse and sustainable local skills could be developed through proper investment and training. Existing opportunities in aircraft engineering would continue, but offering a more diverse mix creates a more vibrant and resilient local economy rather than remaining focused simply on jobs related to the airport. This would then underpin the aspirations of the Council's response to its declaration of Climate Emergency by creating more balanced and diverse opportunities for Luton and neighbouring communities.

Given the reservations expressed by its External Auditors about the lack of transparency in decision-making related to investment in Luton Airport, it is questionable whether the strategy adopted by Luton Rising would stand up to scrutiny as being properly and democratically underpinned, rather than the product of closed-minded thinking by a small group based on decisions taken in secret and without proper public accountability for the

huge sums of public money derived from the Airport which is owned on behalf of the people of Luton, which have been poured into this asset and into facilitating this project in an unbalanced way.

## Our proposed design for the airport

Please see section 3 of our Consultation Brochure, which outlines our proposed design for the airport. Further details can be found in our Works Description Report.

We have made changes to our design since the 2019 statutory consultation. These are summarised in section 3 of the Consultation Brochure and include:

- new sustainability design measures including making Terminal 2 a net zero building and rainwater harvesting
- changing the approach to Wigmore Valley Park to preserve more trees, biodiversity and heritage assets
- reduction in the size of the airfield platform and the amount of earthworks
- other improvements such as reconfiguring taxiways, realigning the position of the new stands, reducing the size of hardstanding associated with the engine run up bay and a new access road to the Fire Training Ground
- additional enhancements to Terminal 1

### 8.

Do you have any comments on our design proposals for the scheme? Please add your comments in the box below:

During the non-statutory consultation, the overwhelming response from the public in more or less every category of question – despite the questions being unfairly loaded – was “no further expansion” and “concern about noise and flight paths”.

See our separately submitted summary entitled “LADACAN summary of top 3 responses to non-statutory consultation.pdf”

This reflects what people all over the region, feel: enough is enough. There have been too many broken promises and lack of probity over the conflict of interest between the Council as Local Planning Authority and the Council and Luton Rising as financial beneficiaries of the Airport in the last 10 years that we oppose further expansion and reject the designs Luton Rising is proposing.

In particular:

We oppose the sacrifice of Wigmore Valley Park, a County Wildlife site and an Asset of Community Value, which Luton Rising still proposes to concrete over and turn into a Terminal, aircraft stands and car parks

We oppose the plan to increase capacity to 32 million passengers per annum, which is almost as environmentally damaging as increasing to the previously suggested 36 million, for reasons already given.

We oppose the addition of aircraft stands and a new Terminal in order to increase throughput and facilitate 45 flights per hour instead of the existing 33 due to the unacceptable noise and emissions impacts.

We oppose the construction of terminal 2 which necessitates encroaching on green open space land outside the existing boundary of the Airport, sacrificing one of the largest parks in the Town and reducing residential amenity.

We oppose in any case the construction of new taxiways and aircraft parking areas, particularly when the topology of the site requires so much earth to be moved, much of which sits on a toxic land-fill site which may be hazardous. This goes beyond Making Best Use of Existing Runways since the existing ensemble of runways and taxiways and parking areas would be extended by the proposals.

It's not clear how much actual saving will be made by moving the equivalent of two Wembley Stadiums less earth as a proportion of the earth to be moved in levelling out a site on a hill which is not suited to expanding the taxiways and hard-standing. This is being proposed as a Nationally Significant Infrastructure Project but the return on investment and business case is not at all clear, neither is it clear how it would be paid for.

### **Comments on Chapter 3: Alternatives and Design Evolution**

#### **“No Development” option**

3.2.2 No evidence is provided that this statement applies to Luton Airport in particular. The proposed expansion focuses on commercial passenger travel and it is not clear how this facilitates trade in goods and services or drives business innovation and investment. Beyond the investment in the expansion itself what other investment or innovation do the proponents expect to see?

3.2.3 A great deal has changed since the 2013 Aviation Policy framework; the June 2018 document giving policy support for all airports to make best use of their existing runways is best viewed in the context of various airport owners including those of Heathrow and Gatwick who are considering plans to develop new runways.

3.2.4 The ANPS accepted rather than established the need for new airport capacity in the South East. Its findings do not justify the rejection of the “No Development” option at Luton Airport.

3.2.5 We challenge the assumptions regarding the demand recovery from the pandemic in our response to the Draft Need Case. Again, even assuming passenger demand not only recovers from its pandemic levels but returns to its pre-pandemic growth track, this is not in itself a reason to discount the “no development” option. In view of the location of Luton Airport, the number of communities affected by its flights, the topology of the site and the limited and crowded surface transport options it might well be that other airports are better placed to meet any such growth.

3.2.6 This is an unsupported assertion. For most people living in “England’s Economic Heartland” Luton is not the easiest airport to get to, especially by public transport, as the journeys from areas other than Hertfordshire and Bedfordshire are largely cross country with poor rail and bus links, with the Oxford Cambridge rail link being aspirational at present; in any event it would require changes at Bedford and again onto the DART. See our separately submitted summary “LADACAN summary of airport connectivity in the Economic Heartland.pdf” which shows that Luton Airport is the nearest airport alternative by public transport for only 50% of the locations served in the analysis, and nearest by road to only 35%.

3.2.7 This option has been dismissed out of hand without proper consideration. The arguments are twofold: that it does not deliver the Applicant's aspirations to "make best use" of the existing runway, and that it does not allow for the airport to perform its role in bringing the economic benefits to the local and regional economy.

In the first case, the "make best use" argument is a reference to a pre-pandemic policy statement published in 2018. It is shorn of its context, which is a preference where there is expansion that this be within existing runways as opposed to the greater environmental impact of creating new runways, and has perversely been interpreted as an exhortation to growth. There is, as we show elsewhere, an overarching requirement to take account of the carbon emissions which would result.

In the second case the airport's role in bringing the economic benefits to the local and regional economy is questionable. Detailed cost estimates for the proposed expansion have not been included in these consultation documents, so it is impossible even to start assessing value for money or whether the airport can reasonably be expected to bring greater net economic benefits than "no development" or the alternatives Luton Rising's parent body, Luton Borough Council, might consider with the aim of enhancing the local and regional economy.

No such alternative has been considered in this chapter.

### **"Sift" process**

3.2.8 This section states that work was undertaken by the Applicant and by LLAOL. Which work was done by which organisation? What qualifications do the Applicant's staff have to carry out this work, or even to oversee outsourcing it to consultants?

3.2.10-44 It appears that all the options considered were ways of reaching at least 32 million ppa, without consideration in the sift process of less ambitious expansion plans. Again, this fails to assess a range of genuine alternatives as required in the planning process.

3.2.33 During the non-statutory consultation, the overwhelming majority of responses in most of the categories signalled a clear rejection of the proposals for further substantial expansion of capacity at Luton Airport. See our separately submitted spreadsheet output "LADACAN summary of top 3 responses to non-statutory consultation"

## Getting to the airport

Please see section 4 of the Consultation Brochure, which explains our proposals to enable people to get to and from the expanded airport including:

- Airport Access Road
- Junction upgrades / other road improvements
- Luton DART extension
- New separate coach station will be provided at Terminal 2
- Targets for public transport mode share
- User charging for car park and forecourt access

Further details can be found in our Getting to and from the Airport - Our Emerging Transport Strategy document.

## 9.

Do you have any comments on our Getting to and from the Airport - Our Emerging Transport Strategy document? Do you have any suggestions for how we can maximise access to the airport by public/sustainable transport modes? Please add your comments in the box below:

Luton Airport has very poor east/west connectivity, and the Lower Luton Road is not suitable for existing volumes of traffic. The emerging transport strategy does not say how this will be solved. The M1, A1081 and A505 became very congested by 2019, following significant growth of airport capacity, and the pandemic has caused even more of the passengers to use cars. No evidence is provided to show why they would switch to using public transport or how this would be achieved for the catchment areas not served by the Bedford to St Pancras line. The strategy makes a lot of aspirational statements but contains little by way of credible targets.

Comments on the document "Getting to and from the airport – our emerging transport strategy" refer to relevant sections and section numbers.

