

**From:** [REDACTED]  
**Sent:** 29 November 2021 09:47  
**To:** LBC Development Control <LBCDecCon@luton.gov.uk>; Sahadevan, Sunil  
[REDACTED]; DL-LBC Democracy Team [REDACTED]  
**Cc:** 'Paul Donovan' [REDACTED]; 'Stephen Boulton'  
<Stephen.Boulton@hertfordshire.gov.uk>  
**Subject:** URGENT: Call to postpone determination of 21/00031/VARCON and further representation  
**Importance:** High

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Dear Development Control, Head of Planning and Democratic Services,

Please see our attached further representation in respect of the above planning application, in which we evidence compelling reasons to postpone determination until your expert consultant has reviewed the fundamental underlying issues which we have raised concerning the basis on which the potential noise impacts have been assessed. We have also called into question the fairness and balance of the report to the Committee, and the effectiveness of many of the recommendations.

We apologise for the lateness of this submission, but had been trying without success to obtain further clarification from your Planning Officer and the Applicant.

Regards,

Andrew

Andrew Lambourne  
Chair, LADACAN  
[www.ladacan.org](http://www.ladacan.org)



# for a quieter life

[info@ladacan.org](mailto:info@ladacan.org)

LADACAN

Development Control  
Luton Borough Council  
Town Hall  
George Street  
Luton LU1 2BQ

**URGENT**

By email to: [developmentcontrol@luton.gov.uk](mailto:developmentcontrol@luton.gov.uk) and [Sunil.Sahadevan@luton.gov.uk](mailto:Sunil.Sahadevan@luton.gov.uk)

29 November 2021

Dear Sir / Madam

**Planning Application 21/00031/VARCON – London Luton Airport - 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 (“the Application”).**

The report from the Head of Development Management to the Development Management Committee issued on 19 November 2021 (“the Report”) does not in our view provide a reliable basis for making a safe determination of the Application. We provide evidence here and urge you to act with due probity.

Government guidance makes clear *“The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects”* and goes on to say *“The Environmental Statement must include at least the information reasonably required to assess the likely significant environmental effects of the development listed in regulation 18(3) and comply with regulation 18(4).”*<sup>1</sup>

We have shown, and evidence below, that information in the Environmental Statement (on which the Planning Officer’s recommendation is based) is unreliable, hence the determination may be unsafe.

Section 1 of our third representation (16 Sep 2021) details inaccuracies in the fleet mix forecast even for 2021, and inaccuracies in the calibration of the noise model underpinning the whole assessment of noise impact. Section 2 of that representation questioned the “without development” scenario upon which the comparison of noise impacts depends. These representations are dismissed by the Report, and no further independent investigation of these issues by your noise consultant has been reported.

Your Planning Officer declined to answer our emailed queries of 15 Nov and suggested we raise these with the applicant, whose responses of 25 Nov do not provide transparent answers. The matters we raised go to the heart of the noise modelling (over which far more care is being taken in the DCO Noise Envelope Design Group, on which I sit) and fundamentally affect the entire noise impact assessment.

To emphasise the importance of these and other issues, we have produced this further representation.

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<sup>1</sup> See <https://www.gov.uk/guidance/environmental-impact-assessment>



## 1) “Without development” scenario for noise comparisons

Figure 1 below shows the night noise contour area, which Planning Condition 10 is designed to control. A similar approach to that which we describe below applies to the daytime noise contour area.



Figure 1: night noise contour area plotted against year (data from Annual Monitoring Reports to 2020)

The **red line** represents the existing Condition, applying in the “without development” case (along with the Condition 8 passenger limit of 18mppa) to control noise. Its initial limit is set at 37.2sq km, and it is required to reduce to 31.6sq km by 2028 in line with a noise reduction strategy produced by LLAOL.

The **blue line** represents the actual growth in that contour, accelerated by the incentivisation scheme.

The black line shows the effect of COVID – not the effect of proper management or scrutiny of LLAOL.

The **green line** represents the opportunity for “green managed growth”, which Luton Rising supports.

In terms of this Application, it is essential to have clarity on the “without development” scenario for noise. This is the scenario in which the noise contours from 2014 onwards never exceed their limits and the passenger numbers never exceed 18mppa – in other words, a well-managed airport. It is not evident from the extensive documentation, nor the responses to our enquiries, nor the Report, that this scenario has been correctly modelled and quantified for each of the future years. Without this, the Development Control Committee cannot have any certainty that the relative impacts of the proposed “with development” scenario have been calculated correctly, since those relative impacts are used to assess how many more homes fall into the LOAEL and SOAEL areas, and noise insulation requirements.

## 2) “With development” scenario for noise comparisons

In addition to the above uncertainty, the evidence we earlier provided relating to inadequacies in the noise model mean that the supplied “with development” contour areas appear to be unreliable, which means that the relative impacts are again called into question, and hence cannot be reliably assessed.

Further to the above, we also raise here other significant concerns about other areas of the Report. The headings below correspond to those in the Report. We have kept our further comments as brief as possible, and urge you to ensure that the DevCon Committee is not convened until it has accurate and reliable information upon which to base its decision, and adequate time to consider that information.

### **3) Recommendations**

Recommended resolution (01)(i) is unsafe because insufficient relevant information has been provided as to the need for the development, given that its impacts are to the detriment of residential amenity.

Recommended resolution (01)(ii) is unsafe because noise insulation would not be able to be installed in time to mitigate all affected properties, and noise insulation alone is not mitigation at source as required by ICAO, nor is it effective where people wish to have windows open at night, live in listed properties, or to be outdoors.

Recommended resolution (01)(iii) is unsafe because the description of the development does not provide sufficient certainty as to the extent or the timing of additional noise impacts, as we and others have previously highlighted:

- the forecasting is not sufficiently precise to identify the worst affected year with any certainty;
- clear, transparent and self-consistent data has not been provided to enable the noise impacts reliably to be calculated, nor the “without development” scenario to be readily understood or checked;
- aircraft noise modelling is inaccurate in respect of spot-LAeq values and this gives no confidence that the noise impacts in the “with development” case can have been reliably calculated
- contour area data from Bickerdike Allen Partners does not correspond between different reports or plots (see example below, and our previous representations)

Recommended resolution (01)(iv) is unsafe because the applicant has not justified why the alternative of controlling capacity at the Airport in line with the extant planning permission and conditions would not be an appropriate way to build back better and greener following the pandemic and in light of the Climate Emergency, nor provided any outline or study of this alternative.

Recommended resolution (01)(iv) is unsafe because the Report does not provide a balanced summary of the information provided by the applicant relevant to the development, nor of the overall planning context, nor of the representations which demonstrate deficiencies in the information provided, but simply cherry-picks arguments in favour of the proposed development.

Under section 2(b) of the Report, the recommended controls in (i) are unsafe in the following respects:

A3 – the current noise management plan, which includes the provisions of Condition 10 and the Noise Action Plan, was not adhered to by the applicant in its management of the Airport, nor by the Council in its Condition 10 scrutiny obligation under the existing Section 106 Agreement, and no evidence has been provided to demonstrate that future control or scrutiny will be any more effective.

A7 – there is provision for an annual airport monitoring fee in the existing Section 106 agreement but as we have evidenced in our representations, such scrutiny was clearly inadequate and no evidence is given to show that future monitoring would be any more effective.

Taken together, the concerns we raise in this document indicate that the Report needs further careful work before it can safely be used as the basis for a balanced and properly informed decision.

#### 4) Background

Paragraphs 9 and 11 of the Report allude to “the temporary increase in the area included within the daytime and night-time noise contour cap”. This is misleading: the increase, with respect to the extant provision which describes the noise contour areas until 2028, is permanent during that period since the increase does not fall below the existing long-term limit of Condition 10, as paragraph 13 confirms.

Paragraph 15 is misleading, since it compares proposed aircraft movements to those which occurred in 2019, a year in which the Airport was in breach of Condition 10 due to too many aircraft movements. Furthermore, the comparison of projected aircraft movements in 2028 to those envisaged in 2012 is misleading since no account is taken of up-to-date information about the fleet mix, and the future fleet mix projection used in 2012 application is significantly different to that which has actually evolved. Had the “without development” scenario been adequately modelled as we suggest, valid comparison of the 2028 aircraft movements between this and the “with development” case could then have been made.

#### 5) Policy Implications

The central argument on climate change relies on the Government’s 2018 Making Best Use of Existing Runways (MBU) which, as the name suggests, supports airports making best use of their existing runways, and states also that emissions from aircraft should be addressed at a national level. This approach is flawed for the following reasons:

- MBU is not unconditional: the government is clear that expansion of any airport must meet its climate change obligations to be able to proceed.
- At the time of publication, the Climate Change Act required an economy-wide 80% reduction below 1990 levels by 2050, with aviation emissions in 2050 expected to be no higher than the planning assumption of 37.5MtCO<sub>2</sub>.
- The Government’s own assessment of MBU could not demonstrate compliance with the planning assumption, and estimated that MBU plus Heathrow expansion would result in nearly 40MtCO<sub>2</sub> by 2050. However, MBU assumes that there will probably be sufficient additional abatement to make up for this overshoot.
- The Government’s national level carbon assessment of its MBU policy was based on further airport expansions (beyond Heathrow runway 3 and natural growth at other airports within existing limits/permissions) resulting in an additional 11mppa by 2050. Recent approvals at Southampton and Stansted have already used up most of this allowance. Growth beyond 11mppa has not been assessed.
- MBU was written before the amendment to the Climate Change Act to legislate for net zero. This makes the 37.5MtCO<sub>2</sub> planning assumption obsolete, replacing it with a new Government policy to deliver net zero aviation by 2050.
- Footnote 39 of the Jet Zero consultation states that MBU and the *Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England (2018)* are the most up-to-date policy on planning and airport development. This is a statement of fact since no subsequent policy documents have been published since this date, but there has been no formal assessment of how the aviation emissions associated with airport expansion can meet net zero.

- The Airports National Policy Statement says:  
*"1.42: As indicated in paragraph 1.39 above, airports wishing to make more intensive use of existing runways will still need to submit an application for planning permission or development consent to the relevant authority, which should be judged on the Application's individual merits. However, in light of the findings of the Airports Commission on the need for more intensive use of existing infrastructure as described at paragraph 1.6 above, the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow."* In light of the government's policy commitment to reach net zero by 2050, this demonstration of need above that of the Heathrow provision is not provided in the Application.
- According to DfT, the scenarios identified in the Jet Zero consultation are illustrative, subject to uncertainty and do not constitute a formal assessment. On this basis, there is no national level assessment on which local authorities can base their decisions of whether airport expansions are compatible with climate commitments.

