

October 2023

# 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)**

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**

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**8.56 APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS  
(COMMENTS FROM INTERESTED PARTIES ON DEADLINE 1  
SUBMISSION)**

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# Contents

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|          | Page   |           |
|----------|--|-----------|
| <b>1</b> | <b>Introduction</b>  | <b>1</b>  |
| 1.1      | Purpose of this document   | 1         |
| 1.2      | Structure of document  | 1         |
| <b>2</b> | <b>Applicant's Response to Deadline 2 Submissions (Comments from Interested Parties on Deadline 1 submissions)</b> | <b>3</b>  |
|          | <b>References</b>  | <b>25</b> |
|          | <b>Appendix A: LADACAN [REP2-061]</b>  |           |
|          | <b>Appendix B: Micheal Reddington [REP2-064]</b>   |           |
|          | <b>Appendix C: Stop Luton Airport Expansion [REP2-073]</b>   |           |
|          | <b>Appendix C2: Stop Luton Airport Expansion [REP2-074]</b>  |           |
|          | <b>Appendix D: Buckinghamshire Council [REP2-044]</b>  |           |
|          | <b>Appendix E: The Harpenden Society [REP2-075]</b>  |           |
|          | <b>Appendix F: Friends of Wigmore Park [REP2-054]</b>  |           |
|          | <b>Appendix F2: Friends of Wigmore Park [REP2-055]</b>   |           |
|          | <b>Appendix G: Holiday Extras Limited [REP2-060]</b>   |           |
|          | <b>Appendix H: Hitchin Forum [REP2-059]</b>  |           |
|          | <b>Appendix I: PAIN [REP2-067]</b>   |           |
|          | <b>Appendix J: Paul Farquharson [REP2-070]</b>   |           |

# 1 INTRODUCTION

## 1.1 Purpose of this document

1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority (ExA). It provides the Applicant's response to comments from Interested Parties on Deadline 1 submissions.

1.1.2 The Applicant has not responded to all comments raised, rather the Applicant has responded to those matters where the Applicant believes that an additional response is required or to direct the reader to where an earlier response has been provided. Please note that where the Applicant has not responded to a particular point this should not be read as acceptance by the Applicant of the point raised.

## 1.2 Structure of document

1.2.1 The Applicant has reviewed all comments from Interested Parties on Deadline 1 submissions provided at Deadline 2. The Applicant has responded on a thematic basis to submissions made by the following Interested Parties in Section 2 of this document:

- a. National Trust [REP2-065]
- b. David Endon Stuart Shipley [REP2-049]
- c. Elizabeth Mary Ayton [REP2-051]
- d. Elsebeth McConkey [REP2-052]
- e. Peter White [REP2-071]
- f. Harpenden Sky [REP2-056]

1.2.2 The Applicant considers that submissions by the following Interested Parties require detailed responses and therefore the Applicant's response is provided in the following Appendices:

- a. Appendix A: LADACAN [REP2-061]
- b. Appendix B: Micheal Reddington [REP2-064]
- c. Appendix C: Stop Luton Airport Expansion [REP2-073]
- d. Appendix C2: Stop Luton Airport Expansion (Comments on Written Representations) [REP2-074]
- e. Appendix D: Buckinghamshire Council [REP2-044]
- f. Appendix E: The Harpenden Society [REP2-075]
- g. Appendix F: Friends of Wigmore Park [REP2-054]
- h. Appendix F2: Friends of Wigmore Park (Comments on Written Representations) [REP2-055]
- i. Appendix G: Holiday Extras Limited [REP2-060]
- j. Appendix H: Hitchin Forum [REP2-059]

- k. Appendix I: PAIN [REP2-067]
- l. Appendix J: Paul Farquharson [REP2-070]

## 2 APPLICANT'S RESPONSE TO DEADLINE 2 SUBMISSIONS (COMMENTS FROM INTERESTED PARTIES ON DEADLINE 1 SUBMISSIONS)

| Interested Party and Examination Reference | Topic                                 | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response  |
|--|---------------------------------------|--|--|
| National Trust<br><br>REP2-065             | Tranquillity<br><br>Cultural Heritage | <p>The applicant has provided comments on the National Trust's relevant representation as part of their submissions to deadline 1 (Application Document Ref: TR020001/APP/8.31). These comments are welcomed, and we appreciate the attention that the applicant has given to our representations. We note that the applicant makes reference to the most significant effects being of concern to Luton Rising, with their assessments concluding that National Trust sites do not experience significant effects. As set out within our Written Representations, informed by expert technical advice provided by Royal Haskoning, the assessments that the applicant has undertaken to establish the impact of these effects discount many of the National Trust sites that we have raised concerns around on the basis of their distance from the proposed development site. It is however evident that the proposals are likely to result in an increase in the number of overflights at Dunstable Downs, Ashridge Estate and Whipnade Estate, leading to further degradation of tranquillity. At these</p> | <p>There are no landscape or visual mitigation measures available to mitigate the effects of increased aircraft movements on tranquillity over the sites mentioned by the National Trust. Noise would be managed as far as reasonably practicable during the operational period in accordance with the principles set out in the <b>Operational Noise Management (Explanatory Note)</b> provided as Appendix 16.2 of the ES [APP-111].</p> |

