

December 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.127 Applicant's Response to Deadline 5 Submissions**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.127

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.127 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS**

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<b>Deadline:</b>	Deadline 6
<b>Planning Inspectorate Scheme Reference:</b>	TR020001
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<b>Author:</b>	Luton Rising

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# Contents

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	Page
<b>1 Introduction</b>	<b>1</b>
1.1 Purpose of this document	1
1.2 Structure of document	1
<b>2 Applicant's Response to Deadline 5 Submissions</b>	<b>3</b>
<b>Table 2.1 Applicant's Response to Deadline 5 Submissions</b>	<b>3</b>
<b>References</b>	<b>21</b>

# 1 INTRODUCTION

## 1.1 Purpose of this document

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 response to Deadline 5 submissions by Interested Parties (IPs). To avoid unnecessary repetition of information, the Applicant has only provided responses to new matters raised in submissions, i.e., the Applicant has not responded to matters that it considers have already been addressed in previous submissions.

This document does not include responses to matters that the Applicant considers will be addressed as part of the ongoing development of Statements of Common Ground (SoCG). Responses to such matters will be reflected in updated SoCG documents. Whilst this document includes responses to some submissions made by parties that have an SoCG with the Applicant, these responses are confined to matters that the Applicant considers may benefit from a response before the issue of an updated SoCG at Deadline 6.

In instances where the Applicant considers that no matter has been raised or the point raised has been dealt with previously and the Applicant has not responded to a matter, this should not be read as the Applicant's acceptance of, or agreement with, the matter raised.

A few IPs have not been responded to as the Applicant believes that the issues raised have been addressed in the Applicant's Responses to Relevant Representations at Deadline 1 and the Applicant's Response to Written Representations at Deadline 2

## 1.2 Structure of document

Where possible, the Applicant has responded to Deadline 5 submissions in Table 2.1. This includes responses to the following submissions:

- a. Holiday Extras Limited [REP5-070]
- b. The Harpenden Society [REP5-089]
- c. St Albans Quieter Skies [REP5-086]
- d. Bidwells on Behalf of ATO Holdings [REP5-061]
- e. Friends of Wigmore Park [REP5-069]
- f. Peter White [REP5-082]
- g. Luton Borough Council [REP5-076]
- h. Stop Luton Airport Expansion [REP5-087]

Where the Applicant considers that submissions require detailed responses, the Applicant has included these responses in Appendices, as follows:

- a. Appendix A: LADACAN [REP5-071 & REP5-072]
- b. Appendix B: Buckinghamshire Council [REP5-064]

- c. Appendix C: Central Bedfordshire Council [REP5-066]
- d. Appendix D: Dacorum Borough Council, Hertfordshire County Council & North Hertfordshire Council [REP5-068]
- e. Appendix E: National Highways [REP5-091 & REP5-093]

## 2 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS

Table 2.1 Applicant's Response to Deadline 5 Submissions

I.D.	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
<b>Holiday Extras Limited [REP5-070]</b>			
1	Surface Access	It was stated by the Applicant and recorded as such in Part 2 of the Transcript of Recording of Issue Specific Hearing 4 [Document EV9-006] that the Airport Transport Forum has membership "including Airparks which are a subsidiary of Holiday Extras, so they're already represented on the current ATF." That comment is patently incorrect and requires correction, having been elaborated on in paragraphs 1.03 and 1.04 of Document REP-3118.	The Applicant considers that this was addressed on page 1 of the <b>Applicant's Response to the Deadline 3 Comments from Holiday Extras Limited [REP3-118]</b> .
2	Surface Access	I raised in the same representations [Document REP3-118] at the ISH4 meeting held on Thursday 28th September 2023 that a reading of all the submissions associated with the Transport Assessment revealed no explanation in terms of the methodology employed, or indeed any signposting of how the proposed levels of mid and long term on-airport passenger car parking provision in the various phases of the DCO application had been devised. This is a matter which can be verified by the recording of Part 1 of ISH4 comprising Document EV9-003.	<p>The Applicant considers that the issue raised regarding the methodology used to determine the proposed levels of on-airport car parking was covered on page 24/25 of the <b>Applicant's Summary of Oral Submissions and Responses to Comments Made at Open Floor Hearing 1, Open Floor Hearing 2 and Post-Hearing Submissions [REP2-030]</b>. However, as this has been raised again, a further explanation is provided below.</p> <p>The future year on-site car parking spaces have been estimated from the total baseline short, mid and long stay parking spaces (10,550 as shown in Section 5.6 of the <b>Transport Assessment [AS-123]</b>), as this was the amount of car parking required to handle 18mppa. To produce future year on-site car parking numbers, the growth in passengers for each phase of the expanded airport has been applied to the total baseline parking spaces and an adjustment has been made to reflect the forecast change in on-site car park mode share from 2019. The forecast change in on-site car park mode share has been applied to the total number of passengers in each phase of the development. The on-site car park mode share for the baseline and future years are shown in Table 6.12 of the <b>Transport Assessment [AS-123]</b> and Table 9.5 of the <b>Transport Assessment [APP-205]</b>.</p>
3	Surface Access	As indicated on behalf of Holiday Extras Limited in paragraph 1.08 of Document REP3118, the Examining Authority have not been provided with any information on the methodology adopted in arriving at the figures relating to the proposed short, mid and long term on-airport passenger car parking over the three phases of the DCO application, and importantly how they have been devised.	See above response at ID 2.
4	Surface Access	In contrast, I referred to Document AS-125 in which the needs assessment methodology had been explained, but any comparison methodology appears conspicuous by its absence in any transport related document concerning future on-airport passenger car parking.	The purpose of the Need Case is to set out the need for the expansion of London Luton Airport capacity to 32mppa. The calculation of the future year car parking required to support the Proposed Development does not require a Needs Case assessment. The methodology described on page 24/25 of the <b>Applicant's Summary of Oral Submissions and Responses to Comments Made at Open Floor Hearing 1, Open Floor Hearing 2 and Post-Hearing Submissions [REP2-030]</b> is appropriate to establish the future year on-site car parking required to support the airport expansion.
5	Surface Access	In my client's view this represents a serious omission in the evidence base comprising part of the DCO application, in contrast to applications seeking an expansion of infrastructure at other airports where additional airport related car parking provision is being sought. The kind of factors involved in individual	Future year on-site car parking is forecast from the 2019 passenger car parking stock, which was the level of on-site car parking required to support 18mppa. The 2019 parking provision reflects the accessibility of the airport, vehicle arrival and departure profile, car occupancy and the duration of stay, which effectively

