

Response to REP2-034 (WRs Part 1b of 5 Members of the public and businesses)

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1 Responses to 'Luton Rising's Response' column in REP2-034

Note 1: Applicant's comments not responded to are agreed and closed

Note 2: Page numbers in column headed '**REP2-034 Page/Row**' below refer to 'pdf' document page

Note 3: Para. 'x' where denoted is the relevant paragraph in the 'Luton Rising's Response' column.

Response #	REP2-034 Page/Row	Comment
1.	166/2	<p>Para 2. 'Climate Change'</p> <p>The Applicant states that: "<i>The modelling behind the Jet Zero Strategy (and the update) incorporated growth at London Luton Airport at the same level as that proposed by the application</i> "</p> <p>The Applicant implies that simply because the figure of 32mppa is mentioned in the Jet Zero Modelling Framework (2022) - 'JZMF' that this somehow supports the Application.</p> <p>JZMF paragraph 1.7 states" <i>No passenger demand forecasts are presented in this document – but a wide range of possible UK aviation CO2e emissions pathways forecasts are presented in Jet Zero: further technical consultation. Although the airport allocation model is a necessary part of the carbon modelling process because of its aircraft forecasting, no detailed analysis of airport forecasts is presented as local competition between airports for international and domestic routes have little material effect on the emissions forecasts at a national level"</i></p> <p>JZMF paragraph 2.1 states that "<i>It (NAPDM) produces national level estimates of the demand for passenger trips <u>unconstrained by airport capacity.</u>"</i></p> <p>Furthermore, paragraph 3.16 states: <i>"These basic principles apply to airport capacity modelling used in the department's updated aviation modelling suite:</i></p> <p><i>* all airports must be given an assumed annual runway capacity (an upper bound on the number of aircraft movements that can be accommodated on a runway); in some cases, runway capacity inputs may have been set by local planning consents or planning proposals.</i></p> <p><i>* terminal (passenger) capacity constraints are now only used where there is a current planning restriction in place, or a decision on a current planning application is expected to result in a restriction on passenger numbers.²⁰</i></p> <p><i>Footnote 20 The airports with a consent, application or a planning consultation that have been given a specific planning passenger capacity are London City (11mppa), Luton (32mppa), Stansted (43mppa), Bristol (12mppa), Southampton (3mppa) and Leeds-Bradford (7mppa). All these airports will also be given an assumed annual runway capacity and the airport activity will be limited to whichever of the two capacities ceilings is reached first. "</i></p>

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		<p><i>JZMF Paragraph 2.7 third bullet point states: "NAPDM now outputs unconstrained demand of national passenger trips rather than estimates of national terminal passengers (avoiding the need to make assumptions about patterns of transfer – beyond the scope of NAPDM)."</i></p> <p><i>JZMF Paragraph 3.20 states: "3.20 The capacity assumptions for runways and for passengers (only where a planning constraint exists) are shown in Annex D and in footnote 21. These capacities should not be confused with forecast throughput"</i></p> <p><i>JZMF Annex D: Airport Runway capacity assumptions for carbon modelling" shows 32mppa in Luton by 2030. Clearly this is not going to happen and the figure is merely used to determine maximum carbon budgets, so it is not an endorsement of the 32mppa of the Application.</i></p> <p>Refer also to Response #3 below</p>
2.	166/2	<p>Para. 3: 'Climate Change'</p> <p>Noted but there is a question on what will succeed CORSIA and how much carbon will need to be offset. Costs of offsetting feed into the passenger demand figures: the more cost, the less demand. There is no certainty as yet that demand will remain unimpacted. 'Jet Zero One-Year-On has cited increasing carbon costs as one of the reasons their passenger demand forecast increase by 2050 has been reduced. Refer to Response #3 below .</p>
3.	167/1	<p>Para. 2: 'Climate Change'</p> <p>Jet Zero One-Year-On has actually reduced the increase in predicted passenger demand by 2050 to 53% relative to 2018 (was 70% only a year ago).</p> <p>ExA</p> <p>We would be grateful if the ExA requested the Applicant to justify why they believe their 32mppa forecast (an increase of 78% over 18mppa) is unaffected by Response #1 above and this Response, or if not to produce an amended forecast.</p>
4.	167/1	<p>Para. 3: 'Climate Change'</p> <p>Noted, however ANPS Paragraph states:"5.78 <i>The Secretary of State will need to be satisfied that the mitigation measures put forward by the applicant are acceptable, including at the construction stage.</i>"</p>
5.	168/1	<p>Para. 2:' Climate Change'</p> <p>Others have commented on the Environmental issues in more detail so there are no further comments. Closed</p>
6.	168/2	<p>'Landscape and Visual'</p> <p>Others have commented on the Wigmore Park issues in more detail so there are no further comments. Closed</p>
7.	168/3	<p>Planning history is noted but the fact remains that the Airport has expanded exponentially, as has the noise and disruption. There is no perception that the requirements of NPSE i.e. to reduce noise, have been effective.</p>
8.	168/4	Refer to Responses #32 below and #33 below

