



**LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER
APPLICATION**

**CENTRAL BEDFORDSHIRE COUNCIL RESPONSE TO RULE 17 LETTER (17
JANUARY 2024)**

The following table sets out the response of Central Bedfordshire Council to the ExAs Rule 17 letter dated 17 January 2024 requesting further information and written questions.

ExA Request	Response:
<p>Solar Farm on Land to the South of the Runway</p> <p>(LBC ref: 23/01314/GPDOPD and CBC ref: CB/23/03617/OAC) The ExA notes the responses from LBC [REP7-090] and Central Bedfordshire Council [REP7- 084] to its further written question BCG.2.4, advising that they issued a decision for the creation of a solar farm on land to the south of the runway, which confirmed that the proposal constitutes permitted development. Please provide a copy of the plans for this development and advise of any implications for the current application.</p> <p>As the solar farm development is now in the consented baseline, the Applicant is requested to submit further information setting out any implications on the Proposed Development and the findings of the Environmental Statement (ES). This should include any potential changes to the Landscape and Visual Impact Assessment, and Cultural Heritage, with reference to Luton Hoo and Someries Castle. This element of the response can be submitted at D9</p>	<p>The plans submitted with the consultation were:</p> <ul style="list-style-type: none"> • Site Location Plan (reference LA/22223/18, Rev. 001); • Site Layout Plan (reference LA/22223/17, Rev. 001); and • Typical Elevations (reference LA/22223/16, Rev. 000). <p>These are consistent with the plans that have been submitted to the ExA by LBC.</p> <p>With regard to implications for the DCO, area 4 of the Site Layout Plan shows that solar PV panels would be located where the fire training ground (FTG) is proposed to be relocated in Phase 2b of the DCO (Work No. 2d). The FTG would impact on the number of solar panels that could be provided in this location.</p> <p>In terms of landscape and heritage, consideration should be given to the cumulative impact that the FTG in conjunction with the solar panel provision would have on Someries Castle and Luton Hoo.</p> <p>A high voltage cable will extend from the solar farm to the existing sub-station located on the northern section of the airport (north of the terminal area). This will be provided at a depth of 1.1m so it is not considered that there would be any implications for the proposed DCO development.</p>
<p>Design</p>	<p>In light of the concerns that CBC have raised in terms of the Fire Training Ground and Car Park P1 on Someries Castle and Luton</p>

<p>Paragraph 1.2.2(i) of the Design Principles [REP7-034] sets out the Work Nos. that would be subject to design review. Should any other works be subject to design review? If yes, please provide details of the Work No. and the reason for this.</p>	<p>RPG, respectively, it is deemed appropriate for the following works to be subject to design review: Work No. 2d – Fire Training Ground Work No. 4g – Car Park P1</p>
<p>Road Safety Audit</p> <p>In the post hearing submission for ISH7 [REP6-065] the Applicant stated that it was the intention that full completed road safety audits would be provided for D7. These have not been provided.</p> <p>Relevant Highway Authorities: Comment at D9 on the response provided by the Applicant at D8. If matters remain outstanding at this point explain what you consider needs to be done to resolve them.</p>	<p>CBC will review the Applicant's response and respond at D9 as required.</p>
<p>Relevant Planning Authorities - Requirement 23 – Exceedance of limit</p> <p>In the ExA's schedule of changes to the draft DCO [PD-018] the ExA has suggested the insertion of a new sub-paragraph between 14 and 15 which would impose a financial penalty on the undertaker for persistent breaches of a limit. The Relevant Planning Authorities should confirm what they consider to be an appropriate penalty scale and penalty time period (eg £/day or alternatively £/month), ideally with reference to any existing penalty scales.</p>	<p>CBC would view an appropriate penalty scale for breaches of noise contour limits to be similar to those apportioned to Brussels Airport for their misuse of runways. Brussels Airport's owner was fined €6million + €20k per day of the continuing issue occurring and is taken to be the most similar example where fines have been applied to an airport. Any penalty must be sufficiently high to render the financial benefits of persistently breaching the limit unwarranted. Guidance is therefore also drawn from GDPR fines, which can be up to 4% of total global turnover or €20million; these values are taken to be within a comparable ballpark to those applied at Brussels Airport.</p> <p>Any noise contour limit breach can only be applied over a penalty time period of the 92-day summer period, as the limit applies to this period, rather than days or smaller periods within this.</p> <p>Noise contour area limits are introduced to provide communities with certainty, so the act of persistently breaching the limit should automatically lead to a lump sum being applied, with a scaling factor per dB increase above the limit also applying. Applying this thinking to</p>

