

M Reddington Response to SoS letter of 11_11_2024: ID20037459

1 Glossary

19mppa application	Application 21/00031/VARCON on the LBC Planning Portal – submitted by LLAOL to LBC to further increase noise contour limits and the passenger cap
2022 inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application
Airport/LLA	London Luton Airport
Airport Operator/LLAOL	London Luton Airport Operations Ltd, ('LLAOL') currently the concessionaire at the Airport
Applicant	Luton Rising (London Luton Airport Ltd - LLAL)
Application	This application TR020001 for a Development Consent Order
ATM	Air Transport Movement
DCO	Development Consent Order
KPI	Key Performance Indicator
LBC	Luton Borough Council, ultimate owner of and Local Planning Authority for LLA
mppa	'million passengers per annum': a measure of an airport's passenger capacity or actual passenger throughput
LOAEL	Lowest Observable Adverse Effects Level
noise contour	An outline on a map enclosing an area in which the 8-hour or 16-hour logarithmic average of aircraft noise for an average day in a defined 92-day summer period equals or exceeds a given value, expressed in terms of LAeq for an 8h or 16h period
Project Curium	Application 12/01400/FUL on the LBC Planning Portal – submitted by LLAOL to LBC in 2012 for development works to increase LLA capacity to 18mppa by 2028
SOAEL	Significant Observable Adverse Effects Level

2 Response to the SoS letter of 11 -11- 2024

- 2.1 I thank the SoS for the opportunity to provide final comments, and for granting an extension to 29th November at 23:39 because of technical difficulties I experienced with the website.
- 2.2 In Paragraph 2. **Any other comments**, “*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*”
- 2.3 Since the SoS letter of 11 November 2024 there have been developments in various areas and these are set out in Section 8 below.
- 2.4 In his response dated 14 October 2024: “TR020001-003637-London Luton Airport Limited response”. to the SoS letter of 27 September 2024, the Applicant has advised in Paragraph 5.2: “*Separate responses have not been provided to all submissions made by Interested Parties as the Applicant is of the view that such matters have been addressed in the DCO application documents and through examination. Comments from the Applicant on specific submissions are provided below.*”
- 2.5 One of my frustrations with the process is that my comments on previous documents have either been ignored or only partly responded to. Granted I am not an expert but in some cases documents have been updated, but not amended to include my comments, with little or no explanation.
- 2.6 Therefore I take issue with the Applicant’s assertion above. I have set out some of these matters in Sections 3 through 8 below.
- 2.7 With particular reference to Table 1 of his letter dated 11 October 2024, the Applicant has provided selected responses to my comments submitted as document “TR020001-003569-Michael Reddington”¹ on 11 September 2024. My responses are set out in Table 1 below.
- 2.8 With particular reference to the Applicant’s letter dated 11 October 2024 Appendix 1 **Secretary of State Letter paragraph 5** please note my comments in Table 2 below.

¹ For illustration I have included the full text of that submission as Appendix A to this document

Table 1: Response by Applicant to SoS letter 27 September 2024, Table 1

Interested Party	Comment by Interested Party	Applicant's Response 14 October 2024	M. Reddington comment
Michael Reddington	I respectfully request that SoS instructs the Applicant that subjecting receptors to levels at or in excess of SOAEL is not acceptable.	<p>Government noise policy (Ref 3) is clear that, whilst significant effects of noise on health and quality of life due to exposure above the Significant Observed Adverse Effect Level (SOAEL) should be avoided in the context of sustainable development, exposure above SOAEL is not 'unacceptable'.</p> <p>Unacceptable adverse effects occur only above the Unacceptable Adverse Effect Level (UAEL) which has been defined for each source of noise in Chapter 16 of the Environmental Statement [REP9-011] with reference to the National Planning Policy Framework (Ref 4) and Planning Practice Guidance Noise (Ref 5).</p> <p>No receptors are exposed above the UAEL at any point and therefore there is no unacceptable noise exposure because of the Proposed Development</p>	<p>The response in respect of exposure above SOAEL being 'not unacceptable' is noted.</p> <p>However the comment – see Appendix A Table 1 Item ID 2 – was with particular reference to the dualling of Vauxhall Way. The Applicant was not proposing to avoid exposure above SOAEL. by utilising available mitigation (i.e. noise insulation).</p>
	<p>A3.3.8 suggests that most people spend 85- 90% of their time indoors, in effect implying that exposure to external noise levels will be minimal.</p> <p>I respectfully request the SoS to ask the Applicant if he had considered and checked that due to airport noise many residents have no option but to stay indoors.?</p>	<p>The referenced statistic comes from a national government publication (Ref 6) and an international scientific research paper (Ref 7) and is not specific to residents living in the vicinity of airports.</p>	<p>The Applicant has not answered the comment - see Appendix A Table 1 Item ID 6 which is that due to airport noise residents may have to spend 100% of their time indoors.</p>

	<p>Among other things the Applicant's roll-out is dependent upon funding, The Applicant was requested to provide a breakdown of the Insulation costs allocated in the Funding Statement.</p> <p>The analysis excluded Ground Noise and Traffic Noise insulation so these activities have to be funded from somewhere otherwise the rollout will be hampered.</p> <p>Another issue was that of insulation testing. It is not clear who will fund the testing regime – LLAOL or the Applicant?</p> <p>I respectfully request the SoS to ask the Applicant to clarify the funding of: (a) Ground and Traffic Noise insulation, and (b) the testing</p>	<p>The Applicant explained in its response in [REP9-051] that, when the funding statement was prepared, the specific provision for a ground noise insulation policy was not part of it because at the time it was not a separately identified part of the proposed policy. Traffic noise insulation was in the policy but the number of properties identified were relatively low such that it was not considered necessary to separately identify the cost in the Funding Statement.</p> <p>The Applicant's position remains unchanged and it is satisfied that all anticipated costs associated with the various noise insulation schemes, including the testing regime, set out in Compensation Policies, Measures and Community First [REP11-025] will be able to be met from the overall funding identified in the Funding Statement. This is due to having adopted a cautious approach in the assessment of the overall cost and having provided for contingency sums in addition to the breakdown of costs given in the Funding Statement.</p>	<p>Noted. Thank you.</p>
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Table 2: Response by Applicant to SoS letter 27 September 2024, Appendix A Paras 1.25-1.28

