

September 2023

London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)
**8.44 Applicant's Comments on Local Impact Reports
(Luton Borough Council)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.44

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.44 Applicant's Comments on Local Impact Reports (Luton
Borough Council)**

Deadline:	Deadline 2a
Planning Inspectorate Scheme Reference:	TR020001
Document Reference:	TR020001/APP/8.44
Author:	Luton Rising

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

Contents

	Page
1 Introduction	1
1.1 Purpose of this document	1
1.2 Structure of this document	1
2 Luton Borough Council	1
2.1 Background	1
2.2 Assessment of Local Impacts	2
References	92

Tables

Table 2.1: Response to Luton Borough Council's Local Impact Report – Assessment of Local Impacts

1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This document sets out the comments of Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') on the Local Impact Report (LIR) submitted by Luton Borough Council (hereafter referred to as 'the Council') to the Examination of the London Luton Airport Expansion application for development consent.
- 1.1.2 The following LIRs were submitted to the Examining Authority (ExA) at Deadline 1A of the Examination on 25 August 2023:
- a. Buckinghamshire Council **[REP1A-001]**
 - b. Central Bedfordshire Council **[REP1A-002]**
 - c. Hertfordshire County Council, Dacorum Council, North Hertfordshire Council **[REP1A-003]**
 - d. Luton Borough Council **[REP1A-004]**
- 1.1.3 This document does not seek to respond to every element of the LIR submitted by the Council, but rather to focus on the pertinent points and respond to any important and relevant matters raised. It also seeks to comment on any matters that may require clarification or correction where it may assist the ExA and Interested Parties.

1.2 Structure of this document

- 1.2.1 For ease of reference, this document is structured in a tabular format which replicates the topic headings within the LIR.
- 1.2.2 The background to each section provides an overview, detailing the sections of the LIR that the Applicant has commented on, which is followed by the Applicant's comments concerning the details contained within the LIR for each topic.

2 LUTON BOROUGH COUNCIL

2.1 Background

- 2.1.1 This section sets out the Applicant's comments on the background provided by the Council which is set out in paragraphs 1.1.1 to 3.3.1 of the **LIR [REP1A-004]**.
- 2.1.2 In Section 1 (Terms of Reference) the Applicant notes the following:
- a. The LIR sets out local knowledge and evidence on local issues that the Council consider could be affected by the Proposed Development (1.2.1).
 - b. The LIR sets out the Council's consideration of the Proposed Development against the Council's adopted Local Plan, and whether it considers the

impacts to be positive, negative or neutral, as well as the adequacy of the **Draft DCO [AS-067]** (1.2.3).

- c. The Council has provided a list of the topics reviewed (1.2.4) and the main issues it considers relevant for the Examining Authority to consider (1.2.5).

2.1.3 In Section 2 (Site Description and Constraints) the Applicant notes the summary of the site and the overview of relevant planning history provided by the Council. The Applicant wishes to comment on the following point specifically:

- a. At paragraph 2.3.2 the Council notes that *“there are two planning permissions the proposed DCO would supersede, including the permission for the increase of the Airport to 18 million passengers per annum (mppa) with associated infrastructure (the original permission was granted in 2014 [LBC ref: 12/01400/FUL] and varied in 2017 [LBC ref: 15/00950/VARCON]) and the New Century Park development (LBC ref: 17/02300/FUL), referred to in the dDCO as Green Horizons Park.”* The Applicant notes that it is not correct that the Draft DCO would supersede the Green Horizons Park development (LBC ref: 17/02300/FUL) - the relationship between the Proposed Development and the Green Horizons Park development is set out in Section 5 of the **Planning Statement [AS-122]** and in the **Green Horizons Park Additional Information** document submitted at Deadline 1 **[REP1-005]**.

2.1.4 The Applicant also notes the policy overview provided by the Council at paragraphs 2.4.1-2.5.2, which confirms that the Council's adopted Local Plan is the Luton Local Plan 2011-2031.

2.1.5 In Section 3 (Summary of Proposed Development) the Applicant notes the summary of the Proposed Development provided by the Council.

2.1.6 With the exception of the point identified in section 2.1.3.a of this report above, regarding Green Horizons Park, the Applicant considers that Section 2 and 3 of the Council's LIR provide an accurate description of the site, constraints and the Proposed Development.

2.2 Assessment of Local Impacts

2.2.1 The responses to Section 4 Assessment of Local Impacts are set out in the table below. The Applicant has provided a response to the key matters raised under each of the topics within the LIR. These can be found on the following pages:

- a. Principle of Development – pg. 4
- b. Socio-Economic Impacts – pg. 7
- c. Noise and Vibration – pg. 8
- d. Air Quality – pg. 26
- e. Land Quality, Contamination and Groundwater – pg. 27

- f. Green Belt – pg. 29
- g. Landscape and Visual Impact – pg. 30
- h. Historic Environment and Archaeology – pg. 32
- i. Surface Access, Traffic and Transportation – pg. 37
- j. Biodiversity and Ecology – pg. 50
- k. Public Health and Wellbeing – pg. 53
- l. Climate Change and Greenhouse Gases – pg. 59
- m. Water Resources and Flood Risk – pg. 64
- n. Major Accidents and Disasters – pg. 69
- o. Controls, Monitoring and Enforcement - pg. 69

2.2.2 The main issues set out by the Council in paragraph 1.2.5 of the LIR are noted.

Table 2.1: Response to Luton Borough Council's Local Impact Report – Assessment of Local Impacts

