

September 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.39 Applicant's response to Written Representations made by Other Statutory Organisations and Additional Submissions at Deadline 1 - Part 5

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.39

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.39 APPLICANT'S RESPONSE TO WRITTEN REPRESENTATIONS
MADE BY OTHER STATUTORY ORGANISATION AND ADDITIONAL
SUBMISSION AT DEADLINE 1-**

Deadline:	Deadline 2
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.39
Author:	Luton Rising

Version	Date	Status of Version
Issue 1	September 2023	Additional Submission - Deadline 2

Contents

	Page	
7	Response to Written representations made by other Statutory Organisations and additional submissions	1
7.1	Introduction	1
8	Applicant's Response to additional submissions	47
8.1	Introduction	47
	References	51

Tables

Table 7.1 Response to Written Representations made by other Statutory Organisations

Table 8.1 response to other submissions received by deadline 1

7 RESPONSE TO WRITTEN REPRESENTATIONS MADE BY OTHER STATUTORY ORGANISATIONS AND ADDITIONAL SUBMISSIONS

7.1 Introduction

7.1.1 This section provides the Applicant's response to Written Representations made by other Statutory organisations and additional submissions. Responses to issues are presented as verbatim text taken from the Relevant Representations on a topic-by-topic basis.

7.1.2 Written Representations were submitted by the following organisations:

- a. Network Rail
- b. Pitstone Parish Council
- c. Transport for London

Table 7.1: Response to Written Representations made by other Statutory Organisations