| Interested Party and Examination Reference    | Topic                      | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response   |
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|   |                            | <p>locations, we understand that the number of overflights could be doubled from what is currently experienced. Whilst this may not meet the applicant's definition of "significant effects", we maintain that the proposals would be likely to have an adverse impact on the tranquillity of these sites, to the detriment of outdoor recreation users. We would welcome further feedback from the applicant in terms of how the impact of the proposed development at these sites could be mitigated.</p>   |   |
| <p>Elizabeth Mary Ayton<br/><br/>REP2-051</p> | <p>Noise and Vibration</p> | <p>The mapping, and noise contour estimation, used by Luton Rising is purposefully vague and, in all probability, misleading. At no stage have they produced mapping down to street/property level, to show residents where there property may lie on a proposed flight path. In addition, they are using the LAeq,T noise measurement, stating it "is the most common international measure of aircraft noise" and "that LAeq,T noise contours are the best correlated indicators with health impacts and community annoyance due to aircraft noise." Clearly, using a 16-hour average background noise metric to assess disturbance to residence under a flight path is absolute nonsense. These average metrics were designed to assess nuisance from airports and aircraft noise to the environment around an</p> | <p>The response mentions proposed flight paths. There are no changes to flight paths as part of the Proposed Development. Any changes to future flight paths are the subject of a future airspace change process being sponsored by the UK Government and will be subject to a separate assessment and consultation exercise by the airport operator in accordance with Civil Aviation Authority (CAA) procedure (CAP1616), in due course. A note explaining the relationship between the two processes was submitted at Deadline 1 <b>[REP1-028]</b>.<br/><br/>The LAeq metric is used as the primary assessment metric in line with aviation noise policy (Ref 1) and guidance from the Civil Aviation Authority which states</p> |

| Interested Party and Examination Reference | Topic              | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response   |
|--|--------------------|---|---|
|  |                    | <p>airport, in the same way that one may hear a motorway 'hum' in the distance. For residential properties on flight paths, LAeq,T is not a suitable measure, and its use to convey a measure of nuisance is misleading. For example, page 23, 'APPENDIX A - INDICATIVE NOISE CONTOUR PLAN' of 'TR020001/APP/7.10   Issue 1   27 February 2023' gives figures of 54dB for Caddington. However, Caddington residential areas regularly see 15 flights in a 60-minute period with noise levels between 75dB and 85dB.</p> | <p>that "evidence based decisions should continue to use LAeq,16h" for daytime (Ref 2) and "there is insufficient evidence to change from the current practice of using average summer night LAeq,8h noise exposure for UK assessments" for night-time (Ref 3).</p> <p>Notwithstanding this, supplementary noise metrics which capture peak noise levels including N-above metrics have been included in the noise assessment presented in <b>Chapter 16 Noise and Vibration</b> of the Environmental Statement <b>[REP1-003]</b>.</p> <p>The quoted 54dB level is an LAeq,16h level which represents the equivalent energy of all noise events in a 16 hour period and cannot be directly compared to peak levels of individual noise events over a shorter time period.</p> |
| <p>Elsebeth McConkey<br/><br/>REP2-052</p> | <p>Air Quality</p> | <p>Respondent has provided screenshots of messages advising that air quality levels are low (see REP2-052).</p>   | <p>The air quality assessment (Chapter 7 Air Quality of the ES [AS-076]). has provided an assessment of air quality, including the 2019 baseline air quality, following methodology agreed with the local</p>   |



| Interested Party and Examination Reference    | Topic   | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response  |
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|   |         |   | Councils, following industry guidance. No significant impacts are predicted to occur.  |
| David Endon<br>Stuart Shipley<br><br>REP2-049 | General | I wish to comment on the additional document presented by Luton Rising as Application Document Ref: TR020001/APP/8.29, in particular the governance measures represented as being in place to manage potential conflicts of interest arising out of the Local Planning Authority's ownership of Luton Rising and the active involvement of local authority staff in the promotion of this expansion proposal. Because Appendix 1 purports to provide context, I will take this first. It lists 19 airports that are in partial or complete public ownership in the UK. What it does not give is any information about the scale of the operations of these airports, or whether the owner of the airport company is its own local planning authority. This would have been easy to do but for whatever reason the Applicant has chosen not to do it. My Appendix completes this information for the airports owned by single local authorities; I have ignored Newcastle Airport and the airports owned by the Manchester Airports Group because no individual local authority has a controlling interest in any of them. My Appendix shows clearly that Luton is the only major airport 100% owned by its own planning authority. There is | The Applicant has considered Mr Shipley's table and considers that it does not make any material difference to the points made in Appendix 1 of <b>REP1-018 [Roles and Responsibilities of Luton Borough Council]</b> .<br><br>In that Appendix the Applicant referred to 28 airports which have some form of public ownership. No comment was made on the scale of operation of those airports as the point being made was simply that it is not uncommon for a public body to have a financial interest in an airport.<br><br>The information in the above referenced document does not suggest that all of the airports have the same ownership structure and operational arrangements as London Luton Airport. It merely notes the facts to the best of the Applicant's knowledge and in particular it included a statement that "The Councils in many cases have leased the airports to companies that operate them (such as Esken that operates London Southend Airport)". |

