

January 2024

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

## **8.146 Applicant's Response to Written Questions Arising from Hearings**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.146

**The Planning Act 2008**

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

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

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**8.146 APPLICANT'S RESPONSE TO WRITTEN QUESTIONS  
ARISING FROM HEARINGS**

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<b>Deadline:</b>	Deadline 7
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# 1 INTRODUCTION

- 1.1.1 This document has been prepared by Luton Rising (a trading name of London Luton Airport Limited) ('the Applicant') for submission to the Examining Authority ('ExA'). It provides the Applicant's responses to written questions arising from the Hearings held in November 2023. The document includes four Tables, which provide responses respectively for the written questions following Compulsory Acquisition Hearing 2 (CAH2), Issue Specific Hearing 7 (ISH7), Issue Specific Hearing 8 (ISH8), and Issue Specific Hearing 9 (ISH9) which were set out in separate tables following on from the Examining Authority's Action Points arising from Hearings which were published on 5 December 2023 **[EV13-006, EV14-008, EV15-013 and EV16-009]**.
- 1.1.2 The response to the **Examining Authority's Further Written Questions (ExQ2) [PD-015]** issued on 15 December 2023 and republished on 22 December 2023 are provided in the Applicant's Responses to Written Questions by topic, in documents submitted at Deadline 7, in document references **TR020001/APP/8.149 – TR020001/APP/8.161**.

## 2 RESPONSE TO EXAMINING AUTHORITY WRITTEN QUESTIONS ARISING FROM HEARINGS (NOVEMBER 2023)

### 2.1 Table 1.1: Responses to the Examining Authority's Written Questions from CAH2

PINS ID	Question / Response																		
CAH2 - WQ1	<p><b>Question:</b></p> <p>Paragraph 3.1.2 in previous funding statement [APP-012] gave the estimated total project cost as £2,700 million in 2022/23. In the new funding statement [REP5-009] it has two figures, capital cost estimate £2,612m in 2022/23 or approx. £3,400m in forecast outturn prices. Please explain the difference between the two sets of figures and why one of these figures is lower than previously stated given that since the original funding report was prepared (27 Feb 2023) interest rates and material and labour prices have increased.</p> <p><b>Response:</b></p> <p>The original <b>Funding Statement</b> of February 2023 [APP-012] explained that the 2022/23 cost estimate for the Proposed Scheme has been estimated at c.£2,700m, which includes the costs for land purchase, compensation and blight of approximately £110m (Paragraphs 3.1.2 and 3.1.4).</p> <p>The revised <b>Funding Statement</b> of November 2023 [REP5-009] provides costs to the nearest £1 million. It explains the total costs (in 2022/23 prices) are:</p> <ul style="list-style-type: none"> <li>land purchase, compensation and blight of £108m (Paragraph 2.2.2); and</li> <li>all other costs are £2,612m (Paragraph 3.1.4).</li> </ul> <p>The sum of the two makes £2,720m, which is the rounded c.£2,700m in the original Funding Statement.</p>																		
CAH2 – WQ2	<p><b>Question:</b></p> <p>Table 3 [REP5-009] provides a very high-level breakdown of capital cost under the headings of airfield/ landside/ platform/ terminal 1/ terminal 2/ noise insulation scheme. However, there is no further detail, with the exception of the noise insulation scheme, behind how these figures were achieved or what they consist of eg where would the cost for DART extension between T1 and T2 sit? Is it possible to provide some further detail of the works that would sit under these headings? Given capital cost over runs do these figures include a contingency budget or is this a separate figure and if so what is it?</p> <p><b>Response:</b> Further detail is provided below, which replicates Table 3 of the <b>Funding Statement [REP5-009]</b> and adds commentary about what is included in all headings, noting that the information is still at a headline level and is non-exhaustive. A contingency of c.20% has been added to all costs in 2022/23 prices (£m).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="background-color: #1a3d4d; color: white;">Phase 1 £m</th> <th style="background-color: #1a3d4d; color: white;">Phase 1 explanation</th> <th style="background-color: #1a3d4d; color: white;">Phase 2 £m</th> <th style="background-color: #1a3d4d; color: white;">Phase 2 explanation</th> <th style="background-color: #1a3d4d; color: white;">Total £m</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Airfield</td> <td style="text-align: center;">76</td> <td> <ul style="list-style-type: none"> <li>New apron, taxiways, stands, attenuation beneath apron, fencing, substation building, utilities connections</li> </ul> </td> <td style="text-align: center;">374</td> <td> <ul style="list-style-type: none"> <li>New apron, taxiways, stands, attenuation beneath apron, navigation aids, snow base facility, Engine Run-Up Bay, fencing, fire training ground, ground handling ramp, ground handling garage, airport operations security base &amp; posts, emergency access point, utilities connections</li> </ul> </td> <td style="text-align: center;">450</td> </tr> <tr> <td style="text-align: center;">Landside</td> <td style="text-align: center;">59</td> <td> <ul style="list-style-type: none"> <li>Car parks, coach station, parkland, environmental landscaping, service connections, section 106 obligations,</li> </ul> </td> <td style="text-align: center;">631</td> <td> <ul style="list-style-type: none"> <li>Car parks, service yard, waste centre for aircraft waste &amp; potable water, coach station, parkland, environmental landscaping, service connections,</li> </ul> </td> <td style="text-align: center;">690</td> </tr> </tbody> </table>		Phase 1 £m	Phase 1 explanation	Phase 2 £m	Phase 2 explanation	Total £m	Airfield	76	<ul style="list-style-type: none"> <li>New apron, taxiways, stands, attenuation beneath apron, fencing, substation building, utilities connections</li> </ul>	374	<ul style="list-style-type: none"> <li>New apron, taxiways, stands, attenuation beneath apron, navigation aids, snow base facility, Engine Run-Up Bay, fencing, fire training ground, ground handling ramp, ground handling garage, airport operations security base &amp; posts, emergency access point, utilities connections</li> </ul>	450	Landside	59	<ul style="list-style-type: none"> <li>Car parks, coach station, parkland, environmental landscaping, service connections, section 106 obligations,</li> </ul>	631	<ul style="list-style-type: none"> <li>Car parks, service yard, waste centre for aircraft waste &amp; potable water, coach station, parkland, environmental landscaping, service connections,</li> </ul>	690
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PINS ID	Question / Response					
		offsite highway works, power, site roads		Terminal 2 landscaping, non-third party DART extension costs, Airport Access Road (AAR), section 106 obligations, offsite highway works, power, Terminal 2 potable & grey water, surface water drainage, filtration, soakaways, storage & treatment works, site works, sewers		
	Platform	18	• Landforming & platform creation, service diversions	205	• Landforming & platform creation, service diversions, temporary works	223
	Terminal 1	128	• Terminal 1 expansion including changes to check-in, security lanes, baggage handling systems, departures, immigration and surface access.	-		128
	Terminal 2	-		642	• Terminal 2 works	642
	Noise insulation scheme	42	• Noise insulation scheme	18	• Noise insulation scheme	60
	<b>Sub Total</b>	<b>323</b>		<b>1,870</b>		<b>2,193</b>
	Third party investments*	22	• Solar, landside & airside Electric Vehicle (EV) charging infrastructure	397	• Energy centre (heating & cooling), fuel farm & pipeline, hotel, energy storage battery, hangars, DART 3 <sup>rd</sup> party contribution, solar panels, landside & airside Electric Vehicle (EV) charging infrastructure	419
	<b>Total all parties</b>	<b>345</b>		<b>2,267</b>		<b>2,612</b>
	<p>* Third party investments include a low carbon heating and cooling energy centre, a new fuel farm and pipeline connection, new hangars, a new hotel, and solar PV, battery and EV charger investments. All are assumed to be commercially viable projects in their own right. Additionally, there are third party contributions to the Luton DART Phase 2a expansion.</p>					
CAH2 – WQ3	<p><b>Question:</b></p> <p>Can you provide further explanation regarding what constitutes third party investments (low carbon heating and cooling energy centre, new fuel farm and pipeline connection, new hangars, new hotel and Solar PV, Battery and EV charger investments) ie is the assumption that these would be funded and provided by a third party or funded by the Applicant and provided by a third party and would any of them deliver a future revenue stream for the Airport?</p> <p><b>Response:</b></p> <p>The Applicant's response to CAH2 – WQ2 above provides a definitive list of the third-party investments included in the Proposed Development costs. The third-party investments are required for the expanded airport to function, for example the low carbon heating and cooling energy centre to meet the Government's 2040 zero airport operations target and the new fuel farm and pipeline. Other investments, such as the new hotel, will offer passengers travelling from afar the opportunity to stay close to the airport for early morning flights.</p> <p>All these investments are considered commercial private sector projects and have been assumed to be financed by third parties, with the third parties funding the investments from commercial revenue they derive from the users; whether that be the airport buying low carbon heating and cooling from the energy provider, airlines buying fuel from the fuel farm or passengers staying overnight by the airport.</p>					

PINS ID	Question / Response
	Having different parties providing services to the airport is standard practice. This would not preclude the airport operator or the Applicant investing in these assets (and taking the associated financial benefits), but this is not the intention.
CAH2 – WQ4	<p><b>Question:</b></p> <p>Table 5 [REP5-009] provides details of what interest rate was used for the capital cost, given that interest rates are currently rising have the figures been stress tested for higher interest rate scenarios, if not, why not and if so at what level?</p> <p><b>Response:</b></p> <p>Following receipt of this question the Examining Authority has subsequently confirmed that the question is about inflation rates, not interest rates.</p> <p>The Applicant has run inflation sensitivities on all model inputs at rates higher than the forecasted rates, e.g. at 1% and 2% higher than Consumer Price Index (CPI) rates, for the duration of the project, and it further improves the financial attractiveness of the project. For example, in the Applicant's Deadline 6 response to Question 4 by LADACAN [REP6-054] about the impact of slower growth it was stated <i>"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."</i></p>
CAH2 – WQ5	<p><b>Question:</b></p> <p>Please expand on what you mean in paragraph 4.2.3 [REP5-009] and how this would affect funding?</p> <p><b>Response:</b></p> <p>Paragraph 4.2.3 states <i>"another important message is that Environment, Social and Governance (ESG) factors are becoming increasingly relevant, with the Green Controlled Growth Framework proposed by the Applicant being seen as a positive factor."</i> This is because banks, lenders and investors are becoming increasingly more aware of climate change and the reputational impacts of investing in fossil fuel exploration and other carbon emitting sectors. For example, there is now the EU Taxonomy for Sustainable Activities that helps companies and investors identify <i>"environmentally sustainable"</i> economic activities. There are impact investors that seek wider environmental impacts, and activists that attend company Annual General Meetings to encourage better environmental performance.</p> <p>In light of this, airports and airlines that have plans to reduce, or are already reducing, their carbon emissions will remain more attractive to banks and investors. Hence the Applicant's <b>Green Controlled Growth Framework [APP/7.08]</b> and Luton Council's Net Zero 2040 plan being seen as beneficial in terms of attracting investment.</p>
CAH2 – WQ6	<p><b>Question:</b></p> <p>Given concerns about the state of the Council's finances/ number of local councils who have financial issues and having to declare themselves bankrupt, if the Council did have to issue a 114 Notice how would this impact deliverability of scheme/ securing of finances given one of the finance options would be for the Council to raise the funding?</p> <p><b>Response:</b></p> <p>Luton Borough Council has sound financial management and budgetary processes in place and has emerged post Covid in 2023 in a robust position. Accordingly, and based on the latest information available, the Council has adequate reserves to address any revenue budget gap in the short term. Hence to the best of the Applicant's knowledge and belief, the Council does not consider that it is at any risk of considering issuing a section 114 notice.</p> <p>Notwithstanding the above, the Applicant notes that if such a scenario were to arise and the Council were to issue a section 114 notice, the deliverability of the Proposed Development would not be affected.</p>