Comment by SoS	Applicant's Response 14 October 2024 App.A	M. Reddington comment
<p>1.25 Paragraph 5 of the Secretary of State letter states:</p> <p>“Noting the change made to paragraph 6.1.37 of the Compensation Policies, Measures and Community First document as submitted on 21 August 2024 limiting the scope of the roll out plan for noise insulation to air noise schemes 1 to 3, and noting the representation from LADACAN dated 6 September 2024 with regard eligibility to access to noise insulation being tightly drawn, the Applicant is invited to provide any comments on this that it may wish as to how the proposed approach assures the delivery of the full package of mitigation as submitted, in particular for schemes 4 and 5 which would not be included in the roll out plan.”</p>	<p>1.26 The change made to paragraph 6.1.37 of Compensation Policies, Measures and Community First [TR020001/APP/7.10] does not limit the scope of the roll out plan to Air Noise Schemes 1 – 3. The roll out plan is not limited to any particular scheme and covers all the insulation schemes including Air Noise schemes 4 and 5. The change was made to the last sentence of the paragraph which refers to one specific part of the roll out plan which is to demonstrate how the Applicant intends to deliver insulation to all those eligible for Air Noise Schemes 1-3, who accept an offer, within four years of serving the article 44(1) notice. This timescale has always been with reference to Air Noise Schemes 1 – 3 (see paragraph 4.1.5 of the Noise Insulation Delivery Programme [REP4-079] in which this was first introduced) so the change is only one of clarification of the text.</p>	<p>The response fails to address the query. There is no proposed timescale associated with the entirety of the noise insulation rollout programme: i.e. all Residential Schemes 1-5, Ground Noise, Traffic Noise and Non-residential Schemes.</p> <p>REP4-079 Table 4.1 provides an indicative programme for Schemes 1-5 and Ground Noise which shows Schemes 1-3 being completed in 6 years but also the Schemes 4,5 and Ground can be delivered in 7 years maximum. Para. 4.1.5 then concludes – somehow – that Schemes 1-3 can be delivered in 4 years.</p> <p>Thus the statement <i>'the timescale has always been with reference to Air Noise Schemes 1-3'</i> is clearly incorrect.</p> <p>The Applicant needs to provide a programme for the complete insulation works. Most importantly, there is no penalty for failure to complete all the insulation works in a timely manner. This needs to be added</p>
	<p>1.27 The Applicant has made numerous changes to the noise insulation scheme throughout the examination to increase the pace of rollout, improve the uptake and assure the delivery of the full package of mitigation as submitted. These changes are summarised in paragraph 2.1.2 of</p>	<p>Noted. Further comments on the noise insulation scheme are to be found under Section 7 below and in Sections</p>

	Noise Insulation Delivery Programme [REP4-079] and paragraph 13.6.5 of the Closing Submission [REP11-049].	
	<p>1.28 Finally, the Applicant strongly rejects the assertion from LADACAN that the eligibility criteria for the insulation schemes are tightly drawn. The five proposed air noise insulation schemes plus the ground noise and surface access noise insulation schemes:</p> <ul style="list-style-type: none"> a. go substantially beyond Government aviation policy expectations; b. are a substantial improvement on the airport operator's current noise insulation scheme, both in terms of eligibility extent and financial contribution; and c. represent industry best practice. 	Refer to LADACAN comments: "TR020001-003690-LADACAN response to SoS letter of 11 November 2024" REP11-11

3 REP10-080: Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Need Case.

- 3.1 I provided comments on the Need Case (AS-125) in REP6-153 about the Applicant’s questionable ATM figures used to compare ‘DM’ and ‘DS’ scenarios . These went unanswered.
- 3.2 I submitted these again as Table 3 to REP10-080 - also unanswered.
- 3.3 Applicant has not amended the Need Case either.
- 3.4 LATEST DEVELOPMENT:

REP2-042: “Deadline 2 Submission - 8.43 Response to Chris Smith Aviation Consultancy Limited - Initial Review of DCO Need Case for the Host Authorities”
 Table 2.1 appears to show the need case GDP growth projections for 2023 against the Applicant’s Need Case assumptions and concludes that the Applicant’s proposals are viable.

