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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.56 Applicant's response to Deadline 2 submissions
(Comments from Interested Parties on Deadline 1
submission) Appendix B - Michael Reddington**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.56

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.56 APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS
(COMMENTS FROM INTERESTED PARTIES ON DEADLINE 1
SUBMISSION) APPENDIX B – MICHAEL REDDINGTON**

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Appendix B - Michael Reddington [REP2-064]

Table B1.1 Applicant's response to Michael Reddington's comments on Deadline 1 submission

I.D	Response Topic	Comments on deadline 1 submission (Verbatim)	Luton Rising's Response
1	Compensation Noise Insulation Scheme	<p>Responses to REP1-020 (Comments on RRs - Part 1 of 4)</p> <p>Page 42 Row 1: The areas impacted by noise increase with every Phase and therefore there is no net reduction in noise - all that is happening is a mitigation of increased noise.</p>	<p>In each phase there is a net reduction in noise compared to 2019 for both the daytime and the night-time when using the 2019 Actuals baseline and for the daytime when using the 2019 Consented baseline. See Chapter 16 of the Environmental Statement [REP1-003].</p> <p>Significant effects due to noise change in a given year (comparing noise with and without the Proposed Development) are avoided through the provision of noise insulation, see Draft Compensation Policies, Measures and Community First [REP2-005]. Eligibility is based on absolute noise level, regardless of whether this an increase in noise or not.</p>
2	Compensation Noise Insulation Scheme	<p>Page 42: Row 2: Noise Insulation funding. The Applicant does not answer the question. He sets out costed compensation measures for several different scenarios, but does not give the sum total of monies required to complete the insulation nor hazard an estimate as to take-up, nor give a timescale within which the programme of insulation will be complete. It is not clear how, and how much, the Applicant can budget for insulation. The Applicant does not state whether these</p>	<p>All costs included within the current Funding Statement are indexed linked.</p>

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		amounts are subject to price variation - with RPI, wage price increase or other index for example.	
3	Compensation Noise Insulation Scheme	Page 45 Row 2: It is not clear from AS-128 whether the Applicant will consider claims for Statutory compensation from those who are also in receipt of insulation (Discretionary compensation), and not just those who fall outside the eligibility criteria.	The Applicant is not in a position to contract out of a person's entitlement to statutory compensation. What the Applicant is able to do is take into account the benefit, if any, of the insulation offered before the assessment of statutory compensation is made.
4	Compensation Noise Insulation Scheme	Page 44 Row 2: The Noise Insulation Scheme is almost completely lacking in detail and needs a full description of how it will be implemented and managed. What is unacceptable is the timescale: "This will take place during the lifecycle of the project". There is no commitment to providing insulation to those properties which need it, BEFORE noise levels reach the eligibility threshold. This is surely a Health and Safety issue. The ExA should instruct the Applicant to provide a detailed budget, programme and method statement.	The Applicant has submitted an amended draft policy to capture more detail as to how it will be proactively managed to encourage take up. See Draft Compensation Policies, Measures and Community First [REP2-005] . Whilst an offer can be made, there is no means of compelling an owner to take it up, hence the proactive approach proposed to explain the benefits available and encourage take up. In circumstances where owners will not accept the offer the Applicant cannot be put in a position where it is not fulfilling the obligations required by the DCO.
5	Compensation Noise Insulation Scheme	Page 46 Row 3: Whatever about insulation which should reduce internal noise, there is no proposed mitigation to reduce external noise in gardens or balconies, except for a reduction in noise generated by the airport - and the Applicant is not proposing this mitigation.	The Applicant considers that the issue raised regarding external noise was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 182, in response to REP1-106.