PINS ID	Question / Response
	<p>Whilst the <b>Funding Statement [REP5-009]</b> notes at paragraph 4.3.1.c that Council borrowing is a possibility for the Phase 1 works, it is not the Applicant's preferred or intended approach and there is no intention that the Council will borrow in order to finance this Phase of the Proposed Development. The Applicant also notes that the Council is not involved in the securing of finances by the airport operator for these works. Given the above the Applicant's position is that the deliverability of the first phase of the Proposed Development is not dependent upon the financial standing of the Council, Phase 1 would therefore not be at risk if a section 114 notice were to be issued.</p> <p>The Applicant draws the Examining Authority's attention to Appendix C of the Funding Statement to provide further comfort that delivery of Phase 1 via a commercial agreement with the current airport operator remains the most likely route to delivery during the term of the existing concession period.</p> <p>As for Phase 2, whilst Option 4.4.1.c is for the Applicant to become responsible for the ongoing operation of the airport, drawing upon a Technical Services Agreement (TSA) with an aviation expert and <i>"raising money from the private markets or through commercial arrangements determined by its shareholder LBC"</i> in paragraph 4.4.1 of the Funding Statement the Applicant makes it clear that there <i>"...is no intention for LBC to finance the Phase 2 expansion."</i> Therefore, it does not consider that in circumstances where the Council had issued a section 114 Notice that this would have a detrimental effect on the Applicant's ability to deliver the later stages of the Proposed Development.</p>
CAH2 – WQ7	<p><b>Question:</b></p> <p>The ExA asked a question regarding how the Applicant has had regards to the Equalities Act in relation to Compulsory Acquisition (CA) and Temporary Possession (TP) and asked whether any Affected Persons have been identified as having protected characteristics and if so what regard has been had to them [Question CA.1.6, PD-010].</p> <p>You did provide a response at D4 [REP4-056] where the ExA were directed to the Statement of Reasons [AS-071] and the Equality Impact Assessment (EIA) [AS-129]. The EIA makes a broad assessment of impacts on various groups but as far as I can see does not contain any specific reference to CA and TP. It talks about mitigations in broad terms and section 13.3 of the Statement of Reasons [AS-071], which consists of the consideration of duties under the Equality Act, refers back to the EIA it does not provide a specific assessment in relation to CA/TP.</p> <p>So in context of CA and TP are there any people or groups who have been identified as having protected characteristics who would be affected and if there are, has an assessment been undertaken? If not, why not and should it be?</p> <p>Did the assessment include Category 3 parties, if not why not? And should it, as there are a significant number of Relevant Representations (RR) who have referred to the impacts on the elderly, disabled, children, mental health etc</p> <p><b>Response:</b></p> <p>The obligation in s149 of the Equalities Act 2010 (Ref 1) <i>"is to 'have due regard to' the need to, amongst other things:</i></p> <ul style="list-style-type: none"> <li>• <i>eliminate discrimination and other conduct prohibited by the Equalities Act 2010;</i></li> <li>• <i>advance equality of opportunity; and</i></li> </ul> <p><i>foster good relations between persons who share a relevant protected characteristic and persons who do not share it."</i></p> <p>The Applicant has carried out an EqIA for the Proposed Development and this was updated in June 2023 [AS-129]. This EqIA has been prepared in accordance with DCO industry best practice and the methodology is outlined in Section 3 of the EqIA including any assumptions and limitations.</p> <p>The EqIA adopts a study area of 1km around the main application site (see Appendix A to the EqIA) in accordance with industry best practice. This therefore includes any party within the scope of CA/TP powers (i.e. those within the Order limits) and an assessment on any groups affected has been identified as appropriate within the EqIA. The EqIA includes a baseline which draws upon publicly available data sources to create a summary of known information around those with protected characteristics. The EqIA in its assessment takes each Protected Characteristic Group in turn and seeks to identify any differential or disproportionate effects against each group as a whole. The assessment has concluded that there are no protected characteristic groups who would be adversely differentially or disproportionately affected by compulsory acquisition and temporary possession.</p>



PINS ID	Question / Response
	<p>The EqIA study area is a smaller area than the category 3 boundary. However, as per paragraph 4.3.1 of the EqIA, “where impacts are identified by ES topic assessment[s] outside of this [study] area” the EqIA “considers those receptors where appropriate”. The EqIA considers the impacts on those with protected characteristics where applicable assessments within the ES have concluded potential residual adverse effects in relation to noise on Children, Older people, Pregnancy and Maternity and Race. Many of these have been considered in the context of protected characteristics generally rather than within a specific catchment. This is in accordance with best industry practice. As the EqIA draws on residual effects identified within the ES to make its conclusions, its study area would differ from that for the category 3 boundary, which is concerned with potential statutory compensation claims as a result of changes in noise levels, rather than changes which would result in residual significant effects on those with protected characteristics.</p> <p>The ExA will note that where appropriate, impacts (including for noise) identified in the ES have been taken account of if they fall outside the 1km study area. Data for some protected characteristics is not available at a granular level for those within the category 3 contour. The contour itself is not a useful way to measure equalities impacts. The Applicant considers its approach appropriate and proportionate given the size of the category 3 boundary, and notes that this matter has not been raised as a concern by local authorities with whom the Applicant has closely engaged.</p>
CAH2 – WQ8	<p><b>Question:</b></p> <p>Have either the Statement of Reasons [AS-071] or the EIA [AS-129] been reviewed since the application was submitted and in particular in light of RRs to ensure that everything has been done to ensure anyone with protected characteristics has been captured and assessed to ensure compliance with the Equality Act 2010?</p> <p><b>Response:</b></p> <p>The Applicant can confirm that it remains compliant with the Equalities Act 2010 (Ref 1). Where points have been raised on the EqIA, the Applicant has responded to relevant representations (RRs) where appropriate. This includes responses to RR 1087 from the New Economics Foundation [APP-8.31]. To date, RRs and other submissions made by Interested Parties have not flagged any material points which would need to be revisited within the EqIA. The Applicant will continue to monitor submissions made by Interested Parties and ensure that any points raised relating to the EqIA are responded to and captured if appropriate within the EqIA or SoR (as appropriate). The Applicant has responded to points raised during Deadline 6 including in item ref. 6 in the <b>Applicant's Post-Hearing Submission – Open Floor Hearing 3 [REP6-069]</b>. These responses were provided to a local resident who raised several queries but such responses did not require any changes to the EqIA or SoR.</p>
CAH2 – WQ9	<p><b>Question:</b></p> <p>The re-provision of Prospect Day Nursery appears to be based on an assessment of need at time of relocation. Given the loss of the facility is highlighted as a major significant effect in the Environmental Statement and would be affecting persons with protected characteristics, why is its re-provision subject to this proviso? Is it acceptable?</p> <p><b>Response:</b></p> <p>The <b>Equalities Impact Assessment [AS-129]</b> assesses the impact of the re-provision of Prospect House Day Nursery and its potential implications on Protected Characteristic Groups. The Equality Impact Assessment concludes neutral effects on the Protected Characteristic Groups of Age (specifically Children) and Pregnancy and Maternity. The assessment conclusions have been made on the basis that the nursery will be provided in a suitable location in close proximity to the existing site and the Applicant is committed to ensuring that alternative facilities are provided, with adequate prior notice, to accommodate these services prior to the existing nursery being required for the Proposed Development should they still be needed at the appropriate time. This approach reflects the commercial nature of the re-provision of nursery places. It is possible that at the time of re-provision alternative providers in the area may already be operating such that the loss of the facility in question may not create a shortfall of nursery provision. Similarly, it is possible that the facility in question may not be operating at the time of re-provision and the operator may choose to relocate at the end of its current lease (which expires before the site is needed for the Proposed Development). Therefore it is deemed as acceptable when considering effects on those with protected characteristics as alternative facilities are likely to be available and/or will be provided as appropriate.</p>

PINS ID	Question / Response
	<p>The Applicant has been engaging with Prospect House Day Nursery and has in place a signed assurance letter with the nursery which provides assurance that the Applicant will work with the nursery to relocate their business at the end of their existing lease.</p> <p>A commitment to undertaking an assessment to confirm capacity requirements for the nursery will be conducted prior to the acquisition/closure of Prospect House Day Nursery and the results of the assessment will inform the relocation of the nursery. Please refer to the response to BCG.2.6 in the <b>Applicant's response to Written Questions – Broad, cross-topic and general questions [TR020001/APP/8.149]</b> and the <b>Draft Section 106 Agreement</b> submitted at Deadline 7 <b>[TR020001/APP/8.167]</b> which provides further details.</p>

