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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

8.127 Applicant's Response to Deadline 5 Submissions

Appendix A - LACADAN

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**

**8.127 APPLICANT'S RESPONSE TO DEADLINE 5 SUBMISSIONS
APPENDIX A - LADACAN**

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Contents

	Page
Appendix A LADACAN [REP5-071 & REP5-072]	1
References	8

Tables

Table 1.1 Applicant's response to submission by LADACAN at Deadline 5

Appendix A LADACAN [REP5-071 & REP5-072]

Table 1.1 Applicant's response to submission by LADACAN at Deadline 5

I.D	Topic	Deadline 5 submission (Verbatim)	Luton Rising's Response
1	Noise and Vibration	The final noise envelope design has never been consulted on, either within the stakeholder groups or during consultation on the DCO Application. Limit values were not provided until October 2022.	<p>This is not the case. 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"> • The principals of Limits and Thresholds (as per the current Noise Envelope Design) • Proposals to base the Limits and Thresholds on the forecasts from the Environmental Statement (as per the current Noise Envelope Design) • Noise contour area limits and thresholds based on the 54dBL_{Aeq,16h} and 48dBL_{Aeq,8h} contours (as per the current Noise Envelope Design) • Indicative noise contour area Limits and Threshold values that are larger (i.e. more worst-case) than those in the current Noise Envelope Design
2	Climate change	If, as the Applicant indicates, it is confident that the Jet Zero strategy will deliver the required carbon reductions to underpin its emissions forecasts then it should indicate in the greenhouse gas action plan referred to in the dDCO more precisely how this will be achieved, and it would also be appropriate for the GCG document to set carbon caps at the assessment points to underpin confidence in the delivery of that plan.	<p>The Outline Greenhouse Gas Action Plan submitted with the application provides sufficient information to inform the planning process. A further, more detailed, full Greenhouse Gas Action Plan will be prepared as part of Requirement 32 of the draft DCO [REP5-003] and submitted to the relevant planning authority for approval.</p> <p>As outlined in Section 2.2.56 of the Green Controlled Growth Explanatory Note [REP5-020] the Applicant is committed to meeting the Jet Zero Strategy policy ambition for airport operations to be zero emissions from 2040. As outlined in Section 3.4.23 of the Green Controlled Growth Explanatory Note [REP5-020], however, it is proposed to exclude Scope 3 aviation GHG emissions from the GCG Limit in the context of the UK Emissions Trading Scheme (UK ETS) and its 'cap and trade' approach to the management of GHG emissions which includes consideration of aviation emissions on a national level. This is on the basis that the UK ETS already exists in the form an external offsetting mechanism for which compliance is a legal requirement for airlines, involves the consideration of aviation emissions from all airports within the nation and therefore, as confirmed by Government, cannot be considered in isolation from all other aviation emissions nationally.</p> <p>Given this, the Applicant does not consider the provision of this offsetting mechanism or the setting of carbon caps as part of the GCG Framework to be appropriate, as it is not the responsibility of a single airport operator to determine how these emissions reductions will be achieved and it has been confirmed in recent case law, Bristol Airport Action Network Coordinating Committee v Secretary of State for Levelling up, Housing and Communities [2023] EWHC 171 (Admin), that these emissions are best dealt with on a national level.</p>
3	Need Case/ economic case	The Applicant's response is misleading. The quoted extract from the Project Curium Officer's report was written in the context of the application made in 2013. The application made in 2013 had a timeframe of 2028 for its delivery and mitigation. The economic benefits were described in the context of that project, and in the context of its clearly documented timeframe to 2028. The quote clearly states "This proposal [ie the Project Curium proposal] will enable the Airport to improve its regional competitiveness by expanding the range of international routes that are more important to businesses who may then locate within the town or the region. This will benefit the continued	The benefits cited in the Project Curium application were linked to growth to 18 mppa. This growth has delivered benefits to Luton and the surrounding area in terms of the creation of jobs and in attracting other activities. These were explained in REP4-075 . The Need Case [AS-125] sets out the additional benefits expected from growth to 32 mppa and how these would support broader economic agendas, including the continuing need to 'level up' Luton.

