

Michael Reddington Comments on [REP6-067]: Applicant’s Approach to Luton Local Plan Policies LLP6B(iv-vii) - ID 20037459

Glossary

19mppa application	Application 21/00031/VARCON on the LBC Planning Portal – submitted by LLAOL to LBC to further increase noise contour limits and the passenger cap	
2022 inquiry	Planning Inspectorate Inquiry (ref APP/B0230/V/22/3296455) into the called-in decision by LBC to grant the 19mppa application	
Airport/LLA	London Luton Airport	
Airport Operator/LLAOL	London Luton Airport Operations Ltd, ('LLAOL') currently the concessionaire at the Airport	
Applicant	Luton Rising (London Luton Airport Ltd)	
Application	This application TR020001 for a Development Consent Order	
ATM	Air Transport Movement, hence ATMs is a count of the number of flights	
DCO	Development Consent Order	
LBC	Luton Borough Council, ultimate owner of and Local Planning Authority for LLA	
mppa	'million passengers per annum': a measure of an airport's passenger capacity or actual passenger throughput	
LOAEL	Lowest Observable Adverse Effects Level	
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, expressed in terms of LAeq for an 8h or 16h period	
Project Curium	Application 12/01400/FUL on the LBC Planning Portal – submitted by LLAOL to LBC in 2012 for development works to increase LLA capacity to 18mppa by 2028	
NSIP	Nationally Significant Infrastructure Project	
SOAEL	Significant Observable Adverse Effects Level	

Comments

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	4.13 The appropriateness of using faster growth assumptions in the GCG framework in light of constraints on noise insulation roll out in Phase 1 and whether the approach would comply with Luton local Plan 2011 – 2031 Policy LLP6(B)(iv-vii) and national aviation policy requirements to avoid significant adverse impacts on health and quality of life from noise	Given that Luton Borough Council is a Unitary Authority and has responsibility for Environmental Health which includes noise and pollution, it is understandable that the Local Plan contains conditions that attempt to protect residents from these effects where possible.
	4.13.1 The Applicant noted that the noise insulation rollout and compliance with national aviation policy was discussed at ISH3, and that the position discussed there (see [REP3-050]) applies whether the Faster Growth Case or Core Case occurs.	
	4.13.2 The Applicant reiterated that the policy aim in the Airports National Policy Statement (Ref 12) and Noise Policy Statement for England (Ref 13) to avoid significant adverse impacts on health and quality of life from noise is explicitly in the context of sustainable development. The noise insulation rollout therefore meets the policy aim by prioritising and providing the full cost of insulation for exposure above the Significant Observed Adverse Effect Level (SOAEL), and by rolling out the scheme as fast as reasonably possible, as discussed at ISH3.	See response against 14.13.8 below
	4.13.3 The Applicant noted that the Noise Insulation Delivery Programme [REP4- 079] demonstrated that the roll out will be as fast as reasonably practicable based on market research. This is accepted by the other Host Authorities as outlined in their comments on material submitted at Deadline 4 [REP5-066, REP5-068, REP5-076].	
	4.13.4 Post hearing submission: With regard to the difference between the core case and faster growth, as was noted in ISH8, contours 'balloon' or 'shrink' in all directions and hence what appears to be a large difference in contour area is actually a negligible difference in noise level	

