



HARPENDEN TOWN COUNCIL

CLOSER TO THE COMMUNITY



Town Mayor – Councillor Mrs Nicola Linacre

The Town Mayor's charities are:

Harpenden Friends of Cancer Research UK and The Daylight Club (Harpenden)

The Development Control Manager,
Luton Borough Council,
Town Hall,
George Street,
Luton
Bedfordshire
LU1 2BQ

Date: 7 March 2013

Ref: NL/DW/PS/E19/32634

Dear Sir

Planning Application 12/01400/FUL – London Luton Airport

I write setting out the response of Harpenden Town Council (HTC) to the planning application by London Luton Airport Operations Ltd (LLAOL, the operator, the applicant) to increase the capacity of London Luton Airport (the airport) to 18 million passengers per annum (mppa) by 2028.

Context

HTC recognises the contribution of the airport to the local economy and that it is used and valued by a number of our residents. However, it is acknowledged that the airport has a number of shortcomings including most notably on-site traffic congestion, the passenger drop-off arrangements and poor customer experience notably in security, immigration and baggage reclaim. Plans to address these issues are overdue and welcomed.

At its core however, the application sets out proposals to extend aircraft movement capacity by increasing the number of planes that can be accommodated overnight, adding to the number of loading and unloading stands and modifying the taxiways to raise the hourly movement rate of the runway. It is envisaged that these changes, taken together with enlarged security, immigration and baggage reclaim facilities, enable the applicant to handle at least 18mppa compared with 9.5mppa in 2011.

HTC is opposed to the proposals which would serve to increase capacity in four respects.

First, it is considered that the appropriate authority to determine this application is the Planning Inspectorate and not Luton Borough Council (LBC). Second, noise and specifically that the application fails to meet the requirement of policy LLA1 in LBC's Local Plan. Third, that capacity growth above current levels should be contingent on both surface access modal shift to public transport and day and night noise impacts being within 1999 levels. Fourth, LLAOL's proposed planning obligations to LBC (Section 106 Agreement) in terms of night flights, noise control, surface access and the Community Fund should be much more rigorous and demanding to reflect the airport's proximity to significant communities including Harpenden, Hitchin, Stevenage, Hemel Hempstead, St Albans and Luton itself.

1. Determining the Application

HTC urges LBC to refer the application to the Secretary of State for Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009. This is considered warranted in the interests of transparency and with particular regard to the following:

- **LBC's Conflicts of Interest** – LBC derives a passenger-volume based income resulting from its wholly owned company London Luton Airport Limited's (LLAL) concession to LLAOL. The much publicised pressure on LLAOL to renegotiate its concession based on LLAL's 18mppa capacity aspiration,¹ contrasts with the assertion in the operator's March 2012 Masterplan that namely:

*"Our proposed increase up to 15-16 mppa is the realistic capacity of the current land site and terminal building. These proposals make the best possible use of these facilities."*²

The fact that LBC's ambitions seem to have prevailed over the operator's judgement surely makes its position as the Local Planning Authority (LPA) untenable.

Furthermore, LBC's requirement for LLAOL to provide access to the proposed mixed use Century Park development via the terminal approach road represents a further conflict of interest. This obligation is considered highly questionable in terms of both safety and congestion during and after construction of the proposed access tunnel to the business park.

- **Planning Policy** – This application is being considered at a time when national aviation policy is being overhauled. The 2003 Future of Air Transport White Paper is in the process of being superseded by policies and deliberations including the Climate Change Act 2008, the Airports Commission and the Aviation Policy Framework. Giving appropriate weight to the policy context in relation to this application should be an issue for the Planning Inspectorate rather than LBC.
- **Nationally Strategic Infrastructure Project** – HTC considers that significant expansion at the UK's fifth largest airport warrants consideration by the Planning Inspectorate. No independent evaluation of the potential capacity of the airport following the alterations proposed has been provided. It may be assumed that an

¹ Local Government Chronicle, 14 August 2012, *Luton settles cash cow row*

² London Luton Airport Operations Ltd, *Masterplan Document*, para 9.12

increase of 10mppa is achievable, requiring referral under the provisions of the Planning Act 2008.