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		regeneration of Luton and its immediate surroundings..." (our emphasis) The Applicant has not evidenced a specific need for further expansion of capacity at Luton before 2028. The Applicant mentions the need for regeneration and alleviation of poverty. But rather than using the windfall of public money (generated by the £10m it paid to incentivise over-rapid growth) to relieve poverty and on urban regeneration, it has pursued even more expansion, during which circa £200m of DART costs have been written off, and more than £65m spent on this DCO Application, adding to circa £500m of debt on which interest has to be paid. This self-perpetuating financial demand is being used by the Applicant to justify a need for yet more airport revenue.	
4	Funding Statement	<p>If the build-out of new capacity is slower, then there would be increased costs and funding risks due to:</p> <ul style="list-style-type: none"> - effects of inflation on materials and labour costs during the period of delay - costs due to having to reschedule building resources - lower cash-flow due to reduced throughput during the slower growth period 	<p>A sensitivity test has been undertaken on slower growth as a reasonable worst case, this is presented in the Need Case [AS-125].</p> <p>Inflation generally affects revenue as well as costs i.e. higher general inflation typically flows through to revenue via higher aero and other charges, as has been seen in the market recently through price increases resulting in higher prices for consumers. As airport income is greater than costs, then profits can also grow with inflation. Analysis shows that higher inflation and the passage of time can improve the already robust financial viability of the project.</p> <p>In the slower growth scenario income will grow at a slower rate. This means that variable operating costs also grow at a slower rate as many variable costs are directly linked to passenger numbers.</p>
5	Planning, Surface Access	<p><i>LR Response</i></p> <p><i>The Application proposes the Airport Access Road (AAR), similar to Century Park Access Road (CPAR) permitted under an earlier local planning application, to connect Airport Way to the consented Century Park development (now known as Green Horizons Park) which is located to the east of the Airport. The AAR is included as part of the application for development consent and provides the certainty that the road would be delivered ahead of the time it would be relied upon for access to the expansion area east of the existing airport.</i></p> <p>LADACAN Response</p> <p>The Applicant has not addressed the points regarding these being facilitating works decided ahead of the DCO permission and positioned and aligned so as to define the location of Terminal 2 on Wigmore Valley Park thereby precluding any option for a southern Terminal 2. Local people do not regard the process as transparent, nor do they regard it as appropriate for public money to be spent to facilitate the DCO ahead of it being granted, and ahead of Project Curium mitigation being complete. The Planning Inspectorate meeting on 15th August 2019 indicates that the link road was due to be started before the DCO application was made in order to permit access for development works.</p>	<p>The Applicant considers that the responses given in Applicant's response to Deadline 2 submissions (Comments from Interested Parties on Deadline 1 submission) Appendix A – LADACAN [REP3-060], page 22, sufficiently address the comments raised.</p> <p>To reiterate, DART was constructed to serve Terminal 1, and whilst it is possible to extend the route to connect with Terminal 2, it is incorrect to state that it is a facilitating work to enable the provision of Terminal 2. Similarly, the assertion that the 'link road' was due to be started before the DCO application is incorrect.</p>
6	Need Case	The Planning Inspectorate highlighted the need for a WebTAG analysis in its Scoping Report for the 2022 Statutory Consultation (Appendix 1.3 Planning Inspectorate Scoping Opinion, May 2019) which says: "The ES should ensure that it presents an assessment of the realistic worse-case scenarios for the Proposed Development, including consideration of any airspace change	The Scoping Opinion comments on WebTAG were raised in the context of assessment and comparison of multiple airspace design options, consistent with its reference to the 2017 Air Navigation Guidance (Ref 2) which only refers to WebTAG in the context of assessing and comparing airspace design options.

