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21/00031/VARCON | 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

Total Consulted: 36 Consultees Responded: 19

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National Planning Casework Unit

Consultation Date: Mon 18 Jan 2021

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Consultation Date: Mon 18 Jan 2021

Hertfordshire County Council

Consultation Date: Mon 18 Jan 2021

Environmental Health - Health And Safety

Consultation Date: Mon 18 Jan 2021

Highways Agency Network Operations East

Consultation Date: Mon 18 Jan 2021

Dylan Katuwawala Corporate Energy

Consultation Date: Mon 18 Jan 2021

East Herts DC

Consultation Date: Mon 18 Jan 2021

Bedford Borough Council

Consultation Date: Mon 18 Jan 2021

Welywn Hatfield DC

Consultation Date: Mon 18 Jan 2021

Stop Luton Airport Expansion (Peter White) Stop Luton Airpor

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Chamber of Commerce

Consultation Date: Mon 18 Jan 2021

Bedfordshire Association Of Town And Parish Councils Bedford

Consultation Date: Mon 18 Jan 2021

Aylesbury Vale District Council

Consultation Date: Mon 18 Jan 2021

David Godfrey People Against Aircraft Intrusive Noise

Consultation Date: Mon 18 Jan 2021

Martin Routledge London Luton Airport Consultative Committee

Consultation Date: Mon 18 Jan 2021

Stevenage Borough Council

Consultation Date: Mon 18 Jan 2021

Strategic Planning Team

Consultation Date: Mon 18 Jan 2021

Highways England

Comment Date: Fri 19 Nov 2021

Please see comments in 'Docs' tab

North Herts District Council

Comment Date: Mon 23 Aug 2021

Please see comments in Docs tab

Mr Andrew Lambourne Luton And District Association For The C

Comment Date: Tue 27 Jul 2021

23.07.21

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Comment Date: Fri 19 Feb 2021

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21/00031/VARCON | 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

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Michael Nidd London Luton Airport Town And Villages Commun

Comment Date: Tue 27 Jul 2021

26.07.21

Please see comments in 'Docs' tab

Comment Date: Tue 09 Feb 2021

Please see comments in 'Docs' tab

Buckinghamshire And Milton Keynes Association Of Local Coun

Comment Date: Tue 27 Jul 2021

26.07.21

Please see comments in 'Docs' tab

Comment Date: Fri 19 Feb 2021

Please see comments in 'Docs' tab

St Albans District Council

Comment Date: Fri 23 Apr 2021

See docs tab

Comment Date: Fri 23 Apr 2021

Please see comments in 'Docs' tab

Central Beds Council

Comment Date: Tue 20 Apr 2021

Please see 2 comments letters in 'Documents' tab

Dacorum Borough Council

Comment Date: Fri 19 Feb 2021

Please see comments in 'Docs' tab and the response for the last one as mentioned in this response as 2 separate docs.

Mr John Hale St Albans Quieter Skies

Comment Date: Fri 19 Feb 2021

Please see comments in 'Docs' tab

Buckinghamshire County Council

Comment Date: Fri 19 Feb 2021

Please see comments in 'Docs' tab

Lead Local Flood Authority

Comment Date: Wed 17 Feb 2021

The LLFA has the following comments to make - please see below:

1. Firstly, in section 2.2 Contaminated Surface Water, the report mentions that existing site contaminants (spilt fuels & lubricants, chemicals from cleaning operations, sewage leaks, oils and greases) partially enter the Central Soakaway during the "First Flush" of contaminated surface water run-off after rainfall events. The Central Soakaway discharges to an area with hydrological connection to an underlying Principal Chalk aquifer and this increases the risks of creating a pollutant pathway to controlled waters. As a result, the Lead Local Flood Authority (LLFA) requests the applicant consider alternative destinations for all contaminated surface water to foul sewers and the necessary discharge consent applied for from the Water and Sewerage Company as per section 119 of the Water Industry Act 1991. On section 4. Conclusions the report alludes to planning for alternative means of disposal of contaminated surface water to reduce BOD loads from De-icing and this intention is supported in principle by the LLFA.

Secondly, in this region Climate Change is predicted to increase heavy rainfall by 10% by 2050 (UK Met Office, 2019). This will likely increase occurrences of "First Flush" rainfall events and as a result the LLFA advises the applicant to assess the potential impacts of increased "First Flush" events and to account for these impacts with an appropriate Climate Change uplift applied to their assessment.

2. The water resource receptors of surface water discharge from the airport includes the River Lea (at Luton Hoo Lake) and an underlying Principal Chalk aquifer. These controlled waters have UK Environmental Quality Standards (River Lea) and UK Drinking Water Standards for Groundwater (Principal Chalk aquifer) applied to them. Consequently the LLFA recommends the applicant implements a robust, independent monitoring programme to assess the quality and quantity of any surface water before discharge to these controlled waters. This monitoring programme should include quality and quantity recording of contaminated and non-contaminated surface water discharges to soakaways and surface water sewers to prevent surface water and groundwater pollution, in accordance with Luton Local Plan Policy 36 and 38 and National Planning Policy Framework 2019.

In section 3.2 Contaminated Surface Water, the report states - "Currently, contaminated surface water glycol concentration levels are restricted by discharge consents to the Thames Water network at President Way,

Frank Lester Way and Airport Way." This is an appropriate measure to regulate the contaminated surface water discharge to within acceptable thresholds of the Thames Water Foul sewer network. Specific thresholds for quality and quantity of surface water discharges to the above mentioned controlled waters should be agreed with LLFA and EA.

3. Finally, the LLFA recommends an investigation into the impacts of increased Air traffic movements on glycol concentration and how these impacts shall be mitigated - these findings should be communicated to the LLFA and EA for review.

Reasons for comments

- o To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework and Policy LLP38 of Luton Borough Council's Local Plan (2011-2031).
- o To prevent deterioration of groundwater within the Principal Chalk aquifer.

Kind regards,

Prince

Prince Frank MSc, PRINCE2® Practitioner
Strategic Flood and Water Manager
Place&Infrastructure
Luton Borough Council

Hertfordshire Association Of Parish And Town Councils Hertfo

Comment Date: Wed 17 Feb 2021

Please see comments in 'Docs' tab

The Chiltern Conservation Board

Comment Date: Tue 16 Feb 2021

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 15/02/2021 4:46 PM from Dr Michael Stubbs.

Application Summary

Address: London Luton Airport Airport Way Luton

Proposal: 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.

Case Officer: David Gurtler

[Click for further information](#)

Customer Details

Name: Dr Michael Stubbs

Email: planning@chilternsaonb.org Address: The Chilterns Conservation Board, The Lodge Station Road, Chinnor OX39 4HA

Comments Details

Commenter Type: Neighbour letter

Stance: Customer made comments neither objecting to or supporting the Planning Application

Reasons for comment: - Other

Comments: 15th January 2021

By planning portal upload to Luton BC

My Ref.: F:ApplicationsLBC reference 21/00031/VARCON

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 at London Luton Airport, Airport Way, Luton.

Thank you for consulting the Chilterns Conservation Board (CCB). The CCB has previously commented, at pre-application consultation and is content to repeat those comments as the application is now submitted. We have also commented on application 19/00428/EIA to vary condition 10 on noise matters. As that original application was withdrawn, we also set out those earlier comments for completeness. We welcome the consideration of the noise and passenger throughput cap in one application as the planning merits are intertwined.

SUMMARY overall conclusions.

CCB CONCLUSIONS PASSENGER THROUGHPUT CAP CONDITION 8

The local communities affected by these proposals require access to a clear reporting structure that allows them to know exactly where the operator is with new aircraft delivery, noise contour mapping and the periods where the condition variation is in effect or is in abeyance. Conversely, they will also need to know when the variation is not being applied, for example during periods when the MPPA threshold is not exceeded. A web resource should suffice for access to what is live or very up-to-date reporting. A schedule of mitigation delivery can also be reported by this web resource.

CCB recommended withdrawal of application 19/00428/EIA, in the interests of clarity and to assist the public. It was immensely confusing for the public and confused the various mitigation strategies and the reporting and monitoring strategies that will be required, should this matter proceed to decision. In our judgment it is fundamental that a clear reporting structure is established that allows for a ready and quick understanding of (a) noise envelopes

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(b) new fleet acquisitions and (c) the MPPA data, almost on a live basis. Further, with the advance of this new aircraft technology, the operator will be able to establish that noise contouring can be actively managed so that even if 19MPPA is reached the 57 dBA contour daytime and night time data will reduce back to levels consistent with or indeed below the 18 MPPA levels. With new aircraft technologies now in the pipeline the operator could, with some accuracy, plot and predict the future noise contours and make this information available as a goal or objective. This would help serve to reassure those affected and provide a platform for assessment should the operator progress their Development Consent Order / Nationally Significant Infrastructure Proposals.

We understand from other consultees, however, that this new technology (in aircraft design) will not be available until 2028, at the earliest. CCB CONCLUSIONS NOISE VARIATIONS CONDITION 10 The arguments put here appear to be set within the reasonableness of the planning condition (i.e. the incentive or disincentive it gives the operator), the precision of the conditions and (in our opinion) the enforceability of the condition. The now agreed variation of condition 11(i) allows some 6,400 (15%) of all movements to potentially violate the 76 dBA threshold. That means that 85% will comply with this threshold or 36,266 movements. Put another way 6,400 will potentially violate out of 42,666 movements. During that (now approved) application CCB made the point that the majority of operators satisfied the condition. We would seek an explanation as to the relationship between the agreed variation to condition 11 (noise violations) and the current extension of the noise contour. In particular it is important to know just how the overlapping impact between these two conditions impacts as presumably condition 11 allows violations about the limits as now sought. The CCB would oppose the relaxation of condition 10 because it offers an appropriate environmental threshold to protect the noise environment of those affected by an expansion of the airports facilities. Consultation responses to the original condition 11 (noise violation) condition application 15/00950 VARCON sought noise reductions as a key part of their submissions, in the interests of quality of life (for

example see Bucks County Council and Aylesbury Vale DC). To relax the noise thresholds, which offer an improvement in the noise environment, must be restricted. This is of even greater necessity when consideration is given to the point that air traffic volumes are increasing. The saved Luton Local Plan 2011-2011 clearly made the point in reasoned text at paragraph 9.73 that, 'Controlling aircraft noise is particularly important at Luton as the airport is situated close to residential areas'. For this current application CCB places great weight on the need to conserve and enhance the AONB. Any manifest and tangible longer term reduction in the noise environment and with appropriate targets is to be welcomed in a complex case such as this. The applicant's case is, as we understand it, is that by 2024 less noisy aircraft will deliver the original planning objective against a growth model that has reached 18 MPPA ahead of the original 2012 forecasting. CCB raises a holding objective on 3 principal grounds that:

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(a) There is no spatial assessment as to impact in association with a numeric impact as to dwellings. CCB would want to be reassured that the spatial extent as to impact does not impact upon the AONB as aircraft noise will be increased during at least 4 months of the year over the proposed 6 month period. Further, these months are during the busier summer months when days are longer and people recreate in the AONB and enjoy the tranquillity of the landscape as an essential component of its natural beauty. CCB would seek additional details as plotted on a plan or map. (b) That in striking a balance of issues (as the applicant's seek to do) the local planning authority must give greater weight to the environmental sensitivity of the impacts. The s 85 of CROW and NPPF 172 duties (as above) indicate this, notwithstanding the significant environmental constraints in the Development Plan at LLP6. We seek a commentary on the environmental impacts of approved condition 11 as it overlaps condition 10. The cumulative assessment of impacts must be assessed here. CCB would seek a commentary on this matter. (c) CCB would want to also be reassured that the mooted airspace changes result in a more favourable impact on the local environment, including airspace changes over the AONB. These changes should be reported in this application as they are also material to the planning issues. CCB would seek further details.

(d) If the local planning authority is minded to permit this variation then, alongside all other key duties, great weight must be given to Development Plan policy LLP6 (vii) so that a tangible and measurable longer term improvement is achieved in quality of life and tranquillity in the environment as affected. Such commitments will need to be easily understood and clearly enforceable within the planning system. The operator will need to set out the delivery schedule for these quieter aircraft and reassure that the cumulative impact of greater numbers in no ways offsets these evolving technological improvements. As far as the application is currently constituted there is insufficient information upon which to make a decision under LLP6 (vii) and bodies like the CCB who enjoy a statutory duty to conserve and enhance the AONB seek greater detail and assurances, as set out above

CCB Detailed Comments on CONDITION 8 PASSENGER THROUGHPUT CAP

Background issues

The Chilterns Conservation Board was established as an independent body by Parliamentary Order in July 2004 and has 27 members, all drawn from local communities. The Board's purposes are stated in section 87 of the Countryside and Rights of Way Act 2000 (CROW Act), as: s 87 (1) It is the duty of a conservation board, in the exercise of their functions, to have regard to: (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the Board that there is a conflict between those purposes, they are to attach greater weight to the purposes mentioned in paragraph (a).

The Chilterns AONB is a nationally protected landscape and one rich in special qualities with a unique offering of ancient woodlands, chalk streams, farmland, chalk down land, and cultural heritage shaped not just by natural processes but by generations of human activity. Today, the Chilterns offers considerable public benefits, including recreational and open air benefits to a population based within and well beyond its borders. The recent DEFRA commissioned

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Glover Review (Landscape Review Sep 2019) recommended National Park status is considered for the Chilterns.

As with all AONBs, the Chilterns is protected by a host of legislation and policy tests that focus down upon the conservation and enhancement of its special qualities. In recent years the CCB has noted a significant erosion of tranquillity in some areas, a combination of most commonly noise, traffic growth and light

pollution. The Institute of Lighting Professionals (ILP) place AONBs within intrinsically dark skies environments, by definition.

Our interest in development at or related to Luton Airport focuses on the overflying of the AONB, often at lower levels. The villages of Flamstead and Markyate are within the AONB and affected by air traffic movements, for example. Other impacts involve transport related pressures, for example travelling eastwards from Aylesbury towards the airport requires a journey that traverses the Chilterns AONB.

Planning background history

The Chilterns Conservation Board (CCB) is currently a consultee on application 19/00428/EIA.

CCB submitted a holding objection (based on the lack of information as to environmental impact) against application LBC reference 19/00428/EIA, 'Application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to the end of 2024) to enable the area enclosed by the 57dB(A) daytime noise contour to increase from 19.4 sq km to 23.4 sq km and the area enclosed by the 48dB(A) night time noise contour to increase from 37.2 sq km to 44.1 sq km at London Luton Airport Airport Way Luton'.

This application is still live and duplicates the condition 10 element as set out in the current consultation and detailed in the accompanying Environmental Impact Assessment (EIA). We assume the principal difference is that the 2021 application will wrap up condition 10 together with conditions 22, 24 and 28. For clarity, it would make sense to withdraw application 19/00428/EIA.

Current Consultation Questions

1. What comments do you have on our plans for increasing the airport's capacity from 18 to 19 million passengers per annum (mppa)? Within an AONB or for matters that impact upon an AONB the key decision-making duty is set out a section 85 of the Countryside and Rights of Way Act 2000 which states that 'in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. National policy in the National Planning Policy Framework sets an understandably high test at Paragraph 172 which establishes that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty' and Luton Borough Council Policy LLP29 - Landscape & Geological Conservation (A) states that 'Development proposals will be supported where they protect, conserve, or enhance the character, setting, and natural beauty of national and local landscape areas, according to the following hierarchy

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of designations and with Tier 1 landscapes representing National landscape areas the special character, natural beauty, landscape and setting of the Chilterns Area of Outstanding Natural Beauty'. The duty under s85 deals with the impacts upon the AONB and can, therefore, be derived from development outside such a nationally protected landscape but impacting upon it, as is the case with overflying aircraft.

Consideration of the planning merits of varying condition 10 is a matter already before Luton Borough Council under application 19/00428/EIA.

From an AONB perspective the (19MPPA consultation) Environmental Impact Assessment (EIA) accepts that (3.2.16), 'It should be acknowledged that there will be a slight increase in the extent of the 57 dB daytime noise contour over the Chiltern AONB for the 2021 19 MPPA scenario, however there will be a decrease in the 2028 19 MPPA scenario'.

The original EIA (for application 19/00428/EIA) did accept that Markyate and Flamstead (within the AONB) must be included within the mitigation strategy. The decrease in the 2028 19 MPPA scenario is the consequence of new technology as fleet upgrades result in quieter aircraft and greater capacity.

The current consultation is triggered by the operators understandable fear of non-compliance with planning conditions attached to the 2012 consent, most notably condition 10. The background rationale, in essence, being an increase in passenger numbers ahead of new quieter fleet delivery aircraft that also carry more passengers. In this mix of issues, CCB would identify a number of issues which require further commentary and attention when the planning application is progressed:

(a) The consultation document fully accepts that 'noise can have a significant impact on the quality of life of those living under flight paths and this needs to be responsibly managed' (p18). Reference is made to enhanced noise insulation and one off grants for community improvements (this is also mentioned in application 19/00428/EIA). The anticipated breaking of this planning condition now appears unlikely. We say this because the combination of post- pandemic recovery and phased implementation of the new fleets,

combines to suppress the recent trajectory of MPPA growth and then allows the new technologies of engines and design capacity to effectively 'catch up' with the planning condition. 2024 is now the projected target date for when the variation will be required.

The Master-Plan document states at paragraph 0.1.3 that as aircraft are upgraded they increase their seat capacity and then at paragraph 2.1.6 explores the fleet carriers who will acquire these aircraft. Master-plan paragraph 2.2.3 states that 'based on industry expectations and on the current pandemic situation, it is expected that the airport will recover to the 18 mppa traffic horizon by 2023 and to the 19 mppa traffic horizon by 2024'.

CCB Conclusions. Therefore the condition variation would not apply until 2024, as a worst case scenario. Para 2.6.4 of the Master-Plan document plots purchasing strategies for 3 operators who account for 90% of all aircraft movement. If the purchasing strategies are publicly available and factored in, accepting some contingency planning, then the need for the variation may disappear in all probability. CCB recommends that these data are made available, comprising the timeline for delivery of the new aircraft fleets, set against the MPPA for post pandemic recovery.

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2. Do you have any comments on how we should manage the effects of our proposals on the environment and local communities? The Chilterns Conservation Board (CCB) has previously submitted representations on the original application 12/01400/FUL, granted in June 2014 and for substantial operational development at London Luton Airport. Representations here focused on (i) the prematurity of the application in the absence of a national aviation strategy, (ii) an approximate 60% increase in the number of flights and frequency (with fewer quiet periods), (iii) impacts on the AONB being summarily dismissed in the (then) Environmental Statement, (iv) the need to address the landscape and tranquillity implications of overflying aircraft, (v) concern over night time traffic movements with the AONB being given consideration as a sensitive receptor, (vi) the need for restrictions to control number and frequency of night time flight, (vii) an opportunity to seek significant improvements and mitigation to the noise impacts on the environment which are created by the airport, (viii) the need for any expansion plans to be developed in the light of existing operational constraints, (ix) a need to account for any NATS review of routing and (x) an overarching conclusion that The Chilterns Conservation Board considers that LLAOL is failing in its statutory duty of regard to the purpose of the AONB (to conserve and enhance the natural beauty of the area of outstanding natural beauty, in accordance with Section 85 of the Countryside and Rights of Way Act 2000). These points related to the 2012 application. CCB Conclusions. The current application before Luton Borough Council proposes a variation of condition 10 of 15/00950/VARCON, to permit a variation of the spatial extent (expressed in hectares) of both the daytime and night time noise limits around the airport. Mitigation of impact is a requirement of the Environmental Impact Assessment Regulations. We comment below but the delivery of noise mitigation must be linked to the sustainability objectives as set out by the operator. In the current consultation the Master-Plan document sets the framework for this in its chapter 6. A set of noise objectives, dealing with monitoring and reporting is required. This must be linked to the stated sustainability objectives, with a clear end point whereby the noise mapping shrinks back to its original contours or less.

3. What opportunities are there to enhance the local area through our proposals for 19 mppa?

Mitigation strategies are set out in the Master-Plan chapter 6 and linked to a Quota Count system (QC), which requires a reporting back to the Local Planning Authority. We consider that a reporting structure is key. This mechanism must be built into any approved variation of condition 10.

Mitigation payments towards noise insulation and community projects must also be linked to this condition. Nevertheless, with the acquisition of new aircraft, the need for this condition variation will diminish. CCB would seek a review mechanism that allows reporting of when the condition 'kicks in' and when it is 'stood down'. That allows for fair reporting and reassurance to all those affected.

CCB Conclusions. The local communities affected by these proposals require access to a clear reporting structure that allows them to know exactly where the operator is with new aircraft delivery, noise contour mapping and the periods where the condition variation is in effect or is in abeyance. Conversely, they will also need to know when the variation is not being applied, for example during periods when the MPPA threshold is not exceeded. A web

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resource should suffice for access to what is live or very up-to-date reporting. A schedule of mitigation delivery can also be reported by this web resource.

4. Do you agree that the proposals will help to support regional prosperity and economic growth? a. Yes b.

No CCB is not able to form a view on this.

5. Do you have any comments on any of the documents provided as part of this consultation?

CCB Conclusions. CCB recommends withdrawal of application 19/00428/EIA, in the interests of clarity and to assist the public. It would be immensely confusing for the public should this still be running in parallel to the variation of conditions 10/ 22/24/and 28. Further, it confuses the various mitigation strategies and the reporting and monitoring strategies that will be required, should this matter proceed to decision. In our judgment it is fundamental that a clear reporting structure is established that allows for a ready and quick understanding of (a) noise envelopes (b) new fleet acquisitions and (c) the MPPA data, almost on a live basis. Further, with the advance of this new aircraft technology, the operator will be able to establish that noise contouring can be actively managed so that even if 19MPPA is reached the 57 dBA contour daytime and night time data will reduce back to levels consistent with or indeed below the 18 MPPA levels. With new aircraft technologies now in the pipeline the operator could, with some accuracy, plot and predict the future noise contours and make this information available as a goal or objective. This would help serve to reassure those affected and provide a platform for assessment should the operator progress their Development Consent Order / Nationally Significant Infrastructure Proposals.

CCB Detailed Comments on CONDITION 10 NOISE CONTOURS

Within an AONB or for matters that impact upon an AONB the key decision-making duty is set out a section 85 of the Countryside and Rights of Way Act 2000 which states that 'in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. National policy in the National Planning Policy Framework sets an understandably high test at Paragraph 172 which establishes that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty' and Luton Borough Council Policy LLP29 - Landscape & Geological Conservation (A). Development proposals will be supported where they protect, conserve, or enhance the character, setting, and natural beauty of national and local landscape areas, according to the following hierarchy of designations and with Tier 1 landscapes representing National landscape areas the special character, natural beauty, landscape and setting of the Chilterns Area of Outstanding Natural Beauty. The duty under s85 deals with the impacts upon the AONB and can, therefore, be derived from development outside such a nationally protected landscape but impacting upon it, as is the case with overflying aircraft. Planning History / Background. CCB last submitted comments, in objection, to the application under reference 15/00950/VARCON to vary the noise violation condition 11(i) as attached to consent 12/01400/FUL. We understand this application was granted on 13th October 2017.

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1.0. Background 1.1. The Chilterns Conservation Board (CCB) has previously submitted representations on the original application 12/01400/FUL, granted in June 2014 and for substantial operational development at London Luton Airport. Representations here focused on (i) the prematurity of the application in the absence of a national aviation strategy, (ii) an approximate 60% increase in the number of flights and frequency (with fewer quiet periods), (iii) impacts on the AONB being summarily dismissed in the Environmental Statement, (iv) the need to address the landscape and tranquillity implications of overflying aircraft, (v) concern over night time traffic movements with the AONB being given consideration as a sensitive receptor, (vi) the need for restrictions to control number and frequency of night time flight, (vii) an opportunity to seek significant improvements and mitigation to the noise impacts on the environment which are created by the airport, (viii) the need for any expansion plans to be developed in the light of existing operational constraints, (ix) a need to account for any NATS review of routing and (x) an overarching conclusion that The Chilterns Conservation Board considers that LLAOL is failing in its statutory duty of regard to the purpose of the AONB (to conserve and enhance the natural beauty of the area of outstanding natural beauty, in accordance with Section 85 of the Countryside and Rights of Way Act 2000). 1.2. The current application proposes a variation of condition 10 of 15/00950/VARCON to permit a variation of the spatial extent (expressed in hectares) of both the daytime and night time noise limits around the airport. We have taken this noise envelope to be the operational airport and its immediate environs but we also comment on this below as it is not a matter defined in a plan or map. 2.0. Policy Matters 2.1. In light of the 2012 application being granted (2014) and aware that air traffic movements will increase, it is wholly beneficial and desirable that noise implications are both mitigated and reduced, by virtue of statutory controls. Statutory Instrument 2003/1742 at its Schedule 2 sets out matters to be taken into account when considering operating restrictions at a relevant airport and

this includes at paragraph 1.4, A description of measures to reduce aircraft noise already implemented: for example, information on land use planning and management; noise insulation programmes; operating procedures such as PANS-OPS; operation restrictions such as noise limits, night flying restrictions; noise charges; preferential runway use, noise preferred routes/track-keeping, and noise monitoring. 2.2. The Government's Aviation Policy Framework gives due weight and attention to land-use planning and management. Paragraph 3.3 states that, 'We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities'. Paragraph 3.12 states that 'The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry'. Paragraph 5.6 states that 'The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application'. The 2018 Aviation 2050 (draft) strategy encourages innovation and new technology, stating that 'innovation is key to delivering the outcomes of the Aviation Strategy. The government recognises the important role that

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technological advances and new business models play in economic growth, especially in industries such as aviation and aerospace' but it also establishes that aviation can grow sustainably, stating that 'Demand for aviation has grown significantly since 2010 and the government welcomes growth in the sector, but this growth must be sustainable. Achieving this requires a partnership between the government, the regulator, the industry and other interested parties to work within a comprehensive policy framework to better manage the environmental impacts of the sector.' 2.3. The Chilterns Conservation Board Statutory Management Plan 2014 - 2019 'A Framework for Action', is a material planning consideration and contains a vision that includes that, 'Tranquillity is conserved and where noise is a problem, peace and quiet is restored, in particular by reducing noise generated by road traffic, overflying aircraft and trains'. 3.0. Applicant's Case 3.1. The applicant's put in their supporting case that Luton Airport has experienced unprecedented levels of growth above those predicted in 2012 (Planning Statement 3.1) and that the maximum operational ceiling of 18 MPPA could be reached ahead of its previously projected date and by 2021, ahead of the delivery of new aircraft that emit lower noise levels. Various operational mitigation is offered (Planning Statement 3.2) and it is suggested that the best path to noise compliance by 2024 is through the delivery of new aircraft. In citing the Environmental Statement, the impact is measured against the number of individual properties and equates to 1 dB change which is considered 'negligible'. This assessment does not take account of the cumulative impact of the assessment. 3.2. Economic analysis is advanced to suggest that employment could be in jeopardy should this variation be refused. 3.3. Having taken into account the national and Development Plan policy as well as the Government's national policy statement on aviation, the planning statement forms the view that 'local planning policy needs to be read holistically'. The Non-Technical ES Summary (section 4) deals with environmental effects and focuses exclusively on noise matters at 4.1.4. The ES makes no comment on other criterion such as environmental matters. The ES does not deal with the residual / cumulative assessment of impacts. 4.0 Chilterns Conservation Board Representations. 4.1. The arguments put here appear to be set within the reasonableness of the planning condition (i.e. the incentive or disincentive it gives the operator), the precision of the conditions and (in our opinion) the enforceability of the condition. The now agreed variation of condition 11(i) allows some 6,400 (15%) of all movements to potentially violate the 76 dBA threshold. That means that 85% will comply with this threshold or 36, 266 movements. Put another way 6,400 will potentially violate out of 42,666 movements. During that (now approved) application CCB made the point that the majority of operators satisfied the condition. We would seek an explanation as to the relationship between the agreed variation to condition 11 (noise violations) and the current extension of the noise contour. In particular it is important to know just how the overlapping impact between these two conditions impacts as presumably condition 11 allows violations about the limits as now sought.