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		methodologies relating to future provision of on-airport passenger car parking was highlighted in paragraph 1.09 of <b>Document REP3-118</b> .	defines the total car parking required. This profile has been used as a proxy for the future year, with the growth in passengers applied along with the assumed mode shift from private car (on site car park) to public transport, in order to establish the car parking requirements for the expanded airport.
6	Surface Access	reference was made to a response provided by Mr Matthew Rhodes on behalf of the Applicant which did not address the question raised, being concerned with matters of off-site car parking. Instead, the Examining Authority were directed to <b>Document AS-123</b> and in particular to Chapter 8 and paragraphs 8.3.37 to 8.3.51. My clients as well as the Examining Authority are fully conversant with the provisions of these paragraphs. That part of Chapter 8 of <b>Document AS-123</b> referred to by Mr Matthew Rhodes is directed at types of car parking proposed on-airport, including numbers over the three phases of the DCO application. What is omitted from the Applicant's response was any information detailing the methodology used to arrive at the figures for mid and long term on-airport passenger car parking at Phases 1, 2A and 2B.	See above response as ID 2.
7	Surface Access	In cases where questions are raised by the Examining Authority, or where representations have been directed to certain specific matters concerning future on-airport passenger car parking figures, it is only reasonable that Interested Parties who have an obvious interest in on-airport related passenger car parking provision, are afforded the courtesy of a clear answer to the particular question raised. In this respect, and as the Examining Authority will appreciate, the resultant figures for short, mid and long stay on-airport passenger car parking at the three phases of the DCO application must have sound legitimate basis. Put simply, how have they been devised?	See above response as ID 2.
8	Surface Access	I have been looking for a response from the Applicant in its Deadline 4 submission to the points raised by my clients at the Deadline 3 stage, in accordance with Action Point 15 set out by the Examining Authority. A careful search of the Document revealed no response at all to the issues raised in <b>Document REP3-118</b> . The only response I have managed to locate amongst the 220 individual submissions is that found on page 30 of the Document entitled " <b>Volume 8 Additional Submissions (Examination) – 8.84 Applicant's Response to Deadline 4 Hearing Actions</b> " in which it is stated under the title " <b>Description of Action Point 15</b> " " <i>Mr North did not submit a response at Deadline 3</i> "	The Applicant has responded to Holiday Extras Limited submission [REP3-118] in the <b>Applicant's Response to Deadline 3 Comments from Holiday Extras Limited</b> submitted at Deadline 5 [REP5-059].
<b>The Harpenden Society [REP5-089]</b>			
9	P19	We note that the Applicant's clarification (part of which was included in the Inspectors' report at IR8.94) included the comment that "First, in relation to Wizz, Appendix 11 of Mr Wingfield's note refers to Wizz's network-wide (across Europe) fleet renewal program. However Wizz are expected to fly a greater proportion of A320s from Luton (as opposed to A321s). The reason for this is that Wizz will want to preserve the frequency of their flights and network breadth. If Wizz were to fly entirely A321s from Luton, then due to the additional seat capacities on the flights and the passenger cap, Wizz would have to reduce their flight numbers by around one tenth (one for every five A320 movements it currently operates, with the current operation split evenly between A320s and A321s). This would not be possible on some routes which are only served by, say, two flights a week. Operating some smaller aircraft on certain routes will enable Wizz to maintain frequency and the breadth of the	This comment appears to be referring to the unreliability of evidence submitted by LADACAN to the P19 Inquiry (Decision on Town and Country Planning Act 1990 – Section 77 Application Made By London Luton Airport Operations Ltd (LLAOL) London Luton Airport, Airport Way, Luton, LU2 9LY Application Ref: 21/00031/VARCON - Inspector's report paragraph 8.94). This is not relevant to or related to the DCO fleet mix assumptions, which have been built up from first principles as set out in Section 6.6. of the Need Case [AS-125]

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		<p>network which they fly to. Mr Wingfield may have adopted this invalid assumption based on a misreading of Wood's Clarification Response on Noise Issues (August 2021) included at Appendix 1 to HS' note. The statement made in that note (highlighted in green) related to fleet renewal i.e. modernisation. It did not state that the fleet mix (i.e. A321s vs A320s) would be the same at Luton as across the entire network and that is not a valid assumption."</p> <p>Barely six months after this evidence was submitted to the Inquiry, Wizz announced that its whole based fleet at Luton would be A321neos by 2025 leading to the removal of several A320s that were based at Luton (which undermines the overarching argument above).</p>	
10	P19	<p>This argument is further undermined by a review of Flightradar for Monday and Tuesday this week which shows that the number of A320 Wizz flights departing Luton airport is 13 out of 96 in total, i.e. 14% of the total. By comparison, Wizz's 9 November 2023 public results presentation shows 36 A320's out of a total fleet of 204 aircraft for financial year ending 31 March 2024 (thus A320's are 18% of the whole fleet). Clearly Wizz aren't flying a greater proportion of A320's out of Luton compared to the whole fleet.</p>	See above response at ID 9.
11	P19	<p>And just to emphasise the point, the writer of this note undertook some noise observations for the airport in May-July this year and the proportion of Wizz's A320's compared to the whole fleet was 28% (higher than the 13% currently but considerably less than the "current operation split evenly between A320's and A321's" referred to above at the time of the Inquiry).</p>	See above response at ID 9.
<b>St Albans Quieter Skies [REP5-086]</b>			
12	Noise and Vibration	<p>Within TR020001-002144-5.02 - Environmental Statement Appendix 16.2 Operational Noise Management (Explanatory Note) Rev 1 – the Applicant makes numerous references to Civil Aviation Authority document CAP1129 – "Design Envelopes" – but the requirements of CAP1129 have not been followed.</p> <p>CAP1129 lists, in conclusion, these five points: (in italics)  <i>The key conclusions and messages arising from this study on the Noise Envelope concept are as follows:</i></p> <ol style="list-style-type: none"> <li><i>1. For an envelope to function as intended, it is essential that full agreement is achieved between all stakeholders on the envelope's criteria, limit values and means of implementation and enforcement.</i></li> </ol> <p>Two community representatives only were invited to join the Noise Envelope Design Group. One of these subsequently had to withdraw for reasons of ill health. Because of confidentiality provisions they could not share their discussions in any great detail within their own groups, or the other Community Groups that they were expected to represent. At the end of the process, the NEDG had one individual to represent all communities without independent professional support. Even so, Luton Rising have chosen not to take forward the recommendations of the NEDG.</p>	<p>The Applicant considers that the issue raised regarding the Noise Envelope and CAP1129 guidance was answered within Applicant's response to Deadline 2 submissions (Comments from Interested Parties on Deadline 1 submission) Appendix A - LADACAN <b>[REP3-060]</b> pages 56-93, in response to <b>[REP2-061]</b>.</p>
13	Noise and Vibration	<ol style="list-style-type: none"> <li><i>2. The benefits of future technological improvements must be shared fairly between industry and local communities. This is fundamental to the noise</i></li> </ol>	



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		<p><i>envelope concept and will need to be considered when defining parameters and setting limits.</i></p> <p>This was the intention behind the noise envelope in place for Project Curium, as defined by a series of planning conditions. The following years saw the airport take all of the growth ahead of schedule and before the delivery of mitigations such as quieter aircraft and noise insulation in the most seriously impacted residential properties. Again, the DCO forecasts show increased noise in the early years before the balancing mitigations are provided, with further noise increases later. The noise/growth balance is again tilted in favour of the Airport. What confidence can we have that noise reductions will follow?</p>	
14	Noise and Vibration	<p><i>3. An envelope is likely to be defined by a combination of parameters.</i></p> <p>The Applicant decided to use only LAeq metrics. This approach gives little assurance to communities. While having the benefit of enabling comparison with prior years, the use of Summer Day and Night LAeq contour area limits do not give protection against individual loud aircraft events, particularly at night. They give no assurance of noise levels at other times of the year. The human ear does not hear equivalent continuous noise levels – in the case of aircraft it hears a succession of individual noise events. It does not incentivise airlines to use quieter aircraft. As detailed in CAP 1129, numerous supporting metrics are available and examples of their use at other airports is given. The final report of the NEDG recommended a suite of metrics that gave penalties for excessively loud aircraft and incentives for the use of quieter aircraft, as well as regularly reviewed movement limits. The report was the work of noise experts and representatives from within the aviation industry. It is puzzling to see why these recommendations have been ignored, and in the eyes of this Community Group does not reflect well on the intentions of the Applicant.</p>	
15	Noise and Vibration	<p><i>4. The lifespan of an envelope must be agreed, and its parameters defined to maintain appropriate sharing of the benefits over its intended life-span.</i></p> <p>See our comments above.</p>	
16	Noise and Vibration	<p><i>5. The parameters and limits and means of implementation and enforcement of a noise envelope will need to be tailored to individual airports and their respective local conditions.</i></p> <p>Agreed – particularly the means of enforcement with Luton Borough Council being the owner of the Airport and also the Local Planning Authority.</p>	
17	Noise and Vibration	<p><i>6. The current planning system offers limited flexibility in the means available to implement a noise envelope. A change in primary or secondary legislation may be required for noise envelopes to be implemented effectively and enforceable by law.</i></p> <p>We are in agreement with this statement.</p>	
18	Noise and Vibration	<p><i>7. A possible need has been identified for independent third parties to assist stakeholders to reach agreement where necessary.</i></p> <p>This was not provided as far as we are aware.</p>	<p>See response to ID12.</p> <p>The Noise Envelope Design Group included an independent chair.</p>

