

The Harpenden Society (“The Society”)  
Deadline 8 response Comments on any further  
information/submissions received by Deadline 7  
Luton Rising (“LR”) Development Consent Order (“DCO”) application  
REP7-063 ID 2.1 Funding (page 4/5) and ID 15.1-15.27

- 1 We are grateful to the Examining Authority (“ExA”) for proposing new article 53 in the draft DCO. As a result, we do not intend commenting on the assertions LR make in relation to the funding of the Phase 2 compulsory acquisition costs in the above document (except to note and apologise for the small error in our deadline 6 submission where we said £28 million of loans were due to be repaid in 2028. It should have said 2031 as the £11 million difference between our figure and LR’s relates to a debenture that is due to be repaid in 2031 – which is, of course, still well before LR is proposing to acquire land compulsorily).
- 2 In their response to our concerns about the lack of any evidence that the capital costs of Phase 2 will be funded, LR largely reiterated statements it has made previously. However, none of those statements explain “the **degree** [our emphasis] to which other bodies (public or private sector) **have agreed to make financial contributions** [our emphasis] or **underwrite the scheme** [our emphasis], and on what basis such contributions or underwriting is to be made” which is not surprising given that Ernst & Young, a highly reputable firm of chartered accountants and LBC’s auditor, described Phase 2 as “highly speculative”.
- 3 In the light of the almost total uncertainty in relation to Phase 2’s capital costs funding, we respectfully ask the ExA to require LR to provide a similar guarantee in relation to Phase 2’s capital costs as set out in article 53 before land is compulsorily acquired.

REP7-063 ID 2.2 Noise and Vibration (page 5)

- 4 The Society’s reference to Gatwick’s DCO including noise limits that will REDUCE over the period of its proposed DCO (mentioned at OFH3) was one of five comments on noise, the others being:

*“Noise at Luton airport impacts a far larger number of people than are impacted at other London airports due to the airport’s proximity to the town of Luton”*

*“Aviation policy states that airports should minimise the number of people affected by noise. LR’s proposals make only modest reductions in the number of people affected by noise and the overall numbers for equivalent contour areas will remain significantly above those for other London airports. LR needs to try much harder”*

*“LR’s proposal for sharing the benefits of technology, on its preferred trajectory, is derisory, industry will reap 80% of the benefits in the daytime and a minimum of 88% of the nighttime benefits but what we wanted to point out here is that LR’s claim that communities will benefit if circumstances prove to be more benign is illusory as it will just reflect the benefits agreed in 2014, they are not new”*

*“The 2014 limits are more broadly relevant, despite LR’s claims that they aren’t. These limits were agreed as part of the planning balance at the time. If they’re ignored it leads to a*

*planning farce – any developer can agree to deliver environmental benefits as part of the planning balance, build its development but fail to deliver environmental benefits and then claim the status quo as the baseline for another planning application – the developer wins every time and communities lose”*

*“Gatwick’s DCO includes noise limits that will REDUCE over the period of the development compared to 2019’s levels. If Gatwick with a predominantly short haul network (with similar airlines dominating) can achieve noise reductions, there is no reason why LR can’t”*

- 5 LR chose only to respond to the paragraph about Gatwick’s noise limits reducing compared to 2019 levels. They ignored the overarching concerns we have about LR’s noise proposals:
  - a. Considerably more people are affected by noise at Luton compared to other London airports at the same contour levels (due to the proximity of the runway to residential buildings in South Luton);
  - b. There is no sharing of technology benefits as those benefits have already been secured in either the 2014 or P19 planning permission;
  - c. Noise limits do not reduce over time to below the lowest limit of either the 2014 or P19 planning permissions;
  - d. Noise initially decreases but then increases again in the LR DCO under every growth scenario which is not the case at Gatwick under the central case fleet transition<sup>1</sup>, where noise falls consistently. Furthermore, whilst LR’s noise does fall a little compared to 2019’s levels, the proportionate fall compared to Gatwick is less. And, compared to the noise levels in 2013 (the year before Project Curium kicked off) for daytime and 2016 (for the night period as that’s the earliest data we could lay our hands on for Gatwick) LR’s noise levels increase whereas Gatwick’s fall. This is illustrated in the table below (the data is from the annual noise reports of both airports and the DCO documents post 2023 – only core growth is shown for Luton airport):