The Report implies in paragraph 95 and elsewhere that Government policy on emissions favours action at an international level. This is however a preference not a requirement, and the UK has introduced several unilateral actions including inclusion of domestic and EU departures in the UK ETS.

The noise protections afforded to residents by Local Plan LLP6 have been passed over by the Report.

Paragraph 63 of the Report refers to protections afforded by the Noise Action Plan for 2019-2023. Evidence shows that no such protection exists: the Airport Operator breached its undertakings in that Plan to operate within its noise contours, and was already in breach when it drafted and submitted the Plan – as was pointed out by members of its own Airport Consultative Committee, which it ignored.

## 6) Further queries

On PDF page 27 of the revised Environmental Statement chapter 8, the 2028 19m 48dB night noise contour is outlined in light blue. Appendix 8E (PDF page 86) states that its area is 35.5sq km.

In the screening report contour plot also produced by Bickerdike Allen, the 2028 19m 48dB night noise contour is shown on page 90 of the Volume 3 PDF, outlined in green, and page 88 states that its area is 29.9sq km. Hence the corrected plot above is 19% larger in area than the original.

However, when the contour plots are examined compared, they appear very similar in size and extent.

If the contour areas quoted by Bickerdike Allen Partners differ by 19% for two contour outlines which when plotted and examined at reasonable scale appear almost identical, there is clearly an error in the contouring process. Since the entire noise impact assessment in this Application relies on this process, there cannot be certainty in any of the information provided until it has all been reassessed and ideally independently checked and verified.

Our overall technical concerns raise fundamental questions about the reliability of the environmental impact assessment. They have been dismissed by the Planning Officer, on the strength of the reports from the Council's noise consultant. However, the Council's noise consultant was not asked to review and investigate the particular technical issues we have raised; they assessed the Application and took the data provided is being accurate and well-founded, though commented it is confusingly presented.



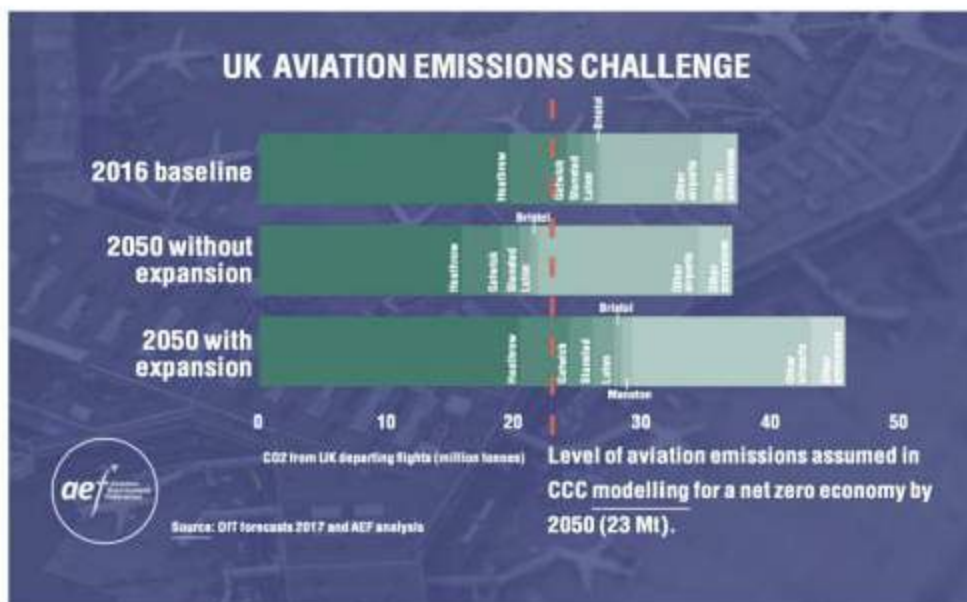
Since our representations show that the noise contouring for the “with” and “without” development scenarios is likely to be unsoundly based and potentially inaccurate, we respectfully request you to postpone any determination of this Application until all these points have been independently and competently investigated and where necessary rectified, so that a clear, transparent and reliable summary of the potential impacts can be provided to Members and to the public, as is required for safe assessment and decision-making to occur.

## 7) Climate change

Paragraph 88 of the Report, in describing the Government’s response to the Climate Change Committee (CCC)’s 6<sup>th</sup> carbon budget advice, states: *“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.”* This is too strong a claim since the Government has yet to determine its policies for achieving the emissions reductions required by the 6<sup>th</sup> carbon budget, or the target of a 100% net reduction in aviation emissions by 2050, to which it has made a separate commitment. While the Government has not yet endorsed the CCC’s recommendation of no net increase in airport capacity, neither has it confirmed that its climate commitments can be achieved without such constraint. Since the “Jet Zero” strategy is not expected to be finalised until Spring 2022, it is currently unclear what approach will be taken on airport capacity.

Paragraphs 103 and 104 argue that while the development would result in an increase in emissions compared with a “without development” scenario, the total emissions from Luton Airport represent only a small proportion of total UK aviation emissions and that the development “is unlikely to materially affect the UK’s ability to meet the planning assumption”. It is not possible, at this time, to reach such a conclusion however.

In addition to the MBU modelling by Government noted above, Analysis by the Aviation Environment Federation has found that even without expansion, UK aviation emissions are set to exceed the total allowed for in the CCC modelling for 2050 (23 Mt) and also the Government’s “high ambition” scenario in the Jet Zero consultation (21 Mt). If all planned airport expansions take place, the total emissions would be higher even than the original (now outdated) planning assumption of 37.5 Mt. In this context, and in the absence of any updated DfT aviation forecast and costed policy plan for cutting aviation emissions in line with net zero legislation, any airport development that results in an increase in emissions risks materially impacting the UK’s ability to meet its climate commitments.





While policy certainty is awaited, it is worth noting that in Scotland, where evidence on net-zero compliant targets was commissioned by the Scottish Government, there is an acknowledgement that decarbonisation will not be achievable quickly enough just through technological change or new aviation fuels. Scottish Transport Minister Graeme Day said in September, in announcing the findings of the review: *"The report makes it clear that, on aviation, the scale of the challenge before us means there are no easy solutions. The research suggests that without a reduction in aviation demand, the transport sector will not be able to achieve its emissions envelope for 2030. We will need good, direct air connectivity in the future, not least to support inbound tourism and sustainable economic growth, but demand will have to fall. That is the message of the research."*<sup>2</sup>

## 8) Economic benefits

There are several references in the Report to aviation policy (APF, the ANPS and Jet Zero) and the alleged economic benefits of aviation in general. There are also references to the "significant weight" that should be given to economic growth in the NPPF (see for example paragraphs 168, 174).

Much is also made of the importance of Luton Airport as a local employer given the relatively high levels of deprivation in the town and the Government's focus on "levelling up". For example, *"The role of the airport as a major employer and generator of economic prosperity is key to the levelling up agenda for the area."* (paragraph 171). However, the figures given in paragraph 170 on the airport's contribution to employment and the economy are from 2019, i.e. pre-COVID.

In addition, paragraph 169 states that there will not be a significant increase in employment resulting from expansion. It is difficult to see how this can support levelling up in the area when even 2019 levels of higher demand failed to do so. It is also not made clear in terms that can be taken account of in determining a planning application, why properly managed building back from COVID would not lead to direct and indirect employment opportunities and hence increased prosperity.

Where is the evidence that businesses will *"invest, expand and adapt"* as a result of the Application but not do so if the current planning conditions are respected in building back better, stronger and greener as Luton Rising advocates? No such evidence is evident in the Application papers or the Report, hence Members cannot safely determine in favour of this Application on economic or employment grounds, particularly since it does entail apparently significant environmental impacts.

For all of the reasons in this representation and our previous representations, we ask you to postpone the determination of the Application and require not just minor clarifications but a review of the basis on which its noise impact assessment and the recommendations in the Report were produced, and full revision where necessary in order to a produced balanced and reliable foundation for determination.

Yours faithfully,

Andrew Lambourne  
Chair, LADACAN (Luton and District Association for the Control of Aircraft Noise)

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<sup>2</sup> See <https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-23-09-2021?meeting=13316&iob=120837>



**From:** [REDACTED]  
**Sent:** 30 November 2021 17:05  
**To:** Sahadevan, Sunil [REDACTED]; DL-LBC Democracy Team  
[REDACTED] LBC Development Control <LBCDecCon@luton.gov.uk>  
**Cc:** Gurtler, David [REDACTED]  
**Subject:** Comments on late-submitted Amendment Sheet to DevCon re 21/00031/VARCON

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Dear All,

For the record: we note that the late-submitted Amendment Sheet is a 45-page document which was drawn to our attention only at 15:41 prior to a planning meeting at 18:00. We cannot see how Members will have a chance adequately to assimilate it in order to reach a balanced view.

We note that whilst it deals with the recent comments from Birketts and HCC, it does not address the technical points recently made by LADACAN.

Our preliminary comments for the record are, with reference to the paragraphs of the Amendment Sheet:

7: There remains a lack of clarity re the "with" and "without" development scenarios. Paras 80-82 of the committee report do not answer these, neither do the documents submitted by the applicant, and the final slide from Vernon Cole confirms that "the noise chapter does not present the noise case in a manner that is clearly understandable to all readers", hence it does not provide the level of clarity which Members require safely to determine the application.

8, 11 and 19: LADACAN, Birketts and HCC have variously and clearly made the point that Vernon Cole had not specifically been asked to drill down into and investigate the basis for the "without development" scenario mentioned above, as a result of the evidence we and HCC have provided as to the lack of intelligibility or relationship to the obvious requirements of the existing Condition 10. We have set out our evidence for the need for such assessment, we have asked for it to be provided and a clear explanation given, and this has not been done. Similarly, the modelling for the "with development" case is evidenced by us as deficient and this point has not been addressed. Hence, as we have said, no confidence can be placed on the basis or quantification of the noise impacts presented in the ES. We have also evidenced an apparently clear error in BAP's contouring. The para 11 reply is simply intimidatory, not enlightening.