Response #	REP2-034 Page/Row	Comment
9.	169/2	<p>'Air Quality':</p> <p>We can smell and taste the volatile compounds all around our neighbourhood, and there can only be one likely source - the airport. We agree the term 'fuel dumping' in the comment may not be fully descriptive and therefore the Applicant has translated this as 'jettison' and responded accordingly.</p> <p>However we are in no doubt what we can smell and taste. If not caused by jettison, it may be due to some other process such as incomplete combustion or even fire training.</p> <p>Others have complained about this issue too, as well as complaining about sooty deposits from arriving aircraft.</p> <p>Instead of ignoring the comment the Applicant should have asked for more detail but importantly given an undertaking to get out into the field and confirm the situation by experience, as soon as possible. (After all, it has the hallmarks of a volatile compound which by definition will dissipate.)</p> <p>ExA</p> <p>We would be grateful if the ExA would instruct the Applicant to set out how in future they will respond to reports of volatile emissions being detected in the neighbourhood.</p>
10.	170/2	<p>'Surface Access':</p> <p>The Applicant is proposing to implement parking control areas around the airport in order to dissuade opportunistic parking by airport users. Unless the parking control system is free to residents, this is a totally unacceptable situation. Residents will be punished - by having to buy a permit - because of parking charges at the airport. LLAL or LBC - as the beneficiary of the airport's expansion, must fund any such scheme and its enforcement. (Funding could take the form of hypothecated fines).</p> <p>ExA</p> <p>We would be grateful if the ExA would ask the Applicant to confirm they will meet the capital and operational costs incurred by LBC for any such Parking Control Scheme in residential areas.</p>
11.	170/4	<p>'Compensation':</p> <p>Refer to Response #70 below</p>
12.	171/2	<p>'Consultation and Stakeholder Engagement':</p> <p>'Non-technical Summary' is Noted. However it is necessary to delve into the detail to realise what the Applicant is attempting to achieve. Otherwise many of these Responses would not have arisen. Closed.</p>
13.	171/4	<p>Para. 1 'Noise/Compensation'.</p> <p>It is noted that the monetary value of compensation in the proposed Insulation Scheme is greater than the <u>current</u> Scheme which has a maximum grant of £3,800 per property (2023) and which applies only to properties built before 2014. (<i>Property owners have to make up the difference between the insulation grant and actual costs.</i>)</p> <p>Note that the eligibility criteria are different; for example the Residential Scheme provides insulation to all:</p>

Response #	REP2-034 Page/Row	Comment
		<ul style="list-style-type: none"> • ‘Habitable’ rooms if the Daytime Air Noise is equal to or exceeds 57dB LAeq or if the Daytime Ground Noise is equal to or exceeds 55dB LAeq. • bedrooms if the Night-time Air Noise is equal to or exceeds SAOEL (55dB LAeq) or if the Night-time Ground noise is equal to or exceeds 45dB LAeq. • bedrooms if the airborne noise level is equal to or exceeds 90dB SEL at least once per night. <p>Note there is a significant reduction in eligibility requirements Ground noise insulation relative to Air. The acoustic experts therefore considered Ground noise was to be more problematic.</p>
14.	172/1	<p>Para. 2 ‘Noise/Compensation’ With reference to the Statements of Common Ground [TR20001/APP/8.13-8.17] these have been reviewed e.g. North Hertfordshire District Council (NHDC) NHDC95, and all say the same thing: <i>"NHDC agrees with the introduction of the nighttime SOAEL eligibility criteria and accepts the appropriateness of the noise insulation scheme in principle".</i></p> <p>ExA We would be grateful if the ExA could request the Applicant for an explanation of:</p> <ol style="list-style-type: none"> (1) why a night-time SOAEL eligibility criterion needed to be ‘introduced’ since this is the time when receptors are most sensitive, and (2) what was the context of selecting this eligibility criterion <p>ExA Please note: Local Authorities (LAs) have only accepted the insulation scheme ‘in principle’. Neither the proposed Noise Insulation Scheme extents - by street or property - nor Test Document (Refer to Response #19 below) thoroughly defined and these will need to be secured with the Local Authorities prior to any Planning consent once the detail of the proposed insulation scheme and its implementation have been comprehensively defined as per Response #70 below.</p> <p>Responses have been provided to LA statements of Common Ground as follows: REF2-020 (LBC) REF2 -021 (Central Beds) REF2 -022 (Hertfordshire) REF2 -023 (NHDC) REF2-024 (Dacorum)</p>
15.	172/1	<p>Para. 3: ‘Noise/Compensation’ Many issues relating to Noise and Compensation were distributed across the Written Representations. For simplicity they are now covered in Response #70 below.</p>

