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Your Ref: TR020001

Dear Sir/Madam

## **London Luton Airport Expansion Project (Reference Number TR020001)**

### **Further response to Secretary of State letter published on the 11 November 2024**

#### **1 Introduction**

- 1.1 The Applicant is responding to the letter from the Secretary of State published on the [11 November 2024](#) requesting any final comments on submissions made by Interested Parties (IPs) in response to her consultation letter of [27 September 2024](#).
- 1.2 In this letter, the Applicant also provides an update on negotiations with Bloor Homes Limited.

#### **2 Update on negotiations with Bloor Homes Limited**

- 2.1 The Applicant continues to resolve other outstanding agreements and can confirm that an agreement has been reached with Bloor Homes Limited **[RR-0153]** which resolves any concerns raised in their previous representations. The Applicant understands that Bloor Homes will be writing to the Secretary of State to confirm the same.

#### **3 Applicant's comments on submissions made by other Interested Parties**

- 3.1 It states within the Secretary of State's letter of [11 November 2024](#) that:
- 3.2 *The Secretary of State invites all Interested Parties, if they wish to do so, to provide any other final comments on the representations received in response to her consultation letter of 27 September 2024.*
- 3.3 Comments from the Applicant on matters raised by Ivinghoe Parish Council, the Hertfordshire Host Authorities, LADACAN, Harpenden Society and National Highways are provided in Table 1 below. The Applicant has not provided specific responses to the latest submissions made to the Secretary of State by other IPs, on the basis that

the Applicant is content that the matters raised by those IPs have already been fully addressed in the DCO application documents and through the Applicant's submissions during the examination and decision-making stages.

Table 1: Applicant's response to submissions made by Interested Parties

Interested Party	Comment by Interested Party	Applicant's Response
Ivinghoe Parish Council	<p>With respect to the Noise Abatement Grants issued by the applicant or their associated companies that finally operate LLA.</p> <p>The current grant system is based on a radial distance from the airport. However there are other factors that are involved such as height of the aircraft. There are substantial numbers of properties both within Ivinghoe parish and others that suffer from noise but are outside the current limits.</p> <p>Ivinghoe Parish Council respectfully asks for the applicant to consider changes to the grant system to include properties that are under the existing and future flight paths whereby aircraft are at a height of 5000ft or below and greater than the existing radial distance.</p>	<p>The noise insulation scheme currently operated by the airport operator is not based on a radial distance from the airport, but is based on noise exposure contours.</p> <p>The noise insulation schemes for the Proposed Development will also be based on noise exposure and will extend substantially further than the current scheme, with eligibility extending down to the lower noise exposure of 54dB<sub>L<sub>Aeq,16h</sub></sub>, as well as offering a greater financial contribution towards noise insulation works for those who are eligible.</p> <p>The eligibility for the noise insulation schemes for the Proposed Development will be regularly updated using forecast noise contour data. Should future changes to flight paths result in changes to noise exposure distribution then this would be reflected in any updated eligibility criteria of the noise insulation schemes.</p> <p>For full details please refer to <b>Compensation Policies, Measures and Community First [TR020001/APP/7.10]</b>.</p>
Hertfordshire Host Authorities (HHAs) (Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire Council)	<p><b>Finch</b></p> <p>7. The HHAs appreciate the difficulties ('it is not possible') presented by the Applicant in attempting to assess emissions arising from additional employment and Gross Domestic Product (GDP)/Indirect and induced economic effects or those that may be generated from the wider economic effects of the Proposed</p>	<p>The Applicant maintains its position, as set out in its letter of 6 September 2024, that the Finch judgement does not lead to a requirement for the assessment of carbon emissions deriving from the indirect, induced or wider economic impacts of the project on the basis that it is not possible to identify the specific activities that would give rise to incremental carbon emissions in sufficient detail to enable these effects to be quantified.</p>