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4.3 The CCB would oppose the relaxation of condition 10 because it offers an appropriate environmental threshold to protect the noise environment of those affected by an expansion of the airports facilities. 4.4. Consultation responses to the original condition 11 (noise violation) condition application 15/00950 VARCON sought noise reductions as a key part of their submissions, in the interests of quality of life (for example see Bucks County Council and Aylesbury Vale DC). To relax the noise thresholds, which offer an improvement in

the noise environment, must be restricted. This is of even greater necessity when consideration is given to the point that air traffic volumes are increasing. The saved Luton Local Plan 2011-2011 clearly makes the point in reasoned text at paragraph 9.73 that, 'Controlling aircraft noise is particularly important at Luton as the airport is situated close to residential areas'. 4.5. For this current application CCB places great weight on the need to conserve and enhance the AONB. Any manifest and tangible longer term reduction in the noise environment and with appropriate targets is to be welcomed in a complex case such as this. The applicant's case is, as we understand it, is that by 2024 less noisy aircraft will deliver the original planning objective against a growth model that has reached 18 MPPA ahead of the original 2012 forecasting. CCB raises a holding objective on 3 principal grounds that (a) There is no spatial assessment as to impact in association with a numeric impact as to dwellings. CCB would want to be reassured that the spatial extent as to impact does not impact upon the AONB as aircraft noise will be increased during at least 4 months of the year over the proposed 6 month period. Further, these months are during the busier summer months when days are longer and people recreate in the AONB and enjoy the tranquillity of the landscape as an essential component of its natural beauty. CCB would seek additional details as plotted on a plan or map. (b) That in striking a balance of issues (as the applicant's seek to do) the local planning authority must give greater weight to the environmental sensitivity of the impacts. The s 85 of CROW and NPPF 172 duties (as above) indicate this, notwithstanding the significant environmental constraints in the Development Plan at LLP6. We seek a commentary on the environmental impacts of approved condition 11 as it overlaps condition 10. The cumulative assessment of impacts must be assessed here. CCB would seek a commentary on this matter. (c) CCB would want to also be reassured that the mooted airspace changes (on page 11 of the planning statement) result in a more favourable impact on the local environment, including airspace changes over the AONB. These changes should be reported in this application as they are also material to the planning issues. CCB would seek further details.

(d) If the local planning authority is minded to permit this variation then, alongside all other key duties, great weight must be given to Development Plan policy LLP6 (vii) so that a tangible and measurable longer term improvement is achieved in quality of life and tranquillity in the environment as affected. Such commitments will need to be easily understood and clearly enforceable within the planning system. The operator will need to set out the delivery schedule for these quieter aircraft and reassure that the cumulative impact of greater numbers in no ways offsets these evolving technological improvements. As far as the application is currently constituted there is insufficient information upon which to make a decision under LLP6 (vii) and bodies like the CCB who enjoy a statutory duty to conserve and enhance the AONB seek greater detail and assurances, as set out above

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Should you require any further information please do not hesitate to contact me.

Yours sincerely,

Dr Michael Stubbs MRTPI MRICS

Planning Advisor, for and on behalf of the Chilterns Conservation Board

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21/00031/VARCON | 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

Total Consulted: 36 Consultees Responded: 19

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Kings Walden Parish Council (Tom Brindley)

Comment Date: Thu 11 Feb 2021

Please see comments in 'Docs' tab

Safeguarding - LLA

Comment Date: Thu 11 Feb 2021

I refer to your letter dated 18 January 2021

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, London Luton Airport Operations Ltd. has no safeguarding objection to the proposal.

Environmental Protection

Comment Date: Fri 12 Feb 2021

Please see comments in 'Docs' tab

12.02.21 Andrew Loosley

Many thanks for consulting Environmental Protection on the potential air quality impacts of the proposed increase in permitted passenger numbers from 18mppa to 19mppa. Having reviewed the Environmental Impact Assessment submitted in support of this application, its conclusion that the requested changes will not have a significant detrimental effect on air quality is accepted.

Despite accepting the findings of the assessment, I would echo the comments previously submitted by Highways and Travel Planning colleagues that it would be desirable for the applicant to take positive action to promote staff cycle use to arrest an apparent decline and potentially (albeit modestly) offset some of the increased emissions.

Please do not hesitate to contact me if you have any questions

Travel Plan Officer

Comment Date: Thu 04 Feb 2021

According to the airports recent survey the cycle use by employees has dropped, so I would like to see some definite work towards increasing cycle use and provision of cycle facilities.

Apart from the above, I'm happy with the attached and confirm that the application is all ok.

Highway Engineering Services

Comment Date: Wed 03 Feb 2021

It is accepted that the increase in from 18mppa to 19 mppa will not result in a significant impact on the existing transport network.

It is unfortunate that no cycling improvements are to be made as a result of this submission given the reduction in use of cycles as a means of staff travel to work reported and the statement in the report that there is a large proportion of staff that are potentially capable of travel behavioural change if the right measures are put in place to promote cycling. The highway authority would encourage that proposals be put forward to promote and encourage the use of cycles as a means to travel to work.

Historic England

Comment Date: Wed 20 Jan 2021

See documents tab

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Historic England

Mr David Gurtler
Luton Borough Council
Town Hall
George Street
Luton
Bedfordshire
LU1 2BQ

[REDACTED]
Our ref: **W:** P01356390

20 January 2021

Dear Mr Gurtler

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LONDON LUTON AIRPORT, AIRPORT WAY, LUTON
Application No. 21/00031/VARCON**

Thank you for your letter of 18 January 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Neville Doe

Neville Doe
Assistant Inspector of Historic Buildings and Areas
[REDACTED]



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



BOROUGH OF LUTON

INTER-DEPARTMENTAL MEMORANDUM

From Jonathan Pyke

To Gemma Davies

cc: LBCDecCon@luton.gov.uk

Date 4 February 2021

Subject	References
London Luton Airport Airport Way, Luton	Our Ref: C10608 Your Ref: 21/00031/VARCON

Dear Gemma

Thank you for consulting Environmental Protection. We provide our initial comments below which are concerns the Local Planning Authority's noise limits will be further exceeded and more dwellings and other noise sensitive development impacted over a greater area.

Comments on air quality will be provided separately.

Please let me know if you have questions or require further information.

Kind regards
Jon

Variation of Condition 10 (Noise Contours)

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

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

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

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

Time	Area	Maximum noise level
Daytime noise 07:00 – 23:00	Living rooms	35 dBL _{Aeq} (16hr)
	Dining room/area	40 dBL _{Aeq} (16hr)
	Bedrooms	35 dBL _{Aeq} (16hr)
	Outdoor amenity	55 dBL _{Aeq} (16hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dBL _{Aeq} (8hr) 45 dBL _{Amax} (Not to be exceeded more than 10 – 15 times)

- 1) These levels are based on recommended internal noise levels for bedrooms and living rooms as set out in British Standard, BS8233:2014 and WHO Guidelines On Community Noise.
- 2) This information is available from the Local Planning Authority's website at [https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Environmental and Consumer Services/Pollution/Planning guide.pdf](https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Environmental%20and%20Consumer%20Services/Pollution/Planning%20guide.pdf)

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

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

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

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

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

The applicant anticipates a better future after 2028 by adopting forecasts of newer, quieter aircraft fleets operating from Luton. But, it is apparent either such aircraft do not currently exist in the airlines' ownership or it is not within their intention to deploy and operate them from London Luton Airport.

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

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

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

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

Variation of Condition 22 (Car Parking Management)

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

Variation of Condition 28 (Approved Plans and Documents)

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

End.

LLAOL Airfield Operations, Safeguarding

Consulter
Gemma Davies
Luton Borough Council
Luton Town Hall
LUTON
LU1 2BQ

Our Ref : 2021/001

09 February 2021

Dear Gemma

Application No: 21/00031/VARCON

Site/Location: London Luton Airport, Airport Way, Luton

Proposal: 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.

I refer to your letter dated 18 January 2021

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, London Luton Airport Operations Ltd. has no safeguarding objection to the proposal.

Yours sincerely



Ian Garratt
Aerodrome Compliance Manager
London Luton Airport
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Standing up for Hertfordshire's countryside

David Gurtler
Planning & Development Control
Luton Council
Town Hall
George Street
Luton LU1 2BQ

Our Ref:

Your Ref:

10th February 2021 (by email)

developmentcontrol@luton.gov.uk

Dear Mr Gurtler,

Application: 21/00031/VARCON

Luton Airport, Luton

Variation of Conditions 8, 10, 22, 24, and 28 to Planning Permission 15/00950 to accommodate 19 million passengers per annum and to amend day and night noise contours

I write with reference to the above application. CPRE Hertfordshire has previously objected to the variation of Planning Condition 10 (May 2019) and repeats its strong objection to this further attempt to increase the airport capacity and reduce controls on aircraft noise which will affect increased areas of Hertfordshire and elsewhere for the following reasons.

1. According to the Environmental Impact Statement(EIA) accompanying the application, the amendments to both capacity and noise contours are being sought ..“so (that) LLA is in a good position for the future and can continue to create benefits for the passengers, the supply chain and the local economy.” It further states that continuing to operate at the 18 million passengers per annum (mppa) “would not have delivered the anticipated economic growth... because restrictions would have to be placed on airlines to be confident that compliance with conditions attached to the 2014 Planning Permission was achievable”.
2. As noted previously, the reasons for those planning conditions were to safeguard residential amenity and to accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework. Nothing has changed since grant of the 2012 application to reduce the need to safeguard residential amenity and the airport has operated in violation of Condition 10(noise contours) since 2017 and could continue to do so.
3. The Planning Statement accompanying the application is silent on the extent of any economic growth to justify an increase in capacity and provides no evidence of what that increment might be. In any case, present circumstances relating to the pandemic and impacts on air travel would contribute to making any such assessment almost impossible to predict.

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

Registered Charity 1162419



4. The Luton Local Plan refers to the need to “achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise at any time of day or night..(and should)..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”.
5. However, the EIA states that “the proposal would result in 2022 an increase of 724 new properties being exposed to an increased level of noise due to the forecasted increase in air traffic”. Even this increase is based on assumptions about the rate of replacement of noisier aircraft types and the EIA notes that this is beyond the control of the airport operators and with the current pressures on airlines’ budgets is likely to take longer thereby further increasing the number of properties affected.
6. In terms of atmospheric emissions, the EIA indicates higher total CO2 emisisions for every year from 2019 and these are based on estimates of older aircraft types which may be challenged, notwithstanding the lack of evidence regarding future economic development.
7. The application is at best premature, given the major uncertainties surrounding key assumptions in the Planning Statement and EIA. The variation of conditions proposed would have adverse effects on local communities by virtue of noise generation and increased CO2 emissions, in the absence of evidence of economic benefits and optimistic estimates of aircraft replacement.
8. Communities around the airport have suffered the adverse effects of over-optimistic estimates made by the airport owner and operations in contravention of planning conditions for many years. This is unacceptable and no further amendments to planning conditions should be made until more evidence of critical factors is available.

Yours sincerely,



Chris Berry
Planning Manager



**Luton Borough Council
Planning and Environment**

10th February 2021

Planning application 21/00031/VARCON: Variation on Condition 8 (passenger throughput cap) and Variation on Condition 10 (noise contours)

Dear Sir/Madam,

Kings Walden Parish Council opposes to both key elements and subsidiary elements of this application.

Variation on Condition 8 (passenger throughput cap)

Under the original condition, the passenger cap of 18 mppa, was not due to be reached until circa 2026, due to natural growth. Due to financial stimulation by the airport owner London Luton Airport Ltd (LLAL), this was achieved in 2019, purely for accelerated commercial gains. The evidence shown to corroborate the need for an extra one million passengers, is false. We perceive this purely as an attempt by the airport to recover quickly from its current situation where passenger and aircraft movements are reduced due to Covid restrictions. Passenger figures for 2020 show 5.4 mppa, 2.9 million of these were from January – March. For the last nine months of the year, throughput was 2.5 million. The council sees no clear evidence in any of the supporting documentation that an increase of 12.6 million passengers will be required or achieved before the originally planned 2026.

Impact on the local community through noise, pollution, and transport infrastructure must override any commercial gains. The existing conditions were placed to protect the environment and local residents, and the rationale behind those conditions has not changed.

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

Variation on Condition 10 (Noise contours)

Kings Walden Parish Council opposes this variation. The original planning condition was made under expert guidance as to how New Engine Offer (NEO) aircraft would be introduced at Luton, lowering the noise contour. As the applicant, LLAOL, had no control over how airlines would introduce such aircraft, it was based on circumstantial data at that time. This point is demonstrated by the regular breaching of that noise contour. The introduction of NEO aircraft has been limited, with most of the expansion of flights being by older, noisier aircraft. NEO aircraft are not as quiet as anticipated due to the short runway at Luton.

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

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

Variation of other conditions

The application to vary other conditions are all subsidiary to conditions 8 and 10, and should be rejected.

Tom Brindley CILCA

Clerk to Kings Walden Parish Council



Response

11 February 2021

**LUTON AIRPORT PLANNING APPLICATION
REF: 15/00950/VARCON**

VARIATION OF CONDITIONS 8, 10, 22, 24 AND 28 TO PLANNING PERMISSION 15/00950/VARCON TO ACCOMMODATE 19 MILLION PASSENGERS PER ANNUM

HERTFORDSHIRE ASSOCIATION OF PARISH & TOWN COUNCILS EXECUTIVE SUMMARY

The HAPTC have analysed the above application to Luton Borough Council (LBC) as most areas of Hertfordshire are affected by either arrivals or departures of aircraft to varying degrees, some are severely affected, some experience less noise disturbance.

The Application

The above application is based on an increase of 1m passengers from 18m to 19m and an increase in night time flights. Our understanding is that these variations to existing conditions are actually retrospective as the Airport were, prior to the covid lockdown restrictions, operating at these levels in contravention of the existing planning consents granted in 2013. It is also noted the LBC have not taken any enforcement action against the Airport for these contraventions of planning conditions, perhaps indicating a conflict of interest.

Objections

The HAPTC object to this planning application for a number of reasons, primarily because as set out above, the airport do not appear to abide by conditions set out previously which were deemed to be important to the surrounding communities and indeed Luton Town itself.

Our principal objections are:

- LBC and the Operator committed to a number of noise abatement, flight and passenger controls in the application to expand to 18m passengers in the consented 2013 application, many of which it has failed to adhere to, breaking many of them, hence this retrospective application.
 - LLP6 requires effective noise control, but the Airport has been operated in breach of its noise controls for three years..
-

HERTFORDSHIRE ASSOCIATION OF PARISH & TOWN COUNCILS

- The proposed increase in passenger numbers will mean a substantial increase of arrivals and departures, in excess of 2,000 additional flights, causing further harm to Hertfordshire communities.
- The existing and proposed road and rail transport systems do not have the capacity to withstand the heavy increase of cars and passengers. The Dart rail system links to an already overloaded Thameslink service and the motorway network is gridlocked on many occasions. That is coupled with the additional emissions caused by road traffic to the airport.
- Many research studies have concluded that aircraft noise at night is directly harmful to health. The largest increase sought by this application is to the permitted “noise footprint” at night, up by 5.7sqkm compared to 2.2sqkm by day. There has already been a 6-fold increase in night flights, up from 500 to 3,000 between 2013 and 2019. The addition of 1m passengers and the resultant increase in flights will only exacerbate this situation.
- The Airport agreed to insist on quieter aircraft to be flown by the operators in the 2013 application. This has not been achieved. The latest Airbus A321neo aircraft are just as loud as the older-engined planes, the Airport should be focused on plans to insist operators use quieter and cleaner aircraft before granting any further growth in capacity.
- Emissions are a critical issue, Luton Borough Council have stated they are committed to becoming carbon neutral by 2050. A fully researched properly evidenced Carbon Reduction Plan is essential before the application can be decided as Luton Airport creates significant local and national emissions.
- LBC Local Plan is quite clear that any airport expansion must “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”, this application seems to be in direct contrast with that statement.

Summary

For the above reasons we find that this application is not acceptable to our communities, we urge LBC to reject this application and focus on other solutions before expanding its operations further.

If the planning team and Council are minded to give consent to this application, which HAPTC strongly urge them not to, we would ask that consideration is given to strict Conditions, including use and research into plant based fuels which are available but rejected by airlines at this time, this would have a significant bearing on ongoing emissions.

The Council members of the HAPTC are very concerned as to the ongoing development of the airport and its affect on Hertfordshire's communities, we urge the Council and planning team to very seriously consider their position on this matter.

BOROUGH OF LUTON


INTER-DEPARTMENTAL MEMORANDUM

From Mr Andrew Loosley

To Gemma Davies

cc: developmentcontrol@luton.gov.uk

Date 12 February 2021

Subject	References
21/00031/VARCON-London Luton Airport	Our Ref: C13706/ Mr Andrew Loosley Tel: /  Your Ref: 21/00031/VARCON

Air quality comment re the proposed variation of Condition 8

Dear Gemma,

Many thanks for consulting Environmental Protection on the potential air quality impacts of the proposed increase in permitted passenger numbers from 18mppa to 19mppa. Having reviewed the *Environmental Impact Assessment* submitted in support of this application, its conclusion that the requested changes will not have a significant detrimental effect on air quality is accepted.

Despite accepting the findings of the assessment, I would echo the comments previously submitted by Highways and Travel Planning colleagues that it would be desirable for the applicant to take positive action to promote staff cycle use to arrest an apparent decline and potentially (albeit modestly) offset some of the increased emissions.

Please do not hesitate to contact me if you have any questions.

Kind regards,

Mr Andrew Loosley
Technical Officer



Slip End Parish Council

12th February 2021.

We, Slip End Parish Council, write in response to planning application 21/00031/VARCON of January 2021 to raise a number of concerns.

We have a long engagement with LLA expansion plans, including the LLAL 2039 consultation of 2019 and the Luton Airport Expansion plan (19 mppa) of 2020. We note with some concern that the Slip End Parish Council is not listed in the Wider Council stakeholder list at the end of the LLA – 19mppa Consultation Summary Report (LLA19CSR). Whether this is a clerical error or a lack of interest in our opinion we know not. To remedy this deficiency we attach copies of our responses to both consultations – both are relevant to the present planning application in that environmental and economic concerns about airport expansion are the same whether the target numbers are 19mppa in 2021 or 32mppa in 2035.

The LLA19CSR report comprehensively summarises the environmental and economic objections to raising the passenger limit to 19mppa, to such an extent that we are surprised that LLA wish to ignore it and proceed with yet another planning proposal. Many of our concerns are covered by the report, others are not (see attached letters). Rather than cover old ground we suggest that LLA19CSR substantially represents our view point and move on to consider the proposed changes:

We object to the proposed change to Condition 8 of 15/00950/VARCON to raise the annual passenger cap from 18mppa to 19mppa. The objections raised in LLA19CSR to growth are comprehensive and should be addressed first. In particular the claims that reaching 18mppa 9 years ahead of target is a great achievement should be withdrawn by LLA. It is apparent that the infrastructure which sustained this growth is inadequate and should be improved first. The fall in aircraft movements during covid-19 offers the opportunity to do this.

We object to the proposed change to Condition 10 of 15/00950/VARCON to ease noise restrictions. LLA has a poor record in enforcing noise limits, particularly for night and shoulder sectors. The reason given for easing limits is that new generation aircraft are not coming on line as quickly as originally projected. We would point out that the noise reductions from new generation planes have been less than anticipated, Covid-19 will delay fleet modernization yet further, and that LLA has persistently refused to provide growth projections for mid-haul routes using wide-bodied jets. Flights of this type are slower and noisier on take off, and have increased substantially in the last couple of years (ie the Luton-Tel Aviv route), which impacts greatly on communities, such as Slip End, which are located directly under the flight path. This is particularly ominous given EIA vol 2 suggests the use of 'larger aircraft' will mitigate the increase in passenger numbers (section 3.3.10). We suggest LLA should focus on being the 'good neighbour' it claims to be, and address current shortfalls in noise mitigation.

We are also disappointed that proposed changes to Condition 22 (Car parking management) and Condition 24 (Travel plan) contain no details or proposals whatsoever. 'Fly-parking' in surrounding communities seems to be an issue that LLA refuses to engage with.

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Councillors: P Cooper (Chair), S. Minnighan (Vice Chair), C Brennan, C Beeton, S Patterson, T Hooker, P Shaw

Clerk: P Segal

Overall, in these times of economic uncertainty and massive downturn in the aviation industry, there is no case for ANY expansion in LLA capability – 92% of respondents summarized in LLA19CSR (section 5.10) believe there will be no economic growth resulting from such an expansion. Yet LLA persists in promoting this vanity project whilst ignoring the very consultancy documents it commissioned. We therefore strongly object to planning proposal 21/00031/VAR.

Yours faithfully

Peter Segal
Parish Clerk
clerk@slipendparishcouncil.co.uk



Slip End Parish Council

9th December 2019.

We thank you for the opportunity to comment on the future plans for the expansion of Luton Airport to 2039. We understand that further expansion is inevitable (although economic and environmental constraints make your target of 32 mppa and 52 traffic movements by 2039 highly unlikely), but, as a parish council, we have serious concerns about your proposals.

By way of background Slip End parish comprises the village of Slip End and the outlying hamlets of Woodside, Aley Green and Pepperstock. Slip End village is 3.8 km from the LLA runway, a mere 10 minutes drive away, and all of the westerly FP26 flight paths pass between Slip End and Pepperstock within the 57 db noise contour and at around 3200' depending on weather conditions, and certainly within the LOAEL of 4000' used in the study (PEIR Vol 1 9.6.2). Woodside is impacted by flight path FP08 arrivals from the west, also within 57db. Clearly noise, emissions and traffic are issues which impact upon the parish.

A major concern with the consultation documents is the lack of any presentation or analysis of the impacts of doubling passengers over the expansion decade 2009-2019. We are being presented with the **present or near-present** (2017 in the case of aircraft noise) as the baseline for environmental analysis (for example, section 5.4 of the PIER Vol 1 study). This gives the impression that everything is fine and we can just plan ahead – a clever but dishonest approach. The PEIR evaluation claims to have analysed the environmental data for past noise and emissions, so surely we should have the right to access and consider this.

Obviously every additional aircraft movement adds to the sum of noise and emissions, even if they are new generation planes like the 320neo. Current daytime movements are around 27ph, to be doubled under the current plan. Night flights for 2019 Q2 are 5% up on last year (<https://www.london-luton.co.uk/LondonLuton/files/81/81194466-f4d8-4fa5-9335-1da64b2152da.pdf>) whilst 'shoulder' movements (between 0550 and 0700), which are essentially rebranded night time flights, are also on the increase.

In this context there is concern about the introduction of wide-bodied jets such as the Boeing 787. LLAL has admitted an intention to explore the medium distance market, but has been disinclined to quantify this proposed growth. Our experience of the 787 so far is that it has a slower climb rate and is much noisier than the short-haul aircraft at around 3000 feet. We would be grateful for transparency on this issue. Due to physical constraints the changes envisaged in the flight path review Aviation 2050 are unlikely to affect the first stages of FP08 and FP26, despite the optimism of the consultancy document (p149).

We are also concerned about the emissions monitoring strategy, which is heavily reliant on the new fixed monitoring station at Wigmore, operative since June this year, and roving data collection for a limited range of variables. Given that 70% of aircraft takeoffs are westerly over the course of the year, it is a major oversight to not monitor emissions west of the airport. The nearest fixed monitoring station for particulate matter (PM10/PM2.5) and CO2 is in Berkhamstead, 18km to the southwest of the runway. This means there is no western data available for the 15x15 sq km sample grid employed in your study (PEIR vol 5.6.2).

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Clerk: P Segal

It would therefore be reassuring if LLAL were to monitor for NOx, CO2 and particulates in villages close to the runway to ensure we are not a hotspot.

In the last two years the parish has experienced rapid growth in the practice of 'flyparking' by airport customers, and in some cases, by employees. The attraction lies in its proximity to the airport, and, of course, it is free. Your proposed parking strategy does nothing to alleviate this problem. We are in discussions with Airparks Ltd to restrict use of the Airparks courtesy bus service to Airparks customers and parish residents, but this is unlikely to completely solve the issue, and it is likely that we will have to introduce, regretfully, parking restrictions in the parish at some point. We note that your FIRST scheme intends to offer compensation to communities on a passenger number basis up to a figure of c£10-15k. This is unlikely to meet the costs of traffic enforcement, and we suggest that LLAL funds this separately and directly.

The parish also has a number of properties which should be eligible for the Noise Insulation Scheme 3. However, as there are differences between the 2017 baseline data and the projected noise envelope for 2029 (PEIR vol 2) a statement of the methodology that will be used to identify qualifying properties is essential.