London Luton Airport Expansion Development Consent Order Response to CSACL (Chris Smith Aviation Consultancy Ltd) Initial Review of DCO Need Case for the Host Authorities

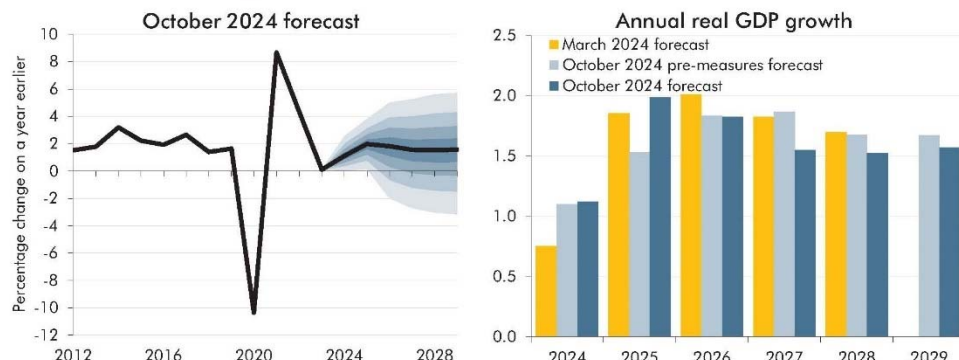
Table 2.1: Updated GDP Growth Rates

Year	Need Case Assumptions	OBR ⁸ March 2023 and TAG Data Book May 2023
2020	-9.4%	-11.0%
2021	7.5%	7.6%
2022	3.8%	4.0%
2023	1.8%	-0.2%
2024	2.1%	1.8%
2025	1.8%	2.5%
2026	1.7%	2.1%
2027	1.5%	1.9%
2028	1.5%	1.8%
2029	1.5%	1.8%
2030	1.5%	1.7%
2031 to 2050	1.5%	1.5%

Source: Need Case, OBR, TAG

- 3.5 However, fast forward to today. Below is an extract from Page 41 of the OBR’s October 2024 projections showing UK GDP growth forecasts:

Chart 2.7: Real GDP growth



Note: Successive pairs of lighter-shaded areas around our forecast represent 20 per cent probability bands.
 Source: ONS, OBR

- 2.22 In per-person terms, real GDP growth picks up from 0.2 per cent in 2024 to average around 1.2 per cent over the rest of the forecast. Weak productivity growth and falls in the participation rate meant that real GDP per person fell for seven consecutive quarters over 2022 and 2023. In our central forecast, real GDP per person is expected to recover to its

- 3.6 Note the comment under OBR para. 2.22 above that going forward from 2024 the annual average growth in UK GDP is expected to be 1.2% which is below the Applicant's assumptions as set out in Table 2.1 of REP2-042, above.
- 3.7 Luton is a low-budget airline airport which makes it susceptible to fluctuations in UK disposable incomes.
- 3.8 The change in Air Passenger Duty (APD) in the October 2024 budget is also bound to have some impact as the Need Case had assumed no change.
- 3.9 With UK GDP per capita actually shrinking this begs the question whether under these low-growth and higher tax scenarios the Applicant's case is still valid.

4 REP10-081: Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Odour Reporting Process

- 4.1 Comments were provided in the context that there is fuel dumping although the Airport and the Applicant strongly deny it.
- 4.2 I received no response.
- 4.3 As a resident I have often had the experience of tasting volatile vapours in the atmosphere but the reporting process proposed is glacial, when the response ought to be immediate - before the volatile fumes dissipate.

5 REP10-082: Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Draft S106 Agreement

- 5.1 No response to this submission of 6/2/2024 or previous REP8-078. The S106 Agreement (REP11-108) was signed off on 09/02/2024.
- 5.2 The S106 Agreement includes in Schedule 7 "Compensation Policies" a reference to the **Compensation Policies, Measures, and Community First, (REP11-025, Revision 8, my emphasis) 'in the form appended at Appendix 5'**. It is not clear if this means the Compensation Policies document can be amended without affecting the Agreement.
- 5.3 REP11-025 was superseded by "**TR020001-003473-7.10 Compensation Policies, Measures and Community First (Tracked Change Version)**" (**REVISION 9 as of 21/08/2024**). There do not appear to be any tracked changes however.
- 5.4 I provided comments to TR020001-003473-7.10 as "TR02001-003659" on 11/09/2024. The full text of this submission is provided as Appendix A to this document. These were not responded to at length.

6 REP10-084: Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Noise and Vibration

- 6.1 Comments submitted but not responded to.

7 REP10-083: Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Compensation Policies and Measures

- 7.1 Comments submitted but not responded to.
- 7.2 NOTE:

REP10-083 has been superseded by “TR020001-003569-Michael Reddington” on 11 September 2024 and reproduced as **Appendix A Table 2** below. This document is not referred to in the Examination Library but can be found by a Search. Apart from selected responses – see Table 1 above – this has remained unanswered by the Applicant.

8 Other Issues

8.1 Controlled Parking Zone

- 8.1.1 LBC have sent round a circular – see Appendix B - asking for ‘consultation’ about controlled parking zones in the Wigmore Area, mainly due to rogue parking by individuals who do not wish to pay Airport rates.
- 8.1.2 The ‘circular’ fails to define the terms and extents of the consultation, process of adjudication, nor, strangely, that if implemented will cost us residents. This is egregious and was highlighted by me as far back as REP6-154 ID10 as follows:

ID	Topic	Deadline 3 Submission (Verbatim)	Luton Rising’s Response	M. Reddington reply
10	Surface Access	'Surface Access': The Applicant is proposing to implement parking control areas around the airport in order to dissuade opportunistic parking by airport users. Unless the parking control system is free to residents this is a totally unacceptable situation. Residents will be punished - by having to buy a permit.	The implementation of control measures to dissuade on-street parking by airport users will only be implemented if necessary and if supported by the applicable highway authority	Applicant’s reply noted but ignores the key point in that those benefitting financially from airport expansion ,i.e. Luton Rising should pay the relevant Local Authority/Authorities for the Capital and Operational costs of these Schemes It must not fall to the residents.