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16.	173/1	<p>Para. 2 'Noise/Compensation'</p> <p>There will be at least two years between the start of any construction works and the expected increase in all Noise levels The <i>commitment</i> to prioritise the most affected properties against SAOEL is noted but it is not a commitment to actually carry out the works.</p> <p>This activity needs to be secured, by a Works Programme. Refer to Response #70 below in respect of Programme.</p>
17.	173/1	<p>Para. 3</p> <p>Noted: ref 3.11 (CAP 1506) and 3.12 (CAP 2161): CAP2161 defines LAeq, T as the "Equivalent continuous sound level, for period of time, T"</p>
18.	173/1	<p>Para. 4 'Noise/Compensation'</p> <p>Chapter 16: Noise and Vibration, Tables 16.43 and 16.44, for example, show the populations and areas (respectively) affected by Air Noise in 2039.</p> <p>Refer to Response #64 below in respect of the promised Look-up tool.</p>
19.	173/1	<p>Para. 4 'Noise/Compensation'</p> <p>The Applicant does not specify how the survey will be carried out on each property prior to works nor give an undertaking to carry out a survey on each property after works have been completed. The Applicant should produce three documents as follows:</p> <ol style="list-style-type: none"> 1. Eligibility Document 2. Offer Letter 3. Test Document <p><u>Eligibility Document</u> This must set out:</p> <ol style="list-style-type: none"> (1) all the criteria which a property (Residential and Non-Residential) must meet in order to be eligible for insulation. <u>The Applicant shall refer to Response #70 in respect of the current eligibility criteria.</u> (2) Define the various insulation Schemes (3) Differentiate Night-time and Day-time Schemes (4) Define monetary limits for each Scheme (5) Confirm that properties may be eligible for both Night-time and Daytime compensation (6) Include but not be limited to, statements about <ul style="list-style-type: none"> • Park homes - refer to Response #69 below; • Listed buildings; • Construction deadline(e.g. buildings later than xxxx will not be eligible) – refer to Response #71 below (7) Schedule of properties and the eligibility status for each Insulation Scheme <p><u>Offer Letter</u> The Offer Letter must</p>

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		<p>(1) Have several versions if different measures apply, for example, to Residential and Non-residential properties</p> <p>(2) Be addressed to the titled owner of the property, not just the Occupier.</p> <p>(3) Detail to the addressee the health and safety implications of excess noise on receptors</p> <p>(4) Include reasonable time limit in which to respond</p> <p>(5) Define the cycle time e.g. whether the offer if refused, will be made again in 'x' months or years</p> <p>(6) Promise a follow-up visit in the very near future to confirm with the relevant resident/owner if they require insulation or not.</p> <p>(7) May include a pamphlet which is a summary of the Eligibility criteria.</p> <p><u>Test Document</u></p> <p>In the absence of a Best Practice suite (which could have been developed under ICCAN) the Applicant needs to put forward a set of proposals that are indeed reflective of current Best Practice for acoustic testing to include as applicable reference to the WHO Night Noise Guidelines.</p> <p>For example, all noise levels quoted such as SOAEL at 55dBLAeq are EXTERNAL noise levels - there is no indication of what noise levels should be expected INTERNALLY, which is where people need minimal noise. Thus there is no measure of insulation efficacy, nor the impact of insulation upon ventilation.</p> <p>The Applicant also needs to consider impacts on non-residential properties within the Test Document.</p> <p><u>ExA</u></p> <p>We would be grateful if the ExA would instruct the Applicant to provide for comment once the eligibility criteria have been clarified:</p> <ul style="list-style-type: none"> (a) Eligibility Document (b) Offer letter pro-forma (c) Test Document <p>Once approved we would be grateful if the ExA secured all three documents as part of a Planning condition.</p>
20.	174/3	'Planning' Comments above and below reflect that the Application is not comprehensive in detail.
21.	176/1	Refer to Response #19 above
22.	176/2	Refer to Response #19 above
23.	177/2	Para.1 'Noise/Compensation' Refer to Response #70 below

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24.	178/1	Paras. 2,3 The compensation scheme is noted but this mitigation extends only to reduction in Internal noise through insulation. External areas are still subject to high levels of noise. Even with 'quieter' new or Next-generation aircraft these levels will increase because of the additional ATMs. This is contrary to NPSE.
25.	179/1	'Noise/Fleetmix'. Do not agree. ICAO report (Applicant ref. 3.14) states: <i>"The 2018 contour area is 16,486 square-km. This value decreases to 9,451 square-km in 2020 due to the COVID-19 downturn and increases to 15,530 square-km by 2024. In 2050 the technology freeze (Scenario 1) total global contour area is 31,407 square-km and decreases to 15,196 square-km and 21,570 square-km, with advanced and low technology improvements, respectively"</i> In the absolute best case therefore the average 55dBA DNL noise contour reduces only by 334sq.kms out of 15,530 sq.kms (-2%). Worst case, the contour area actually grows by 6,040 sq.kms (+39%) <u>a very significant increase..</u>
26.	179/2	Refer to Response #6 above
27.	179/3	Para. 1 'Planning/Need case' Refer to Response #1 above
28.	180/1	Para. 2 'Planning/Need case' With respect to surface movements, if all airports had similar facilities that argument may have some weight. However Luton Airport has a limited runway length therefore cannot support long-haul flights, so those (Local) passengers wishing to go long haul have to go elsewhere.
29.	180/2	Para. 1 'Noise/Compensation' The Applicant is correct in that <u>take-up</u> statistics are reported. The original point was that there has been no <i>investigation</i> as to why the take-up is so low (<30%). For example could it be: <ul style="list-style-type: none"> (a) The small financial grants which would only go part way towards insulation and the reluctance or inability of householders to pay the difference particularly during a cost-of-living crisis; (b) Lack of detail in the Offer letter to highlight the main reason for the offer - the health impacts of excess noise; (c) Offer letter targeted at 'Occupier' (who may be a tenant) not 'Owner' (d) Residents only given a 30-day window in which to reply otherwise have to wait a further 5 years. (e) Lack of follow-up by the Airport Operator (f) Lack of trust in the Airport Operator/LR/LBC. The Applicant may very well respond that this has nothing to do with his Application but these lessons need to be learned.
30.	180/2	Para.2 'Noise/Compensation'. Refer to Response # 70 below