| Interested Party and Examination Reference | Topic | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response  |
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|  |       | <p>no such conflict on remotely the same scale anywhere else in the UK, and any attempt to persuade the Inspectors otherwise is disingenuous. The second largest airport owned by a single local authority is less than one twentieth of the size of Luton. No other local authority has anywhere near the balance sheet exposure to an airport that Luton has. My issue is not with the principle of public ownership, on which I am agnostic, but on the unique inherent conflicts of interest. The Inquiry ought to know that in the recent past there have been clear and overt departures from best practice in the Council's management of its ownership, with Cllr Malcolm having been simultaneously chairman of Luton Rising and Finance portfolio holder, and Robin Porter chief executive of both Luton Rising and the Council. Mr Gurtler as a senior planning official has been a firm and energetic supporter of airport expansion and in the Call-In Inquiry made a strong defence of the Council's failure at any point to enforce its own noise-related planning conditions. In 2019 the conflicts were so egregious that LADACAN made a submission to the Evans committee as it seemed the arrangements in place at the time breached the Nolan Principles in almost every respect. In spite of all the newly-minted Chinese walls,</p> | <p>In relation to operations, the Civil Aviation Authority publishes data on UK airports, including passenger throughput. The Applicant notes that from the available data for 2023, up to July, London Luton Airport accounted for 6.1% of all passenger using UK airports. The other airports with public ownership identified in the Applicants' referenced document accounted for 29.5% of all passengers using UK airports in the same period.</p> <p>On the conflict of interest points, the governance arrangements for the Board of Directors were updated following a review in March 2021. Cllr Malcom stepped down as Chairman of Luton Rising shortly afterwards and stepped down as Finance portfolio holder of Luton Borough Council in May 2022.</p> <p>Mr Porter stepped down as Chief Executive of LLAL in 2020.</p> <p>The Applicant does not agree that there has been any departure from best practice. Whenever any potential conflicts</p> |

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|  |       | <p>which seem to have been erected expressly for the purpose of this DCO, Mr Mark Turner is still the Monitoring Officer for the Borough Council, an important statutory office, as well as now being an executive director of Luton Rising. He was of course also the author of the 2014-2016 council papers documenting excessive growth as a favourable KPI in the then LLAL's reporting process. The Overview and Scrutiny Committee, which included Cllr Javeria Hussain, chair of LR, Cllr Amy Nicholls, vice chair, and Cllr Charmaine Isles, director, was renamed the Overview and Scrutiny Board with apparently reduced powers as recently as 23 May this year, and Cllrs Nicholls and Isles continue to sit on it. Inspectors might find it informative to understand the timeline behind these relatively new governance rules and whether they have been put in place expressly for the purpose of the DCO application. If effective they will have been long overdue.</p> | <p>of interest have arisen, appropriate disclosures have been made.</p> <p>Mr Gurtler is a planning professional who has at all times acted professionally and impartially and on many matters has not agreed with the position either of the Applicant in respect of the current application, and the Operator in respect of earlier applications, leading to changes in approach or to planning conditions. The Call-In Inquiry is related to a separate application.</p> <p>As set out in <b>REP1-018 [Roles and Responsibilities of Luton Borough Council]</b>, robust structural and procedural measures are in place and have been maintained to ensure the due and proper demarcation of roles and responsibilities including to ensure the independence and objectivity of the Council's Planning, Highways and lead Local Flood Authority functions.</p> <p>Mr Turner remains the Council's Monitoring Officer but does not deal with any matters in that role relating to the airport. When such matters arise they are</p> |