It is apparent to all of us that use Luton Airport that the infrastructure is barely coping at the present time as a result of development faster than planned in the 2009-2019 period. We are now being asked to approve a further growth-at-all-costs policy, based on potentially flawed economic predictions, which is likely to have profound negative impacts on the quality of life in Slip End parish. This we are unable to do.

Yours truly

Peter Segal
Parish Clerk
Slip End Parish Council
clerk@slipendparishcouncil.co.uk

developmentcontrol@luton.gov.uk
(by email)

Dear Sirs,

LONDON LUTON AIRPORT: 21/00031/VARCON TO INCREASE CAPACITY FROM 18 TO 19 MILLION PASSENGERS PER ANNUM

A Scrutiny Committee of elected members from this Council met with the Head of Sustainability and the Project Director of London Luton Airport Operations Ltd on 14 January 2021. During a wide-ranging discussion, the meeting explored three issues which the Committee wish to raise with Luton Borough Council in respect of the determination of applications in relation to the expansion of London Luton Airport (LLA).

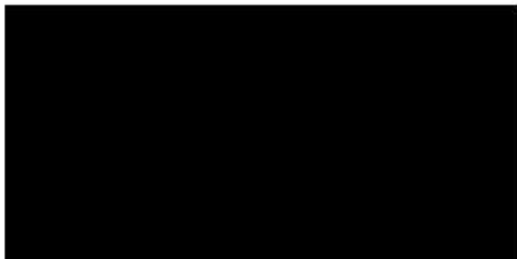
The Committee are left frustrated with the apparent attempt to use the planning system to move the goalposts on their maximum passenger numbers rather than meet their current requirements. This is most notably seen with the current application, 21/00031/VARCON, which includes Varying Condition 8, to increase capacity from 18 million to 19 million per annum. This includes a resubmission of previously withdrawn 19/00428/EIA, to which this Council and a number of residents have previously raised strong objections.

The District is situated directly to the south of LLA. Conflict of airspace has led to aircraft noise becoming a major issue for our residents in recent years, particularly from westerly departures. This impact is further increased by conflict with Heathrow and London City Airports' flight patterns which reduce the ability for departing aircraft from Luton to climb quickly. The proposed increase of passenger numbers, as well as the regularisation of previous breached conditions, would increase this impact on our residents. The Committee strongly believe that LLA should operate within the limits previously approved.

To ensure a perception of fair play, given that much of the subject matter of the current application is very similar to that of the previous one in respect of Condition 10, we ask Luton Borough Council to take into account the previous representations in its deliberations and planning advice. The Committee request that the approximately 500 representations made in respect of previously withdrawn application 19/00428/EIA are carried over to the current application, 21/00031/VARCON.

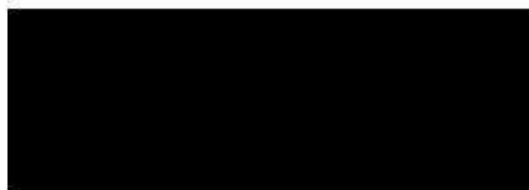
We should be grateful if the above concerns could be taken into account by Luton Borough Council, and we look forward to receiving your reply.

Yours faithfully,



Councillor Anthony Rowlands
Deputy Leader

(pp. **Councillor Chris White**
Leader and Climate, Environment and
Transport Portfolio Holder)



Councillor Annie Brewster
Chair of the Community,
Environment and Sport
Scrutiny Committee

EATON BRAY PARISH COUNCIL

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London Luton Airport Planning Application 21/00031/VARCON

Eaton Bray Parish Council Comment

Eaton Bray Parish Council OPPOSE planning application 21/00031/VARCON

When the Airport was granted permission in 2014 to increase passenger numbers to 18mppa, it was conditional on certain noise contour limits being met. The projection at that time was that the 18 mppa figure would not be reached until 2028, by which time a newer generation of much quieter aircraft would be in service. The premiss was that those quieter aircraft would compensate for the increased traffic, thus enabling compliance with the noise contour limits.

The stark reality was that the Airport successfully promoted much more rapid growth, such that the 18 mppa limit was almost reached in 2019, well before most of the newer aircraft entered service. It would almost certainly have been breached in 2020 were it not for the Covid-19 pandemic. This situation was compounded by the fact that the newer aircraft that have entered service have proved to be only marginally quieter on departures and equally noisy on arrivals. The inevitable consequence was that the noise contour limits were breached in 2019.

The Airport, having blatantly disregarded the environmental consequences of promoting such rapid growth, is now seeking permission to increase passenger numbers still further, with a relaxation of the noise contour limits.

The consultation paper claimed that the increase in passenger numbers would not result in any increase in night flights, yet that statement was immediately followed by a table showing that a 1.4 mppa increase in passenger numbers between 2018 and 2019 resulted in a 5% increase in night flights. The explanation as to how the number of night flights would be reduced appeared to rely on *"restrictions on daytime and night-time flights based on a reduced quota."* Quite what that statement meant was unclear, but it did not seem to be compatible with increased passenger numbers unless they are proposing to use larger, heavier and consequently noisier aircraft.

The consultation paper also claimed that the newer generation of quieter aircraft will enable the original noise limits to be met by 2028, even with an increase in passenger numbers to 1.9 mppa. All the evidence to date however indicates that the newer aircraft will not reduce the noise contours as claimed.

Finally, the consultation paper referred to an ongoing airspace change proposal study, looking at the options of aircraft reaching higher altitudes sooner on departure and remaining higher for longer on arrival, enabling significant environmental benefits. That would appear to be the only chance of there being any significant reduction in the noise contours in the foreseeable future. It is therefore the view of Eaton Bray Parish Council that there should be no further increase in passenger numbers or relaxation of the noise contour conditions at this point in time.

Yours faithfully,



Heidi R. Head

Clerk to Eaton Bray Parish Council

For and on behalf of Eaton Bray Parish Council

Luton Airport Planning Application 21/00031/VARCON

response from London Luton Airport Town and Village Communities Committee (LLATVCC)

This application, to vary among other items the passenger throughput cap and the noise contour areas, is accompanied by an Environmental Impact Assessment (EIA: 248 pages), a Planning Statement (58 pages) and an Airport Master Plan (82 pages). In essence, the airport operator wants to get another million more passengers through the airport each year.

The reasons for the current passenger cap and associated noise conditions set by Luton Borough Council include the need to safeguard residential amenity, and to align with the Government objective to limit and where possible reduce the level of aircraft noise. Neither of these positions has changed. Nevertheless the airport operator is seeking to increase both the annual passenger throughput and the areas contained within the day and night noise contour areas. The proposition is as follows:

The amendments are considered by LLAOL to provide an appropriate balance between environmental protection and growth. When the airport was operating at its existing capacity of 18mppa there were breaches of the noise contours due to the higher than predicted growth in passenger demand, the delay in delivery of modernised aircraft (e.g. Airbus Neo and grounded B737 MAX) and disruption in European Air Traffic Control from significant weather events and industrial action resulting in flight delays. Therefore the need to enlarge the noise contour exists independently of the proposed increase of the 18 mppa cap to 19 mppa. The noise contours required for the 19 mppa would not be significantly different to the enlarged contours that would have been needed to operate at 18 mppa. The proposed enlargement would apply until 2028, by when it is anticipated that the introduction of newer, quieter aircraft fleet mix would enable LLAOL to comply with a smaller contour albeit not as small as the contours under the existing condition. The improvements in noise reduction facilitated by new aircraft will bring forward opportunities to reduce the areas covered by the noise contours in the future.

As to the “higher than predicted growth in passenger demand”: we have frequently reminded the operator and the airport owner that this growth was far from unexpected: it was the direct result of financial incentives from Luton Borough Council to the airlines by way of cost reductions – given during 2013 and reported, rather inconspicuously, in the airport owner's Annual Report for 2014.

As to flight delays having abruptly increased in extent, this claim is not borne out by what can be seen from Eurocontrol's CODA (Central Office for Delay Analysis) system, which points out that at the great majority of airports late-evening and early night flights always experience the greatest delays, usually as the accumulation of a series of short delays during the day and, year-on-year, have not increased in extent. Airlines tend to be over-optimistic when scheduling flights, to get “that one extra rotation – more conservative scheduling would virtually cure this problem.

As to the replacement of the current fleet with less-noisy modern variants, this had been the promise from 2012 onwards, but that promise has not been kept. Some of the newer variants have appeared at Luton, but the current picture is of predominantly older types and one of the newer models: the A321NEO; is not living up to the claims of lower noise levels on landing. There is as yet no experience of the way the B737MAX will perform at Luton but it, like the A321NEO, is a larger aircraft and may show, on measurement, that it is no less noisy than its predecessor the 737/800 under Luton conditions. This replacement rate has a profound effect on the estimates of noise in the Environmental Impact Assessment, and with the present financial climate the replacement rate is likely to be slower than is assumed in the EIA and with several airports with the same noise issues as Luton there is competition between them to persuade or cajole their airlines to base the less noisy models at their particular airport.

In summary: the Environmental Impact Assessment says, though not quite clearly enough, that there is no way that the present noise conditions can be met even with the various expedients in place to minimise the scale of the infringements, but that the size of the increase necessary to make it compliant at 19mppa is very little more than would be needed to achieve compliance at 18Mppa. However it is not true that there is any need to enlarge the noise contour merely to make it possible for the airport operator to claim that it is now compliant. The contour areas could be left unchanged, and regular reports of the scale of infringement made: this will act as an effective reminder of the need for continuous scrutiny of both the various expedients in place to limit the extent of the infringement and of the airlines' achievement in replacing their older noisier fleet with less noisy variants. The work on “noise envelopes” which is a part of the work on LLAL's Development Control Order application to virtually double the airport's throughput, was suspended due to large-scale uncertainties over issues such as fleet mix and the rate of replacement of the noisier aircraft, and it appears appropriate for the airport operator to convene a similar Noise Envelope Design Group or similar body to work towards development of a Noise Envelope for the 19Mppa environment.

However, from the Environmental Impact Assessment: *The worst case-year for the number of dwellings above SOAEL (Significant Observable Adverse Effect Level) is 2022, when 724 additional dwellings would be predicted to experience noise above SOAEL during the night-time with the Proposed Scheme in comparison with the existing Condition 10 limits. The number of additional dwellings above the night-time SOAEL remains constant until 2023 and then decreases thereafter.* These adverse effects do not align with either the Luton Local Plan which expects the airport to:

achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;

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;

nor are they consistent with the Government objective to “limit and where possible reduce” aircraft noise disturbance. Government acknowledges the evidence from recent research which shows that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq 16hr as occurred at 57 dB LAeq 16hr in the past.

As mentioned above, this “worst case” position is an optimistic guess, and relies on the rate at which the less-noisy types are introduced as well as the rate at which passenger numbers rise from their present levels. Whatever the case, we're told that with the increase in passenger numbers as many as 746 additional dwellings will be significantly affected at night by more noise.

Other strands in the application:

the airport claims that it can squeeze another million passengers through the existing facilities without further development, needing only to make changes to the arrangements for some passenger queues, and it is suggested that the 5% increase in passenger numbers will not add to the congestion in the **local road network**, in part perhaps through the opening of the DART system, now believed to be opening some time during 2021. Nothing is known about the fare structure and takeup rate for this service.

The Planning Statement is atypically coy about any **economic benefits** of the proposed expansion; perhaps wisely, as it is known from Office of National Statistics (ONS) data that UK travellers heading overseas spend more than do incoming passengers from abroad: before Covid the national balance of payments deficit in terms of tourism spending was **£32 Billion** and ONS estimated that each “average” outbound traveler costs the national economy almost £700. Luton, with 60% of its travellers being UK residents rather than wealthy overseas folk hell-bent on Bicester Park or London's West End, is likely to be doing exactly as described by New Economics Foundation when commenting on the proposal to expand Leeds/Bradford Airport – taking spending power and jobs out of the local economy through low-cost tourist flights: a point we have made at Luton's Airport Consultative Committee but which seems to have escaped the minutes.

Climate change considerations: in a report by Anthesis consultants to Luton Borough Council as part of the council's Climate Action Plan Support it is stated that:

Emissions from flights are a significant source of emissions, and if aviation emissions continue to increase as currently modelled by national government, the airline sector will reduce the available carbon budget for Luton borough (assuming aircraft technology and efficiency remains at today's levels). As mentioned in the previous sections of this report, this finite budget is already diminishing and will require significant investment and action from all stakeholders to keep within.

The inevitable conclusion has to be that if the airport continues to grow, other activities in Luton will have to be curtailed.

The application seeks “room to grow” to assure the airport's existence and the continuation of its position in the local economic firmament, though that existence is not in doubt. What is in doubt is the rate at which demand for passenger leisure travel may recover and the rate at which the noisier aircraft types (currently the majority of aircraft using Luton) are replaced. The documents contain some optimistic estimates on both of these fronts but in the present climate they appear not to be well-founded, and local communities have been the victims of previous optimistic estimates by airport operators and owners. The Airport Operators Association has very recently stated that it did not expect passenger numbers to recover to pre-Covid levels until 2025 at the earliest. It is suggested that this application is at least two years

premature and should be deferred until more certainty over passenger demand is known, and the replacement of the noisier aircraft types is demonstrably well under way. It must be confirmed that any financial incentives from the airport owner are focused on accelerating the rate at which fleet replacement is achieved, rather than on attempts to accelerate the growth of passenger numbers.

This application should be **refused**, for the reasons set out above.

Michael Nidd
Secretary, LLATVCC
The Old Bakery
152 Piccotts End
Hemel Hempstead, Herts.
HP1 3AU



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

16th February 2021

Dear Sirs,

Re: Planning Application 21-00031-VARCON

Increase in Passenger Cap to 19M and Relaxation of Noise Controls

OBJECTION

St. Albans Quieter Skies wish to register a strong objection to the granting of this application to vary the existing planning conditions.

1) The Application would not be necessary if the original planning conditions had been respected.

In 2013, the development Control Committee reported:

“204. The Local Planning Authority acknowledge that the development / and expansion of the activity at the Airport will have an impact on residents both within the borough and in the surrounding rural areas. It was recognised that a robust consideration needed to be given to the concerns raised by the interested parties and to ensure that an objective appraisal was carried out. This was especially important in respect of the issue of “noise” and as such the Council engaged independent consultants Cole Jarman Ltd to evaluate the proposal, providing specialist technical expertise.”

The advice from Cole Jarman stated that:

- Controlling the noise impact to the levels indicated for 2028 requires that a substantial part of the airline fleet is changed to modern, low noise variants of types currently operating. The primary mechanism put forward by the applicant for ensuring that this will

happen is by way of a condition limiting the extent of key daytime and night time aggregated noise contours.

There is no excuse for the violation of the noise contour limits that took place in 2017, 18 & 19. Anybody familiar with the planning conditions would have seen that breaches were inevitable given LLAOL's rush to swell passenger and hence flight numbers.

The introduction of the Growth Incentive Scheme, less than 30 days after the granting of planning permission for Project Curium, totally ignored the Cole Jarman warning regarding the necessary introduction of "low noise variants".

Despite being a willing party to the Growth Incentive Scheme, LLAOL ignored the requirement for low noise "next generation" aircraft and did not link the growth incentive with the use of "next generation" aircraft. A shameful and cavalier betrayal of the slightest concern for the concept of "robust consideration of the impact of noise".

As a result, the noise contour planning condition was breached in an entirely predictably manner. Despite being predictable, LLAOL were late to impose restrictions – which were always inadequate – and LBC declined to take any action to require compliance. The excuse that delays to aircraft returning to Luton in the evening caused them to fly in the night period only prevented the daytime contour from being breached as well. This situation is interpreted as representative of the way in which LLAOL and LBC do not take their responsibilities on airport planning conditions, and particularly noise, seriously, as both parties gain financially from flights that should not have been permitted.

This prompts the serious question raised by many of our members "What is the point of LBC imposing "conditions" on London Luton Airport if there are no consequences to breaching those conditions?" It has not escaped our members notice, that should this application be granted, there are again no penalties for breaching the conditions. Will this be a repeat of recent planning condition violations, and dismissed as not in the interests of LBC? What is even worse is that LLOAL should expect the re-writing of conditions that result from their own lack of attention to their compliance. The claim that passenger growth since 2014 has been faster than forecast is entirely true – but it is only true because this situation was engineered to happen, at the expense of exceeding the noise contours.

2) Impact of "Next Generation" Quieter Aircraft

It is not true to say that the "next generation" aircraft have been introduced at a slower rate than forecast. The issue is that the rate of passenger growth has been accelerated completely out of step with the delivery of these aircraft.

There are however many reasons to question the rate of introduction of next generation "quieter jets" moving forward.

EasyJet has postponed the delivery of the majority of new Airbus aircraft – none at all in 2021 and most deliveries pushed back until 2027-28.

Wizz Air have also postponed some deliveries, again with none in 2021, and reduced deliveries in forthcoming years. This information is all in the public domain. Have LLAOL taken the delayed fleet update rate into their noise contour analysis? It would not be

acceptable to hear LLAOL again offering the excuse that noise contours have been breached because of the slower than anticipated fleet modernisation rate.

Notwithstanding the above, now that Airbus neo aircraft have been introduced into the fleet – albeit in small numbers - and their noise measured and reported in Community Noise Reports, there are clear indications that the A321neo, forecast by LLAOL to increasingly replace A320 aircraft, are not delivering the quieter operational performance expected. From the 12 most recent CNR's, they are in fact noisier than their CEO predecessor on arrivals, and only slightly quieter in some locations on departure, noisier in others. The noise improvement used in the Bickerdike Allen report included in volume 3 of the Environmental Impact Assessment are not representative of the actual experience with these aircraft at Luton.

Table 1 in the Aviation Noise Modelling Report (Appendix B) shows that a noise reduction of -1.8dB has been used for arriving A321neo aircraft, and -6dB for departing aircraft, over the CEO models that they will eventually be replacing. These noise reductions bear no correlation to the measured results from actual A321neo aircraft flown at Luton. The real-life experience from LLAOL measured data that explodes the myth of a quieter future cannot be ignored.

Does this explain why the table on page 309 of EIS specifically excludes A321neo aircraft types when comparing actual results with INM model noise predictions?

It would be easy to assume that this is because the predictions made for the A321neo are totally at variance with the results obtained from actual noise monitoring by LLAOL at LLA.

We have no confidence in the assumptions that are being used to promise future noise footprint reductions.

3 Mitigations

We note the additional money that LLAOL will make available to the Noise Insulation Scheme to properties closest to the airport.

The noise insulation offered is only partially effective. It is of no benefit while residents are in their gardens, or wish to open windows.

As the fleet mix comprises the same basic aircraft types, the acknowledgement of the need for additional noise insulation is entirely due to the increased number of aircraft movements which this application will exacerbate.

The additional aircraft movements would also impact residents for many miles from the airport – arrivals and departures. There are no mitigations for these residents – they are being expected to absorb the disturbance from the additional flights.

4 Greenhouse Gas Emissions

We were expecting to find a report on the increased Greenhouse Gas emissions caused by these proposals – but this appears to be missing from the documents on the planning portal.

The proposed increase in flights will have an impact on the environment as will the additional ground transport used by passengers to access the airport. The airport has an impact over a wide area not only as a result of over-flying, but also due to increased road traffic.

The report by the Climate Change Committee addressed the issue of aviation's impact on the climate. We should not be looking at expanding LLA until a robust mechanism for offset the existing damage caused to the environment has been implemented.

To suggest that the increase in CO2 from the additional flights will be insignificant compared to the national total is shameful minimalization when target zero is the objective.

5. Slot Allocation

Last year the number of passengers using Luton Airport fell by 70% from 2019 levels. Despite this, the number of passengers through the airport in the years 2014 – 2020 inclusive remains 10% greater than the numbers provided as “Upper End Forecasts” when permission for project Curium was granted permission in January 2014. As revenue for LLAOL and LLAL is directly linked to passengers carried, income to date remains substantially above what should have been expected during this period.

If LLAOL is suggesting that a raising of the passenger cap is the only way to return to growth, then they should be making the case to government that the slot allocation rules need reform, and that their current suspension is detrimental to their business. Local residents are not responsible for the current situation that LLAOL finds itself in, and should not be expected to suffer increased noise and traffic pollution so that others can make even greater financial gain.

CONCLUSION

- a. The noise envelope agreed prior to granting of permission respected the “balanced approach” to match growth in capacity with the introduction of quieter aircraft.
- b. LBC/LLAL and LLAOL jointly abandoned the balanced approach within 30 days of permission being granted through the adoption of the Growth Incentive Scheme,
- c. When the night noise contour area was first breached in 2017, the actions taken can be summarily described as “too little, too late” and were inadequate to prevent repeated breaches of the night noise contour area.
- d. Mitigation measures proposed by the airport operator have all failed to materialise, or have failed to deliver. To the majority of residents impacted by the airport's operations, there are no mitigations at all.

CAA publication CAP1165- “Managing Aviation Noise” sums up our position very well.

Trust:

A significant problem with attempts to engage local communities in discussion around airport expansion is a lack of trust between parties. A particular problem within the densely populated south east is communities' sense that airports, airlines and government are focussed solely on expanding capacity with little consideration of the detriment to the people who live nearby. In public debate, community leaders also often highlight past promises that have been breached when considering commitments to future limits on

airport expansion - for instance highlighting a statement that were Heathrow to be given permission to develop a new fifth terminal, there would be no need for additional runway capacity.

We oppose the application

John Hale (Chair)

For St. Albans Quieter Skies



Cabinet Member Environment and Climate Change

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17 February 2021

Ref: WP14 Luton Project

Dear Luton Borough Council,

Re: Variation of Conditions Application 21/00031/VARCON

Thank you for consulting Buckinghamshire Council on the above application, which is seeking to vary Conditions 8, 10, 22, 24 and 28 to Planning Permission 15/00950/VARCON to accommodate 19 million passengers per annum. We are writing to expand on our views conveyed during the non-statutory consultation in November of 2020 and express our concerns to this application.

Context

The proposals outlined in the planning application documents propose to allow for the expansion of London Luton Airport from 18 million passengers per annum (mppa), as conditioned in the 2014 planning permission to safeguard the amenities of the surrounding area and thereby accord with the objectives of the Local Plan and the National Planning Policy Framework, to 19mppa. We understand the proposals would be primarily delivered through operational changes, including air traffic movements and allow the airport to continue its pre-pandemic passenger increase. Growth at London Luton Airport has undoubtedly exceeded the predictions in the previous masterplan and therefore, a new masterplan, yet to be adopted by Luton Borough Council, has been submitted alongside the application acting as a 'short-term' development guide.

It is understood that this proposal forms only one step in the airport's long-term development plan, but, is entirely separate to London Luton Airport Limited's (LLAL) long-term intentions to submit a Nationally Significant Infrastructure Project (NSIP) application to raise capacity to 32mppa. For the benefit of our local communities, it is essential this is clear so that they can know how and when to engage in all consultations appropriately.

Buckinghamshire Council is yet to take a formal position regarding any of the plans to expand the airport follow the authorities vesting day on the 1st April 2020. Nonetheless, this response expands on our initial points raised during the non-statutory consultation given the proximity of the airport to Buckinghamshire, specifically north eastern Buckinghamshire that is underneath the trajectory of the flight paths approaching and departing the runway. As a result of this distance, our response focuses on the key topics and issues for the county. These include climate change, noise and community compensation, the need for the development, the economy, employment and skills and connectivity.

Climate and Carbon

Firstly, whilst it is welcomed that the application considers the impacts on climate, we would welcome further explanation and detail on how the airport will seek to deliver the committed mitigation through the Carbon Reduction Plan that would mean unlikely material impacts. The impacts of climate change are at a critical juncture requiring local and national leadership to address the causes and impacts. In Buckinghamshire, we have recently agreed our draft Climate Change and Air Quality Strategy, and it is important we are all together in addressing this challenge.

However, as outlined in the proposed masterplan document, the increase in passenger numbers at the airport is inevitably associated with increases in both surface and air travel, both of which are significant emitting sectors. We would therefore welcome clarification as to how the airport operations would seek to deliver the UK and local net-zero positions whilst increasing emissions. This is of particular relevance following the Committee on Climate Change's (CCC) recommendations for the next climate budget and national policy to include international aviation emissions.

Regarding the CCC's balanced pathway approach being included as a sensitivity test, it is our understanding that this pathway would require no net increase in UK airport capacity. We would welcome clarification as to how this has been considered.

Local Noise

One of the foremost effects our communities face is the impacts of air traffic and noise generated both through the day and at night. We have previously expressed these views several times as the impacts are affecting our communities and those who enjoy the previously tranquil nature of the countryside, notably the Chilterns Area of Outstanding Natural Beauty (AONB). With particular reference to the Chilterns AONB, you will be aware of the value of this space, particularly the amenity value provided by the outdoors. Over the past year, the countryside has become even more so important, allowing communities to truly enjoy its qualities. It is of great importance that the expansion ambitions do not limit, or reduce, this enjoyment and benefit.

Whilst it is appreciated from documents that no residents in Buckinghamshire are expected to experience noise levels that are above the Lowest Observed Adverse Effect Level (LOAEL), noise levels are still audible and affect the residents and character of our communities. This can be made particularly worse in summer months when pronounced seasonal effects result in communities in Buckinghamshire, notably Dagnall, Ivinghoe, Pitstone and Marsworth, experiencing longer periods of disturbance. Our local members have previously had residents complaining of the noise of landing aircraft on the final approaches being loud enough to prevent them from having audible conversations in their gardens and forcing them to keep windows closed at night on hot summer days. This would only be made worse by a daily total increase during the peak 92-day period of 816 movements.

Furthermore, we wish to express again that when taken together, Luton and Heathrow air traffic are contributing to cumulative impacts on our residents, particularly over parts of north and east Buckinghamshire.

Lastly, regarding local noise; following the breach of the noise contour limit in 2017, we have welcomed the immediate actions taken to prevent similar events. However, we would welcome further commitments for London Luton Airport to go the extra mile and hold a full public consultation on night flight restrictions, particularly given that it appears Condition 10 would require variation even without the extra 1mppa. This would bring Luton in line with other major UK airports operating night-flight bans and provide our communities with invaluable respite. Additionally, should expansion be granted, we would expect some form of compensation and/or mitigation to be provided to our residents. As previously expressed, this could include, for example, that the qualifying radius for the existing noise insulation scheme to be extended so that it includes affected communities on the final approach or, as raised with colleagues at the Airport, an extension of the Community Trust Fund boundaries beyond the historic Aylesbury Vale District boundary.

