

The Harpenden Society (“The Society”)

Deadline 10 response Comments on any further information/submissions received by Deadline 9

Luton Rising (“LR”) Development Consent Order (“DCO”) application

REP9-055 Applicant’s Position on Noise Contour and Movement Limits

- 1 Notwithstanding the Society’s position that the noise limits in Chapter 16 of the DCO are inflated (by understating fleet modernisation, load factors and failing to swap private jet movements for commercial aircraft movements as growth occurs), the Society supports the ExA’s proposal to incorporate the Core Growth Limits and an Annual Movement Limit and Shoulder Period Limit in the DCO.
- 2 The Society makes the following observations on the above document:

Movement Limits (section 2.5)

- 3 The benefit of an annual movement limit is that it stops airports from controlling the extent to which noise benefits from new technology are shared with the community. Without an annual movement limit, it would be perfectly possible for airport operators to increase the frequency of movements but remain within the noise limits as aircraft become quieter. It’s also specifically relevant to Luton airport because of its high level of business aviation, where the current airport operator at the P19 Inquiry noted that private jet movements would increase as commercial aircraft noise lessened (APP-W2.1 Proof of Evidence, Appendix 1 page 11 – LLAOL statement relating to operations at the airport and forecasting):

63. Movements increase between 2025 and 2028 without increasing the number of commercial passengers because as aircraft get quieter there is capacity for more general aviation. These are counted as movements but do not count as commercial passengers for the purposes of Condition 8 of the existing permission.

- 4 The same could be said about cargo flights.
- 5 Furthermore, an annual movement limit will provide confidence that noise limits in periods outside the 92 day summer contour limit will not exceed the 92 day summer period. There is a very real risk of travel patterns changing over the period of the project as a result of climate effects making some destinations unsuitable in the summer period. The annual movement limit will help to prevent peak noise shifting without any means of controlling this. It is a sensible precaution in an uncertain but fast changing global environment.

Updated Faster Growth Forecast (Section 3.1)

- 6 We disagree with LR’s assets in 3.1.4 that “any noise Limits should be set with some caution to allow for ongoing uncertainty”. Noise limits should be set to achieve certainty, as the ExA noted in its reasoning for preferring the Core Growth Limits. There is little point in a planning system that facilitates uncertainty.

- 7 Furthermore, the uncertainty is entirely of LR's own making. It's fleet modelling has been based on a made up fleet transition, despite the clarity that the main airlines operating at Luton airport provide in every quarterly report to their shareholders, and an (unevidenced) expectation that the additional (faster) growth would come from non-based airlines whose fleet replacement plans were less well-known (note this faster growth only applies to 6% of the total passenger demand under faster growth so the impact of their unknown renewal plans would be limited anyway).
- 8 Now LR, to offer some sort of conciliatory position, in the light of the ExA's proposal, is happy to revise its forecasts (despite the Host Authorities cautionary note!).
- 9 Such flip flopping undermines LR's position that its faster growth noise assessments represent a "reasonable" worst case and the ExA is right to ignore them, particularly where LR is unable to provide any evidenced assessment that faster growth is a realistic prospect.

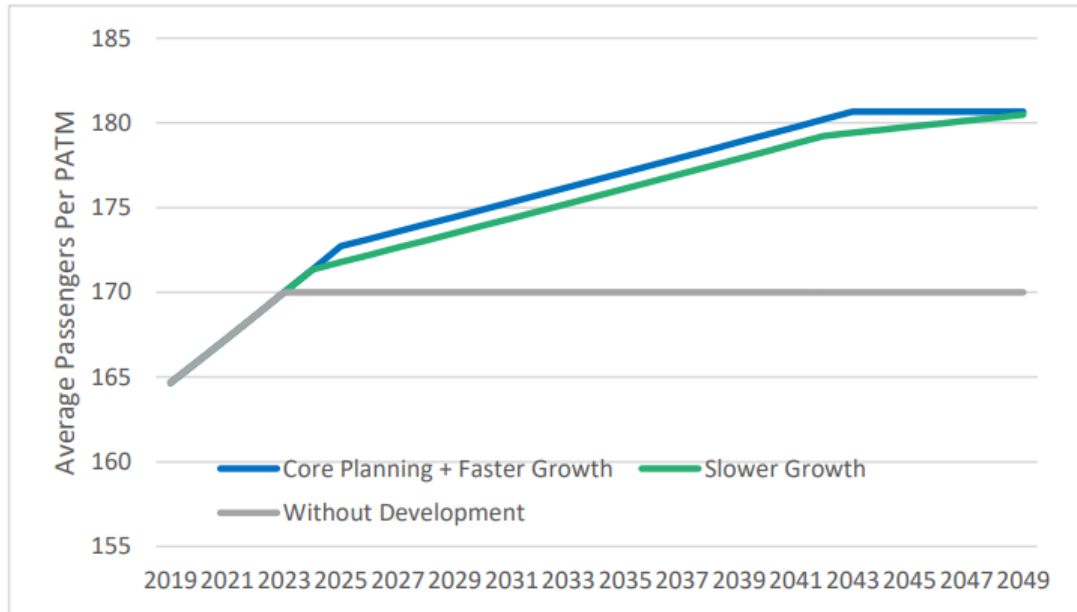
"Securing" Noise Limits (section 3.3)

