

Peter White-20038959

Ladies and gentlemen of the panel, thank you for the opportunity to speak this evening.

The keystone of the expansion plans by Luton Rising/Luton Borough Council (LR/LBC) is the concept of Green Controlled Growth (GCG) being a legally binding structure to prevent increased noise and air pollution from airport expansion.

Volume 7 documents 7.07/7.08 refer to this strategy.

From my reading of these documents, I would challenge the case that GCG is legally binding, as it will in fact be a commercial agreement between LR and the airport operator to maximise airport growth with the minimum of intervention, and the maximum support of the local planning authority, the airport owner, LBC.

Firstly GCG does not formally exist within the context of this application; it is just a selection of potential scenarios that could form part of any binding controls. LR clearly state that GCG will only become real if this application is granted, and then it would be the airport operator who will draw up what will be included, as LR intends to pass the control of GCG regulation to the operator.

Luton airport is of course a commercial enterprise, income is the sole interest of the airport operator, and therefore why should it hamstring that objective with regulations to stunt its growth?

There are four categories which will fall under GCG controls-aircraft noise/air quality/greenhouse gas emissions/surface access, but only when these fall under the control of the airport operator. Airport operations emissions under the control of the operator are listed as:-

Emissions from generation of grid electricity consumed at the airport by the airport operator.

Emissions from the combustion of natural gas consumed at the airport by the airport operator

Emissions from the combustion of liquid fuel consumed at the airport (including for on-airport fire training).

Emissions from the combustion of fuel used in Internal Combustion Engine (ICE) airport vehicles.

Emissions from the generation of electricity used to charge electrically powered airport vehicles.

On-airport fugitive refrigeration emissions.

Emissions from airport usage de-icer.

This clearly shows to me that the GCG framework is just another use of politically acceptable rhetoric to give the illusion that this expansion will put environmental issues and public quality of life first, when it clearly has no intention of allowing those key issues to halt commercial growth.

Aircraft Noise- will not be covered by GCG controls as it falls outside the definitions of what is operator controlled. It is however directly controlled by the airport operator as it is they who will by commercial agreements expand the flights at the airport.

It will be the airport operator who allows airlines to use noisy aircraft, as opposed to insisting that

the quietest aircraft would be used at all times. It is the airport operator that will grant runway slots particular within the peak demand times for airport operations, early morning/late evening/night time. I would therefore argue that aircraft noise IS directly under the operator's control, as it will only increase if they allow it to?

Air Quality-as with aircraft noise, airborne pollution from aircraft operations is also directly controllable by the airport operator. The operator clearly knows that by increasing flights, pollution increases, it can control pollution, like aircraft noise, by only granting flight slots to airlines with the least polluting new aircraft types. There is no guarantee within the limited actual detail within this application that only new generation aircraft will be allowed on new flights? Such strict guidelines are definitely within the airport operator's control.

GHG emissions- once again these are also controllable by the airport operator, for the reasons mentioned previously. The operator has direct control over the type of aircraft an airline operates at the airport, by imposing the simple rule no new aircraft type = no increase in flights.

GHG emissions also arise from the vehicle traffic used by airport staff and passengers; this application is directly encouraging an increase in those emissions by doubling the car parking for passengers, and building a coach station at terminal 2.

This clearly shows that it is within the operators control to cut GHG emissions, by simply not expanding car parking, and not constructing the coach station at T2. That building could be reached from the existing coach station via the proposed DART link to terminal 2, which was built to cut road journeys to the airport, so would be fulfilling its main purpose?

Surface Access- surface access within this application revolves around the construction of a new multi carriageway road from the west side of the airport site to the east. It involves a substantial increase on passenger car parking. Both these will involve a huge increase in harmful emissions/noise intrusion into local housing estates to the north and east of the airport, which will become the major access route from the east and north.

Control of this is within the gift of the airport operator, as neither is essential to airport expansion if GCG and the cutting of emissions is a keystone of this application, but as car parking revenue is a key income stream for the airport operator, it is clearly apparent that those revenues will be expanded as much as possible.

I now wish to mention the supposed control group for GCG, the environmental scrutiny group. This application clearly shows that this group has no actual control on any of the actions of the airport operator, as it clearly states that it will be an advisory group only.

