

## **Summary Proof of Evidence**

**Submitted by Andrew Lambourne**

**Chair of the Luton and District Association for the Control of Aircraft Noise  
(LADACAN)**

**APPLICATION BY LONDON LUTON AIRPORT OPERATIONS LTD  
(REF APP/B0230/V/22/3296455)**

**VARIATION OF CONDITIONS RELATING TO EXTENSIONS AND  
ALTERATIONS TO THE AIRPORT**

**LONDON LUTON AIRPORT, AIRPORT WAY, LUTON**

**Date: 30<sup>th</sup> August 2022**

## Summary Proof of Evidence

1. London Luton Airport is owned by its LPA<sup>1</sup> through the LPA's company LLAL in response to the Airports Act 1986, which provides two options for managing an airport owned by a local planning authority. The option at Luton is apparently for the Airport to be managed by a third-party company, the Applicant, whose directors are qualified for the role. LLAL's directors and Officers are generally LPA Members and Officers.
2. In 2012 the operating concession agreement was extended by three years to 2031 in return for the Applicant agreeing to invest to develop the site based on a plan from LLAL, and to apply for a more significant capacity expansion by 2028 than it had itself proposed. That 2012 application<sup>2</sup> was consulted on and agreed by the LPA, subject to obligations and conditions, at the end of 2013. I provide evidence that LLAL negotiated hard to achieve a development in line with its own future strategy for the Airport.
3. The obligations and conditions attached to the 2014 planning permission were designed to ensure mitigation and control of noise in parallel with significant expansion of throughput and flights during a 15-year growth period. Gradual modernisation of the aircraft fleet via the introduction of less noisy aircraft types was intended to provide the balancing noise mitigation. This balance was tuned to ensure that the "noise contour footprint" of the Airport would remain, as the Local Plan required, below the actual level established for 1999.
4. The magnitude of the environmental impacts was matched by planning controls designed to ensure conformity with the Local Plan and national policy, and to protect residential amenity. Balanced growth depended on expansion over a timeframe sufficient to allow for noise mitigation by fleet modernisation to take place.
5. Noise contours (now Condition 10) are a mechanism for noise control, since they take account of the number of flights and the actual individual noisiness of the types of aircraft as operated at the airport in question.
6. A passenger cap (now Condition 8) is a mechanism for noise control, by limiting the number of seats occupied by commercial passengers, and hence (depending on the fleet mix) the number of flights over a defined period.

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<sup>1</sup> Luton Borough Council

<sup>2</sup> 12/01400/FUL

7. The S106 Agreement governing the 2014 permission requires reporting of noise impacts and trends via environmental impact indicators. Such reporting has regularly been provided by the Applicant to the LPA since 2014. The LPA's Director of Planning has an obligation to monitor the Applicant's performance against the S106 Agreement. That Agreement includes a commitment that the Applicant will identify and seek to remedy adverse noise trends.
8. To my knowledge the Applicant can limit the release of flight slots via twice-yearly capacity declarations, and its noise adviser can predict (based on forecast or confirmed schedules) the consequential noise contours, and also calibrates and adjusts the noise contour model using noise measurements exported from the Applicant's Noise and Track Keeping system.
9. If excess noise cannot be controlled by other means, the International Civil Aviation Organisation 4-point plan includes "operating restrictions", ie flying less aircraft.
10. The 2014 permission incorporates obligations and conditions covering balancing, reporting, monitoring, forecasting and controlling the rate of growth of throughput so that the rate of growth of noise impacts should stay within limits.
11. In 2016 an adverse trend was identified: the Airport's noise adviser forecast a breach of night noise contours for 2017. The Applicant produced an Action Plan, though the measures appeared unlikely to resolve the problem. Breach occurred in 2017 and worsened in 2018 and 2019, and would have continued but for the pandemic.
12. Given all the above, and noting the LPA scrutiny backstop role, I cannot see how a professional airport operator can maintain, as the Application seeks to do, that its repeated and worsening breaches of noise contour controls were due to "unexpected" growth or demand. I suggest the breaches resulted from mismanagement by failure to limit the release of capacity.
13. Although the LPA urged the Applicant to bring noise under control, a retrospective planning application<sup>3</sup> was submitted in 2019 to increase the noise contour limits and only bring them back into line by 2028 - the strategic long-term reduction date. After multiple consultations, that application was substituted by the current Application<sup>4</sup> to extend the long-term reduction period by three years and to seek additional passenger capacity. The process to date since the first breach has taken five years, during three of which communities were exposed to non-permitted levels of noise, with the consequence that residential amenity and health has not been properly protected.