- 10 So far as we understand the position, the Department of Transport is responsible for setting the noise limits at the designated airports, including Luton, given the size it is proposing to grow to, is a sensible and appropriate response.
- 11 Furthermore, as the ExA is well aware, no community group believes that ultimate enforcement of the controls in the DCO should be left to a conflicted local planning authority.

Applicant position on annual movement limits (section 4)

- 12 The annual movement limit proposed by the ExA, which is the number of aircraft movements LR say is necessary to deliver 32million passengers per annum (which we are confident is inflated), does not prevent an airline from switching to a newer aircraft, which is likely to have a higher seat capacity.
- 13 LR's justification for a higher annual movement limit than its modelling indicates is necessary, is set out in REP7-056 page 3 and is to allow "for a variant mix of smaller aircraft types to be deployed in future to deliver 32mppa". LR produced no evidence to support this assertion and, of course, the reality is that any additional movement in a smaller plane would mean the operating efficiency (load factor) on the other aircraft will reduce. Using the additional 15,590 movements LR claim should be allowed and assuming these movements are by Embraer (its range would enable flights to most European destinations) which seats 110 (CSACL average per Table 4.3 of its Initial Report) and a load factor of only 80% 1.4 million passengers would be uplifted. The number of passengers that would fly in the remaining 177,110 commercial movements would be 30.6 million, an average of 172, well below LR's modelled expectation in Figure 6.12 of the Need Case (below), indeed only marginally above the "Without Development" case, and the clear outcome that low cost airline seat availability will have to be capped at a figure little different to what they were achieving in 2019 with much smaller aircraft. It's a nonsense.

Figure 6.12: Forecast average passengers per PATM at the airport



- 14 Furthermore, at 4.1.4 LR say they are “unclear how the Host Authorities...have concluded that these [8,850 long haul aircraft movements] could be replaced with an increase of only 1,000 additional aircraft movements”. It seems to us that part of the answer can be found in CSACL’s Table 4.3:

Table 4.3: Passengers by Aircraft Type

Aircraft Type	Operations	Average Seats	Load Factor	Passengers (x 1,000)
Embraer E190-E2	2,520	110	77%	213
Dash-8-Q400	4,410	76	77%	258
Boeing-787-10	1,890	330	85%	530
Boeing-787-9	1,260	299	85%	320
Boeing-787-8	4,410	269.3	85%	1,009
Airbus A321LR	630	161	85%	86
Airbus A350-900	630	330	85%	177
Airbus A320Neo	75,640	186	89%	12,521
Airbus A321Neo	54,210	235.5	89%	11,362
Boeing 737-800W	1,890	189	89%	318
Boeing 737-Max8	23,950	198.6	89%	4,233
Boeing 737-Max9	630	175	89%	98
Boeing 737-Max10	5,040	220	89%	987
Total/Average	177,110	205	88.5%	32,114

Source: Derived by CSACL from Need Case

- 15 Total movements in long haul aircraft (787’s, A321LR and A350’s) are 8,820 and total passengers, at the quoted load factors, 2,122,000. If these passengers were, instead, all to be accommodated on short haul aircraft, at an average seated load of 178 (that’s derived from the above table excluding the long haul figures) roughly 11,900 aircraft would be required, that’s a maximum of 3,000 more, still well below LR’s 15,590 increase. We note that REP8-055 refers on page 19 of 30 that “Should some long haul services not materialise as forecast by York, then CSACL has accepted that they might be substituted by passengers on short haul

flights”. The implication, of course, is that CSACL’s substitution % is around 1/3rd. LR’s failure (or its experts failure) to understand this casts further doubt on the efficacy of its forecasting.