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|  |   |   | <p>dealt with by the Council's Deputy Monitoring Officer.</p> <p>The Overview and Scrutiny Committee and the Overview and Scrutiny Board are separate bodies. Their functions, responsibilities and powers are unchanged. All members of the Council except those who sit on the Executive are members of the Overview and Scrutiny Committee.</p> <p>When airport related matters are put before the Overview and Scrutiny Board those members who are also Directors of Luton Rising make the appropriate disclosures in respect of any potential conflict of interest.</p> <p>Airport related matters do not come before the Overview and Scrutiny Committee.</p> |
| <p>Peter White<br/>REP2-071</p>            | <p>General<br/><br/>Green Controlled Growth</p> | <p>Following on from my submission yesterday, I would like to add the following link to for a meeting of the Luton Borough Council Local Adjudication Panel due 22nd September 2023. Appendix A details an investigation into a decision made by the Development Management Committee. I would like this considered by the ExA because I feel it supports my concerns with the public trusting any decisions that Committee , and LBC makes</p> | <p>Noted. As set out in Section 2.4 of the <b>Green Controlled Growth Explanatory Note [APP-217]</b>, it is proposed that a newly established Environmental Scrutiny Group, supported by Technical Panels, will be responsible for overseeing the Green Controlled Growth process. Terms of Reference for the Environmental Scrutiny Group are set out at <b>Appendix A of the Green Controlled Growth</b></p>   |

| Interested Party and Examination Reference | Topic                                   | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response  |
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|  |   | as a whole, in regard of the GCG proposal in this DCO application?   | <b>Framework [APP-219]</b> and their role is secured through the <b>draft Development Consent Order [REP2-003]</b> .   |
| Peter White<br><br>REP2-071                | Planning<br><br>Green Controlled Growth | <p><i>Pages 86/87-Response to Green Controlled Growth (GCG) questions. The last development of Luton Airport by its operator, London Luton Airport Operations Ltd - Project Curium (LLAOL), had binding planning conditions set regarding aircraft noise contours. It also involved a year by year passenger growth plan. The Planning Authority, Luton Borough Council (LBC) allowed those contours to be broken in success years. No action was taken to issue any penalties on breaching those conditions, or indeed to enforce those conditions. LBC condoned and financed the applicant LR by means of funding a rapid growth incentive scheme to airlines to ignore the passenger growth plan. and expand as quickly as possible. The applicant could have written the same environmental controls as GCG into the application for Project Curium, but chose not to as economic growth was its only consideration.</i></p> <p>Question for LR What difference in environmental terms, apart from the scale of the development, is there between Project Curium and this DCO application?</p> | <p>The interaction between Project Curium and the Proposed development is set out in Section 4.3 of the <b>Planning Statement [AS-122]</b>. Works already completed include:</p> <ul style="list-style-type: none"> <li>- extension of the Southern Apron for additional aircraft stands (to deliver additional commercial remote stands);</li> <li>- reconfiguration of external areas for surface access improvements including works to the Drop Off Zone (DOZ);</li> <li>- Taxiway Foxtrot and new aircraft de-icing facilities; and</li> <li>- extension and reconfiguration of the passenger terminal.</li> </ul> <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> |

| Interested Party and Examination Reference | Topic                          | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response  |
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|  |                                | <p>Why did Project Curium, which LR was a partner in development, not have environmental controls on the same lines as this application?</p> <p>What safeguards will LR legally bind within GCG to ensure that all planning conditions are adhered to, and that any breaches will be stopped at first instance, and not as an after the event measure?</p> | <p>The Applicant considers that some of the issues in the representation raised fall outside of the consideration of the application for development consent.</p> <p>The Secretary of State will determine the application in accordance with S105 of the Planning Act and will have regard to matters which he/she considers to be important and relevant.</p> <p>Section 2.2 of the <b>Green Controlled Growth Explanatory Note [APP-217]</b> sets out the escalating sequence of checks and actions that must be taken as environmental effects increase through the imposition of thresholds below each Limit, and the controls on growth that apply at different stages of the Green Controlled Growth Framework.</p> |
| <p>Peter White<br/>REP2-071</p>            | <p>Green Controlled Growth</p> | <p>LR states that in GCG it will future proof proposals to help support the future implementation of new technology.</p> <p>What safeguards will GCG include regarding current aircraft technology, and current airport operational practices?</p>   | <p>As set out in Section 3.1 of the <b>Green Controlled Growth Explanatory Note [APP-217]</b>, the Green Controlled Growth Limits are aligned with the quantitative forecasts included in the Environmental Statement submitted with the application for development consent. This means they take account of current technology</p>   |

| Interested Party and Examination Reference | Topic   | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response  |
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|  |   | <p>These current technologies/practices will form the Phase 1 part of this expansion.</p> <p>What binding safeguards have/will LR put into GCG to ensure that increases in environmental pollutions will be controlled within all phases of development?</p>   | <p>and airport operational practices, as set out in the relative chapters of the Environmental Statement.</p>  |
| <p>Peter White<br/>REP2-071</p>            | <p>Noise and Vibration<br/><br/>Air Quality</p> | <p><i>Page 175-Response to noise complaints for airport operations. The applicant has stated that it will be "business as usual" for complaints about ground noise from airport operations. They state that all complaints should go to LLAOL, in the knowledge that they do not recognise ground operations noise. They state that failure to comply with DCO requirements will be subject to enforcement by LBC. There are no requirements within the DCO on ground operations noise, so there are no conditions for LBC to enforce, so it will be "business as usual"</i></p> <p>Questions for LR Why does the DCO application not cover ground operational noise, and indeed air pollution? On what grounds were these scoped out of your application as irrelevant?</p> | <p>Operational ground noise has not been scoped out. A detailed assessment of ground noise impacts has been undertaken and presented in <b>Chapter 16 Noise and Vibration</b> of the Environmental Statement [<b>REP1-003</b>]. Mitigation for ground noise is outlined in Section 16.8 of this chapter.</p> <p>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.</p> <p>Air pollution has not been scoped out. The air quality assessment (<b>Chapter 7 [AS-076]</b>) has provided an assessment of air quality in line with National Legislation. No significant impacts are predicted to occur.</p> |