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31.	181/3	Refer to Response #70 below
32.	182/2	Para. 1 'Noise/Compensation' Response noted but the level of external noise cannot be reduced to an acceptable level in all cases simply because of sheer numbers of ATMs, and fleet make-up. All that is happening is some minor noise reduction as a result of mitigation at source and mitigation by intervention. Note that this is 'mitigation' only. External noise levels will continue to rise.
33.	182/2	Para. 2 'Noise/Compensation' It is clear from the ISH3 hearings on 27 th September 2023 that economics of the Airport and its low-fare carriers trumps the right of residents to have a decent night's sleep. There is no plan for respite or limited night-time ban.
34.	183/3	'Noise/Compensation' Noted. There was a typographical error in the original comment from us. It should have said: <i>"Noted that BS5228 is referenced for Construction noise, but BS8233 not referenced for Air or Ground noise within premises".</i>
35.	183/4	Refer to Response #15 above
36.	185/2	Para. 1 'Construction/Noise' It is noted that Construction Noise limits are different to Air/Ground Noise limits.
37.	185/2	Para. 2 'Construction/Noise' The states: " <i>Noise monitoring is undertaken by the airport operator, LLAOL. LLAOL have three fixed noise monitoring terminals and six portable noise monitoring terminals which they use to measure noise in local communities."</i> The Applicant should confirm the extent to which the statement in paragraph 2 is correct. Noise monitoring which is recorded through the Community Noise Reports is almost exclusively measuring <u>underneath the flight path</u> and is not targeted at Ground Noise. Many of these locations are simply too far away from the Ground Noise source to register at all. ExA We would be grateful for the ExA to instruct the Applicant to provide details of how they intend to monitor all noise sources not just Air Noise, and how this will be recorded going forward.
38.	186/2	'Construction Noise' The Applicant's response is noted. Others have commented on GCG so no further response. Closed
39.	187/2	Refer to Responses #32 above and #33 above
40.	187/4	Refer to Responses #32 above and #33 above
41.	188/2	'Fleetmix/Noise' Refer to Response #25 above

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42.	189/2	Para. 1 'Noise' The Applicant's response states: " <i>.....Consequently, in the absence of any specific guidance for ground noise, the assessment methodology for air noise is considered applicable to ground noise.</i> "
43.	191/6	'Noise' The graph illustrates the difference in contour area for the 'DS' scenario relative to the 'DM' scenario <u>for that year</u> . It is not comparing 'DS' to the 2019 baseline.
44.	192/2	Refer to Response #43 above
45.	193/2	'Noise' The Applicant's response implies the barrier performance is different for receptors, frequencies, etc. Clearly some assumptions have been made in order to produce the Ground Noise model so the Applicant must have some specification in mind. ExA We would be grateful if the ExA would instructing the Applicant to advise how they would specify the proposed barrier parameters.
46.	193/4	'Noise' The Applicant's response is vague and passes the responsibility for securing the mitigation to the Consultative Committee. Refer to Response #81 below.
47.	194/2	Refer to Response #70 below
48.	195/2	'Noise/Flightpaths' See Responses #32 above and #33 above
49.	196/2	Para. 1. 'Fleetmix/Noise' Refer to Response #32 above
50.	196/2	Para. 3. 'Fleetmix/Noise' We assume the reference in respect of New Generation aircraft relates to the comments from Daisy Cooper MP on Page 29 of REP2-0034. Closed
51.	197/2	'Surface Access/Noise' Applicant's response is noted but there are still significant concerns about congestion on the local network along Wigmore Lane, the greater part of which is not going to be updated to accommodate airport passengers cutting through from/to the Hitchin Road (A505)
52.	199/2	'Noise' There are several sources of noise: Air, Ground, Surface, Construction etc. each of which will contribute to total noise experienced by receptors. The Applicant advised verbally at ISH3 on 27 th September these levels cannot be accumulated. Take for instance Ground Noise and Air Noise. The Applicant has stated (refer to Response #42 above) that " <i>Consequently, in the absence of any specific guidance for ground noise, the assessment methodology for air noise is considered applicable to ground noise.</i> ".

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		<p>With reference to Response # 17 above the CAP 2161 definition of LAeq, T is the "Equivalent continuous sound level, for period of time, T"</p> <p>Given the Applicant's response and the CAP2161 definition above, it is difficult to see why the noise levels from ALL sources which relate to this single parameter, equivalent sound level, cannot be summed (using the logarithmic algorithm) to obtain the total noise experienced by receptors, and for the eligibility for insulation to be taken from this total Noise figure.</p> <p>('Dicing and slicing' various noise sources may lead to an artificially low level of receptor noise and insufficient mitigation.)</p> <p>ExA</p> <p>We would be grateful if the ExA could instruct the Applicant to</p> <ol style="list-style-type: none"> (1) explain why noise sources cannot be summed, (2) the technical reasons therefor, (3) in the absence of a satisfactory response to (1) and (2) above develop a mitigation strategy that does not just depend on individual noise sources but on their totality at any given receptor.
53.	201/3	<p>'Noise/GCG'</p> <p>Noted that the current insulation Scheme does not form part of the Application but there is still a requirement to insulate properties to the current specification. Given that there are few authorised and experienced noise insulation contractors, there is a risk that programmes could be impacted.</p> <p>Refer to the Programme section in Response #70 below.</p>
54.	202/1	Refer to Response #25 above
55.	203/2	Refer to Response #70 below
56.	204/2	<p>'Noise/Compensation'</p> <p>It is expected that the specification of the insulation material(s) will emerge from the results of the inspections discussed in Response #19 above.</p> <p>The tragedy at Grenfell Tower is a reminder of the importance of correct material specification.</p>
57.	204/4	<p>'Noise'.</p> <p>Refer to Response #70 below</p>
58.	205/2	<p>Para. 1 'Noise'</p> <p>Insulation – refer to Responses #70 below and #52 above</p>
59.	205/2	<p>Para. 2 'Noise'</p> <p>Refer to Responses #70 below and #52 above</p>
60.	206/3	Refer to Response #70 below
61.	207/2	<p>Para. 1 'Noise/Planning'</p> <p>Section 4 on Noise Insulation does not mention Ground Noise and is therefore deficient.</p>