8.2 Compensation Policies and Measures - Noise Insulation Testing

- 8.2.1 It has become evident recently that the insulation testing regime is not fit for purpose and will require a fundamental re-think.
- 8.2.2 To begin with, there are no proper guidelines on how to determine the efficacy of the insulation.
- 8.2.3 The Acoustic Consultant will determine that so-and-so properties lie within such-and-such contours and as a consequence are eligible for Scheme x or y. But what does this mean ?.
- 8.2.4 Properties are selected on the basis of a modelled free-field noise level, for example 63dB_{L_{aeq}}.
- 8.2.5 What is the insulation trying to achieve as there are no stated limits on what is an acceptable level of noise within a property.
- 8.2.6 The current testing regime measures the attenuation of a known external 'pink' noise source arriving at an internal detector.
- 8.2.7 This test is carried out before insulation works, and carried out again some time later after works are completed, to determine what if any improvement there is within the particular room that has been insulated.
- 8.2.8 We have seen recently that in one case, acoustic glazing was introduced to a property and actually provided less attenuation to sound than the window it replaced !.
- 8.2.9 There seems to be a one-size-fits -all attitude which does not help anyone. Proper parameters for what is acceptable need to be specified
- 8.2.10 Most worrying is that the current regime only carried out a handful of tests on a handful of properties despite many hundreds having been 'insulated'. So, currently there is no real database or knowledge of how well this system is working. It can not be determined to be 'best practice'.
- 8.2.11 This cannot be allowed to continue under the DCO.
- 8.2.12 Every property is unique despite the fact that it may be the same original builder so must be tested beforehand and a specific insulation solution proposed.
- 8.2.13 The current proposal is to test a sample but as we are seeing, this is not good enough.
- 8.2.14 In some instances the property may be so well insulated that any intervention may be detrimental.

8.3 Insulation Eligibility – Moratorium set at October 2019.

- 8.3.1 The Applicant has stated that properties built after October 2019 will not be eligible for any insulation. This is patently ridiculous. I have raised it three times in responses [**REP6-154 Appendix B, REP10-083 Table 2 and Table 3 in Appendix A below**] only to be ignored. My comments are set out in Appendix A Table 3 below.
- 8.3.2 The Applicant has watered down this moratorium date only slightly as follows:
“

6.1.16

The Policy will apply to properties built and occupied prior to 16 October 2019, being the date Statutory Consultation commenced for the Proposed Development. This date may be lifted for those able to demonstrate that they could not reasonably have known about the Proposed Development at the time, or that the application for planning consent to build their property pre-

dated 16 October 2019 and as such the housebuilder could not reasonably have known about the Proposed Development at the time.”

There is a similar issue with 5.1.5c in relation to the purchase of properties before October 2019).

- 8.3.3 These clauses put the onus on the builder to prove that he could not have known about the Application. It beggars belief and I suggest that clauses 6.1.16 and 5.1.5c are deleted. my recommendations in Appendix A Table 3 stands.

8.4 Section 106 Agreement

- 8.4.1 Note that S106 Section 5.1 states: “The Applicant covenants with the Councils to perform the operations covenants and undertakings ascribed to it in the Schedules of this Deed”. The problem is that there are no penalties prescribed for failure to carry out these obligations.
- 8.4.2 It must be noted that similar undertakings were signed off by LLAOL as the Applicant in previous S106 Agreements, for insulation. These have not been completed ten years on, in the case of Project Curium, and there is no remedy.

9 REFERENCES

APP-214	7.04 Need Case Appendices
AS-125	Additional Submission, accepted at the discretion of the Examining Authority. 7.04 Need Case Revision 1
REP2-042	Deadline 2 Submission - 8.43 Response to Chris Smith Aviation Consultancy Limited - Initial Review of DCO Need Case for the Host Authorities
REP4-079	Deadline 4 Submission - 8.91 Applicant's response to Issue Specific Hearing 3 Action 26: Noise Insulation Delivery Programme
REP6-153	Deadline 6 Submission - Comments on any further information/ submissions received by Deadline 5 - Comments on AS-125 Need Case Revision 1
REP6-154	Deadline 6 Submission - Comments on any further information/ submissions received by Deadline 5 - Comments on REP5-054 Applicant's Response to AS-156
REP6-155	Deadline 6 Submission - Response to ISH9 Action 34: Comments on Noise Insulation Delivery Programme (REP4-079)
REP7-056	Deadline 7 Submission - 8.156 Applicant's Response to Written Questions - Noise
REP8-078	Deadline 8 Submission - Comments on any further information/ submissions received by Deadline 7
REP10-080	Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Need Case
REP10-081	Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Odour Reporting Process
REP10-082	Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Draft S106 Agreement
REP10-083	Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Compensation Policies and Measures
REP10-084	Deadline 10 Submission - Comments on any further information/ submissions received by Deadline 9 - Noise and Vibration
REP11-025	Deadline 11 Submission - 7.10 Compensation Policies, Measures and Community First (REVISION 8)
REP11-108	Deadline 11 Submission - 8.167 Section 106 Agreement. Late submission, accepted at the discretion of the Examining Authority

Appendix A:

M. Reddington Response to SoS letter of 23_08_2024

Table 1: M Reddington Response to the SoS letter of 23-08-2024

Note: Only sections that have attracted comment are referenced. To save repetition some of the Applicant’s more lengthy responses are not provided in full.