12: This is clearly misleading, as has been pointed out. Noise to 2028 gets worse.

13: Similarly, the Amendment simply refers back to the report rather than providing clarity and balance in the reporting for the benefit of Members.

14, 24: The points made are exactly that the proposal does not create additional jobs, hence it makes no case for economic benefit, exactly as we have highlighted. The fact that the airport creates local employment and jobs per se is irrelevant to the decision – what matters is why this application is required, and what is what Members need to see, presented in a clear, balanced and dispassionate way. The current report seeks to steer them towards an impression that the airport will somehow cease to provide economic benefit if the application is granted, which is misleading.

15: Again the point is not answered nor the criticism taken on board, it is simply dismissed.

17: The request for further assessment, in light of the above, in order to ensure a safe basis for a decision, remains reasonable.

25(v and x): Again the criticism of the original report is not answered. Its purpose is to provide clear and balanced summary guidance to Members. Just annexing the whole LLP is not an adequate response. We have argued, as has HCC, that the report should be revised so that it serves the purpose required, rather than rushing to a decision based on inadequate and apparently unbalanced documentation which is likely to increase the risk of it being unsafe.

25(vi) Again misleading – in the timeframe of the extant permission, noise will increase overall.

LADACAN made the point that the scrutiny payments and the Noise Action Plan commitments are not a reliable basis for confidence in control going forward since they are commitments which provide inadequate and unreliable in the past. This point has been ignored.

We maintain our position, that the documentation underpinning this application needs further careful assessment and review and clarification and balance before it can form the basis for a safe decision.

Regards,

Andrew

Andrew Lambourne  
Chair, LADACAN

Best wishes,

Andrew

Andrew Lambourne  
Chair, LADACAN

**From:** [REDACTED]  
**Sent:** 30 November 2021 17:55  
**To:** Sahadevan, Sunil [REDACTED] DL-LBC Democracy Team  
[REDACTED] LBC Development Control <LBCDecCon@luton.gov.uk>  
**Cc:** Gurtler, David [REDACTED]  
**Subject:** RE: Comments on late-submitted Amendment Sheet to DevCon re 21/00031/VARCON

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Please note there is a typo in 14, 24: below – it should say:

14, 24: The points made are exactly that the proposal does not create additional jobs, hence it makes no case for economic benefit, exactly as we have highlighted. The fact that the airport creates local employment and jobs per se is irrelevant to the decision – what matters is why this application is required, and what is what Members need to see, presented in a clear, balanced and dispassionate way. The current report seeks to steer them towards an impression that the airport will somehow cease to provide economic benefit if the application is **not** granted, which is misleading.



**From:** [REDACTED]  
**Sent:** 01 December 2021 10:52  
**To:** Sahadevan, Sunil <[REDACTED]> LBC Development Control  
<LBCDecCon@luton.gov.uk>; DL-LBC Democracy Team [REDACTED]  
**Cc:** Gurtler, David [REDACTED] Frost, Sue [REDACTED] Paul  
Donovan [REDACTED]  
**Subject:** IMPORTANT: 21/00031/VARCON: Error in verbal guidance given to yesterday's meeting  
**Importance:** High

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Dear All,

I was disappointed to note last night that although one of the fundamentally important and evidenced issues raised in the LADACAN representation dated 29 November was kindly covered in a verbal report by Clive Inwards, the verbal guidance which dismissed it was erroneous and missed the point.

This may possibly have been due to a slight typo in our representation, where our reference to "PDF page 27 of the revised Environmental Statement chapter 8" should have been to "PDF page 27 of ES chapter 3: Figures and Appendices". However I think this is unlikely – anyone familiar with the documents and the email history would have clearly known what we were referring to.

I do not wish to have to use my 4 minutes this evening re-explaining this point in detail, so I have taken the time to document it again, even more clearly, in the attached additional representation.

I would recommend that you request your noise consultant to review this, or perhaps an expert really familiar with the process of noise contouring, since those who screened the point last time seem not to have understood it or appreciated its significance.

I noted other significant errors in the verbal guidance given last night, which relates to issues we have raised previously but which again have not apparently been appreciated by those who screened them. I will submit additional documents explaining those points even more clearly in due course.

Without fully comprehending and rectifying fundamental issues such as these, the documentation provided by the Applicant in our view remains an unsafe foundation for decision-making.

Regards,

Andrew Lambourne  
Chair, LADACAN  
[www.ladacan.org](http://www.ladacan.org)

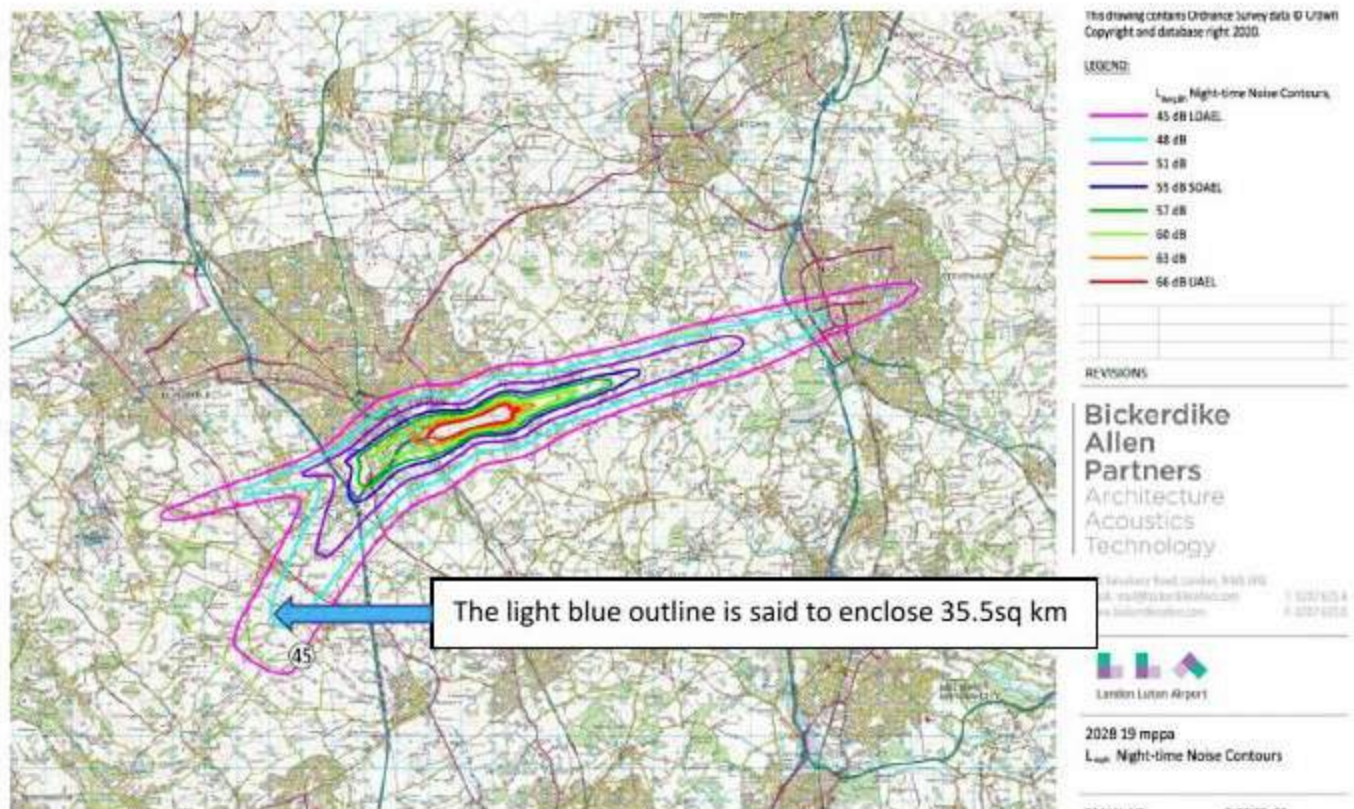


### Mismatch in areas quoted for essentially the same contour outline (21/00031/VARCON)

The figure below (EIA vol 3 PDF page 90) shows the original screening plot for the 2028 19m 48dB night noise contour, outlined in green. On PDF page 88 its enclosed area is given as 29.9sq km.