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		The Applicant is proposing to increase noise levels which is contrary to the Local Plan. The Local Plan prescribes that there be a further noise reduction or no material increase in day or night time noise – which we know there will be. The reader has to look elsewhere to find information on Ground Noise. Refer to Response #70 below.
62.	207/2	Para. 2 ‘Noise/Planning’ Refer to Responses #70 below and #52 above in respect of insulation.
63.	208/2	Para. 2 ‘Noise/Compensation’ ExA We would be grateful if the ExA would ensure the S106 agreement is provided for comment and when agreed, is secured as part of a Planning Condition.
64.	209/1	Para. 2 ‘Noise/Compensation’ The Applicant has responded: <i>“The Draft Compensation Policies, Measures and Community First has been updated to include further information on the proactive approach that will be adopted by the Applicant to ensure both knowledge and availability of the offer has been clearly and openly communicated. This will include an online compensation look-up tool post consent that will allow residents to find out which noise insulation scheme they may be eligible for, avoiding the need to interpret contour maps. “</i> The Applicant does not advise how the availability of the tool will be made public knowledge. ExA We would be grateful if the ExA would instruct the Applicant to provide the tool for comment (as well as the method of making the public aware of its existence) and upon approval thereof ensure the Look up tool is secured as part of a Planning Condition.
65.	210/1	‘Noise/Fleetmix’ Do not understand the Applicant’s response in respect of where the variations in noise levels are treated in Chapter 16 Noise and Vibration .
66.	210/2	Para.2 ‘Noise/Compensation’ Refer to Responses #70 below and #52 above
67.	210/2	Para.3 ‘Noise/Compensation’ Refer to Response #52 above
68.	211/2	‘Noise/Compensation’ Refer to Response #32 above in respect of external noise. Offer of ventilation as part of the insulation package is noted.
69.	212/2	‘Noise/Compensation’ Noted that Pepperstock park homes meeting the criteria will receive insulation and that they may be eligible for diminution in value under the Land Compensation act.
70.	214/1	‘Noise/Compensation’ In respect of this current Application, Ground and Air Noise thresholds have been defined in Chapter 16 Table 16.13 and are the same, i.e.

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		<p>Daytime SAOEL = 63dBLAeq; LOAEL = 51dB LAeq Night-time SAOEL = 55dBLAeq; LOAEL = 45dB LAeq.</p> <p>Please refer to Response #52 above in respect of the total amount of Noise experienced by receptors, not just Air Noise.</p> <p>The Applicant’s Air Noise Insulation Scheme for Residential Properties as defined in Chapter 16 paragraph 16.10.5 states: Scheme 1 – a full package of agreed noise insulation works to habitable rooms; Scheme 2 – for residential properties inside the 60dBLAeq,16h contour and outside the 63dBLAeq,16h contour, a contribution of up to £20,000 for agreed noise insulation works to habitable rooms; Scheme 3 – for residential properties inside the 55dBLAeq,8h contour and outside the 60dBLAeq,16h contour, a full package of agreed noise insulation works to bedrooms; Scheme 4 – for residential properties inside the 57dBLAeq,16h contour and outside the 60dB LAeq,16h contour, a contribution of up to £6,000 for agreed noise insulation works to habitable rooms; and Scheme 5 – for residential properties inside the daytime 54dB LAeq,16h contour and outside the 57dB LAeq,16h contour, a contribution of up to £4,000 for agreed noise insulation works to habitable rooms.</p> <p>The insulation criteria and compensation are a confusion of Day-time eligibility (‘habitable rooms’) and Night-time eligibility (‘bedrooms’).</p> <p>We have expended considerable time and energy trying to understand the eligibility criteria defined within the Application – going so far as to print transparencies, scaling them to the best approximation and overlaying the 2027 8h Air contours (Figure 16.16) on 2027 16h Air contours (Figure 16.15). See Figure 1 below this table : “Figure 1: Simplified Air Contour Schematic -Daytime (Red) and Night-time (Blue) for Residential Properties”</p> <p>(Since the Applicant had referred to Figure 16.68 for 2043 in his response we had first tried to do the same for 2043 Air contours – Figures 16.65 and 16.66 but Figure 16.66 omits the 55dBLAeq 8h – SAOEL - contour).</p> <p>Whilst on the subject of noise and noise contours, many of the Ground contour drawings appear to contradict themselves in their depiction of LOAEL and SOAEL levels. This could impact eligibility. Examples: 5.03 Chapter 16 Noise and Vibration Figures 16.49 - 16.56 Figure 16.54 and 5.03 Chapter 16 Noise and Vibration Figures 16.77 - 16.82 Figure 16.77</p> <p>The Applicant responds that Paragraph 16.9.147 refers to the 3,350 properties between the night-time LAOEL and SAOEL in Assessment</p>

