

December 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

**8.138 Applicant's Post Hearing Submission - Open  
Floor Hearing 3 (OFH3)**

Infrastructure Planning (Examination Procedure) Rules 2010 Application

Document Ref: TR020001/APP/8.138

**The Planning Act 2008**

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

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

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**8.138 Applicant's Post Hearing Submission – Open Floor Hearing 3  
(OFH3)**

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## **1 INTRODUCTION**

- 1.1.1 This document contains the Applicant's written summary of oral submissions made by others at the Open Floor Hearing held on 27 November 2023. Where the comment is a post-hearing comment submitted by the Applicant or Interested Party (IP), this is indicated.

## **2 AGENDA ITEM 1: WELCOME, INTRODUCTIONS, ARRANGEMENTS FOR THE HEARING**

- 2.1.1 Luton Rising (the Applicant) which is promoting the expansion of London Luton Airport (the Proposed Development) was represented at the Open Floor Hearing 3 (OFH3) by Rebecca Clutten of Counsel, although she was not called upon to speak.

## **3 AGENDA ITEM 2: PURPOSE OF THE OPEN FLOOR HEARING**

- 3.1.1 The Examining Authority (ExA) confirmed that the main purpose of OFH3 was to provide an opportunity for parties to put their views forward verbally.

## **4 AGENDA ITEM 3: CONFIRMATION OF THOSE WHO HAVE NOTIFIED THE EXA OF A WISH TO BE HEARD AND THE ORDER IN WHICH THEY WILL BE INVITED TO SPEAK**

- a. Joe Graziano – Breachwood Green Charity Group
- b. Karl Wingfield – Transport Committee Member for the Harpenden Society
- c. Richard Blacklock – Chairman of Hardwick Parish Council
- d. Nicky Poulaine – Bedfordshire, Luton and Milton Keynes Integrated Care Board
- e. Chris Marshall – University of Bedfordshire
- f. Feroza Bartlett – Local Resident
- g. Cath Gunn – Principal of Barnfield College
- h. Altaf Hussain – Luton Sixth Form College
- i. Kevin Poulton – ABCD in Luton
- j. Alison Mitchell – Local Resident
- k. Daisy Cooper MP – Member of Parliament for St Albans
- l. Robin Porter – Chief Executive of Luton Borough Council
- m. Michael Moran – Luton Town Football Club / Chief Operating Officer of 2020 Developments
- n. Partha Dey – National Sameday
- o. Councillor Steven Stephens – Luton Borough Council, South Ward
- p. Andrew Lambourne – LADACAN
- q. Joe Kelly – Local Resident

- r. Jeremy Young – Local Resident
- s. Jeff Morgan – Friends of Wigmore Valley Park
- t. Peter White – Friends of Wigmore Valley Park
- u. Chris Haden – Stop Luton Airport Expansion

## 5 **AGENDA ITEM 4: REPRESENTATIONS BY INTERESTED PARTIES**

5.1.1 **Post-hearing note:** table 1.1 below contains a summary of those comments made by Interested Parties at OFH3 to which the Applicant wishes to submit a response. The table addresses the two OFH3 post-hearing action points assigned to the Applicant for Deadline 6, namely:

- a. Action point 1 – provide a response to the points in relation to funding raised by Karl Wingfield; and
- b. Action point 13 – provide a response in writing to the submissions made at the OFH3.

5.1.2 The Applicant has not summarised or responded in table 1.1 to comments made by participants who were supportive of the Applicant's proposals, but provides it thanks for their contributions which highlight the strength and breadth of support for the expansion of London Luton Airport, and emphasise the benefits that expansion would bring for Luton and the surrounding region. For completeness, those organisations who spoke in support were:

- a. Nicky Poulaine – Bedfordshire, Luton and Milton Keynes Integrated Care Board
- b. Chris Marshall – University of Bedfordshire
- c. Cath Gunn – Principal of Barnfield College
- d. Altaf Hussain – Luton Sixth Form College
- e. Kevin Poulton – ABCD in Luton
- f. Robin Porter – Chief Executive of Luton Borough Council
- g. Michael Moran – Luton Town Football Club / Chief Operating Officer of 2020 Developments
- h. Partha Dey – National Sameday

Table 1.1: Applicant's Response to OFH3 Submissions

Ref.	Summary of Comments made at OFH3	Applicant's response
1.	<b>Joe Graziano – Breachwood Green Charity Group</b>	
a.	Breachwood Green village is in close proximity to the airport. The villagers have concerns around the extreme intrusive light pollution, which is currently not mitigated. This affects sleep and therefore the mental health of the residents.	The application includes an Environmental Impact Assessment report in the Environmental Statement (ES). <b>Appendix 5.2</b> provides an assessment of light obtrusion [APP-052 and APP-053] from the Proposed Development which in turn is used to inform other relevant assessments such as landscape and visual [AS-079] and biodiversity [AS-027]. This is an assessment of light obtrusion from the development for which development consent is being sought and concludes no significant effects are likely. The existing light conditions form the baseline for this assessment and are the controlled by the airport operator.
b.	Noise is experienced in all areas of the village. There are concerns regarding the current and future noise contours.	The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in <b>Chapter 16 Noise and Vibration</b> of the <b>ES [REP1-003]</b> .
c.	There will be animal habitat destruction and there are currently no plans to mitigate it.	A full and robust assessment of the impacts of the Proposed Development on biodiversity (including protected or notable species and habitats) is provided in <b>Chapter 8</b> of the <b>ES [AS-027]</b> . Sections 8.9 and 8.11 of this document detail mitigation measures. Extensive habitat mitigation is provided within the Proposed Development included habitat in the existing and replacement open space and dedicated areas of habitat so that at least 10% Biodiversity Net Gain is achieved as shown and described in <b>ES Appendix 8.5 Biodiversity Net Gain Report [APP-067]</b> .

