LADACAN comments on Issue Specific Hearings IP ref 20040757

Contents

Glossary

2022 Inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application
Applicant	Luton Rising (London Luton Airport Ltd), whose Board until recently comprised solely of Members and Officers of LBC
Application	This application TR020001 for a Development Consent Order
LBC	Luton Borough Council, owner of and Local Planning Authority for LLA
LLA	London Luton Airport
LLAOL	London Luton Airport Operations Ltd, the operator of LLA under a concession agreement with the Applicant
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

1. Issue Specific Hearing 1

1.1 Draft Development Consent Order

As we indicated in oral submission, the lack of control during the Transition Period is of concern since it reduces the certainty which policy requires regarding whether environmental impacts will be constrained within prescribed limits (see REP2-003, Schedule 2 Part 3 para 18(4)) in that period.

The GCG Explanatory Note (APP-217) Figure 2.9 PDF p35 shows that a period of between one and two years could elapse while the Airport Operator becomes familiar with new processes (paragraphs 2.2.41 – 2.2.46). No such period was necessary for the current permission.

Such familiarisation time should not be necessary: significant monitoring obligations currently exist and the Airport Operator would have time to instantiate new arrangements between agreement to permit the DCO (should it be granted) and receipt of permission to commence.

APP-217 paragraph 2.2.45 indicates some uncertainty regarding process and timeframes during the Transition period, which would also suggest that the DCO obligations may not be secure.

The GCG provisions in general have built-in loopholes which would enable the Airport Operator to evade responsibility for breaches of Limits which are supposed to be secured by the DCO and the 'unique and ground-breaking' GCG arrangement. See section 1.3 of this report for details.

It is of little value to achieve DCO drafting which binds an airport operator in a watertight way to sets of controls and limits which themselves can be circumvented and therefore cannot be relied on to deliver certainty: the loopholes defeat the environmental protection objectives of the DCO.

APP-217 explains that GCG purports to control four environmental measures with strict Limits, but provides get-outs whereby those Limits could be exceeded or indeed increased in circumstances where the breach is claimed to be caused by factors outside the control of the airport operator.

However, when the four environmental impacts which GCG purports to control are examined, the majority of them are not under direct control of an airport operator. Hence GCG cannot be relied upon as a means of environmental control, whether or not it is secured by a DCO. For example:

- Aircraft noise is Limited by summer noise contour areas, which depend on slot availability (which an airport operator can control) but also by the rate of fleet modernisation and the types of aircraft flown (which an airport operator cannot directly control)

- Air quality has Limits specified by concentrations at given locations assuming an Airport contribution, but an airport operator cannot directly control air quality at any location

- GHG emissions have Limits based partly on airport operations (which an airport operator could control) but also include surface access (which it cannot directly control)

- Surface access modal split has a Limit which an airport operator cannot directly control

Even if the loopholes were plugged so that the GCG control mechanisms became fully effective, they amount to little more than normal operational management processes reasonably expected of a professional and capable airport operator fully cognisant of the limits placed on its operations.

1.2 dDCO - other comments

The dDCO contains specific provisions for the protection of the interests of LLAOL, one of which (in Schedule 8 item 19(2)(b)) protects LLAOL's ability to operate the airport safely and expediently, yet it seems obvious that this ought to be a general protection for any concessionaire, not just LLAOL.

We raised the point about the incomplete Project Curium works to provide a taxiway to link to the eastern end of the runway. It was observed by the Applicant's team in ISH-3 that this work "was not necessary to achieve 18mppa". However, data analysis conducted jointly in 2023 by LADACAN and LLAOL of a full-length runway westerly departure trial showed slight noise reduction for such departures which – were the taxiway extension to have been afforded some priority – serves as an example of potentially sharing benefits with communities rather than simply prioritising decisions for the commercial benefit of the Airport Operator. Therefore, the work should be prioritised.

1.3 GCG - loopholes in control provisions

Under the provisions of APP-217, there are substantial loopholes in the control provisions of the proposed GCG mechanism, as indicated in section 1.1 above. For example:

a) para 2.2.8 explains that the airport would routinely be operated above Level 1 Thresholds, hence the Level 1 Thresholds would effectively be meaningless and offer no protection;

b) paras 2.2.13 and 2.2.31 explain that slot allocation (and hence throughput) could increase even if a Level 2 Threshold is breached, which renders that threshold ineffective;

c) para 2.6.5 provides no clear and reliable mechanism or immediate timeframe for reduction of issued slots if a Limit were to be breached, so effective control is not achieved;

d) para 2.7.2 explains that breach of a Limit would not be a misdemeanour, but rather the failure to follow the GCG process – the get-out fundamentally undermines enforcement;

e) paras 2.7.3 and 2.7.6 explain that LBC is still ultimately responsible for enforcement, yet it is known that LBC is financially conflicted and that it did not enforce the previous breaches;

f) para 2.2.56 explains that Limits cannot be altered to permit materially worse environmental impacts, but the materiality is not defined, so adverse effects could therefore occur.

g) If a Limit can be increased to permit 'non-materially' worse environmental impacts, then a series of such 'salami slice' increases could eventually create a material worsening.

It is therefore understandable that communities have no confidence in the overall GCG process and the ExA is invited not to accord it weight as an effective control mechanism.

1.4 GCG - weaknesses in oversight provisions

Although oversight by an independent Environmental Scrutiny Group (ESG) and its Technical Panels (TPs) sounds appealing, the ExA will need to consider whether the proposed arrangements would in fact avoid Limits being exceeded. We contend they would not, for the following reasons:

The Limits relate to environmental impacts which are themselves largely dependent upon numbers of flights and numbers of passengers.

The maximum number of flights is ultimately constrained by terminal and runway throughput, but can be limited by the number of slots available to (and used by) airlines. The number of passengers accommodated by those flights depends on the aircraft seating capacity and load factors.

The Airport Operator is in direct control of its declaration of capacity to ACL ahead of each season. Effective oversight therefore has to influence that capacity declaration before it is made, since it is known to be difficult otherwise to regain control, as the experiences of 2016 (forecast breach) and 2017-2019 (worsening breaches) showed.

The oversight function of the ESG and TPs is therefore compromised by occurring after capacity has been declared, then by the long delay in producing monitoring information (APP-217 fig 2.10) and then further hobbled by the time taken to produce, review and agree a mitigation plan.

Neither the ESG nor the TPs would have access to the noise modelling and fleet forecasting tools and models necessary to double-check the mitigation proposals, so it is unclear on what basis they could confidently assess any mitigation plan put forward by the Airport Operator.

The ESG/TPs are unlikely to be able to propose or evidence a workable alternative approach to that proposed by the Airport Operator, which further undermines confidence in independent oversight.

To evidence this we refer the ExA to REP1-095 Appendix 1 section 6 paras 47-62 inclusive, as a case study in the near-impossibility for an external agency after the event to retrieve a breach situation created by an airport operator releasing too much capacity too soon, and thereby exceeding limits.

We note that REP2-032 suggests an approach which may have prevented the night-time breaches, though it is silent on whether it would have prevented the subsequent day-time breach in 2019. Such an approach merely exemplifies an internal tool for an airport operator, which also relies on detailed data that would not be available to the ESG/TPs, and is not proposed to be provided.

We would expect meaningful oversight provision to include upstream involvement: if the Applicant genuinely envisages the ESG/TPs exerting meaningful control, these bodies would require powers and inclusion in the apparently secretive industry body referred to in APP-217 para 1.8.9 as the *"Luton Airport Coordination Committee (LACC), comprised principally of the main airlines using the airport, the air traffic control operator and the airport operator."*

The GCG provisions appear to overlook that noise contour models can be used to forecast contours as well as retrospectively to assess them. This capability is currently being used to provide annual contour forecasts to the Airport Operator – as exemplified by the Nov 2016 report by Bickerdike Allen which forecast the 2017 breach and diagnosed it as due to excessive aircraft movements[1].

We therefore urge the ExA to assess whether GCG oversight currently merits any weight other than as a branding and PR exercise which creates an illusion of effective oversight where none exists.

Given all the foregoing, an adequate environmental oversight and control mechanism appears not to exist, and the ExA may conclude that a DCO drafted around GCG is unlikely to deliver certainty.

[1] https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/3f/f7/3ff70e3d-a5fa-42e4-ab17-01bdae017faa/bap_noise_contour_report_nov_2016.pdf

1.5 GCG - weaknesses in monitoring provisions

A suite of monitoring, reporting and noise management provisions is currently secured under the Section 106 Agreement pertaining to Project Curium (details to be provided by LBC in action point; please also see the summary in REP1-095 Appendix 1 section 5 paras 39-46 inclusive).

The current monitoring and reporting obligations do not appear to be secured by any provision other than the assurance of the Applicant, which is insufficient. Monitoring and reporting has been influenced by the diligent work of community representatives on the LLACC and NTSC[2] over many years, and it would be appropriate for the continuity, content and regularity of such reporting to be secured under the dDCO, or by an equivalent means, if the existing Section 106 falls away.

1.6 GCG - failure to comply with CAP1129 in implementation

The CAA's CAP1129 document[3] sets out the process for defining and agreeing a Noise Envelope, the required characteristics of such an Envelope, and (on PDF p51) the consequences of a breach:

"Consequences of a breach in the context of the planning controls

When a development fails to comply with planning agreements and conditions, it becomes unacceptable in planning terms. This could result in the closure of a development.

This may be considered too grave a consequence for breaching one of possibly a handful of noise envelope criteria. Instead, it would be appropriate to draft the planning controls such that failure to take appropriate action following a breach (rather than the breach itself) constitutes failure to comply with the planning control.

Different actions would be appropriate for different situations, but are likely to include aspects such as:

- *any breaches in an envelope criterion should be rectified such that similar breaches do not occur in a subsequent measurement period*
- *financial compensation should be paid to a community fund*
- *the limit criterion becomes accordingly tighter for the subsequent measurement period to off-set the excess in impact which occurred in the current period."* (our underlining)

By contrast the Applicant proposes summer noise contours as the main noise envelope criterion; allows for a breach to occur in more than one successive measurement period; and does not include a means to tighten that contour limit to offset the environmental harm caused by a previous breach.

We urge the ExA to review CAP1129 in the round and apply its guidance in assessing the variances between the NEDG's Final Report and appendices (see APP-111), and the Applicant's proposals. To assist, we provided comments on a subbed-down summary of CAP1129 in Annex 1 of REP2-061.

2. Issue Specific Hearing 2

2.1 Need

The Applicant claimed more than once during the discussion on Need that Government policy is to support an individual's right to fly. We are not aware of any current policy document or statement (such as the Jet Zero Strategy or Flightpath to the Future) that makes such a claim.

[2] London Luton Airport Consultative Committee and its Noise and Track Sub-Committee

[3] Available from https://publicapps.caa.co.uk/docs/33/CAP%201129%20Noise%20Envelopes.pdf

The notion of a right to fly should not, we suggest, be further entertained in Examination of the Application unless the Applicant can provide a reference to such a right in policy.

We will comment further on Need once the actions from the ISH have been delivered.

2.2 Greenhouse Gases and Climate Change

2.2.1 CORSIA/UK ETS comparison

The Applicant appeared to indicate the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) is a carbon trading scheme, but this is not correct. CORSIA requires only that any emissions from international aviation above an agreed baseline (currently, the level of aviation emissions in 2019, changing to 85% of the 2019 level of emissions from 2024) be offset through the purchase of credits. CORSIA has no trading element and there are fundamental differences between the design and operation of offset schemes and trading schemes, as described below.

Capping of emissions

The UK Emissions Trading Scheme (ETS) caps the total emissions within the scheme, and there are plans to reduce the cap over time in line with a net zero trajectory. There is a finite number of allowances, so growth by one entity or sector must be balanced by a reduction in another entity or sector to remain within the overall cap.

In contrast, there is no cap associated with CORSIA, and it is not designed to deliver any long-term climate goal such as net zero emissions. Offset credits are sourced from voluntary offsets markets and there is no certainty on the capacity of those markets to meet future demand.

Carbon price

The UK ETS allowance price is an order of magnitude higher than CORSIA credits because of limited supply. In September 2023, UK ETS allowances traded at £40/tCO_2 but were £80/tCO_2 at the start of the year.

CORSIA-eligible units are estimated to cost in the region of \$5/tCO_2 (we say 'estimated' because no airline has been required to offset its emissions to date under the scheme since air traffic, and the associated emissions, remain below the 2019 baseline following the pandemic). Airlines are likely to begin purchasing offset credits from 2024.

With the forthcoming phaseout of free allowances in the UK ETS, all emissions will attract a carbon price, but CORSIA only applies a carbon price to emissions over the baseline. A comparison of ETS and CORSIA price estimates is provided in Annex B of the Jet Zero Further Technical Consultation[4].

Future validity

It is likely that the UK ETS will continue operating until at least 2050, whereas CORSIA will finish in 2035 and no international agreement has yet been reached on what measure, if any, will replace it.

Consistency with UK carbon budgets

The UK ETS is a relatively robust mechanism under which all emissions from sectors covered by the scheme incur an obligation. It is one of the recognised tools to help deliver the UK carbon budgets.

[4] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1062042/jet-zero-further-technical-consultation.pdf

By contrast, the Climate Change Committee has advised that given the weaknesses of CORSIA, any credits purchased under the scheme should not be used for compliance with UK carbon budgets.

Scope and overlap

International routes from the UK to EEA destinations are covered by both the UK ETS and CORSIA. The UK Government has yet to decide how to manage the overlap between the two schemes, and it has no published policy on how aviation emissions will be accounted for in UK carbon budgets.

The table below summarise the similarities and differences between the two schemes:

	UK ETS	**CORSIA**
Designed to deliver an emissions cap?	Yes	No
Is a cost incurred for every tonne of CO2 emissions subject to the scheme?	At present some permits are issued for free but the Government has committed to phasing out free permits for airlines by 2026	Only emissions above a 2019 baseline incur a cost
Cost of a permit under the scheme	Currently £40/tCO_2	Estimated £4/tCO_2
Aligned to net zero?	Yes (the Government has committed to updating the ETS to make it net zero compliant)	No
Does the scheme allow trading of permits?	Yes	No
Designed to last to 2050?	Yes	No
Scope: emissions from domestic flights?	Yes	No
Scope: emissions from UK to EEA destinations?	Yes (with arrivals addressed by the EU ETS)	Yes
Scope: emissions from UK to non-EEA destinations?	No	Yes (for routes between participating states until 2027). Some states are not participating in the 2021-2017 phase including China.
Does the UK Government have the authority to set the terms of the scheme?	Yes	No
Addresses non-CO_2 emissions?	No	No

2.2.2 2040 targets

There was some confusion arising from questions about the Applicant's decision to model some aspects of the Jet Zero Strategy but not others. For clarity, the Jet Zero Strategy includes two distinct 2040 policies:

a) A proposal for Scope 1 and 2 emissions by all airports to be net zero in real terms (with no offsetting or carbon removals) by 2040, with a 'call for evidence' on this proposal having been published earlier this year.

b) A proposal for domestic aviation to achieve net zero earlier than international aviation – namely by 2040.

We invite the ExA to agree that both aspects of the strategy should be included in the Applicant's modelling assumptions, and different reliance should be placed on ETS versus CORSIA.

2.2.3 Sensitivity testing and control

We welcome the ExA's request that the Applicant provide sensitivity modelling of future emissions.

Given the aspirational nature of the Jet Zero Strategy and the radical reduction in emissions that the Applicant is predicting on the basis of that strategy compared with its earlier PEIR estimate, we highlight our assertion that its decision to exclude aviation emissions from GCG plan increases risk.

Emissions reduction would, if linked to number of aircraft movements, be an environmental factor under the direct control of the Applicant, particularly with effective differential fee incentives to encourage adoption of more fuel-efficient aircraft. This could potentially also reduce noise.

While such an approach does not have precedent at a UK airport, this Application represents the first DCO application for a passenger airport since the passing of Net Zero legislation and there is here at least an opportunity for GCG – by setting aviation emissions limits – to be progressive.

3 Issue Specific Hearing 3

3.1 Noise model validation

We indicated that the average measured air noise of a given aircraft type can change from year to year, and that the noise contour model therefore ought to be validated annually in this respect (as well as for any changes in fleet mix and aircraft tracks) as is currently the case.

Evidence provided to the 2022 Inquiry showed that the average air noise for A320ceo aircraft did change year-on-year because its two main operators used different departure procedures which produced different average noise levels at the fixed monitors, and the proportions of A320ceo aircraft flown by each operator switched from low/high to high/low over a 5-year period.

Aircraft type noisiness can also change due to fuel weight as a result of being assigned longer or shorter routes, so stage length is relevant as a validation measure, again as per current practice.

The Bickerdike Allen contouring validation report for 2019[5] demonstrates the current approach, and it would be inappropriate to provide reduced validation for the proposed contour modelling.

We ask the ExA to agree that contour model validation should at least meet current standards.

[5] https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/49/8f/498faf89-f6f5-4738-bcac-80eba6e8cede/cd1316_a11060_n39_dch_2019_contouring_methodology_update_aug_2019.pdf

3.2 Noise Monitoring Report

Current noise monitoring and regular 3-monthly reporting is key to enabling informed scrutiny by (for example) the DfT-required LLACC and NTSC, which meet quarterly. The Applicant's proposed Noise Monitoring Plan (APP-221) appears to be a backward step for the following reasons:

a) C2.1.3: The Noise Envelope was not agreed by the NEDG, and Noise Action Plans are voluntary and have no weight or force since they are not overseen by DEFRA once agreed.

b) C2.1.4: The only noise monitoring measures which could trigger action are summer contour areas (C3.2.1), night movements limit (C3.1.3) and passenger limit (though it is unclear if that limit is over any 12-month period as now, or a calendar year). Significant scope for control is lost versus currently consented provisions. We analyse the AS-121 comparison in section 3.7.

c) C2.1.5: Demand is likely to spread to other times of year, which have no noise protection.

d) C2.1.6: Clarity is required over whether another noise model will be set up – see Annex C1 – but as per C4.2.1 this is proposed only to be validated against air noise data every 5 years.

e) C2.1.7-8: These commitments are meaningless since communities and stakeholders have no executive power, neither does an Airport Consultative Committee: each can be disregarded if the Airport Operator so chooses.

f) C3.1.1: The key need is to monitor performance versus Thresholds, yet this is missing, and (c) is meaningless.

g) C3.1.4: Talks of noise management targets, yet these are not specified.

h) (see (e) above)

i) C4.1.6: As highlighted above the obligation to produce the Annual Monitoring Report (AMR) appear to fall away under the DCO, and no new AMR or its contents appear to be secured.

j) C4.2.2: There is no obligation to improve noise monitoring – just "if necessary" in LLAOL's view.

k) C6.1.1(c): This needs to specify the intended limits and reduction over time.

l) C6.1.1(d) iv-ix : A fixed E/W modal split may prove inappropriate as a basis for noise modelling particularly as worsening climate change may affect the split.

m) Annex C1 (i): Population counts are likely to change during the period up to 2043.

n) Annex C1 (j): It is unclear which user defined metrics are being referred to.

We recommend the ExA requests comparison between currently secured monitoring and reporting obligations for noise impact parameters, and what would be secured in the Application.

3.3 2019 Baseline

There was discussion of the 2019 Actual and 2019 Consented baselines. We indicated in REP1-095 section 7.3.2 that the model used by the Applicant to create a consented 2019 baseline is flawed, resulting in more aircraft and passenger movements than would properly have been the case.

As a consequence, the model of consented 2019 operation does not correctly represent the fleet mix nor the loudness mix of noise events compared to the actual lived experience.

We request the ExA to assess whether this modelling of numbers of flights and passengers in 2019 has influenced baselines used for air quality and surface transport, or affects other assessments of relative impact of the Do Something case.

3.4 Individual aircraft noisiness

There was a confused discussion regarding incentivisation of less noisy aircraft, during which it was clear, as we have evidenced in REP1-095, that the controls agreed by the NEDG were jettisoned in order to allow the Airport Operator the freedom to make its own decisions about noise control.

By not having limits on the maximum loudness of individual aircraft, the Airport Operator could in practice introduce individually noisier aircraft (for example for long-haul operations) that exceed currently secured limits, worsening the noise and vibration disturbances to local communities and increasing the likelihood of awakenings and health harms at night.

Summer noise contours are an inadequate means of control over individual loudness of aircraft in the fleet. For example, an aircraft individually registering 6dB louder than a noise violation limit would not affect a contour if there were two aircraft each 3dB less noisy than the noisiness limit.

We ask the ExA to scrutinise very closely at the effectiveness of the proposed noise controls, and to take into account the extent to which protection has been reduced by the Applicant's decision to disregard the recommendations of the NEDG.

The discussion revealed that the Applicant is intent on providing maximum commercial leeway to the Airport Operator: what was described as an 'outcomes focused environmental proposal' is in fact a PR label for 'substantially relaxed noise controls', and protection against other environmental impacts may be similarly impaired.

The point was admitted by the Applicant in the later discussion regarding whether Next Generation aircraft may prove to be noisier: it was stated that such an increase in loudness would have to be an increase across the whole fleet for it to have a significant increase in the overall noise contour footprint. By extension, a small number of potentially much louder aircraft could go undetected.

3.5 Noise quota and Quota Count

There were questions regarding noise quotas and Quota Counts – the former being a budget limit set by summing the latter for all aircraft in the fleet. The current night noise quota is required to be reduced by 2028 to 2,800 and the NEDG advocated retaining a night noise quota control.

The CAA's CAP 1129 Noise Envelope guidance document PDF p20 is helpful on this point, not only in indicating that an objective would be to achieve a reducing noise quota:

"For instance, where there are plans at an airport to replace noisier aircraft with quieter aircraft, a reducing quota budget could allow growth in movement numbers and/or larger aircraft while ensuring that overall airport noise exposure reduces. In this way, the benefits of operating quieter aircraft are shared between industry and local communities."

but also in clarifying what is actually meant by “sharing the benefit”:

“Exactly how the benefits are shared is determined by how the quota budget is set. For example, under the quota system at the designated airports, one Boeing 747-400 arrival is worth four Airbus A380 arrivals (depending on the engine type).

Although replacing a Boeing 747-400 arrival by an A380 arrival would permit three additional arrivals, parties might agree to tighten this part of the budget to an increase of, say, two movements. Considerations such as these could be used to facilitate debate between airports and local communities to ultimately reach agreement over how the benefits are shared.”

We invite the ExA to conclude that the Applicant has failed to follow this guidance, but takes the benefit for industry in the way the noise contour Limits have been derived, with no agreed sharing.

3.6 Night flights

There was a query on whether night flights could be banned by the introduction of a curfew, but the Applicant veered onto the topic of Respite, which is quite different and not applicable at Luton.

The Applicant claimed there was no significant additional night noise effect, relying on its gradual fleet modernisation and noise insulation compensation proposals.

On behalf of impacted communities both inside the small compensation area and in the large area outside that or any of the noise contours, we represent strongly to the ExA that the proposed 70% increase in flights at night (23:00-07:00) is certainly both significant and detrimental. Night flights currently cause awakenings, distress and potential health harms in the wider area, as indicated in many Relevant Reps from members of the public.

The Applicant sought to justify this significant worsening by claiming that its low-cost carriers with based aircraft would move elsewhere if advised of a night curfew, and that this in turn would increase surface transport miles for passengers.

Such non-evidenced scare-mongering does not stand up to scrutiny and is contra to aviation noise policy which requires a balanced approach, nor does it meet the noise envelope design tests of CAP1129, nor is there an independent health study into the effects of the proposed night noise, nor a WebTAG quantification of harms to set against purported benefits.

We invite the ExA to recognise that late arrivals are noise issues for industry to resolve, perhaps by leaving adequate leeway when scheduling last-rotation arrivals. Inadequate ability to schedule and maintain flights on time does not justify substantially worse night noise impacts on communities.

3.7 Limited noise controls

In ISH discussion the Applicant sought to justify its adoption of one main noise control, contours, claiming that comparison to the existing suite of controls demonstrated benefits.

Review of the AS-121 comparison document shows that it first restates that a range of controls is replaced by a single control, and then conducts a specious comparison over 14 pages which boils down to the following:

Alleged deficiency in consented controls	Comment on alleged benefit of DCO proposal
No mechanism for thresholds below limits	Laughable for two reasons: (a) Applicant first tried to set Thresholds so high they would fail to work; (b) nothing stops the Airport Operator setting prudent Thresholds currently
No mechanism for independent oversight	LBC is intended to function as an independent LPA when overseeing consented operations
Current monitoring reports not scrutinised	They are scrutinised by LLACC/NTSC/LBC
Current Noise Control Scheme reviewed after first, fourth and every five years	Proposed scheme to be reviewed every 5 years
No mechanism for independent scrutiny when approaching a Limit	Airport Operator's noise consultant flagged an impending breach in 2016 (see above)
No mechanism for independent scrutiny when breaching a Limit	LBC is intended to function as an independent LPA when considering enforcement
No mechanism for further noise contour reduction	Consented contour limits have a requirement for a reduction strategy – still outstanding
Consented operation has a comprehensive suite of noise controls in Condition 9	Reporting of Departure Noise Limits is given passing reference in the Noise Monitoring Plan but no Limits are set or secured
Consented operation will maintain Noise and Track Keeping system	Additional monitoring locations are proposed, but this is already a project initiated by NTSC
Complaints system already exists	Its continuation is not secured
Noise and Track violation process already exists	Its continuation is not secured
Ground noise controls already exist	Their continuation is not secured

The claim that REP2-032 provides a new forward-looking control method is covered in section 1.4.

We respectfully remind the ExA of the Aviation Policy Framework requirements regarding noise and noise controls:

*"**3.3** We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements."* (our underline)

***3.19** Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.* (our underline)

Likewise the ICAO Balanced Approach:

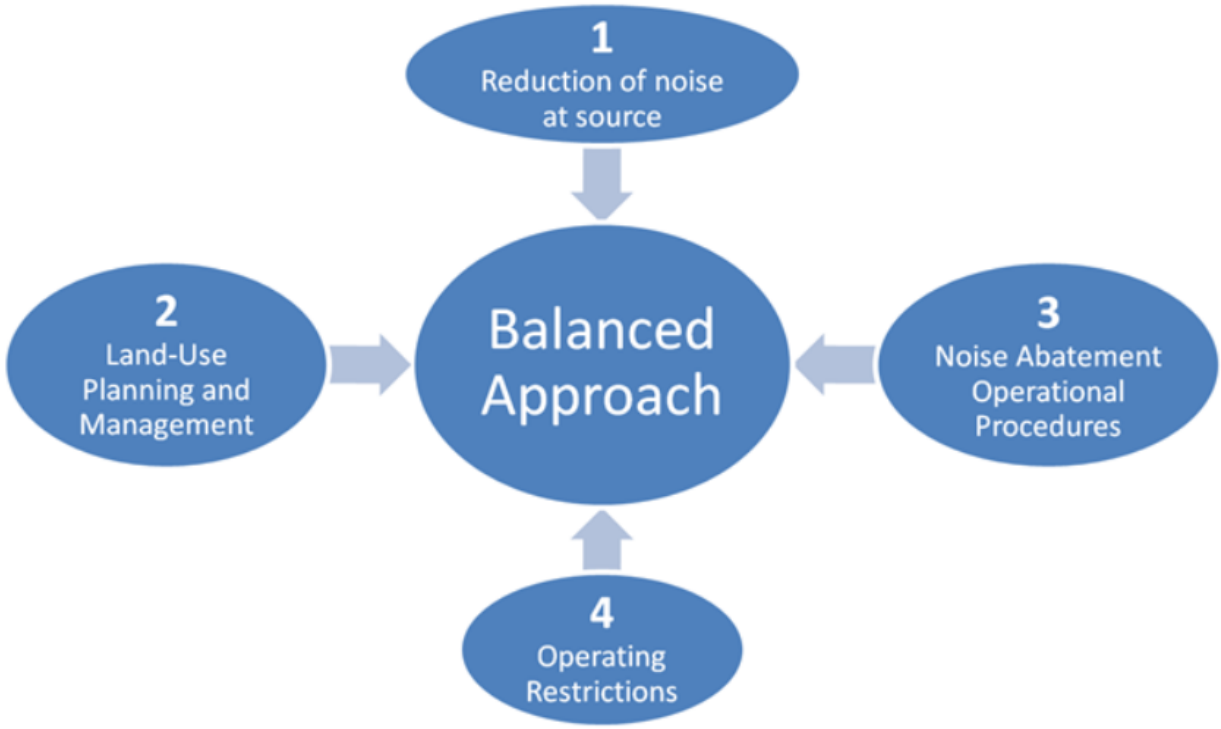

Figure 1. The four principal elements of the Balanced Approach to Aircraft Noise Management

(Source: https://www.icao.int/environmental-protection/pages/noise.aspx)

The Aviation Policy Framework is clear that this entire suite must be assessed:

"3.7 The Government fully recognises the ICAO Assembly 'balanced approach' principle to aircraft noise management. The 'balanced approach' consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- *reduction at source (quieter aircraft);*
- *land-use planning and management;*
- *noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts); and*
- *operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times)."*

We ask the ExA to consider whether that rounded assessment has been performed in this case.