- **Impact on National Infrastructure** – There are important considerations in respect of the capacity of M1 J10 to handle traffic flows to and from the East Luton Corridor (using the upgraded M1 J10A) and the impact of the incremental demand for rail journeys on the Thameslink Programme and Midland Mainline electrification. Referral and consideration by the Planning Inspectorate will enable the views and requirements of the Department for Transport (DfT), the Highways Agency and Network Rail to be given due consideration.
- **Impact on Local Infrastructure** – Much of the impact of the expansion on surface access will fall on Hertfordshire's roads including the A1081 (Harpenden's High Street) and the A505 and B653. In addition to carrying traffic to Luton from Stevenage, Hitchin, Welwyn Garden City and Hatfield, these roads also provide links to the A1(M) and points east. There is no evidence that there has been adequate pre-application consultation with Hertfordshire County Council whose representations need to be afforded due consideration.
- **Noise Impact Extension** – The growth in the population exposed to airborne aircraft noise is the result of noise contours stretching beyond the Borough of Luton to Stevenage and Markyate in Hertfordshire. Further, many noise complaints received by the airport originate from well outside the noise contours, including many from Harpenden residents. With this impact, capacity growth should be conditional on not exceeding the 1999 noise impact baseline and if appropriate, fleet modernisation.

HTC considers that all stakeholders, including LBC, will be best served by referral to the Secretary of State and the Planning Inspectorate.

2. Noise

In its submission to LLAL of 24 April 2012, HTC set out the results of a survey of Harpenden residents following publication of the LBC/LLAL future;LuToN proposals. Residents' principal concern was aircraft noise closely followed by the related issue of evening, night and 06.00 to 07.00 flights.

The Government's latest aviation policy guidance states:

The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly climate change and noise.³

Development at the airport is addressed by Local Plan Policy LLA1 and the policy sets out inter alia that:

The Borough Council will grant planning permission for development at London Luton Airport provided that it:

(iv) results in an aircraft noise impact that is below the 1999 level

³ DfT, 2012, *Draft Aviation Policy Framework* p.6

The applicant uses the Federal Aviation Administration Integrated Noise Model (FAA INM) to determine both the current (2011) and forecast (2028) models to establish noise contours for the area, dwellings and population impacted by airborne aircraft noise.⁴ However, rather than use actual data from the 1999 Annual Monitoring Report to determine the noise impact, the applicant has chosen to use contours predicted for 1999 from an Environmental Statement published in 1997.⁵

Using the actual noise contour analysis from the airport’s 1999 Annual Monitoring Report, the table below illustrates how the population exposed to the impact of aircraft noise in 2028 under various assumptions about fleet modernisation, is above the 1999 level.

	Population Exposed	
	Daytime ≥57dB	Night time ≥48dB
1999 Actual ⁶	7,417	11,740
2011 Actual ⁷	6,726	16,347
2028 with development: ⁸		
Full Fleet Modernisation	7,181	15,096
Part Fleet Modernisation	10,268	18,925
No Fleet Modernisation	11,784	25,803

On this basis, HTC maintains the application does not conform with the policy set out in LBC’s Local Plan.

3. Conditional Growth in Capacity

Peak and sustained aircraft movement rates, based and non-based aircraft, night flights and larger capacity aircraft (including general aviation movements being replaced by scheduled services), all have the potential to influence the airport’s passenger throughput.

HTC expects one outcome of the planning application to be an explicit limit for passenger numbers in a calendar year. This is considered essential as LBC has been reported as having a 30mppa goal for the airport.⁹

The operator argues that the environmental impact of growth will be mitigated by surface access modal shift to public transport (the current Airport Surface Access Statement targets 40% by 2017) and by fleet modernisation reducing the impact of airborne aircraft noise.