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	<p>experienced by communities around the airport. For example, the difference in noise level between the core case and faster growth case at all air noise assessment locations listed in Chapter 16 of the ES [REP1-003] is 0.3 to 0.6 dB for daytime and 0.2 to 0.3 dB during the night-time.</p>	
4.13.5	<p>The ExA queried how the proposals would comply with Luton Local Plan 2011 – 2031 Policy LLP6(B)(iv-vii) (Ref 14). The Applicant offered to provide the response to this in writing in the interest of time, which was accepted by the ExA.</p>	
	<p>4.13.6 ISH9 Action 23: Explain how the proposed approach to increased noise levels relative to the 18 or 19mppa consents meets the requirements of Luton Local Plan policies LLP6Bv and LLP6Bvii.</p>	
4.13.7	<p>Post hearing submission: Firstly, it is relevant to note that the Luton Local Plan runs only to 2031 and hence only applies to assessment phase 1 of the Proposed Development. The following paragraphs deal with each policy point in the turn, for the full sub sections vi) to vii) as requested by Mr Reddington.</p>	<p>Can the Applicant please explain the ‘relevance’ of the Luton Local Plan extending only to 2031. For example does that mean that Phase 2 cannot be commenced until a revised Local Plan is provided and the Phase 2 proposals are compliant ?</p>
4.13.8	<p>The Luton Local Plan Policy LLP6B states: “Proposals for development will only be supported where the following criteria are met, where applicable/ appropriate having regard to the nature and scale of such proposals:</p> <p>4.13.9 iv) they fully assess the impacts of any increase in Air Transport Movements on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified.”</p> <p>4.13.10 LLP6Biv) is met with respect to noise by Chapter 16 of ES [REP1-003] which fully assesses noise impact of increased Air Transport Movements, identifies significant adverse effects and identifies the appropriate mitigation required to avoid these effects.</p>	<p>The Applicant’s approach is typical of the ‘smoke-and-mirrors’/‘dice-and-slice’ approach that in my view has been adopted throughout this DCO process.</p> <p>(1) Project Curium increased the passenger throughput by 9mppa from 9mppa to 18mppa, a sleight of hand which meant that the project did not meet the 10mppa criterion of a Nationally Significant Infrastructure Project (NSIP).</p> <p>(2) Project Curium gave a timescale of 2028 by which (a) 18mppa would be achieved and (b) benefits such as quieter aircraft and additional funds would accrue to residents and communities.</p>

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	<p>4.13.11 "v) achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan"</p> <p>4.13.12 LLP6Bv) is met as follows:</p> <ul style="list-style-type: none"> a. the airport's most recent adopted Noise Action Plan is 2019 – 2023, which includes 2016 noise mapping and falls under the 2017 planning permission noise contour area limits; b. Comparisons with contour areas using 2016 actuals as well as 2019 actuals and the 2019 Consented baseline were provided in response to WQ NO.1.8 [REP4-060]; c. These comparisons show noise reductions for the daytime in each assessment year when compared to any of these baselines; d. Night-time noise reductions are observed by comparison to 2019 Actuals in all assessment years and by comparison to 2016 actuals and 2019 consented in assessment Ph2a; e. For night-time noise increases in assessment Ph1 and Ph2b when compared to 2016 actuals or 2019 Consented, the potential for significant effects on health and quality of life are avoided through noise insulation; f. Furthermore, in line with the OANPS, the total adverse effects of noise are counterbalanced by increased economic and consumer benefits; g. The Noise Envelope secures all noise reductions as described above, and secures further noise reduction if and when quieter next-generation aircraft become available; h. With respect to ground noise, ground noise has also been assessed and in Chapter 16 of the ES [REP1-003] and no residual significant adverse effects are identified. Ground noise controls are secured through the DCO Requirement 28 to submit and gain approval for a Ground Noise Management Plan (Outline GNMP supplied in [REP4-049]). All Host Authorities 	<ul style="list-style-type: none"> (3) The Airport Operator was incentivised (questionably perhaps) to accelerate growth so that 18mppa was achieved by 2019. (4) The Airport operator then proposed an increase of 1mppa from 18mppa to 19mppa which was called in by the Planning Inspectorate but eventually permitted. This is an example of 'dice and slice'. (5) From 2014 (to 2019 before Covid but expected to return by 2025) there has been a doubling of passenger numbers and a significant increase in noise – which has essentially been unmitigated because of the poor performance of the insulation programme and the lack of time within which carriers could provide larger, less noisy craft. (6) Therefore, when the Applicant compares past noise levels to present or predicted noise levels, he invariably ignores the unbridled increase produced by Project Curium and concentrates on the 'insignificant' noise increases due to the additional 1mppa. This is an example of 'smoke and mirrors' (7) Furthermore the Applicant ignores the fact that the 'Do Minimum' ('DM') scenario produces less noise per annum than the 'Do Something' ('DS') scenario. Therefore, promises to 'reduce noise in the future are empty, as a 'DM' scenario would also offer a noise reduction through the use of improved aircraft fleet.. This is another example of 'smoke and mirrors' (8) Residents are subject to unbearable levels of noise at all hours of the day and night. Dry figures on a piece of paper (worse still when they say 'insignificant') do not reflect the sheer level of misery inflicted on residents such as myself – especially when these figures do not compare the noise to

