

Technical note:

COP26 and Environment Act 2021 – Note on behalf of Bristol Airport Limited

1. Introduction

- 1.1.1 This Note has been prepared on behalf of Bristol Airport Limited (BAL) further to the Inspectors' request on 26 November 2021 for comments on the outcomes of COP26 and the Environment Act 2021 from the parties to the Bristol Airport planning Inquiry (the Inquiry).
- 1.1.2 The 26th United Nations Climate Change Conference (COP26) took place in Glasgow from 31 October to 13 November 2021. The outcomes of this conference included:
1. Decision -/CMA.3 (the Glasgow Climate Pact), currently in draft form¹;
 2. Decision -/CMA.3 (Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement), currently in draft form²;
 3. The COP26 Declaration on the International Aviation Climate Ambition Coalition³; and
 4. The COP26 Declaration on Forests and Land Use⁴.
- 1.1.3 The Environment Act 2021 was enacted on 9 November 2021⁵. The Act is wide ranging and includes a number of provisions that are relevant to issues on which evidence was presented during the Bristol Airport Inquiry, including carbon and climate change, air quality and ecology.

2. COP26 Outcomes

2.1 Glasgow Climate Pact

- 2.1.1 The Glasgow Climate Pact is the principal outcome of COP26, with almost 200 countries in agreement on the following matters: the acceleration of action on climate change this decade to

¹ Glasgow Climate Pact, dated 13 November 2021 *available at*

https://unfccc.int/sites/default/files/resource/cop26_auv_2f_cover_decision.pdf accessed 1 December 2021

² Decision -/CMA.3 Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement, advanced unedited version *available at* https://unfccc.int/sites/default/files/resource/cma3_auv_12a_PA_6.2.pdf accessed 1 December 2021

³ COP26 Declaration on the International Aviation Climate Ambition Coalition, 10 November 2021 *available at* <https://ukcop26.org/cop-26-declaration-international-aviation-climate-ambition-coalition/> accessed 1 December 2021

⁴ [Glasgow Leaders' Declaration on Forests and Land Use](https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/), dated 02 November 2021 *available at* <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>

⁵ Environment Act 2021, *available at* <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted> accessed 1 December 2021

reduce emissions (mitigation); helping those already impacted by climate change (adaption); enabling countries to deliver on their climate goals (finance); and working together to deliver even greater action (collaboration).

- 2.1.2 Paras 15 and 16 of the final form of the Glasgow Climate Pact (updated since the note issued by the Inspectors on 26 November 2021) reaffirms the long-term goal to limit global warming to 1.5 °C above pre-industrial levels and resolves to pursue efforts to achieve this. UK Government policy and domestic legislation, including the requirement to achieve carbon net zero set out in the Climate Change Act 2008 (as amended), is fully in line with paras 15 and 16.
- 2.1.3 Para 17 of the Glasgow Climate Pact also recognises that limiting global warming to 1.5 °C *"requires rapid, deep and sustained reductions in global greenhouse gas emissions, including reducing global CO₂ emissions by 45 per cent by 2030 relative to the 2010 level and to net zero around mid-century, as well as deep reductions in other greenhouse gases"*. UK Government policy and domestic legislation, including the requirement set out in the Climate Change Act 2008 (as amended) to achieve carbon net zero by 2050, is in line with the para 17 objective of achieving net zero by "around the mid-century". Further, the carbon budget provisions of the Climate Change Act 2008 (as amended) are in accordance with the Glasgow Climate Pact objective of requiring rapid, deep and sustained reductions. For example, the first three carbon budgets required a 37% reduction in emissions compared to 1990 levels to be achieved on average over the period 2018 to 2022. The fourth and fifth budgets have further extended the reductions to 57% below 1990 levels to be achieved on average over the period 2028 to 2032. The sixth carbon budget requires reducing emissions to 78% below 1990 levels to be achieved on average over the period 2033 to 2037.
- 2.1.4 Paras 15, 16 and 17 of the Glasgow Climate Pact do not, therefore, require any change in the policy commitments or legislation referred to in the evidence submitted to the Inquiry by Dr Ösund-Ireland⁶ and hence, the conclusions of the Environmental Statement⁷ (ES) and the Environmental Statement Addendum⁸ (ESA). The evidence of Dr Ösund-Ireland remains valid and is reinforced by the Glasgow Climate Pact.

⁶ **BAL/W6/1, BAL/W6/2, BAL/W6/3 and BAL/W6/4.**

⁷ **CD 2.5.44:** Wood (2018) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Environmental Statement (Carbon and Other Greenhouse Gas Emissions) (December 2018).

⁸ **CD 2.20.1** Wood (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement Addendum (November 2020).

2.2 Article 6, Paragraph 2, of the Paris Agreement

- 2.2.1 An important outcome of COP26 was the conclusion of agreement on the rules relevant to Article 6 of the Paris Agreement⁹ (the so-called *Paris Rule Book*), which provides the framework for international cooperation towards emissions reduction targets and the operation of carbon markets.
- 2.2.2 Article 6 of the Paris Agreement acknowledges that Parties may choose to cooperate internationally to meet part of their nationally designated contributions (NDCs) using emissions reductions achieved in other countries. This could be achieved using a number of mechanisms including linking the UK Emissions Trading System (ETS) to another international system such as the European Union ETS or the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA).
- 2.2.3 COP26 has resulted in the three constituent parts of Article 6 being agreed: (1) voluntary cooperation; (2) a new carbon crediting mechanism; and (3) non-market approaches. Consensus was also reached on how to avoid double counting of emissions reductions, the use of Clean Development Mechanism (CDM) credits and adaptation finance. This paves the way for Article 6 to be fully operational, initiating transition from the old Kyoto Protocol regime to the instruments of the Paris Agreement.
- 2.2.4 Decision -/CMA.3 (Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement)² includes an Annex containing the Rules applicable to the mechanism established by Article 6, paragraph 4, of the Paris Agreement. This Annex includes:
1. Para 31, which defines activities as those that *"shall [be] designed to achieve mitigation of GHG emissions that is additional, including reducing emissions, increasing removals and mitigation co-benefits of adaptation actions and/or economic diversification plans (hereinafter collectively referred to as emission reductions), and not lead to an increase in global emissions"*; and
 2. Para 32, which requires activities to apply a mechanism methodology that has been developed and approved to: *"(a) Set a baseline for the calculation of emission reductions to be achieved by the activity; (b) Demonstrate the additionality of the activity; (c) Ensure accurate monitoring of emission reductions; [and] (d) Calculate the emission reductions achieved by the activity"*.

⁹ **CD9.26:** Paris Agreement.

- 2.2.5 The Annex goes on to provide further definition of the scope and content of the methodologies, the process for approval and authorisation, validation, registration, monitoring, verification and certification.
- 2.2.6 This outcome directly addresses and resolves the concerns raised by Sam Hunter-Jones and Finlay Asher on behalf of BAANCC during cross examination relating to the efficacy of CORSIA in contributing to the aviation sector achieving carbon net zero by 2050. Offsets generated under CORSIA will now need to comply with the completed Paris Rule Book, meaning that concerns relating to how such offsets would be measured, reported and verified will now be resolved in accordance with those agreed rules. The evidence submitted to the Inquiry by Dr Ösund-Ireland does not change in this regard, remains valid and is reinforced by the agreements reached at COP26.

2.3 The COP26 Declaration on the International Aviation Climate Ambition Coalition

- 2.3.1 The Declaration on the International Aviation Climate Ambition Coalition was made on 10 October 2021 by the ministers and representatives of 23 states, including the UK, US and several EU member states, who participated in the inaugural meeting of the Coalition at COP26.
- 2.3.2 In summary, the Declaration recognises, *inter alia*:
1. International aviation's material contribution to climate change through its CO₂ emissions, along with its additional, but less well-defined, contribution associated with non-CO₂ emissions.
 2. The international aviation industry and the number of global air passengers and volume of cargo is expected to increase significantly over the next 30 years.
 3. International action on tackling aviation emissions is essential given the global nature of the sector and that co-operation by states and aviation stakeholders is critical for reducing the aviation sector's contribution to climate change, including its risks and impacts.
 4. The Paris Agreement's temperature goal of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C.

5. The International Civil Aviation Organization (ICAO) is the appropriate forum in which to address emissions from international aviation through in-sector and out-of-sector measures to implement short, medium and long-term goals, including the development of a global sustainability framework to support the deployment of sustainable aviation fuel (SAF) and CORSIA.

2.3.3 The Declaration commits to, *inter alia*:

1. Working together, both through ICAO and other complementary cooperative initiatives, to advance ambitious actions to reduce aviation CO₂ emissions at a rate consistent with efforts to limit the global average temperature increase to 1.5°C.
2. Supporting the adoption by ICAO of an ambitious long-term aspirational goal consistent with the above-referenced temperature limit, and in view of the industry's commitments towards net zero CO₂ emissions by 2050.
3. Ensuring the maximum effectiveness of CORSIA, including by:
 - a. supporting efforts at ICAO and working with other ICAO member states to implement and strengthen CORSIA as an important measure to address aviation emissions, including to expand participation in CORSIA as soon as possible;
 - b. advancing the environmental ambition of the scheme in the course of undertaking the CORSIA Periodic Reviews; and
 - c. working to ensure that double counting is avoided through the host state's application of corresponding adjustments in accounting for its NDCs under the Paris Agreement. This includes the mitigation underlying all CORSIA Eligible Emissions Units and, where needed, CORSIA Eligible Fuels, used toward CORSIA compliance.

2.3.4 All of the above commitments support, and are consistent with, the evidence submitted to the Inquiry by Dr Ösund-Ireland. In particular:

1. All pathways to net zero considered by UK Government anticipate accommodating an increase in passenger numbers of between 58 – 60%, including Bristol Airport at 12 million passengers per annum (Jet Zero Consultation¹⁰ and **BAL/W6/4** para 1.1.5).

¹⁰ **CD9.135**: DfT (2021) Jet Zero Consultation: A consultation on our strategy for net zero aviation, Department for Transport July 2021. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002154/jet-zero-consultation-aconsultation-on-our-strategy-for-net-zero-aviation.pdf [Accessed December 2021].

2. The role of CORSIA is described in Section 3.4 of **BAL/W6/2** which explains in para 4.2.11 that: *"aviation emissions will be controlled at a national level consistent with the UK's target to be net zero by 2050 and included in the Sixth Carbon Budget, the UK ETS and CORSIA. These mechanisms will ensure that aviation does not prejudice the UK Government's ability to achieve net zero by 2050"*.
3. *Beyond the Horizon – Making Best Use of existing runways*¹¹ published by the Department of Transport (DfT) in 2018 remains a key reference as this represents current UK Government policy on aviation and climate change. Paragraphs 1.8 to 1.12 clearly differentiate between local and national planning requirements, with carbon emissions from air traffic being a matter of national policy (**BAL/W6/2** para 3.1.2).
4. Non-CO₂ impacts are addressed in Section 3.7 of **BAL/W6/2**, concluding that *"non-CO₂ emissions cannot be ignored and need to be acknowledged today so choices made in the technologies used to reduce aircraft emissions do not result in non-CO₂ impacts increasing; as the scientific understanding increases, the choices of technology will become better informed. This is fully acknowledged by UK Government and by the CCC. BAL also acknowledges this in its Carbon and Climate Change Action Plan"*.

2.3.5

The COP26 Declaration on the International Aviation Climate Ambition Coalition does not require changes to the policy commitments or legislation referred to in the evidence submitted to the Inquiry by Dr Ösund-Ireland. In particular, this includes the Decarbonising Transport strategy¹² (in addition to the Jet Zero Consultation¹⁰) which make the UK Government's position very clear; it is committed to the aviation sector becoming net zero by 2050, whilst continuing to accommodate increases in passenger numbers (**BAL/W6/4** para 2.3.3). The conclusions reached by Dr Ösund-Ireland therefore remain valid and are reinforced by the COP26 Declaration on the International Aviation Climate Ambition Coalition.

¹¹ **CD 6.4:** HM Government (2018) *Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways*. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-of-existing-runways.pdf [Accessed December 2021].

¹² **CD9.134:** DfT (2021) *Decarbonising Transport: A Better, Greener Britain*. available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002285/decarbonising-transport-a-better-greener-britain.pdf [Accessed December 2021].

2.4 The COP26 Declaration on Forests and Land Use

- 2.4.1 The Declaration on Forests and Land Use was made on 12 November 2021 by the ministers and representatives of 141 states (The Glasgow Leaders), including the UK. The Declaration identified (amongst a number of points): *"The critical and interdependent roles of forests of all types, biodiversity and sustainable land use in enabling the world to meet its sustainable development goals; to help achieve a balance between anthropogenic greenhouse gas emissions and removal by sinks; to adapt to climate change; and to maintain other ecosystem services."* The Declaration also committed to (amongst a number of points): *"Conserve forests and other terrestrial ecosystems and accelerate their restoration."*
- 2.4.2 Extensive on-airport tree planting and woodland/hedgerow management is proposed as part of the proposed development, as detailed in Table 11.9, Chapter 11 of the ES¹³ and in the Integrated/embedded landscape, visual and ecology masterplan¹⁴. BAL has purchased (in 2019) nearby woodland in order to deliver further mitigation and enhancement¹⁵.
- 2.4.3 As such, the COP26 Declaration on Forests and Land Use does not change the policy commitments or legislation referred to in the evidence submitted to the Inquiry by BAL and nor does it require any change in the mitigation measures proposed and agreed with Natural England and North Somerset Council (NSC). The conclusions of the ES remain valid.

3. Environment Act 2021

3.1 Climate Change

- 3.1.1 Part 1, Chapter 2 of the Environment Act 2021 (hereon referred to as "the Act") establishes the Office for Environmental Protection (OEP). The Act makes it clear that the roles and responsibilities of the OEP must not overlap with those of the Committee on Climate Change (CCC) (see sections 23(5)(a), 26(1-2), 29(3-4) and 35(7)).
- 3.1.2 Schedule 6 of the Act confers power on the relevant national authority to make regulations for the provision of specified information about the resource efficiency of specified products. This includes, in Part 1 para 2(3)(d): *"the pollutants (including greenhouse gases within the meaning of*

¹³ **CD2.5.27:** Wood (2018) Wood (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement (December 2018) – Chapter 11.

¹⁴ **CD1.38.**

¹⁵ For further information see **CD3.04.13.**

section 92 of the Climate Change Act 2008) released or emitted at any stage of the product's production, use or disposal".

- 3.1.3 The Act does not change the roles and responsibilities of the CCC and therefore any reference made to the work or findings of this committee in the evidence submitted to the Inquiry by Dr Ösund-Ireland remains unchanged and continues to be correct.
- 3.1.4 The Act will support ongoing work by BAL to reduce its Scope 3 carbon emissions associated with its supply chain. Subject to relevant regulations coming into force, there will be a legal requirement for suppliers to provide data on embedded carbon. This does not alter the evidence submitted to the Inquiry by Dr Ösund-Ireland and so this remains correct.

3.2 Biodiversity

- 3.2.1 Overall, the Act does not change the policy commitments or legislation referred to, or the conclusions reached, in the biodiversity evidence submitted to the Inquiry by BAL.
- 3.2.2 Sections 109 and 110 of the Act introduce Species Conservation Strategies (SCS) and Protected Site Strategies (PSS). These are intended to create a new mechanism to safeguard the future of particular species at greatest risk. SCS can be published by Natural England in respect of any species of flora or fauna and may relate to any identified area in any part of England. Local authorities must cooperate with Natural England in the preparation and implementation of SCS so far as relevant to their functions. Similarly, Natural England may publish a PSS to manage the impact of plans, projects or other activities on the conservation and management of the protected site. These aspects of the Act are likely to overlap the existing policy and legislative protections for species and sites.
- 3.2.3 All policy and legal obligations relating to protected species and protected sites have been met in the context of the proposed development, as demonstrated through the evidence submitted by BAL (for example Chapter 11 and associated appendices of the ES, and submitted responses to comments from Natural England and NSC¹⁶). Further, there were no unresolved objections to the application from Natural England, NSC or the Environment Agency in relation to biodiversity. As such, these aspects of the Act do not change the conclusions drawn in relation to biodiversity in the evidence, including the ES, submitted by BAL to the Inquiry.
- 3.2.4 Part Six of the Act (S98 to S101) and Schedules 14 and 15 also set out a requirement for biodiversity net gain (BNG) to be a condition of planning permissions granted in England and the

¹⁶ CD3.04.13 and CD3.06.04.

provisions introducing these requirements are likely to come into effect in 2023. These provisions are not, however, currently in force.

- 3.2.5 The Act confirms that the mitigation hierarchy still applies in relation to avoidance, mitigation and compensation for biodiversity loss and there is no change in existing legal environmental and wildlife protections.
- 3.2.6 A minimum 10% gain in biodiversity is required by the Act, to be calculated using the Biodiversity Metric (to be published by the Secretary of State) alongside the formal approval of a net gain plan. Habitat delivered by a planning permission is to be secured for at least 30 years via obligations/ conservation covenants and this can be delivered on site, off site or via statutory biodiversity credits. There will be a national register for net gain delivery sites and BNG will also apply to Nationally Significant Infrastructure Projects (NSIPs).

The evidence submitted to the Inquiry by BAL sets out a detailed assessment of effects on biodiversity including areas of habitat loss and gain (see Section 11.8, Table 11.10 of Chapter 11 of the ES) and outlines the mitigation and enhancement proposed both at the airport and off-site. This mitigation took fully into account the mitigation hierarchy and was consulted on extensively, notably with NSC and Natural England, before being finalised. In addition, the purchase of off-airport woodland and its current and proposed long term management will provide further increases in biodiversity and important habitats.

- 3.2.7 In addition to the Environment Act, the National Planning Policy Framework¹⁷ (2021) (paragraph 174) identifies how planning policies and decisions should contribute to, and enhance, the natural and local environment, including by "*minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*". Further, Policy CS4: Nature Conservation of the North Somerset Core Strategy¹⁸ states that: "*The biodiversity of North Somerset will be maintained and enhanced by: 2) seeking to ensure that new development is designed to maximise benefits to biodiversity, incorporating, safeguarding and enhancing natural habitats and features and adding to them wherever possible, particularly networks of habitats. A net loss of biodiversity should be avoided, and a net gain achieved wherever possible*".

¹⁷ **CD 5.8.1:** Ministry of Housing, Communities & Local Government (2021) National Planning Policy Framework (July 2021), paragraph 81. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf [Accessed December 2021].

¹⁸ **CD 5.6:** North Somerset Core Strategy (adopted 2017).

- 3.2.8 The evidence submitted to the Inquiry by BAL demonstrates how the proposed development meets the requirements of both the NPPF and Core Strategy in this regard. It also robustly demonstrates that the requirements of the North Somerset and Mendips Bat Special Area of Conservation Supplementary Planning Document¹⁹ (SPD) guidance have been met.
- 3.2.9 Presently, and at the time of the original assessment for the ES, there is no formal requirement to use the then (2017/18) evolving early Defra metric to demonstrate BNG and no objection in relation to BNG was given by NSC or Natural England.
- 3.2.10 Overall, the Environment Act does not change the policy commitments or legislation referred to in the evidence submitted to the Inquiry by BAL. The conclusions reached in BAL's evidence remain valid.

3.3 Air Quality

- 3.3.1 Part 1, Chapter 1 of the Environment Act 2021 includes details regarding Environmental Targets which must specify a standard to be achieved and a date by which it is to be achieved. Para 2 'Environmental targets: particulate matter' details that the "*Secretary of State must by regulations set a target ("the PM_{2.5} air quality target") in respect of the annual mean level of PM_{2.5} in ambient air*". The PM_{2.5} air quality target is not set in the Act but is required to be set by regulations before October 2022.
- 3.3.2 In the Rebuttal Proof of Evidence on Air Quality prepared by Martin Peirce²⁰, Mr Peirce agreed "*that there is a direction of travel towards tightening the standard for PM_{2.5} from the current limit of 25 µg m⁻³ towards the World Health Organization (WHO) guideline of 10 µg m⁻³. However, I do not accept that there is yet "a clear policy commitment",²¹ in view of the uncertainty about the deliverability of such a target and the timescales on which it might be reached.*" This situation is unchanged by the Act.
- 3.3.3 Schedule 11 of the Act, 'Local air quality management framework', makes amendments to the Environment Act 1995²² and brings in a new 'Duty to report on air quality in England'. Schedule 11 paragraph 6 inserts a new section 83A into the Environment Act 1995 on 'Duties of English local

¹⁹ **CD 5.17:** North Somerset Council (2018) North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (Adopted January 2018). Available from <https://www.n-somerset.gov.uk/sites/default/files/2020-02/NSC%20and%20Mendip%20Bats%20SAC%20guidance%20-%20supplementary%20planning%20document.pdf> [Accessed December 2021]

²⁰ **BAL/W3/3.**

²¹ Ibid, para 2.2.7.

²² Environment Act 1995, available at <https://www.legislation.gov.uk/ukpga/1995/25/section/82> accessed 6 December 2021

authorities in relation to designated areas' detailing certain requirements with regards to Local Air Quality Management (LAQM). The duties of local authorities are effectively unchanged. As for the Environment Act 1995, where a local authority identifies areas where air quality standards or objectives are not likely to be achieved, it must prepare an action plan which sets out how the local authority will exercise its functions in order to secure that air quality standards and objectives are achieved in the area. There are new requirements for "Air Quality Partners" (neighbouring authorities or relevant public authorities) which are now required to co-operate with regards to action plans. These amendments are not considered to functionally change the LAQM activities carried out by NSC. Therefore, the conclusions to the evidence submitted to the Inquiry by Mr Peirce regarding air quality considerations are unaffected by the Act and remain fully valid and correct.

4. Conclusions

4.1.1

This Technical Note has considered the outcomes of COP26 and the Environment Act 2021 in the context of the Bristol Airport planning Inquiry. The following conclusions are drawn:

1. The Glasgow Climate Pact is entirely consistent with, and supportive of, BAL's position as set out in its evidence at the Inquiry.
2. The conclusion of agreement on the rules applicable to Article 6, paragraph 2, of the Paris Agreement (the so-called Paris Rule Book) reinforces the role that CORSIA will have in achieving carbon net zero and, as such, is entirely consistent with, and supportive of, BAL's position as set out in its evidence at the Inquiry.
3. The COP26 Declaration on the International Aviation Climate Ambition Coalition is entirely consistent with, and supportive of, UK Government policy and BAL's position as set out in its evidence at the Inquiry.
4. The COP26 Declaration on Forests and Land Use is entirely consistent with, and supportive of, BAL's position on ecology, as set out in its evidence at the Inquiry.
5. The Environment Act 2021 does not require any change to the carbon and climate change evidence presented by BAL to the Inquiry.
6. The Environment Act 2021 is entirely consistent with, and supportive of, the biodiversity evidence presented by BAL to the Inquiry.
7. The Environment Act 2021 does not require any change to the air quality evidence presented by BAL to the Inquiry.

- 4.1.2 Overall, the conclusions of the ES/ESA, that the development of Bristol Airport to accommodate 12 mppa will not have significant adverse effects on climate change, biodiversity or air quality, remain correct and unchanged.

Date	17.12.21
Version	FINAL

1. Introduction

1.1.1 This Note has been prepared further to the Planning Inspectors' request for comments from the parties to the Bristol Airport planning Inquiry on the decision of Luton Council (LC) on 1 December 2021 to grant planning permission for an increase in the permitted capacity of London Luton Airport (Luton Airport). The decision (which is subject to a Section 106 Agreement), varies extant conditions to Planning Permission 15/00950/VARCON to allow an increase in Luton Airport's passenger cap from 18 million passenger per annum (mppa) to 19 mppa, and amends the day and night noise contours.

1.1.2 The Note considers the planning assessment presented in the Officers' Report¹ (OR) (contained at **Appendix A** to this Note), which was accepted by the LC Development Management Committee, where this is relevant to Bristol Airport Limited's (BAL) proposals to increase the capacity of Bristol Airport to accommodate 12 mppa. Specifically, the following sections of the OR are considered:

- Principle of development;
- Uncertainties (forecasting);
- Climate change;
- Noise;
- Air quality; and
- Economic benefits.

1.1.3 Under the topic of climate change, consideration is also given to the implications of LC's decision vis-à-vis permitted capacity at Bristol Airport.

¹ Luton Council (2021) Report to Development Management Committee – planning application reference 21/00031/VARCON - 30 November 2021.

2. Principle of Development

- 2.1.1 Paragraphs 75 to 77 of the OR concern the principle of development. The report recognises that a key priority of national aviation policy is to make better use of existing runway capacity. The view is reached by LC officers at paragraph 75 of the OR that Making Best Use (MBU)² is the *“the most up-to-date government policy”* which should be given *“full effect”* and that, in this context, *“there is in-principle support for airports, such as Luton, to make best use of their existing runways”*.
- 2.1.2 This is entirely consistent with the evidence presented by BAL to the Inquiry and, in particular, that of Mr Melling. It is, however, contrary to the case advanced by North Somerset Council (NSC) and its planning witness Mr Gurtler who, wrongly, argued in his evidence to the Inquiry that national aviation policy is out of date, offers no ‘in principle’ support for airport development and should be afforded little, if any, weight.
- 2.1.3 On this basis, it is considered that the conclusions in the OR, regarding the status of national aviation policy and the weight to be afforded to it, support BAL’s case.

3. Uncertainties (Forecasting)

- 3.1.1 Paragraphs 83 to 89 of the OR address third party representations on the planning application relating to forecasting, including in respect of the impact of the COVID-19 pandemic on passenger demand and fleet mix. The OR states at paragraph 84 that *“Whilst there is uncertainty regarding the precise rate of recovery from the pandemic, the industry consensus is that aviation will recover by the mid-2020s”*. It goes on to explain (at paragraph 86) that *“If there is uncertainty about recovery post pandemic, the effect will be that the slower the growth (and return to 18mppa and expansion to 19mppa) the less the environmental impacts are likely to be since there will be a higher proportion of new generation aircraft within the fleet, which will result in reductions in emissions and noise levels and questions about fleet mix and the introduction of new generation aircraft.”*

² **CD 6.4:** HM Government (2018) Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways. Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714069/making-best-use-ofexistingrunways.pdf [Accessed December 2021].

- 3.1.2 This is entirely consistent with the case presented by BAL to the Inquiry. The forecasts³ produced by York Aviation have taken account of uncertainties caused by the COVID-19 pandemic, as well as Brexit and carbon prices, and there is agreement with NSC that Bristol Airport will reach 12 mppa in around 2030⁴. As set out in BAL's Closing Statement⁵ (paragraph 70), *"Whether growth is slightly faster or slightly slower than anticipated by the Core Case, the general characteristics of the airport at 12 mppa will be generally the same. A different speed of growth would simply bring forward or delay the benefits and impacts associated with that level of throughput. Indeed, the slower the growth, the less the environmental impacts are likely to be due to the higher proportion of 'new generation' aircraft that are likely to be within the fleet and improving background levels of air quality"*.
- 3.1.3 Luton Airport presented, through its noise assessment, its fleet mixes for future years in the case for 19 mppa⁶. This shows that, counting commercial movements only (i.e. not those assumed to be Business Aviation) in 2024, around 50% of commercial movements at Luton Airport would be by new generation (Max/Neo types) aircraft and that by 2028, this would grow to 88%. By comparison, the BAL fleet projections showed 36% of movements would be by new generation aircraft in the same early assessment year (2024) and that this would grow to be 73% of the commercial movements by 2030. This is substantially lower than the 88% Luton Airport were projecting in its earlier assessment year of 2028.
- 3.1.4 Luton Airport also went on to present a 2031 fleet mix⁷, a more similar point in time to BAL's 2030 assessment year. This showed that 98% of all commercial movements at Luton Airport would be by new generation aircraft (of which it appears that 100% of passenger movements would be by new generation aircraft when accounting for the types used by the freight airlines at Luton Airport). Whilst there are differences in the carriers in operation at Bristol and Luton, the larger airlines are common and, therefore, in all cases, the BAL projections for usage of new generation aircraft are well below those projected by Luton Airport in the nearest equivalent years. This demonstrates the level of conservatism built into the BAL fleet

³ CD 2.21: York Aviation Limited (2020) Passenger Traffic Forecasts for Bristol Airport to Inform the Proposed Development to 12 mppa (November 2020).

⁴ INQ/116: Signed Agreed Final Statement of Common Ground Part 2, page 33.

⁵ INQ/107: Closing Submissions on Behalf of Bristol Airport Limited.

⁶ Luton Airport Expansion – 19 mppa: Update to Volume 2 Noise Chapter: Environmental Statement Addendum, January 2021, Table 8B.1, Page 56.

⁷ Ibid, Appendix 8H, Table 1, Page 111 (PDF page number).

projections over time, particularly taking account of the further announcements of orders for new generation aircraft made since the Inquiry has closed.

3.1.5 Overall, nothing in the LC decision materially affects BAL's case that its forecasts, including fleet mix assumptions, are robust and have adequately considered uncertainties arising from the COVID-19 pandemic, Brexit and carbon prices.

4. Climate Change

4.1.1 Dr Ösund-Ireland explained in his evidence to the Inquiry that the core policy test to be applied in respect of airport expansion proposals is the extent to which they materially impact the ability of the UK to meet its carbon budgets and target of net zero greenhouse gas emissions by 2050. It is against this same test that paragraphs 90 to 107 of the OR rightly consider the climate change impacts of the Luton Airport development. The report identifies three important factors to be taken into account when considering the significance of carbon emissions in this context:

- consistent with national aviation policy set out in the Aviation Policy Framework (APF)⁸ and MBU, as well as the judicial review decision⁹ in respect of Stansted Airport, *"aircraft emissions are subject to a separate legal and policy control regime under the CCA, and as such planning decision makers should assume that those regimes will operate effectively (as per advice in paragraph 188 of the NPPF)"*;
- emissions from building, ground operations and surface access are matters of local policy concern; and
- the Government's approach to meeting its climate change targets is through technological change as opposed to constraining airport capacity.

4.1.2 It should be noted that the OR has been prepared taking into account the independent advice of consultants Ricardo and, specifically, Dr Hinnells. At paragraph 9 of his advice¹⁰, which is

⁸ CD 6.1: HM Government (2013) The Aviation Policy Framework (March 2013). Available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/153776/aviationpolicyframework.pdf [Accessed December 2021]

⁹ INQ/094.

