CENTRAL BEDFORDSHIRE COUNCIL COMMENTS ON APPLICANT'S RESPONSE TO ExA WRITTEN QUESTIONS

LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER

Version - Final

Introduction

This document sets out the response of Central Bedfordshire Council (CBC) to the Applicant's Responses to the Examining Authority's Written Questions for the following:

1. REP4-058 – Applicant's Response to Written Questions – Green Controlled Growth (GCG)
2. REP4 -059 Applicant's Response to Written Questions – Need Case
3. REP4 – 060 Applicant's Response to Written Questions – Noise
4. REP4 – 057 Applicant's Response to Written Questions – Draft DCO
5. REP4 – 069 Applicant's Response to Written Questions – Traffic and transportation including surface access

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1. REP4-058 – Applicant's Response to Written Questions – Green Controlled Growth (GCG)

Question GCG 1.1 - GCG – ESG / GCG process

Given the importance of the GCG framework [REP3-017] and the ESG for the control of future noise, explain why the ESG should not be set up from, or even before, the point of serving notice under Article 45 of the DCO submitted at D3 [REP3-003].

Applicant's response: *The Applicant does not believe it is necessary for the ESG to be established at the point at which notice under Article 44(1) is served as the processes undertaken by the ESG are not triggered until submission of the first Monitoring Report. In addition, establishment of the ESG requires actions to be undertaken by third parties which the Applicant does not have direct control over. As set out in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 2 Action 28: Slot Management [TR020001/APP/8.86]. Notwithstanding this, the Applicant is considering changes to the Draft Development Consent Order [REP3-003] to be made at Deadline 5 that would require the ESG to be established as soon as is reasonably practicable.*

In respect of the processes undertaken by the ESG, Section 2.4 of the Green Controlled Growth Explanatory Note [REP3-015] sets out the proposals for independent scrutiny and review of the GCG process, including the role of the ESG. Paragraph 2.4.2 sets out the powers of the ESG, enshrined in the Terms of Reference included within the Green Controlled Growth Framework Appendix A Draft ESG REP3-019]. These are:
a. Providing commentary on periodic Monitoring Reports produced by the airport operator (see Section 2.3) following reviews by the relevant Technical Panels;
b. Approving or refusing Level 2 Plans or Mitigation Plans put forward as required by the airport operator if any GCG environmental effect has exceeded a Level2 Threshold or Limit respectively (see Section 2.2);
c. Where the airport operator can demonstrate that this is the case, certifying that an exceedance of a Level 2 Threshold or Limit is due to circumstances beyond the operator's control;
d. Forum for consideration of statutory enforcement representations;
e. Mutually agreeing to modifications to the Terms of Reference included at Appendices A and B and Monitoring Plans included at Appendices C to F of the Green Controlled Growth Framework [REP3-017] and;
f. Approving or refusing applications by the airport operator to modify timescales within the GCG process, or Level 1 Thresholds, Level 2 Thresholds or Limits, as allowed for under Paragraph 25 of Schedule 2 to the Draft Development Consent Order [REP3-003].

The ESG Terms of Reference set out in more detail how the ESG would exercise these powers (Section A4, 'Operating Powers'). Crucially, all of the routine procedures that the ESG is required to undertake are triggered by the submission of a Monitoring Report by the airport operator. Where the ESG is required to undertake other more ad hoc procedures, for example taking action in relation to a potential breach of the DCO or in response to a periodic review of GCG by the airport operator, these could not be triggered until after submission of the first Monitoring Report. In this context, the requirement for the ESG to be established a minimum of 56 days ahead of the planned submission of the first Monitoring Report by the airport operator is appropriate. Were the ESG to be established on or before the point which notice is served under Article 44(1) of the draft DCO, it would not be required to undertake any actions until the point that the first Monitoring Report is submitted.

CBC Response: It would appear most sensible for the ESG and Technical Panels to be set up as soon as is reasonably practicable, as is mooted by the Applicant. The Host Authorities support every effort being made to have these forums in place at the earliest opportunity, or at least efforts made to contact likely required parties to make them aware of possible commitments and / or for the Applicant / Airport Operator to have received fee proposals from likely relevant parties.