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.1 Principle of Development			
4.1.2	Planning	The LPA is principally concerned with compliance of the Proposed Development with both local and national planning and aviation policy, as well as the demonstration of need for the Proposed Development.	Noted. The Planning Statement [AS-122] demonstrates compliance of the Proposed Development with both local and national planning and aviation policy in Sections 8 and 9, and in Appendix E Policy Compliance Tables [APP-199] . The need for the Proposed Development is set out in full in the Need Case [AS-125] .
4.1.16	Need Case	In the statutory consultation undertaken by the Applicant in 2022, an earlier iteration of the Oxford Economics report that accompanies the dDCO was considered by the host authorities' consultants when providing a response to the statutory consultation. That report, <i>The Economic Impact of London Luton Airport</i> (December 2021), also fed in to LPA's evidence at the call-in public inquiry that was held by the Secretary of State in 2022. The LPA has no reason to change its position stated at the public inquiry, namely that the socio-economic impact upon Luton as well as the sub-regional impact is wholly positive. The Airport is a vital asset in the region with the Enterprise Zone built around it, and the aviation sector is a key area for growth and recovery post the Covid 19	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>Pandemic, with the growth of the Airport being a central pillar to the Council's Strategic Vision.</p>	
4.1.17 - 19	Need Case	<p>With regard to the third element of the Applicant's need case, the future demand forecasts and capacity undertaken by York Aviation, the LPA – along with the other host authorities – commissioned Dr Chris Smith of CSACL to review the Applicant's approach to passenger demand forecasts as well as other traffic projections (cargo forecasts, business aviation forecasts, fleet mix [both passenger and cargo] as well as the busy day timetable and aircraft movement in the night periods).</p> <p>Dr Smith's initial assessment is that many of the traffic projection forecasts are reasonable. The passenger forecasts are based on the DfT's econometric forecasting approach, which is a reasonable methodology. However, since the DfT undertook those forecasts some major events have taken place, such as the Covid 19 Pandemic and Russian Invasion of Ukraine, which could mean that York Aviation's forecasts are too high. Further, whilst the assumption that one new runway will be constructed at Heathrow or Gatwick is reasonable, a further assumption that the</p>	<p>The Applicant was provided an advance copy of the CSACL <i>Initial Review of DCO Need Case</i>, which the Host Authorities jointly commissioned and which the Hertfordshire authorities submitted at Deadline 2. The Applicant has held discussions with Dr Smith and the Host Authorities. An initial response to this review was prepared and was submitted at Deadline 2 [TR020001/APP/8.43].</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>other airport will stop growing at a certain point may be unlikely since there is no passenger cap at either airport. If these assumptions are not correct, then there could be implications for the speed of growth and the passenger demand at Luton. It is anticipated that once Dr Smith has completed his assessment, it will help to inform the discussions on the Statement of Common Ground (SoCG) and also Issue Specific Hearing 2 on need.</p>	
4.1.20 - 21	Planning	<p>The Applicant's Planning Statement agrees with the LPA's position in respect of national aviation policy and, through the assessments provided throughout the various chapters of the ES, demonstrates compliance with the requirements of Policy LLP6 of the Local Plan. The Planning Statement is, therefore, considered to be adequate in respect of the principle of development.</p> <p>The dDCO envisages, however, that the Proposed Development would extend beyond the current plan period to 2031 and, therefore, the Examining Authority will need to take this into account when determining what weight should be attached to specific policies within the Local Plan.</p>	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.2 Socio-Economic Impacts			
4.2.3	Economics and Employment	In the LPA's Relevant Representations, socio-economic impacts were identified as one of the main issues for consideration, not limited to the creation of jobs and the boost to the local and regional economy, but also the wider socio-economic benefits of aviation.	Noted. The Applicant responded to the Council's Relevant Representation in Applicant's Response to Relevant Representations - Part 2A of 4 (Local Authorities) [REP1-021] , in response to RR-0876.
4.2.13-14	Employment Training Strategy Section 106	<p>The current legal agreement with the Airport Operator includes an Employment Skills and Recruitment Plan, a Local Employment and Training Initiative and, also a Local Procurement Protocol (LBC ref: 17/00950/VARCON). Should the two Secretaries of State grant planning permission for the increase in capacity to 19mppa (LBC ref: 21/00031/VARCON) then these initiatives would be carried forward in the legal agreement that was provided to the Inspector Panel at the conclusion of the public inquiry in November 2022.</p> <p>The LPA considers that in order to ensure that the local area benefits from the new employment opportunities that the dDCO will bring, the legal agreement should secure similar benefits. The Council's Economic Growth and Skills department is discussing the proposed Employment and Training Strategy with the Applicant.</p>	The Employment and Training Strategy (ETS) [APP-215] sets out the Applicant's proposals on this matter. The ETS will be secured through a section 106 agreement.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.2.15	Economics and Employment	Chapter 11 of the Environmental Statement, together with its appendices (together with the Applicant's Needs Case) considers economics and employment associated with the Proposed Development. The information provided within the dDCO is considered to be sufficient in regard to these areas. Overall, it is considered that the Proposed Development would have a significant beneficial impact upon employment and GDP, not only for Luton, but for the wider area.	Noted.
4.3 Noise and Vibration			
4.3.3	Noise and Vibration	In the Council's Relevant Representations, noise was identified as one of the main issues for consideration. The LPA is concerned that the noise impacts associated with the increase in the number of passengers, and the consequent growth in the number of aircraft movements, will result in an increase in the number of people affected by aircraft noise, which will, therefore, not be in accordance with the Government's objective to limit, and where possible reduce, the number of people significantly affected by aircraft noise.	<p>The Applicant details how that the Proposed Development is fully compliant with the current UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012]. This includes compliance with the Government's OANPS (Ref 2.1) that <i>"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."</i></p> <p>The policy paper accompanying the OANPS highlights that the economic and consumer benefits</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>may counterbalance any increase in the adverse effects of noise, stating that: <i>“an overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits.”</i></p>
4.3.4	Noise and Vibration	<p>Communities around the Airport have expressed their concern regarding aircraft noise. In 2019, prior to the Covid 19 Pandemic, the passenger throughput at the airport reached 18mppa (the passenger cap imposed by condition 8 of the current planning permission LBC ref: 17/00950/VARCON). That year, the Airport received 12,735 complaints in relation to noise. This was also the year (2019) in which the Airport was in breach of both the daytime and night time noise contour caps imposed by condition 10 for the summer period. In the previous years, 2017 and 2018, the Airport had reported a breach of the condition 10 noise contour cap for the summer night period only.</p>	<p>Concerns regarding the day-to-day operation of the airport, including noise complaints, should be directed to the airport operator.</p> <p>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 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,</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>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 Noise Envelope would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36] submitted at Deadline 2.</p>
4.3.5-6	Noise and Vibration	<p>In 2021, a planning application was submitted by the airport operator, not only to vary the passenger cap to allow 19mppa (condition 8), but also to temporarily vary the summer daytime and night time noise contour cap (condition 10) (LBC ref: 21/00031/VARCON). The Secretary of State for Levelling Up, Housing and Communities called in the application on 6 April 2022, whilst on 11 May 2022 the Secretary of State for Transport made a direction that the application should be jointly determined by both Secretaries of State. The six-week public inquiry that took place between the 27 September 2022 and 17 November 2022, devoted one full week to the issue of noise, indicating the level of interest (and scrutiny) that was given to noise associated with the Airport.</p>	<p>The position of the separate planning application 21/00031/VARCON is noted.</p> <p>The principal noise control secured in the DCO is the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p> <p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>At the time of writing this Local Impact Report, the Secretary of State's decision has not yet been issued (and is not expected until around 13 October 2023), however, it is worth noting that the existing noise controls that are in place associated with the current planning permission (LBC ref: 12/00950/VARCON) were carried forward in the proposed Noise Management Plan that was considered by the Inspector Panel for the 19mppa application (LBC ref: 21/00031/VARCON).</p>	<p>identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p>
4.3.10	Noise and Vibration	<p>Unfortunately, the Applicant has not taken forward the full recommendation of the NEDG, but rather has responded within the explanatory note on Operational Noise Management by stating that "This recommendation has not been fully adopted. Whilst all the additionally recommended metrics have been included as monitoring and reporting metrics, they have not been included as Noise Envelope Limits.</p>	<p>The Noise Envelope proposals have been developed in consultation with the Noise Envelope Design Group (NEDG) and have taken regard of their recommendations.</p> <p>The Applicant is pleased to note that there are a large number of recommendations from the NEDG that have been accepted and adopted in the Noise Envelope proposals. Whilst the Applicant has carefully considered all of the recommendations from the NEDG, there are some recommendations which have not been adopted, and in such cases the Applicant has developed alternative proposals based upon relevant best practice, guidance and policy. A summary of the NEDG recommendations and the Applicant responses are provided in Annex</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>B of Appendix 16.2 of the Environmental Statement [APP-111].</p> <p>Whilst the additional metrics suggested by the NEDG have been included as monitoring and reporting metrics, they have not been included as Noise Envelope Limits. In order to have a clear and unambiguous measure of compliance with the Noise Envelope, it is necessary to use a single indicator for daytime and night-time Limits in line with policy and Civil Aviation Authority guidance, and that indicator should best describe aircraft noise annoyance and health impacts on the communities (Ref 2.2, Ref 2.3).</p>
4.3.11	Noise and Vibration Green Controlled Growth	<p>The LPA considers that, whilst QC may be used internally by the Airport to plan how to meet the summer noise contour limits moving forwards, this is not the same as the planning controls which are currently in place. It would appear from the proposed Green Controlled Growth framework that the Airport would simply have to report the QCs to the Environmental Scrutiny Group (ESG), and that the ESG would have no say in terms of setting controls or caps to the current levels set out in the planning permission, nor does there appear to be an option for the ESG or local authorities to push back or lower the caps in the future.</p>	<p>As part of the Noise Envelope – Improvements and Worked Example [TR020001/APP/8.36] published at Deadline 2, updates have been proposed to the Noise Envelope based on further analysis of the causes behind the historic breaches of noise contours in 2017-19.</p> <p>One such update is to that, on exceedance of a lowered Level 1 Threshold, to require the airport to use 16-hour day and 8 hour night total Quota Counts (QCs): to inform forward planning of airport operations (both annual and five-year forward plan); to incentivise airlines to operate the quietest aircraft available in response to the opportunity of growth; as part of the bi-annual process of slot management and capacity declaration; and where in the forward</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>plan the Level 2 Threshold Equivalent QC or Limit Equivalent QC is exceeded, to prepare a Monitoring Report that includes proposals for slot management measures, additional interventions or mitigation to ensure that the Limit will not be exceeded.</p> <p>The Noise Envelope includes a defined mechanism to share the noise reduction benefits of future technological improvements in aircraft between the airport and local communities. This would be controlled through a requirement to review the Limits and Thresholds in 5-year cycles and reduce these, if reasonably practicable, as and when future technology becomes available, and its noise performance known. Such a reduction would be proposed in consultation with the Noise Technical Panel and approved by the Environmental Scrutiny Group. See paragraphs 3.2.27 onward of the Green Controlled Growth Explanatory Note [APP-217] for further information.</p>
4.3.12	Noise and Vibration	<p>As noted previously in this section, in 2019 the Airport was in breach of condition 10 which sets a maximum area for the summer period in relation to the daytime 57dB LAeq.16hr contour and the night time 48dB LAeq.8hr contour.</p> <p>The LPA is concerned that the applicant proposes to use the 2019 actual data as their baseline, which, was not compliant with</p>	<p>As described in Chapter 16 of the Environmental Statement [REP1-003], the Applicant has undertaken an assessment of likely significant effects in Environmental Impact Assessment (EIA) terms by comparing the situation with the Proposed Development (the Do-Something scenario) to the situation without the Proposed Development (the Do-Minimum scenario) in each assessment year. The future air noise baseline (the Do-Minimum) is compliant with the airport's current consented long</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>the planning condition, and therefore includes as the starting point a greater number of dwellings and a greater population than would be the case if in 2019 the condition controlling the area within the set daytime and night time contour had been complied with. The LPA considers that the 2019 actual figures give elevated noise levels as the starting point as well as a greater number of people exposed to aircraft noise than if the baseline were set using a 2019 condition compliant baseline.</p>	<p>term noise limits in each assessment year and therefore demonstrates a scenario where the airport is operating within its currently consented noise limits.</p> <p>Forecast noise exposure with the development is also compared to the 'current baseline' which is considered to be the actual noise levels in 2019, in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (which refers to the baseline scenario as "a description of the relevant aspects of the current state of the environment" in Schedule 4, paragraph 3).</p> <p>However, a sensitivity test using a '2019 Consented' baseline (derived for this purpose by adjusting the fleet mix that occurred in 2019 to reach a modelled noise impact that would sit within the existing 2019 short term Limits) is summarised in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>An assessment against both the 2019 Actuals and 2019 Consented baseline has therefore been undertaken. The conclusions of residual significant effects remain the same for both assessments, as significant effects would be avoided through the provision of the noise insulation programme set out in Draft Compensation Policies Measures and</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			Community First [TR020001/APP/7.10] (as updated at Deadline 2).
4.3.13	Noise and Vibration	Given the inappropriate baseline that the applicant has used, the LPA considers that the dDCO should either use an earlier year when the Airport was compliant with the noise condition, or adjust the 2019 baseline to be condition compliant in order to be able to adequately assess whether the Proposed Development complies with Government policy (and emerging policy) in terms of limiting and where possible reducing the number of people significantly affected by aircraft noise.	<p>The reasoning for how both the 2019 Actuals and 2019 Consented baseline have been used in Chapter 16 Noise and Vibration of the ES [REP1-003] is set out above.</p> <p>As noted above, changing the 2019 Consented baseline from the sensitivity test to the core assumption would not fundamentally change the outcome of the EIA assessment, nor would it, for example, alter the Noise Envelope Limits or the quantification of sharing the benefits set out in Appendix 16.2 of the Environmental Statement [APP-111], which is already measured against the 2019 Consented baseline.</p>
4.3.14-15	Noise and Vibration	<p>Tables 4.3.1 and 4.3.2 below use information from Chapter 16 of the Environmental Statement to consider the potential impact of the development upon the area within the daytime 57dB LAeq.16hr contour and the night time 48dB LAeq.8hr contour (the contour caps for the summer period set by Condition 10 of the current planning permission).</p> <p>Condition 10 requires the area covered by the 57dB LAeq.16hr daytime contour to be reduced to 15.2km² from 2028 and that covered by the 48dB LAeq.8hr night time</p>	<p>The current consented limits have been set using the Integrated Noise Model (INM) and cannot be directly compared to the contours in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003] which have been calculated using the Aviation Environmental Design Tool (AEDT). This is explained in paragraph 16.5.43 onwards of Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>A comparison of the current consented limits and the Noise Envelope Limits (accounting for conversion between INM and AEDT) is provided in</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>contour to be reduced to 31.2km² by 2028. It can be seen that in the 'do something' scenario the area within the 57dB LAeq,16hr daytime contour in 2043 exceeds that limit by 2.2km², whilst for the 48dB LAeq,8hr night time contour, in 2027 there is an exceedance of the current cap (37.2km²) by 5km² and in 2039 an exceedance of the 31.6km² cap by 6.2km², whilst in 2043 that exceedance has increased to 11.6km² above the current Condition 10 cap.</p>	<p>Inset 1 and 2 of Comparison of consented and proposed operational noise controls [AS-121].</p> <p>The current consented limits are based on 18 mppa and take into account noise reduction from re-fleeting to new generation aircraft technology over time. Therefore growth above 18 mppa would result in increases in the noise contour areas compared to the current consent, even when accounting for noise reductions due to re-fleeting over time.</p> <p>The noise contour band for the Noise Envelope Limits was defined by the Noise Envelope Design Group and it was agreed to adjust the daytime noise Limit from the current planning consent 57dB_{LAeq,16h} contour band to the 54dB_{LAeq,16h} contour band with reference to research by the Civil Aviation Authority (Ref 2.2) which notes that <i>"The same percentage of respondents said by ANIS to be highly annoyed at 57 dB LAeq,16h now occurs at 54 dB."</i></p>
4.3.16	Noise and Vibration	<p>The Environmental Statement demonstrates that in the 'do minimum' scenario, the area in which the population is exposed to Significant Observed Adverse Effect Levels (SOAEL), both in the daytime (the 63dB LAeq,16hr contour) and in the night time (the 55dB LAeq,8hr contour), will decrease over time (tables 16.26 and 16.27 of Chapter 16). A sensitivity test is then provided in Section 12.2 of Appendix 16.1</p>	<p>As noted above, the current consented limits cannot be directly compared to the contours in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>The referenced sensitivity test only relates to any comparison to the historic 2019 baseline and not the future baseline Do-Minimum scenarios used for the EIA assessment of likely significant effects. The Do-Minimum scenarios in all future assessment years</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>with a 'Condition 10 Compliant' scheme, though the tables in that section have not been provided for a compliant scheme for the key phase years (2027, 2039 and 2043), so it is not possible to tell how much smaller the area covered by the daytime and night time SOAEL contours would have been. Tables 4.3.3 and 4.3.4 below summarise the information taken from the tables in Chapter 16 of the Environmental Statement and Section 12 of Appendix 16.1 in relation to the area covered by the SOAEL.</p>	<p>are compliant with the current condition 10 long-term noise contour area limits. This is explained in paragraph 16.1.4 in the Introduction section, paragraphs 16.5.6 – 16.5.7 in the Methodology section and paragraph 16.7.17 in the Baseline section of Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>To summarise, therefore, there is no need to provide separate tables for a 'Condition 10 Compliant' scheme in 2027, 2039 and 2043 as the Do-Minimum scenarios are already compliant with the Condition 10 contour area limits.</p>
4.3.17	Noise and Vibration	<p>Whilst the area covered by the day time SOAEL contour decreases even with the Applicant's 'do something' scenario compared to the Condition 10 compliant 2019 area, it is worth noting that for the night time SOAEL, in 2043 the area has not decreased below the 8.8sqkm² that would have been covered by the 48dB LAeq,8hr contour if a 2019 compliant scenario had been used as the baseline.</p>	<p>The 8.8 km² referenced in the Local Impact Report relates to the 55dB_{LAeq,8h} Significant Observed Adverse Effect Level (SOAEL) contour and so cannot be compared to the contour area limits which are set using the 48dB_{LAeq,8h} contour. As described above, the 2019 complaint scenario is not relevant to the 2043 contour areas which are subject to a different long-term contour area limit which applies from 2028 onwards.</p>
4.3.18	Noise and Vibration	<p>Tables 4.3.5 and 4.3.6 below undertake a similar exercise for the population that would be exposed to noise increases above the SOAEL but below the Unacceptable Adverse Effect Level (UAEL) using a Condition 10 compliant scenario and comparing it to the Applicant's 'do minimum'</p>	<p>This is noted and acknowledged in the sensitivity test presented in Section 16.9 of Chapter 16 of the Environmental Statement [REP1-003] as follows (see Table 16.74):</p> <p><i>"During the night-time, there would be new significant effects on health and quality of life in</i></p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>and 'do something' scenarios. Again whilst both modelled scenarios show the population exposed to the SOAEL decreasing for both the day and night periods, the comparison shows that if the Applicant had used the 2019 Condition 10 compliant scenario as the baseline, the total population exposed to SOAEL during the night period would be higher with the development in 2043, than in 2019 had the Airport operated in accordance with the planning condition.</p>	<p><i>assessment Phase 1 and assessment Phase 2b due to new exposure above the SOAEL compared to the 2019 Consented baseline that are not identified in the core assessment which compares to the 2019 Actuals baseline. These significant effects would be avoided through noise insulation, though there may be temporary significant effects on health and quality of life in assessment Phase 1 until such time as noise insulation can be provided for those who wish to take up the offer."</i></p> <p>This is a comparative assessment, and does not mean that more people are exposed above the daytime or night-time Significant Observed Adverse Effect Level (SOAEL) in the Do-Something scenario, rather it means that there is a proportion of the population that is above SOAEL in the Do-Something scenario, but that would not have been above SOAEL in 2019 had the airport been operating in accordance with the planning condition.</p>
4.3.19	Noise and Vibration	<p>Chapter 16 of the Environmental Statement proceeds to quantify the absolute increases in noise for the three phases of the Proposed Development. In 2027 an additional 450 people exposed to noise between the SOAEL and UAEL during the daytime, will experience an increase of between 0.1 and 0.9dB as a result of the Proposed Development (Table 16.38 in the Environmental Statement). This is</p>	<p>This restatement of the assessment is noted and is in line with the methodology, assessment thresholds and change criteria outlined in Section 16.5 of Chapter 16 of the Environmental Statement [REP1-003] which have been agreed as appropriate by the Council in the Statement of Common Ground [TR020001/APP/8.13].</p> <p>The identified significant effects would be avoided through the provision of noise insulation as</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>assessed as negligible and held to be imperceptible. In 2039 some 200 people exposed to noise between the SOAEL and the UAEL during the daytime will experience an increase in noise levels, which is between 1.0 and 1.9dB. This is assessed to be minor but is considered significant as it is above the SOAEL. Finally, in 2043, some 500 residents within those contours are exposed to noise increases between 1.0 and 1.9dB, again this is considered minor but significant.</p>	<p>described in Section 16.10 and Section 16.11 of Chapter 16 of the Environmental Statement [REP1-003].</p>
4.3.20	Noise and Vibration	<p>For the night period some 3,800 residents will experience change of between 1.0 and 1.9dB within the contours defined by the SOAEL (55dB LAeq.8hr contour) and the UAEL (63dB LAeq.8hr contour), that impact is considered to be minor but significant as the area is above the SOAEL exposure. For 2039 some 2,600 residents living within the area exposed to noise between the SOAEL and UAEL would experience increases in noise of between 1.0 and 1.9dB, again considered minor but significant. Whilst in the final assessment year, 2043, there would be 150 people within that area experiencing an increase of between 1.0 and 1.9dB, however, a further 3,100 would experience an increase of between 2.0 and 2.9dB. Both increases are considered significant as the population is already</p>	<p>This restatement of the assessment is noted and is in line with the methodology, assessment thresholds and change criteria outlined in Section 16.5 of Chapter 16 of the Environmental Statement [REP1-003] which have been agreed as appropriate by the Council in the draft Statement of Common Ground [TR020001/APP/8.13].</p> <p>The identified significant effects would be avoided through the provision of noise insulation as described in Section 16.10 and Section 16.11 of Chapter 16 of the Environmental Statement [REP1-003].</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		exposed to levels above the SOAEL, but the larger increase rather than being assessed as minor is considered to be a moderate adverse effect.	
4.3.21	Noise and Vibration Compensation	The Applicant proposes mitigation measures to address the noise impacts, building upon the existing Noise Insulation Scheme operated at the Airport. In this regard all properties that fall within the contour defining the daytime SOAEL (63dB LAeq.16hr contour) would be entitled to the full noise insulation package for all habitable rooms (see paragraph 16.10.15 of the Environmental Statement). For the night period the properties falling within the SOAEL (55dB LAeq.8hr contour) would also be eligible for noise insulation to their bedrooms. The Environmental Statement considers that for Phase 2a and 2b the noise insulation scheme would have been rolled out for all properties within the daytime and night time SOAEL contours, but by 2027 not all properties within the night time SOAEL may have been insulated.	This restatement of the assessment is noted.
4.3.22	Noise and Vibration	The Government's Aviation Policy Framework (APF) seeks to strike a balance between the positive economic benefits of aviation and the negative impacts of noise on people's health, quality of life and productivity, stating a general principle that	The Applicant considers that the Proposed Development is fully compliant with UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003] , the Planning Statement [AS-122] and Commentary