Development need and Covid-19

Whilst it is recognised that London Luton Airport is important in the context of the regional economy, over the past year the aviation industry has been one of the hardest hit, including passenger numbers falling by over 60% at Luton alone. We are keen for the industry to recover, within reason and sustainably, not least to ensure those employed in the sector do not lose their jobs as a result of the impacts of the pandemic. However, given the uncertainty in the sector, made even clearer by the differing set of passenger projections evident in the proposed Masterplan and Environmental Impact Assessment, questions must be asked if expansion now is required or appropriate.

Moreover, there is a concern that an additional factor to the uncertainty is the likelihood that the projections have failed to take into account the latest wave of the pandemic given the time of the application. This would therefore be likely to affect the timeframe for expected recovery in passenger numbers. It is also understood from the documents that the expected growth would be delivered through an increase in air traffic movements and greater capacity on larger planes that would be introduced. However, it is yet to be seen what the pandemic's impact will be on the delivery of new aircraft to the carriers at London Luton Airport, especially as the lead time is traditionally long, and deliveries have already not been as expected. Should there be a delay, the planning horizon of 2024 suggested in the Masterplan, is unlikely to be achieved, therefore bringing doubt into the immediate need for expansion at this time.

Masterplan

We understand that expansion at the airport, according to the Luton Borough Local Plan Policy LLP6, should only be supported where the expansion is in accordance with an up-to-date Airport Masterplan. Whilst it is recognised that the unprecedented growth of the airport has meant the previous masterplan needs to be reviewed, it is unclear how a new masterplan, submitted alongside the application, constitutes a masterplan adopted by Luton Borough Council. Additionally, we would consider that the purpose of a masterplan should be to set the strategy for the development of the airport, therefore allowing communities to be engaged thoroughly and understand the potential expectations of the airport. Instead, it appears the application does not give reference to the 2012 masterplan and rather includes a new masterplan to accommodate this 'short-term' expansion that communities were only able to feed into for a short period of time towards the end of last year.

Economy, Employment and Skills

Prospective support of any expansions of the airport will to an extent depend upon the economic, employment and skills benefits in Buckinghamshire that will be created. As mentioned, the Council acknowledges and appreciates the regional significance of the airport to our economy however we are disappointed that the economy, employment and skills appear to lack reference, assessment and explanation in the application documents. This is especially disappointing as it is suggested that the proposed amendments would deliver more economic benefits than retaining the 18mppa cap. We are keen with local partners, including Buckinghamshire Local Enterprise Partnership and Buckinghamshire Business First, to improve our relationship and nurture further mutual economic benefits.

The one-off grants between £12,000 and £15,000 to local councils to provide community improvements are a welcomed proposal.

Connectivity

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

the consideration of impacts from Covid-19 on public transport use are rather light and would welcome further information.

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

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

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

Yours sincerely



Cllr Bill Chapple OBE
Cabinet Member for Environment & Climate Change

Cc:
Cllr Fred Wilson - Cabinet Member for Regulatory Services
Cllr Anne Wight

Date: 17 February 2021
Your reference:
Our reference: Luton Airport/JD
Contact: James Doe
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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.

Thank you for the opportunity for Dacorum Borough Council (DBC) to comment upon the above application.

This Council declared a Climate Emergency in July 2019 and is very mindful of the potential impact on the Borough of future proposed changes to the operation and capacity of London Luton Airport (LLA). It remains committed to protecting its residents and its environment from the adverse effects of LLA.

A very significant area of our Borough comprises of the Chilterns AONB which is an important environmental area, both in terms of biodiversity and tranquility.

Settlements in the Borough are also overflown by flights operating out of a number of airports including London Heathrow in addition to LLA. For example, Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from LLA which bears approximately 70% of outgoing flights.



Dacorum
Look no further

In common with other local authorities in the area around LLA this Borough is tasked with accommodating very significant growth. Dacorum is looking to deliver some 16,500 new homes to 2038 which will see growth in existing settlements. Accordingly, adverse impacts upon noise and air quality levels are of considerable importance to those who live and work in the Borough and to those who visit it. We have considered the information provided with the application and welcome measures that would reduce any adverse impact arising from operations at LLA and other airports.

We have a number of concerns expressed below regarding the proposed application to Luton Borough Council

With the impact of COVID-19 on global travel this application is considered premature. The International Air Transport Association (IATA) which supports aviation with global standards for airline safety, security, efficiency and sustainability, even before the second wave of the pandemic declared that recovery of the aviation sector is going to be slow and that the situation will not return to normal until 2024. That timeline is now even more likely to be extended.

Also of great concern is that the proposed application will vary a number of conditions within the existing permissions, beyond that of condition 8 placing the 18mppa limit and condition 10 relating to daytime and nighttime noise contours.

This Council responded on 5 March 2020 to the proposed variation to conditions 10 and 11 a copy of the response is attached, our comments contained within that response remain very relevant to this proposed application and we ask that they are taken into account in this proposed application.

We have already commented in detail through 2019 and 2020 to object to previous applications for variations to Conditions 8 and 10 of planning permission 15/00950/VARCON and by this letter we are objecting to this current application.

The concerns and objections raised in our letters of 12 July 2019 and 5 March 2020 are still considered to be relevant and we wish them to be taken into consideration by Luton Borough Council when determining this current application.

There remains considerable concern within our Borough that LLA violated the agreed noise restrictions for night flights (Condition 10) for over 2 years. The anticipated numbers of passengers and flights were exceeded, resulting in increased numbers of night flights.

Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from the Airport which bears approximately 70% of outgoing flights. The variation proposed in the application is likely to result in a further increase in flight numbers and noise (especially at night) resulting in a negative impact on a significant number of our residents' health and wellbeing.

In particular we are concerned that the Airport already appears to be in breach (or are close to being so) of the noise contour areas currently permitted. Rather than seeking to extend those contour areas for day and night operations LLA should be expected and required to work within the existing contour areas.

We are also concerned that despite making numerous representations in respect of past applications and consultations over the last couple of years on these matters the process seems to be starting over yet again with this application. We would refer you in particular to our letters of response 12 July 2019, 8 January 2020 and 11 February 2020 in respect of previous planning application reference 19/00428/EIA in respect of variation of Condition 10; and to our letter 11 November 2020 in respect of the recent consultation on the proposed increase from 18mppa to 19mppa, in addition to our letter of 5 March 2020 referred to above. We consider that it would be proper and more appropriate for these matters to be the subject of an application in their own right rather than more applications to vary existing conditions. We wish to repeat a number of the points made in the letters referred to above and further as set out below:

1. The proposed variations to condition 10 (noise) and to condition 8 (to increase the passenger cap from 18 million passengers per annum (mppa) to 19mppa) suggests that adverse impacts from noise are likely to become even more significant.
2. The proposed noise insulation scheme and noise mitigation measures still remain inadequate.
3. There needs to be a proper assessment of the economic benefits versus the environmental consequences.
4. The proposed noise contour area does not achieve further noise reduction, or reduce to a minimum adverse impacts upon the residents or environment, or protect significant areas of sensitive land within our Borough.
5. It remains our view, in common with that expressed by other local authorities whose areas would also be adversely impacted by the proposed variation, that the application runs contrary to what is proposed in Government policies, statements and guidance and the Airport Noise Action Plan (2019-2023); as well as policies LLP6 and LLP38 of the Luton Borough Council Local Plan 2011-2031.
6. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. We would expect to see some of the principles and commitments within Heathrow's Environmentally Managed Growth approach in the strategies accompanying this application, that is - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence, limiting the growth unless the environmental limits are met, and so on.
7. We ask that Luton Borough Council note that in Dacorum Borough, current flightpaths from the airport, have a significant impact upon the villages of Markyate and Flamstead in terms of aircraft noise. Eastern Hemel Hempstead

and Tring are also significantly affected by noise. Increasing passenger throughput at LLA, essentially means increasing the number of flights and a potentially significant increase in noise disturbance under flightpaths and holding areas, unless effective mitigation measures can be put in place, or significant investment made in new and less noisy aircraft by the airlines operating from the airport. This remains a significant concern to Dacorum Borough Council and its residents and we would wish to see clear noise mitigation measures agreed in association with any permitted growth of the airport which are fully enforceable by an independent body

8. The targets contained within the Transport Plan appear very aspirational and we query how deliverable plans to reduce car use will be in practice. Conversely, the proposed reduction in car use brings into question the need to carry out the road improvements to LLA forming part of this application. The delivery strategy therefore sends a mixed message. We would suggest that surface access issues and the Transport Plan generally requires further thought and in particular to minimise any negative impacts upon areas surrounding LLA. Without sight of the specialist noise and carbon advice referred to in paragraph number 9 below we feel unable to comment much further on this point.
9. We understand that the specialist noise and carbon advice commissioned by Luton Borough Council will not be available before the deadline for response to this application. Accordingly a significant document is not yet available to inform responses and policy judgments by local authorities and other consultation bodies. We understand that Luton Borough Council has an agreement with a number of host authorities to accept responses after the specialist advice is available. We would ask that this Council is afforded the same opportunity and we reserve our right to make further representations following that specialist advice being made available.

In conclusion, we remain very concerned that the application if granted will result in significant adverse impacts upon the residents and the environment within our Borough and elsewhere, contrary to national and local planning policy and guidance. LLA should instead seek to take measures to comply with the original planning conditions rather seeking a relaxation of them.

We ask that Luton Borough Council reject the application for the reasons given above.

Yours faithfully



James Doe
Assistant Director (Planning, Development & Regeneration)

Date: 5th March 2020
Your reference:
Our reference: Luton Airport/JD
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Dear Sir / Madam

20/00131/DOC - Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL - Variation of Condition 11 (i) - Noise violation limits. - Discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

Thank you for the opportunity to comment on the above.

We have seen the response dated 28 February 2020 submitted by Hertfordshire County Council (HCC) and fully support and endorse what HCC states in that response. We ask that you also take the following specific points into consideration.



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There is considerable concern within our Borough that London Luton Airport Operators (LLAOL) have violated the agreed noise restrictions for night flights (Condition 10) for over 2 years now. The anticipated numbers of passengers and flights have both been exceeded resulting in increased numbers of night flights.

Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from the Airport which bears approximately 70% of outgoing flights. The variation proposed in the application is likely to result in a further increase in flight numbers and noise (especially at night) resulting in a negative impact on a significant number of our residents' health and wellbeing.

Rather than seeking to extend those contour areas for day and night operations LLAOL should be expected and required to work within those existing contour areas.

The planning conditions and s106 attached to the 2014 and 2016 planning consents contain a range of measures to restrict noise impacts and to provide safeguards and certainty to potentially impacted local communities.

One of the aims of National policy, including the Government's emerging Aviation Strategy (Aviation 2050) is to provide balance between noise and growth and to provide future certainty over noise levels to communities. We fully agree with the statement by HCC in its numbered paragraph 10 that the revised national policy context is very relevant to this discharge application and that the requirement to reduce noise corridors is a critical requirement imposed on the airport. The certainty expected by Government has not been experienced by communities within this Borough as further evidenced by the recent application to Luton Borough Council to regularise past and ongoing breaches of Condition 10.

As detailed by HCC in paragraphs 11 and 12 of its response dated 28 February 2020 we agree that what is required is a strategy that will deliver the noise contour reduction requirements of Condition 10 and we support and endorse the strategy requirements detailed by HCC in paragraph 13 of its response.

We fully support HCC's view and agree that for all the reasons set out in HCC's response that the strategy submitted to discharge Condition 10 should be refused or a substantially revised strategy prepared and submitted by the applicant which properly addresses our concerns above and those expressed by HCC in its response.

Yours faithfully



James Doe
Assistant Director (Planning, Development & Regeneration)



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Luton FoE response to Luton Airport expansion

17 Feb 2021 Objection to planning application 21/00031/VARCON

Variation on Condition 8 (passenger throughput cap) – increase from 18 to 19m passengers

“Any future growth will be in line with our Responsible Business Strategy.”

“We aspire to be the “greenest and most socially responsible” airport company.”

These statements are total greenwash. In the current and future climate, it is impossible to grow an airport and its operations responsibly without harming the environment and health. At the series of consultations, consultants paid by LBC admitted that it is not possible to mitigate against levels of pollution and climate emissions proposed.

The Brundtland definition of sustainability is 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

The government's Ministry of Housing Communities & Local Govt has highlighted the risk to LLAL, in substantial debt to LBC, of relying on the airport dividend, and advised the council to reduce this reliance. The council has resolved to review options to reduce reliance on airport dividend. This rules out the possibility of any airport expansion for some years, coinciding with tightening of climate and pollution emissions which also prevent expansion.

In 2014 Luton Council persuaded airport management, who did not want to expand beyond 16m passengers, to agree to expand to 18m. This was reached by 2019 instead of 2026, the fastest growing cause of climate change in the UK - grossly irresponsible, and entirely unnecessary – most councils do not have the luxury of airport income and many have engaged in a wide variety of more sustainable activities. This suggests that the current application by the airport operating company was again prompted by Luton Council, who are, due to the pandemic, in financial difficulties, so they can approve the application they have stimulated. The conflict is again highlighted between the airport operator, the planning authority and its company LLAL. It shows that LBC does not care that it is promoting further inequalities between rich and poor, pollution and bad health, prioritising profits over local communities and environment, and climate emissions which put the whole world at risk.

Climate emergency

Scientists and the Climate Change Committee advising govt say there should be no net airport expansion and have called for urgent action. Local authorities can separate airport and aviation emissions, but should not ignore them in climate plans. UK aviation needs to meet net zero by 2050. This is likely to be revised downwards; many councils like Luton have set a target of 2040. To achieve cleaner air, and reduce health inequalities which increase poverty, we need cuts below pre-Covid levels in overall passenger numbers. Flights were allowed to grow without constraint, and instead of investing in a wide variety of sustainable jobs, Luton Council's focus on the airport was a major part of the problem. Councils must now get serious on climate action plans, at the heart of all decision-making.

Expansion is not consistent with policy on the climate emergency

Reducing carbon emissions is required by :

- The Climate Change Act 2008
- Climate Emergency declarations by the UK Parliament
- Climate Emergency declaration and Climate Action Plan by Luton Council
- Recommendations of the Climate Change Committee's 6th Carbon Budget (especially Aviation <https://www.theccc.org.uk/wp-content/uploads/2020/12/Sector-summary-Aviation.pdf>)

Airport expansion would increase carbon (& other greenhouse) emissions

LBC says 96 per cent of the airport's carbon emissions are out of its direct control, from planes in the air, about 960,000 tonnes of CO₂ per year. Quieter, more fuel-efficient planes are many years away, yet LBC wants numbers to return to pre-Covid levels, and to expand from 18m to 32m passengers. The DCO requires evidence that **Luton cannot give** on climate & pollution. This denies responsibility which is in plain sight. Which airport does Luton suggest reduces flights so it can increase? Where is the carbon reduction strategy? 'Demand' must be managed and reduced. *"Aviation is a relatively small contributor to domestic UK GHG emissions."* Not true. Net-zero targets can only be met by reducing passengers and movements, using aircraft with the lowest carbon emissions, and investing profits in combating climate change. CORSIA carbon reduction scheme is not legally binding and has many failings. <https://www.dw.com/en/corsia-climate-flying-emissions-offsets/a-56309438>

Return to unacceptable pollution

Luton in 2019 was **the most polluted town in UK due to the airport**, because passenger numbers went from 9 to 18m in 5 years, and pollution from all the planes & vehicles gathers in the valley below the hill. In 2019 Luton residents' health record due to breathing problems was abysmal. Trying to return to those levels would severely aggravate the difficulties in breathing of all with asthma or who have been left with Long Covid and damaged lungs.

The council plans to add to pollution and poor health

Any proposals to return to 18 or 19m passengers (=18m vehicles) a year is in conflict with the need for dramatic cuts to air pollution, which in 2019 was at illegal levels in many places and ruining residents' lives. The Director of Public Health will have figures for how many people in Luton suffer from respiratory or other problems, such as reduction of lung capacity, often pollution-related, and how many more now due to Long Covid. Due to high levels of ethnic minorities in the local population, this is likely to be above the national average. To restore previous levels of pollution from airport traffic and from planes on the hill above the town would be **to plan to add deliberately to the suffering of people already affected**. Ill-health compounds poverty. Covid has pushed large numbers of people into poverty. This would act against the council's stated plan to achieve zero poverty in Luton by 2040.

We also oppose Variation on condition 10 (noise contours)

Noise levels have been frequently breached. A few new aircraft have been introduced, but expansion of flights by older, noisier aircraft has also been allowed to increase income while ignoring the effect on those living beneath flightpaths. LBC has acted as a bad neighbour, ignoring its legal obligation to protect residents from harm.

Night flights

Now far more people are working from home, do not need to get up as early to travel, and there are thousands more 'slots' for planes, there is no reason to affect people's sleep and health. Night flights, including cargo, could all travel **outside the hours of 11pm – 7am**.

Destruction of a park

Wigmore Valley Park, Luton's second largest green space, vital to nearby residents, and a County Wildlife Site, voted in 2019 one of the top 13 parks in East of England, would be destroyed to build a second terminal to expand from 18 to 32 million passengers per year. This is **against National Guidance on Parks, and also against Luton's Local Plan.**

The pandemic has had a permanent effect on society and passenger behaviour. Plans now "need a complete rethink" – a Green & fair recovery! Pandemic has changed everything. Some people will jump on planes for holidays afterwards, but lower demand. Flights 98% full. Many people are worse off. Many have decided not to fly. They've realised they don't have to travel the world for business, and there are wonderful places to explore in Britain."

Action from Herts CC

Herts CC and all 3 N Herts MPs have objected because of adverse effects on residents. They also came together to suggest ways to reduce the effects on environment and health of harmful carbon emissions associated with Luton airport. It is unforgivable that Luton does not think to protect its residents from this pollution, congestion and climate emissions.

Frequent flyer tax to reduce inequalities and environmental damage

To encourage flying is to exacerbate inequalities. Relatively few people take the majority of flights. The world's wealthiest 1% account for more than twice the combined carbon emissions of the poorest 50%, according to the UN. Their emissions gap report finds that the richest need to rapidly cut their CO2 footprints to avoid dangerous warming and meet Paris Agreement targets. To restrict the rise in temperatures to 1.5C, high carbon footprints must be cut to around 2.5 tonnes of CO2 per capita by 2030. A Frequent Flyer tax is vital to deter and shame rich people who fly far too much with little thought for the damage they are doing, and so flying is distributed more evenly, and a start can be made on tackling the huge environmental damage that flying causes. Around 50% never fly at all, many by choice and a sense of responsibility, and they are subsidising those who do.

Green and fair recovery

This is vital. Humanity's problems stem largely from too much focus on 'the economy'. The Environment Bill is coming, as is the World Climate Summit hosted by the UK in November.

An independent Environmental Impact Assessment tells us that :

- we should not build on a much needed local park, also a valuable County Wildlife Site.
- this would release toxic gases from the landfill site below and could contaminate water.
- all employment and activities should prioritise cutting fossil emissions which are fuelling dangerous climate change that is affecting people NOW. Even if we stopped ALL fossil emissions tomorrow, the Earth would still warm by a further 0.3°C – this is catastrophic for humanity and life on Earth, and is not being taken seriously by those prepared to increase emissions in the short term. Is Luton Council's Climate Action Plan just greenwash?
- 96% of pollution and climate emissions from airport activities are generated in the air, and the effect on Earth's thin upper atmosphere is devastating. Extreme and dangerous weather incidents are becoming more common. People are having their lives ruined TODAY worldwide by climate change. Ryanair and Easyjet may have a role to play, but are amongst Britain's biggest polluters, and expansion makes that worse. Luton Council and airport operators cannot plead "nothing to do with us". All commercial planes fly by burning fossil fuels. Until this changes, flying must be severely restricted.

Every action should have, as top priority, sustainable employment which cuts climate emissions, protects nature and focuses on localism.

Luton's attitude is wrong: *"traffic level unlikely to have significant impact on the operation of the network."* This is not the point. We must cut pollution and congestion.

"Action at international level is the Government's preferred approach for addressing aviation's international carbon emissions." This is passing the buck. Skipol and Paris airports have recently refused expansions. The UK is supposed to be leading the world at 2021 climate summit.

"Support growth while tackling environmental impacts." Luton has a very poor track record on sustainable transport and environment.

Luton was told firmly by the regional planning panel in 2004 "not to put all its eggs in the airport basket". Luton Council chose to ignore that, and government has had to bail them out with a loan so they can afford to supply essential services. Any financial advisor will tell investors to have a balanced portfolio. It is vital that Luton at last takes notice of this.

New employment ideas

- Vauxhall workshops could build emission-free vehicles and electrify vehicle fleets.
- All businesses should partner to operate car share schemes.
- Century Park Fields could become not a hillside full of new airport car parks, but a Community Solar Farm in partnership with local people to provide an important local energy source that could power 5000 local homes.
- Solar panels over public car parks
- The town also needs nearby anaerobic digesters to deal with the town's food waste and again produce biogas as fuel, together with benign residues to spread on the land.
- Some of the nearby land can be used to grow fruit and vegetables for the people of Luton. Community food-growing projects could contribute substantially to local sustainability.
- Creating green roof spaces for wildlife and growing food
- Sound-proof homes under flight paths
- Produce and fit insulation.
- Projects to reduce light pollution.
- The earth beneath parks and green spaces can be used as heat pump sources to provide energy to adjacent buildings.
- Bikes could be made locally and used locally to enable emission-free deliveries to homes, and encourage people to cycle more, improve their health and cut vehicle emissions.
- Various ideas for reducing plastic based on successful projects elsewhere.
- Planting trees and hedges would help create a healthier and more biodiverse environment.
- Plant a local tree for every flight !
- Wood exchanges, repair workshops and vintage clothes swap events help communities create a circular economy.

David Oakley-Hill, Co-ordinator, Luton FoE



for a quieter life

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17 February 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.

Thank you for the opportunity to comment on this application. We firmly **oppose the application** on behalf of members of the Luton And District Association for the Control of Aircraft Noise. These comments should be read in conjunction with any submissions made individually.

Please note this is the first part of our response and we shall submit additional comments once key items such as the Carbon Reduction Plan are available, and once information requested from the applicant has been provided regarding the numbers of aircraft movements used in the various noise contour models, and the justification for using different noise calibration values in the “current condition limits” model to the rest of the models.

Our grounds for opposing the application include the following:

1) It fails to comply with local policy

The Luton Local Plan 2011-2031 was adopted by the Council in 2017, and includes policy LLP6 which relates specifically to the Airport. Part B of the policy, covering provisions for airport expansion, states that proposals for development will only be supported where the following criteria are met:

- iv. They fully assess the impacts of any increase in Air Traffic 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;*
- v. 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;*

- vi. *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;*
- 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 Airport's planning statement admits that it **fails to comply** with these policy requirements, but seeks to play them down. For example:

LLP6 Part B provision "*identify appropriate forms of mitigation in the event significant adverse effects are identified*" is not met. The application states that significant adverse effects will be experienced by 1,877 properties. It also admits there will be serious health impacts due to increased noise at night. Its response is to offer Noise Insulation. Their Planning Statement admits: "*The Environment Statement Addendum found that there would be significant adverse effects in relation to noise and health. Noise insulation would be offered to minimise the effects of noise to those properties above the Significant Observable Adverse Effect Level.*"

Noise Insulation is being proposed as the appropriate form of mitigation but this is completely inadequate. It does not provide any mitigation during the Airport's busiest summer months if people want to have their windows open. It does not reduce noise when people are outside trying to peaceably enjoy their gardens or local parks. It does not cover homes which are more distant than the narrow criteria. It cannot be applied to listed properties. No scientific evidence is given to show that noise insulation provided around Luton alleviates the problem. **The application should be rejected because it fails to provide adequate noise mitigation.**

LLP6 Part B provision "*Achieve further noise reduction or no material increase in day or night-time noise*" is not met. The application states that noise will increase - its Planning Statement says: "*expansion will result in significant noise effects above 1dB at night-time compared to the existing situation. Therefore these are considered to have the potential significant effects. Whilst 1,877 dwellings will experience noise levels that are considered significant, all of those properties will be offered mitigation in the form of noise insulation to minimise the effects of noise. The Proposed Amendments therefore complies with this criterion.*" It doesn't comply, for the reasons given above, and **the application should be rejected because it fails to achieve further noise reduction or no material increase in noise.**

LLP6 Part B provision "*Include an effective noise control, monitoring and management scheme*" is not met. The Planning Statement says: "*Luton Airport will continue to operate its noise control, monitoring and management scheme, in accordance with its Noise Action Plan and operational measures to minimise noise effects.*" Since 2014 the Airport has failed to control noise, allowing its capacity expansion to run ahead of mitigations and hence breaching Planning Condition 10 (noise contour limits) for 3 successive years 2017-2019. None of the other measures tried by LLA to control the noise worked. The COVID pandemic has shown that the only solution is to reduce the number of flights until aircraft are less noisy. **This application should be rejected because it fails to provide an effective means to control noise in accordance with LLP6.**

LLP6 Part B Provision "*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*" is not met. The Planning Statement requests an increase in the reduced noise contours which the Airport

Operator agreed to achieve by 2028, and confirms that the Airport cannot be operated at 18 million passengers within its noise constraints. Although it says "*noise levels will reduce by 2028*", this is against a noise peak increase in around 2023-2024 which is well above currently permitted levels, so is a misleading statement. **This application should be rejected because it fails to achieve a significant diminution of the effects of aircraft operations on the amenity of residents - it simply seeks to legitimise making them worse.**

2) It would contravene the Aviation Policy Framework (APF)

This application is for an increase in airport capacity, and as such the APF's requirement for noise level reduction and mitigation applies:

*3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. **This means that the industry must continue to reduce and mitigate noise as airport capacity grows.** As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements. (our emphasis)*

The noise planning conditions governing the capacity increase to 18 million at Luton Airport were calibrated and agreed between the Council and the Airport in order to balance the commercial benefits of growth against the protection of residential amenity. The Condition 10 noise contour limits act to balance numbers of flights with the individual noisiness of flights, by day and by night.

The applicant is seeking to increase capacity and at the same time increase noise by increasing the daytime noise contour from 19.4 to 21.6 sq km, and at night from 37.2 to 42.9 sq km. It proposes to reduce them to 15.5 and 35.5 sq km respectively by the end of 2027, which is above the level it is required to achieved by that time according to Condition 10, namely 15.2 and 31.6 sq km. Note that the greater part of burden of this additional noise falls at night.

