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David Gurtler

BY EMAIL

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20 May 2022

Reference: 21/00031/VARCON

Dear Mr Lambourne,

Re: London Luton Airport, application to vary conditions 8 (passenger cap) and 10 (noise contours)


I am writing further to your email of 21 April 2022 which reiterated points that you raised following the Development Management Committee (DMC) meetings on 30 November and 1 December 2021.

In the correspondence with you following the Committee resolution to grant planning permission, Sunil Sahadevan did promise you that the Council would review your comments, but that since the Secretary of State had issued a holding direction we were not undertaking any further work on the application, though we would provide you with a response to your questions before any decision was issued.

With the Secretary of State's decision to call-in the planning application, I advised you that the matters are ones that no doubt you will be putting before the Inspectors at the public inquiry and so I did not anticipate there would be a further response until then as the application is now with the Planning Inspectorate. Whilst this remains the case and the matter can be dealt with in evidence in due course, in order to be helpful this letter comprises a summary response at this stage. I have summarized in bold the points you made and replied to them in each case. A copy of your email date 3 February 2022 11:32 to Sunil Sahadevan is appended for assistance.

In addressing the five points that you raised following the two DMC meetings, I have provided an itemised response to each below.

- 1. The first point concerned two contour outlines prepared in respect of the variance in the performance of the A321neo. The issue related to the apparently identical nature of the two differing outlines when superposed onto one another.***



This matter is fully addressed by Bickerdike Allen Partners in their response dated April 2022 which you have already received as a member of the London Luton Airport Consultative Committee (LLACC).

- 2. The second matter raised related to the presence of the figure 35.5sq.km and how this figure was addressed verbally by the Council's noise consultant at the meeting of 1 December 2021. Specifically, that "there is no figure in the application with an area of 35.5sq km".**

The statement provided within this point is misrepresented. The full, contextualized statement provided by Mr. Cole stated:

"I think the important consideration in relation to the noise contour areas and the potential mismatch between the 29.9km square contour and what Mr. Lambourne quotes as the 35.5km contour, there are no figures in this application that show a 35.5km contour. The revised analysis that was undertaken by BAP in 2020 contained only tabulated contour areas, it did not contain any contour figures."

It is clear that Mr. Cole's statement, when provided in full and in context, demonstrates a comprehensive understanding of the relevant terms.

- 3. The third issue that was alleged concerned the accuracy of the baseline from 2019.**

There is no fundamental misdirection of the Committee as you seem to allege. The Council's noise consultant was very clear in his presentation on how he had referred to the 2019 data – that presentation was attached to the 'update sheet' that was provided on the Development Management Committee webpage, and was also spoken to by Mr. Cole when he gave his presentation at the Committee. Further, he clearly stated the position in terms of both the baseline arising from the original 2012 ES.

The officer's report to Committee was also clear in considering breaches of planning conditions (see paragraphs 185 to 192 of the officer's report).

- 4. The fourth matter raised by you concerned the use of terminology and 'concern over clarity – 30 November [2021] evidence', with specific reference to 'dB', 'LAeq' and your understanding that there was confusion that the term ATM could have meant bank cash point machines.**

The advice that Mr. Cole provided was clear and your allegation is not accepted. Metric's are explained in, paras 115 et seq, as well as in the amendment sheet dated 30 November 2021 (para 15).

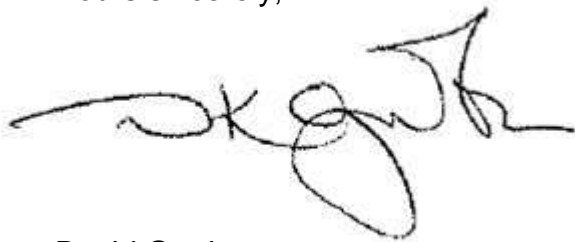
With respect to the use of the term ATMs having caused confusion, Mr. Cole made it clear that ATM was short for Air Traffic Movement and nothing to do with an automated teller machine. The reference to the latter by a Councillor was in fact made in jest, I understood at the time.

5. *The final point related to the noise model validity.*

The points you make are not accepted. There were no errors in the noise contours as you alleged and as explained above, as well as by BAP in the appended note to the LLACC by them. The Council's noise expert, Mr Vernon Cole of Suono, considered all matters carefully and presented full and evidence to the Committee, including at the Committee meetings held on 30 November and 1 December 2021. There is nothing in the evidence that you have presented which causes that evidence to be in doubt as to its accuracy.

I believe that this sufficiently addresses the points that you have raised. All further matters in relation to noise will be addressed in the evidence to be presented to the Inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Gurtler', with a stylized flourish at the end.