I.D	App- endix A ref.	SoS for Transport’s letter 02_08_2024 Queries Q11 through Q15	M. Reddington’s Response to Applicant’s Response to the SoS for Transport’s letter
1	A3.6.1	<p>Paragraph 11 extract: <i>“Central Bedfordshire Council, Luton and District Association for the Control of Aircraft Noise and other Interested Parties considered that aircraft noise contour limit controls should be imposed on the face of the Development Consent Order.....”</i></p>	<p>Throughout the GCG [TR020001/APP/7.08] the emphasis is on controlling Air Noise. There is no discussion about the monitoring or control of Ground noise.</p> <p>In many ways Ground Noise is more pernicious as it is longer-lasting, (albeit peak Ground noise is lower than peak Air Noise). Receptors are subject to, but cannot distinguish, Ground noise and Air Noise. They hear BOTH simultaneously.</p> <p>The Applicant does not even consider this in any noise reduction strategy under GCG and has previously advised that it is not possible to measure Ground Noise, (i.e. to separate it from the totality of Air+Ground+Traffic noise) so it will only ever be <i>modelled</i>. (and reviewed every five years).</p> <p>By contrast, Air noise can be both modelled and measured as per the Noise Management Plan if devices are located sufficiently far away from the runway and correctly positioned.</p> <p>For example the Ground Noise Management Plan (REP11-043) is simply a series of activities the Applicant will carry out to reduce operational noise from various sources – without any plans to monitor.</p> <p>How is an exceedance of Ground noise or Traffic noise to be detected and remedied by the Applicant ? It seems there are no provisions for this.</p> <p>Ground Noise is an artificial construct that serves only to confuse, and ignores human physiology.</p>

			<p>The TOTAL (Air+Ground+Traffic) noise produced by an airport should be monitored as a matter of course and strict limits defined.</p> <p>I respectfully request the SoS to impose noise contour limit controls to include all noise sources. See also comment under A3.5.1</p>
2	A3.2.1	<p>Paragraph 12 <i>“Luton Borough Council are asked to provide an update on the proposals and timescales for the delivery of the dualling of the A505 Vauxhall Way.”</i></p>	<p>The Applicant sees no requirement to insulate these 17 properties because (ref. A3.2.6):</p> <p>(a) there is no direct link between additional noise and the DCO proposals;</p> <p>(b) even though the properties will be subject to additional levels of noise, this would be is ‘imperceptible’ although the total noise exposure would still meet or exceed SOAEL levels.</p> <p>(c) the additional noise will only be temporary until LBC dual the A505 2028.</p> <p>(d) to provide insulation would affect the Noise Insulation Programme for Schemes 1-3 which are Air Nose schemes</p> <p>A3.2.7 The dualling of Vauxhall Way may be delayed or even cancelled.</p> <p>I respectfully request that SoS instructs the Applicant that subjecting receptors to levels at or in excess of SOAEL is not acceptable.</p>
3	A3.3.1	<p>Paragraph 13. <i>It is noted that the Applicant identified community areas that would experience an adverse likely significant effect due to air noise increases [.....</i></p>	<p>In A3.3.2 and A3.3.3.the Applicant refers to the Noise Management Hierarchy which advises that after compensation (insulation) is applied: <i>“they will strive for a [noise] level that is ‘as far as reasonably practicable’ ”.</i></p> <p>In A3.3.9 and A3.3.10 the Applicant quotes “British Standard 8233, in particular: <i>“These guideline values may not be achievable in all circumstances...”</i></p> <p>Nowhere is there an absolute ceiling on what noise levels external receptors should be subjected to, as long as a <i>“..reasonably practicable noise level”</i> is achieved.</p> <p>For the ‘Do Minimum’ case noise would be expected to reduce year-on-year with the introduction of quieter aircraft. For the ‘Do Something’ case, noise will increase simply because there will be more ATMs even with quieter aircraft.</p> <p>I respectfully request the SoS that ‘further measures’ is to ‘Do Minimum’ which would retain existing noise levels but would reduce them over time.</p>

			<p>Note 1: The Applicant in his response refers to the Community Fund but is not an agency for compensation. The Applicant could equally have referred to the 'Community First' fund.</p>
4			A3.3.4 (Relevance ? The query is about outdoor noise and amenity)
5			In A3.3.5, A3.3.6 and A3.3.7 the Applicant refers to the Noise Envelope and advises there are insignificant effects on open spaces. See comment under A3.3.1
6			<p>A3.3.8 suggests that most people spend 85-90% of their time indoors, in effect implying that exposure to external noise levels will be minimal.</p> <p>I respectfully request the SoS to ask the Applicant if he had considered and checked that due to airport noise many residents have no option but to stay indoors.?</p>
7			<p>A3.3.11 advises that “..resulting levels outdoors are not a reason for refusal”.</p> <p>I respectfully suggest that the Applicant could appear to be dictating to the SoS.</p>
8			<p>‘Community Areas’ are here considered only in the context of public open spaces, but the vast majority of affected open spaces are private, i.e. one’s back gardens. They stop being used because of grinding, constant noise from air and ground operations. The BS8233 aim of 50-55 dBA_{Leq 16h} is only a pipedream given the total noise levels current and proposed.</p> <p>Note: The Applicant refers to the insulation compensation , but it is often overlooked that in summertime:</p> <p>(a) air traffic movements -ATMs -are at a maximum and</p> <p>(b) many people keep windows open or at least ajar particularly at night.</p> <p>At that point internal noise levels start to approach external noise levels, i.e. minimal attenuation due to insulation. An additional measure of mitigation would be to include air conditioning into the compensation regime, not just insulation.</p>
9			A3.3.13 and A3.3.14 - In respect of the Community Fund see Note 1 under A3.3.1 responses above
10			The Applicant quotes selectively from the ANPS. However ANPS paragraph 1.41 states: “The Airports NPS does not have effect in relation to an application for development consent for an airport development not comprised in an application relating to the

