

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 AND TOWN AND COUNTRY PLANNING
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000
APPLICATION BY LONDON LUTON AIRPORT OPERATIONS LIMITED (LLAOL)
SITE ADDRESS: LONDON LUTON AIRPORT, AIRPORT WAY, LUTON, LU2 9LY
PINS Re: APP/B0230/V/22/3296455**

Summary statement by Karl Wingfield, Transport Committee Member on behalf of The Harpenden Society

Introduction

The Harpenden Society (the Society) seeks to promote Harpenden and the surrounding area as a pleasant place to live. Inevitably, expansion of Luton airport generates negative environmental impacts on Harpenden and the surrounding area, especially noise.

The planning environment in the UK seeks to minimise such environmental impacts and achieve a balance between the economic, social and environmental impacts. The above application promises more noise (and other environmental impacts) whilst delivering very limited economic benefits and it completely fails to enumerate a balance.

The planning environment in the UK

London Luton Airport Operations Limited (LLAOL) refer to a number of national policy statements in their Planning Statement to support their application. Such policies provide support for their application but **only** to the extent that the application achieves a balance between competing requirements and noise is reduced.

At a local level Luton Borough Council (LBC) has a separate planning policy for expansion at the airport, LLP6. This states that development proposals will be supported that: “achieve **further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise** including ground noise **at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan.**”

Noise impacts of the application

LLAOL's Environmental Statement Addendum (ESA) acknowledges that noise will increase at all contour levels. They are, in many cases, double digit percentage increases. This is a significant number on any measure.

LLAOL's assessment is that mitigation is sufficient to meet the Government's policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the Noise Preference Statement for England (NPSE).

We do not accept this as LLAOL's approach only addresses a small number of dwellings above the SOAEL and does nothing to address the adverse impacts of noise on health and quality of life on the vastly increased number of households that will see noise increase. The noise impacts are, on any measure, significant.

Economic and social benefits of the application

In the Planning Statement there is a reminder that the airport is economically important to Luton and its sub-region and there are a number of statements from LLAOL and LBC that this application is needed to “secure” those benefits. We dispute this. The application contains numerous assertions that the airport will recover from Covid, the economic benefits do not need “securing”. Such assertions by LBC are completely at odds with its intention to apply, through its wholly owned subsidiary London Luton Airport Limited (LLAL), for a Development Consent Order to grow the airport to 32 million passengers per annum.

In addition, socio-economic effects were scoped out of the Environmental Statement (ES) as (para 4.4.9) “there is limited scope for likely significant effects as a result of the Proposed Scheme.”

Latterly, LLAOL’s Statement of Case refers to a couple of specific economic benefits but their claims are not evidenced. Furthermore, on a proper analysis, the significance of these benefits is overstated and, of course, they aren’t exclusive to Luton Airport. There aren’t any significant economic benefits from this application.

Planning Balance

In the recent Stansted Inquiry, the Planning Inspectors noted that “even at their peak, noise levels would not exceed that permissible under the existing planning permission” as a key reason for consenting to that application. LLAOL are not only seeking to **increase** noise levels significantly above the currently consented contour levels but, worse than that, they are seeking to increase noise levels above the actual noise contour levels as far back as 1999.

The Society believes the overall thrust of Government policy on aviation noise is to reduce noise, emphasised in all policy documents by references to sharing the benefits of aviation – i.e. more growth is acceptable provided this is balanced by a reduction in noise for all affected communities

LLAOL’s position is that the proposed increase in noise levels is “balanced” by economic benefits. However, LLAOL has failed, anywhere, to enumerate that balance. LBC’s view of the economic benefits is that they are unlikely to improve employment significantly.

The planning balance is clearly in favour of the environmental impacts outweighing the economic impacts.

Other matters

Alternatives

LLAOL has an alternative. It can manage growth between now and 2028 and stay within the existing noise contours using the additional profits it has earned from its earlier breaches to pay any financial penalty for imposing restrictions on airlines.

LLAOL and LBC’s unwillingness to respect planning obligations

LLAOL and LBC’s failure to respect agreed planning obligations shows a complete disregard for planning law and for communities blighted by additional noise. The Planning Inspectors, in the Stansted Inquiry (para 142), referred to “the certainty that a planning application should provide”. We believe wholeheartedly in this statement. We urge the Planning Inspectors to set clear conditions, that will be enforced by someone other than LBC, if it is minded to grant this application.

Noise modelling

Questions have already been asked about the accuracy of the noise modelling, by LADACAN and others and, no doubt, further questions will be posed in LADACAN's and other proofs of evidence or written statements.

For our part, we reviewed the assumptions that LLAOL has relied upon in its modelling and consider a number to be questionable (we also referred to these in our response to the ESA).

In particular our review suggests that the 2028 fleet forecasts are extremely unlikely to be met as the fleet modernisation that's implied won't have happened (and, even if it is theoretically possible to move more modern aircraft to serve Luton Airport routes to meet the implied fleet forecasts for 2028, it is highly unlikely that it is the key airlines strategy as it would involve commercially unsound compromises).

Of course, Wood's modelled outcome maximises the number of the quietest aircraft (A320neo's) at Luton Airport in 2028 which will minimise noise contours and enable LLAOL to claim that they will reach the 2014 planning permission noise contour limits for 2028.

Furthermore, whilst Wood have not changed the 2028 fleet forecasts in the latest ESA, they have altered the short term forecasts.

A key change is a decision to push the recovery to 18 million passengers per annum out one year. The fact that there is no change in the contour levels is convenient for LLAOL as it means the applied for limits do not need to change (allowing LLAOL more flexibility) but it doesn't reflect reality as fleet modernisation, which LLAOL acknowledges it can't control, won't be delayed a year to dovetail with LLAOL's modelling objectives.

So far as the Society is concerned, this is completely unsatisfactory and calls into question the overall reliability of the noise modelling. Where else have convenient assumptions, not grounded in reality, been made?

We believe that the modelled fleet forecasts need to be independently assessed so that the Planning Inspectors can have confidence that they are genuine and the ensuing noise contours can be relied upon.

Conclusion

Airport expansion is supported by government policy, however that support is conditional on a balance being achieved between economic, social and environmental impacts. No-one is in any doubt this application will increase noise significantly, beyond the existing planning permission and, worse, back to 1999 levels. It is extremely unlikely that government policy supports such a retrograde step.

Even if a case could be made that it does, a balance still has to be achieved.

LLAOL has not made a case for any material economic benefits and LBC's position is that the best growth will do is sustain the airport but it can't be concerned about its future given its pursuit of a Development Consent Order to grow the airport to 32 million.

Furthermore, there is an alternative to granting this application, LLAOL could recover from the pandemic in a way that is consistent with its existing planning consent as it is operating well below 18 million passengers presently and fleet modernisation is happening.

Finally, ours and other analyses of the fleet forecasts, which underpin the noise contour modelling, shows that they are flawed and the noise contours are inaccurate so it's likely the noise problem is worse than it is currently presented as.

We respectfully encourage the Planning Inspectors to refuse this application.