



# Responses to Any Further Information at Deadline 9

Application by Luton Rising to extend London  
Luton Airport

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# 1 Introduction

- 1.1 This report provides the response of Luton Borough Council (LBC) as local planning authority (LPA) to various documents that were submitted by the Applicant at Deadline 9.
- 1.2 At Deadline 9 (30 January) some 58 documents were provided by the Applicant. The five Host Authorities (HAs) have jointly commissioned consultants in respect of noise (Suono), forecasting (CSACL) and draft DCO/legal (Pinsent Masons). LBC has incorporated the comments from the consultant team as appropriate.
- 1.3 A number of separate documents are being submitted on behalf of all five Host Authorities, namely:
- ‘Host Authorities’ Response at Deadline 10 to DCO Matters’;
  - ‘Host Authorities Response to 8.187 Applicant’s Position Paper on Financial Penalties’; and
  - Review of the “Applicant’s Position on Noise Contour and Movement Limits [REP9-055]”.

## 2 REP9-014 Deadline 9 Submission - 5.02 Environmental Statement Appendix 7.5 Outline Operational Air Quality Plan

Reference	Subject	Comment
2.8.1	Monitoring	The amendment to establish air quality monitors and provide a minimum of six months data, in the year in which notice under article 44 is served, is welcomed.
2.8.4	Short-term monitoring results	The provision of short-term air quality monitoring results is noted.

## 3 REP9-021 Deadline 9 Submission - 7.07 Green Controlled Growth Explanatory Note

Reference	Subject	Comment
2.4.15	ESG Representatives	LBC welcomes the amendment to replace the requirement for the local authority representative to be a ‘suitably qualified senior planning professional’ with a ‘competent officer’.

		However, LBC is concerned that the reference to ‘planning professionals’ still appears in the paragraph, and there are further reservations addressed below in the comments on the ESG’s Terms of Reference <b>[REP9-025]</b> .
3.3.30	Air quality limit review	The clarification on factors that will be taken into account in the air quality limit review is noted. However, the statement that “there will be no absolute requirement” to revise limits to align with the new UK legal limits is inappropriate and would appear to be at odds with the purpose of ensuring that GCG remains up to date, with reviews giving “consideration and where reasonably practicable incorporation of new and emerging best practice in monitoring techniques” (paragraph 2.2.51).
3.3.41	GHG limit review	The same wording about “no absolute requirement” appears in relation to the GHG limits review and seems to contradict other parts of the GCG Framework Explanatory Note (including Table 3.7), which sets out the proposal to review GHG Limits and Thresholds to align with GHG policy, including the Jet Zero Strategy.

## 4 REP9-025 Deadline 9 Submission - 7.08 Green Controlled Growth Framework Appendix A - ESG Terms of Reference

Reference	Subject	Comment
A2.1.14	Competent officer	As noted above LBC welcomes the alteration to reference a ‘competent officer’.
A2.1.15	Acceptance of nominated officer	LBC still consider that the final decision on the Council’s choice of representation should rest with the Council and not the chair of the ESG.  The text for the substitute should not refer to a “suitably qualified senior planning professional” but should have been altered to reflect that used in A2.1.14, namely a ‘competent officer’.
A2.1.16	Dispute regarding nominations	If A2.1.15 is amended as per LBC’s comment above, then there is no need for a dispute resolution in relation to the Council’s nominated representative.
A2.2.1 and A2.2.2	Quorum	LBC has agreed this matter with the Applicant and it is reflected in the SoCG.

A4.10.1	Procedure for air quality limit reviews	See the comment in Table 3 above relating to air quality reviews in the GCG Explanatory Note <b>[REP9-021]</b> , however, the same wording about 'no absolute requirement' has not been used in relation to GHG review limits within Section A4.11.
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## 5 REP9-027 Deadline 9 Submission - 7.08 Green Controlled Growth Framework Appendix B - Technical Panels Terms of Reference

Reference	Subject	Comment
B2.2.1 and B2.2.2	Quorum	LBC has agreed this matter with the Applicant and it is reflected in the SoCG for submission at Deadline 11..
B4.11.1	Procedure for air quality limit reviews	See comments in Tables 3 and 4 above.  Note the wording 'no absolute requirement' has again not been used in relation to the procedure for GHG limit reviews within Section B4.12.

## 6 REP9-029 Deadline 9 Submission - 7.08 Green Controlled Growth Framework Appendix D - Air Quality Monitoring Plan

Reference	Subject	Comment
Section D2.1	Monitoring approach	The alterations to include AQMesh (or equivalent) for monitoring PM concentrations (D2.1.5) and DEFRA equivalent reference monitor for QA/QC processes are welcomed.