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		<p>Phase 1 that would be eligible for compensation. This is incorrect. Paragraph 16.9.147 actually states:</p> <p><i>“16.9.147 During the night-time, of the population of 3,250 exposed to noise between the SOAEL and UAEL experience noise increases of 1-2.9dB corresponding to a minor to moderate adverse effect resulting in an adverse likely significant effect as the exposure is above SOAEL. This population is illustrated in Figure 16.68 in this ES [TR020001/APP/5.03] and includes the community areas listed in Table 16.53. This population would be eligible for a full package of noise insulation which would avoid the significant effects (see Section 16.10 and Section 16.11). By assessment Phase 2b noise insulation will have been rolled out to all the communities in Table 16.53 should they take up the offer in a timely manner. “</i></p> <p>BUT if one studies the ‘Scheme 3’ details and Figure 1 below, it becomes obvious that something is seriously wrong. Scheme 3 only applies to properties with Night-time Noise levels between contours defined by 55dBLAeq 8h (SOAEL) and Daytime contour 60dBLAeq 16h.</p> <p>In other words if the Night noise level experienced by a receptor is greater than the contour defining 60dB LAeq, 16h (for example 57dBLAeq 8h) there is NO compensation for Night-time Noise.</p> <p>This is clearly wrong and actually contradicts 16.9.147 which implies that all properties subject to Night-time noise level in excess of SOAEL up to UAEL will be eligible for Scheme 3.</p> <p>In addition it is implied that the 3,250 residences could receive ‘Scheme 3’ compensation only. However, depending upon their Daytime exposure (anything from 57dB LAeq upwards) they should <u>also</u> be eligible for Daytime ‘Scheme 4’ through to ‘Scheme 1’.</p> <p>Paragraph 16.9.146 states:</p> <p><i>“16.9.146 During the night-time, the population of 59,550 exposed to noise between the LOAEL and SOAEL experience noise increases of less than 3dB corresponding to a negligible to minor adverse effect which is not significant. Of this population, the 13,250 outside the night-time SOAEL but inside the 54dBLAeq,16h contour would be eligible for noise insulation (see Section 16.10 and Section 16.11).“</i></p> <p>This paragraph would seem to imply that any property with a Night-noise level just below SOAEL of 55dBLAeq 8h (for example 54dBLAeq 8h) - only 1dB below SAOEL - would be eligible for ‘Scheme 4’ or £6,000, a Daytime compensation; whereas a night-time level of 51dBLAeq 8h would be eligible for Day-time Scheme 5, or £4,000.</p>

