

Department for Transport,
Great Minster House
33 Horseferry Road
London SW1P 4DR

LADACAN
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IP: 20040757

Ref: Invitation to comment TR020001-003483

6 September 2024

Dear Sir / Madam,

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010:
Application by London Luton Airport Limited (“the Applicant”) Seeking Development Consent for
the Proposed London Luton Airport Expansion (“the Proposed Development”).**

These comments respond to the above invitation and are made on behalf of the members of the Luton and District Association for the Control of Aircraft Noise (LADACAN), a community group whose members live all around London Luton Airport (“the Airport”) and are adversely affected by the noise of its aircraft while on the ground, taking off or landing, and in flight. Our members are also increasingly concerned about the worsening of climate change and the effect additional aviation emissions would have. Membership includes concerned local Town and Parish Councils, and organisations which seek to safeguard the local environment and quality of life.

The Examination also considered increasing congestion on the roads serving the Airport (which in the case of the B653 is effectively a country road) and particularly the M1 artery between junctions 8-11 and the roads around Hitchin, as well as crowding on commuter trains between Luton and London on the Thameslink line; as airport passenger numbers have increased. We endorse the submissions from Hertfordshire County Council and Central Bedfordshire Council on this issue.

LADACAN actively engages with the Airport Operator (“LLOAL”) as a member of its DfT-mandated Consultative Committee and Noise & Track Sub-Committee, and with relevant planning authorities in relation to the growth and environmental impacts of the Airport. We are grateful for this chance to comment on aspects of the Applicant’s responses to questions raised by DfT on 2 August 2024 regarding the Proposed Development.

Brief context

We highlighted to the Examination the history of unregulated growth of capacity at the Airport between 2014 and 2019, which led to it being the only major UK airport to breach noise planning conditions for three years in a row 2017-2019, with no effective enforcement by its owner Luton Borough Council, and with no sanctions. This was largely due to the unresolved conflict of interest in which Luton is the only major UK airport to be wholly owned by the Council which is also acts as its local planning authority as well as financially benefiting in proportion to its passenger capacity.

We evidenced the financial incentivisation of airlines for growth and super-growth by the Applicant via LLAOL between 2013 and 2020, which led to the over-rapid growth. The Airport flew 18 million passengers per annum by 2019, improperly breaching noise control conditions by day and night, whereas the planning process had granted that expansion from 9 to 18 million passengers by 2028, subject to adequate fleet modernisation reducing noise impacts. Local residents endured an over-rapid and largely unmitigated increase in aircraft noise as a result; emissions were also higher than should have been the case; surface transport loading increased far more rapidly than intended.

Comments on DfT's request regarding noise controls

The DfT has requested the Applicant to provide suggested wording for a requirement which would secure noise contour Limits based on the core growth predictions rather than the faster growth case, and for these to be stated on the face of the Development Consent Order. Whilst LADACAN continues firmly to oppose the Proposed Development, if the SoS were minded to grant it then, without prejudice to our position, we would endorse defining contour Limits using the core growth case with additional controls on movements, and for these to be stated on the face of the DCO.

In its response [TRO20001-003475, A3.6.4-A3.6.5] the Applicant has rejected the DfT's request to base noise Limits on the core growth case, maintaining its position that the Limits should be based on the faster growth case, although it does offer to use Thresholds based on core growth contours. LADACAN firmly opposes the faster growth case being used to derive the contour Limits, as we set out in more detail below.

The Applicant's approach of deriving environmental impacts and Limits based on its faster growth objectives was fundamentally rejected by the Host Authorities and LADACAN at the Examination. Such an approach clearly fails to meet the policy requirement for balanced growth and mitigation, and does not reflect current economic/market pressures, and increased climate change concern.

The Applicant did not comply with CAA guidelines to create a Noise Envelope by first agreeing the scope of the envelope in consultation with stakeholders. The Applicant simply imposed its faster growth objectives for expansion on the Noise Envelope Design Group, and furthermore rejected key proposed controls. As noted above, the noise envelope is far larger than it would need to be.