## 7 REP9-031 Deadline 9 Submission - 7.09 Design Principles

Reference	Subject	Comment
Section 1.3	Programme of works	LBC welcomes the Applicant's revisions in relation to phasing and commented upon the ExA's proposed changes to Requirement 5 in our joint submission with the other Host Authorities at Deadline 8 <b>[REP8-052]</b> .
Table 4.6 ASF16 and ASF17	Multi-storey car park P12 treatment	LBC welcomes the Applicant's alterations in relation to the design principles for the Terminal 2 multi-storey car park (P12).

Table 4.6 ASF24 and ASF25	Multi-storey car park P1 treatment	LBC notes that the two additional design principles relating to multi-storey car park P1 were provided following the Applicant's meeting with officers from CBC
Appendix A	Terms of reference	The Applicant has taken on board suggested amendments from LBC.

## 8 REP9-033 Deadline 9 Submission - 7.10 Compensation Policies, Measures and Community First

Reference	Subject	Comment
1.1.10	Current noise insulation policy	Confirmation of the continued roll-out of the current insulation policy to all eligible owners is welcomed by LBC.
6.1.3	New noise insulation schemes	The clarification as to when the enhanced noise insulation schemes come into effect is welcomed.
6.1.35f	Process for noise insulation roll out	The Applicant's additional paragraphs provide greater clarity to the layperson in relation to process associated with the implementation and monitoring of the noise insulation schemes.

## 9 REP9-045 Deadline 9 Submission - 8.119 Sustainable Transport Fund

Reference	Subject	Comment
1.4.1	Removal of the STF cap	LBC supports the removal of the fund cap.
2.3.14	Redistribution of the fund	LBC and the other Host Authorities have been in discussion with the Applicant in relation to the redistribution of any surplus revenue in the STF and understand that the Applicant will submit an updated STF at Deadline 10. LBC will provide further comments at Deadline 11 if necessary.

## 10 REP9-048 Deadline 9 Submission - 8.125 Air Noise Management Plan

Reference	Subject	Comment
1.1.4 and 1.1.5	Air noise management plan review	The proposed review of the management plan responds to the ExA's commentary on the draft DCO [PD-018], to which LBC responded at

		Deadline 8 <b>[REP8-052]</b> . As such the changes are supported.
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## 11 REP9-050 Deadline 9 Submission - 8.167 Draft Section 106 Agreement

Reference	Subject	Comment
		LBC and the joint Host Authorities have met with the Applicant and finalised the terms of the Section 106 Agreement. It is anticipated that the agreement will be dispatched to the Host Authorities for signing on Tuesday 6 February, with the engrossed agreement being provided for the ExA at Deadline 11.

## 12 REP9-051 Deadline 9 Submission - 8.177 Applicant's Response to Deadline 8 Submissions

Reference	Subject	Comment
Table 2.4 I.D.4	Design principles	The Applicant's comments are accurate and LBC have commented upon the Design Principles in Table 7 above.
Table 2.4 I.D.6, I.D.9 and I.D.10	Design review	The Applicant's comments are an accurate reflection of the position agreed with LBC.
Table 2.5 I.D.1 to I.D.12	Various draft DCO matters	The Applicant has failed to include LBC in the list of the Host Authorities. The submission at Deadline 8 of the 'Host Authorities' Response at Deadline 8 to DCO Matters' was submitted on behalf of all five Host Authorities.  Any further comment on these matters will be provided in the separate document, 'Host Authorities' Response at Deadline 10 to DCO Matters'.
Table 2.7 I.D.1	Financial penalties	Comments on financial penalties are provided in the separate submission made on behalf of the joint Host Authorities: 'Host Authorities Response to 8.187 Applicant's Position Paper on Financial Penalties'.
Table 2.7 I.D.4 - I.D.6	GCG matters	These have been addressed in other comments within this submission.
Table 2.8 I.D.2	GDP and Gatwick forecasts	A response was provided to the Applicant's report addressing the ExA's questions NE.2.1 and NE.2.2 <b>[REP8-037]</b> at Deadline 9 <b>[REP9-064]</b> .
Table 2.9 I.D.1	Noise contour and movement cap	The Applicant submitted a further report at Deadline 9 <b>[REP9-055]</b> which is addressed in Table 13 below.

Table 2.10 I.D.1	Section 106 agreement	See comments in Table 11 above.
Table 2.10 I.D.2	Alternative mechanism to Section 106 agreement	<p>The Applicant's proposed alternatives are in the form of requirements within the draft DCO <b>[REP9-005]</b> and a Unilateral Undertaken <b>[REP9-056]</b>.</p> <p>Comments on the draft DCO are included in the separate document submitted on behalf of the joint Host Authorities, whilst comments on the Unilateral Undertaken are made in Table 14 below.</p>