### Overview

Key claims include:

"...extend the Luton DART"..."increase the capacity of bus and coach bays"..."provide a new Airport Access Road"..."build new passenger short-stay and long-stay car parking"

"we plan to encourage greater use of public transport and ensure that the car and taxi trips that continue are more sustainable by for example increasing car sharing and using cleaner vehicles"

"Our proposed Green Controlled Growth framework establishes targets for percentages of passengers and employees travelling by public transport and sustainable modes"

Most of the "emerging strategy" consists of aspirations which amount to no more than the minimum any organisation would say are its current goals: more use of public transport, more carbon efficient vehicles. Although some targets (for example modal shift) are provided, there is no clarity on how or why they are likely to be achieved. Furthermore, most of the emissions targets are no better than the maximum legal limits.

The "strategy" does not set an overarching climate-beneficial goal such as net zero carbon and it seems likely that the net increase in vehicular traffic will still generate additional CO<sub>2</sub>.

This cannot really be called a strategy because there is no overriding objective and very little detail on the aspirations, and it appears to be inadequate for meaningful public consultation.

### Introduction

1.8.3 The statement "Surface access plays a fundamental role in supporting improved air quality and reducing carbon emissions." is meaningless without indicating how and to what extent air quality will improve and emissions reduce. The statement "The expansion plans address this through encouraging greater use of public transport and ensuring that the car and taxi trips that remain are made more efficient and use cleaner vehicles" is simply aspirational and there is no evidence that the surface transport which remains will generate less pollution or more.

## Surface access approach

2.1.4 No evidence is provided to indicate how the aspiration “We need to manage surface access to ensure it is high quality, efficient and reliable and does not give rise to unacceptable congestion or environmental impacts, whilst supporting delivery of the wider vision for the airport’s expansion” will be achieved and independently monitored in a transparent and quantifiable way, in light of an overall increase of some 40,000 passenger journeys per day.

The ANPS in 2.2.3 says “This [surface access] should be delivered in a way that minimises congestion and environmental impacts, for example on air quality.” No evidence is given of any work being done to “minimise” impacts.

2.2.10 The statement “the proportion of airport passengers accessing the airport by private car has declined from 51% to 49% ... proportion of passengers using sustainable modes of transport to access the airport has increased from 32% to 34%” reflects targets from Table 2.1: the actual percentages are 50% down to 46% and 32% up to 38%.

2.3.2 The statement “we have seen from other airports that have introduced a new fixed link rail connection, the transformational effect this can have on overall mode share...” does not use valid comparators. London City Airport has poor road links and virtually all its passengers have easy access to the TfL network: this is a completely different context from Luton. No evidence is given to show how or why the results London City has achieved would be replicated at Luton Airport.

2.4.3 states “COVID 19 ... shows a significant reduction in travel by sustainable modes...falling to 14%” but no evidence is given to show how this will either be reversed or will be addressed by the surface access strategy.

Table 2-2 states in relation to Luton Airport’s ongoing surface access improvements: “Under the new franchise, Abellio is delivering more regular services between London St Pancras and Luton Airport Parkway”. 4 trains an hour is not committed to and not even factored into the franchise agreement.

The statement “Major improvements [Thameslink]...resulted in increased services frequencies” refers to changes which have already happened.

The statement “East West...programme is an opportunity for improved east-west connections” has no foundation and the decreasing focus on the Oxford-Cambridge Arc project makes this far less likely.

2.5.3 The statement “as explained within the Green Controlled Growth document...we are not including a proposed target for staff travel but believe it will be somewhere in the range between 23% to 31% in Phase 1.” offers no more than was achieved in 2019, and does not indicate how staff will be enticed back onto public transport post-Covid, and no improvement is assumed post Phase 1.

Table 2-3 Proposed surface access-related GCG limits shows the following for “Air passenger public transport mode share”:

2019 38%

2027 40%

2039 45%

2043 45%

The increase is modest and does not match that achieved by other similar London airports (Table 9-1 Gatwick 43.9% and Stansted 50.9% in 2019).

2.5.4 The reasoning “modal share...combination of demand-based assessments which consider catchment...and ability to use public transport...ability of transport networks to accommodate an increase in demand...reflects planned changes and improvements... that could take place...informed by discussions with transport operators” is not supported by any explanation of how the percentages are calculated, so the claims cannot be assessed.

2.5.7 The asserted “practical limit on how many passenger trips could use public transport ... increases in capacity on the Thameslink network over the next 20 years [already delivered] ... needs to be balanced against the potential impact that too many airport passengers could have on existing rail users at particular times of the day” needs to be checked versus actual Thameslink capacity which suggests there is little headroom available at peak hours.

2.6.9 “Making maximum use of the DART network [?] is a key priority of our strategy to ensure as many passengers and employees use the new system as possible” may not make economic sense to the airport operator which derives significant revenue from car parking charges.

2.6.14 “We have seen an increase in the use of bus and coach for accessing the airport for both employees and passengers in recent years” is questionable for passengers based on statistics for recent years.

2.6.24 “To maximise the sustainability of surface travel to the airport, we would seek a general power which would allow us to...enforce charges on vehicles” is unsupported by any evidence to show the relationship between charges and car use.

Table 2-4 shows there will be a 60% increase in car parking spaces, but no information is provided on the current occupancy percentage of existing car parks so it cannot be ascertained whether there is a reduction per passenger or employee.

2.6.27 states “we...will be working with taxi and private hire operators to achieve the fastest possible transition to zero emissions vehicles serving the airport” but no targets are provided.

2.6.28 states “proposing to introduce new measures which...[ensure]...where possible that vehicles are occupied in both directions” but no methodology or targets are provided.

#### Proposed development

3.6.4 The statement “Staff parking calculations...shift targets have only been applied to ‘new’ staff over and above existing employees to enable robust analysis” suggests that the change will not be particularly significant since new employees will be less than half of the existing workforce.

3.9.2 “For traffic modelling purposes, it was agreed with Luton Borough Council officers that these [road] improvements – including the dualling of Vauxhall Way – will be in place by 2027” suggests that facilitating works for an NSIP have been agreed by the Council in advance of any DCO being granted: something which local people believe to be inappropriate. It is not clear whether LBC is under any obligation to deliver these works and what would occur if it did not.

#### Surface access travel patterns and trends

Inset 4-1 “LLA passenger catchment area 2019” shows that highest numbers of passengers live to the north and north east of airport but not on the Thameslink route. It is unclear how the surface access strategy will be delivered in each of the catchment areas so again difficult to assess whether anything is likely to be achieved.

4.2.3 The statement “non-UK residents travelling for leisure used public transport for 45% of occasions but UK residents 27%” is used to demonstrate there is scope “to encourage

greater public transport” use, but this is not supported by evidence – or perhaps it informs the targets and explains why they are so low.

4.2.5 states “Since 2004 passenger numbers using Luton Airport Parkway Rail Station have grown strongly reflecting airport passenger growth” but data up to 2017-18 only (2018-19 ought to be provided as well) shows a different picture, indicating there is no significant change:

2015-16 approx 3.0m passengers total 14.5m = 21%

2016-17 approx 3.5m passengers total 15.6m = 22%

2017-18 approx 3.9m passengers total 16.6m = 23%

4.5.3 states “increase in one-way daily traffic flows was 2,700 vehicles [for 2.8m increase in passengers]” but Table 4-6 shows one-way trips along Airport Way (and other airport roads) at 24,100 for 12.3m passengers which means recent growth in vehicle traffic has been curtailed as there’s been a greater number of people in the vehicles. Nothing is said about this step change nor are figures given for future road traffic growth so it is unclear what the actual flows will be.

#### Public transport strategy

5.4.1 states “24tph [trains per hour] ... represents a key capacity constraint which limits the opportunity for further significant timetable changes ... at peak times”

5.4.5 states “consultation response for this question [East West Rail franchise] was supportive of the status quo so we will not specify an increase in services to Luton Airport Parkway as a requirement ... Bidders incentivised to increase rail access, particularly by operating earlier and later services, which do not cause a reduction in services elsewhere”

Both these statements highlight capacity constraints at peak times on the railway, and actual experience of travelling to/from London at peak times suggests there is very little room on the trains so it would be difficult to accommodate more airport passengers.