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<sup>3</sup> 19/00428/EIA

<sup>4</sup> 21/00031/VARCON

14. As a community group member of the Airport's Noise and Track Sub Committee, I have long sought to understand how and why the apparently robust system of balances, reporting, scrutiny and controls attached to the 2014 permission failed so soon after it was granted. I have learned that a Growth Incentive Scheme was signed between the LPA, the Applicant and LLAL in January 2014, one month after the LPA agreed the 2012 application. I have also learned that the LPA, the Applicant and LLAL agreed to annual Baseline Review meetings where passenger thresholds and growth incentive thresholds and payments would be set. I noted the year-long absence from Airport Consultative Committee Meetings of the LPA during the rapid growth period.
15. I also learned that the LPA's Executive Committee and its Overview and Scrutiny Board regularly reviewed airport passenger performance against targets which were significantly higher than those projected in the 2012 application. Knowing from the Applicant's reports that the rate of fleet modernisation was not significantly ahead of schedule, I can only conclude there were two quite different throughput growth trajectories – one declared during the consultation and determination of the 2012 application; the other later agreed between the LPA, the Applicant and LLAL being commercially driven and which overlooked planning constraints.
16. This could explain why no effective control was applied to prevent worsening breaches of condition, and why no information about discussions concerning enforcement were disclosed. Neither were notes kept of pre-application meetings, which appears not to conform with best-practice LGA Guidance.
17. The intended timeframe for achieving 18 million passengers per annum is portrayed misleadingly by Applicant, as is its stance on commitments to abide by conditions. There seems to be obfuscation designed to suggest that the accelerated throughput growth was "unexpected", where the evidence indicates that the main parties knew it was discussed, reviewed and driven by targets well above those consulted on. To my knowledge, this was not disclosed to community representatives attending the Airport's Consultative Committee meetings. If correct, I regard this as an unacceptable state of affairs which inspires no confidence in the integrity of the parties involved, and brings the local planning system into disrepute.
18. An accelerated growth plan would explain the apparent "demand-led" attitude of the Application rather than the expected balanced growth and mitigation. The extent to which the Application (and its predecessor) has had to be clarified suggests the lack of transparency may not be entirely accidental. The lack of clarity over the baseline "Do Nothing" case which we highlighted in our consultation responses still persists.

19. Errors I have identified in the disclosed noise measurement data, failures and lack of consistent calibration of the noise monitors, and a key noise contour model adjustment based on what appear to be unrepresentative samples, all raise questions over the assessment of noise impacts. If the noise contour model is inaccurate, then impacts cannot reliably be evaluated.
20. The Noise Control Scheme appears to have been interpreted differently by the Applicant and the LPA, which may mean that Condition 9 still applies in any case and the existing noise contour limits still stand.
21. From all the above I conclude, based on the track record of the Applicant, the LPA and LLAL, that communities would be justified in having no confidence that the main parties were genuinely committed to ensuring balanced growth and mitigation following the 2014 permission. Instead, I conclude that the accelerated growth was commercially driven, noise and other environmental impacts were not controlled and, without a noise reduction strategy in place, may not reduce over the longer term to the extent suggested by the Application.
22. I conclude that this is an obvious and serious case of unresolved conflict of interest which can only be remedied by the involvement of independent third parties committed to ensuring that the interests of people whose health and quality of life have been and will be negatively affected by the environmental impacts of Luton Airport, are properly and adequately protected.