David Gurtler

Luton Council's Retained Airport Planning Consultant

Gurtler, David

From: info@ladacan.org
Sent: 03 February 2022 11:32
To: Sahadevan, Sunil
Cc: Gurtler, David; 'Paul Donovan'
Subject: RE: URGENT RE: Questions re evidence given at 21/00031/VARCON planning meetings

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

Dear Sunil,

We have not yet received answers to our questions first raised on 10th December.

Kindly provide answers to the 5 items repeated again here:

1) Concern over noise contour areas – 30th November evidence

The Officer's Reports do not answer the question of why two apparently identical contour outlines were reported as having two completely different areas. Your Planning Team Leader briefed the DevCon verbally on this matter, and explained (apparently incorrectly) that it was due to differences in the data used. Anybody familiar with noise contours will confirm that two apparently identical outlines on the same map must have the same area, regardless of how the outlines were produced. We drew your attention to a 19% difference in the areas ascribed to two apparently identical outlines, which indicates an error in the noise contouring for at least one of those areas. Since one of the Conditions the applicant wishes to vary relates to noise contours, this is material matter, and therefore it is also material that the Team Leader apparently misled the Committee. To ascertain whether the required standards of accuracy and correctness of information given to the DevCon Committee were achieved, you must determine which of the areas was in error and why, whether other contour areas are correct or not, and what impact this error had on the Officer's Report and Recommendation. Please inform us of the outcome of this determination.

2) Concern over noise contour areas – 1st December evidence

The Officer's Reports do not answer the question of why your QC specifically dismissed our concern over the above matter as "Mr Lambourne has misunderstood". Neither does it explain why your noise expert also stated that "there is no figure in the application with an area of 35.5sq km" when clearly there is - it appears in EIA volume 3 on PDF page 27 Figure 8.10 as "2028 19 mppa Night", and its area of 35.5sq km is given in the revised ES chapter 8 Table 8E on PDF page 86, which clearly states on p3 that "The Figures within Volume 3: Figures and Appendices do not change". It appears that both your QC and your noise expert gave incorrect information to the Committee. Since this is a material issue in respect of the application, as indicated above, you need to respond properly to the inevitable implication that the Committee was misled. Please provide a response.

3) Concern over baseline – 1st December evidence

The Officer's Reports do not set out, as required, technical appraisals which clearly justify the recommendation. On the essential matter of the baseline, they simply refer back to the opaque statements in the application, which your noise expert confirmed are unclear. However paragraph 81 does say "2019 has not been used as the base year for noise". In that case, as we have pointed out, the noise expert should not have used 2019 as a baseline to explain to Councillors the increase in numbers of flights which would arise from the application. This appears to be a fundamental misdirection of the Committee and therefore is a material matter on which we have asked you to respond, but you have not done so. Please provide a response.

4) Concern over clarity – 30th November evidence

As we explained, the information given by the Council's noise consultant in explaining to Councillors that an increase in flights of 43.5% would only give rise to a noise increase of +1.57dB was misleading since he did not explain that he was talking about dB LAeq, which is quite different from the general public perception of that dB means. It was clear in the meeting that even his use of the technical jargon "ATMs" to refer to flights caused confusion to a member of the Committee who thought he was referring to cash point machines. It is a matter of concern that the Committee was not given clear and accurate information in a way that they could be expected to understand, yet you have not addressed the point. Please provide a response.

5) Dismissal of our concerns about noise model validity

Since noise contours are fundamental to the understanding and assessment of the impacts of the proposal, and noise contours are derived from computer noise models, and computer noise models are in danger of the "garbage in, garbage out" problem unless the data they are given is carefully checked and proved to be reasonably consistent with reality, the concerns we raised over such obvious inaccuracies in the modelling data deserve to be taken seriously, yet you have not addressed them. Please provide a response.

Regards,

Andrew

Andrew Lambourne
Chair, LADACAN
www.ladacan.org

From: info@ladacan.org <info@ladacan.org>

Sent: 24 January 2022 10:37

To: 'Sahadevan, Sunil' <Sunil.Sahadevan@luton.gov.uk>

Cc: 'Gurtler, David' <David.Gurtler@luton.gov.uk>; 'Paul Donovan' <Paul.Donovan@hertfordshire.gov.uk>

Subject: RE: URGENT RE: Questions re evidence given at 21/00031/VARCON planning meetings

Dear Sunil,

Your latest email is not a useful update on progress because "in the main" does not confirm which questions you believe to be covered by the Officer's Report and which you will "come back to".