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>future Airport expansion should ensure that the benefits are shared between the aviation industry and local communities. Given the issues identified, the LPA considers that the Applicant should increase their mitigation measures in order to strike an appropriate balance between growth and noise reduction. The LPA also considers that the current conditions relating to night flights, including the early morning shoulder period and the quota count, should be carried forward as requirements to ensure effective control and safeguard the amenities of surrounding communities.</p>	<p>on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012]. This includes compliance with the Government's OANPS (Ref 2.4) that <i>"The impact of aviation noise must be mitigated as much as is practicable and realistic to do so, limiting, and where possible reducing, the total adverse impacts on health and quality of life from aviation noise."</i></p> <p>The policy paper accompanying the statement highlights that the economic and consumer benefits may counterbalance any increase in the adverse effects of noise, stating that: <i>"an overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits."</i></p> <p>The principal noise control secured in the DCO is the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p>
4.3.23	Noise and Vibration Need Case	<p>Whilst the dDCO may indicate that the applicant proposes to mitigate noise as the Airport capacity grows, and that noise levels may reduce with technological improvements as the next generation aircraft are developed, the uncertainty about this may result in the Airport not adequately sharing the benefits with the local community as set out in Government policy.</p>	<p>The Applicant is committed to sharing the benefits of future technological improvements (in terms of aircraft noise reduction) between communities and industry. The policy of sharing the benefits also requires regard to be had to economic and consumer benefits, see Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012].</p> <p>The benefit of the transition to 'new generation' aircraft (e.g. the Airbus 320Neo and 321Neo and the Boeing 737Max) in the early years of expansion (phase 1) will be shared with the community, with the Noise Envelope Limits to be set at commensurate levels to secure this. For the later years of expansion (phase 2 and onwards), The Noise Envelope includes a defined mechanism to share the noise reduction benefits of future technological improvements in aircraft between the airport and local communities. This would be controlled through a requirement to review the</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			Limits and Thresholds in 5-year cycles and reduce these, wherever reasonably practicable, as and when future technology becomes available, and its noise performance known. See the Green Controlled Growth Explanatory Note [APP-217] for further information.
4.3.24	Noise and Vibration	With regard to ground noise the Council has internal guidance which sets lower noise limits, and these are not reflected by the applicant in their Environmental Statement. The Environmental Health Team considers that this could result in a greater impact than is expected through Local Plan Policy LLP38 (Pollution and Contamination) and is out of step with noise limits they would expect for new commercial development throughout the Borough.	<p>The internal guidance referred to is understood to be Luton Borough Council's Environmental Protection Planning and Noise Guidance. This internal guidance document is not referenced from the Luton Local Plan (Ref 2.5). The guidance notes that planning applications for commercial developments affecting residential properties should include proposals to achieve residential internal noise levels of 40dB_{L_{Aeq,16h}} during the daytime and 30dB_{L_{Aeq,8h}} and external noise levels of 55dB_{L_{Aeq,1h}}. It is not clear from the guidance that these are noise "limits", nor that they are applicable to infrastructure projects.</p> <p>Allowing for a typical noise reduction of 15dB from outside to inside representing an open window (as a worst-case), the guidance internal noise levels are higher (for daytime) or equivalent (for night-time) than the Lowest Observed Adverse Effect Level (LOAEL) used for the ground noise assessment, derived from Government noise policy (Ref 2.6), of 51dB_{L_{Aeq,16h}} and 45dB_{L_{Aeq,8h}} respectively. Whilst the time periods are different, the daytime guidance noise level for outdoor amenity of 55dB_{L_{Aeq,1h}} is also</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>higher than the daytime LOAEL of 51dBL_{Aeq,16h}. It is therefore not agreed that the noise level guidance sets lower noise limits than used in the assessment of ground noise in Chapter 16 Noise and vibration of the Environmental Statement [REP1-003].</p> <p>It should also be noted that the modelling approach, methodologies, thresholds, assessment periods, and change criteria for the ground noise assessment have been agreed as appropriate with LBC as confirmed in the draft Statement of Common Ground [TR020001/APP/8.13], ID LBC78.</p> <p>Local Plan Policy LLP6 states <i>“Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals: achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport’s most recent Airport Noise Action Plan”</i>. The terms ‘material increase’ and ‘excessive noise’ are not further defined.</p> <p>Local Plan Policy LLP38 states <i>“Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively</i></p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p><i>with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.”</i></p> <p>It is considered that the ground noise assessment presented in Chapter 16 Noise and vibration of the Environmental Statement [REP1-003] is in line with the above policy as:</p> <ol style="list-style-type: none"> a. there will be reductions in ground noise with the Proposed Development (see Tables 16.57, 16.62 and 16.67); b. all daytime and the vast majority of night-time predicted noise increases are not significant (when using the assessment criteria as agreed with the Council in the draft Statement of Common Ground [TR020001/APP/8.13], ID LBC78); and c. for noise increases that lead to adverse likely significant effects for a small number of receptors at night (six properties to the south of the airport boundary), these would be avoided through the provision of noise insulation under the air noise insulation

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			scheme (see paragraphs 16.11.9 to 16.11.11 of Chapter 16 Noise and vibration of the Environmental Statement [REP1-003]).
4.3.26	Noise and Vibration Need Case	As outlined above, comparing the current conditions against the projected increase above those noise levels, demonstrates a worsening of the noise environment, which would be a negative impact in terms of noise for some residents. However, there may be technical advances which may change this trajectory, but these are currently not known and therefore it is for the applicant to demonstrate how they will strike an appropriate balance in line with Government policy.	Noted. See responses to specific points raised above.
4.4 Air Quality			
4.4.4	Air Quality	In the Council's Relevant Representations, Air Quality was identified as one of the issues that the LPA considered needed consideration by the Examining Authority, since pollutant concentration levels may affect human health and if the development is to be consented appropriate mitigation measures will need to be in place.	The Applicant considers that the issue raised regarding human health mitigation measures was answered within the Applicant's Response to Relevant Representations Part 2A of 4 [REP1-021] page 2, in response to RR-0876.
4.4.6	Air Quality	The pollutants of concern for Luton are NO2 and PM2.5 (PM10 has never been measured or modelled to be at problem levels).	The Applicant considers that the issue raised regarding human health mitigation measures was answered within the Applicant's Response to

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			Relevant Representations Part 2A of 4 [REP1-021] page 2, in response to RR-0876.
4.4.10	Air Quality	Chapter 7 of the ES considers air quality implications of the Proposed Development. The information provided within the dDCO is considered to be sufficient to consider the air quality. The LPA considers that the Proposed Development would have a neutral impact.	The Applicant considers that the issue raised regarding human health mitigation measures was answered within the Applicant's Response to Relevant Representations Part 2A of 4 [REP1-021] page 2, in response to RR-0876.
4.5 Land Quality, Contamination and Groundwater			
4.5.3	Land Quality, Contamination and Groundwater	The LPA would want to be satisfied that the requirements of the dDCO would robustly deal with matters of ground contamination, land stability and ground water, given that any impact would be significant if not managed and mitigated appropriately. This is imperative in respect of human health, protection of ground water, and the protection of the natural environment.	The Outline Remediation Strategy (ORS) within Appendix 17.5 of the Environmental Statement [APP-125] identifies measures to manage ground contamination and groundwater and settlement. The lead contractor will be required to comply with the Code of Construction Practice (CoCP) (Appendix 4.2 of the Environmental Statement [APP-049]) which contains additional management and mitigation measures, and to provide a detailed Remediation Strategy prior to commencement of works, as secured by Requirements 8 and 17 of the Draft Development Consent Order [AS-067] . These documents are required to be agreed with the relevant local planning authority after consultation with the Environment Agency. Discussions regarding the ORS and other construction management measures are ongoing as identified in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.13] items LBC 116 to LBC 119.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.5.4	Land Quality, Contamination and Groundwater	The former Eaton Green Landfill Site, which operated from 1937 to the early-1990s is located under the eastern part of the Airport (long-stay car park) and Wigmore Valley Park. This poses a significant risk to the surrounding ground and water environment.	The Applicant considers the risk posed by the former Eaton Green Landfill Site has been appropriately assessed in Chapter 17 Soils and Geology [APP-043] and Chapter 20 Water Resources [AS-031] of the Environmental Statement and the appendices to these chapters, no significant adverse effects were identified.
4.5.5	Land Quality, Contamination and Groundwater	There will also be a significant amount of excavation and soil movements associated with the proposal, most critically in respect of the creation of the new aprons associated with the second terminal as the relevant land needs to be elevated significantly to meet the level of the existing runway and adjacent taxiways. As identified on Figure 17.1 of the ES, the relevant parts of the Proposed Development are, therefore, Area A, Area B and the LLOAL Contractor's Compound.	Excavations and soil movements will be managed by measures defined in the Code of Construction Practice (Appendix 4.2 of the Environmental Statement [APP-049]) and the Outline Soil Management Plan (Appendix 6.6 of the Environmental Statement [APP-060]) . The lead contractor will be required to comply with the Code of Construction Practice.
4.5.7	Land Quality, Contamination and Groundwater	As set out within the SoCG, the LPA has agreed the monitoring strategy for groundwater, vapour, leachate and ground gas. There remains a question surrounding the feasibility and efficacy of the outline remediation strategy, including for virtual barrier or gas vent trench preventing lateral migration of gas to existing property occupiers, which is only illustrative in the dDCO, leaving the detailed design to the contractor. However, it is considered that	This matter is addressed and largely agreed within the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.13] item LBC 120. Discussions are currently ongoing regarding the potential efficacy of the boundary gas mitigation measures.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		Chapters 6, 13 and 17 of the Environmental Statement adequately address land contamination, stability and ground water for the purposes of consideration under the dDCO.	
4.5.8	Land Quality, Contamination and Groundwater	Further detail in respect of the requirements set out in Schedule 2 of the dDCO will be necessary.	Schedule 2 Part 2 Section 8 of the Draft Development Consent Order [AS-067] identifies the requirements for the development to be undertaken in compliance with the Code of Construction Practice (Appendix 4.2 of the Environmental Statement [APP-049]), and relevant management plans provided alongside the Environmental Statement. The Applicant considers the detail provided is sufficient.
4.6 Green Belt			
4.6.10	Planning	It is, therefore, considered that the dDCO has sufficiently demonstrated that there is a need for the additional SMR and that the only viable option would be the chosen location.	Noted.
4.6.13	Planning	The LPA is satisfied that the need for a Green Belt location for the SMR and associated infrastructure has been appropriately demonstrated and that the overall harm to the openness of the Green Belt. The LPA is also satisfied that the SMR is essential to operation of the Proposed Development and, therefore, that the SMR is inherently tethered to the VSC associated with the Proposed Development.	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.6.14	Planning	The LPA does not seek to comment upon Green Belt implications beyond the Borough boundary. The submission is, therefore, considered to be adequate in respect of Green Belt considerations affecting Luton.	Noted.
4.7 Landscape and Visual Impact			
4.7.5	Landscape and Visual Impact	With regard to the visual implications of the Proposed Development to the built environment, the primary concern of the LPA in respect of the dDCO relates to the containment of the impacts to the existing area surrounding the Airport, meaning that the character and setting of other parts of the Town remain materially unaffected.	Noted
4.7.6-7	Landscape and Visual Impact	<p>In terms of the landscape implications associated with the Proposed Development, three areas of local landscape value (ALLV) are considered relevant to the assessment:</p> <ul style="list-style-type: none"> • Someries Farm & Dane Street Farm to the south; • Wigmore Rural to the north-east; and • Lower Lea Valley to the west. <p>Although other areas, such as Stockwood Park, are recognised within the Local Plan and its supporting evidence, and the dDCO considers impacts upon other character areas, other areas and assets are well-distanced and/or screened from the Proposed Development.</p>	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.7.10	Landscape and Visual Impact Planning	The embedded and good practice mitigation measures are considered to be an appropriate response, appropriately addressing the adverse impacts that the report goes on to consider. Some of these are significant and would remain so over the lifetime of the Proposed Development, such as with Wigmore Valley Park, however, these impacts have, in part, already been considered as a part of the New Century Park planning permission, which remains implementable up to June 2024. Further, replacement open space would significantly alleviate such significant adverse impacts of the Proposed Development.	Noted.
4.7.11	Landscape and Visual Impact	In terms of impacts from the south, the LPA is comfortable that these landscaped areas would not be significantly adversely affected in the long-term, whilst parts of the Proposed Development that would be visible from western viewpoints would be read against the existing and emerging built environment surrounding Luton Airport Parkway, Dairyborn Escarpment, and the Airport itself.	This matter is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.13] item no LBC95.
4.7.12	Landscape and Visual Impact	It is, therefore, considered that the dDCO accounts for the LPA's primary concerns relating to the containment of the Proposed Development to the south-eastern corner of the Borough, as well as respecting the	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		identified ALLVs. Consequently, the LPA does not wish to raise any issues in respect of the adequacy of the dDCO in terms of landscape and visual impact.	
4.8 Historic Environment and Archaeology			
4.8.3	Heritage	Though the Borough of Luton contains many statutory heritage assets, those situated further from the Proposed Development are not considered to be materially relevant to the dDCO. Whilst there could be noise implications associated with the operation of the Proposed Development for Conservation Areas as identified within Chapter 10 of the ES, given the existing noise profiles experienced within these central (to Luton) areas, it is not considered that there would be significant adverse impacts upon the setting of these heritage assets.	Noted.
4.8.4	Heritage	The LPA, therefore, considers that the only statutory asset that would be affected by the Proposed Development would be Wigmore Hall Farmhouse, which is a Grade II Listed Building located to the north-east of the existing airport to the south of and accessed from Eaton Green Road.	The assessment of Wigmore Hall Farmhouse and justifications of findings is provided in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] .
4.8.5-6	Heritage	London Luton Airport lies within a known archaeological landscape and the Central Bedfordshire and Luton, and the Hertfordshire Historic Environment Records document the presence of archaeological	A programme of detailed excavation to preserve by record sub-surface archaeological remains, including HER 10808, has been agreed with the Archaeological Advisor to the Council and is set out

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>sites both within the scheme's boundary and its immediate surroundings. The known sites affected by the proposed airport expansion within Luton largely survive as sub-surface remains (for example CBHER 10808). The pre-DCO submission archaeological evaluation works undertaken by the applicant (geophysical survey and trial trenching) has confirmed that within the Luton administrative area a Late Iron Age to Roman settlement, including building remains survive.</p> <p>Under the terms of the National Planning Policy Framework (NPPF) and Luton Local Plan 2011-2031, this site is a heritage asset with archaeological interest, with local to regional significance.</p> <p>The key issues affecting heritage and archaeological interest in Luton are, therefore, ensuring that the former is appropriately respected and that the latter is fully investigated and that any deposits are preserved.</p>	<p>in Appendix 10.6 Cultural Heritage Management Plan of the Environmental Statement [APP-077].</p>
4.8.7-8	Heritage	<p>Chapter 10 of the ES considers the heritage significance of Wigmore Hall Farmhouse, first noting that the architectural interest of the building is derived from its symmetrical façade and Georgian appearance. It goes</p>	<p>The Applicant considers the assessment in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] to be appropriate.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>on to identify, however, that the setting of the former farmhouse has been eroded by housing development to the north and hardstanding and unsympathetic extensions to the west and south. Further, the agricultural land that would have provided the Farmhouse within its original setting has long since gone. The LPA would also point out that Wigmore Hall is also in close proximity to the existing airport, associated long-stay car parking, and a local Council-operated waste manage facility.</p> <p>The LPA does not consider that the assessment is adequate, and that the conclusion accurately represents the impact of the Proposed Development upon this statutory heritage asset.</p>	<p>Section 10.9, paragraphs 10.9.108 to 10.9.110 of Chapter 10 of the ES [AS-077] describes the heritage interests of Wigmore Hall Farmhouse, namely its architectural and historic interests, which contribute to its heritage value.</p> <p>The assessment notes that the asset's setting has been eroded by the loss of farmland, and that the surrounding parkland, while forming a sympathetic backdrop to the house, is not contextually associated with the house and does not therefore contribute to its heritage value. As such, the landscape surrounding the house is not part of its setting that contributes to its heritage value.</p> <p>The assessment correctly states that the Proposed Development would not change or impact the asset's historical or architectural interests, but the presence of further buildings would further erode its setting. As there would be 'no change' to the asset's heritage interests, this is assessed as a minor adverse effect, which is not significant.</p>
4.8.9	Heritage	<p>First, the assessment fails to consider that the Proposed Development would encroach significantly upon Wigmore Hall, at once removing a significant area of existing parkland and leading to elevated land levels and new infrastructure immediately adjacent to the site. Whilst housing now exists to the north and the agricultural land that would have originally existed around the asset has</p>	<p>The Applicant considers the assessment in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] to be accurate. The assessment acknowledges that the introduction of new buildings would further erode the setting of the Wigmore Hall Farmhouse. However, the assessment is correct that the heritage interests of the farmhouse, namely its architectural and</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		now gone, the existing building continues to benefit from a semi-rural setting that would be lost as a result of the Proposed Development.	historic interest, would be subject to a minor adverse effect which is not significant.
4.8.10	Heritage	Further, there is no consideration of the impact of increased activity levels surrounding the heritage asset, with the introduction of Green Horizons Park (formerly known as New Century Park) to its south and additional airport-related development to its south-east.	As the landscape surrounding Wigmore Hall Farmhouse is not part of its setting that makes an important contribution to its heritage value, other developments would not result in a significant cumulative effect.
4.8.11	Heritage	Finally, there has not previously been development to the south-east of Wigmore Hall and, therefore, this would change the setting of the heritage asset when regarded from the south and south-east.	As the landscape surrounding Wigmore Hall Farmhouse is not part of its setting that makes an important contribution to its heritage value, the Proposed Development would not impact the farmhouse's heritage interests or value. The further erosion of this component of setting is assessed in paragraph 10.9.110 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] and is noted to result in a minor adverse effect, which is not significant.
4.8.12	Heritage	It is accepted that the site would have been similarly affected by the New Century Park development, which was granted planning permission in 2021 (LBC ref: 17/02300/EIA), however, there is only limited consideration of these implications within the assessment provided within Chapter 10.	As the landscape surrounding Wigmore Hall Farmhouse is not part of its setting that makes an important contribution to its heritage value, other developments would not result in a significant cumulative effect.
4.8.13	Heritage	Whilst the LPA would agree with the assessments in respect of Luton's	Rothesay Conservation Area is located outside of the study area agreed with cultural heritage officers,