#### Framework travel plan [FTP]

This section is mainly a repetition of initiatives mentioned elsewhere – again with no targets.

6.7.3 states “in 2020, the next step would have been to examine the long list of measures individually to determine which are likely to perform best at addressing the aims and objectives of the FTP ... However, due to Covid 19, the meetings were postponed”. This suggests that the current consultation is premature and that the public is not being given the benefit of potential information from those meetings.

#### Road user access charging

7.4.1 states “Through DCO we would seek to introduce a framework which ensures that proceeds, where possible, are reinvested in measures that further enhance the sustainability of the airport” and that this “might include carbon offsetting or removal projects, or supporting new or enhanced public transport services”. Since car-park charges contribute a significant proportion of the airport operator’s revenue, it is hardly credible that they will be reinvested or diverted at the whim of these aspirational statements.

7.6.3 states “In the early years of the expansion programme ... charges remain at broadly their current level reflecting the existing balance of public transport capacity/infrastructure and travel demand”. It is unclear from this whether a modal shift is expected or not, and indeed whether the airport operator will want it to shift or why they would encourage a shift.



## Proposed highway mitigation measures

8.6.7 “Hard shoulder running is the most likely scheme to improve motorway capacity should any scheme be considered by National Highways in the future”

8.6.9 “it was considered prudent to evaluate a scenario that allows more traffic to flow through M1 Junction 10 at peak times to assess a more robust, future proofed set of potential [road] schemes”

8.6.10 “Discussions are ongoing with National Highways [to] enable their support of the airport expansion”

Smart motorways are now considered to be unsafe and it may be that National Highways would require airport-funded widening of the M1 to accommodate growth, significantly increasing the overall cost. This uncertainty ought to have been resolved prior to consultation.

## Surface access forecasting

Generally, evidence of transport modality at other airports is selectively used where it supports the case, but nothing is independently verified and an overall analysis is not provided.

9.7.1 “it should be noted that the rail capacity assessment below is not definitive but a tool to assist discussion”

9.7.8 “seats may be difficult to obtain through the evening peak period”

Commuter trains from Luton Airport Parkway southwards to London in the morning are full, likewise those from London to Luton Airport Parkway in the evening. A clear additional loading analysis would be required, with capacity verified by the train operator, before any confidence could be placed in the strategy.

## Building our airport

We propose to construct the scheme in two phases. Phase 1 would include expansion of the existing Terminal 1 and additional aircraft stands and car parking. Phase 2 would see the construction of the new Terminal 2 and associated facilities.

Please see section 5 of the Consultation Brochure, which outlines how we propose to build our airport expansion. Further detail can be found in our Works Description Report.

## 10.

Do you have any comments on our proposals for constructing the scheme? Please add your comments in the box below:

The phased approach delays significant and expensive development of terminal 2 until demand reaches given levels, but this would affect costs due to inflation and increasing costs of raw materials. Forecasts are unreliable at times of significant change, and the consultation does not explain how the commercial arrangements with an airport operator or other parties would ensure an adequate level of build quality and mitigation to construction disruption and noise. Passenger numbers, airline fleets and the rate of

airspace change are not under the control of Luton Rising and so the timescale of growth and mitigation is unclear. Communities would have no certainty until more reliable forecasts can be made.

## 11.

Our proposals also include a draft Code of Construction Practice which sets out in draft the measures we will take to minimise the effects of construction. Is there anything else you would like us to consider as part of this? Please add your comments in the box below:

In opposing further capacity expansion we oppose the further construction which would facilitate it, and which itself would add to local emissions and increased carbon footprint through the use of significant quantities of cement.

The construction itself will create noise, vibration, dust and emissions. There are unknown risks in excavating the Eaton Road landfill, due to the poor archive information available. No code of practice can accommodate unknown risks and it is unclear how the project would accommodate these.

## The environment

Please see section 6 of the Consultation Brochure, in which we identify the key environmental effects that expanding the airport could have, and how we are proposing to manage and mitigate them. Further detail can be found in our Preliminary Environmental Information Report (PEIR).

## 12.

Do you have any comments on the environmental effects of expansion and how we propose to manage and mitigate them? Please add your comments in the box below:

The proposed development would be significantly damaging to people, the environment, local quality of life and well-being in ways which are not justified by the Draft Need Case and are not offset by the proposed mitigations.

The proposed increase in capacity would mean 30,000 more people being adversely affected by noise. Increasing the number of commercial flights by around 60%, with departures starting at 5am and arrivals continuing until 3am, would harm health in the worst-affected areas. To the east of the airport these include Breachwood Green, St Paul's Walden, Bendish, Preston, Hitchin, Stevenage and Knebworth. To the west, South Luton, Caddington, Kensworth, Studham, Leighton Buzzard, Pitstone, Whipsnade as well as the Area of Outstanding Natural Beauty. To the south Slip End, Markyate, Flamstead, Gaddesden, Redbourn, Harpenden, St Albans and Welwyn. The only areas eligible for any noise insulation are the very worst affected homes in South Luton and Breachwood Green, and this is only a partial mitigation since it is of no use outdoors and requires windows to be kept closed.

Adding so many more flights would add significantly more carbon emissions to the national budget, and every airport expansion takes the overall carbon emissions in the wrong direction. The results of the Jet Zero consultation have not been published and the claims about new technology such as hydrogen-powered planes and zero emissions flight are not yet proven, with no timescales for introduction at Luton Airport. So-called Sustainable Aviation Fuel is more costly, competes with other users of biomass, and still creates carbon emissions.

Comments on environmental impacts referring to documents and section numbers

Noise and vibration - Chapter 16

Table 16.2 Policy

It is essential when assessing the environmental impacts of the proposed development to compare the situation with and without the development. This means selecting appropriate baselines for comparison. It is inappropriate to have used 2019 as a baseline for comparison involving noise or emissions because 2019 was a non-compliant year, the third in a row during which non-permitted development had occurred through the premature release of slots before aircraft noise at source had been mitigated.

The benefits from new technology have not been shared with communities: at Luton Airport, due to its comparatively short runway, the introduction of A321neo aircraft (which now form some 30% of the fleet) benefited industry through reduced fuel costs, but did not benefit communities since the certified noise reductions are not being achieved for reasons which pilots have explained due to the need for increased flaps and therefore thrust on takeoff and landing.

Table 16.3 ANPS

It is required to ensure that when measuring the noise of aircraft in flight, appropriate equipment is used and the equipment is cited in appropriate locations in accordance with the latest ISO standards. This was not done during the noise survey conducted in 2017 on behalf of the Applicant.

Table 16.4 Legislation

the consultation information is incomplete due to the lack of N65 contours.

Table 16.5 Scoping

2.2.24 Assessment vs CAP1616a:

1) Whilst the contours are plotted using AEDT, the modelling underpinning such plots has not been aligned with that used in the current INM-based contours to ensure equivalence. Without this, there could be a step-change in either direction which renders baseline noise comparison meaningless.

2) It is essential to provide LAmax spot point levels in order to give some confidence in the noise model since the calibration required significant adjustment, the terrain is unusual, and there is no continuity of comparison.

4.5.12 The DART is not yet operational, and so there is as yet no data on its operational noise from which to deduce that the extension will be imperceptible when in use.

4.5.14 Evidence needs to be provided to show that the annual budget and resource availability for noise insulation installation would be adequate to ensure this partial mitigation was available ahead of increased noise impact.

4.5.15 Insufficient information has been provided on the differences between the existing noise contours and the proposed noise envelope contours in terms of area differences which occurred in the shift from INM to AEDT.

Temporal scope

16.3.16 No details are provided to support the assertion the construction traffic will access/egress the site using (only) A roads, nor is any information provided about the responsibility to keep these routes in good condition, nor what standard "good condition" means, nor the timeframe over which any necessary repairs would be conducted, nor how

any traffic disruption will be managed during such repairs if necessary. Similarly for the assertion that haul routes and access roads will be kept "well maintained". For people adjacent to these roads, it is unlikely that the noise and vibration from heavy construction traffic would be insignificant.

