

Planning Act 2008 (as amended) – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion project (TR020001)

Relevant Representations on behalf of LADACAN members

1. Introduction

The Luton And District Association for the Control of Aircraft Noise (LADACAN) represents people living all around Luton Airport whose health, wellbeing and quality of life is negatively affected by its impacts. We participate in the London Luton Airport Consultative Committee, its Noise and Track Sub Committee, and Noise Insulation Sub Committee.

LADACAN represented local communities and other community groups as a Rule 6 Party in the 2022 Inquiry into the called-in decision by Luton Borough Council to permit a salami-slice use of inappropriately released flight slots, and to legitimise deliberate and financially incentivised breaches of noise contour conditions at the Airport (PINS ref APP/B0230/V/22/3296455).

We strongly oppose the Luton Rising DCO application. Substantial expansion of the Airport and its capacity is completely out of keeping with its location and the nature of the surrounding area. It would create such significant overall harms that the claimed benefits are outweighed by the social costs and the risk of blight.

Expansion on this scale would create an unsupportable additional surface transport load around an airport which is poorly sited on a hill with its runway closest to the centre of its town anywhere in the UK other than the two City airports. The closest overflowed homes are within just 1.2km of the runway, and much of the housing in South Luton predates the Airport.

The concessionaire has not since 2014 delivered in a balanced way the growth and mitigation it committed to in an expansion project which has not yet completed, and both the Applicant and Luton Borough Council were complicit in this. The expansion of night flights has already been on an unacceptable scale since 2014, yet the Application now proposes to increase that by a further 70%.

LADACAN has engaged with the DCO consultations, and participated in the Noise Envelope Design Group on behalf of impacted communities. The message from people living in communities all around the Airport has been clear and consistent: further expansion of Luton Airport is rejected due to its environmental harms. This message has also been strongly endorsed by local authorities such as Hertfordshire County Council and Dacorum Borough Council.

Our main areas of concern are summarised below in the format requested.

2. Policy and guidance

The Application fails to interpret policy in a balanced way, over-emphasising alleged economic benefits and cherry-picking responsibilities for proactive amelioration and minimising of harms. We summarise here for the benefit of the ExA some aspects of policy and guidance relevant to this matter:

- Section 3 of the Aviation Policy Framework 2013 requires consideration of the setting of an airport; the need to both reduce and mitigate noise; that industry can share the benefits as noise levels fall; an emphasis on best practice; identifying the noise problem and then assessing measures to reduce noise via the ICAO balanced approach.
- Flightpath to the Future 2022 highlights the detrimental impacts of air quality emissions and noise, and stresses the need to address them by improving noise insulation schemes and reducing noise.
- The DfT Overarching Aviation Noise Policy statement 2023 stresses the need to consider the local and national context of passenger and freight operations, recognising the additional health impacts of night flights. Noise impacts must be mitigated as much as is practicable and realistic, limiting and where possible reducing adverse impacts. It highlights the need to weigh the benefits and harms of night flights.
- DfT's Statement on Night Flight Restrictions 2023 confirms that restrictions in place at Heathrow, Gatwick and Stansted will remain in place and unchanged (ie not increased) until October 2024, to allow time for more complete consideration.
- Having disbanded ICCAN, the government has committed to the CAA picking up its functions in respect of noise, one of which is defining best practice. ICCAN guidance on noise insulation includes internal noise levels being checked to ensure the insulation is effective.
- DfT's 2018 'Making Best Use' 2018 policy refers to "more intensive use of existing infrastructure" (subject to environmental issues being addressed), not "significant development to make maximum possible use of every airport runway" which would be absurd as supply would then exceed demand.
- Making Best Use stresses that adverse impacts such as noise should be mitigated where possible, noting that airspace change may be required.
- The Noise Policy Statement for England is prefaced by a note explaining the guiding principles of sustainable development such as respecting the limits of the planet's environment, resources and biodiversity – "to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations".
- Consented INM-based 92-day summer noise contour limits for London Luton Airport (LLA) are that the 57dBLeq (16 hour day) contour should not exceed 19.4 sq km and this is to be reduced to 15.2 sq km by 2028; the 48dBLeq (8 hour night) contour should not exceed 37.2 sq km and this is to be reduced to 31.6 sq km by 2028. The initial limits are carried forward from 1999 planning decisions and are a part of long-term local planning strategy in which consistency is required.
- We note a tendency for airport expansion applications to treat comments made in similar inquiries as policy, which clearly they are not.

3. Recent history

We do not consider that the further and considerable environmental impacts which would result from the Application are justified or reasonable in any case. They would be particularly inappropriate given the history of the capacity expansion at LLA since 2014. A summary of our Representations follows:

- From 2014 to 2019 LLA was not managed responsibly or in the manner required by aviation policy.
- Permission was agreed in 2013 for expansion from 9 to 18 million passengers per annum (mppa).
- The expansion was to have occurred over a 15-year period sufficient to achieve fleet modernisation.
- The Applicant and Luton Borough Council targeted and incentivised accelerated growth from 2014.

- Noise contours designed to protect residential amenity were breached in 2017, 2018 and 2019.
- Up to 30 flights per day and 13 at night were operated in 2019 in breach of planning consent.
- The salami-slicing attempt to legitimise those breaches and create inflated noise baselines ahead of this Application, resulted in a decision which was called-in for an Inquiry in Autumn 2022.
- LLA's noise and carbon emissions, and associated staff and passenger surface transport emissions, were at increased levels between 2014 and 2019 as a result of the accelerated growth.
- The long-term noise contour reduction strategy required by current expansion planning conditions has not yet been finalised and/or signed off despite being due by 2021.
- Industry took the benefits of the accelerated growth in commercial revenues yet LLA failed to install noise insulation at a rate commensurate with its accelerated growth trajectory.
- The Applicant has used the commercial benefits of that accelerated growth to fund this Application as well as its associated capital works (DART).
- The Planning Department at Luton Borough Council has already granted facilitating permissions (such as the long-term lease of Wigmore Park to the Applicant) to pave the way for this Application.

4. Widespread impacts

Noise the annoyance and disturbance it causes cannot adequately be characterised by a single metric, and the use of LAeq contours is but one measure. N-above metrics are equally important. The ExA is asked to have regard to this in assessing the impacts. A summary of our Representations follows:

- As site visits have shown, the noise of LLA's flights immediately impacts South Luton and otherwise peaceful rural towns and villages in Hertfordshire and Bedfordshire.
- There is no respite for South Luton, Breachwood Green and St Paul's Walden which are overflowed every day of the year either by departures or by arrivals.
- Runway alignment means that Stevenage to the East and Whipsnade / Kensworth / Caddington to the West are unavoidably overflowed by LLA's arrivals.
- Out of date and inefficient airspace design means flights can be held low at 4,000 or 5,000ft for up to 20 miles, so arrivals air noise up to 5,000ft affects people as far away as Biggleswade; departure noise up to 5,000ft affects people as far away as Tring, Hitchin, Letchworth, Welwyn and Hatfield.
- LAeq contours do not indicate (for example) that Caddington experiences peak arrivals noise levels the same as those in Breachwood Green, and so Caddington is disqualified for noise insulation.
- People are already being forced to move away from communities they otherwise love because of the aircraft noise, and there is a real risk of further expansion creating blight around Luton Airport.
- The debilitating effects on health and quality of life of noisy flights every 90 seconds during waves of early morning departures and late-night arrivals by low-cost airlines is already very keenly felt.
- The proposed "busy day" timetable indicating some 554 flights per day by 2043 is significantly more than the 2019 busiest day of 444 (corrected for unconsented movements), and would include larger aircraft than are currently flown, for which local arrivals and departure noise data is not available.

5. Noise mitigation

We contend that the Application fails to provide effective mitigation of LLA's substantial noise impacts, merely adding window-dressing to what has thus far been operated like a tick-box noise-tax scheme. A summary of our Representations follows:

- Noise insulation is only a form of compensation, not comprehensive aircraft noise mitigation.
- Noise insulation is ineffective if people open their windows at night in summer, or use a balcony, or are in the garden, or wish to peaceably enjoy a park or outdoor public space affected by overflights.
- People have reported numerous failings in the existing noise insulation scheme, and although the Application proposes an "improved" scheme it makes no provision to retro-fit improvements to the properties previously insulated to a lower standard.
- Eligibility for noise insulation is limited and based on LAeq contours rather than on need or on the likely health impacts, informed by latest WHO guidelines and other research.
- Parked mobile homes such as those near Pepperstock particularly need to be protected by noise insulation because internal noise levels are high, but are not eligible under the proposed scheme.
- Policy requires that industry both reduces and mitigates noise and shares the benefits only as noise levels fall, assessing the noise problem and taking steps to reduce noise where possible, with a particular focus on night noise.
- There are ways in which noise impacts from LLA could be reduced, which have not been explored to create a more comprehensive mitigation plan, to be implemented ahead of any capacity increase.
- The Application has not assessed the benefits of reducing night flights rather than increasing them to an unacceptable degree.
- The concessionaire has not yet completed the fleet modernisation, site works and noise mitigations required under its existing planning permission for capacity expansion to 18mppa.
- Luton Borough Council declared a climate emergency and its website embraces the 2020 Climate Assembly, which concluded that growth in aviation capacity should be restricted to 25-50% by 2050.

6. Noise impact assessment

Assessments of development impacts can only be relied on if they are sufficiently accurately modelled, and calculated with respect to correctly selected baselines. A summary of our Representations follows:

- In 2019 the Airport was being operated for the third year running in a non-consented manner, and it makes a mockery of the planning system to default to 2019 baselines in calculating environmental impacts of the current Application, regardless of the decision of the 2022 Inquiry.
- An estimated 2019 noise baseline has been modelled by substituting less noisy aircraft into the fleet which is an incorrect approach since it does not remove the unconsented excess movements.
- Noise modelling has been based on flawed noise measurements by the Applicant's agents coupled with data from the concessionaire which was shown at the 2022 Inquiry to be flawed also.
- The Application identifies one disparity between modelled and measured spot noise values and we have identified others, suggesting that the model is not a sufficiently accurate noise predictor to be relied on for the size and extent of contours nor the numbers of people in LOAEL and SOAEL bands.

- Next generation aircraft are likelier to be more noisy, not less noisy, than neo counterparts.
- The A321neo creates more noise than expected, and despite references to engine variants Wizz Air (the dominant user of this type at Luton) has not announced plans to re-engine its fleet, but has committed to its Luton fleet being 100% A321neo aircraft by 2025.
- Contours and corresponding assessments of populations affected will need to be re-run following corrections to noise modelling assumptions and data.
- Luton Rising is wholly owned by Luton Borough Council and the concession revenues and loans it has used to fund this Application are public money. A monetised WebTAG analysis of the social harms associated with the proposals is therefore appropriate but has not been provided.

7. Noise envelope

A Noise Envelope Design Group (NEDG) was formed, but its work was curtailed by the Applicant before it could be completed. A summary of our Representations follows:

- The NEDG discussed noise parameters and thresholds, and initial calibration of the AEDT model. Its work was curtailed before completing other tasks necessary to give confidence to the stakeholders.
- As a result, the NEDG Final Report amounts to little more than a description of ways in which noise impacts can be characterised and how early warning triggers could avoid a limit being exceeded.
- Significant concerns expressed by community groups about the Noise Envelope Design process are documented in Appendix B of APP-111.
- We assume the envelope limits given in the Application were produced by modelling the forecasts and timescales which the Applicant wishes to achieve: this is not a Noise Envelope footprint agreed in consultation with stakeholders.
- The Applicant has fundamentally altered the “early warning” Thresholds, which the NEDG agreed should be 85-90% of corresponding Limits, leaving no opportunity for effective corrective action.

8. Green Controlled Growth

“Green Controlled Growth” is claimed to be a novel and reliable way to ensure expansion is regulated according to environmental targets. Our Representations are summarised below:

- There is widespread concern that the Applicant interfered in the management of the Airport by its targeting and financial incentives whilst not qualified under the Airports Act 1986 to do so.
- The recent history militates against Luton Borough Council being the final arbiter in regulating any future growth with balancing limits designed to protect residential amenity and the environment.
- The CGC process would be reviewed by the concessionaire rather than by an independent body.
- In the case of breach, the concessionaire would suggest a mitigation plan, yet the concessionaire is responsible for operating the Airport without breach.
- The ESG chair and chairs of Technical Panels should be nominated by the Joint Host Authorities.
- Reporting by Technical Panels to the ESG is only proposed to be annually, and remediation of any noise breach is subject to further delays due to the slot issuing and slots rights process.

9. Surface Transport

We do not have resources for surface transport modelling, but below is a summary of our Representations:

- Motorists familiar with the area know that the M1 in the regions of J9-J11 is prone to slow running, queues and logjams, with effects that quickly spill over to clog local rural roads also.
- The Airport is known to have poor east/west road links, with access often via rural roads and local rat-runs, and fly-parking in the surrounding area is a significant problem.
- The north/south rail link is already crowded, and if future rail capacity proves to be inadequate the predicted modal shift from private cars would not materialise.

10. Ecology

We ask the ExA to give weight to the following in considering whether this is “Best Use” of infrastructure:

- The ground slopes away at either end of the runway, necessitating major earthworks to develop the site, reducing cost-effectiveness and increasing noise, emissions and disturbance caused by works.
- Wigmore Valley Park sits on a toxic landfill site, but has matured into a County Wildlife Site and is an important green space in Luton, containing flora including wild orchids.
- The Park was designated as a green buffer between the housing of Wigmore and the Airport.
- The removal of agricultural land to create a substitute Park some distance away reduces residential amenity, and reduces the UK’s available agricultural land at a time when food costs are rising.

11. Jobs and economics

The New Economics Foundation has been asked by LADACAN to submit a Relevant Representation, and we comment in summary:

- The New Economics Foundation (NEF) finds that alleged economic and jobs benefits are overstated in the Application, while economic downsides and the harms are understated.
- NEF has assessed the 2021 York Aviation report on the “Economic impact of night flying in the UK” and found it failed to consider critical economic impacts. York Aviation advises the Applicant.
- A holistic assessment is required of the likely health impacts and consequent social harms of such a substantial increase in night flights (23:00 to 07:00).

12. Greenhouse gas emissions

LADACAN commissioned a review by the Aviation Environment Federation of the greenhouse gas (GHG) emissions predicted by the Application, from which we summarise the following concerns:

- GHG emissions associated with Application are now forecast as around 50% lower than in the PEIR without explanation or evidence justifying why.
- If the Applicant is confident in the new GHG modelling then a condition to adhere to it should be proposed.
- The Jet Zero Strategy is inappropriately treated as a set of policies that can be relied on to reduce aviation emissions, and the Applicant has not modelled alternative pathways.

- The reliance on carbon pricing policies as a fallback mechanism depends on future policy decisions.
- The decision not to model non-CO₂ impacts is not well justified: these impacts should be modelled and presented for consideration.

13. Financial and governance risks

There are significant financial uncertainties and hence risks inherent in the Application, as summarised:

- The Application is unclear how the £2.7 billion development costs would be funded.
- The Applicant has issued qualified accounts for the last two years, and its auditors resigned in 2021.
- Luton Borough Council's auditors have not signed off its accounts since 2018, and its Audit Results Report in 2018 is qualified in respect of financial decision-making on airport-related projects.
- There is a lack of clarity over future "financial arrangements" referred to by the concessionaire in its qualified Letter of Support.
- The Applicant has continued to invest heavily in airport-related capital and growth projects despite DLUHC instruction in December 2021 to reduce financial dependency on airport revenue.
- Concerns were raised at the 2022 Inquiry about an overall deficiency in governance particularly in respect of the unresolved conflicts of interest inherent in the ownership of the Airport.