

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
REF: APP/B0230/V/22/3296455

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

Introduction

The Harpenden Society (the Society) is the civic society for Harpenden and the surrounding area, with almost 900 members. Our goal is 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. It completely fails to enumerate a balance.

Furthermore, as we have set out in our response to the Environment Statement Addendum (ESA), as LADACAN and others will argue too, the noise evidence changes with each iteration and the modelling, to the extent that details are published, appears to contain assumptions that aren't supported by the evidence.

The planning environment in the UK

London Luton Airport Operations Limited (LLAOL) refer to a number of 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.

For example:

The Aviation Policy Framework 2013 supports aviation growth “within a framework which **maintains a balance** between the benefits of aviation and its costs, particularly its contribution to climate change and noise” (Executive Summary para 5.). Executive Summary Para 17. states “Our overall objective on noise is **to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise**. The document makes clear that **the acceptability of growth in aviation depends to a large extent on the industry continuing to tackle its noise impact.**” Para 3.3 states “We want to **strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights**. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. **This means that the industry must continue to reduce and mitigate noise as airport capacity grows**”.

Beyond the Horizon: The Future of UK Aviation July 2017 “support[s] growth while tackling environmental impacts”. Of note are the following statements: para 7.32 “**Even as aircraft are getting quieter, recent evidence suggests people are becoming more sensitive to noise at lower levels and that the number of flights overhead can be a more significant factor than the average noise level**” and para 7.33 “**conventional ways of mitigating noise have arguably failed to reduce public annoyance**, particularly where there has been a noticeable increase in the number of flights”.

Other policy announcements reinforce the need to achieve a balance between the (economic) benefits and (environmental) impacts of aviation.

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.” Note that the latest Airport Noise Action Plan states that “As well as government legislation, **extra noise controls** have been defined by LLA’s local planning authority (Luton Borough Council) as part of the recent redevelopment plans granted in 2014”. (NB the “extra noise controls” are the contour limits in the 2014 planning permission – 12/01400/FUL).

Noise impacts of the application

LLAOL’s ESA acknowledges (para 6.5.3) “The results show more dwellings would be predicted to experience noise above the LOAEL, SOAEL, and level identified with the onset of significant annoyance [54dB(A)] for most scenarios from the Proposed Scheme.” The increase in the number of dwellings affected at all levels is significant by virtue of the double digit percentage increases below:

Contour	With development number of dwellings affected in the “worst” year 2023	% increase over no development
Daytime		
51dB(A) (LOAEL)	16,282	14%
54dB(A)	7,736	8%
63dB(A) (SOAEL)	744	16%
Night-time		
45dB(A) (LOAEL)	24,602	26%
55dB(A) (SOAEL)	1,993	19%

LLAOL’s assessment (para 6.10.1) is that “It is considered that existing mitigation and enhanced mitigation are sufficient to meet the Government’s policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the NPSE”.

We do not accept that the mitigation (actually referred to as compensation as it won’t be installed in all properties ahead of the worst year for noise 2023) proposed, insulation, achieves the objectives set out in the Noise Preference Statement for England to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life

as it only deals with a small number of dwellings above the SOAEL negatively affected by additional noise and does nothing to address the policy requirement to minimise the adverse impacts of noise

on health and quality of life on the vastly increased number of households that will see noise increase.

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 and the benefits will therefore return irrespective of whether this application is granted or not, they do not need “securing”. We invite the Planning Inspectors to ignore the assertions that failure to grant this application will somehow undermine the airport’s future – this is just immature scaremongering.

Furthermore, 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.

This application need only consider the additional economic benefits of further growth.

In the Planning Statement all that is said about the additional economic benefits is:

“6.4.3 The Proposed Amendments would deliver more economic benefits than the ‘do-nothing’ scenario” (i.e. maintaining operations under the 2014 planning permission).

There is no attempt to quantify the additional economic benefits.

Furthermore, 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 the application creating “over 900 new jobs...based on historical trends around half of these new jobs would go to residents of Luton” (para 2.9.1) and increasing the airport’s GVA “by around £44 million per year” (para 2.9.2).