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	<p>(including LBC) have confirmed the Outline GNMP is acceptable.</p>	<p>2014 before Project Curium took effect and which is the standard by which we residents gauge the level of annoyance and frustration at Luton Borough Council, Luton Rising and LLAOL who appear to have no goal but airport expansion at whatever cost.</p> <p>(9) The Applicant talks about 'mitigation' in the form of insulation, as if this were some panacea. It is not. Noise figures quoted are free-field, so are external to properties. We all use – or should I say would LIKE to use - the open spaces, whether it is our private gardens, public spaces, or otherwise. No amount of 'mitigation insulation' removes the noise from these areas which makes them almost unusable, especially when they are most needed, during the summer months.</p> <p>(10) In respect of Ground Noise, there are no plans to monitor levels because the Applicant considers this to be too difficult. Instead, the Applicant models Ground Noise and uses the output to set noise contours. However, these cannot be checked. Indeed there are no plans to measure even the total noise at the extremities of the Ground Noise contour to provide an indication of the impact on residents.. I have stated elsewhere in responses that it must be possible to generate algorithms to correlate and extract arrival and departure Air Noise from the total measured noise so that the Ground Noise model can be checked. (Air Noise contours fortunately <u>can</u> be checked using the Air Noise monitoring programme by comparing levels measured at distances from the airport with those used in the model to produce the contours).</p> <p>(11) The only way not to increase the noise is to not increase the number of ATMs AND to insulate</p>

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		<p>properties as per the various S106 (or other) Agreements.</p> <p>(12) Note: In respect of ATMs, no amount of larger planes will necessarily reduce the number of ATMs because there are still slots available to carriers. If these are taken up, they will produce more ATMs and hence more noise.</p>
		<p>The Applicant states in response to 4.13.12 above:</p> <p><i>f. Furthermore, in line with the OANPS, the total adverse effects of noise are counterbalanced by increased economic and consumer benefits.</i></p> <p>Can the Applicant please explain how this conclusion can be so confidently stated ? For example what is the base level of 'adverse effects' and how are 'adverse affects' costed ?.</p>
	<p>4.13.13 “vi) include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted”</p> <p>4.13.14 LLP6Bvi) is met by the provision of an effective noise control, monitoring and management scheme, which is summarised in the Comparison of consented and proposed operational noise controls document [REP5-015].</p>	<p>See response against 14.13.8 above</p>
	<p>4.13.15 “vii) include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents”</p> <p>4.13.16 LLP6Bvii) is met as follows:</p>	

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	<p>a. The Noise Envelope secures noise reductions as described in relation to LLP6bv) above, and secures further noise reduction if and when quieter next-generation aircraft become available;</p> <p>b. The extended noise insulation scheme will avoid all significant effects from air and ground noise and has been extended to cover a much greater proportion of local residents, both in terms of the geographic extent of eligibility and in terms of the monetary value of the insulation schemes.</p>	
4.13.17	<p>In response to a final comment on noise from the Host Authorities to next generation aircraft, the Applicant clarified that no noise benefit from next generation aircraft has been applied to the assessment of likely significant effects or significant effects on health and quality of life in Chapter 16 of the ES [REP1-003].</p>	
		<p>Luton Local Plan LLP6 also states: “Proposals for development will only be supported where the following criteria are met, where applicable/ appropriate having regard to the nature and scale of such proposals..”</p> <p>“(iii) are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council”;</p> <p>Can the Applicant please provide evidence that the latest Airport Master Plan includes for an extension to 32mppa and has been adopted by the Borough Council prior to the DCO application.</p>