

Please note that all wording underscored is my response to the points raised in the Applicants letter:

Interested Party Reference number: 20037458

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by London Luton Airport Limited (“the Applicant”) seeking Development Consent for the Proposed London Luton Airport Expansion (“the Proposed Development”)

In the Applicant’s letter dated [8 November 2024](#), they have provided suggested wording for a new article that could be added to the DCO to demonstrate the amended duty set out in section 85 of the CRow Act 2000.

All **Interested Parties** are invited to provide comments on the Applicant’s proposed wording and welcomes views on whether this new article would ensure compliance with the CRow Act 2000. I have copied sections of the Applicant’s letter below and added my comments on their proposal (underlined).

(1) Having regard to the duty under section 85 of the Countryside and Rights of Way Act 2000, upon service of the notice referred to in article 44(1) the undertaker will make a funding contribution to the Chilterns Conservation Board in the sum of £250,000.

(2) The Chilterns Conservation Board must allocate the funding contribution referred to in paragraph (1) to one or more projects which:

(a) further the purposes of conserving or enhancing the Chilterns National Landscape; and

(b) are consistent with the Chilterns AONB Management Plan 2019 – 2024 (or and any superseding equivalent document).

(3) Upon any allocation of funding in accordance with paragraph (2), the Chilterns Conservation Board must notify the undertaker about the project which is in receipt of the funding and provide the undertaker with such information about the project as the undertaker may reasonably request.

(4) In this article the “Chilterns Conservation Board” includes any successor body which performs its functions and duties.

I believe that the sum of £250K is inadequate. This token offer sounds more like an opening bid than a serious acceptance of the Applicants duty under the act.

2.6 *The Applicant considers that a one-off payment is most appropriate in this context, rather than staged payments. Under this measure CCB would administer the fund (as indeed it states that it would wish to do in its letter of 1 November 2024). This avoids the need for steering groups and the like. The CCB would have discretion as to which projects it allocates funding to, subject to those projects furthering the purposes of conserving or enhancing the Chilterns National Landscape. The contribution could therefore be folded into existing funding streams administered by the CCB, so there need be no net additional cost incurred in administering it. The only additional requirement would be to notify the Applicant as to which projects the funding had been allocated to.*

I agree with the proposal that CCB administer funds, but as an interested party I would like to see the Applicant show a real commitment to the community by providing a sum of money that increased in increments, every year, linked to CAA, or similar independent organisation, public publication of yearly passenger numbers. I believe £250K is the start point for the existing 18 million passengers and I suggest increments of 10,000 passengers thereafter is used as the trigger point for additional payments to be made and which were RPI linked at that trigger point.

3.3.3 *The CCB reference the [Mend the Gap](#) scheme, which (excluding mitigation, which is not relevant in this context) contributes £3 million for enhancement projects. The Applicant strongly rejects both CCB's suggestion that this is the "closest" comparator, and its suggestion that a comparison of affected areas should be used on a pro rata basis to identify a fund value,*

3.5.4 *the Applicant's Community First commitment [[REP11-025](#)], secured by section 106 dated 9 February 2024 [[REP11-108](#)] provides a significant financial contribution to local communities affected by airport expansion, up to £13 million each year at a throughput of 32 mppa. The Community First zone (figure 9.1) includes significant areas of the Chilterns National Landscape, and projects capable of receiving funding are those which tackle deprivation and support the achievement of carbon neutrality by 2040. It follows that conservation and enhancement projects within the Chilterns National Landscape area,....*

These references to alternative projects are in my view totally irrelevant. Luton Airport, like any other airport, is unique and is also unique in its location and impact upon the community.

3.5.6 *The timing of the commitment* – *the funding contribution would take place when the Applicant activates DCO growth above the current permitted cap, which would be many years ahead of the likely significant adverse impact on tranquillity reported in the Applicant's environmental statement. This would allow the benefits of funding enhancement and conservation projects to be realised and become well established in advance of the impact to which they relate.*

The timing of the commitment is totally inappropriate. It shows the Applicant has not grasped the fact that any contribution needs to be seen as "fair and reasonable", particularly by the community, so needs to be geared to the increase in noise, air, light pollution increases expected over the years. One should note at no point in the public consultation process have graphics explained the yearly increase in passenger numbers. This omission alone suggests, to me that contributions of any sort needs to be focused on independently published passenger numbers.

3.6 For all of the above reasons, the Applicant considers that a fund of £250,000 would represent a reasonable and proportionate contribution in circumstances where the Secretary of State considers that further measures are required.

I dispute the sum is reasonable and proportionate, as previously outlined by myself.

Yours Sincerely

John Mardle

,