16.4.2 No information is given on the noise and vibration expertise or experience of the members of the NWG.

Table 16.7 The baseline noise monitoring approach agreed by the NWG appears to be an adequate due to a failure to meet the relevant ISO standard by equipping and locating monitors specifically to assess noise from aircraft in flight.

Table 16.7 The point was made at the NEDG, and accepted, the use of 2019 as a baseline for noise comparison was inappropriate due to the non-permitted development and that the most recent year of typical conformant operation was 2016.

## 16.5 Methodology

16.5.4 The use of 2019 as a noise baseline year is inappropriate for the reasons given above. This was not a "normal" year, as acknowledged, since the permitted noise limits were being exceeded for the third year in a row. This comment applies to all other references to the 2019 baseline in this document.

## 16.6 Assumptions and limitations

16.6.1 (b) It is incorrect to state that airlines using Luton have not changed flight procedures since 2017: properly evidenced assessment is required.

16.6.1 (d) Again, proper evidencing of proportions of movements per route over time should be performed.

16.6.1 (f) The assumption that they have not been operational procedure changes since 2017 is likely to be unsafe because in the increasingly crowded airspace in 2018 in 2019, the proportion of aircraft held low beneath northbound London traffic and westerly departures is likely to have increased compared to the proportion cleared to climb; and the point at which tactical climb instruction could be given is also likely to have changed.

16.6.1 (h) The assumption that the A321neo issue will be resolved is unfounded - the aircraft has now been flying in Luton for some two years, Airbus looked in detail at the data, pilots have indicated the cause is due to the relatively short runway, and the situation has not improved. Therefore rather than sensitivity testing which are purely qualitative comment is made in table 16.47 about the possible effect if the A321neo noise does not improve, it would be more appropriate to model the situation in which the current performance pertains, and then do a sensitivity test on the possibility of it improving. Otherwise we have no accurate qualitative data on the more likely case which is that the performance remains as it has been for some time.

## 16.7 Baseline

It is unclear from table 16.17 where the monitors were located relative to the flightpaths and the extent to which altitude and rate of climb were known and could be factored in to interpreting the noise readings.

16.7.5 and Table 16.18 A correlating comparison should be provided between AEDT results and the existing INM contours for given historic years.

Tables 16.20 and 16.21 No explanation is provided as to why contour areas in the lower noise bands increase in 2043.

## 16.8 Mitigation

16.8.10 The further introduction of new generation aircraft may not materially change aircraft noise - the A321neo is not perceptibly less noisy than the A321ceo at Luton. No information is available about the noisiness of next generation aircraft and how well they perform at Luton. It is the case however that the airframe contributes an unavoidable amount of noise, and the electric powered aircraft do not become lighter during the return flight as would a kerosene powered aircraft through using fuel.

16.9.38 (b) No quantified limits have you been provided for the noise envelope, and since they would be derived from forecasts produced by the Applicant in line with its aspirations for growth, and that the envelope is acknowledged to be designed to enable the airport to operate efficiently and allowed to grow, it is hard to see how the envelope protects communities.

16.9.38 (c) It is questionable whether causing so much noise that significantly additional numbers of properties require sound insulation, is an improvement in health and quality of life.

16.9.52 An increase in commercial flights of 28% cannot be described as negligible more not significant. The same comment applies to other instances where numbers of flights will significantly increase.

16.9.84 Low-cost airlines notoriously runway during the day and arrive later night, and it is entirely unrealistic to expect to be able to control the addition of significant numbers of scheduled arrivals between 23:00 and 23:30 with any degree of certainty.

16.9.85 The contour noise values are expressed to one decimal place throughout except here, where an SOAEL difference of between 2 and 2.99 dB is quoted, as if seeking to avoid admitting that the difference is actually between 2 and 3 dB.

Table 16.47 See comments above regarding A321neo noise and also next generation aircraft noise. With no evidence to the contrary at Luton, it is unfounded and misleading to assume that the issue will be resolved and the contours are therefore erroneous.

16.10.5 See comments above re the Noise Envelope.

16.10.6 The NEDG cannot accept joint responsibility with the applicant, because the applicant has the final say and the data which feeds the limits is derived from the applicant's noise model.

16.10.10 and elsewhere: No information is given as to how the limits governing size of the contours will be set so as to share the benefits between the airport operator in the local communities.

16.10.11 Since airspace change proposals have not yet been finalised, and are subject to approval and comment by the CAA, and a further subject to consultation, this seems to be no basis for this statement. Indeed the NEDG has already noted that airspace change may alter the parameters of the envelope.

16.10.14 Since the proposed development would have long-term impacts, and there is an acknowledged uncertainty about airspace change proposals, it would be more appropriate to postpone any application until there is more certainty.

16.11.5 There is a lack of clarity over the level of equivalence between currently pertaining noise limits – specifically contours – derived using INM and the new limits derived using AEDT. There is mention in the Green Controlled Growth proposal of some leeway to avoid the cliff edge effect: it is not made absolutely clear that communities would be protected by ensuring that there was no such step change in noise.

16.11.15 Further modelling and investigation is required to bring clarity to this rather vague statement concerning significant adverse effects, the mitigation should be explored.

16.12 No reference is made out of the possible increased requirement for windows to be opening-night due to gradual global warming. No account is taken of possible increased go-arounds causing additional noise impacts as a result of increasingly stormy weather and high winds. No account is taken of possibility that there may be change in wind patterns and that the proportion of easterly westerly winds may change.

16.13.2 One of the three LLAOL permanent noise monitors is heavily polluted by noise from the M1 and does not provide reliable readings. There is no noise monitoring of arrivals runway 07.

16.13.3 To state that LLAOL is "exploring the possibility of providing additional permanent noise monitoring" is so vague and noncommittal as to be meaningless. It would be essential to have additional noise monitoring particularly in order to assess the effects of departure procedures which may alter the acceleration altitude from say 1,200 to 1,800 feet at the location where these effects may occur which is well before 6.5 km from start of roll.

16.13.4 The Monitoring Plan needs to be assessed as part of the application rather than only produced if the application were to be granted, otherwise communities would not be protected. Luton Airport and its planning authority have a poor track record when it comes to monitoring performance against noise limits and taking any mitigating action.

#### Appendix 16.1

4.1.1 Use of 2019 as a baseline year is inappropriate for the reasons already given.

4.1.3 It would be relevant to compare the contours from AEDT to those from the existing INM for a previous year to gauge equivalence and assess reasons for difference in order to provide some indication of the confidence that can be placed in continuity of impact quantification in any future transition to AEDT.

4.2 As 4.2.3 acknowledges, the noise was a key contributor to the soundscape in many of the monitoring locations. As previously indicated, monitoring equipment did not conform to the relevant ISO standard. In at least one of the key monitoring locations close to the airfield, the noise monitor was half hidden in a hedge beneath a tree.

Table 12 provide confidence in the monitoring and in the noise modelling, the significance of the proposed environmental impacts, it will be appropriate to compare average L<sub>Amax</sub> values measured at the monitors for different aircraft types with spot L<sub>Amax</sub> values for those aircraft types derived from the modelling.

6.2.5 Concerns were raised in the NEDG about the effects of a disconnect between INM and AEDT modelling, as indicated in 6.2.7.

6.2.8 There is a need to demonstrate that a transition from INM-based contouring to AEDT-based contouring would not produce a step change in the control mechanism governing the noise experienced by communities.

6.2.10 It is understood that the model does not generate the noise, but clearly an envelope based on the model and used for control should avoid a step change in effective control at the point of transition to the new model.

6.5.3 and Table 22 It is not safe to assume that the A321neo noise performance will improve, as has been indicated previously.

6.6.1 and Inset 4 The noise monitoring data provided by LLAOL was gathered in different locations at different times over an extended period. It is well known that the aircraft noise monitored at a given point is dependent on weather conditions including wind strength, temperature, humidity and air pressure, as well as loading.

6.7.1 Not all relevant factors affecting noise are included.

6.8 The substantial differences noted at South Luton and Breachwood Green (both key points) ought to be properly investigated by further monitoring, rather than the results omitted from the validation exercise.

