

TR020001 Volume 8 Additional Submissions (Examination) **8.31 Applicant's Response to Relevant Representations - Part 2C of 4 (Non-Statutory Organisations)** Infrastructure Planning (Examination Procedure) Rules 2010 Application Document Ref: TR020001/APP/8.31 Infrastructure Planning (Examination Procedure) Rules 2010 Application Document Ref: TR020001/APP/8.31

The following is our response to Luton Rising who have commented on our RR under **RR-0472**

### Topic Consultations

#### Matters Raised in relevant Representation (Verbatim)

Options available during consultations had already been rejected.

#### Luton Rising's Response

The pre-application consultation process comprised the following main stages:

- non-statutory consultation (25 June 2018 to 31 August 2018);
- 2019 statutory consultation (16 October 2019 to 16 December 2019); and 2022
- 2022 statutory consultation (8 February 2022 to 4 April 2022).

The 2018 non-statutory consultation presented options to expand the airport by making best use of the existing runway. Information on a long list of potential options was presented, and a description of the sifting process the Applicant went through to reach a short list of four options was provided. Information about each of the options was presented, and the option appraisal process described in two reports, the Sift 1 and Sift 2 Reports which are available in **Appendix B** of the **Design and Access Statement [APP-209 and APP-210]**.

The four options identified for non-statutory consultation comprised three options that focused development to the north of the runway, and a fourth option that focused development to the south of the runway. Of these options, Option 1a, which focused development to the north of the runway and had two terminals, was identified as the emerging preferred option prior to the consultation commencing.

A consultation report summarising the 2018 consultation feedback and how it had informed the scheme was published after the consultation, alongside the Sift 3 report summarising the updated options appraisal. A copy of the 2018 consultation feedback report can be found in **Appendix A** of the **Consultation Report [APP- 174]** and the Sift 3 report is appended to the **Design and Access Statement [APP-211]**.

The purpose of the 2019 statutory consultation was to seek views on the preferred option which had been developed in response to feedback from the 2018 non-statutory consultation. The key changes following the 2019 statutory consultation period are provided in paragraph 1.3.12 of the **Consultation Report [AS-048]**.

The 2022 statutory consultation sought views on the Proposed Development as updated to reflect the 2019 feedback. The key changes following the 2022 statutory consultation are summarised in paragraph 1.3.17 of the **Consultation Report [AS-048]**

## Our Reply

### We refer you to our WR

**AS-048 10.2.13** and again in **AS-049 4.3.2** states that the option to the south of the runway had already been rejected in Sift 2 yet the public were being asked to express an opinion in Sift 3. We take the view that the consultations were a sham.

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## Topic Surface Access

### Matters Raised in relevant Representation (Verbatim)

Proposed breach of the Luton Local Plan adopted in 2017 that bans the use of Eaton Green Road to provide access to Century Park or the Airport, except for public transport, cyclists, pedestrians and in case of emergency. The planned use of residential roads to facilitate access to the airport from the east rather than providing a dedicated bypass. The planned installation of 7 sets of traffic lights in the ward of Wigmore to replace 7 roundabouts plus 3 additional sets for new road junctions when Wigmore has no traffic lights at present. The applicant makes no mention of Satellite Navigation Systems, which all choose a different route from the mitigated route to get to and from the A505 and the East of England due to the breach of the Luton Local Plan.

### Luton Rising's Response

**Section 8** of the **Transport Assessment [APP- 203 to APP-206]** sets out the approach to traffic generation and distribution. The majority of Airport related passengers arrive from the west and via the motorway network. Signage to the Airport is from the major road network and where traffic approaches from the east is signed via the A505. Highway improvements have been proposed on the main road network including M1 Junction 10, the A1081 Airport Way and Vauxhall Way to seek to provide capacity on the main routes into the Airport. Some people may choose to take alternative routes and we have therefore taken steps to provide capacity improvements to the local network to ensure that if they do, local traffic is not adversely impacted.

The Application also proposes the Airport Access Road (AAR), similar to Century Park Access Road (CPAR) permitted under an earlier local planning application, to connect Airport Way to the consented Century Park development (now known as Green Horizons Park) which is located to the east of the Airport.