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19	Noise and Vibration	<p>Within TR020001-002144-5.02 - Environmental Statement Appendix 16.2 Operational Noise Management (Explanatory Note) Rev 1 – the applicant states on page 8 that:                      “As well as engagement with the NEDG, the developing Noise Envelope proposals have been widely consulted on through two statutory public consultations. The consulta on was open to the public and all community groups.”</p> <p>We cannot agree that the work of the NEDG has ever been subject to public consultation.</p>	<p>See response to ID12.</p> <p>The Noise Envelope was consulted on in the 2022 Statutory Consultation in the Draft Green Controlled Growth Proposals consultation document (Ref 1).</p> <p>This document included:</p> <ul style="list-style-type: none"> <li>• Cross-reference to the work of the Noise Envelope Design Group and clarity that the noise envelope will form part of GCG;</li> <li>• The principals of Limits and Thresholds and the overarching GCG Framework (as per the current Noise Envelope Design);</li> <li>• Proposals to set the Limits and Thresholds using the forecasts from the Environmental Statement, including faster growth (as per the current Noise Envelope Design);</li> <li>• Noise contour area limits and thresholds based on the 54dBL<sub>Aeq,16h</sub> and 48dBL<sub>Aeq,8h</sub> contours (as per the current Noise Envelope Design);</li> <li>• Indicative noise contour area Limits and Thresholds that are larger (i.e. more worst-case) than those in the current Noise Envelope Design</li> </ul> <p>The Limits in the current Noise Envelope are set following the exact same principals, and have only been tightened as a result of the further noise model validation for the Environmental Statement.</p>
20	Noise and Vibration	<p>Project Curium has a well-defined Noise Envelope that encompassed within the planning conditions limits on not just the summer Night and Day contour areas, but also limits on individual aircraft noise events, night movement limits, early morning shoulder movement limits, annual movement limits and annual passenger throughput limits.</p> <p>It was a noise envelope which set out to comply with Government policy and match passenger growth to the fleet mix evolving towards the introduction of quieter aircraft.</p> <p>History shows that within weeks of planning permission being granted Luton Borough Council, London Luton Airport Limited and London Luton Airport Operations Limited signed the Growth Incentive Scheme which would accelerate the passenger growth at the cost of increased noise.</p> <p>Despite the breaches of Night (and later Day) permitted contour areas being predicted in the years before they occurred, no effective ac on was taken to prevent them occurring and the Local Planning Authority took no enforcement action.</p> <p>With the same three par es again owning, monitoring and opera ng the airport – together with failure to build on the work of the NEDG and bring it to a satisfactory conclusion, the certainty that the Noise Envelope is intended to provide to Communities is not provided.</p>	<p>This response claims that the current planning conditions were well defined but also notes that they were not successful in avoiding breaches of those limits.</p> <p>As set out in <b>Comparison of consented and proposed operational noise controls [REP5-015]</b>, the current noise controls are an improvement over the current permission noise controls (as amended by the P19 approval), and include the majority of the current permission noise controls.</p> <p>The Applicant has provided a worked example that can be used to reasonably conclude that the Noise Envelope would have avoided the historic breaches that occurred in 2017-2019, see <b>Noise Envelope – improvements and worked example [REP2-032]</b>.</p>
<b>Bidwells on Behalf of ATO Holdings [REP5-061]</b>			

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21	Land and compensation	<p>We received an email from the Applicants agent dated 31st October with the attached accompanying plan, which reproduced to the correct scale as provided. The email refers that only where deep blue lines are shown will there be hedges. For the rest of the land, it is access only. Subject to agreement of access rights the Applicant will not exercise powers over the land in limits where there are no blue lines.</p> <p>The blue lines which now affect my client's property are annotated in red A-8, C-D, E-F and F-G. Please note there is a gap between points B and C, presumably to allow access between the severed field. We have previously made submissions that access between fields needs to be sufficient for a combine with header (approx. 45 feet), otherwise the header will need to be removed, towed and re-assembled, which is hugely disruptive.</p> <p>The plan shows extensive right of access. A site meeting is proposed for December with the Applicants agent to discuss the latest proposals and what further amendments can be accommodated.</p>	<p>Noted, the Applicant's agent has agreed to attend the meeting as soon as it can be arranged and would expect to resolve the last remaining concerns expressed by the Interested Party.</p>
22	Land and compensation	<p>Lastly, we are seeking an assurance from the Applicant that when planning permission is granted for development of the residential allocation, the Applicant will not exercise powers over my client's property.</p>	<p>There is an issue of timing to be addressed with the Interested Party. The principle is however acknowledged so the assurance is being prepared and will be issued as soon as practicable and prior to the close of the Examination.</p>
<b>Friends of Wigmore Park [REP5-069]</b>			
23	Other	<p>We now seek clarity from the applicant whether they have modified any of the original signs or removed any. A site visit on November 7th shows many signs are now missing.</p> <p>We also seek clarity as to why No Trespassing Private Land signage was erected at an official entrance to Wigmore Park with signage placed within Wigmore Park and the County Wildlife Site.</p>	<p>The Applicant arranged for a number of signs to be erected on land privately owned by the Applicant, in order to effectively communicate to the public that the land is private and trespassing is strictly prohibited.</p> <p>The Applicant can confirm that 2 of the initial 12 signs were erected in error at the wrong location and this mistake was corrected within a matter of days once the Applicant was made aware of the error.</p> <p>The Applicant can confirm that a number of the signs suffer regular vandalism and removal and the Applicant has instigated a programme of regular repair and replacement.</p>

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24	Wigmore Valley Park	<p>2.2.4 The Applicant acknowledges that open space land includes land “used for the purposes of public recreation”. The Applicant also notes the relevant guidance, Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land (Ref 1) (see Appendix A, para 9) which makes clear that land used for public recreation, even informally, cannot usually be replacement land. However, the Applicant wishes to make clear that this land is not being used by the public at large and any unauthorised use was a trespass and not reflective of actual use of the land.</p> <p>The applicant needs to clarify what it means by the term “public at large” as the applicant has not provided any estimates of usage for this year or for previous years and is making assumptions without providing any evidence.</p>	<p>The Applicant's use of “Public at large” was in accordance with the generally accepted use of the term and related to the Applicant's assertion that the land is privately owned, it is not open for public use and any unauthorised use of the land was a trespass. To the extent to which any permissive rights of way have been impliedly in place, the Applicant confirms that these have been revoked. The Applicant notes that the replacement land (historically used for agriculture) was considered inadequate for usage as replacement open space by some interested parties, who now are seemingly claiming that the land was already open space, despite producing very little evidence of such usage. The Applicant notes that there is no record of any formal registration of permissive paths on or near the replacement land. The Applicant also notes that there is presently no evidence of genuine historic use of the replacement land for public recreation before the examination. However, there is clear evidence before the Examining Authority that the replacement land was used for farming (e.g. the existence of tractor lines on historic satellite imagery).</p>
25	Wigmore Valley Park	<p>As the total site is large, has many entrances, is undulating with many parts hidden from view from other areas of the open space, we conservatively estimate the proposed replacement open space is receiving around 36,365 visits each year at a rate of 100 visits per day. This daily total reduces in winter due to darker evenings and wet conditions but substantially increases in the summer months where whole families walk the land. This is based on daily observations by members walking their dogs coming across walkers and fellow dog walkers where an average of at least 10 people can be seen in the middle and far distance or encountered within each hour walked.</p>	<p>As noted elsewhere, other than use of public footpaths through the site, the Applicant considers any other use of its private land to be trespass. The Applicant does not recognise the “conservative estimate” produced by the interested party and notes the lack of evidence supporting it.</p>
26	Wigmore Valley Park	<p>We also question that access to the land was unauthorised, as clearly no attempt had been made to inform the public that the land was private up until October 12th 2023 and then for one day only. We further note that as the land is owned by Luton Rising for community benefit, members of the public have enjoyed that community benefit without any restrictions placed on them not to roam or not to follow any paths of their choosing for a number of years.</p>	<p>The land is in the private ownership of the Applicant, and was also in private ownership prior to the Applicant acquiring it. At no point has the land been made available for public use. To the extent that people have been using informal paths through the land, such rights are not recognised by the Applicant and as such any impliedly permissive use is revoked.</p> <p>Following the issue of informal usage being raised at CAH1, signage was erected and has been in place since 12 October, rather than “just for one day” (the Applicant understands that the interested party is referring to a day when signs had been vandalised). The Applicant has included at <b>Appendix A of the Applicant's Post Hearing Summary Note – Compulsory Acquisition Hearing 2 (CAH2) [TR020001/APP/1.33]</b> a photo of a vandalised being removed.</p> <p>Whilst the Applicant intends for the replacement land to be used for community benefit, the land is not currently designated for such use. The land remains private until the relevant powers in the DCO are exercised.</p>
27	Wigmore Valley Park	<p>The centre of this photograph shows a historical satellite image of the land when it was farmed compared with the existing darker imagery of today. Two crossing points can be seen from Wigmore Park heading towards the Hertfordshire border. The top field crossing is within the replacement park.</p>	<p>The Applicant notes that these historical images clearly show tractor lines, reinforcing the Applicant's position that the land was used for agriculture. The Applicant notes an absence of historical evidence that the field margins have been used by the public as informal paths, but to the extent they have, such use</p>