## 2.2 Table 1.2: Responses to the Examining Authority's Written Questions from ISH7

PINS ID	Question / Response
ISH7 - WQ1	<p><b>Question:</b></p> <p>In paragraph 6.1.2 of the outline Construction Traffic Management Plan (CTMP) [APP-130] there is mention of site targets but no detail as to what they could be. Could the Applicant supply some information on site targets and could this be added to the outline CTMP?</p> <p><b>Response:</b></p> <p>The Applicant confirms that the OCTMP [APP- 130] does not include formal site targets, the reason for this is that the vehicular numbers will be only identifiable with accuracy on the completion of the design, the inclusion of specialist works, and the construction methodology (i.e. DFMA v traditional etc.) and the logistical approach to delivery and pick up (potential use of consolidation sites, off site holding etc.). as such the targets will be developed by the main contractor for the formal issue of the full CTMP which will be discussed prior to issue with the local authority. the contractor will seek to minimize traffic volumes as is reasonably practicable. The current HGV estimations are based on current high-level considerations for the site, and these have been reviewed in phases and are indicative at this stage only.</p>
ISH7 – WQ2	<p><b>Question:</b></p> <p>When monitoring against targets it is usual to have trigger points. Can the Applicant explain if the use of trigger points has been considered. If yes - what would they be and what would be the proposed action or mitigation if the triggers were reached. Could this be added to the outline construction management plan? If not – why not?</p> <p><b>Response:</b></p> <p>The use of trigger points will be considered and added into the CTMP by the contractor on the understanding of the design, enabling and temporary works, materials, logistics (delivery, pick up and potential use of offsite consolidation centres) and construction methodology (which could at this stage vary between traditional construction and DFMA modular approaches). Until the design is suitably matured the trigger points will not be reflective of the works to come, and thus are not included in the current OCTMP.</p>

PINS ID	Question / Response
ISH7 – WQ3	<p><b>Question:</b></p> <p>Paragraph 3.1.3 b of the outline Construction Workers Travel Plan (CWTP) [APP-131] states ‘the introduction of measures to reduce single occupancy car journeys by staff working on construction site(s) through the encouragement of car-sharing, use of public transport, cycling and walking to work wherever reasonably practicable.’ What measures are you proposing to encourage construction workers to travel by alternative means and how and where would this be secured?</p> <p><b>Response:</b></p> <p>In order to reduce the single occupancy journeys by staff working on construction site(s) other modes of transport such as public transport or active travel (cycling &amp; walking) will be encouraged.</p> <p>The following options could be explored and those that will be implemented will be detailed in the subsequent CWTP:</p> <p>In order to minimise singular vehicle travel by reducing number of available parking bays for site management, contractor’s staff and sub-contractor’s staff. This would encourage the use of shared form of transport such as car sharing and/or private hire buses. Dedicated Car Sharing parking bays in each compound could be provided dependant on space.</p> <p>Active Travel (Cycle and walk) – several active travel initiatives could be considered to support walking and cycling as transportation modes to the various contractor compounds for those members of the construction workforce that live within a suitably close distance of the site. The following will be explored and those that will be implemented will be detailed in the subsequent CWTP:</p> <ol style="list-style-type: none"> <li>I. Safe cycle routes</li> <li>II. Cycle stands</li> <li>III. Incentivisation</li> <li>IV. Walking infrastructure</li> <li>V. Locker &amp; Showering Facilities</li> <li>VI. Workforce engagement and promotion of active travel</li> </ol> <p>A site Shuttle Bus Service could also be an option as the organising of shuttle bus services from designated pick-up points, including the airport bus stops and nearest railway station to transport members of the construction workforce directly to the various construction sites. This would facilitate arrival by public transport and thus reduce reliance on private vehicles and thereby alleviate traffic congestion. In terms of securing a specific measure(s), the current design isn’t mature enough to understand the resource requirements to deliver the project and therefore difficult to identify. This information will be updated at a later stage when the design has progressed enough that these details can be identified.</p> <p>The potential measures identified may be included in the updated OCWTP which will be submitted prior to the close of the Examination .</p>
ISH7 – WQ4	<p><b>Question:</b></p> <p>Paragraph 6.1.2 of the outline CWTP states ‘a Measure to reduce the need to travel – consideration could be given to the use of local hotels and B&amp;B by workers.’ How has the Applicant determined if there would be enough suitably low cost accommodation near the airport, which would be attractive to construction workers, to make this a realistic option? Has consideration been given to the potential use of caravan sites by construction workers? If so please provide further detail and if not, why not?</p> <p><b>Response:</b></p> <p>The key purpose of the <b>Employment and Training Strategy (ETS) [APP-215]</b> is to ensure that as many of the jobs and economic opportunities generated by the Proposed Development as possible, go to the residents of Luton and the “ETS Study Area” (see section 1.2.5 within the ETS). Targeting of employment opportunities within the local area will be the primary means of reducing the need for overnight stays.</p>

PINS ID	Question / Response
	<p>As stated in 7.3.6 of the <b>Construction Method Statement and Programme Report [AS-082]</b> for outline construction planning purposes staff are assumed to be from London and/or the home counties areas, with an average round trip commuting distance of 70 miles per day. The Applicant therefore anticipates that demand for overnight stays will be limited and are only envisaged for specialist staff or contractors that may need to be procured from outside the region.</p> <p>At this stage of planning due to the considerations provided above the potential use of caravan sites by construction workers to stay overnight has not been considered. as the majority of workers will be based within the 40 miles radius of Luton as stated in the <b>Construction Method Statement and Programme Report [AS-082]</b> paragraph 7.3.9) and caravan sites are therefore not considered necessary and not included in the Proposed Development.</p>
ISH7 – WQ5	<p><b>Question:</b></p> <p>Paragraph 7.1.4 of the outline CWTP states ‘If the monitoring finds that targets are not being met, this will result in the implementation of additional measures to help to facilitate the CWTP staying on course to meet its overall objectives.’</p> <p>Can the Applicant detail what these additional measures could comprise? Could a list of these measures be added to the outline CWTP?</p> <p><b>Response:</b></p> <p>If the monitoring finds that targets are not being met, the following measures could be considered to help to facilitate the CWTP staying on course.</p> <ol style="list-style-type: none"> <li>1. Reduction of number of parking permits and encouraging use site van/bus for contractors to get into and out of the construction site(s)</li> <li>2. Project dedicated bus service with timetable that suits the shift pattern applied</li> <li>3. Potentially make use of Site consolidation/delivery centres (to include small delivery) which will be outside of the construction areas and deliveries from this site(s) to the project site(s) will be managed on a “delivered as per requirement basis”</li> <li>4. Amend construction worker shift patterns in order to minimise peak traffic times.</li> <li>5. Stagger the shift patterns for construction operatives to spread the traffic movements caused by the project throughout day</li> </ol> <p>The potential measures identified may be included in the updated OCWTP which will be submitted prior to the close of the Examination.</p>
ISH7 – WQ6	<p><b>Question:</b></p> <p>When monitoring against targets it is usual to have trigger points. Can the Applicant explain if the use of trigger points has been considered. If yes - what could they be and what would be the proposed action or mitigation be if these triggers were reached. Could this be added to the outline CWTP? If no, why not?</p> <p><b>Response:</b></p> <p>See response to question ISH7-WQ2 in this document.</p>

### 2.3 Table 1.3: Responses to the Examining Authority's Written Questions from ISH8

PINS ID	Question / Response
ISH8 - WQ1	<p><b>Question: Landscape and Visual / Design</b></p> <p>Explain why a light obstruction assessment has been undertaken in line with recommendations from Institute for Lighting Professions Guidance as opposed to undertaking a lighting assessment based on Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3.</p> <p><b>Response:</b></p> <p>The Applicant responded to this question in the <b>Applicant's Post Hearing Submission Issue Specific Hearing 8 [REP6-066]</b> submitted at Deadline 6 under Action Point 52.</p>
ISH8 – WQ2	<p><b>Question: Landscape and Visual / Design</b></p> <p>Explain how the Viewpoint HDR Images in Appendix B of the Light Obstruction Assessment [APP-052] meet the Landscape Institute Technical Guidance Note 06/19 Visuals Representation of Development Proposals.</p> <p><b>Response:</b></p> <p>The Applicant responded to this question in the <b>Applicant's Post Hearing Submission Issue Specific Hearing 8 [REP6-066]</b> submitted at Deadline 6 under Action Point 52.</p>
ISH8 – WQ3	<p><b>Question: Landscape and Visual / Design</b></p> <p>Explain how the Light Obstruction Assessment [APP-052] using Institute for Lighting Professions Guidance would allow for a reasoned conclusion on the likely significant effects of the Proposed Development.</p> <p><b>Response:</b></p> <p>The Applicant responded to this question in the <b>Applicant's Post Hearing Submission Issue Specific Hearing 8 [REP6-066]</b> submitted at Deadline 6 under Action Point 52.</p>
ISH8 – WQ4	<p><b>Question: Landscape and Visual / Design</b></p> <p>For the earth bund illustrated in general arrangement drawing [AS-018] provide a further explanation for the design rationale for the earth bund and, noting its steep gradient and change in levels, how the design approach has had regard to the landscape character assessment for HLCA Area 200 – Peters Green Plateau.</p> <p><b>Response:</b></p> <p>The design of the earth bund is largely influenced by the requirement to generate a plateau for the expanded airfield which needs to be broadly level with the existing runway and essentially flat (maximum permissible gradient for aircraft parking aprons is 1 in 100). It is also a function of the aspiration to 'win' most of the material from within the order limits and due to 'cut and fill' this results in a lower plateau, predominantly proposed for car parking and ancillary facilities. The steepness of the bund between the two plateaus reduces land take, compared to a shallower bund, thus reducing the overall footprint of the proposed development.</p>