Ref.	Summary of Comments made at OFH3	Applicant's response
d.	There is an issue in the village around surface access. The rural lanes cannot cope with the volume of cars and lorries, and they are overwhelmed. The road network, including Eaton Green Road and Darley Road, are impacted by rat-running which has not been considered.	The impact of changes in traffic in the future baseline and additional traffic from the Proposed Development have been reported in <b>Chapter 10 of the Transport Assessment [APP-205]</b> . The highway mitigation in each development phase and the associated drawings are described in paragraphs 10.3.4, 10.3.5 and 10.3.6. The TA does note that the Applicant will work with the local highway authorities to monitor and consider the need for traffic management measures to address airport related impacts in residential or rural areas including Great Offley, Tea Green, Breachwood Green and Whitwell as shown on drawing LLADCO-3C-ARP-SFA-SWI-DR-CE-0002. Discussions are on-going with the local authorities regarding this monitoring approach. If the impact of airport related traffic is established as part of this monitoring then mitigation measures can be brought forward as part of the TRIMMA mitigation type two and funded through the Residual Impact Fund.
e.	Fumes from the aircraft have and will waft over the village causing health concerns. What are the contingencies being made?	A full and robust assessment of effects on air quality ( <b>Chapter 7 Air Quality of the ES [AS-076]</b> ) and health ( <b>Chapter 13 Health and Community of the ES [AS-078]</b> ) has been undertaken. This included emissions to air from aircraft, and no significant effects were identified.
f.	Aircraft need to use quieter engines. The vibration in the village during the take-off and landing is not acceptable.	There are various noise controls in the Proposed Development that will incentivise the adoption of quieter aircraft including, but not limited to: <ul style="list-style-type: none"> <li>• A legally binding framework of noise contour area Limits and Thresholds;</li> <li>• A ban on aircraft with a Quota Count of 2 or greater from operating during the night-time;</li> </ul>

Ref.	Summary of Comments made at OFH3	Applicant's response
		<ul style="list-style-type: none"> <li>• A limit on the total Quota Count that can operate during the Nigh Quota Period (23:30 – 06:00); and</li> <li>• Departure Noise Violation Limits.</li> </ul>
g.	<p>The current extended carpark was built without consideration of the residents. There is obtrusive light pollution from the carpark structure at night.</p> <p>What are the mitigation plans for this and why does the airport need more car parks? The Applicant should be encouraging the use of public transport to the airport, such as the Luton DART.</p> <p>As a Parish councillor, Mr Graziano noted that he has had numerous conversations and meetings with the directors of the airport operator to turn the lights off at night, but it came to nothing. He believes they could add banking and landfill to shield the light.</p>	<p>Works already undertaken at the airport were subject to appropriate planning and assessment to gain any permission required. Existing lighting is required for operation of the airport and not practical to screen as described below. Existing lighting is the responsibility of the airport operator and any issues should be raised with them.</p> <p>It should be noted, however, that lighting at night and in low light conditions is required for visibility and safety for operations in and around the airport and cannot be switched off. The apron and multistorey building lighting cannot practically be screened as the height of any embankment / screen would be tens of metres, which would result in considerable impacts on material consumption, construction impacts, biodiversity, landscape and agricultural impacts. Some visual screening in the form of hedgerow restoration is included in the Proposed Development in the land between the airport and Breechwood Green but this is not likely to fully block light at night, as this would not be practical.</p> <p>The Applicant is supportive of the use of sustainable travel to access the airport and the application for development consent assumes a mode shift from the car to sustainable modes of travel for staff and passengers. The Luton DART, which was paid for by the Applicant, will make rail access to the airport more convenient and</p>



