

LADACAN pre-application DCO response

Q3. Have you experienced any of the following impacts of LTN? (Please tick all that apply)

- Air pollution **Yes**
- Traffic congestion caused by the airport **Yes**
- Noise pollution during the day **Yes**
- Noise pollution at night, i.e. between 11:00pm and 6:00am **Yes**
- Light pollution **Yes**
- Other (please write below)

Our members report experiencing increasing impact on quality of life due to sheer number of flights all through the day: early in the morning, when inside or outside during the day, late in the evening, and waking people at night; increased visual intrusion especially with the larger aircraft; significant concern over climate change impacts; far more contrails in the morning sky; the smell of fuel in different parts of Luton; problems of fly parking; traffic congestion and crowded trains.

Why grow?

Please see chapter 4 of the Guide to Statutory Consultation, which outlines the reasons why we are proposing to expand LTN. Further detail can be found in our Outline Need Case document, which is available on our website, futureluton.lal.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Q4a. Are there any other factors that you think we should consider in producing our demand forecasts?

LADACAN is a community group whose members live in communities all around Luton Airport and are affected by its noise and other impacts on their daily lives. We keep in contact with members by email, through a website, and at public meetings. We have had a seat on the London Luton Airport Consultative Committee and its Noise and Track Sub-Committee for many years and are an active and knowledgeable participant at meetings. We represent local people on Airspace Change Focus Groups at Luton Airport, and we brief local Council and Councillors and MPs on Airport-related matters as well as being invited to advise at scrutiny meetings at St Albans City and District Council. We have participated in DfT workshops on Aviation 2050 emerging policy.

LADACAN members strongly oppose any further expansion at Luton Airport, based on their personal experience of the many unmitigated and harmful impacts on quality of life in the local area arising in particular from its capacity growth over the past 7 years, and also its very poorly sited location.

We believe, and have indicated to Secretaries of State, there is a fundamental unresolved conflict of interest in a Local Planning Authority, Luton Borough Council, having ownership via its shareholding in an unaccountable private company run by its own senior staff, of an airport from which and together with the holding company it benefits financially and very significantly in direct proportion to the passenger and goods capacity achieved, without there being any independent enforcement, oversight or control of the planning constraints governing the operation of that airport.

We maintain, based on track record as we shall indicate, that it is now clear that it is not in the public interest for this conflicted situation to persist, and that a legacy of failure to act with the highest probity in respect of the responsibilities of Localism needs to be addressed and remedied before any other steps are taken, particularly with regard to further capacity expansion.

With respect to the pre-application documentation we comment as follows:

Your demand forecasts do not transparently evidence the reasons for recent rapid growth at LTN – in particular the influence of the financial growth incentive scheme put in place by the applicant in Jan 2014. This reduced the concession fee, enabling the operator to reduce airline charges to achieve accelerated growth by displacing business from other airports.

You should evidence the net cost of this growth subsidy since 2014, since it goes to the issue of cost-benefit and sustainability. Given that the airport is held on behalf of the people of Luton, you should also evidence a publicly accountable democratic decision to invest in incentivising growth and sustaining that investment when accelerated growth was in breach of the legitimate and necessary planning conditions set by LBC as Local Planning Authority.

Further growth is not justified by an alleged reduction in surface access journey times: in fact, more distant passengers could have found flights at airports more local to them had LTN not displaced the business.

At a national level, the demand forecasts have not taken account of the DfT's 2017 Aviation Growth figures which indicate that unconstrained national aviation growth demand can be met with Luton Airport still serving 18 million passengers per annum until 2050.

Neither have you taken due account of the advice from the Committee for Climate Change in the letter from Lord Deben to the Secretary of State on 24 September 2019 which was unequivocal in indicating that aviation emissions are so significant that demand growth should be limited to at most 25% above current levels.

This is supported by the recent warning from the UN that insufficient is currently being done to reduced carbon emissions to prevent a climate emergency, backed up by a clear message from Greta Thunberg at the UN Climate Change conference in Madrid that emissions must be controlled at source.

Luton Borough Council has recently said that all 10 Executive Members unanimously agreed that there is much more the council can and should be doing to tackle the global issue of climate change, yet you do not show how recognising the seriousness of the issue will inevitably affect capacity provision in order to respond in a socially responsible way.

The Council has said it will now immediately seek independent scientific expert advice to help set an ambitious target for all council operations being carbon neutral and another target for the council's wider partners achieving the same.

It is inconceivable, given the current level of concern, that the demand forecasts for LTN should remain unchanged in light of that independent scientific advice when it emerges. This application is therefore premature and unsoundly based – which given its very high cost represents an equally high risk which you have failed to recognise.

Q4b. Do you have any comments on the need for expanding LTN that we have set out?

Our members do not agree that further expansion at LTN is necessary, justified or in the public interest: the Airport already causes far worse noise, environmental and surface transport impact than when Project Curium started, and there is no certainty that these impacts will be mitigated but the assurances of the Project Curium consultation were that they would be, backed up by legally binding planning condition agreements. It would not be in the public interest to demonstrate that it is possible simply to sweep away such binding commitments and to continue to make matters worse in all respects, and it is important for the Examining Authority to have a very clear report detailing the deterioration which has occurred since 2013. Reducing the wider area to planning blight is simply not justified by the claimed benefits.

The Need Case states *“There is clear policy support for aviation growth and for airports making best use of their runways, **so long as this is done sustainably following the principle of benefits and environmental costs being balanced and with the benefits being shared with the communities affected.**”* (our emphasis)

You should transparently admit that Project Curium has failed to deliver balanced growth: LTN has an overall noisier fleet than in 2013, has exceeded its noise planning condition at night, has not delivered higher altitudes on departure, has not succeeded in airspace change to reduce the impact of its RNAV R26 departures, but has taken all the benefits of reaching

18 million passengers 8 years too early. The history of recent growth at LTN is clearly not balanced nor is it sustainable.