The AAR is included as part of the application for development consent and provides the certainty that the road would be delivered ahead of the time it would be relied upon for access to the expansion area east of the existing airport.

The DCO application will be decided in accordance with Section 105 of the Planning Act 2008 (Ref 9), which sets out the matters the Secretary of State must have regard to in deciding on the

application. The application is not made under the Town and County Planning Act 1990 and therefore not subject to Section 70(2) (Ref 10), which requires the Application to be determined in accordance with the Development Plan, so far as material to the application.

## Our Reply

See our WR for more detail.

Luton Rising anticipates a surge in traffic from the east, as the application includes upgrades to the A505 at both Hitchin and by the A1M at Stevenage. Their reply seems to play down this fact by commenting that the majority of traffic will use the link to the M1 at junction 10 while ignoring the substantial extra traffic a 32m passenger airport will bring due to a lack of east-west public transport options.

The days of following road signage are over with most cars having access to car navigation systems particularly being used on longer journeys to airports where time is a critical factor and official signage is ignored for a quicker journey. On Luton Airport's own website they do not mention following road signs to the airport instead providing post codes for Sat Nav's and by making the following comment:

***“If you're using Sat Nav, use postcode LU2 9QT to get to the airport. Then just follow the road signs to your chosen Car Park”***

[https://www.london-luton.co.uk/parking?qclid=Cj0KCCQjw9fqhBhDSARIsAHlcQYQQLGwxGwWv3jjd5ltZ\\_e1boyEt\\_s6SCYnoxeyBY7U\\_Dn33\\_KpaUalaAq0BEALw\\_wcB](https://www.london-luton.co.uk/parking?qclid=Cj0KCCQjw9fqhBhDSARIsAHlcQYQQLGwxGwWv3jjd5ltZ_e1boyEt_s6SCYnoxeyBY7U_Dn33_KpaUalaAq0BEALw_wcB) (URL checked 11/9/23)

The breach of the Luton Local Plan and measures to increase traffic through residential Wigmore is to the detriment of local residents including school children. No consideration has been made regarding the health and wellbeing of people who live in Wigmore, as the focus is on expanding the airport regardless of the human cost.

The only reason why capacity improvements are required in Wigmore is purely down to the breach of the Local Plan that opens up an alternative and quicker route to Terminal 2 from the east.

Regarding the planning permission granted for CPAR. This has always been about access to Terminal 2. We note the revealing statement as part of Luton Rising's reply.

***“The AAR is included as part of the application for development consent and provides the certainty that the road would be delivered ahead of the time it would be relied upon for access to the expansion area east of the existing airport”***

A company called Capita were engaged in **2016** to perform ecology works that was published in **2017**. There is evidence from their documents that a new terminal would be built on Wigmore Valley Park, though the council denied this to the Friends of Wigmore Park group when challenged.

Ref: 17\_02300\_EIA-EC03\_Wintering Bird Report-686535.

The 2017 report contain the paragraphs:

***1.14 A 2 km access road is proposed to run from the west through Dairyborn Scarp DWS, over an existing industrial road and buildings associated with airport operations and through the north of Wigmore Park.'***

and

***'BRIEF AND OBJECTIVES.***

***1.15 To provide baseline data regarding the bird communities present within both Wigmore and Century Parks prior to the construction of a new terminal at Luton Airport, Capita was commissioned to complete a number of bird surveys of both areas to provide:'***

If the original planned timeline had been followed, then the CPAR would have been completed before the DCO was submitted. Its name then would have been changed to Airport Access Road (AAR), as that road's primary purpose has always been to serve a second terminal and not a fringe business park. The fact that funding has not been secured means we challenge this breach of the Luton Local Plan.

As part of our WR we have provided evidence that the Planning Committee was engaged in claimed corrupt practices and was being influenced and pressurised by the Council to approve planning applications, which is illegal. This came to light through a resignation letter from a serving barrister who was a member of the planning committee at that time.

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**Topic** Wigmore Valley Park

#### **Matters Raised in relevant Representation (Verbatim)**

The planned destruction of most of the award winning Wigmore Park and all of its County Wildlife Site. That most the replacement Wigmore Park is in Hertfordshire and not Luton so cannot be counted as Luton Open Space. The proposal will see 1,152,000m<sup>2</sup> of vegetation clearance and 82,000m<sup>2</sup> of mature tree clearance. Many people will live too far to benefit from the replacement Wigmore Park, due to the distance required to walk to it. The plans include areas of hedge restoration on land that is not owned by Luton Rising or under the planning authority of Luton Borough Council. Much if this land is subject to other planning applications.