Question GCG 1.2 - GCG – Fixed noise monitoring

[REP3-023, Appendix C, paragraphs C4.2.2 and C4.2.3] state that as the airport expands, the airport operator will review and, if necessary, improve the noise monitoring stations in line with 'ISO 20906:2009 - Acoustics — Unattended monitoring of aircraft sound in the vicinity of airports' and will consult/ agree on locations for additional permanent noise monitors on departure routes. Confirm what the trigger for reviewing existing noise monitoring would be, how it would be determined whether new monitoring was 'necessary' and the provisional programme for agreeing locations for additional permanent noise monitors.

Applicant's Response: *The airport operator's current noise monitoring terminals provide sufficient information to be able to accurately calibrate the noise modelling and comply with the modelling requirements of the Civil Aviation Authority's CAP2091 (Ref 1). Triggers for reviewing existing noise monitoring terminals are therefore likely to be, but would not be limited to:*

- *Updates to the CAA CAP2091 guidance, or publication of further noise modelling or noise monitoring guidance from the CAA*
- *If the CAP2091 noise modelling category for London Luton Airport were to change to a category that requires additional noise monitors to be installed*
- *An implemented airspace change which moves flightpaths such that the existing noise monitoring terminals were no longer relevant*

•Ongoing review of the noise monitoring terminals as part of the Noise and Track Subcommittee
•Ongoing review of the noise monitoring terminals as part of any update to Noise Action Plans

The principle criteria for the requirement for new noise monitoring terminals as part of such a review would be if they were required to meet the minimum standards of noise monitoring terminals with respect to validation of aircraft noise modelling as per CAP2091.

With regards to the provisional programmes, should any of the reviews described above result in the identification of additional noise monitoring terminals it is worth noting the following:
•flight paths generally overfly the least populated areas where possible, therefore the best places for noise monitors are usually in rural locations and fields;
•landowner consent must be sought for access and permission to install noise monitors on private land and contract negotiations can be time consuming;
•fixed noise monitors require a continuous power source, which usually requires digging up some of the land to install the cabling, the timing of which can be affected by crop harvesting given monitors are frequently installed in fields; and
•installation also requires concreting the equipment into the ground (to ensure it is fixed and theft resistant).

For the additional noise monitoring terminals that are already committed to in paragraph C4.2.3 of the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] it would not be proportionate to seek to install these before the conclusion of the current ongoing airspace change proposal. Given the process for securing a new monitoring terminal location described above, any new terminals may only be in place for a very short amount of time (between the DCO being implemented, and the process described above being completed) before needing to be moved again once the airspace change process is concluded. It is therefore proposed that the location of these new monitoring terminals would be discussed with the Noise and Track Subcommittee and agreed with the GCG Noise Technical Panel in line with the program for the airspace change and that all reasonably practicable efforts will be made (subject to achieving landowner consent) to install these new monitors within 18 months of the conclusion of the airspace change process.

Updates to the Green Controlled Growth Framework Appendix C Aircraft Noise Monitoring Plan [REP3-023] will be made at Deadline 5 to clarify these points.

<u>CBC Response</u>: The Applicant states in the above response that the principal criteria are to meet the minimum standards as set out in CAP2091. The modelling requirements of CAP2091 are based on total population counts around an airport within certain day and night

contours, except for designated airports which have stricter requirements.

Luton Airport currently falls into Category C and would need an increase of over 100,000 people into the LOAEL before even being above the recommended minimum threshold for Category B, as can be seen in Table 4.1 below, taken from CAP2091. The same magnitude of increase would be true for the night-time as well. It is only within Category B and above that noise monitoring is strictly required.

The commitment to review and, if necessary, improve the noise monitoring stations by the Applicant therefore appears to be immaterial.

Question GCG 1.3 – GCG controls on early/late flights

The ExA welcomes the Applicant's proposal in Noise Envelope – improvements and worked example [REP2-032], that early/late running flights would not be dispensed from the noise contour calculations. Can the Applicant explain what measures would be taken to avoid or minimise late running flights?

