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London Luton Airport Expansion

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Volume 8 Additional Submissions (Examination)

8.116 Applicant's Comments on Submissions by Interested Parties on the P19 Approval

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.116

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.116 Applicant's Comments on Submissions by Interested Parties
on the P19 Approval**

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1 INTRODUCTION

1.1 Purpose of this document

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA'). It provides the Applicant's Comments on Submissions by Interested Parties on the P19 Approval made at Deadline 4.
- 1.1.2 The 'P19 Approval' refers to the granting of planning application 21/00031/VARCON, submitted on 11 January 2021 by London Luton Airport Operations Limited (LLAOL), the operator of the airport, under the Town and Country Planning Act (TCPA) 1990. The Applicant for this application for development consent has considered the implication of the P19 Approval on the Proposed Development in its response to the ExA's request for information under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended), which was issued on 13 October 2023.
- 1.1.3 The Applicant's response, **Applicant's Response to Rule 17 Request – Implications of the P19 Approval for the DCO [REP4-093]**, was submitted at Deadline 4 on 1 November 2023 and is available to read on the Examination Library.
- 1.1.4 Whilst the Applicant's response to the Rule 17 letter provided commentary on its own views relating to the P19 Approval, this document provides the Applicant's comments on the views made by other Interested Parties on the P19 Approval at Deadline 4.
- 1.1.5 Where the Applicant disputes comments made by Interested Parties on the implication of the P19 Approval, this document will provide an explanatory rebuttal as to why there is a difference of opinion. The Applicant has responded only to parts of the submissions made by Interested Parties which it considers warrants a response. If a new issue has not been raised, then a further response has not been provided, however this does not represent acceptance or agreement by the Applicant of the point raised.
- 1.1.6 The Applicant notes that submissions from **Mr John Gass [REP4-180]** and **Mrs Elspeth Gass [REP4-165]** were made in relation to noise insulation / mitigation and listed building consent. However, the comments made are not of direct relevance to the Proposed Development so have not been included in Table 2.1 of this document. The Applicant notes the comments made, which predominantly relate to the current Noise Insulation Scheme and not the one being proposed by the Applicant to be introduced following implementation of the Proposed Development. The Noise Insulation Scheme being proposed by the Applicant is set out in the **Draft Compensation Policies, Measures and Community First [REP4-042]**. This updated version of the policy includes additional provisions to address issues relevant to Listed Buildings. The process to be followed, which is set out from para 6.1.36, has been developed to identify and resolve issues that arise on a case by case basis. Eligibility for the schemes will be determined by the noise contours the property sits within and the Applicant is making commitments to operate a fair process with independent

scrutiny provided through the involvement of the Noise Insulation Sub Committee of London Luton Airport Consultative Committee.

1.1.7 The Applicant also notes that a submission from **Mr Richard William Groom [REP4-203]** was made in relation to climate change and greenhouse gas policy. Given that the comments made are related to Government Policy, they are not considered to be a matter for this Examination.

1.1.8 The Applicant has also prepared a document submitted alongside this document at Deadline 5 which explores further the relationship between the conditions and s106 agreement attached to the P19 Approval **[TR020001/APP/8.112]**, and the Requirements proposed as part of this application for development consent, provided within Schedule 2 of the **Draft Development Consent Order (DCO) [REP4-003]**. It also considers the conditions and s106 agreement attached to the Applicant's Green Horizons Park permission (GHP), the application for which was granted by Luton Borough Council in June 2021 (Ref: 17/02300/EIA).

1.2 Structure of document

1.2.1 Section 2 of this document presents in tabular format the Applicant's comments on Responses to Submissions by Interested Parties on the P19 Approval.

2 APPLICANT'S COMMENTS ON SUBMISSIONS BY INTERESTED PARTIES ON THE P19 APPROVAL

Table 2.1: Applicant's Comments on Responses to Submissions by Interested Parties on the P19 Approval