- 16 In 4.1.5 LR suggests as justification for a higher annual movements limit that a “possible scenario is that next generation aircraft...may be smaller and have lower seat capacities than those aircraft they replace”. Quite apart from the fact that it would have enormous airspace and airport operations (apron and gate availability) implications, Airbus’s next generation of aircraft, the ZEROe concept, includes a Turbofan aircraft capable of flying 2,000+ nautical miles carrying up to 200 passengers. With total movements forecast at 209,410, the proposed cap will be more than sufficient to fly 32 million passengers (it may mean some private jet flights need to be curtailed – no-one will see that as a loss particularly if they remain fossil fuel powered).

Shoulder period limits (section 5.2)

- 17 Whilst we note the discussion in 5.2 comparing Stansted and Luton airport, we have instead looked at the history of early morning shoulder period movements compared to total movements at Luton airport since 2014, the earliest date for which consistent data is available in the Annual Monitoring (and now Sustainability) reports (plus the Quarterly Monitoring Report for Q32023 – which includes 12 month rolling averages). The data table is presented below:

Year	Early morning shoulder (EMS) period	Daytime	Nighttime	EMS as % of total	EMS as % of night period
2014	4,617	91,331	12,597	4%	37%
2015	4,778	103,220	13,192	4%	36%
2016	5,161	116,686	14,749	4%	35%
2017	5,962	119,462	16,056	4%	37%
2018	5,794	119,937	16,333	4%	35%
2019	5,968	124,306	17,175	4%	35%
2020	2,525	55,929	7,664	4%	33%
2021	2,423	54,647	6,913	4%	35%
2022	4,666	102,101	15,959	4%	29%
Rolling 2023	5,451	109,278	17,226	4%	32%

- 18 The analysis shows that, despite the growth in passenger numbers and total aircraft movements from 2014 to 2019 (and the upheaval of the last few years), the proportion of aircraft movements in the early morning shoulder period has remained constant at 4% throughout – the fact that it has never changed is, in fact, startling.
- 19 A number of conclusions can be drawn from this analysis:
- LR’s claim that the proportion of early morning shoulder period flights to all flights annually is 5.8% is fallacious.
 - At no time during this period was the early morning shoulder period limit breached, indeed in the year that it came closest to being breached (2019) it was still 15% adrift.
 - Airlines have not been constrained in their ability to meet passenger demand as a result of a lack of availability of early morning shoulder period slots. Apron and runway capacity constraints were not limiting factor either. In 2019 there were 39

aircraft stands in operation plus a further three in the morning peak period (page 169 Need Case), and Figure 7.3 (page 164 Need Case) shows that runway capacity of 37 between 06:00-07:00 was not fully utilised.

- 20 It would be fair to conclude that airlines at Luton airport **do not need** additional early morning shoulder period slots to underpin the airport's growth to 32 million passengers per annum and LR's (unevidenced) conclusions that the unavailability of such slots will limit growth is fallacious.
- 21 The Host Authorities suggested a limit of 8,829 movements – this would be 4.2% of the maximum movements LR's forecasting predicts. Notwithstanding our reservations about the forecast numbers, the Host Authorities figure is reasonable

REP9-051 2.6 Funding Statement ID 1 page 23

- 22 What goes into the draft DCO to meet the public interest provisions in s122 Planning Act 2008 is at the discretion of the Examining Authority ("the ExA") and, ultimately, a decision for the Secretary of State. Just because a guarantee hasn't been provided for capital costs before (so far as we're aware) doesn't mean it can't be. It is a natural extension of the ExA's tools to ensure that DCOs aren't consented to and works started but never completed (by which time considerable environmental harm is likely to have occurred).
- 23 The alternative to a guarantee, if the ExA considers ours and others arguments about the funding provisions being insufficient to meet the public interest provisions of s122, is to recommend refusal of the application.
- 24 We have argued in a number of submissions, as have other interested parties, that LR's funding statement is nothing more than a series of assertions, without any verifiable evidence to back them, with the one exception of the proposal for the current airport operator to fund Phase 1.
- 25 However, even the proposal for the current airport operator to fund Phase 1 appears to be a long way off as the ExA did not hear from the current operator (who is expected to fund Phase 1) by the end of January and Luton Borough Council ("LBC") has, again, put off discussion of a "**non-binding** partnership agreement" (with the airport operator) until 2 April.
- 26 It appears, as the examination closes, that even this part of the project is nothing more than a series of assertions.