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		<p>implications for the noise assessment and the introduction of performance-based navigation. The assumed Air Traffic Movements (ATM) should be clearly stated for all assessment scenarios. Furthermore, a WebTAG analysis to value and compare the noise impact of these options should be provided consistent with the requirements of the Air Navigation Guidance 2017." (table item 4.5.6, printed page 30) The DCO Application to expand capacity at London Gatwick Airport by developing the northern runway is a commercially-funded project, but nevertheless it does include a WebTAG analysis to assess the impacts of harms to health caused by air noise. The following document from the Gatwick project refers: TR020005-001002-5.3 ES Appendix 14.9.2 Air Noise Modelling, Section 6 entitled "WebTAG" describes the assessment performed by the CAA for air noise using the noise modelling results for the Project. We will reserve further comments on funding until the revised funding statement has been produced.</p>	<p>The Applicant responded to the Scoping Opinion WebTAG comment in Environmental Statement Appendix 1.4 - Environmental Impact Assessment Scoping Opinion Response [APP-047] as follows: "As the airspace change process is still ongoing and will provide an assessment of potential noise impacts as part of the separate Airspace Change process, an analysis of noise effects (including a WebTAG analysis of airspace design options) due to airspace change has not been undertaken. The ongoing airspace change is not part of the Proposed Development."</p> <p>The Applicant has already made clear that there is no requirement for a full WebTAG appraisal in response to representations by the New Economics Foundation [REP4-096]</p>
7	Noise and Vibration	<p>We welcomed the ExA's question on this point, and we have since spoken to the operation manager at the McFarland Park Homes off Half Moon Lane. She advises that around 40% of the homes are older and far less substantial than the more modern homes. We urge the ExA to request a noise survey to be done rather than simply relying on the Applicant's dismissive response to question ExQ1 NO.1.29, since the effects on residents in these homes cannot otherwise be determined. This example further demonstrates that noise contours are a very "blunt instrument" in assessing noise impacts, and the Applicant's decision to discard other controls the NEDG agreed must weigh against the Application.</p>	<p>No significant effects on health and quality of life or adverse likely significant effects are identified for the McFarland Park Homes in Chapter 16 of the Environmental Statement [REP1-003]. The assessment criteria for this assessment are based on external noise levels and are agreed with each Host Authority as recorded in the draft Statements of Common Ground.</p> <p>These properties are exposed to noise levels above the Lowest Observable Adverse Effect Level (LOAEL) but below the Significant Observed Adverse Effect Level (SOAEL) and therefore the policy requirement is to mitigate and minimise (rather than avoid) adverse effects on health and quality of life, in the context of sustainable development.</p> <p>As previously noted, each of the park homes eligible for noise insulation would be surveyed to determine appropriate noise insulation. In the event that insulation is not practicable, this would still be in line with policy as there are no significant effects on health and quality of life to avoid for these properties, and noise mitigation should be applied in the context of sustainable development, i.e. 'as far as reasonably practicable'.</p>
8	Noise and Vibration	<p>As we have stated in REP1-095 para 191, ICCAN best practice noise guidance on noise insulation schemes is that an internal noise survey be performed before and after insulation. The Applicant is ignoring this point and it weighs against its compensation approach since insulation is unlikely to be effective if only tailored to budget and not to need.</p>	<p>The Applicant is not ignoring this point. See paragraphs 6.1.33 to 6.1.35 of Draft Compensation Policies, Measures and Community First [REP4-042] which sets out the expected minimum requirements for a testing policy to be agreed with the Noise Insulation sub Committee of the London Luton Airport Consultative Committee which includes testing of the sound insulation performance before and after completed installation of an insulation package.</p>
9	Need Case	<p><i>LR Response</i></p> <p><i>The operating pattern of low fare airlines requires some operations to take place within the night noise 8-hour period. Such operations are required to ensure that the airlines optimise the use of aircraft and are essential to enabling low fares to be delivered. Such low fares deliver benefits to consumers and so are entirely consistent with the Overarching Noise Policy Statement that places emphasis on consumer as well as economic benefits as a material consideration.</i></p> <p><i>LADACAN Response</i></p> <p>We reject this statement as a misleading both in respect of night operations and in respect of policy.</p>	<p>The Applicant wishes to correct a misconception in the LADACAN response. There is no intention to allow the first wave of departures to commence in the night period at 5 a.m. This may be a reference to some information being presented in coordinated universal time (UTC), which is Greenwich Mean Time, meaning that 6 a.m. local time in UK summer can be expressed as 5 a.m. UTC. The Applicant rejects the contention that the Proposed Development is not consistent with the principles of aviation policy, including the Overarching Aviation Noise Policy. The Applicant considers that the Proposed Development is fully compliant with UK aviation noise policy and emerging policy, as set out in Chapter 16 Noise and Vibration of the Environmental Statement [REP1-003], the Planning Statement [AS-122] and Commentary on the Overarching Aviation Noise Policy Statement (OANPS) [REP1-012].</p>

