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Wendy Rousell
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30 October 2013

Our Reference: TOR 158607K

Dear Ms Rousell

London Luton Airport Planning Application
Planning Application 12/01400/FUL – Noise Assessment

The Planning Authority appointed Cole Jarman to review the noise technical assessment included within the Environmental Statement (ES) submitted with the above application. Cole Jarman's report has now been completed and is due to be published.

Cole Jarman's review has established that the noise contours and footprints presented in the ES. reasonably reflect the expected noise impact, that is specifically with regard to airborne aircraft noise; the main noise effect. They have also confirmed that the assessment is in line with current Government Policy contained in the Aviation Policy Framework, when account is taken of the obligations in the proposed Section 106. With regard to the local policy, and on the basis that noise contour area is an critical parameter, Cole Jarman have agreed that the technical work identifies that the Airport would operate as envisaged in 2028, within the targets related to policy LLA1, and this commitment has been formalised in the proposed planning condition.

Cole Jarman has also confirmed that they have all the required noise information from the applicant.

It is pertinent to avoid complex noise terminology in order to understand the impact of the application.

In essence there are no significant physical changes proposed at the site. The development is to allow the airport to make best use of its current facilities. This will result in more aircraft movements with aircraft of similar type to those operating today. The expectation is that many of the aircraft flying now will be replaced by more fuel efficient and quieter re-engined versions.

The overall result is more aircraft movements but with many of the aircraft quieter than those flying today. The applicant has agreed to live within the constraints set by LLA1, that will result in a daytime noise impact area much less than the current limit, i.e. 19.5 km^2 as opposed to 31.1 km^2 , and a night time noise impact area vastly less than the current limit, 40.4 km^2 as opposed to 85.0 km^2.

However, LLAOL has a number of significant concerns about a range of assertions made by Cole Jarman.

It requests the Planning Authority to give full and detailed consideration to LLAOL's comments on this matter and to report them to the Planning Committee.

Reference is made to the paragraphs in the Cole Jarman report.

Paragraphs 2.2.18 to 2.2.22

These paragraphs allege that in some way the ES has not adequately analysed noise impacts. However, these paragraphs again seem to refer to sleep disturbance which, (as explained below), has been addressed and quantified. Specifically, in response to paragraph 2.2.20, the ES has identified the locations most at risk of night-time noise disturbance.

On this basis, the Planning Committee can be reassured that the ES is complete and robust.

Paragraph 3.1.1

This raises a question about whether noise from other sources (ground and road) is significant. As explained below, these sources have been examined in detail.

Paragraph 3.2.6 – 3.2.7 and Executive Summary paragraph 8

This states that the Noise Insulation Scheme does not address mitigation for some locations that may warrant it due to noise from aircraft on the ground.

This is a misunderstanding. Paragraphs 4.35 to 4.44 of Technical Appendix H to the ES explains the position with predicted future ground noise. Table 20 provides estimates of future ground noise levels that could be experienced at the listed locations. However, as paragraph 4.42 explains, substantial screening is provided by industrial units and other buildings between the North Apron and Eaton Green Road. Therefore the predicted real impact is a change of 1dB. The ES correctly concludes that the impact of ground noise is not significant. This is backed up by the record of complaints set out in Table 2 of Technical Appendix H to the ES. As such, in EIA terms this is not a significant environmental impact of the development.

If the screening buildings were to be removed, the ground noise levels would be greater and in that possible situation, the noise insulation scheme could be extended accordingly.

Paragraph 3.2.7 suggests that local solutions such as screening 'could be implemented to reduce ground noise propagation. As set out above, the existence of the buildings does provide screening and so there are no significant adverse impacts.

Paragraph 3.3.2

This paragraph implies criticism of the information in tables 12.10 and 12.17. However paragraph 12.70 makes clear the basis for these figures.

Paragraph 3.3.10 and Executive Summary paragraph 9

Cole Jarman suggest there is justification to extend the noise insulation scheme to cover properties affected by road noise.

The ES has examined the absolute road traffic noise levels at building facades as well as the predicted future changes. It has evaluated the character of the relevant local roads.

The predicted change in noise due to airport related traffic, as explained in paragraph 4.47 of Technical Appendix H to the ES is about a 1dB increase which equates to a negligible change. As such, in EIA terms this is not a significant environmental impact of the development.

Paragraphs 4.1.6 – 4.1.14

These paragraphs make a number of erroneous statements:

The ES should (and does) assess and respond to findings concerning likely significant effects. While it is correct that the APF is a material consideration, the ES must comply with relevant legislation.

The ES has followed all of the standard and accepted means of assessing noise impacts associated with an airport development. There is no justification for examining '…other means of quantifying the effects of aircraft noise…'. In addition, the scope of the ES was agreed in advance with the Planning Authority.

LLAOL has extensive engagement with local community representatives and continues to review and improve a wide variety of noise monitoring and control measures, in line with the APF.

Paragraphs 4.1.9 and 4.1.11

This proposed planning condition has been put forward, through discussion and negotiation, after the submission of the application. The attention of the Planning Committee should be drawn to this form of control being a reasonable response to potential noise impacts and a reasonable form of mitigation.