I.D.	Topic	Comment (verbatim)	Luton Rising's Response
Buckinghamshire Council [REP4-113]			
1.1	2. Comments on the Consented Development 2.5. Climate Change		
1.2	Climate Change / Greenhouse Gases (GHG)	2.5.1. The Council welcomes DL Annex B Condition 19, which requires the creation of and approval by the Local Planning Authority of a Carbon Management Strategy when passenger throughput exceeds 18 million passengers over a 12-month period. The requirement for the Strategy to be reviewed by third-party organisations on a regular basis is also welcomed. The Council considers that this is relevant as an approach to also be applied to the DCO, in the interests of providing a means of monitoring and responding to changes in carbon as the airport continues to expand, linked to defined passenger throughput triggers.	An Outline GHG Action Plan [APP-082] was submitted with the application for development consent . Should the Order be made , a further, more detailed, Greenhouse Gas Action Plan, which must be substantially in accordance with this Plan, will be developed by the airport operator to provide further information around mitigation measures and targets going forward. In addition, a GHG Monitoring Plan [APP-223] , appended to the Green Controlled Growth Framework [APP-218] sets out a procedure for monitoring and reporting of GHG emissions for operations that are both under the direct control and influence of the airport. This feeds into the production of a Monitoring Report that is secured as a Requirement of the DCO [REP3-003] . The GHG Monitoring Plan also sets out a procedure for monitoring and reporting surface access for staff and passengers.
1.3	Climate Change / GHG	2.5.2. DL para. 26 states the conclusions drawn in relation to the correlation between passenger numbers and climate change impacts, due to emissions. The Secretaries of State conclude that higher-level emissions would be a negative aspect to be considered as carrying limited weight against the proposals in the planning balance. Given the considerably larger magnitude of emissions that would be associated with the increase in passengers to 32mmpa, the Council considers this relevant to the DCO. In following the precedent, the Council would expect the ExA to consider this aspect of the DCO to be negative, relevant to the consideration of the planning balance and to carry substantially greater weight, commensurate with the larger order of magnitude of the DCO relative to the Consented Development.	An assessment of GHG emissions from the Proposed Development is presented Chapter 12 Greenhouse Gases [REP3-007] of the Environmental Statement (ES). As presented for the Core Planning Case, it is assumed that GHG emissions from aviation will be managed accounting for the aviation mitigation measures included within the Jet Zero Strategy (Ref 2.1). The projected aviation emissions from the Proposed Development are shown to be aligned with overall UK aviation emissions for the Jet Zero Strategy High Ambition scenario, with the Proposed Development being consistent with existing policy and best practice. Accordingly, the outcome of the assessment is that the GHG impact of the Proposed Development is minor adverse and therefore not significant. Furthermore, it is concluded that any increase in carbon emissions resulting from the Proposed Development will not be so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets.
1.4	Surface Access	2.6. Transport 2.6.2. The Council notes a number of references to the delivery of sustainable transport measures for the Consented Development that are considered to have relevance to the DCO: • IR 15.120 relates to the need to set targets for modal share that are realistic, but stretching. • IR 15.143 stresses the importance of establishing clear procedures for regular short-term monitoring, providing data driven reporting that facilitates early remedial action when significant under-performance is noted.	The P19 Approval does not change the Applicant's commitments to Travel Plan and framework for implementation. The future Travel Plan associated with the application for development consent will supersede the Travel Plan associated with the 19mmpa consent.

I.D.	Topic	Comment (verbatim)	Luton Rising's Response
		<ul style="list-style-type: none"> IR 15.144 cites a need for accountability for achieving targets since they are necessary to make the Consented Development acceptable; supported by a clear mechanism for securing additional resources to deliver alternative measures to achieve targets. DL para. 30 states that an updated Travel Plan is considered a necessary provision to make the Consented Development acceptable; and that it must be approved prior to passenger throughput exceeding 18 mppa. 	
1.5	Air Quality Planning	<p>2.7. Air Quality</p> <p>2.7.1. The Council welcomes the acknowledgement by the Secretaries of State that, when compared to a without proposal scenario, the Consented Development 'would increase pollutants, albeit marginally, thereby slowing the trajectory of improvement in air quality, at odds with the NPPF's aim that development, where possible, should help to improve local environmental conditions such as air quality' (DL para. 34). The conclusion drawn is also welcomed by the Council in terms of its transferability and scalability in the context of the DCO – namely 'notwithstanding compliance with the Development Plan, the proposal would cause very limited harm and would not fully accord with the objectives of the NPPF to improve air quality where possible, and that this carries limited weight against the scheme (IR15.164)' (DL para. 35).</p>	<p>A robust air quality and odour assessment has been undertaken in line with methodology and appropriate national legislation, in agreement with local planning authorities and technical working groups. This has been presented in Chapter 7 Air Quality [AS-076] of the ES. No significant impacts are predicted to occur and no impact to compliance is predicted. Appendix 7.5 Outline Operational Air Quality Plan [APP-065] of the ES sets out the measures committed to via the DCO which will help to improve air quality.</p> <p>The planning balance for the Proposed Development, including consideration of the proposals against national and local planning policy, has been considered in Section 9 of the Planning Statement [AS-122]. This had regard to the possibility of the baseline passenger throughput increasing to 19mppa from 18mppa, as well as acknowledging that the Applicant's environmental assessments included sensitivity analysis of the implications of the permitted cap increasing.</p> <p>In light of this, the conclusions drawn in Section 9 of the Planning Statement are considered to remain robust.</p>
1.6	Air Quality Surface Access	<p>2.7.2. The Council considers that this identification of weight against the Consented Development supports the points that have been made in the Council's Written Representation (REP1-042) and Local Impact Report (REP1A-001), reinforced within the Updated Principal Areas of Disagreement Summary Statement (REP2- 045), comments previously supplied on Deadline 2 and 2A documents (REP3-082) and the Council's Deadline 3 submissions (REP3-079, REP3-080, REP3-081, REP3-083 and REP3-084), that even small changes in air quality arising from alterations to surface access arrangements can result in impacts on health determinants and that these should be taken into consideration when assessing the planning balance. In the context of the DCO, such changes are anticipated to be greater in real terms and geographic spread, including along the access routes identified within the Trip Distribution Plans (REP1-019). The Council would encourage the ExA to reflect this principle, and the weight afforded to it as a material consideration in this much smaller proposed capacity increase (IR 15.164), within consideration of the implications of longer distance transport impacts from the DCO for air quality, including as a determinant of health.</p>	<p>Chapter 7 Air Quality [AS-076] of the ES details how the study area has been defined with regards to traffic volume changes, which follows appropriate guidance, in agreement with local planning authorities and technical working groups.</p> <p>An assessment of the health impacts of air quality was undertaken and reported in Chapter 13 Health and Community [AS-078] of the ES.</p> <p>This assessment concluded that the Proposed Development would have no significant impact on health as a result of air quality during its construction and operation.</p>
1.7	2.9. Conditions – DL Annex B		
1.8	2.9.1. The Council has reviewed the conditions set out at Annex B of the DL, which the Secretaries of State have endorsed as forming part of the decision.		