Ref.	Summary of Comments made at OFH3	Applicant's response
		<p>attractive, and in addition, the application for development consent includes a <b>Framework Travel Plan [AS-131]</b> which sets out a toolbox of interventions and measures designed to increase/encourage sustainable travel. This is supported by a Sustainable Transport Fund to fund the interventions and measures, details of which are provided in the <b>Applicant's Response to Issue Specific Hearing 4 Action 26 - Sustainable Transport Fund [REP5-056]</b>.</p> <p>The Applicant recognises that some passengers and staff need to access the airport by car and surface access facilities need to cater for all access options. Although the application for development consent proposes a reduction in the proportion of passengers and staff travelling to/from the airport by car, the increase in passengers and staff involved with the expanded airport requires an increase in car parking.</p>
h.	<p>Why are there no plans to install solar panels on the terminal building, or use land adjacent to the airport, instead of building on greenbelt land?</p>	<p>As described in <b>Appendix 4.3 Energy Statement</b> of the ES <b>[APP-050]</b> the airport can generate a significant percentage of demand from on-site solar sources within the Order Limits, largely from photo-voltaic (PV) solar panels which are built into the Proposed Development, including on proposed buildings and car parks.</p> <p>These elements can make a significant contribution to the airport operator's existing commitment of 25% of electricity used by the airport (or LLAOL) to be supplied from on-site (or connected to site by private wire) renewable sources by 2026. The Applicant and operator will continue to explore renewable energy opportunities onsite or connected directly to site, to increase the</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
		<p>generation of renewable electricity used to supply airport operational requirements to 50% by 2030. However, achieving the higher target will need further projects to be considered that are not within the scope of the application for development consent.</p> <p>The Proposed Development does not include any plans to build solar panels on Green Belt land.</p>
<b>2.</b>	<b>Karl Wingfield – Transport Committee Member for the Harpenden Society</b>	
a.	<p>Clause 8(4)(b) of the DCO has been mentioned before in previous hearings but there has been no solution. Luton Rising are proposing to exclude the need for the Secretary of State's consent to the appointment of an airport operator, other than the current operation. The concern is that Luton Rising does not have enough experience to do so and, as they have said in the Funding Statement, they could appoint themselves. This poses a big safety issue. It is asked that the Examining Authority verify the truth of that statement. In the Gatwick DCO, the authority for an appointment is required.</p>	<p>Article 8 of the <b>Draft Development Consent Order [REP5-003]</b> is a well-precedented and commonplace DCO provision which permits the “undertaker” (i.e. the body on whom the DCO powers are conferred, in this case Luton Rising) to transfer or grant those powers to another party. Article 8(4)(b) permits Luton Rising to transfer or grant the powers to a future operator other than London Luton Airport Operations Limited (LLAOL), without the need for the Secretary of State's approval to the exercise of the article 8 power in this way.</p> <p>There is nothing unusual or inappropriate in this provision. It accords with the current situation, under which the Applicant has let a concession for the operation of London Luton Airport. The Secretary of State has directed that this arrangement is appropriate for the purposes of section 17 of the Airports Act 1986, which regulates the management of airports in public ownership. In the event that a successor operator was to be appointed, then ahead of that appointment the Applicant would be required to obtain consent for that</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
		<p>appointment from the Secretary of State for the purposes of section 17.</p> <p>More generally, the Civil Aviation Authority (CAA) is principally responsible for ensuring that airports in the United Kingdom are operated in accordance with the law. In respect of major airports such as London Luton Airport, the CAA has implemented a certification scheme which requires that the airport operator at all times holds an aerodrome certificate issued by the CAA.</p> <p>To change the authorised named operator of an airport (e.g. as part of an article 8(4)(b) transfer of powers under the DCO) the new operator would first need to submit an application for an aerodrome certificate to the CAA. That application process requires the applicant to demonstrate how they propose to meet the regulatory requirements applicable to an airport operator (particularly in relation to the safety and security of the airport).</p> <p>Following grant of an aerodrome certificate, the new airport operator would then be subject to a cyclical audit process by the CAA for the purpose of checking compliance against the regulatory requirements. The new airport operator would also be subject to other regulatory oversight by the CAA.</p> <p>For these reasons there is no need for article 8(4)(b) to require Secretary of State approval, because this would unnecessarily duplicate existing regulatory controls.</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
b.	<p>The Funding Statement was inadequate and continues to be so. Luton Rising are using cash flow as the way to fund the compulsory acquisition, which is ultimately unknown.</p> <p>In Portishead, the Examining Authority considered that funding meant the availability of the finance to underwrite the project's capital costs.</p> <p>There have been seven previous privately funded DCOs, none mentioned cash flow. This includes Manston Airport.</p> <p>The Funding Statement does not mention that the concession fee is used to pay off expenses such as loan interests, staff costs and other expenses. This leaves as little as £3,000,000 after tax - which is not enough to fund the Proposed Development.</p> <p>Lenders have not yet set their investments for 10 years' time, which is the projected timeframe for the Proposed Development.</p>	<p>The Applicant strongly refutes Mr Wingfield's comments on the <b>Funding Statement [REP5-009]</b>, which was substantially enhanced at Deadline 5 and is fully compliant with relevant law and guidance. Mr Wingfield's comments mischaracterise the Applicant's funding case. In addition to the Funding Statement, the ExA is directed to the Applicant's <b>Deadline 5 Cover Letter [REP5-001]</b> at Table 2, and the Applicant's Post Hearing Submissions on CAH 2, which addresses at section 7 the comments made by Mr Wingfield at OFH 3 on concession fee income.</p>
c.	<p>Regarding the Need Case, the responses so far have been evasive and have failed to present any evidence to support claims that London Luton Airport is vital or central to business growth. There is no need for the airport to grow to support business growth in Luton.</p>	<p>The Applicant does not agree that the <b>Need Case [AS-125]</b> fails to set out the evidence to support the role that an expanded airport is expected to have on business growth in Luton and surrounding areas. The Need Case sets out clearly the economic context for growth, how airports deliver economic benefits and the specific benefits expected to arise in Luton and surrounding areas that will contribute to business growth.</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
d.	The noise generated by airport expansion will impact a large number of people. Luton Rising should try harder to reduce the number of people affected. The Gatwick DCO includes a reduction in noise limits. Why can Luton Rising not achieve something similar?	The noise contour area limits do reduce in 2029 and again in 2034 (see Table 3.1 of the <b>Green Controlled Growth Framework [REP5-022]</b> ). Further reductions are not assumed beyond 2039 as by this point the fleet is assumed on a reasonable worst case to be almost 100% new-generation for commercial passenger aircraft. and By this time, the next generation of aircraft is expected to be coming into service, but the noise performance of these next-generation aircraft is not yet known. However, the Noise Limit Review requires the airport operator to review and reduce the noise Limits if and when quieter next-generation aircraft become available. Such a review must be undertaken in consultation with the Noise Technical Panel and approved by the Environmental Scrutiny Group (or the Secretary of State in the event of an appeal).
e.	There are no benefits from expansion. Any benefits would have arisen out of the 2014 planning permission anyway.	As is clear in the <b>Need Case [AS-125]</b> , the benefits that would arise at 32 mppa are substantially greater than have been delivered at 18 mppa.
<b>3. Richard Blacklock – Chairman of Hardwick Parish Council</b>		
a.	<p>There is a lack of awareness of the Proposed Development in the Vale of Aylesbury, therefore the examination will not be aware of the public opinion in this area. Hardwick has only 100 homes, but it is directly under the flight path.</p> <p>Impacts of pollution from the plane engines and noise intrusion from the increased flight numbers are a concern. Problems will be made much worse overnight by the proposed night flights.</p>	The Applicant undertook one round of non-statutory public consultation and a further two rounds of statutory public consultation prior to the application for development consent being submitted, as set out in the <b>Consultation Report [AS-048]</b> . Both statutory consultations were undertaken in accordance with associated Statements of Community Consultation, which themselves were subject to consultation with the relevant local planning authorities. The Applicant considers this consultation process to be robust, as confirmed by the

