

The Harpenden Society (“The Society”)
 Response to Secretary of State for Transport’s (“SoS”) letter dated
 23rd August 2024
 Luton Rising (“LR”) Development Consent Order (“DCO”) application

Background

- 1 On 19 August LR responded to the SoS’s straight forward request that it “provide suggested wording for a requirement which would secure noise contour limits on the face of the Development Consent Order...” in an Appendix running to 27 pages.
- 2 The Society would make the following comments.

Comments on Table A (page 21 LR’s letter)

- 3 LR explain in para A3.6.6 that they have recognised Interested Parties’ position and the SoS’s request and updated the Level 1 (L1) and Level 2 (L2) thresholds so they are respectively set at 85% and 95% of the interpolated Core Case contours.
 - a. The point that Interested Parties, like ourselves, have consistently made about the Green Controlled Growth (“GCG”) limits is that the Faster Growth or even the Updated Faster Growth Limits permit LR maximum flexibility to increase noise whilst providing only the blunt instrument of insulation to mitigate the noise that some households will experience above the SOAEL. LR’s recent letter only ever talks about mitigating noise never about reducing noise. All households along the Luton Airport flightpaths will experience noise levels much higher than those provided for in the 2014 and P19 planning permissions, especially at night.
 - b. There is no evidence to suggest that Faster Growth or even Updated Faster Growth is a realistic scenario in the light of Luton Airport’s performance post-Covid.

The following table illustrates Luton Airport’s post-Covid performance against the core, faster and slower growth demand forecasts in the Need Case (table values in millions of passengers, Actuals taken from Table 08 CAA passenger statistics):

Year	Actual	Core	Faster	Slower
2023	16.4	16.8	16.8	15.7
2024	17.0*	19.0	19.0	17.3

Note: * is an extrapolation based on multiplying 2023’s first six months by the multiple that 2019’s second six months was to the first six months (112%) – i.e. $8.0+8.0*1.12=17.0$ million (this being the last year of Luton’s growth prior to Covid). It is worth noting in this context that Luton Airport’s first six months growth in 2024 over 2023 was only 100,000 more i.e. 1.3% more.

- c. This post-Covid performance compares unfavourably to Heathrow and Stansted which were, respectively, 103% and 104% above the first six months passenger numbers for 2019 in the first six months of 2024.
- d. Furthermore, growth in the demand for air travel has plateaued. It was recognised in a 14% drop in demand to 2050 in the 2023 update to Jet Zero. It’s hardly surprising, concern about climate change is increasing (and the Climate Change Committee continues to recommend no new terminal capacity until the aviation industry has a

realistic plan to meet its Net Zero targets), anti-tourism pressures are building in Luton's core market, we're going through a cost of living crisis and there continues to be considerable political instability, again in Luton's core markets.

- e. If ever Faster Growth was a realistic proposition, it is now wholly unrealistic. All the use of Faster Growth noise effects in Table A does is allow LR considerable leeway to keep noise levels high when it should be making every effort to reduce noise, in compliance with aviation policy that requires reductions in noise levels where possible – in the absence of growth such reductions are achievable without any loss of economic benefits.
- f. Thus, the use of any Noise Limits based on Faster Growth or Updated Faster Growth would be inappropriate and we support the Examining Authority's desire to see Core Growth Limits written onto the face of the DCO.
- g. We regard LR's proposal to substitute the Core Growth thresholds for the Updated Faster Growth thresholds as nothing more than window dressing. As many Interested Parties have noted, no-one trusts LR or its parent, Luton Borough Council ("LBC"), to exercise its responsibilities under the DCO without financial penalties. So whatever the thresholds and reports etc require, the airport will be able to ignore them as the enforcement authority, LBC, has ably demonstrated for four years and probably longer (but for Covid), that it would do the absolute minimum and, as a result, completely fail to control aircraft noise.