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>conservation areas, it is noted that there is no mention of Rothesay Conservation Area, or reference to it having been scoped out of the heritage assessment. Further, there is no reference to Hart House, a Grade II Listed Building on Kimpton Road adjacent to Luton Airport Parkway Train Station. This is in close proximity to the two multi-storey car parks that are proposed and is adjacent to the departure flight part. There is no assessment of potential impacts on this heritage asset, which is owned by the Applicant.</p>	<p>which is why it is not included in the assessment in Chapter 10 Cultural Heritage of the Environmental Statement [AS-077].</p> <p>Hart House Business Centre is included in Appendix 10.1: Cultural Heritage Desk Based Assessment (DBA) of the Environmental Statement [APP-072]. Hart House is referred to in the assessment by its National Heritage List for England List Entry Name: Office Block, Vauxhall Motors, and List Entry Number: 1249000 allocated by Historic England.</p> <p>The building is referenced in Section 5 and Section 6 of the Desk Based Assessment [APP-072]. The assessment notes that the area within the Order Limits do not contribute to the setting of the office block and it is therefore not included in the impact assessment. This is also noted during consultation with Historic England, which is documented in Table 10.6 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077].</p>
4.8.14	Heritage	<p>On that basis, the LPA does not consider that the dDCO adequately considers the impact of the Proposed Development upon Wigmore Hall in accordance with Chapter 16 of the NPPF or Policy LLP30 of the Local Plan.</p>	<p>Following on from the above, the Applicant considers the assessment of Wigmore Hall Farmhouse in Section 10.9 of Chapter 10 Cultural Heritage of the Environmental Statement [AS-077] to be accurate.</p>
4.8.16-17	Archaeology	<p>As stated within the provided SoCG, the WSI scope and methodology for trial</p>	<p>Noted.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>trenching and trial trench evaluation undertaken to inform the ES was agreed. It is also agreed that the majority of archaeological works would be carried out in advance of construction activities, as set out within the Cultural Heritage Management Plan (CHMP). That preservation in situ is no longer proposed due to the fragility of deposits and the damage that would be likely, is welcomed.</p> <p>In light of these recent developments, it is considered that the dDCO adequately addresses archaeological implications of the Proposed Development.</p>	
4.9 Surface Access, Traffic and Transportation			
4.9.4	Surface Access	In the Council's Relevant Representations, surface access was identified as one of the main issues for consideration, including the impact upon the local and strategic highway network, as well as the implications for public transport and a modal shift.	Noted.
4.9.11	Surface Access	In our submission of Preliminary Areas of Disagreement Summary Statement (PADSS), we commented that "the Eaton Green Road Link is shown as a dual carriageway which is a change from a previously approved scheme and the LPA requires justification for its need." Having reviewed the plans that were approved with	The Applicant responded to the Council's Relevant Representation in respect of Surface Access in Applicant's Response to Relevant Representations - Part 2A of 4 (Local Authorities) [REP1-021] page 9 in response to RR-0876.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		the decision for New Century Park (LBC ref: 17/02300/FUL), this statement was in fact incorrect The approved drawings for New Century Park do in fact show the link to Eaton Green Road as a dual carriageway.	
4.9.12	Surface Access	Significant emphasis is placed on public transport services in the dDCO but there is little detail as to what is envisaged in terms of bus, coach or rail service improvements.	<p>The Surface Access Strategy [APP-228] and Framework Travel Plan (FTP) [AS-131] name Bus and Coach as one of the Priority Areas. There are multiple interventions associated with the priority areas, which comprise the Applicant's surface access toolbox. This longlist is contained in the FTP [AS-131]. The vision and objectives of the SAS have been identified to capture the surface access Limits and Targets that underpin the strategy. The longlist includes <i>“Engage with bus operators to improve the existing routes and create new and extended routes, better connecting the airport to more places (especially east-west) and in particular urban areas and transport hubs.”</i></p> <p>The Applicant has had discussions with public transport operators, and discussions between the Applicant and bus and coach operators will continue to ensure that sufficient emphasis is placed on public transport access to both terminals.</p>
4.9.13	Surface Access	With regard to bus and coach travel, no detail of new or enhanced services to meet predicted demand in the assumed modal shift is provided or whether there is adequate capacity to meet the increased	The Applicant is supportive of measures to improve sustainable travel modes and will work with local authorities and bus and coach service providers to implement improvements wherever reasonably practicable.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>numbers. Whilst a commitment is expressed in the dDCO to supporting interventions relating to strengthening bus services that operate to and from the Airport, there should also be a commitment to a feasibility study to identify and develop new routes.</p> <p>There should also be a commitment from the Applicant to work with the Council's Enhanced Partnership Board, a decision making body comprising local bus operators and the Council that makes strategic decisions to improve bus provision and customer satisfaction.</p>	<p>The Surface Access Strategy [APP-228] and Framework Travel Plan (FTP) [AS-131] name Bus and Coach as one of the Priority Areas. There are multiple interventions associated with the priority areas, which comprise the Applicant's surface access toolbox. This longlist is contained in the FTP [AS-131]. The vision and objectives of the SAS have been identified to capture the surface access Limits and Targets that underpin the strategy. The longlist includes <i>“Engage with bus operators to improve the existing routes and create new and extended routes, better connecting the airport to more places (especially east-west) and in particular urban areas and transport hubs”</i></p> <p>The Applicant has been developing more detail around how a range of potential sustainable transport opportunities would be delivered. The Sustainable Transport Fund sets the framework around how improvements, listed out within the toolbox of measures within the FTP [AS-131], would be funded. A portion of the revenue of every parking transaction will be transferred to the Sustainable Transport Fund and will be used to deliver sustainable transport improvements.</p>
4.9.14	Surface Access	In terms of rail services, more detail is required as to how the Applicant intends to work with Network Rail and train operators to grow rail passenger numbers and how	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

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>growth might be achieved (whether through capacity, line speed or infilling timetable gaps to increase capacity).</p> <p>The Applicant needs to provide more detail as to how the Airport will work with train operators to achieve improvements to services and capacity. Reference is made to maximising opportunities associated with East-West Rail, but more specific actions by the Applicant need to be identified and put in place (such as the development of a business case that appraises the benefits of linkages to the Airport). The dDCO is not clear as to how maximising the number of rail services calling at Luton Parkway Station will be achieved.</p>	<p>Network Rail using the future Travel Plan development process and the Airport Transport Forum to prioritise and agree any potential mitigation required. Further engagement with the Council is required on this matter.</p>
4.9.15	Surface Access	<p>The Travel Plan will be key to achieving real shifts to public transport, as well as encouraging cycling and walking. In this regard, the Travel Plan will need regular reporting, monitoring, and review of the various targets.</p> <p>Whilst a five year plan period may fit with the current review of the Airport Surface Access Strategy, there should be a commitment to review the public transport targets in the early years to ensure that the focus on continually reducing impacts of</p>	<p>The Framework Travel Plan (FTP) [AS-131] sets out a robust approach for regular reporting, monitoring, and review of the various targets. Future Travel Plans will require the operator to identify, monitor and report on multiple surface access Targets. These can be sub-divided into the following:</p> <ul style="list-style-type: none"> a. management Targets – which relate directly to the surface access vision and objectives (e.g. mode share Targets); and b. monitoring Targets – which track the success of specific interventions and enable forward planning of future interventions (e.g.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>private vehicle use is maintained, and more ambitious targets put in place. Maintaining the 45% target throughout Phase 2a and 2b implies that there is greater impact on the highway network in the later phase if the 45% target is achieved in Phase 2a, therefore later targets should be more ambitious.</p>	<p>the utilisation of existing and subsequent need for additional Electric Vehicle (EV) charging).</p> <p>The diversification of Targets will allow for the collection, analysis and ongoing review of more granular data and an improved understanding of how interventions and measures are performing.</p> <p>Targets within each Travel Plan must be reviewed and updated where considered necessary in following circumstances:</p> <ol style="list-style-type: none"> a. every five years, when there is a requirement for the production of a new Travel Plan; b. where Targets are set with deadlines of less than five years, when that shorter deadline has been reached; and c. when Targets have been achieved based on the evidence from monitoring, the Targets must be reviewed and new Targets set where further progress is considered achievable within the remaining period of the Travel Plan. <p>The FTP [AS-131] also sets out how monitoring of staff travel will be more regular, changing to annual surveys rather than the current frequency of every</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>two years. There would also be monitoring of all companies with operations within the airport site, in partnership with the Airport Employers Community Forum (AECF) with the annual employer survey.</p> <p>Whilst the modal share Limits for staff and passengers are set out in the Green Controlled Growth Framework [APP-218], the Surface Access Strategy [APP-228] and the FTP [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 Limits for mode share (Section 4.1 Paragraph 4.1.4). Future Travel Plans can propose targets that go beyond the 45% target for sustainable modes.</p>
4.9.16	Surface Access	The Staff Travel Plan should not be restricted to employees of the airport operator, rather there should be a concerted effort to secure travel plan coverage for all companies working at the Airport and not just the airport operator.	Whilst a wider population may be surveyed, staff must be asked through the survey if they have an active airport ID pass (both landside and airside). For the purposes of a Monitoring Report, results relating to passholders only will be reported. This approach is consistent with the approach in the Surface Access Monitoring Plan [APP-224] , included as Appendix F to the Green Controlled Growth Framework [APP-218] .
4.9.17	Surface Access	The relationship between the Surface Access Technical Panel (part of the ESG), the Airport Transport Forum (set up by the Airport Operator) and the LPA (as authority responsible for monitoring and enforcing requirements) will need to be clarified, with	Noted. The Applicant has been developing more detail around funding to demonstrate how a range of potential sustainable transport opportunities would be delivered. The Sustainable Transport Fund sets the framework around how improvements, listed out within the toolbox of measures within the

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>appropriate funding mechanisms in place. Funding associated with the measures contained within the Travel Plan (such as the 'toolbox of travel plan measures' [set out in Section 5.1 of the FTP], and new bus route development), together with the regime for monitoring and compliance, will need to be provided by the Applicant through a Section 106 agreement.</p>	<p>Framework Travel Plan [AS-131], would be funded. A portion of the revenue of every parking transaction will be transferred to the Sustainable Transport Fund and will be used to deliver sustainable transport improvements. As a result , these provisions do not need to be included in the section 106 agreement.</p>
4.9.18	Surface Access	<p>Other sustainable transport measures referred to in the dDCO include measures related to car sharing and cycling, again greater detail and commitment is required. With regard to car sharing, it is not clear how the Applicant will fund, incentivise, market and monitoring lift-sharing programmes for staff and passengers in order to maximise their take-up.</p> <p>Further clarification is required as to what improvements are advocated to secure car sharing referenced in Table 4.1 of the Surface Access Strategy (SAS).</p>	<p>The Surface Access Strategy [APP-228] shows that baseline data for passenger and staff travel has been subject to considerable variation over recent survey years. Therefore, Targets will be set with the latest CAA air passenger travel data and once the first staff survey has been completed post the application be granted consent.</p> <p>The toolbox set out in the Framework Travel Plan (FTP) [AS-131] consists of surface access interventions and measures that the operator can draw upon and scale up or down as and when required. The toolbox would be deployed flexibly to respond to changing circumstances and the results of ongoing monitoring and stakeholder feedback and achieve Limits and Targets. Further detail on these interventions and measures would be collated as part of the preparation of the first Future Travel Plan. This includes Monitoring Targets regarding the share of staff car sharing as set out in Table 4.1.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>The Applicant has been developing more detail around funding to demonstrate how a range of potential sustainable transport opportunities would be delivered. The Sustainable Transport Fund sets the framework around how improvements, listed out within the toolbox of measures within the FTP [AS-131], would be funded. A portion of the revenue of every parking transaction will be transferred to the Sustainable Transport Fund and will be used to deliver sustainable transport improvements.</p>
4.9.19	Surface Access	<p>The Framework Travel Plan (FTP) proposes to identify suitable commuter cycling corridors and routes to be improved (Table 5.3), this could be more specific. The Transport Assessment refers to proposed enhancements identified along Vauxhall Way (paragraph 5.4.14), but in addition to this, a commitment should be made, by The Applicant, to funding the design and construction of cycle route J in the Council's Local Cycling and Walking Infrastructure Plan (LCWIP). This is a strategic cycle link and improvements could be made to it in the vicinity of Wigmore Lane, Eaton Green Road and Airport Way.</p>	<p>The toolbox consists of surface access interventions and measures that the operator can draw upon and scale up or down as and when required. The toolbox would be deployed flexibly to respond to changing circumstances and the results of ongoing monitoring and stakeholder feedback and achieve Limits and Targets. Further detail on these interventions and measures would be collated as part of the preparation of the first future Travel Plan.</p> <p>Whilst the current highway mitigation proposals shown within the Transport Assessment [APP-203, AS-123, APP-205, APP-206] do not specifically include cycling improvements to Airport Way, it should be noted that along the planned route of Cycle Route J, the proposed conversion of the A1081 New Airport Way / Percival Way roundabout to a signalised junction offers additional flexibility in accommodating pedestrian and cycle movements. Similar improvements are planned along the</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>Wigmore Lane corridor, and whilst these improvements do not currently include off-road cycle routes, the conversion of roundabout junctions to signalised junctions affords more potential for cycle priority. The proposed conversion of Frank Lester Way to a one-way northbound link also potentially frees up carriageway space to incorporate facilities associated with Cycle Route J. In addition, the proposed alignment of Airport Access Road includes sufficient width for a wide, shared pedestrian / cycle route along one side of the carriageway, with the subsequent reduction in traffic along the western extent of Percival Way resulting in a more cycle-friendly route.</p>
4.9.20	Surface Access	<p>If mode share targets in the Travel Plan and Transport Assessment are not achieved, the local highway authority is concerned that there could be increased parking demand both at the Airport and in off-site locations. For staff working at the Airport the LPA considers that more detail needs to be provided on how parking numbers will be restricted to encourage a mode shift, and what incentives will be provided to ensure that staff can access the Airport via public transport.</p> <p>In terms of passenger parking, there is already concern in the town in relation to fly-parking associated with the Airport, and the</p>	<p>The Surface Access Strategy [APP-228] contains five objectives, one of which states that London Luton Airport will “<i>strive to be the best possible neighbour to communities and authorities</i>”.</p> <p>The Framework Travel Plan (FTP) [AS-131] sets out a robust approach for regular reporting, monitoring, and review of the various targets. Future Travel Plans will require the operator to identify, monitor and report on multiple surface access Targets. These can be sub-divided into the following:</p> <ul style="list-style-type: none"> a. management Targets – which relate directly to the surface access vision and objectives (e.g. mode share Targets); and

