

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) Appendix I - PAIN

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 I – PAIN**

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Appendix I - PAIN [REP2-067]

Table I1.1 Applicant's response to PAIN's comments on Deadline 1 submission

I.D	Response Topic	Comments on deadline 1 submission (Verbatim)	Luton Rising's Response
1	General	<p>TR020001 Volume 8 Additional Submissions (Examination) 8.31 Applicant's Response to Relevant Representations - Part 2C of 4 (Non-Statutory Organisations)</p> <p>Rebuttal Comments</p> <p>RR-1133 (General Environment, p 204 & 205)</p> <p>No additional comments; PAIN recognises that the EIA will consider the competing benefits and concerns.</p>	Noted.
2	Noise and Vibration	<p>RR-1133 (Noise and Vibration, p 205 & 206)</p> <p>The comments made by Luton Rising relate to "significant" noise impacts, with the "significance levels" being defined in publicly available documents. However, PAIN's position is that these levels refer to the assessment of existing conditions, and they should not be used on their own to assess the noise impacts that are likely to be caused by the proposed three-fold change of flight movements.</p> <p>For example, Wingrave now experiences daytime aircraft arrival overflights (at approx 4,000feet) when the wind blows from Easterly directions. If the number of flights triples, then the impact (or annoyance) cannot help but triple. This impact will - in all probability - not be captured by</p>	<p>It is not the case that there is a proposed three-fold change of flight movements.</p> <p>The total increase in aircraft movements during the daytime period is forecast to be approximately 48% and the total increase in aircraft movements during the night-time period is forecast to be approximately 70%.</p> <p>The impact of the associated increase in noise due to these increased flights has been fully captured by the noise impact assessment undertaken in Chapter 16 of the Environmental Statement [REP1-003].</p> <p>The assessment criteria for identifying significant effects are appropriate and have been based on</p>

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		<p>the noise impact significance criteria used by Luton Rising. Nevertheless, a perceivable adverse impact will occur if the DCO is granted. Note that it is the likely increase in annoyance to the surrounding areas (caused by increased noise) that we are objecting to, not the existing noise levels themselves.</p>	<p>Government noise policy and relevant guidance as set out in Section 16.5 of Chapter 16 of the Environmental Statement [REP1-003]. The assessment criteria have been agreed with each of the Host Authorities in their Statements of Common Ground [REP2-020 to REP2-024].</p>
3	Noise and Vibration	<p>RR-1133 (Noise and Vibration, p 206) PAIN stands by its comments that "No satisfactory explanation has been given for the [] differences. It appears that data from those noise monitor stations where agreement was not obtained were removed from subsequent data analysis, with 'justifications' that are questionable." PAIN believes that Luton Rising has not adequately addressed the important point being made</p>	<p>The Applicant considers that the issue raised regarding how differences in measured and modelled noise levels has been taken into account in the model validation was answered within Applicant's Response to Relevant Representations - Part 2C of 4 [REP1-023] page 206, in response to RR-1133.</p>
4	Noise Envelope	<p>RR-1133 (Noise Envelope, p 207 & p 208) The point being made by PAIN is not whether or not there was local representation, but that the full recommendations of the NEDG (which included said representation) were not included in the proposed Noise Envelope used by Luton Rising in their DCO submission. The full NEDG recommendations were more stringent than those in the DCO submission, and there were good reasons for that extra stringency. The fact that Luton Rising has adopted the approach that</p>	<p>The Applicant considers that the issue raised regarding adoption of NEDG recommendations was answered within Applicant's Response to Relevant Representations - Part 2C of 4 [REP1-023] page 208, in response to RR-1133.</p>

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		<p>they chose is therefore a concern for PAIN, which was therefore raised in the submissions made.</p>	
5	<p>Green Controlled Growth Noise Envelope</p>	<p>RR-1133 (Green Controlled Growth/Noise Envelope, p 209 & p 210)</p> <p>PAIN accepts the airport operator's comments about there being a potential time lag, and that it is in the interest of the airport to identify forthcoming breaches of conditions as soon as possible. Luton Rising's position is that such breaches will constrain further airport growth.</p> <p>Notwithstanding the above, the point being made by PAIN is that if a given condition is breached, the DCO could then allow the airport operator to keep on breaching that level. In fact, there seems to be no mechanism to redact a permitted airport growth that causes any such breach.</p> <p>PAIN does not believe that the applicant intends to pursue a policy of continually and deliberately breaching a limit.</p> <p>Nevertheless, we believe that due consideration of this matter should be made, ideally resulting in a DCO Application condition that would prevent such a Machiavellian approach from becoming a reality. The point raised about the "sharing of benefits" has not been addressed by Luton Rising. To reiterate PAIN's position: "the 'sharing' of benefits seems to have been interpreted by the airport operator to allow using quieter aircraft as</p>	<p>In the unlikely scenario that a GCG Limit is breached, Requirement 24 of the draft Development Consent Order [REP2-003] sets out the actions required by the airport operator. The first requirement is for the airport operator to prepare a Mitigation Plan and submit it for approval by the Environmental Scrutiny Group (ESG). The DCO requires that the Mitigation Plan includes a set of actions that must avoid or prevent exceedances of the Limit "as soon as reasonably practicable".</p> <p>This may or may not include a planned capacity reduction, and GCG does not preclude this, but it is considered that these may not always be the most effective, timely or efficient ways of addressing environmental impacts associated with expansion. It is therefore considered appropriate that the airport operator should have flexibility in the way that they approach mitigation, providing that they can satisfy the ESG that their chosen approach will avoid or prevent exceedances of the Limit as soon as reasonably practicable (as if they cannot, the ESG is able to refuse the Mitigation Plan).</p> <p>Once a Mitigation Plan is approved, the draft DCO requires the airport operator to implement it. Until the relevant environmental impact is reduced below the</p>