¹⁰ Ricardo (2021) Update to the Review of Luton Airport proposal to allow 19mppa: implications for carbon emissions. Report for Luton Borough Council on Planning Application 21/00031/VARCON to vary conditions to Planning Permission 15/00950/VARCON.

appended to this Note (**Appendix B**), Dr Hinnells sets out three important policy conclusions, which are reproduced below:

- **“CCC recommendations on 6CB.** *Advice is just advice not policy. The government said it would take on board the advice, including bringing international aviation under the carbon budget, but was explicit in not accepting individual policy measures.*
- **Stansted appeal decision.** *Inspectors stated that MBU is a recent expression of government policy, that it thoroughly tests the potential implication in terms of climate change and was given in the full knowledge of the government commitment to CCA. This was reinforced by the High Court decision in Oct 2021.*
- **Jet Zero consultation.** *Government did not take on board the capacity constraint that CCC advocated, and Jet Zero was explicit that MBU and APF are the most up to date national aviation policy and still carry full weight, and the consultation lays the ground for a 60% increase in passenger numbers. Net zero in this context will be very hard to deliver and was severely criticised at the Bristol Airport public inquiry because it did not explore capacity constraint options (which CCC said were the cheapest form of carbon emission reduction), and it did not assess the risks that targets would not be delivered. Whilst it will be extremely challenging to deliver the Jet Zero strategy, it is currently hard to see an inspector or court setting aside the emphasis on technology rather than capacity constraint which is now consistent across several policy publications and decisions. However, under the Climate Change Act, the Secretary of State still has a duty to meet net zero, and if technology does not deliver the carbon savings anticipated in Jet Zero, Government may need to revisit the issue of capacity constraint.”*

4.1.3 This leads Dr Hinnells to the conclusion (at paragraph 10c) that *“Emissions from aircraft can be addressed by national policy and airlines (with or without the development) will have to meet UK policy objectives. The proposal is within the bounds of modelling under Jet Zero and under MBU.”*

4.1.4 It is important to note that this advice appears to directly contradict Dr Hinnells’s evidence to the Bristol Airport Inquiry where he argued that MBU is out of date and should be afforded little weight, no reliance could be placed on national measures such as the UK Emissions Trading Scheme (UK ETS) to manage emissions and that planning permission for the development could not be granted in the absence of a Government-led analysis of the extent

of airport capacity compatible with the net zero trajectory. For example, in his Proof of Evidence¹¹, he states:

- Para 111: *“Thus whilst I recognise that MBU and ANPS represents current government policy, the policy approach in so far as it depends upon matters relating to climate change is now out of date, and should be of little weight”.*
- Para 189: *“It is no answer to suggest that there are mitigations such as Sustainable Aviation Fuel, or other technologies, since these are in their technical and commercial infancy and no guarantee can be placed on them, and thus little weight should be placed on them in the planning balance”.*

4.1.5

However, paragraph 9 of Dr Hinnells’s recent advice does directly support the following statements in the evidence submitted by Dr Ösund-Ireland¹²:

- Para 2.2.1, bullet 2: *“Beyond the Horizon – Making Best Use of existing runways published by the Department of Transport in 2018 remains a key reference as this represents current UK Government policy on aviation and climate change. Paragraphs 1.8 to 1.12 clearly differentiate between local and national planning requirements, with carbon emissions from air traffic being a matter of national policy”.*
- Para 2.2.1, bullet 4: *“Whilst BAL can only seek to influence aviation’s carbon emissions, such emissions are more properly controlled at the national level, with UK Government providing clear mechanisms for capping aviation emissions within UK carbon budgets and encouraging the industry to drive emission reductions through innovation to make best use of existing runways”.*
- Para 2.2.1, bullet 5: *“The Environmental Statement (ES) and the Environmental Statement Addendum (ESA) provide the methodology and results of calculating carbon emissions from the Appeal Proposal. The methodology and results are agreed with NSC. The assumptions made in the ES / ESA about future reductions in emissions from aviation can be described as a ‘reasonable worst case’ when compared to the five CCC assumptions of: Balanced Pathway; Headwinds; Widespread Engagement; Widespread Innovation; and Tailwinds. None of the assumptions in the ES/ESA is considered to be optimistic”.*

¹¹ NSC/W6/1.

¹² BAL/W6/2.

- 4.1.6 The approach to the consideration of carbon emissions in the OR is exactly the same as that adopted in the Environmental Statement Addendum¹³ (ESA) and by Dr Ösund-Ireland in his evidence. Like the Luton Airport development, aviation emissions arising from Bristol Airport at a throughput of 12 mppa would be similarly very small in the context of the 37.5MtCO₂ ‘planning assumption’, the Committee on Climate Change’s (CCC) ‘balanced pathway’ assumption and the UK’s carbon budgets. Taking into account the quantification of these emissions, the measures already in place to achieve the Government’s climate change obligations and the ability to take further measures, BAL has robustly demonstrated to the Inquiry that the aviation emissions from the proposed development are not so significant that they would have a material impact on the Government’s ability to meet its climate change target and budgets and, therefore, are ‘not significant’. This is the same conclusion as that reached by LC officers in respect of Luton Airport.
- 4.1.7 In this context, the decision of LC to approve an increase in permitted passenger capacity at Luton Airport does not in any way mean that throughput at Bristol Airport should be constrained. This is because, as Dr Hinnells now seemingly accepts, the management of aviation emissions is a matter for Government to determine through its national aviation policy and the carbon permits granted and traded under the UK ETS. In fact, in the Jet Zero consultation supporting dataset¹⁴ published by the Department for Transport (DfT), it has been assumed that Luton Airport will grow beyond 19 mppa to 25,700 mppa in 2030 and 32,000 mppa in 2040. Even assuming this level of growth, there is no indication that capacity constraints at other UK airports (such as Bristol) would be required to allow such growth to be delivered consistently with the Government’s climate change commitments; indeed, the Jet Zero consultation supporting dataset has assumed growth at both Luton and Bristol.
- 4.1.8 NSC’s case that a national level assessment of the impact of all airport development on the UK’s ability to meet its climate change obligations is required runs contrary to BAL’s case, the decision of LC, the recent advice of Dr Hinnells (NSC’s own climate change witness), the Planning Inspectors in their decision to approve the expansion of Stansted Airport¹⁵ and the Courts in respect of that decision.

¹³ **CD 2.20.1:** Wood (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum Environmental Statement Addendum (November 2020).

¹⁴ DfT (2021) Jet Zero Consultation Dataset. Available from

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F1010795%2Fjet-zero-consultation-dataset.ods&wdOrigin=BROWSELINK [Accessed December 2021].

¹⁵ **CD 6.13:** The Planning Inspectorate (2021) Appeal Decision in Respect of London Stansted Airport, Essex by Michael Boniface MSc

- 4.1.9 Overall, the Luton Airport decision does not change BAL's case that the quantum of emissions arising from the development of Bristol Airport to accommodate 12 mppa are not so significant that they will materially affect the ability of the UK Government to meet its climate change obligations.

5. Noise

- 5.1.1 Paragraphs 108 to 144 of the OR concern noise. A number of important policy points can be drawn from the officers' consideration of the noise impacts of the proposed development that are relevant to the Bristol Airport Inquiry, as follows:

- there is no policy requirement that airport expansion proposals should be refused where they result in an increase in noise levels and the Government recognises in the APF that this may occur (paragraph 108);
- impacts above the Significant Observed Adverse Affect Level (SOAEL) should be 'avoided', and appropriate mitigation is considered to play an important role in achieving this (paragraphs 109 and 126);
- an increase in properties within the SOAEL is not in itself justification to refuse planning permission for development.

- 5.1.2 This is entirely consistent with the evidence presented by Mr Williams and Mr Melling to the Inquiry. It is, however, in complete contrast to the positions adopted by Mr Gurtler and Mr Fiumicelli who, in their evidence, incorrectly asserted that: a) national aviation policy requires that proposals for additional airport capacity do not result in an increase in aviation noise; and b) that, according to the National Planning Practice Guidance¹⁶ (NPPG), development which results in noise impacts above the SOAEL should be refused planning permission.

- 5.1.3 Ground noise and road traffic noise were screened out of the Luton assessment (paragraph 113), and only air noise was considered in detail.

- 5.1.4 The Luton air noise assessment took the baseline scenario to be what was currently permitted (i.e. the 18 mppa forecast in the 2012 application) and compared this with development

MRTPI, G D Jones BSc(Hons) DipTP MRTPI and Nick Palmer BA (Hons) BPI MRTPI (reference APP/C1570/W/20/3256619) – 26 May 2021.

¹⁶ **CD 5.9:** MHCLG (2019) Planning Practice Guidance (Noise). Available from <https://www.gov.uk/guidance/noise--2> [Accessed December 2021].

scenarios for different assessment years. The assessment found no significant impacts during the daytime; however, in various years there were a number of dwellings above the SOAEL with increases between 1.0 and 1.9 dB at night which were rated as significant. In the worst case year, there were 1,877 such dwellings. There were, however, no significant impacts found in 2028. If the Bristol assessment had adopted this approach, then it would have found a reduction in noise levels.

- 5.1.5 The OR highlights (at paragraph 126) that all properties above the SOAEL in the worst-case year will be eligible for noise insulation, although this may not be delivered for all properties until up to six years later (paragraph 127). It was recognised that (at paragraph 139):

“The guiding principle for the provision of noise mitigation in the APF is that “efforts should be proportionate to the extent of the noise problem and the number of people affected,” stating further that the government accepts “that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry”

- 5.1.6 The mitigation offered by Luton Airport is currently £3,000 per dwelling, although this is proposed to increase (paragraph 128). The increased amount is not yet confirmed. Eligible properties are those above the SOAEL for day or night. The insulation scheme is considered by officers to contribute significantly to mitigating the noise effects above the SOAEL (see paragraph 129 of the OR), although it is considered compensation in cases where the mitigation will not be installed until after the effects have occurred.

- 5.1.7 By comparison, the latest package tabled by BAL offers £8,000 to all dwellings above the daytime SOAEL, £5,500 to dwellings above the night-time SOAEL and £5,000 to the remaining dwellings above 57 dB $L_{Aeq,16hr}$. This serves to demonstrate that BAL’s proposed noise insulation scheme is appropriate and is in-line with, if not better, that offered by other UK airports.

- 5.1.8 Overall, the Luton Airport decision does not change BAL’s case in respect of noise. The noise impacts of the proposed development of Bristol Airport have been robustly assessed and are modest and not significant in EIA terms. Appropriate noise control and mitigation measures have been evidently identified.

6. Air Quality

- 6.1.1 Paragraphs 154 to 160 of the OR deal with air quality matters. At paragraph 154, three tests are established: the impact of development on achievement of the Air Quality Standards (AQSS) and Air Quality Objectives (AQOs); whether the impacts are mitigated to an acceptable level; and the need to sustain that compliance. These are the same core tests as applied in the air quality chapters of the ESA for the Bristol Airport development.
- 6.1.2 Importantly, nowhere in the OR is there reference to a national policy requirement that development must improve air quality, which was the case advanced by NSC and its witness Dr Broomfield at the Inquiry. Indeed, the OR notes that, whilst the Luton Airport proposals will result in an increase in pollutant concentrations, these will remain within the Government's limits and on this basis, it concludes that the development is in accordance with national policy and the Development Plan. This is very similar to the conclusions of the ESA and the evidence presented by Mr Peirce to the Inquiry which demonstrated that, at 12 mppa, concentrations of pollutants in the vicinity of Bristol Airport will remain comfortably within the AQO limits and that the air quality impacts of the development will not, therefore, be unacceptable.
- 6.1.3 It is noted that the OR considers the impact of development on achievement of the AQSS and AQOs as the relevant test, and not changes to concentrations of pollutants below these levels, contrary to the case advanced by NSC. The conclusions of the ESA and the evidence presented by Mr Peirce to the Inquiry are, therefore, considered to remain valid.
- 6.1.4 Overall, the Luton Airport decision does not change BAL's case in respect of air quality. BAL maintains that the approach adopted in the ES and ESA is in accordance with guidance and the approach agreed with NSC at the EIA scoping stage and that increasing the capacity of Bristol Airport to accommodate 12 mppa will not result in significant adverse effects on air quality.

7. Economic Benefits

- 7.1.1 Paragraphs 168 to 177 of the OR concern the economic impacts of the proposals to increase the capacity of Luton Airport to 19 mppa. The OR recognises the importance of aviation to the UK economy and concludes that the proposed development would have a significant economic benefit locally and in the wider area.

- 7.1.2 The benefits attributed to Luton Airport and its continued growth are similar in nature to those identified in the Economic Impact Assessment Addendum¹⁷ and by Mr Brass in his evidence to the Inquiry; they include (inter alia): increased connectivity; job creation and skills development; safeguarding the commercial viability of the airport and associated jobs; support to the tourism sector; and increasing prosperity/levelling-up growth. BAL, like LC officers, considers that these benefits should be afforded significant weight, in accordance with the National Planning Policy Framework¹⁸ (NPPF).
- 7.1.3 At paragraph 176, the OR responds to representations on the planning application which stated that outbound tourism should be weighed against the economic benefits of the development; this is the same argument as that advanced by Mr Siraut in his evidence to the Inquiry. In rejecting this argument, the OR highlights that the APF (at paragraph 1.16) has considered this matter and that the evidence did not show that a decrease in the number of UK residents flying abroad for their holidays would have an overall benefit on the UK economy (paragraph 1.16).
- 7.1.4 The position on outbound tourism adopted by LC officers is consistent with, and supports, the evidence presented in the Economic Impact Assessment Addendum and by Mr Brass to the Inquiry. This evidence highlights the important economic and quality of life benefits that Bristol Airport provides and which will be enhanced by providing additional capacity. Quite simply, there is no policy that seeks to limit overseas travel in order to retain spending domestically and in any case, the Economic Impact Assessment Addendum concluded that any 'lost expenditure' from outbound tourism is unlikely to be significantly affected by the expansion of Bristol Airport.
- 7.1.5 Overall, it remains BAL's case that the economic benefits of increasing the capacity of Bristol Airport to accommodate 12 mppa will be substantial and that these benefits should be afforded significant weight in the planning balance.

¹⁷ **CD 2.22:** York Aviation Limited (2020) Development of Bristol Airport to Accommodate 12 Million Passengers Per Annum: Economic Impact Assessment Addendum (November 2020).

¹⁸ **CD 5.8.1:** Ministry of Housing, Communities & Local Government (2021) National Planning Policy Framework (July 2021), paragraph 81. Available from

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf [Accessed December 2021].

8. Summary and Conclusion

- 8.1.1 This Technical Note has considered the decision of LC to allow the growth of Luton Airport to accommodate 19 mppa in the context of the Bristol Airport planning Inquiry. It has focused on the planning assessment completed by officers in the OR, in so far as it is relevant to BAL's proposals to increase the capacity of Bristol Airport to accommodate 12 mppa.
- 8.1.2 Nothing in the decision changes BAL's case. The planning assessment presented in the OR is entirely consistent with BAL's position as set out at the Inquiry and, in fact, serves to reinforce the case presented by BAL's witnesses on key matters relating to: the weight to be afforded to national aviation policy; the treatment of uncertainty within the forecasts and fleet mix; national policy requirements relating to noise and air quality and mitigation; and the importance of the economic benefits of aviation growth.
- 8.1.3 Further to this, the decision of LC to approve an increase in the permitted passenger cap at Luton Airport does not in any way require the growth of Bristol Airport to be constrained. This is because the management of aviation emissions is a matter for the UK Government, which has not indicated that it is minded to constrain airport capacity.

Appendix A Officers' Report

Committee:	Development Management			
Date of Meeting:	30 November 2021			
Application Ref:	21/00031/VARCON			
Subject:	Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.			
Address:	London Luton Airport, Airport Way, Luton			
Applicant:	London Luton Airport Operations Limited (LLAOL)			
Report Author:	Head of Development Management			
Contact Officer:	Clive Inwards			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment	<input checked="" type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>
Wards Affected:	Wigmore			

Purpose

1. To advise Members of a current application for a variation to planning permission 15/00950/VARCON dated 13th October 2017 and to seek their decision.

Recommendations

2. The Development Management Committee is recommended:

a) To resolve that:-

(01) The requirements of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) are satisfied by reason of the Addendum to the Environmental Statement including at least the following information:

- (i) A description of the development comprising information on the site, design and size of the development;
- (ii) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (iii) The data required to identify and assess the main effects which the development is likely to have on the environment;
- (iv) An outline of the main alternatives studies by the applicant and an indication of the main reasons for the choice made, taking into account the environmental effects;

(v) A non-technical summary of the information under (i) to (iv) above.

(02) That it be recorded that, that in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement and Addendum and that this information meets the minimum requirements of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended).

b) Grant planning permission subject to:

- The Airport Master Plan being adopted by the Council's Executive. In the event that the Airport Master Plan is not adopted the application will return to Development Management Committee for further consideration.

i. Delegated authority being granted to the Head of Planning in consultation with the Council's Senior Solicitor (Planning) to:

A. complete a variation to the current agreement dated 9/10/2017 and made under Section 106 of the Town and Country Planning Act 1990, in order to retain its current provisions and be varied to contain the following:

1. provision, implementation, monitoring and review of travel plans for passengers and staff;
2. review of the Airport Surface Access Strategy within twelve months, such a review to make provision for additional staff parking and electric charging points;
3. provision and an update to the noise alleviation measures including the noise management plan, noise mitigation and noise insulation scheme (including an increase in the noise insulation fund);
4. provision and update to the current employment, skills and training programme;
5. provision, implementation, monitoring and review of a Carbon Reduction Strategy;
6. provision of one-off grants between £12,000 and £15,000 to local Councils to be used to provide community facilities where community facilities are exposed to noise levels above the significance thresholds
7. provision of an annual airport monitoring fee

B. finalise the terms of the Section 106 agreement

ii. The imposition of the conditions as detailed in Appendix 1 to this report; with delegated authority being granted to the Head of Planning in consultation with the Council's Senior Solicitor (Planning) to add any further conditions as considered necessary and to finalise the terms of the planning conditions as set out in Appendix 1.

Conditions ('Appendix 1')

- (01) *Final Phases;***
- (02) *Landscaping completion for final phases;***
- (03) *Building completion***
- (04) *Protected species for final phases***
- (05) *Lighting for final phases***
- (06) *CEMP***
- (07) *Archaeology WSI***
- (08) *19mppa cap***
- (09) *Noise Control Scheme***
- (10) *Noise contours***
- (11) *Noise Control Monitoring Scheme***
- (12) *Ground noise***
- (13) *Surface Water Management Strategy***
- (14) *Surface water drainage scheme final phases***
- (15) *Contamination final phases***
- (16) *Verification report***
- (17) *Contamination not previously identified***
- (18) *Infiltration of surface water***
- (19) *Piling final phases***
- (20) *Protection of boreholes***
- (21) *Foul drainage final phases***
- (22) *Car parking use***
- (23) *Surfacing and drainage of car parking***
- (24) *Travel plans***
- (25) *Highway improvement schemes***
- (26) *Use of terminal (linked to highway improvements)***
- (27) *Compliance with approved Renewable energy strategy***
- (28) *Approved plans and documents***
- (29) *Carbon Reduction Strategy***

Heads of Terms

The current legal agreement includes commitments in relation to the following:

- (01) *travel plans;***
- (02) *noise mitigation measures;***
- (03) *training, skills and employment;***
- (04) *community fund; environmental management;***
- (05) *safeguarding of access to Century Park;***
- (06) *sustainability;***
- (07) *annual monitoring report;***
- (08) *transport forum;***
- (09) *the consultative committee; and***
- (10) *annual Section 106 monitoring fee; and.***

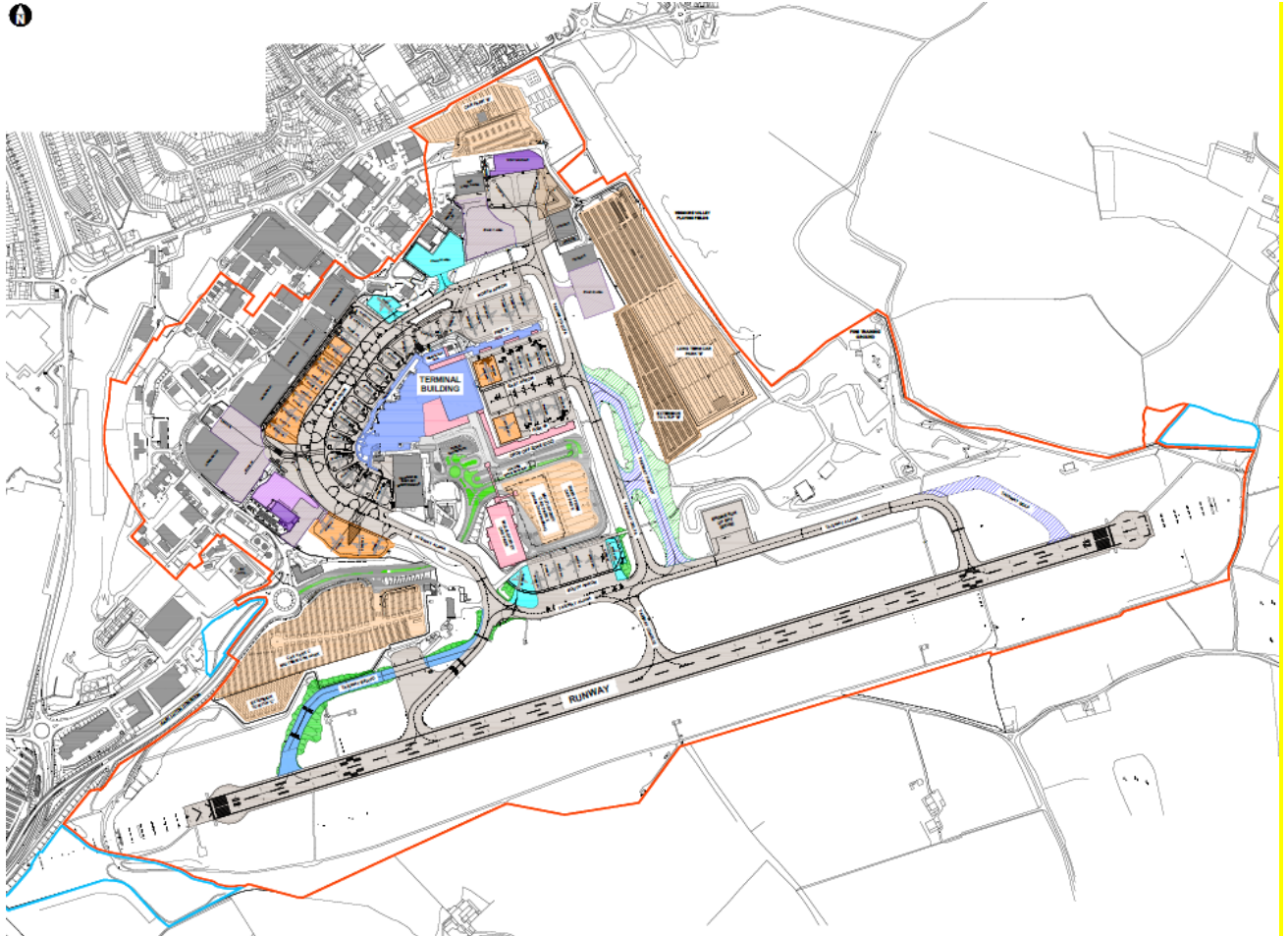
The deed of variation will need to retain and update these commitments.

Background

The Site

3. The airport occupies a 245 hectare site on the south eastern edge of Luton approximately 3km east of junction 10 of the M1 motorway. The airport is located on an elevated plateau approximately 150/160m above ordnance datum (AOD).

Fig. 1: Site Location Plan



4. To the north of the airport and south of Eaton Green Road are located commercial premises, whilst to the north of Eaton Green Road the land use is predominantly residential. Immediately to the west of the airport is an area of commercial and industrial land uses and beyond are the Park Town area and the Town Centre of Luton. To the south, east and north east of the airport the land uses are predominantly rural in character, comprising a mix of farmland with small settlements. Someries Castle, a scheduled monument lies to the south of the airport and the grade I listed Luton Hoo and the associated grade II* park and gardens lie to the south-west.

Site History

5. There have been numerous permissions at the airport over the years, however, the most relevant to the current proposal are detailed below.
6. Planning permission was granted in June 2014 for the expansion of the airport involving, inter alia, the dualling of Airport Way, extensions to the terminal, a new pier and walkway, extensions to taxiways, enlargement of car parks and the construction of a

multi-storey car park (ref: 12/01400/FUL). The application was accompanied by an Environmental Statement and the grant of planning permission was subject to a number of conditions, including a passenger cap limiting the total number to 18 million passengers per annum (mppa) and a condition restricting the area within the 57dB day and 48dB night-time noise contours. The application was also subject to a legal agreement.

7. In 2015 an application was submitted to vary one of the noise conditions covering noise violation limits during the night period (ref: 15/00950/VARCON). The application was accompanied by an Addendum to the Environmental Statement. Planning permission was granted on 13 October 2017 following the completion of a legal agreement.
8. One further application of relevance was submitted in March 2019 (ref: 18/00428/EIA). This application sought to vary condition 10 (the summer day and night-time contour cap) attached to the 2017 permission described above. The application proposed a temporary increase of the area within the 57dB daytime noise contour by 2sq km and the 48dB night-time noise contour by 6.9sq km, for a period up to 2024. This application was withdrawn when the current application (the subject of this report) was submitted in January 2021. The withdrawn application, which had been accompanied by an Environmental Statement Addendum, received a total of 568 responses to the various consultations, of which 564 were objections to the proposed changes to the noise contours.
9. In July 2020 a request for an Environmental Impact Assessment (EIA) screening opinion was submitted by the Wood Group, on behalf of LLAOL, to the Council to determine whether the increase of the passenger cap from 18mppa to 19mppa and the temporary increase in the area included within the daytime and night-time noise contour cap would constitute EIA development (ref: 20/00826/EIASC). Whilst the Wood Group's EIA screening request had concluded that the resultant noise impact of the development would be negligible with a slight/moderate significant adverse effect upon human health, the Council advised LLAOL that since the increase in the daytime and night-time noise contours would result in an increase in the number of residents that would be exposed to noise levels above the Significant Observed Adverse Effect Level (SOAEL), it was considered that the proposed development was EIA development and an environmental statement would need to accompany any application. This decision was accepted by the applicant.
10. The scope of the Environmental Statement Addendum (ESA) was also discussed with officers, with it being agreed that five topics should be included, namely: noise, air quality, health, transport and climate change.

The Proposal

11. There are two main elements to this planning application, the first seeks to increase the passenger cap from 18mppa to 19mppa (involving a variation to condition 8), whilst the second element involves a temporary expansion of the summer day and night-time noise contours (involving a variation to condition 10). As a consequence of the proposed increase in passenger numbers there would need to be an update to the approved car parking management plan (condition 22) and the passenger travel plan (condition 24) which would then need to be reflected in the condition detailing the approved documents (condition 28).

12. The proposed amended wording for condition 8, covering the passenger cap, would be to increase the cap by 1mppa as follows:

“At no time shall the commercial passenger throughput of the airport exceed 48 **19** million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.”

13. The proposed amended wording to condition 10, covering the summer day and night-time noise contours would be as follows (text struck through is the wording associated with the current condition and text in bold and underlined is the proposed additional new wording):

~~“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 LAeq(16hr) (0700-2300hrs) contour shall not exceed 19.4 sq km **21.6 sq km** for daytime noise, and the area enclosed by the 48dB Leq(8hr) (2300-0700hrs) contour shall not exceed ~~37.2 sq km~~ **42.9 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.**

Within ~~five years~~ **12 months** of the **date of this permission** commencement of ~~development~~ 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 LAeq(16hr) (0700-2300hrs) 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(A) Leq16hr (0700-2300) contour shall not exceed 15.1 sq km for daytime noise, and the area enclosed by the 48dB Leq(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.”

14. The planning application was accompanied by an ESA covering the five topics scoped in at the pre-application stage. In addition the application was supported by a planning statement, transport assessment, travel plan, site waste management plan and an appraisal in relation to drainage and water supply infrastructure.

15. Whilst the increase of 1mppa represents a 5.5% increase in passenger numbers, the application indicates that this will generate only a small increase above the total number of movements that occurred in 2019 (142,566 total movements compared to 141,481 in 2019) when the airport was operating at 18mppa and significantly below the 156,840 movements predicted in the 2012 application (ref: 12/01400/FUL). The reason given for the smaller increase in air traffic movements is that the number of seats in aircraft have increased and the load factor (occupancy) of the aircraft used by carriers has also improved.
16. The Council appointed noise consultants and climate change consultants to advise on technical matters associated with the application. Following a review of the information that had been submitted, a Regulation 25 request was made to the Wood Group, LLAOL's agent, in April 2021 seeking further information in relation to noise and climate change. The response from the Wood Group addressed noise issues that had been raised, with the provision of a new noise chapter for the ESA, whilst on climate change a Carbon Reduction Plan was provided.
17. Upon receipt of these comments, a further round of consultation was undertaken in accordance with the EIA Regulations, with responses from third parties and the Council's consultants being assessed. Further clarification was sought in July 2021, with a response from the Wood Group being provided in August, addressing points raised by the Council's noise consultants and also third parties. Since the response from the Wood Group addressed specific points that had been raised, inter alia, by LADACAN and North Hertfordshire District Council, a final round of consultation was undertaken.
18. The issues that arose and the responses to them are more fully considered in the body of this report.

Policy Implications

National Aviation Policy

19. UK aviation policy comprises the Aviation Policy Framework (2013)('the APF'), the Airports National Policy Statement (2018)('the ANPS') and Beyond the Horizon – The Future of UK Aviation: Making Best Use of Existing Runways (2018)('MBU').
20. There are a number of other documents that are also relevant and will influence the Government's long awaited Aviation Strategy when published, namely: Air Navigation Guidance (ANG 2017); the Green Paper, Aviation 2050: The Future of UK Aviation (2018)('Aviation 2050') and the recent Jet Zero consultation (2021).
21. Between July-September 2021, the government undertook a consultation, 'Jet Zero', on its approach and principles to reach net zero aviation by 2050. The Jet Zero consultation makes clear that the ANPS and MBU "are the most up-to-date policy on planning for airport development. They continue to have full effect, for example as a material consideration in decision-taking on applications for planning permission. The government is clear that the expansion of any airport must meet its climate change obligations to be able to proceed" (footnote 39 page 51).
22. Whilst not national aviation policy the UK is one of 23 countries that signed the International Aviation Climate Ambition Goal on 10 November 2021 at COP26. This acknowledged that the International Civil Aviation Organisation (ICAO) is the

appropriate forum in which to address emissions from international aviation. The signatories committed, inter alia, to working through ICAO “to advance ambitious actions to reduce aviation CO2 emissions consistent with efforts to limit the global average temperature increase to 1.5°C.”

23. **APF:** The APF states that “the government’s primary objective is to achieve long-term economic growth. 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 its contribution to climate change and noise” (paragraph 5).
24. The APF recognises the important role that airports play both in providing employment and stimulating economic growth, stating that “airports are in some ways cities in themselves, creating local jobs and fuelling opportunities for economic rebalancing in their wider region or area” (paragraph 1.20).
25. On international connectivity arising from air travel, the APF states that “one of our main objectives is to ensure that the UK’s air links continue to make it one of the best connected countries in the world” (paragraph 9). A key priority for the government is to “work with the aviation industry and other stakeholders to make better use of existing runway capacity at all UK airports” (paragraph 10). The government’s desire to make best use of existing airport capacity is a theme that is reinforced on a number of occasions in the APF (paragraph 1.24 and paragraph 1.60 page).
26. In terms of managing aviation’s environmental impacts the APF recognises that these are “both global (climate change) and local (primarily noise, as well as air pollution and surface access traffic congestion)” (paragraph 12). The government states in the APF that its objective is “to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions” (paragraph 2.4), making it clear that the emphasis is on action at a global level, though recognising that at a national level it may be appropriate to take unilateral action if that is justified in terms of the balance between benefits and costs.
27. The APF does temper aviation growth with balance and fairness, particularly in relation to aviation’s impacts in terms of noise and air quality. The APF states that, “the acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact” (paragraph 3.24). Importantly, in the context of this application, the government recognises that it is unreasonable to impose unlimited costs on industry and consequently, “efforts should be proportionate to the extent of the noise problem and numbers of people affected.”
28. The government wants to strike a fair balance between the negative impacts of noise and the positive economic impacts of flights, which the government says “means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements” (paragraph 3.3). The government’s overall policy on aviation noise expressed in the APF is “to limit and where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry” (paragraph 3.12). This is consistent with the objectives of the Noise Policy Statement for England (2010).
29. **ANPS:** This document sets out government policy on the need for new airport capacity in the south east, namely through support for the north-west runway at Heathrow. Whilst

of primary relevance for decision making on any development consent order (DCO) that comes forward from Heathrow, the ANPS confirms that the government is “supportive of airports beyond Heathrow making best use of their existing runways” (paragraph 1.39).