I.D.	Topic	Comment (verbatim)	Luton Rising's Response
1.9	Health and Community	2.9.2. When considering DL Annex B Conditions 7, 8 and 9 the Council notes the reasoning for their inclusion as being to "safeguard the living conditions of occupiers of residential properties and the amenities of the surrounding area." The Council interprets this as an indication that health impacts are afforded far greater weight as part of the SoS's decision than is evident in the Applicant's approach to health impacts within the DCO application to date. As the SoS decision relates to a passenger increase of 1 million passengers per annum, the scalability of effects associated with a further 13 million passengers per annum raises the question as to the necessary controls and mitigation that would be required to alleviate any health impacts associated with the DCO scheme.	<p>The DCO contains appropriate controls and mitigation to limit and control the assessed effects on health as described in sections 13.9 and 13.11 of Chapter 13 Health and Community [AS-078] of the ES, including references to mitigation and measures described elsewhere in the ES and secured through the application, such as noise mitigation measures in Chapter 16 Noise and Vibration [REP1-003] of the ES, air quality measures in Chapter 7 Air Quality [AS-076] of the ES and secured through Green Controlled Growth Part 3 to Schedule 2 of the draft DCO [REP4-003].</p> <p>This captures effects of noise on the living conditions of occupiers of residential properties and the amenities of the surrounding area, and air quality. An updated Comparison of consented and proposed operational noise controls [AS-121] has also been provided at Deadline 5.</p>
1.10	Climate Change / GHG	2.9.3. DL Annex B Condition 19 sets out clear requirements in relation to the production and cyclical review of a Carbon Reduction Strategy, noting that this will become an umbrella plan that applies to the whole site. This is considered relevant to the DCO insofar as this updated Carbon Reduction Strategy will need to be reflected by the Applicant as an amended Business as Usual position in the context of the Outline Carbon Management Plan produced as part of the DCO (and the resulting the Carbon Reduction Strategy).	<p>Noted.</p> <p>An Outline GHG Action Plan [APP-082] was submitted with the application for development consent. Should the Order be made, a further, more detailed, Greenhouse Gas Action Plan, which must be substantially in accordance with this Plan, will be developed by the airport operator to provide further information around mitigation measures and targets going forward. This would consider the Carbon Reduction Strategy referenced.</p>
Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire District Council [REP4-160]			
2.1	dDCO GCG	<p>v. dDCO Articles 44 and 45 Interaction with LLAOL planning permission/ Application of the 1990 Act</p> <p>10. The 19mppa consent becomes that operative for the purposes of Articles 44 and 45 of the dDCO. The direct implication of the decision is that it will serve to delay the triggering of the operation of the green controlled growth (GCG) regime and wide range of operational requirements. The authorities assume that the applicant will provide the ExA with a comprehensive assessment of those requirements and will respond to that, as necessary.</p>	<p>The basic process is that the controls in the draft DCO [REP4-003] (including GCG) will only kick in once the airport operator wishes to make use of the capacity above the cap allowed by the P19 Approval.</p> <p>Now that London Luton Airport has a permitted cap of 19mppa, the expectation is that the cap and its controls permitted by the P19 Approval will endure up to achievement of 19mppa, with the DCO kicking in once growth goes past that permitted cap.</p>
2.2	<p>vi. 7.10 Draft Compensation Policies, Measures and Community First (REP2- 005)</p> <p>11. Notwithstanding v.: Community First</p>		
2.3	Community First	12. At para 8.1.7 REP2-005 confirms that Community First will be provided at a fixed rate of £1 of funding for every additional passenger above the planning cap current at the time that the Development Consent Order is made, per year. At full capacity this would generate up to £14m per year. As well as delaying the implementation of operation of Community First (communities would lose out on benefit in the 18mppa-19mppa growth phase on an ongoing basis) the total annual fund available in the future would be capped at £13mppa, rather than 14mppa.	<p>There will be no delay to the implementation of Community First, it will be introduced from the point at which notice is served under article 44(1) of the Order as has always been the intention.</p> <p>There will be an effect on the total size of the available fund as Community First is directly linked to growth permitted by the application for development consent. If the baseline throughput of the airport increases from 18 to 19mppa, as a result of a separate process, that has the effect of reducing the number of 'growth passengers' permitted by the DCO, and therefore the directly linked size of the fund.</p>

