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Table 1 LADACAN’s comments on the Applicant’s REP3-060 submission in response to LADACAN’s REP2-061 submission.

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Glossary

19mppa application	Application 21/00031/VARCON on the LBC Planning Portal – submitted by LLAOL to LBC to further increase noise contour limits and the passenger cap
2022 inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application
Airport	London Luton Airport
Airport Operator	London Luton Airport Operations Ltd, currently the concessionaire at the Airport
Applicant	Luton Rising (London Luton Airport Ltd)
Application	This application TR020001 for a Development Consent Order
ATM	Air Transport Movement, hence ATMs is a count of the number of flights
CAP1129	‘Noise Envelopes’, CAP 1129, Civil Aviation Authority, Dec 2013
CAA	Civil Aviation Authority
DART	Direct Access Rail Transit system to the Airport from Luton Airport Parkway station
LBC	Luton Borough Council, ultimate owner of and Local Planning Authority for LLA
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Ltd, the operator of LLA
mppa	‘million passengers per annum’: a measure of an airport’s passenger capacity or actual passenger throughput
N-above	A metric indicating the numbers of ATMs overflying a given location with peak loudness at or above a specified value, eg N65 is the number at or above 65dB(A)
NEDG	Noise Envelope Design Group
noise contour	An outline on a map enclosing an area in which the 8-hour or 16-hour logarithmic average of aircraft noise for an average day in a defined 92-day summer period equals or exceeds a given value, expressed in terms of LAeq for an 8h or 16h period
Project Curium	Application 12/01400/FUL on the LBC Planning Portal – submitted by LLAOL to LBC in 2012 for development works to increase LLA capacity to 18mppa by 2028

Table 1: LADACAN’s comments on the Applicant’s REP3-060 submission in response to LADACAN’s REP2-061 submission.

Comments use the same ID numbers as in REP3-060, and may abbreviate the original concern to provide a more manageable format.

I.D	Concerns raised	Luton Rising’s Response	LADACAN further comments
2	Air Quality: Odours of kerosene have been reported by residents	Response to Relevant Representations Part 1 of 4 [REP1-020] page 9	<p>REP1-020 page 9 simply dismisses the concerns based on assessments at a macro level.</p> <p>This does not address the fact that many residents in different areas of Luton have reported strong odours of kerosene associated with Airport operations.</p> <p>Our representation to the ExA is that these matters need to be properly investigated, not just dismissed by a theoretical assessment. VOC fumes are known to be hazardous to health. See for example: https://assets.publishing.service.gov.uk/media/5a750364ed915d3c7d529b68/kerosene_general_information.pdf</p> <p>Airport operational issues causing kerosene vapours to be released may only occur from time to time, but there appears to be no provision to investigate and resolve / avoid such instances.</p> <p>Numbers of flights compared to No Development are predicted to increase by 50%, therefore the problem would be worsened by the Application.</p> <p>We request that the Airport operator be required to put in place measures to investigate reports of kerosene odour, to advertise a way to make such reports, and to produce a plan to reduce instances.</p>

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3	<p>Climate Change: The pathway to reducing aviation emissions in line with the High Ambition scenario of the Jet Zero Strategy should be part of the GCG Limits, and growth should be controlled in an effective way against that pathway.</p>	<p>The Government has confirmed through policy and legislation such as Jet Zero and the Aviation Strategy: Making Best Use (MBU) policy that it believes aviation emissions are best dealt with at a national level through measures such as the UK Emissions Trading Scheme (ETS) and CORSIA.</p>	<p>Jet Zero proposes various possible measures to reduce aviation emissions. These include measures such as Sustainable Aviation Fuel, Emissions Trading Scheme, Carbon Offsetting, Zero Emissions Flight and possible Next Generation (hydrogen or electric powered) aircraft. Such measures are likely to affect the costs which industry has to bear, others may affect demand.</p> <p>Significantly increased costs or reduced demand would undermine the Application's business case since there would be less "net airport revenue" to fund the significant costs of the proposed Terminal 2, but those costs are fixed and would increase over time if the development work was delayed.</p> <p>Therefore it would be appropriate for the Applicant to document its assumptions regarding carbon costs and/or demand effects of achieving Net Zero by Jet Zero.</p> <p>If, as the Applicant indicates, it is confident that the Jet Zero strategy will deliver the required carbon reductions to underpin its emissions forecasts then it should indicate in the greenhouse gas action plan referred to in the dDCO more precisely how this will be achieved, and it would also be appropriate for the GCG document to set carbon caps at the assessment points to underpin confidence in the delivery of that plan.</p>

I.D	Concerns raised	Luton Rising's Response	LADACAN further comments
4	<p>Stakeholder Engagement</p> <p>Planning Need Case: A misleading impression was created throughout the stakeholder engagement that reaching 18mppa ahead of expectation was attributable to the Airport's success rather than to its mismanagement by release of capacity ahead of mitigation. The Planning Inspectorate should have been made aware of this during scoping.</p>	<p>It is important to recognise that a principal reason why London Luton Airport experienced faster than expected growth over the period 2012 to 2019 was a consequence of the overall air transport market across the UK growing faster than expected. To illustrate this, the Department for Transport's UK Aviation Forecasts 2013 projected total passenger throughput across the UK airports of 255 million in 2020.</p> <p>By 2019, the total passenger throughput across the airports was 297 million, some 16% greater than projected for 2020. Given the capacity constraints that were biting at Heathrow and Gatwick over the period, it is hardly surprising that London Luton Airport saw more passenger growth than anticipated at the time when the Project Curium planning application was prepared.</p> <p>In this context, it is not considered that the DCO consultation materials were misleading in respect of Project Curium.</p>	<p>The response sanctions and agrees with LLAOL's disregard for the planning conditions designed to limit the environmental consequences of growth ahead of mitigation, in order to satisfy demand.</p> <p>This is hardly surprising since the Applicant was, by the Growth Incentive Scheme, financially rewarding airlines for flying more passengers to and from LLA, in order to satisfy its own commercial objectives.</p> <p>It is indisputable that the Project Curium growth was tied at planning decision to corresponding noise mitigation by fleet modernisation, and that the noise contour condition was the vehicle to regulate that.</p> <p>The Applicant is now proposing its own project to expand capacity at LLA, with noise mitigation by fleet modernisation, limited by the noise contour envelope it has isolated from the suite of controls agreed by the NEDG.</p> <p>We and the members of communities we represent are justified in concluding that should future demand exceed the Applicant's forecasts, there is a risk that too many slots could be issued to stay within contour limits.</p> <p>No evidence has been provided to indicate that the Applicant gave the Planning Inspectorate a full and fair description of the breaches of condition, its part in those, and the excess environmental impacts, when the DCO scoping meetings took place.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
5	<p>Need Case: We note the focus of the Application is on accommodating predicted demand rather than operating within reasonable environmental limits, therefore not reflecting the balanced approach required by policy.</p> <p>A 'need to accommodate 32 mppa' has not been evidenced, yet that alleged need must be balanced against the need to abide by existing planning conditions and constraints; and to protect the environment, the amenity and quality of life of local residents, and the nature and character of the local area.</p>	<p>Government policy is clear (see Section 3 of the Need Case [AS-125] that aviation growth is supported due to the economic benefits that such growth brings both through the local employment impacts but also because of the broader connectivity benefits. The policy approach is clear that a balance must be struck between the benefits of growth and the environmental impact (Department for Transport, Aviation Policy Framework 13, paragraph 5). This needs to be seen alongside the clear policy that it is in the UK's wider interests for airports to make best use of their existing runways (Department for Transport Beyond the horizon: making best use of existing runways 2018).</p> <p>The Applicant considers that, through the Application, it has demonstrated a clear economic need for the Proposed Development and that the environmental impacts can be mitigated and managed.</p>	<p>The capacity of LLA is currently capped at 18mppa until 2028 and there are outstanding mitigations, such as the reduction of the long term noise contours, which were part of that permission but for which a strategy is three years late and has still not been agreed.</p> <p>The 2013 Curium permission followed government policy including striking a balance between growth and environmental impact, in order to make best use of the runway through the addition of taxiway extensions, which can reduce noise and fuel usage. The extension feeding the western runway end is as yet incomplete.</p> <p>The compensation by noise insulation to correspond with achieving 18mppa (which occurred in 2019) was not completed by 2019, and still remains incomplete.</p> <p>Yet that expansion was has delivered jobs and economic benefit as well as connectivity.</p> <p>We are not aware of any government policy which encourages or supports a developer to focus on taking the commercial benefits of a development, but to leave the development part-complete, and to fail to deliver compensation and mitigation works, in order to rush to the next stage of development.</p> <p>Yet that is exactly what has happened at LLA and the Applicant was incentivising that approach, which weighs against the credibility of this Application.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
6	<p>Fleetmix, Noise and Vibration:</p> <p>It is clear that the airlines are motivated by cost- savings, not by noise reduction, and this point needs to be borne in mind when assessing mitigation. We invite the ExA to consider whether the uptick in noise impacts at stage 2A is appropriate and fully justified, or whether growth should wait until mitigation would avoid it.</p> <p>The Applicant has indicated that it is relying on the Jet Zero strategy to be delivered. That strategy includes the development of next generation aircraft. If introduced, we contend they are likely to be noisier.</p>	<p>As a reasonable worst-case, the core assumption in Chapter 16 of the Environmental Statement (ES) [REP1-003] assumes no noise benefit from next- generation aircraft and the Noise Envelope Limits have been set on that basis. It is expected that next- generation aircraft will continue to be quieter than those they replace, and if that is the case the Noise Envelope include a defined mechanism to share the noise reduction benefits of future technological improvements in aircraft between the airport and local communities.</p> <p>Based on the sensitivity test of next-generation aircraft in Section 12.2 of Appendix 16.1 of the ES [AS-096], Figure 3.3 and 3.4 of the Green Controlled Growth Explanatory Note [APP-217], show that the potential outcome of this review is that the 'uptick in noise impacts' in Phase 2a could be avoided.</p> <p>If, as is suggested by LADACAN, the aircraft are in fact noisier, the environmental outcomes would remain no worse than those predicted in the ES, as the airport would still need to operate within the Noise Envelope Limits, which assume next-generation aircraft are at least no noisier.</p>	<p>The Applicant's claim that next generation (hydrogen and electric) aircraft are likely to be quieter than those (new generation) aircraft they replace, and the corresponding sensitivity test, is merely a distraction from the greater likelihood that they will be noisier (large hydrogen tanks, heavy batteries which do not get lighter in flight).</p> <p>Individually noisier aircraft cause more disturbance than individually less noisy aircraft, but because the Applicant removed the type-specific noise violation level controls from the agreed Noise Envelope Design, there is now no type noise control.</p> <p>The Applicant has undermined the work of the NEDG by removing these additional controls, in order to pave the way for the introduction of individually noisier aircraft, including wide-bodied jets for long haul flights, and the next generation types.</p> <p>The certainty which communities currently have about the reducing levels of individual aircraft noise would be removed, and the individual noise levels of flights would in those cases be increased.</p> <p>The environmental outcomes would therefore be worse, as a noise contour does not describe individual noise events and people do not hear in averages. Communities more distant from the Airport are particularly affected by this issue, which must weigh against the Application.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
7	<p>Noise and Vibration: “Many respondents to the consultation identified their dislike of night flights. There is expected to be an increase in flights particularly in the 06:00 to 07:00 period reflecting the requirement for the airlines to maximise aircraft utilisation through the operating day by operating the first departure as early as possible in the morning.”</p> <p>Again, there is no balance being struck between the requirement of airlines, and the requirement of people in the wider area to be able to sleep at night (23:00-07:00) without being awoken at 5am or even 6am.</p>	<p>The impact of night flight noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003]. No residual significant effects are identified.</p> <p>The Noise Envelope (see Green Controlled Growth Explanatory Note [APP-217]) contains a legally binding framework of daytime and night-time noise contour area Limits (for the whole 23:00 – 07:00 period) and the Applicant has committed to retaining the current 9,650 movement limit in the night-time quota period (23:30 – 06:00) which will be secured through Requirement 27 of the Draft Development Consent Order [AS-067].</p> <p>The Applicant has also substantially extended its noise insulation scheme, including the addition of schemes which will provide the full cost of insulation for habitable rooms in eligible properties exposed above the night-time Significant Observed Adverse Effect Level (SOAEL). Further details on this approach, which balances airline requirements and the residents of eligible properties, is provided in Draft Compensation Policies Measures and Community First [REP2-005.</p>	<p>Please see our response to ID16 below which confirms that a WebTAG assessment of night noise impacts was requested by the Planning Inspectorate in scoping. We contend that the harmful impacts of night noise have not adequately been assessed by the Applicant.</p> <p>We respectfully draw to the ExA's attention the emphasis in the Overarching Noise Policy Statement on the need to <i>“recognise the additional health impacts of night flights”</i>.</p> <p>We note that the Noise Insulation Scheme criteria are expressed (except for one confusing exception) in terms of the daytime noise contours (see REP4-181 foot of p4 and on to p5)</p>