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>Applicant will need to consider measures to limit parking in residential areas and pressure from private hire companies waiting in surrounding neighbourhoods.</p>	<p>b. monitoring Targets – which track the success of specific interventions and enable forward planning of future interventions (e.g. the utilisation of existing and subsequent need for additional Electric Vehicle (EV) charging).</p> <p>The FTP [AS-131] also sets out how monitoring of staff travel will be more regular, changing to annual surveys rather than the current frequency of every two years. There would also be monitoring of all companies with operations within the airport site, in partnership with the Airport Employers Community Forum (AECF) with the annual employer survey.</p> <p>The Applicant considers that the issue raised regarding fly parking was answered in the Applicant's Response to Relevant Representation Part 2E of 4 (Parish Councils) [REP1-025] on page 23 and 24 in response to RR-0170.</p> <p>The Applicant's approach to monitoring traffic levels is set out in the Outline Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) which is contained at Appendix I of the Transport Assessment [APP-202]. The Applicant will continue to work with local authorities to understand the impacts of the airport, including fly-parking, through ongoing monitoring. There is an opportunity</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>through this process to identify any impacts that are being realised in future and seek to investigate the potential implementation of traffic management and/or parking control measures where appropriate.</p> <p>The Green Controlled Growth (GCG) Framework [APP-218] features Limits for surface access mode share, which function to promote the uptake of 'sustainable' travel, including public transport and active travel. These Limits are consistent with the mode shares for passengers and staff utilised in the surface access modelling within the Transport Assessment and the assessment results from the faster growth sensitivity test. A breach of a surface access GCG Limit results in the airport operator being unable to declare additional capacity until such time as it can be demonstrated by monitoring that the mode share for 'unsustainable' modes has fallen below the Limit. Due to this, it is in the interests of the airport operator to prevent a breach of the surface access Limits and hence promote measures to increase sustainable mode share.</p>
4.9.21	Surface Access	The dDCO Transport Assessment, and chapter 18 of the Environmental Statement, refer to the East Luton Study, undertaken by Arup on behalf of the Council, which identified schemes to address traffic pressures associated with growth identified in the Local Plan and neighbouring authorities. The CBLTMLTN strategic model	Noted. Section 9 Modelling Methodology of the Transport Assessment [APP-203, AS-123, APP-205, APP-206] sets out the approach to the capacity assessment. The proposed mitigation measures forming part of the 'Do Minimum' (no airport expansion) were agreed with the Council as part of the engagement process. The Applicant acknowledges that the detailed design of the

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>and the VISSIM model have assumed that these improvements will take place by 2027, responding to background growth (the Applicant's 'do minimum' scenario). In addition, the Applicant has allowed for junction improvements on Luton's highway network associated with the Proposed Development in the 'do something' scenario.</p> <p>The local highway authority considers that a proportionate degree of flexibility in timing and design may be required since the application drawings reflect early state 'outline' design, and potential site constraints and changes in land-use could necessitate changes and more detailed design. On-going discussion with the Applicant is therefore anticipated.</p>	<p>junctions that interface with the East Luton Schemes will need to be agreed with Council at the appropriate time.</p> <p>With regard to the VISSIM modelling it is noted that the Council have agreed the <i>"detail on model scope, coverage and assumptions around the development/transport and highway scheme uncertainty log"</i> as confirmed in the Statement of Common Ground [TR020001/APP/8.13] submitted at Deadline 2 at LBC37.</p> <p>From ongoing discussions regarding the Statement of Common Ground, the Applicant understands that the reference to East Luton Study measures here is in reference to the Council's delivery of improvements to Vauxhall Way and that this is now more likely to be delivered by 2028. The Applicant is undertaking further work to understand the impact of these works not being ready by 2027.</p>
4.9.22	Surface Access Section 106	<p>The LPA considers that the Section 106 agreement will need to provide for sufficient funding to deliver the necessary highway improvements and to tie in with wider investment associated with improvements to the road network, together with aligning with the Council's five year Highways Works Plans. The local highway authority would utilise existing governance arrangements, such as the</p>	<p>Noted. The delivery of off-site highways interventions associated with the Proposed Development will be coordinated with the processes of local highway authorities.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		Council's Transport Board, to determine the development stages of scheme delivery and report on progress in the implementation of the schemes.	
4.9.23	Surface Access	<p>The dDCO also considered that some form of improvement to motorway capacity, such as hard shoulder running (alternatively referred to as 'all lane running') was likely in 2039 in the 'do minimum' scenario, as without it the growth in traffic travelling south was likely to seek alternative routes to avoid congestion on the M1 Motorway between junctions 10 and 9. Appendix 18.5 of the Environmental Statement also included a sensitivity test whereby the hard shoulder running is not included in the model.</p> <p>Whilst traffic flowing south might look for alternative routes, the conclusion from the sensitivity test was that the changes in traffic patterns would not have significant environmental effects, however, at the Preliminary Meeting on 10 August 2023 the Applicant indicated that further testing of the model was being carried out for review by National Highways in December 2023. The LPA reserves its position on this matter until the local highway authority has been able to test and review this information and be satisfied that the Proposed Development will</p>	<p>Noted.</p> <p>However, the Rule 9 modelling is being undertaken to respond to the Examining Authority (ExA) request to consider the Department for Transport Guidance on the treatment of Covid-19 which was published after the modelling for the DCO had been completed. The Rule 9 work should enable the ExA to consider whether the package of mitigation measures set out in the application documents continue to mitigate the impacts of the Proposed Development.</p> <p>As such, the submitted documents and associated mitigation strategy remain the main application documents for consideration.</p> <p>We note that the Council retains the right to provide further comment once the Rule 9 modelling is available. It should be noted that the Rule 9 modelling work has removed hard shoulder running from the 2043 'do minimum' and 'do something' scenarios.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		not result in unacceptable pressure and congestion occurring on the local road network.	
4.9.24	Surface Access	<p>Traffic and transportation are addressed in chapter 18 of the environmental statement, together with its associated appendices, whilst a full Transport Assessment (together with appendices) accompanies the dDCO. Two further supporting documents include the Framework Travel Plan (FTP) and the Surface Access Strategy (SAS).</p> <p>It is recognised that further modelling is required by National Highways, in relation to the implications for the M1 Motorway and surrounding highway network following the Government's decision to stop the roll-out of all lane running, and consequently the Council reserves its position on this aspect. With regard to other surface access aspects, the LPA considers that further detail is required together with commitments from the Applicant.</p>	<p>Noted.</p> <p>However, the Rule 9 modelling is being undertaken to respond to the Examining Authority (ExA) request to consider the Department for Transport Guidance on the treatment of Covid-19 which was published after the modelling for the DCO had been completed. The Rule 9 work should enable the ExA to consider whether the package of mitigation measures set out in the application documents continue to mitigate the impacts of the Proposed Development.</p> <p>As such, the submitted documents and associated mitigation strategy remain the main application documents for consideration.</p> <p>We note that the Council retains the right to provide further comment once the Rule 9 modelling is available. It should be noted that the Rule 9 modelling work has removed hard shoulder running from the 2043 'do minimum' and 'do something' scenarios.</p>
4.10 Biodiversity and Ecology			
4.10.6	Biodiversity	In addition to the replacement of the CWS, the LPA welcomes the opportunity for	The habitat creation within the Proposed Development has been developed to maximise the

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>biodiversity net gain (BNG), though the LPA is concerned that the level of BNG does not maximise the opportunity. The LPA would also seek to ensure that all BNG measures are properly managed through the requirements of the dDCO.</p>	<p>biodiversity benefits wherever possible to meet the Applicant's commitment to 10% Biodiversity Net Gain (BNG) (see BNG Report [APP-067]). This includes the creation of large areas of botanically diverse grassland, scrub and woodland which connects previously isolated areas of habitat.</p> <p>The Outline Landscape and Biodiversity Management Plan (Appendix 8.2 of the Environmental Statement [AS-029]) describes management requirements that will be further developed in line with Requirement 10 of the Draft Development Consent Order [AS-067] to produce a detailed Landscape and Biodiversity Management Plan. This outline plan will, in due course, be used to inform the detailed Landscape and Biodiversity Management Plan that will be agreed with the relevant local planning authority.</p>
4.10.7	Biodiversity	<p>Nitrogen generated by the vehicles is of greatest concern within Luton and this is the pollutant that poses the greatest threat to biodiversity within the Borough. Measures to mitigate and control are an important consideration for the LPA.</p>	<p>Due to already high background nitrogen deposition from existing sources, the proportional change in nitrogen deposition from the Proposed Development is not likely to further limit the establishment of an ecologically diverse site (see assessment in Section 8.9 of Chapter 8 Biodiversity of the Environmental Statement [AS-027]). The Landscape and Biodiversity Management Plan (Appendix 8.2 of the Environmental Statement [AS-029]) will ensure appropriate management of the habitats for at least 50 years, and positive management of the new site will have a much</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>greater effect on establishing and maintaining habitats than effects relating from nitrogen deposition.</p> <p>No significant effects with regards to air quality were concluded within Chapter 8 Biodiversity of the Environmental Statement [AS-027].</p>
4.10.8	Biodiversity	It is considered that the information provided within Chapter 8 of the ES is adequate and that an accurate assessment of the impacts on biodiversity within Luton can be undertaken through the dDCO.	Noted.
4.10.9	Biodiversity	The LPA understands the limitations of providing certain types of landscaping, planting and other BNG interventions given the sensitivity of aircraft to medium-to-large sized birds and/or flocking species. There remains, however, significant opportunity for biodiversity enhancements, which the LPA considers to be paramount given the loss of the existing CWS. On that basis, it is considered that the dDCO, although addressing the new national requirement for BNG, should be looking to go further than the minimum requirement and seek a more ambitious target of 20% net gain.	The Applicant considers that the issue raised regarding the framing of habitat compensation was answered within the Applicant's Response to Relevant Representations Part 4 of 4 (Statement of Common Ground) [REP1-027] , pages 26-27, in response to RR-1079.
4.10.10	Biodiversity	It is currently considered that the Proposed Development would have a negative impact upon biodiversity in the Borough.	The Applicant is committed to delivering Biodiversity Net Gain (BNG), through extensive habitat provision and long term management. The Applicant has set a voluntary ambition of achieving at least 10% BNG

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>which is consistent with the ultimate intention of the Environment Act 2021. The Proposed Development achieves this as demonstrated by the BNG Report [APP-067] using the appropriate Defra metric. The Outline Landscape and Biodiversity Management Plan (Appendix 8.2 of the ES [AS-029]) will ensure appropriate management of the habitats for at least 50 years with monitoring included to identify the need for adjustments to the management as required. This includes the provision of open space (47.6ha) which is provided as part of the robust design of the Proposed Development and therefore is included as embedded mitigation, including the replacement habitat for Wigmore Park County Wildlife Site (15.4ha). Additional mitigation provided includes the habitat creation area (over 43ha).</p> <p>The replacement open space and habitat creation areas are directly adjacent to the east of the area lost to the Proposed Development. Whilst this is not all within the administrative area of the Council, it is immediately across the border in the surrounding area. Any attempt to replace the habitats lost in Luton would mean it would be disconnected from the existing and remaining habitats, and would not be available for the populations of species currently using the area.</p>
4.11 Public Health and Wellbeing			
4.11.5-6	Health and Community	The existing baseline conditions are important to understanding how the expansion may affect and impact on	Community assets likely to be affected by the Proposed Development have been assessed as part of Chapter 13 Health and Community of the

