LADACAN discussion paper on Conditions 15/11/2022

1) Operational dependencies

Appendix 1 of Mr Hunt's Proof of Evidence argues that transitioning to a modernised fleet by 2031 necessitates sufficient temporary contour headroom to accommodate unconstrained introduction of less noisy aircraft with more seats, thus achieving the ability to operate within contour limits as well as the required long term noise reduction; while gradually adding 1mppa to the fleet capacity.

2) Conditioning to achieve success

Conditions need to meet these six tests:

- Necessary
- Relevant to planning
- Relevant to the development
- Enforceable
- Precise
- Reasonable

If Condition 8 is set as a fixed limit, and Condition 10 defines a temporary increase which reduces in two steps, it is reasonable that Condition 10 should incorporate precise and enforceable means to ensure necessary control relevant to planning and relevant to the development is exercised.

3) The choreography

The moving parts of the Applicant's proposition have to operate in synchrony to deliver objectives. It is reasonable to consider the scenarios which may cause failure and condition to ensure success:

- If too many larger aircraft are introduced too soon, the passenger cap could be breached
- If modernisation delivers insufficient noise reduction, the noise contour could be breached
- If too many slots are released the passenger cap and/or noise contour could be breached

The Contour Reduction Strategy is the essential choreography of this complex dynamic transition.

It follows that no moving parts can safely be set in train until the Strategy is delivered and agreed.

4) The Contour Reduction Strategy

The Applicant has set out in some detail in ES4 the timeline upon which conformity would depend and the various moving parts (CD 1.18 PDF 7/22 to PDF 9/22, internal pages 4 to 6 respectively).

It is therefore reasonable to take this information as the Contour Reduction Strategy milestones.

With reference to CD 1.18, those conditioned milestone elements would therefore be:

- Peak day ATMs for 2023, 2024, 2025 and 2028 as set out in Table 2.1
- The annual passenger limits for 2023, 2024, 2025 and 2028 as set out in Table 2.1
- The forecast of fleet modernisation (ref para 2.2.4) as set out in Table 2.2
- The 92-day summer day and night aircraft movements and noise contour areas by year

Proposed variation to Condition 10

CD 1.18 sets out the following, with LADACAN's concerns highlighted in yellow:

> ~~*The development shall be operated in accordance with the Noise report approved on 2 March 2015 (ref: 14/01519/DOC), including providing details of forecast aircraft movements and consequential noise contours as set out in that report.*~~
>
> *The area enclosed by the 57dB(A) Leq16hr (0700-2300) contour shall not exceed* ~~*19.4 sq km*~~ ***21.6 sq km 21.1 sq.km*** *for daytime noise, and the area enclosed by the 48dB(A) Leq8hr (2300-0700) contour shall not exceed* ~~*37.2 sq km*~~ ~~***42.9 sq km***~~ ***42.1 sq.km*** *for night-time noise, when calculated by the Federal Aviation Authority Integrated Noise Model version 7.0-d (or as may be updated and amended)* ***for the period up to the end of 2027. Post 2027 the area enclosed by the 57dB(A) Leq16hr (0700-2300) contour shall not exceed 15.5 sq km for daytime noise, and the area enclosed by the 48dB(A) Leq8hr (2300-0700) contour shall not exceed 35.5 sq km for night time noise.***
>
> *Within* ~~*five years*~~ ***12 months*** ~~*of the commencement of development*~~ ***the date of this permission*** *a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to* ~~*15.2 sq km*~~ ***15.5 sq km*** *for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to* ~~*31.6 sq km*~~ ***35.5 sq km*** *for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.*
>
> ***Post 31 December 2027 the area enclosed by the 57dB LAeq16hr (0700-2300hrs) contour shall not exceed 15.5 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 35.5 sq km for night-time noise.***
>
> ***Post 31 December 2030 the area enclosed by the 57dB LAeq16hr (0700-2300) contour shall not exceed 15.1 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 31.6 sq km for night-time noise.***
>
> ***A report on the actual and forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the preceding and forthcoming calendar year shall be reported on the 1st December each year to the LPA, which shall utilise the standard 92 day summer contour****."*
>
> ***Reason: To safeguard residential amenity. To accord with the objectives of the Luton Local Plan and the National Planning Policy Framework."***

Proposals

1) To bring forward of the date for submission of the Contour Reduction Strategy for review
2) A clearer specification of what the Strategy is required to cover in order to ensure success, but including the staged milestones which must be achieved before moving to the next
3) A pre-commencement provision that the Strategy will be assessed against those criteria and that the proposed development can only begin once the detailed Strategy is agreed by suitably qualified independent expert acting on behalf of the LPA & Joint Local Authorities
4) A review requirement which tests performance against the Strategy annually and permits progress to the next stage only when the previous stage has successfully been achieved
5) A pre-commencement provision requiring an independent and transparent expert review on behalf of the LPA of the noise contour model and its profiling and validation in light of the concerns evidenced at the Inquiry by LADACAN based on the data analysis performed, which will recommend any ongoing best-practice steps needed to resolve those concerns.

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