**Topic** Wigmore Valley Park

#### **Luton Rising's Response**

It is acknowledged that the southern part of Wigmore Park, including the country wildlife site, will be lost for the Proposed Development.

Due to the proposed loss of this resource, the park and its habitats were subject to extensive ecological surveys (as reported in **Appendix 8.1 Ecology Baseline Report [AS-033 AS-034]** of the Environmental Statement (ES)) and the DCO application proposes replacement open space and habitats, as assessed and described in **Chapter 14 of the ES [AS-079]** and shown in the **Strategic Landscape Masterplan [APP-172]**. The impact on the County Wildlife Site is assessed and reported in **Chapter 8 of the ES [AS-027]** (Section 8.9), whilst the initial loss is considered significant in the short term the replacement habitats provided by the Proposed Development reduce this to not significant in the long term. Overall, the Proposed Development will result in a biodiversity net gain of at least 10% as reported in **Appendix 8.5 [APP- 067]** (Section 6).

The northern part of the park remains as existing (to be improved as part of the Green Horizons Park planning permission) and will remain accessible from the same locations with the replacement open space directly to the east instead of the south.

The replacement open space is directly adjacent to the east of the remaining existing park so that it remains accessible to the population currently using the park. It has not been claimed that it is 'Luton Open Space' but is accessible to people from Luton as well as the surrounding area. Any attempt to replace the open space in Luton would mean it would be disconnected from the existing space.

The replacement open space is larger in area than the existing, so its eastern boundaries are further away. However, those wishing to walk the same distance are free to do so, they do not need to travel further to use the park. The open space will also be designed to be more accessible, which means it will be available to a wider range of users than is currently the case, including those with mobility issues, and those with pushchairs, or on bicycles, as shown in the **Strategic Landscape Masterplan [APP-172]**.

The hedgerow restoration provided to the north east of the replacement open space is for landscape and visual screening mitigation and therefore needs to be in that location. If other development goes ahead which means that mitigation is no longer required it would not be implemented.

The areas required for hedgerow restoration are within the Order Limits and appropriate land powers are being sought for the planting and subsequent maintenance of the hedgerows.

### **Our Reply**

Luton Rising admits that most of Wigmore Park and 100% of its County Wildlife Site will be destroyed and that the losses are considered significant in the short term. As there will be no replacement County Wildlife Site we see this as a **significant** long term loss. Wigmore Valley Park is a major **mature** park in the Borough of Luton that aids the wellbeing of the local population with its wild areas and County Wildlife Site. This should not be dismissed.

There are no areas in the Borough of Luton that could host a new park of this size due to a shortage of green space, which is another reason why Wigmore Park and its County Wildlife site should be preserved.

We note the admission that not all hedgerow restoration might take place and would be subject to other planning applications not being granted by North Herts District Council.

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**Topic** Climate Change Resilience

### **Matters Raised in relevant Representation (Verbatim)**

While the application makes reference to a net zero airport it is not committed to net zero aircraft only using the airport.

### **Luton Rising's Response**

The carbon emissions for aviation as reported in **Chapter 12 Greenhouse Gas [APP-038]** of the ES are modelled on the Jet Zero Strategy<sup>1</sup> High Ambition scenario that represents current UK Government policy on aviation.

The greenhouse gas emissions from aviation at Luton airport will be managed and capped by the UK Emissions Trading Scheme (UK ETS) within the European Economic Area, and the global Carbon Offsetting and Reduction Scheme for International Aviation (CORSA).

### **Our Reply**

Trading emissions is not the same as reducing emissions.

<https://commonslibrary.parliament.uk/research-briefings/cbp-8826/>

(URL checked 11/9/23)

***“Aviation is widely recognised as both one of the most carbon-intensive forms of transport and one of the most difficult to decarbonise. This means that aviation could well be the largest contributor to UK greenhouse gas emissions by 2050, particularly if demand continues to grow”***

Luton Rising has made no commitment to make any effort in reducing aircraft emissions from aircraft operating out of Luton. This could happen by proposing to penalise the more polluting aircraft that operate into Luton or by charging an empty seat surcharge. Under these proposals pollution will substantially increase.