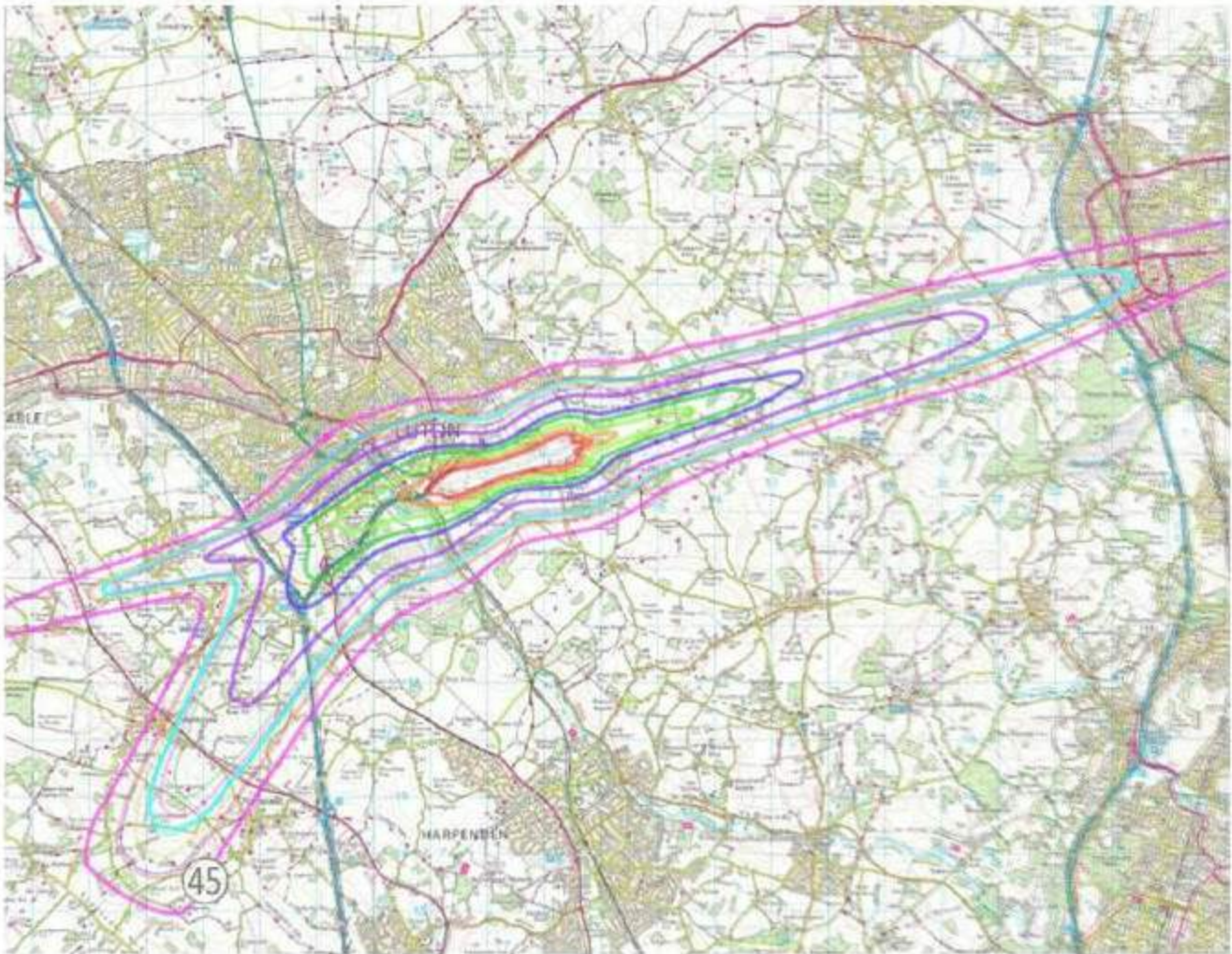


The figure below (EIA vol 3 PDF page 27) shows the corrected plot of the 2028 19m 48dB night noise contour outlined in light blue. ES Ch8 App 8E (PDF page 86) states that its enclosed area is 35.5sq km.





Resizing the second map and its contours to the same scale as the first and then superimposing them shows that the green and the light blue outlines enclose essentially the same area – certainly not areas 19% different as the contour sizes provided by Bickerdike Allen Partners for these two outlines indicate.



All we are talking about here are lines on a map, where it is obvious that essentially the same outline must enclose essentially the same area on the same map. Apart from a very small difference to the southern lobe, the green and light blue lines from the two separate maps, when superposed, are indistinguishable.

**Therefore, by the simple laws of cartography, one or other of the enclosed areas provided is incorrect.**

This is nothing to do with how the contour lines were derived – it is that the lines are essentially the same.

Hence the verbal report given to Members by Clive Inwards in respect of our objection was unfortunately incorrect and our point still stands: the above example shows that the information provided by Bickerdike Allen Partners for the Application contains at least one error in quoted noise contour areas.

Since accurate noise contour areas are an essential foundation to the process of determining noise impacts, it is essential that the case above is carefully reviewed to identify the source of this error, and that all other quoted noise contour areas are independently checked, to ensure any other similar errors are corrected.

Any such corrections must then feed through to the postcode-based analysis of impacted homes, and the assessment of SOAEL and LOAEL, otherwise the basis for the information provided in the ES is unsound.

Andrew Lambourne  
Chair, LADACAN 1 Dec 2021



**From:** [REDACTED]  
**Sent:** 01 December 2021 15:57  
**To:** Sahadevan, Sunil [REDACTED]; LBC Development Control  
<LBCDecCon@luton.gov.uk>; DL-LBC Democracy Team [REDACTED]  
**Cc:** Gurtler, David [REDACTED]; Frost, Sue [REDACTED]; 'Paul  
Donovan' [REDACTED]  
**Subject:** Document concerning incentivisation agreement: 21/00031/VARCON  
**Importance:** High

**<CAUTION: This email came from an external source - only open links and  
attachments you are expecting>**

Dear All,

Please see attached in relation to the planning meeting this evening, given what was raised  
yesterday.

Regards,

Andrew

Andrew Lambourne  
Chair, LADACAN  
[www.ladacan.org](http://www.ladacan.org)

## Apparent inappropriateness of financial incentivisation scheme and governance

In "Local Government Ethical Standards, A Review by the Committee on Standards in Public Life", Lord Evans sets out in chapter 7 the high standards of propriety and transparency required of public/private arrangements, and in particular the need to avoid creating conflicts of interest.<sup>1</sup>

In this specific case, Luton Borough Council ("the Council") owns Luton Airport via London Luton Airport Ltd ("the Holding Company") which then lets the operating concession to London Luton Airport Operations Ltd ("the Operator").

We are concerned that it is unclear where the boundary lies between the public and the private in the Luton Airport arrangement, and whether any such boundary is at an appropriate level and of an appropriate form to satisfy governance requirements, given the way the relationship operates.

First of all, why is such a boundary required? A 2016 House of Commons briefing paper makes clear the need for an arm's length relationship between local authorities and airports:<sup>2</sup>

*"The ... Airports Act 1986 provided the means whereby relevant airport companies could introduce private capital. Part II of the 1986 Act applied to the 15 municipal airports with a turnover of £1 million in at least two of the previous three financial years. These airports were: Birmingham; Blackpool; Bournemouth; Bristol; Cardiff; East Midlands; Exeter; Humberside; Leeds Bradford; Liverpool; **Luton**; Manchester; Newcastle; Norwich; and Teesside.*

*Under the provisions of the 1986 Act **these municipal airports had to be set up as arm's-length companies**. Any subsidies from authority to airport, whether financial or human, had to be entirely transparent."* (our emphasis).

In Luton Airport's case a public/private partnership in 1998 apparently transferred responsibility for management and development of the Airport to a private consortium, completely separate from the Council which retained ownership through the holding company LLAL of which it is sole shareholder:<sup>3</sup>

*"In order to expand further, London Luton Airport signed a unique private-public partnership in 1998 to secure financial investment for the future. This meant the airport remained publicly owned by Luton Borough Council **but was to be managed and developed by a new private consortium**."* (our emphasis).

This apparent separation of roles is described in an ICAO case study:<sup>4</sup>

*"Under a pioneering public-private partnership (PPP) concluded in August 1998, **London Luton Airport is operated and developed by a private consortium**, London Luton Airport Operations Ltd (in which TBI Plc. became a majority shareholder in March 2001 and was taken over by ACDL in January 2005), for a period of 30 years, **while the airport remains publicly owned by Luton Borough Council**. A supplemental agreement signed in 2012 extended the concession to 2031."* (our emphasis)

On the face of it, Luton Airport is publicly owned by the Council through the Holding Company, and lets a concession to the Operator which is responsible at arm's length for managing and developing the Airport. Furthermore, the Holding Company is precluded by Section 17 of the Airports Act 1986 from interfering in the operation of the Airport – yet it can be argued that incentivisation does just that.

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<sup>1</sup> See

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF) in particular chapter 7

<sup>2</sup> See <https://researchbriefings.files.parliament.uk/documents/SN00323/SN00323.pdf>

<sup>3</sup> See <https://www.luton-airport-guide.co.uk/history.html>

<sup>4</sup> See <https://www.icao.int/sustainability/CaseStudies/UnitedKingdom.pdf>

**And in reality, the way the relationship has operated could hardly be further from the requirement for arm's length governance, as the following non-exhaustive examples suggest:**

- The Council and the Holding Company were during the material period of incentivised growth both led by the same person – Robin Porter – and the Holding Company had no staff of its own but paid the Council for the professional services of Members and Officers of the Council to act as its Board (see LLAL accounts). The Council and the Holding Company therefore shared the same controlling minds.
- The Holding Company has been and continues to be proactive in driving growth of the Airport. In 2012 it issued a vision for growth and threatened to terminate the operating concession if the Operator did not apply to the Council to invest in capacity expansion.<sup>5</sup> The Operator bowed to this pressure and issued its own Masterplan to achieve 15-16m passengers by 2028, later revising this upwards to 18 million over a 15-year project.<sup>6</sup>
- The Holding Company has since invested over £40m in preparing for a Development Consent Order for significant further capacity expansion at the Airport, as referenced in the Accounts.
- Robin Porter expressly acknowledges that the Council is driving Airport expansion, most recently in his bid to government for Covid-19 impact funding, where he is quoted in the Local Government Chronicle as follows: *'In 2012, the council went from being a "passive landlord" of its airport to becoming "very active in driving the agenda". It has worked hard with its concessionaire, airlines and other destination airports to open up routes and Mr Porter claims their product has "improved dramatically" in the eight years since changing its approach.'*<sup>7</sup>

Further evidence for the conflict of interest created by this "hands on" approach is provided by passenger growth incentivisation put in place as of 2014 by the Council and the Holding Company with the Operator to drive faster capacity expansion in return for concession fee rebates.<sup>8</sup> The rate of growth incentivised growth was such that the Operator breached noise planning conditions put in place by the Council, and reached the passenger limit 9 years too early, thus threatening the passenger limit planning condition. The scheme therefore undermines the democratic function of the Council as the Local Planning Authority for the Airport, and as such demonstrates a clear conflict of interest. While such conflicts are not necessarily wrong if properly managed, the additional effect of this particular arrangement bears on whether that is a reason the Council apparently failed to discharge its Section 106 obligation to oversee the conformance of the airport with its noise control conditions.

Given that the effect of this incentivisation featured significantly in the 30 November planning meeting it would be appropriate for the Council to provide legal guidance to Members on the above issues.

Andrew Lambourne Chair, LADACAN 1 Dec 2021

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<sup>5</sup> See for example <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-17041291>

<sup>6</sup> Available at <https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Local%20Plan/Vision%20objectives%20and%20spatial%20strategy/STR%20013.pdf>

<sup>7</sup> See <https://www.lgcplus.com/finance/luton-chief-were-absolutely-exposed-to-violent-halt-in-commercial-revenue-30-04-2020/>

<sup>8</sup> See London Luton Airport Ltd accounts 2016 and onwards for an outline of the scheme, and a "Deed of Amendment dated 2 January 2014 relating to a Concession Agreement dated 20 August 1998 for London Luton Airport" for detail



### **Inappropriate baseline for comparison of impacts (21/00031/VARCON)**

On PDF page 23 of the Amendment Sheet issued in advance of the Planning Meeting on 30 November, and in the verbal guidance given to Members, the Council's noise consultant advised that:

*"19mppa are forecast to be carried by 142,566 ATMs*

*18mppa, the passenger throughput, reached in 2019 required 141,481 ATMs*

*Put another way, the application is for an increase in ATMs of 0.7%*

*Assuming no change in the aircraft mix this is equivalent to change in noise level of +0.03dB: effectively no change"*

Our representations of 23 July and 16 September provided cogent points to evidence the fact that the baseline for the "without development" scenario has not been communicated in a clear, accessible and transparent way and in our view is likely to be unsoundly based. The statement quoted above supports this view for the following reasons (as we have indicated):

Accepting for now that 19mppa are forecast to be carried by 142,566 ATMs, then the increase in ATMs as a result of the application must be calculated by subtracting the number of ATMs required to carry 18mppa.