The Need Case should evidence the disbenefits which have resulted from unbalanced over-rapid growth during Project Curium: increased congestion on surface transport negatively affecting the local and wider economy; the health effects of increased night noise affecting local health services and cost of health provision as well as lost hours due to sickness; the extra climate-change and emissions impacts of growth ahead of the expected introduction of more fuel-efficient aircraft as of 2017; and the loss of public trust caused by the failure to deliver mitigations in line with growth.

The wider public grievance over the significantly increased noise and environmental impact is evidenced by the significant and widespread opposition to the application by the airport operator to have noise control planning Condition 10 relaxed to permit the effects of over-rapid growth to persist. You should evidence this feedback to illustrate the poor track record of LLAL, LBC and the Airport Operator in handling the existing expansion project and reasons why further expansion at Luton would not be in the public interest.

You claim that your proposals have widespread support in Luton, but do not evidence when and how you gave people a clear democratic choice to risk tens of millions of pounds of taxpayers' money on preparing a DCO for a risky and expensive project while barely half-way through the current expansion, at a time when the CEO of Luton Borough Council has indicated on 3 Counties Radio that there is a poverty problem in the town.

Benefits of expansion

Please see chapter 5 of the Guide to Statutory Consultation, which explains the current benefits of the airport and the additional benefits that we believe expansion would bring to local and regional communities. Further details can be found in our Outline Need Case document, and our Outline Employment and Training Strategy document, which are available on our website, futureluton.llal.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Q5a. Do you have any comments about the benefits that we believe LTN will deliver nationally, regionally, and locally?

The Planning Policy Context reviews the ANPS, the NPPF and Government aviation policy but does not demonstrate a specific or particular need for further growth at LTN. Our members do not agree that further growth at LTN is in the public interest due to the heavy environmental, ecological and surface transport impacts which would be caused.

Project Curium is effectively an NSIP in its own right as indicated in the Outline Need Case: it has achieved a potential capacity of 20 million passengers per annum (mppa), which is an increase of 10.4 mppa from the 9.6 mppa (actual) in 2013.

When Project Curium was proposed and granted planning permission, it cited the significant economic and commercial benefits which would be delivered over a 15-year period to 2028. It was made clear that strenuous efforts would be made to manage noise, and balancing mitigations such as gradual introduction of quieter aircraft as of 2017 would assist this.

By financially incentivising more rapid growth, you have distorted the benefits of Project Curium in favour of your commercial gain: more rapidly increased concession fees, which are calculated in proportion to passenger and cargo traffic; in favour of the Airport Operator in the form of increased turnover and profits; and in favour of the Borough Council through a three-fold increase in dividend income.

The imbalance of Project Curium in your favour has led to significant disbenefits to the wider community and to LADACAN members across the region. Additional surface transport load has grown far more sharply than anticipated, leading to congestion on road and rail services. Flights have increased overall by 40%, and on one route by 90% in just five years. Night flights have doubled from 8,000 to 16,000. But the noise control afforded by planning condition 10, the night noise contour, has been repeatedly and wilfully ignored by the Airport Operator and the Borough Council.

As a result, the Airport has been operated for three years now in breach of this planning condition, to the harm and disbenefit of people in local communities who suffer some 50 additional unlawful and unmitigated flights per 24-hour period. Bickerdike Allen Partners the Airport Operator's independent noise consultants have made it clear that this breach is due to the rate of expansion, not to excuses regarding air traffic control delays. The Airport Operator does likewise in its accounts.

Moreover, repeated commitments by the Airport Operator to mitigate noise by achieving higher altitude on departure, by achieving airspace change and respite routes, and by a net quieter fleet, have all failed to be delivered.

In short, the Airport Owner, the Airport Operator and Luton Borough Council have taken all the benefits of accelerated growth, have failed to deliver any balancing mitigations (because the Airport is being operated in breach of its noise conditions), and have proven themselves to be unfit stewards of a major infrastructure project.

Under the circumstances we suggest it would be appropriate for the Planning Inspectorate to:

- 1) Eliminate the clear conflict of interest between Luton Borough Council as owner and financial beneficiary of Luton Airport and Luton Borough Council as the putative but clearly ineffective Local Planning Authority – bearing in mind that the same staff

control both operations

- 2) Put Luton Borough Council in special measures since clearly its planning department is significantly under-resourced and unable to discharge its duty of care under the Localism Act to apply due and proper scrutiny to the operation of Luton Airport
- 3) Require the parties to complete Project Curium within all of its current planning constraints and obligations up to its originally proposed end date in 2028, by fully mitigating the operation of Luton Airport through airspace change, fleet mix change and operating controls so as to provably reduce noise and environmental impacts
- 4) Financially penalise all parties and make redress to local communities in the wider area as compensation for harms already done, on the lines of FIRST but in respect of every passenger between 2013 and 2028 flown in excess of the projected growth trajectory

In cost benefit terms, Project Curium delivered 9 million additional passengers at a cost of some £160m, ie £18 per additional passenger. The proposed further expansion is projected to cost £2.4bn to deliver an additional 14 million passengers, ie £170 per additional passenger. By an order of magnitude, the proposed project does not deliver value for money.

The Need Case emphasises the commercial and employment benefits of LTN, but does not demonstrate why the equivalent claims made about Project Curium during consultation in 2012 have not delivered the economic powerhouse benefits projected at the time. There is no need for further economic eggs to be put into this basket – the benefits promised by Project Curium should be restated, and of course they are being realised significantly earlier than anticipated.

If on the other hand all the massive benefits promised by Project Curium are not being realised then it makes clear that the promoters of growth at Luton Airport base projections on unreliable evidence, in which case it would not be in the public interest to proceed any further with the proposed DCO.

We believe it would under all the circumstances be of far more national, regional and local benefit to invest the early windfall from Project Curium more widely in diversifying the local economy and reducing its reliance on the Airport in order to hedge against a possible downturn in aviation growth due to foreseeable risks such as Brexit, LHR expansion, concerns about climate change, avoiding the needless cost of terraforming LTN so that risky further growth could be pursued in a location which is unsuitable for so many reasons.

We do not accept the information given about jobs as accurate and adequate: justification is required for why a more standard metric of some 120 new jobs per million extra passengers does not apply. The figures quoted for the cascade of indirect jobs are unrealistic, and in any case likely to be jobs displaced from elsewhere rather than being new jobs. Hence the GDP benefits are likely to be overstated because a supplier if not supplying Luton will continue to supply elsewhere.

The Need Case states that *“The development also has the potential to support wider economic benefits through **improved connectivity for business travellers and increased inbound tourism...** These impacts will strongly support the economic strategies for the area, particularly in terms of supporting employment growth in some areas and the development of the **international trading economy** in the areas around the airport.”* (our emphasis).

However, as the pre-application documents also indicate, only 12% of LTN’s passengers are business travellers, and you do not evidence any shortage of business seats nor a failure of local enterprise due to inability to travel on business from LTN. Luton is not a major tourist destination, and it would be more appropriate to consider the net balance of payments cost to the UK economy of tourism. Finally, you do not assess the recent shift of low-cost traffic towards markets served by Wizz Air, LTN’s fastest-growing airline customer, and how this might be affected by Brexit.

Given all the foregoing, in particular the order-of-magnitude reduction in cost-benefit compared to the as-yet unfinished Project Curium, you fail to demonstrate why alternative strategic investment to diversify the local economy to make it more sustainable and resilient would not be a more appropriate use of investment capital and better serve the public interest – particularly when no investor exists to underwrite the expansion project costs.

Q5b. Do you have any comments or suggestions for how we maximise employment, skills, and training opportunities to help benefit neighbouring communities?

We suggest that sustainable employment, skills and training opportunities would be better provided in Luton using money from Airport profits to invest in new cleaner technology such as low-carbon transportation, generating and storing power more efficiently, greener heating and cooling systems, electric vehicles – the list is endless and would strengthen the local economy without causing significant additional environmental or ecological damage.

There is also clearly a need for additional resource in scrutiny and oversight of the Airport operation, and you should evidence the lack of resource in the Luton Borough Council planning team, its poor track record of attendance at the London Luton Airport Consultative Committee meetings 2014-15; the lack of an airport scrutiny committee during most or all of 2013-2019; and hence the lack of adequate oversight and training in the planning conditions and obligations of Project Curium to ensure that growth was regulated so as to

avoid breach of planning conditions. This significant lapse in delivering on the requirements of Localism needs to be addressed.

It would be appropriate under the circumstances to commit to redressing these issues and putting in place a better oversight and scrutiny regime to ensure Project Curium stays within its planning constraints for the remaining 8 years of the project, rather than focusing huge amounts of resource and public money on unjustified further development of the Airport.

Q5c. Do you have any comments about our proposals for the Future LuToN Impact Reduction Scheme for the Three Counties of Bedfordshire, Buckinghamshire, and Hertfordshire (FIRST)?

Our members prioritise quality of life over money for local goods. FIRST is a compensation scheme: it does not deliver mitigation. You have not shown how the money could be used to mitigate noise or resolve traffic congestion. Noise insulation may reduce noise when people are indoors with the windows closed, but it is of no value when people want the windows open or want to go outside. Conservation areas do not permit such insulation.

As per our response to section 5a, we believe that FIRST should be implemented under Project Curium to compensate communities for harms done as a result of driving the Airport into breach of planning condition and operating it that way illegally for three years without mitigation.

Our proposals

Please see chapter 6 of the Guide to Statutory Consultation, which outlines our proposals for expanding the airport. Further details can be found in our Scheme Development and Construction Report, which is available on our website, futureluton.l1a1.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Layout

Q6a. Do you have any comments about our proposed DCO development boundary and layout for the airport expansion?

We do not see adequate evidence that it is in the wider public interest to extend outside the Airport boundary and to destroy County wildlife sites, valuable landscapes, habitats and prime farmland essentially to create a new airport equivalent to Edinburgh Airport but in a very poorly located site. The enormous costs of creating capacity expansion equivalent to an additional Airport at Luton, on a hill with land sloping away all around, and very close to local communities should be regarded as poor judgement until all alternatives have been explored and unjustified both in economic terms and in terms of environmental impact.

You have demonstrated overwhelming environmental disbenefits arising from the proposals and there is clearly no better layout available since the Sift ruled out even more apparently

unjustifiable options to locate the proposed new Terminal south of the airfield. It is clear that there are no “good” layout options here – all are either bad or very bad.

Not only are these threatened natural assets of great value, you have not justified why the project as a whole offers value for money compared to alternative and more sustainable ways to benefit the economy of Luton.

The pre-application proposes a complex, expensive and risky project even to prepare the level ground necessary to add a second Terminal and additional stands and taxiways. You do not contrast its cost-benefit to building capacity equivalent to a new airport on a suitably located flat site. Neither do you contrast the overall noise, transport and ecological impact and loss of amenity and habitat in this location with generic more suitable location.

The layout is innately poor due to the runway alignment: arriving aircraft fly directly over Stevenage, St Paul's Walden and Breachwood Green 70% of the time on average, and over Kensworth, Caddington and South Luton the other 30%. The airport operator has confirmed that even modern neo engines are not significantly quieter on arrival since the airframe makes most of the noise, and steeper approach angles would not mitigate this low-level noise. It is not possible to mitigate arrivals noise impacts. Noise insulation is not mitigation, it offers partially effective noise reduction and is of no value when people have windows open or are outside.

Airfield

Q6b. Do you have any comments on our airfield proposals?

You need to properly evidence the claim that 20% of the 12MW of power required can be generated from solar cells on carpark roofs. In our estimation that would require some 60,000 square metres of roof – is that available?

You have not taken due account of significantly increasing the density of aircraft on site, when already the NOx levels at the onsite monitoring tubes are regularly exceeded and this would pose a danger to staff and passengers.

Existing terminal

Q6c. Do you have any comments on our proposals for the existing terminal?

Investment in the existing Terminal as part of completing Project Curium and without further expansion would be wise, since for example earlier in 2019 the roof leaked badly during a rainstorm.

Terminal 2 and supporting facilities

Q6d. Do you have any comments on our proposals for Terminal 2 and supporting facilities, including the Luton DART, forecourt and coach station?

You claim without any real evidence to back it up that passengers will switch to using public transport in substantial numbers, when they have not shown any inclination to do so over many years even given free shuttle coaches which are almost as convenient as the proposed DART. We believe these claims to be inadequately evidenced and aspirational rather than to be practically achievable given the limited public transport catchment.

It may well prove to be the case that the DART is under-utilised compared to the projections made, in which case it may not have been a wise investment.

Car parking

Q6e. Do you have any comments on our proposals for car parking, including the numbers of spaces and locations proposed?

You make aspirational claims about shifting the mode of transport of employees to cycling and walking: we see no evidence to back this up by demonstrating that 50% of employees live within easy walking or cycling distance, or that sufficient cycle racks are being provided. Again, we do not see convincing evidence and this appears to be an aspirational claim.

You do not make clear whether this would apply to easyJet employees, who currently use a very significant car park north off Eaton Green Road.

Airport-related fly-parking is a major problem both in Luton and surrounding towns and villages. You do not provide any evidence to indicate that the problem will be resolved, and by restricting the parking you are likely to increase the problem because there are no public transport alternatives which are practical and attractive for people in the catchment area.

Landscape

Q6f. Do you have any comments on our landscape proposals?

You describe how the proposals will be to the detriment of landscape and habitat, as well as heritage. Orchids and wildlife such as badgers, whose setts are threatened, cannot just be moved to somewhere else. In a rural area, measures such as these are destructive.

You propose to move a significant amount of material from a toxic landfill site at Eaton Green, and you document in correspondence with the Environment Agency the hazardous chemicals which may be exposed or may enter the groundwater system. Both the Ver and the Mimram rivers are important local water courses, and it is not appropriate to take such environmental risks.

Views are relevant and must be considered: from the individual homes for which the proposed expansion will be detrimental, to the loss of landscape, to the visual intrusion of more and larger aircraft not just in the local area but into the Chilterns AONB. In all these respects the disbenefits of such significant expansion of infrastructure and the significant numbers of additional flights concentrated into busy periods will outweigh the benefits.

Replacement open space

Q6g. Do you have any comments on our proposed park, that would replace Wigmore Valley Park?

Wigmore Park is a long-established habitat, which you propose to turn into a strip of land supplemented by an additional strip from North Hertfordshire. County wildlife sites are proposed to be sacrificed for this development, along with high quality agricultural land, and this is not to the public benefit nor does it benefit the environment.

It is inappropriate under the circumstances for Luton Borough Council effectively to have applied to itself to facilitate construction of the access road across Wigmore Park knowing that its purpose is to facilitate a proposed Terminal for which DCO permission has not been granted.

Drainage and utilities

Q6h. Do you have any comments on our drainage and utilities proposals for servicing the airport?

There is clear evidence of over-abstraction from the Ver, with the river drying up south of Luton for some years now. The Ver Valley Society and other concerned bodies believe that the level of abstraction by Affinity Water should be reduced in order to prevent environmental damage.

However, if the proposed expansion of Luton Airport goes ahead, there will be a significant resultant increase in water usage in Luton. Therefore, the opportunity to reduce abstraction from the upper Ver Valley would be diminished and the consequent environmental damage would worsen.

The PEIR Volume 1 Chapter 11 reports that "Affinity Water has not attended the meetings outlined in Table 11-1, consultation with Affinity Water is ongoing to understand how potential water use affects their overall strategy, water resources and infrastructure."

It is not in the public interest for the environment of the Ver Valley to be further damaged.

We do not see evidence that Highways England will accept additional connection to its network for treated surface drainage and treated sewerage, leading to concerns over contamination of waterways if these are dispersed via soakaways, and in relation to an assessment of flood risk contamination.

Aviation fuel delivery, storage and distribution

Q6i. Do you have any comments on our proposals to deliver fuel by a new pipeline, which would connect to an existing national fuel pipeline in the green belt, rather than delivery of all aviation fuel by tankers on the road?

A proposal such as this could be put in place to reduce tanker journeys and emissions without needing to expand the airport – in fact it would help to offset the environmental impact of the over-rapid expansion during Project Curium.

Surface access

Please see chapter 7 of the Guide to Statutory Consultation, which explains our proposals for getting people to and from the expanded airport. Further detail can be found in our Surface Access Strategy document, which is available on our website, futureluton.lal.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Q7a. Do you have any comments on our objective of increasing the number of passengers travelling to and from the airport using public transport to at least 45%?

Achieving 45% of passengers using public transport would be a substantial increase and you have not evidenced how it would be achieved rather than being an aspiration. Why would people switch from using what they regard as a convenient way to get to the Airport, namely travelling by car or taxi, to a journey which may entail taking a taxi to their local station, managing luggage on the train, and then switching to the DART – and then doing the reverse on the return journey and relying on being able to find a taxi from their local station to home?

It would be more appropriate to set annual targets for increased public transport usage during the remaining 8 years of Project Curium, without any further expansion, and then discover whether these can be met.

Q7b. Would the measures we are taking to improve public and sustainable transport encourage you to use them to access the airport?

No- it would not be practical. For most people in the closer catchment areas it is simply impractical to use public transport to access the Airport, unless they happen to live within easy walking distance of a station in St Albans, Harpenden, Leagrave or Flitwick.

Q7c. Do you have any comments on our proposed road and junction improvements, and are there any other locations that you think need improvements to deal with increased traffic?

It is not in the public interest to progress a project which will clearly have such a significant negative impact on surface transport infrastructure which is already – both in terms of road and rail – over stretched and liable to gridlock or severe overcrowding even if a minor incident occurs. Our members, many of whom commute and all of whom use local roads, strongly object to the proposals for this reason.

We do not accept the information provided about the capacity of the existing or slightly modified surface transport capacity to service the proposed additional passenger numbers as being accurate or adequate. Small changes to roads and remodelling junctions are not going to be sufficient for a potential 19.6 million additional passenger journeys to and fro by road each year assuming even 30% switch to public transport (2 * 14 million = 28 million, say 70% by road = 19.6 million journeys even without drop-off journeys being taken into account). You need to evidence that sufficient independent traffic modelling and review has been carried out.

This will include close liaison with other agencies and local authorities in particular North Herts District Council, Hertfordshire County Council, Central Bedfordshire unitary Authority, the Highways Agency to ensure a coherent approach to modelling.

You have not adequately evidenced availability of capacity on the east/west rural roads to and from LTN, nor the M1 or A1081 or B653 all of which easily gridlock at busy times or if an incident occurs. Neither is it clear that adequate traffic modelling has been performed or that existing route preferences have been determined by adequate means – particularly when SatNavs direct people onto what are effectively country roads around Luton Airport.

According to DfT figures, the current rate of growth on the M1 at 3.5% per annum means 27% growth in 7 years, equivalent to a complete additional lane where 4 are currently available. Your assumption is 0.5% which is irreconcilable with the DfT manual count points 56002 data. The pre-application simply glosses over and appears to trivialise the need to properly evidence the quoted figures for additional loading and additional journey times.

Neither is existing evidence of local pinch points in Central Bedfordshire, Batford, Hitchin, Wheathampstead, Flamstead, Markyate having been taken into account, particularly in the latter cases if there is any incident on the M1.

Given the possibility of an additional rail freight terminus in the area it is important to take into account the impact of additional rail freight on passenger services and passenger capacity. The comment regarding introducing trains on which it is comfortable to stand is to nullify the benefits which have been achieved through the introduction of 12-car trains and the investment in lengthening platforms so that passengers are not expected to stand for any journey exceeding 20 minutes.

Q7d. Do you have any other comments on our surface access proposals?

This crucial aspect of any such plan, with very high potential impact on surface transport, appears to have been given little serious investigatory assessment. A noise survey, albeit flawed, was carried out across the entire area. This has then been used to build a noise model, albeit uncalibrated. What direct quantified observation has been performed and what model has been produced, calibrated against current traffic flows and flow resilience

and then used to model the effects of worst-case additional load if targets for modal shift do turn out to be as aspirational as they look?

Building our airport

Please see chapter 8 of the Guide to Statutory Consultation, which outlines how we would propose to build our airport expansion. Further detail can be found in our Scheme Development and Construction Report, which is available on our website, futureluton.lfal.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Preparatory works

Q8a. Do you have any comments on our proposed preparatory works?

We believe it is inappropriate and presumptuous to be performing preparatory works – especially outside the county boundary – before any DCO has even been submitted, let alone thoroughly examined and determined, and it also represents a needless cost risk.

Phasing the airport expansion

Q8b. Do you have any comments on how we propose to phase the development?

Since our members oppose the proposed development, we do not wish to see it occur in phases or otherwise. Any development works would require funding, and as yet there is no evidence of where this funding will be coming from nor the risks that the funders would be taking, nor any cost benefit analysis given the risk that projected demand may not arise.

Earthworks

Q8c. What are your views on our earthworks proposals to create the platform on which to build our expanded airport?

We regard the proposed earthworks as particularly inappropriate, representing a risk to local communities and water courses as well as representing significant environmental and landscape damage. As such, it is hard to see how their public interest risk-benefit would be justified. We believe the need for such major earthworks is the clearest possible indicator that the site of Luton Airport is simply inappropriate for further expansion: the cost/benefit ratio is an order of magnitude greater than for Project Curium, and the inherent risks are not likely to deliver the quality of investment required. To this extent, the disbenefits of the proposed project outweigh the benefits.

A far more socially and environmentally responsible alternative, given the commitment to some kind of sustainability, would be to invest instead in developing a site for R&D into sustainable energy and transport solutions; solving the problems of battery efficiency; creating more compelling video-conferencing systems; creating the technology needed for capturing and fixing CO₂ – all in order to offset the existing carbon emissions from the cars,

buses, taxis and aircraft using Luton Airport, but with the opportunity to create beneficial new products for the UK and with the potential to export, delivering economic benefit.

Construction management

Q8d. We want to be a good neighbour during construction – what are your views on the adequacy of our proposals to manage construction activity? Are there any other measures you would suggest to minimise the impacts of construction on neighbouring communities?

The measures proposed include future creation of site management and works policies but we see no evidence that such policies exist or would be effective or would be put into effect. During Project Curium similar undertakings were given but significant problems were experienced by local communities during piling.

Managing and mitigating the effects of expansion

During our summer 2018 consultation you told us about the issues that matter most to you, such as noise, air quality, and climate change. We would like to hear from you on our plans to manage the environmental impacts. Please see chapter 9 of the Guide to Statutory Consultation, in which we identify some of the key impacts that expanding the airport could have, and how we are proposing to manage and mitigate them. Further detail can be found in our Preliminary Environmental Information Report, which is available on our website, futureluton.llal.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Q9a. Do you have any comments on our proposals to manage and mitigate air pollution during construction and operation?

With reference to Air Quality, our members are very concerned about further degradation in the local area, where close to the Airport people smell unburned fuel and report smuts and deposits already. We make the following observations:

The Study Area should be chosen to reflect the area over which significant air quality effects arising from the Proposed Development may occur, taking into account prevailing winds and aircraft movements at low altitudes, and including whether engine braking is used or not.

The study of Air Quality impacts should include full assessment of Local Nature Sites where significant impacts are likely.

Any assessment of health impacts of Air Quality should be cross-referred to the relevant WHO guidelines in relation to the hazards of emissions including particulates at receptors in a zone of likely impact bearing in mind flight paths and aircraft altitudes as well as surface transport traffic patterns.

The Air Quality Assessment also needs to include likely deposits of pollutants into rivers and waterways including runoff from the site.

There is no worst-case analysis of the impacts on Air Quality caused by cars idling in traffic jams caused by increased surface transport loading.

Q9b. Do you have any comments on our proposals to minimise increases in greenhouse gases, and to adapt our proposed development to climate change?

Our members regard climate change and the need to control and reduce emissions of greenhouse gases as an urgent and pressing issue, and object to the proposed expansion on grounds that its disbenefits in this regard significantly outweigh any alleged benefits.

The pre-application completely ignores the main climate change impact of the proposals, namely the increased and particularly damaging emissions caused by the additional 80,000 flights per annum. The effects of cars, taxis, aircraft taxiing, arriving and departing must be looked at cumulatively – it is not sufficient to allege that emissions reduction in one area means the entire proposal is justified.

LTN boasts some 5% neo-engined planes which are 15% more fuel efficient, but it has also introduced some 5% more ceo A321 aircraft which offset that benefit. The reason that the larger planes have been introduced is due to the failure of LLAOL, LLAL and LBC to regulate growth, so that the fleet would be modernised ready for the increase in flights, not that the increase in flights would precede it. Wilful over-expansion of an unmitigated fleet evidences complete disregard on the part of LLAL and the Airport Operator to reducing emissions. This is also contrary to the climate change policy of Luton Borough Council.

There is emerging evidence that people are changing their approach to flying and deciding either to fly less often or to use alternative forms of transport. The applicant has not taken this into account in its demand forecasts. It is also likely that the emerging aviation policy 2050 will take account of the need to damp aviation growth in order to meet UK net zero commitments by 2050. This greatly increases the financial risk of the project, reduced the likelihood of an investor.

Your assessment of climate change impacts is cynically skewed towards making the proposed development appear reasonable.

For example, claiming that there is a benefit from global warming in reducing the use of de-icing systems appears to be environmentally irresponsible if the bigger picture is regarded. It completely ignores the disbenefit that aircraft climb less efficiently in warmer weather and so create more noise, or that aircraft may well be expending more fuel in battling stronger winds, or that increased likelihood of severe storms increases safety risks.

There is no worst-case analysis of the impacts on emissions caused by cars idling in traffic jams caused by increased surface transport loading.

To dismiss the responsibilities towards increased atmospheric instability caused by global warming as meaning that the buildings used on an expanded airport should be constructed more robustly, demonstrates a fundamentally inappropriate response to the climate crisis.

We suggest this entire area of the application is facile, contrived and does not stand up to any reasonable scrutiny from the point of view of genuine environmental responsibility or concern.

Q9c. Do you have any comments on our proposals to manage and mitigate the effects of noise and vibration during construction and operation?

Our members are particularly concerned by the ever-increasing impact of noise from Luton Airport – the very poor track record of the past 6 years demonstrates that commercial gain has consistently been put ahead of noise mitigation. This could have been achieved for some areas through responsible expansion in line with proven mitigation by improved operating procedures, airspace redesign and allowing time for the fleet mix to include a far higher percentage of slightly quieter engines. However for people in all the areas affected by low-level arrivals, modernised neo engines do not mitigate noise on arrivals since the airframe is the main contributor.

The term “managing” noise is meaningless. As to mitigation: the proposed measures are clearly ineffective since the proposed noise contours increase for the duration of the proposed project. Given the track record of the Borough Council, the Applicant and the Airport Operator in land-grabbing as much growth as possible as soon as possible during Project Curium with no regard whatsoever for local communities or the planning conditions put in place to protect residential amenity, we have no confidence that any of the proposed mitigations will be effective.

No specific policies are provided and the pre-application simply lists aspirations to produce policies to control construction noise.

It is clear from the hourly loading figures in the Need Case that the proposed additional 80,000 flights per annum will not be spread evenly through a 24-hour period. The project is specifically designed to increase the runway capacity, and to operate at peak significantly more arrivals and departures per hour. This will have the effect of concentrating noise into the busiest periods for the predominantly low-cost airline model serviced by Luton Airport. That means additional flights telescoped into the very early morning and late even periods. Noise event density will increase accordingly, and this cannot be mitigated. This is a very significant disbenefit of the proposals.

As to operational noise, we see no convincing evidence that even the baseline noise survey has been performed adequately. Aviation noise should be measured using the exacting standards set out in ISO-20906, not the lesser environmental noise standards of BS 7445-1:2003 which were used to establish your baseline data. We have seen clear photographic evidence of a noise monitor in a hedge directly beneath a large tree in Breachwood Green.

The noise contours are claimed to have been created by an AEDT model but we see no evidence of any local calibration data being used for that model, or the statistical reliability of such data. It is clear from previous Cole Jarman reports pertaining to Condition 11i changes that the local context must be taken into account:

"5.2 The analysis carried out on departure data obtained from the Luton noise monitors indicates that there is poor correlation between the noise levels recorded and the noise levels expected based on certification values." (12/01400/FUL: Planning Condition 11i Report 13/1720/R3)

"..we advised that proper use should be made of the measured noise data at Luton in calibrating and refining the INM contour computations that are undertaken to demonstrate compliance with the daytime and night time noise envelopes defined in Condition 12." (Memorandum LLOAL NVL New Planning Condition 11i Reference: 13/1720/M9, 3 Sep 2015)

As far as we can see this has not been done and so the AEDT model used will inherently be unreliable.

The noise contour diagrams show the noise impact increasing to a peak in 2039, demonstrating that the proposals are not "being a good neighbour" as claimed, not sustainable and not adequately mitigated.

Noise impact comparisons in the "Guide to the DCO" p116-117 between the current 2017 position and the do-something 2039 position are misleading since in 2017 the airport was being operated in breach of its noise conditions and in a fully-expanded (Curium) non-mitigated state. A more valid comparison of the impact of the proposals is between a fully mitigated 18 million passenger do-nothing scenario and the 2039 do-something scenario.

We see no evidence of worst-case noise modelling taking account of different rates of uptake for slightly quieter aircraft, or worst-case modelling of transport noise from the M1 and other more local roads as they are subject to increased traffic loads.

Q9d. Do you have any comments on how we are proposing to manage and mitigate the other environmental impacts outlined in chapter 9 of the Guide to

Statutory Consultation, including: soils and geology, water resources, waste and resources, health and community, biodiversity, landscape and visual impacts, and cultural heritage?

We find it highly unlikely that air-quality will not be affected, as the application claims. This is a significant area of weakness, and should be properly researched and evidenced.

The draft application makes unspecific and inadequately evidenced comments about its impact on soil and geology, water resources, waste and resources, health and community, biodiversity, landscape and visual impacts, and cultural heritage.

It identifies negative impacts on landscape and County wildlife sites. Non-specific measures are described to minimise ecological damage but it is clear that the potential for such damage is significant and therefore significantly more detail should be provided as to how the ecology of these sites will be protected.

Q9e. Do you have any other comments on our proposals to manage and mitigate the effects of airport expansion?

Based on the track record of LLAL, Luton Borough Council and the Airport Operator over the past 6 years, our members have no confidence that the effects of airport expansion will be managed and mitigated. Noise and emissions have increased year-on-year, growth has been unbalanced and skewed towards commercial gain, and mitigations have not been delivered. Numbers of night flights have doubled, many more flights are now flown at anti-social hours, departing before 06:00 and arriving well after midnight, the Airport has knowingly been operated in breach of its night noise contour planning limits for three years, and many more larger aircraft with un-modernised noisy non-fuel-efficient engines have been allowed prematurely to be introduced into the fleet simply to facilitate growth and with no regard to managing and mitigating the effects of expansion. Many people have decided to move away from the area due to noise blight. It is not in the wider public interest to permit any further expansion at Luton Airport, and the clear environmental disbenefits of the proposed project outweigh any alleged benefits.

Any Airport is a potentially risky environment and it is not acceptable to avoid the full range of potential hazards in scoping accident and emergency risks. It is also significant that Surrey Street Primary School is located beneath the low-level flight path of aircraft departing from or arriving on an escarpment. Worst-case scenarios must be assessed.

You claim the proposal is for sustainable development, but quote a circular and essentially meaningless definition of sustainability in the "Guide to Statutory Consultation":
"In our Sustainability Strategy,...we define sustainability as taking a balanced and considerate approach to environmental, economic, and social aspects of the work we do, with an aspiration to be one of the most sustainable airports in the UK. Our proposals will be designed to be as sustainable as possible, avoiding negative impacts on the environment wherever we can".

The adopted definition ought to be that of Bruntland.

The Sustainability Strategy dated 17 September 2019 contains a comment on Bruntland but no commitment whatsoever: "We at London Luton Airport Limited (LLAL) believe that the Brundtland Commission's definition of sustainability in 1987 is still very relevant and captures the essence of it in one simple sentence: 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'"

You have clearly failed to provide a clear indication of what is meant by Sustainability and what clear principles of Sustainability you will adhere to in the context of this application.

In 1.2.1 of the Sustainability Strategy you confirm that LLAOL runs the Airport "In 1998, LLAL and LBC entered into a Concession Agreement with London Luton Airport Operations Limited (LLAOL) for the management, operation and development of LTN. This agreement, which lasts until 2031, means that LLAOL has complete responsibility for, and control over, the day-to-day running of the airport. LLAL have a significant role to play in shaping the airport's long-term future, and as part of this we will work with LLAOL to plan how improved sustainability standards can be delivered."

It then goes on to say: "2.1.10 Following engagement between LLAL and LLAOL, targets were amended to contain measurable actions for each of the key areas. The shorter targets relevant to LLAOL and are in line with their responsible business strategy which they are currently writing and the longer-term target dates set are beyond the current concession agreement." and "2.1.11 A framework for monitoring and reporting targets has been developed to maintain accountability for the delivery of targets. This will be reviewed on a regular basis."

According to the regulatory regime in which Luton Borough Council is the local planning authority responsible for setting and overseeing the planning conditions relevant to Luton Airport, and reviewing the Annual Monitoring and Quarterly Monitoring reports, LLAL the Applicant has no locus of control. The sustainability statements in 2.1.10 and 2.1.11 are meaningless and do not specify the legal basis on which these alleged targets are being set and agreed, nor how targets extending beyond the current concession can be delivered, nor what the targets are, nor how these targets relate to the planning conditions.

The effects of further airport expansion are of significant concern since the local area has already absorbed the unmitigated impacts of very rapid capacity growth in the last 5 years, during which passenger numbers have risen by 100% and flights by 40% (90% on one route).

There has been no effective noise control at source and no meaningful switch in passenger / employee travel modality away from using private cars. There been no chance for existing surface transport impacts from Project Curium to be assessed relieved, and the noise impact has already driven the airport into breach of one noise control condition and arguably based on latest CAA figures into breach of its 18 million commercial passenger cap “not to be exceeded in any 12 month period”.

The applicant has not shown that the existing noise mitigation provision is in order, nor that existing surface transport congestion has been adequately controlled or alleviated. Neither has it shown that any of the key parties respect the existing planning conditions:

- The Applicant financially incentivised growth of sufficient rapidity to breach a noise contour control condition.
- The Airport Operator failed to regulate its growth to avoid breach of that noise condition, and arguably now of its overall commercial passenger cap.
- The Airport Operator submitted a 2019-2023 Noise Action Plan knowing it to contain an untrue commitment to operate within its noise contours.
- The Airport Operator said on page 3 of its 2018 Annual Report:
“We have a range of operating restrictions including movement limits and noise quota limits, and we are focussed on ensuring they are adhered to. We’re also in the process of requesting temporary changes to our noise contour to ensure we remain fully compliant with existing regulations.”
Translated out of doublespeak, this actually means “We have knowingly breached our noise conditions and are now seeking to have them changed so it does not look as if we have breached them”.
- The Local Planning Authority has permitted growth at a level where infringement was both predicted and predictable, without taking any proactive or retrospective steps to require the Operator to regulate its growth, and has therefore failed to protect residential amenity by standing by or enforcing its own planning conditions.

Communities, understandably, have no confidence in anything which any of these parties says, or is said by consultants on their behalf, about managing and mitigating the effects of airport expansion. It is absolutely clear – and indeed has been admitted by officers of the applicant, that all which matters is the commercial operation.

The statements and actions of the Applicant clearly demonstrate that it has no respect for current planning conditions. Instead it simply proposes to sweep aside existing protections and constraints to which communities are legally entitled, with a further major project proposal to add 78% more passenger journeys and 60% more flights to the current burden.

It is no surprise that in its objection to the 2019/00428/EIA application by the Airport Operator to Luton Borough Council to set aside the restrictions of Planning Condition 10, Hertfordshire County Council said "The applicant (LLAOL) has operated the Airport in the full knowledge that its operations would lead to a breach of the safeguards in the planning consent and its commitment to protect communities from the adverse impacts of growth. **The actions of the applicant represent a betrayal of the other partners of the Partnership, particularly communities.**" (our emphasis).

The track record of all three parties demonstrates the clear lack of a balanced approach to growth, and a level of social irresponsibility when given charge of overseeing the outcomes of a major infrastructure project to the most polluting and impactful asset in Bedfordshire that it would be to the very great disbenefit of the wider public interest for the Examining Authority to permit the current situation to continue, let alone involving any of the parties in procuring even more of the same. Instead, to restore any kind of confidence in the planning system, it would be appropriate to require the parties to rebalance the existing Project Curium for the remainder of its 8 year term.

Land assembly and compensation

Please see chapter 10 of the Guide to Consultation, in which we outline our proposals for acquiring the land we would need to expand the airport.

Q10a. Do you have any comments on the extent of land and rights we are seeking to acquire both permanently and temporarily, and our proposal to apply for compulsory acquisition powers to achieve this?

The application fails to justify acquiring land and rights by failing to demonstrate that this is a proposal which is in the wider public interest, is good value for money, and would deliver more public goods than public harms.

The draft application admits that half of the land to be built on is classified as best and most versatile agricultural land which is in short supply and the development will inevitably result in loss of such land, and no meaningful mitigations are described.

Chapter 10 of the Guide to Statutory Consultation also outlines our compensation proposals. We recognise that some people who live in, or own property near, LTN will be affected by its expansion. We have prepared a Compensation Proposals document to explain our general approach to property and land acquisition, which also sets out the discretionary compensation available for eligible properties. These discretionary offers are intended to enhance the terms available under the statutory compensation code for eligible properties, but do not change your statutory rights. The Compensation Proposals document is available on our website, futureluton.l1a1.org.uk, and at the document inspection venues and consultation events listed in chapter 12 of the Guide to Statutory Consultation.

Q10b. Do you have any comments on our proposed approach to buying properties and land, and our approach to compensation, including our discretionary compensation offers?

It would not be in the public interest to purchase land for a project which is unsustainable.

Q10c. Do you have any comments on our proposal to introduce three noise insulation schemes for eligible local residents to address the effects of noise from the expanded airport?

Noise insulation is not noise mitigation, since clearly it only makes the difference when people are inside a home with the windows closed – and therefore does not deliver any beneficial effect when the windows are open during summer nights, or when people are outside in the gardens or seeking to enjoy tranquillity in the rural surroundings of this area.

Furthermore, the zones for noise insulation are very limited, and noise insulation cannot readily be applied to listed properties. We do not therefore regard this as a mitigation.

Further comments

Q11. Do you have any other comments about our proposals to expand LTN?

Because people in the catchment area choose to fly from Luton Airport, it does not justify a project of Nationally Significant magnitude and such severe and wide-ranging impacts, and nor does the alleged economic need in Luton override wide public disbenefit to so many other communities. Project Curium (currently only part complete) was held out as being necessary and sufficient to address economic and jobs needs in Luton, and if it has not done so then you need to evidence why, and in what ways the consultation on Project Curium was wrong or misleading.

Our members deprecate your solely commercially-driven approach to Project Curium and in particular your financial incentivisation of over-rapid growth before mitigation could be delivered. This has subverted all the expected balancing noise reductions and has directly led to LTN now being operated in breach of planning restrictions, to the detriment of the people and communities all around the Airport.

Further facilitating such clearly socially irresponsible behaviour by a private company by granting a DCO would be against the wider public interest. Ignoring a track record which has simply driven growth for financial return – as admitted by your CEO on Three Counties Radio – is also not in the wider public interest. Your uncontrolled incentivisation actions led to breach of the planning conditions created to protect residential amenity and to respect the Local Plan and national policy – again clearly against the wider public interest.

The quarterly monitoring reports from Luton airport clearly show that the fleet has become noisier overall with newer-engined aircraft being outnumbered by introduction of larger,

noisier aircraft; no delivery of any airspace change to achieve continuous climb operations or respite; and in fact no self-regulation or indeed enforcement from Luton Borough Council to ensure that the airport stayed within its legally agreed planning conditions.

We have no confidence in the governance of this Airport, and believe that the absolute priority should be to fully mitigate the existing noise, surface transport and air quality effects of the current part-complete and unbalanced expansion project which still has 8 years to run. Furthermore, the fundamental conflict between Luton Borough Council as Local Planning Authority and Luton Borough Council via LLAL as Airport owner - with the same senior staff controlling both organisations - should be resolved once and for all so that there can be adequate independent scrutiny and control of this operation, give its poor and socially irresponsible track record. It should then be required to compensate for past excess by focusing on mitigation without growth for the remainder of Project Curium until 2028.

In its response to the application from LTN to set aside the restrictions of Planning Condition 10, Hertfordshire County Council said *"The applicant (LLAOL) has operated the Airport in the full knowledge that its operations would lead to a breach of the safeguards in the planning consent and its commitment to protect communities from the adverse impacts of growth. The actions of the applicant represent a betrayal of the other partners of the Partnership, particularly communities."*

We fully endorse this statement and encourage the Examining Authority to do the same based on the evidence presented, and to require a focus on mitigation not expansion.