It can pass recommendations on airport operations, but not impose any cease and desist actions. Any recommendations will also be only after the event, and there is no power to stop the extra flights which have caused increases in emissions/noise.

The airport operator will always have the final say. It can breach any of the cursory limits detailed within this application, it can simply say they are outside of its control, and carry on growing.

The ESG can refer breeches to the local planning authority for action, but as the local authority owns the airport, it will not actually do anything that would upset the airport operator and affect its own airport income stream.

I therefore reiterate my observations that the GCG pledge in this application will not be legally binding, but just another perfect example of the greenwashing techniques employed by the current airport operator and LR/LBC over the past years to justify their growth plans.

On what do I base my conclusions that commercial growth will never be allowed to stall for environmental reasons, or for the health and quality of life of those who live with airport operations?

You already have that information within the planning inspectorate ladies and gentlemen, by which I mean the report by your colleagues for the inquiry into the 19 million passenger cap/noise contour changes from 2022.

That inquiry was clearly shown that the airport operator deliberately breached legally binding planning conditions on noise contours, due to a growth plan funded by LR/LBC. This saw the 18 million passengers per annum throughput cap reached in 2020, rather than the planned 2028. Those infringements could easily have been stopped by simply stopping that growth plan, and growing capacity in a more responsible manner, by natural growth only. Under scrutiny at that inquiry, the planning officer for LBC admitted that LBC did not even consider that course of action, because the income stream was of far more importance than its responsibility to maintain the quality of life for local communities affected by airport operations, by enforcing legally binding planning conditions.

Expansion of the airport and increased income, and airport asset value, is crucial to LBC's plan to end poverty in Luton by 2040, as it is the only way LBC see of ending said poverty.

This to me is another clear indicator that nothing, be it legally/morally or ethically right, will be allowed by LBC/LR to stop its expansion plans.

You, Ladies and gentleman, are now being asked to believe that LR/LBC and the airport operator, have grown a social and environmental conscience, and that this application will have legally binding environmental safeguards on airport operations, which will directly affect that income stream to achieve that poverty reduction.

GCG is not and never will be a legally binding formula to control and reduce the environmental impacts of airport expansion. It is a simple trade mark patent for carry on as usual.

I am therefore respectfully asking you to look through that greenwashed fog, and look at the facts regarding the actions of LR/LBC and the airport operator over the past 10 years, which clearly show that increasing and sustaining commercial income is the only form of sustainability they are remotely interested in.

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Additional submission to Inquiry following the open floor sessions.

I attended both the open floor sessions on the 10th & 11th August, and would like to submit the following observations/further questions on statements made there.

Local Estate Parking Schemes.

I live in Vauxhall Park, the area where the first residents parking scheme was introduced. At the time Luton Borough Council (LBC) canvassed this scheme, it was pointed out by residents and our local councillors that all this would do would be to push that parking into the neighbouring estates, Wigmore/Stopsley/Round Green. As you are aware this did of course happen, so by expanding the scheme it will only push that parking across the rest of Luton, and into the surrounding villages, which are of course outside the borough boundary.

Has the applicant revised its plans so that it is prepared to see a borough wide parking scheme introduced when passenger fly parking just moves on, and will it be then funded by the applicant?

How will the applicant address passenger parking issues in villages outside the borough boundary?

LBC refused to ask Luton Rising (LR) or the airport operator, to fund the Vauxhall Park scheme, as no other schemes in the town were funded by for example, the train providers for parking issues caused by rail users. Evidence clearly exists that airport passengers are using local estates to park, how can they now deny that fact, and not accept responsibility?

I would also point out that not all those parking are travellers, a large number are airport employees. Staff used to have access to free onsite parking, but several years ago that stopped for some reason. Staff now has to pay to park on site. As the vast majority of staff are zero hours contract/minimum wage, the addition of parking charges means they seek free parking as near as possible, and then walk into the airport and catch the long term car park/car hire centre free transfer busses.

Will the applicant be ensuring that free onsite parking, within the current airport footprint, will be available for all airport staff, whoever they work for to combat this?

Charitable donations will increase if passenger numbers increase.