**However – and this is the crucial point which we have made numerous times but which has been missed by those screening our representations – the increase CANNOT be calculated by comparison to the 2019 ATMs for the simple but vital reason that 2019 represented a year in which non-permitted development had been carried out, resulting in a breach of noise contours.**

Surprisingly, the noise consultant went to make that very point later in his verbal guidance to the meeting, stating that 2019 could not be used as the baseline year because it was non-compliant.

So how can a representative "without development" baseline number of ATMs for 18mppa be arrived at?

The most simplistic approach is simply to scale down the ATMs forecast for 19mppa by 5.26% (1/19<sup>th</sup>) and arrive at a reduction of 7503 ATMs, making the 18mppa ATM total 135,063. However, this approach does not stand unless it can be proved that those 135,063 ATMs could be flown in the 18mppa case while still conforming to the current Condition 10 which expects noise contours tapering towards the 2028 longer term limits, exactly as shown by the red line on the graph in our representation dated 29 November.

In order for the "scaled down" ATMs to be validated as a conformant "without development" scenario, the fleet mix proposed for the 19mppa case would need to be used. Otherwise it is not possible to compare like with like. Use of that same fleet mix is reasonable, since it is hardly credible that Wizz or any other airline would alter its aircraft buying decisions on the strength of a mere 1mppa change at Luton Airport. And as is well known, an airline typically rotates its individual aircraft among different airports to suit the changing patterns of seat bookings, destinations and demand.

The above discussion relates only to the end-case ATM totals. Now we turn to the modelling of the noise impacts which would arise from the Application during the intermediate years between 2022 and 2028. Exactly the same principle must apply: the "without development" scenario for each of those years must be modelled in a way which is provably compliant not just with the 18mppa passenger limit, but with the current, tapering, Condition 10 noise contour area limits for both day and night. Otherwise, the baseline is not provably free of non-permitted development. And again, as above, the fleet mix for those intermediate years would reasonably be expected to be the fleet mix for the "with development" case, since otherwise like-for-like comparison of impacts would not be possible, and implausible fleet evolution decisions would be implied.

Despite requests to the Planning Officer, the Applicant and BAP, such information has not been provided.

Indeed, despite carefully searching for it, nobody appears to be able to point out where this information is to be found presented in a clear, transparent, accessible way in the Application documentation. Certainly, the committee report does not provide it for the benefit of Members, and the noise consultant admits that *“The structure and content of the ES noise chapter, although modified since the first submission, still does not present the noise case in a manner that is clearly understandable to all readers.”*

It is our view that the modelling required to produce a clear, robust, transparent and verifiably accurate “without development” scenario for each affected year has not been performed, since no evidence has been produced to demonstrate that it has. We invite you to take the same view, or to produce that comprehensive evidence and a revised committee report with time for all Members carefully to weigh it before the meeting resumes. This necessarily means not simply reiterating what the existing committee report or amendment sheet say, since they do not provide that information or that assurance.

**We cannot emphasise strongly enough that the verifiable appropriateness of the “with” and “without” development noise cases are absolutely fundamental to the assessment of noise impacts, and hence to the quantum of mitigation required and the reliability which can be placed on any decision made.**

Given that the main environmental impact of this development is noise – noise which is increased over and above that which would otherwise have arisen (again, despite apparently misleading verbal guidance given yesterday by your noise consultant when he advised Members in response to a question, that noise would reduce – without qualifying the response by making clear he meant “would reduce over time but overall would be increased until 2028”).

We look forward to both the above apparent errors being clarified in the meeting ahead of any further representations, and we do not expect to have to spend time from our 4 minutes on them since we had already documented them clearly numerous times.

We were disappointed to hear the verbal guidance given to Members by your noise consultant to accompany his first slide, since this again came across as unbalanced rather than as a fair assessment:

- There was repeated reference to noise reduction assuming the fleet mix remains the same (the fleet mix at Luton has evolved rapidly over recent years to larger, heavier and noisier aircraft, in one case, the A321neo, even with allegedly “less noisy” engines being fitted – and this trend is clearly documented in the Quarterly Monitoring Reports which we and the Planning Officer are well aware of through attendance at the NTSC and LLACC – perhaps the consultant could review these?)
- Comparison in any form – certainly if assuming a similar fleet – with 2012 is completely misleading since the fleet has changed out of all recognition to that in the 2012 ES

We request an updated presentation to set out the noise context in a more balanced way this evening.

We respectfully submit that as things stand, the documentation on which this Application rests is unfit for purpose and does not provably form a sound basis for decision-making.

We also submit that revision to the fundamental basis of the noise modelling would constitute more than just clarification, and given the obfuscation which has surrounded this aspect of the Application, it would not be safe to proceed without giving communities and Members adequate time to review any revision. It may also be worth putting in place further independent expertise to ensure that any revised approach is properly and soundly based, before further time and effort on everyone’s part is possibly wasted.

Alternatively, of course, the Council may decide that enough is enough: the Applicant has had since early 2019 to regularise the breach by this means, and now that flight numbers are reduced and the Airport is being operated once more within its noise limits, and taking account of all the points made yesterday by those objecting, the right and just thing to do is to enforce Condition 10 forthwith.

Andrew Lambourne, Chair LADACAN 1 Dec 2021

To: Development Management Committee meeting on 30<sup>th</sup> November 2021

Re: London Luton Airport and the Variation of Planning Permission to accommodate 19mppa

I am writing to appeal to the DMC to give urgent and careful consideration to the implications of approving the LLAOL request to increase passenger numbers at the airport to 19mppa.

I refer to the Officer's Report which is the subject of the meeting. In the opening statements the Officer sets out that as the Government has given the green light to airport expansion then all local airports are encouraged to go for it with scant regard for the environmental implications. Please think very carefully before you decide to vote on this application. At the COP26 Climate Conference in Glasgow recently we were given hope that Governments would act on the Climate Crisis. Sadly this ended in a COPOUT. Please don't COPOUT of your responsibility to our Planet. We need to be cutting our CO2 emissions and pollution, not increasing them. I object to the airport expansion for the following reasons..

- Noise
- Air Pollution
- Increased surface traffic
- Climate Change

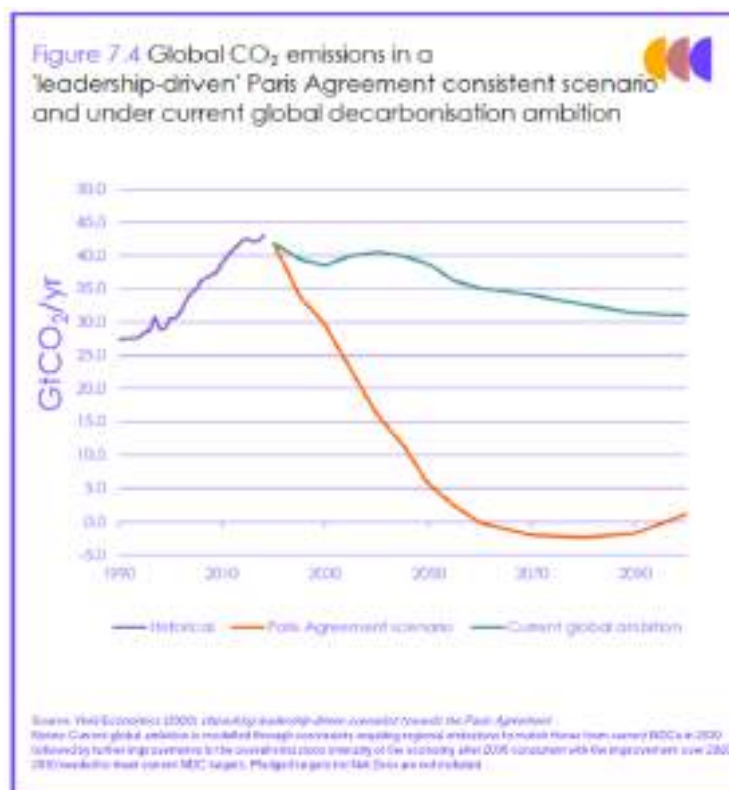
**Noise** – Despite the 'slight increase' in passenger numbers yet I note that the noise contours will be increased for the next 5 years before some 'perceived reduction' dependent on the *airlines technical improvements*. There will be more flights and the misery that an increase in more aircraft movements for those who live under the flight path can only be imagined. Luton airport is part of the town NOT placed away from the populated areas this should surely be an environmental constraint on expansion?

**Air Pollution & Increased surface traffic** – the levels of air pollution have been reported for Luton as being the worst in the UK mainly due to the physical compactness of the town and sitting in a valley, increased traffic movements with increasing numbers of passengers travelling to Luton is going to add to the pollution levels. This is discussed in the Officers Report but apart from encouraging passengers to use public transport not much has been proposed to counter the potential worsening trend.

**Climate emissions** – I'm not sure that there can be anybody who has been taking an interest in the ongoing debate both in the media and most importantly at the CoP 26 meeting in Glasgow recently, who cannot be aware of the implications of the warming climate. We have seen and are seeing the evidence of the increasing temperature around the world – we know what is happening from the melting of glaciers/polar ice caps and the consequent rise in sea levels which as we learned the many low-lying islanders in the Pacific and elsewhere are extremely concerned as they see their homelands becoming uninhabitable. Forest fires from Australia, Europe to the West coast of America. Extreme heat in Canada earlier this year and much flooding from China and Europe and elsewhere. etc etc. Governments are declaring Climate Emergencies. Luton Borough Council has also declared a Climate Emergency.