<sup>1</sup> The central case fleet transition sees the Gatwick fleet modernise at a rate that is broadly consistent with fleet modernisation in the core growth case at Luton (but nonetheless slower than LLAOL predicted at the P19 inquiry), as set out in the table below. That was what we were referring to at OFH3. We’d noted that, in the slower fleet transition case, Gatwick noise levels would initially increase but discounted this because the host authorities and interested parties at the Gatwick DCO will undoubtedly argue strongly that the noise limits should be set according to the central case as it represents the reality of fleet modernisation.

Gatwick and Luton modernisation %'s						
Gatwick			Luton		P19 Inquiry	
Date	Central Case fleet	Slower transition case fleet	Date	Core growth	Date	from ESA4 table 8B.1
2019	13%	13%	2019	6%	2028	6%
2029	59%	40%	2027	69%	2028	88%
2032	82%	50%	No data	No data	2031	100%
2038	100%	82%	2039	97%	2039	100%

Long term changes in noise contours Luton (LA) and Gatwick (GA) airports						
	Daytime			Night period		
	LA 57dB contour size	GA 57dB contour size	GA 57dB contour size	LA 48dB noise contour	GA 48dB noise contour	GA 48dB noise contour
	Core growth	Central case	Slower fleet transition	Core growth	Central case	Slower fleet transition
2013	13.8	40.8	40.8	30.7		
2016					107.1	107.1
2049	17.4	29.7	32.2	43.2	68.5	74.9
Change	3.6	(11.1)	(8.6)	12.5	(38.6)	(32.2)
% change	26%	(27%)	(21%)	41%	(36%)	(30%)

- 6 This is why we concluded that LR needs to try harder to reduce the noise experienced by communities.
- 7 The fact of the matter is that LR can reduce noise in a way that will have little, if any, detrimental economic impact.
- 8 The DCO proposes that the number of private jets remains at around 30,000 (15% of all air traffic movements), its recent historical level. LR's justification is limited, referring to the emphasis placed on general aviation in Aviation 2050 – general aviation is almost anything that isn't commercial so includes, aviation enthusiasts, gliding, etc as well as private jets. Across the UK as a whole, the economic contribution of all general aviation pales into insignificance compared to commercial aviation. The economic effects of private jets isn't referred to either in the Need case or the Oxford Economics report (employees are included in the overall employment numbers and that, of course, feeds into GDP but that is it).
- 9 However, private jets contribute to the size of the noise contours and, more noticeably, each aircraft passing overhead is an individually noisy event, which is noticed more by communities. Furthermore, our community feels very strongly that the quality of life of those most affected by aircraft noise (especially those in South Luton) should not be sacrificed on the alter of private jets, especially leisure flights, which many are.
- 10 In addition, private jets also pump out disproportionately high levels of CO<sub>2</sub> and other noxious greenhouse gases compared to commercial aircraft and the number should be reduced to help meet climate targets, in any event.
- 11 Reducing noise in the daytime through reduced private jet flights is straight forward. Enough should be removed to ensure the noise contour is below the 2014 and P19 limits by the end of the project period (currently the noise contour is above these limits).
- 12 As far as the night period noise is concerned we note that the number of slots for private jets in the night period is forecast to reduce and then be eliminated by 2043. However, this should not prevent night period noise levels from being reduced as forecast (whether existing or proposed) night period commercial aircraft movements could be shifted to the daytime (and the equivalent private jet movement removed).
- 13 We appreciate that LR claim that low cost carriers need to maximise the number of rotations to earn a profit and therefore the airport is under pressure to increase night flights but the evidence from aircraft movements at Luton airport in the last 7 years does not support this assertion. Nor does it appear to be a problem for other London airports, who have also grown strongly in the last 7 years, with night restrictions arguably tighter than Luton's. The table below shows all aircraft movements at Luton airport from 2015-2022:

Air traffic movements Luton airport from Annual Noise Monitoring/Sustainability reports						
Year	Total	Day 07:00-23:00	Night 23:00-07:00	Night quota 23:30:06:00	Early morning 06:00-07:00	Late shoulder 23:00-23:30
Night period detail						
2015	116,412	103,220	13,192	6,844	4,778	1,570
2016	131,435	116,686	14,749	7,503	5,161	2,085
2017	135,518	119,462	16,056	7,982	5,962	2,112
2018	136,270	119,937	16,333	8,487	5,794	2,052
2019	141,481	124,306	17,175	8,844	5,968	2,363
2020	63,593	55,929	7,664	4,250	2,525	889
2021	61,560	54,647	6,913	3,479	2,423	1,011
2022	118,060	102,101	15,959	9,157	4,666	2,136
Change on previous year		Daytime	Night	Night quota	Early morning	Late shoulder
2016		13,466	1,557	659	383	515
2017		2,776	1,307	479	801	27
2018		475	277	505	(168)	(60)
2019		4,369	842	357	174	311
2020		(68,377)	(9,511)	(4,594)	(3,443)	(1,474)
2021		(1,282)	(751)	(771)	(102)	122
2022		47,454	9,046	5,678	2,243	1,125

- 14 Total growth in daytime and night period aircraft movements between 2015 and 2019 were 21,086 and 3,983 respectively but the night period limits were not tested. We're aware of restrictions applied by LLAOL to try to keep within the night period noise contour but night period flights continued to increase pre-Covid. Limited apron space may have prevented overnight parking of aircraft and limited night period growth. Clearly, there are a number of competing factors that determined the pattern of night period flights at Luton airport.
- 15 However, in 2019 low cost airlines increased the number of daytime flights significantly to meet passenger demand. Those additional 4,369 daytime flights accounted for the bulk of Luton airport's passenger growth that year. We do not know which of the factors in 14 were material to decisions not to fly in the night period but, evidently, the low cost airlines adapted to the conditions they were faced with to meet demand.
- 16 Thus, where there are night period constraints, low cost airlines will utilise daytime slots to earn a profit. They might prefer 24 hour flying but they clearly don't need it.
- 17 There is, therefore, scope for LR to reduce private jet air traffic movements and shift growth in commercial traffic to the daytime so that noise reductions are achieved throughout the life of the DCO in the daytime and night period.
- 18 We respectfully request the ExA to ask LR what reduction in the number of private flights Luton airport are required so that the long term day and night noise contours provided at the P19 Inquiry, at least, are achieved but preferably lowered to provide communities with even a modest overall reduction in noise.**

## REP7-056 ID NO.2.6 Shoulder period noise controls

- 19 Increases in the number of night period air traffic movements (in the case of Luton airport this would be shoulder period flights – the night quota period is already fixed at its existing level) should be resisted for the reasons given above i.e. there is scope for reducing night

period air traffic movements which are achievable and will not impact the economics of the development.

- 20 There is another reason too.
- 21 As the ExA will be aware, the government has undertaken a number of consultations on night period flying restrictions at the designated airports (and in relation to a national night flight policy) recently. The outcome of those consultations is not known but the consultation included the provision that it expected the aviation industry “to make extra efforts to reduce and mitigate noise from night flights. For example, we encourage the use of best-in-class aircraft and best practice operating procedures. We also expect the industry to seek ways to provide respite wherever possible and **to minimise the demand for night flights where alternatives** (our emphasis) are available” (offering daytime flights would fit this criteria). We could find nothing in the consultation proposals that suggested there was any appetite for increasing night period flights.
- 22 More broadly, the trend across Europe is, similarly, to resist further flight incursions in the night period, indeed some airports already ban night flights and others are considering the same.
- 23 Thus, the appetite for night period flying appears to be waning in government (and responses from airlines appear to suggest acceptance of the direction of travel whilst seeking to protect current limits). In these circumstances we ask the ExA to, firstly, require LR to assess the scope for actively pushing aircraft movements out of the night period at Luton airport and, secondly, in the light of this, consider whether any increase in shoulder period flights is warranted, which should only then be granted once the government has responded to the consultation and any national night policy’s determined. LR’s GCG proposals allow for a revision to the noise controls at a future date to reflect changes in engine noises from newer generation aircraft, so a similar approach to night period flying is reasonable and consistent.