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8	<p>Green Controlled Growth:</p> <p>GCG adopts the growth trajectory forecast by the Applicant based on demand and fleet evolution, rather than defining a development trajectory with less 'cost'.</p> <p>The impacts on the environment, and on the health and well-being of people affected by the noise, air pollution, particulates, emissions and surface transport congestion of the Proposed Development, would still occur.</p>	<p>As set out in Section 1.4 of the Green Controlled Growth Explanatory Note [APP-217], the GCG Framework is not intended to replace or substitute the need for environmental mitigation measures associated with the Proposed Development and identified by the EIA process.</p> <p>A fundamental principle of the Proposed Development has been to 'design in' sustainability and environmental excellence, and decisions about all aspects of the Proposed Development's design have been taken with a view to managing and, where possible, avoiding or mitigating negative environmental effects. This 'up-front' mitigation is set out in the Mitigation Route Map [AS-047].</p> <p>The intention of the GCG Framework is to provide additional certainty that the environmental effects forecast will not be exceeded irrespective of the performance of the up-front mitigation measures secured through the DCO by making future growth dependent on achieving the environmental performance forecast at the time of the DCO.</p> <p>This approach has been taken forward in the context of the UK government's Aviation Policy Framework (APF), which sets out how the aviation sector delivers economic growth and other benefits for the country, whilst acknowledging that the sector results in</p>	<p>The Applicant has not addressed the specific concern.</p> <p>The CAA is clear that the magnitude of a noise envelope must reflect a fair balance:</p> <p>"The parameters should be set based on an agreement reached between industry and local community stakeholders in line with the vision defined by the Noise Policy Statement for England (NPSE)⁸, reiterated as to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. <u>In other words, an appropriate balance between minimising noise impacts and maximising sustainable growth must be struck.</u>" (CAP1129 Ch 4 'Setting the limits', p39, our underline)</p> <p>We invite the ExA to agree that this necessary first step requires discussion and agreement on the noise limits which define the Noise Envelope. This was not the approach adopted – instead the NEDG started by discussing the types of control and agreed the controls, but the actual Limits were presented to it at its penultimate meeting based on the growth forecasts of the Applicant.</p> <p>The essential balancing step required by CAP1129 has never been performed, which must weigh against the Application.</p>

		<p>environmental impacts that need to be managed and balanced against these benefits. In relation to noise impacts in particular, the proposed development adopts the International Civil Aviation Organization (ICAO)'s 'balanced approach', which requires assessing the cost-effectiveness of different approaches to managing noise impacts associated with aviation.</p> <p>This commitment means that any exceedance of the GCG Limits will have significant implications for the airport. On this basis, it is vital that Limits are not set arbitrarily, but are based on the comprehensive forecasting process that underpins the EIA. Both the mitigation measures proposed to support the Proposed Development and the EIA and associated forecasts have been subject to independent scrutiny through previous consultations, the establishment of Technical Working Groups underpinning the Statements of Common Ground and will continue to be scrutinised and tested through the DCO examination.</p> <p>It is therefore considered that the approach to setting GCG Limits and Thresholds appropriately balances the need to protect the local community and environment with the delivery of significant socio- economic benefits for Luton and surrounding areas through expansion.</p>	
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10	<p>Need Case, Economic: No case has been made that economic benefits on the scale proposed are required, and the response shows a lack of active consideration of alternatives.</p> <p>Project Curium made a case that the economic benefits of expansion to 18mppa by 2028 were sufficient for the local and wider economy.</p> <p>The Applicant has already stated that it seeks growth but not at any cost.</p> <p>It is apparent that the government regards the exposure of LBC to airport revenue as a risk to its financial sustainability.</p>	<p>The Applicant does not agree that the economic benefits of expansion to 18 mppa were considered "sufficient" to support the economic aspirations of Luton and the surrounding areas. The Officers report to the Development Control Committee in December 2013, which resulted in consent being granted to Project Curium, stated at paragraph 203 <i>"It has to be acknowledged that the Airport plays an important role both in the town and in the wider area in terms of the economy, not only as an employer but also in respect of the associated business community that service the Airport. If the Airport is to maintain this role it is important that it continues to improve the quality of the service that it provides to enable it to meet the challenges of its immediate and long term future. This proposal will enable the Airport to improve its regional competitiveness by expanding the range of international routes that are more important to businesses who may then locate within the town or the region. This will benefit the continued regeneration of Luton and its immediate surroundings and should be supported."</i></p> <p>This clearly identified expansion to 18 mppa would improve the quality of service that the airport could offer to the benefit of the regeneration of Luton and surrounding areas. It did not indicate that this expansion alone would be sufficient to 2028.</p>	<p>The Applicant's response is misleading. The quoted extract from the Project Curium Officer's report was written in the context of the application made in 2013. The application made in 2013 had a timeframe of 2028 for its delivery and mitigation. The economic benefits were described in the context of that project, and in the context of its clearly documented timeframe to 2028.</p> <p>The quote clearly states <i>"This proposal</i> [ie the Project Curium proposal] <i>will enable the Airport to improve its regional competitiveness by expanding the range of international routes that are more important to businesses who may then locate within the town or the region. This will benefit the continued regeneration of Luton and its immediate surroundings..."</i> (our emphasis)</p> <p>The Applicant has not evidenced a specific need for further expansion of capacity at Luton before 2028.</p> <p>The Applicant mentions the need for regeneration and alleviation of poverty. But rather than using the windfall of public money (generated by the £10m it paid to incentivise over-rapid growth) to relieve poverty and on urban regeneration, it has pursued even more expansion, during which circa £200m of DART costs have been written off, and more than £65m spent on this DCO Application, adding to circa £500m of debt on which interest has to be paid. This self-perpetuating financial demand is being used by the Applicant to justify a need for yet more airport revenue.</p>

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11	<p>Noise and Vibration:</p> <p>The work to confirm whether the NEDG-proposed mechanisms (particularly the Threshold settings) would have prevented the breaches in 2017-2019, was not undertaken.</p> <p>This downward revision of demand growth means that the Application, for a passenger increase of 78%, no longer aligns with government projections and therefore is at risk of over-capacity and consequent inability to repay the development costs from net airport revenues in line with the Funding Statement.</p>	<p>Refers to REP2-037 p 299 which states:</p> <p><i>"It is not agreed that the work of the Noise Envelope Design Group (NEDG) was curtailed and the NEDG issued their Final Report in December 2022. The pieces of work referenced in the footnote in the Written Representation (the worked example showing that GCG could have avoided the historic noise limit breaches and noise model validation) were pieces of work to be undertaken by the Applicant, not by the NEDG."</i></p> <p>In the event that demand growth is slower than projected, the build out of the new capacity would be slower and there would be no increased funding risk.</p>	<p>The Applicant's response is again misleading. APP-111 clearly sets out aspects of unfulfilled NEDG work:</p> <p><i>Para 21 PDF p35: "...the Chair indicated that for the NEDG to complete its work, limit and threshold values would need to be defined for the various noise metrics."</i></p> <p><i>Para 57 PDF p41: "The NEDG ... suggested that LR might show how these breaches would not have occurred had the Noise Envelope process already been in place. At the time of writing, the outcome of this work had not yet been reported to the NEDG."</i></p> <p><i>PDF p52: "It is envisaged that further meetings of the NEDG will be held, following completion of noise modelling, to support the definition of numerical values against the various limits, thresholds and control measures set out in this report."</i></p> <p>If the build-out of new capacity is slower, then there would be increased costs and funding risks due to:</p> <ul style="list-style-type: none"> - effects of inflation on materials and labour costs during the period of delay - costs due to having to reschedule building resources - lower cash-flow due to reduced throughput during the slower growth period

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14	<p>Planning:</p> <p>Project Curium includes outstanding commitments to mitigate environmental impacts and make the development acceptable.</p> <p>The Applicant appears not to have acknowledged that development and mitigation was outstanding from Project Curium, and that LLAOL was in breach of a noise planning condition due to accelerated growth.</p>	<p>Details of historic commitments made in planning applications by the operator and their interactions with the Proposed Development are set out in Section 4 of the Planning Statement [AS-122].</p> <p>The Applicant reiterates that the application for Development Consent should be considered on its own merits.</p>	<p>The Applicant has not addressed the points raised.</p> <p>Please see our response to ID 5 above.</p> <p>We ask the ExA to take account of the way development has been managed to date on this site as part of its planning context, when weighing this application.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
15	<p>Planning, Surface Access</p> <p>The Airport Access Road is key to providing road access to Terminal 2 ... This road also facilitates the DCO development, by providing access to Terminal 2, and reduces its costs since public money will fund the AAR.</p> <p>The DART was also paid for with public money, and is a necessary facilitator for Terminal 2 and the modal shift predicted for the DCO. Its alignment precluded any southern option for a Terminal 2 location.</p>	<p>The Application proposes the Airport Access Road (AAR), similar to Century Park Access Road (CPAR) permitted under an earlier local planning application, to connect Airport Way to the consented Century Park development (now known as Green Horizons Park) which is located to the east of the Airport.</p> <p>The AAR is included as part of the application for development consent and provides the certainty that the road would be delivered ahead of the time it would be relied upon for access to the expansion area east of the existing airport.</p>	<p>The Applicant has not addressed the points regarding these being facilitating works decided ahead of the DCO permission and positioned and aligned so as to define the location of Terminal 2 on Wigmore Valley Park thereby precluding any option for a southern Terminal 2.</p> <p>Local people do not regard the process as transparent, nor do they regard it as appropriate for public money to be spent to facilitate the DCO ahead of it being granted, and ahead of Project Curium mitigation being complete.</p> <p>The Planning Inspectorate meeting on 15th August 2019 indicates that the link road was due to be started before the DCO application was made in order to permit access for development works.</p>

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16	<p>Need case</p> <p>It is clear from the foregoing that public money has been invested in infrastructure upon which the DCO depends, and our argument still stands that WebTAG analysis is required. We do not accept the reasoning in the LR Response regarding WebTAG.</p>	<p>The Applicant does not agree that a WebTAG appraisal is required given that investment in the airport infrastructure will ultimately be funded from airport profits. It is a commercial investment.</p>	<p>The Planning Inspectorate highlighted the need for a WebTAG analysis in its Scoping Report for the 2022 Statutory Consultation (Appendix 1.3 Planning Inspectorate Scoping Opinion, May 2019) which says:</p> <p><i>“The ES should ensure that it presents an assessment of the realistic worse-case scenarios for the Proposed Development, including consideration of any airspace change implications for the noise assessment and the introduction of performance-based navigation. The assumed Air Traffic Movements (ATM) should be clearly stated for all assessment scenarios. Furthermore, a WebTAG analysis to value and compare the noise impact of these options should be provided consistent with the requirements of the Air Navigation Guidance 2017.”</i> (table item 4.5.6, printed page 30)</p> <p>The DCO Application to expand capacity at London Gatwick Airport by developing the northern runway is a commercially-funded project, but nevertheless it does include a WebTAG analysis to assess the impacts of harms to health caused by air noise. The following document from the Gatwick project refers: TR020005-001002-5.3 ES Appendix 14.9.2 Air Noise Modelling, Section 6 entitled “WebTAG” describes the assessment performed by the CAA for air noise using the noise modelling results for the Project.</p> <p>We will reserve further comments on funding until the revised funding statement has been produced.</p>