Ref.	Summary of Comments made at OFH3	Applicant's response
		<p>Planning Inspectorate upon their acceptance of the application.</p> <p>The impact of noise from the Proposed Development (including night-flights) has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the Environmental Statement <b>[REP1-003]</b>.</p>
b.	<p>The Proposed Development will lead to an increased demand for homes in Buckinghamshire due to the large increase in staff. This in turn pushes house prices up and there will be less housing available for the local people who grew up in the area. The existing housing plan policy must take account of homes from Luton and Dunstable.</p>	<p>Impacts on the housing marking are assessed and reported in <b>Chapter 11 Employment and Economics of the ES [APP-037]</b>, concluding minor effects for both construction and operation which are not significant.</p> <p>Changes to existing local plan policy are a matter for the relevant planning authority not the Applicant.</p>
c.	<p>There will be greater traffic passing through Buckinghamshire.</p>	<p>The impact of changes in traffic in the future baseline and additional traffic from the Proposed Development have been reported in <b>Chapter 10 of the Transport Assessment [APP-205]</b>. The highway mitigation in each development phase and the associated drawings are described in paragraphs 10.3.4, 10.3.5 and 10.3.6. The amount of additional traffic passing through Buckinghamshire has been assessed as part of the Transport Assessment. The Transport Assessment did not report any impacts that required mitigation in Buckinghamshire.</p>
d.	<p>The Proposed Development will increase global climate change due to the increase in jet emissions.</p>	<p>The impact and effect of the Proposed Development on greenhouse gas emissions are assessed and reported in <b>Chapter 12 Greenhouse Gases of the ES [REP3-007]</b>. Emissions are quantified, mitigation measures described,</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
		and as the Proposed Development is concluded to be in line with government policy for aviation emission, it will not prevent the UK meeting its carbon reduction obligations, targets or budgets.
e.	Hardwick residents don't want to live under a flight path that has the same number of flights last year as Gatwick.	Given the location of Hardwick, it is only impacted currently by departures on the Compton route which are expected to account for 23% of all departures ( <b>Need Case [AS-125]</b> , Table 6.19). It is also impacted by up to 30% of arriving aircraft ( <b>Need Case [AS-125]</b> , paragraph 7.5.4). Hence, the proportion of the projected 209,410 movements that could impact Hardwick, would amount to 26.5% (55,500 aircraft movements a year at 32 mppa). This is around ¼ of the number of movements handled at Gatwick in 2022 and 20% of its 2019 movement total.
<b>5.</b>	<b>Feroza Bartlett – Local Resident</b>	
a.	Concurs with the concerns raised by others about noise pollution, light pollution and mental health. Luton is one of the most polluted towns in England due to the airport and the M1 traffic. People have lung damage as a result. Growth will only exacerbate the health damage.	Noise, light and health effects are assessed and reported in <b>ES Chapter 16 [REP1-003]</b> , <b>Appendix 5.2 [APP-052]</b> , and <b>Chapter 13 [AS-078]</b> respectively. A full and robust assessment of effects on air quality ( <b>ES Chapter 7 [AS-076]</b> ) and health ( <b>ES Chapter 13 [AS-078]</b> ) has been undertaken. This included emissions to air from construction, operation, traffic and aircraft, and no significant effects were identified.
b.	There will be environmental destruction, particularly in relation to Wigmore Valley Park which won an award for the most wildlife rich park in the UK. A new park will not replace this space which has developed over decades.	The Applicant is aware of the value of Wigmore Valley Park and that any replacement will require time to establish and mature. The proposed replacement open space will be open before the existing park is impacted, subject to detailed design for the approval of the relevant local planning authorities, and be managed in trust with community representatives as described in the <b>Outline</b>

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		<b>Landscape and Biodiversity Management Plan [AS-029].</b>
c.	The rural lanes are not suitable for additional traffic. Thirteen million more passengers a year will make this worse.	The impact of changes in traffic in the future baseline and additional traffic from the Proposed Development have been reported in <b>Chapter 10 of the Transport Assessment [APP-205]</b> . The highway mitigation in each development phase and the associated drawings are described in paragraphs 10.3.4, 10.3.5 and 10.3.6. Traffic will continue to be monitored through the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA). An Outline version of the TRIMMA is provided in <b>REP5-041</b> . If any unacceptable impacts were identified on local roads the TRIMMA can mitigate these through mitigation type 2 as described.
d.	The economic benefits that have been cited are disingenuous. They are specialist jobs and not open to all.	Jobs created directly or indirectly through the Proposed Development will be open to all and at a variety of skill levels. The <b>Employment and Training Strategy [APP-215]</b> explains how the Applicant will ensure that jobs are accessible to those who need them.
e.	There is a conflict of interest between Luton Rising and Luton Borough Council. Luton Borough Council funds Luton Rising.	The Applicant does not agree that there is a conflict of interest between itself and Luton Borough Council. The relationship between the Applicant and Luton Borough Council is outlined in the document <b>Roles and Responsibilities of Luton Borough Council [REP1-018]</b> , submitted at Deadline 1.