The majority of the supporters of this application would appear to be charitable organisations who receive grants from the applicant. There is a belief that an increase in passengers will result in an increase in funding. In fact it appeared to me that there was an implication that if expansion did not happen, then the current funding levels will suffer?

Looking at the accounts filed by LR at companies' house, there is clear evidence that passenger increases over the past years have progressively fallen against growing passenger throughput.

Financial Year	Passenger Throughput	Charity Donations
2010/11	8,829,008	£10,912,000
2011/12	9,546,499	£11,925,000
2012/13	9,654,044	£15,995,000
2013/14	9,739,040	£13,522,000
2014/15	10,785,835	£13,029,000
2015/16	12,838,955	£14,823,000
2016/17	15,053,416	£10,326,000
2017/18	16,581,850	£9,365,000
2018/19	17,154,573	£9,204,000
2019/20	17,457,093	£9,175,000
2020/21	2,919,973	£8,332,000
2021/22	6,264,659	£7,431,000

There is no coincidence that from the peak in 2012/13, the figures have fallen as that was when LR embarked on its plans to invest in airport developments, the DART transit link, and this DCO application. The money was provided by LBC from loans from the Public Works Loans Board, as it received better interest rates than if LR went to commercial finance houses. The money to repay those loans was then kept by LR from concession income, hence charity donations fell.

It is also of note that the donations for 2020/21-2021/22 were made from an extra funding pot provided to LR from LBC to enable LR to stay solvent and viable during the Covid pandemic.

As this development will cost in excess of £2.5 billion, and the applicant has expressed a path where it will seek to fund it themselves, if agreements cannot be met with the airport operator/other development partners. Do they have a guaranteed charitable donation plan to ensure that donations will fall no lower than the pre Covid levels?

Is that plan a publically accessible table of legally binding figures that define what an increase of a million passengers will deliver in charitable donations? This would enable charities to budget for services as they see passenger growth occur, and the general public to see that LR are staying to a defined structure, and not diverting new income to finance debts?

Noise Insulation Scheme.

The current scheme only applies to properties that are within the noise contour footprint, and is therefore only for those suffering from noise from above.

The neighbouring estates to the airport site, Vauxhall and Wigmore Wards, not only receive disturbance from aircraft on arrival and departure, but also from the ground noise of aircraft on the taxiways and aprons at the airport.

This noise can be a consistent intrusion during the four peak waves of flights at the airport. It is a cocktail of aircraft auxiliary power units running to provide electrical power to parked aircraft, aircraft starting on stands, taxiing to and from holding points and stands, and of course those reverse thrusting on arrival and applying thrust on departure.

If an aircraft carries out a missed approach, usually due the runway being occupied by another aircraft, then the standard procedure is now turns over the town rather than over the countryside to the south of the site, this noise is also added to the mix.

None of this noise is monitored by the airport operator, as legally it has no need to, so you will see that noise contour maps only cover the areas of South Luton affected by airborne noise.

If therefore the airport is expanded nearer to the estates around Wigmore Valley Park the site of development, we will have a doubling of aircraft ground operations noise, but will still have no access to grants to protect our personal spaces.

You cannot complain through the current noise complaint structure, and LBC refuse to act on any complaints under their neighbourhood nuisance framework.

Will the applicant accept the fact that aircraft ground operations noise is equally as intrusive as airborne noise, and change its qualifying criteria that insulation will be provided to all properties affected?

Will it also accept that the current awards are insufficient to cover all doors and windows in any affected property, and change this so that it covers the complete insulation of a property in all areas where noise is intrusive?

Will ground operations noise be recognised as a nuisance, and residents are able to lodge complaints within the current system?

Cost of expansion

At the LBC Audit & Governance Committee on 20th July 2023, the Committee was presented with Draft Audit Results Report for the year 2018/19 by their auditors at that time, Ernst and Young-EY.

The report can be found here, stating at Page 172:-

<https://democracy.luton.gov.uk/cm5public/Meetings.aspx>

Page 189 contains an audit risk assessment of the DCO (last access 17/08/23):-

DCO

To support our work in this area we commissioned EY Corporate Finance aviation specialists and reviewed the relevant work of the LLAL component auditor PwC. Corporate Finance's remit was to review the rationale for capitalisation of DCO costs for the purposes of group accounts, in light of the significant impact Covid-19 has had to date and the uncertainties it raises for the future of the aviation industry and for London Luton Airport specifically.