## 13REP9-055 Deadline 9 Submission - 8.184 Applicant's Position on Noise Contour and Movement Limits

Reference	Subject	Comment
Section 3 and Appendix A	Updated Faster Growth (UFG) case	<p>The Applicant's on Noise Contour and Movement Limits <b>[REP9-055]</b> sets out the results of the 'Updated Faster Growth (UFG)' case, which is produced by the Applicant having <i>"revisited the fleet transition assumptions in the light of more recent orders for new generation aircraft by airlines including easyJet and the trends of aircraft modernisation seen at the airport during 2023 and anticipated in 2024"</i> [paragraph 3.1.6]. No updated Core Case is provided, which presumably would also decrease by the same or a similar percentage, due to the increased new-generation aircraft applying to both the UFG and Core Case scenarios. An updated Core Case would then be expected to lead to fewer properties again being exposed to above-SOAEL noise levels, with the Host Authorities agreeing with the ExA's approach <i>"to avoid additional effects above SOAEL"</i> [PD-018].</p> <p>The Applicant's reasoning for using the UFG Case over the Core Case is that there is uncertainty in the forecasting and the Applicant is seeking to move this risk on to the local communities, rather than taking this risk on themselves. This reasoning, as set out in, for example, paragraph 3.1.3 of the Applicant's on Noise Contour and Movement Limits <b>[REP9-055]</b>, is not acceptable. Such a passing of risk</p>



		<p>also does not apply the same incentive for airlines to re-fleet as fast as possible to enable growth as soon as possible; the benefits are already available due to the increased flexibility provided in the increased limits.</p> <p>The Applicant should be applying limits to what they are applying for, i.e. the Core Case. By setting noise limits using the Core Case, as the ExA is minded, the same airport expansion is brought about, but in a more sustainable manner with noise effects that have been limited and reduced, where possible.</p> <p>It is not deemed necessary to cover again the same aviation policy points raised in the Post-Hearing Submissions to Issue Specific Hearing 3 [REP3-094], but LBC simply notes that the ISH3 submissions take the same position as is taken here.</p>
Section 4	Annual movement limits	<p>So far as the inclusion of a movement limit is concerned, the Applicant's position set out in Section 4 is contradictory. It is stated that such a limit is not required as it is not strictly correlated with population noise exposure. It is then argued, however, that if a limit were included it should be no less than 225,000 movements rather than the figure on which all environmental assessments set out in the Environmental Statement (ES) have been based, namely 209,410. This argument suffers from the same flaw as that which seeks to use the Faster Growth Case, or Updated Faster Growth Case, to set noise limits rather than the Core Case. The passing of risk to the local community which should properly be borne by the Applicant or future airport operator is not acceptable.</p> <p>It would be possible to operate 225,000 movements within a noise limit set for 209,410 aircraft movements if each of the higher number of movements were 0.3dB quieter. This difference in level is imperceptible to the human ear, meaning that the local community would experience 7% (or so) more flights that were perceptibly just as noisy as if the ES number had been maintained as a limit. No consideration has been given to the effect on overflights which are assessed as a</p>

		<p>supplementary metric in the ES, with results reported for all assessment years. These would all need to be revised upwards if the actual movements were 225,000 rather than 209,410. It is not appropriate to permit operations at a level that have not been fully tested in the ES, as no addendum overflight information has been provided along with that proposed movement limit.</p>
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## 14REP9-056 Deadline 9 Submission - 8.185 Alternative Mechanisms to the Section 106 Agreement

Reference	Subject	Comment
1.1.2	Section 106 Agreement	Agreement has now been substantively reached on the Section 106 Agreement and it is expected that this will be executed before the end of the examination, so LBC have no comments to make on this document at this stage, other than the following comments should the ExA recommend the inclusion of the following requirements into the DCO.
Table 0.1 Schedule 4	Employment and Training Strategy	LBC suggests that, should for any reason, the requirement be included in place of, or as well as the Section 106 Agreement, the ETS should be implemented from the date of commencement
Table 0.1 Schedule 7	Compensation Policies, Measures and Community First	LBC suggests that, should for any reason, the requirement be included in place of, or as well as the section 106, the Compensation Policies, Measures and Community First document should be implemented from the date of commencement
Table 0.1 Schedule 8	TRIMMA, Residual Impact Fund	LBC has agreed in principle with the Applicant that the Residual Impact Fund (RIF) will be combined with the Sustainable Transport Fund (STF) and will provide any further comments on these developments once the revised STF and revised OTRIMMA document have been submitted by the Applicant at Deadline 10.
Table 0.1 Schedule 9	Sustainable Transport Fund	This schedule has been removed from the Section 106 Agreement that has now been substantively agreed with the Applicant. LBC understands that a revised STF document will be submitted at Deadline 10 and will provide any further comments on that document at Deadline 11, together with any comments on the drafting



		of a requirement that would be necessary to implement it.
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## 15REP9-058 Deadline 9 Submission - 8.187 Applicant's Position Paper on Financial Penalties

Reference	Subject	Comment
		A separate response has been submitted on behalf of the joint Host Authorities entitled: 'Host Authorities Response to 8.187 Applicant's Position Paper on Financial Penalties'.