

**From:** Gurtler, David <David.Gurtler@luton.gov.uk>

**Sent:** 25 July 2019 16:45

**To:** 'Andrew Lambourne' [info@ladacan.org](mailto:info@ladacan.org); 'Martin Routledge'

'Jeff Charles'

**Cc:**

**Subject:** RE: Clarification of NTSC query and request for summary sheet

Andrew

Sorry for the delay.

The issue as you say is complicated because there are a number of documents to refer, namely:

- the original planning permission, LBC ref: 12/01400/FUL,
- the legal agreement that went with the variation of Condition 12 in 2017, LBC ref: 15/00950/VARCON,
- the BAP report ref: A9501-R04-JGC-ZP that was submitted pursuant to conditions 11-14 of the original permission, LBC ref 14/01519/DOC
- the airport's Noise Control Scheme (August 2015),
- the airport's Noise Action Plan (February 2019)

These reports then arguably also give different names for plans for monitoring and review or control of noise as well as different dates for their implementation and review and different requirements or matters that need to be considered within the reviews.

I did try to clarify this for James Dontas in January this year, though the email that I sent to him was very detailed, so I propose just to set out parts of it in this response.

Going back to the original condition (condition 11[e] of permission LBC ref: 12/01400/FUL) the requirement is that "the scheme (*Noise Control Scheme*) including the QC System shall be monitored and reviewed on a regular basis. Such a review shall take place, not later than the 1<sup>st</sup> and 4<sup>th</sup> year after introduction and every subsequent 5 years." These review periods were carried forward in condition 9(ii) of the s73 application (LBC ref: 15/00950/VARCON)

Also the original permission included a Noise Control Monitoring Scheme (condition 13) and a Ground Noise Control Scheme (condition 14) which were to be subject to review over the same periods, so it would seem sensible to combine these reviews to encompass everything.

The legal agreement also had review periods associated with the Noise Management Plan (NMP), but these vary to those in the planning permission, requiring a review in the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> years following commencement and then every fifth anniversary thereafter.

My understanding is that whilst commencement of development was 1<sup>st</sup> January 2016, the full implementation of the Noise Control Scheme (NCS) was 1<sup>st</sup> July 2016. That would mean that:

1. for the planning conditions covering NCS (plus noise control monitoring scheme, plus ground noise control scheme) the first review was to be 1<sup>st</sup> July 2017 and the second review (in the fourth year) would be 1<sup>st</sup> July 2020.
2. for the s106 agreement covering the NMP the first review would have been 1<sup>st</sup> January 2017, the second review (in the third year) was due to be 1<sup>st</sup> January 2019 and the third review would be 1<sup>st</sup> January 2021.
3. Note that the s106 agreement also has review dates for other things, notable:
  - Residential noise insulation scheme should be reviewed 1<sup>st</sup> January 2019 (and then every five years)

- Non-residential noise insulation scheme should be reviewed 1<sup>st</sup> January 2019 (and then every five years)
- Track violation penalty system subject to a review on an annual basis

So in terms of the planning conditions and the s106 agreement there is a difference in the dates when things were required (and if one went by both documents together reviews would be taking place on 1.1.2017, 1.7. 2017, 1.1. 2019, 1.7. 2020 [and every five years thereafter], 1.1. 2021 [and every five years thereafter]). **So it seemed sensible to regularise things, and I suggested for this year we aim for 1<sup>st</sup> July 2019 and then we next go for 1<sup>st</sup> January 2021 and every five years thereafter** (this would relate to the commencement of development date in the future which is a date we all know from the s106).

At the LLACC we had the discussion about the report for the review which was due on 1<sup>st</sup> July and it was agreed that LLACC members could consider it and provide feedback by 19 July and then by 1 August LLAOL would be submitting this to LBC.

In the email to James Dantas I did summarise the different requirements of the separate planning documents, such as the Noise Management Plan Review mentioned in the legal agreement, the Noise Control Scheme covered by the planning condition, and the matters that the BAP report indicated would be included in the review.