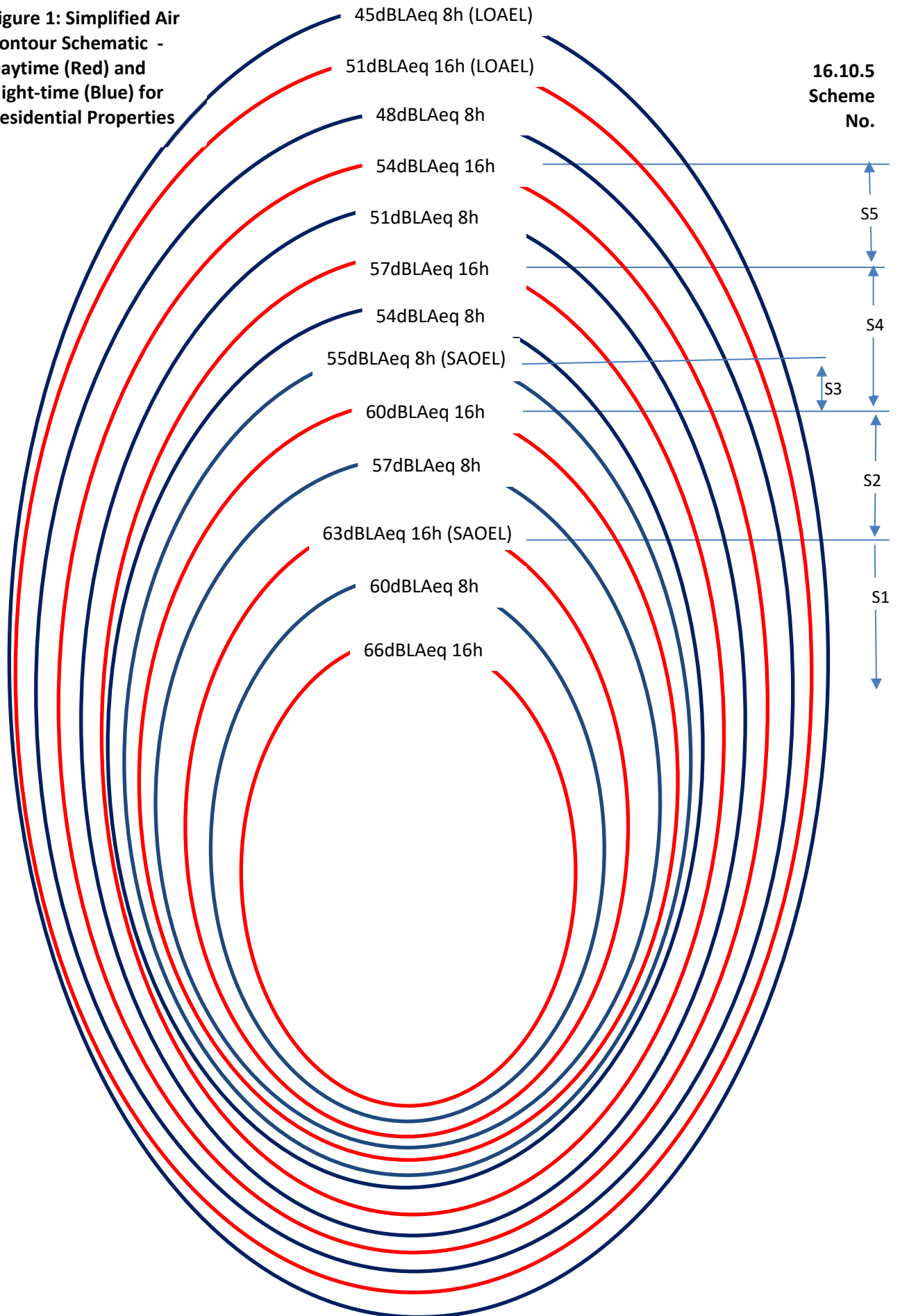
Response #	REP2-034 Page/Row	Comment
		<p><u>But, this money cannot be spent on insulating bedrooms as it applies to 'habitable' rooms only!</u></p> <p>This seems iniquitous bearing in mind that receptors are more sensitive to 54dB LAeq 8h – only 1dB below SOAEL - than they are to 54dB LAeq 16h. Yet compensation is payable for Day-time noise down to 54dB LAeq which is 9dB below SOAEL and there is no Night-time compensation at all below SOAEL.</p> <p>The Applicant should revisit these proposals immediately and come up with a more equitable solution.</p> <p>One further observation, on Programme. Chapter 16 paragraph 16.9.147 slips in the following: “... By assessment Phase 2b noise insulation will have been rolled out to all the communities in Table 16.53 should they take up the offer in a timely manner.”</p> <p>The Applicant is stating that it could take him up to 2043 to provide insulation to homes in Phase 1 with noise levels above SOAEL! This is unacceptable and only goes to demonstrate the Applicant’s lack of concern for resident’s health. This gives a lie to previous statements where the Applicant was going to ‘prioritise’ insulation for worst-affected homes. e.g. Page 173 paragraph 2:</p> <p><i>“The Draft Compensation Policies Measures and Community First document contains a commitment, in paragraph 6.1.14 to prioritise the most affected properties within the latest 63dBLAeq,16h and 55dBLAeq,8h contours and introduce each scheme as efforts to insulate those in worst affected contours are complete. “</i></p> <p><i>And in response in REP2-034 Page 216 Row 2:</i></p> <p><i>“The Applicant is making a commitment to prioritise areas for noise insulation based on those most significantly impacted. Whilst roll-out will be proactively managed by the airport operator a programme has not been specified because the take up rate and speed of take up cannot be regulated by the Applicant (see Draft Compensation Policies Measures and Community First [TR020001/APP/7.10] “</i></p> <p>The Applicant must provide an undertaking to ensure that mitigation is in place before the anticipated noise level increases begin. A suitable Programme for insulation needs to be submitted for comment forthwith.</p> <p>ExA We would be very grateful for the ExA to instruct the Applicant to do the following:</p>

Response #	REP2-034 Page/Row	Comment
		<ol style="list-style-type: none"> 1. Carry out a check on the Noise Contour drawings and amend as necessary 2. Revisit the mitigation measures and come up with a clearer and more equitable proposal for Night-time Noise 3. Assess any consequential impacts on Non-residential properties compensation and update DCO Application as necessary 4. Provide an undertaking to ensure that noise mitigation is in place before the anticipated noise level increases begin. 5. Provide a Programme of insulation that prioritises the Significant health impacts on residents <p>ExA We would be grateful if the ExA would secure Items 4,5 and 6 as a Planning Condition once approved .</p>
71.	214/2	<p>‘Noise/Compensation’</p> <p>The Applicant advises that the eligibility cut-off date is for properties built before October 2019 (i.e. by 30th September 2019), the year of first Statutory Consultation.</p> <p>This appears draconian since it excludes buildings granted Planning Permission by LBC - and other Local Authorities (LAs) - but not built. at that date.</p> <p>Secondly, a Statutory Consultation should not constitute a line in the sand for Planning, as the requirements may change subsequently AND Planning departments in local authorities must have advised builders of these conditions in advance of construction, as part of Planning Permission.</p> <p>ExA We would be grateful if the ExA could instruct the Applicant to:</p> <ol style="list-style-type: none"> (a) provide detailed reasons for the selection of this cut-off date and (b) confirm with LBC Planning and other LAs whether they too advised relevant parties of the changes to conditions at that time.
72.	214/3	<p>Para. 1 ‘Noise/Compensation’</p> <p>Noted that the current insulation Scheme is not part of the Application and that the budget of £100,000 originally advised was woefully insufficient. Increased budgets were agreed year-on-year.</p>
73.	215/1	<p>Paras. 2,3 ‘Noise/Compensation’</p> <p>Refer to Response #70 above in respect of Programme.</p>
74.	215/2	<p>‘Noise/Compensation’</p> <p>The comments related to the monitoring of Ground noise for which no response is forthcoming. The Applicant has responded in relation to air noise monitoring which is accepted.</p>
75.	216/2	<p>‘Noise/Compensation’</p> <p>The Applicant’s commitment conflicts with other responses in this document. Refer to Section # 69 above in respect of Programme.</p>

