

From: [REDACTED]
To: [Luton Airport](#)
Subject: Unique ref 20037648: TR020001:TR020001-001995-R17:Request for further information and written comments
Date: 18 October 2023 19:15:31
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion

Your unique Interested Party reference number: **20037648** (please quote in all future correspondence)

Dear Planning department,

Further to your email of 18th October, I would like to provide my thoughts on any implications of the decision for Ref 15/00950/VARCON on the current application for the Order Granting Development Consent for the London Luton Airport Expansion, as per our 'Rule 17' letter of 13 October.

In particular the decision on Ref 15/00950/VARCON does not satisfy the requirement for the reduction of the impact of noise to be dealt with through the local planning process, as dictated by HM Government policy, because the noise insulation scheme does not adequately address the impact and required work for Grade II listed buildings.

For clarity I list some of the concerns and outcomes that result from the current decision Ref 15/00950/VARCON in section A below, and provide my comments on how these issues could be mitigated in the current Order Granting Development Consent for the London Luton Airport Expansion, as per your 'Rule 17' letter in section B below.

Section A: Area's of decision Ref 15/00950/VARCON which cause issues for Noise mitigation for Grade II listed buildings, as related to my experience as a Grade II listed home owner under the flight path.

Inspectors report section 7.2 states that

"There would be no significant impacts on human health either as a result of any increase in air traffic movements (ATMs) as the spatial pattern of aircraft movements would not change, or as a result of any air quality or transport impact. Effects on residents who are exposed to noise at or above the daytime and night-time Significant Observed Adverse Effect Levels (SOAEL) (63 and 55 dB LAeq) will be mitigated by noise insulation which would minimise the increase in noise when windows are closed, avoiding adverse health effects."

and

"The proposal provides for an enhanced Noise Insulation Scheme (NIS), secured by planning conditions and obligations, providing a fund of £4,500 per property (index linked) with an uncapped annual fund. The Applicant 50 LBC's support is subject to the ASAS being reviewed within twelve months and further strengthening the TP to set targets for the provision of additional cycle parking for staff and further electric charging points to encourage more sustainable transport options. 51 INQ-84. Report APP/B0230/V/22/3296455 <https://www.gov.uk/planning-inspectorate> Page 16 intends to allocate £8.5M to the scheme to ensure all properties meeting the relevant criteria can be insulated within 5 years. This is compared to the existing NIS which has an annual capped fund of £100,000pa (index linked) and a 'per property' fund of £3,000 (index linked). A current estimate is that it would take 33 years to complete with a fund of approximately £3.5M (based on current uptake of the scheme of approximately 50%), at best deployment could take 16 years "

I live in a Listed Grade II property in Breachwood Green, that the Airport (LLAOL) has confirmed is eligible for its noise Insulation scheme, however the approved contractor chosen by LLAOL only provides plastic replacement windows for noise insulation, and the local planning authority (North Hertfordshire District Council) will not provide permission for plastic windows for listed properties.

Both English Heritage (Now Historic England), who are responsible for the listing of Grade II listed buildings, and North Hertfordshire District Council, who are responsible for processing and approving Listed Building Consent were consulted in the original proposal and did not seek to protect the inhabitants of Grade II listed buildings by ensuring an adequate Noise Insulation Scheme was put in place covering the unique requirements for Noise Insulation of Grade II listed buildings, however they both now will not permit the use of the approved noise Insulation Scheme for Grade II listed buildings.

The CAA notes that the government places the responsibility for noise control and noise insulation with local planning, and therefore it is the planning process and the planning inspectorate that should be ensuring that the local inhabitants are protected from the impact of the planning consents to expand the airport.

The original and new proposed NIS put in place does not mitigate in any way the impact of the adverse noise effect on myself and my family, and others living in Grade II listed buildings because

- 1) The noise insulation scheme is still limited to £3000, and the airport insists that all properties are treated equally. Clearly this does not cover the costs involved in installing specialist wooden double glazing as required by Historic England and North Hertfordshire County Council Planning department.
- 2) The Noise Insulation Scheme treats all properties equally, and does not take into account the requirements of single skin properties with single glazed georgian style historic windows (i.e small panes of glass).
- 3) The Airport refuses to become involved in the process of obtaining listed building consent for its noise insulation

scheme, and is unwilling to provide details of the materials and style of windows in advance of acceptance of their workmen, and therefore a detailed application for listed Building Consent cannot be made.

4) The effectiveness for noise insulation of georgian style wooden double glazed windows (i.e. small panes) is less than the noise insulation provided by plastic double/triple glazing and therefore the noise reduction is not going to mitigate the noise of the airport operation in the same manner and leave the inhabitants of such properties still. Affected by the noise.

5) The noise insulation scheme does not address the impact of the single skin construction of some Grade II listed buildings (such as our own property) which are inherently more prone to aircraft noise through the walls than modern buildings with a double skin and cavity.

6) The noise insulation scheme does not address the reduction in value of Grade II listed buildings as a result of the failure of the Noise Insulation Scheme to mitigate the impact of the noise, nor the situation where such properties have now become unsaleable.

Section B) Comments on how the issues with the planning consent Ref 15/00950/VARCON in regard to the noise insulation of Grade II listed Buildings can be mitigated during the consideration of the current development Consent, as per your 'Rule 17' letter.

As a consequence and in order to ensure that similar problem, as described in Section A above) is not created whilst the planning Inspectorate consider the new planning application that the Planning Inspectorate is currently examining, for the Development Consent for the 'London Luton Airport Expansion Project' to extend the (originally) permitted cap of 18 million passengers per annum (mppa) to 32 mppa, including new infrastructure to enable this and other associated development.

I would like to suggest that the following be incorporated into the noise mitigations scheme for the planning application being considered referred to as "London Luton Airport Expans on Project" to take into account the cost and requirements of providing Noise Insulation for Grade II listed buildings, in particular:-

1) The cost of noise insulation to windows, doors and walls using materials and methods approved by Historic England and the local council Conservation Planning departments to be covered in full by the Airport.

2) The airport to work closely with Historic England and the Local Conservation planning departments to obtain the relevant listed building consents, without the inhabitants being required to make multiple speculative applications with little or no information to support the applications due to a lack of co-ordination.

3) Where either

i) The airport is unwilling to pay for the Noise Insulation of listed buildings including single skin walls, doors and windows, or

ii) No agreement can be reached between the Airport, Historic England and the Local Council Conservation planning Department (NHDC in my case) on a scheme for a given Grade II listed property including listed buildings consent that is acceptable to all parties within 60 days of the identification of a Grade II listed property requiring noise insulation,

that an offer to purchase the property at the full market rate increased by a factor to compensate for the reduction in local property values compared with similar properties in surrounding villages and towns unaffected by the Airport since the planning consent was originally submitted in 2012 due to the vicinity of the Airport and Airport noise, should be made via the Town and County planning Act, in particular:-

Part VI Rights of owners etc. to require purchase of interests

Chapter I Interests affected by planning decisions or orders

Service of purchase notices

137 Circumstances in which purchase notices may be served

(1) This section applies where—

(a) on an application for planning permission to develop any land, permission is refused or is granted subject to conditions; or

(b) by an order under section 97 planning permission in respect of any land is revoked, or is modified by the imposition of conditions; or

(c) an order is made under section 102 or paragraph 1 of Schedule 9 in respect of any land.

(2) If—

(a) in the case mentioned in subsection (1)(a) or (b), any owner of the land claims that the conditions mentioned in subsection (3) are satisfied with respect to it, or

(b) in the case mentioned in subsection (1)(c), any person entitled to an interest in land in respect of which the order is made claims that the conditions mentioned in subsection (4) are satisfied with respect to it,

he may, within the prescribed time and in the prescribed manner, serve on the council of the district or London borough in which the land is situated a notice (in this Act referred to as "a purchase notice") requiring that council to purchase his interest in the land in accordance with this Chapter.

(3) The conditions mentioned in subsection (2)(a) are—

(a) that the land has become incapable of reasonably beneficial use in its existing state; and

(b) in a case where planning permission was granted subject to conditions or was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions; and

(c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Secretary of State has undertaken to grant planning permission.

Yours sincerely

John Gass

On 2023-10-18 12:02, Luton Airport wrote:

Application by London Luton Airport Limited for an Order Granting Development Consent for the London Luton Airport Expansion

Your unique Interested Party reference number: **20037648** (please quote in all future correspondence)

Dear Mr Gass,

Thank you for your submission of 14 October 2023. We note that this provides comments on the decision letter and Inspector's report relating to planning permission Ref 15/00950/VARCON.

The Planning Inspectorate is currently examining the application for Development Consent for the 'London Luton Airport Expansion Project' to extend the (originally) permitted cap of 18 million passengers per annum (mppa) to 32 mppa, including new infrastructure to enable this and other associated development. This is a separate project to permission Ref 15/00950/VARCON. We have no remit to influence permission Ref 15/00950/VARCON and are therefore unable to respond to the specific points that you make in this context.

However, it would be useful to the ExA to receive your thoughts on any implications of the decision for Ref 15/00950/VARCON on the current application for Development Consent, as per our 'Rule 17' letter of 13 October.

If you would like to know more about the current project, including the proposals for noise insulation, then further information can be found on the [project page of the Planning Inspectorate website](#).

Kind Regards

Rammiel Burnie
He/Him



The Planning
Inspectorate

Rammiel Burnie | Case Officer
Nationally Significant Infrastructure Projects (NSIP)
The Planning Inspectorate
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Direct Line: [REDACTED]
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The Planning Inspectorate



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From: [REDACTED]
Sent: 14 October 2023 10:35
To: Luton Airport <Lutonairport@planninginspectorate.gov.uk>
Subject: TR020001:TR020001-001995-R17:Request for further information and written comments

Unique Reference: 20037648

Further information in regards of the Decision letter and Inspector's Report for a called-in planning application for the variation of conditions (8, 10, 22, 24 and 28) attached to a previous planning permission.

Further to your letter of 13th october, I would like to make comment upon the decision letter and Inspectors Report as follows:-

Inspectors report section 7.2 states that

"There would be no significant impacts on human health either as a result of any increase in air traffic movements (ATMs) as the spatial pattern of aircraft movements would not change, or as a result of any air quality or transport impact. Effects on residents who are exposed to noise at or above the daytime and night-time Significant Observed Adverse Effect Levels (SOAEL) (63 and 55 dB LAeq) will be mitigated by noise insulation which would minimise the increase in noise when windows are closed, avoiding adverse health effects."

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6) The noise insulation scheme does not address the reduction in value of Grade II listed buildings as a result of the failure of the Noise Insulation Scheme to mitigate the impact of the noise, nor the situation where such properties have now become unsaleable.

I would appreciate my comments being taken into account and the Noise Insulation scheme being amended to take into account the cost and requirements of providing adequate Noise Insulation for Grade II listed buildings, in particular

1) The cost of noise insulation to windows, doors and walls using materials and methods approved by Historic England and the local council Conservation Planning departments to be covered in full by the Airport.

2) The airport to work closely with Historic England and the Local Conservation planning departments to obtain the relevant listed building consents, without the inhabitants being required to make multiple speculative applications with little or no information to support the applications due to a lack of co-ordination.

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(b)in a case where planning permission was granted subject to conditions or was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions; and

(c)in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Secretary of State has undertaken to grant planning permission.

Yours sincerely

John Gass

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