Applicant's Response: *Clearly, by their nature, late running flights are difficult to control as the external factors that cause these can be varied, such as air traffic control delays, aircraft having technical issues, weather and other operational factors. It needs to be borne in mind that failing to accommodate such delayed movements would lead to substantial inconvenience to passengers, e.g., through aircraft having to divert to an alternative airport, or major operational disruption if an aircraft was unable to return to its operating base at the airport and so was unable to undertake the following day's flights.*

The use of a 5% allowance on top of the expected scheduled movements in the night period, as indicated in Para 6.6.61 of the Need Case Revision 1 [AS-125] is based on historic data from the airport when operating normal patterns of traffic (i.e., before COVID disruption). This data shows late running flights made up between 1% and 5% of movements in the night periods and therefore the choice of 5% was selected to provide for the likely worst-case scenario given that most years operate below this. If a lower (than 5%) delay factor had been included, this would have allowed the Applicant to increase the number of scheduled movements in the night periods and the night noise contour assessments would have given a similar answer. However, as there is less ability to control late running flights the use of a lower delay factor was not deemed sensible by the Applicant. In light of this, there are no measures that can feasibly be taken, but protection is added by the inclusion of the aforementioned 5% as part of the overall process.

CBC Response: Early / late running flights are not dispensable under the Government's dispensation guidelines. This is clearly stated within the consultation outcome of the Night Flight Restrictions1, updated on 27 March 2023, and in any event only apply to the movement limits and Quota Counts (QC) of the three designated airports. Luton Airport is not

designated, nor is the Applicant proposing either of the relevant controls. Dispensation of early and late running flights is therefore clearly not an option available to the Applicant.

The same consultation response also states in its 'Summary of findings' section, "*There was a trend observed at all 3 airports of dispensations being applied for airspace capacity related delays which did not have an underpinning causation that clearly met the government's dispensation criteria. The government wrote to each designated airport in 2018 to state that airspace capacity related delays, without an underlying cause that is exceptional and falls within a specified circumstance, are not dispensable. In response, airports and airlines have taken steps to reduce the risk of unscheduled capacity related night movements occurring, and therefore reversing this trend.*" [our emphasis].

Rather than the Applicant simply stating that late running flights are difficult to control, efforts should be made to investigate how Heathrow, Gatwick and Stansted have been reducing early and late running movements and seek to implement positive change.

2. REP4 -059 Applicant's Response to Written Questions – Need Case

Question NE 1.4 – Airport Capacity in the South East

Based on the information in the report by Chris Smith Aviation Consultancy Limited [REP2-057, Table 3.3], it is understood that neither Heathrow nor Gatwick have passenger cap restrictions although Heathrow is subject to a restriction of 480,000 Air Traffic Movements (ATM) and Gatwick 283,000. Stansted has obtained permission for a further 8MPPA. Passengers per ATM in 2019 at Heathrow and Gatwick were 168.6 and 164.7 respectively (Luton was 165). In the absence of a passenger cap at Heathrow and Gatwick, to what extent can spare capacity in the London airspace be currently met at these airports by the number of passengers per ATM increasing?

CBC Response: The Applicant's response states that increases in passenger load factor account for a substantial proportion of the growth in passengers per movement at Heathrow and Gatwick. Analysis of CAA Airline Statistics for 2009 and 2019 indicates that for UK aircraft operators, just under half of the growth in this key parameter resulted from higher seat load factors (increasing by 9.0% over the period from 75.5% to 82.3%) and just over half came from increases in the average number of seats per flight (increasing by 9.8% from 145.8 to 160.1). UK registered airlines carry about half of the passengers at UK airports.

While the increase in passenger load factors cannot continue indefinitely, a similar limit on average seats per flight is much further away. Gatwick Airport is clearly of the view that there is considerable scope to further

increase its average passengers per movement as set out in TR020001-001882-Various Host Authorities.

3. REP4 – 060 Applicant's Response to Written Questions – Noise

Question NO.1.8 – 2013 baseline comparison

Paragraph 5.58 of the Airports National Policy Statement (ANPS) requires that "The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission". Acknowledging that the Airports Commission focussed specifically on Heathrow, expand on the response in ISH3 post hearing submission [REP3-050] explaining how the Proposed Development otherwise meets this policy requirement. You may wish to link the answer to this question with the answer to question NO.1.9.