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			The Applicant notes that the size of the Community First fund would still be very substantial at up to £13m per year.
2.4	Community First	13. A direct implication of the decision will be to delay the commencement of implementation of Community First and ultimately at full operation will reduce the annual amount of funding available from £14 million to £13 million.	As answered above to 2.3
2.5	Compensation	<p>Noise Insultation Scheme</p> <p>14. Paragraph 6.1.13 of REP2-005 confirms that the proposed Noise Insultation Scheme will become operative when the Applicant serves notice on the relevant planning authority under article 44(3) of the DCO. Until that time, the existing scheme will continue to apply.</p> <p>15. A direct implication of the decision will be to delay the commencement of implementation of the Noise Insultation Scheme.</p>	<p>Noted.</p> <p>The P19 Approval will result in an enhanced Noise Insulation Scheme (NIS), secured by planning conditions and obligations, providing a fund of £4,500 per property (index linked) with an uncapped annual fund. The airport operator intends to allocate £8.5m to the scheme to ensure all properties meeting the relevant criteria can be insulated within 5 years.</p>
Luton Borough Council [REP4-188]			
3.1	Noise	The Panel supported the Noise Mitigation Plan (NMP) which is part of the S106 Agreement associated with the permission. The NMP includes components covering the Noise Insulation Scheme (LBC recognise that the DCO proposal includes an enhanced NIS), the QC system (quota count which LBC support being retained), ground noise control, and the noise and track violation scheme (including fines) [IR15:50 and 15:60].	<p>Following discussion at the Issue Specific Hearings in September 2023, further discussions have taken place with the Host Authorities in relation to the decision to approve the P19 application. The Applicant is intending to make further updates to the noise controls secured in the DCO including the additional controls listed by Luton Borough Council. Further details are included in the Applicant's Response to Issue Specific Hearing 1 Actions 8 and 11: Note on existing/previous S106 planning conditions and obligations [TR020001/APP/8.112] submitted at Deadline 5.</p> <p>An updated comparison between the current consented and DCO proposed noise controls is provided in a revision of Comparison of consented and proposed operational noise controls [AS-121].</p>
3.2	Climate Change / GHG	<p>Climate Change</p> <p>The Panel opined that the Carbon Reduction Strategy, secured through a planning condition, has the potential to include more ambitious and stretching targets than the Outline Carbon Reduction Plan that had been submitted with the application, and the Panel considered that it would provide a robust framework for ensuring the reduction in non-aviation emissions were maximized and their effects mitigated [IR15.90].</p>	<p>An Outline GHG Action Plan [APP-082] was submitted with the application for development consent. Should the Order be made, a further, more detailed, Greenhouse Gas Action Plan, which must be substantially in accordance with this Plan, will be developed by the airport operator to provide further information around mitigation measures and targets going forward. This should consider the Carbon Reduction Strategy referenced. The Applicant has committed to review and update the GHG Action Plan once Government has confirmed the Scope of the Jet Zero Strategy Commitment for airports to be zero emissions by 2040.</p> <p>In addition, a GHG Monitoring Plan [APP-223], appended to the Green Controlled Growth Framework [APP-218] sets out a procedure for monitoring and reporting of GHG emissions for operations that are both under the direct control and influence of the airport. This feeds into the production of a Monitoring Report that is secured as a Requirement of the DCO. The GHG Monitoring Plan also sets out a procedure for monitoring and reporting surface access for staff and passengers.</p>
UK Health Security Agency [REP4-220]			
4.1	Environment	We confirm our response to the Examining Authority on this matter as follows: The granting of planning application 21/00031/VARCON has the potential to impact scenario assessments (e.g. 'do nothing')	The Applicant was aware of the P19 planning application submitted by LLAOL and accounted for it in the ES as a sensitivity test as described in Chapter 5 Approach to the Assessment [AS-075] of the ES. This reported no material changes to the conclusions of the ES; and no changes or further statements are required. This is

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		<p>considered within the Environmental Statement of the DCO submission. UKHSA is not able to fully consider potential implications without a statement from the Applicant regarding how this decision affects the results and conclusions (e.g. relating to noise) of the Environmental Statement (ES). Given the decision by the Secretaries of State was for a relatively small increase in passenger numbers (relative in relation to the ongoing Development Consent Order to increase to 32mppa), it is unlikely that this decision will materially affect our comments, however it would be preferable to see a statement from the Applicant detailing any changes to their assessments.</p>	<p>further described in 8.105 Applicants response to Rule 17 Request – Implications of the P19 Approval for the DCO [REP4-093].</p>
LADACAN [REP4-182]			
5.1	1. Implications of the 19mppa decision		
5.2	Planning	<p>1.1 Current permission status The 19mppa decision provides LLAOL with an option to operate the Airport under a different planning permission. However, until LLAOL serves notice of intent to implement, the current planning conditions and obligations pertain. The 19mppa Section 106 Agreement states: "4. IMPLEMENTATION OF THE SECTION 73 PLANNING PERMISSION 4.1 The Operator covenants to serve a notice on the Council of its intention to Implement the Section 73 Planning Permission (the "Notice of Implementation") at the point when it wishes to Implement the Section 73 Permission. 4.2 The Notice of Implementation shall be sent by email to the Monitoring Officer to developmentcontrol@luton.gov.uk and the said notice shall include the reference number "S.106/21/00031/VARCON". It appears that the ExA should continue to assess the Application in the context of the conditions and obligations of Project Curium unless LLAOL serves Notice of Implementation (NoI) before the Examination has concluded, at which point new conditions and obligations would apply to the operation of the Airport.</p>	<p>Whether or not P19 has been implemented, that it has been granted is still a material consideration in the determination of the application for development consent.</p>
5.3	Noise	<p>1.2 Requirements prior to 19mppa permission being Implemented LLAOL has not to our knowledge served NoI and therefore, now that the 19mppa application has been determined, there is no reason for LLAOL to delay any longer the production of the still outstanding Long Term Noise Reduction Strategy update which Project Curium condition 10 requires and which LLAOL undertook to produce to LBC early in 2021 [REP1-095 Appendix 1 paragraphs 59-60]. This Strategy is material to the weight which can be placed by the ExA on noise control in the Transition Period, and we urge the ExA to request early sight of it.</p>	<p>As set out in the Applicant's Response to Issue Specific Hearing 1 Actions 20, 21, 24 and 26 and Issue Specific Hearing 3 Action 28: Green Controlled Growth – Transition Period and Slot Allocation Process [REP4-072] the Applicant is proposing to strengthen GCG in early years of expansion through the removal of the Transition Period for aircraft noise. This is reflected in updated GCG documents and the draft Development Consent Order [REP4-003] submitted at Deadline 5.</p>
5.4	2. Concerns relevant to DCO Examination		
5.5	Noise dDCO	<p>2.1 Enforcement The Inspectors acknowledge the loss of trust felt as a result of the incentivised accelerated growth in the first 5 years of delivery of</p>	<p>The Applicant has included in the draft Order numerous controls to manage growth within approved noise limits – see in particular Requirement 3, Part 2 (Requirements</p>