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>vulnerable communities and ultimately contribute to reducing or halting further health inequalities in Luton.</p> <p>The LPA would like to draw attention to potential areas of sensitivity. In particular our community assets, the five most common type of assets being: religious institutions; followed by schools and education establishments; thirdly GP and medical centres; sports and leisure facilities; and finally (Council run) community centres.</p>	<p>Environmental Statement [APP-039]. This considers the impacts on community resources including residential properties, schools, community facilities, open spaces and Public Rights of Way; and leisure and recreation facilities. The existing baseline conditions are described in Section 13.7 of the Environmental Statement.</p>
4.11.7	Health and Community	<p>Wards that are more likely to be affected within the study area of the assessment are, Wigmore, Vauxhall and South wards. Whilst these areas have low numbers of community assets (as identified by the Council) in absolute terms, the most common type of asset identified are schools and educational establishments and community centres. As part of the baseline assessment it should be noted that sensitive receptors, such as school children, the elderly and vulnerable groups are more likely to make use of these assets. Therefore, they may be adversely affected by the airport expansion in relation to proximity and key determinants such as noise, traffic/surface access, and nuisance (both during construction and operational</p>	<p>The Health and Community assessment within Chapter 13 Health and Community of the Environmental Statement [APP-039] has considered impacts, such as traffic, air quality and noise effects, on community assets that are used by vulnerable groups such as children and older people. This has drawn on conclusions from the relevant topic assessments.</p> <p>Chapter 18 Traffic and Transport of the Environmental Statement [AS-030] considered sensitive receptors including occupants of properties in proximity to affected links. No significant construction traffic impacts were identified on sensitive links. No significant adverse operational effects on safety or pedestrian fear and intimidation were identified.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		stages).	<p>Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003] has assessed noise effects on sensitive non-residential receptors such as schools, hospitals and places of worship (see Table 16.18: Air noise screening Criteria for Non-residential Receptors). No significant effects on non-residential receptors have been identified from any source of noise or vibration.</p> <p>Chapter 7 Air Quality of the Environmental Statement [AS-076] has assessed effects on non-residential sensitive receptors such as care homes, healthcare facilities, nurseries and schools (see paragraph 7.3.15). The assessment did not identify adverse construction or operational effects on air quality at any sensitive receptors.</p> <p>On this basis, the Health and Community assessment does not identify any specific traffic, noise or air quality impacts affecting assets used by vulnerable groups. An assessment of health effects resulting from total population exposure to operational noise and air emissions was undertaken and reported in Chapter 13 Health and Community of the Environmental Statement [APP-039]. These assessments concluded that there would be a moderate adverse (significant) effect on population health as a result of aircraft</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			noise, and no significant effect on population health as a result of air emissions (NO ₂ and particulates).
4.11.8	Health and Community	In May 2023, a new ward was introduced in Luton (Poets), making a total of 20 wards, of which, some wards were also renamed and modified. It is also worth noting that the boundaries of all wards have changed, none have stayed the same. The baseline assessment should make reference to the key wards within the identified study area and appropriately reference Crawley Road and the 'Crawley Road area' as it is known locally.	The changes to ward boundaries took place after the baseline assessment was undertaken, and post submission of the application. The ward boundary changes do not have any impact on the findings of the Health and Community assessment (Chapter 13 of the Environmental Statement [APP-039]) as the demographic data still reflects the characteristics of the population identified within the study area.
4.11.11	Health and Community	Luton represents just over 3% of the East of England population, yet Luton currently hosts 24% of asylum seekers placed in hotels in the region. This does not include refugees and asylum seekers that are already being hosted in other forms of accommodation. This needs to be considered in the baseline assessment given the potential impact of the development on Luton's housing.	The effects of the Proposed Development on the local housing market have been assessed in Chapter 11 Economics and Employment of the Environmental Statement [AP-037] . The assessment concluded that there would be no significant effect on the local housing market from the construction or operation of the Proposed Development. Assumptions used in the assessment are set out in Environmental Statement Chapter 11, including the use of vacancy rates at half the national average rate (based on 2020 English housing Survey). During construction, it is considered that the private rented homes sector, rather than hotels, would be the principal sector for accommodating non-home based workers.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>The assessment of the health effects of housing impacts reported in Chapter 13 Health and Community of the Environmental Statement [APP-039] is based on the housing assessment in Chapter 11. This concludes that effects on health across the Three Counties (Hertfordshire, Bedfordshire (including Luton) and Buckinghamshire) would not be significant, but notes that sensitivity is higher in Luton than the rest of the study area.</p> <p>Further discussion will be had with the Council around effects of asylum seekers housed within Luton on the findings of the housing assessment.</p>
4.11.15	Community	<p>The Proposed Development will result in the demolition of a purpose-built childcare facility during the construction phase, and correctly notes that this is likely to have a significant major adverse effect. However, the LPA encourages continued meaningful engagement with the owners and operators to identify appropriate and suitable mitigation and would seek to ensure that this is captured through a legal agreement.</p>	<p>Chapter 13 Health and Community of the Environmental Statement [APP-039], Section 10, states that Prospect House Day Nursery is not anticipated to be demolished until assessment Phase 2a, therefore after 2032. A potential alternative property has been identified and the Applicant has committed to ensure that alternative facilities are provided, and agreements are in place, with adequate prior notice, to accommodate these services prior to the existing building being required for the Proposed Development. A further assessment to confirm replacement capacity requirements will be conducted closer to the time of closure. This commitment will be secured via a</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			section 106 agreement as described in Paragraph 5.8.14 of the Planning Statement [AS-128] .
4.11.16	Health	Noise is addressed in a separate section, but it is worth noting that noise can result in sleep disturbance and annoyance. It should be noted that the Council's Public Health Data indicates that Luton's complaints about noise have experienced no significant changes between 2020/2112. This may partly be attributed to the effects of the Covid 19 Pandemic on travel patterns, with the Airport seeing a significant reduction in air transport movements in those years (the number of movements in 2020 represented only 45% of those from 2019, whilst 2021 was slightly lower at 44% of the 2019 figure).	<p>Chapter 13 Health and Community of the Environmental Statement [APP-039], Section 13.9, includes a quantitative assessment of health effects arising from exposure to operational noise, including sleep disturbance and annoyance.</p> <p>As noted in Section 4.3 above, Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p>
4.11.17	Community Stakeholder Engagement	With regard to residual effects, the ongoing engagement by the Applicant to mitigate and reduce perception and uncertainty regarding the development is welcomed. However, the use of different methodologies to actively engage with communities given Luton's diversity is encouraged. This is particularly true with the study area where there is a high proportion of non-white ethnic groups in South and Town Centre (47.48%) and East Luton (31.52%) and relatively high	<p>Noted.</p> <p>To ensure that statutory consultation was inclusive and accessible to all, several communication channels were used including a dedicated website, phonenumber, project email address as well as in person and virtual consultation events. Notification of the consultation was circulated using newspapers, emails, public advertising (including on busses) and newsletters. Newsletters sent to both households under the flight paths as well as people living within 1km of community consultation venues.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		adult social care demand in each of the areas.	<p>Newsletters were also sent to local libraries, community centres, and places of worship as well as contacts identified that work with or can reach out to hard-to-reach groups.</p> <p>Full details of how the consultation was undertaken can be found in the Consultation Report [AS-048]. Specific information on publicity with hard-to-reach groups can be found in Appendix K [APP-187].</p>
4.12 Climate Change and Greenhouse Gases			
4.12.3-4	Climate Change	<p>Climate change is a global issue and, whilst many of the objections to the planning application focussed on climate change issues, the position of the Government on climate change is that it is to be addressed at the international and national level.</p> <p>The Council has declared a climate emergency, and prepared a number of strategies and documents that inform the Council's approach to climate change and greenhouses gases and target net zero carbon by 2040. This is 10 years ahead of the Government's target of 2050. The impacts of climate change are, therefore, considered to be a significant issue and measures to mitigate adverse impacts will need to be fully considered within the requirements of the dDCO.</p>	<p>Mitigation measures are covered in sections 12.8 and 12.10 of Chapter 12 Greenhouse Gases of the Environmental Statement [APP-038].</p> <p>The Draft Development Consent Order [AS-067] includes a requirement for a detailed Greenhouse Gas Action Plan to be prepared in accordance with the Outline Greenhouse Gas Action Plan (Appendix 12.1 of the Environmental Statement [APP-081]) and agreed with relevant planning authorities prior to operation (Requirement 32).</p> <p>Monitoring of operations is captured by Requirement 21 of the Draft Development Consent Order [AS-067] which includes reporting against the Greenhouse Gas Monitoring Plan (Appendix E of Green Controlled Growth Framework [APP-223]).</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.12.5	Community First	<p>The LPA welcomes the creation of Community First with grants to projects supporting decarbonisation in connection with the Council's objective of achieving carbon neutrality by 2040. Greater detail will need to be provided in relation to the operation of Community First, particularly in relation to its administration and whether it is realistic that when the Airport is operating at 32mppa, £14 million will be able to be available to community bodies (this would require 560 organisations to receive £25k, or more organisation if lesser amounts are provided). Further, given one of the key priorities is carbon neutrality by 2040, Community First should be front loaded, possibly with an initial kick-off lump sum to energise the community sector and support local decarbonisation and green skills, whilst it is not clear what will happen post the 2040 target.</p>	<p>Community First has a review process built in. The review period can be less than five years if there is good reason for this. The Applicant considers that, in the early years of the fund, with a relatively modest annual fund size, a £25,000 cap is appropriate to ensure that awards are distributed across a wide range of grant applications.</p> <p>The maximum size of grant awards is one of the elements to be reviewed at regular intervals and it is anticipated that as the size of the annual Community First contribution increases with growth of passenger numbers, the maximum size of available grants would be increased to avoid the scenario described.</p> <p>It is not expected that there would be surplus funds during this period. The fund is capable of being managed such that if there were an underspend in any given year, the surplus could be carried over for future use.</p> <p>As the fund grows, and through time, the review process also provides for the funding themes to be updated having due consideration to local needs and the number and quality of grant applications.</p> <p>Due to the nature of how Community First is funded, based on growth passengers each year, it is unlikely</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			that the fund will be capable of supporting kick-off lump sums as suggested.
4.12.6	Greenhouse Gases	The LPA is especially cognisant of surface access implications of the Proposed Development. Whilst Scope 3 emissions may not be directly produced by the Airport, it is possible to influence these emissions, whether through the award of contracts with incentivisation schemes, or through measures to encourage a modal shift to public transport usage.	<p>Noted. Table 2.16 in Chapter 12 Greenhouse Gases of the ES [APP-038] outlines a number of embedded mitigation measures to reduce greenhouse gas emissions from surface access.</p> <p>The Framework Travel Plan [AS-131] also includes a number of interventions and measures, including incentivisation schemes and those which support modal shift.</p>
4.12.7-8	Surface Access	<p>The dDCO assumes that sustainable modes of transport will only account for 40% of passenger journeys in Phase 1 (21.5mppa by 2027, therefore a further 2.1mppa will be using private modes of transport compared to the 10.8mppa in 2019), whilst in Phase 2a that target is projected to increase to 45% of the 27mppa (so 14.85mppa would be using private vehicles) and in Phase 2b that percentage would not change, meaning 17,6mppa would be using unsustainable modes of transport to and from the Airport.</p> <p>Whilst Green Controlled Growth sets thresholds for surface access, the overall sustainable mode travel target is still only based on either 40% or 45% of total passenger movements, and the LPA considers that the SAS and any adopted</p>	<p>In response to the feedback received during the 2022 statutory consultation, the Applicant received comments that the passenger and staff mode share Targets should be more ambitious than the Applicant presented as the indicative Limits for surface access in the Draft Green Controlled Growth Proposals document presented at statutory consultation. In response, as part of this application, the Applicant has set out a process for identifying more ambitious Targets in the Framework Travel Plan [AS-131], including additional Targets focused on specific modes and user experience.</p> <p>The Surface Access Strategy [APP-228] details how those Targets will be set and monitored, and how they will be distinct and more ambitious than the GCG Limits. Whilst the Green Controlled Growth Framework [APP-218] sets out Limits that are the 'reasonable worst-case' not to be exceeded,</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>Travel Plan should build in review mechanisms to seek to increase the mode share to public transport.</p>	<p>to ensure environmental effects are no worse than forecast at the point in time the DCO is consented, whereas Travel Plan targets are more ambitious than Green Controlled Growth Limits and aligned to delivery of wider surface access Vision and Objectives. The Limits are set at the time the DCO is consented and linked to passenger throughput (not time), corresponding with assessment phases of the Environmental Statement, whilst Targets would be reviewed and updated within the lifespan of each subsequent five-yearly Travel Plan, with annual monitoring.</p>
4.12.9	Surface Access / Green Controlled Growth	<p>The LPA considers that the Civil Aviation Authority (CAA) passenger survey data should be augmented with additional monitoring measures by the Applicant in order to provide a more comprehensive basis for monitoring mode share, The LPA is concerned that the annual CAA survey may not be adequately representative, for instance in 2019 whilst 17,879 departing passengers were interviewed¹³ this equates to less than 0.1% of total passengers. Further, the survey results include interviews where the passengers may not have answered all the core questions, and given that interviews last for 5-7 minutes (with around 30 questions¹⁴), it would seem likely that families with children may not be captured.</p>	<p>Use of Civil Aviation Authority (CAA) passenger survey data as the basis for monitoring surface access mode share is common across all of the major UK airports, including London Luton Airport, where surveys are conducted on a regular, typically annual basis.</p> <p>The need to increase the sample size when conducting a survey does not increase proportionally to the increase in the size of the population – in this case total passengers. For a very large population, a relatively very small sample can still provide a very low margin of error to a high degree of confidence. Whilst the CAA does not report the margin of error or confidence level of the Departing Passenger Survey results, 17,879 respondents from a population size of 18million passengers would result in a margin of error of just</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>0.96% (at a 99% confidence level). This demonstrates that the sample size used by the CAA is robust. The sampling methodology, as set out on the CAA website, also clearly demonstrates how a representative sample is achieved.</p> <p>The use of the CAA Departing Passenger Survey to monitor passenger mode share is therefore considered to be suitably robust, and additional monitoring would not be able to increase the accuracy of the reported mode share.</p>
4.12.10	Surface Access	<p>The LPA is also concerned that the SAS and FTP are not ambitious enough with regard to electric vehicle charging. Table 4.1 of the SAS indicates that there are six Tesla Superchargers and four type two charging points for the public, but otherwise it is vague in the provision going forward noting that “the Proposed Development includes EV charging points for cars using the Airport car parks” (paragraph 6.3.8). The Transport Assessment notes that “the intention would be to provide the infrastructure required for future installation of EV charging in new car parks and to provide EV charging points to meet demand, which would be monitored” (paragraph 8.3.43) indicating that more details on the approach to EV charging infrastructure is provided in the FTP, however, no detail is provided within that</p>	<p>Noted.</p> <p>The detail provided with regard to enabling infrastructure in the proposed car parks is kept open-ended to allow flexibility in the provision of electric vehicle (EV) charging, to respond to emerging patterns and trends in EV ownership and growth, and considering that charging patterns at airport parking facilities are likely different to typical charging regimes.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		document, other than the comment in Table 5.4 that the Promoter will work with the operator to conduct feasibility assessments for the provision of EV charging based on expected demand and charging patterns.	
4.12.12	Climate Change Greenhouse Gases	Cumulatively, the LPA considers that the assessments relating to climate change and greenhouse gases are adequate, though more specific interventions and mitigation will need to be applied. It is anticipated that the Proposed Development would have a neutral impact.	<p>Noted. The Draft Development Consent Order [AS-067] includes a requirement for a detailed Greenhouse Gas Action Plan to be prepared in accordance with the Outline Greenhouse Gas Action Plan (Appendix 12.1 of the Environmental Statement [APP-081]) and agreed with relevant planning authority prior to operation (Requirement 32).</p> <p>Monitoring of operations is captured by Requirement 21 of the Draft Development Consent Order [AS-067] which includes reporting against the Greenhouse Gas Monitoring Plan (Appendix E of Green Controlled Growth Framework [APP-223]).</p>
4.13 Water Resources and Flood Risk			
4.13.5	Water Resources and Flood Risk Drainage	The dDCO is supported by a suite of documents addressing water resources, including a Flood Risk Assessment, various risk assessments associated with the former Eaton Green Landfill site, a Water Cycle Strategy and a Drainage Design Statement. The Water Cycle Strategy details how surface water flows associated with the current operation of the Airport are	Noted. The Applicant understands that the airport operator is currently engaging with the Environment Agency and the Council on implementing upgrades to the existing drainage systems to address legacy issues. These measures are outside the scope of this application for development consent.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>discharged either to the River Lee via the Thames Water sewerage system or the underlying chalk aquifer via the existing Airport soakaways. The report notes that a first flush system is designed to direct the most polluted runoff, such as glycol from de-icing, to the combined sewer network and treatment at the East Hyde Sewage treatment works. However, if there is a heavy rainfall event, the Lead Local Flood Authority is aware that the effluent is flushed out of the system and discharged into the River Lee.</p>	
<p>4.13.6</p>	<p>Water Resources and Flood Risk Drainage</p>	<p>The LPA is concerned that during Phase 1, although the Applicant indicates that surface water arising from all new impermeable surfaces would be discharged at the greenfield runoff rate, surface water would continue to discharge to the Central Soakaway, whilst untreated runoff would continue to be discharged into the Thames Water sewerage network – with the on-going risk of discharge into the River Lee following heavy precipitation. This situation is not adequately addressed until Phase 2a, when the Central Soakaway is removed and a new network to control contaminated runoff (including water treatment) is introduced. The LPA considers that additional interventions are necessary within Phase 1,</p>	<p>As noted above, the Applicant understands that the airport operator is currently engaging with the Environment Agency and the Council on implementing upgrades to the existing drainage systems to address legacy issues. These measures are outside the scope of this application for development consent.</p> <p>Proposals at assessment Phase 1 include the implementation of rainwater harvesting and localised attenuation with the potential to store and divert surface water runoff as required. The majority of improvements are in assessment Phase 2 as landform is required to create platforms (at the correct level) to implement the drainage improvements in a manner which integrates with the functional areas of Proposed Development.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>with priority for infiltration and on-site effluent treatment, to ensure that improvements are introduced to address existing concerns.</p>	
4.13.7	Drainage	<p>The LPA considers that the application of sustainable drainage is inconsistent. In principle, Sustainable Drainage Systems (SuDS) require four objectives to be addressed, namely: water quantity; quality; biodiversity and amenity. The Proposed Development focuses largely on piped drainage and water quantity control. Some provision is made for water quality, mainly in Phase 2. It is unclear how the biodiversity and amenity objectives of sustainable drainage will be met.</p>	<p>The four pillars of the sustainable drainage systems (SuDS) design as described in the executive summary of the CIRIA SuDS manual (Ref 2.7) are understood. However, the manual then goes on to state: <i>“SuDS can take many forms, both above and below ground. Some types of SuDS include planting, others include proprietary/manufactured products. In general terms, SuDS that are designed to manage and use rainwater close to where it falls, on the surface and incorporating, vegetation, tend to provide the greatest benefits. Most SuDS schemes use a combination of SuDS components to achieve the overall design objectives for the site.”</i></p> <p>The drainage design objectives for the site of the Proposed Development are:</p> <ol style="list-style-type: none"> a. To control the quantity of runoff to support the management of flood risk, and maintain and protect the natural water cycle. b. Manage the quality of the runoff to prevent pollution. <p>These objectives align with two of the four pillars of SuDS design and the Proposed Development incorporates a number of components as described</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>in the SuDS manual including pervious pavements, attenuation/retention, filter medium, treatment and infiltration. The Applicant notes that in Part C – Applying the Approach in the SuDs manual the only references to solutions that are applicable to Airports are in Chapter 20 - Pervious Pavements and Chapter 21 – Attenuations storage tanks.</p> <p>With respect to the other pillars of SuDS:</p> <p>The drainage design objectives for Proposed Development do not include improvements to biodiversity for the reasons stated in Section 36.3.5 of the SuDs manual which relates to Aircraft Safety Risk Management and states: <i>“The Civil Aviation Authority (CAA) has identified SuDS components, in particular ponds, wetlands and green roofs, as a potential hazard to aircraft. Although the main concern is wildfowl including flocks of ducks, geese and swans, there is also concern about other flocking species such as rooks, starlings and gulls.”</i></p> <p>Therefore the Proposed Development does not include SuDS that rely on vegetation features such as swales and reed beds as these are not compatible with the airfield location of the scheme and relies instead on engineered solutions. The Applicant notes that all changes to infrastructure on the airfield need to be approved by the CAA.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			In terms of amenity, the proposed site of the drainage infrastructure is within the active airfield which is not a publicly accessible area due to reasons of safety and therefore has no requirement for amenity value.
4.13.9	Water Resources and Flood Risk	The LPA's position is, therefore, that the Proposed Development should not result in significant adverse effects to the water environment within the Borough. Significant interest is, therefore, held in ensuring that the impacts of the Proposed Development are appropriately mitigated through measures to be agreed within the requirements of the dDCO.	Noted.
4.13.10-11	Water Resources and Flood Risk	<p>Chapter 20 of the ES considers water resources and flood risk, with the study area having been agreed. The assessment therein has appropriately identified the areas of risk and established the baseline conditions of the dDCO area. The LPA, therefore, considers that the assessment relating to water resources and flood risk is sufficient.</p> <p>The Proposed Development would have a neutral impact on Luton, however, the LPA consider that acceleration of the proposed mitigation measures would be required within the early phase of the Proposed Development.</p>	<p>Noted.</p> <p>See response to 4.13.6 in regards to the drainage upgrade timescales.</p> <p>The majority of improvements are related to the development of Terminal 2 as landform is required to create platforms (at the correct level) to implement the drainage improvements in a manner which integrates with the functional areas of proposed development. As such, there is limited scope to bring forward the main upgrades into the early stages of development.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.14 Major Accidents and Disasters			
4.14.3	Major Accidents and Disasters	Public safety zones (PSZ) exist to the east and west of the runway, with Policy LLP34 considering development occurring within these areas. These PSZs are long-standing and there no concerns regarding major accidents or disasters resulting from increased airport activity.	Noted.
4.14.4	Major Accidents and Disasters	Chapter 15 of the ES considers major accidents and disasters and does not identify any significant risk associated with the Proposed Development. The LPA is satisfied with the embedded mitigation and additional mitigation that is proposed and finds that the dDCO is satisfactory in this regard. The LPA anticipates a neutral impact in respect of major accidents and disasters.	Noted.
4.15 Controls, Monitoring and Enforcement			
4.15.1	Draft DCO	The LPA has reviewed the Application and notes that there are a number of proposed controls, most notably the requirements set out in the dDCO and the proposed Section 106 agreement. In addition, there are a number of current controls that exist within the Application Site through conditions associated with extant planning permissions and their accompanying legal agreements. The LPA considers that these controls need	The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Councils.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		to be safeguarded should the dDCO be granted.	
4.15.2	Draft DCO	The main areas of concern for the LPA are set out below, and in order for them to be satisfactorily addressed there will need to be engagement with the Applicant as soon as possible.	Noted.
4.15.4	Draft DCO	Interpretations are provided in Part 1 of Schedule 2, including 'commencement', which features prominently throughout Parts 1, 2 and 4 as a trigger point for many requirements. The definition sets aside various activities that do not comprise 'commencement', however, the LPA is concerned that some of these undertakings may result in impacts that require mitigation measures to be agreed and introduced, which would otherwise have been captured by the requirements. It is, therefore, considered that further engagement with the Applicant should take place to address this concern.	<p>The Applicant maintains its position explained in the Explanatory Memorandum [AS-069]. For the purposes of Schedule 2 of the Draft Development Consent Order [AS-067], the carrying out of a limited number of works that would constitute a "material operation" under the Planning Act 2008 is not to be taken to mean that the development has "commenced", in the context of activating the obligation to discharge pre-commencement Requirements contained in Schedule 2. This enables the Applicant to undertake certain preparatory works prior to the submission of relevant details for approval under the Requirements.</p> <p>The Applicant considers that this approach is reasonable and proportionate. The works that are excluded from the definition do not give rise to any materially new or materially different environmental effects to those assessed in the Environmental Statement, being either de minimis or have minimal potential for adverse effects, in line with the Planning Inspectorate's Advice Note 15 (Drafting</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>Development Consent Orders) (Ref 2.8). The Applicant should be permitted to carry out low impact preparatory works following the grant of the Order, while it is working to discharge the pre-commencement requirements, thereby helping to minimise the construction timetable.</p> <p>This is a widely precedented approach in other made Development Consent Orders (see for example The M20 Junction 10a Development Consent Order 2017, The Silvertown Tunnel Development Consent Order 2018, A1 Birtley to Coal House Development Consent Order 2021, A303 (Amesbury to Berwick Down) Development Consent Order 2020 The Sizewell C (Nuclear Generating Station) Order 2022 and The M25 Junction 28 Development Consent Order 2022).</p> <p>For the avoidance of doubt, the definition of 'commence' relates to the discharge of the pre-commencement requirements in Schedule 2 and is independent of, and has no bearing upon, the issue of whether development has "begun" for the purposes of Requirement 4.</p>
4.15.5	Draft DCO	There is reference throughout the requirements to 'parts' of the development, however, 'part' is not defined in the interpretation, and therefore it is not clear whether this relates to individual elements (such as those set out in the parameters	'Part' should be read assuming its usual definition.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		table in requirement 6), or a phase, or some other component of the Proposed Development. This needs to be clarified and defined.	
4.15.6	Draft DCO	When defining passengers, the term 'infant' is used, however, there is no definition as to the age group that is covered by this term. 'Infant' has differing interpretations and, therefore, it should be made clear what is meant given that this directly impacts the cap on the number of passengers per annum, since infants are not counted towards that cap (this also differs from the recounting of passenger numbers published by the CAA).	The Applicant is considering the point raised and will provide a response at the next deadline.
4.15.7	Draft DCO	There are a number of requirements in which consent is deemed to be granted if a decision is not made within 28 days (for instance requirements 11, 13, 15, 16, 19, and 21). There is also an assumption that if the LPA has not granted an application pursuant to a requirement within eight weeks, then it is deemed to be granted (requirement 35). The LPA is concerned that the time limits are too short given that this is a major development, and the issues may be complex, requiring consultation both within the Council and externally, and with limited resources available to the LPA this timeframe may not be achievable. Further, if	<p>The Applicant considers that all time periods for Council responses are appropriate.</p> <p>In particular, the Applicant considers that it is necessary to include deemed consent so as to prevent unnecessarily delaying delivery of the Project. The Applicant has proposed reasonable periods of time for the Councils to determine such requests for approval (i.e. 28 days). The Councils, and other authorities, will have had time during the examination of the project to understand better (compared to any usual approval unrelated to a DCO) the particular impacts and proposals forming part of the DCO.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>the Applicant were to submit multiple applications for approval at one time, the pressure to determine them and provide a decision within the timeframe may result in the significance of effects not being adequately assessed. The LPA would therefore value the opportunity to discuss these provision further with the Applicant, together with appropriate resourcing.</p>	<p>It is important to note that deemed consent provisions take effect in relation to a failure to reach a decision, not a failure to give consent. It is, of course, open to the relevant planning authority, if so minded, to refuse consent or to request further information within the time periods specified.</p> <p>The concept of deemed consent is well precedented: see, for example, article 12(6) of the A19/A184 Testo's Junction Alteration Order 2018, article 15(6) of the A30 Chiverton to Carland Cross Development Consent Order 2020, article 13(8) of the Southampton to London Pipeline Development Consent Order 2020 and article 15(6) of the 303 Sparkford to Ilchester Dualling Development Consent Order 2021.</p>
4.15.8	Draft DCO	<p>Requirement 7 provides that no part of the development can commence until written notice (14 days) of the works comprising that part have been given to the relevant planning authority. The LPA would need to understand what is meant by 'part' in order to be able to comment as to whether that written notice period is sufficient.</p>	<p>Please see the Applicant's response to 4.15.5 above.</p>
4.15.9	Draft DCO	<p>Requirement 8 deals with the Code of Construction Practice (CoCP), however, states that the CoCP should only be substantially complied with. This flexibility is considered to be inappropriate given that this is a certified document and that the</p>	<p>The Applicant notes the comments made and is considering these further. Where appropriate and/or necessary, the Applicant will engage further with the Council to understand and progress these matters. Where appropriate, the Applicant will</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		potential implications of non-compliance could be significant. There is also reference to 'the contractor' developing individual management plans, which is not defined within the interpretations and gives no assurances as to the competence of the person(s) charged with developing these plans.	provide a response at Deadline 3 alongside an updated Draft DCO.
4.15.10	Draft DCO	Requirement 17 requires a remediation strategy associated with the Eaton Green Landfill to be approved by the LPA in consultation with the Environment Agency. As highlighted above, requirement 35 sets an eight week time frame on determining applications, otherwise all parts of the application are deemed to be granted without condition or qualification. Clearly, the issues associated with remediation may be complex, and the involvement of a further body (also lacking in resources and reliant on a range of technical experts to provide advice), means that a decision within eight weeks would be unlikely, resulting in an unsatisfactory deemed grant, unfettered by condition.	The Applicant does not agree with the Council on this point. The Applicant considers eight weeks to be a reasonably long period of time for a discharging authority to make a decision.
4.15.11	Green Controlled Growth Draft DCO	Part 3 of Schedule 2 deals with Green Controlled Growth (GCG). The various thresholds proposed for the four key areas within GCG need to be agreed (air quality, greenhouse gas emissions, noise and	The Applicant disagrees with statement that no detail has been provided to the host authorities in relation to Green Controlled Growth Thresholds and Limits. Limits and Thresholds are set out in the Green Controlled Growth Framework [APP-218] .