In order to achieve the proposed reduction by end of 2027, the applicant relies on a trajectory of introduction of potentially 'less noisy' aircraft which appears fanciful compared to the trajectory to date, and should be properly evidenced in light of the recent COVID disruption. Its modelling of the projected contours also presumes that the 'less noisy' Boeing 737-Max aircraft proves to be so when flown at Luton, despite discovering that the A321neo is not.

Offering noise insulation for homes closest to the Airport is not adequate mitigation:

- it is not effective during the busiest months in the summer when people want to sleep with their windows open rather than to have electric fans impelling air
- it cannot be fitted to listed properties
- it does not enable people peaceably to enjoy their gardens or parks
- it does not reduce noise for people living outside the noise insulation zone

Significant adverse effects will be experienced by 1,877 homes, less significant by thousands more.

3) Policy and Law

The committee should remind itself that the thrust of government policy on aircraft noise is its reduction, not its relaxation, whether temporary or otherwise. Consider the national Aviation Policy Framework. Policy objective 3.12 "The Government's overall policy on aviation noise **is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise.**" (Original emphasis).

And on the responsibility of the air industry 3.24 *"The acceptability of any growth in aviation depends to a large extent of the industry tackling its noise impact."*

And on the role of planning authorities to use their powers to control noise *"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."*

And as for the need for noise contours to be seen as fixed and not flexible: 3.29 *"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..."*

In all these respects, it is clear that the application must be rejected.

4) Aircraft noise at night is harmful to health

Numerous studies, including those by the WHO, Zurich Airport, Queen Mary University of London, conclude that aircraft noise at night is harmful to health and wellbeing. Yet the applicant seeks to increase this noise exposure, thereby increasing its deliberate previous harms which in 2017, 2018 and 2019 breached the noise contours at night thanks to over-rapid expansion before mitigation.

The Council will be aware of the local geography: the communities of Breachwood Green, Bendish, west Stevenage and St Paul's Walden are all exposed unavoidably and at close range to the noise either from departures or arrivals every day and night of the year. South East Luton is exposed to noise from runway, taxiway and aprons, and South Luton to overflights, every day and night also. Caddington and Whipsnade bear a heavy burden, as do Slip End and Markyate. It is not acceptable to permit an increase to that level of noise impact simply to facilitate capacity expansion without a clear reduction in noise levels (not the same as noise insulation 'mitigation') because the impact at night would be harmful to health.

This is why the report from the Environmental Protection department at the Council opposes the further noise increase, on grounds of Local Planning Policy LL38.

Given the failure of the applicant's inadequate plan in 2018 to reduce noise levels through minimal restrictions, repeated in this application, and the Council's failure either to enforce Condition 10 or to determine within the required 6-month planning decision time limit the previous application to relax it, the Council should now decisively reject an application which seeks to make matters even worse. Failure to do so would make the Council directly responsible for harm to people as well as to residential amenity.

5) The application is unsoundly based

The application relies on forecasts of air traffic recovery which are so fluid at present that there is no certainty about the projections and predictions. The Planning Statement quotes out-of-date ACI post-COVID recovery forecasts: the January 2020 report from ACI predict a baseline -45% in Q4 2021, worst case -54%. The application uses Medium case -20% in Oct 2021, over-optimistic by a factor of two.

Nobody yet has a clear idea how the demand for flights will look in the post-COVID period. There is growing concern over climate change impact caused by aviation, based on the CCC's latest advice, which will be reflected in policy as the DfT recognises the need to damp down demand to meet net zero by 2050. The applicant has an opportunity to build back better by controlling its recovery rate to fit the parameters originally agreed for the 2013-2028 15-year expansion project.

Section 2.3.1 of the Planning Statement says: *"It is anticipated that LLA will recover swiftly from the temporary implications of COVID-19 for travel restrictions, having been the second busiest airport in the UK by passenger numbers during the restrictions (e.g. May and June 2020) after Heathrow."*

The applicant uses as specious evidence for a strong comeback the fact that it permitted an airline to flout the request for non-essential journeys to cease during the early part of the pandemic. This may turn out to be a reason for people to boycott the Airport rather than to flock to it post-COVID.

6) The Application is not truthful

Inaccurate statement regarding timeframe

The Master Plan accompanying the Application says:

"2.2.1 The 2012 planning application has led to an investment plan of £160 million to transform the airport and increase capacity to 18 million passengers per year by 2020. The so-called Curium Project reached its culmination in 2018 with the opening of the expanded terminal facility."

The Revised Masterplan of 2012 was the subject of the 2013 planning permission, and proposed to expand capacity to 18m passengers by 2028 (see Figure 9.1 - Upper end passenger and associated ATM unconstrained demand forecasts for LLA Source: LLAOL (2012)), which puts the 2020 passenger numbers at 13.4m, not 18m.

The LLAL Statement of Need submission to PINS confirms that the Project Curium consent granted in 2014 was to be in line with that Master Plan, and had a 2026/2028 timeframe:

"5.2.1 The current usable capacity of LTN is limited by the planning consent granted in 2014 for the recent expansion works, known as 'Project Curium' as introduced in Chapter 2. Consent was granted for the expansion of the terminal and airfield in line with the 2012 Master Plan up to a capacity of 18 mppa. Passenger throughput is capped at this level by condition, along with other conditions limiting the noise exposure from the airport."

5.2.3 These works were intended to be implemented over the period to 2026 and deliver capacity for 17.8 (18) mppa and 157,000 annual aircraft movements, including 38,000 business aviation and

cargo aircraft. This level of passenger demand and aircraft movements was expected to be reached in 2028."

It is therefore entirely misleading and inaccurate for the 2021 Master Plan to state or to imply that the timeframe for reaching 18 million passengers was to be "by 2020".

Misleading statement regarding noise controls

Section 5.2.4 of the 2021 Master Plan states:

"The impact of noise from air operations is well-understood and the means to monitor and control it are wide and varied. Nevertheless, there are always associated challenges in the operation of those controls. In the case of the current operations at LLA, externally applied planning and legal controls exist to ensure that noise is controlled."

There were no 'challenges' in the operation of the noise controls at Luton Airport, except for the fact that the Airport Operator deliberately or incompetently chose to ignore them. It knew very well that it was in danger of breach, because it reported that fact to the Council in its 2016 Annual Monitoring Report, but it clearly continued issuing slots past that point, otherwise the quantum of breach would not have risen from 2017 to 2018 to 2019.

Incorrect statement regarding commitment to manage and control noise

Section 6.2 says (with our emphasis):

*"6.2.1 The control and mitigation of noise nuisance at London Luton Airport is a priority requirement due to the inherent sound generation implications of passenger and general air transport operations. For this reason, **the noise environment and its control is managed by a number of internal initiatives and external obligations.***

*6.2.2 Noise generation and impact is strictly controlled by the planning permissions under which the airport operates. The most recent permission with planning conditions is ref: 15/00950/VARCON. In addition, **a legal agreement (section 106) between LLAOL as operator and LLAL as owner and Luton Borough Council places further requirements to operate the airport within strict noise parameters** including noise limits, monitoring requirements and reporting obligations.*

6.2.3 The planning permission contains four conditions relating to noise (conditions 9 to 12). The conditions place limits on numbers of aircraft within specific noise signature bands; noise violation limits for individual aircraft; progressive reductions in the noise violation limits; overall size of ground noise contour footprints; requirements to reduce that footprint over time; and requirements to operate in accordance with the specified noise control scheme, noise report, noise control monitoring scheme and scheme to control ground noise.

*6.2.4 **The agreed noise control reports referred to above contains detailed schemes of action to ensure that the obligations of the planning conditions are met.***"

The Council must decide if the Airport Operator is incompetent: it would appear so because the Planning Statement also says, in its mitigation actions in light of the breaches of Condition 10:

"Increased frequency and detailed cooperation between the Flight Operations Department and the Business Development Department in LLAOL

4.3.27 This ensures that the Flight Operations Department works closely with the Business Development Department to ensure that passenger growth is managed more effectively in line with noise limitations."

Given the Council's obligation in the Section 106 Agreement to oversee the performance of the Airport Operator in relation to the Noise Control Scheme, which includes Condition 10, in return for an annual payment of £15,000, it appears that the Council is also guilty of failure to scrutinise.

LLA Noise Action Plan 2019-2023 contains statements which are not true

In section 3 item 3.4 the Noise Action Plan states in relation to the noise contours:

"We will operate within our agreed contour area limits."

Yet even when this NAP was written and submitted, the Airport Operator knew it was in breach of its noise contour limits.

Growth trajectory is not accurately explained

Section 1.1.5 of the Environment Statement vol 1 Non-Technical Summary says:

"The 18 mppa cap on passenger numbers imposed by the 2014 planning consent reflected the forecasts at that time; it was anticipated that the airport would see a steady rise to 18 mppa by around 2028. The subsequent success of the airport has been well documented, with passenger throughput increasing from 10.5 mppa in 2014 to 18 mppa in 2019, a 71% increase in just six years."

The reason the steady rise to 18mppa by 2028 was not achieved will be very well known to the Council, since it financially incentivised the Airport Operator to exceed this rate of growth by designating and rewarding "growth" and "super growth" airlines with reduced charges.

It would be wrong to grant a planning application which has been shown to be inaccurate in material respects, since it clearly calls in to question the forecasts and commitments made by the applicant to control noise in the future.

7) The Council's own governance failure is material

By incentivising a growth trajectory faster than that proposed in 2013, the Council demonstrated that it had failed to resolve the clear conflict of interest in its position as both Planning Authority for the Airport and its owner and financial beneficiary via LLAL. This failure of governance is at odds with the guidance in the 2019 Command Paper by Lord Evans' Committee on Standards in Public Life, chapter 7.

The financial incentivisation also put the Council into a position of subsidising the Airport and interfering in its operation, which on the face of it contravenes Section 17(2) of the Airports Act 1986.

The external auditor has already called into question the transparency of decision-making, saying in their 2018-19 report, p42:

“In considering our findings and recommendations, we have traced back all of the Council’s decision making papers since 2012. We were concerned that there is no documented evidence that would have enabled the Councillors and members of the public to have understood and been able to scrutinise the overall decision made by the Council on Airport ownership, future borrowing and investment.”

This lack of transparency is compounded by the Council’s lack of governance over LLAL, thereby enabling its Board of Council Members to take decisions regarding the spending of tens of millions of pounds of revenue from the Airport concession on infrastructure projects to facilitate capacity growth of the Airport without public scrutiny and accountability.

It would be unfortunate indeed if the Council were to permit an application by Luton Airport’s operators for environmentally harmful capacity growth and noise increase, having itself caused the need for the application in ways which, when scrutinised, are highly questionable. Far better now to decide to uphold the conditions it set in a public planning meeting in December 2013 to protect residential amenity for the full term over which they were designed and agreed to apply.

8) The need for the application is not established

The fact that the Airport creates jobs and local economic benefit is not in question, however the scale of those benefits was agreed when planning permission was granted in 2013 for expansion to 18 million passengers. COVID-19 has knocked back the inflated growth from a level of some 6 mppa above where it should have been by 2019 to a level some 6 mppa below that point.

In the period to 2019 significant windfall by way of revenue at a rate well above that originally projected was received both by the Council and by the Airport Operator. No doubt recovery will restore that revenue in due time, leaving no net loss. Certainly the applicant has failed to provide sound evidenced reasons why the environmentally harmful and yet commercially marginal increase from 18 mppa to 19 mppa is actually required.



This graph shows the originally agreed growth trajectory (red), the over-rapid growth (blue), the effect of the pandemic (green) and the opportunity to put the Airport back on its proper growth track (grey).

9) There are far more mitigations required before further capacity should be permitted

Rather than permitting an application which would by its own admission allow the Airport to add harmful levels of noise, creating a Significant Impact on 1,887 more homes and adding some 1,200 more flights, with only the mitigation of noise insulation under its direct control, the Council should reject the application and require the Airport to focus on delivering the environmental benefits it has long promised before any further capacity increase is permitted. These include:

- working with the other airports that share its airspace to redesign the flight paths so that Luton's departures can always climb continuously, rather than being held at 4,000 or 5,000ft sometimes for 15-20 miles, creating unnecessary noise and low-level pollution
- working with the airlines to speed the introduction of aircraft with provably less noisy engines (unfortunately the latest "less noisy" Airbus A321neo aircraft introduced primarily by Wizz are proving to sound just as loud as the older-engined A321s when flown from Luton – a problem which the Airport needs to solve)
- working hard with industry to ramp up the use of greener fuels which reduced overall carbon emissions (unfortunately 97% of the Airport's carbon emissions come from flights and passenger journeys, and it has not managed to reduce either yet)
- working to encourage a significant shift from the use of cars to the use of public transport by its passengers, to reduce congestion and pollution, thereby improving air quality in Luton as well as reducing traffic noise

We oppose this application for all the reasons above.

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Development Management

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MEMORANDUM



From : Jethro Punter Highways Dev. Management Team Leader		To : Caroline Macrdechian Senior Planning Officer	
Please Contact : Jethro Punter	Our Reference : CB/21/00188/OAC	Your Reference :	Date : 15 March 2021

Application No: CB/21/00188/OAC
Location: London Luton Airport, Airport Way, Luton
Proposal: Other Authority Consultation.

Thank you for consulting Central Bedfordshire Council Highways Development Management with regards to this variation of condition application.

It is understood from a review of Transport Assessment ref. 41431MP17V2 that an increase in the annual passenger cap from 18 to 19 million per annum is proposed as part of this application, and as such the following provides the views of the Council's Highway Development Management function, with input from the Travel Plan, Public Transport, and Traffic Management Teams.

Highways Impacts

A modelling exercise undertaken by ARUP, based upon trip information provided by York Aviation indicates that the proposed relaxation of the annual passenger cap could be expected to result in the following increases in peak hour vehicle trips:

Total AM peak – 81 Passenger / 38 Staff two-way trips

Total PM peak – 56 Passenger / 35 Staff two-way trips

However, no information on the distribution or derivation of trip numbers is given, nor is there any further information on the numbers of non-car driver trips, or the profile of trips outside of the

identified peak hour periods.

A daily profile of trip numbers for staff and passengers, and with an indication of the additional daily demands for other modes, would enable a more rounded view of the potential overall transport demand resulting from the cap increase to be identified.

Whilst the junction of the A1081 / B653 and Gipsy Lane was included within the scoped assessment area (figure 2.2 of the submitted Transport Assessment), no quantified assessment of the operation of the junction, or the expected impact of development on the B653 corridor has been included. Both this junction, and the junction of the A1081 with London Road fall within the responsibilities of Central Bedfordshire Council, as does a proportion of the B653. Whilst the traffic impact appears likely to be limited (when based upon the total additional peak hour trip numbers detailed in the Transport Assessment), due to the limited extent of trip generation and distribution information submitted with the application, and the lack of quantitative baseline assessment of the junctions in the study area, it is not possible to determine the likely impacts of any additional traffic on these junctions.

Sustainable Transport Connections

Whilst table 9.1 provides a breakdown of trip origins and destinations by region, a more detailed breakdown by Local Authority would provide a more meaningful set of data when considering the potential requirements to cater for trips originating from within the Central Bedfordshire local authority area.

In particular, further information on the origin of staff trips, including those falling within Central Bedfordshire, would assist in determining whether sufficient and appropriate sustainable travel options are in place to both cater for existing staff and accommodate any uplift in staff required to facilitate the increase in passenger numbers detailed.

Whilst bus service 'A' via Dunstable provides 24-hour access to the Airport, other urban areas within Central Bedfordshire would benefit from increased frequency and duration of service, to provide a viable sustainable travel option to airport staff who live in these areas and who may work shift patterns outside of the traditional peak periods. Routes F70 and F77 in particular (terminating at Luton Interchange) would be suited to an uplift in service, providing an increased level of sustainable connection between Leighton Buzzard and the Airport.

It would also be helpful to understand in greater detail what proposals are associated with the proposed car share system, as it is noted in the TA and Travel Plan that there are currently no users registered for staff car share parking permits, although the travel survey details a 7.9% combined mode share for multiple occupancy car trips.

Parking

The appended Car Parking Management Plan does not propose any additional parking associated with the current application but refers to existing car parking as summarised in Table 0 of the appendix.

It is made clear in the submitted documents that the level of car parking available would accommodate only a small percentage of staff or airport users, i.e.: 700 staff spaces catering for a

predicted 10,000 members of staff (with an increase of 375 staff detailed within the submitted Transport Assessment as a direct result of the increase in the annual passenger cap).

It is however noted that Table 9.3 of the Transport Assessment references the findings of the 2019 staff travel survey, in which a staff car driver (single occupancy) mode share of 59.4% was identified. Applying this to the total number of staff (when excluding multi-occupancy car journeys) would equate to a potential demand for 5,940 staff parking spaces, albeit staggered across a number of shift periods. As such it appears that a proportion of staff are selecting to park outside of the designated staff car parks.

Likewise, the Transport Assessment details a total daily passenger demand of circa 52,000 users associated with the increased 19 million per annum cap, with 10,000 officially available airport car parking spaces. When considering the private car mode share detailed in Table 9.2, at 39.8%, this would equate to 20,696 passengers travelling by car. It is likely that a proportion of these would be multi-occupancy, however some passengers will also select to park outside of the car parks identified in the Car Park Management Plan.

The area of car parking is one that has particular scope to further impact upon the parishes to the immediate south of the M1, as the proximity of these areas to the airport, in combination with the availability of public transport connecting with the Luton Parkway Station, can lead to opportunistic parking, with the potential to cause disruption, inconvenience, and potential hazard to residents. Whilst the introduction of the DART system will improve connectivity between the Parkway and the Airport, and the provision of free travel between the Parkway and the Airport for staff is welcomed as a sustainable travel measure, these also increase the attractiveness of areas such as Slip End for parking by staff or passengers.

As such we would request that a fund is identified and set aside by the applicant to allow for a suitable consultation exercise to be undertaken by Central Bedfordshire Council with residents to determine whether the introduction of parking controls would be required within the Parish to protect local highway safety and residential amenity, and the extent and form of these controls. This sum would also fund the delivery of measures if required. It is suggested that a minimum of £10,000 is set aside for this purpose.

With further regards to parking, and the content of the Parking Management Strategy in particular, it is noted that the Travel Plan and Parking Strategy refer to the provision of 20 covered cycle parking spaces for staff, with no specific reference to electric vehicle charging within the staff car parks, although electric vehicle proposals are in place for passenger parking and pick up / drop – off.

A greater degree of provision for cycle parking and electric vehicles within the Car Parking Management Plan would further support the aims of the Travel Plan and provide a more attractive end of journey option for staff travelling to the site.

Comments and advice in this memo are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy therein.

Development Management

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Your Ref	v.uk
Date	16 April 2021

Dear Mr Gurtler

Application No: CB/21/00188/OAC (Your ref. 21/00031/VARCON)
Location: London Luton Airport, Airport Way, Luton
Proposal: Other Authority Consultation.

Thank you for consulting Central Bedfordshire Council (CBC) on the above application, which seeks to vary conditions 8 (passenger cap), 10 (noise contours), 22 (Car Parking Management), 24 (Travel Plan) and 28 (approved plans and specifications) of Planning Permission 15/00950/VARCON to enable passenger throughput to be increased from 18 to 19 million passengers per annum.

The purpose of imposing a cap on passenger numbers was to safeguard the amenities of the surrounding area and to accord with the objectives of the National Planning Policy Framework. Consent granted in 2014 (ref. 12/01400/FUL) enabled the passenger throughput to be increased from 12 to 18mppa. It was forecast that the 18mppa would be reached around 2028. Having reviewed the supporting Planning Statement it is understood that the increase in passenger numbers will be achieved through operational changes, including changes to noise contours, but no physical infrastructure is proposed. The use of larger aircraft and increasing passenger numbers during times of low utilisation through the year would enable the additional 1 mppa to be achieved.

Increasing passenger throughput via this variation of condition is one aspect of the future development plans for London Luton Airport and has been submitted by London Luton Airport Operations Limited (LLAOL). This application is separate to the proposed expansion of the airport to increase passenger numbers to 32mppa, which is being developed by London Luton Airport Limited (LALL) as a forthcoming Development Consent Order (DCO) submission and CBC have been involved as a host authority in the pre-submission stages of the DCO process.

There is some concern that the application is premature and there is limited need to increase passenger numbers as a result of the COVID-19 pandemic. CBC have previously commented on proposals to alter noise contours and an objection was raised due to concerns regarding the impact on CBC residents (ref: 19/00428/EIA), which was withdrawn. During statutory consultation for the DCO, concern has also been raised regarding the impact on CBC residents. There is significant concern in respect to this application and the key issues for CBC are set out below.

Traffic and Transport

CBC has concern regarding the traffic and transport impacts of the proposed expansion on the local road network and the implications this would have for CBC residents.

The application is supported by a Transport Assessment and Travel Plan, which have been assessed by the Council's Highway Development Management Team with input from Travel Plan, Public Transport and Traffic Management Teams. The detailed response is appended to this letter but the key points are summarised below.

It is noted that the applicants have established with Highways England that no further assessment is needed and whilst it is recognised that in terms of the strategic road network utilised to access the airport, namely the M1, there would be limited impact, local roads within Central Bedfordshire are likely to be affected. However, the assessment undertaken by CBC Highways has highlighted that the trip generation modelling lacks information to understand the potential overall transport demand resulting from the cap increase. The limited extent of trip generation and distribution information, and lack of baseline assessment of the junctions in the study area means it is not possible to determine the likely impacts on junctions that fall within the responsibility of CBC.

In terms of sustainable transport connections, it would be beneficial for the information to be broken down by local authority as this would assist in determining whether sufficient and appropriate sustainable travel options are in place to cater for passenger and staff demand. An existing 24-hour bus service operations from Dunstable to the Airport but other urban areas would benefit from increased frequency and duration of service to promote appropriate sustainable travel options.

Car parking is an aspect that has scope to further impact on parishes within CBC due to the proximity to the airport and readily available public transport, leading to opportunistic parking on residential roads. A matter that causes disturbance, inconvenience to residents and poses a potential safety hazard. It is imperative that the Travel Plan is effectively monitored to assist in limiting the impact on residents in Central Bedfordshire.

In light of the issues set out above, CBC Highways have requested a fund is made available, a minimum of £10,000, to enable CBC to undertake consultation with residents in affected areas to determine whether the introduction of parking controls would be required within the Parish to protect local highway safety and residential amenity. This fund should be separate to the grant referred to in paragraph 6.4.4, Planning Statement and an undertaking to underwrite any mitigation identified as a result of the consultation should also be provided.

Noise

It is considered that the proposals to extend the noise contours over Central Bedfordshire would have a detrimental impact on existing residents and communities, particularly within the southern part of Central Bedfordshire. This has implications in terms of sleep deprivation, health, and wellbeing. Most flights departing from London Luton Airport follow a flight path that already has a significant impact on residents in Central Bedfordshire.

The ES and Noise Review memorandum by Vernon Cole dated 25th February 2021 (ref. VC 20-07/M1-0) have been reviewed by CBC's Public Protection Team.

The ES assesses the impacts of noise on the community and concludes that if granted approval as set out 1877 dwellings would experience a noise level above the SOAEL (equating to an increase of 1.0-1.9 dB above the existing condition 10 level). It is not possible to determine the number of dwellings in Central Bedfordshire that this equates to as this spatial data is not presented, there is only an indication of this on the contour plots (which is large scale and difficult to quantify).

Current Government policy on aircraft noise is to '*minimise and, where possible, reduce the number of people significantly affected*'. Policy LLP6 of the Luton Local Plan (2011-2031) supports operational changes subject to set criteria being met and this includes the need to achieve further noise reduction or no material increase in day or night time noise (LLP6 (v)). This application would fail to meet these requirements and would increase the number of residents affected by noise. A previous application (subsequently withdrawn) sought to temporarily adjust noise contours. This application appears to be an increase in noise up to 2028 and beyond. The amendments are to increase the contour area for the short term (2020-2027) 57dB16hr LAeq from 19.4 to 21.6km² and the 48dB 8hr LAeq from 37.2 to 42.9 km² and the long term (2028 and beyond) 57 16hr LAeq from 15.2 to 15.5 km² and the 48 dB 8hr LAeq from 31.6 to 35.5 km². This would appear to go against current Government and local policy.

It is disappointing that the supporting information lacks detail on the number of dwellings in Central Bedfordshire that would be significantly adversely affected and there are no projections for 2025, 2026 and 2027. There is also no data beyond 2028 and given Government policy it would be beneficial to see when predicted noise levels are to be below the limits set in the existing condition 10. The information contained in the ES is too vague and does not provide any clear indication that the proposed mitigation i.e. insulation for the worst affected homes, would be available for CBC residents. The information, based on forecasts, indicates that 2022 is expected to be the worst year and therefore it is feasible that mitigation may not be in place to protect against the worst of the noise.

In addition to the above, there is also concern that the proposals to extend the noise contours would impact on future residents and communities that will arise result from the significant level of proposed growth within the current local plan. Such proposals could also detrimentally impact upon the delivery of sites and the successful take up of properties. The local plan is currently at Examination and due for adoption in Summer 2021. The Council will be commencing a partial review of the local plan within 6 months of adoption, during which we will likely need to plan for further growth within the area. The extension of the noise contours as a result of the planned expansion of passengers using the airport by 1 million, could have a detrimental impact on the ability of the Council to identify and deliver suitable, sustainable locations for further growth within the southern part of Central Bedfordshire, particularly around, or within close proximity to the Luton/Dunstable/Houghton Regis conurbation. There is significant pressure for housing within this area, particularly in relation to the delivery of affordable homes and the proposals could detrimentally impact upon the ability to provide for and meet housing where the needs arise.

Climate Change

CBC adopted its Sustainability Plan in September 2020 which is aimed at making the council carbon neutral by 2030. It is unclear how the proposals would be compatible with CBCs pledge and the pledge of Central Government to reach the target of net zero emissions by 2050. This aspect needs further assessment to inform the establishment of appropriate mitigation measures.