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
Transport for London REP1-168	Climate Change	1. Executive Summary 1.1 The Mayor of London is greatly concerned about the environmental impacts associated with this development, particularly regarding carbon – because of the significant increase in aircraft movements and road traffic generated. These issues have not fundamentally been addressed and, as such, the Mayor	The Applicant considers that the issue raised regarding carbon impacts of the Proposed Development was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] page 13, in response to RR-1543.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		is unable to support the proposed development.	
Transport for London REP1-168	Climate Change	1.2 Underpinned by a 52% increase in aircraft movements, the Applicant's own estimate is that the construction and operation of the proposed development will result in an increase of 1 MtCO ₂ e, which it states will require 0.774% of the UK's carbon budget. This also includes an extra 1.4 million non-sustainable trips to and from the airport every year as a result of the proposed development, according to the Applicant – a 56% increase over the Do Minimum scenario. In the face of the step change in rail access in particular, the Applicant is nevertheless committing to a majority of surface access trips by non-sustainable modes – 55% for passengers and 60% for staff.	The Applicant considers that the issue raised regarding carbon impacts of the Proposed Development was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] page 18 to 22, in response to RR-1543.
Transport for London REP1-168	GCG	1.3 We note the novel approach proposed in the 'Green Controlled Growth' (GCG) framework that seeks to make sure growth takes place within environmental limits. However, this framework is only as	Please see responses to 7.3 in respect of GCG Limits and Thresholds, 3.5 for the approach to greenhouse gases within GCG, 4.7 for surface access and 6.5 for noise.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>good as the thresholds it applies. The Applicant's approach appears to be to identify the core forecast, add some headroom (in the form of a 'reasonable worst case scenario') and then use that as the GCG limit value. This is a wholly inadequate approach which fails to ensure that the environmental and surface access impacts of the scheme are addressed. The scope of the GCG framework with regards to carbon (greenhouse gases) is such that it applies to just 17% of carbon emissions arising from the proposed development. The GCG limit values for surface access must ensure no increase in highway trips while the GCG framework for noise only makes sense if it targets people exposed rather than area exposed (as is currently proposed)</p>	
<p>Transport for London REP1-168</p>	<p>Climate Change</p>	<p>3. Carbon 3.1 The climate emergency requires significant and co-ordinated effort if greenhouse gas emissions are to be drastically reduced to keep global warming under the proposed 1.5°C</p>	<p>The UK Government has introduced a range of measures to control carbon. For example, the Jet Zero Strategy (Ref 1) is the government strategy on how aviation will contribute to meeting the UK's climate change commitments. Paragraph 3.57 sets out that "we can achieve Jet Zero without the</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>or 2°C limits. Aviation constitutes a substantial and growing proportion of UK carbon emissions and the sector needs to redouble its efforts if it is to contribute to achieving binding climate change targets. In this context, it is deeply concerning that the proposed development is forecast to enable a 52% increase in total aircraft movements by 2043 based on the core planning case compared to the without development case. The Applicant fails to set out how this could be compatible with UK climate change commitments.</p>	<p><i>Government needing to intervene directly to limit aviation growth</i>". The modelling behind the Jet Zero Strategy (and the update) incorporated growth at Luton in at the same level as that proposed by the application.</p> <p>The UK Emissions Trading Scheme and the Carbon Offsetting and Reduction Scheme for International Aviation are other tools to control carbon emissions.</p> <p>An assessment of changes to greenhouse gases due to the Proposed Development is provided in Chapter 12 Greenhouse Gases [APP-038] of the Environmental Statement (ES). This includes an assessment of the Proposed Development's emissions against the UK's carbon budgets, net zero target and alignment with the UK Government's Jet Zero Strategy in section 12.11.</p> <p>The analysis in this chapter concludes that aviation emissions from the Proposed Development never account for more than 3.24% of aviation emissions within the Jet Zero Strategy High Ambition scenario. This is illustrated in Table 12.24.</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			The Proposed Development will not have a material impact on the Government's ability to meet its climate change targets and budgets.
Transport for London REP1-168	Climate Change	3.3 The Applicant commits to achieving net zero in terms of its ground operations by 2040, but this must be set against the much larger emissions increase from aircraft operations in the air that result from the proposed development and for which no commitment is given.	The Applicant considers that the issue raised regarding carbon impacts of the Proposed Development was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] page 20 to 21, in response to RR-1543.
Transport for London REP1-168	Climate Change	3.4 The Applicant's reliance on the uptake in the use of sustainable aviation fuel (SAF) also raises questions as to the credibility of its assumptions. It has assumed the accelerated pathway from the draft national sustainable aviation fuels strategy, whereby SAF would constitute 10% of all aviation fuel by 2030, with an average emissions reduction of 67%iv.However, SAF development is in its early stages, and many of the technologies with the greatest potential for emissions reduction are yet to be developed and are thus unproven. As such, it is	For the purposes of the GHG assessment presented in Chapter 12 Greenhouse Gases [APP-038] of the Environmental Statement (ES), the assumption of the overall emissions reduction from the use of sustainable aviation fuel (SAFs) is taken directly from the Jet Zero illustrative scenarios and sensitivities published by the UK Government to accompany the Jet Zero Strategy (see Ref i). Paragraph B.5 of this document states that: <i>"In the illustrative scenarios presented in this document we present the emission savings delivered by SAF as a percentage of kerosene emissions in line with the assumed life cycle emission savings relative to kerosene underpinning</i>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>a significant risk that the Applicant's assumptions are overstating the carbon reduction assumed from SAF. In any case, the Applicant needs to demonstrate a SAF strategy, beyond provision of the supply infrastructure, including the concrete steps it will take and the commitments it will make to increase uptake.</p>	<p><i>the 'Mandating the use of sustainable fuels' consultation'. The assumptions vary through time and by uptake scenario, in the range 67 -75% emissions savings relative to kerosene."</i></p> <p>The GHG assessment presented in Chapter 12 Greenhouse Gases [APP-038] of the ES applies the 67% emissions reduction figure relative to the use of kerosene, which is the most cautious end of the range supplied by the UK Government. The Applicant takes the view that this is a reasonable assumption to adopt for the use of SAFs.</p>
<p>Transport for London REP1-168</p>	<p>GCG</p>	<p>3.5 It is a glaring omission of the GCG framework that it does not include aircraft movements even though the Applicant estimates that such emissions constitute 83.4%v of total greenhouse gas emissions of the proposed development. The Applicant relies on the UK ETS and CORSIA schemes to address aircraft emissions, though both focus on offsetting rather than reducing emissions and are not without challenge. In any case, they do not absolve the Applicant from responsibility for ensuring the</p>	<p>As the Applicant developed the GCG framework, it has carefully considered the inclusion of Scope 3 aviation emissions arising from aircraft movements in the context of the Jet Zero Strategy (see Ref 1), which outlines the Government's plans to reach net-zero aviation by 2050, and the Aviation Strategy: Making Best Use policy (MBU) (Ref 2).</p> <p>The Government has confirmed that it believes aviation emissions from aircraft movements are best dealt with at a national level. MBU highlights that climate change issues are embedded in, and controlled by, national decision-making. Paragraphs 1.11 and 1.12 under the "Role of national policy" section of the MBU states the following:</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>proposed development can address all of its carbon impacts.</p>	<p><i>“There are, however, some important environmental elements which should be considered at a national level. The government recognises that airports making the best use of their existing runways could lead to increased air traffic which could increase carbon emissions.</i></p> <p><i>We shall be using the Aviation Strategy to progress our wider policy towards tackling aviation carbon...”</i></p> <p>This position on aviation emissions was previously tested and accepted as part of planning appeals for both Bristol Airport and Stansted Airport. The Bristol Airport planning appeal states the following in the Decision Letter (Ref 3), at Paragraphs 70 and 71:</p> <p><i>“MBU, under the heading ‘Role of national policy’, provides that increased carbon emissions be dealt with at the national level.</i></p> <p><i>The Government reaffirmed its position on MBU on two occasions during the Inquiry – first as part of the Jet Zero consultation and second in response to NSC’s letter to the DfT. In both cases it was confirmed that MBU remains “the most up-to-date</i></p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p><i>policy on planning for airport development” and “continues to have full effect, for example, as a material consideration in decision-taking on applications for planning permission.”</i></p> <p>National policy for the mitigation of aviation associated emissions is outlined in the Jet Zero Strategy. Mitigation measures within the document to reduce emissions fall into six main categories, introduced on page 26 under Section 3: Our Policy Measures, and these include carbon pricing via the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). These propose a sector-wide ‘cap and trade’ approach to the management of GHG emissions from aircraft movements.</p> <p>The UK ETS applies to all domestic flights and international flights to the European Economic Area (EEA), Switzerland and Gibraltar, and the Government has consulted on setting an appropriate trajectory for UK ETS that allows the UK to reach net zero by 2050. CORSIA caps emissions at 85% of 2019 emissions and will cover all international flights from 2027, excluding flights to and from Least Developed Countries, Small Island Developing States, Landlocked Developing</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p>Countries and states which represented less than 0.5% of global international RTK (Revenue Tonne Kilometre, a measure of passenger traffic).</p> <p>Market-based mechanisms such as UK ETS and CORSIA provide national and international control mechanisms for aviation emissions, but the use of these mitigation measures is beyond the control of the airport operator, with responsibilities chiefly falling on the Government and airline operators. Given that this sector-wide approach exists, that compliance with the UK ETS (and CORSIA from 2024) are already a legal requirement for airlines, and that it is government policy for these emissions to be controlled at a national level, the Applicant does not believe that provision of controls on carbon emissions associated with aircraft use through the GCG Framework would be appropriate.</p> <p>Again, this position has been tested through the recent planning appeal for Bristol Airport (see Ref iii). Paragraphs 167 to 170 of the appeal decision state:</p> <p><i>“It has been suggested that the levels of ambition in these offsetting schemes are inadequate to meet the Net Zero/carbon budget targets. In this respect</i></p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p><i>reference has been made to the CCC's 6th carbon budget report. However, as before, the progress toward these targets is as yet uncertain and there remains a legal responsibility on the SoS to comply with the legal obligations.</i></p> <p><i>As mentioned above, both offsetting schemes are time limited, and will currently stop well short of 2050. Some objectors have stated that it is not for the Inquiry to speculate on the future of UK ETS or CORSIA and that therefore little or no weight should be given to those schemes. In contrast, BAL (the applicant) has stated that further orders will be made in due course so as to reflect the duties in the CCA and that it wrong to suggest that there is a policy gap after 2030/2035.</i></p> <p><i>Neither position is entirely correct. As a matter of fact, there is currently an offsetting gap beginning in the next decade, and this cannot be ignored. But equally, given the international and national context it is not unreasonable to assume that something will come forward to fill the space. Whether that is a refreshment of UK ETS/CORSIA or other measures remains to be seen.</i></p> <p><i>But the judgement in this case must be taken in the light of the (agreed) scale of emissions, the fact</i></p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p><i>that aviation emissions are within the traded sector, and that in any event UK ETS/CORSIA are only two of the measures available to address aviation carbon emissions in the light of the legal duty to ensure that carbon budgets are not breached.”</i></p> <p>Given this position, it is not considered appropriate for these emissions to be controlled through the GCG Framework, and instead action to address carbon emissions from aircraft movements should take place at a national level.</p> <p>In addition, setting a Limit that went beyond the ambition of the UK ETS is also unlikely to be effective. Any further reduction in GHG emissions allowed at the airport from an approach like this would result in fewer aircraft operators using their UK ETS emissions allowances to operate flights to or from London Luton Airport. They would however be free to use these allowances to operate to or from other airports. As such, any decreases in GHG emissions from flights operating to or from the airport would simply be offset by equivalent increases elsewhere. This would not help the UK meet its goal of achieving net zero by 2050, nor would it help to address the global effects of climate change. It could also lead to longer surface</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p>transport journeys overall as people travel to less convenient airports for flights that might otherwise have been offered at the airport, resulting in greater energy use.</p> <p>However, actions to address aviation emissions through supporting measures consistent with the Jet Zero Strategy have been outlined in the Environmental Statement Appendix 12.1 Outline Greenhouse Gas Action Plan [APP-081]. Requirement 32 of Schedule 2 of the Draft DCO [AS-067] mandates that no part of the authorised development is to be operated until a Greenhouse Gas Action Plan for the operation of the authorised development has been submitted to, and approved in writing by, the relevant planning authority. The Greenhouse Gas Action Plan must be substantially in accordance with the Outline Greenhouse Gases Action Plan.</p> <p>Aviation mitigation measures within the outline plan, detailed at Section 4.1, include operating policy/strategy to encourage uptake of more efficient aircraft and Sustainable Aircraft Fuels (SAFs), as well as the provision of infrastructure to allow aircraft refuelling with SAFs by 2030. It is noted that the UK government has recently launched a second consultation over their plans to</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			introduce a SAF mandate in 2025 requiring at least 10% of jet fuel to be made from sustainable feedstocks by 2030 (Ref 4i).
Transport for London REP1-168	GCG	3.6 The limit values of the GCG framework for the 17%vi of carbon emissions which are in scope also raises concerns. These are based on the Applicant's core forecast for emissions, with headroom added to reflect a 'reasonable worst case scenario' and no indication that it has taken into account the impacts of carbon emissions and what level would be compatible with UK climate change commitments. It affords the Applicant almost unimpeded growth and as such leaves it essentially dependent on action from other carbon emitters if UK carbon targets are to be met.	Please see response to 7.3.
Transport for London REP1-168	GCG	3.7 It is also a concern that the GCG framework does not require the Applicant to make all reasonable efforts to tackle Scope 3 emissions, instead permitting it to rely on offsetting – particularly with regard to surface access. According to the Applicant's data, surface access	The Applicant considers that the issue raised regarding the use of offsetting within Green Controlled Growth was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] pages 23-27, in response to RR-1543.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		emissions with the proposed development are over 30 times as large as emissions from (ground) airport operations in 2043vii. The Applicant claims surface access emissions are largely outside its control. But it has substantial levers at its disposal to encourage sustainable mode shift – including varying parking and drop-off charges and DART fares –and offsetting reduces the incentive to seriously tackle these emissions	
Transport for London REP1-168	Surface Access	4. Surface Access 4.1 Securing sustainable mode shift must be a key priority for the proposed development, not least to reduce the carbon and air pollution emissions – the latter including both tailpipe emissions as well as fine particulate matter generated by brake and tyre wear. Additionally, increased highway trips contribute to worsening congestion which exacerbates emissions.	This is noted and the Applicant is committed to reducing the negative effects related to the surface access trips to and from the airport and this is supported by the Surface Access Strategy [APP-228] and Framework Travel Plan [APP-229] , both of which are underpinned by the Green Controlled Growth Framework [APP-218] .
Transport for London	Surface Access	4.2 The total lack of ambition in tackling surface access trips is of deep concern. The proposed limits	The Applicant does not agree with the statement about 'total lack of ambition'. In order to comprehensively and robustly assess the potential