6.9.2 For monitoring undertaking close to the runway, it will be appropriate to factor in whether the aircraft undertook an intersection departure or a full runway length departure.

Tables 34-38: It would be appropriate to conduct further monitoring to investigate and explain perceptible differences.

Tables 40-42: It would be appropriate to justify the fleet mix selected for the Do Nothing and Do Something scenarios.

6.15 The use of a 2019 baseline is inappropriate for the reasons given previously.

8.3 This analysis demonstrates just how significant an adverse impact is produced by the introduction of an inappropriately large aircraft at an airport with a comparatively short runway, where on the evidence of pilots the aircraft is required to be operated with additional flaps and thrust and hence produces more noise. Therefore, the benefits of new technology are not being shared with communities which in fact suffer significant disbenefit.

8.4 Due to the particular topography of Luton and its comparatively short runway, it cannot safely be assumed that next generation aircraft would necessarily perform in the way described, particularly given the experience with the A321neo.

#### Appendix 16.2 Draft Operational Noise Management Plan

1.1.2 This plan falls at the first hurdle by acknowledging that LLAOL is responsible operating the airport and for noise management, albeit only until 2031. Yet the entire expansion plan, the Noise Envelope Design, the forecasts and noise control limits, are all under the control of Luton Rising. The increased noise burden will be as a result of this plan, therefore it is unclear how LLAOL will manage it.

1.1.3 Again there is a failure of logic. The Draft ONMP is proposed by Luton Rising as the plan the Operator would implement in terms of goals for noise management, therefore ultimate responsibility for whether it is an effective plan in managing noise rests with Luton Rising and not with the Operator, provided that the Operator follows the plan. So it is unclear where ultimate responsibility and accountability lies.

Table 2.1 exposes the fallacy which the past history of failure in “noise management” has demonstrated: the current NAP summary included a commitment to abide by operational restrictions which, in its section 3.4 includes “We will operate within our agreed contour area limits”. Yet LLAOL failed to operate within its agreed contour area limits from 2017-2019 as a direct result of its own mismanagement by declaring too much capacity too soon in advance of introducing less noisy aircraft, financially incentivised by Luton Rising.

3.1.2 and 3.1.3 seek to play down and hedge around the application of operating restrictions which given the abject failure to abide by them in the past demonstrates clearly that there is still no meaningful nor reliable commitment to controlling noise as a high priority – this document seeks to relegate it to last place behind the commercial priorities of the airport owner / manager.

3.2 The Airbus A321neo represents a large aircraft with latest engine technology which has failed to deliver the certified and expected noise reduction at Luton Airport, because – as pilots have confirmed – extra flaps and thrust are needed because the runway is comparatively short and there is a speed restriction on the first turn on westerly

departures. Luton Airport has failed to manage noise at source by permitting the introduction and operation of an aircraft type which is clearly not suitable to be operated in a way which shares the benefits of new technology with communities. The Draft ONMP should include a provision to avoid the use of aircraft which cannot be operated within a noise envelope approaching certification levels.

3.3.6 Use of LAeq alone is inadequate to represent noise impacts and the NEDG recommends the use of N65 and N60 metrics, not just for “consideration for inclusion” – the latter phrase again suggesting an unwillingness to take noise impacts seriously.

3.3.14 Due to the heavy additional noise burden which will be placed on local communities as a result of the misguided and unreasonable proposal to load far more aircraft into the 8-hour night period, the night time landing charges should be substantially increased. Communities in South Luton, Breachwood Green, St Pauls Walden, Bendish and west Stevenage get no respite at all from aircraft noise from Luton Airport.

3.3.15 “Encourage” is of no value unless specific targets are set as part of the noise control measures.

3.3.22 There is no noise monitoring of arrivals on Runway 07, and the fixed noise monitor NM03 is heavily polluted by noise from the M1.

3.3.23 There is no independent review of the mobile in-community noise monitoring regime and errors have been made due to lack of statistical analysis competence: to be effective this process should be open to independent scrutiny and trends and patterns looked for rather than ignored. These mobile monitors have exposed the fact that the A321neo is in some locations noisier than the A321ceo yet this has been dismissed by the airport operator. There is simply no real commitment to controlling and managing noise if to do so would mean affecting the commercial aspirations of the Airport: this needs to change otherwise Green Controlled Growth will prove to be as meaningless as it looks.

3.3.25 This is not a firm commitment with a definite timeframe, and is therefore meaningless. There is no fixed noise monitoring beneath departure routes at around the point where the acceleration altitude is reached, to gauge the effect of different departure procedures. In those respects, the noise monitoring is inadequate if it is to form part of a meaningful noise control plan.

3.3.27 What does “eligible for noise insulation” actually mean: will the entire house be noise insulated to a defined standard at no cost to the owner, and will all eligible properties be offered noise insulation and be able to have it installed if desired by the date of the existing noise contour limits being exceeded again?

3.3.29 The tiered scheme is inadequate – at the very least all bedrooms should be noise insulated with the full cost being refunded.

3.4.2 There is no evidence provided to support the assertion that FLOPC is focused on minimising noise. The minutes of meetings and action points are not made publicly available; nor is a community representative invited to attend, for reasons of “commercial confidentiality”. The discussions and proceedings of FLOPC should be made accessible to independent scrutiny and participation.

3.4.6-3.4.9 The description of Noise Abatement Departure Procedures is deliberately slanted: the effects of different procedures should be researched with a proper independently reviewed experimental design and an open-minded scientific approach to data collection and analysis. The fact that the Draft ONMP does not say this indicates that it is airport-centric and closed-minded in its approach, and therefore unlikely to achieve its supposed aims.



3.4.10 Again this is disingenuous: at Luton Airport a significant proportion of the westerly Match/Detling departures are held low when airspace is crowded due to northbound air traffic from London. And again an independently verified experimental design and competent analysis is required to determine the noise effects of stepped versus continuous climb and the locations they affect.

3.4.14 We contest the quoted results of this “analysis” since there was no competent independent review of the experimental design, the adequacy of the data or the analysis itself. The airport operator refuses to be transparent about its noise data.

3.5.1 It is incorrect to claim that the 9,650-movement limit will continue to control noise at night, when that limit only applies between 23:30 and 06:00 and the applicant plans to load a large number of additional ATMs between 23:00 and 23:30, and 06:00 and 07:00, both of which are also “night periods”. See Chapter 16 comments above for details.

#### Climate Change

These comments are made in addition to the separately submitted report from the Aviation Environment Federation entitled “AEF comments on Luton Rising consultation carbon assessment March 2022.pdf”

Luton Borough Council has declared a climate emergency and in 2019 said that all 10 Executive Members unanimously agreed that there is much more the council can and should be doing to tackle the global issue of climate change. This proposal does not accord with that commitment nor does it account for the advice of the Committee for Climate Change which has urged restraint in aviation capacity growth and limiting it to a maximum of 25%. This application proposes to encourage 60% more aviation emissions.

Luton Borough Council has committed to seek independent scientific expert advice to help set an ambitious target for all council operations being carbon neutral and another target for the council’s wider partners achieving the same. Luton Rising and Luton Airport are key partners, and the Making Best Use of existing runways policy unavoidably requires aviation growth to be in accord with UK net zero targets. This proposal does not accord with those commitments.

#### Comments on Air Quality

Chapter 7 of the PEIR makes no specific reference to ultrafine particle emissions.

7.1.2 (a) mentions “dust and particulate matter (PM10, PM2.5) emissions arising from demolition, earthwork and construction works” but does not mention ultrafine particles, smaller than 100 nanometres (equivalent to PM0.1) which are the most damaging to health.

7.1.2 (b) refers to emissions from aircraft engines but without discussion. For detail, readers are referred to the Environmental Impact Assessment Scoping Report of 2019 (Appendices 1.1 and 1.2 in Volume 3 of the report), which speaks blandly of “mitigation by way of cleaner aircraft technology in the future due to aircraft emissions compliance to the Committee on Aviation Environmental Protection (CAEP) standards”. Again, the harms due to ultrafine particles is not given due consideration.