- **Modal Shift** – there are a number of issues and challenges that give HTC concern including:
 - car parking is an important source of revenue for the operator which inevitably raises doubts about the commitment to modal shift;

⁴ Environmental Statement, 2012, *Technical Appendix H*, para 1.44
⁵ *ibid*, para 1.38
⁶ London Luton Airport, *1999 Annual Monitoring Report*
⁷ Environmental Statement, 2012, *Technical Appendix H*, Table 10
⁸ *ibid*, Table 17
⁹ Daily Telegraph, 14 August 2012, *Luton Airport row ends as council scales back expansion*

- the 2010 analysis of Thameslink capacity and overcrowding set out in the Environmental Statement Chapter 13, Table 13.4 is simply not credible. At peak times (0630 to 0915 southbound from Luton Airport Parkway (LAP)), fast trains are "full and standing" from St Albans. There is more capacity on stopping trains but they are generally "full and standing" from Mill Hill (and not attractive to LAP users travelling to St Pancras). The existing overcrowding and lack of capacity is why First Capital Connect have introduced 12 carriage trains;
 - much of First Capital Connect's existing rolling stock does not have dedicated baggage stowage areas for travellers from the airport resulting in obstructions and frustrated commuters
 - the Thameslink Programme and Midland Mainline electrification will impact the supply of rail capacity until 2018 as will potentially the Radlett Railfreight Depot;
 - the operator needs to demonstrate agreement with the DfT and FCC to introduce fast services from St Pancras between 04.00 and 06.00 incremental to the existing hourly slow services;
 - as London's only airport without its own integral rail link, the operator must address the importance of the rail-air shuttle bus. Since the service was transferred to FCC a charge is payable. The service requires investment to provide a service every 5 minutes at peak times ideally at no charge to users; and
 - the operator is undertaking to submit a Passenger Travel Plan for approval. HTC is disappointed that such a plan is not part of this application.
- **Fleet Modernisation** – there is no certainty that the operator's aspirations for noise-reducing fleet modernisation will be met:
 - for example, easyJet is in the process of switching from 156 seat aircraft to (more powerful and noisier) 180 seat aircraft;¹⁰
 - it is understood that none of the airport's airlines has placed orders for the next generation of Airbus A320neo or Boeing 737 Max aircraft; and
 - recently, the major shareholder of easyJet has called for the airline to stop ordering new aircraft.¹¹

HTC submits that any growth in passenger numbers must be subject to measures (including fleet modernisation to provably quieter aircraft) to ensure conformance with the 1999 noise impact levels. Expansion of passenger volumes beyond 15mppa should be contingent on measures that deliver against a challenging target (50% is proposed) for passenger journeys to and from the airport are by public transport to mitigate the impact of private cars on local roads. Further, HTC does not consider that the application can be determined without a Passenger Travel Plan and explicit confirmation from the DfT and Network Rail that adequate rail capacity exists.

4. Planning Obligations

Night Flights

HTC welcomes the adoption of the Quota Count (QC) methodology which brings the airport in line with the "designated" London Airports although, in doing so it must be

¹⁰ easyJet interim management statement for the quarter ended 31 December 2012

¹¹ The Times, 22 February 2013, *Sir Stelios could send easyJet down, warns chief*

recognised that the proposed night quota period is 23.30 to 06.00 – effectively deregulating the 23.00 to 23.30 period. It does not however endorse the number of night flights and the QC levels proposed (10,200 night movements per annum, a total annual quota of 5000 and no movements at night (23.00 to 06.00) of aircraft with a QC of more than 2).

There is clearly an issue whether Luton should be designated with QC levels determined by the DfT, as for Heathrow, Gatwick and Stansted, or whether it is a matter for the LPA by way of planning obligations. On balance, HTC favours locally established planning obligations including rigorous quotas that reflect the airport's business model.

However, with the Government consulting about the 2014-2019 night flight regime,¹² the LPA will need to keep the operator's undertakings under review. In particular, Luton must not become the low cost airlines London night flight airport of choice.

HTC believes there is a balance to be struck between facilitating daytime growth of the airport's core scheduled and charter business and reducing night time noise disturbance. The operator should be making some important choices about its business model.