| Interested Party and Examination Reference | Topic                              | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response   |
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|  |                                    |   | The <b>Green Controlled Growth (GCG) document [APP-218]</b> sets out the mechanism for monitoring air quality (NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> ) and the impacts from the Proposed Development, with actions to be taken should thresholds be exceeded.  |
| Peter White<br>REP2-071                    | Noise and Vibration<br><br>Funding | None of the questions I raised after the open floor hearings have been answered:-<br>Local Estate Parking Schemes Charitable Donations<br>Noise Insulation Scheme<br>Costs of Expansion<br>If the applicant has deemed these to be outside their scoping for the DCO, could they please detail the reasoning and decision process behind this decision?   | The Applicant considers that it has responded to all questions raised by the respondent in the Open Floor Hearing and in Post Hearing Additional Submissions in Applicant's Summary of Oral Submissions and Responses to Comments Made at Open Floor Hearing 1, Open Floor Hearing 2 and Post-Hearing Submissions <b>[REP2-030]</b> . |
| Peter White<br>REP2-071                    | -                                  | Issues for the ExA to examine.<br>GCG is supposed to be a legally binding agreement to protect the public from excess intrusion from airport growth and airport operations. It is based on a high level of trust from those affected by airport operations that LR will put them first through GCG plans and not airlines, and commercial income, based on current operational practice, and historical fact. | It is noted that the REP2-071 summary listed opposite is a request to Examining Authority, not the Applicant.   |



| Interested Party and Examination Reference | Topic            | Comments on deadline 1 submissions (Verbatim)   | Luton Rising's Response   |
|--|------------------|---|---|
|  |                  | <p>Please examine the details behind the granting of planning consent for Project Curium by LBC?</p> <p>Please examine the input of LR into the planning detail of that project, and its direct culpability in the noise contour planning conditions/yearly passenger growth targets being broken for commercial gain?</p> <p>Please examine the refusal of LR/LBC to stop the airline growth financial scheme when it became clearly evidence that those noise contour conditions were going to be breached?</p> <p>Please include the report compiled by your fellow Inspectors in regard for the application by LLAOL for a capacity increase to 19 million passengers per annum/Redrawing of noise contours. I believe that the actions of LR/LBC and LLAOL with regard to the above application clearly show that however GCG is supposedly a legally binding concept, it will be as I stated in my original statement, above all a commercial agreement to increase revenue streams above any other considerations, and that neither LR/LBC or LLAOL can be trusted to firstly restrict their expansion plans or adequately enforce them?</p> |   |
| Harpenden Sky                              | Greenhouse Gases | None of these comments have been addressed by the Applicants response particularly the DEFRA EIP targets. LLA currently emits an  | The Applicant considers that the issue raised regarding the Defra EIP targets has been addressed in Environmental |

| Interested Party and Examination Reference | Topic                                 | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response   |
|--|---------------------------------------|--|---|
| [REP2-056]                                 | Air Quality                           | estimated 2.2 million tones of CO2 annually [Source: Earthbound] plus other greenhouse gasses [GHG] including PM2.5 & expansion will significantly increase this pollution.  | <p>Improvement Plan Interim target for PM<sub>2.5</sub> Commentary <b>[REP1-017]</b> submitted at Deadline 1.</p> <p>The air quality assessment (<b>Chapter 7 [AS-076]</b>) has provided an assessment of air quality following the methodology agreed with the local Councils, and in line with National Legislation. This includes the long term effects of PM<sub>2.5</sub>. No significant impacts are predicted to occur. Appendix 7.5 <b>[APP-065]</b> sets out the measures committed to via the DCO which will help to improve air quality.</p> <p>The impact of greenhouse gas emissions arising from the scheme and the associated mitigation measures have been addressed in <b>Chapter 12 Greenhouse Gases of the ES [APP-038]</b>.</p> |
| Harpenden Sky<br>[REP2-056]                | Air Quality<br><br>Health & Community | The HarpendenSky opposition to the LR expansion proposal & Development Consent Order [DCO] TR020001 is based primarily upon the LR document Volume 5 Environmental Statement, Volume 5.01 Chapter 7: Air Quality & Chapter 13: Health & Community; in particular “increased population exposure to air pollutants”. The items challenged below are | Noted.  |