Further, the concession agreement with the Airport operator results in additional factors that need careful consideration in relation to expansion.

The work of Corporate Finance included:

- An overview of the planning environment for airports through independent research of airport expansions in the UK.
- Obtaining and reading documentation which supports the feasibility of the DCO.
- Review of financial modelling supporting the DCO.
- An expert view on the incentives in the existing concessionaire agreement for the operator to finance each phase of the Airport expansion schemes proposed in the DCO. The proposed expansion of the Airport is split into three phases:
 - Phase 1 which is for adaptations to the existing Terminal 1 to increase the capacity of the airport to 21.5 million passengers per annum (mppa) at a cost of approximately £274 million.
 - Phases 2a) and b) which is for the addition of a new terminal and related infrastructure works to increase the capacity of the airport to 32 mppa at a cost of approximately £2.7 billion

Based on the results of this work and other relevant factors we have concluded that expansion of the airport in line with phases 2a) and b) of the DCO is highly speculative, uncertain and is likely to have a reduced net present value.

This conclusion is supported by the findings of the Council's own external expert, Arup. The modelling performed by Arup does show an increased net present value of the Airport for phase 1. However, at this point, planning permission has not been obtained beyond 18mppa, there is no approved business case for the scheme and the financing and viability of Phase 1 remains uncertain. Further, under the terms of the concession agreement, the Council does not have contractual rights to enforce the concessionaire to undertake and finance expansion of the Airport.

The Council will need to renegotiate the concession agreement to seek the concessionaire to carry out the expansion. There is no assurance that such an arrangement could be reached on mutually acceptable commercial terms.

The applicants' airport experts, ARUP, advised them that Phase 1 of the DCO had no approved business case, and the financing and viability of it remained uncertain. They also advised that the applicant had no contractual rights within the current concession agreement, to enforce that concessionaire to undertake and finance Phase 1.

Phase 2, ARUP describe as being highly speculative, uncertain, and indeed could even reduce airport value.

Bearing in mind that all major capital expenditure projects have a go/no go point, the point at which a project manager has to decide that financial returns, and other tangible material benefits will be delivered over costs, what were/are the trigger points in this DCO application?

What are the acceptable losses for the applicant to deliver this project?

Why did the applicant, when presented with its expert advice, not redraw its application to include Phase 1 only?

Why did the applicant not postpone the application for this DCO, until it had renegotiated the concession agreement to ensure that the delivery/costs would be guaranteed to be met by the airport concessionaire?

Did they applicant exhaust all options to develop the current airport site for its full potential to deliver terminal capacity/car parking options/aircraft parking stand provision?

Where is the publically accessible documentation on those options and the decision making process behind decisions?

Filling new capacity-passenger growth strategy.

The applicant used a self-financed passenger growth strategy to grow passenger numbers to the 18 million passengers per annum cap eight years ahead of schedule, 2019 rather than 2027.

This strategy was directly responsible for the breach of noise contour Planning Conditions set when expansion from 12 to 18 million passengers per annum was passed by LBC.

Though the growth scheme was financed by LBC, it was negotiated with airlines by the airport operator.

To ensure that this does not happen again under this application, and to show clear purpose that Green Controlled Growth(GCG) commitments will be met and adhered to, will the applicant add the following to the GCG policy legally binding regulations:-

That no financial inducement schemes will be introduced/financed by themselves, the airport operator, or any other outside parties for passenger growth?

That any schemes currently in operation will cease within twelve months of the granting of this DCO?

That airlines will pay full tariffs for all new services, so that growth will truly only be by actual demand rather than by financial inducements?

That a new tariff schedule will be created which ensures that any flights operating between 2200-0700, will pay a premium rate on top of the full fee rate?

This extra income could then be divided equally between the noise insulation scheme, and the charitable donations. This would bring extra funds to both those affected by night operations, and those in need of charitable help?

Can the applicant please explain why none of the above are contained within their submitted GCG regulations, if they were considered as part of the scheme, and if they were, the reasoning and data as to why they were discarded?