PINS ID	Question / Response
	<p>The landscape character assessment (LCA) for HLCA Area 200 – Peters Green Plateau Character Area (Ref 2) states, amongst other things, that the character area is “truncated by the man-made landscape features associated with Luton Airport”. The LCA also identifies several distinctive features within the LCA including the “Man-made landscape at Luton Airport boundary”. The proposed earth bund will therefore form part of the man-made landscape features within this LCA.</p>
ISH8 – WQ5	<p><b>Question: Landscape and Visual / Design</b></p> <p>In respect of the earth bund design, and with reference to paragraph 5.218 of the Airports National Policy Statement, explain how the approach has aimed to avoid or minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</p> <p><b>Response:</b></p> <p>The earth bund design has developed in accordance with the Airports National Policy Statement (ANPS) (Ref 3) paragraph 5.218 and the need to take into account the potential impact on the landscape. The earth bund would be constructed using fill material excavated from within the development area rather than importing material from areas further afield. This approach minimises harm to the wider physical landscape as well as reducing other environmental impacts resulting from less movement of fill material.</p> <p>The landscape proposals would introduce amenity grassland, hedgerow and woodland planting on the proposed earth bund. This will provide a more gradual transition for park users at the edge of the landfill and assist in reducing visibility of the proposed buildings and structures in views to the east of the airport.</p>
ISH8 – WQ6	<p><b>Question: Landscape and Visual / Design</b></p> <p>Your response to PED.1.6 in ExQ1 [REP4-063] states an earthwork solution is the preferred approach but other options may be considered where this is not possible, which could include retaining walls. However, your response states this has not been factored into the findings in the Landscape and Visual Impact Assessment (LVIA) as this is not the preferred solution, and alternative solutions will only be considered during detailed design. Given that an alternative solution, such as retaining walls, could result in different landscape and visual effects, confirm:</p> <ol style="list-style-type: none"> <li>1) Whether the LVIA assesses a ‘worse case’ situation.</li> <li>2) Whether the requirement for retaining walls as opposed to an earthworks solution result in a materially new or worse environmental effect if required at detailed design stage.</li> </ol> <p><b>Response:</b></p> <p>The Landscape and Visual Impact Assessment in <b>Chapter 14 of the ES [AS-079]</b> assesses a ‘worse case’ situation based on the parameters set out in <b>Chapter 4 of the ES [AS-074]</b> and the <b>Work Plans [AS-012 to AS-017]</b> which provide the location and maximum extent of development components.</p> <p>The earthwork solution is the proposed and intended method in the Proposed Development and has therefore been assessed. If unforeseen circumstances arise and other engineered solutions are required in some locations, the design approval process, landscape and visual mitigation measures such as tree planting, architectural treatment, application of design principles and detailed landscape design all secured within the Requirements of the DCO, would be followed and discharged to ensure that design changes would not result in materially new or worse environmental effects.</p>
ISH8 – WQ7	<p><b>Question: Landscape and Visual / Design</b></p> <p>Inset 5.5 from the Construction Method Statement [AS-082] shows an illustrative sequence of works to the landfill. Explain what the edge of the platform is indicating and whether this is proposed to be a retaining wall.</p>



PINS ID	Question / Response
	<p><b>Response:</b></p> <p>The images in Inset 5.5 are illustrative only, intended to show the indicative process of excavating, treating and recovering landfill material. They are intended to demonstrate the 'cut and fill' of waste materials within the limits of the former Eaton Green landfill site only, and do not show other materials. Therefore the 'edge' of the platform appears as a vertical edge, however, this is to illustrate the boundary between airside and landside working areas, as well as the level difference of landfill materials. The projection of the image was selected to try and demonstrate the works in 3-dimensions and a vertical exaggeration has been applied to aid understanding.</p> <p>The difference in levels of the landfill materials between the landside and airside is due to the settlement tolerances of the Proposed Development in those areas. The excavation of more landfill materials is required for the airside construction since aprons are proposed here. Across the landside area of the landfill, structures are likely to require piled foundation solutions and, therefore, do not require as much level reduction of the landfill.</p>
ISH8 – WQ8	<p><b>Question: Landscape and Visual / Design</b></p> <p>Paragraphs 4.21 to 4.24 of GLVIA3 identifies mitigation measures in respect of landscape and visual effects with reference to both primary and secondary measures. Can the applicant explain what primary mitigation measures were considered in respect of the siting, layout and parameters of buildings and structures in the Proposed Development.</p> <p><b>Response:</b></p> <p>The primary mitigation measures or those developed to become integrated or embedded into the project's design are identified in section 14.8 of <b>Chapter 14 of the ES [AS-079]</b> and illustrated on <b>Figure 14.9 of the ES [REP4-037]</b>. Secondary measures are identified in section 14.8.6 onwards <b>[AS-079]</b> and illustrated on <b>Figure 14.11-14.13 [REP4-037]</b>.</p> <p>The Proposed Development evolved through the consultation process during the pre-application period. This process and the embedded design (primary) mitigation adopted is summarised in <b>Chapter 3 Alternatives and Design Evolution of the Environmental Assessment [AS-026]</b> with reference to further information in the <b>Design and Access Statement [AS-049]</b> and associated appraisals, where landscape and visual impacts were considered. In further summary, for example, these included:</p> <ol style="list-style-type: none"> <li>landform – the earthworks solution required to deliver the expansion to the airfield and landside facilities, paragraphs 3.3.4 to 3.3.6 <b>[AS-026]</b> e.g. <i>“The preferred landform option performed best in terms of environmental effects, as it retained land along the northern part of the Main Application Site, thereby reducing the potential landscape effects and retaining open space for local communities.”</i></li> <li>drainage paragraphs 3.3.7 to 3.3.9 <b>[AS-026]</b> – the approach to water treatment;</li> <li>car parks paragraphs 3.3.14 to 3.3.24 <b>[AS-026]</b> – the location, scaling and makeup of car parks to continue to serve the airport, e.g. <i>“Potential parking typologies for each site were identified on the basis of operational requirements. Multi-storey car parking was considered as the least suitable typology of car parking for the majority of locations, as a result of potential visual impacts ...”</i> and <i>“the preferred option minimised environmental impacts through the removal of car parking locations on Green Belt land (Sites 3, 4, 5 and 6) and allowed further land within the existing Wigmore Valley Park to be retained..”</i>;</li> <li>fuel farm – paragraphs 3.3.10 to 3.3.13 <b>[AS-026]</b> options to deliver fuels to aircraft;</li> <li>terminal, apron and supporting facilities paragraphs 3.3.20 to 3.3.24 <b>[AS-026]</b> – location and configuration of terminal, apron and supporting facilities. E.g. <i>“..the selected western option (1A) scored best overall, as it minimised visual disturbance, impacts on land use...”</i> ; and</li> <li>design development following statutory consultation - Paragraph 3.4.3 of <b>[AS-026]</b> <i>“Revised layout of the Proposed Development to reduce the extent of construction works required. This included a reduced Terminal 2 footprint, reduced footprints of car parks, reconfigured taxiways and reduced footprint of aircraft stands,”</i>...iv. <i>“a greater extent of the Winch Hill ridgeline was retained, including mature woodland/ hedgerow vegetation, which would screen the Proposed Development from visual receptors..”</i></li> </ol>

PINS ID	Question / Response
	<p>The siting and layout of the proposed buildings are described in Chapter 5 of <b>Design and Access Statement [AS-049]</b>, in particular section 5.4 which articulates the rationale for the location of Terminal 2, section 5.9 which describes the rationale for the layout and parameters of T2, and later sections of Chapter 5 which describe rationale for siting of other buildings and structures.</p> <p>A section of <b>Chapter 3 of the ES [AS-026]</b> titled “<i>Summary of environmental design measures in the ES</i>” includes Table 3.4 which describes measures for each environmental aspects assessed including Landscape and Visual.</p> <p>The <b>Design Principles</b> document <b>[TR020001/APP/7.09]</b> includes general principles requiring designs to be responsive to landscape, landform and the historic environment (DQ.01, DQ.08, LAND.05). There are also specific principles requiring appropriate architectural surface finishes to reduce the visual impact of T2 (T.02), the Coach Station (T.41), T2 Dart Station (T.65), Hotel (ASF.02) and Hangars (ASF.09). A revised version of the Design Principles document was submitted at Deadline 7</p>
ISH8 – WQ9	<p><b>Question for Luton Borough Council: Landscape and Visual / Design</b></p> <p>Design Codes: Your responses to ExQ1 PED1.5 [REP4-187] and action point 31 from ISH6 [REP4-190] considers that design codes would not be appropriate in relation to the DCO as, unlike the New Century Park application which encompassed numerous buildings delivered in phases, the DCO includes only two buildings that would be public facing (Terminal 2 and its plaza and the 400 bed hotel). Given that a number of buildings / structures from the Proposed Development would be visible from a wider area, provide further justification for this position.</p> <p><b>Response:</b></p> <p>The Applicant notes that this question is for Luton Borough Council (LBC) but has provided an initial response in the belief that the ExA may find this helpful.</p> <p>The Applicant agrees with LBC that a Design Code is not appropriate for the Proposed Development, as this function is performed by the <b>Design Principles</b> document <b>[TR020001/APP/7.09]</b>. The Design Principles document has been revised further at Deadline 7 to further help provide an effective means of securing good design at the detailed design stage. The Applicant has also agreed to LBC’s request for an independent design review process for Terminal 2, the Plaza and Hotel. The process for this is included in the Design Principles document.</p> <p>With regard to the visibility of other buildings and structures from the wider area, the Design Principles document includes general principles requiring designs to be responsive to landscape, landform and the historic environment (DQ.01, DQ.08, LAND.05). There are also specific principles requiring appropriate architectural surface finishes to reduce the visual impact of T2 (T.02), the Coach Station (T.12), T2 Dart Station (T.19), Hotel (ASF.02) and Hangars (ASF.03).</p> <p>These principles are considered by the Applicant to be appropriate as they must be considered alongside the maximum height parameters set within the DCO. More detailed coding with specific building heights or dimensions and materials or colours would remove the necessary flexibility required by the Applicant for future detailed design. The Applicant is open to consideration of further refinements to the Design Principles document, should these be proposed by interested parties or the Examining Authority.</p>
ISH8 – WQ11	<p><b>Question: Heritage</b></p> <p>Explain why there are several assets identified in the Cultural Heritage Gazetteer [REP4-017] as experiencing less than substantial harm but Appendix D of the Planning Statement [APP-198] only provides a detailed assessment of two of the assets.</p>



PINS ID	Question / Response
	<p><b>Response:</b></p> <p>For the majority of assets, the effects presented in <b>Chapter 10 Cultural Heritage of the ES [AS-077]</b> have been assessed as being not significant (negligible to minor adverse effects). As such, it is concluded that the harm caused to these assets falls within the less than substantial category and at the lower level of the spectrum, and in accordance with planning guidance and Historic England advice (Ref 4), a proportionate approach has been taken and these assets are not discussed further in the Heritage Statement.</p> <p>The purpose of the Heritage Assessment, <b>Appendix D of the Planning Statement [APP-198]</b> is to provide greater clarity on where, on the harm spectrum, those assets which will experience significant effects sit, in accordance with the requirements of the Planning Practice Guidance (PPG) (Ref 5) and to enable the weighing of the planning balance.</p> <p>The Heritage Statement only discusses harm in relation to designated assets as the distinction between substantial harm and less than substantial harm does not apply to non-designated assets. No non-designated assets have been identified as being of 'schedulable quality' or of potentially national importance and as such are not included in the Heritage Assessment.</p>