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		<p>Project Curium. Paragraph numbers below refer to the 19mppa decision document unless otherwise stated:</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. 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.”</i></p> <p>Due to LLAOL’s failure to manage growth within noise limits in the past, we request the ExA ensures that enforcement provisions within the dDCO are at least as adequate as those imposed by the 19mppa Inspector Panel regardless of whether Nol is served during the Examination or not.</p>	<p>Pertaining to Green Controlled Growth) and Part 4 (Requirements pertaining to other Operational Matters of the draft DCO [REP4-003].</p> <p>Following discussion at the Issue Specific Hearings in September 2023, further discussions have taken place with the Host Authorities in relation to the decision to approve the P19 application. The Applicant is intending to make further updates to the noise controls secured in the DCO at Deadline 6. Further details are included in the Applicant's Response to Issue Specific Hearing 1 Actions 8 and 11: Note on existing/previous S106 planning conditions and obligations [TR020001/APP/8.112] submitted at Deadline 5.</p> <p>An updated comparison between the current consented and DCO proposed noise controls is provided in a revision of Comparison of consented and proposed operational noise controls [AS-121].</p> <p>The Applicant is satisfied that the draft DCO will include enforcement measures that exceed measures proposed by the P19 Approval.</p>
5.6	Climate Change / GHG	<p>2.4 Climate change</p> <p>The Inspectors make clear the seriousness of climate change and emphasise that the PPG guidance that addressing climate change is core to NPPF decision-taking:</p> <p><i>“15.63 As the Government’s Net Zero Strategy makes clear, human activity is changing our climate and this will have a devastating impact on human lives, the economy, and the natural world so urgent action is needed to reduce emissions globally to limit further global warming. Given the existential nature of the threat, action will be required internationally, nationally and locally. A radical reduction in the release of GHG emissions and mitigation of the harmful effects of climate change is therefore a priority. The PPG points out that addressing climate change is one of the core land use planning principles which the NPPF expects to underpin decision-taking.”</i></p> <p><i>“15.64 The proposal would result in additional flights. These, and the associated increase in activity at LLA and journeys by staff and passengers to and from the airport, would consequently have the potential to increase GHG emissions.”</i></p> <p>The Secretaries of State agree that increased emissions count against the proposal to expand capacity at Luton Airport, even though of limited weight in the 19mppa case:</p> <p><i>“26 ... For the reasons given in IR15.95-15.97, the Secretaries of State agree with the Panel that higher-level emissions would be a</i></p>	<p>It is considered reasonable for the Applicant to assume that the aviation mitigation measures described within the Jet Zero Strategy (Ref 2.1) will be implemented in full, and therefore that these policies can reasonably be considered within the GHG assessment presented in Chapter 12 Greenhouse Gases [REP3-007] of the ES.</p> <p>The measures within the Jet Zero Strategy represent UK Government policy as it applies to aviation, and the GHG assessment assumes that they will be delivered in line with Government policy to help meet the UK’s legally binding emissions reduction targets.</p> <p>Should any, or all, of the mitigation measures assumed within the Jet Zero Strategy High ambition Scenario not be fully implemented, market based mechanisms including the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) will continue to provide controlling mechanisms to prevent aviation emission from exceeding carbon budgets.</p>