			<p>Heathrow Northwest Runway [my emphasis] and proposals for new terminal capacity located between the Northwest Runway at Heathrow Airport and the existing Northern Runway and reconfiguration of terminal facilities between the two existing runways at Heathrow Airport. Nevertheless, the Secretary of State considers that the contents of the Airports NPS will be both important and relevant considerations in the determination of such an application [my emphasis], particularly where it relates to London or the South East of England. Among the considerations that will be important and relevant are the findings in the Airports NPS as to the need for new airport capacity and that the preferred scheme is the most appropriate means of meeting that need”</p> <p>The ANPS states that the preferred solution to increased airport capacity in South East England is the third runway, but one of the “important and relevant” considerations is ANPS Paragraph 5.62: <i>“The Government also expects a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented”</i></p> <p>ANPS paragraph 5.56 recognises that night-time noise has a greater impact on health.</p> <p>Since the Applicant quotes the ANPS, then presumably he should incorporate its spirit and have a night time moratorium on flights as for the proposed Heathrow third runway. Instead the Applicant still wants to maintain over 9000 night time ATMs.</p> <p>I respectfully request the SoS to consider the removal, or significant reduction of, night-time ATMs as this would align with the spirit of the ANPS and provide valuable amenity to receptors.</p>
11	A3.4.1	<p>Paragraph 14 <i>“The Applicant’s delivery programme for its compensation policy for noise insulation [REP4-079] and [REP7-056] confirmed that schemes 1-3 could be delivered in four years. Without prejudice to the</i></p>	<p>Among other things the Applicant’s roll-out is dependent upon funding, The Applicant was requested to provide a breakdown of the Insulation costs allocated in the Funding Statement.</p> <p>The analysis excluded Ground Noise and Traffic Noise insulation so these activities have to be funded from somewhere otherwise the rollout will be hampered.</p> <p>Another issue was that of insulation testing. It is not clear who will <u>fund</u> the testing regime – LLAOL or the Applicant ?</p>

		<i>final decision, the Applicant is invited to set out what, if any, further measures it considers could be brought forward to mitigate the ground noise, surface access noise and aviation noise receptors would be exposed to until the noise insulation compensation delivery programme was complete, should it be decided further measures are necessary.”</i>	<p>I respectfully request the SoS to ask the Applicant to clarify the funding of:</p> <p>(a) Ground and Traffic Noise insulation, and</p> <p>(b) the testing regime pre-and post-insulation installation.</p>
12			<p>A3.4.4 (c)</p> <p>The Applicant is committed to providing a ‘look up’ tool whereby residents can see if their property is eligible for insulation. There is no timescale provided.</p> <p>It is not clear what comes first – the look-up tool or the letter to eligible residents. If it is the former, this could delay the insulation roll out because the tool will take time to be designed, developed and tested.</p> <p>There is another troublesome issue that needs resolution – the eligibility threshold for insulation - set out in Table 3 below.</p>
13			<p>A3.4.4.(d) The Applicant only proposes to give residents 30 days to respond to an initial invitation but does not provide an opportunity for a repeat invitation if they miss the first deadline.</p> <p>For example the current scheme (i.e. Project Curium) waits for 5 years before making a revised offer. Yet there was a recent occasion when a widow contacted LLAOL because she had not responded within the 30 day limit given some years ago, <u>because her husband was dying and she had just been diagnosed with cancer !.</u></p> <p>I respectfully request the SoS to instruct the Applicant to reinstate a repeat invitation after a period has elapsed, such a period to ensure that Schemes 1-3 are still completed within 4 years.</p>
14			<p>A3.4.4.(g)</p> <p>In respect of the roll out plan, there appears to be a discrepancy between the timescales quoted for Scheme 2 in Table 4.1 of REP4-079 (2-6 years) and what is being promised for Schemes 1-3 (2 years).</p> <p>I respectfully request the SoS to instruct the Applicant to explain the apparent discrepancy between REP4-079 Table 1 Scheme 2 (6 years) and the stated roll-out timescale for Schemes 1-3 of 4 years.</p>
15			A3.4.4.(g) and (h):

			Refer to Table 2 below.
16			<p>A3.4.5 and A3.4.6 advises that the overall programme timescale is dictated by the householder’s response. However, the Applicant advises in A3.4.4 (c) – (e) that there will be significant interaction with residents to increase awareness.</p> <p>Indeed if the Applicant took a more flexible approach to the initial offer deadline of 30 days there may be increased take-up. Similarly more flexibility in a repeat offer would help.</p> <p>It could be interpreted that the Applicant appears to be making excuses for delays at the outset.</p>
17			<p>A3.4.6 The Applicant only proposes to install Schemes 1-3 in the 4-year period. But there are the remaining Air Noise insulation schemes 4-5, Ground Noise scheme and Traffic Noise schemes also to be considered.</p> <p>I respectfully request the SoS to ask the Applicant to clarify whether the timescales in REP4-079 Table 4.1 are to be used for Schemes 4-5, Ground Noise and Traffic Noise ? (Due to apparent discrepancy identified under A3.4.4 (g) above.)</p>
18			<p>I respectfully suggest to the SoS that there is a lack of meaningful remedy should the body responsible for insulation fail to meet the roll out programme and the deadlines included in Table 4.1 of REP4-079 (as amended). Further measures should be introduced: Key Performance Indicators should be applied to the Applicant to demonstrate that the roll-out programme is on time and to apply remedies lo encourage timely delivery,</p>
19	A3.5.1	<p>Paragraph 15 SoS query <i>A3.5.1 The Applicant is invited to propose any further measures that could be brought forward to further address the noise</i></p>	<p>A3.5.2. (a) The Applicant has no plans for further measures. Throughout the examination process the Applicant has maintained that it is not possible to measure Ground Noise so he has no plans to monitor - only modelling.</p> <p>How can he confirm there is either an increase or decrease in Ground noise – which is a component of total noise ? I suggest that in the vicinity of the airport permanent noise monitors are installed to measure the total noise experienced by receptors, and not as an artificially</p>

		<i>impacts resulting from the Proposed Development..</i>	fragmented set of measurements and models. The same applies to Traffic Noise - although to a lesser extent as not all traffic is directly airport-related. I respectfully request the SoS to ask the Applicant to consider how this measurement strategy could be implemented and monitored.
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Table 2: M Reddington Comments on Compensation Measures Tracked Changed TR020001-003475- LR (August 2024 version)

I.D	ID ref.	Para.	M. Reddington's Comments
1.	ID 1	6.1.6	<p>6.1.6 states: <i>“The proposals when implemented will replace the existing scheme.”</i></p> <p>It is unclear what this means because Para. 6.1.1 states <i>“The airport operator [LLAOL] currently operates a Noise Insulation Scheme”</i>. Does this mean that LLAOL will continue to operate the revised insulation scheme ? Will this mean that LLAOL’s obligations under their current Scheme will disappear or be handed over to the Applicant ?</p> <p>Insulation has been a painful topic since the start of Project Curium) which was to increase passenger numbers from 9mppa to 18mppa over the period to 2028 by which time community benefits such as insulation and less noisy aircraft were to have been achieved.</p> <p>By 2019 18mppa had been achieved but with none of the community benefits promised. The Applicant for Project Curium was LLAOL, not Luton Rising (LLAL).</p> <p>There followed a further successful application by LLAOL for an increase in passenger numbers to 19mppa (Application 21/00031/VARCON on the LBC Planning Portal). The ‘19mppa’ proposed a significantly increased provision of noise insulation. <u>As of 06/09/2024 this has not yet begun.</u></p> <p>Finally the DCO (with Luton Rising as Applicant) proposes a significant programme of insulation: REP4-079 “Noise Insulation delivery Programme.</p> <p>Given that the various insulation projects mentioned above overlap to a greater or lesser extent since many of the same properties are affected in some way, it is going to be extremely difficult to determine which relevant Applicant will pay for which level of insulation, to which property. A further complication is that some residents may also be paying additional charges for more comprehensive insulation.</p> <p>There is a danger that double-counting will take place so very tight oversight will be necessary.</p> <p>There must be a formal handover process designed and implemented the once the Applicant has served notice on Luton Borough Council under article 44(1) of the DCO. This needs to be enshrined in the Noise Insulation Sub-committee (NIS) Terms of Reference in Appendix C, for example a Handover document with complete information</p>

I.D	ID ref.	Para.	M. Reddington's Comments
			<p>I respectfully request the SoS to instruct the Applicant to amend the Compensation Policies etc. document to include details.</p>
2	ID 2	6.1.16	<p>Insulation eligibility criterion 6.1.16 is draconian and reduces the numbers of properties eligible for insulation thereby saving the Applicant significant sums of money.</p> <p>This is a ridiculous position for reasons set out in Table 3 below.</p>
3	ID3	6.1.17, 6.1.29	<p>If a resident is eligible for more than one insulation Scheme then they should be provided with the totality of these schemes (e.g. Air, Ground, Traffic).</p> <p>I respectfully request the SoS to instruct the Applicant to amend the Compensation Policies etc. appropriately</p>
4	ID4	8	<p>Community First</p> <p>This is a confusing title. There is already a 'Community Fund' (ref. S106 Agreement REP11-108) which is funded directly by LLAOL and which sets out to meet the aims of LBC and is applicable to a (defined) 'Local Area'.</p> <p>The 'Community First' zone will be funded by a £1 levy per passenger over 19mppa. Its area is defined in Figure 9.1 and looks suspiciously like the 'Local Area' and also sets out to meet LBCs stated priorities.</p> <p>Thus LLAOL are indirectly funding Community First because either they or the Applicant will simply divert monies that would be spent on other causes.</p> <p>Note that document 7.10 Compensation Policies, Measures And Community First (REP11-026) forms Appendix 5 to the S106 Agreement (REP11-108) -February 2024 - but should be replaced by the latest version.</p>
5	ID 5	Appendix A	<p>Indicative Air Noise contour drawings are included but there are none for Ground Noise – or Traffic Noise.</p>
6	ID6	Appendix C	<p>The Applicant has considered Public Buildings Noise Insulation Scheme and The Voluntary Acquisition and Hardship Schemes during the Examination and determined that what expenditure is anticipated will fall within the Funding Statement.</p> <p>However if there were to be more-than-anticipated demands the Applicant does not state how the monies will be funded.</p>

Table 3: M. Reddington Comments on Insulation Eligibility Moratorium Date of October 2019

These comments [references excepted] were submitted in REP6-154 Appendix B, REP10-083 Table 2 and REP10-085 Table 3.