Socio-economic Benefits

It is also noted that the Planning Statement submitted with the application sets out the socio-economic impacts of the proposed expansion. However, despite identifying the current number of jobs associated with the airport (both direct and indirect) and that the expansion to accommodate a further 1 million passengers would deliver more economic benefits, the supporting information provides little detail or clarity about what the economic benefits would be and there is no indication that any additional direct jobs would be created as part of the proposals. It is therefore unclear what the economic benefits would be and who would potentially benefit from them, including in relation to Central Bedfordshire residents and

businesses. It would be helpful if further information could be provided in this regard. It is important that the economic benefits of the airport are not limited to Luton, but that benefits are also clear for those in the surrounding areas that are heavily impacted by such developments.

CBC welcomes a one-off grant of between £12,000 to £15,000 to local councils to be used to provide community improvements (para 6.4.4, Planning Statement) but there is insufficient detail as to the mechanism for benefiting and securing this grant. Further clarification is required.

A further consideration in terms of social aspects, is the impact of expansion on the recreational use of the countryside in Central Bedfordshire. To the south and west of Luton are areas of the South Bedfordshire Green Belt and to the west is the Chilterns Area of Outstanding Natural Beauty. Whilst no additional infrastructure is proposed, increased aircraft noise would have a detrimental impact on tranquillity and the use of these sensitive landscape areas.

Consultation

On receipt of the consultation from LBC contact was made with relevant Parish Councils by CBC and whilst most were aware of the proposals, Kensworth Parish Council highlighted that they had not been formally consulted. This highlights a need for further consideration of the consultation process. Kensworth Parish Council were advised to issue their objection direct to LBC and it is noted that this has been registered on LBCs planning pages.

Conclusion

It is considered that the expansion of the airport should be considered and planned comprehensively as part of the wider DCO expansion proposals with the full impacts identified and mitigation proposed. Piecemeal expansion of the operations of the airport is not conducive with understanding the full impacts on the local road networks or local communities within closer proximity to the airport.

In summary CBC remain very concerned that the application if granted will result in adverse impact on CBC residents, negatively impacting on health and wellbeing and the environment, thereby contrary to national and local planning policy and guidance. The proposal fails to provide sufficient mitigation measures in respect to noise and there is lack of information in respect to other aspects as set out in the response. It is requested that due regard is given to the points contained in this letter and CBC ask that Luton Borough Council reject the application.

The Council reserves its position to submit a further response considering any further information that might be submitted in support of the application.

Yours sincerely,



Andrew Davie

Assistant Director - Development Infrastructure

David Gurtler
Luton Borough Council
Via email

Our Ref: 5/2021/0268
Your Ref: 21/00031/VARCON
Please ask for: Joanna Woof
E-mail: planning@stalbans.gov.uk

Date: 21 April, 2021

Dear Sir,

APPLICATION TO DISCHARGE PLANNING CONDITIONS
TOWN AND COUNTRY PLANNING ACT 1990

Site: London Luton Airport, Airport Way, Luton, Bedfordshire

Thank you for consulting St Albans City and District Council on this application (Luton Borough Council reference 21/00031/VARCON).

St Albans City and District Council raises strong objections to Luton Borough Council in respect of the potential of the proposal to increase aircraft noise to residents in the St Albans City & District area and in respect of the potential of the proposal to increase pollution and traffic impacts.

The expansion of the airport comes at a time when the environmental impacts associated with air travel are of national and global concern and the Council ask Luton Borough Council to carefully consider whether the expansion of the airport in the manner proposed is justifiable in principle in these circumstances.

In any event, this Council considers that any increase in noise, pollution and traffic impacts to residents in the District is unacceptable. It is not clear from the evidence submitted that there is justification for increasing the noise contours to the extent proposed and any increase in noise disturbance for residents is unsatisfactory. There would be an increase in the number of additional dwellings affected by the increased noise contours (particularly during the night-time period) which is unjustified and unacceptable. Furthermore, this Council is not satisfied that all other means of achieving the existing approved noise contour areas have been fully explored. In those circumstances, a variation of condition 10 is not justified.

It is noted that some mitigation measures were put in place by the airport once it was clear that the condition was being breached, such as:-

- o Restricting 'ad hoc slot applications' between June and September;
- o Restricting further growth to scheduled night-time traffic;
- o Preventing rescheduling of existing allocated slots from the day-time to night-time slots between June and September;
- o Preventing aircraft with a value greater than QC1 from operating at night; and
- o Banning Chapter 2 aircraft operating to and from the airport from April 2020.

However, it is acknowledged by the airport that, even with these measures in place, the existing contour limits were still exceeded in 2018 and 2019. St. Albans City and District Council therefore considers that, if the local planning authority is minded to grant permission, the further mitigation measures and commitments submitted within the application should be enforced through a legal agreement and/or planning conditions and should remain in place until noise monitoring can clearly establish that they are no longer necessary in order to meet the requirements of any new contours.

The Local Planning Authority should also satisfy itself that the existing approved noise contour area cannot be achieved by other means such as limiting the quantum of summer-time flights up to 2024;

changes in aircraft mix; enhanced scheduling of aircraft; improved ground operations and other operational changes at the airport, before approving any increase in the noise contour area limits. These matters have not been satisfactorily set out within the application and the proposal cannot be justified in the absence of a robust examination of them.

Given the inaccuracies in the modelling, assumptions and projections adopted within the original 2012 application and more recently between the March, August and November 2019 forecasts, the Council seeks assurances that the Local Planning Authority will robustly assess the data submitted within the current application and independently review the stated projections and assumptions to ensure that they are appropriate, sound and reliable.

The applicant's submitted noise modelling/forecasting is heavily reliant on assumptions made about the use of quieter 'next generation' aircraft. The applicants do not, however, have sufficient control over this to ensure that it occurs, as forecast. The noise and air quality projections made in the documentation are, therefore, fundamentally flawed and should be revised to include other potential, less optimistic scenarios. Otherwise, it cannot be concluded that the environmental impacts of the proposal have been accurately identified, or that they can be properly managed in accordance with national aviation policy.

The increase in passenger numbers from 18mppa to 19mppa also raises concerns in relation to pollution and traffic impacts. The proposed development would result in an increase in NO₂ concentrations and Greenhouse Gas. This Council does not consider that sufficient information has been submitted in terms of mitigation measures and is therefore not satisfied that the overall impact of the proposal or air quality is able to be fully assessed on the basis of the information submitted.

The proposed increase in passenger numbers would result in an increase in daily traffic flows on roads that already suffer significant congestion. This Council has concerns regarding the airport's assumptions in relation to the projected shift towards the use of public transport to access the airport in future years. The lack of mitigation measures in relation to the railway and other public transport infrastructure is of significant concern, as well as is the lack of modelling that takes into account cumulative traffic impact resulting from anticipated growth in the surrounding districts.

In any event, any agreed mitigation measures must be adequately controlled by legal agreement and/or planning conditions and robust review and monitoring triggers must be put in place to ensure those mitigation measures are implemented successfully.

Yours faithfully

A handwritten signature in black ink, appearing to be 'TH' followed by a long, sweeping horizontal line.

Tracy Harvey
Head of Planning & Building Control

**Executive Member
Growth, Infrastructure & Planning**



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11th June 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

Thank you for the opportunity to comment on the above.

The planning application rehearses the planning history of London Luton Airport (LLA). The County Council has recently responded to a number of consultations of particular relevance to this application, as follows:

- i. the pre-application consultation carried out by LLAOL on its 19 mppa proposal (Annex 1).
- ii. planning application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to end of 2024) to enable the area enclosed by the 57 dB(A) daytime noise contour to increase from 19.4 sq km to 23.4 sq km and the area enclosed by the 48dB(A) night time contour to increase from 37.2 sq km to 44.1 sq km, 19/00428/EIA. (Appendix 1 to the response referred to in i.).
- iii. discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017 (Appendix 4 to the response referred to in i.).

The County Council's responses to those proposals are important context for its response to this application. There are a number of consistent themes relating to ongoing management and proposed growth of the Airport that are relevant to this application. These themes are repackaged/updated as necessary within this representation for ease of reference.

This representation takes the following format. The sections set out the County Council's:

Section 1	Overall position, in summary.
Section 2	In-principle position based on recent historic operations at the Airport.
Section 3	Concerns in relation to evidence availability and engagement.
Section 4	Comments in relation to the new Master Plan to 19 mppa.
Section 5	Observations in relation to the absence of updated Government aviation policy generally and specifically in relation to Carbon/GHG/Covid-19.
Section 6	Comments in relation to the timing of the planning application.
Section 7	Comments in relation to the Planning Statement.
Section 8	Views on what it considers to be the key issues raised by the planning application, along with the County Council's position on those issues.
Section 9	Assessment of the planning application against the Development Plan.
Section 10	Assessment of the planning application against material considerations.
ANNEX 1	Hertfordshire County Council response to London Luton Airport Operations Limited 19 mppa consultation 2020.
ANNEX 2	Comments on the Planning Statement accompanying the planning application.

1. The County Council's position – in summary

In-principle objection

1.1 The County Council has an in-principle objection to growth proposals at LLA whose origins are founded in mismanagement of operations since planning permission was granted in 2014 for the Airport to grow to 18 mppa. That in-principle objection applies to this planning application.

Timing of the application/decision-making

1.2 The uncertainty that exists in relation to likely Covid recovery presents an opportunity to pause to address the shortfall in evidence highlighted, to explore and develop a package of effective control mechanisms and to take stock of any direction that might be forthcoming from Government on aviation and carbon policy matters, including the potential for a substantive shift in assumptions about future growth in the context of the Committee on Climate Change advice to Government in relation to demand management.

Noise and Health

1.3 The significant adverse noise and health implications of the proposal, the failure to offer mitigation to all those significantly adversely affected and the ineffectiveness of the mitigations that are proposed, make the proposal totally unacceptable.

1.4 The Noise Reduction Strategy should be submitted and consulted upon and its views on it taken into consideration in the determination of the planning application and integrated into any consent, should one be forthcoming.

The economy/'balance' between significant adverse effects and economic benefit

1.5 The planning application fails to assess the scale of the alleged economic benefits of the proposal (which are variously described by the applicant as 'significant', 'more', 'could be potential for'). As a consequence it is not possible for the planning authority to come to a properly informed judgement on whether, as the applicant alleges, the economic benefits of the proposal outweigh the significant adverse environmental impacts. The County Council would advise a cautionary approach to assumptions about economic benefit given growth is predominantly achieved by increasing load factors with *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* – with benefit therefore more restricted than has historically been the case, with less benefit experienced from aircraft movements.

Surface access

1.6 The planning application is considered to adequately assess the surface access implications and contains proposals in the form of a Travel Plan and Car Parking Management Plan to manage future surface access arrangements, including the incorporation of a range of measures to achieve modal shift and the setting of targets. However, there needs to be suitable control mechanisms agreed and put in place on any consent, should one be forthcoming, to ensure the in-practice implementation of any commitments and the measures to be employed should operations fall short of those commitments.

GHG/Carbon

1.7 The application concludes that the overall effect of projected GHGs associated with the proposal on the global climate is not significant. Luton Borough Council (LBC) has commissioned specialist advice to advise on the application from a GHG/Carbon perspective. The County Council will make further separate representations, as necessary. Notwithstanding this, the application findings appear to be substantively dependent upon the preparation and delivery of a Carbon Reduction Plan (CRP). The County Council is of the view that:

- the outline CRP should be consulted upon and its views upon it taken into consideration in the determination of the planning application.
- consideration should be given to whether the full CRP should be submitted and consulted upon and its views upon it taken into consideration in determination of the planning application.
- should a full CRP not be required by LBC to inform decision-making, the future provision of one should be secured by means of planning condition.

Drainage and Water Supply Infrastructure Appraisal

1.8 The County Council has no reasons to doubt the findings of the Drainage and Water Supply Infrastructure Appraisal and the proposed approach to imposition of a planning condition on any planning permission, should one be forthcoming, to restrict throughput at the Airport to a maximum terminal flow capacity.

Waste Management

1.9 The County Council has no reason to doubt the findings of the appraisal of the waste management implications of the proposal and is content with the intention to incorporate the Site Waste Management Plan (SWMP) into the consent by way of planning condition.

Air quality

1.10 The County Council has no reason to doubt the finding that the proposal will not have any unacceptable impact on air quality, but is of the view that the applicant should provide an Air Quality Plan (AQP) to be subject to consultation and its views upon it taken into consideration in determining the planning application. The Plan would be incorporated into any consent, should one be forthcoming, and any limits incorporated into an Environmentally/Green Managed Growth control mechanism if considered appropriate. If this arrangement is not forthcoming, the provision of an AQP should be secured by way of condition.

Control mechanisms/Scrutiny

1.11 Effective control mechanisms need to be explored, negotiated as necessary and incorporated into any consent, should one be forthcoming. Those potential mechanisms should include the imposition of a condition restricting Annual Air Traffic Movements and the potential of Environmentally/Green Managed Growth (likely covering noise, surface access and potentially carbon reduction and air quality) as a means of controlling operations to ensure agreed commitments and controls on operations are honoured and to restrict growth to achievement of those limits.

1.12 If LBC and the applicant cannot agree to these control mechanisms in advance of determination, the applicant should be required to undertake a sensitivity assessment test to explore a worst case scenario that involves less positive assumptions with regard to fleet modernisation and loads levels/ATMs (greater than an additional 1,085 ATMs per annum assumed in the planning application).

Development Plan

1.13 The planning application is considered to be consistent with the development plan insofar as it relates to the economy, surface access, air quality, waste management, drainage and water supply, GHG/Carbon (subject to submission of a satisfactory CRP), subject to a number of these matters being subject to introduction of effective controlling mechanisms.

1.14 However, in relation to noise and its health impacts, the scale of the significant adverse impacts are such that the application is considered to be fundamentally at odds with key policies of the Luton Local Plan (particularly LLP6 and LLP38) and not

consistent with the general approach of the development plan of adjoining districts. The alleged economic benefits of the proposal have not been assessed and as a consequence any attempt to suggest, as the applicant does, that these benefits outweigh the significant adverse noise and health impacts, cannot be founded.

1.15 The application should be refused.

Material considerations

1.16 There are not considered to be any material considerations that would indicate that the decision on this planning application should be other than its accordance or otherwise with the development plan.

1.17 An assessment of the planning application against material circumstances points towards the same conclusion of the development plan assessment - the planning application should be refused.

Master Plan

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.

One-off grants

1.20 The County Council is of the view that the failure of the application to provide any clarity on the operation of and beneficiaries to the proposed one-off grants is unacceptable and should be provided. Given the impacts of the proposal on communities the one-off nature of the grants is similarly considered to be unacceptable and the levels proposed derisory.

2. The County Council's in-principle position

2.1 The County Council has an in-principle position on proposals at LLA whose origins are founded in mismanagement of operations since planning permission was granted in 2014 (as subsequently revised in 2017, referred to in this response as the 'parent consent') for the Airport to grow to 18 mppa. This position is set out in response to the LLAOL 19 mppa public consultation:

'2. You will of course be aware that this proposal comes forward within the context of other current live planning applications/growth proposals at the Airport (LLA):

i. London Luton Airport Operations Limited (LLAOL) planning application to vary condition 10 in an attempt to regularise breaches of the 2014 planning consent to grow throughput at LLA to 18 mppa.

ii. London Luton Airport Limited's (LLAL) Development Consent Order proposal to grow LLA to 32 mppa.

3. The County Council's responses (attached Appendices 1 and 2 by way of context) to these proposals set out its broad position with regard to management of growth at LLA, aspects of which are relevant to the proposal the subject of this consultation.

Mismanagement of operations at LLA in relation to the current planning permission

4. The County Council's representations on i. and ii. above raise very serious concerns relating to the mis-management of the operations of LLA resulting in it failing to comply with its 2014 planning consent and the knock-on adverse implications this has had for communities. By way of example:

Condition 10

'1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a 'Partnership' approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The 'contract' between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.'

Development Consent Order

'The County Council's position

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile,

airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18mppa to 19mppa - again, because the Airport has mismanaged growth.

The consultation material states:

‘Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.’

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government’s aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.’

5. *The reason a 19 mppa proposal is seen by LLAOL as being required to facilitate additional throughput in advance of 2027/8 (the timeframe within which LLA was supposed to reach 18 mppa had the terms of the consent been honoured) is that it has failed to manage its operations within the spirit of the 2014 planning consent. Fundamentally, therefore, the County Council has an in-principle objection to the current s73 planning application to vary Condition 10 and any further potential planning application relating to 19 mppa.*

6. *Whilst in no way attempting to downplay the impacts of Covid-19 on the aviation sector and on LLA, one positive that could be achieved would be to reset throughput growth of LLA and management of it to be consistent with the growth trajectory of the 2012 master plan and of the 2014 planning consent. That would be the right thing to do to honour the commitments made to stakeholders and communities.’*

2.2 This planning application continues to perpetuate the operator’s claim that the growth of the Airport and therefore breaches of imposed planning controls and of the contract between it, communities and stakeholders was out of its control. For example:

'1.1.4 The subsequent success of the airport has been well documented, with passenger throughput increasing from 10.5 mppa in 2014 to 18 mppa in 2019, a 71% increase in just six years.....

2.3.2 LLAOL secured planning permission in 2014 for the development of the necessary infrastructure to increase passenger throughput at the airport from 12 to 18 million passengers a year. The forecast at the time estimated that an 18 mppa cap would accommodate steady growth in passenger numbers up until 2028. However, growth in passenger numbers has occurred at a much more rapid rate than was originally forecasted and the 18 mppa cap was reached in 2019.

3.9 19/00428/EIA (Section 73 to 15/00950/VARCON permission)

3.9.1 The noise monitoring by LLAOL revealed that the summer night-time contour as set out in Condition 10 (Noise contours) of the 15/00950/VARCON permission was exceeded in 2017 for the first time. The summer night-time contour was exceeded again for the second time in 2018. In March 2019, a Section 73 application was submitted to temporarily enlarge the noise contours to the end of 2024 whilst the development of newer, quieter aircraft progresses and comes into operation.

4.2.3 LLA is one the busiest airports in the UK and one that has experienced steady growth over the last decade. The passenger level reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the original permission.....

4.3.2 LLAOL is seeking to modify the wording of the condition such that it provides for a less restrictive day and night contour than that currently set out, through adjustments to the area enclosed by both the daytime and night-time contours. The amendments are considered by LLAOL to provide an appropriate balance between environmental protection and growth. As detailed in Section 3.9, when the airport was operating at its existing capacity of 18mppa there were breaches of the noise contours due to the higher than predicted growth in passenger demand, the delay in delivery of modernised aircraft (e.g. Airbus Neo and grounded B737 MAX) and disruption in European Air Traffic Control from significant weather events and industrial action resulting in flight delays. Therefore the need to enlarge the noise contour exists independently of the proposed increase of the 18 mppa cap to 19 mppa. The noise contours required for the 19 mppa would not be significantly different to the enlarged contours that would have been needed to operate at 18 mppa.

4.3.5 The modification to Condition 10 is required in order to account for the fact that the introduction of new quieter aircraft has not kept pace with the unprecedented growth in passenger demand. The passenger level at LLA reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the 2014 Planning Permission. An amended condition is necessary in order to safeguard against factors that are beyond the airport's direct control, including delays to the technological aircraft development and delays to flying times due to European Air Traffic Control disruptions and extreme weather events.'

2.3 The County Council does not accept the operator's continued assertions that the pace of growth and breaches of controls were not within its control. The package of passenger throughput and noise monitoring and reporting requirements required of the parent consent, meaningful cooperation between the operator's Flight Operations Department and Business Development Department, and effective liaison with LBC should collectively have comfortably foreseen the possibility of breaches and put in place appropriate management and operational restrictions. As a consequence of the failure to have done so, the County Council's position remains as rehearsed in paragraph 2.1 above - it has a fundamental in-principle objection to this planning application.

3. Evidence availability and engagement

3.1 The planning application refers to the LLAOL 19 mppa public consultation, the responses made to the consultation, how the proposal has allegedly been informed by those responses and how some issues have been further informed/addressed by the documentation making up the application.

3.2 The County Council's response to the consultation highlighted a number of concerns relating to the adequacy of the evidence made available and lack of engagement in taking the proposals forward. The response called for the evidence to be made available and meaningful engagement to take place in advance of submission of any planning application, with the draft Master Plan providing the focus for this.

'The Consultation Material - evidence and engagement

9. *Attached (Appendix 3) are some detailed comments on the published consultation material. These are by no means exhaustive, but sit behind a number of the issues that follow. Two key messages are:*

- *the consultation material presents a position on a wide range of issues based on evidence prepared to date to inform the development of the proposal and presents a range of proposals for mitigation. However, very little of the evidence referred to is available for review and comment and as a consequence the opportunity to effectively engage with the consultation and shape the proposal has been somewhat limited.*
- *there has been no meaningful engagement (to the County Council's knowledge) with key informed stakeholders on the technical work underpinning the findings and conclusions and mitigation proposals.*
- *how transparency of evidence and informed engagement is to happen in advance of submission of any planning application.*

3.3 However, the applicant has chosen not to engage with stakeholders further in advance of submission of the planning application – stakeholders are in a position of simply responding to the information/evidence presented. Whilst this is the prerogative of the applicant, the planning application fails to present all of the evidence/intelligence required for consultees to come to a fully informed view on the proposal and for the planning authority to come to a balanced decision. For example:

Noise Reduction Strategy

3.4 Condition 10 of the parent consent sets out noise contour limits to restrict the impact of the Airport as it grows – and those contours are based on assumptions about throughput growth and aircraft fleet modernisation. The Condition also requires the operator to submit a Noise Reduction Strategy (NRS) to reduce noise contour areas to specified levels by 2028.

3.5 In February 2020, LLAOL submitted its NRS, but was considered by the local planning authority to be not fit-for-purpose and is still in the process of being developed and remains to be approved. The County Council's response to the proposed NRS is reproduced within Annex 1.

3.6 The applicant proposes that Condition 10 be varied, amongst other matters, to require the applicant to submit a NRS within 12 months of the date of the planning consent for reduction of noise contours by 2028. But there have already been longstanding negotiations for over a year now in relation to the existing NRS submitted as a requirement of the parent consent and there must be a reasonable degree of certainty regarding the mechanisms that need to be employed to reduce noise contours. Those mechanisms must surely be broadly the same as those that would be required to achieve the proposed new NRS to be provided to satisfy the requirements of the proposed new Condition.

3.7 Given the failure of the operator to be able to manage its operations to comply with the parent consent and the apparent inability to come forward with a NRS to satisfy LBC, the County Council is strongly of the view that the NRS should be submitted as part of the application, consulted upon and taken into consideration in determination of the application, along with any views upon it. Another planning consent cannot be granted in the absence of certainty about how noise reduction is to be achieved - how, when and by whom – and in the event of evidence of failure or likely failure, what should happen to control operations (see paragraphs 8.47-8.51 dealing with E/GMG).

3.8 In much the same way as the Travel Plan and Car Parking Management Plan accompany the planning application and are proposed to be integrated into any consent by the proposed wording of Conditions 22 and 24, so should the NRS. So instead of the wording proposed by the applicant, the relevant part of proposed revised Condition 10 would instead read something along the following lines:

‘
The Noise Reduction Strategy (document reference XXXXXXXXX) shall be complied with ~~Within five years of the commencement of development a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to 15.2 sq km~~ *15.5 sq km* for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to ~~31.6 sq km~~ *35.5 sq km* for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.
.....’

Carbon

3.9 The Planning Statement and Environmental Statement make reference to the intended preparation of a Carbon Reduction Plan (CRP). For example:

Planning Statement

‘6.5.28 LLAOL has also committed to produce a Carbon Reduction Plan. This will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application.

6.5.30 The proposed scheme:

Summary

- Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- Is consistent with the NPPF requirement for developments to ‘support the transition to a low carbon future in a changing climate’, on the basis that a Carbon Reduction Plan is produced.’*

Environmental Statement

‘UK Carbon Target for 2050 and UK Carbon Budgets (non-international aviation)

‘7.11.25 The mitigations required to achieve LLAOL’s net zero aim will be detailed in a Carbon Reduction Plan, which will include emissions reduction targets. The Carbon Reduction Plan will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application. Further details are described in Section 7.13.

Summary

7.11.26 On the basis of the commitment to produce a Carbon Reduction Plan, the scale of GHG emissions from the Proposed Scheme are such that they will have a negligible effect on the ability of the UK to meet its carbon targets. Additionally, the scale of GHG emissions from the Proposed Scheme are such that they are unlikely to affect the ability of Luton Borough Council to meet its carbon neutral borough aim.

Summary of predicted effects

7.11.30 The mitigations set out in Section 7.8, show that the GHG emissions associated with the Proposed Scheme have been mitigated wherever

practicable, with a further commitment to producing a Carbon Reduction Plan as described in further detailed in Section 7.13. The Carbon Reduction Plan will be required to set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target, and how LLA will use its influence to reduce Scope 3 emissions where possible.

7.11.31 LLAOL is committed to annually reporting its GHG emissions through annual carbon footprinting, which is publicly available.

7.11.32 Therefore, the Proposed Scheme:

- Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO₂/yr 'planning assumption' for UK international aviation GHG emissions in 2050.*
- Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- Is unlikely to materially affect the ability of Luton Borough Council to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- Is consistent with the National Planning Policy Framework (NPPF) requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.*

7.13 Consideration of additional mitigation

7.13.2 A Carbon Reduction Plan will be produced which will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be set out ahead of the determination of the planning application by LBC.

Airport building and ground operations

7.13.4 Through the Responsible Business Strategy, LLAOL has committed to being aligned with the UK net zero target for 2050. LLAOL has therefore committed to develop a Carbon Reduction Plan, which will set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target. An outline version of the Carbon Reduction Plan will be produced during consideration of the ES, and ahead of determination of the planning application. The full version would be provided following planning approval, as a time-bound condition of the planning permission. This forms part of the wider commitment to reaching more ambitious levels of certification within the Airport Carbon Accreditation Scheme, which would ultimately result in carbon neutral operations.'

3.10 The County Council is of the view that if the CRP is key to supporting the conclusions of the performance of the proposal in carbon terms, as appears to be the case, then the full (and fully evidenced) CRP should be produced, subject to public consultation and views upon it used to inform the decision-making process. It should then be incorporated into the consent, by way of condition, similar to that for the Car Parking Management Plan (Condition 22) and Travel Plan (Condition 24), or at least

listed amongst the approved plans and documents in the proposed Variation of Condition 28 (Approved plans and documents).

3.11 If LBC takes the view that an outline CRP is acceptable to inform its decision-making, then that outline should be made available and consulted upon and views upon it taken into consideration in the decision-making process. The proposed variation to Condition 28 does not currently refer to an outline CRP and it should.