- **Freight.** This is a peripheral part of the airport's business and the A300 aircraft departures are a source of a disproportionate number of night noise violations¹³ and complaints¹⁴ even though the aircraft has a departure classification of QC2. This business should be exited and relocated to specialist freight hubs such as East Midlands or Manston unless for instance, it can be demonstrated that it makes an important logistical contribution to a significant local employer such as General Motors. If night time freight departures are to continue, the aircraft used should be classified less than QC2.
- **General Aviation.** Some flexibility regarding this existing element of the airport's business is accepted. However, growth in the number of night movements is considered unacceptable. The annual Quota Count should reflect more night arrivals than departures. This would be consistent with the pattern of overnight flights from North America. Executive jet aircraft have been a source of night time noise violations.¹⁵ All future night time movements, irrespective of the laden weight of the aircraft, should be classified less than QC2 and the night noise violation level should be reduced more aggressively.
- **Scheduled and Charter.** This is the airport's core business however HTC submits there is no place for takeoffs between 23.00 and 06.00 and landings between 23.30 and 06.00. There can be no justification for easyJet's 00:55 departure from Ibiza arriving at Luton at 02:20.

Based on the above, HTC proposes the following limits for the Night Quota Period:

- The total annual movements by aircraft per calendar year be limited to 6,500.
- The total annual noise Quota Count be limited to 2,900.
- In line with the DfT arrangements for the designated airports, the excess flexibility should be limited to 5%.

¹² DfT, January 2013, *Night Flying Restrictions at Heathrow, Gatwick and Stansted Stage 1 Consultation*

¹³ Annual Monitoring Report, 2011, p 41

¹⁴ *ibid*, p 61

¹⁵ *ibid*, p 41

In addition:

- The night movement QC of more than 2 proposed by the operator has effectively become a European yardstick and accommodates the A300 departures noted above. LLAOL should only permit movements at night (23.00 to 07.00) by aircraft with a QC value less than 2.
- No scheduled or charter departures should be permitted between 23.00 and 23.30 except where the airport manager decides on reasonable grounds to disregard the condition as a result of delays, prolonged disruption or where serious congestion might result. This condition is proposed recognising that, as an alternative, there is a strong argument for establishing an aggregate annual movement limit for the 23.00 to 23.30 and 06.00 to 07.00 periods.

Noise

The noise mitigations proposed by the applicant have been exposed as being virtually meaningless by its own consultants, Terence O'Rourke¹⁶, who confirm that only a small fraction of the annual flights would be affected – less than 1% overall. A significantly more rigorous set of noise mitigations is required in order to comply with the requirements of the draft Aviation Policy Framework in respect of achieving a balance between airport development and noise impact.

Of 1717 night take offs in 2011, the threshold (82 dB(A)) resulted in 12 violations compared with 205 complaints associated with night time operations. Given the night flight proposals above, it is considered appropriate to introduce a noise violation limit of 77 dB (A) L_{max} within 6 months of the commencement of development with a review process every 5 years thereafter.

Planning obligations should require the areas enclosed by the 57 dB L_{Aeq, 16h} daytime and 48 dB L_{Aeq, 8h} night time contours, when calculated and measured by the FAA INM, should not exceed the area of the actual 1999 noise contours. Forecast aircraft movements and consequential noise contours for the forthcoming year should be reported to the LPA annually in January.

Surface Access

The proposed Section 106 Heads of Terms sets out that LLAOL will submit a Passenger Travel Plan and implement the approved Travel Plan (timing to be agreed). This is a serious omission from the planning application especially for residents in neighbouring communities such as Harpenden that have to accommodate traffic going to and from the airport. HTC submits that expansion of passenger volumes above 2011 levels should be contingent on meeting challenging targets for modal shift to public transport.

Community Trust

The annual contribution of £50,000 when compared with over £24m paid by the operator under the terms of its concession to LLAL last year is trifling. There are communities around Luton bearing the disruption of the airport and its expansion that should have the opportunity to invest in facilities for their residents drawing on the income generated by the airport. £350,000 per annum would provide a meaningful fund that could, for instance, be used to invest in local leisure facilities.

¹⁶ Letter from Terence O'Rourke to LBC dated 6 February 2013 reference 158607K

Conclusion

This submission is focused on the issues that are of greatest concern to Harpenden residents namely noise, night flights, surface access and who is the most appropriate authority to determine the application. We have not addressed the important issues of sustainability or the design and likely effectiveness of the transport hub, proposed parking arrangements, terminal building improvements, new pier and the taxiway and aircraft parking changes.