30. The ANPS reiterates the importance of airports to the success of the UK economy, noting that following the UK’s decision to leave the EU, the importance of aviation to the UK economy has only increased. The ANPS states that “operating existing capacity at its limits means there will be little resilience to unforeseen disruptions, leading to delays. Fares are likely to rise as demand outstrips supply, and the lack of available slots makes it more difficult for new competitors to enter the market” (paragraph 2.15).
31. **MBU:** As the most recent expression of government policy on expansion of UK airports, MBU is clear in confirming the government’s in-principle support for airports, beyond Heathrow, making best use of their existing runways, taking into account relevant economic and environmental considerations. Paragraph 1.25 of MBU states that “as a result of the consultation and further analysis to ensure future carbon emissions can be managed, government believes there is a case for airports making best [use] of their existing runways across the whole of the UK.”
32. The government recognises that airport development can have negative as well as positive local impacts, and therefore considers that “proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations” (paragraph 1.29).
33. The theme of sharing the benefits from the APF is also recognised within MBU, with the government recognising the impact on communities living near airports, particularly noise, air quality and surface access. MBU states that, “as airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible” (paragraph 1.22).
34. **Air Navigation Guidance (2017):** The ANG is guidance to the CAA in relation to its environmental objectives when undertaking its air navigation responsibilities. It sets out the actions the government requires in order to implement its environmental, airspace and noise management policies in relation to air navigation.
35. **Aviation 2050 (2018):** The Green Paper is not adopted government policy, but the consultation and responses to it will feed into the government’s forthcoming aviation strategy.
36. Aviation 2050 reaffirms the governments support for the growth of aviation, recognising the benefits that it delivers in terms of jobs, economic growth and connectivity, stating that, “the government has been clear about the importance of aviation to the whole of the UK. Aviation creates jobs across the UK, encourages our economy to grow and connects us with the rest of the world as a dynamic trading nation. It also helps maintain international, social and family ties. This is why the government supports the growth of aviation provided that this is done in a sustainable way and balances growth with the need to address environmental impacts” (page 18).
37. Making best use of existing runways is reaffirmed in Aviation 2050, subject to environmental issues being addressed (paragraph 1.3 and 1.21). The significance of

the aviation industry to the UK is set out in Aviation 2050, which states that “aviation has an important role to play in the future of our country. It is key to helping to build a global Britain that reaches out to the world. It underpins the competitiveness and global reach of our national and our regional economies” (page 18).

38. Whilst the Green Paper addresses the significant economic and social benefits to the UK that aviation brings, it also seeks to ensure that aviation growth should be sustainable, “with affected communities supported and the environment protected” (page 48).
39. **Jet Zero (2021):** This consultation ran from 14 July to 8 September 2021, setting out the government’s vision for the aviation sector to reach net zero by 2050. Five measures were proposed to support the policies that the government is proposing to reduce, and where possible, eliminate carbon dioxide emissions from aviation, namely:
 - Improving the efficiency of the aviation system;
 - Accelerating the development and delivery of sustainable aviation fuel;
 - Supporting the development of zero emission flights;
 - Using the markets to drive down emissions; and
 - Influencing the behaviour of customers.
40. The Jet Zero consultation confirmed that the APF and MBU are the most up-to-date policy on planning for airport development and that they continue to have full effect as a material consideration in decision taking on planning applications. The consultation did not advocate a capacity cap, rather noting that the government “currently believe the sector can achieve Jet Zero without the government needing to intervene directly to limit aviation growth” (paragraph 3.41). The consultation paper is not adopted government policy and has limited weight.

Other National Policy and Strategies

41. **The Noise Policy Statement for England (NPSE 2010):** provides the policy framework for the effective management and control of noise associated with development, setting three policy aims, namely:
 - 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.
42. The NPSE also introduces the following concepts for categorising the effects of noise:
 - 'No Observed Adverse Effect Level' ('NOAEL'), the level at which no effect can be detected;
 - 'Lowest Observed Adverse Effect Level' ('LOAEL'), being the level above which adverse effects on health and quality of life can be detected; and

- 'Significant Observed Adverse Effect Level' ('SOAEL'), being the level above which significant adverse effects on health and quality of life occur.

43. **The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007):** The Air Quality Strategy sets out Air Quality Objectives (AQO) that reflect the importance the government attaches to public health and the environment. AQOs are a statement of policy intentions, with the government's aim being to see a steady decrease in ambient levels of pollution towards the objectives. As such the AQOs form a key component of statutorily required Local Air Quality Management Framework.
44. **The Air Quality Standards Regulations (2010):** These regulations impose a duty upon the Secretary of State to comply with certain limit values referred to as Air Quality Standards (AQS). The AQSs and AQOs set limit values for air pollutants, the most notable in relation to the proposed development are annual mean NO₂ concentrations (40µg m⁻³), NO_x (30µg m⁻³), PM₁₀ (40µg m⁻³) and PM_{2.5} (25µg m⁻³).
45. **The Clean Growth Strategy (2017):** Arising from the Climate Change Act 2008, the Clean Growth Strategy seeks to grow the UK economy whilst protecting the climate. The strategy builds on the successes at the domestic level whilst recognising that greenhouse gas emissions are a global issue. The strategy seeks, inter alia, to nurture low carbon technologies, accelerate green growth, improve business and industry efficiency; accelerate the shift to low carbon transport (including modernising the aviation sector through international action on standards and offsetting schemes, whilst domestically promoting sustainable aviation fuels and new technologies).
46. **A Green Future: Our 25 Year Plan to Improve the Environment:** In 2018 the Government published its Environment Plan which set out goals for improving the environment. The plan set out the government's aims to deliver cleaner air and water, protect species, enrich habitats, tackle the effects of climate change, champion sustainable development and cut all forms of pollution (including managing noise and light pollution).
47. **Build Back Better: Our Plan for Growth (2021):** This strategy sets out the government's plans to support growth through investment in infrastructure, skills and innovation. The plan seeks to deliver growth and boost economic performance, supporting the government's vision for a global vision and the priority of levelling up across the UK.
48. **Decarbonising Transport: A Better Greener Britain (2021):** The plan sets out the government's commitments to decarbonise the entire UK transport system and the actions that will be required to achieve net zero transport. The plan includes commitments in relation to increasing walking and cycling, zero emission, coaches, vans and cars and delivery of electric charging infrastructure, whilst for aviation the plan referred to consulting on Jet Zero, with the aim to reach net zero for domestic aviation by 2040 and accelerate decarbonising airport operations, as well as aiming to agree a long term emissions reduction goal with ICAO by 2022.
49. **Jet Zero (2021):** The consultation ran from 14 July to 8 September 2021 and sought view on the government's proposed approach to reach net zero aviation by 2050. Policies covered five different areas, namely: improved efficiency of airspace; acceleration of the development of sustainable aviation fuels; support for the development of zero emission flight; use of the markets to drive down emissions in the most cost-effective way; and influence the behaviour of customers. The consultation

indicated that there were various scenarios that could achieve reduction in CO2 emissions similar to those advocated in the Climate Change Committee's (CCC) 'Balanced Pathway' that did not entail government intervening to limit aviation growth or cap demand.

50. **Net Zero Strategy: Build Back Greener (2021):** The strategy was published in October 2021 and sets out policies and proposals for decarbonising all sectors of the UK economy in order to achieve the government's commitment to net zero by 2050. In relation to aviation, the strategy reiterates the approach advocated in the Jet Zero consultation
51. **The revised National Planning Policy Framework (NPPF):** updated in July 2021 the NPPF provides guidance as to how the government's planning policies are expected to be applied. The core principle of the NPPF is a "presumption in favour of sustainable development" (paragraph 10), which has three overarching objectives, namely: economic, social and environmental. However, this does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions.
52. Paragraph 7 of the NPPF records that the purpose of the planning system is to contribute to the achievement of sustainable development, the high level objective of which is "meeting the needs of the present without compromising the ability of future generations to meet their own needs." Paragraph 152 then states that "the planning system should support the transition to a low carbon future in a changing climate...[and] should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions..."
53. Paragraph 38 of the NPPF advises that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant both prior to submission of the application and during the process of determination.
54. Paragraph 81 of the NPPF states that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."
55. Paragraph 185 of the NPPF sets out the aim of ensuring that decisions in relation to new development should take into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts arising from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.
56. Paragraph 188 of the NPPF states that the focus of planning decisions "should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."

57. **Planning Policy Guidance (PPG):** the guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

58. The Local Plan represents the long term spatial vision for Luton. That vision seeks to use Luton's economic, social and environmental resources and assets efficiently and sustainably to deliver economic prosperity and improved quality of life, health and wellbeing for all of the residents of the borough. As such the vision records that "Luton Airport will be improved to provide more jobs related to aviation industries and other associated business clusters and maintain London Luton Airport's key role as a sub-regional economic driver bringing wealth and job creation (including high skilled jobs) to the town and neighbouring local authorities" (paragraph 3.5).
59. Eleven strategic objectives then expand this vision, including:
- "Strategic Objective 1: to retain and enhance Luton's important sub regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport's existing operations and to support the airport's sustainable growth over the Plan period based on its strategic importance";
 - "Strategic Objective 2: to utilise Luton's economic, social and environmental resources efficiently and sustainably including appropriate mitigation...";
 - "Strategic Objective 6: Reduce social, economic and environmental deprivation, particularly where it is spatially concentrated, by taking priority measures to reduce unemployment, improve skills and education..."; and
 - "Strategic Objective 11: To safeguard and ensure the prudent use of natural resources, increase energy and water efficiency and encourage and promote the use of renewable energy sources to help adapt to climate change, and manage pollution, natural and land use operational hazards, avoid inappropriate development in areas at risk of flooding, secure improvements in air and water quality and ensure effective waste management."
60. The airport is within the London Luton Airport strategic allocation on the Policies Map of the Luton Local Plan 2011-2031. Policies relevant to the proposal are, therefore, as follows:
- i. *Policy LLP1 (Presumption in Favour of Sustainable Development):* sets out a sustainable development strategy for the Borough;
 - ii. *Policy LLP2 (Spatial Development Strategy):* sets out the spatial development strategy;
 - iii. *Policy LLP6 (London Luton Airport Strategic Allocation):* the allocation covers not only the airport, but also airport related parking, Wigmore Valley Park and Century Park. In relation to airport expansion, the policy records that proposals will be assessed against policies in the Local Plan as a whole, with development proposals only supported where they, inter alia, are: directly related to airport use; accord with an up to date Airport Master Plan; incorporate sustainable transportation measures and suitable road access;

- iv. *Policy LLP13 (Economic Strategy)*: covers the Local Planning Authority's economic strategy; supporting planning applications where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub-region;
- v. *Policy LLP31 (Sustainable Transport Strategy)*: sets out the sustainable transport strategy and stipulates that development will be permitted where it minimises the need to travel, reduces congestion and provides sustainable transport choices;
- vi. *Policy LLP32 (Parking)*: considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of Town Centre-proximate locations;
- vii. *Policy LLP36 (Flood Risk)*: deals with matters of drainage and flood risk associated with development, requiring all new development proposals to provide a drainage strategy;
- viii. *Policy LLP37 (Climate Change, Carbon and Waste Reduction and Sustainable Energy)*: considers the climate change implications of development;
- ix. *Policy LLP38 (Pollution and Contamination)*: relates to dealing with adverse impacts with regard to air, land or water of development, requiring appropriate mitigation if significant adverse impacts are identified; and
- x. *Policy LLP39 (Infrastructure and Developer Contributions)*: is concerned with the level of financial contributions provided by developments and must be read in conjunction with the Supplementary Planning Document on Planning Obligations (2007), which assess what planning obligations should be sought from development. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development that is capable of being charged Community Infrastructure Levy (CIL) if the obligation does not meet the following tests:
 - 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;

In the context of this application, the development is in a category to which Regulation 122 applies. The requirement for financial contributions towards infrastructure improvements are matters which, if the development proposals are supported, would need to be secured by planning obligation. This is a proportionate obligation that is considered to comply with Regulation 122 and for which there is a clear policy basis either in the form of development plan policy or supplementary planning guidance.

Other Local Level Documents

61. **London Luton Airport Master Plan 2012**: In 2012 the airport operator consulted upon a draft Master Plan before publishing its Master Plan in September of that year. The Master Plan set out the LLAOL's vision for the growth of the airport to accommodate up to 18mppa. In order to manage the proposed growth, the Master Plan promulgated the following: extensions and alterations to the terminal building; alterations and extensions to taxiways and stands; dualling of Airport Way; and the construction of a multi-storey

car park to provide additional parking capacity. The 2012 Master Plan informed the planning application that followed.

62. **London Luton Airport Master Plan 2021:** The 2021 Master Plan was published by LLAOL in January 2021. The Master Plan is submitted to the Council for adoption by LLAOL in accordance with Local Plan Policy LLP6 B(iii) following non-statutory public consultation carried out by LLAOL. It is not a local development document or a supplementary planning document and does not carry weight as policy. It sets out a framework to enable the increase of the airport's capacity to 19mppa. The Master Plan addresses the five core areas that the APF identifies for inclusion within airport master plans, namely: forecasts; infrastructure proposals; safeguarding and land/property take; impact on people and the natural environment; and proposals to minimise and mitigate impacts. No external alterations to airport infrastructure is required in order to achieve the increase in passenger capacity. The Master Plan envisages an increase of less than 1% in the number of aircraft movements to accommodate the additional 1mppa passengers, realised through higher load factors and additional seating capacity on the newer aircraft.
63. **London Luton Airport Noise Action Plan 2019-2023 (NAP):** The NAP has been produced in accordance with the Environmental Noise (England) Regulations 2006, providing strategic noise maps together with a set of actions that seek to improve noise management at the airport, in line with the International Civil Aviation Authority's 'balanced approach' to noise management, whereby maximum environmental benefit is achieved in the most cost effective manner.
64. **Luton Local Transport Plan 2020-2040 (LTP4):** was adopted by the Council in July 2021 and outlines key ambitions consistent with the Council's Vision 2040 (carbon reduction, reduce poverty and improve inclusion), and sets out the Council's strategic transport priorities together with detailed policies and supporting text. To achieve the vision LTP4 includes a number of objectives, one specific to the airport recognises its role as the main international gateway within England's Economic Heartland, and seeks to work with the airport to support the wider regional economy by improving sustainable transport connectivity for residents and businesses to international markets and opportunities.
65. **London Luton Airport Surface Access Strategy 2018-2022 (ASAS):** the ASAS seeks to promote and encourage sustainable surface access options for employees and passengers and to reduce the impact of surface access to the airport on the local community. The ASAS sets targets to achieve these objectives.
66. **Luton Borough Council's Planning and Noise Guidance:** this guidance, prepared by the Council's environmental protection team, provides advice for developers in relation to, inter alia, proposed commercial developments that may affect existing residential properties, with advice on the maximum internal noise levels that should be achieved for living rooms, bedrooms and outdoor amenity areas. LTP4 recognises an opportunity to increase the numbers travelling to the airport by public transport.
67. **Luton Borough Council's Air Quality Action Plan (2017):** produced as part of the Council's statutory duty required under the Local Air Quality Management framework, the Air Quality Action Plan sets out actions that the Council will take in order to improve air quality in the area up to 2022. The Action Plan identified transport emissions as the pollution source most requiring attention, with a range of measures to be implemented

to address this, including promoting travel alternatives to reduce reliance on private vehicle use.

68. **Luton Borough Council's Strategic Vision: Luton 2020-2040 (2020):** the strategy seeks to ensure that everyone in Luton can share in the benefits of the town's prosperity, enjoy a good quality of life and ensure that no one has to live in poverty. It highlights the challenges of deprivation, health inequality and economic impact brought into focus by the Covid-19 pandemic. In relation to the airport the strategy recognises it as a key asset to the town and that it will have a key role to play in achieving the Council's ambition of carbon neutrality, thus the Council has set out its ambition to grow the airport and make it the most sustainable in the UK.
69. **Luton Borough Council's Climate Action Plan Support (2020):** prepared by Anthesis on behalf of the Council, the report sought to provide an evidence base to inform the Council's Climate Action Plan. The report considered the Council's current emissions profile, analysed the emissions associated with the airport, and considered future emissions and the actions required by the Council to reduce these. This report and the draft climate change action plan that was published outlined initial areas that the Council could focus on in order to cut carbon emissions and set out the next steps to ensure that Luton is carbon neutral by 2040.

Facts of the Application Site

Material Site Details

<i>Strategic Allocation:</i>	Airport Strategic Allocation LLP6
<i>Conservation Area:</i>	N/A
<i>Setting of a Listed Building:</i>	N/A
<i>Flood Risk Zone:</i>	N/A
<i>Other:</i>	N/A

Non-Residential Uses

<i>Existing Use(s):</i>	N/A	N/A
<i>Proposed Use(s):</i>	N/A	N/A

Sustainability

<i>Car Parking:</i>	Existing Provision:	9,724
	Proposed Provision:	9,724
<i>Cycle Parking:</i>	Existing Provision:	20
	Proposed Provision:	20
<i>Public Transport:</i>	Proximity of Train Station:	DART 100m Parkway 2.2km
	Proximity of Busway:	20m
<i>Parking Controls:</i>	N/A	

Public Consultation

<i>Press Notice:</i>	Yes
<i>Site Notice:</i>	Yes
<i>Direct Consultation:</i>	Total Consulted: 36 Support: 262 Objection: 963 Other: 2
<i>Statutory Consultation Date:</i>	INSERT DATE

Consultation Responses

Technical Consultation

70. The application was notified to 36 consultees, including neighbouring authorities, parish councils, interest groups, technical and statutory consultees. The responses received have been summarised in Appendix 2 of this report. Conditions have been recommended and, where appropriate and reasonable, these have been incorporated into the conditions as set out at 'Appendix 1' and summarised above.

Statutory Public Consultation

71. Given the nature of the proposed development the application was advertised as a major development, as EIA development and as a departure from the development plan. Following the receipt of further information pursuant to a Regulation 25 request (in accordance with the EIA Regulations), the application was again advertised. Site notices were also posted. For the subsequent consultations those who had responded individually to the original application have been notified by letter (in total 1,229 letters sent out upon receipt of further clarification/information).
72. The total number of responses to the three consultations came to 1,229, of which 963 raised objections to the proposal, with 262 supporting the development and two neither expressing support nor opposition.
73. The main issues raised by those making representations are similar to those made by the interest groups, parish councils and neighbouring authorities (set out more fully in Appendix 2), but can be summarised under the following broad headings:
- i. The principle of the development (paragraphs 75-77)
 - ii. Inadequacies of the ESA (p 78-82)raphs
 - iii. Uncertainties (including modelling, forecasts and fleet mix) and prematurity (paragraphs83-89)
 - iv. Climate change (paragraphs 90-107)
 - v. Noise (including the breach of existing conditions and the noise associated with the A321neo) (paragraphs108-144)
 - vi. Traffic and parking (paragraphs 145-153)
 - vii. Air quality (paragraphs 154-160)
 - viii. Health and well-being (paragraphs 161-167)
 - ix. Economic benefits (paragraphs 168-177)
 - x. Airspace change (paragraphs 178-181)
 - xi. PSZ size with larger and more aircraft (paragraphs 182-184)
 - xii. Breaches of conditions (noise contour, movement limit exceeded, night flight numbers exceeded, passenger cap exceeded) (paragraphs185-192)

xiii. Contrary to policies in the Local Plan (paragraphs 193-199)

74. The responses given in support of the planning application can be summarised as follows:

- i. The proposal will benefit the local, regional and national economy through the creation of jobs and opportunities as well as safeguarding existing jobs;
- ii. Following the pandemic there is a need for recovery and much needed employment in the area which this application will support;
- iii. The proposal will support the provision and retention of jobs in other sectors that service the airport (such as taxis, buses, hotels, food, shops);
- iv. In addition to economic benefits of new jobs, there will be opportunities for training and development of existing staff;
- v. The expansion will benefit the local communities with greater prosperity and the airport's investment in community fund;
- vi. Since the proposal involves no additional construction, but rather makes best use of the existing infrastructure, the impact is likely to be minimal;
- vii. The proposal will meet passenger demand and provide increased choice and greater connectivity;
- viii. Expansion meets the needs of local people, saving on travel to airports outside of the area (such as Gatwick and Heathrow);
- ix. Without expansion passengers and airlines will go elsewhere with consequent adverse effect on jobs, the local and regional economy, and choice/convenience;
- x. Expanding the airport and regional airports is the most sustainable solution, rather than a third runway at Heathrow or second at Gatwick;
- xi. Improvements in technology are resulting in reduction in noise and air pollution and the airport is playing a leading role in encouraging airlines to introduce the new generation aircraft;
- xii. The proposals will improve the passenger experience.

Report of the Officer

i. Principle of development

75. As noted in the policy section above, a key priority of national aviation policy is to make better use of existing runway capacity, with the APF identifying that there will be capacity challenges at all the main airports in the south east of England and MBU stating that the government is supportive of airports beyond Heathrow making more intensive use of their existing infrastructure. MBU is the most up-to-date government policy and the Jet Zero consultation confirms this point, affirming that full effect should be given to it in decision taking. Thus from national aviation policy, there is in-principle support for airports, such as Luton, to make best use of their existing runways.

76. In relation to the lack of need or demand for the increased capacity raised by many in their comments on the impact of the Covid-19 pandemic on passenger numbers at the airport, there is no requirement arising from national aviation policy for individual planning applications for airports beyond Heathrow to demonstrate a need for their proposed development or for associated additional air traffic movements and increased passenger numbers. This point was specifically made by the inspectors in the Stansted airport appeal decision, granting permission for the airport to increase its passenger numbers by 8mppa.
77. Whilst there needs to be a balance with the environmental impacts of development, both national and local policy provide in-principle support for airports making best use of their existing infrastructure. This planning application entails no additional infrastructure, but rather seeks to vary conditions arising from the original 2014 permission (ref: 12/01400/FUL as amended in 2017 by a subsequent variation 15/00950/VARCON), such that there will be an increase in passenger numbers of 1mppa (5.5%) which will be reflected in a small increase in aircraft movements of approximately 1,100 flights (representing 0.75% of the total movements in 2019 when the airport reached 18mppa).

ii. Environmental Statement Addendum (ESA)

78. The application seeks to vary conditions to the original permission for the enlargement of the terminal building and expansion of the airport infrastructure to accommodate up to 18mppa (ref: 12/01400/FUL). That development was EIA development, and since it was considered that the proposal would be likely to have significant environmental effects the Screening Opinion advised that the current application would also be EIA development. Consequently the application was accompanied by an environmental statement addendum (ESA).
79. The ESA has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and addresses additional matters required to be considered by those regulations which were not addressed within the environmental statement for the original application (ref: 12/01400/FUL) or the subsequent addendum to the environmental statement associated with the variation application in 2015 (ref: 15/00950/VARCON).
80. The baseline data for the original environmental statement was gathered in 2011, with the key assessment year, for 'with development' and 'without development' being 2028 (it was assumed without development the airport would have reached 12.4mppa in 2028 and with development would be operating at 18mppa). The baseline years have been used to inform the ESA, with the 2011 baseline data updated to take into account, amongst other things, population growth since that permission; the updated data associated with the 2015 variation application; and more recent up-to-date data from 2018/2019 (for instance from air quality monitoring, emissions modelling, traffic data, population increase, etc).
81. The ESA is clear that whilst 2019 would have provided the most up-to-date data in terms of noise generated by the airport operating at 18mppa, since the airport was in breach of the noise contour cap (condition 10) in that year, 2019 has not been used as the base year for noise. As noted above, the ESA builds on the environmental statement that was submitted with the 2012 application (ref: 12/01400/FUL) and updated with the 2015 variation application (ref: 15/00950/VARCON). This is considered an appropriate approach for establishing the baseline for the environmental assessment of the various topics scoped in to the EIA.

- 82.** The ESA assess the impacts by comparing the 'with development' (the growth of the airport to accommodate 19mppa) against the 'without development' (the current permitted growth up to 18mppa). Some representations questioned the accuracy of the 'without development' or 'do-nothing' scenario, assuming that this would entail the airport operating at 18mppa as it did in 2019 in breach of condition 10. However, the ESA is clear that the 'do-nothing' or 'without development' scenario covers the airport operating in line with the planning conditions imposed in 2014, i.e. what is permissible under that permission within the contour cap imposed by condition 10.

iii. Uncertainties

- 83.** Third party representations have raised concerns about uncertainties with the forecasting, including the impact of the Covid-19 pandemic and questions about fleet mix and the introduction of new generation aircraft.
- 84.** Inevitably there is a degree of uncertainty with any forecast. The Covid-19 pandemic has had an unprecedented impact upon the aviation sector, with various lockdowns imposing restrictions on travel. Whilst there is uncertainty regarding the precise rate of recovery from the pandemic, the industry consensus is that aviation will recover by the mid-2020s.
- 85.** At the time of the preparation and submission of the planning application, it was assumed that travel restrictions would be lifted by the summer of 2021, and based on previous trends, 2021 was identified as the worst case year in terms of noise contour expansion. The noise chapter in the ESA was updated following the Council's Regulation 25 request, with the revised chapter indicating that 2022 will be the worst case year for significance of noise effect, with noise reducing in 2023 and 2024 with the introduction of more new generation aircraft (noise is addressed later in this report).
- 86.** Whilst there may be uncertainty in the short term associated with the impact of the pandemic, there is no uncertainty in relation to the key matters that the application seeks to address, namely the permanent variation to the passenger cap and the temporary change to the summer day and night-time contours. The maximum passenger growth sought is one million passengers, with condition 8 varied to permit a maximum of 19mppa, whilst the variation to the noise contours is sought for a period up to 2028 (though the forecasts show a decline in the numbers adversely or significantly adversely affected from 2023), with a reduction in the total area by 2031 (to reflect the reduction previously required for 2028 by condition 10). If there is uncertainty about recovery post pandemic, the effect will be that the slower the growth (and return to 18mppa and expansion to 19mppa) the less the environmental impacts are likely to be since there will be a higher proportion of new generation aircraft within the fleet, which will result in reductions in emissions and noise levels.
- 87.** Based on information provided by LLAOL with regard to the commitments of the major airlines operating from Luton to the acquisition of the new generation aircraft, the fleet mix for the assessment years has been provided Appendix 8B. This shows a steady reduction in the number of movements by the older generation aircraft and a corresponding increase, both in the daytime and night-time, of the movements by the new generation aircraft (the A320neo, A321neo and the B737max).
- 88.** In addition to the uncertainties associated with the economic recovery post pandemic, some representations were received raising addressing uncertainties associated with the impact of Brexit. The government has made clear that international connectivity is

vital to the UK. This is even more important post Brexit, both in terms of trade with the rest of the world and also for the labour market. The importance of the airport to the local and regional economy is addressed subsequently, however, the important role that the airport plays as an enabler of economic growth needs to be stressed, and the importance of that role will only increase post-Brexit and post the Covid-19 pandemic.

89. A further issue that was raised was the uncertainty associated with the direction of travel of government policy on climate change at the time that the application was submitted (January 2021). Many of the representations received referred to the CCC's sixth carbon budget (6CB) report, published in December 2020, and the suggestion that growth at one airport should be balanced by restraint at another. The responses considered the expansion to be premature given that the government had not set out its response to the CCC recommendations. However, since the submission there has been further development and clarification of the government's position in relation to aviation and climate change, and this is addressed more fully below.

iv. Climate Change

90. Climate change is a global issue which requires international action which has been recognised through the United Nations Framework Convention on Climate Change (1994), the Kyoto Protocol (1997) and the Paris Agreement (2015). Under this framework and protocols, each nation must determine the extent to which it can contribute to tackling greenhouse gas emissions.
91. The UK's response was in the form of the Climate Change Act 2008 (CCA) which imposed a legally binding commitment to ensure that by 2050 the net UK carbon account was at least 80% less than the 1990 baseline. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended this target to at least 100% below the baseline ('net zero').
92. The CCA also imposed an obligation on the Secretary of State to set carbon budgets on a five yearly basis (to be set twelve years in advance) in order to demonstrate how the 2050 carbon target will be achieved. Within the first five UK carbon budgets there was a planning assumption in relation to the emissions associated with international aviation departing the UK. At the time of the submission of the planning application, that assumption was 37.5MtCO₂.
93. In December 2020 the Climate Change Committee (CCC), an independent statutory body established by the CCA to advise government, published its progress report, with recommendations for the 6CB. The CCC report also explored five scenarios for aviation, one, 'the balanced pathway', assumed that aviation would produce 23MtCO₂ by 2050, and that there would be no net expansion of airport capacity.
94. The Carbon Budget Order 2021 came into force on 24 June 2021 setting the carbon budget for the period 2033-2037 at 965,000,000 tonnes. In adopting the 6CB the government has accepted the CCC's recommendation to cut greenhouse gas emissions by 78% by 2035 (in other words nearly an 80% cut, but fifteen years sooner, or in half the time compared to previously) and also to bring international aviation and shipping within the UK budget. Whilst accepting the headline recommendation, the government did not accept detailed recommendations from the CCC, including not accepting the proposed constraint on additional airport capacity.

95. As noted in the policy section, the APF recognises that climate change is a global issue to be dealt with at an international level, though at a national level action will be taken “where that is appropriate and justified in terms of the balance between benefits and costs” (paragraph 2.5). MBU reiterates this position, noting that carbon emissions should be considered at a national level, whilst local planning policy should focus on issues such as noise, air quality and surface access. MBU does not bar a local authority from considering carbon emissions, however, aircraft emissions are subject to a separate legal and policy control regime under the CCA, and as such planning decision makers should assume that those regimes will operate effectively (as per advice in paragraph 188 of the NPPF).
96. Whilst many of the objections to the planning application have focussed on climate change issues, the position of the government on climate change is that it is to be addressed at the national level. The recent decision on appeal for Stansted to expand by 8mppa was the subject of a judicial review, and in dismissing the challenge Mrs Justice Lang confirmed that “it was correct to find that carbon emissions policies are addressed at a national level, in the MBU, and are not a matter for local planning decision-makers. It was entitled to conclude that the national policy ‘Making best use of existing runways’ (‘MBU’), published in June 2018, was made in full knowledge of the UK’s then commitments to combat climate change, and that it thoroughly tested the potential implications of the policy in climate change terms (DL 18). It was also entitled to conclude that the Government has not altered the policies in the MBU, notwithstanding changes to the targets for reduction of greenhouse gas emissions” (Ground 1 page 2 of decision).
97. It is recognised that the Council (and neighbouring authorities) have declared a climate emergency, and whilst policies in the Local Plan (such as LLP1, LLP25 and LLP37) all acknowledge the significance of climate change and the need to ensure that new development delivers upon its obligation to protect the environment and future generations, this is of primary relevance to carbon emissions from the airport’s building, ground operations and surface access – matters of local policy concern – which are addressed in the application.
98. The ESA submitted by LLAOL includes a chapter on climate (chapter 7) and the impact of the increase in greenhouse gas emissions as a result of the proposed development. The Council asked Ricardo to undertake a review of the ESA which is published on the Council’s planning application portal. The ESA considered not only the 37.5MtCO₂ planning assumption, but also took on board the CCC’s ‘balanced pathway’ assumption, namely that the aviation sector would contribute a reduced amount if the UK was to achieve net zero by 2050, thus the figure of 23MtCO₂ was also considered. However, the 23MtCO₂ is a gross emissions figure and the key comparator is a net zero emissions figure.
99. The Jet Zero Consultation proposed to set a CO₂ emissions reduction trajectory for aviation from 2025 to 2050 against which government will monitor progress. The government said “We propose to set this based on our ‘high ambition’ scenario, whilst noting the uncertainty regarding the future technological mix. This would see in-sector CO₂ emissions of 39 Mt in 2030, 31 Mt in 2040 and 21 Mt in 2050 (any residual emissions in 2050 should be offset by greenhouse gas removal methods).” This target is not yet policy but following the consultation, similar policy is expected to be set very shortly.

- 100.** The government Net Zero Strategy (October 2021) reaffirms that the government's approach was through supporting technological change rather than through constraining flying. Indeed, a Behavioural Insights Team research paper commissioned by BEIS on "Net Zero: principles for successful behaviour change initiatives" was published and very rapidly withdrawn. It contained analysis on how to deliver reduced demand for high-carbon activities including aviation.
- 101.** The ESA established the baseline for GHG emission for the year 2019 with both domestic and international aviation emissions assessed, together with surface access (passengers and staff), airport buildings and ground operations. Total emissions were calculated at 1,495.26KtCO₂, this represents approximately 2.75% of total UK international aviation emissions. It was then possible to consider the extent to which the scheme would affect the ability of the UK to meet its net zero target, both against the planning assumption that was in place at the time of submission and against the lower CCC target for aviation, and now against the proposed Jet Zero target.
- 102.** The assessment shows that with development, greenhouse gas emissions peak in 2024, the year at which 19mppa is expected to be reached – after which the passenger forecasts are assumed to be constant, whilst improvements in the efficiency of aircraft and surface access are expected to lead to a reduction in emissions. The increase in the new generation aircraft is expected to be more rapid in the 'with development' scenario, since increased capacity will encourage the airlines to use the newer aircraft with their increased seating capacity. Surface access reductions in emissions arise from the improved public transport usage together with a greater uptake of electric vehicles arising from government interventions. Airport buildings and ground operations represent the smallest percentage of emissions, yet these also show a decrease through LLAOL's commitment to reduce operational electricity demand, to purchase renewable electricity and to generate 25% of its electricity through on-site renewables by 2026.
- 103.** The ESA indicates that with development the total international aviation emissions associated with the airport by 2050, using the 37.5MtCO₂ planning assumption that was in place at the time of the submission, would represent approximately 2% of that total, and so concludes that compared to its share in the baseline in 2019 this is a reduction and is unlikely to materially affect the UK's ability to meet the planning assumption. In terms of the actual increase of emissions for the 19mppa compared to the baseline 18mppa case, the proposed development represents only 0.05% of the 37.5MtCO₂ planning assumption in 2050.
- 104.** If the aviation sector target promoted by the CCC's balanced pathway of 23MtCO₂ is adopted for a sensitivity test, the 'with development' emissions would equate to between 2.7% and 3.7% of the total emissions for UK international aviation (depending on various scenarios modelled). However, if the increase in emissions associated with the additional 1mppa is taken as a percentage of the 23MtCO₂, the total contribution would be less than 0.1%. Thus the ESA concludes that the share of aviation emissions at Luton is unlikely to increase even if the CCC 'Balanced Pathway' approach or the Jet Zero approach is adopted by government. The measures proposed in Jet Zero (efficient aircraft, Sustainable Aviation Fuel, and zero emission aircraft using hydrogen or electric) are for the airlines to implement and airports to support implementation.
- 105.** The Wood Group provided a response to comments from the Council's climate change consultants which were included with the Council's Regulation 25 request for further

information. This response indicated that the climate change chapter was robust and in line with planning policy relevant to the determination of the planning application.