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6	Draft DCO Compensation Noise Insulation Scheme	Page 49 Row 2: This should be stated in the DCO and is typical of the lack of detail therein pertaining to insulation.	The Applicant has submitted an amended draft Policy which picks up on the issue of securing consent to insulate listed buildings. See Draft Compensation Policies, Measures and Community First [REP2-005] which will be secured through a Section 106 agreement.
7	Draft DCO Compensation Noise Insulation Scheme	Page 49 Row 3: This should be stated in the DCO and is typical of the lack of detail therein pertaining to insulation.	The Applicant has submitted an amended draft Policy which provides more detail on the process that will be followed to agree appropriate insulation for each particular property based on the level of grant available. See Draft Compensation Policies, Measures and Community First [REP2-005] which will be secured through a Section 106 agreement.
8	Compensation Noise Insulation Scheme	Page 49 Row 4: As stated above, the Applicant is only mitigating additional noise - noise levels are still on the increase.	See response above in row (ID1).
9	Compensation Noise Insulation Scheme	Page 49 Row 5: RR-0239. This is highly selective. The response actually said: "I do appreciate that the Airport offered us a small contribution to get a couple of reenforced windows but this is of absolutely no help in the summer months as the windows need to be open and to be honest, they need to be open most of the year to ventilate the house". This was just one sentence in a whole page of complaints against the airport.	<p>The noise insulation packages will include suitable ventilation if required to allow windows to be kept closed.</p> <p>The other issues raised in RR-0239 relating to concerns about the impacts of noise and air quality have been addressed in the Applicant's Response to Relevant Representations – Part 1 of 4 [REP1-020] at pages 9, 106 and 154.</p>

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10	Compensation Noise Insulation Scheme	Page 109 Row 2: The Applicant does not deny there are impacts on the health of residents but offers only 'mitigation' for the additional noise in the form of insulation rather than a reduction in noise form the current level.	See response above in row (ID1).
11	Noise and Vibration	Page 146 Row 1: Once again the Applicant considers only Significant effects of the additional noise and intends to Avoid them (rather than mitigate them as in previous responses). These impacts will not be reduced in spaces outside the residence such as balconies, gardens etc.	See response above in row (ID1). The Applicant considers that the issue raised regarding noise in balconies and gardens was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 182, in response to REP1-106.
12	Noise and Vibration Green Controlled Growth	Page 147 Row 1: Note that the Applicant states that the GCG Framework relates only to '..Air noise and other environmental topics'. (Presumably the 'other environmental topics relates to pollution, waste disposal etc.) The Applicant seems to have disregarded Ground noise. The ExA should instruct the Applicant to provide clarity on all noise elements and their mitigation	Ground noise has not been disregarded. A detailed assessment of ground noise impacts has been undertaken and presented in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003] . Mitigation for ground noise is outlined in Section 16.8 of this chapter. An Outline Ground Noise Management Plan, which will be secured through a Requirement in the DCO, will be submitted at Deadline 4 and will secure mitigation for ground noise.
13	Noise and Vibration	Page 148 Row 1: '...there will be a reduction in the number of people who would experience adverse effects...'. This is not true: (a) noise contour areas increase as Development progresses and (b) even	See response above in row (ID1)

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		with no DCO, noise levels should fall relative to the 2019 baseline because of the expectation of quieter aircraft coming into the fleet by 2028 - as per Project Curium	
14	Noise and Vibration	<p>Page 149 Row 1: second bullet point states that ground noise and vibration does not have significant impacts as in 'greater than SAOEL'. However ground noise modelling figures show that receptors will be subject to noise between LAOEL and SAOEL but above the 54dB LAeq 16h level which is the eligibility criterion for noise insulation. The ExA should instruct the Applicant to clarify what mitigation measures are proposed between LAOEL and SAOEL in order to meet NPSE.</p> <p>Note that NPSE states:</p> <p>“The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse impacts on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”</p>	<p>The 54dBL_{Aeq,16h} eligibility for air noise insulation is a voluntary eligibility threshold which goes beyond Government expectations for noise insulation to be provided above 63dBL_{Aeq,16h} (Ref 1).</p> <p>Mitigation measures which are applicable between the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) are set out in Section 16.8 and 16.10 of Chapter 16 of the Environmental Statement [REP1-003].</p> <p>How the Proposed Development meets all three aims of the Noise Policy Statement for England (Ref ²) is set out in Section 16.9 of Chapter 16 of the Environmental Statement [REP1-003].</p>
15	Noise and Vibration	Page 160 Row 1: Traffic noise to be evaluated and insulation provided if noise greater than SAOEL. However NPSE states: "The second aim of the NPSE refers to the situation where the impact lies	See response above in row (ID14).