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18	<p>Noise and vibration, Noise Envelope:</p> <p>The ICAO Balanced Approach indicates the methods which should be explored to reduce noise impacts, as we set out in our comments on the Overarching Noise Policy Statement.</p> <p>The Balanced Approach involves first identifying the noise problem at a specific airport, and then analysing and exploring various measures available to reduce noise using four principal elements.</p>	<p>The Applicant considers that the issue raised regarding the analyses of Balanced Approach mitigation measures was answered within the Applicant's Response to Written Representations Part 4 [REP2-037] page 305:</p> <p><i>"The principal noise control secured in the Development Consent Order is the Green Controlled Growth Framework [APP-218] and the Noise Envelope that sits within it. In essence, the Noise Envelope defines the noise environmental outcomes to be achieved, or bettered, rather than pre-defining the specific mitigation mechanisms employed to achieve the outcomes (such as Noise Abatement Departure Procedures).</i></p> <p><i>Given that the airport expansion is planned over an extended period of time, this approach provides appropriate flexibility for the airport operator to identify and implement the optimum mitigation at the time it may become required and draw on future technology improvement whilst also providing certainty of the outcomes that will result even in the reasonable worst-case scenario."</i></p>	<p>The Applicant did not first identify the noise problem and nowhere has it documented an approach in which the noise impact of the proposed development was first agreed through the Noise Envelope Design process.</p> <p>The Applicant produced ATM forecasts which deliver the capacity growth it is determined to meet, then fed these forecasts into its noise model, from which it produced the noise contour areas to define the Limits for its imposed (not agreed) Noise Envelope parameters.</p> <p>That is why this part of the work of the NEDG was delayed until the very end of the process, rather than the noise envelope limits being agreed at the outset.</p> <p>We fundamentally disagree with the approach taken, since it is not in line with CAP1129 guidance (see ID8 above).</p> <p>Furthermore, the use of a single control metric LAeq means that the Airport Operator would be free to introduce far noisier wide-bodied aircraft for long-haul provided it reduced less noisy movements slightly, causing significant health harms through greater numbers of awakenings and overall levels of air noise disturbance. People hear noise events, not averages.</p> <p>Allowing "appropriate flexibility" for LLAOL would result in reduced certainty for communities, which may lead to poorer outcomes in the nature of noise impacts.</p>

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19	<p>Noise, Health impacts:</p> <p>Caddington is mainly impacted by easterly arrivals whereas Breachwood Green is impacted by easterly departures and westerly arrivals, therefore LAeq values will be lower in Caddington; nevertheless our concern is that the peak noise levels, particularly at night, are approximately the same and Caddington should therefore be treated as a special case due to the risk of health harms.</p>	<p>The Applicant considers that the issue raised regarding peak noise levels was answered within the Applicant's Response to Written Representations Part 4 [REP2-037] page 337, in response to REP1-095.</p> <p>This states:</p> <p><i>"187. In line with Government noise policy, eligibility for the noise insulation schemes is determined based on LAeq noise exposure. UK specific research from the Civil Aviation Authority shows that there is no evidence to suggest that any noise indicators correlate better with the principal health effects from aircraft noise (daytime annoyance and night-time sleep disturbance) than the LAeq metric."</i></p>	<p>LAeq is not the only metric to show correlation with annoyance caused by aircraft noise, and its insensitivity to peak noise or numbers of noise events is a weakness, since it deals with long-term 8-hour or 16-hour averages.</p> <p>The CAA's Deadline 4 submission confirms a forthcoming update to previous studies. Section NO.1.3 states: <i>"Aviation Noise Attitudes Survey. This survey is currently being undertaken with the completion of fieldwork expected in 2024. It is therefore anticipated that early results may be available in 2025 but a full report that has been peer reviewed will likely not be published until 2026."</i></p> <p>A recent paper by the well-respected researcher Flindell and colleagues¹ restates the issues:</p> <p><i>"1.4. Current policy</i> <i>... current UK Airport Policy Framework acknowledges that ... the 'onset of significant annoyance' is now assumed to occur at 54 LAeq rather than 57 LAeq (i.e. 3 dB lower than previously). This effectively recognises that aircraft noise contours calculated using LAeq may have over-estimated the benefits attributable to the introduction of quieter aircraft types and operating procedures over the past 30 years. The Government also proposes a new Lowest Observable Adverse Effect Level at 51 LAeq, which would then bring DfT policy more closely into line with current thinking on noise policy at</i></p>

¹ "Resolving uncertainties in understanding community attitudes to aircraft noise", Ian Flindell, Paul Le Masurier, Harry Le Masurier, Applied Acoustics 178 (2021) 108032

			<p><i>the DEFRA” (page 2)</i></p> <p>Section 4.2 describes the issues and concludes: <i>“However nighttime aircraft noise has received much less attention by policymakers and researchers than day-time aircraft noise in the UK, possibly because (at least in part) the averaging process implicit in the LAeq family of metrics means that LAeqnight (based on a small number of noise events and large periods of complete quiet) would be relatively low for all residents. We suggest that the relative impact of the number of night-time aircraft events (as opposed to the average sound level across the night-time period) on community attitudes could well have been under-estimated in many situations because of this fixation on long term averaging.” (page 7)</i></p> <p>Our representation on behalf of Caddington made the clear point that the peak noise levels are similar to those experienced in Breachwood Green, but Caddington is only partially compensated because the East/West split means its air noise occurs less often.</p> <p>We ask the ExA to consider that based on peak loudness and the chance of awakenings being as high as in Breachwood Green, Caddington should be treated as a special case despite the relatively lower noise contour value due to it being overflowed on easterly operations only.</p>
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I.D	Concern raised	Luton Rising's Response	LADACAN further comments
20	Noise and Vibration: Park Homes deserve special attention for noise insulation	Refers to REP2-037, p338 which states: <i>"There is no exclusion in the proposed compensation policy for park homes. All properties within the qualifying contour wishing to be considered under the noise compensation schemes would be surveyed to see what insulation would be effective.</i> <i>Park homes are equally as eligible for the insulation schemes as other forms of residential property provided that they meet the eligibility criteria outlined in Draft Compensation Policies Measures and Community First [AS-128]."</i>	We welcomed the ExA's question on this point, and we have since spoken to the operation manager at the McFarland Park Homes off Half Moon Lane. She advises that around 40% of the homes are older and far less substantial than the more modern homes. We urge the ExA to request a noise survey to be done rather than simply relying on the Applicant's dismissive response to question ExQ1 NO.1.29, since the effects on residents in these homes cannot otherwise be determined. This example further demonstrates that noise contours are a very "blunt instrument" in assessing noise impacts, and the Applicant's decision to discard other controls the NEDG agreed must weigh against the Application.
21	Noise and Vibration, Noise Envelope: The Noise Envelope does not constitute mitigation of the noise resulting from the projected demand growth and fleet evolution, but simply quantifies it.	As set out above (ID8), Green Controlled Growth and the Noise Envelope secures the up-front and embedded mitigation in the Proposed Development. This includes securing the transition to new- generation aircraft and securing a mechanism for Noise Envelope Limits to be reduced where possible once the performance of next-generation aircraft technology is known.	As indicated in 18 above, the Applicant's Noise Envelope simply quantifies the noise contour impact based on its forecasts of numbers of ATMs and fleet evolution. CAP1129 Section 5 'Implementation' on p46 opens with the words: <i>"Having identified what a noise envelope could comprise, and <u>having set the limits to achieve the appropriate balance between the needs of stakeholders, this section covers the process of implementing an envelope at an airport.</u>"</i> (our underline) The Limits were not set or agreed in this way and the process did not follow what CAP1129 requires. See also our response to ID8 above.

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
22	<p>Noise and Vibration, compensation: We suggest the Scheme makes it clear how, when and whether already-insulated homes will be offered improved insulation, and what account will be taken of the existing insulation.</p>	<p>Properties that have already been insulated under previous schemes would be eligible at the same time using the same process of determining eligibility for other properties as set out in the Draft Compensation Policies Measures and Community First [REP2-005]. As with all properties, the contractor would visit the property and determine suitable insulation based on the existing insulation provided by the building, which would include any previously installed insulation package.</p>	<p>As we have stated in REP1-095 para 191, ICCAN best practice noise guidance on noise insulation schemes is that an internal noise survey be performed before and after insulation.</p> <p>The Applicant is ignoring this point and it weighs against its compensation approach since insulation is unlikely to be effective if only tailored to budget and not to need.</p>
23	<p>Noise and Vibration: Policy requires industry to reduce and mitigate noise, and that industry can take its share of the benefits only as noise levels fall.</p>	<p>Noted. The share of benefits has been quantified with reference to noise levels falling compared to the 2019 Consented baseline, in Section 3 of APP-111.</p>	<p>We reject the Applicant's assertion that Section 3 of (now) REP4-023 shares the benefits <u>as noise levels fall</u>:</p> <ol style="list-style-type: none"> 1) The Daytime case shows short-term noise higher and long term noise possibly lower but uncertain due to forecasting, however rising from 2039; the Nighttime case shows noise always higher therefore it is not reducing and industry has no right to take benefits 2) The sharing of the benefits is tilted in favour of industry particularly at night, which must weigh against the Application 3) Any comparison which assumes a fixed consented noise baseline is erroneous – see our comments under ID58 below

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
24	<p>Noise and vibration: In the absence of any other effective mitigation for the health harms of night noise in particular, the ICAO Balanced Approach would require operational restrictions – in this case a reduction in night flights from current levels, rather than any increase. (REP1-095, section 7.6.2 para 196)</p>	<p>The Applicant would welcome further detail of the mitigation measures that LADACAN believes have not been explored.</p>	<p>LADACAN sees no evidence of the Applicant exploring any mitigation measures, particularly those in the ICAO Balanced Approach, and therefore the Application fails to meet policy, which must weigh against it.</p> <p>The Applicant repeatedly refers to a 'noise mitigation hierarchy' but there is no such hierarchy: simply noise insulation provided as compensation.</p> <p>To mitigate noise, the Application would need to:</p> <ol style="list-style-type: none"> 1) Identify and quantify the effects of new operational measures such as airspace change, Noise Abatement Departure Procedures and genuine Continuous Descent Arrivals (the currently claimed 90% or better CDA is a contrivance based on a LLAOL-specific definition of CDA applying only below 5,000ft, not the CAA requirement for CDA to start at 6000ft²) 2) Assess the particular issue of night noise at LLA (in accordance with CAP1129) and resolve the problem by specifying tighter Noise Violation Limits and/or a tighter Night Quota, in conjunction with a restriction on movements designed to avoid the otherwise heavy impacts due to 70% additional ATMs at night

² This issue was discussed and acknowledged in the Jun 2023 LLA Noise and Track SubCommittee: see also Civil Aviation Authority CAP1554 document