Appendix 7.1 includes a section on emission inventory methodology, which claims data were compiled as to emissions of fine particulate matter (PM10) and very fine particulate matter (PM2.5) from aircraft main engines in the landing and take-off (LTO) cycle. It adopts an assumption that all particulate matter emissions from aircraft engines were in the PM2.5 fraction, but has nothing to say about PM0.1 emissions, if indeed they are included within that fraction.

Appendix 7.3 presents results in reams of tables, which show estimated increases in PM2.5 emissions that might result from the proposed airport expansion. It indicates baseline readings (ie assuming only minimal mitigation) for a number of sites but estimates increases of around <0.1 which are dismissed as “negligible”, albeit in the context that the baseline readings for the airport’s own monitoring station are based on a mean reading of 12, the equivalent reading for a station on Dunstable Road (2.5 miles away) is 10 and for a station in Stevenage Road (10 miles away) is 8.

Chapter 13 on ‘Health and Community’ includes an Appendix 13.5 on ‘Evidence on Health Assessment’, which references evidence inter alia from the World Health Organisation and Public Health England demonstrating the serious health effects of poor air quality, especially for vulnerable and disadvantaged people, and acknowledges that the evidence linking air quality to health and wellbeing is strong. In spite of this, it had already been concluded 7.11.2 that “no additional mitigation has been proposed with respect to operational air quality effects”.

It is inadequate to give an assurance that although current levels of air pollution are significant, the airport will only make them slightly worse. It is also inadequate to ignore ultrafine particles, particularly since they are produced from aircraft engines and affect the local area during the LTO cycle, and would substantially increase by a factor of some 60% were this proposal to go ahead.

The report amounts to an apparently incoherent assembly of reports containing volumes of detail, the immanent effect, if not the clear intention, of which appears to be to obscure rather than illuminate. It appears that Luton Rising have paid no heed to the health issues of ultrafine particle emissions (see for example the recent report in the Guardian which can be found online at

<https://www.theguardian.com/environment/2022/feb/11/pollutionwatch-ultrafine-particles-from-aircraft-engines-endanger-lives>), and should take account of the most recent research as to their health implications.

We are proposing a 'Green Controlled Growth' framework which would ensure that the airport is required to operate within specified 'limits' for air quality, noise, surface access and greenhouse gases. Section 3 of the Consultation Brochure describes the approach and further detail can be found in our Draft Green Controlled Growth Proposals document.

### **13.**

Do you have any comments on our Green Controlled Growth approach? Please add your comments in the box below:

Comments on Green Controlled Growth by reference to sections and section numbers:

Green Controlled Growth (GCG) is described as legally binding independently overseen controls on:

- Air quality (three pollutants)
- Greenhouse gas emissions (from airport operations and surface access only)
- Aircraft noise (using contours only)
- Surface access (percentage using public transport and “sustainable modes”)

Given research (for example by University College) demonstrating that ultrafine particulates are widely dispersed around airports, and the established health research into

their damaging effects (cited by the Guardian at <https://www.theguardian.com/environment/2022/feb/11/pollutionwatch-ultrafine-particles-from-aircraft-engines-endanger-lives>, monitoring of these particulates should be conducted in the wider area around the airport correlated with growth in operations during 2022, and limits set to protect the health of people in affected communities. See our separate comments on Air Quality.

The 'Making Best Use of Existing Runways' (MBU) policy requires recognition of responsibility towards aviation emissions. It specifically states at 1.24 "that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts".

In 1.29 MBU requires that careful account be taken of "all relevant considerations", including "environmental impacts". This must include the UK's climate change obligations, including those which post-date the original implementation of the policy, such as the introduction of the Net Zero target and the inclusion of international aviation in the Sixth Carbon Budget. This is reinforced by the reference in footnote 39 of the Jet Zero Consultation to MBU and the requirement for airport expansion to meet the government's climate change obligations in order to be able to proceed. Simply to ignore the emissions due to the proposed expansion as "part of the national budget" would be wrong.

Therefore, GCG needs to take account of the additional emissions from aircraft in flight should the scheme proceed.

GCG proposes that the airport operator would be responsible for periodically monitoring and reporting on the four areas of control. This proposal is not aligned with the core GCG commitment to independence in the process of control: in effect the airport operator would be "marking its own homework".

The Environmental Scrutiny Group (ESG) reports to Luton Borough Council which, as owner and financial beneficiary of the airport is certainly not independent – and the proof of that is the track record of failure of development control during Project Curium. Not only was the Council party to financial incentivisation which encouraged "growth" and "super growth" airlines from 2014-19; it failed to deliver on its legally binding Section 106 agreement to scrutinise and monitor the Airport's performance against the Noise Control Scheme; it failed to enforce its planning controls; and in 2021 its development control committee decided in favour of an application which was in contravention of its own Local Plan, to set those controls aside. It has also failed to ensure the airport operator delivers a credible strategy for noise reduction by 2028 as required by the noise control planning conditions which the Council itself set to protect residential amenity. Luton Borough Council is not, by virtue of its poor track record, a suitable body to oversee and be in charge of GCG.

Comments on specific sections of the GCG proposals:

1.1.6 The meaning of the words regarding the baseline is unclear, but the intent is clear and inappropriate. It is not correct to use 2019 as a baseline for any environmental impacts since that was a year during which the airport was operated outside its planning consents as a result of non-permitted development.

1.3.4 The concession is due for renewal in 2031, and it is unclear how the GCG proposals would bind any future concessionaire, given the additional responsibilities referred to.

2.1.5 The Sustainability Statement does not accord with the proposals:

a) Protect and enhance the natural environment – not aligned, since the proposals involve building car parks, a new terminal and aircraft stands on an established County Wildlife Site and Asset of Community Value, and replacing it with ecologically sterile farmland.

b) Deliver climate resilience – this actually refers to ensuring that buildings are constructed so as to withstand increasingly violent storms, which is a recognition of the climate change harms which aviation emissions contribute to causing.

c) Lead the transition to carbon net zero – not aligned, due to ignoring the Scope 3 carbon emissions from the additional 60% of flights which are projected to occur

d) Become a national hub for green technology, finance and innovation – unsubstantiated, and not aligned with Luton Rising's track record of investing around half a billion pounds in a kerosene-fuelled industry

2.2.7 There is no evidence of “embedded mitigation” – in fact quite the reverse with the proposal to build over Wigmore Valley Park - a mature ecological site with established habitat.

2.3.1 The admission here is that targets for key aspects of the “environmental approach” cannot be relied on.

2.3.5 Without having clear environmental objectives which are under the control of the airport operator and capable of being delivered, and indeed with a mechanism to set aside such objectives as there are if it is considered expedient, it is unclear how the advantages claimed in 2.3.6 over other schemes would be delivered.

2.3.7 It is unclear how the alleged benefits would be weighed against the environmental impacts.

3.2.5 The limits and controls only apply in respect of effects “greater than those forecast” – therefore the entire control envelope depends on the forecasts which Luton Rising produces, again negating the core independence which GCG claims. In other words, heavy environmental impacts will already be “baked in”.

3.2.10 It is sensible in any control situation where limits apply to set thresholds which trigger action to ensure the limits are not exceeded – this is a basic negative feedback mechanism.

Neither Luton Borough Council nor the airport operator chose to exercise this approach in 2016, and in 2017 the planning limits were exceeded. The existence of such planning limits ought to have led to a more effective approach as from 2014, rather than a “dash for cash”. Luton Borough Council has no credible track record, and we have no reason to have confidence that this organisation should be in charge of the GCG process – particularly since the process appears to include get-outs for limits to be adjusted if not felt to be appropriate. Proper and independent oversight and control is required, and any adjustment to limits should only be permitted in a way which reduces the environmental burden on communities so as to share the benefits of expansion.

3.2.14 The transition period is inappropriate and could easily be abused: it is necessary to achieve a means of comparability between the existing INM-based noise contour model and the new AEDT-based model so that continuity can be assured without a cliff-edge and without a 2-year “free for all”.

3.5.8 There is no time limit set on the production and execution of a Mitigation Plan to bring any impact(s) back below the Limit. Such a plan should never be needed given that the Threshold mechanism is meant to operate so as to avoid a Limit being reached. Does this suggest a lack of confidence in the process? Would it not be better to demand a Mitigation Plan once a Threshold is exceeded?