Applicant response: *The overall aviation noise objective from the Aviation Policy Framework (Ref 3) through to the Overarching Aviation Noise Policy Statement (OANPS, Ref 4) is to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise. The evolution of this objective is described in Section 2 and how the Proposed Development complies with this objective is summarised in Section 3 of Commentary on the Overarching Aviation Noise Policy [REP1-012]. It is important to note that the OANPS confirms the government's policy that "We consider that "limit, and where possible reduce" remains appropriate wording. 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." (NPSE).*

As described in the Planning Statement [AS-122], the embedded noise management measures as secured by the Noise Envelope within the Green Controlled Growth Framework [REP3-017] have been developed so that, in combination with the compensatory mitigation measures for the Proposed Development (Draft Compensation Policies Measures and Community First [REP2-005]), they meet the NPSE and the aviation policy objective to limit, and where possible reduce, the total adverse impacts on health and quality of life from aviation noise.

Whilst the Airports National Policy Statement (ANPS, Ref 5) has no effect for the Proposed Development and paragraph 5.58 of the ANPS is specific to Heathrow and the Airports Commission, the ANPS is an important and relevant consideration (as confirmed in paragraph 1.12 of the ANPS) and paragraph 5.58 provides clarity that the aviation policy objective should be tested, at least in part, in relation to a historic baseline. The footnote to ANPS paragraph 5.58

(footnote 155) clarifies that the 2013 baseline for this test is defined by the 54dBLAeq,16h daytime contour.

As the 2013 baseline is specific to Heathrow and the Airports Commission, it is considered that the 2019 baseline used in the Environmental Statement is the appropriate historic baseline to use. This is why, for aircraft air and ground noise, the assessment compares the Do-Something scenario in each year to the 2019 Actuals baseline (or the 2019 Consented baseline in the sensitivity test).

The results of this comparison are presented in Table 12.7, 12.9 and 12.10 of Appendix 16.1 of the Environmental Statement [AS-096] and (together with the tables in Section 7.9 of the same appendix), show that for the daytime 54dBLAeq,16h contour:
a. by comparison to the 2019 Actuals baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases;
b. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases;
c. by comparison to 2016 actuals (see response to NO.1.9), the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases.

Though the 2013 baseline test in the ANPS is defined only in terms of daytime, a comparison for night-time has also been undertaken and shows that for the night -time LOAEL (45dBLAeq,8h) and SOAEL (55dBLAeq,8h) contours:

a. by comparison to the 2019 Actuals baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for all assessment phases;
b. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited and reduced for assessment phase 2a;
d. by comparison to the 2019 Consented baseline, the adverse impacts on health and quality of life from aviation noise are limited, but not reduced , for assessment phase 1 and 2b;
e. by comparison to 2016 actuals (see response to NO.1.9), the adverse impacts on health and quality of life from aviation noise are limited and reduced for assessment phase 2a;
f. by comparison to 2016 actuals (see response to NO.1 .9), the adverse impacts on health and quality of life from aviation noise are limited, but not reduced, for assessment phase 1 and 2b.

Data for the above comparisons are summarised in the table below.

Noise contour	Population					
	2016 Actuals	2019 Consented	2019 Actuals	2027 DS	2039 DS	2043 DS
Daytime						
54dB$L_{Aeq,16h}$	18,300	19,050	21,650	15,500	13,850	16,500
Night-time						
45dB$L_{Aeq,8h}$	55,050	55,150	67,800	55,850	54,950	62,800
55dB$L_{Aeq,8h}$	3,100	3,100	4,950	3,800	2,600	3,250

With respect to the night-time adverse effects, as noted in the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy [REP1-012], the noise insulation scheme, with its night-time eligibility, will avoid all significant effects on health and quality of life during the night-time. Furthermore, in line with the principles of the OANPS, the total adverse effects of noise are counterbalanced by the increased economic and consumer benefits delivered by the Proposed Development.

CBC response: The Applicant has not answered the question, which clearly asks how the Proposed Development meets the policy requirement of ensuring the impact of aircraft noise is limited and, where possible, reduced compared to a historic baseline.

The Applicant instead draws reference to the OANPS and does not acknowledge that this is not the only aviation noise policy in effect, as it does not annul or supersede Aviation Policy Framework 2013 (APF), UK Airspace Policy 2017 consultation (UKAP) nor the Airport National Policy Statement 2018 (ANPS).

The Applicant sets out in their response that there is a reduction offered in the daytime, but no reduction in the night-time. While the ANPS does reference the reduction applying to the 54 dB LAeq,16hour contour (daytime), ANPS is also clear that a 6.5-hour night-time flight ban is also expected [section 5.62, ANPS 2018].

The Applicant is not proposing a comparable night-time mitigation measure, and therefore it is important that noise reduction in the night-time is also considered. As recognised in APF in section 3.34, noise from night flights has a higher cost on local communities.
The policy requirement of APF to "limit and where possible reduce the number of people in the UK significantly affected by aircraft noise" is also still in effect, from which the wording of the ANPS follows.

As can be seen in the table provided within the Applicant's response, where policy requires that "*The noise mitigation measures should ensure the impact of aircraft noise is limited and, where possible, reduced compared to the 2013 baseline assessed by the Airports Commission*" cannot be considered to be met, due to the night-time increases (when using an appropriate historic baseline, rather than necessarily the 2013 baseline). The Host Authorities wish to emphasise that the 2019 actual

baseline used by the Applicant is not considered appropriate as it reflects a level of operations that breached an extant noise condition.

Question NO 1.9 – 2019 actual baseline

ES Chapter 16 [REP1-003, paragraph 16.9.8] explains that the 2019 actuals baseline determines the number of properties last experiencing significant adverse effects on health and quality of life. This is used for comparison purposes against future scenarios. Explain how the figures for changes in total population exposure would differ if the last year of noise contour compliant operation (2016) were adopted as a comparator rather than the 2019 actuals or consented baseline datasets.

Applicant response: *The 2016 actuals fleet has been modelled in AEDT following the modelling methodology described in Appendix 16.1 of the ES [AS-096] and population analysis of noise contours is provided in the tables below.*

Daytime $L_{Aeq,16h}$ dB Noise Contour	2016 Actuals Population
51	36,400
54	18,300
57	10,400
60	4,200
63	1,250
66	0
69	0

Night-time $L_{Aeq,8h}$ dB Noise Contour	2016 Actuals Population
45	55,050
48	20,750
51	10,850
54	4,650
55	3,100
57	1,500
60	0
63	0

A summary of population within the assessment Phase 1 2027 Lowest Observed Adverse Effect Level (LOAEL), Significant Observed Adverse Effect Level (SOAEL) and Unacceptable Adverse Effect Level (UAEL) contours is provided in table below for the 2016 Actuals Baseline, Do-Minimum (DM) and Do-Something (DS) scenarios. The figures are comparable with 2019 Consented baseline population analysis in Table 12. 7 of Appendix 16.1 of the Environmental Statement [AS-096] with the only identified difference being:
a. 100 fewer people being no longer above the daytime LOAEL by comparison to 2016 actuals; and
g. 100 additional people being newly exposed to noise levels above night-time LOAEL by comparison to 2016 actuals.

No change in population exposed to noise levels above SOAEL or UAEL are identified. Cells were there are differences compared to Table 12.7 of Appendix

16.1 of the Environmental Statement [AS-096] are highlighted and the equivalent number from Table 12.7 is included in brackets.

	Total Population				
Noise exposure	2016 Actuals	2027 DM	2027 DS	Change DS – 2016 Actuals	Change DS - DM
Daytime					
Above LOAEL and below SOAEL	35,150	25,000	31,600	-3,550 (-3,650)	6,600
Above SOAEL and below UAEL	1,250	50	450	-800	400
Newly above the SOAEL in DS compared to the 2016 Actuals Baseline			0		
Above UAEL	0	0	0	0	0
Night-time					
Above LOAEL and below SOAEL	51,950	38,350	52,050	100 (0)	13,700
Above SOAEL and below UAEL	3,100	2,100	3,800	700	1,700
Newly above the SOAEL in DS compared to the 2016 Actuals Baseline			700		
Above UAEL	0	0	0	0	0

A summary of population within the Phase 2a 2039 LOAEL, SOAEL and UAEL contours is provided in table below for the 2016 Actuals baseline, DM and DS scenarios. The figures are comparable with 2019 Consented baseline population analysis in Table 12.9 of Appendix 16.1 of the Environmental Statement [AS-096] with the only identified difference being:
a. 100 fewer people being no longer above the daytime LOAEL by comparison to 2016 actuals; and
h. 100 additional people being newly exposed to noise levels above night-time LOAEL by comparison to 2016 actuals.
No change in population exposed to noise levels above SOAEL or UAEL are identified. Cells where there are differences compared to Table 12.7 of Appendix 16.1 of the Environmental Statement [AS-096] are highlighted and the equivalent number from Table 12.7 is included in brackets.

	Total Population				
Noise exposure	2016 Actuals	2043 DM	2043 DS	Change DS – 2016 Actuals	Change DS - DM
Daytime					
Above LOAEL and below SOAEL	35,150	19,950	38,250	3,100 (3,000)	18,300
Above SOAEL and below UAEL	1,250	0	500	-750	500
Newly above the SOAEL in DS compared to the 2016 Actuals Baseline			0		
Above UAEL	0	0	0	0	0
Night-time					
Above LOAEL and below SOAEL	51,950	32,400	59,550	7,600 (7,500)	27,150
Above SOAEL and below UAEL	3,100	1,350	3,250	150	1,900
Newly above the SOAEL in DS compared to the 2016 Actuals Baseline			150		
Above UAEL	0	0	0	0	0

CBC response: The Applicant states that the 2016 baseline is similar to the 2019 Consented baseline, which is not disputed, nor surprising. The step that the Applicant does not take is to compare the 2016 baseline to the 2019 Actuals, which would show a smaller reduction in noise levels over time in the daytime, and no noise reduction over time at night-time, as per NO.1.8.

While the assessment of significant effects would largely remain unchanged, claims of noise reduction as set out in Chapter 16 would be different and as stated in NO.1.8, not be considered compliant with aviation noise policy.

Question NO 1.13 - Future fleet mix assumptions - next generation

With reference to CAP1766 'Emerging Aircraft Technologies and their potential noise impact', explain why an assumption of next generation noise levels being less than or the same as new generation aircraft is robust.

Applicant's response*: CAP1766 'Emerging Aircraft Technologies and their potential noise impact' (Ref 6) was one of the Civil Aviation Authority publications linked to the Department for Transport's aviation strategy consultations (Ref 7), along with CAP1731 Aviation Strategy: Noise Forecast and Analyses (Ref 8). CAP1766 provides high level commentary on noise implications of emerging aircraft technologies such as electric aircraft, supersonic aircraft, unmanned aircraft systems and spacecraft. Of these technologies, only electric aircraft are likely to have the potential for use at London Luton Airport in significant numbers. Whilst the report notes that there is a risk of potential adverse noise impacts of electric aircraft (which could vary with noise levels potentially reduced on departure but increased on arrival), no definitive statements are made and the uncertainties are noted.*

Published around the same time and as part of the same aviation strategy consultations, CAP1731 Aviation Strategy: Noise Forecast and Analyses provides forecast noise modelling out to 2050, with consideration of the noise impacts of future aircraft types. For these long-term forecasts, the Civil Aviation Authority assumed either a 0.1 dB or 0.3dB per year reduction due to future aircraft types, based on a review of novel aircraft noise technology by the International Civil Aviation Organization (Ref 9). This assumption is consistent with the assumptions applied in the sensitivity test for next - generation aircraft presented in Section 12.6 of Appendix 16.1 of the Environmental Statement [AS- 096]. Assumptions on reductions in noise from next-generation aircraft are only employed in a sensitivity test.

For the reasons described above, it is therefore considered that the assumption that next -generation aircraft are no louder than new-generation aircraft is considered robust and a reasonable worst - case, as the assumption means

that Noise Envelope Limits are set to be equivalent to those of new generation aircraft in any case.

CBC response: The Applicant's use of assuming that aircraft noise levels are no quieter in the future does not bring about sufficient constraint in the future, should new aircraft actually be quieter than existing.