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		The historical images also shows well used and defined paths around field perimeters. Year 2000, 2009 and 2012 images are also provided as separate jpegs so the images can be expanded for detailed examination.	has now clearly been revoked (see above). Members of the public are not authorised to stray from the formal public rights of way onto other parts of the land. Formal public rights of way are shown on <b>Figure 14.6 of the ES [REP4-037]</b> .
28	Wigmore Valley Park	<p>3 DISTANCES TO EXISTING AND [Replacement] PARKS</p> <p>3.3 People on Foot</p> <p>The applicant makes reference to people accessing the park on foot by stating this is from Eaton Green Road via the WVP car park or by various points from the Public Rights of Way to the east of the park.</p> <p>The applicant has ignored the tarmac path that marks the start of the park from Eaton Green Road by the entrance to the Tidy Tip. This route is the principle route from the Vauxhall Park and Raynham Way Estates, who are major users of the park. It would appear this route will disappear, as it does not appear on any plans if the Eaton Green Link Road dual carriageway is built. This would mean park users from Vauxhall Park and Raynham Way areas will have to walk via the WVP car park just to reach the existing park. When combined with the additional distance travelled to reach the park, the existing park and the new replacement park both become further way.</p>	<p>The proposed footway and shared footway / cycleway along the Eaton Green Link Road form a new connection to the Airport Access Road and Terminal 2 area. The Eaton Green Link Road- provided at Assessment Phase 2a- would be positioned in a similar location to the existing footpath which links Eaton Green Road with Wigmore Valley Park, via the tidy tip access road.</p> <p>The proposed footway along the east side of the proposed Eaton Green Link Road could be utilised to access Wigmore Valley Park, from a point south-east of the existing retention pond. In addition, the existing footway which leads east along Eaton Green Road from Wigmore Lane, to enter Wigmore Valley Park via the car park access will also be retained.</p>
29	Wigmore Valley Park	If the path is rerouted via a pavement alongside the Eaton Green Link Road dual carriageway then park users will have to cross this dual carriageway or a dual carriageway that is proposed between a junction with Eaton Green Road and Wigmore Lane. Park users would then have to follow an uninviting corridor flanked by roads to reach the park that will start by the WVP car park. We are also concerned that no underpass is proposed (for possible cost saving reasons?) that would allow unaccompanied children from Vauxhall Park or the Raynham Way Estate to reach the park safely.	<p>See above response on Eaton Green Link Road at ID 28.</p> <p>Pedestrian underpasses are not recommended due to their potential for antisocial behaviour and safety concerns. At-grade signalised crossings are however provided within the proposed signalised junctions between Eaton Green Road / Eaton Green Link Road and Eaton Green Road / Wigmore Lane, which will provide improvement to the existing crossing provision.</p>
30	Wigmore Valley Park	<p>The applicant has also not mentioned the distance to reach the replacement park, compared to the distance to reach the existing park that will be compulsory purchased from the WVP car park or from the Tidy Tip entrance. The following results were produced by counting steps between closest points:</p> <p>WVP car park to compulsory purchased land = 70 paces  WVP car park to replacement park = 787 paces  Tidy Tip entrance to compulsory purchased land = 0 paces.  Tidy Tip entrance to edge of compulsory purchased land = 438 paces  Tidy Tip entrance to edge of WVP car park via the existing park = 565 paces  Tidy Tip entrance to edge of WVP car park via Eaton Green Road pavements = 605 paces  Tidy Tip entrance to replacement park via park = 1,352 paces  Tidy Tip entrance to replacement park via Eaton Green Road = 1,392 paces</p>	<p>The figures provided in REP4-071 (Figure 3.1: Examples of Walking Routes through WVP and Figure 3.2: Example of Walking Routes through proposed park) were provided to illustrate equivalent distanced walking routes only. Not all route permutations have been illustrated, as this would not be a proportionate approach to inform assessment work undertaken.</p> <p>The Applicant does not consider the figures provided by the interested party clear.</p>
31	Landscape and visual	<p>4.3 Proposed Open Space</p> <p>4.3.1 The proposed Open Space will be characterised by the area of retained amenity grassland and tree belts within WVP and large areas of meadow grassland interspersed by blocks of retained and proposed trees.</p>	Landscaping and planting proposals, as shown in the <b>Strategic Landscape Masterplan [APP-172]</b> and in greater detail in <b>Figures 14.9-14.13 of the ES [REP4-037]</b> , have been designed to screen views to the airport development, directing open space users to views to the east. The car parks, water treatment plant and fuel storage facility are to be located in an area of excavated works to

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		<p>4.3.2 Within the proposed Open Space, distinct 'sub character areas' can be defined, each of which will be defined by particular landscape elements, features, characteristics and qualities. These character areas are shown on Figure 4 of this report and described below.</p> <p>4.3 makes no mention that the proposed Open Space will actually be characterised by the continuation of the urbanisation effect due to vista of car parks, a water treatment plant and a fuel storage facility on the Luton side of the County border, as the new park on the Luton side will look down on rising ground via a valley.</p>	<p>the south west of the replacement open space which will be surrounded by hedgerow and woodland planting.</p> <p>There will be areas from within the replacement areas where the Proposed Development will be visible. However it will be seen in the context of the urban area of Luton including the existing Airport buildings and structures. The intervisibility between the replacement open space and the Proposed Development would not alter the intrinsic character of the proposed replacement open space.</p>
32	Wigmore Valley Park and open space	<p>Figure 4.2: Character areas within proposed Open Space.</p> <p>Most of the land shown in Figure 4.2 will not be part of Wigmore Park. We have already established with the applicant that this land will not have public access rights so we question its inclusion in this document, as it is not part of Wigmore Valley Park, and will have little value to park users who will see very little of it, if any, from the proposed replacement Wigmore Park.</p> <p>We also note that this proposed Open Space will be designated Operational Land under the DCO boundary map giving the applicant permitted development rights. What is shown as Open Space could well be developed in the years to come, so urbanising the eastern side of Wigmore Park if structures are placed within it.</p>	<p>The proposed open space is outside of the airport boundary and would not constitute operational land for the purposes of Part 8 of Schedule 2 of the General Permitted Development Order.</p>
33	Landscape and visual	<p>Amenity Grassland</p> <p>4.4.3 It is considered that to some extent the existing positive qualities and experiences associated within this character area (for example the opportunity for people to sit, pause and experience a pleasant outlook across this part of the park) will be maintained. The introduction of the earthworks and the car parking to the immediate west of this character area are considered to detract from the experience of this part of the park. However, this will be mitigated to some extent by the introduction of the planting and <b>landscape</b> restoration works which will provide a visual buffer to the earthworks, car parking and other Airport development.</p> <p>4.4.3 makes no mention that the Amenity Grassland will actually be dominated by office blocks, a hotel and multi-storey car parks and that a pleasant outlook actually means views of urbanisation. Planting and landscaping will not hide this.</p>	<p>Landscaping and planting proposals, specifically the proposed bund and planting along the eastern edge of Wigmore Valley Park (Work no. 5b(01)) , as shown in the <b>Strategic Landscape Masterplan [APP-172]</b> in greater detail in <b>Figures 14.9-14.13 of the ES [REP4-037]</b> and in Representative Viewpoint 13 <b>ES Appendix 14.7 [REP3-010]</b>, have been designed to screen views from Wigmore Valley Park to the development to the south.</p>
34	Ecology	<p>4.5 Replacement Open Space</p> <p>4.5.2 Within the Replacement Open Space, distinct areas of scrub landscape would be created as illustrated in Figure 4. The translocated orchids would be located within these areas.</p> <p>Our understanding is that the orchids have thrived in the County Wildlife Site due to the unique soil conditions found on the former Council tip site. These conditions do not exist in the proposed scrub areas, which are both areas of former farmland. We note the total failure the last time Luton Rising translocated orchids. The failure was then blamed on the hot weather. With global warming, summers will only get hotter.</p>	<p>The 'Scrub Landscape' referred to here is a landscape character term, that includes a mosaic of grassland, scrub and trees. Orchid translocation sites will not be within scrub habitat. The <b>Ecological Mitigation Strategy - Orchid and Invertebrate [AS-035]</b> contains details of receptor sites, their association preparation and management. The location of both receptor sites can be seen on Figure 2 in Appendix A of this document. Although subject to further pre-construction surveys and design, it is anticipated that orchids will be translocated to open areas of the newly created open space in similar growing conditions as they currently occupy within the County Wildlife Site.</p>
35	Landscape and visual	<p>4.5.3 Aircraft noise would be perceptible within the Replacement Open Space and detract from the quality of this character area but overall it is envisaged</p>	<p>The impact of noise (day and night) from the Proposed Development has been assessed and all reasonably practicable measures have been explored to</p>