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
25	<p>Noise and vibration: The "demand" referred to is demand by airlines (ie industry), which will always "demand" capacity where money can be made. It is for the ExA to assess whether it has sufficient information to balance the benefits of satisfying such demand against the health harms caused to people living in the area around the Airport.</p>	<p>The operating pattern of low fare airlines requires some operations to take place within the night noise 8-hour period. Such operations are required to ensure that the airlines optimise the use of aircraft and are essential to enabling low fares to be delivered.</p> <p>Such low fares deliver benefits to consumers and so are entirely consistent with the Overarching Noise Policy Statement that places emphasis on consumer as well as economic benefits as a material consideration.</p>	<p>We reject this statement as a misleading both in respect of night operations and in respect of policy.</p> <p>Reference to "some operations" taking place during the night noise 8-hour period 07:00-23:00 is a misleading understatement of the Applicant's proposal to enable those operations to increase by 70% and to enable the morning departure wave to start at 5am instead of 6am.</p> <p>A change of this magnitude is not consistent with the Overarching Noise Policy Statement, which requires a <i>"balance [between] the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation's Balanced Approach to Aircraft Noise Management."</i></p> <p>The Applicant is not demonstrating a balance, it is simply demanding that airlines be given leave to operate as they wish for their own commercial benefit, which is clearly against policy and weighs against the Application.</p> <p>OANPS goes on: <i>"This should take into account the local and national context of both passenger and freight operations, and recognise the additional health impacts of night flights."</i></p> <p>The Applicant is simply ignoring the additional health impacts of night flights, as it has ignored LLAOL's failure to date to provide the full noise mitigation intended by the time LLA reached 18mppa. This Application is clearly unbalanced and one-sided, against aviation policy.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
26	<p>Noise and vibration: Our reference to data from LLAOL shown at the 2022 Inquiry to be flawed related to the calculation of relative noise benefits of neo-engined aircraft types compared to their ceo counterparts. It is also known that the use of mobile noise monitors for relatively short periods of time can deliver inaccurate results due to different atmospheric conditions (such as temperature, air pressure, wind); due to location relative to the centre line of the swathe; due to erroneous cutoff settings leading to reduced sample sizes, and due to loss of calibration which has affected such data gathering in the past.</p>	<p>See REP2-037 p325-335 which states: <i>"The vast majority of predictions are within ±2dB of measured noise levels, which is considered to be a reasonable margin of error for aircraft noise predictions."</i></p> <p><i>"LLAOL's noise monitors were calibrated every six months and no significant drift in calibration was noted."</i></p> <p><i>"A detailed presentation on noise model validation was provided to LADACAN and LLATVCC ... in lieu of a presentation to the Noise Envelope Design Group (NEDG). .. validation of the air noise model was not part of NEDG's role"</i></p> <p><i>"The resolution of the discrepancy...at LTN_SLTN was to omit the results...This is justified as there are consistent over-predictions at LTN_SLTN ... So, ... removing the LTN_SLTN results from the validation represents a conservative approach."</i></p> <p><i>"The Tennyson Road monitoring location was approximately 300m to the north of Cutenhoe Road monitoring location. Hence, there were differences in measured noise levels..."</i></p>	<p>The INM noise model validation currently performed each year by Bickerdike Allen for LLAOL adjusts based on thousands of results and uses a resolution of 0.1dB. The Applicant fails to provide any confidence in its approach.</p> <p>Significant errors in calibration of LLOAL's monitors were evidenced at the 2021 Inquiry (REP1-095 App 1 Annex E)</p> <p>Community members with awareness of noise modelling took a proper interest in the approach. The presentation majored on the difficulties in validating climb profiles. Noise monitoring data was not available at the time due to the original faulty monitoring, so was not reviewed.</p> <p>Omitting the results from the closest monitor to the runway, located in one of the community areas hardest hit by noise, because they do not fit the model is both unprofessional and an admission of failure. It does not follow that the approach is conservative: it could equally be the case that monitoring was faulty due to the low elevation of aircraft relative to the monitor.</p> <p>One way to obtain confidence in noise monitoring is to calculate statistical confidence intervals; another is to assess the relative numbers of readings which have been discarded by the monitoring system vs number of ATMs. The Applicant has not been transparent about the data and no confidence can be placed in its results given the discrepancies observed in prediction versus modelling at this key residential location.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
27	<p>Noise and vibration, noise modelling: We disagree with the statements concerning likely noise benefits from 'next generation' aircraft, likely future reductions in noise, and the sensitivity tests which result from what appear to be incorrect assumptions.</p> <p>Having reviewed the ICAO report on Environmental Trends in Aviation we disagree that it predicts a decrease in noisiness ranging from 0.1 to 0.3 EPNdB per year.</p> <p>The applied 2.5dB benefit should therefore be reversed in the modelling, further increasing the contours.</p>	<p>See REP2-037 p333-334, which states: <i>"Assumptions on the noise performance 'next-generation' aircraft have only been applied to a single sensitivity test and have not informed the core assessment in Chapter 16 of the Environmental Statement, nor have they informed the setting of Noise Envelope Thresholds/Limits.</i></p> <p><i>However, the Noise Envelope contains a mechanism for the Limit to be reduced in future years (beyond the 2030s) if 'next generation' aircraft are quieter than existing 'new generation' types that would enable lower noise levels to be achieved than are forecast in the reasonable worst-case assessment reported in the ES.</i></p> <p><i>This would be controlled through a requirement to review the Limits and Thresholds in 5-year cycles and reduce these, if reasonably practicable, as and when future technology becomes available, and its noise performance known.</i></p> <p><i>Regardless of whether or not next-generation aircraft are noisier, the GCG Framework [APP218] requires the Applicant to comply with the Limits."</i></p>	<p>The Applicant clearly made a misleading statement in its ES about the ICAO report on Environmental Trends and has drawn a spurious conclusion, (as REP-095 paras 176-178 evidences). The Applicant fails to address this point in its response.</p> <p>To state that the issue is of no consequence regardless because the GCG Framework would require the Limits to be complied with appears also to be misleading.</p> <p>Ascribing greater benefit to next generation aircraft than is justified by available evidence causes the noise model to under-predict. The noise impacts of the Application are correspondingly reduced. Hence the likelihood of future noise remaining below the Without Development future baseline is questionable; the numbers of households and numbers of people in SOAEL is likely to be understated; and the eligibility for noise insulation compensation is narrower than it properly ought to be.</p> <p>Claiming that this will somehow magically be resolved in 5 years' time at the review is disingenuous, since the biasing of the model will only be uncovered when any next generation aircraft actually start to fly from LLA.</p> <p>We urge the ExA to request a sensitivity check which not only removes this future noise reduction allowance but also corrects the over-generous allowance for A321neo noise reduction which is also not supported by evidence.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
28	<p>Noise and vibration, noise modelling: LLAOL's Quarterly Monitoring Reports from Q1 2022 to Q2 2023 inclusive show the noise benefit of the A321neo compared to the A321ceo on departure as typically 1dB, not the 2dB claimed by the Applicant. There is no evidence that the issues with A321neo noise performance would be resolved through fleet transition. The different engine types are relevant (Pratt & Whitney engines are noisier than CFM-LEAP) and the airlines at LLA using Airbus types each adopt a common engine family for obvious maintenance reasons.</p>	<p>Regardless of whether or not the A321neo issues are resolved, the Green Controlled Growth Framework [APP-218] requires the Applicant to comply with the Limits, which secures the outcome of the noise reduction associated with the A321neo issue being resolved.</p>	<p>Our comments in ID27 above apply here as well: the ExA can have no confidence in the noise assessment given that the calibration of the noise model is based on data which causes the noise model to under-predict, thus minimizing the noise impacts and harms, and reducing the eligibility for noise insulation by reducing the noise contour areas.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
30	Green Controlled Growth:	<p>Improvements have been made to the Noise Envelope since submission, including proposals to lower the Level 1 Threshold to 85% of the Limit in line with recommendations from the Noise Envelope Design Group (NEDG). A worked example has been provided which can be used to reasonably conclude that the NE would have addressed the historic breaches that occurred in 2017-2019.</p>	<p>The Applicant has reverted to the 85% Threshold margin originally proposed and agreed by the NEDG, but has not reinstated the additional noise controls which the NEDG agreed for equally good reasons. Removal of existing controls reduces certainty about future noise impacts.</p> <p>As indicated in ID6, ID18 and ID19 above, using noise contours alone gives little all-round protection against (for example) aircraft movements increasing outside the 92-day summer contour period; increased loudness of particular aircraft types; heavier impacts at particular times of day, night or season due to increased ATMs.</p> <p>The worked example merely demonstrates one way in which a professional airport operator should calculate whether its capacity declarations are prudent given the fleet. It only addresses the night time breach and not the daytime breach, and does not show how <i>'the NE would have addressed the historic breaches'</i>, but rather neatly highlights that the reckless over-declaration of capacity by LLAOL was avoidable. However, LLAOL already knew and reported (from 2016 contour forecasts) that breach was going to occur: so the key is not in the information, but in the actions the Airport Operator takes as a result.</p> <p>The Applicant remains silent on how it would require the Airport Operator to take a more professional approach to management of the Airport. CAP1129 advocates that a limit should be reduced if it is breached. We invite the ExA to agree that is ultimately what is required.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
31	<p>Green Controlled Growth:</p> <p>The ExA is urged to examine whether the Airport will be able to operate within its currently consented limits in the 2024 season, given projected levels of demand, since its slot allocations would have been confirmed in advance of any permission for the DCO taking effect if granted, and additional modernised aircraft with higher seat capacity would have entered the fleet.</p>	<p>The Applicant does not consider this a matter for the Examination Authority to consider as part of the Examination.</p>	<p>LADACAN has already raised concerns regarding the control over noise during the Transition period (see REP3-121 section 1.1 and REP4-182 section 1.2) and the level of control over the airport operation during that period is critical to ensuring there is not any over-release of capacity which would be difficult to reverse later.</p> <p>Should the DCO Application be approved, it would be likely to come into force in summer 2024, and as we have stated there appears to be a 2-year settling-in period without any clarity on how declarations of airport capacity would be controlled during that period.</p> <p>This is a matter of concern to surrounding communities and we urge the ExA to consider whether the level of control during the Transition period is adequate.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
32	<p>Noise and vibration: It would be appropriate for the Applicant, once having corrected the modelling of a Do Nothing consented 2019 fleet, to indicate the noise contours and passenger throughput for 2024- 2026 to fill in the early years transition to the first assessment year 2027.</p>	<p>See REP2-037 page 324, which states: The 18 mppa passenger limit was not breached in 2019 so it is considered appropriate to adjust the aircraft fleet mix, rather than the aircraft numbers (which would in turn reduce passenger numbers and be inconsistent with assessment topics), to derive the theoretical baseline in which the current consented noise contour area limits were not breached. Adjusting the fleet mix or reducing the number of movements would each have a similar outcome as both would result in a noise contour area that was just within the consented noise contour area limits. The N-above contours have not been referenced with respect to comparisons to the 2019 baseline so are unaffected by this approach. It is not considered necessary to model and assess 2024-2026. In line with policy (ANPS, Ref 2) and Environmental Impact Assessment standard practice, assessments have been made when the Proposed Development reaches full capacity and its noise impacts are forecast to be highest, and in intervening years when the maximum passenger capacity is reached in each phase.</p>	<p>The approach adopted by the Applicant to modelling the consented 2019 baseline is fundamentally flawed, as we stated in REP1-095. In 2019 LLA was subject to a passenger cap of 18mppa and noise contour area limits. Both serve to limit noise – the former indirectly by limiting numbers of flights for the then fleet; the second based on numbers of flights and their individual noisiness, again dependent on the fleet. Had LLA been operated within its noise contours in 2019, the numbers of flights would have been reduced (as we evidenced in REP1-095 with reference to LLAOL's own statement to the 2022 Inquiry) and therefore numbers of passengers would necessarily also have been reduced. With numbers of flights reduced and a noisier fleet, the noise experience would have been different to that which has been modelled, in terms of reduced numbers of awakenings for example. But – as we have also stated – the carbon emissions and the surface transport impacts would also have been less, due to the reduced numbers of passengers, therefore the way the 2019 baseline is modelled has an impact across all environmental assessments, as we indicated.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
34	<p>Green Controlled Growth:</p> <p>The Applicant seems comfortable that exceedances will occur. We have an assurance that Limits will not be exceeded, yet also an admission that they could be, and apparent comfort given by recourse to a Mitigation Plan prepared by the airport operator which had failed to operate the airport in such a way as to avoid the exceedance. This is reminiscent of the assurances given in 2017 and 2018 that mitigation plans produced and put in place by LLAOL would avoid successive breaches of noise condition – they did not.</p>	<p>Implementing 'Limits' through GCG means that the environmental effects of the expansion of the airport will not be solely dependent on how well mitigation and other controls identified and secured at the planning stage work in practice. Instead, it is proposed to create a dynamic mechanism that will make future growth dependent on achieving clear environmental objectives in the real world.</p> <p>By including Level 1 and Level 2 Thresholds in the Green Controlled Growth Framework [APP-218], growth will be required to be planned, and steps to be taken before a Limit is reached, with the ultimate intention that this early action avoids the Limit being exceeded.</p> <p>In the event that a breach of a Limit does occur, Requirement 24 of REP2-003 outlines the processes the operator must follow. This includes the submission of a Mitigation Plan for bringing the environmental effect(s) back below the Limit, [as soon as] reasonably practicable.</p> <p>See REP1-023 pages 240 to 241: (this describes the Technical Panels and the Environmental Scrutiny Group process)</p>	<p>The Applicant has conceded our point: whilst there is an assurance growth will be controlled and proactive action taken to avoid Limits being breached, breaches may occur and the process then relies on committee and a mitigation plan by the Airport Operator to retrieve the situation but only 'as soon as reasonably practicable'.</p> <p>This approach is clearly biased towards ensuring that the commercial operation of the Airport is not interrupted, despite the ICAO Balanced Approach requiring (if other solutions cannot be found) operating restrictions. Similar is proposed by CAP1129 – a reduction in a limit following a breach.</p> <p>Furthermore, by rejecting the full range of noise controls agreed by the NEDG for good reasons and after careful consideration over many months, the Applicant has contrived a situation where the Airport Operator is freed from as many constraints as possible: all it needs to do is satisfy day/night contour limits, which have been set so that:</p> <ol style="list-style-type: none"> 1) many more flights would be permitted at night 2) less noisy business jet slots would be taken up by noisier commercial aircraft to make more money 3) larger, noisier wide-bodied types could be flown, greatly increasing impacts all over the area <p>Communities therefore have no confidence either in GCG or in the pared-down Noise Envelope controls.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
35	<p>Green Controlled Growth, Noise and Vibration:</p> <p>Limits could be increased under GCG. Based on the way materiality is defined for noise impacts, a less- than-materially-worse environmental effect could amount to an increase in equivalent contour noise levels of 2.9dB, which corresponds to a substantial additional burden for residents.</p> <p>This is unacceptable: either Green Controlled Growth sets limits which are not exceeded nor increased by any amount, or it is ineffective.</p>	<p>That is not the case. Where noise contours increase by 1dB, this would be considered a significant effect for those already exposed above the Significant Observed Adverse Effect Level (SOAEL) and for those that would move above SOAEL exposure due to the increase. See paragraph 16.5.56 of REP1-003.</p>	<p>Our basic point stands: GCG apparently permits Limits to be increased.</p> <p>Our concern is that by this means, and given LBC as the arbiter, salami-slice increases in environmental impact could occur during the period to 2043 for reasons the Airport Operator would claim are not under its control.</p> <p>We ask the ExA to examine the extent to which salami-slice increases could occur, each as a result of LLAOL arguing that the impact would be negligible compared to a no-increase case.</p> <p>LLAOL's case to the Inspectors at the 2022 Inquiry was in part based on a noise contour assessment which showed a 'negligible' increase, which is how the salami-slice approach succeeds, unless the bigger picture is assessed.</p> <p>Such assessment would include considering additional parameters such as overflight metrics (N-above) which give a more reliable picture of the impact on quality of life for communities not inside the inner noise contours but nevertheless highly annoyed and disturbed at night in particular by the ever-increasing flight operations at the Airport.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
36	<p>Green Controlled Growth:</p> <p>The process could be speeded up. Data could be passed to the Airport's noise consultants on 16th September each year and checked and processed by the end of September.</p> <p>The noise monitoring data for the 92-day summer contour period is not currently subject to public scrutiny as far as we are aware.</p>	<p>As outlined in Section 1.8.9 of the APP-217, capacity declarations are made approximately seven months in advance of the operations to enable long-term planning of flight schedules by airlines. The timing of the airport's capacity declaration is fixed and cannot be amended by the Proposed Development through the Draft DCO. The deadline for a capacity declaration to be made is at the end of September, governing the number of slots available for the following summer period of April-October. A summer season capacity declaration being made in January as suggested would therefore not be possible. There would be insufficient time for noise contours to be produced, verified and the GCG process to be undertaken within the approximately two-week period between the 16th September and the deadline for the airport's capacity declaration (to illustrate, for 2023 this was on the 26th September).</p>	<p>We accept that the capacity declaration deadline is end of September.</p> <p>Nevertheless, we believe the process could be speeded up to enable the capacity declaration for the following summer season to be informed by the contour data from the current season.</p> <p>Having looked at process more closely we propose:</p> <ol style="list-style-type: none"> 1) LLAOL's noise consultants currently produce validated aircraft type noise data each November for the preceding year (hence contours are currently calculated using data a year out-of-date). There is no reason to slave this process to calendar years: they could produce validated type-noise data each July or August instead, based on the preceding 12 months. 2) The data from the 92-day Summer period used in production of contours is not noise data, it is flight numbers by day/night, aircraft types and East/West modal split, plus indication of tracks. There is no reason why this data cannot be produced quickly after the 92-day period, along with flight forecasts. 3) Contours for current and following year could then be created from the computerized noise model for assessment by end September to better inform capacity declarations for the following season.

All concerns raised from here onwards relate to ‘Noise and Vibration’ and ‘Noise Envelope’.

I.D	Concern raised	Luton Rising’s Response	LADACAN further comments
45	CAP 1129 was published on 13 Dec 2013, a week before the planning agreement for Project Curium. It is therefore reasonable to apply its guidance to the evolution of the Airport capacity and noise impacts during Curium as context for the current Application.	As noted, CAP1129 was published a week before the planning agreement for Project Curium. As such the noise controls in Project Curium were not intended as a Noise Envelope and were not able to take due regard of the guidance in CAP1129.	<p>The Planning Inspectorate disagrees. In its Scoping Report for the 2022 statutory consultation (Appendix 1.3 Planning Inspectorate Scoping Opinion) it states:</p> <p><i>“The Scoping Report proposes that a bespoke noise envelope will be developed to provide a mechanism to manage noise impacts. The relationship between the existing noise envelope and the proposed noise envelope must be set out in the ES and the basis for any departure from the established noise envelope must be fully justified. The ES should explain how the Noise Envelope Design Group provides continuity with existing noise controls at the airport and justify the need for any departures from the conditions of the existing operating consent.”</i> (Table item 4.5.15, printed page 32)</p>
46	CAP 1129 requires “particular efforts to mitigate noise” – not just gradual reductions in noise certifications. Noise is not limited to air noise, and can be taken to apply to ground noise and surface transport noise. New and innovative approaches are required.	<p>The airspace change currently being progressed by the airport operator is considering airspace designs with options for respite and one of the airspace design principals, developed in consultation between the operator and stakeholders, is that the design options considered should provide options and mechanisms for respite through flightpath alternation.</p> <p>It has not been necessary to define multiple night-time eligibility criterion as they would overlap and/or duplicate the daytime criterion.</p>	<p>In the current LLAOL proposals for airspace change, the “respite” offered is merely a slight shift of a flightpath in one location on one departure route: aircraft would still be audible, with small attenuation.</p> <p>The noise insulation criteria are framed around daytime flight impacts, whereas the most harmful noise impacts occur at night and the greatest increase in flights occurs at night, therefore the Schemes appear to be deficient.</p> <p>We urge the ExA to examine whether the Schemes would be of more benefit to more people if framed to account for night noise impacts.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
47, 48	Project Curium has not followed the guidance of CAP1129 (despite it having been published a week before planning agreement)	This comment applies to the airport operator and historic noise management and does not apply to the Proposed Development.	Historic noise context is a relevant consideration: <i>"Stansted has made a series of successful applications to increase its throughput to over three times its original permitted limit. At each step change local communities have experienced corresponding increases in permitted traffic levels, while industry has benefitted from growth as and when it has needed it."</i> (CAP1129, page 39)
49	The noise envelope concept is intended to incentivise noise reduction at source through airline fleet evolution. If the noise envelope simply models the effects of fleet modernisation which would occur anyway (since it is also shown in the Do Nothing case) on the Applicant's demand projections – which is what the setting of the parameter values in this Noise Envelope has done – then it does not in fact incentive noise reduction at source, it simply reflects it.	See response above (ID8 and ID21)	<p>Responses 8 and 21 do not indicate any measures which would specifically incentivize fleet modernization at LLA, as opposed to accommodating general modernisation of aircraft design.</p> <p>Whilst the geared turbofan engines of new generation "neo" aircraft are in some cases slightly less noisy, a key incentive for airlines adopting these types was not noise reduction but some 15% reduction in fuel consumption, and an increase in the number of seats.</p> <p>LLA currently operates a day Noise Violation Limit (NVL) and a night NVL which, if exceeded at the statutory noise monitors 6.5km from start of roll, lead to fines.</p> <p>The NEDG agreed to refine this control as follows: <i>"Noise violation limits to be applied at current locations. Limit values to be graded based on departure QC of aircraft."</i> [REP4-023, PDF p53]</p> <p>This control was removed by the Applicant, and its omission weighs against the Application since there is no transparent incentivisation for modernisation.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
50	<p>As a local community representative in the NEDG, LADACAN objected strongly to the excessive growth of capacity, noise and emissions enshrined in the proposed development trajectory, and to the adoption of a 2019 Actuals baseline.</p>	<p>“See [REP2-037] pages 275 and 276”, which state:</p> <p>As described in Chapter 16 of the Environmental Statement [REP1-003], the Applicant has undertaken an assessment of likely significant effects in Environmental Impact Assessment (EIA) terms by comparing the situation with the Proposed Development (the DoSomething scenario) to the situation without the Proposed Development (the Do-Minimum scenario) in each assessment year.</p> <p>Forecast noise exposure with the development is also compared to the 'current baseline' which is considered to be the actual noise levels in 2019, in line with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (which refers to the baseline scenario as “a description of the relevant aspects of the current state of the environment” in Schedule 4, paragraph 3). However, a sensitivity test using a '2019 Consented' baseline (derived for this purpose by adjusting the fleet mix that occurred in 2019 to reach a modelled noise impact that would sit within the existing 2019 short term Limits) is summarised in Chapter 16 Noise and Vibration of the ES [REP1-003]</p>	<p>We do not regard this as giving “<i>consideration ... to the opinions of local community and industry stakeholders in the development of a noise envelope concept if it is to function as intended.</i>” as CAP1129 requires.</p> <p>The ExA will have observed that the Joint Host Authorities (in their combined response and individual responses at Deadline 4) also disagree with the approach to the noise baseline assessment. See for example REP4-191 p7, REP4-163 p7.</p> <p>See also our responses above under ID23 and ID32.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
51	<p>The noise envelope was not agreed among stakeholders. The Non Statutory consultation responses roundly rejected the proposed further significant development of capacity at the Airport ahead of delivering the noise mitigations committed to in Project Curium. The "consultation" on the noise envelope which resulted from the work of the NEDG was limited, significantly restricted by confidentiality provisions, and did not include sight of the limits and actual values of the originally agreed parameters, which were later altered in any case.</p>	<p>The policy requirement for Noise Envelope engagement and consultation is that <i>"the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise"</i> (Aircraft National Policy Statement, para 5.60, Ref 2). This requirement has been met as set out in Table 3.1 of Appendix 16.2 of the Environmental Statement [APP-111].</p>	<p>REP4-023 Table 3.1 mentions this requirement in row 5 at the bottom of printed page 7, and includes:</p> <p><i>"The Noise Envelope proposals have been developed in consultation with the Noise Envelope Design Group (NEDG) and has taken regard of their recommendations."</i></p> <p>This is not the case, as the NEDG Final Report states (REP4-023, PDF pages 96 et seq):</p> <p><i>"50 As noted in Paragraph 23 above, LR are proposing that only the summer average day and night contours be included in the noise envelope. In the NEDG Interim Report, it was recommended that four other indicators should form part of the Noise Envelope (para 9 above). 51 The NEDG believes that such an approach is fully justified. Firstly, within the Noise Envelope, confining the limits to the summer period means that there are no controls within the Noise Envelope for the rest of the year. 52 Furthermore, in its report on Noise Envelopes (CAP1129), it was stated that the Government recognises that people do not experience noise in an averaged manner and that the value of the Leq indicator does not necessarily reflect all aspects of the perception of aircraft noise. and A contour limit may therefore be supplemented by a limit(s) that reflects other key aspects of this perception. 53 Given that, the NEDG feel that there should be more indicators in the Noise Envelope"</i></p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
52	<p>We do not see any restrictions reflected in the parameters and limit values of the proposed noise envelope, simply (as indicated above) a modelling of the demand forecasts and fleet update forecasts, other than an annual passenger limit of 32mppa which is more of an operational throughput constraint.</p>	<p>See response above (ID8 and ID21).</p> <p>The Noise Envelope Limits restrict noise exposure and noise impact</p>	<p>ID8 and ID21 do not address the point, and neither does the additional comment.</p> <p>LADACAN's point stands: the Applicant did not first agree a noise envelope in conjunction with stakeholders, which represents a fair share between benefits and harms, and then assess how noise will be restricted to fit within that envelope.</p> <p>The Applicant simply forecast demand and its growth trajectory, then modelled it, then informed the NEDG what the parameters for the Limits would be.</p> <p>The NEDG Final report confirms this (REP4-023, PDF pages 92 et seq): <i>"8th November 2021</i> <i>21 With reference to the various indicators described in Paragraph 9 above, the Chair indicated that for the NEDG to complete its work, limit and threshold values would need to be defined for the various noise metrics.</i></p> <p><i>7th December 2021</i> <i>22 LR presented possible limit and threshold values based on the noise modelling set out in the Preliminary Environmental Information Report."</i></p> <p>The Applicant's forecasts were not restricted, but were just reflected in the Limit values the Applicant used.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
53	<p>Possible input parameters are described, to which limits could be applied to define an envelope:</p> <ul style="list-style-type: none"> • Aircraft movement cap • Passenger throughput cap • Noise quota limits • Noise contour area limits • Noise level caps, based on integrating data from an airport's noise monitors. <p>The NEDG did propose use of N-above metrics as a further means of control but this was relegated to the provision of some ancillary monitoring, but LLAOL has in any case resisted providing N-above contours.</p>	<p>Justification for the noise indicators used for the Noise Envelope Limits and the Applicant's response to NEDG recommendations with regard to noise metrics is provided in paragraph 1.3.13 onwards of APP-111.</p> <p>It is not the case that the NEDG proposed the use of N-above metrics as a means of control. N-above contours are not included in the NEDG Final Report</p>	<p>We accept that N-above contours were not eventually proposed as a means of control, but were proposed as an indicator to be reported on a quarterly and/or annual basis (REP4-023, NEDG Interim Report section 4.2, PDF p53)</p> <p>The NEDG did however agree on its recommended means of control and justify their use (REP4-023, PDF page 52-53). These include:</p> <ul style="list-style-type: none"> - Night quota period movement cap - Night quota period QC cap - Annual movement cap - Average summer day contour - Average summer night contour - Noise violation limits based on QC value <p>The Applicant failed to seek or achieve agreement to its removal of half of these controls. The Applicant did not follow the guidance of CAP1129 in those respects. This weighs against the Application.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
54	<p>CAP 1129 advocates consideration of: Population/dwellings exposed to noise - the population and number of dwellings enclosed within a noise contour. <i>“Being single numerical values, they lend themselves to use as envelope limit parameters.”</i></p> <p>Person- Events Index (PEI) – <i>“Another means of calculating the noise impact on a resident is to calculate the number of noise events above a defined threshold level that the resident is exposed to. This is often referred to as the Number Above metric.”</i></p> <p>None of these metrics has been used as a Limit.</p>	See response above (ID8, ID21 and ID52).	<p>The Applicant removed half the means of control agreed by the NEDG, focusing its attention on noise contours.</p> <p>The Applicant is aware that it proposes a 70% increase in night-time aircraft movements, but it has not (for example) reflected the CAP1129 guidance to protect the health and well-being of communities by adding compensatory controls on the number of dwellings within the contours, or the number of noise events to which the local communities would be exposed.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
55	<p>CAP1129 provides an example [on p36, Manchester Airport] on a par with the commitment of Project Curium: to respect a historic limit (in this case the held-over 1999 contour areas) in order to provide continuity and consistency in local planning terms.</p>	<p>Project Curium is a very different project in terms of the scale of growth and socio-economic benefits provided, hence it is not appropriate to directly compare the noise controls for the Proposed Development with the commitments in Project Curium.</p>	<p>The Applicant is evading the issue.</p> <p>Firstly, Project Curium proposed a doubling of the then capacity from 9 to 18mppa by adding 9mppa over a 15-year period. This equates to roughly 0.6mppa added per annum. In fact, by continuing to discount airline charges despite warnings of contour breach, 9mppa were added over 5 years, roughly an extra 1.8mppa for each year.</p> <p>The Application proposes to add 14mppa between 2024 and 2043, ie roughly 0.7mppa, so is of comparable scale.</p> <p>In any case, the guidance from CAP1129 clearly indicates that the context of an airport's noise growth is relevant in considering what may be reasonable for controls and a noise envelope.</p> <p>In the case of LLA, the context is a failure of control and a heavy and very rapid increase in noise burden from 2014 to 2019, to which the Applicant seeks to add a further and significant increase in noise burden to 2043.</p> <p>It would be entirely inappropriate, given that context, to proceed with further increase in the noise burden until the complete set of mitigations and compensations for Project Curium have been delivered. We ask the ExA to take particular note of this point.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
56	<p>The CAP1129 example of Stansted Airport emphasises that airport expansion where noise which steps up over time does not provide reassurance. It also demonstrates that it is appropriate to take the longer view than a single planning application: the history of the expansion of capacity and increase or decrease in noise, in the context of policy that noise should decrease as capacity expands, is also significant. The context of Project Curium is a factor to be weighed in deciding whether further stepped growth at Luton is appropriate.</p>	<p>It is not the case that noise will step up over time with the Proposed Development. Noise Limits with the Proposed Development will be:</p> <ul style="list-style-type: none"> • Decreased compared to the 2019 Actuals baseline in all future years (day and night) • Decreased compared to the 2019 Consented baseline from 2029 onwards (day) <p>Policy in the context of expansion has been clarified with the Policy Paper accompanying the Overarching Aviation Noise Policy Statement (Ref 5) which notes:</p> <p><i>"An overall reduction in total adverse effects is desirable, but in the context of sustainable growth an increase in total adverse effects may be offset by an increase in economic and consumer benefits. In circumstances where there is an increase in total adverse effects, "limit" would mean to mitigate and minimise adverse effects, in line with the Noise Policy Statement for England."</i></p>	<p>CAP1129 is clear that continuous growth in noise limits is to be avoided, and the history is relevant:</p> <p><i>"The stepped growth of the limits since 1991 and the lobbying of local residents against expansion at the airport which has occurred over the years highlights that an envelope will not function as intended and provide reassurance to both the aviation industry and local residents if it is permitted to grow in this way"</i> (p37)</p> <p>Because the noise model under-states the impact by over-stating the benefits of new generation aircraft and next-generation aircraft, it is likely that there will not be long-term noise reduction.</p> <p>In any case, comparison to a fixed "currently consented" future baseline is inappropriate: CAP1129 is clear that noise limits should tighten as aircraft become less noisy so as to share the benefits of new technology. See ID58.</p> <p>The Applicant has not evidenced why the economic benefits of Project Curium are no longer sufficient (other than because of its own reckless diversion of hundreds of millions of pounds of public money into airport-related projects rather than into alleviating poverty in Luton and building a more genuinely sustainable local economy.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
57	<p>In the context of the RRs received from the communities impacted by noise from LLA, and in the light of the specific focus on night noise in the Overarching Noise Policy Statement, night noise and the lack of effective mitigation of it is a significant concern which is not addressed by this Application, and which therefore weighs heavily against it.</p>	<p>The impact of night-time noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>The Noise Envelope contains separate limits for daytime and night-time in line with this referenced section of CAP1129 guidance.</p>	<p>The Applicant has not assessed the benefits of a reduction in its proposed 70% increase in flights during the night-time period by limiting operations in that period according to the ICAO Balanced Approach.</p> <p>Therefore it is not acting in accordance with policy.</p> <p>Neither has it evidenced why, when the current operation of LLA has significantly expanded its capacity since 2014, the business would be threatened if there was not to be a 70% increase in night flights.</p> <p>Therefore it has not assessed all reasonably practicable measures to reduce noise impacts.</p> <p>Noise Envelope protections for the night period which were recommended by the NEDG have been removed.</p> <p>Again this is a failure to adhere to policy and guidance, as we have evidenced above.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
58	<p>It remains unclear to us, and to community groups which commented on an extract from the NEDG Interim Report, how the Limits have been set to provide an appropriate balance between minimising noise impacts and maximising sustainable growth. Limits were set by the Applicant at a level modelled from its forecasts of demand and fleet evolution, rather than (for example) at a level somewhere between that "high ambition" scenario and the Do Minimum scenario.</p>	<p>"See response above (ID12)."</p> <p>Response ID12 states: <i>"The Applicant considers that the issue raised regarding the effectiveness of the Noise Envelope and the setting of the Thresholds was answered within REP2-037 pages 299 and 302."</i></p> <p>Page 299 states: <i>"The quantified "sharing the benefits" in Appendix 16.2 of the Environmental Statement [APP-111] does measure this with respect to noise levels falling when compared to the 2019 consented baseline. This is illustrated by Insets 3.1 to 3.4 and Tables 3.2 and 3.3 of this appendix which show that there is no community share of the benefit when noise levels are above the 2019 consented limit."</i></p> <p>P302 states: <i>"Improvements have been made to the Noise Envelope since submission, including proposals to lower the Level 1 Threshold to 85% of the Limit in line with recommendations from the Noise Envelope Design Group (NEDG). A worked example has been provided which can be used to reasonably conclude that the NE would have addressed the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [TR020001/APP/8.36]."</i></p>	<p>Any comparison to currently consented baseline values (either from the 18mppa or 19mppa permissions) should be examined in light of guidance on sharing the benefits, as explained here.</p> <p>It is reasonable to expect that any consented noise limits would be tightened over time as fleet modernisation continues to occur, in line with the sharing of benefits advocated by CAP1129 and by policy. Otherwise a static noise exposure would be only to the benefit of industry, as CAP1129 makes clear:</p> <p><i>"Conversely, if limits based on noise exposure or impact are held at a constant level, the improvements in quiet aircraft technology would most likely be used to permit increased numbers of movements. As such, the greatest benefit would be to industry rather than to local communities."</i> (foot of p40 and on to p41)</p> <p>Therefore any comparison to a fixed consented baseline value is inappropriate unless it takes account of the likely future change in that consented limit.</p> <p>As the ExA will note, the claim that the Applicant has made improvements to the Noise Envelope are simply misleading – all it has done is re-adopt (in that limited case) what the NEDG recommended in the first place and the Applicant had subsequently changed.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
59	<p>CAP 1129 advocates an independent assessment of the economic case, not one provided by a consultant of the Applicant alone. The advice suggests the local authority would share the cost: clearly this advice was intended to apply where the local authority was not conflicted and able to take adequate account of the environmental impacts. The advice also suggests rewarding innovative approaches to environmental issues, which do not feature in this Application. A larger noise insulation compensation budget is not innovative.</p>	<p><i>“The economic case for the Proposed Development is set out in AS-125. This includes both the quantified economic benefits of growth and a quantification of the consumer (journey time saving) benefits. The Applicant considers that this sets out the information required in CAP1129.</i></p> <p><i>It is the belief of the Applicant that the Green Controlled Growth Framework is one of the most innovative and far-reaching commitments to managing environmental effects ever voluntarily put forward by a UK airport.</i></p> <p><i>As set out in Chapter 16 and Appendix 16.2 of the Environmental Statement [REP1-003] and [APP- 111], the mitigation hierarchy is a combination of the enhanced noise insulation scheme and the Noise Envelope secured through the Green Controlled Growth Framework [APP-217], as well as other formed of embedded mitigation as set out in the noise chapter.”</i></p>	<p>Please see our response to ID16 above which confirms that the Scoping Report required a WebTAG assessment of night noise harms; and that the Gatwick DCO project does include a WebTAG assessment produced by the CAA.</p> <p>Subsuming the Noise Envelope provisions into Green Controlled Growth went against the recommendation of the NEDG, since it over-complicates the process. There is nothing innovative in GCG in respect of noise controls: limits are set, thresholds are prudent, adequate data for monitoring and scrutiny is essential, and enforcement is necessary. All of this is basic common sense.</p> <p>There is no noise mitigation hierarchy: simply a proposal for noise insulation compensation, and a recognition that new generation aircraft are in most cases slightly less noisy, and that fleets are being modernized in any case to save airlines money on fuel.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
60	<p>In the context of Project Curium the limits include:</p> <ul style="list-style-type: none"> - Aircraft movement cap (night and early morning shoulder) - Passenger throughput cap - Noise quota limits reducing over time - Noise contour area limits reducing over time - Night Noise Violation Limits reducing over time. <p>The limits have been chosen to incentivise modernisation of the fleet, and LLAOL has not yet demonstrated sufficient modernisation to be able to operate the Airport at these limits, which weighs against permitting additional capacity since industry would then take further benefit.</p>	<p>This comment applies to the airport operator and historic noise management and does not apply to the Proposed Development.</p>	<p>The noise controls put in place for Project Curium were intended to protect communities by at least providing some certainty in all the aspects controlled.</p> <p>The only certainty not provided was in the scrutiny and control which LBC exercised over the airport operator, which as it turned out was lacking, and which perhaps is one reason GCG has been set up, to enable a box to be ticked which gives the appearance of better scrutiny.</p> <p>Unfortunately, in parallel with this, the control and the intended certainty over the noise impacts provided by the noise quota limits, the early morning shoulder limit, the guaranteed reductions in noise contour area, and the reducing noise violation limits, have been removed.</p> <p>This is relevant to the Proposed Development, since it highlights that communities will be put in a less certain position than (theoretically) exists already. Whilst the Applicant may claim that the noise contour limits are the means of noise control, as we have indicated a contour is not an adequate characterization of all the ways in which noise affects people on the ground, particularly at night, and the Airport Operator would be free to pursue its commercial aims regardless of individual flight noise without those or similar controls in place.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
61	LLA currently does not have limits based on noise exposure measured in terms of number of people or dwellings impacted by noise.	The NEDG also agreed that the area of a defined contour should be the limiting value, rather than population exposure. The population exposed within a contour is influenced by factors outside of the airport's control. See Section 2.5.3 of the NEDG Interim Report, presented in Annex A of APP-111.	<p>The NEDG did agree that, but within the context of the other controls it also agreed, as a complete package. The Applicant appears to feel free simply to discard other items in that package of controls without proving any compensating provision – happy to leave it to the Airport Operator to decide how best to utilise the contour, but with no obligation to minimise the range of harms.</p> <p>In that circumstance, it must weigh heavily against the Application as having failed to achieve a consensus over the complete range of noise controls forming the Noise Envelope, as required by CAP1129.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
62	<p>There is not progressive reduction in the proposed noise contour limits – instead they step up at the 2039 assessment stages as shown in AS-121 Insets 1 and 2. Furthermore, on the previous page it states: <i>“4.1.2 There are mechanisms within the Noise Envelope for the limits to be reduced from 2039 onwards where reasonably practicable (see Section 3.2 of the Green Controlled Growth Explanatory Note [TR020001/APP/7.07]). However the potential reductions cannot be quantified at this time and so are not represented graphically in Inset 1 and Inset 2.”</i></p>	<p>The reduction in the noise limit <i>is</i> to incentivise noise reduction through the adoption of quieter aircraft into the future fleet to meet reduced noise Limits. As next- generation aircraft do not yet exist and there is uncertainty in the application of historical trends as noted by LADACAN at various points, the noise reduction cannot be quantified at this stage as noted in the quoted APP-217. The approach is therefore to specify the process through which the Limits will be reviewed and, where possible, reduced.</p>	<p>The Applicant has employed York Aviation to present a detailed forecast of the fleet mix and annual ATMs which the proposed capacity availability will deliver. Not until 2039 does that apparently become uncertain, and only at that point is there a provision to reduce the limits in the unlikely circumstance that next generation aircraft are less noisy, and then only if reasonably practicable.</p> <p>That does not sound like an incentive to reduce noise, but rather a grudging possibility that the community might be afforded some reduction in otherwise climbing noise impacts but only if the commercial interests of the Airport Operator happen to permit it.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
63	<p>There is not progressive reduction in the proposed noise contour limits – instead they step up at the 2039 assessment stages as shown in AS-121 Insets 1 and 2. However the potential reductions cannot be quantified at this time and so are not represented graphically in Inset 1 and Inset 2. Again, this is the opposite of what CAP 1129 advocates, which would be a reduction in the limit to incentivise noise reduction, rather than a reduction in the limit only if noise reduction is achieved. Again, this weighs against the proposed development.</p>	<p>The reduction in the noise limit <i>is</i> to incentivise noise reduction through the adoption of quieter aircraft into the future fleet to meet reduced noise Limits. As next-generation aircraft do not yet exist and there is uncertainty in the application of historical trends as noted by LADACAN at various points, the noise reduction cannot be quantified at this stage as noted in the quoted Green Controlled Growth Explanatory Note [APP-217]. The approach is therefore to specify the process through which the Limits will be reviewed and, where possible, reduced.</p> <p>This approach is fully in line with CAP1129 guidance (Ref 3) which states on p41: <i>“The temporal horizon for which we have sufficient information on future aircraft noise levels to enable predictions to be made is limited by information provided by aircraft manufacturers. As it would be unfair to set envelope criteria to be applied at a future time for which we cannot make sufficiently accurate predictions, this horizon to some extent defines the lifetime of a noise envelope regime.”</i></p>	<p>The Applicant's approach is that <i>“the Limits will be reviewed and, where possible, reduced.”</i></p> <p>We maintain that the Limits should not step up at the 2039 assessment, they should in the worst case remain at the previous level, with increased ATMs and/or the introduction of noisier aircraft held to that limit until the fleet modernisation catches up, hence delivering noise reduction over time as policy requires.</p> <p>We also draw to the attention of the ExA to the second of the CAP1129 “bookends” referred to by the Applicant: <i>“Conversely, if limits based on noise exposure or impact are held at a constant level, the improvements in quiet aircraft technology would most likely be used to permit increased numbers of movements. As such, the greatest benefit would be to industry rather than to local communities.”</i> (foot of p40 and on to p41)</p> <p>The “Current Consented Limit” shown in the AS-121 Insets 1 and 2 does not continue to decline over time past 2028, nor does the 19mppa Limit past 2031. Yet this long-term behaviour would not be in accordance with the “bookend” quoted above, and it is reasonable to expect that the longer-term consented limits would decline over time in the No Development case, reflecting a sharing of benefits for an 18 or 19mmppa operation.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
64	<p><i>On the other hand, the longevity of aircraft and the significant lead times involved in aircraft manufacture results in a slow rate of fleet evolution. Where static limits based on inputs have been set in the past, obtaining planning permission for an increase in the limits has enabled further growth. The problem with this is that this may lower the trust and goodwill of the local communities.</i></p> <p>Significant numbers of the Relevant Representations to this Application speak of loss of trust for this very reason – a situation which CAP 1129 clearly seeks to avoid.</p>	<p>The Green Controlled Growth Framework [APP-218] and the Noise Envelope provides increased transparency and independent scrutiny and oversight with proposals designed to build and maintain trust.</p>	<p>Numerous Relevant Representations mentioning loss of trust are clearly not convinced by the GCG proposals. Inspectors at the 2022 Inquiry documented that concern and made a valuable recommendation:</p> <p><i>“15.49 Although both the LPA and the Applicant [LLAOL] maintained that there had been an appropriate response to breaches of the contours condition, it is clear that that view is not shared within the local community. Aircraft noise is a matter about which local residents and organisations feel strongly, and the Panel understands LADACAN’s view that the communities which it represents have lost trust in the Applicant and the LPA. We return to this matter in considering the approach to mitigation (below, para 15.57).”</i></p> <p><i>“15.57 However, as the LPA pointed out, should planning permission be granted for the proposal, and it become necessary to contemplate enforcement action in respect of the NMP [Noise Management Plan], a breach of condition notice would offer a more direct means of seeking compliance than injunctive action in respect of the obligation.</i></p> <p><i>Given the extent of concerns in the community about noise and the need to be able to control it effectively, we are of the view that in this case, should planning permission be granted, there would be a role for a condition concerning the NMP to sit alongside the obligation.” (see REP4-182 p3, Enforcement)</i></p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
65	<p>We asked the CAA's Stuart Lindsey to explain the meaning of the unusual term "unilateral agreement" in the context of its three appearances in CAP 1129.</p> <p>The response from the Environment Team was: <i>"I have spoken to the environmental team. 'Unilateral agreement' was intending to mean a single agreement, in other words a consensus between airport and stakeholders. If you note the reference to 'unilateral agreement' on page 47, it is directly followed by the Schiphol Alders platform, which was the platform used to get consensus between airport and stakeholders there."</i></p>	<p>Quotes from the NEDG Chair's covering letter:</p> <p><i>"Almost inevitably, whilst there was a consensus amongst the members of the NEDG on some of the issues concerning the design of the Noise Envelope, there was not total agreement. In order to enable the positions of the various members to be clear, the brief statements below have been supplied by those members."</i></p> <p><i>As you will be only too aware the achievement of a consensus within the Group has not been straightforward, but the Final Report indicates which elements are broadly agreed and where the differences of opinion lie.</i></p> <p><i>In particular, I would draw your attention to the majority view that the Noise Envelope needs to be comprised of a suite of metrics to ensure that any future noise management is effective throughout the year."</i></p>	<p>The Chair acknowledges that total agreement was not reached within the NEDG, however the one view which was highlighted as of the majority was that the Noise Envelope needs to be comprised of a suite of metrics to ensure that any future noise management is effective throughout the year.</p> <p>That majority view was ignored by the Applicant in favour of its own approach, without any consultation or agreement.</p> <p>It is clear that the Applicant not only failed to make any effort to achieve a consensus agreement between NEDG stakeholders once the feedback from the community and LLAOL had been received (in direct contravention of the intention of CAP1129) , but it failed to take account of the key element of control which the clear majority of stakeholders supported.</p> <p>It is also the case that the final proposed Noise Envelope (comprising the parameters, controls and limits) has not been consulted on in any forum.</p> <p>Therefore, it is clear that the Applicant has not followed due process in the creation of a Noise Envelope.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
66	<p>A key element of this section is the guidance to take a long-term strategy view specifically of long-term policy aims, specifically mentioning 2050, which as of now in 2023 – ten years after CAP 1129 was written – is even more pressing. It is acknowledged by the Applicant that the UK has committed in policy to achieve net zero emissions by 2050, yet the Applicant has not factored this in to its strategy in a precautionary way.</p>	<p>In response to the point about long-term policy aims, this is factored into the Green Controlled Growth Strategy, for example through the commitment to align the definition of 'Airport Operations' emissions with that used by the government pursuant to its Jet Zero Strategy as set out in Section 5.4 of the Green Controlled Growth Framework [APP-218], or the setting of Air Quality Limits that align with the government's UK National Air Quality Objectives from 2040 onwards as set out in Section 4.2 of the same document.</p>	<p>REP4-181 indicates the areas of workstreams which are likely to feed policy as the government brings into focus the means to achieve its commitments for:</p> <ul style="list-style-type: none"> - Regulating and achieving best practice on control of non-CO₂ impacts of aviation - Requiring planning applications to include a full assessment of emissions - Putting in place a stronger and clearer framework to ensure industry is sufficiently incentivised to reduce noise (noting that community funds are not a substitute) - Defining better targeted maximum noise departure limits - Reviewing the effectiveness of noise insulation schemes - Reducing the harm to health from air pollution by half <p>The growth ambitions of the Application are vulnerable to the effects of these strands given that they are likely to affect costs or restrict the leeway to introduce louder noise events, and therefore affects the financial viability of the Proposed Development.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
67	<p>The Applicant has not assessed the noise issues local to the Airport and how they are addressed by the noise envelope (or) the location of the runway relative to urban and rural areas. Nor analysis of the constraints affecting LLA – particularly the airspace constraints (flights are held at low altitudes for extended distances of 20 miles or more on departure and arrival); the taxiway constraints which mean that westerly full-length departures cannot be performed without turn-back; the runway length constraints which mean that the largest aircraft cannot operate most efficiently.</p>	<p>The topography and location of the runway relevant to urban and rural areas has been taken into account in the noise modelling and assessment presented in Chapter 16 of the Environmental Statement [REP1-003].</p> <p>Current airspace and operational constraints have been taken into account in the aircraft noise modelling which has been validated against noise measurements and radar track data and hence represent the way aircraft fly at the airport within the described constraints.</p>	<p>The Applicant has not addressed the concerns raised, which are founded on CAP1129 guidance: <i>“A noise envelope should address precisely the noise issues local to the airport under consideration. Different airports are subject to different constraints. Any noise envelope would therefore have to take these into account.”</i></p> <p>The detailed assessment by the NEDG of the noise factors at LLA led its stakeholders to propose a suite of controls, many of which the Applicant has discarded.</p> <p>There is no assessment of the wider-area noise impacts on communities not eligible for compensation by noise insulation due to being outside the contour zones of the Scheme but still affected by low-altitude flights.</p> <p>There is no assessment of the operating noise or the operational constraints imposed on wide-bodied jets by the relatively short runway length (2160m at Luton, compared to 3900m at Heathrow, 3000m at Stansted, 3310m at Gatwick). Nor does any assessment take account of the need for noisier operating procedures on arrival (Wizz Air pilots have advised the LLACC Noise and Track SubCommittee that more flaps are required when A321 aircraft approach Luton to slow the aircraft due to the comparatively shorter runway length).</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
68	<p>CAP1129 process is clear and unambiguous: once the noise envelope is fully defined – including the appropriate metrics and limit values – it should be consulted on in a way agreed between the stakeholders.</p> <p>This was not done. A limited set of community groups members were permitted under confidentiality assurances to see and comment on a partial extract of an interim report. Their comments were then ignored.</p>	<p>The community groups invited to participate in the Noise Envelope Design Group (NEDG) were invited on the basis of them having a remit to represent the wider community. LADACAN was one of two community groups so appointed at the outset.</p> <p>As well as engagement with the NEDG, the developing Noise Envelope proposals were consulted on within the 2022 statutory consultation.</p> <p>It is noted that the Final Report of the NEDG states at paragraph 32: “The Chair confirmed that the Resident Group representative could have conversations with others without breaching the NEDG confidentiality principles so that community views are properly represented.”</p> <p>The Applicant notes that LADACAN expressly agreed with the Independent Chair of the NEDG to the approach of circulating the “heart of the document, ie the recommendations and comments from the NEDG to Luton Rising paras 37 to 55” of the draft Final Report of the NEDG to other community groups for comment.</p>	<p>The Applicant’s response is misleading. LADACAN and LLATVCC, along with all other members of the NEDG, were informed that its deliberations were confidential. Other than discussing in very general terms the kinds of controls which might for a noise envelope, meaningful liaison with other groups about the process was difficult.</p> <p>Neither the 2019 non-statutory nor 2022 statutory consultation included the limits and parameters of the final Noise Envelope: those values were only presented to the NEDG in its penultimate meeting, October 2022.</p> <p>The Applicant’s terms for sharing an extract from the Final Report (without any values for limits) included: <i>“It is important that the content is restricted only to those people within the organisations identified and that further onward circulation within those groups is further limited to those able to take decisions on behalf of their respective groups. It is imperative that information shared does not find its way onto social media platforms, or to the local press and it is a condition precedent of authorising the release of the information beyond the core NEDG membership that LADACAN takes all reasonable steps to procure appropriate undertakings to this effect from those with whom information is to be shared.”</i></p> <p>The final Noise Envelope has never been consulted on.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
69	<p>It is clear from the NEDG Final Report that consensus was not achieved: the community groups and LLAOL had both fed back areas on which they disagreed yet these were not addressed due to the work being curtailed.</p>	<p>See responses above (ID65)</p>	<p>The response in ID 65 confirms that agreement was not reached.</p> <p>As indicated in REP2-061 p32, the guidance from the Civil Aviation Authority's Environment Team is that the term "unilateral agreement" as used in CAP1129 means <i>"a single agreement, in other words a consensus between airport and stakeholders. If you note the reference to 'unilateral agreement' on page 47, it is directly followed by the Schiphol Alders platform, which was the platform used to get consensus between airport and stakeholders there."</i></p> <p>The Applicant made no attempt to achieve such an agreement, and the NEDG meetings were hustled to a close against the Applicant's deadline for completing the work and submitting the DCO rather than following the correct process.</p> <p>Communities and LLAOL made their disagreement clear in written submissions to the NEDG, as documented in Appendix B and Appendix C of its Report (REP4-023 PDF p61 and 68) as we have previously indicated.</p> <p>Other items which were not resolved at NEDG included the paper by the Joint Host Authorities' noise adviser Suono on the meaning of "sharing the benefits".</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
71	<p>CAP1129 considers it reasonable to tighten limits if a breach occurs. Taking this advice and applying it to the three consecutive years of noise contour breach at LLA (no enforcement action was taken), it would be appropriate at this juncture to reduce the contour limits for three years by the quanta of those breaches now that operations are returning to pre-COVID levels, in order to rebalance the equation.</p>	<p>This comment applies to the airport operator and current/historic noise management and does not apply to the Proposed Development.</p> <p>The Noise Envelope for the Proposed Development has been designed to avoid breaches before they occur and a worked example has been provided that can be used to reasonably conclude that the Noise Envelope would have avoided the historic breaches that occurred in 2017-2019, see Noise Envelope – improvements and worked example [REP2-032].</p>	<p>The current/historic noise management does apply and as indicated in IDs 45, 47, 48 and 56 above, the noise history is relevant especially where an Airport makes a series of application for growth which increase noise.</p> <p>In the case of LLA the recent succession of growth applications is significant: Project Curium (2013), the 19mppa application (2020), the DCO Application (2023).</p> <p>The Applicant's initial decision to adopt 2019 Actuals as the noise baseline confirms its attempt to ignore that context, whereas CAP1129 indicates it is relevant.</p> <p>The CAP1129 recommendation is a reasonable way to incentivise compliance: <i>"To maintain public confidence in the planning system it is important that planning controls are enforced effectively. Although enforcement action is not mandatory, local planning authorities should take proportionate action in responding to suspected breaches of planning controls.</i></p> <p><i>Clearly, any enforcement measures should be agreed during the design of the noise envelope and the writing of the associated planning controls. Such measures could include fines levied on the airport payable to a community fund, or a proportionate tightening of the controls in the subsequent measurement period as described above."</i></p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
73	<p>In the case of this DCO Application the noise envelope would become a legislative control, however we contend that it is pointless enshrining the current proposal in legislation since it fails the tests of what a noise envelope ought to address and how it ought to be designed and agreed, as we have indicated above.</p>	<p>It is not agreed that the proposed Noise Envelope fails the test of what a Noise Envelope should address, as set out in the detailed responses above.</p>	<p>In this detailed series of responses, as well as in the overview of CAP1129 in Appendix 1 of REP1-095, we have provided evidence to the ExA that the Applicant has not properly followed the guidance of CAP1129 in establishing an appropriate Noise Envelope for this Application.</p> <p>We ask the ExA to require the approach to be rectified and a design produced in line with CAP1129, or to weigh this failure against the Application.</p> <p>As we have indicated, there is little merit in coding a deficient noise control process into a Development Consent Order.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
74	<p>CAP1129 states: <i>"In the event that agreement between stakeholders cannot be achieved ...,there may be a role for an independent and impartial third party ... to act as a broker between stakeholder groups in order to reach an agreement. An independent expert, or group of experts, in the field of aviation noise and economics could be set up to undertake this mediation role for an airport that requires it."</i></p> <p>Had the Applicant heeded the guidance of CAP 1129 it would have put in place a mechanism such as that proposed above when it became clear that there was not 'unilateral agreement'</p>	<p>The Noise Envelope Design Group was independently chaired. See response above (ID65).</p> <p>The Noise Envelope and Green Controlled Growth Framework includes independent oversight and scrutiny through the Environmental Scrutiny Group and Noise Technical Panel. See Section 2.4 of the Green Controlled Growth Explanatory Note [APP-217].</p>	<p>The response does not address the point. As indicated in REP1-095, it is pointless overseeing a flawed design.</p> <p>The independent chair noted there was not agreement but did not seek to bring the stakeholders to agreement by acting as broker– perhaps because of the rush by the Applicant to ensure its deadline was met.</p> <p>In any case CAP1129 clearly recognizes the need for wider skills in ensuring an appropriate balance between noise and economics – a balance which this Application lacks.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
76	<p>One of the key actions which the NEDG requested, but which was not delivered as indicated in the Final report was to test whether the proposed limits and controls would have prevented the noise contour breaches in 2017-2019. Again, CAA advocates a tightening of a limit if breach occurs: the current proposal for Green Controlled Growth does not do this, and as we have indicated the thresholds have been rendered ineffective by being changed after the NEDG had agreed them.</p>	<p>CAP1129 only mentions the tightening of the Limit in the following context (p56) <i>"It may be that a scheme is agreed which permits a breach, if this is then offset in some way, perhaps with a corresponding tightening of the limit in the subsequent year."</i></p> <p>With respect to the above quote, the Noise Envelope has been designed to proactively manage aircraft noise with the intention of avoiding breaches before they occur, and there is no proposal with Green Controlled Growth to plan growth (i.e. 'an agreed scheme') to deliberately permit a breach that would then be offset in subsequent years.</p> <p>The section of CAP1129 quoted by LADACAN here does not advocate the tightening of Limits but the tightening of the <i>controls</i>. This is included in Green Controlled Growth through the requirement to produce a Mitigation Plan on exceedance of a noise Limit, which would include any required mitigation (i.e. a tightening of controls) to demonstrate that the noise will be brought below the Limit within as short a timeframe as is considered reasonably practicable.</p>	<p>To provide the fuller context of our quoted item: <i>"To maintain public confidence in the planning system it is important that planning controls are enforced effectively. Although enforcement action is not mandatory, local planning authorities should take proportionate action in responding to suspected breaches of <u>planning controls</u>.</i></p> <p><i>Clearly, any enforcement measures should be agreed during the design of the noise envelope and the writing of the associated planning controls. Such measures could include fines levied on the airport payable to a community fund, or a proportionate <u>tightening of the controls</u> in the subsequent measurement period as described above."</i> (CAP1129, PDF p57, our underline)</p> <p>Breach of planning control is understood to mean 'failing to comply with any condition or limitation' (as per TCPA)</p> <p>GCG as drawn could still permit a breach. Under such schemes (ie schemes which permit a breach), CAP1129 suggests a tightening of the limit in the subsequent year.</p> <p>Given the history of mismanagement of growth, LADACAN invites the ExA to agree with the CAA that having the requirement in GCG for any breached limit to be tightened in the subsequent year would increase the incentive for Limits to be respected and offset some of the process weaknesses in the breach and enforcement areas.</p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
78	<p><i>"1. For an envelope to function as intended, it is essential that full agreement is achieved between all stakeholders on the envelope's criteria, limit values and means of implementation and enforcement."</i></p> <p>The noise envelope proposed for this application, and the corresponding parts of Green Controlled Growth which deal with noise controls, fails the first key conclusion above. It is clear from the Final Report that neither the community groups agreed it, nor did LLAOL, as made clear in its statement.</p>	See response above (ID65).	Please see our response in ID65 above.