ISH8 – WQ13	<p><b>Question: Heritage</b></p> <p>It appears that a number of assets where changes in noise contours are shown in Figures 10.6-10.8 of ES Chapter 10 Figures [APP-150], such as, but not limited to, Church of all Saints in St Paul's Walden Bury and Bonners Farm, have not been included in the Cultural Heritage Gazetteer [REP4-017]. Confirm if this is correct and either include these or explain why this is not being done.</p> <p><b>Response:</b> The <b>Cultural Heritage Gazetteer [REP4-017]</b> includes those assets which have been assessed within the ES due to the potential for effects to be caused by the Proposed Development. Those assets which do not have the potential to be impacted are excluded. This proportionate approach is in accordance with planning guidance and Historic England advice (Ref 4).</p> <p>While there are a number of heritage assets within the changes in noise contours as shown on Figures 10.6-10.8 of ES <b>Chapter 10 Cultural Heritage Figures [APP-150]</b>, this does not equate to an impact on their significance. The assessment has considered the extent of the change and how the noise environment contributes to the significance of the asset. Where an impact is identified, the asset has been included in the gazetteer. Those assets which will not experience an effect, such as Church of all Saints in St Paul's Walden Bury, are not included in the gazetteer.</p>
ISH8 – WQ14	<p><b>Question: Heritage</b></p> <p>At ISH6, there was a discussion on whether the increased frequency of flights should be factored into the assessment of more heritage assets. Paragraph 8.1.11 of your post hearing submission for ISH6 [REP3-053] states that Chapter 10 of the ES [AS-077] considered impacts from increased frequency of aviation noise on heritage assets with reference to Luton Hoo RPG where the increased frequency of aviation noise would impact the aesthetic appreciation of the park and would result in a moderate adverse effect, which is considered to be significant. For St Paul's Walden Bury RPG, the assessment concludes that the noise change contours for the operational phases demonstrate a negligible change to the park's noise environment, which would result in no effect to its setting or heritage significance.</p> <p>Explain why the assessment for Luton Hoo has considered how the increased frequency of aviation noise would impact the aesthetic appreciation of the asset (in addition to changes in noise contours) but this has not been considered for other designated assets located under the flight paths.</p> <p><b>Response:</b> The Applicant's methodology for assessing impacts through changes to the setting as a result of noise, is in line with current guidance and best practice and was agreed with statutory consultees including Historic England. This is documented in Table 10.6: Stakeholder Engagement in <b>Chapter 10 Cultural Heritage of the ES [AS-077]</b>.</p> <p>The Applicant has considered impacts from all aspects of potential noise, as set out in <b>Chapter 16 of the Environmental Statement: Noise and Vibration [APP-042/ AS-080]</b>. This includes the increased frequency of aviation noise which forms part of the operational phase. This has been applied to all heritage assets but only where a potential impact because of noise has been identified, is this identified in the ES.</p>
ISH8 – WQ16	<p><b>Question: Heritage</b></p> <p>It is stated [REP5-052] that the Applicant has considered Historic England's request for a financial contribution towards the conservation management of Luton Hoo Estate, but does not consider there to be sufficient justification to do so. Expand on the reasons for this.</p> <p><b>Response:</b> <b>Chapter 10 Cultural Heritage of the ES [AS-077]</b> identifies a significant effect on Luton Hoo. An assessment of harm is set out in the Heritage Assessment, <b>Appendix D of the Planning Statement [APP-198]</b> which concludes that, while an increase in aviation noise and visible components of the Proposed Development would result in harm to the significance of Luton Hoo through change within its setting, this change would not constitute substantial harm.</p> <p>The Applicant considers that there is no feasible solution which can mitigate noise impacts within a park setting and it is not recommended to screen new development within a designed landscape with additional planting, which is acknowledged in the ES Chapter 10 (para. 10.10.9). This has been discussed and agreed with the Conservation Officer for CBC and Historic England during topic specific meetings, as recorded in ID 3.1.14 in the Historic England SoCG <b>[REP6-013]</b>.</p>

	<p>The Applicant considers that financial contribution towards the conservation management of Luton Hoo would not mitigate the identified impact of the Proposed Development on Luton Hoo and that the identified harm would remain. This harm therefore needs to be weighed against the public benefits of the Proposed Development.</p>
<p>ISH8 – WQ18</p>	<p><b>Question: Heritage</b></p> <p>The updated Cultural Heritage Management Plan [REP4-020] has included further details on monitoring of brick erosion at Someries Castle. Explain what mitigation measures would be put in place if monitoring subsequently finds brick erosion is occurring.</p> <p><b>Response:</b></p> <p>The assessment of impacts from airborne pollutants to receptor locations at Someries Castle have been assessed in <b>Chapter 7 Air Quality [AS-076]</b> and also in <b>Chapter 10 Cultural Heritage [AS-077]</b>. The air quality model predicts a negligible change in the concentrations of airborne pollutants, which is why, based on these data, there is assessed to be no impact to the fabric of the castle from airborne pollutants.</p> <p>Whilst recognising the prediction of no significant effects, the Applicant has made a commitment to review changes to air pollutant concentrations in the <b>Green Controlled Growth (GCG) Framework [TR020001/APP/7.08]</b> which entails monitoring during the operational phase of the Proposed Development, including an air quality monitoring location at Someries Castle.</p> <p>The updated <b>Cultural Heritage Management Plan [REP4-020]</b> sets out the methodology for air quality monitoring at Someries Castle. Monitoring data for each location and each pollutant will be made available to the Local Planning Authority (LPA). Following each review process, consultation will be undertaken with the Conservation Officer for the relevant LPA to discuss the potential impact of any identified changes on Someries Castle and appropriate mitigation measures will be identified and agreed based on the assessed level of impact.</p> <p>Any measures proposed would be dependent on the findings of the monitoring, whether the deterioration could be attributed to the Proposed Development, and subject to further discussion with the relevant authority to ensure that the measures do not cause further damage or loss of historic fabric. Therefore, the CHMP only discusses the monitoring and further engagement as agreed with the relevant authority.</p>

2.4 **Table 1.4: Responses to the Examining Authority’s Written Questions from ISH9**

<p><b>PINS ID</b></p>	<p><b>Question / Response</b></p>
<p>ISH9 - WQ1</p>	<p><b>[The Applicant notes that this question is directed not only to the Applicant but also to the Local Authorities].</b></p> <p><b>Applicant/Local Authorities Question: Phasing of growth</b></p> <p>Noting that the Airports National Policy Statement (ANPS) states that government expects the applicant to make particular efforts to avoid significant adverse noise impacts, can the Applicant explain whether a phased capacity release requirement eg linking growth to the deployment of noise insulation could be a means to avoid significant observed adverse effects and provide residents assurance that the Applicant is delivering noise reduction via noise insulation as well as growth.</p>

PINS ID	Question / Response
	<p><i>Local authorities to provide their views on phasing of capacity release.</i></p> <p><b>Response:</b></p> <p>The Applicant's position is that increase in capacity is already phased and linked to noise through the <b>GCG Framework [TR020001/APP/7.08]</b> and the Noise Envelope. Growth and capacity release must be delivered within the Limits and processes of the GCG Framework. The noise contour area Limits are set in five-year phases based on the forecast growth and capacity release of the airport as it reaches 21.5 mppa, 23mppa, 27mppa and then 32 mppa. These phased Limits secure that the noise effects are no worse than those identified in <b>Chapter 16 of the ES [REP1-003]</b>.</p> <p>Furthermore, the QC budget forward planning controls introduced in <b>Noise Envelope – Improvements and worked example [REP2-032]</b> and further discussed in <b>Applicant's Response to Issue Specific Hearing 9 Actions 8, 19 and 20 – Quota Count Noise Controls [TR020001/APP/8.170]</b>, link slot management and capacity declarations to noise.</p> <p>The GCG Framework also requires that, on exceedance of a noise L2 Threshold, the airport operator cannot increase capacity until either; a Level 2 Plan has been approved by the ESG or Secretary of State, or a Monitoring Report confirms that the noise contour area no longer exceeds the Level 2 Threshold.</p> <p>As described in the <b>Planning Statement [AS-122]</b>, the compensatory mitigation measures for the Proposed Development (<b>Draft Compensation Policies Measures and Community First [TR020001/APP/7.10]</b>) have been developed so that in combination with the embedded noise management measures as secured by the Noise Envelope within the <b>GCG Framework [TR020001/APP/7.08]</b>, they comply with the Airports National Policy Statement requirements to avoid significant adverse effects from noise and to mitigate and reduce to a minimum adverse effects of noise.</p> <p>In terms of linking growth to noise insulation, DCO, Hybrid Bill and Town and Country Planning Act decision precedent is that the offer of a full noise insulation package above the Significant Observed Adverse Effect Level (SOAEL), combined with employing all reasonable and practicable measures to provide the insulation is sufficient to meet the policy aims of the Noise Policy Statement for England (NPSE, Ref 6) and the Airports National Policy Statement (ANPS, Ref 7) to avoid significant adverse noise effects on health and quality of life. The NPSE and ANPS are both clear that all aims (including the first aim to avoid significant adverse noise effects) must be considered within the context of sustainable development, i.e. taking what is reasonable and practicable into account. The Applicant has demonstrated that it will deliver the noise insulation scheme as quickly as practicable, see <b>Noise Insulation Delivery Programme [REP4-079]</b> and response to Written Question NO.2.15 <b>[TR020001/APP/8.156]</b>.</p> <p>It is notable that the Host Authorities have stated in their Deadline 5 submissions <b>[REP5-066]</b>, <b>[REP5-068]</b> and <b>[REP5-076]</b> that the proposed rollout is <i>“commended by the Host Authorities. The expected timeframes involved with rolling out the scheme and assuming a 100% take-up are positively received as they are materially faster than both the existing scheme and other comparable schemes”</i>.</p> <p>The Applicant is not aware of any precedent where the phasing of a development has been linked to the pace of rollout of a noise insulation scheme. Furthermore, it is not clear how such a requirement would work in practice. Whilst the airport operator will take all reasonable steps in providing noise insulation, the rate of uptake is not within the airport operator's control as it requires homeowners to respond to the offer. It is therefore not clear what rate of rollout, uptake or install could be set as a basis for a requirement linking noise insulation deployment to growth. The Applicant's view is that such a requirement would not be 'reasonable' or 'enforceable' and would therefore not meet paragraph 56 of the National Planning Policy Framework (Ref 8).</p>
ISH9 – WQ2	<p><b>Applicant/Local Authorities Question: Early and late running aircraft</b></p> <p>At D5 the Applicant provided commentary on the reasons for early and late running flights <b>[REP5-090, GCG.1.3]</b>.</p>