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
REP1-168		<p>sought by the Applicant in the latter phases of the scheme – targeting 45%viii on sustainable modes by 2039 – are only around 7%ix higher than current levels. The Airport has benefited from transformative improvements in its rail access proposition in recent months. The launch of the Direct Air-Rail Transit (DART) connection between the terminal and the Airport Parkway rail station makes it the last London airport to be directly accessible by rail. Together with the increase in East Midlands Railway frequency – now branded the ‘Luton Airport Express’ – and the opening of the Elizabeth Line providing onward connections from Thameslink services at Farringdon, this marks a step change in the airport’s rail access proposition. These will help to deliver a substantial uplift in rail travel to and from the airport in the base case – so any development proposal should be seeking to substantially exceed the base case rail mode share.</p>	<p>impacts of the Proposed Development across all surface access modes, not just public transport, the Applicant is required to take a realistic view on mode share targets given the airport's location, staff and passenger catchments. Whilst the Applicant is supportive of sustainable transport, including tripling the number of coach and bus bays as part of the expansion and extending the Luton DART to Terminal 2, it is not realistic to assume that there would be no additional car travel. The Applicant has clearly stated that the mode share targets (as per Section 4.1 Paragraph 4.1.4 of the Framework Travel Plan [AS-131]) and established in future Travel Plans will strive to be more ambitious than the Limits established in the Green Controlled Growth Framework [APP-218].</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
<p>Transport for London</p> <p>REP1-168</p>	<p>Surface Access</p>	<p>4.3 The aspirations for staff journeys likewise lack ambition, with a target of 40%^x by sustainable modes in the end phase, compared to around 31% pre-pandemic. It is also notable that the Applicant's definition includes car sharing, as well as factoring in working from home. Given the proximity of the town of Luton to the airport, the Applicant could commit to measures designed specifically to increase the proportion of staff travelling to work by walking (currently 6%^{xi}) and cycling (currently 2%^{xii}), in addition to taking concrete steps to encourage public transport use.</p>	<p>Whilst the modal share Limits for staff are set out in the Green Controlled Growth Framework [APP-218], the Surface Access Strategy [APP-228] and the Framework Travel Plan [AS-131] set out the approach for setting mode share Targets, which will strive to be further reaching and more ambitious than the Green Controlled Growth (GCG) limits for mode share (Section 4.1 Paragraph 4.1.4).</p> <p>The ambitious targets for staff mode share will be established in Future Travel Plans and are focused on ensuring that the aim is to directly influence the increase in sustainable surface access to and from the airport in the longer term. It is proposed that the newly set Targets are more ambitious towards sustainable behaviours compared to those achieved in a preceding Travel Plan cycle and the GCG Limits. The level of ambition when setting the percentage change for targets will be informed by (where applicable):</p> <ul style="list-style-type: none"> a. Targets should strive to achieve higher levels of sustainable transport mode share than the Limits, which correspond with the 'reasonable worst case' assumptions of the Transport Assessment [APP-200 to APP-203,