- 106.** At the same time the Wood Group provided the airport's Carbon Reduction Plan (CRP) which had been referred to in the original application but had not accompanied it. The CRP sets out steps that LLAOL is taking to achieve carbon neutrality by 2026 and deliver net zero carbon for the airport's direct operational emissions by 2040. As such the CRP addresses scope 1 emissions, namely those directly related to activities that LLAOL controls (such as the burning of gas and fuel on the airport) and scope 2 emissions associated with the consumption of heat and electricity purchased by LLAOL. Scope 3 emissions are those linked to the airport (including tenants concessions and subcontractor emissions) over which LLAOL has very significant influence, and which are ground based activities, and some emissions which LLAOL does not have absolute control, but can influence through commercial agreements including flights and surface access.
- 107.** In order to ensure that the objectives of the CRP are realised, a planning condition is recommended to secure the production, implementation and review of a carbon reduction strategy, covering all ground based activity (including scope 1, 2 and relevant scope 3 emissions). The Section 106 legal agreement would also secure the monitoring of the carbon reduction strategy.

v. Noise

- 108.** National aviation policy recognises that the impact of noise is one of the environmental effects that is a key concern associated with airport development, and seeks to limit and where possible reduce the number of people significantly affected by aircraft noise. However, there is no policy stating that airport expansion should not be permitted if it results in an increase in noise levels above existing levels. Further, the potential for airport expansion to result in an increase in noise is something that the government recognises may occur, since the APF allows for compensation schemes in such circumstances.
- 109.** National and local policy seek to minimise and mitigate the impact of noise from airport expansion upon the local community. The PPG provides guidance on how it can be established whether noise is likely to be a concern. Thus for an increase in noise between the LOAEL and SOAEL thresholds, small changes in behaviour and attitude may occur and consequently consideration should be given to mitigating and minimising those effects, taking into account economic and social benefits derived from the activity. For levels above the SOAEL a material change in behaviour is likely to occur, such as keeping windows closed, and it is undesirable for such exposure to be caused, therefore the planning process should be used to avoid this effect occurring, or appropriate mitigation should be used.
- 110.** The proposed changes to the noise contours resulted in the greatest number of objections, and were also the subject of considerable scrutiny, with LBC's noise consultants providing an assessment of the proposals at the pre-application stage and providing comments on three occasions following the submission of the application (including a request for further information under Regulation 25 of the EIA regulations).
- 111.** The ESA adopted an approach to significance with regard to both the absolute level of noise and the change in noise level. In order to consider the absolute level LOAEL and SOAEL thresholds were adopted, whilst to consider change in noise levels, thresholds

of significance were adopted. Increases of 3dB above the LOAEL were considered significant (conventionally accepted as the minimal perceived increase and the level at which the APF identifies that acoustic insulation should be provided) whilst a lower level of 1dB above the SOAEL was chosen to reflect the evidence that people are more sensitive to increase in noise at higher absolute levels.

- 112.** The noise impact of Luton Airport is currently limited by conditions and the Section 106 legal agreement associated with the 2015 planning application (ref: 15/00950/VARCON). This includes the Noise Control Scheme (condition 9), operation in accordance with the Noise Report (condition 10), the Noise Control Monitoring Scheme (condition 11) and the Ground Noise Control Scheme (condition 12). In addition to these measures the Section 106 legal agreement included the comprehensive Noise Management Plan, which incorporated the conditioned schemes, the airport's Noise Action Plan and the Noise Insulation Scheme (covering residential and non-residential properties).
- 113.** The proposed development has three potential noise sources, namely, ground noise, road traffic noise and air noise. Ground noise and road traffic noise were considered in the Screening Report with the results of the assessments indicating that the effects would be negligible and consequently they were screened out of the ESA.
- 114.** The assessment of air noise was based on forecasts provided by LLAOL which have taken into account the existing fleet mix and airline orders for new generation aircraft to 2026. The potential noise impacts arising from the proposed development are assessed in Chapter 8 of the ESA.
- 115.** The primary metric used for assessing noise associated with aircraft movements in the ESA, is the dB LAeq(16hr) (average daytime noise level between 0700-2300) and the dB LAeq(8hr) (average night-time noise level between 2300-0700). These are measured over the summer period, the busiest part of the year. This metric assesses the average noise experienced over the day or night-time and is recognised as the measure that most correlates with community response to noise.
- 116.** Other supplementary metrics are used within the ESA, namely: the N65 and N60 contours (these are the number of aircraft noise events exceeding a maximum sound level of 65 or 60dBA) and also the LAmax contours (the maximum noise level in dB(A) likely to be experienced from a specific aircraft overflying an area).
- 117.** In line with government guidance, the ESA has used the 51dB LAeq(16hr) contour to designate the daytime LOAEL and the 45dB LAeq(8hr) for the night-time LOAEL for residential properties. The contour for SOAEL was set at 63dB LAeq(16hr) for daytime and 55dB LAeq(8hr) for night-time. For non-residential sensitive properties, for instance schools and health care facilities, the daytime contour was set at 50dB LAeq(16hr), with the night-time threshold for health care facilities being set at 45dB LAeq(8hr).
- 118.** The air noise assessment has responded to comments from the Council's noise consultant, raised at the pre-application stage and during the process of determination – including a revision to the noise chapter of the ESA following the Council's Regulation 25 request for further information.
- 119.** The ESA considered the numbers of people that would be exposed to noise levels above the LOAEL and above the SOAEL as a consequence of the proposed development, compared to the baseline which was the 2012 projected growth to

18mppa. The worst case year for the number of additional dwellings that would be above the SOAEL was predicted as 2022 and 2023 when 724 additional dwellings would fall within the 55dB LAeq(8hr) contour (night). This figure then steadily decreases up to 2028.

- 120.** The ESA also assesses the number of properties located in areas between the 51dB LAeq(16hr) (LOAEL) and 63dB LAeq(16hr) (SOAEL) contours where there would be an increase of more than 3dB, as well as the properties already experiencing noise above the SOAEL (63dB LAeq[16hr]) where there would be an increase of more than 1dB in order to determine whether there is a significant impact or not in the increase in noise levels. For daytime noise levels in 2021 there are no properties that experience noise increase above the ranges noted. However, for night-time exposure, whilst no properties within the area between the LOAEL and SOAEL experience increases of over 3dB, there are 144 properties predicted to be exposed to an increase of 1dB above the SOAEL which is considered to be significant in EIA terms.
- 121.** The same assessment is carried out for 2022 and 2023, both of which show that no properties between the daytime or night-time LOAEL and SOAEL experience increases of more than 3dB. Although no properties exposed to levels above the daytime SOAEL experience an increase of greater than 1dB, there are 1,877 dwellings that would experience an increase during the night period of between 1.0 and 1.9dB, which is considered to be significant. For 2024 the noise assessment again shows that properties between the LOAEL and SOAEL do not experience increases of more than 3dB in either the daytime or night-time periods, however 1,470 properties would be exposed to increases of between 1.0-1.9dB above the SOAEL which is considered to be a significant impact.
- 122.** For 2028, a key assessment year, the noise assessment demonstrates that there are no properties within the area between the LOAEL and SOAEL contours for day or night-time that would be exposed to an increase in noise levels above 1dB, neither are there dwellings currently exposed to levels above the SOAEL (day or night) that would be exposed to a 1dB increase.
- 123.** The reduction in the number of properties exposed to increases in noise levels from 2023 onwards is associated with the introduction of more modern quieter aircraft types (Airbus neo and Boeing max), with the forecast for their introduction being based on orders for the major carriers operating from Luton (easyJet, Wizz and Ryanair). At the time of the original application there were no new generation aircraft operating at Luton, with the forecast being that easyJet would operate its first A320neo (new engine option) from 2017. EasyJets annual report for 2020 stated that 15% of the fleet was composed of the new generation aircraft, whilst information for investors shows that for the financial years 2022/28 easyJet has orders of 101 new aircraft, all of which will be the Airbus neos¹. Wizz in its interim financial report (4 November 2021) confirmed orders for 235

¹ Source: https://corporate.easyjet.com/~/_media/Files/E/Easyjet/pdf/investors/rights-issue/Investor-Presentation-Accelerate-the-Recovery.pdf

aircraft for the period 2021/27, of which 215 (91%) relate to the Airbus neo, with 14 to be delivered in the financial year 2022 and 39 in 2023².

- 124.** Some of those making representations have suggested that the impact of the pandemic could mean a slower return to pre-pandemic passenger numbers and as a consequence greater environmental impacts for a longer period. However, if the recovery in air traffic movements is slower than predicted, the contours would not grow as much as predicted in the expectation would be that the numbers affected would be lower, since with each successive year there will be an increase in the number of new generation aircraft – this was a matter that was addressed in the Stansted appeal decision, with the Inspectors noting that “if it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime” (paragraph 30).
- 125.** The noise assessment also considered the increase in the size of the LOAEL and SOAEL contours based on the worst year scenario and the resultant increase in the number of properties that would be exposed to noise levels above the SOAEL as a consequence of the development. For the daytime SOAEL, a further 85 properties would be exposed to an increased level of noise during the daytime in 2022 (in addition to the 720 that are already within the SOAEL contour), whilst an additional 724 dwellings would come in to the increased SOAEL contour (currently 1,184 dwellings are exposed to this level of noise).
- 126.** Whilst national and local policy seek to minimise the impact of airport growth upon health and quality of life, the policy guidance in NPSE is that impacts above SOAEL should be avoided, with mitigation agreed to play an important role. It should be noted that all of those experiencing noise levels above the SOAEL will be eligible for noise insulation under the airport’s noise insulation scheme.
- 127.** It is proposed that the eligibility criteria for noise insulation will be based on the worst year, in the ESA predicted as 2022, and fixed for a period of six years, i.e. any properties that fell within the 55dB LAeq(8hr) or 63dB LAeq(16hr) contour in the worst year would be entitled to noise insulation for a period of six years after that date, despite the fact that they may no longer be within the SOAEL contour as it decreases up to 2028. In the original ESA, prior to the noise chapter being updated following the Regulation 25 request, although the fund available for the noise insulation scheme rose considerably from its current £100,000 annual level, to £400,000 in 2021, £900,000 in 2022, £700,000 in 2023, before dropping back to the £100,000 level for each successive year, it was considered that the total cap would mean that not all properties significantly adversely affected would have been able to be insulated. Consequently, the total cap has been removed and all properties within the SOAEL in the worst case year will be eligible for noise insulation.
- 128.** Whilst the ESA originally limited this amount to £3,000 per dwelling, as is the requirement associated within the current Section 106 legal agreement, LLAOL propose within the deed of variation to the Section 106 legal agreement that this sum will be increased. The noise insulation scheme covers dwellings that fall within the area

² Source: https://wizzair.com/static/docs/default-source/downloadable-documents/corporate-website-transfer-documents/results-and-presentations/f22-h1-interim-report_final_e81dad67.pdf

covered by both the daytime SOAEL and the night-time SOAEL. In relation to the daytime SOAEL windows to any habitable room are included, whilst for properties that only fall within the night-time SOAEL it is replacement of bedroom windows that is undertaken. Unlike some other airport schemes, the noise insulation scheme at Luton offers property owners like for like replacement (in terms of window frames) to ensure that the a uniform look for the property is maintained..

- 129.** The airport's noise insulation scheme will contribute significantly to mitigating the noise effects for those who currently experience noise above the SOAEL and those who as a consequence of the expansion will experience noise above the SOAEL. However, it is recognised that the roll out of the programme is such that not all dwellings that will experience adverse noise impacts will be able to be insulated prior to those impacts occurring, consequently it is considered that the measures proposed are compensation rather than mitigation.
- 130.** The representations received on noise from the Council's Environmental Protection Unit (EPU) consider the proposed variation to condition 10 to be contrary to policy LLP38 of the Luton Local Plan and in the absence of mitigation measures to ensure the local authority's noise limits will not be exceeded are opposed to the variation of the condition. Reference is made in the EPU comments to the Council's 'Planning and Noise Guidance' which is not a document with any statutory authority, but rather provides guidelines for (a) new residential development affected by noise and (b) new commercial or industrial development affecting noise sensitive uses (such as residences).
- 131.** The noise guidelines would not be appropriate for the assessment of noise generated by infrastructure projects such as new or altered highways and railways, or changes to operations at airports. The noise generated by these transport activities is considered to be an inherent by-product of essential services and, as such, is not actionable under nuisance law. Highway authorities, railways and airport operators are statutory undertakers so far as noise generated by the transport services so provided is concerned. This distinguishes them from the types of development and activities that Luton Environmental Protection may wish to control in line with their 'Planning and noise guidance'.
- 132.** Changes to operations at airports are assessed on a case-by-case basis, weighing up the economic and social benefits arising from enhanced travel opportunities against the environmental harm that may arise. Such harm includes changes in the noise exposure in communities around each airport. The assessment of airport noise is undertaken in accordance with the Noise Policy Statement for England (NPSE). The NPSE does not set quantitative guidelines for the suitability of noise sensitive development in an area depending on the prevailing levels of noise. Absent, therefore, is reference to specific noise thresholds which determine whether noise sensitive development is suitable and, if so, whether particular mitigation factors need to be considered.
- 133.** The aims of the NPSE have been summarised in the section 'Other National Policy and Strategies'. Paragraph 2.24 of the NPSE states that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life. It also states that this does not mean that such adverse effects cannot occur.
- 134.** In essence, therefore, development at any airport must be judged on its ability to deliver on each of the stated aims. Quantifying the prevailing noise levels is therefore an essential first step in assessing a given site, and this is the purpose of the ESA

submitted by the applicant. Noise effects are quantified, including noise effects at night, and the measures to mitigate and minimise these adverse impacts are set out.

- 135.** Representations received from neighbouring authorities drew attention to the pressure to provide new housing that might be affected by the expanded noise contours with some areas being outside the SOAEL but above the LOAEL. There is no requirement for an airport operator to provide noise insulation at a specific level, whilst new residential development would be required to provide appropriate noise insulation taking into account any noise sources.
- 136.** In terms of non-residential properties, education, healthcare and religious centres were considered sensitive to increases in noise, with noise thresholds associated with the onset of potentially significant effects being set at 50dB during the day (45dB at night for healthcare facilities). The noise assessment considered that an increase of 1dB or more above the set threshold would constitute a significant impact. The following non-residential buildings were found to be adversely affected by the proposed development in 2022:
- i. Caddington Village School (CBC)
 - ii. Heathfield Lower School, Caddington (CBC)
 - iii. The Linden Academy, Park Town (thresholds exceeded up to 2024) (LBC)
 - iv. Wonderland Day Care Nursery, Park Town (thresholds exceeded up to 2024) (LBC)
 - v. Breachwood Green JMI School (NHDC)
 - vi. All Saints Church, St Pauls Walden (thresholds exceeded up to 2023) (NHDC)
 - vii. Slip End Lower School (CBC)
 - viii. North Hertfordshire College, Stevenage Station (SBC)
- 137.** The current legal agreement makes provision for a noise insulation scheme covering non-residential buildings with the scheme providing a grant as appropriate in order for the noise insulation to be provided. This provision shall be carried forward into the new scheme under the deed of variation. It is open to the eight non-residential institutions identified above to apply for grant to the London Luton Airport Consultative Committee (LLACC) as the body responsible for the allocation of the Non-Residential Noise Insulation Scheme.
- 138.** The expansion of the airport to accommodate a further 1mppa is contrary to national and local policy in that noise reductions are not achieved and the adverse effects will not be mitigated for all properties prior to the impacts being experienced (based on LLAOL's prediction of the worst year), consequently the proposal represents a departure from the development plan.
- 139.** The guiding principle for the provision of noise mitigation in the APF is that "efforts should be proportionate to the extent of the noise problem and the number of people affected," stating further that the government accepts "that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry" (paragraph 3.24).

- 140.** In terms of this planning application, it involves the variation to noise limitations that equates to a 1dB increase for for a temporary period. The original noise reductions were conditioned to occur by 2028, the variation to the condition sees these now being realised by 2031, two to three years later than originally anticipated in the 2012 environmental statement. The delay is consistent with that experience at other airports due to the effects of the Covid-19 pandemic on air travel.
- 141.** Support for proposals for expansion of the airport set out in Local Plan policy LLP6 B are conditional upon certain criteria being met. The policy does note that proposals will take account of the wider sub-region and that the criteria will be considered where applicable and/or appropriate in terms of the nature and scale of the proposals. The criteria for expansion proposals are as follows:
- i. directly related to the use or development of the airport, which is the case in this instance;
 - ii. contribute to achieving national aviation policy, as noted in the policy section MBU is national aviation policy, with the government encouraging airports to make more intensive use of their existing infrastructure. The APF supports aviation growth within a framework that which maintains a balance between the benefits of aviation and its costs (particularly the contribution towards climate change and noise);
 - iii. accord with an up-to-date airport Master Plan published by LLAOL and adopted by the Council. LLAOL consulted upon its latest Master Plan in 2020 and published it in January 2021 following the consultation. Whilst the Council has as yet, not formally adopted the Master Plan, officers consider that it is appropriate that the Master Plan should be adopted in line with Policy LLP6 B(iii) of the Local Plan and a report has been prepared for Executive to that effect (the drafting of this planning application report was completed prior to the meeting of the Executive on 23 November and consequently the outcome of that meeting will be reported verbally by officers);
 - iv. impacts of increased air transport movements on surrounding occupiers and/or the environment are fully assessed with appropriate forms of mitigation being identified in the event of significant adverse effects. The ESA has fully assessed the impacts (including air quality, climate, noise, health and surface access), with the only significant adverse effects identified being in relation to noise, with the duration being for a temporary period. Whilst the ESA considers the noise insulation scheme offers significant mitigation, officers are of the opinion that it is more appropriate to consider this to be compensation since not all properties will benefit from the scheme at the time when the most significant adverse effects are experienced. However, given the temporary nature of the effects, the fact that the change is equivalent to a 1dB increase, and the fact that all dwellings exposed to noise above the 63dB LAeq(16hr) and 55dB LAeq(8hr) will be eligible for insulation under the noise insulation scheme (for a period of up to six years from the worst case year), it is considered that the measure to address the noise impacts are in line with government policies;
 - v. achieve further noise reduction or no material increase. The worst case year is predicted as 2022 with the impacts reducing as the fleet modernises still further at Luton, with the entitlement to noise insulation being open to all those in the worst case year for a period of six years. By 2028 it is predicted that the noise contours will have returned to the levels associated with the airport operating at 18mppa,

with all properties having been eligible and offered noise insulation. By 2031 the noise reduction to the levels required by condition 10 of the current planning permission for 2028, will be achieved. Hence the variation to the condition is for a temporary period and will see noise reductions in the future;

- vi. include an effective noise control, monitoring and management scheme. The current requirements for noise monitoring and management are to be retained and strengthened through conditions and the Section 106 legal agreement;
- vii. include proposals to secure betterment of the effects on local residents. With the introduction of more of the new generation aircraft there will be a reduction in the noise contours, with the result that surrounding communities will share in the benefits of technological improvements in the aviation sector. The proposals include measures to incentivise the use of new generation aircraft by airline operators at the airport;
- viii. incorporate sustainable surface access measures to minimise the use of the private car and maximise the use of sustainable transport. The application provides for no additional parking at the airport, seeking to support the Airport's Surface Access Strategy (ASAS), which will be reinforced through the travel plan. It is considered that the travel plan can be strengthened further and the ASAS should be reviewed within twelve months to set targets for the provision of additional cycle parking for staff and further electric charging points to encourage more sustainable transport options; and
- ix. incorporate suitable road access improvements. None were considered necessary in terms of this development.

142. Some of those making representations have raised concerns about the performance of the A321neo as well as questioning the size of the contours that are sought through the variation of condition 10. In considering the representations that have been summarised in Appendix 3 (and are available in full on the Council's planning application portal), it is important to remember that the Council requested further information from the applicant in May 2021 and following the receipt of that information an update to Chapter 8: Noise in the ESA was provided, together with updates to some of the associated appendices.

143. The original assessment that was undertaken by the airport operator's noise consultants and informed the EIA Screening Request, was based on the A321neo's accreditation by ICAO, which shows that there are significant noise reductions associated with this new generation aircraft compared to its predecessor, the A321ceo. With the number of new generation aircraft that will be in operation at the airport by 2028, using the ICAO accreditation, the noise contours were modelled as lower than those that are now sought. The A321neo at Luton had not been performing as per its ICAO accreditation and this is a matter that LLAOL and the airlines have been investigating with Airbus the aircraft manufacturer. It has also been discussed at the Noise and Track Sub-Committee (NTSC) of the LLACC on a number of occasions. At the NTSC it has been shown that whilst the A321neo does not give the noise reductions that the ICAO accreditation shows, when assessing the A321neo vs the A321ceo on like for like routes, the new generation aircraft is still quieter. As a consequence of the difference in the performance compared to the A321neo's accreditation, the ESA reflects the measured performance at Luton with the noise modelling and the contours using the actual data. It is therefore considered that the modelled contours provide justification for the change in the contours that are sought with this application.

- 144.** Some representations, including those from the Chiltern Conservation Board and the Chiltern Society, raised the issue of tranquillity. An assessment of tranquillity is a matter more appropriate in the context of airspace change, however, it is worth noting that the proposed development will not result in any new areas being overflown, and the scale of the increase in flights, namely less than 1% above the total number of movements in 2019 when the airport operated at 18mppa, is unlikely to change the character of the areas overflown. Additionally, it should be noted that the 2012 environmental impact assessment based the assumption associated with an 18mppa airport on 156,840 movements, whilst the ESA envisages almost 14,500 less movements (a reduction of 9%).

vi. Traffic and parking

- 145.** The NPPF is a material consideration for the purposes of the determination of this planning application, with paragraph 111 making clear that development should only be refused on highway grounds if there would be an “unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Paragraph 113 requires development proposals that generate significant additional traffic to include a transport assessment and a sustainable travel plan in order to reduce vehicle trips.
- 146.** Pre-application discussions took place with both the local highway authority and the National Highways (formerly Highways England). Forecast traffic flows were established by Arup using a forecasting model that had been agreed with the local highway authority and National Highways. The traffic flow for 2024 when the 19mppa is predicted to be reached was also modelled, with the conclusion being that the level of traffic that would be associated with the increased passenger numbers would not have a significant impact on the operation of the road network.
- 147.** The planning application was accompanied by a Transport Assessment, a Travel Plan and a Car Parking Management Plan. In addition the ESA included a chapter on transport, assessing the impact of the additional passenger numbers on the highway network.
- 148.** To inform the baseline transport conditions, the Transport Assessment built upon the 2012 environmental assessment data, referencing more recent 2019 information when the airport was operating at 18mppa. The forecast year for reaching 19mppa for the Transport Assessment was 2024.
- 149.** The Transport Assessment considered the existing situation, both in terms of the sustainable transport network (rail, coach, bus, cycling and walking) and also the road access and parking facilities. The assessment considered the performance of the road network feeding the airport as well as anticipated improvements, including the DART and the M1-A6 link road. Airport travel demand was also analysed, including the origins of journeys for passengers (53.6% from London and the south-east) as well as the mode share (39.8% private car). This information, together with the forecasting from Arup, was then used to model the increase in the morning and afternoon peak for journeys by both passengers and staff. The Transport Assessment predicted that there would be an increase of 121 two-way vehicle movements in the AM peak (an increase of 3.7%) and 93 two-way vehicle movements in the PM peak (an increase of 3.2%). Overall, the Transport Assessment demonstrated that this small increase in traffic volumes would not have a significant adverse impact upon the operation of the highway network, even before the measures in the Travel Plan have been taken into account.

- 150.** The Travel Plan utilises the CAA passenger data, which shows that between 2016 and 2019 there was a 1.6% increase in use of public transport as the main means of access to the airport, with the private transport mode share dropping by 10.8%. The Travel Plan also notes that the airport has already met its key primary sustainable transport targets set out in the ASAS, even before the DART has come into operation. Consequently, the Travel Plan sets out updated targets for the proposal to increase the passenger throughput to 19mppa by 2024, with an action plan that seeks to encourage the greater use of public transport and reduce the use of private vehicles further. Whilst these targets are welcome, it is noted that additional steps could be taken to encourage staff to use more sustainable modes of travel, consequently an early review of the ASAS is proposed to secure the provision of electric charging points for staff vehicles and also cycle parking facilities.
- 151.** With regard to car parking, the 2012 planning application made provision for 9,629 car parking spaces against a predicted demand of 10,221 spaces. Since that permission there have been changes in the total car parking provision, with the DART resulting in the loss of spaces, with replacement spaces being provided through the second multi-storey car park resulting in an additional 491 car parking spaces above the 2012 total. The limitation on car parking encourages passengers to travel by public transport, with parking tariffs set accordingly. The Car Parking Management Strategy will continue this approach, managing car parking demand by limiting parking spaces and through pricing control. The ASAS and the Travel Plan include targets that will be monitored in order to assess the effectiveness of these measures and encourage more sustainable travel patterns.
- 152.** Representations were made by Central Bedfordshire Council seeking contributions towards residents parking controls in Slip End. It is considered that such a request would not meet the tests set out in paragraph 57 of the NPPF as this would not be related in scale and kind to the development.
- 153.** It is considered that the Transport Assessment, Travel Plan and Car Parking Management Plan are acceptable, being in accordance with policies in the NPPF and Policies LLP31 and LLP32 of the Luton Local Plan.

vii. Air quality

- 154.** National aviation policy recognises that airport operations have the potential to impact upon local air quality. The NPPF states that planning decision should prevent new development giving rise to unacceptable levels of air pollution and where possible help to improve local environmental conditions. The Air Quality Standards Regulations set air quality limit values for, inter alia, NO₂, NO_x, PM₁₀ and PM_{2.5s}. Therefore, the policy framework within which air quality impacts must be considered is: the impact of the proposed development on the AQSs and AQOs; whether the impacts are mitigated to an acceptable level; and the need to sustain that compliance. The ESA has a chapter on air quality and considers the impacts of the proposed development upon air quality against these criteria.
- 155.** Luton has three Air Quality Management Areas (AQMA), two of these are adjacent to the M1 (6km from the airport) with a further one covering the town centre. (2km from the airport). The ESA identifies 49 air quality monitoring stations that fed in to the modelling (mainly monitoring NO₂ concentrations), 26 of which were in the immediate vicinity of the airport, with eight in proximity to Eaton Green Road (representative of the residential area most likely to be impacted in terms of air quality by the proposed

development). The monitoring over the period 2013-2018 demonstrates that NO₂ levels are below the AQS limits, showing a downward trend of approximately 0.5µg m⁻³ each year. PM₁₀ and PM_{2.5} concentrations are also shown to be below the AQS mean concentration limits.

156. The ESA assessed the air quality impact of the proposed development upon both human receptors and ecological receptors. The highest increase in concentrations of NO₂ is predicted to be close to the M1, though that increase of 0.7µg m⁻³ shows a concentration of 22µg m⁻³ which is still less than 55% of the AQS level. Nearer to the airport, the increase is smaller at 0.4µg m⁻³. The conclusion of the ESA is that the impact of the proposed scheme in terms of NO₂ emissions is negligible.
157. With regard to the impact of PM₁₀s on human health, the ESA found that the impact of the increase in PM₁₀s associated with the additional 1mppa would be negligible, with the greatest predicted concentration of 20µg m⁻³ being only half the AQS level. For PM_{2.5}s the increase again was predicted to be negligible, with an increase in emissions of 0.1µg m⁻³ representing 51% of the AQS level.
158. Concentrations of NO_x are predicted to increase by a maximum of 3µg m⁻³ at Winchill Wood (one of the ecological receptors modelled). There are a number of ecological locations where the concentration is predicted to exceed the AQS level of 30µg m⁻³, though these are close to major roads and since the receptors are only of local importance, the ESA classifies the impact as not significant.
159. Overall in terms of air quality, the proposed expansion to cater for up to 19mppa will not have a significant effect upon air quality. The modelling utilises data gathered over the years which shows that concentrations of NO₂, PM₁₀ and PM_{2.5} in the area have reduced and with the government's policy to phase out diesel and petrol cars, together with the greater uptake of electric vehicles, it is expected that this trend will continue. Where the ESA does predict an increase in emissions it is negligible and well within the AQS limits set by government.
160. In terms of the predicted impacts upon air quality, the proposed development is considered to align with national policy as well as policy LLP38 of the Local Plan.

viii. Health and well being

161. A comprehensive health impact assessment was undertaken for the original planning application in 2012, assessing the impact of the development on health determinants in four broad categories, namely: social and economic factors (e.g. employment, economic effects, community cohesion); environmental factors (e.g. air quality, noise, travel); lifestyle factors (e.g. exercise and diet); and access factors (e.g. to health and social services, local amenities, etc). The current proposal is a variation to conditions attached to that permission and so the application and ESA consider areas where change and impacts upon health may occur.
162. The ESA includes a chapter on human health and wellbeing, considering the health effects at a population level and not individual level impacts. Since the proposed variations to the planning conditions do not entail a change to the spatial pattern of aircraft movements and do not result in a significant adverse impact upon air quality or traffic, the assessment in the ESA is focussed on the impacts of aircraft noise upon human health.

- 163.** The ESA updated the baseline from the 2012 assessment, noting that the health of the population of Luton is significantly worse compared to the England average – being within the 20% most deprived districts in England – whilst the health of the neighbouring five districts to Luton is significantly better than that of Luton. Luton has lower life expectancy and higher levels of illness and deprivation than the national average. The assessment noted that whilst in the future population health and wellbeing in Luton was expected to improve slowly, in line with the national trend, the levels of inequality were likely to remain the same and therefore Luton was still likely to have lower levels of life expectancy than the surrounding districts.
- 164.** Since the proposed variation to the capacity cap and noise conditions will see more people exposed to daytime and night-time noise levels between the LOAEL and SOAEL and also above the SOAEL, the ESA notes that this is likely to have some adverse health effects, with additional cases of, amongst other things, hypertension, stroke, heart disease, as well as annoyance and sleep disturbance, impacting upon the population's health and wellbeing.
- 165.** The ESA notes that these adverse health effects are of moderate significance in 2022 (the worst case year) as well as 2028 (the year in which noise reduction was required to have been achieved by the 2014 planning permission. The ESA recognises that mitigation for all those exposed to these adverse health effects will not be achieved, since windows and doors will not always be closed, whilst it will also not be possible to insulate all properties that are eligible under the Noise Insulation Scheme within the period that they will be most exposed to noise. In order to address this it is proposed that eligibility to noise insulation will be available for a period of six years for all residential properties that fell within the 63dB daytime contour and 55dB night-time contour within the worst affected year (2022).
- 166.** When considering population health outcomes, for the minority of the population who are more sensitive to noise effects and experience the increased exposure as a consequence of the development, only a proportion of them will experience a change in the risk factor, with only a proportion of that group experience a change in health outcomes. This small minority is then reduced further by the targeted compensation, through the Noise Insulation Scheme. Whilst the ESA has identified this negative impact population health arising from the increased exposure to noise, this would be a small change in risk factors for health to a small minority of the population, over a limited period of time.
- 167.** The impact on health and wellbeing also has to be considered in the light of the overall beneficial impact on population health, associated with the socio-economic benefits in particular, identified in relation to the original planning application, since this application is a variation to two conditions associated with the 2014 permission. The original environmental statement identified the potential to deliver long-term health benefits through reducing levels of poverty and inequality.

ix. Economic benefits

- 168.** The importance of aviation to the UK economy is made clear in national policy, as described above, and more recently reiterated in a ministerial statement by the Transport Secretary, Grant Shapps, in which he said, “our airports are national assets and their expansion is a core part of boosting our global connectivity. This in turn will drive economic growth for all parts of this country, connecting our nations and regions to international markets, levelling up our economy and supporting a truly Global

Britain.”³ The statement went on to say that “we fully recognise the importance of the aviation sector for the whole of the UK economy. The UK’s airports support connections to over 370 overseas destinations in more than 100 countries facilitating trade, investment and tourism. It facilitates £95.2bn of UK’s non-EU trade exports; contributes at least £14bn directly to GDP; supports over half a million jobs and underpins the competitiveness and global reach of our national and our regional economies. Under our wider “making best use” policy, airports across the UK are already coming forward with ambitious proposals to invest in their infrastructure.”