PINS ID	Question / Response																																			
	<p>The response explains the basis for applying a 5% delay factor. How does a change in delay factor affect the noise model and the extent of the modelled noise contours?</p> <p>Do the local authorities support the use of this delay factor?</p> <p><b>Response:</b></p> <p>It is important to note that the allowance for delayed flights reflects the fact that the actual number of aircraft movements that operate within the 8 hour night noise period is expected to be greater than the number of movements scheduled to operate within the period due to late running for a variety of reasons that are not within the control of the airport operator. Although a number of such flights might fall within the definition of movements for which a dispensation could be granted, such that they do not count within the night-time movement or QC limits, this does not account for all delayed flights. As set out in the <b>London Luton Airport Quarterly Monitoring Report [REP6-138]</b>, the criteria applied to such dispensations follows that in place at the Designated Airports (Heathrow, Gatwick and Stansted) as set out by the Department for Transport (Ref 9). It should be noted that the DfT has recently asked the designated airports to take action to reduce the number of delayed flights for which dispensations are granted. This is different to recognising the likelihood of flights being delayed for reasons beyond the airport's control but which would be included within the assessment of night noise impacts (see response to ISH9 - WQ3). Dispensations are addressed specifically within the DCO.</p> <p>It is appropriate to include an allowance for non-dispensed delayed movements within the assessment of future noise contours as it reflects the reality of airport operations and the noise at night to which the local population would be exposed. A 5% adjustment is, hence, applied to the number of operations that would be expected to be scheduled during the night period to reflect 'schedule shift'. Schedule shift is the propensity for flights to operate early or late compared to their scheduled time of operation. The figure of 5% was derived by examining the extent of such 'schedule shift' over a number of years and noted that the extent of schedule shift could be up to 5% based on summer 2018. Not allowing for this 5% schedule shift above the number of flights expected to be scheduled to operate within the night period would mean that, effectively, the airport would need to reduce the number of flights that it could schedule in the night period with consequent implications for the number of flights that it could schedule in total over the whole day, so reducing the passenger throughput attainable. In order to ensure that the noise assessment reflects a reasonable worst case, it was considered important to reflect the potential for late running aircraft outside of the airport's control within the calculation of the noise contour.</p> <p>Importantly, late running aircraft (that do not meet the definition of dispensed aircraft) are included in checking compliance with the Noise Envelope contour area Limits (see paragraph C.4.1.3 of the <b>Aircraft Noise Monitoring Plan [TR020001/APP/7.08]</b>) and the movement limits and Quota Count limits in the <b>Air Noise Management Plan [TR020001/APP/8.125]</b>. This provides an incentive for the airport operator to minimise late running aircraft as they will otherwise eat into the night-time limits.</p> <p>Nonetheless, to illustrate the implications of removing this allowance, alternative fleets have been developed with the 5% delay factor removed and the noise models have been rerun, following the methodology described in <b>Appendix 16.1 of the ES [TR020001/APP/5.02]</b>.</p> <p>Table 1 provides the daytime Core Planning Case noise contour areas 'With' the 5% delay factor (as presented in <b>Chapter 16 of the ES [REP1-003]</b>) and 'Without' the 5% delay factor. The 5% of the night-time movements moved into the daytime period result in an approximate increase in daytime movements of 1%. Consequently, there is a small increase in the daytime noise contour areas. The approximate 1% increase in movements is not sufficient enough to result in a change in daytime noise at assessment locations defined in Table 16.22 of <b>Chapter 16 of the ES [REP1-003]</b>.</p> <p>Table 1: Comparison of Daytime Core Planning Case Noise Contour Areas 'With' and 'Without' a 5% Delay Factor</p> <table border="1"> <thead> <tr> <th style="background-color: #2c3e50; color: white;">Daytime <math>L_{Aeq,16h}</math> dB Noise Contour</th> <th style="background-color: #2c3e50; color: white;">2027 with delay factor</th> <th style="background-color: #2c3e50; color: white;">2027 without delay factor</th> <th style="background-color: #2c3e50; color: white;">2039 with delay factor</th> <th style="background-color: #2c3e50; color: white;">2039 without delay factor</th> <th style="background-color: #2c3e50; color: white;">2043 with delay factor</th> <th style="background-color: #2c3e50; color: white;">2043 without delay factor</th> </tr> </thead> <tbody> <tr> <td>51</td> <td>52.3</td> <td>52.6</td> <td>50.1</td> <td>50.3</td> <td>56.1</td> <td>56.4</td> </tr> <tr> <td>54</td> <td>30.6</td> <td>30.8</td> <td>28.8</td> <td>28.9</td> <td>32.6</td> <td>32.7</td> </tr> <tr> <td>57</td> <td>16.3</td> <td>16.5</td> <td>15.2</td> <td>15.3</td> <td>17.4</td> <td>17.5</td> </tr> <tr> <td>60</td> <td>8.0</td> <td>8.1</td> <td>7.4</td> <td>7.5</td> <td>8.6</td> <td>8.6</td> </tr> </tbody> </table>	Daytime $L_{Aeq,16h}$ dB Noise Contour	2027 with delay factor	2027 without delay factor	2039 with delay factor	2039 without delay factor	2043 with delay factor	2043 without delay factor	51	52.3	52.6	50.1	50.3	56.1	56.4	54	30.6	30.8	28.8	28.9	32.6	32.7	57	16.3	16.5	15.2	15.3	17.4	17.5	60	8.0	8.1	7.4	7.5	8.6	8.6
Daytime $L_{Aeq,16h}$ dB Noise Contour	2027 with delay factor	2027 without delay factor	2039 with delay factor	2039 without delay factor	2043 with delay factor	2043 without delay factor																														
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	63	4.2	4.2	3.8	3.9	4.4	4.5																																																															
	66	1.9	1.9	1.8	1.8	2.1	2.1																																																															
	69	1.1	1.1	1.0	1.0	1.2	1.2																																																															
	<p>Table 2 provides the night-time Core Planning Case noise contour areas ‘With’ the 5% delay factor (as presented in <b>Chapter 16 of the ES [REP1-003]</b>) and ‘Without’ the 5% delay factor. As night-time movements decrease by approximately 5%, there is a decrease in the night-time noise contour areas. The 5% decrease in movements results in an approximate decrease in noise of 0.2dB<sub>L<sub>Aeq,8h</sub></sub> at assessment locations defined in Table 16.22 of <b>Chapter 16 of the ES [REP1-003]</b>.</p> <p>Table 2: Comparison of Night-time Planning Core Case Noise Contour Areas ‘With’ and ‘Without’ a 5% Delay Factor</p> <table border="1"> <thead> <tr> <th>Night-time L<sub>Aeq,8h</sub> dB Noise Contour</th> <th>2027 with delay factor</th> <th>2027 without delay factor</th> <th>2039 with delay factor</th> <th>2039 without delay factor</th> <th>2043 with delay factor</th> <th>2043 without delay factor</th> </tr> </thead> <tbody> <tr><td>45</td><td>70.7</td><td>68.6</td><td>65.2</td><td>63.6</td><td>73.2</td><td>71.0</td></tr> <tr><td>48</td><td>42.2</td><td>40.8</td><td>37.8</td><td>36.7</td><td>43.2</td><td>41.6</td></tr> <tr><td>51</td><td>24.1</td><td>23.2</td><td>21.1</td><td>20.4</td><td>24.0</td><td>23.1</td></tr> <tr><td>54</td><td>12.5</td><td>11.9</td><td>10.6</td><td>10.2</td><td>12.4</td><td>11.9</td></tr> <tr><td>55</td><td>9.7</td><td>9.2</td><td>8.3</td><td>8.0</td><td>9.8</td><td>9.4</td></tr> <tr><td>57</td><td>6.2</td><td>6.0</td><td>5.2</td><td>5.0</td><td>6.0</td><td>5.7</td></tr> <tr><td>60</td><td>3.1</td><td>3.0</td><td>2.5</td><td>2.4</td><td>3.0</td><td>2.8</td></tr> <tr><td>63</td><td>1.5</td><td>1.5</td><td>1.3</td><td>1.2</td><td>1.4</td><td>1.4</td></tr> </tbody> </table> <p>In terms of significant effects on health and quality of life, the ‘without delay factor’ fleet would result in an increase in the population exposed above the daytime Significant Observed Adverse Effect Level (SOAEL) of up to 50 and a decrease in population exposed above the night-time SOAEL of between 150 and 250 across the assessment phases. In terms of adverse likely significant effects, the ‘without delay factor’ fleet would result in the same increase in the population experiencing adverse likely significant effects during the day of up to 50 and the same decrease in population experiencing adverse likely significant effects during the night of between 150 and 250 across the assessment phases. However, all of the identified effects would be avoided through the provision of the full cost of insulation, so the conclusions of no residual significant effects would remain as reported in <b>Chapter 16 of the ES [REP1-003]</b>.</p> <p>A summary of population within the assessment Phase 1 2027 Lowest Observed Adverse Effect Level (LOAEL), SOAEL and Unacceptable Adverse Effect Level (UAEL) contours is provided in Table 3 below for the 2019 Actuals Baseline, Do-Minimum (DM) and Do-Something (DS) scenarios with the delay factor removed. Equivalent numbers from Table 16.36 of <b>Chapter 16 of the ES [REP1-003]</b> are included in brackets.</p> <p>The figures are comparable with those in Table 16.36 of <b>Chapter 16 of the ES [REP1-003]</b>, with the only identified difference being:</p> <ol style="list-style-type: none"> <li>a. An increase in population exposed to daytime noise levels between LOAEL and SOAEL of approximately 350;</li> <li>b. No change in population exposed to daytime noise levels above SOAEL;</li> <li>c. A decrease in population exposed to night-time noise levels between LOAEL and SOAEL of approximately 2,700; and</li> <li>d. A decrease in population exposed to night-time noise levels above SOAEL of approximately 250.</li> </ol> <p>No change in population exposed to noise levels above UAEL are identified.</p> <p>Table 3: Assessment Phase 1 2027 Summary of population within the Air Noise LOAEL, SOAEL and UAEL contours</p>							Night-time L <sub>Aeq,8h</sub> dB Noise Contour	2027 with delay factor	2027 without delay factor	2039 with delay factor	2039 without delay factor	2043 with delay factor	2043 without delay factor	45	70.7	68.6	65.2	63.6	73.2	71.0	48	42.2	40.8	37.8	36.7	43.2	41.6	51	24.1	23.2	21.1	20.4	24.0	23.1	54	12.5	11.9	10.6	10.2	12.4	11.9	55	9.7	9.2	8.3	8.0	9.8	9.4	57	6.2	6.0	5.2	5.0	6.0	5.7	60	3.1	3.0	2.5	2.4	3.0	2.8	63	1.5	1.5	1.3	1.2	1.4	1.4
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PINS ID	Question / Response					
	<b>Total Population</b>					
	<b>Noise exposure</b>	<b>2019 Actuals</b>	<b>2027 DM</b>	<b>2027 DS</b>	<b>Change DS – 2019 Actuals</b>	<b>Change DS – DM</b>
	<b>Daytime</b>					
	<b>Above LOAEL and below SOAEL</b>	39,350	25,200 (25,000)	31,950 (31,600)	-7,400 (-7,750)	6,750 (6,600)
	<b>Above SOAEL and below UAEL</b>	1,650	50 (50)	450 (450)	-1,200 (-1,200)	400 (400)
	<b>Newly above the SOAEL in DS compared to the 2019 Actuals Baseline</b>			0 (0)		
	<b>Above UAEL</b>	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	<b>Night-time</b>					
	<b>Above LOAEL and below SOAEL</b>	62,850	36,450 (38,350)	49,350 (52,050)	-13,500 (-10,800)	12,900 (13,700)
	<b>Above SOAEL and below UAEL</b>	4,950	1,950 (2,100)	3,550 (3,800)	-1,600 (-1,150)	1,600 (1,700)
	<b>Newly above the SOAEL in DS compared to the 2019 Actuals Baseline</b>			0 (0)		
	<b>Above UAEL</b>	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	<p>Table 4 below provides a summary of the population experiencing changes in noise in assessment Phase 1. Equivalent numbers from Table 16.38 of <b>Chapter 16 of the ES [REP1-003]</b> are included in brackets. The implications for the identification of adverse likely significant effects are comparable with those in Table 16.38 of <b>Chapter 16 of the ES [REP1-003]</b>, with the only identified difference being:</p> <ul style="list-style-type: none"> <li>a. during the night-time, a reduction in population predicted to experience adverse likely significant effects (due to minor noise increases above SOAEL) of approximately 250.</li> </ul> <p>No adverse likely significant effects are identified during the daytime period. The night-time adverse likely significant effects would be avoided through the provision of full cost of noise insulation, so the conclusion of residual significant effects is the same as reported in <b>Chapter 16 of the ES [REP1-003]</b>.</p>					
	Table 4: Assessment Phase 1 2027 Summary of DS-DM air noise change					