3.6.1 – 3.6.4 This again is just a reiteration of the basic process for managing capacity which would be well-known to any competent airport operator, or at least one which is incentivised to operate within its limits, rather than at Luton where Luton Rising

incentivised the airport operator (and the operator responded) in a way which would potentially put the limits at risk of being beached. This again highlights the fact that Luton Rising has no experience or competence in airport management, and should not be the body proposing this expansion plan.

3.6.5 The claim that LLACC would be consulted on capacity declaration is misleading: at no point previously has the airport operator consulted the LLACC on its capacity declarations, and LLACC members are not trained or equipped to assess such declarations, neither does the airport operator provide access to any of its commercially confidential information which would enable such consultation to be meaningful.

3.6.7 The LLACC members do not have the skills or training to propose operational rules which the airport operator should follow, and no powers to bind it to follow them. When LLACC members advised the airport operator that its Noise Action Plan contained mis-statements about abiding within its noise contour limits, they were ignored. These proposals are simply not credible.

3.7 This is just needless repetition of what has gone before, and simply restates what a competent airport operator ought to be doing, particularly an operator which is mindful of its planning conditions.

3.8 This demonstrates that there is a process to adjust Limits and Thresholds, but contains no over-arching requirement to minimise environmental impacts in any decisions made, particularly since the ESG would report to LBC and not the other way round. Neither is there any commitment to ensure that the community benefits by an assurance that evolution of Limits would be so as to reduce, not increase, impacts.

3.9 It is suggested that the ESG's role supplements rather than replaces that under the Planning Act 2008, which may be an admission that the ESG has no effective powers.

3.9.5 LBC remains the decision-maker, which means the fundamental conflict of interest between LBC as owner and financial beneficiary of Luton Airport, and LBC in a scrutiny and oversight role. This conflict, and the corresponding failure of scrutiny, led to the existing situation of premature and unmitigated release of capacity, and hence breach of noise conditions. It is unclear what "LBC to consult with relevant stakeholders ... required to consider any representations in deciding whether to take enforcement action" is intended to achieve: if a breach occurs despite the Thresholds and the processes described, enforcement would be needed.

3.9.6 Judicial Review is a costly and risky process and to be avoided in the business of managing an airport.

3.9.7 "Other Planning Authorities...have ability to take enforcement action directly...section 161 and 163 of the PA 2008" – there is a £50,000 fine limit on breach so this may not be a disincentive to breach Limits if the commercial benefit in so doing is seen as sufficient.

4.1.4 – 4.1.6 If GCG is intended to have an effect, it would set Limits and Thresholds to prevent the Faster Growth case, noting all the preceding comments about capacity being a product of slot allocation.

4.1.12 The Limits between each Phase should be set at the average of the forecast impacts so as to represent a fair share of benefit between industry and the affected communities, not set according to the highest level of forecast impact.

4.1.13 The loose wording indicates a lack of intent. Rather than "the Airport Operator would ... be likely to be taking steps" it should instead be "the Airport Operator would ... be required to take steps".

4.2.3 For clarification, the Noise Envelope has not been developed by the NEDG, merely the parameters to be measured and monitored. The Envelope will only be known when forecasts and models are produced by Luton Rising's consultants, from which Luton Rising and its consultants will define the Limits. GCG should ensure that those Limits are not set at the upper extremes of forecast impacts, but at the mid-point.

Table 4.1 It is not possible to assess these values since no direct comparison is possible between the INM and AEDT contour areas. However, these are ranges with the upper end of the range reflecting the Faster Growth Case. Hence the Limits would permit faster growth which would lead to a larger number of households being impacted by noise compared to the "Do Nothing" scenario where numbers would be reducing over time. Phase 1 shows an upper limit above the 2019 level, and as this covers the years up to 2027-2029 it would permit unacceptable front loading of growth before mitigation.

4.2.11 states "These approaches would be available for use by the Airport Operator to manage the risk of the Noise Limit being breached". The wording is non-committal, which indicates a lack of commitment to control. Instead, it should be worded more positively, since these approaches would and should be used by the Airport Operator to avoid Noise Limits being breached.

4.2.13 No evidence is available to suggest that the A321neo noise issues in the context of the relatively short runway at Luton Airport will be resolved, as we mention elsewhere.

Without sight of the Airport Operator's Monitoring Plan, it is not possible to be certain of its effectiveness.

4.3 Air quality – this section does not measure the very harmful <0.1 micron ultrafine particulates which are known to damage human health: this is an oversight which should be rectified.

4.4 Greenhouse Gas emissions – see our separately submitted report commissioned from the Aviation Environment Federation entitled "AEF comments on Luton Rising consultation carbon assessment March 2022.pdf"

4.4.12 The assertion "Scope 3 emissions, by definition, are not within the Airport Operator's direct control" is incorrect: they can be controlled by measures such as: limiting the number of ATMs especially where load factors are low; requiring airlines to deploy newer more carbon-efficient aircraft; delaying consideration of any further expansion until airspace modernisation has delivered increased carbon efficiency.

4.4.17 Offsetting is disputed as not being a sustainable approach, and the statement "Given that this external offsetting mechanism exists, and that compliance with it is a legal requirement for airlines, we do not believe that provision of this mechanism through our GCG Proposals would be appropriate, as the Government has confirmed it believes aviation emissions are best dealt with at a national level" evades the issue. The GCG proposals should include a requirement for airlines using Luton Airport to reduce their GHG emissions, and to set a cap on all GHG emissions from the airport consistent with national GHG reduction targets.

4.4.18 The assertion that "In addition, setting a GCG Limit that went beyond the ambition of the Emissions Trading Scheme may lead to undesirable outcomes both for the airport and the wider environment" does not stand up to scrutiny. There is no reason why the GCG scheme should not introduce tighter control of all CO2 emissions, with an incentive scheme.

4.4.19 The assertion that "any decreases in GHG emissions from flights operating to and from the airport would simply be offset by equivalent increases elsewhere" is trite and is not adequately evidenced.

In addition, the proposal seeks to retain the no doubt lucrative private aviation business which operates low-capacity jets, many of which are used for leisure trips and not for business reasons. These result in higher CO2 emissions per passenger.

The assertion that without expansion there would be “longer surface transport journeys as people travel to less convenient airports” is also not evidenced: for the 30% of passengers living in London the journey to any London Airport is more or less equivalent on balance, and Luton is the least accessible by public transport.

4.4.21 No evidence is provided to support the assertion that “proposing to incorporate Scope 3 emissions related to surface access within our GCG Limit for GHG emissions ... goes beyond what is proposed by the UK government through their Jet Zero proposals, and shows the extent of our ambition to minimise GHG emissions from the airport”. The results of the Jet Zero consultation have not yet been published. Note that surface transport emissions will rise from 176,000 to 234-244,000 tonnes of CO2 by 2042, yet Luton Borough Council has made a commitment to achieve net zero by 2040 and Luton Borough Council owns the Airport.

Table 4.1 shows Luton Airport operations emissions on a gross basis will be 3,100-5,400 tonnes of CO2 by 2042 – yet Bristol Airport by comparison is aiming for net zero by 2030. These are not industry-leading proposals as claimed.

#### 4.5 Surface access

This is one of the most challenging areas of the proposal, since the airport is not well served by regular public transport with sufficient available capacity. The Bedford to London commuter railway line is already at capacity during the morning peak time southbound and the evening peak time northbound.

East/West transport links are poor, with much of the passenger and goods traffic on country roads and no effective public transport, yet these provide major catchment areas from which people drive.

4.5.7 confirms that the effect of COVID on staff has been substantially to shift transport modality back to private cars, and this has also been true of passenger behaviour and is unlikely to be easy to change. It is unclear whether and when the selected baseline of 38% will be achieved again, or for what credible reason. Availability of a DART at the end of a railway journey, compared to a bus, is hardly likely to alter behaviour to a substantial degree. The baseline is a high figure anyway since 2019 showed an unusual jump compared to previous years which hovered around 32%.