- 169.** The proposal would be unlikely to result in any significant increase in employment at the airport, since the extra 1mppa passengers would be able to be absorbed into the existing system without any significant material impacts in terms of employment. However, the benefits from the additional passengers would be important since it would support airport staff as well as the wider area. It would also safeguard and sustain the continued commercial viability of the airport and, therefore by extension, safeguard and sustain existing jobs. It would therefore be likely that the proposal, which involves a variation to the original permission for the expansion of the airport, would have a significant benefit to the wider area. The conclusions of environmental statement associated with the original application to expand the airport remain valid, namely that the proposed development would have significant beneficial effects for not only the local economy within Luton, but also within the wider area.
- 170.** The Planning Statement submitted with the application summarised the socio-economic impacts as follows:
- ix. The airport delivered a total GDP contribution of £957 million in Bedfordshire in 2019;
 - x. The airport was estimated to have sustained a total of 28,200 jobs across the UK in 2019, comprising: 10,900 direct jobs in firms integral to the airport’s operation; 8,500 jobs in the supply chain to those firms; and 8,800 induced jobs (arising from workers spending);
 - xi. The airport operator pays the owner a further £55 million concession fee which contributes to local infrastructure improvements and public services in the area;
 - xii. With 143 destinations to 40 countries throughout Europe, the Middle East and Africa, the airport provides connectivity that plays an important role in supporting the tourism sector, providing access to overseas markets that benefits the flow of trade, investment, people and knowledge; and
 - xiii. The proposal will protect existing jobs in the region, contribute to jobs and wealth creation and assist with the economic recovery post the Covid-19 pandemic.
- 171.** Luton is categorised as a Priority 1 area in the government’s levelling up agenda, with the town ranked 70th most deprived out of 317 local authority areas in 2019, with four areas in the town being in the top 10% most deprived areas in the country. The role of the airport as a major employer and generator of economic prosperity is key to the

³ Ministerial Statement 27 February 2020 <https://questions-statements.parliament.uk/written-statements/detail/2020-02-27/HLWS129>

levelling up agenda for the area. The proposed growth of the airport provides an opportunity for job creation and skills development – recognised in the existing Section 106 legal agreement which is to be carried forward for this development – and this is of particular importance given the economic impact of the pandemic on the town.

- 172.** The airport is an asset to Luton and the wider sub-region. The international connectivity it provides to countries throughout Europe and further afield attracts tourism, brings in foreign investment, encourages international trade and creates employment opportunities. The airport stimulates economic growth both directly and indirectly, providing material benefits to local people, including those living in areas of local deprivation.
- 173.** At a time when government policy is emphasising the need to level up, the proposed expansion provides an opportunity to strengthen the contribution the airport makes to the local economy and the sub-region.
- 174.** Whilst representations have been made warning the Council of a potential conflict of interest should it take into account financial benefits that may accrue to the Council from the growth of the airport, given its ownership of the airport, this does not mean that the LPA cannot take into account material considerations, which can include making decisions that create conditions in which businesses can invest, expand and adapt. As noted in the policy section, the NPPF specifically states that “significant weight should be placed on the need to support economic growth and productivity” (paragraph 81).
- 175.** The Local Plan vision and strategic objectives seek to retain the airport’s role as an economic driver. Policy LLP6 makes provision for the airport to respond positively to future growth proposals to safeguard Luton’s key sub-regional economic contribution to jobs and wealth creation. The policy also includes criteria to allow future growth proposals at the airport to be considered in accordance with the most up-to-date Master Plan. The 2012 Master Plan envisaged growth up to 18mppa, whilst the Master Plan consulted upon by LLAOL in 2020, and which informs this application, considered the short term expansion of the airport to 19mppa, noting that the airport owner, LLAL, was promoting a DCO which would look to the long term and the growth of the airport to 32mppa.
- 176.** Some representations have been made arguing that outbound tourism should count against the socio-economic benefits of the proposed development. The APF considered the impact of outbound tourism and the evidence presented for a ‘tourism deficit’ noting that the available evidence did not show that a decrease in the number of UK residents flying abroad for their holidays would have an overall benefit on the UK economy (paragraph 1.16). National policy recognises not only the economic benefits of international travel, but also the social and welfare benefits and encourages it (paragraph 1.17). The recent Jet Zero consultation reiterated this point, stating that the government wants “Britons to continue to have access to affordable flights, allowing them to enjoy holidays, visit friends and family overseas and to travel for business” (page 5).
- 177.** Policy LLP13 of the Local Plan is positive in relation to applications that deliver economic growth and prosperity to serve Luton and the wider sub-region and the generation of jobs through business and industry on the strategic allocations. Section 6 of the NPPF supports a strong and competitive economy. Real social and economic benefits will be delivered to the local area and sub region which weigh heavily in favour of the proposed development and should be given significant weight.

x. Airspace Change

- 178.** Airspace changes are administered under a separate regulatory regime to that of planning, with the Civil Aviation Authority (CAA) being the independent aviation regulator responsible for deciding whether to approve changes proposed to the design of airspace over the UK.
- 179.** Representations to the current planning application raising issues of airspace change or therefore not directly relevant, with a separate consultation procedure being undertaken in line with the CAA's guidance in CAP 1616: Airspace Change. However, for the benefit of Members, the two airspace changes affecting Luton airport that have been the subject of consultation with the CAA are described below. The two proposals are referred to as AD6 and FASI-South.
- 180.** Airspace Development 6 (AD6) is at a fairly advanced stage. The proposal is for a permanent change to the notified airspace and is being advanced jointly by the airport operator and NATS (National Air Traffic Services). The proposal seeks to reduce the complexity of arrivals at Luton and separate the interaction with Stansted (currently aircraft to both airports can be held in the same stacks. Over 2,400 responses were received to this consultation by the CAA and they have been analysed with the CAA now reviewing this proposal.
- 181.** Future Airspace Implementation – South (FASI-South) is a much more complicated proposal since it involves the complete redesign of the existing airspace structure in the south of England and so involves many more airports. Due to the Covid-19 pandemic the process was paused, though it has since restarted but is only at the stage of developing options.

xi. Public Safety Zones

- 182.** Public Safety Zones (PSZs) are areas of land at the ends of runways at the major airports in the UK where development is restricted in order to control the number of people that may be at risk of injury or death from an aircraft taking off or landing. PSZs are based on risk factors, with an outer contour where the risk is 1:100,000 and an inner contour where the risk is 1:10,000.
- 183.** In late 2020 the CAA undertook a consultation on the redesign of PSZs, to standardise the PSZ profile, which would no longer be based on modelling or require a review every seven years. Following the consultation new guidance has been issued in relation to PSZs. For an airport with over 45,000 movements the length of the 1:100,000 contour is now 1,500m (the width is equal to that of the runway strip), whilst the 1:10,000 contour is 500m (the width being equal to the clear and graded area).
- 184.** Since PSZs are now standardised and no longer based on modelling associated with the number of aircraft movements, representations suggesting that the expansion should not take place without assessing the implications of the additional number of flights are not relevant to this decision.

xii. Breaches of Conditions

- 185.** Many of the representations have indicated that LLAOL have been in breach of planning conditions that were attached to the original permission. The responses suggest that not only have the noise contours been breached but also the total number of movements

exceed what was permitted, as do the number of movements at night and the passenger cap.

- 186.** Condition 9 of the current planning permission requires LLAOL to submit details to the Council by 1 December each year of the noise contours for the summer period for that year and the forecast noise contours for the following year. The 37.2sqkm limit set for the night-time 57dB LAeq(8hr) contour was first exceeded in 2017, and despite the Council addressing this breach with LLAOL, and the airport operator putting in actions to seek to address the breach, the contour limit was again exceeded in 2018 and 2019, though a consequence of the pandemic is that for the past two summers the airport has operated well within the contour cap.
- 187.** The steps that LLAOL implemented in 2018 were as follows:
- i. No ad hoc movements were permitted between 2200 and 0559 in the summer period (this included all commercial, general aviation and maintenance flights);
 - ii. No further night slots were to be allocated between 2200 and 0559 in the summer period;
 - iii. No existing allocated slots were to be rescheduled from the daytime (0600-2159) into the night hours (2200-0559) for the summer period;
 - iv. Non non-emergency diverted flights were to be accepted between 2200 and 0559 for the summer period; and
 - v. No aircraft with a quota count value greater than QC1 were to be permitted to operate at Luton in the night-time.
- 188.** Further measures are proposed in the Planning Statement in order to reduce the potential for breaches of the summer noise contours (both day and night) in the future, these include: no new allocation of daytime slots to aircraft with a quota count greater than QC1; no equipment changes on existing allocated slots, in the night period, that would involve replacing an aircraft with a quota count value of QC1 or less with an aircraft with a value of QC1 or greater; an incentivisation scheme with differential charging to encourage the use by the airlines of the new generation aircraft at Luton; increased liaison and cooperation between LLAOL's Flight Operations and Business Development Departments to manage more effectively the fleet mix in line with the noise conditions.
- 189.** In relation to the representations that state LLAOL breached the passenger cap, this is a matter that has been monitored closely and discussed openly at the LLACC. Whilst the CAA provides details on, inter alia, passenger numbers at the UK airport, the figures often differ from those recorded by the different airport operators. In Luton's case the CAA figures are slightly higher than those recorded in LLAOL's Quarterly Monitoring Reports (QMR) and the Annual Monitoring Report (AMR), the reason being that both LLAOL and the Council calculate the passenger throughput based on fee paying passengers.
- 190.** In 2018/19 it was apparent that LLAOL would get close to the 18mppa passenger cap, and it was anticipated that if the airlines were incentivised to introduce the new generation aircraft the 18mppa cap would be breached, since these aircraft have increased seating capacity. The Annual Monitoring Report for 2019 shows that the

airport was just under the passenger cap with 17.999.969 passengers – though with the advent of the pandemic for the past two years those numbers have been significantly lower.

- 191.** In terms of the consultation responses that state LLAOL has breached the permitted total number of aircraft movements and the night time allocations, these comments are inaccurate. The 2014 planning permission (ref: 12/01400/FUL) and the subsequent 2015 variation (ref: 15/00950/VARCON) did not include a restriction on the total number of movements at the airport. It has already been noted that the 2012 EIA made the assumption that to achieve the 18mppa there would be up to 156,840 aircraft movements, however, no condition was attached restricting the airport to that number and in the year in which the airport was busiest the total number of movements was 141,481 (in 2018 it was less at 136,270 and in 2017 the total was 135,518).
- 192.** There are movement caps in relation to the hours of 2330-0600 (referred to as the Night Quota Period) and also 0600-0700 (referred to as the Early Morning Shoulder Period). For the Night Quota Period the total annual movements is capped at 9,650 (this is then controlled further by the quota count measures limiting the QC count to 3,500) and for the Early Morning Shoulder this is capped at 7,000 movements. It would appear that those who are suggesting that LLAOL has breached the Night Quota Period cap have not realised that the period reported for night movements in the QMR and AMR covers 2300-0700, so this includes both the Early Morning Shoulder Period and also half an hour at the start of the night period, and consequently gives a much higher figure. The airport has not been in breach of the movement caps, with the AMR for 2019 (the busiest year) demonstrating that for the Early Morning Shoulder Period there were 5,968 movements (15% below the cap) and for the Night Quota Period the QC count was 3,159 (10% below the limit).

xiii. Contrary to policies in the Local Plan

- 193.** As noted in relation to the statutory consultation, the application was advertised as, amongst other things, a departure from the development plan. At the time of receipt of the application it was recognised that the proposal would not be in accordance with the 2012 Airport Master Plan which envisaged growth up to 18mppa and that the 2021 Airport Master Plan that was submitted at the same time as the application had not been adopted by the Council. Further, the EIA Screening Report had concluded that the expansion of both the daytime and night-time contours would expose more people to adverse effects from noise which would be contrary to policies with the Luton Local Plan.
- 194.** Policy LLP6 of the Local Plan is the main policy relating to the airport, being titled 'London Luton Airport Strategic Allocation'. The eight strategic allocations in the Local Plan play a key role in terms of growth and this is recognised in policy LLP1 with the presumption in favour of sustainable development; the spatial development strategy set out in policy LLP2 of the Local Plan; and policy LLP13 which sets out the Council's economic strategy. The Local Plan records that "policy LLP6 makes provision for the airport to respond positively to future growth helping to safeguard Luton's key sub-regional economic contribution to jobs and wealth creation while setting a clear environment and transport framework with which to regulate future growth."
- 195.** The importance of the airport as a strategic allocation is recognised not only with the fact that the Enterprise Zone is built around it, but as recorded in the comments from

the Business and Investment Unit, the growth of the airport is a central pillar to the Council's Strategic Vision.

196. In relation to expansion of the airport, policy LLP6 B states that these will be assessed against the Local Plan policies as a whole "taking account of the wider sub-regional impact of the airport". Certain criteria are then listed and development proposals are only to be supported where the criteria are met, where appropriate, having regard to the nature and scale of the development proposed. The scale of the development has been described previously, entailing a 5.5% increase in the permitted number of passengers and a 0.75% increase in the number of aircraft movements. This will then entail an increase in the size of the noise contours, equating to a 1dB change, with such a change not normally considered to be perceptible.
197. Whilst the proposed development would accord with certain aspects of policy LLP6 B (for instance it is directly related to airport use (B[i]) there are other elements of the policy in which there is conflict, and the application was advertised as a departure.
198. With regard to policy LLP6 B(iii), currently there is not an adopted up-to-date Airport Master Plan that supports the expansion to 19mppa. The airport operator has produced a Master Plan that addresses the five core areas to be covered by airport masterplans as identified in the APF, including the impact upon people and the natural environment and proposals to minimise and mitigate such impacts. The Airport Master Plan was subject to non-statutory consultation by the airport operator in 2020, however it has not been adopted by the Council, although the Airport Master Plan is being reported to both the Overview and Scrutiny Board and the Executive. The report to Executive recommends that the Airport Master Plan is adopted for the purposes of policy LLP6 B(iii). The report makes clear that the Airport Master Plan will not have the status of a Local Development Document or Supplementary Planning Document, and that the term 'adopt' in this context means to "formally approve or accept".
199. Other elements of policy LLP6 where there proposed development is in conflict have been identified in the many representations that have been received. Thus whilst the ESA fully assess the impacts associated with the proposed increase, appropriate mitigation cannot be achieved, as it would not be possible to insulate all the properties eligible under the Noise Insulation Scheme, before the adverse impacts occur, the proposal therefore does not accord with LLP6 B(iv). Further, despite the fact that over time the ESA demonstrates that noise levels will be reduced, the application itself results in an increase in day and night-time noise above the current permitted levels until 2028, and it is not until 2031 that the noise reductions conditioned under the 2014 planning permission (ref: 12/01400/FUL) are achieved. Also, whilst the proposal does incorporate an incentivisation scheme to encourage and secure fleet modernisation at Luton, that modernisation was anticipated in the original planning application, and although the benefits will be achieved over time, it is slower than was envisaged when the original planning application was submitted in 2012.

Planning Balance

200. National aviation policy, including the APF and MBU (the most up-to-date aviation policy), all support the increased use of existing runway capacity at UK airports. They also highlight the positive impacts that airport expansion can have to the UK economy. The ANPS also suggest that with the UK leaving the EU, the importance of aviation to the economy will only increase. The NPPF advises that significant weight should be

given to the need to support economic growth and productivity. There is however the need to balance economic benefits against environmental impacts.

- 201.** In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 202.** The development plan comprises the Luton Local Plan 2011-2031, adopted in 2017, and full weight is to be given to it. The list of development plan policies that are relevant to the determination of this application have been identified earlier in this report.
- 203.** The most commonly recurring objections to the proposed variation to the planning conditions related to noise and to greenhouse gas emissions (transport impacts and air quality also featured in many of the responses).
- 204.** With regard to climate change and greenhouse gas emissions, national aviation policy indicates that emissions from international aviation are a global issue which is to be addressed at the national and international level. Local issues are identified in the APF and MBU as including noise, air quality and surface access.
- 205.** Policy LLP37 of the Local Plan states that the Council will support development which contributes towards mitigation and adaptation to climate change through energy use reduction and efficiency. The CRP submitted following the request for further information sets targets of 2026 for the airport to become carbon neutral and 2040 to achieve net zero. It is proposed to secure the carbon reduction through a planning condition and the Section 106 legal agreement. It is considered therefore that the proposal accords with policy LLP37 of the Local Plan (note also waste is covered by this policy and a Site Waste Management Plan was submitted with the application).
- 206.** With regard to noise policies in the Local Plan that are relevant include policy LLP6 and LLP38. It is accepted that the planning application is a departure and does not accord with elements of these policies. The variation to the noise condition will result in an increase in the area within both the LOAEL and the SOAEL, resulting in more local residents being exposed to noise, and cannot adequately mitigate the impacts of the significant adverse effects.
- 207.** Policy LLP6 and LLP38 also cover air quality seeking to have the impacts of development on air quality pollution adequately assessed and demonstrate whether the scheme will result in significant adverse effects. Where adverse effects are identified these should be appropriately mitigated. The ESA assesses the impact of the proposed development on air quality with the overall conclusion being that there will not be a significant effect upon air quality, and where an increase in NO₂, MM2.5, or PM10s occurs this is negligible and well within the government's AQS limits. It is therefore considered that there is not a conflict with Local Plan policy in relation to air quality.
- 208.** On flood risk the Lead Local Flood Authority has raised no objection, and the existing conditions address surface water drainage issues. The airport operator continues to liaise with the Council re drainage and compliance with the extant conditions, together with implementing measures to reduce potential ground water and surface water pollution. There is no conflict with policy LLP36 of the Local Plan.
- 209.** Policies in the Local Plan that address transport and parking are LLP31 and LLP32. The Transport Assessment submitted with the planning application confirms that the

proposed development will not have an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe. The proposal does include measures to minimise the need to travel, promote sustainable travel and ensure the quality of the local environment is not compromised. Planning conditions and a requirement in the Section 106 legal agreement that the ASAS is reviewed within twelve months will ensure that the proposed development is in accordance with policies in the Local Plan.

- 210.** The spatial development strategy (policy LLP2) identifies the strategic sites where additional employment is to be focused, this includes the London Luton Airport strategic allocation. Policy LLP13 promotes the Council's economic strategy, seeking to support development that delivers sustainable economic growth, whilst policy LLP1 records that the Council will seek to encourage growth and sustainable development and to manage change. It is recognised that sustainable development has an environmental, economic and social aspect, and as noted above the proposed development will have adverse environmental impacts with the expansion of the noise contours.
- 211.** The importance of the airport to the local and sub-regional economy has been stressed in representations received, not just in terms of its continued growth, but also in terms of maintain jobs and stimulating recovery, at a time when aviation has been severely hit. Policy LLP13 of the Local Plan accords with section 6 of the NPPF which supports a strong and competitive economy. It is considered that real economic benefits will be delivered as a result of the expansion proposals, and these weigh heavily in favour of the proposed development and in accordance with the NPPF should be given significant weight.
- 212.** The application is a departure, conflicting with policy LLP6 (and LLP38) of the Local Plan. The proposal will result in an increase in the number of people exposed to adverse and significant adverse noise impacts. The increase is equivalent to 1dB for those within the SOAEL, and although for those exposed to the lowest observable adverse effects level (LOAEL), there would be up to a 3dB increase, this would not justify the requirement for additional mitigation at source (aircraft at the airport) or at the receiver (sensitive receptors such as dwellings, schools, health facilities).
- 213.** Since aircraft are being upgraded with the airlines acquiring the new generation aircraft, the noise associated with aviation will reduce over time, whilst a 1dB increase would not normally be perceptible. The increase in noise is not proportionate to the passenger increase, since aircraft capacity and load factors are increasing, thereby causing a proportional number of take-off and landings to decrease compared to the forecasts in the original environmental statement of 2012.
- 214.** The change in the size of the noise contours is also temporary, with the contours returning to the levels that are required by the current planning condition by 2028. The airport proposes to increase the noise insulation scheme to cover those who would be exposed to the 55dB LAeq(8hr) night-time level and the 63dB LAeq(16hr) daytime level, such that they would be eligible to apply for noise insulation up to six years after the worst case noise year. Thus, although mitigation for all those affected could not be undertaken in advance of the noise impacts, by the time noise insulation is undertaken, many of those who would be entitled to claim compensation will have either seen the noise levels drop to below the current levels, or would see that happen in a short period of time.

- 215.** The APF stipulates that efforts to control noise should be proportionate to the noise problem and the number of people affected. There is also no requirement for airports to provide noise attenuation at a specific level, rather this is a matter for consideration on a case by case basis. It is considered that the alterations to the noise insulation scheme, including its availability and the increase sums for affected dwellings, is appropriate and proportionate to the impacts that will be created.
- 216.** The effectiveness of the noise insulation will vary between different properties depending on their type of construction and the ability to attenuate the noise, not only through the windows but also through the roof and the walls of buildings. Overall it is considered that the proposed measures that the airport will take, combined with the incentivisation scheme to airlines and the steady decline in the noise associated with the technological advances, weighs in favour of granting planning permission.
- 217.** Whilst some of those who have made representations indicating that the pandemic will result in slower growth in passenger numbers at the airport than predicted, a consequence of such slower growth would be that the environmental impacts would be less than predicted, since the commitment of the airlines to purchase of the new generation aircraft will mean that with successive years there will be a greater proportion of new generation aircraft and the noise contours will decrease.

Developer Contributions

- 218.** *Policy LLP39 (Infrastructure and Developer Contributions)* considers the need for planning obligations. The original consent in 2014 and the subsequent variation approved in 2017 both were subject to legal agreements that covered the following matters: highway infrastructure improvements; travel plans; transport forum; noise mitigation measures; training, skills and employment; community fund; environmental management; safeguarding of access to Century Park; sustainability; annual monitoring report and the consultative committee. The provisions of the current Section 106 legal agreement are still required and should be updated going forward.
- 219.** The additional measures and updates to the provisions within the Section 106 legal agreement that will be secured include:
- provision, implementation, monitoring and review of travel plans for passengers and staff;
 - review of the Airport Surface Access Strategy within twelve months, such a review to make provision for additional staff parking and electric charging points;
 - provision and an update to the noise alleviation measures including the noise management plan, noise mitigation and noise insulation scheme (including an increase in the noise insulation fund);
 - provision and update to the current employment, skills and training programme;
 - provision, implementation, monitoring and review of a Carbon Reduction Strategy;
 - provision of one-off grants between £12,000 and £15,000 to local Councils to be used to provide community facilities where community facilities are exposed to noise levels above the significance thresholds
 - provision of an annual airport monitoring fee

220. These contributions generally meet the requirements of Policy LLP39 and the Planning Obligations SPD (2007) and the Applicant has agreed to meet the requested contributions.

221. In addition to the above, a Section 106 Monitoring fee is required.:

222. In light of the Applicant's agreement to meet all obligations, a review mechanism is not required.

Concluding Remarks

223. For those reasons set out within this report, it is considered that the variation to condition 8 to allow an increase to 19mppa and the variation of condition 10 to increase the area covered by the daytime and night-time noise contours for a temporary period, is acceptable subject to the appropriate compensation being secured. On that basis, conditional approval of the application is recommended.

Appendix

- Appendix 1: Conditions and Reasons
- Appendix 2: Technical Consultation Responses
- Appendix 3: Public Consultation Responses
- Appendix 4: Current Section 106 Agreement for application 15/00950/VARCON

List of Background Papers – Local Government Act 1972, Section 100D

224. Note the list below is not exclusive, since other documents are referenced in paragraphs 19-69.

225. Luton Local Plan 2011-2031 (2017)

226. Planning Obligations SPD (2007)

227. National Planning Policy Framework (*NPPF, or the Framework*)

228. National Planning Practice Guidance (*NPPG*)

229. Aviation Policy Framework (2013)

230. Making Best Use (2018)

231. Airports National Policy Statement (2018)

232. Aviation 2050 (2020)

233. Jet Zero Consultation (2021)

234. Noise Policy Statement England (2010)

Determination of Planning Applications

235. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan, unless material considerations indicate otherwise.

Human Rights Act 1998

236. The determination of the application which is the subject of this report is considered to involve the following human rights:

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property.

237. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

Section 17: Crime and Disorder Act 1998

238. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

Equality Act 2010

239. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Appendix 1: Conditions and Reasons

The Development

- (01) *Phase 1 of the development shall be carried out in accordance with the Phasing Scheme approved on 23 April 2015 (ref: 15/00159/DOC) and Phases 2 and 3 shall be carried out in accordance with the Phasing Scheme approved on 28 October 2016 (ref: 16/01484/DOC). Otherwise no development of any phases shall take place until a scheme for the Phasing of Development shall be submitted to the Local Planning Authority. The scheme as submitted shall include the timescales for commencement of each of the phases. The scheme as approved shall be implemented in full and in accordance with the agreed timescales.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (02) *The landscaping scheme shall be carried out in accordance with details approved on 21 May 2015 (ref: 15/00449/DOC). Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme. The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed phases within Condition 1.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) *The buildings shall be constructed in accordance with the details and samples approved on 12 November 2015 (ref: 15/00160/DOC).*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (04) *Phase 1 of the development shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 28 January 2015 (ref: 14/01471/DOC) and Phases 2 and 3 shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 8 May 2017 (ref: 17/00459/DOC).*

Reason: To safeguard any populations of these protected species on the application site.

- (05) *Lighting associated with Phase 1 of the development shall be carried out in accordance with the details approved on 4 June 2015 (ref: 15/00451/DOC). No external lighting shall be installed within any subsequent phase of the development, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The scheme as approved shall be*

implemented in full and shall be subject to review in accordance with such agreed scheme.

Reason: In the interests of amenity, aircraft and public safety.

- (06) Phase 1 of the development shall be carried out in accordance with the Construction Environmental Management Plan approved on 14 August 2015 (ref: 15/00452/DOC) and Phases 2 and 3 shall be carried out in accordance with the Construction Environmental Management Plan approved on 8 May 2017 (ref: 17/00460/DOC).***

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development.

- (07) The development shall be carried out in accordance with the archaeological Written Scheme of Investigation approved on 24 December 2014 (ref: 14/01496/DOC).***

Reason: To ensure that the development allows for the recording of potential archaeological information.

- (08) At no time shall the commercial passenger throughput of the airport exceed 19 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.***

Reason: To enable the Local Planning Authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area.

- (09) The development shall be operated in accordance with the Noise Control Scheme approved on 2 March 2015 (ref: 14/01519/DOC).***

For the avoidance of doubt the controls within that scheme include:

i) Measures with the purpose of phasing out of night time (2300 to 0700) operations by aircraft with a QC value of greater than 1 on either departure or arrival.

ii) Monitoring and review of the scheme not later than the 1st and 4th year after its introduction and every subsequent five years.

iii) Limits during the night time period (2330 to 0600) of:

a) Total annual movements by aircraft (per 12 month period) of no more than 9,650 movements; and

b) Total annual noise quota movements of no more than 3,500 which, using all reasonable endeavours, shall be reduced at each review until it reaches a point where it does not exceed 2,800 by 2028.

iv) Limits for the Early Morning Shoulder Period (0600 to 0700) of not more than 7,000 movements in any 12 month period.

v) Reporting of the actual and forecast total number of aircraft movements for the preceding and next 12 months to the Local Planning Authority every three months.

vi) Within six months of the commencement of the development, a progressive reduction in the night-time (2300-0700) maximum Noise Violation Limits (NVL) by the noisiest aircraft shall be implemented, as follows:

- o 80dB(A) the date hereof**
- o 79dB(A) from 1st January 2020**
- o 77dB(A) from 1st January 2028**

vii) Within six months of the commencement of the development, a progressive reduction in the daytime (0700 - 2300) maximum NVL by the noisiest aircraft shall be implemented, as follows:

- o 82 dB(A) the date hereof**
- o 80 dB(A) from 1st January 2020.**

Reason: To safeguard residential amenity.

- (10) The area enclosed by the 57dB LAeq(16hr) (0700-2300hrs) contour shall not exceed 21.6 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 42.9 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 or amended) for the period up to the end of 2027.**

Within 12 months of 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 15.5 sq km for the area exposed to 57dB LAeq16(hr) (0700-2300hrs) and above and for night-time noise to 35.5 sq km for the area exposed to 48dB LAeq8(hr) (2300-0700hrs) and above.

Post 31 December 2027 the area enclosed by the 57dB LAeq(16hr) (0700-2300 hrs) 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 LAeq(16hr) (0700-2300 hrs) 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.

- (11) The development shall be operated in accordance with the Noise Control Monitoring Scheme as approved on 2 March 2015 (ref: 14/01519/DOC).**

For the avoidance of doubt the controls include:

- i) Fixed noise monitoring terminals and track keeping system (vertical and horizontal)*
- ii) Complaint handling system*
- iii) Sanctions to be imposed on infringement by aircraft in respect of track keeping and noise violation limits in accordance with condition 9 (parts vi and vii) of this permission*
- iv) Arrangements for the verification of the submitted information*

A review shall take place not later than the 1st and 4th year after introduction and every subsequent 5 years.

Reason: To safeguard residential amenity.

- (12)** *The development shall be operated in accordance with the scheme to control ground noise approved on 2 March 2015 (ref: 14/01519/DOC).*

Reason: To safeguard residential amenity.

- (13)** *The development shall be implemented in accordance with the Comprehensive Surface Water Management Strategy approved on 18 May 2015 (ref: 15/00187/DOC).*

Reason: To prevent surface and groundwater pollution.

- (14)** *The detailed surface water drainage scheme for Phase 1 shall be carried out in accordance with the details approved on 8 December 2015 (ref: 15/00291/DOC). No subsequent phase of development shall begin until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be generally in accordance with the Flood Risk Assessment (FRA) prepared by Jacobs, reference B1074100/22.2, issue 3, dated November 2012, (within Technical Appendix J of the Environmental Statement submitted with application 12/01400) and the scheme shall include details of soakaways and a restriction in run-off and surface water storage on site. The scheme as approved shall be implemented in full before completion of the relevant phase.*

Reason: To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity.

- (15)** *Phase 1 of the development shall be carried out in accordance with the details approved on 24 March 2016 in relation to measures to deal with contamination (ref: 15/00756/DOC) and Phases 2 and 3 shall be carried out in accordance with the Contamination Risk Assessment Report approved on 7 April 2017 (ref: 17/00173/DOC)..*

Reason: The site is located in a sensitive groundwater area over a Principal Chalk Aquifer within a source protection zone 3.

- (16)** *No phase of the development shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase has first been*

submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater.

- (17) If, contamination not previously identified is found to be present at the site during the construction of a phase of development, no further development of the phase shall be carried out until the developer has first submitted a remediation strategy for approval to the Local Planning Authority and that such a strategy shall have been approved in writing. The remediation strategy shall be implemented as approved.***

Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development.

- (18) No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority first having been obtained. The development shall be carried out in accordance with the approved details in accordance with an agreed timescale and phasing as applicable.***

Reason: To protect groundwater.