| Interested Party and Examination Reference | Topic                                 | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response   |
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|  |                                       | listed according to the LR document references. For clarification therefore, HarpendenSky believes that the LR DCO application should be rejected based upon the CCC statement on no airport expansion & this summary.   |   |
| Harpenden Sky<br>[REP2-056]                | Air Quality<br><br>Health & Community | [Item One] LR Environmental Statement 13.2 Legislation, Policy & Guidance [LPG] The following legislation requirements, including interim emission targets, are not represented in LR Volume 5.01 Chapter 7: Air Quality nor Chapter 13: Health & Community documents yet are material to the environmental case against the LR DCO for expansion. [a] The Environment Act [EA] & DEFRA Environmental Improvement Plan 2023 [EIP]. Air quality is now enshrined in interim legal targets which are not included in either of the LR documents & therefore there is no indication, or risk assessment, on how LLA expansion to 32m passengers can possibly support these targets being met by Luton Borough Council [LBC] or LR. As the largest polluter in the region, LR/LBC has an even greater duty-of-care to demonstrate how these issues will be resolved in the context of the DCO. | The Applicant considers that the issue raised regarding the Defra EIP targets has been addressed in Environmental Improvement Plan Interim target for PM <sub>2.5</sub> Commentary [REP1-017] submitted at Deadline 1.<br><br>The Outline Operational Air Quality Plan (ES <b>Appendix 7.5 [APP-065]</b> ) sets out the measures committed to via the DCO which will help to improve air quality. |
| Harpenden Sky                              | Air Quality                           | According to the DEFRA Environmental Improvement Plan [EIP] 2023: "A DEFRA legal   | Noted.  |

| Interested Party and Examination Reference | Topic       | Comments on deadline 1 submissions (Verbatim)  | Luton Rising's Response   |
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| [REP2-056]                                 |             | <p>target to reduce population exposure to PM2.5 by 35% in 2040 compared to 2018 levels, with a new interim target to reduce by 22% by the end of January 2028. A DEFRA legal target to require a maximum annual mean concentration of 10 micrograms of PM2.5 per cubic metre [ ¼ g / m 3 ] by 2040 , with a new interim target of 12¼ g / m3 by the end of January 2 Legal emission reduction targets for five damaging pollutants by 2030 relative to 2005 levels including: Reduce emissions of nitrogen oxides by 73 % [compliance with a 40¼ g / m3 limit] &amp; reduce emission Source: HMG DEFRA Environmental Improvement Plan [EIP] 2023.</p> |   |
| <p>Harpenden Sky</p> <p>[REP2-056]</p>     | Air Quality | <p>The LR Environmental Statement Volume 5.01 Chapter 7: Air Quality, table 7.2 Air Quality Standards, is not up-to-date insofar as the DEFA EIP interim targets for PM2.5 therefore there are no mitigation actions which must be defined in the DCO. This requirement is underlined by the Government Aviation Strategy which states “The government aims to “achieve a safe, secure and sustainable aviation sector...provided that growth takes place in a sustainable way, with actions to mitigate the environmental impacts”.</p>   | <p>The Applicant considers this issue raised regarding the PM<sub>2.5</sub> target 10µg/m<sup>3</sup> to be achieved by 2040, to be referenced in table 7.2 of the ES <b>Chapter 7 Air Quality [AS-076]</b>.</p> <p>The assessment has been carried out against the 10µg/m<sup>3</sup> target in the ES <b>Chapter 7 Air Quality [AS-076]</b>. The inclusion of the Defra EIP interim targets for PM<sub>2.5</sub> would not change the assessment findings, as the applicant has taken a conservative approach, as the assessment has been carried out against</p> |

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|  |                    | <p>According to the LBC 2022 Air Quality Annual Status Report [ASR] there are already multiple Luton area air quality measurement sites where the PM2.5 measurements are either above the DEFRA target levels or very close such that they would undoubtedly be exceeded by the 32million passenger expansion. The ASR does not include the DEFRA PIM2.5 interim target levels.</p>  | <p>the more stringent target of 10µg/m<sup>3</sup>. As no significant impacts are predicted using 10µg/m<sup>3</sup>, there would also be no significant impacts when considering the less stringent interim target of 12µg/m<sup>3</sup>.</p> <p>The Applicant notes that the impact of PM<sub>2.5</sub> is negligible and not significant, as outlined in ES <b>Chapter 7 Air Quality [AS-076]</b>.</p> <p>The commitment to continual improvement is clear with <b>Appendix 7.5 [APP-065]</b> setting out the measures committed to via the DCO which will help to improve air quality.</p> |
| <p>Harpenden Sky<br/>[REP2-056]</p>        | <p>Air Quality</p> | <p>As a further point of detail, the Herts &amp; Beds HB007 air quality monitor on the Luton Dunstable Road East shows already a disturbing upward trend for PM2.5 over the past 12months &amp; where 3 of 7 measurements are in already excess of the 10micro gram objective &amp; either above or close to 12micro gram objective for 2028. And HB007 monitoring point is not near the airport so the actual figure will be far worse.</p> | <p>The Applicant considers that the issue raised regarding impacts on air quality was answered within the Applicant's Response to Relevant Representations Part 1 of 4 Air Quality <b>[REP1-020]</b> page 4-20, in response to RR-1441 and others.</p> <p><b>Chapter 7 Air Quality [AS-076]</b> of the ES has provided an assessment of air quality impacts from all related sources (road vehicles, aircraft and airport sources) following the methodology agreed with the local councils. The assessment concludes</p>  |

