

The Harpenden Society (“The Society”)
Response to Secretary of State for Transport’s (“SoS”) letter dated
27th September 2024
Luton Rising (“LR”) Development Consent Order (“DCO”) application

Background

- 1 In the above letter the SoS invited Interested Parties to make any further comments they wished to make.
- 2 The Society would make the following comments.

Noise - night period limits at Luton airport (23:00 to 07:00)

- 3 In an earlier (deadline) response, the Society noted that any relaxation of the existing night-time and early morning shoulder period limits (the night period at Luton airport) was likely to give rise to competition issues.
- 4 The reason we said this is that:
 - a. The designated airports (Heathrow, Gatwick and Stansted) night-time noise limits, which are determined by the SoS, had, again, been held at limits that have existed for many years, for the period October 2022 to October 2025, when they were last reviewed (whilst a report on the impact of night noise on sleep disturbance was prepared).
 - b. In making this decision, the SoS recognised that the airlines that operated at both Gatwick and Stansted airports were largely budget airlines (similar to those at Luton airport) for whom night-flying was considered economically necessary. Despite this, there was no increase in night flights.
 - c. The Luton airport night period limits (which includes the early morning shoulder period limits from 06:00-07:00) were put in place to protect “residential amenity” in 2014, in full knowledge of the limits at the designated airports and reflected the particular circumstances that applied at Luton airport, namely that considerably more people were adversely affected by noise over the same contour areas as the designated airports due to the proximity of the end of the runway to residential areas and the low altitude of aircraft).
- 5 The direction of travel on night-time flying at the designated airports is to “limit and, where possible, to reduce the adverse effects of aviation noise at night” – i.e. there is no appetite for increasing such effects.
- 6 Thus, any relaxation of the current night period limits at Luton airport may encourage airlines to shift flights to Luton airport, at the expense of Gatwick and Stansted airports, which we believe would be anti-competitive given the inability of the designated airports to respond.
- 7 We respectfully request the SoS not to change Luton airports night period limits to the extent LR is proposing, if she is minded to approve the DCO, so as to preserve the current competitive position between the three London airport that serve budget airlines and, more importantly, maintain “residential amenity” at the levels previously agreed, where the direction of policy generally is not to allow more night noise. We also respectfully request the SoS to bring Luton airport within the scope of the regime for designated airports, given its size and position within the London airport system serving budget airlines.

Noise - dispensations

- 8 At the time of our deadline response, where we noted the recent and significant use of dispensations to deflate the recorded night period flights, we did not have access to the Q2 2024 monitoring report. This has now been published and shows that dispensations accounted for 18% of all night flights with the primary reason for the dispensations being “passenger disruption” (2024: 436, 2023: 411). Passenger disruption is an avoidable characteristic reflecting over-rotation of aircraft by budget airlines where delays accumulate over the course of the day. Anecdotally, it appears to be more prevalent with Wizzair.
- 9 We noted in an earlier deadline response the government has tightened the dispensation guidelines at the designated airports and now requires airports to explain how they will reduce avoidable night flights in the future.
- 10 As previously, we respectfully ask the SoS to implement the same rules relating to dispensations at Luton airport, if the DCO is consented, as applies to the designated airports to reduce the scope for what appears to be massaging of the night period flights by the airport operator to suit poor performing airlines, at the expense of residents health.

Over-crowding on the rail network

- 11 We have read the most recent submissions from LR and Network Rail and encourage the SoS to adopt Network Rail’s proposals in relation to managing overcrowding at Luton Airport Parkway station (“the station”) if past forecasts prove to be unreliable and actual performance results in additional platform/safety measures at the station.
- 12 The DCO will be a private sector investment and the burden of any improvements to the station that might reasonably be requested by Network Rail (or a train operating company – which are due to be nationalised too) should fall upon the airport operator and not the public purse as all the benefits of expansion will fall to the private sector.

Project Funding - impact of Luton Borough Council’s (“LBC’s”) external auditor’s recent public interest report

- 13 The SoS will, no doubt, be aware that Ernst & Young, LBC’s external auditor, has recently filed a public interest report in relation to its 2018/19 audit.
- 14 The report contains the following statement (page 12):

“The work of the Authority’s advisors to support the Airport stabilisation plan, and then the work of our own strategy and transactions specialists, concluded the proposed expansion of the Airport under a Development Consent Order (DCO) beyond phase one of a planned two-phase approach was unlikely to be value accretive and therefore highly speculative.”

- 15 Our own analysis of LR’s funding proposals (using LR’s figures) suggested that phase two of the DCO was, even if the original passenger numbers were achieved in the timescales proposed, highly unlikely to generate an adequate return for investors.
- 16 In practical terms, Luton airport’s recovery from the pandemic is lagging other London airports and the DoT has already, in its report Net Zero One Year On, reduced future passenger growth to 2050 by 14% most of which, if not all, will comprise people in Luton airport’s core market.
- 17 Thus, we are left with the proposition that a fully consented DCO would ultimately allow a future airport operator to work within environmental limits (across every environmental impact) applicable to a 32 million passenger airport but only operate up to 21.5 million passengers (the Phase one Core Growth Limit).

- 18 This would be a nonsensical outcome and undermines the whole DCO process as there would be a complete mismatch between the limited economic benefits from curtailed growth and the ability of the airport to manage its environmental impacts on the basis of the DCO's 32 million passenger limit.
- 19 We therefore respectfully ask the SoS to withhold consent for phase two of the DCO until LR comes up with a credible plan to show that it can actually deliver phase two of the DCO rather than one column of summarised figures (with no information about either the assumptions underlying the calculations or any information about funding costs).