- (19) Phase 1 of the development shall be carried out in accordance with the details approved on 18 December 2015 in relation to piling (ref: 15/00756/DOC). No subsequent phase of the development which involves piling or other penetrative methods of forming foundations shall take place other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.***

Reason: To protect groundwater.

- (20) Phase 1 of the development shall be implemented in accordance with the measures to protect existing monitoring boreholes approved on 11 May 2015 (ref: 15/00454/DOC) and phases 2 and 3 shall be carried out in accordance with the Borehole Protection Report approved on 28 March 2017 (17/00176/DOC)..***

Reason: To safeguard the existing monitoring arrangements in the interests of the proper planning of the area.

- (21) Phase 1 of the development shall be carried out in accordance with the foul drainage details approved on 14 August 2015 (ref: 15/00188/DOC).***

Before the commencement of each subsequent phase, full details of the proposed means of foul drainage shall first be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to each phase coming into operation.

Reason: To prevent pollution of the water environment and to ensure a satisfactory form of development.

- (22) The car parking areas within Phase 1 shall be constructed and managed in accordance with details approved on 21 January 2016 (ref: 15/00659).**

The scheme as approved shall be implemented in full prior to that phase coming into operation. The areas within the application site which are shown to be in use for car parking in the application details shall not be used for any other purpose other than the parking of vehicles by passengers, staff and contractors servicing the airport.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety and to prevent unacceptable environmental impact on neighbouring residential areas.

- (23) The surfacing and drainage of car parking areas shall be carried out in accordance with the details approved on 22 September 2015 (ref: 15/00455/DOC).**

Reason:

- (24) The Passenger and Staff Travel Plan shall be implemented in accordance with the details approved on 23 September 2015 (ref: 15/00761/DOC).**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (25) The Highway Improvement Schemes (comprising [i] improvements to the airport access road and [ii] improvements to the Percival Way roundabout) shall be carried out in accordance with the details approved on 8 May 2015 (ref: 15/00456/DOC) or otherwise in accordance with the provisions of the agreement dated 11 November 2015 under Section 278 of the Highways Act 1980 (or any variation to or replacement of such agreement)..**

Reason: To seek to reduce single occupancy vehicle trips to the site.

- (26) The extensions to the passenger terminal hereby permitted shall not be brought into use for passengers unless and until either the approved highway improvement schemes referred to in Condition 25 have been carried out and completed by the applicant in accordance with the approved details or the applicant's obligations have fallen due under the agreement referred to in Condition 25 have been fully complied with..**

Reason: To seek to reduce single occupancy vehicle trips to the site.

- (27) The development shall be carried out in accordance with the Renewable Energy Strategy approved on 23 September 2015 (ref: 15/00734/DOC).**

Reason: In the interests of sustainability and to reduce adverse environmental and energy impacts of the development.

- (28) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out in the schedule of documents and the Environmental Statement contained in the Terence O'Rourke letters dated 30th November and 14th December 2012 submitted with application 12/01400/FUL and with the following documents:.***

***Environmental Statement Addendum
Revised Chapter 8 of Environmental Statement Addendum
Transport Assessment
Travel Plan
Car Parking Management Plan
Site Waste Management Plan
Drainage and Water Supply Infrastructure Appraisal
Carbon Reduction Plan***

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (29) Within twelve months of the date of this permission, a Carbon Reduction Strategy shall be submitted to the Local Planning Authority for approval.***

The Carbon Reduction Strategy and its outcomes will be subject to the following reviews:

- i. Annually: independent verification by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority.***
- ii. Annually: publication as part of the Airport's Annual Monitoring Report, available for review by all stakeholders, including the Local Planning Authority.***
- iii. Every three years: independent audit and inspection by the Airports Carbon Accreditation Scheme with the results being made available to the Local Planning Authority.***
- iv. Every five years: the airport operator review and update, including consultation with the Local Planning Authority and other stakeholders.***

All approved measures in the Carbon Reduction Strategy (and subsequent updates) shall be implemented and complied with.

Reason: To ensure that the development mitigates, and is resilient to, the effects of climate change and ensure consistency with NPPF paragraph 148 to drive 'radical reductions' in carbon dioxide emissions.

Appendix 2: Technical Consultation Responses

Internal

- **LBC Lead Local Flood Authority:** No objection subject to implementing measures identified in the 'Drainage and Water Supply Infrastructure Appraisal'. Informatives to be attached to permission.
- **LBC Highways:** accepted that the proposal will not result in a significant impact upon the existing transport network. Unfortunate that no cycling improvements are proposed. Would encourage proposals to be put forward to promote and encourage the use of cycles as a means to travel to work.
- **LBC Travel Plan officer:** According to the airports recent survey the cycle use by employees has dropped, so I would like to see some definite work towards increasing cycle use and provision of cycle facilities. No objection subject to a condition.
- **LBC Environmental Protection (air quality)**
Accept the conclusion of the EIA that the proposed changes will not have a significant detrimental effect on air quality. However, it would be desirable to take positive action to promote staff cycle use to arrest an apparent decline (and potentially offset some of the increased emissions).
- **LBC Environmental Protection (noise):**
Concerns the Local Planning Authority's noise limits will be further exceeded and more dwellings and other noise sensitive development impacted over a greater area.

We oppose increases in daytime and night noise levels and the number of dwellings and other noise sensitive property experiencing exceedance of the Local Planning Authority's noise limits. Local Planning Policy LL38 (Pollution and Contamination) seeks to avoid significant adverse impacts individually and cumulatively as a result of development proposals.

We routinely review noise impact to sites and development and find they are adversely impacted by more than one noise source. In the vicinity of the airport and a much wider area, the Local Planning Authority's noise limits are exceeded by aircraft and road traffic noise and within developed areas away or shielded from roads, predominantly by aircraft noise.

In such locations where new development is planned we require to secure mitigation measures through the planning process. For example, sound insulation of windows, roof and façades together with mechanical ventilation with purge and heat recovery.

The Local Planning Authority's noise limits for transportation and environmental noise including aircraft are given in the Table below

Time	Area	Maximum noise level
Daytime noise 07:00 – 23:00	Living rooms Dining room/area Bedrooms	35 dB LAeq (16hr) 40 dB LAeq (16hr) 35 dB LAeq (16hr)
	Outdoor amenity	55 dB LAeq (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax (Not to be exceeded)

1) These levels are based on recommended internal noise levels for bedrooms and living rooms as set out in British Standard, BS8233:2014 and WHO Guidelines On Community Noise.

2) This information is available from the Local Planning Authority's website at https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/EnvironmentalandConsumerServices/Pollution/Planning_guide.pdf

Where the above noise levels are already exceeded, we advise against noise polluting development and intensification of use that would cause them to be increased upon unless as a last resort mitigation measures are provided.

The application has not referred to the Local Planning Authority's planning and noise guidance. As well as Environmental Protection, we opine it is also within the public's expectation for the Local Planning Authority's noise limits and requirements for mitigation to apply to the airport as much as they do to all development control according to Local Planning Policy LL38 (Pollution and Contamination). The limits assure residents and occupants they will continue to be protected into the future from polluting and contaminating development.

For the case of new dwellings and noise sensitive development in planning and underway, design and construction technical difficulties and costs are likely to increase due to the sound insulation and mechanical ventilation needed if higher levels of aircraft and cumulative noise exceed the Local Planning Authority's limits.

The incremental improvements the Local Planning Authority has secured over the long term in reducing noise exposure through regeneration and development will be retrenched if the spread and level of aircraft noise increases. Further, there is no clear end point to the increase; only an anticipation that future aircraft will be quieter, quieter aircraft will be used at London Luton Airport and this can be achieved through third parties.

Breaches of the existing allowed noise footprint of the airport occur and the reduction in noise levels anticipated by the airport in back in 2014 has not happened. At this time, now in 2021 the Local Planning Authority is asked to allow more increase in noise and footprint area.

The applicant anticipates a better future after 2028 by adopting forecasts of newer, quieter aircraft fleets operating from Luton. But, it is apparent either such aircraft do

not currently exist in the airlines' ownership or it is not within their intention to deploy and operate them from London Luton Airport.

For the reasons above and in the absence of mitigation measures to ensure that the Local Planning Authority's noise limits will not be exceeded, according to Local Planning Policy LL38 (Pollution and Contamination) Environmental Protection is opposed to Variation 10 (Noise Contours).

Environmental Protection recommends in the case the application is to be allowed for other reasons, noise insulation and mechanical ventilation is granted by the applicant to dwellings and other noise sensitive property where the Local Planning Authority's limits are exceeded or will be as determined by forecasting noise calculations or by measurement at the dwelling or property.

Different to the financial budget (noise insulation funding) drafted in the Environmental Statement, the extent of eligible dwellings and other noise sensitive property shall be determined by the Local Planning Authority's limits as the qualifying criteria and to reasonable cost without ceiling in arranging and installing proper protection according to the limits, compliance with building and planning regulations and redecoration.

The applicant would need to propose and agree the terms of noise insulation grants with the Local Planning Authority and extend the offer to owners and the occupants free of time expiry limit, or to when another variation to noise contours is applied for and subject to the Local Planning Authority's requirements at that time.

Variation of Condition 22 (Car Parking Management)

It is unclear from the application what the impact of the proposed management of the car parking areas will be in relation to Local Planning Policy LL38 (Pollution and Contamination). Environmental Protection is concerned an intensification of use of roads as a direct and indirect result of accommodating more passengers through the airport will increase levels of noise experienced by dwellings and other noise sensitive property. According to our planning and noise guidance, both individual sources and cumulative levels are relevant when comparing with the Local Planning Authority's limits. Where these are exceeded, Environmental Protection requires mitigation measures to ensure compliance.

Variation of Condition 28 (Approved Plans and Documents)

For the reasons above, Environmental Protection opposes development that will increase noise levels to dwellings and other noise sensitive property exceeding the Local Planning Authority's limits. In the case development is to be allowed for other reasons, we recommend noise mitigation and as a last resort, sound insulation and mechanical fresh air ventilation to dwellings where noise limits are or anticipated to be exceeded.

- **LBC Business and Investment Unit:** strongly support the proposed variation to allow the airport to grow to 19mppa. The airport is a vital asset in the region and the aviation sector is a key area for growth and recovery post pandemic. It is expected that the airport operator will work with the Council to secure job opportunities for Luton residents and support local supply chains. The following areas are addressed:
 - **Supporting Luton's economic recovery from Covid-19:** noting that Luton has been disproportionately affected by the pandemic, with the 7th highest

number of furloughed workers, 32,000 jobs at risk and the 8th highest claimant count for cities and large towns. 33% of those employed are in the 'at risk sectors'. A central pillar of the Council's Luton 2020-2040 Vision is to ensure everyone in Luton has the opportunity to thrive and no one has to live in poverty.

- **Creating and safe-guarding jobs:** it's estimated that the airport supports 27,500 jobs and generates £1.1 billion economic across Luton, Bedfordshire, Buckinghamshire and Hertfordshire. Jobs will be created both directly at the airport and indirectly associated with the increase in passenger numbers (including security, border control, baggage handling, retailing, hospitality, catering and crew).
- **Providing much needed learning, apprenticeships and career opportunities:** such as with the British School of Aviation, or LLAOL's own successful work experience and entry into employment programmes for school children (working with the Prince's Trust).
- **Increasing confidence in the aviation industry for tourism:** the expansion is seen as vital to Luton's economy, providing confidence in current providers and to their retention, including airlines (easyJet and Wizz Air), retail and leisure clients. This will lead to long-term contracts and the expansion of services, including new routes to crucial markets outside the EU.
- **Supporting inward investment opportunities:** the development will be a key contributor to the Council's 'Investment Framework' which aims to secure £1.5 billion investment to transform the town and create 18,500 quality jobs for local people; while driving improvements to health and wellbeing; creating opportunities for residents; raising aspirations; and enhancing prosperity across the town.

In addition the Unit commented that if the airport is not allowed to grow through the increase in passenger numbers it runs the risk of decline which will result in airlines and the linked supply chain businesses losing confidence

External

- **Historic England:** Did not wish to offer any comments.
- **LLA Safeguarding:** The proposed development does not conflict with safeguarding criteria. LLA has no safeguarding objection to the proposal.
- **National Highways (formerly Highways England):** National Highways were unable to find details of the original consultation from January 2021 and so when followed up they requested further time to review the information that accompanied the application. National Highways request that the application not be determined before 24 November 2021. However, National Highways have since withdrawn that request and confirmed that the application can be determined. As noted in section (vi) of the report, National Highways had been involved at the pre-application stage and confirmed that the level of traffic would not have a significant impact on the operation of the strategic highway network.

Neighbouring Councils

- **Buckinghamshire Council:** Expressed the following concerns:
 - **Climate and carbon:** Bucks have recently agreed a draft Climate Change and Air Quality Strategy. Further information is required as to how LLAOL will deliver the committed mitigation through the Carbon Reduction Plan. The increase in passenger numbers will mean an increase in both surface and air travel, both of which are significant emitters. Clarification is needed as to how the airport would seek to deliver local and national net zero targets whilst increasing emissions (particularly relevant in the light of the Committee on Climate Change's recommendations for the 6CB.
Bucks Council would welcome clarification as to how the CCC's balanced pathway approach has been incorporated as their understanding is that this relies on no net increase in UK airport capacity.
 - *Officer Consideration: The 6CB and climate change issues are addressed in sections (iii) and (iv) of the report.*
 - **Local Noise:** The impacts of air traffic noise are affecting Bucks residents both during the day and at night and also have a significant effect on the Chilterns AONB which has particular amenity value. Whilst Bucks residents are not affected by noise above the LOAEL, noise levels are still audible and impact would be made worse by an increase of 816 movements in the summer period.
Luton and Heathrow traffic have cumulative impacts on Bucks residents, Full consultation should be held on night flight bans.
Mitigation/compensation scheme should be extended so that it includes communities under the final approach, and the Community Trust Fund should be extended beyond the historic AVDC boundary.
 - *Officer Consideration: Noise issues are addressed in section (v) of the report.*
 - **Development need and Covid-19:** Given the impact of the pandemic Bucks CC question whether the expansion is now required or appropriate. The application (submitted in January 2021) has also failed to take into account the latest wave of the pandemic, with implications for the timeframe for recovery and LLAOL's forecasts. Also it is not clear of the impact of the pandemic on the delivery of new generation aircraft (suggesting the 2024 planning horizon will not be achieved).
 - *Officer Consideration: Uncertainties are addressed in section (iii) of the report and the delivery of new aircraft in section (v)..*
 - **Master Plan:** The Master Plan is not a strategic document, only looking at the short term expansion and only allowing communities to feed in to it for a short period in 2020. Policy LLP6 required development to be in accordance with an up-to-date Master Plan adopted by LBC.
 - *Officer Consideration: The Airport Master Plan accords with the guidance set out in the APF and the compliance with policy is addressed in section (xiii) of the report.*
 - **Economy, employment and skills:** Bucks CC appreciate the regional significance of the airport to the local economy, but note that economy, employment and skills lack reference, explanation and assessment in the application. Especially disappointing since the suggestion is that the 1mppa increase would deliver more economic benefits than the current 18mppa cap.
 - *Officer Consideration: economic issues are addressed in section (ix) of the report.*

- **Connectivity:** Even though as a county we are close to the airport, connectivity to and from is restricted, limiting the opportunities for potential passengers to travel via public transport and affecting employment opportunities for those without a personal vehicle. This is likely to be further affected by the impacts of Covid-19 on public transport use when restrictions begin to be lifted, On this matter, we do reflect that the consideration of impacts of Covid-19 on public transport use are rather light and would welcome further information.

The council considers that much of the public transport assessment focuses solely on the Luton area, giving little reference by way of a breakdown of where passengers travel to and from, or the context for where the extra demand to support modal shift targets will be from. Given the economic role of the airport in the region, limited existing sustainable connections and planned future growth in the area, particularly as part of Aylesbury Garden Town, we feel that greater connectivity into and through Buckinghamshire should be investigated. This could either be by direct coach or extensions to BRT services; key route connections that could be considered for feasibility may include, but not limited to:

- Airlink limited stop service between LLA from Aylesbury via Leighton Buzzard
- A link between Aylesbury to Leighton Buzzard with BRT
- A link to Amersham, Chesham and High Wycombe

It is also disappointing that Bucks Local Transport Plan 4 is omitted from the TP given the proximity of the county to the airport, and that little reference is given to the opportunities presented by East West Rail.

- *Officer Consideration: Transport issues are addressed in section (vi) of the report. The Airport will review its ASAS to encourage greater use of public transport, but the provision of additional dedicated services for this 1mppa application are not considered proportionate.*

▪ **Central Bedfordshire Council (CBC):** Commented as follows:

- **Prematurity:** Due to the impact of the Covid-19 pandemic limited need to increase the passenger cap.
 - *Officer Consideration: Prematurity is addressed in section (iii) of the report.*
- **Noise:** The ESA indicates that 1,877 dwellings would be exposed to noise above the SOAEL (equating to a 1.0-1.9dB above the existing level. This would be contrary to national policy which seeks to minimise and, where possible, reduce the number of people significantly affected, and also Luton's Local Plan policy LLP6 which seeks to achieve further noise reductions or no material increase in day or night-time noise. No information is provided for years 2025, 2026 and 2027, whilst 2022 is indicated as the worst year for noise impacts and mitigation may not be in place to protect against the worst of noise.

The expansion of the contours could impact upon CBC's ability to deliver suitable housing where needs arise, most notably Luton, Dunstable and Houghton Regis.

- *Officer Consideration: Noise issues are addressed in section (v) of the report.*
- **Climate change:** CBC indicate that it is unclear how the proposals would be compatible with CBC's and the government's commitment to net zero by 2050.
 - *Officer Consideration: Climate change is addressed in section (iv) of the report.*
- **Highway impacts:** Whilst there would be limited impact upon the strategic road network, there is limited information available to enable an understanding of the overall impact upon junctions within CBC. Based on the York Aviation forecasting

there would be an increase of 81 passenger and 38 staff two way trips in the AM peak and 56 passenger and 35 staff two way trips in the PM peak. There is no distribution or derivation of these trips. A daily profile of trip numbers for passengers and staff, including an indication of other transport modes, would enable a more rounded view of the potential overall transport demand to be identified. The authority noted that the junction of the A1081/B653 with Gypsy Lane and the A1081 with London Road both fell within the area administered by CBC as local highway authority and that due to the limited trip generation and distribution information, together with lack of quantitative baseline assessment of the junctions it was not possible to determine the impacts of the additional traffic on these junctions. However, it was noted that the traffic impact appears to be limited when based on the additional peak hour trip numbers predicted.

- *Officer Consideration: Transport issues are addressed in section (vi) of the report.*
- **Sustainable transport connections:** CBC considered that a more detailed breakdown of trip origins and destinations by local authority (rather than region) would have helped with determining whether sufficient and appropriate sustainable travel options are in place to accommodate any uplift in staff and passengers. CBC noted that services F70 and F77 would be suitable for increased frequency and duration of service as part of the development.
 - *Officer Consideration: Transport issues are addressed in section (vi) of the report.*
- **Parking:** CBC note that the Car Parking Management Plan does not propose any additional parking associated with the expansion and consequently there will be additional pressure for opportunist parking off airport. CBC request a fund of a minimum of £10,000 be set aside to allow for a suitable consultation to be undertaken in relation to residents parking controls within Slip End Parish and fund the delivery of measures if required. A degree of provision for electric vehicle charging for staff parking should be provided, together with further provision of cycle parking for staff which would support the aims of the travel plan.
 - *Officer Consideration: Parking issues are addressed in section (vi) of the report.*
- **Economic Benefits:** There is no indication as to what the economic benefits would be associated with the proposed additional 1mppa, nor who would benefit from them.

CBC welcomes the one off grants that will be available to local councils, but considers greater clarity should be provided in relation to the mechanism for benefitting from the grant.

 - *Officer Consideration: Economic issues are addressed in section (ix) of the report.*
- **Consultation:** CBC noted that Kensworth Parish Council had not been directly notified of the proposed development by LBC. However, members will note that Kensworth Parish Council did write in registering their opposition to the proposals.
 - *Officer Consideration: The application was advertised and reported widely in the local press, and as noted above the Parish Council did submit representations.*
- **Conclusion:** Expansion of the airport should be undertaken comprehensively as part of the wider DCO proposals with the full impacts identified and mitigated.

- *Officer Consideration: This application has to be considered on its own merits under the Town and Country Planning Act 1990. Should the airport owner advance a DCO that will be considered under the Planning Act 2008.*

- **Hertfordshire County Council:** HCC raised an in-principle objection to growth proposals at Luton due to the 'mismanagement of operations since planning permission was granted in 2014'. HCC noted that it had responded to a number of recent consultations, namely: the LLAOL consultation on the 19mppa proposal (and Master Plan); the withdrawn application relating to the variation of the noise contours (ref: 19/00428/EIA); and the details of the Noise Reduction Strategy (ref: 20/00131/DOC), attaching these responses as annexures to their objection.

HCC's comments and objections can be summarised as follows:

- **Uncertainty:** in relation to likely recovery from the Covid pandemic the determination of the application should be delayed which would: provide an opportunity to: address the shortfall in evidence; enable LLAOL to develop a package of effective control mechanisms; respond to forthcoming government policy on aviation and carbon;
 - *Officer Consideration: Uncertainty is addressed in section (iii) of the report.*
- **Evidence availability and engagement:** HCC made representations at the pre-application consultation recommending that LLAOL engage with stakeholders prior to the submission in order to address shortcomings in the material (such as the lack of noise reduction strategy with this application, lack of Carbon Reduction Plan, lack of air quality management plan, lack of certainty that noise reductions can be achieved [no sensitivity test re slower delivery of new generation aircraft or a greater number of movements than the predicted 1,085 ATM increase];
 - *Officer Consideration: Uncertainty is addressed in section (iii) of the report.*
- **Planning Statement:** HCC are of the view that the Planning Statement is not fit for purpose, lacking in a review of relevant national and local policy, leaving out text from policy where the application is non-compliant, and providing an incorrect and misleading appraisal of policy that undermines its credibility (particularly in relation to policy LLP6 of the Luton Local Plan);
 - *Officer Consideration: The Planning Statement is considered adequate, whilst this report addresses compliance with policies in the Local Plan.*
- **Significant adverse noise and health impacts:** HCC are strongly of the view that the proposed increase in the number of households exposed to adverse noise impacts (above the LOAEL) and significant adverse impacts (above the SOAEL) in the short term (to 2024), medium term (to 2028) and longer term (beyond 2028) is totally unacceptable. In addition HCC comment on the significant adverse effect for the population exposed to a 3dB exceedance above the LOAEL and 1dB above the SOAEL.

HCC consider the proposed mitigation to be inadequate and ineffective and fails to address all those significantly affected. The Noise Reduction Strategy should be submitted, consulted upon and taken into consideration in the determination of the application. The absence of a noise reduction strategy means that there is not enough certainty in relation to the noise environment post 2028 and based on LLAOL's track record this would be unacceptable;

 - *Officer Consideration: Noise issues are addressed in section (v) of the report.*

- **Unquantified economic benefits:** HCC note that the planning application contains no evidence of the economic benefits of the proposal, that the claimed benefits have not been properly assessed, have not been quantified, and given that the growth is predominantly achieved by load factors the economic benefits are likely to be more restricted than was historically the case. HCC therefore consider that it is not possible for the LPA to come to a properly informed judgement as to whether the economic benefits outweigh the significant adverse environmental impacts;
 - o *Officer Consideration: Economic issues are addressed in section (ix) of the report.*
- **Surface Access:** HCC consider that the application is broadly compliant with the Luton Local Plan in relation to surface access (policies LLP1 and LLP32), however control measures are required to ensure commitments are implemented and appropriate monitoring and rectification should measures fall short;
 - o *Officer Consideration: Noted.*
- **GHG/Carbon/Climate Change:** HCC consider the planning application to be generally compliant with the development plan in terms of policy LLP37 on climate change, energy and sustainable energy, but note that the Carbon Reduction Plan was not submitted with the application and should be consulted upon and its provisions secured by condition;
 - o *Officer Consideration: Noted. The Carbon Reduction Plan was submitted following the Council's request for further information.*
- **Air quality:** the application is considered to be broadly consistent with the development plan with regard to air quality, however HCC consider that an air quality plan should have been submitted with the application, should be subject to consultation and its finding incorporated into a condition;
 - o *Officer Consideration: Air Quality issues are addressed in section (vii) of the report. An action plan was not considered necessary given the assessment and conclusions in the ESA.*
- **Control mechanisms:** effective controls should be incorporated into any decision, including: restriction on ATMs; condition on 'Green Managed Growth' (covering noise, surface access, air quality and carbon reduction), with a condition controlling the number of ATMs to limit the potential for additional movements adding to the noise contours;
 - o *Officer Consideration: Adequate controls are proposed through the deed of variation to the Section 106 legal agreement. The capping of ATMs is not considered to be necessary (note there are currently movement caps covering the night period and the early morning shoulder period).*
- **Compliance with the development plan:** HCC consider that the development is consistent with the development plan insofar as it relates to economy, surface access, air quality, waste management, drainage, water supply, GHG/carbon, but contrary to policies LLP6 and LLP38 of the Luton Local Plan in relation to noise and health impacts.

HCC consider that the proposal is not consistent with policy LLP6 B(ii) since the significant adverse noise and health impacts and the failure to adequately mitigate these means it does not comply with national aviation policies. Nor is it consistent with policy LLP6 B(iii) since Luton Borough Council has not adopted a Master Plan for the airport. Whilst the application does not propose a significant increase in

ATMs, the increased movements do not result in further noise reduction but rather contribute to significant adverse noise and health impacts and so the proposal is contrary to policy LLP6 B(iv) and (v). The proposed development does not include an effective noise control, monitoring and management scheme and so does not comply with policy LLP6 B(vi). HCC contend that the application is partly generated by the inability of the airport to honour the noise controls imposed through planning conditions and so has failed to show over time that there will be a significant diminution and betterment of effects for surrounding communities and consequently the proposal is contrary to policy LLP6 B(vii).

Additionally, since the proposals would generate significant adverse noise effects on health and the environment and cannot effectively mitigate these impacts, the application is considered by HCC to be in conflict with Policy LLP38.

It is not possible to conclude that the economic benefits, which have not been assessed outweigh the significant adverse noise and health impacts and the application should be refused;

- *Officer Consideration: Compliance with policies in the Local Plan is set out in section (xiii) of the report.*
- **Master Plan:** HCC considered that the Master Plan was not fit for purpose and required further work as the evidence to support it was not provided. HCC also considered that further consultation would be necessary, noting that the Master Plan should be completed prior to the determination of the application and that the process for its approval should be clear with the Master Plan adopted prior to the submission of any planning application;
 - *Officer Consideration: The Airport Master Plan is a non-statutory document and covers the core areas identified for airport master plans in the APF.*
- **One off grants:** the operation of the grants and the beneficiaries needs clarification, but given the impact upon local communities the one-off nature of the grants and their levels is considered derisory.
 - *Officer Consideration: The County Council has not set out what contribution would be appropriate and how a larger community contribution would meet the tests in paragraph 57 of the NPPF.*
- **Development plan for neighbouring authorities:** HCC consider that the application is not compatible with the emerging local plans for the neighbouring authorities since those authorities seek to minimise and protect against the impact of the airport on development and policies relating to noise seek to reduce noise pollution and refuse applications that would cause harm from a significant increase in noise pollution;
 - *Officer Consideration: The planning application does not fall within the areas covered by neighbouring authorities Local Plan and has been assessed against the development plan for the area. Noise issues are addressed in section (v) of the report.*
- **Other material considerations:** HCC list a number of matters that are likely to be material considerations and set out how these should be considered. HCC considers that the proposal conflicts with:
 - aspects of the NPPF in relation to sustainable development, conserving and enhancing the natural environment, and noise pollution;
 - the APF insofar as it relates to noise and the impact upon local communities;

- guidance within the National Planning Practice Guidance in relation to adverse impacts of noise arising from development proposals;
- Aviation 2050 in that the proposed development cannot adequately manage environmental and community impacts of the noise increases, community funds, ;
- MBU since the proposals would result in unacceptable noise impacts with mitigation not addressing the full impacts;
- The ANPS due to the significant adverse effect on health and quality of life which cannot be effectively mitigated or minimised;
- The government's environment plan (A Green Future) since it does not ensure that noise pollution is managed effectively;
- The aims of the NPSE;
- Objectives within the ANG in relation to the adverse impacts of noise and the inadequacies of the mitigation proposals;
- The 2012 Master Plan for the airport which only caters for an increase to 18mppa subject to a robust and comprehensive noise management regime;
- The airport's Noise Action Plan which commits to restrictions (including the noise contour cap) that were placed on the original application to expand to 18mppa;
- Requirements for maximum noise levels to be achieved for habitable rooms and outdoor amenity areas set out in LBC's Planning and Noise Guidance is not achieved.

HCC also note that the 2021 Airport Master Plan has no status as it has not been adopted by the Council and is 'not fit-for-purpose.' Additionally HCC considers that the proposals are only consistent with the various Local Transport Plans in so far as effective control and monitoring arrangements are in place. A similar point is made in relation to LBC's Climate Action Plan Support, noting that the recommendations in that report serve to reinforce the importance of a Carbon Reduction Plan.

HCC also note that the SoS has been asked to call in the application and point out that the lack of clarity in terms of the forecasting/assessment in terms of the 'without development' scenario and extent of the 'existing 18mppa contour'.

- *Officer Consideration: These issues are addressed in various sections within the report (including section [xiii]).*

- **North Hertfordshire District Council** (comments were provided by Vincent Gorbing on behalf of NHDC): The Council had objected to the previous application to amend the noise contours (ref: 19/00428EIA) and that this application raised the same issues, namely adverse impact upon the amenities of NHDC residents; lack of commitment to noise insulation; and a failure to balance economic and environmental considerations. In relation to the current application NHDC consider it to be premature given emerging aviation and climate change policy, whilst with the government's commitment to the 6CB and the Committee on Climate Change's advice on demand management NHDC consider the application could be refused, especially as no robust economic rationale has been provided to justify the adverse environmental impacts.

The objection from NHDC addressed the following areas:

- **Uncertainty:** Fleet assumptions in relation to the introduction of new generation aircraft are uncertain, may be overly optimistic based on past experience and may not represent the worst case for the purposes of EIA.
 - o *Officer Consideration: Uncertainty is addressed in section (iii) of the report.*
- **Noise:** 1,877 dwellings will be exposed to noise above the night-time SOAEL level, many of whom will be in NHDC, but since the impacts have not been disaggregated it is not possible to tell the numbers in each authority, nor whether mitigation for each area is sufficient. The mitigation is only partial since the insulation only minimises noise impacts when windows are closed. Additionally NHDC's emerging local plan allocates strategic residential development to the north-east of the airport and the proposed expansion of the airport will increase the amount of development exposed to aircraft noise.

NHDC question whether the modelling is realistic given the issues with the A321neo, the lack of specification of the engine type, and reliance on larger aircraft and load factor rather than additional movements. The conclusion of the assessment is questionable and breaches are likely to recur. Allowing an increase in passenger numbers and extending noise contours to accommodate previous breaches is likely to increase night flights and worsening the sleep disturbance for residents of NHDC.

If the application is approved a clear and binding Section 106 legal agreement to ensure a comprehensive insulation scheme, detailing how the community will be contacted to ensure maximum take-up, with a timetable for implementation from before the noise impacts would be experienced.

The proposals are contrary to paragraph 185 of the NPPF and policies LLP6 and LLP38 of the Local Plan and contrary to commitments in LLAOL's Noise Action Plan.

 - o *Officer Consideration: Noise issues are addressed in section (v) of the report.*
- **Traffic and air quality:** NHDC are concerned that the increase in traffic associated with the 1mppa additional passengers will have a cumulative effect with the significant residential development proposed to the north east of the airport. There will be a disproportionate impact upon NHDC due to the poor public transport connections from east-west.

Particular concerns are expressed re the lack of modelling, the impact upon congestion and air quality particularly in relation to the A505 corridor and Hitchin.