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>surface access), together with realistic limits and appropriate mechanisms to monitor, review and enforce. To date there has been no detail provided by the Applicant to the host authorities in relation to thresholds and limits. Given that GCG is a new approach which has not been used elsewhere, the LPA has sought to understand how GCG would work and whether, for instance, it would have prevented the breaches of the summer noise contour cap that were seen in previous years. The Applicant has not demonstrated that GCG would have prevented the breach of condition 10, and consequently the LPA requests detailed engagement with the Applicant in order to address these concerns.</p>	<p>The approach to setting Limits is discussed in Section 3 of the Green Controlled Growth Explanatory Note [APP-217] and has previously been discussed with the Council and the other Host Authorities. The mechanisms to monitor, review and enforce Green Controlled Growth are also contained within these two documents, and will be secured through the appendices to the Green Controlled Growth Framework, which include Terms of Reference for the Environmental Scrutiny Group and Technical Panels [APP-219 and APP-220] and Monitoring Plans for each of the environmental topics [APP-221-224].</p> <p>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 controls, noting that the Noise Envelope provides several enhancements to the current consented noise controls that are</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>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 that can be used to reasonably conclude that the Noise Envelope would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36].</p>
4.15.12	Green Controlled Growth Draft DCO Section 106	<p>The composition of the ESG (requirement 20) needs to be agreed. Requirement 21 indicates that the Applicant will prepare Monitoring Reports for the ESG, but there is no provision relating to the ESG's review powers or sign off of the Monitoring Reports. This section also provides no detail in relation to the funding for the LPA's involvement with the ESG and the Technical Panels, which will need to be agreed and referenced within Part 3 of Schedule 2 and included within the Section 106 agreement.</p>	<p>This matter (regarding the need to agree the composition of the Environmental Scrutiny Group (ESG)) is addressed in the Statement of Common Ground submitted at Deadline 2 [TR020001/APP/8.13] item ref LBC173, item ref LBC174 and item ref LBC175.</p> <p>It is considered appropriate for the Technical Panels to have review powers in relation to the monitoring results rather than the ESG, as they will contain the technical expertise on the relevant environmental effects as stated at Paragraph 2.1.1 of the Green Controlled Growth (GCG) Framework Appendix B: Draft ESG Technical Panels Terms of Reference [APP-220]. As outlined at Section 4.3 of the same document, the Technical Panel will provide written feedback on the monitoring results to the airport operator within 21 days of receipt, or</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>within 7 days of a meeting being held, whichever is earlier.</p> <p>The monitoring results, feedback from the Technical Panels and a summary of public feedback are then combined by the airport operator into a single, compiled Monitoring Report to be submitted to the ESG.</p> <p>Whilst the ESG does not have a formal approval role over Monitoring Reports, it can still determine whether the Monitoring Report has been produced in compliance with relevant Monitoring Plan [APP-221 to APP-224], which a failure to follow would be a breach of the GCG Framework and could result in enforcement action being taken against the airport operator. Requirements 23 and 24 also provide the ability for the ESG to certify whether the exceedance of a level 2 Threshold or breach of a Limit are as a result of circumstances beyond the undertaker's control.</p> <p>The Applicant has already committed to funding a technical expert to sit on each Technical Panel (in addition the costs associated with the independent chair, independent aviation expert and slot allocation expert on ESG) whose advice will be made available to all local authority members. The technical experts on the Technical Panels will be</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>appointed by the chairperson of ESG to ensure that they are acting impartially in providing this advice.</p> <p>The Applicant is willing to discuss the details of further funding through future engagement on Statements of Common Ground and Section 106 obligations.</p>
4.15.13	Green Controlled Growth Draft DCO	<p>Level 1 Thresholds are referred to in requirement 22, but the wording is not precise, only requiring the Applicant to provide 'commentary on the avoidance of the exceedance of a limit' and no role for the ESG to agree to any action or direct that the Applicant needs to take specific action. Whilst for an exceedance of a Level 2 Threshold (requirement 23), the LPA is concerned that the time period of 21 days to sign off a Level 2 Plan will be insufficient. A similar timeframe is proposed in relation to approving a Mitigation Plan (requirement 24) and the LPA is also concerned about reliance upon the Airports Slot Allocation Regulations 2006 (S.I. 2006/2665), since the process for allocation (or withdrawing) slots is not within the control of the LPA, whilst the airport operator may not be able to withdraw slots once allocated. The LPA has sought clarification from the CAA,</p>	<p>With respect to the Environmental Scrutiny Group (ESG) formal approval process, it is not considered appropriate or necessary for any formal approvals by the ESG where impacts remain below a Level 2 Threshold (but above a Level 1 Threshold), as no breach has occurred at this point, and the Limit is unlikely to be in immediate danger of being breached (i.e. within the next calendar year). In these circumstances, the airport operator will be operating the airport at acceptable levels of environmental impacts, for which it should not require approval.</p> <p>The required commentary is considered to be a form of positive action, that does not exist under current planning conditions, as it does require a level of consideration proportionate to the risk of a potential future breach.</p> <p>With respect to the time period for signing off Level 2/Mitigation Plans, the development of the timings</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>though the response has been that the DFT rather than the CAA takes the lead on setting policy on slots. There needs to be further discussion with the Applicant in order to address the concerns of the LPA.</p>	<p>for the Green Controlled Growth (GCG) Framework [APP-218] included engagement with the airport operator to understand the necessary timescales for the availability and analysis of monitoring data, which informs the need for and subsequent development of a Level 2 Plan (or Mitigation Plan). It is essential for a Level 2 Plan (or Mitigation Plan) to be approved ahead of the following summer season's capacity declaration at the end of September, as illustrated in Section 2.3 of the GCG Explanatory Note [APP-217]. The lengths of time for review and approval are considered acceptable in this context.</p> <p>If an alternative timeframe is considered necessary to the Council, the Applicant would welcome a specific proposal for what this should be which could then be considered further. In the absence of further information, no change can be considered at this time.</p> <p>In response to the point regarding reliance on the Airports Slot Allocation Regulations 2006, as set out in Section 1.8 of the GCG Explanatory Note [APP-217], London Luton Airport is a 'coordinated airport', as it does not have unconstrained capacity to meet the demand of all airlines and other aircraft operators – particularly at specific times of day or parts of the year. As a coordinated airport, the process of allocating and coordinating slots at the airport is carried out by an independent third party,</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>Airport Co-ordination Limited (ACL). ACL must comply with the statutory requirements of the Airports Slot Allocation Regulations 2006. Controls on growth proposed through the GCG Framework must therefore align with this existing legislation, and any requirement to limit capacity through GCG cannot take place outside of these Regulations.</p> <p>Section 2.6 of the GCG Explanatory Note [APP-217], provides further details on the controls that are related to the slot allocation regulations, including those related to capacity declarations and local rules. However, it should be noted that the airport operator can also take action outside of the slot allocation regulations to reduce the demand for slots (rather than limit capacity at the airport), for example through commercial agreements with airlines, either individually or collectively. However, any such agreement would be a matter for the airport operator and airline(s) to define and agree and would not be appropriate to specify or mandate within the DCO.</p> <p>It is for these reasons that an independent aviation expert and independent slot allocation expert are proposed as members of the ESG. As this is not an area of law that local authorities are typically knowledgeable of, or experienced in they will be able to provide the necessary technical advice to</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			the ESG on the operation of the airport and compliance with aviation law and guidance.
4.15.14	Green Controlled Growth Draft DCO	Part 4 of Schedule 2 sets out the requirements pertaining to other operational matters, which includes, inter alia, the passenger cap (requirement 26) and the night quota cap (requirement 27). There are no requirements reflecting the existing planning conditions that cover a cap on the number of flights within the early morning shoulder period or a QC cap for the night period. The LPA considers that the existing safeguards that are in place under the current planning permission should be carried forward to protect the amenities of surrounding communities, and not left to the discretion of the Applicant through the GCG process.	<p>The principal noise control secured in the Draft Development Consent Order (DCO) [AS-067] is the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p> <p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p>
4.15.15	Surface Access	Requirement 30 relates to Travel Plans, and requires them to be substantially in accordance with the FTP. Comments have been made with regard to the FTP in the surface access section above, including in relation to targets and review periods. The	Noted. The Applicant remains keen to continue ongoing positive dialogue with all Host Authorities on matters of concern.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		LPA considers that these matters may be satisfactorily addressed in further discussions with the Applicant.	
4.15.16	Draft DCO	Part 5 of Schedule 2 establishes the procedure for discharging the requirements of the dDCO. Reference has been made above to requirement 35 which provides for an eight week period to issue a decision on an application for discharge and the deemed grant if a decision is not provided within that period. In addition, the LPA is concerned that the timeframes set out in requirement 36 are too short. The requirement stipulates that any additional information must be requested within 10 business days of receipt of the application, with notification of consultees within five business days, and notification to the Applicant of receipt of a request from a consultee for further information within five business days of receipt of such a request. Though these timeframes are understood to be standard practice for a DCO, it is considered that these timeframes are too restrictive given the scale of the Proposed Development. The LPA considers that greater flexibility is required in the interests of reasonableness.	Please see the Applicant's response to 4.15.10 above.
4.15.17	Draft DCO Planning Section 106	The dDCO also includes, in Part 7, reference to the application of the 1990 Planning Act and the interaction between	As set out in the Planning Statement [AS-122] , with regard to LBC ref: 12/01400/FUL, also known