Ref.	Summary of Comments made at OFH3	Applicant's response
6.	<b>Alison Mitchell – Local Resident</b>	
a.	<p>The Equalities Impact Assessment touches on affected groups and ages but not in enough detail. The report has no mitigating actions to try and minimise the effects on the adversely affected groups. It was also not clear who was consulted in this assessment (e.g. demographics, numbers, geography). There needs to be a full disclosure of the scale, method analysis and recommendations to the public for further debate.</p> <p>The information does not fulfil the expectations regarding the effects of the development in relation to human rights and equality. More detail on this should be made accessible to the public.</p> <p>There needs to be consideration of noise impacts on rural low ambient noise and the shock factor.</p>	<p>Groups with protected characteristics (as defined in the Equality Act 2010) are considered in the <b>Equality Impact Assessment (EqIA) [AS-129]</b> and vulnerable groups are considered in the Health and Community impact assessment provided in <b>Chapter 13 of the ES [AS-078]</b>. These documents provide adequate information and are compliant with the respective requirements of the Act and the Infrastructure Planning (EIA) Regulations 2017 (the EIA Regulations). Section 3.6 of the EqIA is titled 'Mitigation Measures' and describes the relevant mitigation measures with appropriate cross referencing, as do sections 13.9 and 13.1 of ES Chapter 13. Each report also has sections describing the consultation and engagement undertaken in preparing the document, including statutory consultation as reported in <b>Consultation Report [AS-048]</b>.</p> <p>A full and robust noise assessment has been undertaken and reported in <b>ES Chapter 16 [REP1-003]</b>.</p>
b.	<p>A wide geographical view of the affected population should be undertaken for a full 24 hours looking at more than just the local vicinity.</p>	<p>Section 4.3 of the <b>EqIA [AS-129]</b> describes the study area for the EqIA and the consideration of receptors in the wider area within other study areas identified in the ES technical assessments.</p>
7.	<b>Daisy Cooper MP – Member of Parliament for St Albans</b>	
a.	<p>We are in a climate emergency. People are crying out for more concerted climate change action. The 2019 advice from the Climate Change Committee to the Government is clear, aviation is most likely to be the single largest producer of carbon. To meet the 2050 net zero target,</p>	<p>The Government has considered the Climate Change Committee's June 2023 Progress Report and again rejected the need to restrict airport capacity growth in order to meet climate change targets.</p>

Ref.	Summary of Comments made at OFH3	Applicant's response
	<p>there should be no net expansion of capacity in airports. Gatwick and Stansted both plan for a combined increase of over 40 million passengers and this clearly goes against the advice given to the government.</p> <p>The Climate Change Committee gave a recommendation to the Government that no airport expansion should take place until a UK wide management framework is in place to annually assess control sector greenhouse gas emissions and carbon effects.</p> <p>This recommendation should therefore bring a pause to this inquiry's work pending an implementation of the framework.</p> <p>Leeds Airport expansion has been rejected on climate grounds.</p>	<p>The Government responded to this report in October 2023 <i>Responding to the Climate Change Committee's (CCC) 2023 Annual Progress Report to Parliament</i> and made clear at Priority R2023-037 that <i>"We are anti-aviation emissions, not flying, and want to deliver sustainable flying for everyone to enjoy holidays, visit friends and family overseas and to travel for business. We remain of the view that our existing policy frameworks for airport planning – the Airports National Policy Statement and Beyond the horizon, the future of UK aviation: Making best use of existing runways - provide a robust and balanced framework for airports to grow sustainably within our strict environmental criteria. Our analysis in the Jet Zero Strategy continues to demonstrate that the sector can achieve net zero carbon emissions by 2050 without the government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. Planning decision-makers and applicants should consider all relevant Government policy, including the Jet Zero Strategy, when considering airport expansion proposals.</i></p> <p><i>The Government has always been clear that the expansion of any airport must meet our climate change obligations. Any planning application submitted by an airport will be judged by the relevant planning authority, taking careful account of all relevant considerations, including environmental impacts and proposed mitigations.</i></p> <p><i>We will review our Jet Zero Strategy every five years to ensure the aviation sector is on track to achieve net zero</i></p>

Ref.	Summary of Comments made at OFH3	Applicant's response
		<p><i>by 2050, and, if appropriate, we will consider reviewing our policy frameworks for airport planning to ensure they remain compatible with achieving our net zero target.”</i></p>
<p>b.</p>	<p>There is no evidence that increase in UK air travel results in any increase in productivity or GDP growth. There was an overestimation in a report in 2012 that by 2019 there would be more jobs at London Luton Airport. However, this was overestimated by 2,450 jobs. As such, the airport has not provided the jobs it has promised.</p> <p>Pay in the sector saw the second largest pre-pandemic decline of any sector in the UK. It is therefore clear that any profits are going into shareholders pockets, and not to the employees.</p>	<p>The Applicant has already responded to these points made by the New Economics Foundation in <b>REP2-038</b> and <b>REP4-096</b>.</p>
<p>c.</p>	<p>The people of St Albans will be affected by the expansion. Constituents in St Albans are being affected adversely by the flight path.</p>	<p>The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in <b>Chapter 16 Noise and Vibration of the ES [REP1-003]</b>.</p> <p>The Applicant also notes that residents and visitors to/from St Albans make substantial use of the Airport with, in 2019, just under two return trips made through the Airport for every person living in St Albans district according to the CAA Passenger Survey Data.</p>
<p>d.</p>	<p>The Airport has breached its legal noise and passenger limits since 2019 with impunity and no remedial action has taken place.</p>	<p>The Applicant notes that there was no passenger cap breach at any time.</p> <p>The Noise Envelope (see <b>Green Controlled Growth Explanatory Note [REP5-020]</b>) has been designed to</p>

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		<p>improve upon the existing noise control regime and to effectively prevent breaches from occurring. <b>Appendix 16.2 Operational Noise Management (Explanatory Note) of the ES [REP4-023]</b> sets out how the proposed Noise Envelope contains mechanisms that should have avoided the noise Limit breaches that occurred at the airport from 2017-2019. This is further elaborated on in the <b>Comparison of consented and proposed operational noise controls document [REP5-014]</b> which provides a direct comparison between the current and proposed operational noise controls, noting that the Noise Envelope provides several enhancements to the current consented noise controls that are designed to prevent breaches before they occur, such as independent scrutiny and oversight, increased transparency, adaptive mitigation and management plans and noise Limit reviews.</p> <p>Improvements have been made to the Noise Envelope since submission, and a worked example has been provided that can be used to reasonably conclude that the Noise Envelope would have avoided the historic breaches that occurred in 2017-2019, see <b>Noise Envelope – improvements and worked example [REP2-032]</b>.</p>
e.	<p>In 2019, Luton Borough Council relied on the airport's revenue. As such, there is financial interdependence between the Luton Borough Council and the airport. How can Luton Borough Council be expected to discharge their statutory duties when they are so financially reliant upon it?</p>	<p>The Applicant and Luton Borough Council are separate organisations and Luton Borough Council has a statutory obligation to discharge their statutory duties as a planning authority in an independent manner. The relationship between the Applicant and Luton Borough Council is outlined in the document <b>Roles and Responsibilities of</b></p>