 - o *Officer Consideration: Transport issues and air quality are addressed in sections (vi) and (vii) of the report.*
- **Climate change and carbon reduction:** NHDC refer to the fact that the ESA has not referred to the fact that both LBC and NHDC have declared climate emergencies. Since the application was submitted the position on climate change policy has radically changed with the 6CB seeking a 78% reduction in CO2 by 2035 and international aviation and shipping included in the target. NHDC contend that MBU policy and decisions on airport expansion will need to consider whether they are compatible with government policy.

NHDC consider that the application can be refused on the basis of conflict with national and local climate change policy. At the very least the application is premature and should be delayed until national aviation policy is revised.

 - o *Officer Consideration: Climate change is addressed in section (iv) of the report.*

- **ESA and reasonable alternatives:** NHDC contend that the ESA has not identified reasonable alternatives ruling out the 'do nothing' approach as this would either require restrictions on airlines or risk repeated breaches of condition.
 - *Officer Consideration: The ESA is considered to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The 'do nothing' scenario is considered within the ESA..*
 - **Future control, monitoring and compliance:** NHDC consider that the Noise Reduction Strategy and the Carbon Reduction Plan need to set detailed and viable targets to be assessed with the current application. NHDC also consider that LLAOL do not have sufficient influence over the airlines to achieve the necessary reductions in emissions from flights that are required. Clear, robust and funded monitoring arrangement and penalties together with remedial actions for non-compliance or non-achievement of targets must be established.
 - *Officer Consideration: This is addressed through planning conditions and the proposed Section 106 legal agreement.*
 - **Economic benefits and planning balance:** NHDC state that nowhere in the application are the economic benefits of the development properly set out, nor is there any analysis of the negative economic impact of maintaining the current restrictions, consequently it is not possible to reach the conclusion that the economic benefits outweigh the environmental costs – a clear failing of the application which should be addressed prior to a decision.
 NHDC also consider that the proposal does not represent sustainable development and that it is a misapplication of the NPPF to give pre-eminence of one strand of the definition of sustainable development (economic) over the others (social and environmental).
 Since the economic benefits have not been quantified, the LPA cannot judge this planning balance, whilst NHDC also contend that the economic benefits cannot be significant since they have been scoped out of the ESA.
 - *Officer Consideration: Economic issues are addressed in section (ix) of the report.*
 - **Conclusion:** NHDC object to the application and consider that it should be refused, but if it is not refused that it should be deferred until government aviation policy has been clarified and the Noise Reduction Strategy and detailed Carbon Reduction Plan have been agreed by all local authorities and the airport.
 - *Officer Consideration: This is in part a prematurity argument as well as one dealing with Climate change, both of which are dealt with in sections (iii) and (iv) of the report..*
- **Dacorum Borough Council:** A significant part of the borough is covered by the AONB and many of the settlements are overflowed, consequently the Council welcome measures in the application that would reduce any adverse impact arising from the airport operations. The Council expressed full support of the representations made by HCC. The Council raised the following specific points:
- LLAOL have violated the agreed noise contours for night flights for over two years, with the anticipated numbers of passengers and flights both being exceeded resulting in increased numbers of night flights;

- The proposed increase will result in a further increase in flight numbers and noise (especially at night) resulting in a negative impact on the health and wellbeing of a significant number of residents in Markyate and Flamstead;
 - LLAOL should work within the existing contours especially as national aviation policy seeks to achieve a balance between noise and growth to provide certainty for local communities. The proposal does not achieve further noise reduction or reduce to a minimum adverse impacts on residents and so is contrary to government policies, the Airport's Noise Action Plan and policies LLP6 and LLP38 of Luton Local Plan;
 - The current application addressing the Noise Reduction Strategy should be refused with a substantially revised strategy prepared and submitted properly addressing the concerns raised incorporating some of the principles from Heathrow's Environmentally Managed Growth;
 - The application is premature given the Covid-19 pandemic, with IATA indicating before the second wave of the pandemic that ATMs will not return to normal until 2024, thus the timeframe is likely to be extended;
 - There needs to be a proper assessment of the economic benefits versus the environmental consequences;
 - The proposed noise insulation scheme and noise mitigation measures are inadequate;
 - The Borough Council questions the deliverability of the targets within the Transport Plan which appear aspirational, whilst the proposed reduction in car usage brings in to question the need for road improvements as part of this application;
 - Dacorum have objected to previous proposals to vary the noise conditions, including applications 115/00950/VARCON and 9/00428/EIA, as well as LLAOL's consultation on its proposals and Master Plan;
 - The proposal to increase to 19mppa and increase the size of the noise contours should be an application in its own right rather than an application to vary conditions;
 - The Borough Council repeated objections raised in response to previous consultations, and also noted that LBC's consultant's advice on noise and climate change was not available at the time of making initial representations and should be for others to be able to make informed comments.
 - *Officer Consideration: The representations are similar to those raised by the other neighbouring authorities and have been addressed in the body of the report.*
- **St Albans City and District Council:** The Council raised strong objections to the proposed development and its potential to increase aircraft noise to residents and pollution and traffic impacts. The Council also questioned if the expansion was justifiable when environmental impacts of air travel raised issues of national and global concern.
- The Council considered that any increase in noise, pollution and traffic impacts was unacceptable and that there was no justification for increasing the noise contours to the extent proposed, nor that all other options for achieving compliance with the existing noise contours had been explored. If the LPA is minded to grant planning permission than the measures implemented in 2018 by LLAOL and further measures

should be secured through conditions and legal agreement. These should be monitored and enforced in order to meet the requirements of any new agreed contours. The forecast contours are based on assumptions about quieter next generation aircraft that over which LLAOL do not have sufficient control and are therefore fundamentally flawed and other less optimistic scenarios should be modelled as otherwise it cannot be concluded that the environmental impacts have been accurately identified or properly managed in accordance with national aviation policy.

- *Officer Consideration: Noise issues are addressed in section (v) of the report, it is proposed that the measures implemented in 2018 and set out in the Planning Statement will be incorporated into the revised noise controls secured by the Section 106 legal agreement.*

In terms of NO2 and greenhouse gas emissions, the Council considers that insufficient information has been submitted in terms of mitigation measures and consequently the overall impact on air quality has not been fully assessed.

- *Officer Consideration: Climate change and air quality issues are addressed in section (iv) and (vii) of the report.*

The proposal would result in an increase in daily traffic flows on roads that already suffer significant congestion. Assumptions in relation to the shift to public transport appear overly optimistic with lack of mitigation measures in relation to railway and other public transport infrastructure and lack of consideration of the cumulative effects with other committed development in the surrounding districts.

- *Officer Consideration: Transport issues are addressed in section (vi) of the report.*

The Council considers the application to be using the planning system to move the goalposts by seeking to vary existing conditions and also seeking to regularise previous breached conditions. The Council believes that the airport should operate within the previously imposed conditions. Representations to the previous application (ref: 19/00428/EIA) should be taken into account in the determination of this application.

- *Applications to vary planning conditions are appropriate approaches under Section 73 of the Town and Country Planning Act 1990. It would not be appropriate to the Local Planning Authority to take on board comments made in relation to a previous application for a different proposal. However, the number of representations have been reported for application 19/00428/EIA in the body of the report..*

The Council objects to the proposed development in respect of noise, pollution and traffic impacts.

- **Noise:** is a major issue for residents of St Albans given its location to the south-west of the airport. It is not clear from the submission that there is justification for increasing the noise contours to the extent proposed. There would be an increase in the number of additional dwelling affected by the increased contours (particularly during the night period) which is unacceptable. The measures put in place to achieve the approved noise contours were not sufficient and if the LPA is minded to grant planning permission further mitigation measures should be enforced through conditions and a legal agreement. Other means of achieving the current contours, such as limiting the number of flights in the summer period, changes in the aircraft mix, enhanced scheduling, should have been considered. The forecasts should be robustly assessed, though they are heavily reliant upon

assumptions of new generation aircraft which are beyond the airport operator's control.

- *Officer Consideration: Noise issues are addressed in section (v) of the report.*
- **Air quality:** The increase in passenger numbers would result in an increase in NO2 concentrations and greenhouse gas emissions. The Council considers that insufficient information has been submitted in terms of mitigation measures and that the impact of the development on air quality cannot be fully assessed.
 - *Officer Consideration: Air quality issues are addressed in section (vii) of the report.*
- **Traffic:** the increase in passenger numbers would result in an increase in traffic flows on roads already subject to significant congestion. The Council is concerned about the assumptions in relation to the shift to public transport and the lack of mitigation measures in relation to rail and other public transport infrastructure, together with the lack of modelling of cumulative traffic impacts from other developments.
 - *Officer Consideration: Traffic issues are addressed in section (vi) of the report.*
- **Mitigation measures:** should be controlled by conditions and legal agreement with robust review and monitoring triggers.
 - *Officer Consideration: Noted.*

Parish Councils

- **Aldenham Parish Council:** considered this a highly technical consultation and were concerned that: there would be an increase in noise over Radlett at night if more flights were permitted (and also in the day); the increase in passengers would result in an increase in rail passengers and the trains may need upgrading to accommodate them or additional rail movements required; and it was not clear as to how the proposal fits with the zero carbon budget.
 - *Officer Consideration: Noise, transport and climate change issues are addressed in sections (v), (vi) and (vi) of the report. The Transport Assessment and Travel Plan assess the current usage of rail, frequency of service, and the key performance indicators proposed to achieve a mode shift.*
- **Caddington Parish Council:** object to the application fully supporting the objections on conditions put forward by the neighbouring village Slip End Parish Council.
 - *Officer Consideration: Noted.*
- **Eaton Bray Parish Council:** Commented that the original 2012 application was based on the premise that the introduction of quieter aircraft would compensate for the increase in movements and the noise contours could be achieved. Instead passenger numbers grew rapidly and the delivery of new generation aircraft did not produce the noise reductions anticipated leading to a breach of those contours, with the airport disregarding the environmental consequences of such growth.

The Parish Council considers that the only way to achieve the significant reduction in noise contours in the future is for airspace change, with aircraft getting to higher altitudes faster. The Parish Council consider that there should be no increase in passenger numbers or relaxation of the noise contours at this time.

- *Officer Consideration: The breach of existing conditions is referred to in the report. Airspace change is addressed in section (x) of the report..*
- **Datchworth Parish Council:** object to both the proposed increase in capacity and the reduced controls on aircraft noise, considering the proposed increase to be unjustified. The parish council notes that the biggest increase is proposed to night flights and that there has already been a six fold increase since 2013, with excessive noise disturbance for residents from easterly take-offs. The parish council comments that the airport has not operated within the existing constraints and so has not managed the impacts associated with growth, thus further growth should not be permitted. In addition, the proposals were considered poorly founded and unjustified for the following reasons:
 - Covid has had a major effect on the demand for air travel;
 - The pandemic has also impacted airlines and the take-up of new generation aircraft is likely to be slower, resulting in less benefits than predicted;
 - The A321neo does not provide the noise reductions predicted, which will also affect the noise contours;
 - The application is not in line with target of net zero by 2050, nor Luton's declared climate emergency, and the airport operator does not have control over the airlines or passenger journeys to the airport to reduce CO2 emissions.The parish council also considered there to be a conflict of interest in the role of Luton Borough Council as airport owner and local planning authority.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Edlesborough Parish Council:** oppose the proposed development and consider that there should be no further increase in passenger numbers or relaxation of the noise contour conditions at this time. Their reason for this conclusion is: the rapid growth of the passenger numbers from 2014 without the requisite delivery of new generation aircraft; the fact that the new generation aircraft have not performed as well as predicted in terms of noise reduction; and because the only chance of achieving significant environmental benefits is through airspace change, and the consultation is on-going.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Flamstead Parish Council:** strongly objects to the proposed variation to the passenger limit and noise contour conditions which were imposed to protect the local communities from excessive noise and environmental pollution. The principal objections are:
 - **Noise:** LLAOL have breached noise conditions attached to the original planning permission; the quieter new generation aircraft have not been introduced as promised; the proposal will exacerbate existing noise issues rather than resulting in a noise reduction and so is contrary to policy LLP6 of the Local Plan; additionally the noise mitigation is insufficient. The extra information submitted does not provide any reassurance since the proposal will result in additional movements

which will result in cumulative noise impacts, whilst the provision of quieter aircraft has not been realised, with the A321neo not being quieter. The noise insulation programme is inadequate and will have a limited mitigation effect;

- *Officer Consideration: Noise issues are addressed in section (v) of the report.*
 - **Road congestion:** the existing roads are already congested with no capacity to accommodate the increase; there will be increased air pollution from the additional traffic;
 - *Officer Consideration: Transport and air quality issues are addressed in sections (vi) and (vii) of the report.*
 - **Emissions:** A properly evidenced CRP should have been provided with the application; the proposals do not support sustainability, will result in significant carbon emissions and will not contribute to healthy communities. The Carbon Reduction Plan that was subsequently submitted is aspirational rather than a list of achievable goals and does not guarantee the carbon emission reductions. The plan does not result in reductions expected by the Climate Change Committee and given the expected government decision on carbon emission reduction timelines the proposal is premature;
 - *Officer Consideration: Climate change is addressed in section (iv) of the report.*
 - **Health:** aircraft noise at night is harmful to health, with the greatest increase sought for the night noise contour exacerbating this problem.
 - *Officer Consideration: Health and wellbeing are addressed in section (viii) of the report.*
- **Great Gaddesden Parish Council:** objects to the planning application and supports the objections raised by the HAPTC. The objection focused on the following:
- The airport has not complied with the conditions in the original planning permission and for three years the airport has breached the night noise contour condition;
 - The proposed increase in passenger numbers would result in substantial additional flights causing further harm to the health of residents from noise contrary to policy LLP6 of the Local Plan;
 - There has been no adequate commitment to the Council's carbon reduction target and a fully evidenced Carbon Reduction Plan is essential prior to the determination of the application;
 - The delivery of quieter aircraft to offset the increase in noise from expansion has not been achieved with the latest A321neo not producing the noise reductions predicted;
 - The increase in passenger numbers will result in increased road congestion on a road system that is already gridlocked, adding to environmental pollution, together with adverse impacts on an overloaded rail system;
 - The need for further expansion has not been adequately demonstrated; and
 - The conditions should not be relaxed until the airport meets the obligations that were imposed through the 2014 permission.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*

- **Great Munden Parish Council:** object on the following grounds:
 - The proposal is inconsistent with policy LLB 6 B(iv), (v) and (vi) of the Local Plan in that the proposal does not achieve further noise reductions or no material increase in noise, but rather would augment the effects of noise pollution in the future;
 - The proposal is contrary to policy LLP6 B(vii) of the Local Plan since the economic consequences of the pandemic mean that airlines have cancelled orders of new generation aircraft and will not be able to invest in new technology, consequently the proposal will not result in a significant diminution and betterment of the effects of aircraft operations;

The parish council also made reference to the Committee on Climate Change and the government's Aviation 2050 consultation in relation to reducing CO₂ and NO_x emissions.

- *Officer Consideration: Compliance with policies in the Local Plan is addressed in section (xiii) of the report, whilst climate change and air quality are addressed in section (iv) and (vii) of the report.*
- **Kensworth Parish Council:** strongly opposes the proposals considering the current situation to be unbearable following the expansion from 9.6mppa to 18mppa, noting that the increase to 32mppa is unimaginable as it will have a profound impact on the quality of lives of the residents of Kensworth. The objections are as follows:
 - **Noise pollution:** in excess of 40,000 aircraft fly over the village currently which adversely impacts on the quality of life of the residents of the village, increasing the capacity by nearly 80% will lead to an unacceptable situation. Since there is no night-time curfew residents are adversely affected by night flights which adversely affects their health, and residents should receive compensation or noise insulation due to the noise levels;
 - **Carbon emissions:** question whether the proposals have adequately considered the Net Zero target for 2050 with the increase from 9.6mppa (in 2013) to 32mppa will acutely impact upon carbon emissions;
 - **Local infrastructure:** the increase in passengers will create disruption on the local roads and additional pressure on the infrastructure, with increased pollution from traffic fumes and further impacts on carbon emissions.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Kimpton Parish Council:** consider that there should be no further increase in passenger numbers or in the relaxation of noise contours and object to the planning application on the following grounds:
 - **Non-compliance with government policy:** the application will increase the number of residents exposed to adverse noise levels, when government policy seeks to reduce the numbers. The application should have been accompanied by a noise reduction strategy.
 - **Inadequate noise data and modelling:** no credible data is provided in relation to the proposed reduction in noise levels by 2031 to those that condition 10 currently requires for 2028.

- **Unreliable forecast delivery and noise performance of new jets:** the new generation aircraft are not performing as well as predicted, whilst the proposed contours rely on certain assumptions about their delivery which are beyond LLAOL's control. If the forecasts are unduly optimistic then the breaches of the past will recur in the future.
- **Failure to comply with planning conditions:** Since this is a retrospective application to modify conditions that have previously been exceeded, the LPA must ensure compliance.
 - o *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Harpenden Town Council:** consider the plans to be inappropriate and that they should not be taken forward (noting that they had set out reasons in the response to the DCO consultation in December 2019 and again in August 2020). The town council's objections can be summarised as:
 - Flight paths for take offs are over or near Harpenden and so already significant aircraft noise occurs with negative impacts upon residents (use of their gardens or disturbed sleep at night), expansion will make this significantly worse and new generation aircraft are not significantly quieter and any incentive to encourage quieter aircraft will take years to make a noticeable impact;
 - The growth in carbon emissions will directly conflict with local and national policy in terms of net zero by 2050. Further, given the Climate Emergency the town council considers that there is uncertainty as to whether the future growth and predicted use of the airport will materialise or be allowed to materialise. Additionally there will be an adverse impact on air quality;
 - Increased capacity has the potential to have a significant negative impact on Harpenden, since Junction 10 on the M1 appears to be close to capacity, local train services are not fit for purpose, targets in the transport plans appear aspirational.
 - o *Officer Consideration: Airspace has been addressed in section (x) of the report, whilst climate change is addressed in section (iv) and transport in section (vi).*
- **Kings Walden Parish Council:**
 - **Variation on Condition 8 (passenger throughput cap):** Under the original permission the passenger cap of 18mppa, was not due to be reached until circa 2026, due to natural growth. Due to financial stimulation by the airport owner London Luton Airport Ltd (LLAL), this was achieved in 2019, purely for accelerated commercial gains. The evidence shown to corroborate the need for an extra one million passengers, is false. We perceive this purely as an attempt by the airport to recover quickly from its current situation where passenger and aircraft movements are reduced due to Covid restrictions. Passenger figures for 2020 show 5.4mppa, 2.9 million of these were from January – March. For the last nine months of the year, throughput was 2.5 million. The Council sees no clear evidence in any of the supporting documentation that an increase of 12.6 million passengers will be required or achieved before the originally planned 2026. Impact on the local community through noise, pollution, and transport infrastructure must override any commercial gains. The existing conditions were

placed to protect the environment and local residents, and the rationale behind those conditions has not changed.

Once Luton airport has reached its 18mppa cap, purely by natural demand-led growth and not by financial stimulation, then, and only then, should an application to vary be considered.

- *Officer Consideration: The principle of development (including need) is addressed in section (i) of the report.*

- **Variation on condition 8 (noise contours):** Kings Walden parish council opposes this variation. The original planning condition was made under expert guidance as to how new engine offer (neo) aircraft would be introduced at Luton, lowering the contour. As the applicant, LLAOL, had no control over how airlines would introduce such aircraft, it was based on circumstantial data at that time. The point is demonstrated by the regular breaching of the noise contour. The introduction of neo aircraft has been limited, with most of the expansion of flights being by noisier, older aircraft. Neo aircraft are not as quiet as anticipated due to the short runway at Luton.

It is the parameters of the noise contour condition that has been blamed for the breaching of noise conditions and not the increased number of older aircraft, which we believe is the driving factor. Therefore to grant this application would show that commercial income is more important than legal obligation.

The obligation of the local planning authority is to interpret planning law which includes an obligation to protect the local environment and the quality of life of all residents who live within the noise footprint of Luton airport.

- *Officer Consideration: Noise has been addressed in section (v) of the report.*

- **Variation of other conditions:** The application to vary other conditions are all subsidiary to conditions 8 and 10, and should be rejected.

- *Officer Consideration: Noted.*

- **Markyate Parish Council:** strongly objects to the variation of the conditions governing passenger numbers and noise contours which were imposed to protect local communities. The principal objections relate to:

- **Noise:** the airport has been in breach of noise conditions for years; the airport has failed to deliver noise reduction or effective noise controls; expansion will only exacerbate the problems; quieter aircraft have been slow to come online; the A321neo is louder than predicted and does not produce the noise benefits; mitigation is inadequate and is only available to a limited number of dwellings. In relation to the information submitted following the Regulation 25 request, the same objection was made as that by Flamstead Parish Council;
- **Road congestion:** existing road and rail infrastructure is already congested; significant investment in improving the infrastructure needs to be funded by LLAOL;
- **Emissions:** a properly evidenced Carbon Reduction Plan required; the CRP submitted late in the process is a list of aspirations and as per the previous noise promises does not guarantee sufficient reduction in carbon emissions given the increase in ATMs; International aviation is now included within the 6CB and reduction targets have increased; the proposal is premature ahead of government decision on aviation and carbon reduction; air quality will be adversely affected. With regard to the Carbon Reduction Plan which was submitted as further information during the determination period, the parish council raises the same

objection to the aspirational nature of the plan as the objection from Flamstead Parish Council;

- **Health:** aircraft noise at night is directly harmful to health, with the largest increase in the noise footprint being at night which will add to existing problems for the local community;
 - **Uncertainty:** both in terms of the potential recovery in demand and also with regard to the introduction of the quieter aircraft. The financial incentives to airlines need to be confirmed in order to provide any certainty.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Nettleden with Potten End Parish Council:** consider the application to be retrospective as the airport was operating in contravention of the existing planning conditions and the LPA had not taken enforcement action against the breach of condition, suggesting a conflict of interest. The Parish Council objects to the application for the following reasons:
- Existing planning conditions have been breached;
 - The proposal is contrary to Policy LLP6 which requires effective noise control which has not been enforced, whilst the increased passenger numbers will see in excess of 2,000 additional flights causing further harm to surrounding communities and not resulting in a reduction in noise as required by the policy;
 - The existing road and rail systems do not have the capacity to cope with the increased number of cars and passengers, which will also lead to additional emissions;
 - Aircraft noise at night is harmful to health, with the greatest increase in noise contours being at night which will exacerbate the existing situation;
 - The increase in new generation aircraft predicted with the original application has not taken place and the A321neo is as loud as the older generation aircraft;
 - A CRP should have been submitted and should demonstrate how the Council's net zero target can be achieved.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Pirton Parish Council:** object to the proposal on the basis of:
- Traffic: increased traffic along the lanes associated with the increased passengers;
 - Noise: increased noise from the expansion; LLAOL have been in breach of the condition for three years and this will authorise the continued adverse impact; economic impact of the pandemic means that that new generation aircraft will be introduced at a slower rate than predicted and consequently the impact of noise and disturbance will last longer;
 - Air quality: pollution from aircraft movements and vehicular traffic;
 - Need: no immediate necessity given the impact of Covid-19;
 - Climate emergency: should not be adding to capacity and its impacts on climate change.

- *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Preston Parish Council:** strongly object to the planning application as LLAOL have not kept to the conditions that were imposed on the original consent. Their reasons for objecting can be summarised as follows:
 - **Prematurity:** prediction of 19mppa by 2024 is unrealistic and it is too early to predict what capacity might be post pandemic;
 - **Climate change:** the increase in flights will not support the UKs aim of net zero by 2050;
 - **Traffic:** there will be congestion with roads inadequate currently;
 - **Noise and health:** increase in flights will adversely affect quality of life, with increase noise adversely affecting population health, with more people affected in the future due to new housing proposed in the districts around the airport;
 - **Mitigation:** insulation is not adequate as in the summer months windows are open;
 - **Local Plan:** contrary to policy LLP6 of the Luton Local Plan as the proposals do not achieve further noise reductions.
 - The Council needs to take into account the interests and issues of those from other districts and not just those of Luton airport.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Sandridge Parish Council:** object to the proposed development for the following reasons:
 - The additional environmental impact is against planning policy and planning conditions were imposed to the original permission which sought to protect the quality of life of the communities affected by noise, surface transport congestion, disturbance, poor air quality and climate change impacts. The airport seek a relaxation of these conditions rather than complying with them;
 - The proposals will increase the noise footprint at night when between 2013 and 2019 there had already been a six fold increase in night flights, with the consequence that there will be increased harm to human health;
 - The need for the application has not been justified and given the current pandemic it is unlikely that 19mppa will be reached for some years.
 - *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Slip End Parish Council:** Note that they have commented upon the 19mppa consultation by LLAOL in 2020 and the 32mppa consultation undertaken by LLAL in 2019 and strongly object to the proposal. Many of the comments raised to the LLAOL consultation are directly relevant and the parish council referred to them. The parish council considered that LLAOL have ignored their own consultation where 92% of respondents believe that there will be no economic growth associated with the expansion. The objections were as follows:

- Object to the variation of condition 8 (passenger cap). Reaching 18mppa is not a great achievement and the infrastructure is inadequate to support the numbers.
 - Object to the variation of condition 10 (noise contours). LLAOL has not respected noise limits, particularly in relation to night and shoulder periods. The new generation aircraft are not as quiet as predicted, the pandemic will delay their delivery;
 - Concerned that changes to condition 22 (car parking management) and 24 (travel plan) contain no details and fly parking in surrounding communities is an issue that LLAOL do not address;
 - With the economic uncertainty and aviation downturn there is no case for expansion
 - o *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Tingrith Parish Council:** object to the proposals for the following reasons:
- The original planning permission set limits on noise contours and passenger numbers and these have been breached in three successive years. There is no reason to believe that the airport will be able to manage its impacts in the future. Increasing the number of flights will mean increased noise.
 - Increasing capacity will be contrary to the advice of the Committee on Climate Change which advised that capacity should be capped. This would also be contrary to the Council's position having declared a climate emergency, whilst it is not required given the impacts of Covid on the demand for air travel;
 - The proposals would be detrimental to regional prosperity and economic growth, causing additional noise and air pollution, additional strain on surface access, and causing damage to people's health which all discourages other economic development;
 - Inadequate consultation and poor consultation documentation, with documents being subjective and confusing, with no measurable goals or target dates and no confidence in the sustainability claims given the airport's over-rapid expansion;
 - Conflict of interest with the Council owning the airport, incentivising the growth, effectively subsidising the airport with public money and not scrutinising the airport's performance against the approved noise control scheme.
 - o *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report. In terms of the conflict of interest, the Local Planning Authority is aware of its duty in determining planning applications, this issue is addressed in section (ix) of the report.*
- **Tring Rural Parish Council:** opposes the application on the grounds of:
- Noise: contrary to policy LLP6 which requires effective noise control (there has been a breach for three years) and significant diminution over time of the effects on local communities. The proposal will increase the noise effects which will carry on for years and not achieve the reductions sought by the planning permission;
 - Climate change: the CCC in 2019 recommended a 50% reduction in airport expansion to meet net zero by 2050, whilst aviation's emissions are expected to grow, even with more fuel efficient new generation aircraft

- Public health: the increase in noise and disturbance will result in loss of sleep and negative health effects impacting upon people's well-being.
 - o *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report.*
- **Widford Parish Council:** formally object to the variation of the planning conditions noting that LLAOL have continuously disregarded the conditions imposed on the original permission with the result that the increased operational hours and flights will have a detrimental effect on the health and well-being of the surrounding communities. The Parish Council had some sympathy with Luton Borough Council not taking enforcement action against a major contributor to employment, but considered that big business does not have the right to directly contravene conditions imposed by the LPA.
 - o *Officer Consideration: The representations are similar to those raised by the neighbouring local authorities and have been addressed in the body of the report (including the steps that the Council took to address the breaches of condition 10 in 2018 [see section xii of the report] .*

Other organisations

- **Buckinghamshire and Milton Keynes Association of Local Councils (BMKALC):** objects to the planning application for the following reasons:
 - The proposal is contrary to government policy which seeks to safeguard residential amenity to limit, and where possible to reduce, aircraft noise;
 - The application is also contrary to policy LLP6 of the Luton Local Plan which seeks to achieve noise reduction, or no material increase, whereas this application increase the noise impact without a compensatory boost to the local or national economy;
 - The application should have been accompanied by a properly evidenced and workable commitment to a further reduction in the noise contour limit;
 - The originally promised reduced contour limits for 2028 will not be achieved until 2031 representing an unwelcome three year delay for affected communities;
 - The Council's independent noise consultants question the adequacy of the data and modelling and whether the full effects can be assessed for 2025, 2026 and 2027 as data is not provided for these years;
 - There is uncertainty in the forecasts since the reduction in the size of the contours relies on the introduction of new generation aircraft which is outside the control of the airport operator, whilst the A321neo does not provide the noise reductions predicted. Any delay in securing new generation aircraft will result in a greater number of ATMs being necessary to achieve the 19mppa, with implications for further significant adverse noise impacts. A planning conditions should be imposed to limit the number of aircraft movements;
 - The increase in the noise contours of 11.3% for daytime and 15.3% for night-time are incongruously large compared with the percentage increase in aircraft movements of 0.8%, especially when the new generation aircraft are meant to be quieter. This is significantly larger than the contour in 2019 when LLAOL was operating at 18mppa (with an older fleet than predicted for the future);

- The mitigation measures are inadequate as they do not extend to areas in Buckinghamshire most impacted by aircraft noise (such as Dagnall). The grant scheme (Community Trust Fund) does not cover the whole of Buckinghamshire, with the former Chilterns DC and Wycombe DC being excluded;
 - The forecast increase in passenger throughput is premature and unreliable due to the uncertainties arising from Covid and Brexit. The increase of 1mppa by 2024 is not credible, with even the Airport Operators Association not expecting passenger numbers to recover until 2025 at the earliest. The application should be delayed until the government's aviation recovery strategy has been published;
 - The proposed expansion compromises net zero goals since emissions will increase even with the new fleet, and if the delivery of the new generation aircraft is delayed, the emissions will be even greater;
 - The Travel Plan only covers a portion of the area and does not identify adequate solutions to encourage a modal shift, such as a subsidy for a bus service from Aylesbury to the airport (currently there is no bus connection);
 - The effect on the public safety zone has been ignored, with no assessment of the effect of the change in fleet mix on the size of the PSZ.
 - o *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **Chiltern Conservation Board (CCB):** Recommend that a clear reporting structure be set up to allow for an understanding of: the extent of the noise envelopes; the number of new generation aircraft; the number of passengers. CCB considers that this monitoring information would assist with managing the noise contours in order to reduce them back to the levels that should have been achieved by the 18mppa permission or to reduce them still further.
- CCB oppose the relaxation of the noise contour control noting that the Local Plan recognises controlling aircraft noise is particularly important, with CCB considering great weight should be given to the need to conserve and enhance the AONB. CCB wish to understand how the relaxation would work with condition 11 (noise violation limits) and also how airspace changes will result in a more favourable impact upon the AONB. The CCB would wish to see tangible benefits in the future with improvement in quality of life and tranquillity in accordance with policy LLP6.
- CCB draw attention to the duty under s85 of the Countryside and Rights of Way Act 2000 for the Council to have regard to the purpose of conserving and enhancing the natural beauty of the AONB, and under paragraph 176 of the NPPF which requires great weight to be given to conserving and enhancing AONBs. The CCB response also included a summary of representations made to previous consultations (including the 2012 application to expand to 18mppa and LLAOL's consultation re the Master Plan proposal).
- o *Officer Consideration: The representations relate to the AONB, primarily covering noise and tranquillity, as such they have been addressed in section (v) of the report.*
- **Chiltern Society:** object to the proposed variation to condition 10 relating to the noise contours because of the adverse impact this would have on residents and users of the AONB. The Society considers that the rationale for the change to the contours does

not stand up to scrutiny and that due to a number of factors (listed below) there is no logical reason to relax the noise contour condition, namely:

- the impact of Covid means unlikely that passenger numbers or aircraft movements will recover to previous levels for several years;
- congestion and associated air traffic control (ATC) delays forecast to be less than 30% of 2019 levels and therefore less late arrivals and so less likely to breach night contours as before;
- by the time passenger levels return to pre-pandemic levels the fleet will be newer with more Airbus neos and Boeing Maxs, so contour expansion will not be required;
- airspace change will have been implemented separating the Stansted and Luton traffic and reducing the risk of delay to flights.