3.12 Paragraph 7.13.4 of the ES states, in relation to the CRP, states that ‘.....*The full version would be provided following planning approval, as a time-bound condition of the planning permission.*’. But the applicant makes no commitment to a time-bound condition within the Planning Statement and LBC should seek that commitment from the applicant. If LBC takes the view that an outline CRP is acceptable to inform its decision-making then a time bound condition should be imposed with regard to the submission of a full CRP.

Air Quality

3.13 The Planning Statement, supported by the ES, concludes that the proposal will not have any unacceptable impact on air quality. Elsewhere in this representation the County Council rehearses the compatibility of the proposal with, amongst other matters, existing and emerging Government policy on matters relating to aviation. Government’s emerging Aviation Strategy (Aviation 2050) states that it intends to require all major airports to develop air quality plans to manage emissions within local air quality targets.

3.14 The applicant’s own ‘Our Responsible Business Strategy 2020 – 2025, December 2019’ commits to developing an air quality strategy by end of 2022 that will include measures to limit the airport’s contribution to air pollution.

3.15 Given Government expectations, the fact the planning application process has had to assess and predict the air quality implications of the proposal and that the Airport has already committed to producing an air quality strategy, it would have been the perfect opportunity to bring forward an air quality plan to accompany the planning application and to integrate air quality commitments into any planning consent, should one be forthcoming – in much the same way as it proposed for waste management, Carbon Reduction Plan, etc.

3.16 LBC should require the applicant to prepare and submit an air quality management plan and that plan should be consulted upon and views upon it taken into consideration in determination of the planning application and incorporated within any consent, should one be forthcoming. If this option is not considered appropriate then any planning consent should require the provision of an air quality management plan by means of planning condition.

Forecasting assumptions/sensitivity testing

3.17 Paragraphs 5.3-5.6 below raise concerns regarding and calls for a reassessment of the applicant’s Covid recovery assumptions and forecasts. Notwithstanding this, fundamental to the assessment of the impacts of the proposal are assumptions made within traffic forecasts with regard to fleet modernisation/load factors/ATMs and the consequential impact this will have on noise reduction.

3.18 As rehearsed in Section 2, since the 2014 parent consent the Airport operator has facilitated growth considerably in excess of that assumed within the consent, to the extent that fleet modernisation and the assumed noise impact benefits that come with that has not occurred. This has resulted in a breach of noise controls integrated into the consent, which are in part the driver for this planning application.

3.19 Elsewhere in this representation the County Council calls for effective control mechanisms to be integrated into any consent to embed within it the assumptions and forecasts underpinning the proposal – those control mechanisms include E/GMG, a condition limiting annual ATMs and a condition linking Airport growth to future noise reduction set out in a Noise Reduction Strategy.

3.20 But at this stage there is no certainty that such controls will be imposed on any consent and unless there is agreement between the applicant and LBC that they should be, there is a need to understand a worst case scenario involving planning permission being granted and fleet modernisation not occurring at the pace predicted within the planning application - a sensitivity test involving less positive assumptions with regard to fleet modernisation and loads levels/ATMs (greater than an additional 1,085 ATMs per annum assumed in the planning application). That worse case sensitivity test should be available to inform LBC decision-making.

4. The new Master Plan to 19 mppa

4.1 The County Council's response to the LLAOL 19 mppa consultation raised a range of issues with regard to the draft MP, as follows:

'An all-encompassing master plan

10. *You will of course be aware of Government consultation and liaison expectations in relation to master plans, set out in its Aviation Policy Framework (APF):*

'4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings.....'

11. *And also its position on availability of technical evidence:*

'4.14 Research carried out by the DfT on the effectiveness of master plans has indicated that drafting for all audiences produces a tension between communicating future plans and providing a technical reference source. We therefore recommend that, where possible, the body of the document should be accessible to a lay person, and the technical detail clearly annexed.'

12. *You will also be aware that the APF states that:*

'4.5 Airports, in partnership with local communities, should:

-

- *review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;*
- *review the extent and detail of information that is published and set out clearly the methodology used. Airports should provide transparency and ensure that sufficient relevant information and opportunities for consultation reach a wide audience; and*
- *combine their ASASs into their published master plans to ensure a joined-up approach and make it easier for people to access information about the 'airport's plans.'*

'Mitigation

B.6 Proposals for mitigation measures across the major impact areas identified will be an important component of master plans; for example emission controls, noise abatement measures, sound insulation, surface access schemes and traffic management and measures to address landscape and biodiversity impacts.

B.7 It will be appropriate for master plans to address any proposals for compensation measures that may be required where the scale of impacts is such that they cannot adequately be mitigated. Such measures might include appropriate voluntary purchase schemes and assistance with relocation costs where the extent of property and land-take is clear.'

13. The consultation material seems to propose to amend or add to the contents of publications that already exist but without giving specific details of what these are to be – for example, see the 'Noise management/mitigation' section below. There also appears to be a new Transport Assessment, Travel Plan and Car Parking Management Plan which are not available at this stage and which appear to introduce new assumptions – for example (from the EIA Progress Report).

'8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

14. There also appear to be other assessment, such as an Air Quality Assessment and Greenhouse Gas Assessment. Moving forward, the availability of technical evidence and engagement on it with key stakeholders will be important. As far as is practicable, this should take place in advance of submission of any planning application and there is an opportunity to do so as part of the master plan preparation process. The master plan needs to be drafted to be accessible to the lay person, but contain evidence (appended) to substantiate its proposals, about which it needs to be much more transparent rather than making general statements of intent. It also needs to be clear on the implications for other publications such as the noise action plan and surface access strategy. Consideration should be given to whether there is an opportunity to draw the various plans/strategies together into a whole, with the master plan fronting up a range of subsidiary plans/strategies/evidence. This

will take time – more time than the consultation material and processes currently appear to allow.'

4.2 The County Council's response summarised its position on the MP, as follows:

'Summary

42. In summary, the County Council's position is as follows:

.....

ii. There should be further engagement on the preparation of the master plan, including sharing of the evidence underpinning the findings and mitigation proposals within the draft in advance of finalisation/publication/approval.

iii. The finalised/published/approved master plan needs to contain evidence (along with technical appendices) to substantiate the findings and conclusions reached and to justify proposed mitigations.

iv. The opportunity should be taken to take a fresh approach to the master plan preparation – with a view to putting in place an all-encompassing framework that draws the various strategies together into a whole and fronting up a range of subsidiary plans/strategies/evidence.'

4.3 Much of the technical evidence that was not available to consultees to support the judgements made in the draft MP now accompanies the planning application. Consultees therefore now have an opportunity to access and interrogate that evidence to establish whether those judgements are indeed correct.

4.4 The applicant has chosen not to act upon many of the County Council's recommendations in relation to the process for preparation of the MP and the approach taken and considers that, as a consequence, it falls short of a number of Government expectations, as set out above.

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.

4.6 The MP review process should also address the following:

- Section 1.1 sets out the need for a Master Plan, which is described as:

'.....The airport's traffic numbers are predicted to continue to increase, requiring consideration of the next planning stage for LLA development. As a result, IDOM was appointed to develop LLA's Master Plan for 19 mppa.'

But this section fails to register the fact that the main reason that MPs are to be produced is because they are a Government expectation *'to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. They also provide transparency and aid long-term planning for other businesses.'* (Aviation Policy Framework).

Neither does it refer to Government expectations that MPs are '*updated at least once every five years*' and the existing MP for the Airport is now over 8 years old, so it should have already been updated in any event.

It makes no reference to the existing MP for 18 mppa and the obvious need for it to be updated/replaced.

- Section 2.2 of the MP states the following:

'2.2 Forecasting Approach

2.2.1 The 2012 planning application has led to an investment plan of £160 million to transform the airport and increase capacity to 18 million passengers per year by 2020. The so-called Curium Project reached its culmination in 2018 with the opening of the expanded terminal facility.'

The '*2012 planning application*' did not lead to an investment plan, it was the 2014 planning permission.

The 2014 planning permission was granted on the assumption that 18 mppa would be achieved by circa 2028 and limits and controls imposed on that basis (particularly in relation to controlling noise impacts). Unless it really was the intention of LLAOL to achieve 18 mppa by 2020, this needs to be reworded (probably easiest to simply delete 'by 2020').

- the MP has been submitted with the planning application, but in places it still refers to the planning application in the future tense. For example, with regard to air quality it states:

'0.8.1A detailed air quality assessment will accompany the planning application.'

6.3.1 The increase in maximum capacity of passengers from 18 mppa to 19 mppa, whilst modest in percentage terms, may entail an increase in road transport related air emissions and it will be necessary to undertake a detailed assessment of the likely impact of this when the formal planning application is made. The method will entail a detailed consideration of those receptors adjacent to the transport routes at highest risk of exceeding the relevant objectives as specified in the Air Quality Standards Regulations 2010. If any exceedances of air quality objectives are indicated, mitigation measures will need to be developed based on specific findings of the study.'

The air quality assessment accompanies the planning application and it, and the findings reported in the ES should be reflected within the MP.

- Carbon Reduction Plan. The MP provides a framework for the planning application and repeatedly refers to assessments that have been undertaken or are ongoing (see above, this needs to be rectified) and to future plans and measures that will be put in place. But despite commitments made in the planning application to production of a CRP and the importance attached to this, the MP makes no reference to it.

4.7 The County Council's response to the LLAOL 19 mppa public consultation also identified a range of issues in relation to the status and process for approval of the master plan to take the airport to a throughput of 19 mppa.

'Status and process for approval of the master plan

15. *The usual and logical course of events is for an airport to consult widely on a master plan, setting out its aspirations for the future and covering those matters advised by Government in the APF. In this way all stakeholders and communities have a common understanding of what lies ahead – likely scale of growth, infrastructure provision, environmental management and mitigation, noise insulation, community benefits, and so on. Amongst other matters that master plan would form the framework within which future planning applications for development and throughput growth are brought forward.*

16. *Indeed, this is exactly what happened in the last master plan/planning application cycle at LLA. Somewhat bizarrely, LLAOL and LLAL consulted separately on different master plans for different proposed levels of growth during 2012, following which a joint master plan was published in September 2012 that provided a framework for growth of LLA to 18 mppa. Some months later, a planning application for that scale of growth was duly submitted.*

17. *The consultation material makes no reference to the in-force master plan at LLA and it is therefore assumed that it is to be completely superseded by the one published as part of this consultation, as suitably amended following feedback received.*

18. *The material contains no guidance on the process for and timing of approval/adoption/publication of the master plan, but states that a planning application is to be submitted by the end of 2020. No information is provided with regard to the process for 'approval' of the master plan and whether there is any intention to release and consult upon the evidence that underpins it.*

19. *You will of course be aware that Luton Local Plan Policy LLP6 requires any growth proposal at LLA to be consistent with a master plan submitted to and approved by Luton Borough Council (LBC). The material makes no reference to this policy and provides no clarity on whether the master plan is to be submitted to LBC for its approval and if so, whether that is to happen in advance of any planning application or perhaps even at the same time.*

20. *Clarity is required on the process for approval/publication of the master plan and how that relates to the timing of submission of any planning application. If a planning application is to be submitted before the end of 2020, it is difficult to see how:*

- in the spirit of Government guidance in the APF, meaningful engagement can take place with stakeholders on the technical evidence that underpins the assumptions behind and findings of the master plan.*
- the master plan can be approved by LBC.*

21. *Paragraphs 29-30 call for a delay in the submission of the proposed planning application. Such a delay would enable a master plan preparation*

process that is able to more effectively engage with communities and stakeholders, with a view to building a more productive and trusting relationship in response to recent experience.'

Summary

42. *In summary, the County Council's position is as follows:*

- v. Clarity is required with regard to the process for finalisation/publication/approval of the master plan.*
- vi. The master plan preparation and 'approval' process should be completed in advance of the submission of any planning application.*
- vii. Given Luton Local Plan policy, the master plan should be approved by Luton Borough Council in advance of the submission of any planning application.'*

4.8 With regard to the two bullets in paragraph 20 of the above extract we are now clear that there has been no meaningful engagement on the technical evidence underpinning the MP in advance of submission of the planning application (as discussed above). With regard to the second bullet, the planning application has been submitted in advance of adoption of the MP by LBC. The planning application does not contain any guidance on its understanding of the process for adoption of the MP by LBC. The MP should be adopted by LBC, as suitably revised, in advance of determination of any planning application (it would have been far preferable, however, if this were to have happened in advance of application submission).

5. Aviation 2050/Carbon/Covid-19

5.1 The County Council's response to LLAOL's 19 mppa consultation observed:

'22. The County Council's response to the consultation on the DCO highlights the scale of uncertainty that exists in relation to national aviation policy, which, amongst a wide range of other matters, will set out the Government's approach to aviation with regard to how it will contribute to meeting its net-zero carbon commitment.

'National aviation policy and the Climate Change Act 2008

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO₂ in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO₂ emissions targets:

- 1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.*
- 2. whether now is the right time for the UK to set such a target.*
- 3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C” and “towards global efforts to limit the increase to 1.5°C.*
- 4. how reductions in line with your recommendations might be delivered in key sectors of the economy.*
- 5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.*
- 6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.*

In December 2018 Government consulted on its Aviation Green Paper ‘Aviation 2050 - The future of UK aviation’, reaffirming Government’s commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

‘The UK’s currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK’s statutory framework, including when ‘net-zero’ emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK’s long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.

Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around

their 2005 level (i.e. 37.5 MtCO₂e). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report ('Net Zero The UK's contribution to stopping global warming Committee on Climate Change' May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – 'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'. The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019.....Reducing emissions from aviation will require a combination of international and domestic policies, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels, with potential to reduce emissions further with lower levels of demand. The CCC advises that 'The Government should assess its airport capacity strategy

in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing aviation policy through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its 'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions' (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will 'continue to consider the implications of our 2050 net zero target.....'.

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment 'due to the timing of its introduction into UK law', but recognises that 'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.'

23. *In addition, of course, that national strategy/policy will now also need to reflect upon the implications of Covid-19 and develop policy that reflects how Government sees the aviation industry moving forward in response to and within a continuing Covid-19 environment – the implications of which, at least in the short term, are potentially profound.*

24. *Clarity in the form of revised national aviation policy would be a more preferable environment within which this proposal (and indeed those at other airports) could be brought forward and assessed. The County Council has sought an update on the timetable for production of Aviation 2050, but this has yet to be forthcoming. The process for master plan preparation and application submission would benefit from being aligned with the publication of new Government policy.*

‘19 mppa traffic horizon will be achieved around 2024’

25. *The consultation material contains a number of statements with regard to the anticipated timeframe for LLA to potentially reach a throughput of pre-Covid levels and onward to 19 mppa. For example:*

‘In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.’

‘In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").’

‘Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.’

26. *The consultation material provides little background intelligence about these ‘industry expectations’ and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – ‘upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe’. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.*

27. *Similarly, Eurocontrol’s latest five-year forecast offers three scenarios for recovery from Covid-19:*

- a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.*
- should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.*
- a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.*

28. *Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.’*

5.2 As there has been no further substantive clarity on Government intentions in relation to revised national aviation policy the County Council's concerns with regard to the absence of an up to date national policy that addresses all of the issues facing the aviation sector remain. There has been national progress on Carbon/GHG and these have (in part) been reported in the consultation material, but again, the Government's position on the aviation sector's role in a zero carbon future remain to be clarified. The CCC recommendations on the sixth carbon budget – the UK's path to net zero, includes within the 'balanced pathway' demand management providing for a 25% growth in passengers by 2050 compared to 2018 (compared to 65% in baseline unconstrained DfT forecasts). The timeline for growth sees capacity increasing by only 5 mppa by 2035 (from 2092 mppa in 2018 to 297 mppa in 2035). The CCC states that *'We assume that, unlike in the baseline, this occurs without any net increase in UK airport capacity, so that any expansion is balanced by reductions in capacity elsewhere in the UK'*. Given the Government's commitment to a third runway at Heathrow there would be likely to be no scope for additional capacity at other airports – indeed, the proposed increased use of the existing two runways in advance of third runway coming onstream would utilise all the 5 mppa additional capacity to 2035 in the balanced pathway scenario. The Government has already confirmed that its sixth Carbon Budget will incorporate the UK's share of international aviation emissions – the first budget to do so. Whilst Government has not accepted the CCC's specific policy recommendations it will be producing a vision for net zero, and ambitious plans across key sectors of the economy to meet carbon budgets.

5.3 With regard to Covid-19 recovery, the application presents the results of a poll of a panel of air traffic forecasting experts, which the applicant then uses to extrapolate those recovery rates beyond December 2021. This sees recovery to 18mppa by 2022. No date is put on the polling exercise, but as it sought views on recovery through 2020, it is assumed it occurred early/mid 2020.

5.4 The County Council's response to the LLAOL 19 mppa consultation highlighted the scenarios presented by IATA/Eurocontrol, suggesting a more likely later recovery scenario. Since then, the Committee on Climate Change has issued its Sixth Carbon Budget advice to Government in which it recognises uncertainties generated by Covid *'.....There remain major uncertainties as to the size of the aviation industry that will emerge post-COVID, particularly as the pandemic continues to spread globally.....CCC have estimated a drop in UK flights and emissions during 2020-2023....., with a return to previously projected to demand levels from 2024 in most scenarios.'*

5.5 The way in which the pandemic appears to be progressing and the extent to which it is able to be managed is changing at a rapid pace. With regard to aviation and the prospects of renewed international travel there remains considerable uncertainty and one wonders whether the ACI poll has been superseded by events and/or whether it contains a degree of optimism bias. It might be helpful if the applicant could present an updated balanced view on recovery taking into account more up to date intelligence and the less optimistic scenarios of IATA/Eurocontrol/CCC.

5.6 An updated view on Covid recovery would be useful context in terms of the timeframe that may be available to pursue those matters identified in paragraph 6.2.

6. Timing of the planning application

6.1 The County Council's response to LLAOL's 19 mppa consultation called for the proposed timing of submission of any planning application to be delayed for, amongst other reasons, those matters in Section 5. The County Council is disappointed that the applicant has chosen to ignore calls for a pragmatic approach to the timing of submission of the application, but accepts that LBC is duty bound to consider and determine the application it has before it.

6.2 Whilst it is desirable and there is a requirement for the application to be determined expeditiously, the uncertainty that exists in relation to likely Covid recovery would suggest that there is an opportunity to pause to address the shortfall in evidence highlighted in section 3, to explore and develop a package of effective control mechanisms rehearsed in paragraphs 8.47-8.54, and to take stock of any direction that might be forthcoming from Government on aviation and carbon policy matters, including the potential for a substantive shift in assumptions about future growth in the context of the CCC advice to Government in relation to demand management.

7. The Planning Statement

7.1 The Planning Statement (PS) is where the application draws together evidence contained within supporting documents and assesses the proposal against relevant development plan policy and material considerations. Annex 2 presents a range of comments on the PS submitted with the planning application. The County Council is of the view that it is not fit-for-purpose.

- it is surprisingly poor in its identification and review of relevant national and local policy;
- where it correctly identifies relevant policy it occasionally conveniently leaves out relevant text with which the application is likely to be non-compliant;
- the appraisal of the application against policy is at times so blatantly incorrect and misleading as to fundamentally undermine its credibility – this is particularly true of the key Development Plan policy for this application – Policy LLP6 of the Luton Local Plan.

7.2 The critique of the PS within Annex 2 is by way of example and is not intended to be exhaustive. Your authority will, of course, identify for itself all relevant policy considerations and interpret and apply these accordingly. However, the County Council would urge considerable caution in relying in any substantive way on the PS accompanying the application.

8. The Planning Application – the County Council's position on the key issues

8.1 The key issues upon which the PS and ES focus are noise, health, the economy, surface access, GHG/Carbon, drainage and water supply, waste management and air quality. The County Council's views on these are set out below, along with what it believes should be an additional key issue - the extent to which the application presents and LBC should impose an effective package of control mechanisms into any consent, should one be forthcoming.

8.2 Sections 9 and 10 go on to assess the performance of the planning application on these key issues against the development plan and material considerations.

Noise

Noise implications of the proposals in relation to operational noise contour levels

8.3 The ES assesses the noise implications of the proposals on households, amongst other receptors in relation to operational noise contour levels. In the short term, at a throughput of 18 mppa in 2022 the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 2,430 households/5,721 people that would be newly exposed to levels of noise above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 17% increase.
- 85 households/252 people that would be newly exposed to levels of noise exposure above which significant adverse effects on health and quality of life occur. This represents a 12%/13% increase respectively.

In the night-time:

- 5,416 households/13,087 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 28%/29% increase respectively.
- 724 households/1,743 people that would be newly exposed to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 61%/55% increase respectively.

8.4 In the short term, at a throughput of 19 mppa in 2024 the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 663 households/1,584 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 4.7% increase.
- No households to levels of noise exposure above which significant adverse effects on health and quality of life occur.

In the night-time:

- 2,838 households/6,659 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 15% increase.
- 558 households/1,373 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 47% increase.

8.5 In the medium to long term beyond 2028, at a throughput of 19 mppa the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 273 households/683 people to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 3%/4% increase respectively.
- 49 households/99 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 12%/9% increase respectively.

In the night-time:

- 4,040 households/9,509 people to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 26% increase.
- 373 households/922 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 37%/34% increase respectively.

8.6 So in terms of the worst case scenario impacts of the proposals the applicant is of the view that it is acceptable:

In the period up to 2028:

Daytime

- when compared to the existing parent consent, to expose an additional 2,430 households/5,721 people to levels of noise above which adverse effects on health and quality of life can be detected (a 17% increase) and 85 households/252 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- when compared to the existing parent consent, to expose an additional 5,416 households/13,087 people to levels of noise above which adverse effects on health and quality of life can be detected (a 28% increase) and 724 households/1,743 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 61% increase).

Beyond 2028

Daytime

- when compared to the existing parent consent, to expose an additional 273 households/683 people to levels of noise above which adverse effects on health and quality of life can be detected (a 3% increase) and 49 households/99 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- when compared to the existing parent consent, to expose an additional 4,040 households/9,509 people to levels of noise above which adverse effects on health and quality of life can be detected (a 26% increase) and 373 households/922 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 37% increase).

Notable exceedances of LOAEL and SOAEL criteria

8.7 The ES also assesses where there are notable exceedances of the LOAEL and SOAEL criteria (exceeding LOAEL by at least 3 dB and SOAEL by at least 1 dB).

8.8 When compared to existing parent Condition 10 parent permission, in 2022 and 2023 1,877 additional dwellings would be subject to a notable exceedance of the SOAEL criteria in the night-time which are assessed as being significant. The equivalent figure for 2024 is 1,470 dwellings, which is similarly assessed as being significantly adverse.

8.9 In terms of non-residential receptors in 2022 there would be changes of 1 dB or more above the threshold criteria at Caddington (schools), Park Town (academy, nursery), Breachwood Green (school), St Pauls Walden (church), Slip End (school) and at Stevenage Station (college). These impacts are assessed as being significantly adverse. There would be ongoing significant effects in Park Town, Luton to 2024 and at Slip End to 2023.

Dwellings/population exposed to disturbance by overflight

8.10 As ICCAN (*‘ICCAN report on the future of aviation noise management, March 2021’*) notes:

‘The way that metrics are being used continues to evolve. There has been concern that the averaging calculation in the LAeq metrics masks some of the impacts perceived in the community. Consequently, other noise metrics have emerged such as N70, N65 and N60. These are the number of aircraft events overflights (CAA, 2017) at a location in a given time period where the maximum sound level of the event is at least 70 dB(A), 65 dB(A) and 60 dB(A) respectively.’

.....

N70 [70 dB(A)] Provides an indication of the number of events likely to cause disturbance.
N65 [65 dB(A)] Provides an indication of the number of events likely to cause disturbance.
N60 [60 dB(A)] Increasingly being used at night (over the period 23:00 hours to 07:00 hours) to provide an indication of the extent of potential sleep disturbance.’

8.11 The planning application assesses the numbers of overflights by aircraft causing 65 dB(A) during the day and 60 dB(A) at night.

8.12 It finds that during the daytime the application would subject, when compared to the parent permission, the following to overflight by aircraft causing 65 dB(A) and likely to cause disturbance during the day to:

In the short term to end 2027 an additional:

- 1,129 dwellings and 2,696 people to overflight by 25 flights or more. This represents a 5% increase.
- 1,982 dwellings and 4,721 people to overflight by 50 flights or more. This represents an 18% increase.
- 879 dwellings and 2,696 people to overflight by 100 flights or more. This represents a 14% increase.
- 1 dwelling and 4 people to overflight by 200 flights or more

In the longer term 2028 onwards the additional overflight generated by the proposals is limited.

8.13 It finds that during the night-time the application would subject, when compared to the parent permission, the following to overflight by aircraft causing 60 dB(A) during the night:

In the short term to end 2027 an additional:

- 3,686 dwellings and 8,520 people to overflight by 25 flights or more. This represents a 1,350% increase.

In the longer term 2028 onwards:

- 1,685 dwellings (671% increase) and 4,405 people (636% increase) to overflight by 25 flights or more.

Health implications of proposed increases in noise levels

8.14 The ES assesses the significance of the health effects of the noise impacts of the proposal.

8.15 By way of illustration, at worst case short term pre-2028 timeframe:

- **residential population** (daytime 51 - 62 dB LAeq 16hr and night-time 45 - 54 dB LAeq 8hr): the magnitude of change is judged to be low to medium adverse with the health effect is judged to be of potentially significance (moderate). [This takes into account an increase in noise exposure indoors and associated health effects (including with windows open and closed) and outdoors (changing the amenity value of public spaces); a minor magnitude of change on children's learning and cognition outdoors (outdoor play is an important part of children's learning), and a minor magnitude of change on social capital through a small reduction in social interaction and helpful behaviours.]
- **residential population** (daytime at or above 63 dB LAeq 16hr and night-time at or above 55 dB LAeq 8hr): the magnitude of change is judged to be medium adverse with the health effect is judged to be of moderate significance [This takes account of the more disruptive effect of noise during sleep and consequent effects on wellbeing, work performance

and learning because of lower quality sleep and the higher occurrence of health effects at these higher exposure levels]. With proposed noise insulation there is expected to continue to be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels because insulation will not be able to mitigate the increase in noise indoors when windows and patio doors are open [e.g. highly sensitive residents with pre-existing cardiovascular conditions and some children and older people with learning or other disabilities or chronic health conditions that may be exacerbated by increases in noise].