Luton is the UK's busiest business jet airport with aircraft carrying just a handful of passengers, which increases emissions per passenger above many, if not all, of UK's major airports.

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## Topic Air Quality

### Matters Raised in relevant Representation (Verbatim)

Under these proposals aircraft pollution will rise.

### Luton Rising's Response

Chapter 7 of the ES [AS-076] reports the an assessment of air quality impacts, including consideration of pollution from aircraft following the methodology agreed with the local councils. The methodology followed is in line with best practice guidance and policy outlined in section 7.2 of **Chapter 7** of the ES [AS-076].

No significant impacts on air quality are predicted to occur as stated in paragraphs 7.9.4 – 7.9.41 of **Chapter 7** of the ES [AS-076].

### Our Reply

Luton Rising acknowledges that the near doubling of aircraft will have an impact on air quality. Any increase is unacceptable when the UK is meant to be decreasing emissions.

Our WR submission links to a Council document that acknowledges **86 deaths** are attributable to particulate air pollution per annum with **1,004 associated life-years** lost in Luton. This seems not to be important to Luton Rising.

Luton has a higher percentage of adult deaths (5.8%) related to long term exposure to air pollution than England (5.1%) according to this report.

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## Topic Noise and Vibration

### Matters Raised in relevant Representation (Verbatim)

Despite living outside the noise contour lines many residents in Wigmore and Vauxhall Park are kept awake or woken by aircraft movements overnight. This application proposes more noise and more disturbance. Residents can have prolonged periods of smelling aviation fuel. This will get worse.

### Luton Rising's Response

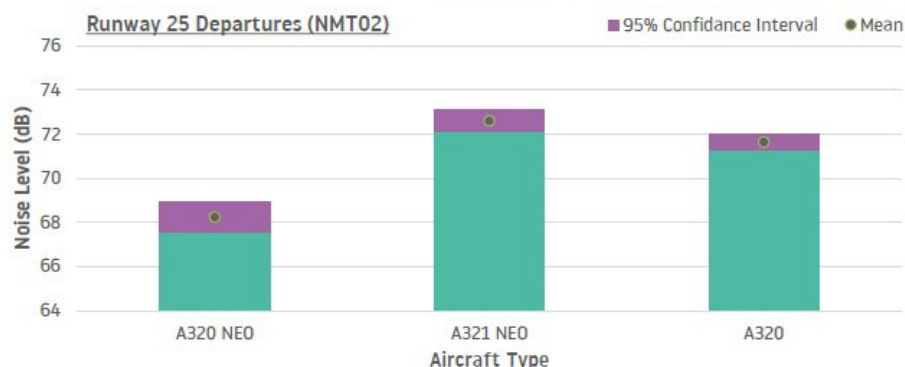
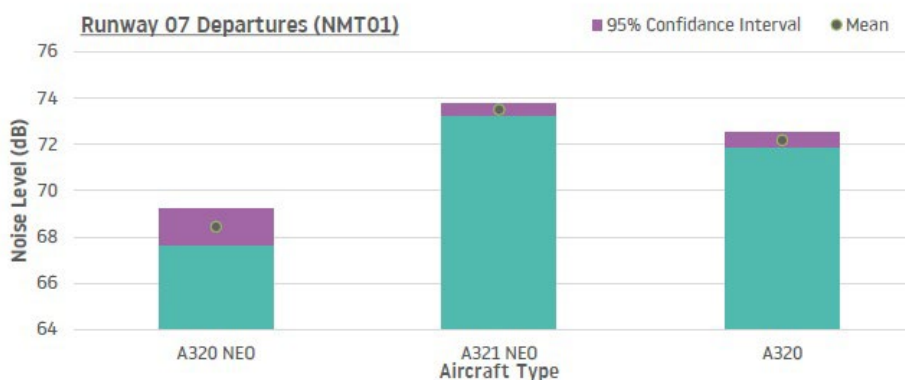
The impact of noise (day and night) from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in **Chapter 16 Noise and Vibration of the ES [AS-080]**.

