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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/B0230/V/22/3296455

DETAILS OF THE CASE

Appeal Reference	APP/B0230/V/22/3296455
Application By	LONDON LUTON AIRPORT OPERATIONS LIMITED (LLAOL)
Site Address	London Luton Airport Airport Way Luton LU2 9LY Grid Ref Easting: 511908 Grid Ref Northing: 220942

SENDER DETAILS

Name	MR PETER STYLES
Address	[redacted]

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Applicant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Objection

I strongly object to the application by London Luton Airport Ltd (LLAOL) to increase the passenger numbers and removal of noise contours which limits the noise impact generated by the aircraft at LLAOL.

Planning application 12/1400/FUL was granted by Luton Borough Council (LBC) on the understanding that balanced growth over a 15 year period would occur with particular controls to limit noise impact on residential amenity. Instead, unbalanced growth has been financially incentivised by LLAOL and capacity will be reached in a 7 year period instead of 15.

The fact that LBC has permitted the airport operator LLAOL to exceed the night noise contour for the last 3 years running shows that neither the planning authority nor the airport is controlling the noise issue. On the part of LLAOL the repeated breach is clearly something it could have avoided since it predicted it in 2016, therefore LBC is in a position where an injunction can be sought.

LLAOL as part of this granted application committed to bring in newer quieter aircraft to conform to the planning noise contours. This has not happened and the applicant has blamed the aircraft operators in the delay of arrival in newer quieter aircraft. It is clearly down to LLAOL to ensure that the correct mix of aircraft are flying from its airport and therefore comply and operate within its current planning conditions. The airline would have to state which aircraft type and model will be operating from Luton Airport and would book the slots in advance before LLAOL could grant the airlines an operation licence to fly from Luton, so this is clearly a knowing breach. We are now faced with a wide range of aircraft operating from the airport and all of them far exceed the promised Neo noise footprint.

The applicant seeks to blame ATC delays for causing aircraft to arrive in the night period. It is an available part of operational procedure for the Captain not to depart the outstation if the aircraft cannot guarantee to land before (for example) a Night Jet Ban commencement, which means that LLAOL had an enforcement option available but chose not to use it.

The problem is very simple as is the cure, and it calls into question the capability of the current operators to conduct commercial aviation operations at Luton in conformance with local regulations. I strongly urge The Government to seriously review the capabilities of LLAOL to control the operation of its airport, or break up the vested interest of LBC in the ownership of the airport as there is no visible separation and control between the two entities and LLAOL is constantly breaking or seeking alleviations or planning variations to increase the noise levels.
I will also at this time remind The Planning Inspectorate that these noise increases are in direct contravention to Luton’s own local plan and government policies to reduce noise levels and pollution. The complete opposite is happening here and it must be stopped.

It is clear that the incentivised rapid growth that has been brought about by LLAOL is purely for financial benefit for its self and to the detriment of health and quality of life for local residents, therefore this application must be refused and more importantly the spotlight should be placed on the planning enforcement team who should be demonstrating due diligence by injunction and enforcement. It is clear that the enforcement team do not have the tenacity or ability to control the airport, probably part of it is due to the high fees going to LBC which would obviously develop an internal conflict of interest and something that the Inspectorate and government should look into.

LLAOL committed to ensuring a variety of noise monitoring and noise policies in the granting of planning permission. This again is a point of failing by the operator. I have written to and seen responses by LLAOL as to noise mitigation procedures in departures from the airport and have not received plausible or technically correct reasons why changes in procedure could not be implemented. This again brings into question of credibility of the airport operator. I have asked aircraft Captains at Luton why current departures are in place and they confirm that the airport has not requested anything different. Again, LLAOL is not actively regulating operations or departure routes to as to ensure

minimal disruption for the local residents.

The NPPF is a transparent process and so the question arises how does this arrangement hold up under close scrutiny. Please see and refer to Kelton vs Wiltshire Council 2015 and also Rule of Natural Justice Porter vs McGill, similarly 3.7 CON/09/06LBC. All of the above deal with similar matters and it's clear that LBC is failing to enforce its own planning policies.

Neither is LLAOL promoting introduction of quieter aircraft as aggressively as it is promoting growth. The noise fines imposed by LLAOL are substantially lower than for example Nice Airport in France where the noise fines are 20,000 Euros for every noise infringement. The departures and arrivals are strictly controlled and fines are issued against the airline for not following the correct procedures. Luton Airport has no effective regime in place to protect the local inhabitants – if it did, it would not be in breach of its planning conditions. Again this is something that LBC should be scrutinising and enforcing. If the Inspector looked at the official Civil Aviation (CAA) AIP publication on Luton you can see for yourself just how negligible the enforcement is and I quote " All Departure flights recording a level above 79dB, 3.5NM from start of roll between 2300-0700local time will be subjected to a nominal fine" The fines are an insignificant deterrent to controlling noise levels and vastly out of line with other airports, please see the section referring to Nice airport in France who has an comprehensive and intelligent policy that really controls the noise levels, in complete contrast to Luton

Even the noise monitoring points (NMPs) to the west of the airport are inadequate. The NMP at Grove Farm is approximately 150ft below the surrounding terrain and is screened by 100ft trees, effectively creating a 250ft noise barrier. Aircraft are often tracking North of this NMP so the data will be erroneous. The NMP at Pepsal End is set up against the M1 motorway and is trying to register aircraft noise against the background noise of heavy traffic travelling along the motorway, and again this location is not fit for purpose.

Similarly the noise complaint department at the airport didn't respond to noise complaints for much of the last summer pre covid, initially claiming a technical problem, then admitting resource shortages but still publicly claiming that noise complaints had decreased that summer. It is clear that LLAOL prefers to blame the community for being upset by noise, rather than its own shortcomings in producing too much of it by knowingly permitting too many aircraft with older engines to be flown.

An obvious option would be to route the aircraft down the M1 therefore missing most homes.

In conclusion the airport operator is knowingly operating the airport in breach of its planning permission, and has been doing so for many years. During that period it has had ample time to redress the situation. The only lawful and reasonable course for the planning inspectorate is to refuse permission for expansion and to oversee/control all future applications and operations as it is clear the current arrangements are completely controllable.