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|  |                         |  | <p>that the impact of the Proposed Development would be not significant for the assessment years assessed. The more stringent target of 10µg/m<sup>3</sup> has been used. Assessment against the more stringent target therefore presents a worst-case assessment in the ES. As no significant impacts are predicted using 10µg/m<sup>3</sup>, there would also be no significant impacts when considering the less stringent interim target of 12µg/m<sup>3</sup>.</p>   |
| <p>Harpenden Sky<br/><br/>[REP2-056]</p>   | <p>Greenhouse Gases</p> | <p>[b] Climate Change &amp; Sixth Carbon Budget<br/>The Climate Change Act &amp; policy, enshrined in the Business Energy Industrial Strategy [DfBEIS] Sixth Carbon Budget, contains a commitment to reduce emissions by at least 78% by 2035, which now includes aviation impact on CO<sub>2</sub>, NO<sub>x</sub>, NO<sub>2</sub>, PM<sub>2.5</sub> emissions growth. LLA currently emits c2million tonnes of CO<sub>2</sub> annually &amp; there is no indication in the LPG documentation coverage on how 32million passenger operations will support compliance with this commitment by either LBC [owner of LR] or LR.</p> | <p>The Applicant has assessed the greenhouse gas impact of the scheme in <b>Chapter 12</b> Greenhouse Gases of the <b>ES [APP-038]</b>. The expansion is in line with government policy for Net Zero by 2050. It is deemed the UK government's responsibility to manage greenhouse gas emissions from aviation at a UK wide level. As such, the greenhouse gas emissions from aviation at Luton airport will be managed and capped by the UK Emissions Trading Scheme (UK ETS) within the European Economic Area, and the global Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The UK government has made it clear that available allowances under the UK ETS will be</p> |

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|  |   |   | aligned with the UK meeting the 6th Carbon Budget and later Carbon Budgets to net zero in 2050.  |
| <p>Harpenden Sky</p> <p>[REP2-056]</p>     | <p>Climate Change Resilience</p> <p>Air Quality</p> | <p>[c] Luton Borough Council [LBC] Climate Emergency LBC declared a Climate Emergency in July 2019 with a carbon neutral target of 2040 &amp; “clean air for all by 2030”, which will be impossible to meet with LA growing to 32million passengers &amp; there being no alternative to kerosene as aircraft fuel. The EIP 2023 states: “Using the Air Quality Strategy to make clear that local authorities are key delivery partners in reaching our legal limits and targets. This will include a clear expectation, to which local authorities must have regard, that they should use their powers to reduce PM2.5 from sources within their control [eg Luton Airport flight operations]”.</p> | <p>The Applicant has assessed the greenhouse gas impact of the scheme in <b>Chapter 12</b> Greenhouse Gases of the <b>ES [APP-038]</b>. The expansion is in line with government policy for Net Zero by 2050. It is deemed the UK government’s responsibility to manage greenhouse gas emissions from aviation at a UK wide level. The Jet Zero Strategy outlines how emissions from aviation will be managed. The Applicant recognises the uncertainty in alternative sustainable aviation fuels and has aligned the greenhouse gas assessment with the Jet Zero Strategy, whereby emissions that cannot be reduced by new technologies and alternative fuels will be managed and capped by the UK Emissions Trading Scheme (UK ETS) within the European Economic Area, and the global Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The UK government has made it clear that</p> |

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|  |       |   | <p>available allowances under the UK ETS will be aligned with the UK meeting the 6th Carbon Budget and later Carbon Budgets to net zero in 2050.</p> <p>The air quality assessment (<b>ES Chapter 7 [AS-076]</b>) has provided an assessment of air quality in line with National Legislation. No significant impacts are predicted to occur. The Outline Operational Air Quality Plan (<b>ES Appendix 7.5 [APP-065]</b>) sets out the measures committed to via the DCO which will help to improve air quality.</p> <p>In addition, the air quality assessment (<b>Chapter 7 [AS-076]</b>) has provided an assessment of air quality in Luton and Harpenden following the methodology agreed with the local councils. No significant impacts are predicted to occur, and the Proposed Development is not predicted to impact compliance with the air quality standards.</p> |