In relation to its key issues however, HTC is concerned that there are some serious omissions from the application and supporting information that merits challenge and scrutiny. Examples are set out at Appendix 1.

HTC's principal authorities, Hertfordshire County Council and St Albans City and District Council, have secured longer submission extensions to respond to the application, which is enabling them to undertake more detailed technical analysis of the noise and transport proposals and address these concerns.

The impact of noise is the principal issue for any airport expansion and it was rightly included in LBC's Local Plan. The location of the airport alongside Luton's Wigmore residential area and the proximity of communities such as Harpenden, Hemel Hempstead, St Albans and Stevenage demand a robust stance. There is no place for equivocation about the interpretation of the Local Plan and growth should be conditional on the noise impact not exceeding the 1999 levels. Further, HTC also considers it essential that the growth in aircraft movements and passenger numbers should also be conditional on achieving meaningful improvements in surface access modal shift to public transport.

Meaningful enhancements to the airport's Noise Control measures would be welcomed however, HTC submits the fundamental issue for the airport's night time operations is its business model choices, including the future of night time freight. Given the airport's focus and the UK's time zone relative to the rest of Europe, there simply is no reasonable justification for scheduled short haul movements at night.

Uncompromising, locally set limits based on the Quota Count methodology should restrict any further expansion in night flights and lead to significant improvements in the existing conditions for local residents.

Finally, HTC is strongly of the view that it is in the clear interest of all stakeholders that this application is not determined by Luton Borough Council.

I trust that the Council's comments and observations will be given due consideration.

Yours faithfully

Councillor Mrs Linacre
Town Mayor

LLAOL's Application to Expand London Luton Airport

Omissions from the Application

- The maximum capacity of the airport following the alterations proposed. Peak and sustained movement rates, aircraft capacities and the substitution of general aviation movements by commercial movements all have the potential to significantly increase the airport's air traffic movements and passenger numbers. An independent evaluation is required.
- Agreement with the DfT and FCC to introduce fast services from St Pancras between 04.00 and 06.00.
- Submission of a Passenger Travel Plan.
- Adequate pre-application consultation with the DfT and Network Rail to establish that upon completion of the Thameslink Programme in 2018, there will be adequate capacity and that the new rolling stock has been specified to meet the needs of commuters and airport users including baggage stowage.
- Adequate pre-application consultation with the Highways Agency.
- Adequate pre-application consultation with Hertfordshire County Council as Highways Authority.
- Analysis of the impact of traffic leaving and joining the northbound carriageway of the M1 at Junction 10 following the improvements to Junction 10A.
- Proposals for the Gipsy Lane/A1081 junction.
- Proposals for the A505/Kimpton Road junction.
- Proposals for other junctions along the A505.
- Specific proposals to enhance the attractiveness of the rail-air shuttle bus service (which might include investment to provide a service every 5 minutes at peak times, a dedicated route, no charge to users and canopies to protect waiting passengers).
- The impact on the airport of the Airports Commission recommendations including the potential development of Stansted as London's Hub Airport (with up to 4 east-west runways).
- Commercial issues including the impact of competition from Stansted, Gatwick and Southend, the airport's reliance on easyJet and Wizz Air and the commitment of the Abertis Group to its UK airports investment.

Supporting Information Requiring Scrutiny

- The impact in terms of safety and congestion of providing access to Century Park via the Central Terminal Area.
- The 2010 analysis of Thameslink capacity and overcrowding set out in the Environmental Statement Chapter 13, Table 13.4. Following HTC's discussions with First Capital Connect, this information is not considered credible. At peak times (0630 to 0915 southbound from Luton Airport Parkway), southbound fast trains are "full and standing" from St Albans. There is more capacity on stopping trains but they are generally "full and standing" from Mill Hill (and not attractive to users travelling to St Pancras). The existing overcrowding and lack of capacity is why First Capital Connect have introduced 12 carriage trains.
- The analysis of passenger vehicle journeys set out in the Transport Assessment, Tables 80-82. For instance, it is not credible that by 2028, there will be fewer cars heading to or from the airport on Hertfordshire's roads between 07.00 and 08.00 than in 2012.