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p>AS-123, APP-205, APP-206], to reflect the additional level of ambition of the Applicant and the operator as the airport grows;</p> <ul style="list-style-type: none"> b. responding to modelling assumptions set out in the Transport Assessment [APP-203, AS-123, APP-205, APP-206]; c. due regard to recent five-year CAA (Civil Aviation Authority) passenger survey/staff surveys and trends over the duration of the previous ASAS (Airport Surface Access Plan)/TP (Travel Plan); d. a lookahead to delivery of transport infrastructure delivery in the next five-year period by both the operator and third parties; and; e. engagement with the ATF (Airport Transport Forum), the LLACC (London Luton Airport Consultative Committee) and other bodies involved in the Governance of the TPs. <p>The airport operator will also set targets for other surface access related indicators (e.g. specific targets for walking and cycling, as suggested). The diversification of targets will allow for the collection, analysis and ongoing review of more granular data</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
			<p>and an improved understanding of how interventions and measures are performing.</p> <p>As set out in the Section 4.2 of the Surface Access Strategy [APP-228], baseline data for staff travel has been subject to considerable variation over recent survey years. Therefore, targets will be set once the first staff survey has been completed after development consent is granted. These targets will seek to target improvements in mode share for those travelling by walking and cycling as suggested.</p>
<p>Transport for London REP1-168</p>	<p>Surface Access</p>	<p>4.4 The net result is that, under the Applicant's proposals, the majority of surface access trips will be by non-sustainable modes – with 55%^{xiii} for passengers and 60%^{xiv} for staff in the final phase. The Applicant forecasts that the proposed development will result in 1.4 million additional kilometres every year by non-sustainable modes – a 56% increase compared to the Do Minimum scenario^{xv}. It is proposing a 52%^{xvi} increase in passenger parking capacity to support this increase in car trips. There is no justification for any increase in</p>	<p>The Applicant sets out the assessment of the impacts of the increase in vehicle trips in the Transport Assessment [APP-200 to APP-203, AS-123, APP-205, APP-206], which is based on "reasonable worst case" assumptions. There is no policy basis requiring the Proposed Development not to result in any net increase in vehicle trips, and policy recognises the need to balance the socio-economic benefits of growth at the airport with the management of the arising environmental impacts. It would not be possible to deliver the same socio-economic benefits without some increase in traffic, for which suitable mitigation is proposed.</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		vehicle trips, not least given the currently available and potential public transport access that could be provided and such an approach is completely at odds with the Applicant's environmental obligations.	
Transport for London REP1-168	Surface Access	4.5 The Applicant must set out a credible plan for driving sustainable mode shift, underpinned by committed measures. Rail has a key part to play but this should also include the instigation of new bus and coach services in corridors where rail is a less competitive alternative, including those London suburbs not easily accessible from the Midland Main Line. The Applicant should detail how it will use charges for parking and drop-off to reduce car demand in favour of sustainable modes – and be mindful of the potential cost advantage of cars for larger groups travelling together. The monies raised should be hypothecated to fund sustainable surface access enhancements.	Noted. To respond to Relevant Representations submitted by organisations such as Transport for London, the Applicant has been progressing and developing more detail around bus and coach routes to demonstrate the range of potential opportunities for improving bus and coach access to and from the airport. These improvements are being developed in tandem with a Sustainable Transport Fund that will set the framework around how these types of improvements, alongside the others listed out within the Toolbox of Measures within the Framework Travel Plan [APP-229] , will be funded.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
<p>Transport for London</p> <p>REP1-168</p>	<p>Surface Access</p>	<p>4.6 Clarification is also sought about the modelling of capacity on rail services – primarily East Midlands Railway and Thameslink – but also onward connections to the Elizabeth Line. The analysis undertaken relies on post-pandemic background demand and an assumption that it would increase by 3% a year^{xvii}. This leads to assumptions about available capacity that could prove very optimistic if rail demand continues to recover to pre-pandemic levels. In the absence of modelling of rail flows having been undertaken, the Applicant has drawn conclusions based on average line loadings across the peak period, without consideration of the impact of the additional passengers on individual sections of the line and on individual train loadings and interchange flows. It also does not appear to have taken account of luggage in calculating crowding, which it notes is an issue for trains departing St Pancras during the evening peak. The result of these</p>	<p>The rail capacity impact analysis is set out within the Transport Assessment [APP-202], section 11.3. This demonstrates that the assumptions underpinning the analyses relies on pre-pandemic growth factors to ensure robustness in its approach. The analysis covers all rail services departing and arriving from the airport, so includes both East Midlands and Thameslink services.</p> <p>The analysis (Table 11.3 of the Transport Assessment) shows that the 32 mppa Assessment Phase during peak times between 07:00 -10:00 (3 Hour AM Peak) there are forecast to be an additional 41 passengers per train (this considers all services as stated above). This suggests that the additional number of trips is not sufficient to require further detailed assessment. Furthermore, once these trips are further distributed at St Pancras and adjacent stations onto London Underground, Overground and Elizabeth line services, any potential impacts upon capacity would be further diluted.</p> <p>In terms of dealing with future passenger and staff trips on the rail network and review the impact on capacity, the extent of any potential interventions</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>issues is that the rail modelling is far from robust.</p>	<p>to support the growth of rail passenger numbers will depend on the monitoring and evaluation carried out as part of the Future Travel Plans and linked to Green Controlled Growth Framework [APP-218].</p> <p>The Applicant has committed to monitoring the usage of rail services as part of the Future Travel Plan and if deemed appropriate improvements can be discussed with Train Operating Companies and Network Rail using the Future Travel Plan development process and the Airport Transport Forum to prioritise and agree any potential mitigation required.</p>
<p>Transport for London REP1-168</p>	<p>Surface Access</p>	<p>4.7 Notwithstanding these misgivings about the paucity of its surface access strategy and assessment, the Applicant again relies on the GCG framework to resolve any impacts. But again, the framework falls short, based as it is on the core forecast with extra headroom, rather than seeking to actively drive mode shift. In every phase of the GCG framework, the majority of passenger and staff trips continue to be by non-sustainable</p>	<p>The Limits and Thresholds set out within the Green Controlled Growth Framework have been stringently and robustly tested with a wide range of multiple stakeholders throughout the development of the application for development consent. This provides an approach and framework that seeks to minimise the environmental impacts related to the Proposed Development. There is no policy basis requiring the Proposed Development not to result in any net increase in vehicle trips, which would be an unreasonable assumption in highway capacity assessment terms. Despite this, the Applicant is committed to maximising the opportunity for</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		modes. The limits must be set to ensure no increase in highway trips compared to today – and yet the limits designed by the Applicant would allow for a substantial increase in trips by non-sustainable modes and the increased emissions that would result	access to the airport by sustainable modes and this is supported in the application documents such as the Surface Access Strategy [APP-228] and Framework Travel Plan [AS-131] .
Transport for London REP1-168	Air Quality	5. Air quality 5.1 Air pollution is an important consideration associated with both the aircraft movements and surface access trips of the proposed development. The severe health impacts of air pollution have been brought into sharp focus in recent years and the Applicant must demonstrate how it is addressing this, including from aircraft themselves, in the vicinity of the airport, as well as surface access to and from the airport.	The Applicant considers that the issue raised regarding the negative impacts on air quality and health impacts, was answered within the Applicant's Response to Relevant Representations Part 2D of 4 (Other Statutory Organisations) [REP1-024] page 30-31, in response to RR-1543 and others.
Transport for London REP1-168	Air Quality Surface Access/ Transport	5.2 The Applicant's assessment is largely limited to the Luton area. However, TfL is concerned that the Applicant has not sought to understand what the potential air pollution impacts are beyond that,	The Applicant considers that the issue raised regarding the negative impacts on air quality, was answered within the Applicant's Response to Relevant Representations Part 2D of 4 (Other Statutory Organisations) [REP1-024] page 30-31, in response to RR-1543 and others.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		and in particular within the Greater London area. London remains a key origin/destination for Luton airport passengers and the weakness of the Applicant's approach to sustainable surface access (set out in the section above) raises concerns of increased highway flows with a detrimental effect on air quality – particularly on roads already close to or above legal limits.	
Transport for London REP1-168	Air Quality Surface Access	5.3 As well as needing to provide a more complete assessment of air quality impacts, it is essential that the Applicant goes much further in committing to measures that will reduce car trips to and from the airport.	<p>The Applicant considers that the issue raised regarding method of air quality assessment, was answered within the Applicant's Response to Relevant Representations Part 2C of 4 (Non-Statutory Organisations) [REP1-023] page 65, in response to RR-0289 and others.</p> <p>The Applicant is committed to maximising the opportunity for access to the airport by sustainable modes and this is supported in the application documents such as the Surface Access Strategy [APP-228] and Framework Travel Plan [APP-229].</p>
Transport for London REP1-168	Air Quality Health	5.4 It should also be noted that whilst the Applicant has committed to ensuring air quality remains below the UK legal limits, this is unlikely to	The Applicant considers that the issue raised regarding the negative impacts on air quality, was answered within the Applicant's Response to Relevant Representations Part 2D of 4 (Other