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	<p>Development. Nevertheless, the application contains a considerable amount of information and analysis in relation to the employment/GDP/GVA impacts of the Proposed Development – direct, indirect and induced – and it would perhaps be helpful for the SoS to understand more fully why it would not be appropriate/possible/practicable to undertake an albeit high level assessment of emissions by unit of employment/GDP/GVA, whether or not that assessment would be required to be Finch-compliant. The ONS UK Environmental Accounts, for example, reports on Co2e emissions per £million of GVA [both the 2023 and 2024 (reporting for years 2021 and 2022 respectively) accounts finding that the UK emitted 0.19 thousand tonnes of CO2e per £million of gross value added (GVA)]. If it were possible to make an indicative, caveated as necessary, assessment of emissions from indirect/induced economic effects, this might assist the SoS in coming to a rounded view on the overall GHG emission implications of the Proposed Development and usefully inform her decision.</p>	<p>Furthermore, as set out in the letter of 6 September, the assessment of these effects as presented, other than business productivity effects, represents the gross impact of the Proposed Development and it is accepted that, at the national level, there would be some displacement, albeit this was not quantified. Hence, any quantification based on the reported GVA metrics would not reflect the incremental effect of the Proposed Development.</p> <p>Furthermore, whilst it would be possible to apply the CO2e per million of GVA metric to the reported GVA impacts, this would lead to a double counting of carbon as the reported 0.19 thousand tonnes of carbon per million of GVA also includes transport emissions (see ONS UK Environmental Accounts:2022 section 3). These emissions have already been directly accounted for in the assessment so use of this overall emissions factor would lead to double counting of the effects. This further confirms why it would be necessary to understand the precise nature of the additional indirect, induced and wider economic activities to produce a realistic assessment of any consequential net implications on carbon emissions more generally.</p> <p>To quote the Finch judgement directly (paragraph 121-122 of Judgement on R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents), 20 June 2024) <i>“Such effects will depend on innumerable decisions made “downstream” ..... the EIA process does not require that attempts be made to measure or assess putative effects which are incapable of such assessment.”</i></p>

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		<p>As stated in the 6 September letter, the Applicant remains of the view that quantification of the carbon emissions deriving from second order economic effects is neither realistically possible nor required because of the Finch judgement.</p> <p>Any such assessment carried out in the manner suggested by the Hertfordshire Host Authorities would involve double counting and would potentially be highly misleading.</p>
<p>Hertfordshire Host Authorities (HHAs) (Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire Council)</p>	<p><b>AD6</b> 14. One assumes the conclusion that airspace change AD6 does 'not affect noise contour areas' was reached on the basis the AC was implemented and operational as anticipated within the CAP2288 Regulatory Decision (24th November 2021) and not subject to change following a Stage 7 PIR process.</p>	<p>As noted in the Applicant's letter of 27 September 2024, the AD6<sup>1</sup> ACP Post Implementation Report Appendix Noise Technical Report (Ref 1) demonstrates that implementation of the AD6 Airspace Change Proposal has resulted in no significant changes to the Lowest Observable Adverse Effect Level (LOAEL) contour within which the assessments for the Proposed Development are based. The Applicant's letter sets out how this is standard practice, is compliant with policy and is consistent with other with other airport expansion applications and decisions.</p> <p>Should the conclusion of the post implementation review require further changes to airspace, this would be addressed through the CAP1616 process (Ref 2). Again, the Applicant has set out in its letter of 27 September 2024, the relevant pollution control regime is CAP1616 as regulated by the Civil Aviation Authority.</p> <p>As the Airports National Policy Statement (Ref 3) notes, the Secretary of State should work on the assumption that, in terms of the control and enforcement, CAP1616 will be properly applied and enforced and that decisions under the Planning Act 2008 should complement but not duplicate those taken under CAP1616.</p>

<sup>1</sup> Swanwick Airspace Improvement Programme – Airspace Deployment 6 co-sponsored by London Luton Airport Operations Ltd (LLAOL) and NATS