Table 4.5 suggests that air passenger public transport mode share rises from 38% (so 6.8 million) to 45% (14.4 million), and private travel rises from 11.2 million to 17.4 million – ie a 55% increase in passengers. This low modal shift compares unfavourably with other London Airports, and in any case is not under the direct control of the airport operator or owner. The fact remains that the location of Luton Airport is not sufficiently easy to reach by public transport and so encourages a high percentage of passengers to use cars and taxis, which is unsustainable if emissions are to be reduced.

#### 5 Summary and next steps

5.1.1 The feedback from the statutory consultation indicated a strong desire for reduced environmental impact, not essentially the further very significant increases to environmental impact overseen by the same authority but with an impact control process given a new name.

5.1.2 Limits for GCG essentially map to planning limits, and again the key is not so much what is monitored and “managed”, but what the scale of the environmental impacts are: in

this case excessive and in the view of the majority of those people who responded to the initial non-statutory consultation, unreasonable.

5.1.5 The views of consultees on the Limits are requested, yet the Limits are not provided, and neither could any consultee sensibly respond to a series of numbers representing noise contour areas without any frame of reference or means of comparison to what has gone before.

## Open space

Please see section 6 of the Consultation Brochure, which explains our approach to landscaping and open space as part of our plans to expand the airport. Our proposals include landscaping and ecology improvements, including the replacement of existing and planned public open space at Wigmore Valley Park.

### 14.

Do you have any comments on our open space and landscaping proposals? Is there anything you would like us to incorporate? Please add your comments in the box below:

The open space proposals are completely misleading. It is simply not the case that providing a strip of farmland, albeit slightly larger in area than the Community Wildlife site to be sacrificed, recompenses the community, respects the ecology or provides equivalent amenity.

It does not, particularly because:

It would take decades to mature, and would not in any case host the original flora and fauna which cannot be transplanted

It would no longer be located within easy access of local residents for whose benefit Wigmore Park was provided

It would remove the open green noise and pollution buffer between local housing and the airfield

We therefore oppose the open space and landscaping proposals on grounds that they would be to the significant detriment of the local community and of biodiversity and habitat.

Concreting over Wigmore Valley Park to build a new terminal, aircraft stands and car parks is detrimental to the essential open space which acts as a buffer between local housing and the airport. It also destroys valuable ecology in this County Wildlife site, which contains mature trees, ancient hedgerows and established wild orchids. A narrow strip of farmland further away from local houses is not adequate recompense to the community or the ecology. Agricultural farmland should be preserved for food production in any case. Wigmore Park is located on an old landfill site which contains oil drums and other toxic waste. It is known to be hazardous and is likely to have been generating gases which could cause explosions.

## Compensation and Community First Funding

Section 6 of the Consultation Brochure outlines our compensation proposals. We recognise that some people who live in, or own property near, the airport will be affected by its expansion. We have



prepared a Draft Compensation Policies and Measures document to explain our general approach to property and land acquisition, which also sets out the discretionary compensation available for eligible properties.

Since the 2019 statutory consultation we have reduced the thresholds at which people can apply for noise insulation - this means that many more people are now eligible. These discretionary offers are intended to enhance the terms available under the statutory compensation code for eligible properties, but do not change your statutory rights.

#### **15.**

Do you have any comments on our proposed compensation policies and measures? Please add your comments in the box below:

The limited compensation being proposed is not adequate for loss of quality of life, and possible loss of well-being. Where people are forced to move due to finding their homes have been blighted, they may be able to make a claim if they living very close to the runway – but this is after the event. How will they know for sure whether compensation would actually be payable? Others would have to rely on the Land Compensation Act and find a way to prove loss of value to their homes is due to noise blight. The only other compensation being offered is money paid into community funds, which hardly makes up or loss of residential amenity. The fitting of noise insulation to homes those closest to the airport involves double- or triple-glazing and a pump on the wall to bring in fresh air. It does not mitigate the noise outside, and means people cannot open the windows at night when it is hot. Neither does it provide any mitigation to the many tens of thousands of people overflowed by the airport. The compensation proposals do not make up for the harms which the proposal would cause.

Comments by reference to document and section:

Draft Compensation Policies and Measures

2 Our Acquisition Policy

2.6 “We would prefer to reach agreement with each landowner rather than relying on compulsory acquisition powers. However, to provide certainty that land will be available for the Proposed Development, it is necessary to seek powers of compulsory acquisition upon which we can rely if timely and reasonable agreements cannot be reached”

Why should a commercial developer be awarded compulsory acquisition powers? These are effectively a subsidy as they enable the purchaser to buy land at a lower price than if the vendor had the right to walk away.

4 Statutory Blight

4.3 Affected owners can submit a statutory blight notice but will have to incur professional costs to do so and have no certainty that their notice will be successful; there is great scope for disagreement about whether a property is subject to statutory blight and Luton Rising’s dealings with the public to date, on issues such as noise and transparency of financial affairs, do not inspire confidence that any such process will be fair and equitable.

5 Statutory Claims for reduction in property value

5.1.5 The first day for claiming compensation... is a year and a day after the works first come into public use. This is inadequate to prevent a business failing, especially after the

economic shock of the pandemic, and does not help businesses harmed by construction traffic and associated road closures. No discretionary scheme is offered to bridge this gap.

## 6 Proposed Discretionary Measures (misnumbered)

6.4 Given the complete failure of the airport to comply with its planning conditions over the years 2017-19, each of these noise contours can only be considered indicative. Past experience suggests that at each of the four levels the contours will cover a larger area and affect more properties and individuals than anticipated.

No information is given as to the number of properties or residents contained within these noise contours. We would assume that this information is available to the Applicant as its parent company is the local authority for much of the area. Failure to disclose such information is another example of lack of transparency in this process.

6.4.14 The four schemes are all judged against the LAeq 16h contours; no provision has been made for assessment of or compensation for night time noise in spite of the indicated increase in early morning and late night flights.

6.5.1 The package of insulation expressly excludes bathrooms and conservatories; this effectively means that noise enters the rest of the house through these weak spots and undermines the effect of the insulation measures in place.

7.3- 7.5 (or is it 6.6.1=6.8.1?) Noise insulation can only ever be a mitigation rather than a solution to the issue of airport noise. Residents of affected properties can only avoid the noise if their insulation is complete and only then when they are indoors with the windows shut. The structure of the proposed schemes means that residents under schemes 3 and 4 will qualify for partial insulation which seems pointless. A house within the 60dB LAeq 16h contour with partial insulation will still experience considerable effects of noise.

## 8 Professional Fee Policy (misnumbered)

8.1.2 This isn't actually a Professional Fee Policy, it's a promise to publish one at some unspecified future date.

In our last statutory consultation in 2019 we set out how we wanted to go further than simply mitigating the negative effects of expansion and proposed a new fund which we called FIRST.

We still propose to establish a similar fund, in line with our social and environmental ethos, we now propose more focus on areas of high deprivation in the region and by helping to finance local decarbonisation projects. As well as fitting better with our own values, we also believe this approach is better aligned with the national levelling up and decarbonisation agendas promoted by the government. To better reflect this revised approach, we have renamed the fund 'Community First'.

You can read more about our Community First proposals in our Compensation Policies and Measures document.

Do you have any comments about our proposals for the Community First scheme? Please add your comments in the box below:

#### 9 Community First

This is a shell game. As the airport is entirely owned by Luton Borough Council, the revenues flow to the Council anyway. Community First is therefore funded by money that should have come to the community in Luton and creates a democratic deficit as it is taken outside the scrutiny of the Council as a whole and the public transparency that entails.

The 40% being earmarked for the “near Neighbour Fund” is a cynical move intended to mollify neighbouring local authorities and community groups, who are united in their objection to this expansion. It is questionable whether such a payment is legitimate use of money that belongs to the residents of Luton Borough.

## Further comments

### 17.

Do you have any other comments about our proposals to expand London Luton Airport? Please add your comments in the box below:

#### Public Safety Zone omission

The consultation material appears not to consider in detail the increased risks to public safety and the creation of appropriate Public Safety Zones (PSZs).

Given the topology, it would be necessary to ensure a larger PSZ to the west of the runway than to the east to allow for the fact that the land falls away quite steeply and therefore any accident on or near the runway affecting a westerly departure could create a more elongated debris field than to the east where the land is flatter.