Noise contours do extend into Wigmore and Vauxhall Park, for example see **Figures 16.103 and 16.104 of the Environmental Statement [AS-119]** which show the ground noise contours for the 2019 baseline.

Comments regarding odour were identified during statutory consultation in 2019. In response to this, an odour assessment has been undertaken and is presented in **Chapter 7 Air Quality of the ES [AS-076]**. The odour assessment concluded that the impact of the Proposed Development on odour is considered to be **not significant**. Best practice measures to mitigate odours from the airport are provided in the **Outline Operational Air Quality Plan. Appendix 7.5 of the ES [APP-065]**.

## Our Reply

Luton Rising claims that all reasonable practical measures have been explored to reduce noise impacts. The reality is that day and night noise is getting worse. Luton Airport's own statistics show that the newly introduced Wizzair Airbus A321Neo is noisier than the aircraft it is replacing at Luton. It is noted that the airport operator has put in a planning application that includes increasing noise around Luton and that this application has been called in by the government.





No one in Wigmore qualifies for sound insulation. Wigmore residents being woken up at 6 in the morning with disturbed overnight sleep is considered acceptable by Luton Rising and the Council.

Despite the claims by Luton Rising, odour can be **significant** depending on wind direction. It is not in the interests of Luton Rising to admit this.

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## Topic

Surface Access

### Matters Raised in relevant Representation (Verbatim)

The application offers no proposals or solutions regarding a lack of East-West public transport. The plans include increasing car parking spaces by of over 56%.

### Luton Rising's Response

The Applicant is supportive of measures to improve active and sustainable travel modes and will work with local authorities and public transport operators to implement any improvements wherever reasonably practicable. Further detail on interventions and funding will be provided in future Travel Plans, which will draw on the toolbox of interventions provided in the **Framework Travel Plan [AS-131]**. The Applicant is committed to increasing sustainable transport mode share to the Airport, the overall growth in passenger numbers will require additional car parking to be provided to meet the Airport's needs. Whilst there is a growth in car parking, the ratio of total parking to passengers decreases over time to reflect increasing sustainable transport mode share.

### Our Reply

We made an error in our RR. Passenger car parking spaces are set to increase by 62% according the Luton Rising. **AS-030 [TR020001-000941-5.01] Environmental-Statement-Chapter-18-Traffic-and-Transportation-Revision-1. 18.8.16**

Luton Rising admits there are no measures in place or requirements to increase East-West travel using public transport. "Supportive of measures" is just another name for nothing might happen.

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## Topic Earthworks

### Matters Raised in relevant Representation (Verbatim)

The unregulated landfill site borders residential homes, which needs to be disturbed or removed

## Luton Rising's Response

The historic Eaton Green landfill is located approximately 50 m from the nearest residential properties.

The landfill has been comprehensively investigated and risk assessments undertaken in accordance with current UK Government guidance on managing risks from land contamination – Land Contamination Risk Management (LCRM), as reported in **Appendices 17.1 to 17.4 [APP-113 to APP-124]** of the Environmental Statement Earthworks undertaken to the historical landfill will require an environmental permit, in accordance with waste legislation, with the Environment Agency as the regulating body.

## Our Reply

**AS-072 [TR020001-000963-4.02]-Scheme-Layout-Plans-Revision-2** Shows houses around 25m away.

Our WR provides evidence that during Covid, Luton Rising contractors building the Dart, did not follow **UK Government guidance** on managing risks. Because of our intervention and our intervention only, the project was shut down twice. What they did do as part of their response was to turn off time lapse cameras that were recording breaches that we published in the media.

We have no faith the contactors engaged in the exposure, processing and removal of hazardous waste will follow guidance at all times. We also note that a children's play area will only be metres away from disturbed contaminated ground.

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## Topic Ecology

### Matters Raised in relevant Representation (Verbatim)

During 2019 Luton Rising moved orchids to new sites due to soil testing. They all died despite advice and guidance of Luton Borough Council's Senior Ecological Officer. We have no faith that any future moves will be any more successful.