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		<p>that people using the Replacement Open Space would experience a pleasant, rural environment affording views within the space and to the surrounding countryside.</p> <p>We would use the word “loud” as a better description rather than “perceptible” when describing aircraft noise within the replacement park.</p> <p>As already pointed out, the Luton side of the Hertfordshire border, which will contain a substantial amount of the new Wigmore Park, will have views to the south that would not be rural but urban with the park users’ eyes drawn towards car parks and infrastructure to the south, south west or south east depending where the park user was located.</p>	<p>reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003].</p> <p>Landscaping and planting proposals, as shown in the <b>Strategic Landscape Masterplan [APP-172]</b> and in greater detail in <b>Figures 14.9-14.13 of the ES [REP4-037]</b>, have been designed to screen views from Wigmore Valley Park to the development to the south.</p>
<b>Peter White [REP5-082]</b>			
36	Green Controlled Growth	<p>I.D 1</p> <p>The applicant provides e a list of authorities, regional and national bodies who “confirmed their support for the principle of Green Controlled Growth (GCG)”. The Applicant considers that the development of GCG has therefore undergone public scrutiny from various statutory and non-statutory bodies. Question- where does the applicant show the responses to the concept of GCG from the general public who submitted the response forms from presentations?</p> <p>Were the responses from the general public included in the decision process by the applicant, or were just those from the principle local authorities/national bodies considered?</p> <p>On what basis was the decision made to exclude individual public responses?</p>	<p>As outlined in the <b>Consultation Report [AS-048]</b>, consultation on the Proposed Development has been undertaken in compliance with all applicable requirements of the Planning Act 2008 and with relevant secondary legislation, the statutory guidance and relevant policies, guidance or advice published by Government or the Planning Inspectorate. A detailed outline of the consultation process and how responses from public, statutory and non-statutory groups has been captured and analysis of the feedback is provided in the <b>Consultation Report [AS-048]</b>.</p> <p>The <b>Green Controlled Growth Framework [REP5-022]</b> was introduced following the 2019 Statutory Consultation in response to concerns raised by the various public, statutory and non-statutory groups regarding the management of potential effects from the Proposed Development. These responses can be found in <b>Consultation Report - Appendix L - 2019 Due Regard Tables [APP-188]</b>.</p> <p>Feedback regarding the proposed <b>Green Controlled Growth Framework [REP5-022]</b> was received as part of the 2022 Statutory Consultation which again included responses from public, statutory and non-statutory groups. These responses and the Applicant’s response to these can be found in <b>Consultation Report - Appendix M - 2022 Due Regard Tables Part 1 of 4 [APP-189]</b>.</p>
37	Economics And Employment	<p>I.D 2</p> <p>The applicant states that it is social enterprise, owned by Luton Borough Council (LBC), for community benefit. In this capacity it has not had direct involvement in employment creation opportunities outside its core airport business.</p> <p>Social Enterprise businesses can be simply defined as a business that ploughs its profits back into a strong social or environmental mission, i.e. trading to create benefits for people and the planet Question- Based on the simple definition above, and the fact that at no time has the applicant even tried to influence employment outside the airport, how can the applicant claim that this application is crucial to its ability to grow employment opportunity within Luton, when it appears to have no interest in the employment economy of the town outside the airport?</p>	<p>The Applicant clearly seeks to make significant gains in employment ‘outside the airport’ through this application for development consent. As set out in <b>Appendix 11.1</b> of the Environmental Statement [APP-214], the employment effects of the Proposed Development stretch beyond direct jobs created at the airport and include indirect jobs within the supply chain and in the wider economy through jobs induced via the spending of those employed directly and indirectly at the airport. Furthermore, the enhanced connectivity provided by the airport with the Proposed Development will contribute to attracting other businesses to Luton and the surrounding areas as set out in the Need Case [AS-125].</p>

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38	Green Controlled Growth	<p>I.D 3/4</p> <p>The applicant's response to my question as to how it will claim back slots to meet environmental targets, has not been answered.</p> <p>They refer to a theoretical set of agreements between the airport operator at the time of DCO approval, and the operating airlines, to reduce slots if environmental targets are to be breached.</p> <p>As I stated in my question, there are no international or national regulations for the airport operator to actually do that.</p> <p>I would now like to again refer the ExA to the airport operator's application for 19 million passengers per annum recently granted. Planning condition noise contours were showed to be at risk of breach due to the applicants self-funded airline growth incentive, and yet that incentive was not withdrawn to prevent and control those noise contour breaches.</p> <p>Question- Based on the fact that the return of slots to control environmental breaches under GCG would still be at the bequest of the airport operator, and the operating airline, what cast iron guarantees, within current aviation rules, does the applicant give that slots will be cancelled if environmental targets are not met?</p>	<p>The Applicant considers that Mr. White's questions on mitigation through the slot allocation process have been answered in Section 5 of the <b>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]</b> submitted for Deadline 4.</p>
39	Green Controlled Growth	<p>I.D 5/6/7</p> <p>My request to the applicant was to provide details for last year, 2022, of the passenger loads for all flights that were scheduled for slots between 2300-0600, for each day of the week, split into summer/winter season?</p> <p>The applicant has provided what appears to be the total number of seats scheduled in that period?</p> <p>Question- Are these totals actual passengers carried on flights which were scheduled to operate in that period, not delayed flights from pre 2300, or the available seating capacity on flights scheduled during that period?</p>	<p>The data provided shows total passengers carried on flights scheduled to operate each day of the week during day-time and night-time periods.</p>
40	Green Controlled Growth	<p>I.D 9</p> <p>In response to my question as to whether the passenger capacity of flights scheduled to operate a return flight during the night period, could not be accommodated on flights earlier in the day, the applicant gave this response:-</p> <p>This pattern of operations is essential to the airlines achieving efficient use of their aircraft and is fundamental to their ability to deliver low air fares to the benefit of consumers.</p> <p>Question- The applicant describes GCG as a ground breaking declaration to put the environmental impacts of the airport on the surrounding population at the forefront of its expansion plans.</p> <p>It states that flight growth will be rigorously controlled to achieve that aim.</p> <p>Yet, in the reply above, it clearly states that the needs of the airline and the consumer must come first.</p> <p>Question-Could the applicant please confirm whether the commercial benefits of aviation industry/customers are a higher priority, than the quality of life of those affected by airport operations as part of GCG?</p>	<p>Government policy (see Section 3 of the <b>Need Case [AS-125]</b>) requires a balancing of economic and consumer benefits with environmental harms. The Applicant considers that the DCO Application reflects a reasonable balance.</p>
41	Green Controlled Growth	<p>The applicant appears to have misinterpreted my question. I did not mean that the return sector of a night arrival be cancelled, but the whole rotation. The aircraft and crews would then be in position for the first wave departures of a day.</p> <p>The applicant has implied to the ExA that the rights of the local population are of the highest importance in their GCG plans, yet their response, which appears to be a complete intransigence to even consider a night flight ban for</p>	<p>If the last flight rotation of each day was cancelled, this would render airline operations at the Airport unviable, with a consequential impact on the achievability of economically beneficial growth.</p>