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| <p>Harpenden Sky</p> <p>[REP2-056]</p>     | <p>Health and Community</p> <p>Air Quality</p> | <p>As stated in DfT Transport Health &amp; Wellbeing Review 2019 &amp; the LR Environmental Statement Health &amp; Community “the guidance highlights how vulnerable groups are disproportionately affected by the adverse impact impacts of transport”. There are 84 care homes in the Luton area [Source: lottie.org] &amp; a major hospital with 695 beds, yet this very substantial vulnerable grouping is not included in the LR document Chapter 13: Health &amp; Community table 13.11 &amp; must be considered in regard to the likely impact of LA expansion particularly on PM2.5 emissions.</p> <p>Luton has already been established as one of the “top 4 areas for PM2.5 related deaths as a percentage of total deaths in the UK” Source: Centre for Cities report entitled “Where Is Air Pollution Worse” which has led to Luton PM2.5 emissions causing an estimated one in 16 deaths. In a corroborating statement, the LR Health &amp; Community document 13.5.28 states “evidence shows associations between exposure to air pollutants and adverse health outcomes, most notably premature mortality and hospital admissions, linked to long term exposure to PM10, PM2.5 &amp; NO2”.</p> | <p>The air quality assessment (<b>ES Chapter 7 [AS-076]</b>) has provided an assessment of air quality in line with National Legislation. No significant impacts are predicted to occur. The Outline Operational Air Quality Plan (<b>ES Appendix 7.5 [APP-065]</b>) sets out the measures committed to via the DCO which will help to improve air quality.</p> <p>An assessment of the health impacts of air quality was undertaken and reported in <b>Chapter 13 Health and Community (APS-078)</b> of the ES. The assessment noted that communities closest to the source of pollutants would experience the largest change in exposure, with children and young people, older people and people with existing poor health, particularly respiratory or cardiovascular conditions, most vulnerable to health effects. However, due to the very small changes in health outcomes identified in the assessment, the health effects were not considered to be significant.</p> |
| <p>Harpenden Sky</p>                       | <p>Health &amp; Community</p>                  | <p>[Item 3] Hertfordshire County Council [HCC] Sustainable Hertfordshire Strategy [SHS] 2022</p>  | <p>The Applicant has assessed the greenhouse gas impact of the scheme in</p>   |

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|--|-------------------|---|---|
| [REP2-056]                                 | Green House Gases | <p>The HCC SHS policy mentioned in the LR Health &amp; Community document, promises “clean air for all by 2030” &amp; “net zero greenhouse gas [GHG] county by 2050”. There is a high risk that neither of these objectives will be met with LR increasing GHG emissions by c75% as a consequence of raising the LA passenger limit to 32million plus the impact of AD6 LA arrivals airspace change including aircraft in a holding pattern over North East Herts. The HCC SHS policy is listed under Table 13.2 but no mention of how it will be affected as a consequence of the LR proposal, and similarly in Section 13.12. At the very least there must be a risk assessment relating to the policy objectives being achieved.</p> | <p><b>Chapter 12</b> Greenhouse Gases of the <b>ES [APP-038]</b>. The expansion is in line with government policy for Net Zero by 2050, which therefore aligns with the statement in the HCC SHS policy to be “net zero greenhouse gas [GHG] county by 2050”. It is deemed the UK government’s responsibility to manage greenhouse gas emissions from aviation at a UK wide level. As such, the greenhouse gas emissions from aviation at Luton airport will be managed and capped by the UK Emissions Trading Scheme (UK ETS) within the European Economic Area, and the global Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). The UK government has made it clear that available allowances under the UK ETS will be aligned with the UK meeting the 6th Carbon Budget and later Carbon Budgets to net zero in 2050.</p> <p>The air quality assessment (<b>ES Chapter 7 [AS-076]</b>) has provided an assessment of air quality in line with National Legislation. No significant impacts are predicted to occur. The Outline Operational Air Quality Plan (<b>ES Appendix 7.5 [APP-065]</b>) sets</p> |

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|--|-------|---|---|
|  |       |   | <p>out the measures committed to via the DCO which will help to improve air quality.</p> <p>An assessment of the health impacts of air quality was undertaken and reported in <b>Chapter 13 Health and Community (APS-078)</b> of the ES. The assessment noted that communities closest to the source of pollutants would experience the largest change in exposure, with children and young people, older people and people with existing poor health, particularly respiratory or cardiovascular conditions, most vulnerable to health effects. However, due to the very small changes in health outcomes identified in the assessment, the health effects were not considered to be significant.</p> |

## REFERENCES

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

<sup>2</sup> Civil Aviation Authority (2021), CAP1506 Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition

<sup>3</sup> Civil Aviation Authority (2021), CAP2161 Survey of Noise Attitudes 2014: Aircraft Noise and Sleep Disturbance