

**From:** [REDACTED]

**Sent:** 18 December 2023 17:41

**To:** Luton Airport <Lutonairport@planninginspectorate.gov.uk>; Sahadevan, Sunil  
[REDACTED]

**Subject:** Unique ref 20037648 Failure of LBC to enforce planning controls on noise insulation and its impact on TR

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear planning inspectorate,

I have previously explained the problems with noise insulation and listed buildings and in particular the issues surrounding the property I own which is a listed building under the flight path in Breachwood Green, and you asked for my comments on the previous decision (15/00950/VARCON) about airport expansion and how it affects the current planning consideration.

As you know I was selected for noise insulation by the Airport in March 2022, and accepted this in April 2022, however the Airport have still not found an acceptable solution, please see their comments in the attached email of 23rd November 2023 where they state they are looking for a solution. Clearly still considering how to mitigate the noise in December 2023, 20 months after offering noise insulation is not a solution.

I applied to Luton Borough Council asking them to investigate the breach of planning, and they have replied see attached email that there is no time limit for the Airport provide noise insulation and therefore they are not in Breach of the planning consent and they will not act, and that it their position.

Clearly therefore any section 106 agreement will not be a means for reducing the noise impact of the current application, as Luton Borough Council are unwilling to act on the current agreement.

I trust that you will take this into account during your deliberations.

Yours sincerely

John Gass



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## RE: [EXTERNAL] For teh attention of Martin Alberto



From Neil Thompson on 2023-11-23 12:13

Details Plain text

Dear Mr Gass,

Thank you for reaching out to us and providing a thorough account of the issues you have encountered following the recent noise surgery at Luton Airport. Your concerns are important to us, and we take your feedback seriously.

I would like to extend my sincere apologies for any frustration or inconvenience you may have experienced due to electromagnetic interference affecting your internet connection during aircraft operations over Breachwood Green.

We understand the significance of a reliable internet connection and acknowledge the impact this issue has on your daily life.

To address the electromagnetic interference matter, we are actively collaborating with Engineers from NATS, our Air Traffic Services provider. I understand your frustration with the initial response during the noise surgery, and

I apologize for any confusion caused by the limited scope of the discussion. Additionally, I recommend raising this issue with your Distribution Network Operator (DNO), which owns the overhead lines near your property and may also contribute to the interference.

Concerning the noise insulation for your listed property, we recognize the challenges you've faced in communicating this matter with NHDC and English Heritage. We are committed to finding a solution that respects the historical

significance of your property while addressing the impact of aircraft noise. Your efforts in pursuing the de-listing process are appreciated, and we will continue to work with you to explore alternative measures in compliance with existing regulations.

Your request to halt flights between 11:00 pm and 6:00 am to address concerns about noise, vibration, and light disturbances affecting your sleep has been noted. It is important to be transparent and clarify that while the airport holds a 24-hour operating certificate issued by the Civil Aviation Authority (CAA), there are planning conditions imposed by the Local Planning Authority that include provisions for night flights and various restrictions during this timeframe. These restrictions align with those imposed on every other major UK airport, and we are fully compliant with them.

Please be aware that public surgeries occur on a rotational basis in all areas impacted by the airport, providing residents with an opportunity to address individual concerns with the Flight Operations Team. However, it's crucial to note that these sessions are not formal consultation exercises.

We are dedicated to comprehensively addressing your concerns, and your feedback will be considered as we continue to assess and refine our noise mitigation measures. If you have additional information or would like to discuss these matters further, please respond to this email or contact our Noise and Community Relations team directly at [noise.enquiries@ltn.aero](mailto:noise.enquiries@ltn.aero).

Thank you for your understanding and patience as we work towards a resolution.

Regards

Neil Thompson



Neil Thompson

Operations Director

London Luton Airport

Percival House, Percival Way

Luton, LU2 9NU

## RE: Lack of response from planning enforcement



From [REDACTED]  
To [REDACTED]  
Date 2023-12-18 15:58

Dear John,

Thank you for your email. But having checked the legal agreement there is no stipulation when the works need to be undertaken after you have received their agreement.