I.D.	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
		<p>from 2300-0600, apart from late running flights, would show to me yet further evidence that GCG will have no benefits to the local community in reducing noise and emissions?</p>	
42	Need Case	<p>I.D 11                      The applicant stated that a night closure could lead to current operators moving routes to other airports. Could the applicant detail which London airports those flights could be moved to, as apart from Southend airport, all the others Heathrow/Gatwick/Stansted, are also slot constrained during the night period?                      In response to this the applicant stated the following:-                      If the airport was unable to operate at night, it is likely that the airlines would transfer their based aircraft to airports where such restrictions do not exist or there is spare capacity. This could include, inter alia, airports such as Gatwick, Stansted, East Midlands, Birmingham. It is also possible that the airlines would move aircraft away from the UK altogether as aircraft are mobile assets and the airlines will deploy these aircraft where they can operate with maximum efficiency Questions-How could an airline transfer based aircraft to another airport, either in the UK or abroad, unless they had the slot capacity, or access to new slots at those airports?</p>	<p>Other airports could include Birmingham or East Midlands, whose catchment areas overlap the northern part of London Luton's catchment area and which have slots available. Alternatively, the airlines might not be able to serve the local market at all, with aircraft displaced to operate at other airports with available capacity, which may not necessarily be in the UK given the nature of the airlines involved. This would lead to consumer disbenefits if reduced air services led to less choice and higher air fares contrary to policy (see Section 3 of the <b>Need Case [AS-125]</b>).</p>
43	Green Controlled Growth	<p>As I have previously pointed out, GCG will only be fleshed out when the DCO is granted, as it will be the airport operator at that time who will assume responsibility for it, and what it entails.                      The responses to I.D 11 clearly show to me that nothing will be allowed to thwart maximising commercial income, as I have always feared, as recent history factually shows that neither the applicant or airport operator, can be trusted by the public to act responsibly.</p>	<p>The Applicant considers that the approach to and implementation of the <b>Green Controlled Growth Framework [REP5-023]</b> has been clearly outlined in both the <b>Draft Development Consent Order [REP5-003]</b> and the <b>Green Controlled Growth Explanatory Note [REP5-020]</b>. On this basis the Applicant does not agree with the notion that GCG will only be fleshed out when the DCO is granted.</p> <p>As outlined in Section 2.4 of the <b>Green Controlled Growth Explanatory Note [REP5-020]</b>, effective scrutiny and review of the environmental effects of the expanding airport, combined with robust governance, is recognised by the Applicant as being fundamental in making the GCG Framework effective. This is the reasoning for the establishment of the Environmental Scrutiny Group (ESG) and its supporting Technical Panels, all of which will exist as independent governance and review bodies separate to the airport operator as illustrated in Figure 2.12 of the <b>Green Controlled Growth Explanatory Note [REP5-020]</b>. The roles and responsibilities of both the ESG and Technical Panels in providing independent governance in managing airport growth through the GCG Framework is outlined in Section 2.4 of the <b>Green Controlled Growth Explanatory Note [REP5-020]</b> and in the <b>Green Controlled Growth Framework Appendix A - Draft ESG Terms of Reference (Tracked Change Version) [REP5-025]</b> and <b>Green Controlled Growth Framework Appendix B - Draft Technical Panels Terms of Reference (Tracked Change Version) [REP5-027]</b>.</p> <p>Given the above, the Applicant considers that the <b>Green Controlled Growth Framework [REP5-023]</b> provides a mechanism to ensure that airport operator is required to manage airport growth in a controlled manner, within the bounds of established GCG Thresholds and Limits and under the scrutiny of established independent governance bodies.</p>

Luton Borough Council [REP5-076]

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44	Draft DCO	<p>Requirement 5 Detailed design, phasing and implementation</p> <p>LBC welcomes the new sub-paragraph (2) and corresponding amendments to sub-paragraph (3) which together provide greater detail as to what is required to be included in an application for detailed design approval. Despite this positive addition, which clarifies the parts of the authorised development for which detailed design approval is sought, nothing in this requirement would prevent partial discharge of requirements in relation to other aspects of the authorised development that are beyond the scope of an approval under requirement 5. Thus there remains the prospect of, for example, the undertaker seeking approval of the management plans under requirement 7 for one geographic area (i.e. a "part" of the authorised development) whilst approval is sought under requirement 5 another "part" of the authorised development. It is this fragmentation that risks imposing a greater administrative burden on LBC and consultees. This concern could be addressed by linking the parts of the authorised development for which approval is sought under requirement 5 to the parts of the authorised development for which approval is sought in relation to the other precommencement requirements contained in Part 2. The inclusion of the "scheme layout plans" is a helpful addition, but it is not clear on what is envisaged to be submitted in order to satisfy paragraph (2)(b)(ii) "plans identifying the location and extent of those works relative to the scheme layout plans." Perhaps the Applicant could produce a worked example of this to illustrate how it envisages this working in practice. On a minor drafting point, LBC queries whether the reference to "paragraph 35 of Part 5 of this Schedule" contained in requirement 5(2)(e) ought instead be a reference to paragraph 36 (further information)?</p>	<p>At Deadline 4, the Applicant inserted a new Requirement 37 'Register of Requirements' into the draft DCO. This new requirement commits the undertaker to establishing and maintaining a register of any consents, agreements or approvals to be given by a discharging authority under Parts 1, 2 and 4 of Schedule 2 of the Order. The Applicant considers that this register would provide clarity for the relevant planning authorities and deal with the Council's concerns in relation to fragmentation and the imposition of a greater administrative burden.</p> <p>The Applicant does not consider it necessary or proportionate, at this stage, to provide a worked example of the plan referred to in paragraph 5(2)(b)(ii) of Schedule 2. The draft DCO is sufficiently clear that any such plans provided would identify – within the framework of the scheme layout plan – the area of land in which the Schedule 1 works pertaining to any given consent, agreement or approval would be taking place, as well as showing the works for which consent, agreement or approval has already been given.</p> <p>In relation to the reference in paragraph 5(2)(d), the Applicant confirms that this should be to paragraph 36 and not 35 and thanks the Councils for bringing this to its attention. The draft DCO submitted for Deadline 7 will be amended to reflect this correction.</p>
45	Draft DCO	<p>Requirements 34 and 35 Interpretation and applications made under requirement</p> <p>The amendments related to discretionary consultees are, in general welcome. However, it is important to note that a local authority retains a general discretion in the exercise of its functions to consult and, in some circumstances (such as for example in relation to a "subsequent application" as defined in regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017) the Applicant is required to consult more widely than the bodies listed in this definition. These provisions would be improved by making it clear that it is without limitation to the authority's capacity to consult such persons as it considers to be appropriate in the circumstances that pertain to the approval sought by the undertaker. Given the long-term nature of the Applicant's proposal, it would be inappropriate at this stage to limit the persons that may be consulted in relation to an application under requirement.</p>	<p>Given that the expansion plans (if consented) will have already have passed through the DCO process, it is considered generally acceptable (and common-place in DCO practice) for secondary consents to be determined by local planning authorities. Certain requirements will require, or merit, consultation with other bodies with statutory functions, but as a general principle it is not considered proportionate or necessary for wider consultation to take place.</p> <p>The "discretionary consultee" process has been drafted into requirements 34 and 35 with this principle in mind. The provisions under requirement 34 and 35 do not disapply or otherwise affect the processes contained in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, but it should be noted that the consent being sought is set up to be delivered within the envelope of effects reported in the Environmental Statement.</p>
46	Draft DCO	<p>Requirement 36 Further Information</p> <p>The provisions of requirements 36(2) to (4) which prescribe the periods after the expiry of which the undertaker need not comply with a request for information are in any event unrealistically short affording a consultee only five working days to determine whether or not further information is necessary to determine an application. Without prejudice to that concern, the provisions</p>	<p>The Applicant will consider these points further as part of the drafting updates being considered for Deadline 7.</p>

