

I chair LADACAN, a community group representing more than 200 residents including people living in Luton and all over the region most affected by noise from Luton Airport.

LADACAN strongly opposes the application to vary Condition 10 for the following reasons:

Planning permission for 12/01400/FUL was granted for a project envisaged to last 15 years, during which the impact of growth was to be balanced with promised noise and environmental mitigations to protect residential amenity.

The Planning Conditions to control aircraft noise were carefully and expertly developed, and examined in detail by further experts during the consultation period, debated in the planning meeting, and agreed on and unanimously voted for by the DevCon Councillors.

Condition 12 (as then numbered) in particular served to balance growth and noise reduction: as aircraft became quieter, more of them could be flown. This is a key Condition to achieve the balanced approach of the 2013 Aviation Policy Framework and may not be set aside lightly. It is not, as the applicant has recently claimed, out of alignment with the other Conditions. What is out of alignment is the unbalanced rate of growth which the applicant has knowingly permitted to occur.

The applicant's Environmental Statement (ES) seeks to justify the breach of Condition 10 as being due to "unexpected passenger growth" (2.1.3). The planning authority will be aware that such rapid growth has been financially incentivised by LLAL since Jan 2014.

The applicant also seeks to blame the breach on air traffic delays causing night flights to arrive late. Were this to be a significant factor, noise events moving from the day to the night period would lessen the day noise contour, and yet this is also in danger of being breached.

The applicant further blames the fleet mix, and neo engines being noisier than anticipated on arrival. It would be surprising for an airport operator not to seek and be given advance information on fleet mix from its customer airlines, or to be unaware that airframe noise contributes significantly to arrivals noise.

The truth of the matter is that the increase in contour size has primarily correlated with growth in the number of flights, as the applicant has made clear in all of its Annual Monitoring Reports since 2014. Since the number of flights is under the direct control of the applicant, and its own data has been predicting a breach since 2015/16, it is clear that the applicant has knowingly caused the breach of Condition 10 by failing to regulate growth to remain in step with available mitigation and thereby within its agreed planning constraints.

On 16 Feb 2018 the planning authority wrote to the applicant reminding it of Condition 10, the reason for it, the existence of a breach; requiring an Action Plan in the short term to remedy the breach, requiring that the strategy plan due 1 Jan 2021 be brought forward (we understand to Jan 2019), and referring to its own obligations under "Ensuring Effective Enforcement".

It appears that the applicant has failed to deliver an adequate Action Plan (since the breach has continued) and we are not aware that the longer-term strategy document due in 2019 has been delivered. It is clear from this that the applicant is unwilling or unable to adhere to the instructions of the planning authority to operate the airport within its planning limits, which calls into question its competence for the role - a matter of significant concern which we invite the planning authority to investigate.

The application documentation suggests that the applicant is unwilling to conform: its Non-Technical Summary of the ES states "London Luton Airport intend to vary Condition 10 of this permission via a

Section 73 application." (1.1.1). This demonstrates such clear contempt for the planning process that again it is a matter for investigation and rectification.

The applicant does not explore in the ES any of a number of options open to it to avoid or remedy the breach. For example, there is clearly time in the remaining 9 years of the originally envisaged growth period to reduce the number of flights until mitigations are delivered, and reach its 18 million passenger capacity limit while remaining within the noise contour limits set by Condition 10, since the ES confirms that LLA will conform with those limits by 2024.

What is not acceptable is for the applicant to fail to conform in the interim, and hence for residents to be continue to be subject to the impact of too many flights which are too noisy because they have older noisier engines. This imbalance is precisely what Condition 10 was put in place to prevent. Offering more money for noise insulation does not remedy the breach: it is a PR sop.

The applicant has knowingly exacerbated the situation by recently permitting very noisy Boeing 777s to be introduced by El Al rather than permitting only quieter-than-average types, and by permitting Wizz UK to operate departures before 06:00.

The impact of the breach in noise terms is described as a 1dB increase in the contour category (56dB Leq becomes 57dB Leq). The ES quite wrongly dismisses the impact of this as negligible, as indeed does the applicant, and this suggests a policy of deception which we ask to be drawn to the attention of the planning committee.