You will recall that BAP and LLAOL have both pointed out that much of the information required to meet the terms of the conditions (and consequently the NCS Review) is provided within reports that LLAOL currently produce, such as the quarterly environment reports and the annual monitoring report. Whilst this may be the case I considered that the review should be a stand-alone document, that was to **be submitted on 1<sup>st</sup> July 2019, with the next one on 1<sup>st</sup> January 2021** (five years after the implementation of the planning permission) **and then every five years thereafter (so 1.1.2026, 1.1.2031, etc)**. I also considered that the review should address the actions that were required and specified as being part of the NCS to reduce the impact of noise associated with the airport on the surrounding communities and then provide information on the effectiveness of the measures that LLAOL has set in place and make recommendations and a programme for the next period as to how things can be improved further.

Hope this helps.

David

**From:** Andrew Lambourne [mailto:info@ladacan.org]

**Sent:** 08 July 2019 11:20

**To:** Gurtler, David; 'Martin Routledge'; 'Jeff Charles'

**Cc:** [REDACTED]

**Subject:** RE: Clarification of NTSC query and request for summary sheet

David,

OK, thanks for having the courtesy to let me know. I hope the issues are resolved swiftly.

Since Jeff Charles wrote the report, perhaps he will be able to comment on the question at the LLACC this afternoon.

Andrew

**From:** Gurtler, David <David.Gurtler@luton.gov.uk>

**Sent:** 08 July 2019 11:17

**To:** 'Andrew Lambourne' <info@ladacan.org>; 'Martin Routledge' [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Clarification of NTSC query and request for summary sheet

Andrew

I apologise for not dealing with this yet. On return from leave there have been issues with my access to LBC servers – the LBC laptop I have has been changed and it is not logging on to the servers so I cannot get access to files unless I am in the office hot desking.

I have been in this morning trying to sort things out with the IT team, but it is not resolved and I will be leaving my laptop at LBC when I go to the LLACC this afternoon – so will not be able to look at things until I am next in the office which will probably be Thursday.

Given that all the rest of my work will have piled up by then (I am trying to deal with a backlog of emails from since I was last in the office and able to view things) again I cannot guarantee when I will get you a response.

I have not forgotten the request and will deal with it as soon as I can get the time (note I do not work for LBC full time and without remote access I am somewhat stuck at the moment).

David

**From:** Andrew Lambourne [mailto:info@ladacan.org]

**Sent:** 13 June 2019 08:21

**To:** 'Martin Routledge'; Gurtler, David

**Cc:** [REDACTED]

**Subject:** Clarification of NTSC query and request for summary sheet

Dear Martin and David,

I'm writing to clarify my query at NTSC regarding the date of sight of a strategy for noise contour reduction.

The Noise Report I referred to is the attached, which in section 3.3 states "early 2019", the implication being this was the date for the strategy to be produced. Is this correct? Was the strategy produced? Please may we see a copy if so?

The document also refers in section 2.6 to a review not later than the 1<sup>st</sup> and 4<sup>th</sup> year after introduction of the comprehensive assembly of NCS / NCMS / NMP / GNCS, followed by dates [2016/17 / 2020/21 etc].

The Decision Notice under 14/01519/DOC appears to confirm that the Schemes were adopted in Dec 2014, so one might have expected the above yr 1 and yr 4 dates to be 2015/16 / 2019/20 – please can this be clarified?

To the uninitiated it's all a little complicated, and following the local elections it's likely that LLACC/NTSC will have a number of new faces around the table to whom this will all be very new.

It would therefore be most helpful to have a summary sheet distributed at the forthcoming LLACC confirming all the relevant key dates (commencement of development, introduction of schemes, review dates for key environmental control documents) along with the planning portal references showing where the relevant documents can conveniently be located. Please could this be arranged?

I gather we're about to have sight of the NMP, but again I'm slightly unclear how and where that review fits into the timetable above. This again indicates how helpful it would be to have a clear schedule for members to refer to.

Many thanks

Andrew Lambourne

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