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	<p>15. The HHAs acknowledge that, just as is the case with the wider airspace change underway (London Luton Airport Departures and Arrivals, ACP-2018-70), the decision on the Proposed Development cannot wait for the AD6 airspace change process to run its course.</p>	<p>The Applicant acknowledges this statement and notes that it accords with the position set out by the Applicant in its letter of 27 September 2024.</p>
LADACAN	<p><b>Finch</b> Section 3 All UK airports could argue they should be permitted to expand to maximum potential capacity without any EIA consideration of additional emissions of aircraft in flight because taken individually the extra GHG emissions would be negligible. The net result could be all airports expanding to full capacity, which would then exceed carbon budgets.</p>	<p>In this section of its submission, LADACAN repeats arguments made at examination in relation to the views of the Climate Change Committee. These were addressed fully in <b>[REP4-074]</b> and there have been no material changes since that was submitted.</p> <p>As set out at paragraph 3.3.68 of the <b>Need Case [AS-125]</b>, passenger demand forecast modelling underpinning the Jet Zero Strategy allowed for the potential for London Luton Airport to expand to 32 mppa. The demand forecasts underpinning the Proposed Development are entirely consistent with those produced for the Jet Zero Strategy, which considered the implications for the UK's ability to meet its climate change commitments if all airports were permitted to expand in line with their published plans, including the provision of a third runway at Heathrow.</p> <p>Ultimately, the level of passenger demand within the UK is a function of population and economic prosperity, including the attraction of inbound tourism and business investment. The Jet Zero Strategy established that there was no need to constrain the growth in airport capacity or passenger demand artificially to ensure that the climate change commitments could be met.</p>

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Harpenden Society	<p><b>Competition with Stansted for Night Flights</b></p> <p>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.</p>	<p>The Applicant has committed to maintain the 9,650 movement limit and 3,500 total Quota Count (QC) limit in the Night Quota Period (23:30 – 06:00). The continuation of these controls is secured in the <b>Air Noise Management Plan [TR020001/APP/8.125]</b>. These controls cover the same period in which controls on night-time movements and total QC are imposed for the designated London Airports, including Gatwick and Stansted.</p> <p>The increase in night movements with the Proposed Development arises principally in the 06:00 to 07:00 hour due to more airport-based aircraft that will need to depart in that period. This period lies outside of the control period at the designated airports.</p> <p>The Applicant's position on movement limit controls within the 06:00 – 07:00 period is set out most recently in Appendix A of its letter dated 2 August 2024.</p> <p>In summary, the Applicant has evidenced that movement limits are poorly correlated with noise impact metrics and provide no incentive for the adoption of quieter aircraft and are therefore an ineffective noise control when noise contour area limits covering the full 8 hour night period and QC controls are already in place, as in the case of the Proposed Development.</p> <p>Aircraft movements in the 06:00 – 07:00 period are also projected to grow at other London airports, for example Gatwick Airport projects that there will be an increase of 11 movements in this hour should its DCO be approved [Gatwick DCO examination library <b>APP-075</b>, Annex 7].</p>

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		<p>In the case of Stansted Airport, it also expects growth in the number of aircraft movements at night as a consequence of its 43 mppa planning approval (Schedule A.7 to Appendix 7.A of the Stansted Airport 35+ Appeal ES) but is committed to not exceeding the existing limits for the 6.5 hour night control period (Paragraph 4.22 of the Stansted Airport 35+ Appeal Planning Statement) exactly as proposed at London Luton Airport. This will allow for substantial growth in movements in the 06:00 to 07:00 period.</p> <p>There is simply no competitive distortion arising from permitting London Luton Airport to increase movements in the full 8 hour night period, subject to noise controls as proposed under Green Controlled Growth, as growth is similarly projected at the other airports, including the already consented growth of Stansted Airport to handle 43 mppa. Indeed, constraining growth at London Luton Airport during this period would give rise to such an anti-competitive effect in the circumstances where other airports are permitted to grow and attract additional based aircraft that rely on the ability to depart in that hour.</p>
Harpenden Society	<p><b>Dispensations</b>  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</p>	<p>The Applicant is aware that the Department for Transport released updated guidance following the close of the DCO examination in February 2024. The Applicant can confirm that the definitions of exempt flights in the <b>Draft Development Consent Order [TR020001/APP/2.01]</b> and dispensed flights in the <b>Air Noise Management Plan [TR020001/APP/8.125]</b> are in line with this updated guidance.</p> <p>In particular, the draft DCO requires at 21(4) that (emphasis added) <i>"Monitoring Plans in respect of noise must include details of dispensed movements for the previous 12 months, including reasons for the dispensation and <u>what measures, if</u></i></p>