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>address the health impacts. Limits put forward by the World Health Organisation (WHO) are more credible in tackling these –for example, the UK legal limit for PM2.5 is four times that of the WHO recommended limit. An increasing number of studies are highlighting the damaging impacts of such particulate matter on public health.</p>	<p>Statutory Organisations) [REP1-024] page 30-31, in response to RR-1543 and others.</p> <p>The World Health Organisation (WHO) global air quality guidelines are not currently part of UK legislation or policy, so the thresholds used to assess schemes remain those identified in the Environmental Statement [AS-028].</p> <p>Until such thresholds are changed, which may or may not reflect the WHO Guidelines, then assessment is undertaken in accordance with current legislation which is consistent with policy standards.</p> <p>The Applicant considers that the issue raised regarding the health impacts, was answered within the Applicant's Response to Relevant Representations Part 2A of 4 (Local Authorities) [REP1-021] page 24-25, in response to RR-0558 and others.</p>
<p>Transport for London REP1-168</p>	<p>Air Quality GCG</p>	<p>5.5 Limits for air quality as laid out in the GCG should be further tightened, currently based on a core forecast with additional headroom. An increase in sustainable surface</p>	<p>The Applicant considers that the issue raised regarding the negative impacts on air quality, was answered within the Applicant's Response to Relevant Representations Part 2D of 4 (Other</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		access targets would in turn reduce the number of cars travelling to and from Luton, improving air quality.	<p>Statutory Organisations) [REP1-024] page 30-31, in response to RR-1543 and others.</p> <p>It is not the case that GCG Limits for air quality are based on the core forecast or the faster growth case. As acknowledged in Paragraph 5.4 of TfL's Written Representation, they are based on UK legal limits and include a review mechanism should these legal limits change in future.</p>
Transport for London REP1-168	Noise	<p>6. Noise</p> <p>6.1 Though the populations affected are generally outside London, we would expect the Applicant to fully assess and address the noise impacts of the proposed development. There is no escaping the increased noise exposure for local communities as a result of the significant proposed increase in flights. It is important that the benefits of new technology – notably new, quieter aircraft – are shared with local communities and the assessment rightly focuses on the comparison with the future 'Do Minimum' rather than current operations</p>	<p>The Applicant considers that the issue raised regarding noise impacts of the Proposed Development was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] page 28, in response to RR-1543.</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
Transport for London REP1-168	Noise	6.2 Assessment of a suite of noise metrics to better understand the impacts is critical and we welcome the Applicant's efforts in this regard. It is also worth noting the World Health Organization (WHO) Europe guidelines which reflect the latest scientific evidence. For aircraft noise, these recommend 45 dB Lden for average noise exposure and 40 dB Lnight for average night noise exposure as the limits above which there are adverse health effects.	The Applicant considers that the issue raised regarding noise metrics was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] page 28, in response to RR-1543.
Transport for London REP1-168	Noise	6.3 Given the greatest noise impacts of the proposed development appear to relate to the night-time period – and given the particularly negative health impacts associated with sleep disturbance from aircraft noise – the Applicant needs, in particular, to set out its commitment to limit night-time movements	The Applicant considers that the issue raised regarding night-time movement limits was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] page 29, in response to RR-1543.
Transport for London REP1-168	Noise	6.4 Air noise insulation is a part of the proposed mitigation strategy; the Applicant needs to consider whether the proposed thresholds are sufficient to include all those	The Applicant considers that the issue raised regarding night-time movement limits was answered within the Applicant's Response to Relevant Representations Part 2D [REP1-024] page 29, in response to RR-1543.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>experiencing substantial noise exposure – and whether residents will be able to fund their share of insulation when only eligible for a contribution from the Applicant</p>	
<p>Transport for London REP1-168</p>	<p>Noise GCG</p>	<p>6.5 The GCG framework is again relied on to manage the noise impacts, but it is flawed. It is puzzling that it is focused on the area exposed, regardless of whether anyone lives there^{xviii}. If the limit values are to address the impact on the public health of local communities, then it must target the number of people exposed. An additional target could also ensure that the frequency of noise events above a certain threshold is captured</p>	<p>The Noise Envelope proposals have been developed in consultation with the Noise Envelope Design Group (NEDG) and has taken regard of their recommendations. The Noise Envelope Design Group contains representatives from industry, community groups, local authorities and independent experts. The membership of the NEDG is described in Section 16.4 of Chapter 16 Noise and Vibration of the ES [AS-080].</p> <p>The NEDG agreed that the area of a defined contour should be the limiting value, rather than its shape or population exposure. This is because both the shape of the contour and the population exposed are influenced by factors outside of the airport's control.</p> <p>Metrics which measure the frequency of noise events above a certain threshold (N65 and N60) are included in the Noise Envelope as monitoring and reporting metrics, see the Noise Monitoring Plan in Appendix C of the Green Controlled Growth Framework [APP-221].</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
Transport for London REP1-168	GCG	7. Green Controlled Growth framework 7.1 The Applicant has devised the Green Controlled Growth (GCG) framework as the cornerstone of its application. It is a novel mechanism for seeking to ensure that each phase of expansion can only proceed so long as environmental conditions are met.	Noted.
Transport for London REP1-168	GCG	7.2 The mechanism can only be effective if underpinned by ambitious limits which meaningfully address the environmental impacts. When the limits are not sufficiently challenging, it renders this framework ineffective. The basis for the limits needs to be fully evidenced and sufficiently stringent that additional environmental impacts can be avoided	The Applicant considers that the issue raised regarding the ambition of limits within GCG was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] pages 16-18, in response to RR-1543.
Transport for London REP1-168	GCG	7.3 As it stands, the limits set out for carbon, noise, air pollution and highway trips are completely lacking in ambition, based on the core forecast with additional headroom provided in the form of a 'reasonable worst-case scenario'xx. Such an	The Applicant considers that the issue raised regarding the ambition of limits within GCG was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] pages 16-18, in response to RR-1543.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>approach is not designed to offer any environmental gain. The GCG limits should be driving environmental improvements, not providing a cushion for the proposed development to pollute greater than forecast</p>	
<p>Transport for London REP1-168</p>	<p>GCG</p>	<p>7.4 There are specific, critical flaws in the way that the GCG framework has been designed that fundamentally undermine its ability to address the environmental impacts. These include the total exclusion of aircraft emissions from the GCG framework despite constituting over 80%xxiii. Rather, there should be a clear target of nxxi of the proposed development's emissions. Noise limit values should be based on people, not square metres, exposed and there is no justification for allowing for noise to increase beyond 2039xxii. The GCG framework should not be targeting that the majority of surface access trips will continue to be made by non-sustainable modes o increase in the absolute number of car trips</p>	<p>Please see responses to 3.5 for the approach to greenhouse gases within GCG, 6.5 and 6.6 for noise and 4.7 for surface access.</p>

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
Transport for London REP1-168	GCG	7.5 The use in the GCG framework of offsetting to address Scope 3 emissions – and surface access trips in particular – raises concerns. If the GCG framework is designed to set limits for the environmental impacts of the scheme, it should not allow offsetting to reduce the incentives for the Applicant to use the levers at its disposal to drive sustainable mode shift. This is all the more important given that the surface access emissions are over 30 times greater than those from airport ground operationsxxiv	Please see response to 3.7.
Transport for London REP1-168	GCG	7.6 There is also an issue that some of the GCG phases result in very large differences in thresholds at the start of each new phase – notably for greenhouse gas emissionsxxv. This blunts the GCG framework as a tool as it would only be towards the end of each phase would there be pressure to meet GCG limits. For the duration of that phase, there could be several years of near uninhibited growth, given these limits are based around the	The Applicant considers that the issue raised regarding the phasing of limits within GCG was answered within the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] pages 22-23, in response to RR-1543.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		reasonable worst case. This issue could be addressed by intermediate milestones or trajectories with associated limits within each currently proposed phase. This would help avoid the scenario where environmental impacts are not being addressed during the phase where the GCG framework is unable to keep them in check	
Transport for London REP1-168	GCG	7.7 A robust, well-designed GCG framework could ensure the Applicant is incentivised to proactively take effective steps utilising the various levers at its disposal, to address the key environmental impacts of the proposed development	In accordance with the Applicant's Response to Relevant Representations Part 2D of 4 [REP1-024] pages 16-18, in response to RR-1543, the intention of the Green Controlled Growth Framework [APP-218] is not to replace or substitute the need for environmental mitigation measures associated with the Proposed Development, but to provide additional certainty that the environmental effects forecast will not be exceeded. If any of the forecasts are exceeded, the airport will not be able to grow. This is what makes GCG one of the most far-reaching commitments to managing environmental effects ever voluntarily put forward by a UK airport.
Transport for London REP1-168	General	8. Conclusion 8.1 Transport for London requests that the Examining Authority considers the points raised in this	The Applicant has provided detailed responses relating to the comments made at 8.2 in the response to Transport for London's Written Representation above.