The Applicant continues to reject the use of additional "hard movement limits" to mitigate noise impacts, particularly the significant additional harms which would be caused by the proposed 70% increase in flights at night, including the early morning and late evening. We reject the Applicant's assertion that movements limits are not effective in controlling noise, and respectfully invite the SoS to do likewise. People do not hear in averages, they are disturbed by individual noise events.

The Applicant also rejected adoption of type-specific noise violation limits proposed by the Noise Envelope Design Group, which would have served to incentivise airlines to adopt less noisy aircraft types and/or to fly aircraft in a way which minimises their perceived noise impact on the ground.

So-called 'Green Controlled Growth' (GCG) seeks to regulate expansion by relying on the airport operator reliably measuring, detecting and reporting over-rapid growth based on a combination of forward modelling and post-hoc measurement to derive noise contours. If these contours exceed Thresholds, proposals for remedial action are to be produced, discussed, agreed and implemented in the hope of avoiding exceedance of Limits.

However, as the GCG description admits, it would still be possible for the Limits to be exceeded. Ultimately it is airlines, not the airport operator or the Applicant, who control the fleet mix, flight schedules and the way aircraft are flown (LLAOL does not impose a particular NADP on departure; use of a steeper arrival glide slope has been rejected). Airspace design, airspace crowding and air traffic control affect the ability to achieve continuous climb and continuous descent. Wind affects the distribution of flights between easterly / westerly operations and the number of go-arounds. These factors influence the numbers, times of day or night and individual loudness of the noise events which disturb and awaken people on the ground, which would be better characterised and controlled by N-above contours and movement limits in conjunction with LAeq contours.

Regulation of past and future growth

The history of recent expansion at the Airport, as indicated in the previous section, is of regulatory failure by Luton Borough Council, due to a financial conflict of interest which remains unresolved. The Applicant is a 100% owned subsidiary of the Council; Members of the Council form most of the board of the Applicant; the Applicant is paid the annual £50m+ airport concession fee from LLAOL; the Council relies on revenue dividended by the Applicant as well as the Applicant directly funding service provision groups and charities in Luton which meet its objectives.

LADACAN's representations highlight this unresolved conflict as being at odds with guidance issued by the Committee for Standards in Public Life; and the undemocratic and questionable channelling of public money. The airport concession fee is paid to the Applicant, not to a publicly accountable body, and the Applicant funds providers of services of the kind a Council should normally provide, without public oversight, or scrutiny. This arrangement also potentially avoids corporation tax.

This conflicted position militates against Luton Borough Council being the arbiter of last resort if DCO Limits were to be exceeded, and strengthens the case for Limits to be on the face of the DCO.

Lack of effective mitigation

The Applicant's claim that modernising the fleet serves as mitigation is specious. Airlines invest in larger, modernised aircraft to reduce costs, through expectation of reduced fuel consumption and more passengers per flight. Policy requires the benefits of technical advance to be shared between industry and people on the ground. Yet the Applicant proposes to take the benefit of slightly (and for the A321neo, imperceptibly) less noisy aircraft to fly more of them, and more passengers, up to the absolute limit of the runway capacity. This is not fair sharing, neither is it noise mitigation.

Noise insulation, the only other 'mitigation' on offer, is more accurately portrayed as compensation and is not effective mitigation because:

(a) it does not protect people whilst outside in gardens, on balconies, or in noise-affected parks and open spaces such as Stockwood Park or Wigmore Valley Park;

(b) only a minority of the people who would be increasingly awakened by 70% more night flights (clearly detrimental to quality of life), would be eligible for noise insulation in any case due to the eligibility criteria being so tightly drawn;

(c) there is no recourse where landlords fail to respond to letters offering noise insulation, leaving their tenants to suffer in inadequately protected accommodation.

Noise burden

The noise at night which would result from the Proposed Development is not reduced as capacity increases, which is not in accordance with existing Policy and Overarching Noise Policy Statement, which highlights concern over the effect of night flights. The introduction of so-called 'less noisy' aircraft includes the Airbus A321neo, for which the reduction in noise compared to the A321ceo is found to be disappointing (measured by LLAOL as only 1dB LAmax less, which is imperceptible).