Neither of these claims is evidenced. With respect to job creation, Oxford Economics report¹ for the Development Consent Order application states that growth from 18 to 21.5 million passengers per annum would increase total employment by 2,400 of which 900 would be in Luton. Just pro rating these numbers for 1 million passengers a year would increase total employment by 686, of which 257 would be in Luton. Whilst we support moves to reduce unemployment, this is an extremely small number of jobs when set against total employment in Luton of 93,000² (0.3% of the total). Furthermore, we fail to see where employment growth will occur for this application. No changes in the airport’s infrastructure are required (and many aspects of the infrastructure are increasingly automated e.g. check-in and border control), so it’s unlikely additional infrastructure staff are required. It’s expected that new slots will be granted during a period when the airport is less busy, which will mean existing staff, e.g. retail staff, can be used more efficiently. The crews required in the modernised fleet are the same as they are for the existing fleet and very few additional aircraft are required. Passengers are being encouraged to use public transport rather than private hire vehicles.

¹ <https://virtualengage.arup.com/luton-airport-expansion/pei-report/c3f77b228df3a68d20a351a134873e82/Appendix%2011.1%20Economic%20Impact%20Report.pdf>

² [Employment and earnings \(luton.gov.uk\)](https://www.luton.gov.uk/employment-and-earnings)

So far as the increase in the airport's GVA is concerned, £44 million per year is less than 0.03% of the 2017 GVA for the East of England and a miniscule proportion of national GDP and, of course, it is available wherever passenger growth arises – it is not dependent upon growth at Luton Airport.

LBC's Statement of Case states "the proposal would be unlikely of itself to significantly increase employment numbers...it will support and sustain the employment of airport and aviation related staff" (para 7.46) and safeguard "the continued commercial viability of the airport". The above evidence supports the view that there aren't any significant economic benefits from this application and LBC must be confident about the airport's future commercial viability given its plans to grow the airport from by 14 million passengers a year to 32 million.

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. In this 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, the numbers of which are growing as policy rightly recognises that noise annoyance is increasingly felt at lower dB levels than the SOAEL and the number of flights can be a more significant factor than the average.

This application, of course, does the opposite and the noise increases are significant, 9% and 13% respectively above the currently consented level and 1999's contours for the daytime and night-time contours. The Society does not believe Government policy provides any support for increasing noise contours beyond levels previously consented to, nor beyond noise contours experienced 23 years ago.

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, merely stating that the economic benefits outweigh the noise (and other environmental impacts). LBC's view of the economic benefits is that they are unlikely to improve employment significantly but advances an argument that growth through this application will support and sustain employment at the airport – this is entirely at odds with its promotion of the Development Consent Order application to nearly double the size of the airport in the future. The Society's view is that the economic benefits of this application are extremely small.

Other matters

Alternatives

LLAOL state in their ES (para 2.3.3) that the only alternative they considered was the "do nothing" scenario i.e. maintain the 18 million passengers per annum cap. LLAOL concluded that "to progress with this alternative would not have delivered the anticipated economic growth. This is because restrictions would have to be placed on airlines to be confident that compliance with conditions attached to the 2014 planning permission was achievable."

Because of the accelerated and incentivised growth at Luton Airport between 2014 and 2019, it is now impossible for LLAOL to operate within the 2014 planning permission if all the slots available to airlines are utilised and passenger numbers recover. This is clear from the Annual Monitoring Report for 2019 where LLAOL's projection for 2020 noise (pre-Covid) was that the 57dB(A) daytime and 48 dB(A) night-time contours would be 21.3 sq km and 42.6sq km respectively, 1.9sq km (10%) and 5.4sq km (15%) more than the 2014 planning permission limits. In all probability, but for the pandemic, further and more significant breaches would have occurred in 2020, 2021 and 2022.

LLAOL has banked considerable additional profits as a result of its breaches, as has LBC through the concession fees payable to its subsidiary LLAL. In fact, extraordinarily, LBC derived direct financial benefit from the breaches, as action to comply with the existing conditions would have resulted in fewer flights and hence lower fees.