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		Luton Borough Council [REP1-018], submitted at Deadline 1.
8.	<b>Councillor Steven Stephens – Luton Borough Council, South Ward</b>	
a.	Councillor Stephens read a motion which notes that the expansion of the airport will increase both the income and availability of jobs. Equally, it recognises impacts of air pollution and environmental impacts.	The Applicant notes Councillor Steven Stephens' position and has provided a response to each individual point raised below.
b.	Raised the possibility of moving the western flight path further to the south, noting that this may not be possible due to safety reasons. The ideal would be to go over Luton Hoo grounds. The westerly take-off is far less noisy for residents, but the incoming flights are what is causing the blight. Is it possible to tweak the take-off and landing to reduce the noise?	The Applicant understands that this refers to moving the arrivals flight path further to the south. It is important to note that arriving aircraft must be lined up on the runway centreline at c.8 nautical miles from the airport when using an instrument landing system, as is the case for flights using London Luton Airport. Relocating the flight path to the south so close to the airport would simply not be possible for flights using instrument approaches.
c.	The airport needs to set a firm deadline for airlines to replace noisy planes.	Setting such a deadline is not required as Green Controlled Growth will require the airline fleets to be modernised in line with the projections set out in the <b>Need Case [AS-125]</b> in order to ensure that Limits will not be breached.
d.	Raised the possibility of placing more permanent noise monitors near to the populated areas of Luton.	The mechanism for considering further permanent noise monitoring locations is set out in paragraphs C4.2.2 and C4.2.3 of the <b>Aircraft Noise Monitoring Plan [REP5-028]</b> .
e.	Councillors are not against the expansion, however, there is a view that these are goals that must be predicated by a more overarching goal which is to reduce the blight from noise and pollution in the residents' daily lives.	See response in 7d above with regards to reduction in noise. The ES reports the conclusions of the EIA which covers the environmental aspects and matters required by the EIA Regulations and agreed through the formal EIA scoping process and ongoing engagement with

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		relevant bodies. Measures to reduce and mitigate effects are described throughout.
f.	The residents have reservations about whether Luton will meet its carbon net zero target by 2040.	The Applicant notes that this comment relates to Luton Borough Council's 'Luton 2040' vision and its view is that the Proposed Development is consistent with the Luton 2040 vision, a view also supported at the OFH by the Chief Executive of Luton Borough Council.
g.	<p>The residents are not sure that the existing infrastructure can handle the expanding number of passengers. Trains from London already go every 30 mins.</p> <p>If there is congestion on the M1, do London Road, Eaton Green Road and other local roads have the capacity to handle more traffic?</p>	<p>The Applicant has produced a <b>Rail Impact Summary [REP5-057]</b>. This concludes that there is sufficient capacity to accommodate additional passengers as a result of the Proposed Development.</p> <p>The impact of changes in traffic in the future baseline and additional traffic from the Proposed Development have been reported in <b>Chapter 10 of the Transport Assessment [APP-205]</b>. The highway mitigation in each development phase and the associated drawings are described in paragraphs 10.3.4, 10.3.5 and 10.3.6. The Applicant has proposed specific mitigation measures for Junction 10 which mitigate the impact of the Proposed Development. Traffic will continue to be monitored through the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA). An Outline version of the TRIMMA is provided in <b>REP5-041</b>.</p>
h.	Paying the residents £3,800 to insulate three windows is not going to deal with the noise pollution through the rest of the house. This is not enough money to solve the	£3,800 is the cap on the current Noise Insulation Scheme being managed by the airport operator, which is not limited to use for windows. Under the proposed new Scheme the payments will range from £4,000 up to

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	problem. More thought and money need to be given to this.	£20,000 and in some circumstances up to the cost of a full package of insulation without a cap.
<b>9.</b>	<b>Andrew Lambourne – LADACAN</b>	
a.	<p>There are undelivered commitments from Project Curium which persist.</p> <p>Concurs with previous comments around the funding and governance issues.</p>	<p>There are some Curium Phase 3 works that remain to be carried out under the Project Curium planning permission. Amendments to article 44 of the Draft DCO are being considered by the Applicant to address the “carry over” of any relevant Project Curium/P19 conditions/obligations to the extent such works are intended to be delivered but not yet complete when the article 44(1) notice is served. This revised drafting is proposed to be submitted at Deadline 7.</p>
b.	<p>The information in the application is erroneous. The applicant said that NEO aircrafts would account for 40%, but in reality, it is 30%. The Boeing 737-900 is much louder than cargo carriers.</p>	<p>The reference to new generation aircraft at almost 40% from summer 2023 onwards referred to the proportion of commercial passenger aircraft. The figure cited by Mr Lambourne refers to all aircraft movements, including cargo and business aviation flights. This matter has been discussed with Mr Lambourne and the figures reconciled. This is reflected in Appendix A to the <b>Applicant's Post Hearing Submission - Issue Specific Hearing 8 (ISH8) [TR020001/APP/8.135]</b>.</p> <p>The noise levels of the Boeing 737-900 are taken into account in the noise modelling and noise assessment presented in <b>Chapter 16 of the ES [REP1-003]</b>. It should be noted that the 737-900 make up a very small part of the forecast fleet, accounting for only two daytime and zero night-time movements per average summer day in 2027. There are no forecast daytime or night-time movements per average summer day in 2039 or 2043. See Table 6.41 in <b>Appendix 16.1 of the ES [AS-096]</b>.</p>