PINS ID	Question / Response			
	<b>Magnitude of effect</b>	<b>Noise increase (DS-DM)</b>	<b>Population experiencing change</b>	
			<b>Day</b>	<b>Night</b>
	<b>DS noise above LOAEL and below SOAEL</b>			
	<b>Negligible</b>	<b>0.1 – 0.9dB</b>	31,950 (31,600)	17,000 (19,050)
		<b>1.0 – 1.9dB</b>	0 (0)	32,350 (33,000)
	<b>Minor</b>	<b>2.0 – 2.9dB</b>	0 (0)	0 (0)
	<b>Moderate</b>	<b>3.0 – 5.9dB</b>	0 (0)	0 (0)
	<b>Major</b>	<b>6.0dB or more</b>	0 (0)	0 (0)
	<b>DS noise above SOAEL and below UAEL</b>			
	<b>Negligible</b>	<b>0.1 – 0.9dB</b>	450 (450)	0 (0)
	<b>Minor</b>	<b>1.0 – 1.9dB</b>	0 (0)	3,550 (3,800)
	<b>Moderate</b>	<b>2.0 – 2.9dB</b>	0 (0)	0 (0)
		<b>3.0 – 3.9dB</b>	0 (0)	0 (0)
	<b>Major</b>	<b>4.0dB or more</b>	0 (0)	0 (0)
	<b>DS noise above UAEL</b>			
	<b>Unacceptable</b>	<b>0.1 dB or more</b>	0 (0)	0 (0)
	<p>A summary of population within the assessment Phase 2a 2039 Lowest Observed Adverse Effect Level (LOAEL), Significant Observed Adverse Effect Level (SOAEL) and Unacceptable Adverse Effect Level (UAEL) contours is provided in Table 5 below for the 2019 Actuals Baseline, Do-Minimum (DM) and Do-Something (DS) scenarios with the delay factor removed. Equivalent numbers from Table 16.43 of <b>Chapter 16 of the ES [REP1-003]</b> are included in brackets.</p> <p>The figures are comparable with those in Table 16.43 of <b>Chapter 16 of the ES [REP1-003]</b>, with the only identified difference being:</p> <ol style="list-style-type: none"> <li>a. An increase in population exposed to daytime noise levels between LOAEL and SOAEL of approximately 350;</li> <li>b. An increase in population exposed to daytime noise levels above SOAEL of approximately 50;</li> <li>c. A decrease in population exposed to night-time noise levels between LOAEL and SOAEL of approximately 2,600; and</li> <li>d. A decrease in population exposed to night-time noise levels above SOAEL of approximately 150.</li> </ol> <p>No change in population exposed to noise levels above UAEL are identified.</p>			



**PINS ID**      **Question / Response**

Table 5: Assessment Phase 2a 2039 Summary of population within the Air Noise LOAEL, SOAEL and UAEL contours

Total Population					
Noise exposure	2019 Actuals	2039 DM	2039 DS	Change DS – 2019 Actuals	Change DS – DM
<b>Daytime</b>					
Above LOAEL and below SOAEL	39,350	20,350 (20,100)	31,150 (30,800)	-8,200 (-8,550)	10,800 (10,700)
Above SOAEL and below UAEL	1,650	0 (0)	250 (200)	-1,450 (-1,450)	200 (200)
Newly above the SOAEL in DS compared to the 2019 Actuals Baseline			0 (0)		
Above UAEL	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Night-time</b>					
Above LOAEL and below SOAEL	62,850	31,450 (32,850)	50,700 (52,350)	-12,150 (-10,500)	19,250 (19,500)
Above SOAEL and below UAEL	4,950	1,300 (1,500)	2,450 (2,600)	-2,600 (-2,350)	1,150 (1,100)
Newly above the SOAEL in DS compared to the 2019 Actuals Baseline			0 (0)		
Above UAEL	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

Table 6 below provides a summary of the population experiencing changes in noise in assessment Phase 2a. Equivalent numbers from Table 16.45 of **Chapter 16 of the ES [REP1-003]** are included in brackets.

The implications for the identification of adverse likely significant effects are comparable with those in Table 16.45 of **Chapter 16 of the ES [REP1-003]**, with the only identified difference being:

- a. during the daytime, an increase in population predicted to experience adverse likely significant effects (due to minor noise increases above SOAEL) of approximately 50