Interested Party and Examination Library Reference	Response Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>representation and investigates these during the DCO examination process.</p> <p>8.2 The Applicant has not satisfactorily demonstrated that the environmental and surface access impacts can be addressed. It relies heavily on the GCG mechanism but, for the reasons set out in this representation, this does not provide the assurance that these impacts will be addressed by the project.</p>	

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
Network Rail REP1-113	Surface Access	<p>1.5 The proposals may also indirectly impact Network Rail infrastructure, such as bridges, level crossings and drainage. In addition, the DCO if granted will provide consent to increase the capacity of the airport to 32 million passengers per annum. This is a considerable increase, especially if Luton Rising's assumption that 45% of the journeys to the airport will be made by public transport by 2039 is correct. The proposals are therefore likely to also impact the capacity at Luton Airport Parkway station (the extent yet to be determined).</p> <p>1.6 Network Rail is currently assessing whether the increased passenger numbers will create any rail capacity issues and reserves its position to make further representations if required on this issue.</p>	<p>Section 11.3 of the Transport Assessment [APP-206] sets out the rail capacity assessment undertaken and concludes that there would be capacity available on the trains to accommodate the forecast increase in rail demand due to the Proposed Development.</p> <p>The extent of the interventions to support the growth of rail passenger numbers will depend on the monitoring and evaluation carried out as part of the future Travel Plans and is linked to the proposed Green Controlled Growth framework.</p> <p>The Applicant has committed to monitoring the usage of rail services as part of the Future Travel Plan and if deemed appropriate improvements can be discussed with Train Operating Companies and Network Rail using the Future Travel Plan development process and the Airport Transport Forum to prioritise and agree any potential mitigation required.</p>
Network Rail REP1-113	Protective Provisions/legal agreements	1.7 Network Rail objects to any compulsory acquisition of rights over operational railway land and its assets or	The Applicant understands that Network Rail wishes to maintain its objection until protective provisions have been developed to its

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>extinguishment of the rights held by Network Rail over operation railway land or any of its assets. Network Rail also objects to the seeking of powers to carry out works in the vicinity of the operational railway without first securing appropriate protections for Network Rail's statutory undertaking.</p> <p>1.8 Network Rail submitted a Section 56 Representation on 14 July 2023.</p> <p>1.9 Luton Rising Limited are yet to provide their comments on Network Rail's protective provision or include Network Rail's protective provisions on the face of the order. To ensure the safe and efficient operation of the railway network, it is essential that the development proceeds in consultation and agreement with Network Rail and that the form of the protective provisions annexed to these written representations is included in the final form of the Order, with any amendments to the protective provisions set out in a framework agreement which is to be agreed between the Luton Rising and Network Rail.1London Luton Rising Transport Assessment Table ES.21.10 In addition, Network Rail reserves the right to</p>	<p>satisfaction that mean that its interests are protected where required.</p> <p>The Applicant is happy to discuss the inclusion of protective provisions for Network Rail where appropriate and is considering the draft that Network Rail has included in its written representation.</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>request the Luton Rising to enter into any property agreement which may be required following the clearance process. This for example can include deed of easement, licence to carry out works or conveyancing documents for the acquisition of land.1.11 Network Rail is continuing to discuss with Luton Rising arrangements to ensure that the proposed development can be carried out while safeguarding Network Rail's undertaking. Any agreed arrangements are subject to the outcome of Network Rail's internal clearance process which is detail in section 3 below. 1.12 In order to ensure that interests are protected, Network Rail requests the examining authority recommend the attached form of protective provisions is included as a new part in Schedule 8 to the DCO.</p>	
Network Rail REP1-113	Compulsory Acquisition	<p>2. The status of Network Rail 2.1 Network Rail owns, operates, and maintains the railway infrastructure of Great Britain. Network Rail operate the railway infrastructure pursuant to a network licence (the Network Licence) granted under section 8 of the Railways Act 1993. The Network Licence contains a set of conditions under which Network Rail must</p>	<p>Network Rail's status is noted.</p> <p>The Applicant is in dialogue with the Property Advisors of Network Rail and understands the preference for rights to be granted by agreement rather than through use of compulsory acquisition powers.</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>operate. Network Rail's duties under the Network Licence are enforceable by the Office of Rail Regulation (ORR).</p> <p>2.2 Under the terms of the Network Licence, Network Rail is under a duty to secure the operation, maintenance, renewal and enhancement of the network in order to satisfy the reasonable requirements of customers and funders. If the ORR were to find Network Rail in breach of its Licence obligations, including this core duty, then enforcement action could be taken against Network Rail.</p> <p>2.3 Network Rail considers there is no compelling case in the public interest for the compulsory acquisition of rights over its land and Luton Rising should negotiate matters by private agreement to secure the necessary powers by consent.</p>	<p>The Applicant agrees with this approach. Powers of compulsory acquisition will be maintained and will only be advanced on the basis that agreement is not reached. As such, powers of compulsory acquisition will only be used as an option of last resort.</p>
Network Rail REP1-113	General	<p>3. Network Rail Clearance</p> <p>3.1 Clearance is a two-stage process by which Network Rail's technical and asset protection engineers review a proposal before clearance can be granted for a proposal to proceed. Clearance may be granted subject to conditions and requirements.</p>	Noted.

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>3.2 Network Rail is in the process of applying for clearance. Until the outcome of the clearance process is known Network Rail is unable to comment fully on the impact of the proposals on its operational railway.</p>	
<p>Network Rail REP1-113</p>	<p>Compulsory Acquisition</p>	<p>4. Powers sought by Luton Rising and the impact on Network Rail 4.1 The draft Order seeks powers (as defined in the Book of Reference) to: a) acquire temporary possession of plots 1-15,1-21 and 1-26 for offsite highway works; b) acquire temporary possession of plots 1-27, 1-31,1-32,1-33,1-34 for Airport support facilities including the construction of a multi storey car park and surface car park; c) acquire permanently plots 1-22, 1-25, 1-25a, 1-36,1-38, 1-44,1-47; d) acquire permanent rights over plot 1-41 to maintain the private road beneath the railway bridge; and e) extinguish any existing rights belonging to Network Rail. 4.2 Network Rail does not consider that the scope of those rights is acceptable. The precise impact of the works on railway line and assets is being assessed and the carrying out of any works is subject to the clearance process as explained above.</p>	<p>The Applicant is in dialogue with the Property Advisors of Network Rail. The two-stage process is understood and when the outcome of the impact assessment as part of Network Rail's clearance process is completed and shared it will enable a constructive dialogue to continue.</p> <p>The Applicant believes that the powers being sought in the development consent order are proportionate and justified and it is not apparent to the Applicant why acquisition of the rights sought through the DCO would cause serious detriment to the carrying on of Network Rail's undertaking.</p> <p>As above, the Applicant is happy to discuss this issue further with Network Rail once the outcome of the impact assessment is understood.</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>Even if the impact of the physical works is considered acceptable, the rights sought are very wide-ranging and exercisable over the entirety of several plots.</p> <p>4.3 Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that the use of compulsory powers sought under the DOC would not cause serious detriment to the carrying on of Network Rail's undertaking, nor can any detriment to the carrying on of the undertaking, in consequence of the acquisition of the land, rights or use of land, be made good by the use of other land belonging to, or available for acquisition by, Network Rail.</p>	
Network Rail REP1-113	Protective Provisions/legal agreements	<p>5. Protective Provisions</p> <p>5.1 Network Rail engaged with Luton Rising Limited prior to submission of the Order regarding Network Rail's required form of protective provisions. In order to properly protect its undertaking Network Rail requires the form of protective provisions at Annex A to this document to be included in the final form of the Order.</p>	The Applicant is happy to discuss the inclusion of protective provisions for Network Rail where appropriate and is considering the draft that Network Rail has included in its written representation.
Network Rail REP1-113	Protective Provisions/legal agreements	<p>6. Conclusion</p> <p>6.1 Network Rail will be liaising closely with Luton Rising Limited, and subject to the</p>	Please see the responses above to sections 4 and 5 of Network Rail's representation.