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	<p>aircraft by budget airlines where delays accumulate over the course of the day. Anecdotally, it appears to be more prevalent with Wizzair.</p> <p>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.</p>	<p><u>appropriate, would be introduced to reduce these incidents in the future.</u>"</p>
National Highways (NH)	<p>NH have produced an updated M1 Junction 10 Study Final Report (including an NH Requirements Summary Table). The updated report re-states the safety concerns NH raised during the examination about forecast unmitigated congestion to the south of M1 Junction 10 in both directions, following the implementation of the second and third phases of the proposed airport expansion (assumed to be in 2039 and 2043), including the Applicant's proposed works at M1 Junction 10.</p> <p>To ensure the safe operation of the network, NH requires that the appropriate mitigation identified in this report, or similar, is secured in the DCO, as set out in NH's final Deadline 11 submission <b>[REP11-073]</b>.</p>	<p>NH has submitted a report titled M1 Junction 10 Intervention Assessment Report. This is a follow up to the 'South Facing Slips Interventions Technical Note' <b>[REP5-093]</b> submitted during the examination, which identified two further interventions on the south facing slips of M1 Junction 10 that were claimed to be required to address impacts from the airport expansion by 2043. The new report provides an updated model to reflect post-COVID-19 conditions. NH has used the Luton Rising VISSIM model for this purpose.</p> <p>The Applicant notes that some of the information contained in the document is inconsistent with the agreed position confirmed by NH in the Statement of Common Ground (SoCG) <b>[REP11-093]</b> regarding the modelling methodology and the condition of the network in the future baseline (SoCG ID 3.1.2, 3.1.4 and 3.2.2).</p> <p>An important point to note is that the new NH study does not include an assessment of the M1 at the future years identified (2039 and 2043) <u>without</u> the Proposed Development, to enable a true comparison of the effects of the Proposed Development. The NH study suggests that a conventional Do-Minimum (future baseline) forecast model was not</p>

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		<p>prepared by the Applicant. This is not the case, and a future baseline (without the airport expansion) was prepared for each of the assessment years. The basis of the future baseline model was agreed between the parties, see ID 3.1.6 in the SoCG <b>[REP11-093]</b>.</p> <p>The Applicant has always maintained that:</p> <ul style="list-style-type: none"> <li>- the M1 in this location has existing and forecast future congestion problems even without airport growth (i.e. in the do-minimum scenario); and</li> <li>- the mitigation proposed by the Applicant is sufficient to mitigate the additional traffic generated by airport expansion such that it does not materially further adversely affect the operation of the M1 as set out in paragraphs 5.5.10 - 5.5.15 for 2039, and paragraphs 5.6.9 – 5.6.14 for 2043 of the <b>Applicant's Response to Issue Specific Hearing 7 Action 2 - Accounting for Covid-19 in Transport Modelling Final Report [AS-159]</b>.</li> </ul> <p>NH acknowledge in ID 3.2.2 of the SoCG <b>[REP11-093]</b> that there is a future year congestion issue on the M1 without the scheme.</p> <p>The Applicant acknowledges that the road traffic forecasts are of a long-term nature (given the time over which the Proposed Development would take place) and therefore inherently subject to a degree of uncertainty. To allow for this uncertainty, the Applicant has set out in paragraph 4.2.3 of the <b>Outline Transport Related Impacts Monitoring and Mitigation Approach (OTRIMMA)</b> submitted at Deadline 10 <b>[REP10-036]</b> how it would make financial contributions, in addition to its already committed mitigation, in the event that</p>