Annual Aircraft Movement Cap

- 4 During the examination, we, the Host Authorities and many Interested Parties supported an annual aircraft movements cap. LR resisted this but on a without prejudice basis has said any such cap should be at least 225,000 movements per annum.
- 5 We note that LR continues to argue its position in this letter that such limits "are poorly correlated to noise impact metrics and provide no incentive for the adoption of quieter aircraft and are therefore...ineffective"
- 6 As has been the case, throughout the examination, LR's position is duplicitous. It's own modelling shows that, to achieve its growth ambition, no more than 209,415 annual aircraft movements are necessary. We argued, as did other parties, that this was a conservative number of movements. Based on LR's representative fleet mix in 2042 36 million seats were available for 32 million passengers a load factor of only 89% appreciably lower than the load factors in the mid 90%'s that airlines are reporting presently and which they will continue to target.
- 7 An annual movements limits serves two positive purposes so far as noise affected communities are concerned.
 - a. It puts a cap on the growth in flights outside the monitored summer period which could lead to higher noise experiences than the monitored summer period.
 - b. It accords with Government policy which recognises that people "do not experience noise in an averaged manner and that the value of the Leq indicator does not necessarily reflect all aspects of the perception of aircraft noise."
- 8 Thus, to recognise the limitations attributable to the summer period noise contour controls and the limitations applicable to the night quota count, an annual movements cap will reassure noise affected communities and we respectfully request the SoS to impose a limit of no more than 209,415 annual movements.

Shoulder Period Limits

- 9 As above, LR claim that shoulder period limits are poorly correlated with noise impact metrics.
- 10 However, they are an important additional control, over and above noise contours and quota counts, as they prevent excessive community noise during the early morning (and late evening although it's not something anyone has asked for at Luton Airport) as noise is not experienced as an average (per paragraph 7b. above). An early morning shoulder period limit was imposed in 2014 for that very purpose.
- 11 We believe the SoS can thus safely ignore LR's assertion that movement limits are poorly associated with noise impact metrics. Shoulder period limits are part of a whole package of noise controls designed to protect noise affected communities.
- 12 LR, in the alternative, state that shoulder period (and annual movement) limits provide no incentive for the adoption of quieter aircraft. Noise contours are designed to incentivise quieter aircraft but the purpose of this control is to limit communities' individual noise experiences during the sensitive early morning and late evening periods. It should not be forgotten that many thousands of Luton residents live directly under the flight path less than half a mile from the end of the (short) runway.
- 13 Thus, for the reasons given in paragraph 8 above, we respectfully ask the SoS to continue the early morning shoulder period limit. We agree with the Host Authorities proposal that the limit should be no more than 8,720 aircraft movements [REP10-051 paragraph 15].

Financial Penalties

- 14 We respectfully ask the SoS to ignore LR's pleas regarding financial penalties.
- 15 LR is a company wholly owned by LBC which is not only the Applicant but also the prospective airport operator (as set out in the Funding Statement) and the enforcement authority.
- 16 LBC receives an annual concession fee in the region of more than £50 million from the airport operator. The concession fee is largely a function of passenger throughput. LBC is therefore conflicted when it comes to taking enforcement action in the event of the airport operator breaches noise (or indeed any other) controls.
- 17 As mentioned above, for the period 2016 through to 2019 the airport operator breached the noise contour limits and would have continued to do so according to its own noise experts had Covid not curtailed air travel. The relevant figures are set out in the table below and compare unfavourably to the daytime 57dB contour limit of 19km² and the night-time 48dB contour limit of 37.2km²:

Year	Daytime Actual km ²	Daytime Forecast (following year) km ²	Night-time Actual km ²	Night-time Forecast (following year) km ²
2016	19.2	20.7	36.5	40.2
2017	19.0	19.4	38.7	39.6
2018	19.4	18.8	40.2	42.7
2019	20.8	21.3	44.2	42.6

- 18 Despite the forecast excesses in 2016's report an action plan, discussed between the airport operator and LBC, was only introduced in 2018 for the night-time only and was, in any event, inadequate as breaches continued in the night-time and began in the daytime in 2019.
- 19 All the while, LR benefitted from the concession fee whilst local communities suffered from excess, unconsented noise.

- 20 A local authority should not benefit financially from its failure to take enforcement action at the expense of the wellbeing of its own community. It is an affront to the community that the local authority represents that it is not doing its utmost to protect its own residents.
- 21 LR argue that GCG will stop breaches as the airport operator will not be able to grow (i.e. declare additional capacity) if it exceeds the relevant thresholds. Bearing in mind capacity declarations are made well in advance of any reporting of threshold excesses and past experience of the inadequacy of the steps taken to curb excess noise suggests this argument has no merit.
- 22 Therefore, we support the imposition of financial penalties on the airport operator as it incentivises them to ensure noise controls are not breached and we respectfully ask the SoS to ensure that suitable financial penalties are imposed if GCG limits are breached.