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c.	<p>There is no technical solution to the problem of flight paths which cross. The application is therefore premature.</p>	<p>The Applicant does not believe this comment to be correct as the purpose of airspace modernisation is to use modern navigation techniques, as distinct from the historic patterns of navigation by beacons, to enable such flight path crossings to be resolved by the use of different flight paths and flight levels. The process is explained further in the Civil Aviation Authority's <i>Airspace Modernisation Strategy 2023-2040 Part 1</i>. The Applicant does not believe that this comment has any relevance to the Application as the environmental assessments are presented on the basis of no changes to the current airspace so any subsequent changes that delivered an environmental benefit would reduce the impacts.</p>
d.	<p>Noise is a key concern and the Department for Transport commissioned the Civil Aviation Authority to give guidance. Members of the Noise Envelope Design Group engaged diligently with the Applicant, however they ignored most of the parameters that were agreed within the Group, apart from the summer threshold.</p> <p>The Civil Aviation Authority guidance states:</p> <ol style="list-style-type: none"> <li>1. Communities are entitled to a properly defined noise envelope.</li> <li>2. The applicant must address precisely the noise issues, and parameters should be based on an agreement reached between the industry and stakeholders.</li> </ol> <p>The magnitude of the Noise Envelope was not agreed through striking a balance, the Noise Envelope Design</p>	<p>The Applicant has responded to LADACAN's comments on the Civil Aviation Authority's CAP1129 guidance document on Noise Envelopes (Ref 1) in <b>Applicant's response to Deadline 2 submissions (Comments from Interested Parties on Deadline 1 submission) Appendix A - LADACAN [REP3-060]</b>.</p> <p>The disagreement referenced by LADACAN relates only to the use of the 2019 baseline, and the Applicant's position on this is set out in <b>Applicant's Post Hearing Submission - Issue Specific Hearing 3 (ISH3) [REP3-050]</b>. Other than the use of the 2019 baseline, the Host Authorities agree with noise assessment approach including the noise modelling approach, methodologies, assessment threshold values, assessment periods, change criteria and model validation. See the Statements of Common Ground between the Applicant and the Host</p>



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	<p>Group was just informed of the limits in the penultimate meeting.</p> <p>There is disagreement with the Applicant and the Host Authorities over the proper way to handle a noise assessment.</p> <p>Compensation for noise affected people does not assist the majority who would suffer increasing noise disturbance both day and night.</p>	<p>Authorities submitted at Deadline 6 <b>[TR020001/APP/8.13 to TR020001/APP/8.17]</b>.</p> <p>Compensation is not the only noise mitigation for the Proposed Development. The Noise Envelope secured in the <b>Green Controlled Growth Framework [REP5-022]</b> and other noise mitigation measures secured in the <b>Air Noise Management Plan [TR020001/APP/8.125]</b> will benefit those outside of the eligibility noise contours for the compensation schemes.</p>
e.	<p>There is confusion over the halving of the operational carbon emissions between the consulted PEIR and the DCO application.</p>	<p>The Greenhouse Gas (GHG) assessment presented in Chapter 12 Greenhouse Gases of the Preliminary Environmental Information Report published as part of the 2022 statutory consultation was prepared on the basis of the most accurate data that was available at that time. It was further informed by a range of assumptions around mitigation measures that reflected UK Government policy at that time. Since then, the UK Government has published its Jet Zero Strategy that describes a range of mitigation measures aimed at decarbonising the aviation sector.</p> <p>Quantitative parameters relating to these measures, specifically around improvements in efficiency, the introduction of sustainable aviation fuels (SAFs), and the use of zero emission aircraft (ZEA), are set out in Figure 3 of the Jet Zero Illustrative Scenarios and Sensitivities document, which allow emissions reductions from these</p>

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		<p>measures to be incorporated into the GHG assessment presented in <b>Chapter 12 Greenhouse Gases of the ES [REP3-007]</b>.</p> <p>As highlighted in Inset 12.4 of <b>Chapter 12 of the ES [REP3-007]</b>, these measures collectively reduce aviation emissions by over 72% by 2050. The inclusion of these mitigation measures account for the substantially reduced overall GHG emissions figures presented in the ES compared to those presented in the 2022 PEIR.</p>
<b>10.</b>	<b>Joe Kelly – Local Resident</b>	
a.	<p>There should be compensation for the 10,000 residents who live under and adjacent to the easterly and westerly flight paths. This cost needs to be factored in, in order to see if the airport is viable. If these costs were fully factored into the development, would the current net present value be the same?</p>	<p>The proposed new Noise Insulation Scheme will significantly widen the area within which households will benefit from the policy. This broadening of the area is based on noise contours which will determine eligibility for compensation. The estimated costs of compensation have been factored into the scheme cost estimates set out in the <b>Funding Statement [REP5-009]</b>, which concludes that expansion is financially viable.</p>
b.	<p>Generalised blight gives no right to compensation and proving blight is hard. It takes Luton Borough Council to confirm that blight exists, but because of the lack of independence, this isn't going to happen any time soon.</p>	<p>Statutory blight can only arise where the property is included within the Order Limits of the Proposed Development. If by generalised blight the question is about properties that are affected but outside the Order Limits, there is an entitlement to compensation which arises either during construction of the Proposed Development or when it is in operation. The Applicant has also published a Hardship Policy to acquire certain properties in circumstances where the owner has tried to sell, has not been able to do so except at a reduced price and the inability to sell is resulting in hardship. See</p>