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		<p>of paragraph (4) ought to apply where the relevant planning authority has consulted another person on the application, whether or not that consultation is expressly required by the terms of the requirement in question, whether the relevant planning authority elects to consult a “discretionary consultee” or whether the relevant planning authority considers it to be appropriate in the circumstances to consult some other person.</p>	
47	Noise And Vibration	<p>2.2.7 Noise</p> <p>The Applicant sets out the Local Rules currently in place at Luton Airport. These seek to demonstrate that the ‘mitigation toolbox’ supporting Green Controlled Growth with regards to noise are sufficient to enable noise contour limits to be controlled and not breached through suitable management. LBC notes that there are no enhancements proposed to the mitigation options that were on offer to the Airport before and during historic breaches, and as such it is not clear how these measures will apply effectively in the future to avoid breaches under the GCG, when they have not done so in the past.</p>	<p>This comment has not considered the sentence of paragraph 3.2.16 of <b>Green Controlled Growth Explanatory Note [REP5-020]</b> which introduces the noise mitigation toolbox: “As set out above, key to maintaining growth whilst controlling the noise impacts with respect to the Noise Envelope Limits will be the forward planning of capacity declaration and slot management measures.”</p> <p>The Applicant has provided a worked example in which shows how forward planning of capacity declaration and slot management measures would have avoided the historic breaches that occurred in 2017-2019, see <b>Noise Envelope – improvements and worked example [REP2-032]</b>.</p> <p>LBC also notes in <b>[REP5-076]</b> that “It appears that through implementation of Local Rules to manage the release of slots, alongside 5-year advanced planning (both of which are proposed), Luton Airport may be able to manage noise so as not to need to reduce capacity.”</p>
48	Noise And Vibration/ Green Controlled Growth	<p>3.2 Noise</p> <p>The Applicant has not explained and justified why it is not possible for the Airport Operator to be prepared to implement the new monitoring regimes under the GCG from the date of service of the notice under Article 44(1) of the draft DCO [REP4-003], noting that the Applicant has control over when it exercises the notice. LBC considers that the Applicant should explain and justify the proposed approach, noting that the Applicant will have time following grant of the DCO application to begin developing and preparing for implementation of the new monitoring regimes under the GCG. It is also not clear the basis on which the Level 2 Thresholds and Limits do not apply during the Transition Period, and the Applicant’s explanation does not justify why this approach is robust and does not inhibit the Environmental Scrutiny Groups’ (ESG) ability to properly oversee and undertake enforcement in relation to exceedances of Level 2 Thresholds and/or Limits during the Transition Period. The Applicant says that this would not be in the Airport Operator’s interests, but it is clear that the controls themselves would be absent during this period, leaving a risk of exceedance without any ability on the part of the ESG to require mitigation.</p>	<p>The Applicant considers that the concerns regarding monitoring requirements and application of the L2 Thresholds and Limits during the transition period have been addressed in Section 4 of the <b>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]</b> submitted at Deadline 4.</p> <p>The Applicant would like to draw specific attention to Section 4.1.3 of the <b>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]</b> which outlines the Applicant’s proposal to remove the Transition Period in relation to aircraft noise. This proposed change has been included as part of the submission for Deadline 5 and is in response to the concerns raised by the Host Authorities and the Examining Panel and will ensure there is no ‘gap’ in noise controls and monitoring between the extant consent and the DCO.</p> <p>Furthermore, the Applicant would like to draw attention to Section 4.1.5 of the <b>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]</b> which outlines the Applicant’s proposal to shorten the Transition Period in relation to air quality, greenhouse gases and surface access, and will only last for the remainder of the calendar year in which notice under Article 44(1) is served. During this period there will be no requirement to carry out monitoring as for these environmental topics monitoring will need to be carried out over a full calendar year. This proposed change has been reflected in the <b>Draft Development Consent Order [REP5-003]</b> and <b>Green Controlled Growth Framework [REP5-022]</b> included</p>

I.D.	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
			as part of the submission for Deadline 5 and is also in response to the concerns raised by the Host Authorities and the Examining Authority.
49	Noise And Vibration	<p>5.1.4 Noise</p> <p>It remains unclear how the benefits of growth are to be shared with the local community, particularly if there is no mechanism to incentivise driving effects down (as distinct from sitting just under the Limit but with a plan for ensuring it is not exceeded).</p>	<p>The sharing of the benefits of growth and technology improvements is set out in Section 3 of <b>Appendix 16.2 of the Environmental Statement [REP4-023]</b>. The quantification of sharing the benefits shows a greater proportion of benefit going to the community when using the current permission baseline as modified by the P19 approval, see <b>Applicant's Post Hearing Submission - Issue Specific Hearing 8 (ISH8) [TR020001/APP/8.135]</b>.</p> <p>There is a mechanism for reducing noise contour area limits (i.e. driving effects down) – the Noise Limit Review, see paragraphs 3.2.29 onwards of <b>Green Controlled Growth Explanatory Note [REP5-020]</b>.</p>
<b>Stop Luton Airport Expansion [REP5-087]</b>			
50	Surface Access	<p><b>SLAE response to TR020001-002183-8.30 Trip Distribution Plans</b></p> <p>The maps shown in the revised Trip Distribution Plans application, do not reflect the points made by SLAE in our deadline 1 Written Representation, which was combined with others into (001600-SLAE ASI COMBINED). LR replied (001714-8.35 Applicant's Draft Itinerary for the Accompanied Site Inspection) and SLAE responded to in (001765-Stop Luton Airport Expansion - response to document).</p> <p>A request by the ExA was raised for LR within the Actions Points document [EV9-007] following the Issue Specific Hearing (ISH) 4 on 28th September 2023. This Action is referred to as "Action 5" (001803-LUTN-Action-Points-for-ISH4.pdf).</p> <p>In the subsequent Rule 9 &amp; 17 letter (002288-LUTN-R9-and-R17-letter-6-November), the inspectors ask LR to submit a further base layer on the roads identifying the individual road names. SLAE make the assumption that although the maps may identify the road names, the Average Daily Traffic (ADT) content will not. Hence this submission.</p>	<p>The further revised Trip Distribution Plans have been submitted at Deadline 5 <b>[REP-037]</b> following the request and subsequent clarification provided by the ExA.</p>
51	Surface Access	<p><b>SLAE comment – Ashcroft Road, Wigmore Lane short cut.</b></p> <p>Motorists coming from the Easterly direction A505 (Hitchin), will most likely be using sat Nav's or other internet navigation tools to direct them to the airport. Even those motorists using manual road maps will be able to work out the short cuts. At the Stopsley roundabout in Luton they will be directed along the start of Ashcroft road, then left at the mini roundabout at the junction of Wigmore Lane and along the Wigmore lane towards the airport. This is a residential area with shops, schools and housing along the route. This route is poorly shown on each of the '2. Luton Area Plots' diagrams, and the red and navy blue lines do not accurately represent the traffic that will use this route.</p>	<p>The Trip Distribution Plans <b>[REP-037]</b> show the forecast daily demand and broad routing of road traffic travelling to and from Luton Airport.</p> <p>The Applicant is aware that during different peak periods some drivers may make alternative routing decisions depending on their knowledge of the network and potentially following satellite navigation. The strategic traffic modelling is undertaken for the 08:00-09:00 morning peak hour (AM), 10:00 to 16:00 average interpeak hour (IP) and 17:00-18:00 evening peak hour (PM). The strategic SATURN (Simulation &amp; Assignment of Traffic in Urban Road Networks) traffic model makes estimates of the routing decisions of drivers during these peak times based on the prevailing conditions (of modelled journey time and distance) across their respective networks while considering all vehicles. The routing of trips during the modelled peak hours may therefore potentially differ from the broad routing shown in the Trip Distribution Plans.</p> <p>For example, more detailed routing by year (2027, 2039 and 2043) and peak hour (AM, IP and PM) is shown in Figure 5.5: Forecast Routeing to / From Luton Airport of the Strategic Modelling Forecasting Report <b>7.02 Transport Assessment Appendices – Part 2 of 3, Appendix F Strategic Modelling Forecasting Report [APP-201]</b>. The figure shows the routes being taken by the airport traffic to/from the A505 (Hitchin) and A1 via Vauxhall Way, Wigmore</p>