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		<p>somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse impacts on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur." The ExA should instruct the Applicant to clarify what mitigation measures are proposed between LAOEL and SAOEL in order to meet NPSE</p>	
16	Noise and Vibration	<p>Page 167 Row 3: RR-0908. Outdoor exposure will increase as the Development matures (contour areas increase) and noise insulation is only effective for interior noise level mitigation.</p>	<p>See response above in row (ID11).</p>
17	Compensation Noise and Vibration	<p>Responses to REP1-022 (Comments on RRs - Part 2B of 4, Members of the Public</p> <p>Note: Page numbers reflect the 'pdf' version of the document.</p> <p>Page 35 Row 1: penultimate paragraph. This does not answer the question. Changing the noise contours still does not make it clear which properties are within which boundaries. The Applicant should provide a list of eligible addresses and what they are eligible for. The Applicant should also identify which Phase of the proposed Development these properties become eligible. The ExA should instruct the Applicant to clarify whether if an insulated property falls outside</p>	<p>The Applicant considers that the issue raised regarding the identification of properties eligible for insulation was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 209, in response to REP1-106.</p> <p>Insulation will not be removed from any property once installed.</p>

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		of eligibility criteria in later Phases whether the insulation will be removed.	
18	Compensation Noise Insulation Scheme	Page 36 Row 1: The ExA should instruct the Applicant to clarify who would be parties to this S106 Agreement and who would police the subsequent installation programme.	The parties to the Section 106 agreement are identified in section 5.8.5 of the Planning Statement [AS-122]. The Applicant considers that the issue raised regarding the s106 parties was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 208, in response to REP1-106.
19	Noise and Vibration	Page 50 Row 1: Response is not true. Lowest eligibility level is below SAOEL, at 54dB LAeq 16h.	The response is correct and not affected by the eligibility criteria for noise insulation below the Significant Observed Adverse Effect Level (SOAEL).
20	Planning Noise and Vibration	Page 51 Row 2: First bullet point reply cannot be correct. Tables in Chapter 16 show an increase in air noise contours for each 'Do Something' scenario.	The response is a partial misquote and should state "limit and where possible reduce the number of people significantly affected" as per paragraph 17 of the Aviation Policy Framework (Ref ³).
21	Noise and Vibration	Page 61 Row 3: Reference error. Assume it is NPPF.	Correct, missing reference: Ministry of Housing, Communities and Local Government (2021), National Planning Policy Framework.
22	Noise and Vibration	Page 97 Row 1: Ref 12 (CAP 1506:2021) and Ref 13 (CAP 2161:2021). The ExA should instruct the Applicant to review the DCO in the light of all the relevant literature - for example: <ul style="list-style-type: none"> • CAP 1588 Aircraft Noise and Annoyance – Recent Findings: 2018 	The Applicant considers that the issue raised regarding CAP1588 was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 175, in response to REP1-106.