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		<p>Reference to “some operations” taking place during the night noise 8-hour period 07:00-23:00 is a misleading understatement of the Applicant’s proposal to enable those operations to increase by 70% and to enable the morning departure wave to start at 5am instead of 6am.</p> <p>A change of this magnitude is not consistent with the Overarching Noise Policy Statement, which requires a “balance [between] the economic and consumer benefits of aviation against their social and health implications in line with the International Civil Aviation Organisation’s Balanced Approach to Aircraft Noise Management.”</p> <p>The Applicant is not demonstrating a balance, it is simply demanding that airlines be given leave to operate as they wish for their own commercial benefit, which is clearly against policy and weighs against the Application.</p> <p>OANPS goes on: “This should take into account the local and national context of both passenger and freight operations, and recognise the additional health impacts of night flights.”</p> <p>The Applicant is simply ignoring the additional health impacts of night flights, as it has ignored LLAOL’s failure to date to provide the full noise mitigation intended by the time LLA reached 18mppa. This Application is clearly unbalanced and one-sided, against aviation policy.</p>	
10	Noise and vibration	<p>The Applicant clearly made a misleading statement in its ES about the ICAO report on Environmental Trends and has drawn a spurious conclusion, (as REP-095 paras 176- 178 evidences). The Applicant fails to address this point in its response. To state that the issue is of no consequence regardless because the GCG Framework would require the Limits to be complied with appears also to be misleading. Ascribing greater benefit to next generation aircraft than is justified by available evidence causes the noise model to under-predict. The noise impacts of the Application are correspondingly reduced. Hence the likelihood of future noise remaining below the Without Development future baseline is questionable; the numbers of households and numbers of people in SOAEL is likely to be understated; and the eligibility for noise insulation compensation is narrower than it properly ought to be. Claiming that this will somehow magically be resolved in 5 years’ time at the review is disingenuous, since the biasing of the model will only be uncovered when any next generation aircraft actually start to fly from LLA. We urge the ExA to request a sensitivity check which not only removes this future noise reduction allowance but also corrects the over-generous allowance for A321neo noise reduction which is also not supported by evidence.</p>	<p>See response to similar comments with regard to the A321neo raised by LADACAN in Written Question Responses - Applicant's Response to Comments by The Harpenden Society, LADACAN and NEF [TR020001/APP/8.132].</p> <p>The Applicant rejects any suggestion that its responses have been misleading. The comment “Ascribing greater benefit to next generation aircraft than is justified by available evidence causes the noise model to under-predict” is not correct – no benefit has been ascribed to next-generation aircraft, except within a single sensitivity test in Appendix 16.1 of the Environmental Statement [AS-096]. There is therefore no need to undertake a sensitivity check which ‘removes the future noise reduction allowance’, as no such allowance is made.</p>
11	Noise and vibration Carbon	<p>The approach adopted by the Applicant to modelling the consented 2019 baseline is fundamentally flawed, as we stated in REP1-095. In 2019 LLA was subject to a passenger cap of 18mppa and noise contour area limits. Both serve to limit noise – the former indirectly by limiting numbers of flights for the then fleet; the second based on numbers of flights and their individual noisiness, again dependent on the fleet. Had LLA been operated within its noise contours in 2019, the numbers of flights would have been reduced (as we evidenced in REP1-095 with reference to LLAOL’s own statement to the 2022 Inquiry) and therefore numbers of passengers would necessarily also have been reduced. With numbers of flights reduced and a noisier fleet, the noise experience would have been different to that which has been modelled,</p>	<p>The Applicant’s position on the use of the 2019 baseline for the noise assessment is set out in Applicant’s Post Hearing Submission - Issue Specific Hearing 3 [REP3-050].</p>