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

LLAOL and LBC's unwillingness to respect planning obligations

We are very concerned that LLAOL has been prepared, not only to breach planning conditions, but to continue doing so (the 48dB(A) night-time contour in 2017 was 38.7 sq km, in 2018 it was 40.2sq km and in 2019 44.2 sq km). These are not trivial escalations and the steps LLAOL took to mitigate the increases clearly had no impact. LBC didn't intervene because that was contrary to its economic interests. On any measure LLAOL and LBC's failure to respect planning obligations shows a complete disregard for planning law and for communities blighted by the 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 have no doubt, if this planning application is granted, that LLAOL and LBC will treat with contempt the revised noise contour limits and will, with impunity, create even more noise as they rush to grow capacity to the Luton Rising (the public face of LLAL) business plan target of 23.5 million. We urge the Planning Inspectors to set clear conditions that will be enforced by someone other than the local authority LBC, if it is minded to grant the 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 paragraph 2.3.6 of the ESA LLAOL's consultants, Wood, explain the basis on which they have revised the fleet forecasts. They refer specifically to Wizz being completely modernised by 2028 (we do not disagree) and they refer to Easyjet's return to pre-pandemic deliveries by 2027 and an order for new aircraft to support their replacement of the A319 by 2029 (this June 2022 order is actually a component of an earlier commitment in 2013 to buy 200 aircraft and is not an entirely new order).

So far as Easyjet are concerned, the flow of new aircraft between now and 2029 will total 141 (of which 18 will be A321's which Easyjet don't use at Luton). As the current fleet includes

approximately 272 A319's and A320ceo's (and only 37 A321neo's), the fleet will not be fully modernised by 2029. Our analysis suggests it will be approximately 50% modernised by 2028.

With respect to Wizz's completely modernised fleet, we note that out of 379 aircraft only 40 will be A320neo's.

The implications of the above on the fleet forecast for 2028 is that Easyjet will still be flying a considerable number of A320ceo's in and out of Luton and Wizz will be flying almost exclusively A321neo's and more than it currently does as it replaces existing A320ceo's largely with A321's.

In a "Noise Clarifications" document, issued in August 2021, Wood stated that the fleet forecast "was completed by changing aircraft on individual flights to reflect the mix of aircraft across the entire airline".

Wood's forecast for 2028 doesn't reflect this (we note their forecast for 2028 is unchanged from earlier iterations). According to its calculations, only 10% of flights in and out of Luton on A320's will be on A320ceo's and Wizz will **reduce** the number of A321's it flies in and out of Luton.

We recognise that it is theoretically possible to achieve Wood's outcomes (even though the outcomes are inconsistent with the methodology it says it has applied) but they would require Easyjet to replace virtually all of its A320ceo's at Luton with A320neo's and redeploy noisier A320ceo's to other airports – we doubt this is Easyjet's strategy nor do we believe it is practical as other airports, also subject to noise controls, would object. In Wizz's case, similarly, it could replace its existing A320ceo's with A320neo's but we doubt that Wizz would replace existing A321 movements with A320's given the much reduced seat capacity of the latter, when load factors of in excess of 90% are currently being achieved (we also doubt that Wizz would be able to fly a significant proportion or perhaps even the whole of its very small A320neo fleet in and out of Luton for a number of reasons apart from the loss of capacity e.g. network issues, aircraft range, noise impacts at other airports as A320neo's are much quieter than A321's etc).

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. This has been reflected in the noise contour modelling in the same way, 2022 through to 2024's noise contours in the ES are now replicated in 2023 through to 2025's contours in the ESA. The fact that there is no change in the contour levels is convenient for LLAOL as it means the applied 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? For example, the one year delay above means that fleet modernisation will need to be achieved much faster between 2026 and 2027 to meet the 2028 fleet targets – even if you accept the one year delay above is credible (which we don't) it just isn't credible to suggest that aircraft

manufacturers and airlines are going to alter their production or flight schedules to accommodate LLAOL's modelling objectives.

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. The environmental impacts of growth are clear and 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. The fact that it might cost LLAOL some money shouldn't be a barrier as it made significant additional profits as a result of premature growth (and it can't moan that the pandemic caused it to lose money as the force majeure provisions in the concession agreement meant it could claim those losses from LBC).

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.

Thus, we respectfully encourage the Planning Inspectors to refuse this application.

However, if the Planning Inspectors are minded to grant this application we support the widely held view that the conditions would need to be worded in such a way that they cannot be ignored, as the existing conditions have been.