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		a mechanism simply to enable additional aircraft movements."	<p>Limit, the airport will not be permitted to grow. As a result of these constraints on growth, continuous breaches of the GCG Limits would prevent further capacity increases at the airport and therefore be detrimental to the operator.</p> <p>The Applicant considers that the issue raised regarding sharing the benefits was answered within Applicant's Response to Relevant Representations - Part 2C of 4 [REP1-023] page 209, in response to RR-1133.</p> <p>Further information on how the Noise Envelope shares the benefits is provided in Section 3 of Appendix 16.2 of the Environmental Statement [APP-111].</p>
6	Noise and Vibration	<p>RR-1133 (Noise and Vibration, p 210)</p> <p>The Applicant's claim that "all reasonably practicable measures have been explored to reduce noise impacts" is irrelevant within the context of the proposed approx three-fold growth of aircraft flights. Reducing an impact to its minimum level while multiplying that level by three does not reduce that impact. The general thrust of both local planning Policies and aviation Policies is that noise impact should be reduced. Increasing noise impact by three (everywhere!), then minimising that increased impact is simply not consistent with the said Policies. PAIN therefore stands by its comments made about the</p>	<p>See response to ID2, it is not the case that there is a proposed three-fold change of flight movements.</p> <p>The applicant considers that the Proposed Development is fully compliant with UK aviation noise policy and local planning 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].</p>

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		<p>proposed DCO being apparently contrary to local planning Policies, and aviation Policies.</p>	
7	Noise and Vibration	<p>RR-1133 (Noise and Vibration, p 210 & p 211) PAIN accepts that reducing take-off weight in hot conditions is an operational mechanism that could be used to avoid increased ground level noise. However, airline operators have no incentive (other than safety) to adopt this approach - indeed their financial incentive is always to fly with the max load factors. PAIN believes that this matter requires full and proper consideration, and this consideration must needs to take into account the likely operating procedures of airline operators.</p> <p>Luton Rising makes the comment "it should be noted that, hot weather conditions result in increased atmospheric noise attenuation...".</p> <p>The above statement may or may not be correct, and at first sight seems to be confirmed using a attenuator calculator given on the web-site http://www.csgnetwork.com/atmossndabsorbcalc.html. {PAIN accepts that the veracity of this calculator has not been established, but believes that the findings below obtained using it are germane to the arguments being propounded}.</p> <p>For input parameters P=101325Pa, 50% RH, 20oC, for noise at 1000Hz the calculated attenuation is 4.66 dB per km. If we say the planet warms by 2oC then at 22oC this attenuation</p>	<p>It is not agreed that there is a material omission from the noise assessment presented in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>The aircraft noise model used for predicting impacts from the Proposed Development has been validated using noise measurements, which as they are based on actual conditions take into account weather conditions such as atmospheric attenuation, as well as aircraft take-off weight.</p> <p>The Aircraft Noise Monitoring Plan [APP-221] secured through the Green Controlled Growth Framework [APP-218] requires that that the noise model is checked every five years using noise and track-keeping data (i.e. noise monitoring terminals and radar track data) and update the model assumptions to improve validation as required.</p> <p>This update would take into account any changes in noise levels associated with long term trends of increasing temperatures. The updated noise model would be used to report against, and check compliance with, the Noise Envelope Limits.</p>

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		<p>increases to 5.01 dB per km. This behaviour is consistent with the Luton Rising comments. At 4000ft (1.2km) the difference is less than 0.5dB (imperceptible), and at lower heights (near to the airport) this attenuating effect is even smaller.</p> <p>However, for noise at 100Hz, at 20oC the calculated attenuation is 0.29 dB per km, and at 22oC it is 0.28 dB per km - a REDUCTION of attenuation (albeit negligibly small, even at 4000 ft).</p> <p>The first point is that the above Luton Rising statement does not appear to be factually correct at low acoustic frequencies. The second point is that the attenuation-temperature effect is small. It is suggested that the attenuation effect is so small that is it is not significant compared with the additional noise generated by the required increased engine thrust.</p> <p>Given the information above, PAIN re-states that "To create the same rate of aircraft climb (to minimise the ground level noise at any given point) requires increased engine power, which will result in increased noise levels. Such increased noise levels will inevitably occur near to the airport runway, and also further afield as the aircraft climbs."</p> <p>Therefore with regards to ES Chapter 16, PAIN believes that a material omission has been</p>	<p>However, the airport would still need to operate within the noise Limits set within the Noise Envelope, so the outcome would still be controlled to the same outcome and would remain no worse than as predicted in Chapter 16 of the Environmental Statement [REP1-003].</p>

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		identified from Section 16.12, and that this has not be adequately addressed by the Applicant.	