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			<p>Lane, Chalk Hill, Stony Lane and Darley Road, which vary by year and peak hour. Figure 5.4: Forecast Change in Traffic Volumes (vehicles) between TAG-based "Without" and "With" Expansion, Luton Borough of the Strategic Modelling Forecasting Report <b>7.02 Transport Assessment Appendices – Part 2 of 3, Appendix F Strategic Modelling Forecasting Report [APP-201]</b> shows the forecast relative change in traffic. The figure shows a general reduction in traffic using Wigmore Lane and general increase in traffic using the northern section of Ashcroft Road. It would appear that the modelling shows traffic routing, overall volumes and impacts across all the above roads mentioned.</p> <p>The <b>OTRIMMA [REP5-041]</b> provides a mechanism for mitigating impacts not identified, assessed or mitigated via the Transport Assessment process if proven to be a result of airport growth; such impacts may be due to traffic on routes described in this representation.</p>
52	Surface Access	<p>The original SLAE WR submission clearly identifies the short cuts that will be made and a request was made to the ExA to undertake this route in the Accompanied Site Inspection.</p> <p>The only suggestions that SLAE can think of for motorists to avoid the short cuts is for LR or LBC to contact the owners of the Sat Nav and manual map products and ask them to remove the short cut route. They could also use unwanted street furniture road signs asking motorists to turn off their navigation tools upon approaching Luton, or make the route one way only. Commercial traffic may also use Sat Nav's to take short cuts, especially if the cost of motoring keeps rising and lorries and HGV's would create havoc along these routes.</p> <p>Comparing the figures 1 to 8 and figures 9 &amp; 10, 13 &amp; 14 it is obvious the trip distribution plans do not consider the residential short cut. SLAE have circled the short cut route ringed in blue.</p>	<p>Please see the above response at ID 51 which acknowledges a variety of routes may be taken and the proposed approach to monitoring and mitigation via the TRIMMA.</p>
53	Surface Access	<p>In document (TR020001-001714-8.35 Applicant's Draft Itinerary for the Accompanied Site Inspection), LR asked "<i>However, the purpose for including Ashcroft Road has not been made clear by the Interested Party.</i>"</p> <p>SLAE responded (in TR020001-001765-Stop Luton Airport Expansion - response to document 001714-8.35 Applicant's Draft Itinerary for the Accompanied Site Inspection), with the following explanation. When travelling from the Stopsley roundabout (LU2 7XH), you would turn onto Ashcroft Road, then left onto Wigmore Lane and follow the lane until the Tui roundabout and turn right onto Eaton Green road. It is obvious that unless familiar with the area, a desk bound exercise to find street names may not flag the start of Ashcroft Road. It is a long road and starts near the Stopsley roundabout. Reference (16 on LR's map) gives a false impression of where the road begins.</p>	<p>Please see the above response at ID 51 which acknowledges a variety of routes may be taken and the proposed approach to monitoring via the <b>OTRIMMA [REP5-041]</b>. The maps provided within 8.35 Applicant's Draft Itinerary for the Accompanied Site Inspection <b>[REP2-031]</b> are simply meant to show an approximate location of a road or other location, and do not show the entire extent of road(s) or sites. The method of highlighting the location of Ashcroft Road is consistent with other roads and site visit locations shown on the plans.</p>
54	Surface Access	<p>It is assumed that LR will wash their hands and push responsibility onto the local authorities, however there are many other references to traffic forecasts and Wigmore Valley Park, such as in 000818-7.02 Transport Assessment – Part 3 of 4 (Chapters 9-10), and 000819-7.02 Transport Assessment – Part 4 of 4 (Chapters 11-16), which LR do take responsibility for.</p>	<p>The Applicant has set out a strategy for monitoring and mitigating impacts on the public highway in the <b>OTRIMMA [REP5-041]</b>.</p>
55	Surface Access	<p>It is also noted that figures 13 &amp; 14 (002183-8.30 Trip Distribution Plans) when expansion reaches 32 million passengers mppa, show an increase in traffic using Eaton Green Road, and SLAE have found no reference to pedestrian crossings for pedestrians to reach Wigmore Valley Park from either</p>	<p>The proposed off-site highway mitigation measures shown in drawing LLADCO-3C-ARP-SFA-HWM-DR-CE-0013- as contained within <b>Appendix A of the Transport Assessment Appendices- Part 1 of 3 (Appendices A to E) [APP-200]</b>- indicate improved pedestrian crossing facilities as being provided at the</p>

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		<p>Colwell Road / Eaton Green road or Eaton Green road to the east. SLAE see this as an oversight as documents (000817-7.02 Transport Assessment – Part 2 of 4 (Chapters 5-8), 000966-4.13-Off-site-Highway-Works, 000821-7.02 Transport Assessment Appendices - Part 2 of 3 (Appendix F) paragraphs 5.3.20 &amp; 5.3.21 discuss extra additional traffic. Again, this indicates a lack of consideration for the residents of Wigmore and those who wish to access the Park. SLAE can identify the crossing points required. SLAE also cannot find the definitions of the start and end points of Eaton Green Road (east) and Eaton Green Road (west) as stated in the numerous transport assessment documents.</p>	<p>junction between Eaton Green Road and Wigmore Lane. Further east of this location at the vehicular entrance to Wigmore Park, uncontrolled pedestrian crossings are currently provided at the roundabout junction between Eaton Green Road and Colwell Rise, with pedestrian refuge islands and tactile paving provided on all arms of the roundabout. It is not expected that the volumes of traffic on Eaton Green Road would require the provision of upgraded crossing points at this location.</p> <p>Further east along Eaton Green Road, the Proposed Development includes an upgraded crossing point with dropped kerbs, paved areas and tactile paving at the location where FP43 crosses Eaton Green Road from Wigmore Park.</p>
56	Surface Access	<p><b>SLAE comment – Incidents on the M1.</b>  SLAE submitted the Written Representation (001766-SLAE Written Representation - Traffic and Transportation) about incident impacts on the M1 northbound (Junction 9 to 10) and southbound from (11 to 10). LR response to SLAE's question in their reply (to TR020001-002208-8.107 Applicant's Response to Deadline 3 Submissions - Appendix E Stop Luton Airport Expansion [REP3-136 AND REP3-137]) was, <i>The scope and modelling methodology as set out in the Transport Assessment was developed and agreed in conjunction with National Highways and the host authorities. The purpose of the Transport Assessment is to assess the impact of the proposed airport expansion on the future baseline traffic and transport network. This is based on a reasonable worst-case scenario and taking account of incidents on the M1 are not a matter for the Transport Assessment or the Applicant to address. National Highways operates and maintains the M1, which is part of the Strategic Road Network. It has incident management protocols to deal with issues and to keep traffic moving. This includes contingency planning and communications.</i></p> <p>This suggests that whilst LR are encouraging additional traffic as a result of their expansion plans, they don't consider the traffic chaos and knock on impact to Luton residents when there is a motorway incident and particularly when the motorway is closed. They are also showing that they don't care about delays to the public transport network and passengers that may miss flights along with staff late for work. This is surprising when other Transport related documents cover topics unsuited as a matter for the Transport Assessment or the Applicant to address, such as Section 7 Personal Injury Collision Data 001115-7.02-Transport-Assessment_-_Part-2-of-4-Chapters-5_-_8-Revision-1.</p> <p>SLAE asks LR for the evidence that the scope and modelling methodology as set out in the Transport Assessment was developed and agreed in conjunction with National Highways and the host authorities, and covers M1 incidents, practically where traffic diverts to find alternative routes?</p>	<p>An initial draft scoping report was prepared and shared with National Highways and the Host Authorities. The scope and methodology set out in the initial report evolved over time through engagement with National Highways and the Host Authorities, and the full scope and methodology is reflected in the <b>Transport Assessment [APP-203, AS-123, APP-205, APP-206]</b>.</p> <p>The Applicant has been engaging with National Highways and the Host Authorities over a number of years as the Transport Assessment has been progressed and this has culminated in the preparation of Statements of Common Ground with each highway authority.</p> <p>The Applicant considers that the issue regarding M1 incidents was addressed on pages 19 and 20 of <b>8.107 Applicant's Response to Deadline 3 submissions – Appendix E Stop Luton Airport Expansion [REP4-095]</b></p>
57	Surface Access	<p>SLAE also point out that if drivers coming from the East via the M25 motorway learn of a M1 incident impacting the junctions nearest to the airport on route, then Sat Nav's tend to work out alternative routes and may direct motorists up the A1 and then across country and along the Hertfordshire lanes to the</p>	<p>The Transport Assessment for the proposed airport expansion can only consider 'typical' scenarios and cannot consider the effects of major incidents on the highway network, as management of the public highway network is not the responsibility of the Applicant. The respective highway authorities, working with</p>

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		airport. SLAE cannot see any modelling to reflect this scenario in the DCO application?	the emergency services, are responsible for considering potential response plans to major incidents.
58	Surface Access	SLAE ask for the Trip Distribution Plans to also show the impact on the roads both for Luton Area Plots and Wider Area Plots using LR's forecasted road trip models when an incident occurs. SLAE show on this diagram an incident impact to the Luton traffic network.	Please see the above response at I.D. 57.

## REFERENCES

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Ref 1 Luton Rising (2022), Statutory Consultation 2022: Draft Green Controlled Growth Proposals