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		<ul style="list-style-type: none"> • CAP 1506c SoNA 2014 Aircraft Noise and Annoyance second edition - Peer Review: 2021 • CAP 2161a SoNA 2014 Aircraft Noise and Sleep Disturbance - Peer Review: 2021 • CAP 2398 Aircraft Noise and Health Effects – a six monthly update: 2022 	<p>The same response applies to CAP 2398.</p> <p>CAP1506c and CAP 2161a are peer reviews of CAP1506 and CAP2161 which are already extensively referenced in the Applicant's documentation.</p>
23	Noise Envelope	Page 142 Row 1: The full package of insulation provision only applies to properties with noise levels at SAOEL or above. Properties that fall under Daytime SAOEL of 63dB LAeq 16h have a reducing scale of compensation down to 54dB LAeq 16h; properties that fall below the Night-time SAOEL of 55dB LAeq 8h get none.	The Applicant considers that the issue raised regarding insulation below the night-time SOAEL was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 177, in response to REP1-106.
24	Planning	Page 219 Row 1: The Applicant has not responded to the first bullet point. The ExA should instruct the Applicant to respond.	The first bullet point refers to the current noise insulation scheme. The current insulation scheme is not part of the Proposed Development.
25	Planning	Page 219 Row 1: In respect of the third bullet point 'facilitating permissions' the purchase of large tracts of high quality agricultural land would also qualify as a facilitating permission.	Details and a full assessment regarding the quality and acquisition of agricultural land in relation to the Proposed Development can be found in Chapter 6 Agricultural Land Quality and Farm Holdings of the Environmental Statement [APP-033] .
26	Noise and Vibration	Page 220 Row 2: 'reducing' noise impacts' due to increased noise as a result of expansion is not the	See response above in row (ID1) on reducing existing noise levels.

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		same as 'maintaining or reducing EXISTING noise levels'.	
27	Noise and Vibration	Page 222 Row 1: Reference error. Assume it is NPPF.	Correct, missing reference: Ministry of Housing, Communities and Local Government (2021), National Planning Policy Framework.
28	Noise and Vibration	Page 222 Row 2: RR-0817. Eligibility contours may extend over Caddington but the case in point is that peak noise disturbs sleep rather more than the 'averaged' dB LAeq.	The Applicant considers that the issue raised regarding peak noise was answered within the Applicant's Response to Written Representations Part 1b [REP2-034] page 209, in response to REP1-106.
29	Noise and Vibration	Page 224 Row 1: However the noise contour areas have increased and therefore more residents are affected.	See response above in row (ID1).
30	Noise and Vibration	Page 224 Row 2: The Applicant's noise contours must surely have taken into account these 'top level' mitigation measures and yet the noise contours have increased in area.	See response above in row (ID1).
31	Noise Insulation Scheme	Page 225 Row 1: The proposed 'insulation' scheme does not specifically include them either. In fact there are no details at all of how the Applicant intends to implement this scheme	Details of how the Applicant will implement the noise insulation scheme is presented in Draft Compensation Policies, Measures and Community First [REP2-005] .
32	Noise Insulation Scheme	Page 225 Row 2: Reference error. Assume it is NPPF.	The reference is Department for Transport (2017), Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace.

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33	Noise Insulation Scheme	Page 225 Row 2: See comment about Ref 12 and Ref 13 under Page 97 Row 1.	See response above in row (ID22).
34	Noise and Vibration	Page 229 Row 1: Final sentence. The Applicant is aware that noise contours reflect noise external to a property. This noise is only going to increase as a result of the Proposed development and all the insulation in the world will not reduce it.	See response above in row (ID1).
35	Greenhouse Gas	Page 246 Row 1: Reference should be to Jet Zero Strategy ('Ref.1')	Noted, broken document reference.
36	Greenhouse Gas	Page 247 Row 2: Reference should be to Jet Zero Strategy ('Ref.1')	Noted, broken document reference.
37	Need Case	<p>Page 249 Row 1: The Applicant liberally refers to the Jet Zero Strategy in responses to RRs such as RR0164, RR0165, RR0472, RR0530, RR0817 to name but a very few. The response is typically:</p> <p>“Further, Paragraph 3.57 of the Jet Zero Strategy sets out that “we can achieve Jet Zero without the Government needing to intervene directly to limit aviation growth”. The Applicant is aware that the rate of expansion of London Luton Airport is broadly aligned to the Jet Zero Strategy High Ambition Scenario, which reinforces the view that the Application aligns with Government ambitions on carbon reduction.</p> <p>In response to RR-0817 the Applicant refers to the Net Zero Strategy One Year On ('JZS-OYO') and</p>	Noted – see response below.