It is notable that as the Airport has recovered from COVID, there has been a significant increase in the night and early morning shoulder (EMS) movements as a percentage of annual movements, and in 2023 annual night movements exceeded those of 2019 even with less total movements.

London Luton Airport: Annual Air Transport Movements (ATMs) by time of day or night

	ATMs Total	Day 0700- 2259	Night 2300- 0659	EMS 0600- 0659	Night % of Total	EMS % of Total
2018	136,270	119,937	16,333	5,794	12.0	4.3
2019	141,481	124,306	17,175	5,968	12.1	4.2
2020	63,593	55,929	7,664	2,525	12.1	4.0
2021	61,560	54,647	6,913	2,423	11.2	3.9
2022	118,060	102,101	15,959	4,666	13.5	4.0
2023	128,443	111,249	17,194	5,632	13.4	4.4

Source: LLAOL Annual Monitoring Reports 2018-2021, Sustainability Reports 2022-2023

It is clear that better night noise regulation is required at the Airport to meet the concerns of the Overarching Noise Policy Statement, yet the statistics are heading in the wrong direction already and the Proposed Development would substantially worsen the situation. Policy requires balanced growth and mitigation, but the night noise growth would be both unbalanced and unmitigated.

Emissions

We respectfully draw to the SoS's attention the previous government's response to the House of Commons Environmental Audit Committee Report, Sixth Special Report of Session, April 2024:

“CCC Recommendation 14: Should the evidence of the review indicate that technological measures alone will not deliver the emissions reductions predicted, we recommend that Ministers reconsider the role of demand management measures in aviation emissions policy. In preparation for the outcome of that review, we recommend that the Government develop policy proposals on demand reduction, including consideration of greater use of digital technologies, reducing the cost of rail travel, and a frequent flyer levy, should these then be required (Paragraph 203).

The Government notes this recommendation.

The Jet Zero Strategy sets out details on how the aviation sector can achieve net zero without government intervening directly to limit aviation growth. DfT analysis shows that in all modelled scenarios we can achieve our net zero targets by focusing on new fuels and technology, rather than capping demand, with knock-on economic and social benefits. If we find that the sector is not meeting the emissions reductions trajectory, we will consider what further measures may be needed to ensure that the sector maximises in-sector reductions to meet the UK's overall 2050 net zero target.”

Jet Zero aspirations that Sustainable Aviation Fuel (SAF) will achieve decarbonisation objectives are increasingly being undermined by credible research and analysis which shows that these hopes are unlikely to be fulfilled due to costs, low availability, and other demands for the SAF feedstocks. We respectfully urge the SoS to request DfT to update its analysis, and to put in place measures which can be used to reduce aviation demand should the expectations not be delivered.

This, as the Committee for Climate Change has pointed out, includes a joined-up approach to any decisions on airport expansion and an overall aviation carbon budget, rather than a piecemeal approach.

The climate change crisis can no longer be ignored, and we welcome the additional request by DfT for comment by the Applicant on the implications of the Finch judgement by the Supreme Court.

Conclusion

We respectfully urge the SoS to reject the Proposed Development, since the Applicant has rejected the opportunity to put in place a balanced approach to noise control as required by Policy or by the Noise Envelope Design Group which it set up.

We respectfully remind the SoS that of the individuals and groups which responded to the call for representations during the Examination of this DCO, there was overwhelming rejection by over 90% of those who responded. The Airport is simply in the wrong location for such massive further expansion: the runway is proximate to residential areas and its flights cannot avoid the many rural villages of Hertfordshire and Bedfordshire, and also overfly towns with sizeable populations such as South Luton, Stevenage, Leighton Buzzard, Letchworth, Harpenden; and impinge on the north of St Albans. Significant further expansion risks noise-blighting this area: even the current burden is more than many people can bear.

Andrew Lambourne

Chair

LADCAN