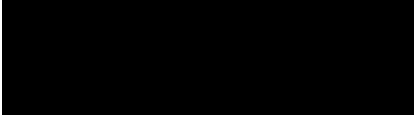
Interested Party	Comment by Interested Party	Applicant's Response
		<p>NH considers that the operation of the M1 Junction 10 southbound on-slip or M1 mainline between Junction 9 and Junction 10 require works to alleviate congestion, and in the event that NH develop and implement proposals for such works.</p> <p>As explained in paragraph 4.2.3, the financial contributions have been calculated by reference to the volume of airport-related traffic that is forecast to use the sections of road in question, in proportion to the cost of the indicative schemes developed by NH. The Applicant's approach in this respect is consistent with the Airports National Policy Statement, which at paragraph 5.20 states:</p> <p><i>"Where a surface transport scheme is not solely required to deliver airport capacity and has a wider range of beneficiaries, the Government, along with relevant stakeholders, will consider the need for a public funding contribution alongside an appropriate contribution from the airport on a case by case basis. The Government recognises that there may be some works which may not be required at the time the additional runway opens, but will be needed as the additional capacity becomes fully utilised. The same principle applies that, where a transport scheme is not solely required to deliver airport capacity, the Government, along with relevant stakeholders, will consider the need for a public funding contribution alongside an appropriate contribution from the airport on a case by case basis."</i></p> <p>The paragraph 4.2.3 funding commitment is secured by Requirement 30 of the DCO (<a href="#">latest version</a> submitted to the Secretary of State in August 2024). This requires that prior to "notice to grow" under article 44 of the DCO, a final</p>

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		<p>“TRIMMA” must be put in place and complied with, and which must be substantially in accordance with the outline TRIMMA.</p> <p>Accordingly the Applicant's position is that it has already committed to measures that are policy compliant and which adhere to the relevant planning tests for Requirements (in particular – relevant to the development for which permission is sought, and reasonable in all respects). On that basis the Applicant strongly refutes NH's argument that the DCO should be required to commit to the mitigation identified in NH's report, or similar.</p> <p>More generally, given that NH has referred to its Deadline 11 submissions <b>[REP11-073]</b> – which were submitted at the close of the examination – the Applicant takes this opportunity to signpost, for the Secretary of State's benefit, where it has previously addressed and rebutted NH's submissions / proposals in the strongest possible terms:</p> <p>Reliance on / adequacy of the TRIMMA approach, and the case for any Grampian conditions – see Table 2.12, row 7, of the <b>Applicant's Response to Deadline 10 Submissions [REP11-050]</b>.</p> <ul style="list-style-type: none"> <li>- Form of protective provisions in the DCO – see Table 2.4, row 14, of the <b>Applicant's Response to Deadline 10 Submissions [REP11-050]</b>.</li> <li>- Membership of the Environmental Scrutiny Group (ESG) – see row 3.7.3 of the SoCG between the Applicant and NH <b>[REP11-093]</b>.</li> </ul> <p>The Applicant's <b>Closing Submissions [REP11-049]</b> further summarise its position insofar as NH's representations are</p>

<b>Interested Party</b>	<b>Comment by Interested Party</b>	<b>Applicant's Response</b>
		concerned, with reference to other examination submissions which contain further detail. See section 8.3 (Applicant's approach to traffic modelling) and section 8.4 (impacts on the transport network and approach to mitigation).

Please do not hesitate to get in touch should you have any further comments or questions.

Yours sincerely,



Antony Aldridge  
Head of DCO Programme

## References

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Ref 1 Logika Group (2024), AD6-PIR Annex A Issue 1.0 Appendix Noise Technical Report, available at [REDACTED]

Ref 2 Civil Aviation Authority (2023), CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information

Ref 3 Department for Transport (2018). Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England.