Given this, there is actually no breach of planning control I can establish. If there are delays which you wish to speed up, then approving the Airport directly regarding this would be the best approach. Unfortunately it's not something we at the Council are empowered to assist with.

I trust this clarifies our position on the matter.

Regards,

**Sunny Sahadevan BA (Hons), DUPI, MRTPI**  
**Head of Planning**  
**Sustainable Development**

Luton Council, 2nd Floor, Town Hall, George Street, Luton, Beds, LU1 2BQ



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**From:** [REDACTED]  
**Sent:** 14 December 2023 20:18  
**To:** Sahadevan, Sunil [REDACTED]  
**Subject:** Re: Lack of response from planning enforcement

**<CAUTION: This email came from an external source - only open links and attachments you are expecting>**

Dear Mr Sahadevan,

I have still not received a response from LBC.

I can confirm that myself and my wife wrote to Alice May on the 10th April (see copy attached) explaining that we wanted noise insulation, and referring to the letter the airport sent in March 2022.

There has been much communication since April last year, but still no noise insulation, and as you yourself explain in your email of 11th December 2023 that "I can see that you are liasing with the Airport to have the insulation installed. I can also see that they have agreed you are entitled to it"

clearly we did enter into correspondence indicating we wanted noise insulation (initially before being selected which was refuted by the solicitors acting for the Airport) and at the time of being selected for noise insulation in April 2022. You state in your email of 11th December 2023 that we are in communication to have noise insulation installed.

Clearly in the last 20 months no noise insulation has been fitted, which is a failure to comply with the planning restrictions imposed on the planning consent.

Your initial email response to my notification of a breach of planning permission indicates that I should have received a full response within 15 working days, we, are well past this point, therefore please advise the appeal and complaints process which should now be followed.

Yours sincerely

John Gass



**Development Control**

Town Hall,  
Upper George Street,  
Luton,  
Bedfordshire  
LU1 2BQ

John Gass,  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

T: [REDACTED]  
E: [developmentcontrol.@luton.gov.uk](mailto:developmentcontrol.@luton.gov.uk)  
W: [www.luton.gov.uk/planning](http://www.luton.gov.uk/planning)

19<sup>th</sup> December 2023

Reference: LU12850

Dear John Gass,

**Re: Failure to perform statutory duty under planning regulations. (Stage 1 Complaint)**

I refer to your complaint submitted on 18<sup>th</sup> December 2023. As the matter relates to planning, it has been passed to me to respond to.

You have raised concerns regarding that Council is not taking planning enforcement action against London Luton Airport (LLA) for a breach of planning control. The alleged breach is that you consider the time taken by LLA to provide you with sound mitigation to your property has taken too long (20 months) since they agreed to undertake the works.

I have investigated the matter and have set out my findings below.

LLA currently operate to planning consent; 15/00950/VARCON (dated 13th October 2017). As this consent was not legally challenged or appealed, I have not looked into the merits or otherwise of that decision.

Your complaint is there is a planning breach because of the delay in you having your noise insulation installed at your property, even though LLA confirmed to you that they will progress.

Having checked the planning decision and the agreed accompanying S106 agreement, I note there is no requirements around how quickly the works are carried out after LLA have agreed to the works.



## Conclusion

Based on my findings, I therefore cannot establish any fault with the way the matter was handled or the service you received.

Your complaint and this response was originally registered at Stage 1. The Council's normal procedure is to allow escalation to Stage 2 if you are not satisfied with this response. However, as it is very unlikely that the Council's response will be any different at Stage 2 should you wish to escalate this complaint; the complaint has therefore also been considered at Stage 2.

Please note that this is the final stage of the Council's complaints process. However, if you remain unhappy with my response the Local Government Ombudsman may decide to review our decision. In order to escalate your complaint, please contact:  
The Local Government and Social Care Ombudsman  
PO Box 4771, Coventry CV4 0EH.  
Telephone: 0300 061 0614  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)  
Fax: 024 7682 0001  
Text: 'call back' to 0762 480 4299

Yours Sincerely,



Sunny Sahadevan  
Head of Planning