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>clearance being obtained, is willing to enter into private agreements to govern the carrying out of the proposed works. Network Rail has made a number of requests to the promoter to commence discussions on the proposed private agreements.</p> <p>6.2 The discussions will relate to the following documents: a) protective provisions for inclusion in the DCO; b) property agreements for any easements, acquisition of freehold land and/or rights (subject to Network Rail's clearance process); and c) a framework agreement that describes and attaches the document referred to above, the protective provisions, clearance conditions and any necessary basic asset protection agreement, asset protection agreement or other engineering documents required for the benefit and protection of Network Rail's assets.</p> <p>6.3 Without those agreements and satisfactory protective provisions being in place Network Rail considers the proposed development, if carried out in relation to the plots, would have serious detrimental impact on the operation of the railway and</p>	

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>would prevent Network Rail from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, and clearance has been obtained, Network Rail is unable to withdraw its objection to the DCO.</p> <p>6.4 In the event, that insufficient progress is made regarding the protective provisions and private agreements, Network Rail will request to be heard in an appropriate hearing to explain the impact of the proposals on its railway undertaking.</p>	
<p>Pitstone Parish Council REP1-125</p>	<p>General</p>	<p>The village of Pitstone sits close to Luton's easterly arrival path. It is impacted by most arrivals, whether straight in or via standard routes. Pitstone Parish Council (PPC) has engaged with LLA over many years, including hosting public consultation events. Following a meeting in 2018, where an LLA representative responded to being asked for more detailed information regarding flights and routes by saying that the information was 'secret' and it would be illegal to share it, a parish councillor installed an ADS-B receiver which has been running ever since. The figures used</p>	<p>As noted in paragraph 6.2.1 of Appendix 16.1 of the Environmental Statement [AS-096], NATS do not endorse the sharing of raw radar data with members of the public. However the airport operator does share the radar data via an online flight tracking system, TraVis (Ref 5).</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		in this document are derived from that data.	
Pitstone Parish Council REP1-125	Noise	We also have some recent local noise information. This was obtained because one of LLA's mobile noise monitoring stations was in operation in the same location as the ADS-B receiver from mid-May to midJuly this year. This allowed calibrated noise levels to be obtained via Travis (https://travisltn.topsonic.aero).	Noted.
Pitstone Parish Council I REP1-125	Noise	The following information was captured via ADS-B and processed to include only flights with the following characteristics:- Passed within 1000 Metres of the ADS-B receiver. This area covers most of the built-up area of the village, along with neighbouring Ivinghoe- Below 3000 Metres in height. The majority of Luton landings are at around 1000M when they pass. The 3000m figure was used to capture take-offs. In recent times there seems to have been an increase in the number of easterly take offs that turn south initially and then switch north to pass over Pitstone or one of our neighbours.It is recognised that flights other than Luton may fall into the above boundaries. Small aircraft, helicopters etc do pass by, but no attempt has been made	Noted.

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response																																																
		<p>to filter them for two reasons:1) Compared to the Luton figures they will be insignificant 2) They are part of the noise and pollution burden borne by the village so should not be discounted.</p>																																																	
<p>Pitstone Parish Council REP1-125</p>	<p>Noise</p>	<p>The following table shows the total number of flights for each year, broken down by Day and Night (using LLA's hours of 23:00-07:00):</p> <table border="1" data-bbox="674 756 1267 884"> <thead> <tr> <th></th> <th>2018</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>2023</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>1034</td> <td>2815</td> <td>741</td> <td>1068</td> <td>2684</td> <td>2311</td> <td>10653</td> </tr> <tr> <td>Day</td> <td>6563</td> <td>18697</td> <td>4030</td> <td>6384</td> <td>11151</td> <td>10850</td> <td>57675</td> </tr> <tr> <td>Total</td> <td>7597</td> <td>21512</td> <td>4771</td> <td>7452</td> <td>13835</td> <td>13161</td> <td>68328</td> </tr> <tr> <td>%age</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Night</td> <td>13.61%</td> <td>13.09%</td> <td>15.53%</td> <td>14.33%</td> <td>19.40%</td> <td>17.56%</td> <td>15.59%</td> </tr> </tbody> </table> <p>Note that the data for 2018 and 2023 is incomplete (collection started on July 7th 2018 and the data includes information up to August 20th 2023). Of note are the percentage figures based on the proportion of flights.</p>		2018	2019	2020	2021	2022	2023	Total	Night	1034	2815	741	1068	2684	2311	10653	Day	6563	18697	4030	6384	11151	10850	57675	Total	7597	21512	4771	7452	13835	13161	68328	%age								Night	13.61%	13.09%	15.53%	14.33%	19.40%	17.56%	15.59%	<p>Noted.</p> <p>Requests for additional data can be directed to the airport operator via Pitstone Parish Council's representative on the Noise and Track Sub Committee.</p>
	2018	2019	2020	2021	2022	2023	Total																																												
Night	1034	2815	741	1068	2684	2311	10653																																												
Day	6563	18697	4030	6384	11151	10850	57675																																												
Total	7597	21512	4771	7452	13835	13161	68328																																												
%age																																																			
Night	13.61%	13.09%	15.53%	14.33%	19.40%	17.56%	15.59%																																												
<p>Pitstone Parish Council REP1-125</p>	<p>Noise</p>	<p>The following table shows figures taken from LLA's annual reports:</p> <table border="1" data-bbox="674 1294 1267 1422"> <thead> <tr> <th></th> <th>2018</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>16333</td> <td>17175</td> <td>7664</td> <td>6913</td> <td>15959</td> </tr> <tr> <td>Day</td> <td>119937</td> <td>124306</td> <td>55929</td> <td>54647</td> <td>102101</td> </tr> <tr> <td>Total</td> <td>136270</td> <td>141481</td> <td>63593</td> <td>61560</td> <td>118060</td> </tr> <tr> <td>%age Night</td> <td>11.99%</td> <td>12.14%</td> <td>12.05%</td> <td>11.23%</td> <td>13.52%</td> </tr> </tbody> </table>		2018	2019	2020	2021	2022	Night	16333	17175	7664	6913	15959	Day	119937	124306	55929	54647	102101	Total	136270	141481	63593	61560	118060	%age Night	11.99%	12.14%	12.05%	11.23%	13.52%	<p>Noted.</p> <p>Requests for additional data can be directed to the airport operator via Pitstone Parish Council's representative on the Noise and Track Sub Committee.</p>																		
	2018	2019	2020	2021	2022																																														
Night	16333	17175	7664	6913	15959																																														
Day	119937	124306	55929	54647	102101																																														
Total	136270	141481	63593	61560	118060																																														
%age Night	11.99%	12.14%	12.05%	11.23%	13.52%																																														

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>Note that the percentage of night flights is lower in LLA's reports and the difference seems to be increasing over time. We attribute the difference to the fact that Easterlies are flown more often in the warmer summer months when there are also significantly more flights. It is impossible to confirm this because LLA's reports do not give full breakdowns based on easterly and westerly operations.</p>	
<p>Pitstone Parish Council REP1-125</p>	<p>Noise</p>	<p>While it is impossible to be certain, we do feel that climate change could affect this and make easterly operations more prevalent in future. Differences like this make it imperative that the reports produced by LLA are more transparent and give a clear understanding of the operations with appropriate breakdowns. It should not be necessary for third parties to have to collect their own information. We are also concerned that a significant number of night flights may be late arrivals. Talking to LLA personnel at events indicated that this could be because return flights try to leave later in the local day to</p>	<p>In assessing the implications of the Proposed Development, account has been taken that approximately 5% of movements at night reflect aircraft arriving later than planned during the day as set out at paragraph 6.6.61 of the Need Case [AS-125]. These are included within the noise assessment presented in Chapter 16 of the Environmental Statement [REP1-003].</p> <p>Requests for additional data can be directed to the airport operator via Pitstone Parish Council's representative on the Noise and Track Sub Committee.</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>allow holidaymakers more time. It is not clear whether any such late arrivals would be counted as night flights, or whether the fact that the timing was not under LLAs control would mean that do not count in these figures. We feel that reporting by LLA should show explicitly which night flights were scheduled and which were the result of lateness. If lateness is significant, then flight scheduling should be changed to make these issue less likely.</p>	
<p>Pitstone Parish Council REP1-125</p>	<p>Noise</p>	<p>With regard to noise, we feel that its impact is being underestimated. As mentioned, Pitstone sees far more flights in the warmer months, when people are likely to be trying to sleep with windows open. Noise monitoring in the village showed that the baseline noise level was around 47dba. While being overflown by landings this rose to about 58-60dba (take offs would be higher). It is recognised that areas closer to the airport will see much higher levels, but 60dba is similar to the level of a conversation. Pitstone residents, and others in the flightpath, are being subjected to several 'conversations' a night while they are trying to sleep.</p>	<p>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 Environmental Statement [REP1-003].</p> <p>The assessment of noise, in line with industry standards and noise policy (Ref 6) is based on a 92-day summer period from 16 June to 15 September, to capture the increased traffic during the summer months and the fact that people are more likely to be outside or with their windows open.</p>