I have checked against the Officer's Reports (the original and the Amendment Sheet) and the matters I raised are not covered, as indicated here by question topic:

1) Concern over noise contour areas – 30th November evidence

The Officer's Reports do not answer the question of why two apparently identical contour outlines were reported as having two completely different areas. Your Planning Team Leader briefed the DevCon verbally on this matter, and explained (apparently incorrectly) that it was due to differences in the data used. Anybody familiar with noise contours will confirm that two apparently identical outlines on the same map must have the same area, regardless of how the outlines were produced. We drew your attention to a 19% difference in the areas ascribed to two apparently identical outlines, which indicates an error in the noise contouring for at least one of those areas. Since one of the Conditions the applicant wishes to vary relates to noise contours, this is material matter, and therefore it is also material that the Team Leader apparently misled the Committee. To ascertain whether the required standards of accuracy and correctness of information given to the DevCon Committee were achieved, you must determine which of the areas was in error and why, whether other contour areas are correct or not, and what impact this error had on the Officer's Report and Recommendation.

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Project: London Luton Airport Consultative Committee

File Ref: A11060.03 N08

Date: April 2022

Subject: **Comparison of Contours for 2028 19mppa**

From: David Charles, Bickerdike Allen Partners LLP

Introduction

The LLAOL application 21/000.31/VARCON contains two versions of the 48 dB $L_{Aeq,8h}$ night contour for 2028 with the airport operating with a limit of 19 million passengers per year. The versions primarily differ in the performance taken for the Airbus A321neo aircraft.

When originally computed, the assumption for the performance of the Airbus A321neo was based on the certification results for it. This meant departures having a 6.3 dB improvement over the existing Airbus A321 and arrivals a 1.8 dB improvement. This was reported as giving a contour area of 29.9 km² and the green line shown in Figure A11060_06_DR002, page 51 of Appendix 1A Screening report¹.

When computed for the revised ES, the assumption for the performance of the Airbus A321neo was based on the measured results at Luton, with departures having a 1.9 dB improvement over the existing Airbus A321 and arrivals no improvement. This was reported as giving a contour area of 35.5 km² and the blue line shown in Figure A11060-S73-44-1.0 on page 27 of Volume 3 Figures and Appendices².

LADACAN have compared the two contours and concluded that “apart from a very small difference to the southern lobe, the green and light blue lines from the two separate maps, when superposed, are indistinguishable”.

Discussion

The effect of changing the modelled performance of the Airbus A321neo, both on arrival and on departure will be to increase the size of the resulting contour. The increase will be both in terms of the length of the contour and in terms of the width of the contour. The greatest effect would be expected for the portion of the contour where departures are the main contributor, as these have the greatest difference in modelled performance. This is the western half of the contour, excluding the lobe that extends over Caddington which is due to arrivals from the west.

¹ http://www.luton19mppa.info/Downloads/Application/Volume3_App1A.pdf

² https://planning.luton.gov.uk/online-applications/files/C241B7BCCA7ECB893CF0168980A39405/pdf/21_00031_VARCON-DC08_2021-00031_Volume_3_Figures_and_Appendices-908782.pdf

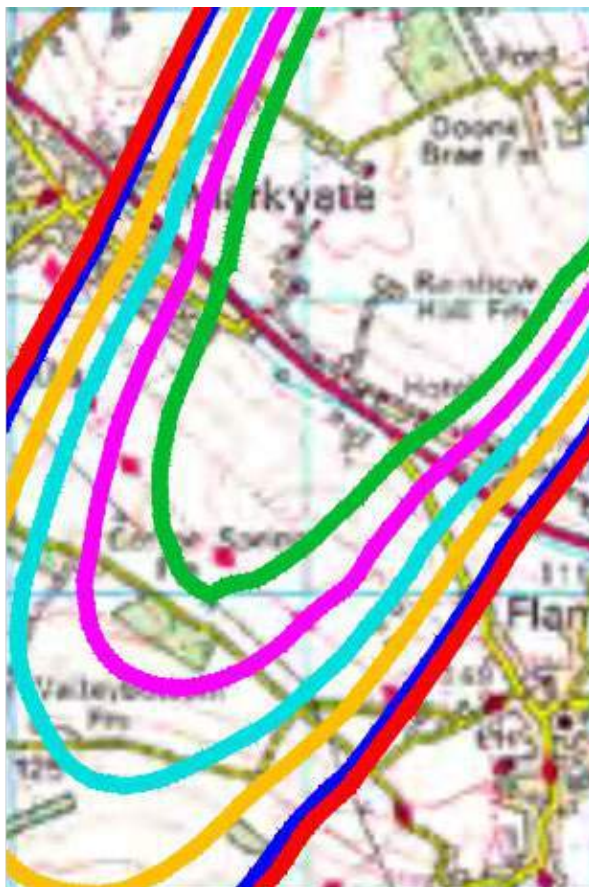
Contour Comparison

Comparing the two contours is complicated by the first contour, that with the performance based on the certification data, being presented with several others. The scale of the contours, 1:100,000 also means that when plotted at A4 a difference of 1mm equates to 100m in actual difference. This is particularly relevant in relation to the width of the contours, as given they are around 20 km in length it only takes a few millimetres of increased width to give an increase in area of several square kilometres.