Should quieter aircraft enter the market, there may not be sufficient incentivisation for airlines to operate these aircraft from Luton, as there is no reduction in the size of the noise contour limit in future years. In this situation, there could therefore be noise benefits that are not being shared with the local community, as the constraints placed on the Airport are insufficient. This response links in with those concerning GCG below.

Question NO 1.22 - Airline orders

In response to Action Point 21 for ISH3 [REP3-050, Table 1.1], the Applicant provided three figures extracted from airline presentations. No explanation is provided as to which aircraft would be based at Luton or how the information provided has informed the development of the future fleet forecasts. The ExA requests that the Applicant provide a detailed explanation of how this information has informed the future forecast and confirmation from the airlines that the future fleet forecasts are representative of the proposed airline operations.

Applicant's response: *The Applicant cannot be certain of the rate at which key airlines will base their new aircraft at London Luton Airport. However, all three of the largest airlines are already operating new aircraft at the airport and expected to continue to deploy more of their fleet to Luton.*

In the case of Wizz Air, the airline has already confirmed that the base at Luton will be 100% new generation by 2025 (see Appendix B) and, since the airline will be at nearly 100% new generation by 2027 (as per the information provided in REP3-050, Figure 1), the Applicant has a high degree of confidence that this major operator will be all new generation in the near future at Luton when accounting for some inbound services from other bases in addition to the based operations.

Following the submission of REP3-050, easyJet has also announced a further order for 157 new generation aircraft on top of those already ordered, and options to place another 100 on firm order above this (see Appendix C).

Ultimately, airlines will continue to replace their older aircraft because there is an economic imperative to do so in order to reduce their own operating costs and meet sustainability targets, as older aircraft burn more fuel and become increasingly expensive to maintain. Therefore, not updating fleets makes

airlines uncompetitive, particularly in the low fares airline sector that makes up the vast majority of operations at the airport. Low fares airlines will typically replace older aircraft at an earlier stage than other airlines due to the importance placed on keeping costs down within the business and this can be seen historical as airlines, such as Ryanair and easyJet, are already on their second generation of aircraft and now introducing their third generation each (having retired all their first-generation aircraft some years ago). This pattern can be seen in the large numbers of new generation aircraft on order by low fares airlines in Europe and globally.

The Applicant's approach to future fleet forecasts has, therefore, been based on specific known factors (such as Wizz Air's 100% new generation fleet by 2027) as well as expectations of how other aircraft on order by the airlines may be deployed, which have been considered taking into account factors such as the typical retirement timescales of airlines (10-20 years for most low fares airlines) and general industry trends, orders and announcements. The fleet mixes adopted for assessment were presented to the Noise Envelope Design Group, which included airline representatives and, in specific consultations with the airlines, the information has been shared with them. This has given the Applicant confidence that the overall rate of fleet replacement assumed in the forecasts is robust.

The rate of fleet transition in the early years is broadly consistent with those presented at the Bristol Airport Inquiry (69% new generation by 2030) and accepted as reasonable by the Planning Inspectorate in that case as being "generally sound" (Appeal Decision APP/O0121/W/20/3259234, Page 37, Para 224).

The Applicant believes that the fleet mix presented is reasonable and notes that there has been no substantive challenge to this from any other parties. Ultimately, if the rate of deployment of new generation aircraft is slower than projected at London Luton Airport then the airport will not be able to grow by virtue of the Limits being put in place through Green Controlled Growth (GCG). In order to take advantage of the scope to grow, the airlines will have a motivation to deploy newer types at the airport in order to meet the stringent limits which are being proposed. The principles that growth would be controlled by environmental limits if the fleet mix was not in line with forecasts was confirmed by the Planning Inspectorate at the Bristol Airport Inquiry (Appeal Decision APP/D0121/W/20/3259234, Page 49, Para 288).

<u>CBC response:</u> The first two sentences of the last paragraph (starting 'The Applicant believes' and ending 'through Green Controlled Growth') is ultimately the same argument that was made for the 2013 application, and that scenario resulted in noise breaches occurring.