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>While we recognise that Pitstone will always be on the flight path, we are opposed to any changes to LLA's flight numbers and patterns that will increase noise and pollution issues.</p> <p>In particular, LLA has indicated that much of the increase in passenger numbers will be accommodated by larger aircraft rather than more flights. Should the increase be allowed, it should be specifically tied to the use of larger aircraft. There must be no loophole that permits aircraft movements to grow proportionally with passenger numbers.</p>	
Pitstone Parish Council REP1-125	Climate Change Need Case	Summary- Given the extreme weather events seen in recent years, and which are expected to increase due to climate change, we feel it is very difficult to justify a large increase in air transportation	The Government has considered these issues in its Jet Zero Strategy (Ref 1) and concluded that the implications can be managed such that there is no need to restrict growth of capacity at airports.
Pitstone Parish Council REP1-125	Noise	It is not necessary for noise to be at a high level to cause an impact if it is occurring in an open environment at night- Should the increase be allowed: <ul style="list-style-type: none"> o Care should be taken to ensure that the number of new flights is minimised o LLA reporting should be revised to allow local people to properly understand the impact on their communities and not allow 	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 Environmental Statement [REP1-003].

Interested Party and Examination Library Reference	Topic	Written Representation (Verbatim)	Luton Rising's Response
		<p>LLA to hide any embarrassing details (or avoid fines)</p> <ul style="list-style-type: none"> o LLA should be made to expand their mitigation policies to include communities further from the airport 	<p>The Noise Envelope (see Green Controlled Growth Explanatory Note [APP-217]) contains a legally binding framework of daytime and night-time noise contour area Limits and the Applicant has committed to retaining the current 9,650 movement limit in the night-time quota period (23:30 – 06:00) which will be secured through Requirement 27 of the Draft Development Consent Order [AS-067].</p> <p>The Applicant has also substantially extended its noise insulation scheme further than the current policy operated by the airport. For example, indicative noise insulation scheme extents for 2027 shown in Figure A1.1 of Draft Compensation Policies, Measures and Community First - Appendix A (Part 1 of 2) [AS-126] demonstrate the schemes extend to approximately 9km to the east of the runway end and approximately 5-7km to the west/southwest of the runway end.</p> <p>Requests for additional data can be directed to the airport operator via Pitstone Parish Council's representative on the Noise and Track Sub Committee.</p>

8 APPLICANT'S RESPONSE TO ADDITIONAL SUBMISSIONS

8.1 Introduction

8.1.1 This section provides the Applicant's response to the matters raised in additional submissions by Interested Parties.

Table 8.1: Response to Written Representations made by Members of the public and businesses

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
REP1-085	Noise and Vibration	The comments below refer to the Environmental Statement Non-Technical Survey Inset 16.1. This map does not represent accurately all the areas affected by aircraft noise from planes leaving Luton. Many planes pass over our area which is Marshallswick, to the east of St. Albans	The referenced figure shows noise contours, rather than flight paths, extending to the Lowest Observed Adverse Effect Level (LOAEL) above which adverse effects on health and quality of life occur as defined in Government noise policy (Ref 7). It is not intended to portray all the areas affected by aircraft noise or the areas where aircraft pass over.
REP1-085	Noise and Vibration	16.1.1 To my knowledge, noise monitoring equipment has not been placed on my area. At peak time aircraft depart from Luton every 2 minutes and can come over my area meaning that conversations have to be halted.	Noise monitoring is undertaken by the airport operator, London Luton Airport Operations Limited (LLAOL). LLAOL have three fixed noise monitoring terminals and six portable noise monitoring terminals which they use to measure noise in local communities. LLAOL have developed a protocol for determining a suitable location of their portable monitors. When deciding on a location their main aim is to achieve an equitable geographical spread around the airport so that as many communities as possible are included in the monitoring programme. Whilst it is not

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			<p>practicable to provide noise monitoring equipment to individuals, LLAOL consider all requests for the positioning of the portable monitors in community areas and requests can be emailed to noise.enquiries@ltn.aero. Noise monitoring data is made publicly available through Community Noise Reports on the airport's website. LLAOL also publish a schedule of community noise monitoring on their website.</p>
REP1-085	Noise and Vibration	<p>16.2 The airport has not been meeting its existing restrictions on night flights. The front bedroom in our house had triple glazing and not even this has prevented us from being woken when a plane flies over. So noise mitigation measures are not very effective.</p>	<p>It is acknowledged that the noise contour area limits were breached by the airport operator in 2017-2019. The Noise Envelope (see Green Controlled Growth Explanatory Note [APP-217]) has been designed to improve upon the existing noise control regime and to effectively prevent breaches from occurring. Appendix 16.2 Operational Noise Management (Explanatory Note) of the Environmental Statement [APP-111] sets out how the proposed Noise Envelope contains mechanisms that should have avoided the noise Limit breaches that occurred at the airport from 2017-2019. This is further elaborated on in the Comparison of consented and proposed operational noise controls document [AS-121] which provides a direct comparison between the current and proposed operational noise</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			<p>controls, noting that the Noise Envelope provides several enhancements to the current consented noise controls that are designed to prevent breaches before they occur, such as independent scrutiny and oversight, increased transparency, adaptive mitigation and management plans and noise Limit reviews.</p> <p>Improvements have been made to the Noise Envelope since submission, and a worked example has been provided which can be used to reasonably conclude that the NE would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36].</p> <p>As part of the Proposed Development, the current air noise insulation scheme administered by the airport operator will be updated if development consent is granted. The updated noise insulation scheme improves on the current scheme and goes beyond the Government policy expectations. See Draft Compensation Policies Measures and Community First [AS-128] for further details.</p>

Interested Party and Examination Library Reference	Topic	Matters Raised in Written Representation (Verbatim)	Luton Rising's Response
			<p>Noise insulation is the last resort in the mitigation hierarchy, as set out in Section 2 of Appendix 16.2 Operational Noise Management (Explanatory Note) [APP-111] of the Environmental Statement (ES). The hierarchy therefore starts with mitigation at source and mitigation by intervention (which benefit both indoor and outdoor exposure) before mitigation by compensation (noise insulation) is provided. The noise insulation packages will include suitable ventilation if required to allow windows to be kept closed.</p>

REFERENCES

Ref 1 Department for Transport (2022) Jet Zero Strategy: Delivering net zero aviation by 2050

Ref 2 Department for Transport (2018) Beyond the horizon the future of UK aviation (Making best use of existing runways)

Ref 3 Planning Inspectorate (2022) Appeal Decision - Bristol Airport 12 million passenger per annum. February 2022. Ref APP/D0121/W/20/3259234 (n-somerset.gov.uk)

Ref 4 Department for Transport (2023) Pathway to net zero aviation: Developing the UK sustainable aviation fuel mandate

Ref 5 TraVis <https://travisltn.topsonic.aero/>

Ref 6 Department for Transport (2017), Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace

Ref 7 Department for Transport (2017), Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace.