

We summarise here key points made by LADACAN at ISH9. Sections 1-6 cover Action 15.

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### 1. Relevance of CAP1129

LADACAN summarised its position with respect to the noise envelope design process followed by the Applicant as follows, with reference to REP5-071:

Firstly, the Aviation Policy Framework 2013 states in section 3.29 *“The Government wishes to pursue the concept of noise envelopes as a means of giving certainty to local communities about the levels of noise which can be expected in the future and to give developers certainty on how they can use their airports.”*

The DfT commissioned the CAA to provide guidance on the creation of a noise envelope, which it published in 2013 as CAP1129. We have summarised its key guidance in Annex 1 of REP2-061, and applied its guidance in many of our responses to the Applicant in REP5-072.

The importance of that guidance was underlined by the Airports National Policy Statement, 2018, in the context of the Heathrow third runway. Section 5.60 states: *“The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise (ICCAN). The benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction. Suitable review periods should be set in consultation with the parties mentioned above to ensure the noise envelope’s framework remains relevant.”*

We noted that, given the demise of ICCAN, that the currently available guidance is in CAP1129.

## 2. Process set out in CAP1129

As REP5-071 indicates, CAP1129 is clear that in top-level process stage 4, the foundation of a noise envelope design involves agreeing *“the appropriate metrics (ie controls) and respective limits”* (which, taken together, form the ‘parameters’) of a noise envelope which strikes *“an appropriate balance between minimising noise impacts and maximising sustainable growth”* and which will *“address precisely the noise issues local to the airport under consideration”*.

Whilst the Noise Envelope Design Group (NEDG) discussed at length the controls which could be used, limits were not specified for those controls until the very end of the process. Those limits, which define the “magnitude” of the envelope, were not arrived at (as required in CAP1129) by striking an appropriate balance between minimising noise impacts (ie Do Nothing) and maximising growth. Instead, they were set by the Applicant to maximise growth, using its Faster Growth model based on its growth forecasts.

Therefore, the magnitude of the Noise Envelope – by which we mean the overall additional noise impacts which would result from the Application – has been set at the upper end of maximising growth, whereas it ought to be at some middle point so as to achieve the required balance.

For clarity, this means that the proposed noise contour areas and numbers of flights are larger than the application of the guidance of CAP1129 would indicate.

## 3. Striking a balance and sharing the benefits

The Aviation Policy Framework provides guidance on both these aspects of noise management in its paragraph 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.”*

A fair balance is clearly not a position in which industry takes everything it wants, and the sharing of benefits by industry is clearly predicated on noise levels falling. The introduction of slightly less noisy aircraft already goes hand-in-hand with the commercial benefits to industry of reduced fuel costs and additional passenger seats.

The current limits do not represent a fair balance, but one of benefit mainly to industry, which is not what noise envelope guidance requires.

## 4. Addressing the specific noise issues

From the representations received, one of the specific noise issues at Luton Airport is night flights: the Airport has a 24-hour operating licence. Addressing the specific noise issues caused by such flights at night – including at the start of the night from 11pm, and in the early morning up to 7am, would involve a reduction – not a 70% increase – in night flights.

Again, it is inadequate simply to argue that low-cost airlines need to fly from 5am to 3am the next morning to maximise the return on assets – that is not striking a fair balance or addressing the specific noise issues.

Performed correctly, the noise envelope design process would have started by addressing these issues and reaching an agreement on a fair compromise. That was not even attempted.

## 5. Lack of consultation on the Noise Envelope Design

The Applicant maintains it consulted on a broader envelope than that now being proposed.

Its statutory consultation was opposed by local authorities in impacted areas on ground of noise, and the current proposal is also opposed by the Joint Host Authorities on grounds of noise. Local people and community groups opposed the proposal in non-statutory and statutory consultation on grounds of noise.

The noise envelope for the current application – the set of controls and limits – may be slightly smaller in noise contour terms, but has not been consulted on. Such consultation would at least have indicated whether the fair balance which ought to have been struck in the noise envelope design had in fact achieved a better compromise between growth benefits and noise harms.

The covering letter with the Interim Report from the independent chair of the NEDG to the Luton Rising Programme Director dated 6 Nov 2021 and copied to members, said in its second paragraph:

*“We are awaiting the outcome of realistic growth modelling based on aviation forecasts before we can consider many of the values that we might recommend be attached to the metrics we’ve agreed.”*

On 3<sup>rd</sup> May 2022, following a hiatus in which the technical experts had been struggling to create a prototype noise model, an email sent on behalf of the Chair to members said in its second and third paragraphs:

*“while we made representations in our Interim Report as to the various metrics and elements that should be included within the Noise Envelope we were not in a position to put final values on the metrics recommended. This outstanding action needs to be completed.*

*I had hoped that we would be able to put values against the various elements before the DCO went to public consultation. However, that was not possible...”*

Finally, the covering letter to the Final Report dated 20 Dec 2022, sent to the Programme Director and copied to members, said in its second paragraph:

*“The Group recognise that it is for Luton Rising to design the noise management model that will appear in their DCO but hope you will be informed by our extensive deliberations. I ask that [the NEDG administrator] copies this letter and the report to the NEDG membership who will be interested in any response from LR while accepting that further consultation will take place later once the DCO application is submitted. In this respect, I note the members will have an opportunity to express their views on the appropriateness of any proposed noise management scheme to the Examining Authority.”*

None of these notes reflects a process governed by CAP1129, probably because few of the Group had read it and it was not adopted as the touchstone guiding the process. The final note implies some other consultation once the DCO application is submitted, whereas as we noted in the ISH, the current process is an examination, not a consultation.

The “consultation” conducted among named members of community groups on an extract of the Interim Report therefore did not offer any chance for them to comment on the magnitude of the envelope and the specific proposed limits, since as indicated above the limits were not available at that time.

Therefore, as we stated in the ISH, the Noise Envelope Design has not been consulted on.

## 6. Conclusion regarding the Noise Envelope Design

The process for defining and agreeing a Noise Envelope for the Proposed Development did not follow the guidance of CAP1129 and does not meet its objectives; neither has the Noise Envelope been consulted on as required by that guidance; nor was agreement reached on the magnitude of the Noise Envelope; and many of the controls proposed to be included were removed between the Final Report of the NEDG and the DCO Proposal.

## 7. Adequacy of noise controls

The ExA asked for LADACAN’s comment on whether the range of noise controls proposed was sufficient. In the context of those controls which had been agreed by the NEDG, we affirmed that they probably provided sufficient means of noise control. The key, though, is not just the controls but the limits, and to these we do not agree for all the reasons set out above.

The NEDG Final Report recommended the following noise controls (REP4-023 Annex A):

Movement caps to provide annual control (which would also control shifts in travel patterns to non-summer periods); night period control and early morning period control (2.2.3 PDF p39)

Noise violation limits to control the departure noisiness of individual flights, with different limits based on the QC classification of aircraft type (2.3.3 PDF p42)

Differential airport charges based on QC classification (same section, PDF p43)

Noise quotas for the night period (2.4.3, PDF p44) – a quota for shoulder periods was discussed but it was decided to use caps instead – see 2.2.3 (d) on PDF p40 – except this was omitted from the final recommended set and the error was not picked up.

[It is worth noting that the NEDG suggested using the Quota Count system to assist in forecasting and slot control, PDF p45 paragraph 2]

Summer day and night noise contours (2.5.3, PDF p48)

Table 2 on PDF p53 shows the final set, with the exception of the shoulder period protection.

In order to strike a fair balance, and to incentivise improving noise performance over time, the limits associated with these controls would be lower than those proposed by the Applicant, and where appropriate could progressively tighten over time to incentivise noise reduction.