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		<p><i>negative aspect of the proposal to be considered in the planning balance, that they would be less than significant and short-term, and are a matter that carries limited weight against the proposal.</i></p> <p>Clearly the carbon emission increase proposed in the current Application would weigh more heavily against it since substantially more flights and passenger journeys would arise.</p>	
5.7	Climate Change / GHG Surface Access	<p>2.5 Climate emergency declaration</p> <p>The Inspectors express concern regarding the lack of specific local targets in the LBC Climate Emergency response, although specific actions are identified:</p> <p><i>“15.75 LBC have declared a Climate Emergency, as have many neighbouring authorities²⁸⁵. The proposed action by LBC includes an expectation that LLAL will work with LLAOL to decarbonise operations but also notes that international aviation emissions are not considered as UK sources. Beyond setting a net zero carbon target of 2040, the declaration does not provide any specific targets. The Climate Action Plan to achieve this does however provide a detailed series of actions which aim to prioritise alternatives to private vehicle use by encouraging the use of public and active transport options. Nevertheless, the LPA have recognised that it would be ‘extremely challenging’ to meet all the local and national targets for aviation, ground operation and surface access emissions.”</i></p> <p>Whilst acknowledging the increase in private vehicle usage from the 19mppa permission is small, the Inspectors have remaining concerns which again would be magnified in respect of an additional 14mppa rather than just 1mppa:</p> <p><i>“15.76 Against this background the proposal would not run counter to this declaration and there is no substantive evidence that it would be contrary to other local authorities’ declarations either. Nevertheless, the potential remains that private vehicle use by staff and passengers associated with the proposed capacity increase could adversely affect achieving the 2040 target, particularly in that initiatives focusing on surface access have the potential to take effect early in the Action Plan’s lifespan.”</i></p>	<p>As presented in Chapter 12 Greenhouse Gases [REP3-007] of the ES, GHG emissions from the Proposed Development are anticipated to reduce in line with Government policy, and as such, are not expected to be so significant that they will impact the UK Government meeting its carbon targets.</p> <p>Emissions from Airport Operations and in part Surface Access Journeys, would fall under the scope of LBC’s Climate Action Plan (Ref 3.2).</p> <p>The Applicant recognises that the target for Zero Emissions from Airport Operations by 2040 within the Jet Zero Strategy is Government Policy and the intention is to be compliant with this requirement. Given the current uncertainties about what will be included in the scope of the Zero Emissions airport policy outlined in the Jet Zero Strategy, the Applicant has included a residual amount of emissions in our modelling to be conservative based on the current policy position. This represents a worst case position.</p> <p>The Applicant anticipates that airport operations will be zero emissions by 2040 in line with the commitment in the Jet Zero Strategy. The Applicant has acknowledged that emissions from airport operations in Chapter 12 Greenhouse Gases [REP3-007] of the ES do not show as zero.</p> <p>The Government have acknowledged in the Jet Zero Strategy that the scope of airport operations is still yet to be defined and that a consultation will be undertaken on this matter. The Applicant has acknowledged in Chapter 12 Greenhouse Gases [REP3-007] of the ES that the Green Controlled Growth (GCG) Framework [REP3-017] requires that within three months of a decision being made on the definition of airport operations a review of the Greenhouse Gas Action Plan would be undertaken and the plan updated to reflect the new definition. Emissions from airport ground operations would be controlled over time by GCG.</p> <p>As outlined above, within three months of a decision being made on the definition of airport operations, a review of the Greenhouse Gas Action Plan would be undertaken and the plan updated to reflect the new definition which would remove any uncertainties around the delivery of this target. As noted in Chapter 12 Greenhouse Gases [REP3-007] of the ES, paragraphs 12.11.35 to 12.11.37, the Applicant will bring forward further measures to ensure airport operations are consistent with government policy on this aspect.</p>
5.8	Climate Change / GHG	<p>2.6 Surface access emissions</p> <p>The Inspectors express significant concerns about the ability to meet aspirations to reduce surface access emissions:</p> <p><i>“15.83 ESA4 [the fourth version of the Environmental Statement for 19mppa] shows surface access emissions arising from the proposal remaining stubbornly high and being relatively slow to reduce</i></p>	<p>As presented in Chapter 12 Greenhouse Gases [REP3-007] of the ES, Greenhouse Gases [REP3-007] GHG emissions from the Proposed Development are anticipated to reduce in line with Government policy, and as such, are not expected to be so significant that they will impact the UK Government meeting its carbon targets.</p>

