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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 RICHARD TREE
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

I object to the currently limited plans for enforcing environmental protections. While GCG's enforceability is repeatedly stated, 3.3.10 of the Draft Green Controlled Growth document makes it clear Luton Borough Council will make the decision on any enforcement action – as LBC is the owner, this is a conflict of interest. The Environmental Scrutiny Group which is created as part of the proposed actions is ultimately powerless. Figure 3.6 shows an 'Affected local authority' can bring statutory enforcement, however this has nothing to do with GCG as outlined; 3.9.7 reinforces this, stating only that they can act under the Planning Act 2008, which gives only very limited powers to local authorities other than LBC to act. And as this legislation is outside the control of LBC or Luton Rising, it does not reflect any intention on LBC's part to ensure defined limits will be respected. 3.9.5 states that provisions in the DCO will only require LBC to publish any decisions made with respect to enforcement action, it gives no details about method or prominence of publication; figure 3.6 shows the ESG is restricted to publishing on the LBC website, with no option of publishing findings independently, or more widely. This gives the appearance that Green Controlled Growth is a PR exercise, as it has no actual control over growth or environmental outcomes.
The makeup of the ESG is not clear, and seems at risk of capture by LBC. Dacorum and St Albans district are significantly affected by the plans, with flight paths running over both at low level. Planes using the normal take-off path (or landing path during easterly winds) often pass directly over Markyate or Flamstead, both in Dacorum. Most flights which need to make a significant turn after take-off then pass over populated areas of St Albans District. These 2 districts make up the majority of noise complaints London Luton Airport receives (around 80% in 2019), and show an increasing number of complaints in the last year with data before COVID restrictions (as shown in the London Luton Annual Monitoring Reports). Neither Dacorum nor St Albans district are represented on the ESG.
GCG figure 3.5 shows the proposed noise monitoring locations do not extend even as far south as East Hyde, nor in the direction of Luton town. As the measure defined in the GCG is "the total area of land experiencing noise above a certain threshold", monitoring locations are needed outside the expected contour to show the limits are not being breached. Further monitoring locations should be added in Stevenage, which most flights using London Luton airport overfly; at least one location in Luton north of the airport; either in the north of Hemel Hempstead, or the north of St Albans; and the south of Harpenden. These locations would be useful for monitoring noise levels which are already generating many complaints.