Response #	REP2-034 Page/Row	Comment
		In respect of 'Duty of Care', this comment relates particularly to the adverse impacts of Luton airport expansion, noise, particularly. Levels that exceed SOAEL, have a deleterious impact on physical and mental well-being. (Otherwise there would be no need for mitigation!). This question was raised as to identify what party would be liable should a legal action be taken on the grounds of worsening health, e.g.: <ul style="list-style-type: none"> (1) LBC - as they have responsibilities under the Housing Act for their tenants; (2) LR - as they are responsible for promoting this increase in passenger levels (3) LLAOL as they are responsible for providing mitigation under a S106 Agreement. (Refer also to Response #63 above)
76.	217/1	Para. 2 'Noise/Compensation' Refer to Response #73 above
77.	217/2	'Noise/Compensation' The Applicant has replied that the 5 years refers only to readjustment of contours. However the Noise Insulation Scheme Policy document dated November 2021 states: " <i>If the owner does not wish to proceed at this stage no further approaches will be made for a five year period.</i> " This 'cycle' period needs to be defined and recorded. Refer to Response #19 above in respect of the Offer Letter'
78.	218/2	'Noise/Compensation' Noted that eligible Listed Buildings will be insulated using LLAOL's contractor and that no additional compensation will be paid.
79.	218/3	'Noise/Compensation' Refer to Response #19 above.
80.	218/5	'Noise/Compensation' Refer to Response #19 above
81.	219/2	'Noise/Compensation' The Committee has no executive powers so cannot influence outcomes for residents. LLAOL have the final say as to budget (unknown), timing (unknown), priorities (unknown). The Committee needs 'teeth'. ExA We would appreciate if the ExA could instruct the Applicant to provide: <ul style="list-style-type: none"> (1) The Structure (members) of the Noise Insulation Subcommittee (NIS) of the Consultative Committee (2) A list of the powers of the each member of the Consultative Committee (3) Who has a casting vote if there is such a process (4) A definition of who sets out the Programme and how, and how it can be challenged (5) A definition who sets the budgets and why, and how it can be challenged (6) an undertaking that the Committee will have oversight of LLAOL's insulation programme

Response #	REP2-034 Page/Row	Comment
		(7) provide a timeline for a programme which sets out ALL insulation mitigation works, such Programme to be secured as part of a Planning condition.
82.	219/4	Para. 1 'Noise' The Applicant has responded about external noise levels but not to the comment which was about what <u>Internal</u> noise limits are going to be included in the Test Document. Refer to Response #19 above.
83.	220/1	Para. 3 'Noise' Refer to Response #18 above in respect of 'Common Ground'.
84.	221/2	Para. 1 'Noise/Compensation' We have seen no evidence of post-installation testing under the current Scheme . Could the Applicant please ask LLAOL to provide.
85.	221/2	Para. 2 'Noise/Compensation' Refer to Response #19 above
86.	222/1	'Noise' This comment was provided to demonstrate some of the shortcomings of the current testing regime and to inform a future test proposal. Refer to Response #19 above
87.	226/2	'Noise' This comment was raised to demonstrate that not only is the Current Noise Action Plan (NAP) incorrect, but that the Draft NAP for 2024-2028 appears also to be in error. The Applicant advised at the ISH3 hearing on 27 th September 2003 that this document was out for comment. The Applicant should review and correct such errors AND to include actions in respect of measurements of Ground and other noise sources, not just Air Noise. ExA It would be appreciated if the ExA will instruct the Applicant to ensure the NAP for 2024-2028 is reviewed and amended as above.
88.	227/4	'Noise' Refer to Response #19 above
89.	228/2	'Noise/Health and Community' The Applicant has stated that they took into consideration the WHO Guidelines. However the proof will be in the Test document which will set out the exposure limits, both internally and externally, to residential and non-residential properties. Refer to Response # #19 above in respect of the Test Document
90.	228/3	'Noise' The Applicant refers to BS8233 as being included in Chapter 16. This is true, but it is only referenced in respect of Non-Residential Receptors. Refer to Test Document in Response #19 above. (BS8233 Section 6.3.2"Prediction of noise from aircraft" is a useful introduction)
91.	229/2	'Noise' Refer to Response #19 above
92.	229/3	'Noise' Refer to Response #19 above

Figure 1: Simplified Air Contour Schematic - Daytime (Red) and Night-time (Blue) for Residential Properties



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Glossary

ATM	Air Traffic Movement
ICCAN	Independent Commission on Civil Aviation Noise
JZMF	Jet Zero Modelling Framework
LA	Local Authority
LBC	Luton Borough Council
LR	Luton Rising
LOAEL	Lowest Observable Adverse Effect Level
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Limited
NAP	Noise Action Plan
NAPDM	National Air Passenger Demand Model – econometric model of unconstrained trip demand by passenger markets
NIS	Noise Insulation Sub-committee (of the Consultative Committee)
NOEL	No Observable Effect Level
mppa	million passengers per annum
SOAEL	Significant Observed Adverse Effect Level
UAEL	Upper Adverse Effect Level
UKHSA	UK Health Security Agency