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		<p><i>compared to the 'without proposal' scenario. Although it predicts a much less sharp difference by 2050, up until 2028, and even until 2032, surface access emissions stand out as a significant proportion of overall emissions. Unlike aviation emissions, the airport can in principle exert greater influence over these through how it prompts, incentivises and prioritises low and zero carbon transport to and from the airport."</i></p> <p>The Inspectors then evidence their concerns and stress that the Transport Plan (TP), Carbon Reduction Strategy (CRS) and Car Park Management Plan (CPMP) must be sufficiently robust, ambitious and comprehensive:</p> <p><i>"15.84 Furthermore, the programmes and targets for reducing aviation emissions generally relate to the longer term, particularly those which rely on emerging and uncommercialised technologies, for example in JZS. This makes it all the more important that reductions capable of achievement in the short term are realised. However, the proposal, as submitted, relies very heavily on national measures in respect of decarbonising surface access, such as roll out of EVs and stricter vehicle emissions controls, rather than the more fundamental modal shift advocated in the Action Plan. 15.85 The requirement to ensure that private car use is minimised and use by sustainable transport modes is maximised is set out in LLP Policy LLP6 B. viii. This means that the ASAS, in supporting the TP and CRS, needs to be ambitious and robust."</i></p> <p><i>"15.125 The revised TP included a target of achieving 47% of passengers accessing the airport by sustainable modes of travel by 2024 and maintaining that in 2028. This would appear to be an ambitious objective. In 2019, 7.74m passengers (43%) used such modes; but this dropped to 3.1m in 2021 when throughput was still well below pre-pandemic levels. A 47% share of 18m ppa passengers would mean 8.46m using sustainable modes in 2024; with 19m ppa this would increase to 8.93m. This would represent an increase of 1.19m passengers using sustainable transport overall."</i></p> <p><i>"15.137 In closing submissions, the Applicant suggested that the CPMP would be part of an updated TP; this proposition is supported by the Panel. However, to do so effectively it would need to be more wide-ranging, including estimating additional parking demand arising from the proposal and considering how this could be managed either on-site or elsewhere. Alongside setting parking charges, appropriate incentives would be required to encourage passengers to choose rail or bus, without increasing the risk of additional traffic from dropoffs and/or vehicles being parked in residential areas, to the detriment of local amenity. There is an opportunity to address these matters in a comprehensive CPMP that is fully incorporated within an updated TP."</i></p> <p>Again, a potential increase by 14m ppa rather than 1m ppa emphasises the criticality of these components and the heavy negative weight which inadequacy would otherwise represent.</p>	<p>Transport decarbonisation assumptions used to calculate GHG emissions in Chapter 12 are consistent with the Government's Transport Decarbonisation Plan (TDP) (Ref 2.3). Transport decarbonisation measures are addressed by UK Government Policy as described in the TDP.</p>
5.9	Air Quality	2.7 Air quality	A robust air quality and odour assessment has been undertaken in line with methodology and appropriate national legislation, in agreement with local planning

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		<p>The Secretaries of State confirm that whilst a 1mppa increase is small, the NPPF has an objective of improving air quality where possible and applications which fail to achieve that carry negative weight:</p> <p><i>“35. The Secretaries of State therefore conclude that notwithstanding compliance with the Development Plan, the proposal would cause very limited harm and would not fully accord with the objectives of the NPPF to improve air quality where possible, and that this carries limited weight against the scheme.”</i></p> <p>This again acts as a guide to the weighting against the current Application, which inevitably will lead to a far more significant deterioration in air quality due to significantly increased numbers of flights and passenger journeys by surface transport.</p>	<p>authorities and technical working groups. This has been presented in Chapter 7 Air Quality [AS-076] of the ES. No significant impacts are predicted to occur and no impact to compliance is predicted. Appendix 7.5 Outline Operational Air Quality Plan [APP-065] of the ES sets out the measures committed to via the DCO which will help to improve air quality.</p>
Tim North & Associates Ltd on behalf of Holiday Extras Limited [REP4-175]			
6.1	Consultation	<p>Certain considerations set out in the Report prepared by the Panel of Inspectors into the public inquiry relating to the called-in application Reference No. 21/00031/VARCON have already been referred to in earlier representations made on behalf of Holiday Extras Limited to the current DCO application, [REP1-073: REP2-060; REP3-118] and hence do not need to be repeated.</p> <p>There are nevertheless a number of points which my clients feel should be highlighted arising from the resultant Report of the Panel of Inspectors, where it is directed at airport related passenger car parking, which are relevant in considerations relating to the current DCO application.</p>	Noted.
6.2	Surface Access	<p>FIRST ISSUE</p> <p>The case advanced on behalf of LLAOL at paragraph 8.77 of the Inspectors' Report (IR8.77) mentions that since 2019 public car parking capacity had increased by 22.3% and that there would be sufficient capacity to accommodate the additional 1m passengers sought by the application. This increase in on-airport car parking capacity since 2019 when the passenger throughput at London Luton Airport was 18mppa, is required to be compared with a proposed increase of 6,100 on-airport car parking spaces for all forms of on-airport car parking product over a 21-year period from 2022 to 2043, during which time passenger throughput is expected to increase by at least 13mppa.</p> <p>These figures raise concerns as to whether on-airport passenger car parking provision comprising part of the DCO application will be sufficient, and what contingency plans exist to remedy any shortfall should the number of on-airport car parking spaces be found to be deficient in the future.</p> <p>This raises similar issues to those highlighted in my client's representations at Deadline 3 [REP3-118], namely, what methodology has been adopted by Luton Rising in arriving at the figures relating to the proposed short, mid and long term on-airport passenger car</p>	<p>It should be noted that the 19 mppa (P19) proposals were put forward by the current Airport operator (LLAOL) as opposed to Luton Rising. The LLAOL proposals are entirely separate to the DCO application.</p> <p>The Applicant considers that the issue raised regarding the proposed methodology behind the calculation of car parking numbers was answered within the Applicant's Response to Written Representations made by Members of the public at Deadline 1 (Part 1b) [REP2-034] page 157.</p>

