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Mr Buxton  
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19<sup>th</sup> December 2013

Dear Mr Buxton,

I refer to your letter of 16<sup>th</sup> December 2013 addressed to June Kelly, our Ref 12/01400/FUL, your Ref RB, concerning in particular matters relating to noise contained in the officer report concerning Luton Local Plan Policy LLA1 and proposed condition 12. You refer in your letter to both condition 12 and 'paragraph 12'. I assume that references to 'paragraph 12' should in fact be to condition 12, namely as proposed in the officer report and found on page 8.

Firstly, in relation to Luton Local Plan Policy LLA1. This is fully considered in the officer report. Whatever the meaning of the policy, and there is clear difference of opinion over this, proposed condition 12 which is to control aircraft noise is based on the actual not the predicted 1999 contours, and therefore imposes a stricter noise control than if based on the predicted 1999 contours. This is as urged by your clients LADACAN. Contrary to your allegation in your letter, proposed condition 12 is clearly 'fit for purpose' and fully achieves its purpose.

Secondly, in respect of the noise contours. Proposed condition 12 does not refer to any different or new contours to those referred to elsewhere. However in order to clarify matters references to 72 dBA will be omitted. The contours are the same.

Thirdly, it is not accepted that proposed condition 12 is unclear as to when it comes into force. As is normal with any planning condition, unless expressly stated to the contrary, a planning condition comes into force at the date of implementation of the development the subject of the planning permission granted. However, in order to make the matter clear beyond doubt, the words "From commencement of the development hereby permitted," can be added at the beginning of the proposed condition. It is considered by officers to be over restrictive for condition 12 to come into force on the grant of planning permission and this is not being proposed.

Fourthly, typographical and other minor amendments to the officer reports will be reported to the committee. This will include, for example, deletion of references to Local Plan policies T1 and T6 which are recognised not to have been saved.

I have looked into the points you make in your letter concerning the failure of council officers to respond to your previous letters. I understand that each letter was in fact replied to by June Kelly by e-mail and or by letter on each occasion.

In all the circumstances, there is no question of the meeting of the Committee not going ahead on 20<sup>th</sup> December to determine the planning application.

Yours sincerely



Chris Pagdin  
Head of Planning and Transportation