BUT if we accept that there is a climate emergency then surely it is all of our responsibilities to act is it not? The UK Climate Change Committee which regularly provides updates to the Government has published the following graph indicating the necessary reductions in GreenHouse Gas emissions which all countries must engage with as soon as possible if we are to avoid the worst effects of this warming. As you can see from the graph the required reductions are drastic and urgent as time is running out to achieve meaningful reductions. Sadly the Officer's Report appears to give a 'nod' in the direction of the climate whilst saying that a 'balance' is needed with the requirement to

maximise the economic gains of airport expansion. Surely until the technology such as hydrogen or electric is in place for aircraft with quieter engines, this application should be denied . Though I appreciate the airport revenues are important I believe we are all called to be mindful of what we do now to save the planet and I don't think that can include expanding the airport. I hope the DMC will give consideration to my letter as we all need to Act and we need to Act Now !



Thankyou for reading my letter.

Yours sincerely, Mr. M. Dimmock

316 Ashcroft Road,Luton,LU2 9AF



From: sophie barber  
Sent: 23 November 2021 17:25  
To: DL-LBC Democracy Team  
Subject: No expansion at Luton Airport(correct version)

CAUTION: This email came from an external source - only open links and attachments you are expecting Dear Sir/Madam Please may I register to speak at your planning application meeting?

We live near Luton airport and suffer the pollution and noise from all aircraft arriving, and when the wind is in an easterly direction we suffer the increased pollution and noise from aircraft taking off.

We as humans are as you know destroying the planet that we need to survive, in fact we could be the first species to knowingly make our selves extinct! This is primarily due to us burning fossil fuels, and knowingly heating the planet to a dangerous level. Extreme weather disasters have already become part of the new norm! Many countries have extended droughts the floods, making the growing of food impossible. Some islands have already disappeared under the rising sea, the water levels are only going to get higher.

With this in mind, I and my family demand that you reduce your use of aircraft until such time that they are able to run on clean electricity, made from renewable sources (wind, wave, solar). Aviation, along with shipping, lorries, cars and busses are all contributing to the planets death. At an airport, the traffic on the ground, the passengers arriving by car all contribute to a toxic mix of pollution which is killing 1000s of people every year and slowly but surely killing the planet. Off setting is NOT an option.

Thankyou  
Sophie

From: R Spendley  
Sent: 23 November 2021 13:48  
To: DL-LBC Democracy Team <[DemocraticServices@luton.gov.uk](mailto:DemocraticServices@luton.gov.uk)>  
Subject: Airport expansion variations

CAUTION: This email came from an external source - only open links and attachments you are expecting

I have complained at every opportunity, with regard to these variations. Once again I express my disgust and disappointment with the requested changes. We are already damaging our planet with the flying traffic already active! We should not even be considering greater pollution.

Even now, we suffer with late night/very early morning movements, not to mention the swathes used by Gatwick around our area. It is unwelcome encroachment on our peace, right to unpolluted air, and our well-being

Ever ignored,

Yours Jane Spendley

Sent from my iPad

Our Ref: NJD/333741.0002  
Your Ref:  
Date: 25 November 2021

Development Control  
Luton Borough Council  
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By email: [developmentcontrol@luton.gov.uk](mailto:developmentcontrol@luton.gov.uk)

Dear Sirs,

**Application 21/00031/VARCON: Application to vary 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 13<sup>th</sup> October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours (“the Application”)**

**Our Clients: an alliance of local community groups including Luton and District Association for the Control of Aircraft Noise, St Albans Aircraft Noise Defence, St Albans Quieter Skies, Stop Low Flights from Luton and Stop Luton Airport Expansion**

Further to previous correspondence, you will be aware that we are instructed by the above mentioned alliance of local community groups representing residents in Luton and the surrounding area affected by noise from Luton Airport to voice further concerns that Luton Borough Council (“the Council”) is considering the above Application, submitted by London Luton Airport Operations Limited (“the Airport Operator”) at planning committee next week. Having reviewed the committee report we are of the view that there are, at best some deficiencies and at worst misleading statements within the committee report which must be addressed before members consider this Application to enable them to reach a fully informed view. The committee report is a crucial element in the decision-making process and must be accurate and balanced. In our view, the committee report as currently drafted fails both these tests.

## 1. Lack of Clarity

Our client has written to the planning officer previously providing information that demonstrates clearly that the noise modelling and contouring approach is fundamentally flawed and fails to provide sufficient accuracy or clarity. The baseline position must be clear and unambiguous to enable members of the public to understand fully the impacts of the proposal to be able to properly engage with the democratic process. However, whilst the committee report refers to representations being made from various parties that there is insufficient detail on the “with” and “without” development scenarios, the committee report does not address the issue or provide the clarity that is sought.

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333741.0002 25/11/2021

Offices also in: Cambridge, Chelmsford, London and Norwich

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A list of members may be inspected at any of our offices. The term ‘Partner’ is used to refer to a member of Birketts LLP.



IS 70824

Given the highly complex nature of the noise impact derivation in the Environmental Statement of the Application, we would have expected the Council to have obtained their own independent advice on this specific point, to enable the committee report to be as accurate and as balanced as possible. However, despite our client requesting on numerous occasions that a transparent and independent review is carried out with the method and findings being fully disclosed to enable the local residents affected by this proposal to assess the noise modelling and contouring information for accuracy which is fundamental to assessment of “with development” impacts, this has not been done.

The public need to be able to decipher what the additional noise impact would be on their homes should the Application be approved, and to know how that information was arrived at. The committee report lacks essential detail on how the additional impact was derived, and without this information, it is difficult to comprehend how members can make an informed decision which would not be open to challenge. In fact, without a sound basis for the noise modelling and contouring both with and without development, the entire reliability of the figures provided for numbers of households in the LOAEL and SOAEL categories falls away, and hence the basis for any planning recommendation.

## **2. Policy**

The Aviation Policy Framework (2013) clearly states that the government’s policy is “*to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise ...*” However, this Application will in fact increase the number of people that will be affected by aircraft noise and the reality is the noise levels being proposed up to 2028 will at times exceed the noise levels permitted under the current permission. In other words there will be no noise reduction.

The Framework goes on in 3.28 to state “*The Government expects airports to make particular efforts to mitigate noise where changes are planned that will adversely impact the noise environment. This would be particularly relevant in the case of proposals for new airport capacity, changes to operational procedures or where an increase in movements is expected which will have a noticeable impact on local communities.*”

In addition in 3.29 the Framework makes it clear that “*The Government wishes to pursue the concept of noise envelopes as a means of giving certainty to local communities about the levels of noise which can be expected in the future...*” The people of Luton thought they had certainty when the previous application was approved (ref 15/00950/VARCON), however, the maximum limits that were set by condition were very quickly breached for 3 successive years as a result of a financial incentive by yourselves which encouraged the Airport Operator to exceed the “predicted” rate of growth by rewarding growth airlines with reduced charges.

Of relevance here is the fact that payment by the applicant towards scrutiny of the Section 106 Agreement was included in the extant permission, yet the Council failed adequately to exercise such scrutiny and hence allowed the airport operator to breach the Council’s planning conditions in response to the Council’s incentivisation. We respectfully remind you that this situation was tolerated by the Council for three years, and only the COVID-19 pandemic restored the airport to permitted operation. During that three years, the rights of your residents and those in the wider area under the Section 106 agreement were disregarded. In light of this, it is an empty promise for the planning officer to refer to scrutiny payments in paragraph 221 of the committee report.

Similarly, paragraph 219 contains a similar empty promise by asserting that the noise management plan (which according to paragraph 112 includes the Noise Action Plan) can be relied upon to achieve noise alleviation. We remind members that the airport operator stated in its 2019 Noise Action Plan “*By 2021, LLA will develop a strategy to define methods to reduce the area of the noise contours by 2028 for daytime noise to 15.2sq km for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and*



*for night-time noise to 31.6 sq km for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.”* (p10) which it failed to do; and *“We will operate within our agreed contour area limits.”* (p14, item 3,4) which, even at the time of submission of the Plan it knew it had breached. The commitments made in respect of noise reduction by this Airport Operator cannot, in light of the evidence since 2013, be trusted.

It is incomprehensible to us that when setting out the applicable policies in accordance with the adopted Luton Local Plan, some of the most relevant provisions have not been accurately summarised. We would refer you to paragraph 60 of the committee report which correctly references LLP6 as being a pertinent policy, yet fails to make any reference to some of the criteria which must be met in order for the Council to support the development proposal. There are no references to the fact that the applicant must:

- *“fully assess the impacts of any increase in Air Transport Movements on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts) and identify appropriate forms of mitigation in the event significant adverse effects are identified”* (LLP6 B iv); or
- *“achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport’s most recent Airport Noise Action Plan”* (LLP6 B v); or
- *“include an effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted”* (LLP6 B vi); or
- *“include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of sensitive premises in the area through measures to be taken to secure fleet modernisation or otherwise”* (LLP6 B vii)

Whilst these are referenced later in the committee report at paragraph 141, it doesn’t provide any details for members to consider, but simply states *“the only significant adverse effects identified [in the Environmental Statement] being in relation to noise”*. The Application and accompanying documents state that significant adverse effects will be experienced by nearly 2,000 properties and there will be serious health impacts due to increased noise at night. As indicated above, this figure could be grossly misleading if the contouring and modelling is inaccurate. The applicant is offering noise mitigation by the way of a Noise Insulation Scheme but has confirmed that mitigation for all those affected is not achievable. The committee report glosses over the fact that adverse health effects cannot be fully mitigated and therefore is in breach of the policy requirement.

There is a reliance on the airlines to purchase and use newer and thus a quieter fleet of aircraft which will bring about a reduction in the noise contours. Although the applicant will apparently incentivise the airlines to do so, it cannot guarantee this – and as has recently been seen, a new and supposedly less noisy aircraft type (the Airbus A321neo) did not deliver the expected benefits at Luton, most likely due to its shorter runway requiring higher flap and thrust settings. However this only seems to address part of the policy, as it is also policy requirement that the Application *“includes proposals that will over time result in a significant diminution and betterment of the effects on the amenity of local residents ...”*

It needs to be made clearer to members that what is being proposed in respect of long term noise. On the one hand there is a claim that noise contours at 19 million passengers will be below those of the extant planning permission for 18 million passengers by 2028 (EIS vol 3 Appendix B table 4), and on the other hand the committee report paragraph 13 states that the applicant is seeking long-term contour limits above those of the extant permission. No justification or explanation is provided for this, and we are left to wonder whether there is in fact ever going to be *“significant diminution and betterment of the effects on the amenity of local residents”*

The policy requirements of policies LLP37 and LLP38 relating to climate change, carbon and waste reduction and sustainable energy and pollution and contamination respectively, have been given what can only be described as a fleeting mention in passing within the committee report. The committee report claims that the Application accords with the policies but provides no real detail for members to readily consider.