Three areas of the contours are compared below in the paired images. In each case the left-hand images include the first contour in green, that reported as having the smaller area. The right-hand images contain the later contour in light blue.

The first comparison is the southwest lobe. This shows the first contour ending before the wood near Cotton Spring Farm whereas the second extends beyond it. The change in width is also visible, using the name Markyate as a guide the first contour splits the 'a' and 'r' while the second contour goes through the left hand side of the 'M'. On the other side, the first contour just passes outside the 'm' of Rainbow Hall Farm while the second of some distance to the east. The second contour is therefore both longer and wider in this area.

First Contour – Green

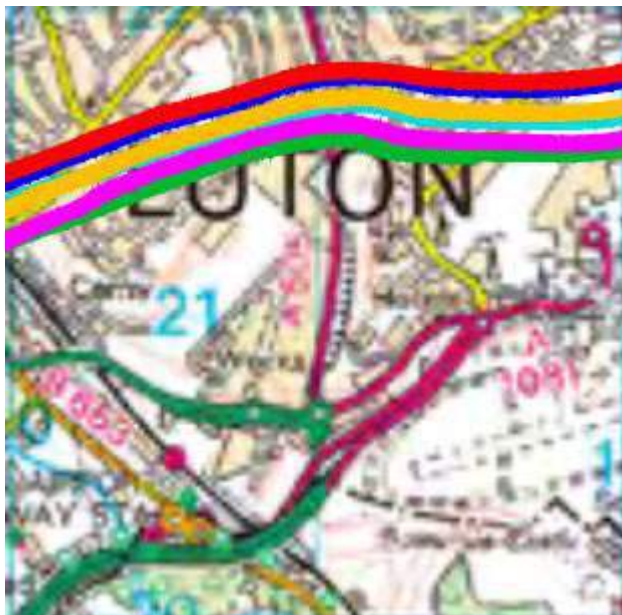


Second Contour – Light Blue



The second comparison is the area to the north west of the airport. The change in width remains visible, using the name Luton as a guide the first contour is close to the bottom of the 'L' and goes through the top of the 'T' and 'O', while the second contour goes through the top of the 'L' and is above the other letters. The second contour is therefore wider in this area.

First Contour – Green



Second Contour – Light Blue

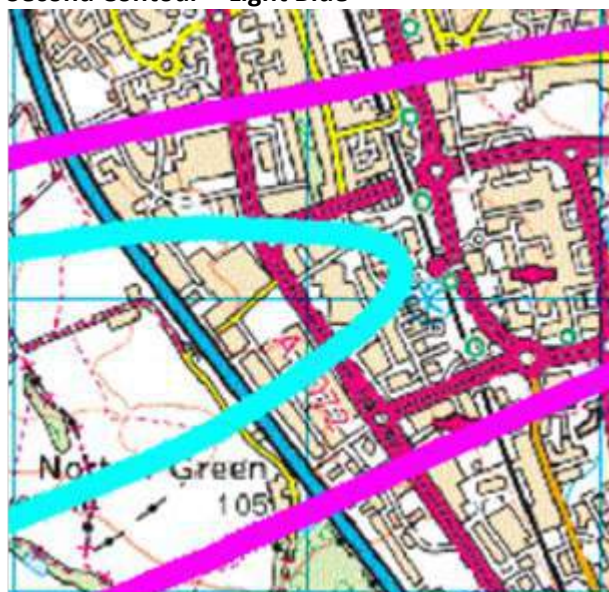


The third comparison is the eastern lobe. This shows the first contour ending on the red road to the east of the motorway whereas the second extends beyond it. The change in width is less clear, but using the name North Green in the bottom left as a guide the first contour only has some of the 'N' above it while the second contour has all of the 'N' and 'o'. The second contour is therefore both longer and wider in this area.

First Contour – Green



Second Contour – Light Blue



Conclusion

The comparisons find the second contour extends further to the southwest and to the east, and that it has a greater width. This is consistent with it being reported as having a larger area.

-X-X-X-X-