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>the planning permissions granted in the area covered by the Proposed Development (most notably the permission for the Airport to expand to 18mppa [LBC ref: 12/01400/FUL as varied by 15/00950/VARCON] together with the New Century Park [now referred to as Green Horizons Park] planning permission [LBC ref: 17/02300/EIA]). The interaction between these permissions, including their Section 106 agreements, and the dDCO is an area of concern to the LPA.</p>	<p>as Project Curium, works already completed include:</p> <ul style="list-style-type: none"> a. extension of the Southern Apron for additional aircraft stands (to deliver additional commercial remote stands); b. reconfiguration of external areas for surface access improvements including works to the Drop Off Zone (DOZ); c. Taxiway Foxtrot and new aircraft de-icing facilities; and d. extension and reconfiguration of the passenger terminal. <p>Works underway or remaining include: additional apron and taxiway works. When Project Curium is complete the Proposed Development would tie into the final apron and taxiway works.</p> <p>Regarding LBC ref: 15/00950/VARCON, the Council appointed independent noise consultants to ascertain whether the variation of the condition as proposed by the Applicant would give rise to a demonstratively adverse impact in terms of aircraft noise, on residents surrounding the airport and to provide advice with regard to the appropriateness of the existing condition and variation proposed. The application was subsequently permitted on 13 October 2017.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
			<p>Matters relating to LBC ref: 17/02300/EIA are addressed in the Green Horizons Park (GHP) Additional Information [REP1-005] document submitted at Deadline 1 in response to a request from the Examining Authority to describe the interaction between the Proposed Development and the Green Horizons Park (GHP) permission. The response covers which elements of the GHP consent the Applicant is proposing to proceed with separately to the Proposed Development, the potential future relationship between the GHP scheme and the Proposed Development and an update on the submission of a Reserved Matters application to the Council for the first phase of the outline development by 28 June 2024 in accordance with Condition 2 of the GHP planning permission.</p>
4.15.18	Planning Section 106	<p>The recent call-in public inquiry into the proposed increase in the passenger cap to 19mppa, considered in detail conditions that were still relevant arising from the original planning permission (LBC ref: 12/01400/FUL and the Section 73 variation LBC ref: 15/00950/VARCON). There are still a number of conditions that have yet to be discharged in that planning permission, whilst other extant conditions provide a degree of certainty for local communities in relation to the control of impacts and the safeguarding of their amenities.</p>	<p>The Development Consent Order will provide a comprehensive set of controls that broadly will provide comparable or greater control for the local planning authority. The Applicant will continue to work through the detail of these with the Council during the course of the Examination.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>Various requirements and controls are also secured through the existing Section 106 agreement, yet the implication of Article 44 of the draft dDCO is that the permission will cease to have effect and these controls will no longer be enforceable. The LPA considers that if the Proposed Development is to go ahead then the dDCO should have a comprehensive set of controls that are equivalent to those in the current planning permission under which the Airport operates.</p>	
4.15.19	Planning S106	<p>With regard to the extant permission associated with the proposed Green Horizons Park development (LBC ref: 17/02300/EIA), again there are a number of conditions that were imposed on that permission which seek to safeguard the amenities of the area and the local highway network. Whilst it is recognised that the dDCO would supersede the Green Horizons Park permission, and that it would not be possible to deliver the whole of that development, there are various conditions that will need to be replicated in the dDCO requirements (such as those relating to the link road to Eaton Green Road and the provision of the Airport Access Road ahead of the business park), together with the contributions and alternative provisions of sports pitches, changing rooms, tree</p>	<p>This matter is addressed by the Green Horizons Park Additional Information [REP1-005] document submitted at Deadline 1 in response to a request from the Examining Authority on the interaction between the Proposed Development and the Green Horizons Park (GHP) permission. The response covers which elements of the GHP consent the Applicant is proposing to proceed with separately to the Proposed Development, the potential future relationship between the GHP scheme and the Proposed Development and an update on the submission of a Reserved Matters application to the Council for the first phase of the outline development by 28 June 2024 in accordance with Condition 2 of the GHP planning permission. The Applicant will set out in the section 106 Agreement how the obligations in the GHP consent will be replicated for the Proposed Development so</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		plantings and ecological enhancements that were secured through the Section 106 agreement.	that the GHP obligations and conditions do not fall away.
4.15.20	Section 106	There are other control mechanisms set out in the proposed Heads of Terms in the Applicant's Planning Statement, but to date the Applicant has held no discussions with the LPA in relation to the Section 106 agreement.	To date some discussions have taken place in relation to the section 106 heads of terms. The Applicant will be circulating a programme for the negotiation and completion of the draft section 106 agreement and a draft of the agreement to the local authorities shortly.
4.15.21	Section 106	Section 5.8 of the Planning Statement sets out the likely obligations that the Applicant considers to be appropriate for inclusion within the Section 106 agreement. Some commentary is provided below in relation to these areas, but further detailed discussion is required with the Applicant to progress the Section 106 agreement.	Noted.
4.15.22	Section 106	The Green Horizons Park development was granted planning permission in 2021 (known then as New Century Park, LBC ref: 17/02300/EIA). The development involved the loss of sports pitches and changing rooms, and was considered against Sport England's 'Playing Fields Policy and Guidance', with Sport England not objecting to the proposal subject to the completion of a legal agreement seeking suitable replacement of those facilities elsewhere within the Borough. The funding for that re-provision was based on Sport England's	The Applicant is intending to carry across the relevant section 106 obligations from the Green Horizons Park section 106 agreement to the section 106 agreement for the Proposed Development.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>calculations from 2017, thus if the Green Horizons Park permission is not implemented, the Proposed Development within the dDCO would need to take into account that six years have passed since that application was submitted and Sport England will be using more up-to-date costings. The LPA is concerned that the Applicant does not appear to have held discussions with Sport England in relation to the Proposed Development.</p>	
4.15.23	Section 106	<p>In addition to the contribution towards the re-provision of the sports pitches and changing rooms, there were other contributions secured by the Section 106 agreement, including contributions towards: replacement of the County Wildlife Site; biodiversity; replacement tree planting; public art; roads and highway improvements. Other obligations within the Section 106 agreement included: the Wignore Valley Park Replacement; and the Employment, Skills, Procurement and Training Strategy. The LPA considers that these existing obligations will need to be captured within the proposed Section 106 agreement.</p>	<p>Noted. These obligations will be re-provided in the section 106 agreement for the DCO.</p>
4.15.24	Section 106	<p>The creation and management, including funding of the re-provided Wigmore Valley Park, together with the habitat creation, will</p>	<p>Noted.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>need to be discussed with the LPA to ensure that suitable obligations are included within the Section 106 agreement.</p>	
4.15.25	Section 106	<p>With regard to the Noise Compensation Scheme, the Draft Compensation Policies Measures and Community First have not previously been discussed in detail with the LPA. Some comments on the operation of Community First have been made elsewhere in this LIR, however, the LPA would anticipate that greater detail will be provided by the Applicant. There are currently various noise controls included within planning conditions and the Section 106 agreement associated with the extant planning permission (LBC ref: 15/00950/VARCON), considerable discussion took place with the airport operator during the call-in inquiry into the 19mppa application (LBC ref: 21/00031/VARCON) with a comprehensive Noise Management Plan being included within the Section 106 agreement that was provided to the Inspector Panel prior to the close of the inquiry. The LPA considers that the detail in that Noise Management Plan should be taken on board, and updated where necessary, in any Section 106 agreement associated with the dDCO.</p>	<p>The principal noise control secured in the DCO is the noise insulation scheme (see Draft Compensation Policies Measures and Community First [AS-128]), the Green Controlled Growth Framework [APP-217] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes. As a result, many of the individual and specific mitigation mechanisms secured in the current planning permission noise conditions would be replaced by the overall Limits and control mechanisms in the Noise Envelope.</p> <p>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario.</p>

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
4.15.26	Section 106	The LPA is discussing with the applicant the proposed Employment and Training Strategy and welcomes its inclusion within the proposed Section 106 agreement.	Noted.
4.15.27	Green Controlled Growth	As noted above, further discussion is required in relation to the operation of GCG, including the funding arrangements for the LPA's involvement with the ESG and the technical panels, especially as the LPA will have a significant monitoring and enforcing role.	Noted, these matters are responded to within this document in the response to Paragraph 4.15.12 of the LBC LIR.
4.15.28	Section 106 Surface Access	The local highway authority has indicated that there will need to be funding arrangements in place for the off-site highway works that are not included within the red-line site of the dDCO. Further discussions with the LPA and highway authority will be required, and flexibility (as noted in the surface access section above) will need to be included within the Section 106 agreement in relation to the detailed design of those improvements and the timing of the delivery of the improvements.	There are currently no off-site highway works proposed which are outside of the Order Limits.
4.15.29	Section 106	The re-provision of the Prospect Day Nursery is welcome and should be included within the Section 106 agreement.	Noted.
4.15.30	Section 106	The relationship with other developments granted planning permission under the 1990 Planning Act has been discussed above. Of the developments listed in Section 5.9 of the	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>Planning Statement, all except Bartlett Square will need to be captured in the Section 106 agreement. The LPA considers that the Bartlett Square development has not been implemented within the prescribed period and so a new application would be required for that site.</p>	
5. Summary			
5.1.1	General	<p>The LPA has reviewed the application and evaluated the potential impacts of the Proposed Development on the Borough of Luton. We have identified some negative, neutral and positive impacts as a result of the Proposed Development.</p>	Noted.
5.1.2	General	<p>Whilst we have worked closely with the other host authorities, we are aware that the three Hertfordshire authorities have expressed in principle objections to the growth of the Airport, and that Central Bedfordshire has indicated that it cannot support the application. However we consider that the development is in line with the Government's aviation policy which supports airport growth and airports making best use of their existing runways subject to environmental issues being addressed. We consider that the proposed expansion of the Airport will result in significant socio-economic benefits for Luton and the surrounding counties. We have indicated</p>	Noted.

LIR Reference	Topic	LIR Extract (verbatim)	Luton Rising's Response
		<p>that there are some negative impacts and that we require further information to be satisfied that these can be adequately addressed and mitigated. We anticipate on-going engagement with the Applicant during the course of the examination to ensure satisfactory resolution of the outstanding issues.</p>	

REFERENCES

Ref 2.1 Department for Transport (2023), Policy Paper: Overarching Aviation Noise Policy

Ref 2.2 Civil Aviation Authority (2021), CAP1506: Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition

Ref 2.3 Civil Aviation Authority (2021), CAP2161: Survey of Noise Attitudes 2014: Aircraft Noise and Sleep Disturbance

Ref 2.4 Department for Transport (2023), Policy Paper: Overarching Aviation Noise Policy

Ref 2.5 Luton Borough Council (2017), Local Luton Plan 2011-2031

Ref 2.6 Department for Transport (2017), Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace.

Ref 2.7 CIRIA (2015), The SuDS Manual

Ref 2.8 Planning Inspectorate (2018), Advice Note Fifteen: Drafting Development Consent Orders