REP9-051 2.8 Need Case Night Period Movements ID 4 page 34

- 27 We have to confess to being frustrated with LR's attempts to misrepresent genuine, evidenced alternatives to LR's noise proposals.
- 28 In this case, our submission at deadline 8 sought to demonstrate that, whilst we understood that low cost airlines fly as many rotations in a day to maximise profits, there was clear evidence that, when faced with operating restrictions, in this case the night period noise limits at Luton airport, low cost airlines were willing to increase their daytime flights in 2019 to meet passenger demand. We didn't say it was a pattern, it was a fact. Therefore, it is reasonable to assume that, faced with limited additional night period slots, low cost airlines would adapt their business models so they could continue to benefit from the passenger growth that LR say is available. We also suggested that private jet flights could easily be reduced to allow more commercial flights as the impact of curtailing private jet flights would have limited, if any, commercial implications.

- 29 Our proposal justified a considered response from LR rather than some spurious made-up response “it is not correct to imply that low cost airlines fly in the daytime to make a profit and do not need to fly at night”. We said nothing of the sort.
- 30 Ironically, LR stated there has been no “fundamental change in the pattern of daytime and night-time flying” which also supports our position that there is no economic necessity for low cost airlines to fly late into the night or early in the morning, low cost airlines will take what is available and decide whether to fly to particular destinations based on the prospective commercial outcome versus that available on other routes.
- 31 Consequently, the proposal we tabled in our last submission that LR should consider phasing out private jet flights and allocate those to commercial aircraft remains a viable alternative strategy to reduce the noise experienced by those living under the flight path. We acknowledge that there is a role for business aviation at the airport so we’re not suggesting all private jets to be banned (for noise reasons, we certainly believe they should be reduced to the absolute minimum for greenhouse gas reasons) but a fair and appropriate reduction to provide noise benefit to the local community is justified and should be a requirement in the DCO.

REP9-051 2.9 Noise & Vibration ID 8 page 42

- 32 LR claim in their response to our point “a.” that our statement “Considerably more people are affected by noise at Luton compared to other London airports at the same contour levels” is not true. They refer the ExA to Table 1 in the CAA Survey of Noise Attitudes which, of course, refers to data collected in 2012 or 2013 a period long before Luton’s and other London airports substantial growth. It is unacceptable that LR thinks it can present data a decade old as a credible justification for its position.
- 33 As the ExA will recall, we presented data from 2019, the most up to date full (pre-Covid) year of operations at Luton, Gatwick and Stansted airports, in paragraph 123 of REP1-165. For ease of reference that table is repeated below:

Airport	Contour size (km²)	Population affected
57dB daytime L_{eq} 16 hour		
Luton	20.3	11,900
Gatwick	38.7	2,550
Stansted	28.5	2,500
48dB nighttime L_{eq} 8 hour		
Luton	45.3	29,050
Gatwick	90.3	12,100
Stansted	72.2	9,950

- 34 Unquestionably, Luton airport’s equivalent day and night-time noise contours affect considerably more people than Gatwick and Stansted combined. That this is over a much smaller area than the other two airports reflects the fact that the (short) runway and small site at Luton airport are adjacent to South Luton and airplanes taking off or landing pass extremely close to it or overfly nearby villages. Luton airport is a uniquely poor location for an expanded airport.
- 35 In response to our point “b.” LR have, at no time, addressed the fact that the day and night-time contours even at the end of this project will exceed the equivalent contours provided for in the P19 permission. Unless, the noise contours reduce below the P19 contours, there is

no community benefit whatsoever from the DCO, indeed communities are considerably worse off than they would be if there was no expansion.

REP9-051 2.8 Need Case Night Period Movements ID 5 (Fleet mix)
page 35

REP9-051 2.9 Noise & Vibration ID 8 (point “d.”) page 43

- 36 In both the above cases, we made comparisons between Gatwick and Luton airports DCOs, in relation to fleet mix and noise contours, which LR has responded to and, in part, argued that the two airports aren't “directly comparable”.
- 37 As the examination is coming to a close, we do not propose prolonging the exchange of views but would just reiterate the undisputable facts, which are no matter how you look at it, the day and night noise contours for Gatwick airport will reduce by a greater % than those at Luton airport by the end of 2049 compared to the 2019 contours and the numbers of people affected at each contour level will be significantly less at Gatwick airport compared to Luton airport (also compared to 2019). That, essentially is the basis on which we compared the two. We consider it relevant to LR's application and our suggestion that LR needs to make a real effort to reduce its noise contours. The fact that it hasn't done so, other than the token change to the Faster Growth Limits its now proposing leads us to invite the ExA to recommend against the application on the basis it has failed to comply with noise policy requirements to reduce noise, where possible.