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		<p>in terms of reduced numbers of awakenings for example. But – as we have also stated – the carbon emissions and the surface transport impacts would also have been less, due to the reduced numbers of passengers, therefore the way the 2019 baseline is modelled has an impact across all environmental assessments, as we indicated.</p>	
12	Green Controlled Growth	<p>Our basic point stands: GCG apparently permits Limits to be increased. Our concern is that by this means, and given LBC as the arbiter, salami-slice increases in environmental impact could occur during the period to 2043 for reasons the Airport Operator would claim are not under its control. We ask the ExA to examine the extent to which salamislice increases could occur, each as a result of LLAOL arguing that the impact would be negligible compared to a no-increase case. LLAOL's case to the Inspectors at the 2022 Inquiry was in part based on a noise contour assessment which showed a 'negligible' increase, which is how the salami-slice approach succeeds, unless the bigger picture is assessed. Such assessment would include considering additional parameters such as overflight metrics (N-above) which give a more reliable picture of the impact on quality of life for communities not inside the inner noise contours but nevertheless highly annoyed and disturbed at night in particular by the ever-increasing flight operations at the Airport.</p>	<p>Paragraph 2.3.4 of the Green Controlled Growth Framework [REP5-022] is clear that “There will be no ability to change any of the Level 1, Level 2 Thresholds or Limits to permit materially worse environmental effects than those identified in the Environmental Statement (ES).” It is misleading to state that this could lead to increases in environmental impact.</p>
13	Green Controlled Growth	<p>We accept that the capacity declaration deadline is end of September. Nevertheless, we believe the process could be speeded up to enable the capacity declaration for the following summer season to be informed by the contour data from the current season. Having looked at process more closely we propose: 1) LLAOL's noise consultants currently produce validated aircraft type noise data each November for the preceding year (hence contours are currently calculated using data a year out-of-date). There is no reason to slave this process to calendar years: they could produce validated type-noise data each July or August instead, based on the preceding 12 months. 2) The data from the 92-day Summer period used in production of contours is not noise data, it is flight numbers by day/night, aircraft types and East/West modal split, plus indication of tracks. There is no reason why this data cannot be produced quickly after the 92-day period, along with flight forecasts. 3) Contours for current and following year could then be created from the computerized noise model for assessment by end September to better inform capacity declarations for the following season.</p>	<p>The capacity declaration has to be informed by a discussion with the airlines and air traffic control operator through the Coordination Committee. According to <i>The Airports Slot Allocation Regulations 2006</i> (the Regulations), this must be informed by “<i>This exercise shall be based on an objective analysis of possibilities of accommodating the air traffic, taking into account the different types of traffic at that airport.</i>”. This requires more than just the noise contour information to be shared with the Coordination Committee in good time to enable the coordination parameters for the capacity declaration to be made before the required deadline in late September.</p> <p>The GCG process has been designed to provide independent scrutiny and oversight of environmental performance and compliance with the Thresholds and Limits established through the GCG Framework. Figure 2.11 of the Green Controlled Growth Explanatory Note [REP5-020] sets out the steps required to provide this oversight (including, where necessary, the production, review and approval of a Level 2 Plan or Mitigation Plan).</p> <p>Whilst noise being measured over the 92-day summertime period rather than across a calendar year means there is more ‘float’ for noise than for other GCG topics, there is clearly insufficient time for this process to be concluded in the circa two weeks between the end of the 92-day summertime period and the capacity declaration deadline (for 2023, there were nine working days between these two dates). The suggested approach also pays no regard to the Regulations referenced above or the Worldwide Airport Slot Guidelines which state at Para 6.2.1 that “<i>The airport managing body or other competent body should consult the Coordination Committee and other relevant stakeholders on the results of the capacity analysis after which the coordination parameters are declared. This should be done well in advance of each initial submission deadline and be made available to all relevant stakeholders</i>”.</p> <p>It is also worth noting the difference between the backwards looking calculation of the 92-day summer contour area from the previous year for the purposes of compliance with Thresholds and Limits, and the forward looking five-year plan that is required as part of the Green Controlled</p>