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		actually includes it in the References (Ref 22). Therefore the Applicant must be familiar with its contents. Below is a commentary on JZS-OYO and how it applies to, and should modify, this DCO Application.	
38	Climate Change Greenhouse Gas Fleetmix Need Case	<p>2 Comments on Jet Zero strategy One Year On ('JZS-OYO')</p> <p>2.1 Introduction</p> <p>2.1.1 JZS-OYO is a One Year update on the progress of the Jet Zero Strategy (July 2022) that sets out the Aviation sector's path to Net Zero by 2050.</p> <p>2.1.2 All of the initiatives that will make the largest impact are still in their infancy: SAF, Hydrogen-fuelled aircraft; electric aircraft, long-distance capability, carbon capture and storage etc.</p> <p>2.1.3 Given the sheer number of unknowns, related to these initiatives, progress and expectations will develop and change as the magnitude of tasks become clearer. The situation is, thus, dynamic and wide-ranging.</p> <p>2.1.4 Of necessity due to the range of issues and risks, the report can seem vague or even optimistic. Underlying data is missing or estimated so it is not possible to fully assess the metrics in JZS-OYO.</p>	Mr Reddington's comments throughout section 2 of his submission, regarding the Department for Transport's 2022 Jet Zero strategy: one year on Policy Paper, are noted.
39	Greenhouse Gas	Page 11: This page states the JZS modelling is based on the High Ambition scenario but there is	The Applicant is aware that the Jet Zero – one year on report indicates that the current

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	Need Case	<p>no sensitivity analysis of the alternatives. Note that on page 19, the report states that MOD emissions are not included in aviation figures.</p> <p>Also, Page 11 states in relation to projections: "...This has had the impact of reducing forecast passenger demand growth under our High Ambition scenario to 52% in 2050, relative to 2018 levels, compared to 70% in the published Jet Zero Strategy".</p> <p>So, forecast passenger demand is now just 52% higher for 2050 than in 2018, reduced from 70% in just one year. This is a significant reduction and if the Applicant is following the Jet Zero strategy as alleged under responses to RR0164 etc. above, its forecasts would also be expected to be reduced accordingly. By comparison the Applicant is expecting a 78% increase, from 18mppa to 32mppa between 2019 and 2050. The Applicant should demonstrate where the expected increase in demand over and above the national forecasts is going to come from. The ExA should instruct the Applicant to revise the DCO Application to reflect these new JZS-OYO forecasts.</p>	<p>Government projections of air passenger demand in 2050 are slightly lower than their previous projections. However, since these were produced, economic projections for the UK economy have been revised upwards as explained in section 2.2 of the Applicant's Response to Chris Smith Aviation Consultancy Limited - Initial Reiew of DCO Need Case for the Host Authorities [REP2-042]. As such the Applicant is confident that the demand projections adopted are robust and continue to align with the Jet Zero High Ambition Scenario.</p>
40	Greenhouse Gas Fleetmix Need Case	<p>3.3 Conclusion</p> <p>3.3.1 As stated in the comments against JZS-OYO this document also is replete with assumptions, aspirations and expectations. However, it does not align with JZS-OYO.</p>	<p>The UK government has set a legally binding target, under section 1 of the Climate Change Act 2008, to achieve net-zero greenhouse gas emissions by the year 2050 and to meet their five-yearly carbon budgets. It has introduced a range of measures and government policy to</p>

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		<p>3.3.2 It is hoped that the ExA will instruct the Applicant to clarify these anomalies and amend the DCO Application as appropriate.</p>	<p>control carbon. For example, the Jet Zero Strategy is the government strategy on how aviation will contribute to meeting the UK's climate change commitments.</p> <p>The Applicant believes the Proposed Development and application are in line with Government policy.</p>

REFERENCES

Ref 1 Department for Transport (2017), Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace.

Ref 2 Department for Environment Food and Rural Affairs (2010), Noise Policy Statement for England

Ref 3 Her Majesty's Stationery Office (2013), The Aviation Policy Framework.