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
80	<p data-bbox="277 245 573 399"><i>"3. An envelope is likely to be defined by a combination of parameters."</i></p> <p data-bbox="277 459 582 880">This test reveals that the envelope was weakened by the Applicant after N-above parameters agreed by the NEDG were relegated to being informative only, and LLAOL did not agree to provide the contours.</p>	See response above (ID53).	Please see our response in ID53 above.

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
81	<p data-bbox="277 245 573 555"><i>4. The life-span of an envelope must be agreed, and its parameters defined to maintain appropriate sharing of the benefits over its intended life-span.</i></p> <p data-bbox="277 571 573 916">Appropriate sharing of the benefits has not been considered over the life-span which (following the example of CAP 1129) should also take into account the Project Curium era of LLA expansion.</p>	See response above (ID63).	Please see our response in ID63 above.

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
82	<p><i>5. The parameters and limits, and means of implementation and enforcement of a noise envelope must be tailored to individual airports and their respective local conditions.</i></p> <p>Local conditions at LLA indicate there are particular noise issues which need to be addressed first, including arriving and departing aircraft being held low at 4,000 or 5,000ft for extended track miles.</p>	<p>Consideration of current airspace constraints and airspace change are addressed in responses above (ID46 and ID67).</p>	<p>The Noise Envelope does not address these and other particular airport-related issues as required by CAP1129:</p> <p><i>“The noise envelope should address precisely the noise issues local to the airport under consideration.” (p45)</i></p>

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
83	<p><i>6. The current planning system offers limited flexibility in the means available to implement a noise envelope. A change in primary or secondary legislation may be required for noise envelopes to be implemented effectively and enforceable by law.</i></p> <p>As indicated above, communities regard it as of limited benefit to implement a deficient noise envelope in law.</p>	See response above (ID73).	Please see our response in ID73 above.

I.D	Concern raised	Luton Rising's Response	LADACAN further comments
84	<p><i>7. A possible need has been identified for independent third parties to assist stakeholders to reach agreement where necessary.</i></p> <p>The NEDG was independently chaired, but because its work was curtailed the chair did not have a chance to review with the Group whether the guidance given in CAP 1129 had been adequately followed, and whether the clear disagreements expressed in the feedback from the community groups and the Airport Operator could be resolved in order to reach agreement.</p>	See response above (ID65).	Please see our response in ID65 above.