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		<b>Compensation Polices, Measures and Community First [REP4-042]</b>
<b>11.</b>	<b>Jeremy Young – Local Resident</b>	
a.	Queried why Luton Borough Council has not published their audited accounts like other local authorities have.	The Applicant notes that this comment was directed to Luton Borough Council.
b.	Speaking on behalf of the people blighted by the climate emergency, there are tens of thousands of people who have been negatively impacted. The Examining Authority should make a decision for the many, not the few.	<p>The Applicant's position on climate change impacts and policy compliance is set out in response to earlier comments in Table 1.1.</p> <p>The Applicant's position on the expansions proposals as a whole is that they are supported by national policy, that the benefits of expansion clearly outweigh the adverse effects, and therefore that as a consequent the project should be granted development consent.</p>
<b>12.</b>	<b>Jeff Morgan – Friends of Wigmore Valley Park</b>	
a.	<p>The current job vacancies at the airport are:</p> <ul style="list-style-type: none"> <li>• Car park attendant at the airport: 6.30am-18:30 or vice versa. £11 per hour.</li> <li>• Aviation security officer: 3am - 8am. £11,769 per annum.</li> </ul> <p>These are low-paying jobs. How is the airport going to eradicate poverty when the people in poverty are the ones that work at the airport?</p>	<p>The <b>Employment and Training Strategy [APP-215]</b> sets out the commitment to ensure that those working at the airport both during construction and operation of the Proposed Development are paid the Real Living Wage. The airport operator has already implemented the Real Living Wage and will support and encourage other businesses across the airport to adopt it.</p> <p>In any event, the analysis of employment at the airport set out in <b>Appendix 11.1</b> to the <b>ES [APP-079]</b> demonstrates clearly that, on average salaries at the airport are higher than for other jobs held by residents in the local area.</p> <p>It should be noted whilst the Employment and Training Strategy seeks to help achieve positive social and</p>

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		economic outcomes, the airport alone cannot eradicate poverty. The levels of deprivation are influenced by wider macro-economic factors as well as migration and wider factors outside of the control of the Applicant.
<b>13.</b>	<b>Peter White – Friends of Wigmores Valley Park</b>	
a.	There is no mention of how financial income will directly go into the budget of Luton Borough Council and how it will influence the lives of the residents of Luton, who are ultimately the shareholders of the Council. How does an expanded airport increase the income of Luton Borough Council?	Increased passenger numbers will result in increased income to the Applicant, enabling Luton Rising to pay higher dividends to its shareholder, Luton Borough Council.
b.	Luton Borough Council has given Luton Rising £500,000,000 worth of debt for the development of the Luton DART, for the submitting of this application, and for keeping it afloat during Covid-19. Why is the poverty of the people of Luton coming second to Luton Rising accruing debt? That money could eradicate poverty now in real time. Why was that not done?	The Applicant notes that this point was directed to Luton Borough Council.
c.	<p>Luton Borough Council and Luton Rising are intrinsically linked. The concern is if the Examining Authority approves the DCO, the planning authority and approvals will go to the host authority, which in this case is Luton Borough Council. The Council has shown the town that it will not put anything in the way of expanding the airport, including environmental and noise concerns.</p> <p>If the DCO is approved, is there a way of getting another host authority to make the planning decisions, not Luton Borough Council?</p>	<p>The separation between Luton Borough Council and Luton Rising is secured through their different roles and responsibilities, as detailed in the paper: <b>Roles and Responsibilities of Luton Borough Council [REP1-018]</b>.</p> <p>The DCO application will be decided by the Secretary of State for Transport. Secondary consents under Schedule 2 of the DCO will be decided by the local planning authority for the area in which the works take place. Luton Borough Council is the competent authority to oversee planning decisions related to those parts of the Proposed Development within its administrative</p>

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		<p>boundary. Parts of the Proposed Development that fall outside Luton will be overseen by the relevant planning authority for that area.</p>
<p>d.</p>	<p>The 1998 concession agreement provided that the Council would not fund anything to do with the airport so that the people of Luton are not adversely affected. However, since 2015, clearly this no longer applies.</p>	<p>This statement is factually incorrect. The basis of the agreement is that the airport operator is responsible for taking decisions on airport development after consulting with the Applicant. If there is a reasonable return on the investment to be made within the concession period then the Airport Operator is generally able to undertake the investment.</p> <p>The Council has not made any direct investment into the airport during the concession period.</p> <p>As part of its capital programme the Council has approval to provide funding in terms of debenture loans to the Applicant to finance its own capital programme. The Applicant pays interest on the loans to the Council at a rate which includes a risk premium. These loans generate additional income to the Council which it uses towards providing key services.</p>
<p>e.</p>	<p>The airport is being marketed as a 'social enterprise', but seemingly it appears that the expansion is only creating jobs in the airport, not in the surrounding area.</p>	<p>This Applicant does not consider this to be correct. The jobs created at the airport are taken by employees across a wider area of the Three Counties of Bedfordshire, Buckinghamshire and Hertfordshire. There is also additional employment created through the supply chain and secondary rounds of spending. This is fully explained in <b>Appendix 11.1</b> of the <b>ES [APP-079]</b>. The airport also contributes to the attraction of other activities to the area, which create further employment opportunities. This is explained in Section 8 of the <b>Need</b></p>

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		<p><b>Case [AS-125]</b> and was evidenced by several other speakers at the OFH.</p>
<b>14.</b>	<b>Chris Haden – Stop Luton Airport Expansion</b>	
a.	<p>The promotional video put out by Luton Rising is not representative.</p>	<p>The Applicant is not clear what it is suggested the referenced video is not to be representative of, and notes regardless of this that no video produced by or for the Applicant forms part of the application for development consent.</p>
b.	<p>The currently political party in power in Luton have had 16 years to sort out poverty. They are the main shareholder of the airport. In 2007 there were 9.9 million passengers per annum and now we are at 18-19 million passengers per annum which is almost double. Therefore, why has poverty not gotten better with the already existing airport expansion?</p>	<p>At OFH3 Mr Porter, the Chief Executive of Luton Borough Council, provided data linking airport growth and reduction in levels of deprivation in Luton.</p>
c.	<p>Queries raised over the funding case.</p>	<p>The Applicant considers its <b>Funding Statement [REP5-009]</b> is robust and fully compliant with the requirements set out in law and guidance.</p>

## REFERENCES

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Ref 1 Civil Aviation Authority (2013), CAP1229 Noise Envelopes