	<p>the Brussels Airport example would lead to an initial fine in the region of £5million plus £1million per dB increase above the limit.</p> <p>The £5million is derived from converting euros into GBP. The £1million scaling factor is derived by approximately taking the €20k per day and pro-rating over a 92-day period and again converting euros into GBP; a strict conversion at current rates would place this figure at £1.5million, which would also be acceptable.</p> <p>Any fines should be paid into the Community Fund or otherwise used by the Host Authorities for the benefit of the communities affected by the breaches.</p>
<p>Relevant Planning Authorities - Quota Count Budgets</p> <p>The ExA requests that the Relevant Planning Authorities provide comments on whether quota count budgets should be on the face of the draft DCO or whether the ExA’s expression of the limits combined with the requirement to use these to determine quota count budgets, as set 5 out in the ExA’s schedule of changes to the draft DCO [PD-018], would provide sufficient comfort in respect of quota-related noise controls</p>	<p>Sufficient comfort is provided by the ExA’s expression of the limits combined with the requirement to use these to determine QC budgets, as set out in the ExA’s schedule of changes to the draft DCO [PD-018].</p>
<p>Relevant Planning Authorities - Shoulder period ATM Cap</p> <p>The ExA requests that the Relevant Planning Authorities provide comments on whether the proposed level of cap as set out in the ExA’s schedule of changes to the draft DCO [PD-018] would be appropriate for the shoulder periods, if not what should the cap be and why?</p>	<p>The Applicant has proposed 13,000 ATMs in the shoulder periods for a throughput of 32 mppa.</p> <p>While all airports are different and have their own characteristics and features, CBC consider that Stansted Airport may provide some guidance in determining an appropriate figure for an aircraft movement limit in the morning Shoulder period of 6 to 7 am. Like Luton, Stansted has a high proportion of its passenger traffic carried by Low Cost Carriers with significant numbers of aircraft based at the airport. Stansted also handles a significant volume of air freight most of which is flown on pure freighter aircraft which also operate in the early morning period. Stansted is currently handling some 28 mppa,</p>

	<p>and may therefore act as an analogue for what might be achieved at a 32 mppa Luton Airport.</p> <p>In the current winter season and the forthcoming Summer 24 season, Airport Co-ordination Limited (ACL) has approved slots for both airports: at these airports, all aircraft movements require a slot from ACL to operate legally. At Stansted, 5.0% of slots were in the period between 6 am and 7 am, whereas at Luton the figure was 5.9%. This shows that a busier airport can operate with a lower proportion of flights in this hour, perhaps illustrating that there has been some peak spreading as traffic levels have increased.</p> <p>Applying this lower proportion to LR's passenger ATM forecasts for a 32 mppa Luton (177,110 per annum) points to a Shoulder period limit at Luton of 8,829 movements per annum. Freighter aircraft generally operate at a lower utilisation (viz. flying hours per day) so should not be too inconvenienced by having operations delayed until after 7 am. The Authorities also note that while LR's passenger ATM forecast was regarded as reasonable for assessment purposes they were also advised that it was likely to be an over-estimation, which in turn would suggest a shoulder period cap below the 8,829 figure derived above.</p>
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