To achieve a 1dB change in an Leq contour in the context of the aircraft flown at Luton requires something like an additional 50 flights added to 200, ie a 25% increase in the number of aircraft, all else being equal, which is most certainly not negligible.

We do not need to reiterate to the Council the heavy impacts due to the additional numbers of dwellings affected by day and by night by the breach which is already occurring, and the worsening of that situation in 2019, since the values for SOAEL and LOAEL are provided in the ES.

Similarly, the impacts of the increases in the contours for N65 and N70 are self-evident (although the contours are not actually provided for inspection).

None of these impacts is by any measure negligible and we cannot understand how the applicant can possibly make this claim and expect to be regarded as fit to operate an airport.

The environmental impact is not confined to noise: by flying more than its proper entitlement of aircraft with older, noisier, less fuel-efficient and therefore more polluting engines, the applicant is permitting significantly more carbon emissions than would otherwise be the case, which given the current concerns over climate change ought to lead to punitive sanctions on top of those levied for breach of Condition 10.

Under all these circumstances, and having due regard for its statutory duties and priorities, its duty of care to the residents of Luton and the surrounding area, and the lack of any compelling necessity to grant this application, it would be the proper course of action for the planning authority to enforce Condition 10 forthwith and to refuse any request for it to be set aside. We call on it to do this, and to reject the application for variation or any negotiation on the matter. The Condition is clear and simple and the breach has been permitted to happen.

Given that a clear signal of the requirement to conform was given in February 2018, the applicant has had more than a year to prepare to do so, and there is no justifiable reason for any further delay. We would therefore request an immediate requirement to conform within 6 months. The

breach has already been permitted to run on for 2 years now, to the detriment of residential amenity all around the Airport but in particular in the communities closest to it, where the detrimental health effects of aircraft noise and loss of sleep particularly at night will be most acute. This is a Public Health matter which outweighs considerations of profit.

We would also draw the attention of the planning authority to the fact that the applicant's agent has twice in the material period revalidated / recalibrated the system which models the noise contours, without providing fully transparent information including raw data to justify those changes. It would be appropriate as part of its scrutiny obligation for the Council to request full sight of and have independently checked all the raw data underpinning those recalibrations, since the effects in apparently reducing contour values is significant and this therefore an important scrutiny measure in the future.

It would also be important to enquire as to whether the alleged changes in departure procedure have persisted, and whether any others have occurred since. NTSC members were advised that Ryanair has adopted various departure procedures over time in order to avoid noise fines at the fixed monitors, and it is of concern that the information for Ryanair was missing in 2015 and the operator did not seem able to obtain this.

If noise monitoring in South Luton is required to ensure the accuracy of the INM model, then this should be put in place permanently and made publicly visible and the calibration scrutinised in future, rather than being conducted on an ad-hoc basis and in secret.

We are particularly concerned in general about the standards applied to noise measurement and analysis, and the lack of transparency. We note that LLA's online community noise reports for Brickhill Park (2017) and Sandridge (2017) at the time of writing (18 May) contain gross errors which despite being advised to the applicant over a year ago have not been corrected, and neither have other deficiencies discussed at the LLACC. Noise results from the Late Landing Gear trial were analysed only by LLA and not scrutinised at all as far as we are aware, and certainly not reported with any statistical confidence levels.

This all calls into question LLA's current arrangements for measuring, analysing and reporting accurately the noise in the vicinity of the airport, and we request that the planning authority considers whether much more effective external scrutiny should be applied to all noise data collection and analysis in future.

To conclude: the information provided with this application is deficient, but the application is so clearly inappropriate and in contempt of reasons for which the planning conditions were properly laid down and agreed by the Applicant to govern the Airport operations during its entire 15-year capacity growth, that the application should be rejected in any case and Condition 10 enforced and no further time wasted on a consideration to vary.

Residents have already been subject to a breach for 2 years and deserve the full support of the planning authority in this matter.

Andrew Lambourne
LADACAN
21 Aug 2018