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		parking spaces over the three phases of the DCO application, and importantly how have they been devised.	
6.3	Surface Access	<p>SECOND ISSUE</p> <p>In the case of the proposed development allowed by the Secretary of State on 13th October 2023, the Local Planning Authority, Luton Borough Council refers to the Car Parking Management Plan (hereinafter referred to as CPMP) forming an important instrument in managing on-airport passenger car parking provision through pricing, ensuring an appropriate balance between supply and demand (IR9.37).</p> <p>The current DCO application relies on a number of instruments through which on-airport passenger car parking provision is to be managed, namely through targets set out in the Airport Surface Access Strategy (ASAS); Framework Travel Plan (FTP) and related five year Travel Plans (TPs) and Thresholds and Limits set out in the Green Controlled Growth Framework (GCG). In the light of these circumstances, it appears to my clients that the price of future airport related parking products still remains an important determining factor in controlling on-airport related passenger car parking demand, with the Applicant continuing to have little control over the price of alternative means of access to the airport by public transport.</p>	Noted.
6.4	Surface Access	<p>THIRD ISSUE</p> <p>The Panel of Inspectors in their conclusions at IR15.119 state that a change in behaviour was also needed to achieve wider environmental objectives and safeguard the amenities of the surrounding area, at the same time referring to what was confirmed by the LPA's planning witness at the public inquiry, that surface access considerations was one of the reasons for the imposition of a passenger cap through Condition 8.</p> <p>It is acknowledged that in the case of the current DCO application, the Applicant has introduced targets expected to be reached through the ASAS, TPs and GCG. The issue which my clients raise is whether these instruments are sufficient to result in a change in passenger behaviour to meet environmental objectives, and in particular safeguard the amenities of surrounding residential areas, especially through fly-parking. In short, to what extent does there remain a requirement for the imposition of passenger caps relating to the three phases of the DCO application?</p>	<p>The Green Controlled Growth Framework [REP3-017] is the primary mechanism put forward by the Applicant to secure changes in passenger travel behaviour and achieve wider environmental objectives, by requiring an increase in travel by passengers using sustainable modes of travel. The surface access mode share Limits within GCG require a decrease in non-sustainable travel mode share from 62% in Phase 1, to 60% in Phase 2a, and then to 55% in Phase 2b. Compliance with the GCG Framework is a requirement of the DCO, and therefore if the measures taken by the Applicant to change passenger behaviour and achieve these Limits are not successful, then controls on future growth at the airport will be imposed, as set out in Requirement 23 of Schedule 2 of the Draft Development Consent Order [TR020001/APP/2.01]. The GCG Framework therefore negates the need for the suggested requirement of interim passenger caps in this regard.</p> <p>Measures to safeguard the amenity of surrounding residential areas are put forward as part of the Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA) [REP4-085], which is secured separately to GCG in the DCO – see Requirement 29 of Schedule 2 of the Draft Development Consent Order [TR020001/APP/2.01]. Specifically regarding fly-parking, the OTRIMMA sets out the proposed approach for monitoring and introducing 'Mitigation Type 2' measures, which includes mitigation for issues related to fly-parking.</p>
6.5	Surface Access	<p>FOURTH ISSUE</p> <p>Table 9 entitled "Key Travel Plan Targets and Performance (missed targets shown in bold)" is incorporated into the conclusions drawn by the Panel of Inspectors in their Report at IR15.125. This table sets out under the title "Objective 1: Reducing Non-Electric Car Use", a target figure of 39% being a reduction in the</p>	<p>For vehicle access, a key priority is progressing measures which support the uptake of electric vehicles through supporting infrastructure and incentives and measures to support vehicles efficiency though avoiding empty vehicle trips for taxis, and maximising opportunity for car sharing.</p> <p>The adoption of new technology will be key across all modes to improving how the airport encourages public transport use, through better information provision to</p>

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		number of passengers relying on nonelectric car use during the period 2016 through to 2028. To what extent is this figure of passengers relying on non-electric cars considered to be appropriate in the current DCO application, or has it changed, since this will have implications in achieving wider environmental objectives? Furthermore, the same topic has implications in terms of flyparking, particularly where passengers have an electric car and where access to charging points is limited.	travellers, encouraging the use of ultra-low emission vehicles and providing better insights to encourage greater use of sustainable modes. The operator will change the existing staff surveying and reporting process to exclude electric vehicles from staff sustainable mode share reporting. Going forward, a journey by an electric vehicle will be reported as a private car trip.
6.6	Surface Access	In the case of "Objective 2: Increasing the Use of Sustainable Modes" forming part of Table 9 introduced at IR15.125, reference is made to a target figure of 47% of passengers accessing the airport by sustainable modes by 2024, which will be maintained through to 2028. These figures do not appear to relate to those figures set out in Table 9.5 Passenger Mode Split (person trips) taken from Document 7.02 Transport Assessment – Part 3 of 4 (Chapters 9-10) [APP-205].	It should be noted that the 19mppa (P19) proposals were put forward by the current Airport operators (LLAOL) as opposed to Luton Rising. The LLAOL proposals are entirely separate to the DCO application.
Mr Michael P Reddington [REP4-195]			
7.1	Compensation Noise	I would respectfully request the ExA to examine carefully whether the 19mppa permission could compromise implementation of improved Noise Insulation promised under the DCO.	The P19 Approval will not compromise the implementation of the improved DCO noise insulation scheme. The improved noise insulation scheme will replace the P19 noise insulation scheme if consent is granted.

REFERENCES

Ref 2.1 Department for Transport. 2022. Jet Zero strategy: delivering net zero aviation by 2050. Available online.

Ref 2.2 Luton Borough Council. 2020. Luton Net Zero Policy and Action Plan. Available online.

Ref 2.3 Department for Transport. 2021. Decarbonising transport: a better, greener Britain (2023 updates). Available online.