4. REP4 – 057 Applicant's Response to Written Questions – Draft DCO

Question DCO 1.13 – Requirement 10 Landscape and biodiversity management plan

Applicant's Response: Please see the Applicant's response to Buckinghamshire Council's relevant representation [RR-0166] as detailed in the Applicant's Response to Relevant Representations - Part 2A of 4 (Local Authorities) [REP1-021] namely:
'*The Applicant would draw the Council's attention to the fact that the Landscape and Biodiversity Management Plan (LBMP) (Appendix 8.2 of the ES [AS029]), to be approved by the relevant planning authority, must be substantially in accordance the Outline LBMP. This Outline LBMP has been produced as part of the Environmental Impact Assessment process, and a draft was subject to consultation. The Outline LBMP will be subject to further scrutiny by the ExA and Interested Parties during the examination. The Applicant does not believe, therefore that the final LBMP requires additional consultation with other external consultees such as Natural England as the relevant local planning authority is competent to approve such a plan*.'

However, noting the Examining Authority's question, and responding to representations from Interested Parties, in the Deadline 4 version of the Draft Development Consent Order the Applicant has included new provisions at paragraphs 33-34 of Schedule 2, which allow for consultation on the requirements discharging process with certain specified bodies (including Natural England) if the discharging authority considers the relevant conditions are met.

CBC Response: The additional provisions are welcomed.

Question DCO 1.20 - Phasing

Many of the requirements refer to 'no part of the authorised development may commence until a…for the construction of that part has been submitted to…'. In addition, mitigation of the effects of the Proposed Development are predicated on various works or measures being in place before certain operations are commenced.

In order to manage the discharge of requirements and to ensure certain elements of the scheme don't come forward/ start to operate without all of the necessary works being completed, is a phasing and/ or masterplan requirement needed? If not, why not and, if it is, provide a form of preferred drafting.

CBC response: Welcome the Applicant's additions to requirements 5 and 35, but does have some comments in relation to the new drafting which are contained in CBC Comments on Deadline 4 Submissions.

Other Comments

CBC note the statement made that National Highways are not considered to be an approving body, therefore appearing to confirm the expected role of CBC when it comes to approving highways works to the Strategic Road network (within CBC) as part of the discharge of requirements process.

5. REP4 – 069 Applicant's Response to Written Questions – Traffic and transportation including surface access

Question TT 1.13 – Parking

In Chapter 18 of the Environmental Statement [AS-030] it states, 'As part of the strategy to reduce travel by car and encourage use of public transport, parking provision will not be increased on a pro rata basis.' The Public Transport Strategy Summary Report Appendix H [APP-202] states that Luton Airport has identified Stansted as the main comparator in a benchmarking exercise. Within Appendix H it states that at 32MPPA Luton would be providing around 500 spaces per million passengers compared to Stansted, which in 2017 provided 1107 spaces per million passengers. However, Stansted airport is not closely surrounded by residential areas. Has the Applicant considered that by providing the reduced number of spaces to encourage the mode shift to sustainable transport it could aggravate the fly parking issue, and, if so, what does it propose to do to mitigate this issue?

CBC Response: The applicants response states that they have considered off site parking will come forward to supplement the onsite parking, but that this would be a separate and commercial decision by third parties. CBC would draw the ExA's attention to the extent of land designated as Greenbelt in to either side of the M1 in proximity to J10, appearing to offer little opportunity for additional offsite parking which would not impact upon the Greenbelt.

The comments with regards to ongoing discussions with Highway Authorities on the subject of fly-parking are noted. Whilst these discussions have yet to take place with regards to locations within CBC, they are now scheduled and expected to take place prior to Deadline 6.

Question TT1.18 - Bus and Coach

Can the Applicant confirm that if proposed new routes are not initially commercially viable that the sustainable transport fund would be used to support operators in running these services until the demand is such that they are able to operate commercially? If yes, how would this be secured so that the ExA can afford it weight when reporting to the Secretary of State? And if no, why not?

<u>CBC Response</u>: The applicants response refers to general wording within the Framework Travel Plan, and it is appreciated that due to the changing nature of public transport, the identification of specific services to be supported may not be possible. However, there remains a specific query over whether there would be an initial sum within the STF to allow for bus service support during the earlier phases of development.

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