PINS ID	Question / Response																																																												
	<p>b. during the night-time, a reduction in population predicted to experience adverse likely significant effects (due to minor noise increases above SOAEL) of approximately 150.</p> <p>The daytime and night-time adverse likely significant effects would be avoided through the provision of full cost of noise insulation, so the conclusion of residual significant effects is the same as reported in <b>Chapter 16 of the ES [REP1-003]</b>.</p> <p>Table 6: Assessment Phase 2a 2039 Summary of DS-DM air noise change</p> <table border="1"> <thead> <tr> <th rowspan="2" style="background-color: #1a3d4d; color: white;">Magnitude of effect</th> <th rowspan="2" style="background-color: #1a3d4d; color: white;">Noise increase (DS-DM)</th> <th colspan="2" style="background-color: #1a3d4d; color: white;">Population experiencing change</th> </tr> <tr> <th style="background-color: #1a3d4d; color: white;">Day</th> <th style="background-color: #1a3d4d; color: white;">Night</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="background-color: #1a3d4d; color: white; text-align: center;"><b>DS noise above LOAEL and below SOAEL</b></td> </tr> <tr> <td rowspan="2" style="background-color: #1a3d4d; color: white;">Negligible</td> <td style="background-color: #1a3d4d; color: white;">0.1 – 0.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">1.0 – 1.9dB</td> <td>31,200 (30,800)</td> <td>50,650 (52,350)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Minor</td> <td style="background-color: #1a3d4d; color: white;">2.0 – 2.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Moderate</td> <td style="background-color: #1a3d4d; color: white;">3.0 – 5.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Major</td> <td style="background-color: #1a3d4d; color: white;">6.0dB or more</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td colspan="4" style="background-color: #1a3d4d; color: white; text-align: center;"><b>DS noise above SOAEL and below UAEL</b></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Negligible</td> <td style="background-color: #1a3d4d; color: white;">0.1 – 0.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Minor</td> <td style="background-color: #1a3d4d; color: white;">1.0 – 1.9dB</td> <td>250 (200)</td> <td>2,450 (2,600)</td> </tr> <tr> <td rowspan="2" style="background-color: #1a3d4d; color: white;">Moderate</td> <td style="background-color: #1a3d4d; color: white;">2.0 – 2.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">3.0 – 3.9dB</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Major</td> <td style="background-color: #1a3d4d; color: white;">4.0dB or more</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td colspan="4" style="background-color: #1a3d4d; color: white; text-align: center;"><b>DS noise above UAEL</b></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Unacceptable</td> <td style="background-color: #1a3d4d; color: white;">0.1 dB or more</td> <td>0 (0)</td> <td>0 (0)</td> </tr> </tbody> </table> <p>A summary of population within the assessment Phase 2b 2043 Lowest Observed Adverse Effect Level (LOAEL), Significant Observed Adverse Effect Level (SOAEL) and Unacceptable Adverse Effect Level (UAEL) contours is provided in Table 7 below for the 2019 Actuals Baseline, Do-Minimum (DM) and Do-Something (DS) scenarios with the delay factor removed. Equivalent numbers from Table 16.50 of <b>Chapter 16 of the ES [REP1-003]</b> are included in brackets</p> <p>The figures are comparable with those in Table 16.50 of <b>Chapter 16 of the ES [REP1-003]</b>, with the only identified difference being:</p> <p>c. An increase in population exposed to daytime noise levels between LOAEL and SOAEL of approximately 400;</p>	Magnitude of effect	Noise increase (DS-DM)	Population experiencing change		Day	Night	<b>DS noise above LOAEL and below SOAEL</b>				Negligible	0.1 – 0.9dB	0 (0)	0 (0)	1.0 – 1.9dB	31,200 (30,800)	50,650 (52,350)	Minor	2.0 – 2.9dB	0 (0)	0 (0)	Moderate	3.0 – 5.9dB	0 (0)	0 (0)	Major	6.0dB or more	0 (0)	0 (0)	<b>DS noise above SOAEL and below UAEL</b>				Negligible	0.1 – 0.9dB	0 (0)	0 (0)	Minor	1.0 – 1.9dB	250 (200)	2,450 (2,600)	Moderate	2.0 – 2.9dB	0 (0)	0 (0)	3.0 – 3.9dB	0 (0)	0 (0)	Major	4.0dB or more	0 (0)	0 (0)	<b>DS noise above UAEL</b>				Unacceptable	0.1 dB or more	0 (0)	0 (0)
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	<p>d. An increase in population exposed to daytime noise levels above SOAEL of approximately 50;</p> <p>e. A decrease in population exposed to night-time noise levels between LOAEL and SOAEL of approximately 1,500; and</p> <p>f. A decrease in population exposed to night-time noise levels above SOAEL of approximately 150.</p> <p>No change in population exposed to noise levels above UAEL are identified.</p> <p>Table 7: Assessment Phase 2b 2043 Summary of population within the Air Noise LOAEL, SOAEL and UAEL contours</p> <table border="1"> <thead> <tr> <th colspan="6" style="background-color: #1a3d4d; color: white;">Total Population</th> </tr> <tr> <th style="background-color: #1a3d4d; color: white;">Noise exposure</th> <th style="background-color: #1a3d4d; color: white;">2019 Actuals</th> <th style="background-color: #1a3d4d; color: white;">2043 DM</th> <th style="background-color: #1a3d4d; color: white;">2043 DS</th> <th style="background-color: #1a3d4d; color: white;">Change DS – 2019 Actuals</th> <th style="background-color: #1a3d4d; color: white;">Change DS – DM</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="background-color: #1a3d4d; color: white;"><b>Daytime</b></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above LOAEL and below SOAEL</td> <td>39,350</td> <td>20,350 (19,950)</td> <td>38,650 (38,250)</td> <td>-700 (-1,100)</td> <td>18,300 (18,300)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above SOAEL and below UAEL</td> <td>1,650</td> <td>0 (0)</td> <td>550 (500)</td> <td>-1,100 (-1,150)</td> <td>550 (500)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Newly above the SOAEL in DS compared to the 2019 Actuals Baseline</td> <td></td> <td></td> <td>0 (0)</td> <td></td> <td></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above UAEL</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> </tr> <tr> <td colspan="6" style="background-color: #1a3d4d; color: white;"><b>Night-time</b></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above LOAEL and below SOAEL</td> <td>62,850</td> <td>30,900 (32,400)</td> <td>58,050 (59,550)</td> <td>-4,800 (-3,300)</td> <td>17,150 (27,150)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above SOAEL and below UAEL</td> <td>4,950</td> <td>1,250 (1,350)</td> <td>3,100 (3,250)</td> <td>-1,850 (-1,700)</td> <td>1,850 (1,900)</td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Newly above the SOAEL in DS compared to the 2019 Actuals Baseline</td> <td></td> <td></td> <td>0 (0)</td> <td></td> <td></td> </tr> <tr> <td style="background-color: #1a3d4d; color: white;">Above UAEL</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> <td>0 (0)</td> </tr> </tbody> </table>					Total Population						Noise exposure	2019 Actuals	2043 DM	2043 DS	Change DS – 2019 Actuals	Change DS – DM	<b>Daytime</b>						Above LOAEL and below SOAEL	39,350	20,350 (19,950)	38,650 (38,250)	-700 (-1,100)	18,300 (18,300)	Above SOAEL and below UAEL	1,650	0 (0)	550 (500)	-1,100 (-1,150)	550 (500)	Newly above the SOAEL in DS compared to the 2019 Actuals Baseline			0 (0)			Above UAEL	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	<b>Night-time</b>						Above LOAEL and below SOAEL	62,850	30,900 (32,400)	58,050 (59,550)	-4,800 (-3,300)	17,150 (27,150)	Above SOAEL and below UAEL	4,950	1,250 (1,350)	3,100 (3,250)	-1,850 (-1,700)	1,850 (1,900)	Newly above the SOAEL in DS compared to the 2019 Actuals Baseline			0 (0)			Above UAEL	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
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PINS ID	Question / Response
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Table 8 below provides a summary of the population experiencing changes in noise in assessment Phase 2b. Equivalent numbers from Table 16.52 of **Chapter 16 of the ES [REP1-003]** are included in brackets. The implications for the identification of adverse likely significant effects are comparable with those in Table 16.52 of **Chapter 16 of the ES [REP1-003]**, with the only identified difference being:

- a. during the daytime, an increase in population predicted to experience adverse likely significant effects (due to minor noise increases above SOAEL) of approximately 50
- b. during the night-time, a reduction in population predicted to experience adverse likely significant effects (due to minor noise increases above SOAEL) of approximately 150.

The daytime and night-time adverse likely significant effects would be avoided through the provision of full cost of noise insulation, so the conclusion of residual significant effects is the same as reported in **Chapter 16 of the ES [REP1-003]**.

Table 8: Assessment Phase 2b 2043 Summary of DS-DM air noise change

Magnitude of effect	Noise increase (DS-DM)	Population experiencing change	
		Day	Night
<b>DS noise above LOAEL and below SOAEL</b>			
Negligible	0.1 – 0.9dB	0 (0)	0 (0)
	1.0 – 1.9dB	13,300 (13,450)	17,200 (14,500)
	2.0 – 2.9dB	25,350 (24,800)	40,800 (45,050)
Moderate	3.0 – 5.9dB	0 (0)	0 (0)
Major	6.0dB or more	0 (0)	0 (0)
<b>DS noise above SOAEL and below UAEL</b>			
Negligible	0.1 – 0.9dB	0 (0)	0 (0)
Minor	1.0 – 1.9dB	550 (500)	300 (150)
Moderate	2.0 – 2.9dB	0 (0)	2,800 (3,100)
	3.0 – 3.9dB	0 (0)	0 (0)
Major	4.0dB or more	0 (0)	0 (0)
<b>DS noise above UAEL</b>			
Unacceptable	0.1 dB or more	0 (0)	0 (0)

PINS ID	Question / Response
ISH9 – WQ3	<p><b>Question: Dispensation</b></p> <p>Can the Applicant confirm whether capacity related delays have been dispensed at Luton? If so can the Applicant confirm whether there is an exceptional underlying cause for these delays?</p> <p>What measures would the Applicant take to ensure that such delays would be avoided in future</p> <p><b>Response:</b></p> <p>As explained at paragraph 1.4.4 of the <b>London Luton Airport Quarterly Monitoring Report [REP6-138]</b>, the policy for granting dispensations from night movement controls at London Luton Airport follows that for the Designated Airports as set out by the Department for Transport (see response to ISH9- WQ2 above).</p> <p>In line with guidance from the Department for Transport on appropriate dispensations (Ref 10), the following aircraft movements are to be dispensed for the purposes of complying with Sections 2.3 to 2.5 of the <b>Air Noise Management Plan [TR020001/APP/8.125]</b>:</p> <ul style="list-style-type: none"> <li>a. delayed aircraft which are likely to lead to serious congestion at the aerodrome or serious hardship or suffering to passengers or animals;</li> <li>b. delayed aircraft resulting from widespread and prolonged disruption of air traffic;</li> <li>c. movements for reasons classified as emergencies consisting of an immediate danger to life or health, whether human or animal; and</li> <li>d. any other reason as specified by the Secretary of State from time to time under section 78(4) or 78(5)(f) of the Civil Aviation Act 1982 or set out in guidance published by the Secretary of State in connection with those provisions (Ref 10).</li> </ul> <p>The airport operator notifies the local planning authority of the flights it wishes to dispense together with rationale for this on a monthly basis. This is also reported to the London Luton Airport Consultative Committee's (LLACC) Noise and Track Sub-Committee (NTSC). Dispensations are only granted when serious congestion would result, in line with point a. above. This is not solely for capacity reasons unless there would be consequential hardship to passengers or animals. Given that these are exceptional circumstances, there is little that an airport operator can do to reduce the number of such instances. However, the Applicant has noted that in the Department for Transport's consultation on night flying restrictions at the Designated Airports (Ref 11), the Department for Transport did note that there was a tendency for the Designated Airports to claim dispensations for more localised airspace capacity related delays that did not meet the criteria.</p> <p>The Applicant notes that the Designated Airports are taking steps to reduce the risk of such delays arising. The means by which this could be done is ensuring that the hourly (and any sub-hourly) runway capacity declaration reflects local airspace capacity. This forms part of the capacity declaration process.</p> <p>The Applicant notes that the Department for Transport is reviewing its guidance on dispensations and that this is expected to be published as part of the broader noise policy update expected in the near future and upon which comments have been sought (ISH8 Action 18) and the Applicant will comment further if the policy is published during the Examination period as requested.</p>

## REFERENCES

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- <sup>1</sup> UK Government, Government Equalities Office, Equality Act 2010
- <sup>2</sup> The landscape character assessment (LCA) for HLCA Area 200 – Peters Green Plateau Character Area
- <sup>3</sup> Department for Transport (2018) Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England.
- <sup>4</sup> Historic England. 2015. Historic Environment Good Practice Advice in Planning Note 2. Managing Significance in Decision Taking in the Historic Environment. English Heritage, Swindon
- <sup>5</sup> Ministry of Housing, Communities & Local Government (2021) Planning Policy Framework (NPPF) Planning Practice Guidance (PPG). Department for Communities and Local Government.
- <sup>6</sup> Department for Environment Food and Rural Affairs (2010), *Noise Policy Statement for England*
- <sup>7</sup> Department for Transport (2018). Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England.
- <sup>8</sup> Ministry of Housing, Communities & Local Government (December 2023), National Planning Policy Framework
- <sup>9</sup> Department for Transport, Annex F to the consultation on Night flight restrictions at Heathrow, Gatwick and Stansted beyond 2024.
- Ref 10 Night flight restrictions at Heathrow, Gatwick and Stansted: Annex F Guidelines on Dispensations, Department for Transport, July 2014
- <sup>11</sup> <https://www.gov.uk/government/consultations/night-flights-restrictions-at-heathrow-gatwick-and-stansted-airports-beyond-2024-plus-national-night-flight-policy/night-flights-restrictions-at-heathrow-gatwick-and-stansted-airports-beyond-2024-plus-national-night-flight-policy#night-flight-dispensation-review>