I.D	M. Reddington's Comments
	With reference to Draft Compensation Policies, Measures and Community First Tracked Change Version [dated August 2024 paragraphs 5.1.5 c) and 6.1.16.
1	<p>Moratorium</p> <p>“6.1.16 <i>The Policy will apply to properties built and occupied prior to 16 October 2019, being the date Statutory Consultation commenced for the Proposed Development. This date may be lifted for those able to demonstrate that they could not reasonably have known about the Proposed Development at the time, or that the application for planning consent to build their property pre-dated 16 October 2019 and as such the housebuilder could not reasonably have known about the Proposed Development at the time.</i>”</p> <p>There is a similar issue with 5.1.5c in relation to the purchase of properties before October 2019)</p>
2	<p>Our Position</p> <ul style="list-style-type: none"> (a) The requirements for noise insulation will depend upon the building's location within noise contours. These requirements can vary depending on proximity to the runway. There is going to be either one overarching set of requirements that apply to all buildings (i.e. worst case) or a tiered system depending upon exposure. (b) The date of 16th October 2019 is a date when the DCO document was released for <i>formal consultation</i>. There was no guarantee that the DCO would be permitted so why would a builder take it upon himself to include additional constraints that may never be realised, within his design ? Builders are not psychic. (c) In order to enforce additional constraints Host Authorities would have had to include any such constraints within the relevant Planning Department' processes and procedures PRIOR to the granting of Planning Permission ('PP') for any building; (d) This would necessitate Planning Departments' prior knowledge of the Applicant's specific construction requirements and an instruction (by whom ?) to include within their procedures. (e) Did the Applicant inform the Host Authorities Planning Departments of any particular requirements for inclusion within Planning procedures in a timely manner to influence granting of Planning Permissions; AND with sufficient leeway to allow a builder to construct a property to completion before 16th October 2019 ?
3	<p>Applicant's position</p> <p>The Applicant's position is that this is 'usual practice'. Our contention is that this is draconian.</p>
4	<p>Extensions</p> <p>How would these constraints apply to building extensions that also require PP</p>

I.D	M. Reddington's Comments
5	<p>Elapsed Time</p> <p>Even assuming the original date of 16th October 2019 was 'reasonable' [we think not] and the Applicant's requirements were clearly communicated to the Host Authorities , five years have elapsed since 16th October 2019 and the DCO is still not finalised since it is subject to SoS decision. Therefore, it is not possible to say with any certainty that requirements will be added, amended or deleted related to the construction of properties affected by airport noise, thus rendering buildings constructed before 16th October 2019 ineligible for insulation, through no fault of their own.</p>
6	<p>Activity Schedule*</p> <p>Attached to is a simplified activity schedule (without durations) showing the steps required for a building to be completed before 16th October 2019, Also shown in the attached Activity Schedule are the steps we believe should be taken to secure the correct level of noise insulation.</p> <p><u>*Schedule is not reproduced here for simplicity – refer to REP6-154 Appendix B</u></p>
7	<p>I respectfully request the SoS to instruct the Applicant to amend the eligibility threshold as per the Recommendation below:</p> <p>Recommendation</p> <p>The moratorium date of October 2019 should be dispensed with immediately. Once requirements are finalised and development is permitted, the Applicant should advise Host Authorities so that these requirements can be included in their Planning processes. Any Planning Permission granted thereafter would then secure that any new buildings are compliant with latest Regulations and hence ineligible for insulation under the DCO specification.</p>

Appendix B:

Letter from Luton Borough Council ref. Controlled Parking Zone



IMPORTANT LETTER FROM THE COUNCIL THIS
IS NOT A CIRCULAR

Highway Services
Luton Council
Building 14, Central Depot
Kingsway
Luton, Bedfordshire
LU4 8AU

T: [REDACTED]
E: [REDACTED]@luton.gov.uk
W: www.luton.gov.uk

21st October 2024

Ref: Wigmore Ward – Control Parking Zones.

Dear Sir, Madam,

I write to inform you that as part of this year's Highways works programme, we have been working on designs to introduce new controlled parking zones the Wigmore Ward. The scheme has appeared in the Highways Works program due to complaints received from residents and businesses in relation to limited parking spaces available in the aforementioned locations.


To ensure that the final scheme meets the community's needs, we will carry out a public consultation for three weeks, starting on the 18th November 2024 until 8th December 2024. Your feedback is crucial, as it will help us determine the most appropriate measures for improving parking in your area.

Below, you will find a list of the proposed options for your review and also please see attached location plan.

Zone 1 Proposed Mon-Sun 8am-6pm resident parking permit and 2 hour free parking, no return within 2 hours – this proposal is an extension of the existing Vauxhall Park resident parking scheme. The proposal was drafted due the high volume of complaints received following the introduction of Vauxhall Park resident parking scheme, which shifted some of the historic long term parking issues away from Vauxhall Park area to the area identified as Zone 1. Also this proposal aims to resolve other parking issues identified on weekends by local residents.

Zone 2 Proposed Mon-Sat 8am – 6pm resident parking permit and 2 hour free parking, no return within 2 hours – this proposal has been drafted with the view of preventing future parking problems in the event Zone 1 proposal is implemented. As we learnt from the introduction of Vauxhall Park resident parking scheme, drivers opted for the next free parking area to leave vehicles for a number of days, reducing the parking provisions for the residents in the area.

Zone 3 Proposed Mon-Sat 8am – 6pm resident parking permit and 2 hour free parking, no return within 2 hours – we have included this proposal as we wanted to address the full



Wigmore Ward and wanted to give the residents the opportunity future proof the potential of parking problems which may arise due to the resident parking schemes being introduced in Zone 1 & 2.

Please visit engage.luton.gov.uk/ to find plans for the above proposals and add your comments on the proposed Control Parking Zones. Alternatively, you can email me directly. The survey commences on 18th November 2024 until 8th December 2024, we will write again once the consultation period is over and have considered the responses.

If the proposals for any of the above options go ahead, there will be a formal Statutory Consultation to introduce the necessary traffic orders.

Yours faithfully,

Ashraf Hoque
Traffic Engineer
Highway Services

Proposed Controlled Parking Zone Wigmore Ward

HIGHWAY SERVICES