## Luton Rising's Response

The proposed Ecological Mitigation Strategy for Orchids and Invertebrates was submitted as part of the Environmental Statement (Appendix 8.10 [AS-035]) as well as the wider management proposals for the open space and habitats, including monitoring and management under trust for 50 years, described in the Outline Landscape and Biodiversity Management Plan (Appendix 8.2 of the ES [AS-029]). The trial translocation referred to has been acknowledged and the proposed method and location of receptor sites have been developed to improve the proposed translocation.

## Our Reply

Luton Rising promised that during the 2019 translocation of Orchids all measures would be put in place to successfully move the Orchids including using the expertise of Luton Borough Council's Senior Ecological Officer. The fact that they all died should act as a warning that what Luton Rising promise is unlikely to happen.

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## Topic Surface Access

### Matters Raised in relevant Representation (Verbatim)

A plan shows a possible enlarged residential parking scheme due to passengers and staff avoiding airport car parks. No mention is made who will fund it. In 2020 the directors of Luton Rising acted against the public interest by refusing to declare an interest and voted against a proposal at full council that Luton Rising or the Airport Operator should pay for it. The motion was defeated meaning the residents had to fund a scheme only required due to the airport.

### Luton Rising's Response

The **Framework Travel Plan [AS-131]** sets out measures related to on-highway parking in Table 5.1. These include carrying out a feasibility study on restricted parking zones, supporting the expansion of the residents parking zone north of the airport and working with local authorities to develop an approach to prevent airport-related parking causing a nuisance to residents. The Applicant and Operator are currently developing a suitable and effective funding mechanism that best responds to the vision and objectives of the **Surface Access Strategy [APP-228]** and realising Sustainable Transport Opportunities. Further details will be shared during the course of the examination, following further consultation with relevant stakeholders on the details of the Sustainable Transport Fund.

## Our Reply

Luton Rising's response fails to guarantee that residents will not be expected to fund the existing and any future expanded parking scheme that are required, due to passengers parking cars in residential roads.

We request that the inspectors should insist that residents will not be out of pocket due to the airport, which is Council owned, and that Luton Rising or its Operator will fully fund local parking schemes.

The inspectors should also note the extreme measures the directors of Luton Rising were prepared to take to make sure any costs of implementing a residents parking scheme would not fall on Luton Rising or its Operator. A complaint to the Local Government Ombudsman resulted in the Ombudsman stating that the directors should have declared an interest and should have left the council chamber.

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## Topic Cost

### Matters Raised in relevant Representation (Verbatim)

One of the finance proposals is that Luton Rising raises finance to fund expansion. In 2019/2020 Luton Rising lost £3.3m. In 2020/2021 the company lost £110m. In 2021/2022 the 12 month losses came to £232.1m. The auditors stated that they have put an impairment on the DART of £184.7m as unrecoverable. The directors of Luton Rising are appointed councillors with no special talents in running the loss making company. The role of the directors is to exercise independent judgement and to exercise reasonable care, skill and diligence. This has not happened. Luton Rising debts stand close to £500m. Any more borrowing could result in financial disaster for the town's taxpayers.

### Luton Rising's Response

The figures quoted are broadly correct. However, it must be noted that a key reason for the loss reported in each year was due to changes in the fair value of investment assets and does not reflect the underlying operational performance of the business. The Applicant was required to seek and agree a financial stabilisation package as a result of the impact of Covid-19 and subsequent collapse in passengers travelling due to restrictions imposed on travel. This financial package agreed with Luton Borough Council ensured that the Applicant continued to operate through the recovery from the effects of Covid-19 and enable future growth. The Applicant's Board of Directors is comprised of elected councillors and experienced and competent Executive Officers. There is a strong and evident governance process administered at Executive level.

### Our Reply

London Luton Airport Ltd (Luton Rising) was set up as a risk free company employing no staff. It could never make a loss as it had no outgoings. Its sole purpose was to collect concession fees and rental income and to pay a dividend to the Council and to make grants to charities. It has now become a property developer and transport operator.

The Dart has been a financial disaster with the auditors writing off £184.7m of a then estimated £268m cost, at the time of writing of the auditor's report. Since that report the Dart is now estimated to have cost £309m.

Council loans to Luton Rising are now around £500m with Luton Rising no longer paying a dividend. Luton Rising has been cutting grants to charities year on year since 2015/16 as its annual borrowings have increased.

Expansion will involve more financial risks.