Officer Consideration: The representations question whether there is a need for the contour increase due to the impacts of the pandemic, introduction of quieter aircraft and likelihood of less delays from ATC over Europe. Section (v) of the report addresses noise, if the limits are not reached due to the measures noted in this representation, then the local community will be sharing the benefits of technological advances as advocated by national aviation policy.

- **Confederation of British Industry (CBI):** supports the proposal to increase passenger capacity to 19mppa since it will ensure future growth needs are accommodated and will enable recovery post Covid-19 pandemic. The proposal will not just benefit the immediate area but will generate jobs elsewhere in the economy (Oxford Economics report from 2015 found for every job created at the airport 1.9 jobs were created elsewhere). The proposal will benefit businesses in the supply chain in the wider region.

A plan for growth is vital as safeguarding jobs is just as important as job creation and planning for recovery and future growth post pandemic is important. Aviation plays an important role with connectivity for businesses with foreign markets which is important for the region and the UK as a whole, as well as being important for connecting people to other places and for the need to travel.

- *Officer Consideration: The representations support the proposal with economic benefits and safeguarding of jobs being considered in section (ix) of this report.*
- **CPRE Hertfordshire:** objects strongly to the proposed variation for the following reasons:
 - There has been no change in circumstances to warrant the proposed variation, rather the noise contours have been breached for the two years prior to the covid pandemic, and the proposal does not represent a balance between environmental protection and growth;
 - The need to enlarge the noise contour exists independent to the proposed increase to 19mppa, since the airport had been operating in breach of noise contours due to rapid growth in passenger numbers, delay in delivery of new generation aircraft and disruption in European air traffic control (ATC);
 - The justification for the change advanced above is not borne out by reality, the rapid growth was incentivised by the airport owner, the late arrivals were a result of accumulation of short delays on aircraft that are based at Luton rather than European ATC, whilst the promises of less noisy aircraft has not been realised;

- The replacement of older aircraft with new generation models may not occur as swiftly as anticipated in the application since Covid-19 has had a significant financial effect on airlines, whilst the Boeing 737max has been grounded and the A321neo has not produced the predicted noise reductions at Luton;
 - The noise contours are only being enlarged in order to enable the operator to claim that they are now compliant with the noise conditions;
 - The enlarged contours will apply until 2028, but the reduction at that point will not be to the smaller contour that would have been required by the current requirements of condition 10;
 - The proposal is contrary to the Local Plan since it will not achieve noise reductions nor a significant diminution of the effects of aircraft operations on local residents;
 - The proposal is not consistent with the government objective to limit and where possible reduce aircraft noise disturbance;
 - There is no evidence to demonstrate that the 5% increase in passengers will not result in congestion on local roads since the mode shift is based on the introduction of the DART, the fare structure for which is not yet known;
 - There are potential adverse climate change impacts associated with the proposed development; and
 - There is uncertainty with the recovery of passenger leisure travel and the forecast is overly optimistic.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **Federation of Small Businesses:** support the proposal since Luton is reliant on the airport for much of its local economy and small businesses make up a large proportion of direct services to the airport and the supply chain. The variation will bring jobs and innovation into the town which will help revive the local economy and lower levels of deprivation. The proposals are important not just for Luton but for the towns and villages in the neighbouring area. The Federation of Small Businesses would like to see priority given to small firms in terms of the focus moving forward.
- **Fishpool Street Residents Association:** object strongly to the application for the following reasons:
- Conditions on the original permission were imposed to safeguard the amenities of residents and the reason for the conditions has not changed but the airport has breached the conditions for three years;
 - The application does not justify the airport's claim that there would be economic growth generated by the proposals;
 - Any expansion would be contrary to the Luton Local Plan which states a need to achieve further noise reductions;
 - The EIA estimates that 724 residences would be exposed to disturbing noise by 2022;
 - The predictions of quieter aircraft have been consistently wrong and there is no evidence of their imminent introduction;
 - The increase in movements would produce higher CO2 emissions which is contrary to national policy to reduce emissions;
 - Surrounding communities have suffered from adverse effects from operations at the airport in breach of planning conditions and no consideration should be given to further changes until the existing obligations have been complied with.

- *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **Hertfordshire Association of Parish and Town Council's (HAPTC):** Comment that the application is based on an increase in passenger numbers to 19mppa and an increase in night flights and consider the application to be retrospective as before the pandemic LLAOL were already operating in contravention of existing planning conditions. HAPTC consider there to be a conflict of interest for the Council as no enforcement action had been taken against the airport. HAPTC object to the proposal for the following reasons:
 - LBC and LLAOL committed to a number of noise abatement, flight and passenger controls in the 2012 application, many of which have been broken;
 - LLP6 requires effective noise controls, but these have been breached for three years;
 - Increase in passenger numbers will result in a substantial increase in arrivals and departures (in excess of 2,000 ATMs) resulting in further harm to communities in Hertfordshire;
 - Existing and proposed transport facilities do not have adequate capacity. There will be gridlock together with additional emissions from road traffic;
 - The increased contour for the night period of 5.7sqkm is much greater than the daytime increase (2.2sqkm) and will exacerbate harm to health (noting between 2013 and 2019 there was a six fold increase in night flights);
 - New generation aircraft have not delivered noise reductions and LLAOL should insist on airlines using quieter and cleaner aircraft before any capacity growth;
 - A fully researched Carbon Reduction Plan is essential before the application can be decided since the airport creates significant local and national emissions;
 - Proposal is contrary to the Local Plan which seeks to “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.”HAPTC comment that if the LPA are minded to grant planning permission then it should be subject to strict conditions, including use and research into plant based fuels.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report. The comment that there will be in excess of 2,000 additional aircraft movements does not reflect the details in the planning application.*
- **Friends of the Earth:** object to the proposed development for the following reasons:
 - Noise: poses a threat to people's physical and mental health and wellbeing with the noise contours having been frequently breached with the Council failing to comply with its legal obligation to protect residents from harm;
 - Air quality: the increase in flights will increase emissions, whilst the increase in passenger numbers will increase private vehicle movements, congestion and emissions;
 - Employment: the proposal would not generate additional employment above the numbers in 2019;
 - Climate crisis: the increase in flights will result in additional emissions and would not accord with the UK's 6CB which incorporates international aviation into the

budget and seeks to cut emissions by 78% by 2035. The CCC also advocated no net airport expansion in their report in December 2020;

- Luton's climate emergency: the airport's Carbon Reduction Plan is a wish list, but only refers to cuts in emissions associated with Scope 1 and 2 and not the major emissions which are out of their direct controls (namely aircraft movements and vehicle movements to and from the airport);
 - Unacceptable pollution: in 2019 Luton was the most polluted town in the UK, an increase in aircraft movements and transport would aggravate breathing difficulties and ill health, compounding problems of poverty within Luton;
 - There were also a significant number of matters raised that were not relevant to this application, such as the destruction of Wigmore Valley Park to make way for a new terminal; release of toxic gasses from building on the former landfill; Vauxhall workshops could build emission free vehicles; the need for anaerobic digesters for the town's food waste; using nearby land for food growing, etc.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report. The comments about the use of Wigmore Valley Park, the new terminal, the release of landfill gasses, and anaerobic digesters are not relevant to this planning application (the application site is clearly defined as are the terms of the application which seek to vary conditions on an existing permission).*
- **Hitchin Forum:** The objection considers the proposal to be based on a flawed business case that fails to take account of current realities and seeks to perpetuate the airport's unhealthy economic relationship with Luton and the surrounding area. In addition the noise predictions and promises are based on similar commitments from 2012 that proposed the introduction of quieter aircraft. With the impact of the pandemic on the profitability of airlines, there is no reason to believe that the promises would be any more successful than the previous promises, with the economic conditions post pandemic likely to impact upon the rate of fleet modernisation. The proposals will increase the number of private vehicle trips, with inadequate infrastructure to provide for public transport from the east, and will lead to an increase in congestion, noise and poor air quality to residents in Hitchin. In terms of the CRP, LLAOL could directly impact scope 3 emissions (from aircraft) by halting expansion plans until airlines have reduced their emissions.
- *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **Luton And District Association for the Control of Aircraft Noise (LADACAN):** object for the following reasons:
- **Need has not been established:** LLAOL have not demonstrated the need for an increase from 18mppa to 19mppa, whilst the Covid-19 pandemic has resulted in demand being significantly below the levels predicted in the 2012 application.
 - *Officer Consideration: There is no requirement for LLAOL to demonstrate a need for the increased capacity, this has been addressed section (i) of the report.*
 - **Contrary to the Local Plan:** the proposal increases the area within the day and night-time noise contours, introduces 1,877 properties into the SOAEL, provides inadequate mitigation and as such is contrary to policy LLP6 B (iv), (v), (vi) and

- (vii) failing to identify appropriate forms of mitigation, or achieve further noise reduction or no material increase in noise, nor effective noise control, nor secure significant diminution or betterment effects for local residents over time.
- *Officer Consideration: Compliance with policies in the Local Plan has been addressed in the body of the report.*
- **Contrary to the APF:** the proposal fails to strike a fair balance between the negative impacts of noise and the positive economic impacts of flights, increasing the daytime and night-time noise contour, relying on the introduction of 'less noisy' aircraft which has not been achieved to date. The proposal fails to reduce and mitigate noise and the noise insulation offered is not adequate mitigation. The proposal does not achieve the government's overall policy on aviation noise which seeks to limit and where possible reduce the number of people significantly affected by aircraft noise.
- *Officer Consideration: Noise has been addressed in section (v) of the report.*
- **Errors in forecasting and noise modelling:** on the basis of the Quarterly Monitoring Reports produced by LLAOL, LADACAN contend that the 63dB contour (representing the summer day time SOAEL) and the 55dB summer night-time contour (representing the night-time SOAEL) would be smaller than that modelled, and consequently the number of dwellings exposed to significant adverse noise effects (the SOAEL) would be 120 greater than modelled for the day time period. The baseline position is not clear and gives a misleading noise level 'with development' since the years 2017, 2018 and 2019 are years when the airport was in breach of the noise contour caps imposed by condition 10. The noise modelling and calibration is not accurate as the spot noise results in tables 8F.1 and 8F.2 do not correlate with LMax levels recorded by the airport at the monitoring locations. The references to the performance of the A321neo do not reflect LLAOL's own data published in Quarterly Monitoring Reports or in published Community Noise Reports which demonstrate that the new generation aircraft is noisier than the older A321ceo. The modelled fleet mix for 2021 does not reflect that actual fleet mix for the current year when cross referencing with Quarterly Monitoring Reports and the airport's Travis tracking system.
- *Officer Consideration: Noise is addressed in section (v) of the report. The Council's noise consultant recognises that the structure and content of the noise chapter of the ESA were not set out in the clearest manner to assist members of the public in understanding the information. This lack of clarity resulted in further information and clarification information being submitted, all of which has been assessed by the Council's noise consultant. The Council's noise consultant did consider that it would be helpful to have provided updated forecasts of aircraft movements and associated fleet mix for the years between 2024 and 2028, however, this is not considered essential as 2028 is the year of full operating capacity according to the 2012 environmental statement and this has been assessed. Further, post 2028 analysis of noise levels demonstrates that the condition 10 limits can be achieved, albeit with a delay.*
- **Inappropriate baseline:** LLAOL's use of 'Current 18mppa Condition 10 contour' is confusing and it is not clear what the baseline date is for the assessment, with 2019 being inappropriate as the airport exceeded the permitted contours at the

time of handling 18mppa, further the baseline up to 2028 for the 18mppa without development should be less as there should be a steady reduction in exposure of dwellings through the Noise Reduction Strategy required by condition 10;

- *Officer Consideration: Noise has been addressed in section (v) of the report with the 2019 data not being used as a baseline for noise, as although the airport was operating at 18mppa, it was in breach of the planning condition (this is explained in the noise chapter of the ESA).*
- **Harmful to health:** The airport has been in breach of the noise contour limits in 2017, 2018 and 2019, with the measures implemented by LLAOL being inadequate and the Council failing to enforce the controls. The proposal will increase the level of noise which will be harmful to health as noted by LBC's Environmental Protection team and is contrary to policy LL38.
 - *Officer Consideration: Health has been addressed in section (viii) of the report.*
- **Uncertainty and lack of transparency:** The application relies on forecasts which are out of date and over optimistic.
 The forecast fleet mix does not reflect the current reality and is over optimistic. There is not enough emphasis on the number of movements, with the assumption being that the 5.86% increase in passenger numbers will only result in a 0.83% increase in ATMs. If the number of movements is greater the noise impacts will increase significantly.
 Reference is made to a spreadsheet on consolidated movements for the 19mppa forecast, however that information was not included within the application and has not been provided.
 The 'without development' should reflect the gradual increase to 18mppa that was anticipated in the 2012 application, with a similar gradual decline in the area within the 57dB daytime contour and 48dB night-time contour by 2028.
 - *Officer Consideration: Uncertainty has been addressed in section (iii) of the report.*
- **Inaccurate and misleading information:**
 The 2021 Master Plan is misleading to imply that the timeframe for reaching 18mppa was to be 2020, when the 2012 Master Plan and application proposed 2026/2028.
 The application includes inaccurate statements in relation to the airport's commitment to manage and control noise which it has failed to undertake and the Council has failed to scrutinise.
 The growth trajectory in the original application is inaccurate which calls in to question the forecasts and commitments made by the applicant to control noise. Consider that there is a lack of data in relation to Breachwood Green (to the east of the airport), one of the villages most impacted by noise from aircraft
 There is a discrepancy between the summer night-time ATMs and the 48dB noise contour for the years 2016 and 2017, which bring into question the modelling
 The Noise Action Plan contains untrue statements, claiming that the airport will operate within its agreed contours.
 - *Officer Consideration: Noise has been addressed in section (v) of the report.*
- **Council failure in governance:** By incentivising growth the Council failed to resolve the conflict of interest in its position as LPA and airport owner.
 - *Officer Consideration: The actions of the Council in 2018 have been set out in the report together with the steps the airport operator has taken.*

- **Mitigation is inadequate:** the Council should ensure that other benefits are achieved prior to any further capacity increase, including: airspace change to increase continuous climb; introduction of new generation aircraft at a more rapid rate; working with industry to encourage the faster take-up of greener fuels and reduce overall carbon emissions; and encouraging a greater shift to public transport by passengers to reduce congestion and improve air quality.
 - *Officer Consideration: Noise has been addressed in section (v) of the report.*
- **London Luton Airport Town and Village Communities Committee (LLATVCC):** object for the following reasons:
 - The airport has been in breach of the noise conditions which were set by the LPA to safeguard residential amenity and to align with the government objective to limit and where possible reduce the level of aircraft noise.
 - The reasons given for the breach by LLAOL have not been due to the growth in passenger demand, but rather financial incentives from the airport owner.
 - The delivery of new generation aircraft has not kept pace with the growth of the airport, and the aircraft have not delivered the noise reductions indicated in the original modelling (most notably the A321neo).
 - The increase in dwellings exposed to significant observed adverse effects is contrary to policy LLP6 of the Local Plan which seeks to achieve further noise reduction and no material increase in day or night-time noise and expects the airport over time to result in a significant diminution and betterment of the effects of aircraft operations on the amenities of local residents.
 - The increase is also contrary to government policy which seeks to limit and where possible reduce aircraft noise disturbance.
 - The worst case scenario is overly optimistic and relies upon the introduction of less noisy aircraft which is not within the airport operator's direct control.
 - The applicant states that the 5% increase in passengers will not result in congestion on the local road network, relying on the DART to encourage a mode shift, though nothing is known about the charging structure for that.
 - The economic benefits are not clear within the planning statement and do not take into account the fact that outbound travellers cost the national economy more than inbound passengers contribute to the UK economy.
 - The Council's Climate Action Plan prepared by Anthesis indicates that if aviation emissions continue to increase they will reduce the available carbon budget for the borough
 - There is uncertainty with the application, firstly with how leisure travel may recover post pandemic and secondly with the introduction of new generation aircraft to the airport.
 - The application is premature and should be deferred until there is more certainty over passenger demand and the replacement of the noisier aircraft is demonstrably under way.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*

- **St Albans Quieter Skies (STAQs):** raise a strong objection to the application, noting that:
 - It would not be necessary if the original planning conditions had been respected and the noise contours approved in relation to the 2012 application represented a balanced approach to match growth in capacity with quieter aircraft;
 - LLAOL have no respect for the planning conditions and the LPA does not enforce them, the steps taken to address the initial breach in 2017 were too little and too late;
 - There is no guarantee that the breach would not just happen again if the conditions are varied and there is a lack of trust from the local community;
 - Next generation aircraft were not delivered at a slower rate than anticipated, rather growth was accelerated. However, going forward there is no guarantee that new aircraft will be delivered as Wizz and easyJet have not taken delivery of any within 2021. Additionally the noise reductions attributed by Bickerdike and Allen to the A321neo in the ESA have not been realised in practice and so they cannot be relied upon.
 - The noise insulation is only partial and is of no benefit while residents are in their gardens or wish to open their windows, and there are no mitigation measures for those impacted by aircraft noise who are not within the specified contours;
 - No report was provided in relation to greenhouse gas emissions and the airport should not expand until a robust mechanism to offset existing damage to the environment has been implemented;
 - Passenger throughput at the airport between 2014 and 2020 was 10% above the upper end forecasts from the 2012 application and therefore LLAOL and LLAL have benefited financially. STAQs do not consider that increasing the number of passengers and flights should be allowed at the expense of increased noise and traffic impacts upon the local community.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **St Michael's and Kingsbury Society:** the residents' society strongly object to the application and support the objections from St Alban's District Council. The St Michael's area of St Albans has suffered a major increase in aircraft noise, pollution and disruption from the airport's growth which will be accentuated by the proposed expansion. The Society is particularly concerned of the past record of enforcement in relation to noise conditions and has no confidence that the local planning authority will control any further agreed limits.
 - *Officer Consideration: The representations are similar to those raised by others and have been addressed in the body of the report.*
- **Birketts LLP (on behalf of LADACAN, STAND, STAQS, SLFFL and SLAE):** wrote to express concern that in the event the Council grants planning permission a significant amount of income would be brought in to the Council, together with the fact that the Council's incentivisation scheme encouraged the rapid growth that led to expansion ahead of noise mitigation resulting in a breach of condition 10. Birketts remind the Council of the need to be transparent and impartial when determining the application, noting that if the Council were to grant planning permission because of a more favourable commercial outcome than that would be an unsafe decision. Birketts remind the Council that the application should solely be determined on its planning merits in accordance with national and local planning policy unless there are material

considerations that indicate otherwise. The objection concludes that given the additional noise and environmental impacts which would result if the application is granted, watering down of the conditions for the protection of residential amenity would be unreasonable and that condition 10 should be enforced and condition 8 upheld.

- *Officer Consideration: The potential conflict has been addressed within the economic section of the report.*

- **London Luton Airport Limited (LLAL):** LLAL are the owners of the airport and wrote to express their support for the proposed expansion noting that it was important in terms of the airport's recovery post pandemic (providing certainty for airlines planning their routes) and would safeguard the long-term economic wellbeing of the airport. LLAL contend that that if expansion is not permitted the airport would be at risk of losing out to other airports that have spare capacity, which would mean not only Luton and sub-region losing out on the additional jobs and boost to the economy. Additionally LLAL refer to the potential for airlines to leave Luton if they perceive that the airport is not attuned to future growth, raising a question mark against existing routes.

LLAL note that the decline in passenger numbers due to the pandemic has jeopardised companies based at the airport, noting the airport is one of the largest employers in the region (10,000 people employed directly and 17,000 in the supply chain).

LLAL also draw attention to the fact that the proposal involves no additional construction but seeks to make best use of existing infrastructure in line with government policy. Reference is made to the findings of the ESA with only a small increase in the noise footprint, with the carbon footprint being reduced to be carbon neutral by 2026 and achieve net zero in 2040.

Reference is also made in relation to the benefits arising from the airport, including greater connectivity, providing income to fund 15% of the Council's frontline services, together with providing £8.5m in support per year for community groups.

- *Officer Consideration: Economic issues are addressed in section (ix) of the report.*

Appendix B

Independent Climate Change Advice to Luton Council



Ricardo
Energy & Environment

Update to the Review of Luton Airport proposal to allow 19mppa: implications for carbon emissions

Report for Luton Borough Council on

Planning Application 21/00031/VARCON to vary conditions to Planning Permission
15/00950/VARCON

Report ref ED15094100

Customer:

Luton Borough Council

Customer reference:

ED15094100

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1 Purpose of this note

1. My original note assessing climate impacts was provided on 28 May 2021. There has been significant policy development since then which is important to the decision, and which is updated here.

2 The basis for advice

2. I acted as expert witness on carbon emissions for North Somerset Council at Bristol Airport and Uttlesford District Council at Stansted Airport at appeal and public inquiry, following the refusal of planning permission for both airports' expansion proposals on grounds which included carbon.
3. I have drafted the energy strategy for the DCO for the decarbonisation of ground based emissions for the proposed DCO for Luton Airport.
4. Ricardo also audits the airport for LLAOL under Airport Carbon Accreditation Scheme.
5. Because I have not been involved in the assessment of aviation emissions, which is the major issue with the planning application being considered (ref: 21/00031/VARCON), I do not feel that there is any conflict of interest in assessing the impacts of the proposal. All parties (the applicant, the council and LLAL) have been aware of this position from the outset.

3 Policy up to the original advice on carbon in May

6. Policy has been evolving rapidly but in summary:
 - a. Aviation policy is set by ANPS and MBU which were written on the basis of an 80% cut by 2050.
 - b. In 2019 UK Climate Change Act target increased from 80% to net zero.
 - c. International Aviation has been outside the scope of Climate Change Act, with a planning assumption which allowed for aviation emissions, as part of the remaining 20% of emissions, but there is no room for a planning assumption if emissions are zero.
 - d. The Climate Change Committee provided advice on the sixth carbon budget in Dec 2020, advising a 78% cut by 2033-37 budget period, to include aviation within net zero.
 - e. Government accepted the 6th Carbon Budget headline targets but not the policy detail
 - f. The mechanisms to deliver were trading schemes (UK ETS and CORSIA) and taxes (APD) but further measures were needed to deliver this more demanding target.
7. The Advice in May concluded:

-
- a. The Planning Statement was considered to be out of date because it was based on the 'planning assumption' and it was difficult to see how MBU was compatible with the sixth carbon budget and net zero
 - b. The Environmental Statement at the time was remiss in that surface access, ground activities, and Domestic Aviation have been included in the UK carbon target since 2008, and since 2018, this target has been net zero by 2050. There are new intermediate targets and since 2020 and the UK NDC, this has been a 68% reduction by 2030. Proposed mitigations are limited energy efficiency improvements to airport buildings and promotion of the use of public transport for airport employees and passengers, and other measures were considered to be needed in order to achieve net zero for these activities. This has since been addressed by the draft Carbon Reduction Plan.
 - c. If the proposal is consented there is a need for conditions to make the application acceptable in relation to carbon emissions.

4 Policy since the original advice note in May

- 8. Since the end of May the need for further policy to meet more demanding policy targets has been addressed by:
 - a. The **Transport Decarbonisation Plan**¹ and with it the **Jet Zero consultation**² (both 14 July 21) which proposed supporting improved technology (including efficiency, Sustainable Aviation Fuels, electric and hydrogen aircraft, and offsets and removals of remaining carbon emissions) over capacity constraint in order to achieve net zero carbon emissions from aviation.
 - b. **A Consultation on Sustainable Aviation Fuel Mandate**³ (23 July 21) a key technology with proposals for a mandate for up to 75% SAF by 2050.
 - c. **The UK Hydrogen strategy**⁴ (17 August)
 - d. **Updated Carbon Valuation for use in policy assessment**⁵, (2 Sept) which will underpin policy including decisions on (for example) UK Emissions Trading Scheme, a Mandate on Sustainable Aviation Fuel and Air Passenger Duty. The value of carbon has increased by a factor of 10 today, 4 by 2030 and 2 by 2050. If fuel costs go up through

¹ <https://www.gov.uk/government/publications/transport-decarbonisation-plan>

² www.gov.uk/government/consultations/achieving-net-zero-aviation-by-2050

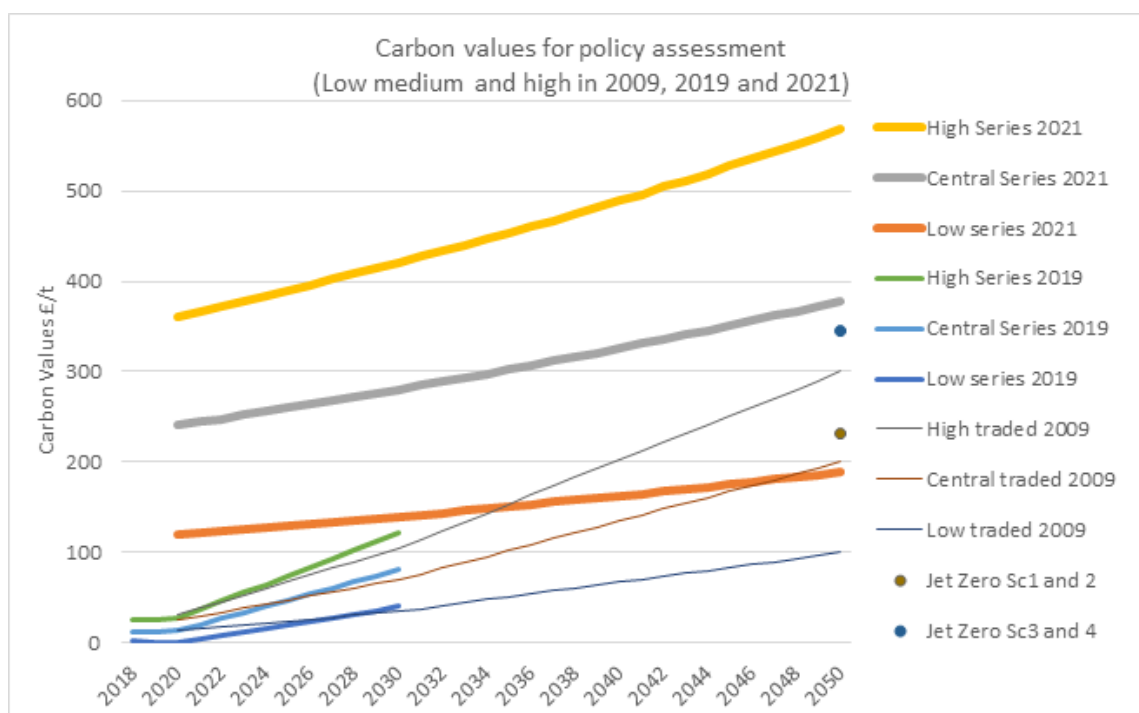
³ www.gov.uk/government/consultations/mandating-the-use-of-sustainable-aviation-fuels-in-the-uk

⁴ www.gov.uk/government/publications/uk-hydrogen-strategy

⁵ www.gov.uk/government/publications/valuing-greenhouse-gas-emissions-in-policy-appraisal/valuation-of-greenhouse-gas-emissions-for-policy-appraisal-and-evaluation

policy, then this may need reflecting in ticket prices, and this may significantly impact calculations of cost effectiveness of airport expansions.

Figure 1 Carbon Values in UK policy assessment (2009, 2019, and 2021)



- e. **Decision on requests to review Airports National Policy Statement (ANPS)**⁶ – (6th Sept), where Ministers considered whether there was a need to review the Airport National Policy Statement at the present time, and concluded they did not need to, but may revisit after the publication of decisions following Jet Zero. The clear implication is that Government considers ANPS, and by implication its sister publication for smaller airports, MBU, still stand.
- f. The Governments over-arching **Net Zero Strategy**⁷ (19 Oct) published just before COP26, reinforced the strategy of delivering technology change rather than behaviour change. The PM's foreword is particularly telling and said *"this strategy shows how we can build back greener, without so much as a hair shirt in sight. In 2050, we will still be driving cars, flying planes and heating our homes, but our cars will be electric gliding silently around our cities, our planes will be zero emission allowing us to fly guilt-free, and our homes will be heated by cheap reliable power drawn from the winds of the North Sea"*. The emphasis on technical change not capacity constraint is clear.

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015207/decision-on-requests-to-review-the-anps.pdf

⁷ www.gov.uk/government/publications/net-zero-strategy

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- g. At COP26 in Glasgow government announced an **International Aviation Climate Ambition Coalition**⁸, (10 Nov), where countries committed to ambitious action on international aviation emissions, including through a new global goal and promotion of cleaner fuels and technologies. Among other things, member states of the coalition have committed to working together to raise the ambition of the (currently relatively unambitious) CORSIA offsetting scheme via ICAO (the International Civil Aviation Organization). In a sense this is the culmination of policy in that the government recognises that capacity constraint is not a policy that can be sold internationally, whereas ambition on technology is.
- h. **The Union Connectivity Review**⁹ (26 November) reinforced the technology development over capacity constraint view of restraining aviation emissions. There is an opportunity for the UK Government to adopt a more interventionist approach to slot assignment at London airports in support of domestic routes where there is not a viable road or rail alternative.

5 Policy Conclusions

9. The conclusions and recommendations are that

- a. **CCC recommendations on 6CB.** Advice is just advice not policy. The government said it would take on board the advice, including bringing international aviation under the carbon budget, but was explicit in not accepting individual policy measures.
- b. **Stansted appeal decision.** Inspectors stated that MBU is a recent expression of government policy, that it thoroughly tests the potential implication in terms of climate change and was given in the full knowledge of the government commitment to CCA. This was reinforced by the High Court decision in Oct 2021.
- c. **Jet Zero consultation** –Government did not take on board the capacity constraint that CCC advocated, and Jet Zero was explicit that MBU and APF are the most up to date national aviation policy and still carry full weight, and the consultation lays the ground for a 60% increase in passenger numbers. Net zero in this context will be very hard to deliver and was severely criticised at the Bristol Airport public inquiry because it did not explore capacity constraint options (which CCC said were the cheapest form of carbon emission reduction), and it did not assess the risks that targets would not be delivered. Whilst it will be extremely challenging to deliver the Jet Zero strategy, it is currently hard to see an inspector or court setting aside the emphasis on technology rather than

⁸ www.gov.uk/government/publications/cop-26-declaration-international-aviation-climate-ambition-coalition

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1036027/union-connectivity-review-final-report.pdf

capacity constraint which is now consistent across several policy publications and decisions. However, under the Climate Change Act, the Secretary of State still has a duty to meet net zero, and if technology does not deliver the carbon savings anticipated in Jet Zero, Government may need to revisit the issue of capacity constraint.

5.1 Assessing the application against policy

10. In this case
 - a. The increase in capacity does not need additional physical development but is achieved within existing facilities. There is no embedded carbon and no additional investment in facilities at risk.
 - b. The additional capacity is achieved largely by bigger aircraft. The increase in flights is <1% of current total (going from 141k to 142k).
 - c. Emissions from aircraft can be addressed by national policy and airlines (with or without the development) will have to meet UK policy objectives. The proposal is within the bounds of modelling under Jet Zero and under MBU.
 - d. Emissions can be further influenced through conditions, including a Carbon Reduction Strategy which should be reviewed regularly, eg in line with UK policy and in line with UK Carbon Budgets.

5.2 Conditions

11. LLAOL could be conditioned to update the Carbon Action Plan for ground based emissions, reviewed in line with UK carbon budgets.
 - a. Including targets of a 68% by 2030 in NDC, and the 78% cut by 2033-37 in 6CB (in order to meet UK climate change objectives)
 - b. Meet Luton target of net zero for ground based operation by 2040 (in order to be consistent with local policy)
 - c. Electric vehicle charging is a particular issue. The Outline Carbon Reduction Plan states (p21) *"In partnership with LLAL and LBC provide the infrastructure for 40 to 60 electric vehicle (EV) charging points by 2030, considerate of EV charging requirements, in line with the planned phase out of new petrol and diesel cars in the UK by 2030"*, i.e. circa 0.5% of spaces, when by 2030, National Grid is projecting 15-30% EV uptake, so 15-30% of spaces may need access to chargers. (in order to support national policy objectives)
 - d. The Carbon Reduction Strategy should going forward show how the airport will implement UK targets for net zero aviation, including changes in infrastructure within the airport boundary to support airlines in decarbonising.



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