Paragraph 4.2.5 and Executive Summary paragraph 6

LLAOL rejects the assertion that Policy LLA1 of the Luton Local Plan 2001 – 2011 is open to interpretation. This policy states quite clearly that planning permission will be granted for development which:

'… results in an aircraft noise impact that is below the 1999 level…'

Technical Appendix H to the ES explains

'1.38 Policy LLA1, as drafted, does not clearly delineate the 1999 descriptor that is either predicted 1999 levels or actual 1999 levels. This however was referred to in the previous Luton Local Plan 2001-2011, specifically in paragraph 9.73. This advised that at the Local Plan Inquiry in 2004, the Inspector recommended a policy was adopted that would enable expansion, subject to noise impact that is below 1999 levels. In this context, the Inspector made reference to noise controls within the 1998 planning consent for the terminal building extension that related to predicted contours produced in the associated (1997) Environmental Statement. The regime under which the airport currently operates refers to noise contours for 1999 from this 1997 Environmental Statement. Aircraft noise had previously been monitored annually against 1984 levels. The 2001-2011 Local Plan stated that applications for further development will be assessed against this 1999 benchmark.'

There is no reference in the policy to 'locations on the ground' as suggested by Cole Jarman. The policy is clearly related to the overall contour area and annual monitoring has been on this basis for many years.

The Planning Authority in responding to the Scoping Request for the ES, requested that the development should be considered in the context of this policy.

The Planning Committee should be given clear advice on the history of the policy, the correct interpretation of it and the use of it since adoption of the Plan.

The Committee's attention should also be drawn to the proposed planning condition which would limit the noise associated with the proposed development to the area of newly defined contours which include assumptions about partial fleet modernisation and are within the area of the 1999 contour relating to daytime noise and well within the 1999 contour area for night-time noise.

Section 5.1 and Executive Summary paragraph 12

This states that no specific noise controls are proposed for movements between 06.00 and 07.00 and that the potential effects of sleep disturbance have not been considered.

This is incorrect. As a result of discussions since the planning application was submitted, it has been agreed to extend the prohibition of noisiest aircraft at night to 07.00 and to make this control more onerous over time. It has further been agreed to extend noise violation controls and fines to 07.00.

In addition, paragraph 4.31 quantifies the number of people exposed to a 90 dB(A) SEL and above (this being the normally accepted level of a slight risk of sleep disturbance).

Paragraph 2.27 of Technical Appendix H to the ES states that the greatest risk of sleep disturbance arises from the departure of the Airbus A300 B4 cargo aircraft on the westerly departure route but this aircraft does not operate in the 06.00 - 07.00 period.

Paragraphs 4.33 -4.34 of the same document state:

'Due to future fleet mix of similar aircraft to now, the number of people who will be exposed to 90 dB(A) SEL will not increase. In fact with the arrival of new quieter types, such as the Airbus A319 NEO, Airbus A320 NEO, Boeing 737 MAX, Bombardier C Series etc. the areas exposed to such levels will decrease. Those areas that remain exposed may however be exposed more frequently due to the greater number of movements.

The airborne aircraft noise due to the proposed development, based on the worst case assumption of no fleet modernisation over the next sixteen years, will result in small increases in noise and growth in the noise impacted areas from the situation without the development. The current planning policy LLA1 relates noise impact to that predicted for 1999. This development will produce more impact (21% in noise impacted area terms) during daytime, and less during night-time. If part fleet modernisation occurs as envisaged, the future impact during daytime would be similar to that predicted for 1999, and a third less during night-time on the basis of noise impacted areas.'

Paragraph 12.128 of the ES states:

'The current level of airborne aircraft noise presents a significant adverse impact during the day and night. The level of airborne aircraft noise will remain significant with the proposed development. There are already substantial mitigation measures in place within the NAP to control airborne noise reducing the residual noise impact. These measures will be supplemented by the new package of additional measures, which will assist the Airport in minimising noise emissions, particularly from the nosiest aircraft. The noise insulation scheme will provide effective mitigation for the most affected properties so that the intrusion associated with aircraft noise is reduced in real terms.' The ES is robust, it has considered all relevant issues in an appropriate manner and the issue of sleep disturbance has been assessed and reasonable mitigation promoted.'

Paragraph 5.1.2 and Executive Summary paragraph 7

Cole Jarman suggest that the risk of people being awakened by individual aircraft movements at night have not been quantified. LLAOL disputes this assertion. Paragraphs 2.19 – 2.29 of Technical Appendix H to the ES describe in detail and quantify the current effects of night-time noise and paragraphs 4.26 – 4.34 explain the changes with the development in 2028. In both cases, not only the night-time noise contours are used to evaluate the significance of the impact, but in line with normal practice, the 'single event level' (SEL) is also used.

Cole Jarman suggest that the 'specific risk' of awakening should have been quantified. LLAOL rejects this on the basis that there is no generally accepted methodology for doing this. The approach used in the ES is in line with standard and generally accepted methodology and does present specific numbers of people affected.

In addition, it should be noted that there will be fewer people affected by night-time noise in the future.

The ES at paragraph 12.91 concludes that night-time noise (without any assumption about fleet modernisation) will be significant but that change from current conditions as a result of the proposed development is generally around 1 dB.

Paragraph 6.4.7

Cole Jarman imply that there is an omission in the noise insulation scheme, and yet quote from the APF which makes clear that it is government policy that local communities 'should be invited to give views of the criteria to be used.' This is exactly in line with the Noise Insulation Scheme that LLAOL is promoting. The reference to 63 dB LAeq 16 hr is in line with standard practice. This does not preclude the scheme being applied to other circumstances.

Generally

It appears that Cole Jarman is not fully familiar with Regulation 122 of the Community Infrastructure Regulations 2010. The measures for noise mitigation proposed by LLAOL are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Planning Committee's attention should be drawn to those Cole Jarman suggestions which do not meet these tests.

If you have any queries on the above, please do not hesitate to contact me.

Yours sincerely

Ann Bartaby

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Director

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