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			Growth Framework [REP5-022] , see para 3.1.7. At Issue Specific Hearing 9 it was confirmed that the Applicant will be updating the GCG documents at D7 to confirm that this will be required regardless of being above a Level 1 Threshold.
14	Noise and vibration	<p>LR Response</p> <p><i>As noted, CAP1129 was published a week before the planning agreement for Project Curium. As such the noise controls in Project Curium were not intended as a Noise Envelope and were not able to take due regard of the guidance in CAP1129.</i></p> <p>LADACAN Response</p> <p>The Planning Inspectorate disagrees. In its Scoping Report for the 2022 statutory consultation (Appendix 1.3 Planning Inspectorate Scoping Opinion) it states: "The Scoping Report proposes that a bespoke noise envelope will be developed to provide a mechanism to manage noise impacts. The relationship between the existing noise envelope and the proposed noise envelope must be set out in the ES and the basis for any departure from the established noise envelope must be fully justified. The ES should explain how the Noise Envelope Design Group provides continuity with existing noise controls at the airport and justify the need for any departures from the conditions of the existing operating consent." (Table item 4.5.15, printed page 32)</p>	This is a point of semantics and has no bearing on the fact that the noise controls in Project Curium were not able to take due regard of the guidance in CAP1129 which was the substantive point of the response.
15	Noise and vibration/ fleet mix	<p>Whilst the geared turbofan engines of new generation "neo" aircraft are in some cases slightly less noisy, a key incentive for airlines adopting these types was not noise reduction but some 15% reduction in fuel consumption, and an increase in the number of seats. LLA currently operates a day Noise Violation Limit (NVL) and a night NVL which, if exceeded at the statutory noise monitors 6.5km from start of roll, lead to fines. The NEDG agreed to refine this control as follows: "Noise violation limits to be applied at current locations. Limit values to be graded based on departure QC of aircraft." [REP4-023, PDF p53] This control was removed by the Applicant, and its omission weighs against the Application since there is no transparent incentivisation for modernisation.</p>	<p>Noise Violation Limits (NVLs) are now defined in the Air Noise Management Plan [TR020001/APP/125] secured by a Requirement to the DCO.</p> <p>NVLs graded based on Quota Count can have the opposite effect than intended as it can act as a disincentive to airlines replacing their aircraft with quieter aircraft as they would be subject to a lower limit (in effect penalised by being at greater risk of being fined). The airport operator noted in their response to the NEDG Final Report (Annex A of Appendix 16.2 of the ES [REP4-023]) that this was observed in the 2014 planning permission (12/01400/FUL) which had NVLs set according to quota count and this was demonstrated to be inappropriate and subsequently changed to NVLs with a set limit for all aircraft, reducing over time, in the 2017 planning permission (15/00950/VARCON). This has been reflected in the NVLs defined in the Air Noise Management Plan [TR020001/APP/125].</p>
16	Noise and vibration	<p>The noise controls put in place for Project Curium were intended to protect communities by at least providing some certainty in all the aspects controlled. The only certainty not provided was in the scrutiny and control which LBC exercised over the airport operator, which as it turned out was lacking, and which perhaps is one reason GCG has been set up, to enable a box to be ticked which gives the appearance of better scrutiny. Unfortunately, in parallel with this, the control and the intended certainty over the noise impacts provided by the noise quota limits, the early morning shoulder limit, the guaranteed reductions in noise contour area, and the reducing noise violation limits, have been removed. This is relevant to the Proposed Development, since it highlights that communities will be put in a less certain position than (theoretically) exists already. Whilst the Applicant may claim that the noise contour limits are the means of noise control, as we have indicated a contour</p>	As set out Comparison of consented and proposed operational noise controls [REP5-014] , updated at Deadline 5, The Noise Envelope provides several enhancements to the current consented noise controls. In addition, the majority of the noise controls in the current consent will be retained in the Air Noise Management Plan [TR020001/APP/125] , secured by a Requirement to the DCO.

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		<p>is not an adequate characterization of all the ways in which noise affects people on the ground, particularly at night, and the Airport Operator would be free to pursue its commercial aims regardless of individual flight noise without those or similar controls in place.</p>	

REFERENCES

Ref 1 Luton Rising (2022), Statutory Consultation 2022: Draft Green Controlled Growth Proposals
Ref 2 Department for Transport (2017), Air Navigation Guidance.