Paragraph 177 of the committee report states that *“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 ...”* However, paragraph 169 of the committee report states that *“the proposal would be unlikely to result in any significant increase in employment at the airport, since the extra 1 million passengers per annum would be able to be absorbed into the existing system without any significant material impacts in terms of employment.”* The committee report is silent as to whether additional jobs will be created within Luton apart from saying *“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.”* This is too vague and has not been substantiated in any of the material presented within the Application. It is wholly misleading and is far from being informative.

We would further note that the casual dismissal by the planning officer of the 1dB impact of an increase in contours is misleading and disingenuous: this is not a perceptible 1dB difference in peak noise levels, it is a 1dB increase in a logarithmic LAeq average over 8 or 16 hours, equating to around 50 noisy aircraft movements which are most certainly not imperceptible to the people of Caddington, South Luton, Slip End or Breachwood Green for example.

### **3. Other Observations**

The final page of the committee report relays the content of the letter sent by London Luton Airport Limited (a company owned by the Council by its 100% shareholding) supporting the Application. We have raised our concerns previously in 2019 and in May this year that Luton Borough Council must be particularly vigilant if they were to determine any planning application relating to Luton Airport to ensure the Council acts transparently and remains impartial at all times.

Yet again, the letter from London Luton Airport Limited aims to influence committee members with the belief that it is essential that the Application is approved by the committee to safeguard the future of Luton Airport and without an increase in passenger numbers, the airport business will be damaged as the airline customers will go elsewhere. To our knowledge, this has not been substantiated with any evidence by the applicant that this is the case.

It is surely not by chance that the final sentence again reminds members of the financial benefits of the airport and how it funds 15% of the Council's frontline services. We would wish to respectfully remind members of their duty to determine this Application purely on its planning merits taking into account the impact of the proposal in accordance with national and local planning policy unless there are material considerations that indicate otherwise. Should the Council depart from this, they would risk being challenged by way of a judicial review.

Our letter of 30<sup>th</sup> July 2021 set out when a local planning authority was permitted, pursuant to section 70 of the Town and Country Planning Act 1990, to take local finance into account when determining planning applications and that the money the Council receives from the airport does not fit in to the definition of a local finance consideration. This is reinforced within the Planning Practice Guidance. The committee report unfortunately does not convey this fact or remind members that they should disregard any potential financial benefits that the proposal may bring.

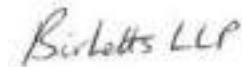
### **Conclusion**

We are of the view that the committee report as published is significantly flawed as it fails to provide sufficient and robust information which would enable the members of the committee to come to a properly informed view to properly determine the Application.

The duty upon planning officers is well established and clear. We refer for example to the dicta of Linblom LJ in *R (Watermead Parish Council) v Aylesbury District Council [2017] EWCA Civ* in respect of officer's reports which is apt to assess the administrative law standards for information provided to planning committees by council officers: *"The question for the court will always be whether on a fair reading of his report as a whole, the officer has significantly misled members on a matter bearing upon their decision, and the error goes uncorrected before the decision is made. Minor mistakes may be excused. It is only if the advice is such as to misdirect the members in a serious way – for example by failing to draw to their attention to considerations material to their decision or bringing into account consideration that are immaterial, or misinforming them about relevant facts, or providing them with a false understanding of relevant planning policy – that the court will be able to conclude that their decision was rendered unlawful by the advice they were given."*

We would suggest that the committee report is withdrawn from planning committee so that its inaccuracies and inadequacies are fully addressed. Additionally, as indicated, we believe that the noise modelling and baselining undertaken for the Environmental Statement need specifically to be reviewed by an independent expert and where necessary revised, so that members and the public can have confidence in the information on which the impacts of the proposed development are assessed.

Yours faithfully



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## Executive Member Growth, Infrastructure & Planning



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25<sup>th</sup> November 2021

Dear Sir/Madam,

**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.**

**London Luton Airport, Airport Way, Luton  
21/00031/VARCON**

1. The County Council has taken the opportunity to review the published report (the 'Report') to 30<sup>th</sup> November Development Management Committee (the 'Committee') in relation to the above and takes the view that the Report does not form a sufficiently robust basis to enable the Committee to come to a properly informed view and decision upon the planning application before it. The reasons for this are set out below.

### **With/without development scenarios**

2. The Report points to the concerns of a number of parties making representations on the application that it fails to provide sufficient clarity on the 'with' and 'without' development scenarios. In response the Report points 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)*'. But this does not provide the clarity sought by representors and is likely to



mean very little to Committee members who are collectively charged with making a properly informed decision.

3. Given that the Airport has been unable to operate upwards to and very nearly at 18 million passengers per annum (mppa) without breaching the Condition 10 noise controls of the 18 mppa planning consent, it is not unreasonable – indeed it is imperative - for the reporting and decision-making process to provide absolute clarity on the anticipated 18 mppa consent-compliant scenario (without development – contours not exceeding 19.4 sq km 57dB LAeq(16hr) (0700-2300hrs) contour for daytime noise, 37.2 sq km (48dB Leq(8hr) (2300-0700hrs) contour for night-time noise, reducing to 15.2 sq km and 31.6 sq km respectively by 2028), the 19 mppa scenario (with development) and how the difference between the two generates a 'worst case scenario' to demonstrate the maximum significant adverse noise impact of the planning application/inform the contributions sought to the Noise Insulation Grant Scheme.

4. The County Council's representations have called for the local planning authority (LPA) to commission independent advice on this matter so that Committee can be as confident as can reasonably be expected that the worst case significant adverse noise impact of the proposal has been robustly assessed.

## **Master Plan**

5. The County Council's June representations on this planning application rehearsed a range of concerns it had made to the applicant when it consulted on its Master Plan, advising the LPA that:

*'1.18 The Master Plan (MP) is considered not to be fit-for-purpose in its current form and requires further work and consultation.'*

*'1.19 The master plan preparation and approval process should be completed before the planning application is determined.'*

*'4.5 The County Council is of the view that LBC does not adopt the MP until such time as it is revised to sit more comfortably with Government guidance and the above other issues raised by the County Council.'*

6. Despite having been submitted some ten months ago as part of the planning application, to the County Council's knowledge the Master Plan remains unchanged and there has been no further engagement on it with the applicant by Luton Borough Council (LBC).

7. The Master Plan was reported to Executive for adoption on 23<sup>rd</sup> November 2021, only seven days before the planning application is to be reported to Committee. The report to Executive does not appear in any way to advise on the merits or otherwise of the Master Plan – whether it is consistent with Government policy, with LBC's own policy aspirations or indeed advise Executive on the LBC response to the consultation on the Master Plan and whether those comments have been addressed. It simply states:

‘9. The Airport Master Plan 2021 has been prepared and published by the airport operator. Adopting the Airport Master Plan will assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport.’

8. Whilst the report to Executive is clear that the Master Plan will not be a Supplementary Planning Document or a Development Plan Document, it will nevertheless ‘assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport’. The Council will no doubt have taken procedural advice on whether or not such a key document to support the in-force Luton Local Plan should be subject to some form of independent public consultation by the local authority. But even if this were not the case (it is acknowledged that there is no expectation in the Aviation Policy Framework that it should), the Report to Committee should presumably advise on the extent to which the application is consistent with the Master Plan to assist it ‘in carrying out its functions’. But the report does not appear to do this.

### **The scale of alleged economic benefits**

9. The County Council’s representations on the application have expressed concern that it has failed to undertake a robust assessment of the economic benefits of the proposal and presented alleged economic benefits inconsistently (being variously described as ‘significant’, ‘more’, ‘could be potential for’). Instead it contains vague generic statements about the economic benefits of aviation and of the Airport that do not relate to the benefits of this specific application – what specific additional economic benefits would it generate? This vagueness and lack of specificity does not provide a sufficient platform to enable the decision-maker to come to a properly informed view on the alleged economic benefits, both in their own right and, crucially, when taken into account in making a judgement when balanced together with other factors key to decision-making – as the Report itself states - ‘There is however the need to balance economic benefits against environmental impacts’.

10. In summarising the County Council’s representations, Appendix 2 to the Report states:

**‘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.’*

11. However, when one turns to section (ix) of the Report one finds that there is no evidence provided by the applicant on the scale of the alleged economic benefits of the proposal and the Report proceeds, like the application itself, to regurgitate generic

statements about the general economic benefits of aviation and of the Airport. But not only that, the Report goes even further to make strong judgements, advice and steer to Committee:

- *'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.'* (171)
- *'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.'* (169)
- *'.....that the proposed development would have significant beneficial effects for not only the local economy within Luton, but also within the wider area'.* (169)
- *'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'.* (211)

12. These unsubstantiated 'real', 'significant beneficial', 'weigh heavily in favour' judgements are not evidenced by any of the material presented in the planning application and hence are manufactured, misplaced and potentially misleading.

### **Drafting observations**

13. The Report is the mechanism through which Committee is briefed on the proposal, representations on it, relevant national and development plan policy and material considerations and the extent to which the proposal is compliant or otherwise with these. It is critical that the Report does this in a genuinely evidenced/informed and balanced way, to facilitate robust decision-making and reducing the risk of generating concerns relating to the quality of the decision. There are a range of areas where perhaps the Report either falls short of these requirements or could do better. For example:

- Paragraph 4 contains a description of the 'site' within which there is a statement *'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'*. Given the nature of this application – i.e. changing the spatial extent of the noise contours within the wider spatial area, it might have been appropriate for the Report to have recognised that.
- Paragraph 8 makes reference to the application (ref: 18/00428/EIA) to vary condition 10 of the parent consent. Paragraphs 11, 12 and 13 refer to the current application to vary condition 10. No reference is made to the reason why the 18/00428/EIA application was and why this application is necessary – because the Airport was repeatedly breaching the noise restrictions put in place by Condition 10.
- Paragraphs 16 and 17 state *'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. The response from the Wood Group addressed noise issues that had been raised, with the provision of a new noise chapter for the ESA.....’*

*..... 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.’*

Is this correct? The County Council's understanding is that the noise consultants' overall finding, despite ongoing liaison with the applicant, is as follows:

*‘1.3 This does not alter the overall findings with respect to noise impact, and attention is drawn to the following issues:*

*If permitted, the application is forecast to give rise to significant adverse noise effects at 1,877 dwellings by virtue of night-time noise level increases of more than 1dB arising in locations exposed to average noise above the SOAEL (55dB LAeq,8h). This is not, in itself, a reason for refusal subject to appropriate mitigation being provided. However, it is indicative of the scale of noise effects associated with this application. ....’*

- In paragraphs 25, 75, 200 and elsewhere reference is made to the Government policy (Aviation Policy Framework/Beyond the Horizon Making best use of existing runways) support for making best use of existing runways, but fails to also report that Government caveats this by saying that:

*‘1.24 ..... **We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.**’ (Aviation Policy Framework)*

*‘1.25 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 of their existing runways across the whole of the UK. The position is different for Heathrow..... (Beyond the Horizon – Making best use)*

*1.26 Airports that wish to increase either the passenger or air traffic movement caps to allow them to make best use of their existing runways will need to submit applications to the relevant planning authority..... As part of any planning application airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy. This policy statement does not prejudge the decision of those authorities who will*



*be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.’ (Beyond the Horizon – Making best use)*

- Paragraph 37 – 38 – given the core most significant implications of this proposal it might have been helpful to provide a little more of the Aviation 2050 context. In relation to noise, for example, Government proposals are to set a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise, routinely set noise caps as part of planning approvals (for increase in passengers or flights), require all major airports to set out a plan which commits to future noise reduction, and to review this periodically.
- Paragraph 60 iii) does not provide a very comprehensive summary of one of the most significant Local Plan policies against which the proposal is assessed – noise considerations, for example, are not referred to despite being a key consideration of four of the nine relevant criteria in Policy LLP6 B.
- Paragraph 141 v. – in assessing the proposals against this criteria, the assessment should start by simply stating that the application does not achieve further noise reduction and does create a material increase in noise. Where reference is made to *‘Will see noise reductions in the future’* there is a need to clarify that this does not mean reduction in noise when compared to the existing consent. The proposal only alleges to match the future post-2031 noise environment of the existing 18 mppa consent.
- Paragraph 141 vii. states that *‘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;’* But this seems to miss the point of criteria vii, which reads as follows:

*‘vii. include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise;’*

The proposal at best will reduce the impact of the proposal to levels comparable to those of the existing 18 mppa consent by 2031 and beyond. It will not result in a *‘significant diminution and betterment of the effects of aircraft operations’*.

- *viii. Health and well being* – this section is inadequate as it fails to provide Committee with a full understanding of the health implications of the proposal – for example, no information is presented on the numbers of people and communities expected to experience noise-induced health

impacts. Paragraph 167 is irrelevant as it appears to relate to the health benefits of the existing 18 mppa consent – if there are health benefits to the 19 mppa proposal, then it is these that should be presented.

- Paragraph 169 states that *'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'*. This is irrelevant as it relates to the existing 18 mppa consent. If there are benefits to the 19 mppa, it is these that should be presented.
- Planning balance – health. It is surprising the planning balance section makes no reference to health implications of the application, particularly in relation to noise.
- Planning balance – the Master Plan. Despite the Report to Executive stating that the Master Plan will *'assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport'*, there appears to be no advice to Committee on whether the planning application is consistent with the Master Plan.
- Paragraph 223 and Appendix 1 Conditions and Reasons – presumably paragraph 223 should also advise Committee in relation to the proposed amendments to the approved car parking management plan (condition 22), passenger travel plan (condition 24) and approved documents (condition 28). Conditions 22, 24 and 28 do not appear to be varied as applied for in the conditions recommended to be attached to the consent as presented in Appendix 1.

## Way forward

14. The County Council calls for Committee to be postponed until such time as:

- independent advice is available or at least greater clarity is provided to Committee with regard to the with (19 mppa) and without (18 mppa) development scenarios.
- evidence is presented on the scale of the economic benefits of this specific planning application to substantiate the advice presented to Committee on the alleged economic impact.
- drafting improvements be made to the Report, perhaps taking into account legal advice if this has not already happened.

15. You may recall or be aware that the County Council called for a similar Committee postponement when the 18 mppa proposal came to the decision-making stage - to deal with a number of technical, process and report drafting issues and for the Council to commission independent legal advice to inform that process. That postponement happened for those necessary reasons. I believe LBC should be striving to achieve a similar outcome with regard to this planning application.

16. I would be grateful if you could bring this letter to the attention of the Committee Chair and any others as you consider necessary.

Yours sincerely,



Stephen Boulton

Executive Member  
Growth, Infrastructure & Planning

**From:** John Davis  
**Sent:** 29 November 2021 16:52  
**To:** 'democraticservices@luton.gov.uk'  
**Subject:** Luton Airport, ?increased in passgr numbers:21003?VARCON

For Mr Sahadevan please:

I object to ANY such increase as the airport already causes too much noise disturbance to the surrounding area (i.e. mainly and conveniently, AWAY from Luton itself).

The proposal to increase the cap from 19m ppa to 20 m, i.e. by around just 6%, must, I think, be simply *a ruse* to get their 'baseline number' to a new figure so that when they want another 10m ppa, they can go to LBC with their OBVIOUS VESTED INTEREST for that rather than to the National Planning Authority : the phrase 'devious but presumably nominally legal' comes to mind. And you didn't SAY in what way the Noise Contours would be changed.

Recently, I hear you've brought the Plg Applcn deadline forward so this, like some other such Objections? may be deemed to be 'TOO LATE'! -

Dr J B Davis, Harpenden, AL5 5UD: long time Member of the LLACC committee (1998- 2017)



## Main Items For LBC DMC Meeting v1.2 Nov21

My focus is upon air quality & errors/emissions in the DMC Report dated 30Nov

[Omission] Environment Act 2021

The Environment Act is now in force & it affects this LLAOL planning application. The EA specifically mentions "transport" which in this case means the additional road & air traffic. A key EA requirement is Part 4 Air Quality, item 72, Local Air Quality Management Framework which means according to the Environment Act & I quote:

*Strengthening the local air quality management [LAQM] framework to enable greater cooperation at local level and broaden the range of organisations that play a role in improving local air quality. Responsibility for tackling local air pollution **will NOW be shared with designated relevant public authorities, all tiers of local government and neighbouring authorities.***

As the DMC report does not even mention the EA we request the application is declined & the full air quality implications of the EA are assessed by local cooperation arranged with Hertfordshire County Council & local Hertfordshire councils as required by the act.

[Error] Item 9 states that 1mppa expansion will have a quote "**slight, moderate, significant adverse effect upon human health**" **It is NONSENSE – it doesn't make sense but a critical subject!** The EA states: Short-term exposure to elevated levels of air pollution can cause a range of health effects and is a particular threat to vulnerable groups, including the elderly, very young, and those with existing health issues. However, long term exposure affects us all, with long-term exposure to man-made air pollution in the UK is known to shorten lifespans. **There are 38 care homes within Luton & a major hospital - the majority will be affected by current & proposed increases to LLAOL emissions but there are no mitigation actions in the report.**

[Omission] Item 44 highlights GHGs as the quote "most notable in relation to the proposed development" **BUT does not mention CO2. This is a significant error or omission.** CO2 is the largest GHG component of aircraft emissions, accounting for approximately 70% of the exhaust source: Environmental & Energy Study Inst EESI.

[Omission] Item 15 states the 1mppa aircraft will have more seats & increased load factors. This is very concerning as more seats per flight & increased loading generates disproportionately more GHG emissions **yet there is no mention of this impact in the report.** LLAOL MUST account for the GHG emissions for the 1millionppa including CO2 specifically from larger aircraft ground operations & at wheels-up when engines are at maximum thrust therefore creating the largest volume of CO2 & related GHGs. This impact can then be discussed in conjunction with item 44 with neighbouring authorities as required by the EA.

These errors & omissions must be corrected & the data shared with neighbouring councils including Hertfordshire & a joint plan for air quality agreed as a consequence of LLAOL as envisaged by the Environment Act. **Consequently the application should be denied.**

**From:** Paul Donovan [REDACTED]  
**Sent:** 01 December 2021 09:19  
**To:** [REDACTED] Sahadevan, Sunil [REDACTED] DL-LBC Democracy Team  
[REDACTED] LBC Development Control <LBCDecCon@luton.gov.uk>  
**Cc:** Gurtler, David [REDACTED] Frost, Sue [REDACTED]  
**Subject:** RE: Comments on late-submitted Amendment Sheet to DevCon re 21/00031/VARCON

**<CAUTION: This email came from an external source - only open links and attachments you are expecting>**

All,

I too became aware very late in the day of the additional report to be presented to Committee to rehearse some ongoing issues which, in the County Council's view, remain unresolved. I see that Mr Lambourne has beaten me to it to express concern that the additional report does not move the situation very much forward, if at all, on a number of the most substantive issues associated with the decision-making on this proposal. As such it will expect clarification to Committee on these matters by the Council and its specialist advisers in a way which will enable that clarification to be clearly minuted.

I won't make detailed 'react to' comments on the additional report in addition to Mr Lambourne's as I believe the issues and positions are pretty well rehearsed and as such would not be productive. One thing I would like to add is in relation to paragraph 24 'Scale of economic benefits', suggesting that the County Council's issue is purely related to the failure of the applicant, indeed anyone, to assess the scale of the economic benefits of this specific application. This is not the case. In addition to the lack of such an assessment, the County Council's additional concern is that given that assessment has not taken place and given the apparent acknowledgement in the Committee Report and additional report that this specific application would not itself generate too much in the way of an economic benefit – Committee are advised variously of 'real', 'significant beneficial', 'weigh heavily in favour' when it comes to economic benefit. As the County Council's November letter states, these 'judgements are not evidenced by any of the material presented in the planning application and hence are manufactured, misplaced and potentially misleading'. At best, in the absence of any evidence to the contrary, I would suggest that the benefits might at best be described as 'likely to be some limited' at that accordingly the weight is also rather limited.

Regards.

Paul