- **noise-sensitive facilities:** the magnitude of change Caddington (Caddington Village School, Heathfield Lower School), Park Town, Breachwood Green (Breachwood Green JMI School), St Pauls Walden (All Saints Church), Slip End (Slip End Lower School) and at Stevenage Station (North Hertfordshire College) is judged to be medium to high adverse overall and the health effect is judged to be significant (moderate to high).
- **public open spaces and recreational green spaces:** the magnitude of change is judged to be low to medium adverse. When taking children and older people into account, public open spaces, and recreational green spaces nearer to the airport could experience a magnitude of change that is medium adverse. Therefore, the health effect on public open spaces and recreational green spaces is judged to be potentially significant (minor-moderate).

8.16 By way of illustration, at worst case long term post-2028 timeframe:

- residential population (daytime 51 - 62 dB LAeq 16hr and night-time 45 - 54 dB LAeq 8hr): the magnitude of change is judged to be low to medium adverse and the effect is judged to be of significance (moderate). [This takes into account an increase in noise exposure indoors and associated health effects (including with windows open and closed) and outdoors (changing the amenity value of public spaces); a minor magnitude of change on children's learning and cognition outdoors (outdoor play is an important part of children's learning) and a minor magnitude of change on social capital through a small reduction in social interaction and helpful behaviours].
- residential population (daytime at or above 63 dB LAeq 16hr and night-time at or above 55 dB LAeq 8hr): the magnitude of change is judged to be medium adverse and the health effect is judged to be of significance (moderate). [this takes account of the more disruptive effect of noise during sleep and consequent effects on wellbeing, work performance and learning because of lower quality sleep, and the higher occurrence of health effects at these higher exposure levels]. With proposed noise insulation there is expected to continue to be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels because insulation will not be able to mitigate the increase in noise indoors when windows and patio doors are open [e.g. highly sensitive residents with pre-existing cardiovascular conditions and some children and older people with learning or other disabilities or chronic health conditions that may be exacerbated by increases in noise].

- Public open spaces and recreational green spaces: the magnitude of change is judged to be low-medium adverse, though when taking children and older people into account, public open spaces, and recreational green spaces nearer to the airport could experience a magnitude of change that is medium adverse and the effect is judged to be of significance (minor-moderate).

Proposed mitigation

8.17 In addition to existing mitigation embedded into the scheme, the application contains proposals to provide additional resources to fund noise insulation of additional properties exposed to levels of noise above the SOAEL threshold.

'8.14.10 The additional budget of £1,700,000 (further to the £1,300,000 funding existing) would be sufficient to noise insulate properties in areas above SOAEL as a result of proposed variation to Condition 10 assuming no more than 78% (567 properties) take-up (i.e. the pick-up of residents offered noise insulation in the past). The current take-up of insulation is approximately 50%, therefore the contribution is considered sufficient. Based on the current acceptance rate, the enhanced Noise Insulation Fund would cover additional dwellings above SOAEL by the end of 2022.'

8.18 The applicant accepts that its proposals will have significant adverse noise impacts on health and quality of life, but suggests that the mitigations proposed in the form of noise insulation, along with existing mitigations, satisfactorily addresses those impacts and render the proposals acceptable.

Planning Statement

'Table 6.1 Assessment against Policy LLP6

The ES Addendum found that there would be significant adverse effects in relation to noise and health. Noise insulation would be offered to minimise the effects of noise to those properties above the SOAEL.

Therefore these are considered to have the potential significant effects. Whilst 1,877 dwellings will experience noise levels that are considered significant, all of those properties will be offered mitigation in the form of noise insulation to minimise the effects of noise.

Properties that experience an increase in noise above the SOAEL will be offered mitigation in the form of noise insulation to minimise the effects of noise. With this mitigation, the Proposed Amendments therefore comply with this criterion.

6.5.39 Overall, the ES Addendum demonstrates that the Proposed Amendments will have significant adverse effects on health due an increase in noise. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures. With this mitigation

the Proposed Amendments are compliant with the NPPF and the development plan.

6.5.47 Properties that experience noise above SOAEL will be eligible to apply for noise insulation to minimise the effects of increased noise.

6.5.47 Properties that experience noise above SOAEL will be eligible to apply for noise insulation to minimise the effects of increased noise.

6.5.49 In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures.

8.1.5 Section 6 of this Planning Statement (with reference to the ES which includes a full assessment of the likely significant effects on the Proposed Amendments) identifies that no properties will experience unacceptable noise levels and no properties will experience significant adverse effects in the day. However, the expansion will lead to significant noise effects at night-time because of an increase in noise compared to the existing situation above a level that is identified in planning policy to have potential significant effects on health and quality of life.

8.1.6 In order to minimise this effect, all properties that will experience a level that is identified in planning policy to have a significant observed adverse effect will be offered mitigation in the form of noise insulation to minimise the effects of noise. The Proposed Amendments therefore complies with this criterion.'

Environmental Statement

'8.14.10 The additional budget of £1,700,000 (further to the £1,300,000 funding existing) would be sufficient to noise insulate properties in areas above SOAEL as a result of proposed variation to Condition 10 assuming no more than 78% (567 properties) take-up (i.e. the pick-up of residents offered noise insulation in the past). The current take-up of insulation is approximately 50%, therefore the contribution is considered sufficient. Based on the current acceptance rate, the enhanced Noise Insulation Fund would cover additional dwellings above SOAEL by the end of 2022.

8.15.1 It is considered that existing mitigation and enhanced mitigation are sufficient to meet the Government's policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the NPSE.'

Luton Borough Council Environmental Protection

8.19 Luton Borough Council Environmental Protection opposes the proposed Variation to Condition 10 on the basis that it is in conflict with Local Planning Policy LL38 (Pollution and Contamination) because:

- it will increase noise levels to dwellings and other noise sensitive property exceeding the Local Planning Authority's limits.

- the application has not referred to the Local Planning Authority's planning and noise guidance.
- the incremental improvements the Local Planning Authority has secured over the long term in reducing noise exposure through regeneration and development will be retrenched if the spread and level of aircraft noise increases.
- there is no clear end point to the increase; only an anticipation that future aircraft will be quieter, quieter aircraft will be used at London Luton Airport and this can be achieved through third parties.
- breaches of the existing allowed noise footprint of the airport occur and the reduction in noise levels anticipated by the airport in back in 2014 has not happened. At this time, now in 2021 the Local Planning Authority is asked to allow more increase in noise and footprint area.
- the applicant anticipates a better future after 2028 by adopting forecasts of newer, quieter aircraft fleets operating from Luton. But, it is apparent either such aircraft do not currently exist in the airlines' ownership or it is not within their intention to deploy and operate them from London Luton Airport.

Luton Borough Council specialist noise advice

8.20 The County Council welcomes the commissioning by the LPA of expert specialist aviation noise advice to assist it in coming to a suitably informed position on the planning application. The County Council is broadly supportive of these findings, which in summary are:

'Following my review of Noise Chapter 8 and the associated Appendices, the following are the key findings that require further information and/or careful consideration in determining whether noise is a reason for refusing the application.

- *The requested variation for Condition 10 is no longer temporary. The application seeks to increase not only the limits for the period up to 2028 (referred to in the ES as the short term (ST) limits) but also the more restrictive limits applicable post 2028 (referred to in the ES as the long term (LT) limits).*
- *This, in my view, changes the complexion of the application and calls into question whether the proposals are strictly in line with current government policy which seeks to minimise and where possible reduce the number of people significantly affected by aircraft noise. It also requires operators to share the benefits of noise reducing technology with affected communities.*
- *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).*
- *Mitigation in the form of enhanced sound insulation is proposed as a response to these significant adverse effects, and the funding of the noise insulation scheme is to be increased substantially (more than doubled). However, there will be insufficient funding to cover the cost of mitigation for all dwellings experiencing significant adverse effects, and in the year in which the worst effects are forecast to arise (2022) funding*

will be have been made available for not more than 600 properties, leaving more than 1,300 properties exposed to significant effects with no opportunity for mitigating them.

- Some clarification on the measures incorporated into the noise model would be helpful in order to ensure that it fully reflects actual movements at Luton Airport as accurately as possible. It would be useful to get further information on matters such aircraft tracks and operational procedures, noise data used for new generation aircraft and the extent of validation exercise that have been carried out.*
- The structure of Noise Chapter 8 is difficult to follow and the content is not sufficient to enable the claimed outcomes to be clearly understood. Some further information and/or clarification is therefore required in order to ensure that the full technical noise case is properly put.'*

The County Council's position

8.21 The County Council is strongly of the view that the scale of additional and significant noise exposure and potential health impacts that the proposal would generate in both the short-medium and long term are totally unacceptable.

8.22 The applicant makes much of its proposed mitigation proposals but, according to the applicant, the sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). LBC's specialist noise advisor takes the view that in the year in which the worst effects are forecast to arise (2022) funding will be have been made available for not more than 600 properties, leaving more than 1,300 properties exposed to significant effects with no opportunity for mitigating them. And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

8.23 The County Council is of the view that the failure to offer insulation to 100% of those properties significantly adversely affected and that even when insulated households are subject to potentially significant residual health effects render the additional mitigation noise insulation proposals entirely unacceptable.

8.24 For the reasons set out in paragraphs 3.4-3.8 above, the County Council believes that the NRS that it is proposed be submitted within 12 months of the date of planning permission should have been submitted with the planning application, been subject to public consultation and be an integral element of the decision-making process. In its absence, there is not a sufficient degree of certainty on the longer term 2028 noise environment and given the track record of the applicant, this is unacceptable.

Economic benefit

8.25 The application is contradictory regarding the alleged economic benefits of the proposal. At paragraph 8.1.9 the PS concludes that there are 'significant' economic benefits:

'8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa'

8.26 Whereas at 6.4.3 the PS makes a rather more lacklustre assessment that there are 'more' economic benefits:

'6.4.3 The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission).'

8.27 The ES is even more lacklustre - there *'could be potential for beneficial effects'*:

'4.4.34 The 2012 ES assessed the effects upon employment and the local economy during operation of the 2014 Planning Permission as substantial and significant. There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers.'

.....

'4.4.36 Therefore, as there are no additional significant socio-economic effects that would require further consideration as a result of the Proposed Scheme the conclusions made within the 2014 Planning Permission 2012 ES remain valid, and the socio-economics topic has been scoped out from further assessment.'

8.28 Section 5 of the PS sets out relevant national and local policy in relation to economic benefits and in Section 8 explains why the benefits are such that it is compliant with policy. In summing up the assessment, the planning statement presents the alleged economic benefits of the proposal as a counterbalance to the environmental disbenefits:

'8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations.'

8.29 It would be reasonable to assume that additional growth at the Airport will generate some economic benefit – though given growth is predominantly achieved by increasing load factors and *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* it is also reasonable to assume that the economic benefit will be more restricted than has historically been the case, with less benefit experienced from aircraft movements. But if the applicant is reliant on that economic benefit to allege that it compensates for, counterbalances or outweighs environmental disbenefit, it is incumbent upon it to assess/quantify those alleged benefits.

8.30 But the application is not accompanied by any assessment of the economic benefits associated with the proposal. Only generic information is provided in relation to the existing/general economic attributes of the Airport.

The County Council's position

8.31 In the absence of any intelligence relating to the additional economic benefits specifically relating to the additional proposed 1 mppa throughput, the planning authority cannot come to an informed view on whether any alleged economic benefit is of a scale to warrant outweighing the environmental disbenefit (if it were indeed minded to entertain such a balance given the scale of those disbenefits).

Surface Access

8.32 At paragraphs 6.5.54-6.5.57 the planning application states that *'the estimated increase in passengers from 18 mppa to 19 mppa is likely to have a very minimal impact in traffic volumes.....data shows a continuous increase in public transport modal share, and, as such, the volumes of car borne traffic are likely to be significantly less going forward.....Through a combination of controlled car parking capacity and pricing (monitored through the new targets set out in the Travel Plan), car parking facilities are expected to be sufficient for Proposed Scheme.....The airport has already achieved several of the targets as set in their current Airport Surface Access Strategy ahead of schedule and continues to push further with new targets for 2024. These measures will encourage passengers to use public transport as an alternative to private and single occupancy vehicles.'*

8.33 The Environmental Statement states:

'10.9.13 A detailed analysis of the proposed measures for achieving the above presented targets is included in the Travel Plan document. LLAOL's Travel Plan Co-ordinator (under the Surface Access team) will manage the delivery of the Travel Plan. Their role will be to develop the Travel Plan measures and identify a more detailed implementation programme. The Travel Plan Coordinator is expected to increase awareness of sustainable travel options such as car sharing, public transport or cycling and its associated benefits.

10.9.15 A monitoring programme will be discussed and agreed between the Travel Plan coordinator and Luton Borough Council. Continuous monitoring of the Travel Plan will assess:

- Progress against the SMART targets of the Travel Plan;*
- The need for refinements to the Travel Plan; and*
- The effectiveness of the Travel Plan for encouraging sustainable travel.'*

The County Council's position

8.34 The County Council is content with the analysis of surface access issues within the transport assessment and welcomes the preparation of a Travel Plan setting out measures to achieve new more challenging modal shift targets than those within the existing Airport Surface Access Strategy.

8.35 Whilst the new Travel Plan proposed to be incorporated into Condition 24 puts in place a range of new measures to achieve the proposed new modal shift targets, the PS, ES and TP do not set out what will happen if the modal shift targets are not met – there are no failure remedies. It appears that the success of the Travel Plan will

be monitored by LLAOL Travel Plan Co-ordinator (TPC) and reported to LBC and where measures underperform *‘.....these would need to be reviewed and revised as appropriate, for implementation by the TPC..... If Travel Plan targets are not met, monitoring will be required, and remedial measures introduced to help meet the targets of the Travel Plan.’* There is no clarity on what happens if the TP fails substantively - for example in relation to the modal shift assumptions underpinning the planning application and targets within the TP. Growth of the Airport should be tied to the ongoing success and predicted success of the targets within the TP. Paragraphs 8.47-54 present options the County Council believes should be explored to ensure there are effective control mechanisms associated with growth.

Carbon/GHG Emissions

8.36 The application material maintains that:

‘6.5.30 The proposed scheme:

- Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO₂/yr ‘planning assumption’ for UK international aviation GHG emissions in 2050.*
- Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- Is consistent with the NPPF requirement for developments to ‘support the transition to a low carbon future in a changing climate’, on the basis that a Carbon Reduction Plan is produced.*

6.5.31 The Proposed Amendments are considered to have a low GHG emissions magnitude, and the overall effect of projected GHGs associated with the Proposed Amendments on the global climate is considered minor adverse, and therefore not significant based on the commitment for further mitigations. The proposal is therefore considered to be in compliance with Policy LLP37 and LLP38 of the development plan and the NPPF.

The County Council’s position

8.37 The County Council welcomes the commissioning by LBC of specialist advice in relation to the Carbon/GHG implications of the proposal. The County Council will review that advice and make further representations, as necessary.

8.38 The findings of the PS/ES are to some considerable extent predicated upon the production by the applicant of a Carbon Reduction Plan. The County Council’s views on the process for its preparation, consultation and approval are set out in paragraphs 3.10-3.12.

8.39 Experience would suggest that if the in-operation Airport does not meet expectations and commitments of the planning permission, it is the operation that continues regardless. Dependent upon the GHG/Carbon advice to LBC on the criticality of the CRP, opportunities should be explored to phase growth of the Airport

to the success of delivery of actions and targets within it. Paragraphs 8.47-51 present options the County Council believes should be explored to ensure there are effective control mechanisms associated with growth.

Air quality

8.40 The Planning Statement, supported by the ES, concludes that *‘Overall, in respect of air quality, the Proposed Amendments will not have any unacceptable impact on air quality and is therefore compliant with Policy LLP6 and LLP38 of the development plan and the NPPF’*. This reflects the findings of the ES that *‘Overall, the air quality impacts are considered to be not significant. All impacts on human receptors are classified as negligible in terms of the IAQM/EPUK guidance, and all impacts on ecological receptors are classified as not significant under Environment Agency guidance. Overall, the potential impacts of the proposed variation to Condition 8 (Passenger throughput cap) of the Proposed Scheme is considered not significant’*.

8.41 Luton Borough Council's Environmental Protection advice is that *‘.....Having reviewed the Environmental Impact Assessment submitted in support of this application, its conclusion that the requested changes will not have a significant detrimental effect on air quality is accepted.’*

The County Council's position

8.42 The County Council has no reason to doubt the findings and conclusions of the PS/ES in relation to air quality and the advice of LBC Environmental Protection. The County Council's position on the approach to air quality is set out in paragraphs 3.13-3.16 above.

Drainage and Water Supply Infrastructure

8.43 The Planning Statement states that LLA has adequate drainage and water infrastructure available in place to accommodate 19 mppa, as long as the peak hour passenger throughput remains the same as that of the existing 18 mppa scenario. A planning condition is proposed to integrate that throughput into any consent.

The County Council's position

8.44 The County Council has no reasons to doubt the findings of the Drainage and Water Supply Infrastructure Appraisal and the proposed approach to imposition of a planning condition on any planning permission, should one be forthcoming, to restrict throughput to a maximum terminal flow capacity.

Waste Management

8.45 The Planning Statement states that LLA has adequate waste management capacity and waste management procedures to accommodate the proposal.

The County Council's position

8.46 The County Council has no reason to doubt the findings of the appraisal of the waste management implications of the proposal and is content with the intention to

incorporate the Site Waste Management Plan (SWMP) into the consent by way of planning condition.

Control Mechanisms/Scrutiny

Environmentally/Green Managed Growth

8.47 The application is underpinned by an expectation that the aviation sector and LLA particularly will recover from the pandemic such that the Airport will be operating at 18 mppa by 2023 and 19 mppa by 2024, were planning permission to be granted. The application contains a range of assessments of the application based on this growth timeline.

8.48 The County Council's response to LLAOL's 19 mppa public consultation called for LLAOL to come forward with proposals in its MP and any planning application to integrate the principles of environmentally managed growth into its 19 mppa proposal – so that there could be a framework of controls put in place to support any consent to facilitate growth whilst securing the intended environmental safeguards and surface access controls.

'Environmentally/Green Managed Growth

41. *Paragraphs 4 and 5 above and related attachments raise fundamental concerns in relation to the ability of LLA to manage its operations in accordance with restrictions placed on its 2014 planning consent. The extract within paragraph 36 refers to the Environmentally Managed Growth (EMG) proposals of Heathrow Airport Ltd in relation to its 3rd runway proposal – the basic purpose of which is to have the effect of limiting the growth of the airport unless agreed Environmental Limits are observed. A similar approach is being taken by LLAL [Green Managed Growth (GMG)] in developing its DCO proposal. Given the historic failure of LLA to manage its operations to respect environmental limits, the County Council is of the view that it should explore with stakeholders and communities the extent to which it is possible to put in place an E/GMG approach for this 19 mppa proposal – to ensure that key 'limits' (exploring those in relation to noise, surface access modal splits, air quality, GHG emissions) are set and respected. This could be articulated in the master plan and set in place upon the grant of planning permission, were this to be forthcoming.*

Summary

42. *In summary, the County Council's position is as follows:*

.....

xii. *LLAOL should explore with stakeholders and communities the extent to which it is possible to set up an Environmental Managed Growth approach for the 19 mppa proposal.'*

8.49 The Heathrow approach to EMG covers four themes – noise, air quality, surface access and climate change. It is highly likely LLAL will similarly adopt these themes in moving forward with its approach to Green Managed Growth. The E/GMG approach is essentially to embed environmental and surface access targets into future management of growth/operations – and to limit growth if these limits/targets are not

met. It also provides clarity on scrutiny arrangements and enforcement responsibilities.

8.50 The planning application assesses all four of these themes and considers whether limits or targets would be appropriate and if so, what these should be and the extent to which and how they should be integrated into any consent. With regard to air quality, the implications of the proposal in terms of air quality are minimal and as a consequence there is no requirement for the consent itself to set specific limits. With regard to Carbon/GHG emissions the application similarly maintains the application does not raise any significant issues but also states that this is based on the provision of an outline CRP to inform the decision-making process and subject to a full CRP being produced post-decision. With regard to surface access the planning application proposes to introduce a new TP through amendments to Condition 24 and the TP contains a range of new modal share limits and targets. With regard to noise the application proposes amendments to Condition 10 to restrict noise contours and require the submission of a NRS. In other words, there are assumptions being made about how the Airport will perform in relation to noise, surface access and Carbon/GHGs – though some of these are subject to the future preparation of a NRS and CRP.

8.51 But the planning authority is dealing with an application from an operator with a poor track record in managing its operations in a manner to honour restrictions imposed upon the planning consent and the contract held with communities and stakeholders that was forged when consent was granted. Every day communities suffer from the adverse consequences of that failure. It is the responsibility of both the operator and the planning authority to do everything in their power to ensure that, should planning permission be granted, there are sufficient mechanisms in place to manage operations in a way that respects any new planning consent and the assumptions and limits incorporated within it. The E/GMG approach to growth being conditional upon satisfying environmental and surface access limits is a mechanism that should have been explored. But when one looks at the analysis of the public consultation and LLAOL's response, the potential for E/GMG does not feature, nor the reasons why it is not considered to be appropriate to take forward.

Movement Levels

8.52 The application states that there will be *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* - an uplift from 141,481 to 142,566 per annum. The assessment of the environmental impacts and surface access implications of the proposal are based upon an additional 1,085 movements (0.8%) movements. But no restrictions are proposed to be placed on ATMs - for example as is the case in relation to the planning consent at London Stansted Airport (UTT/0717/06/FUL, Secretaries of State decision 8th October 2008), which has both an air transport movement and a passenger throughput condition, as follows.

'Air transport movements

ATM1 Subject to ATM2 below, from the date that the terminal extension hereby permitted within 'Site A' opens for public use, there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take-off or land at Stansted Airport of 264,000 ATMs(Air Transport Movements) during any twelve month calendar period, of which no more than 243,500 shall be PATMs

(Passenger Air Transport Movements) and no more than 20,500 shall be CATMs (Cargo Air Transport Movements).

Passenger throughput

MPPA1 The passenger throughput at Stansted Airport shall not exceed 35 million passengers in any twelve month calendar period.'

The County Council's position

8.53 If the planning application is to be approved, the County Council is of the view that an E/GMG approach to growth should be explored:

- i. because of its inability to manage its operations to respect the planning permission to 18 mppa, the applicant needs to earn the right to obtain further growth to 19 mppa.
- ii. to obtain that right the applicant needs to prove that it is able to meet its proposed revisions to the 18 mppa consent.
- iii. should the operator be successful with regard to ii., it can only then move on to growth beyond 18 mppa, phased if necessary to ensure the proposed 19 mppa controls are effectively managed and can be met.
- iv. if the 19 mppa controls are not met, what actions will be employed to ensure that breaches are remedied.

8.54 Aircraft movement numbers should be restricted by means of an annual ATM movement limit.

'One-off grants'

8.55 The planning application does not propose to provide any additional funding to the community fund operated at the Airport, but does state that '*LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements*' (Planning Statement, paragraph 6.4.4). No clarity is provided on which councils are to be the recipients of these grants.

The County Council's position

8.56 The County Council is of the view that the failure of the application to provide any clarity on the operation of and beneficiaries to the proposed grants is unacceptable and should be provided. Given the impacts of the proposal on communities the one-off nature of the grants is similarly considered to be unacceptable and the levels proposed derisory.

9. Assessing the planning application against the Development Plan

9.1 Section 8 identifies what the County Council believes to be the key issues generated by the proposal that are key to the decision-making process and its position on these.

9.2 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise [section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004]. This Section appraises the planning application against those development plan policies that are of most relevance to it. Section 10 appraises the application against material considerations.

9.3 The development plan for this planning application is predominantly the Luton Local Plan 2011-2031 dated November 2017. This is the key policy context against which this planning application needs to be assessed. The development plan making up the wider sub-region over which the proposal would have impacts is also relevant.

Luton Local Plan

The Airport

9.4 Policy LLP6 – London Luton Airport Strategic Allocation is a key development plan policy for the planning application.

‘Policy LLP6 - London Luton Airport Strategic Allocation

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

i. they are directly related to airport use of development;’

9.5 The proposal is related to use of the Airport.

‘ii. they contribute to achieving national aviation policies;’

9.6 For the reasons set out below in Section 10 in relation to compliance with national policy, the application is not consistent with LLP6 B. ii) as a consequence of the significant adverse noise and health impacts and failure to adequately and effectively mitigate for these.

‘iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;’

9.7 Luton Borough Council has not adopted a Master Plan for the Airport. At the time of writing this criterion is not relevant.

‘iv. do not result in a significant increase in Air Transport Movements that would adversely affect the amenities of surrounding occupiers or the local environment (in terms of noise, disturbance, air quality and climate change impacts);’

9.8 The application does not propose a significant increase in Air Transport Movements and so the application is not in conflict with this criterion. The increased movements do, however, contribute to the significant adverse noise and health impacts on communities and the environment on the amenities of surrounding communities as rehearsed in the application and in paragraphs 8.3-8.24.

‘v. Achieve further noise reduction or no increase in day or night time noise in accordance with any imposed planning condition 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;’

9.9 For the reasons set out in paragraphs 8.3-8.24 the proposal would not result in a noise reduction or no increase in noise – the opposite in fact – the planning application is to increase noise level restrictions of conditions imposed on the parent planning consent. It would increase the number of households/people to excessive noise. For the reasons set out in paragraphs 10.84-10.88 the planning application is not in accordance with the Airport’s most recent Airport Noise Action Plan (it is fundamentally at odds with Action ref 3.4 and KP3). The application is in conflict with this criterion.

‘vi. 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;’

9.10 For the reasons set out in paragraphs 8.3-8.24 the applicant has failed to come forward with an effective noise control, monitoring and management scheme that would enable the application to be in accordance with the Luton Local Plan or potentially any planning consent granted. As a consequence the planning application is contrary to this criterion.

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

9.11 The application is partly generated by the inability of the Airport to run its operations to honour the noise restrictions placed upon its parent consent and the likely continuing breach of that consent in the short-medium term.

9.12 In the longer term, the existing planning permission to 18 mppa requires the application to submit a strategy to reduce the size of day and night noise contours by 2028 to within specific spatial extents. This application seeks to amend the parent consent to enlarge those 2028+ contours. So in the longer term, whilst a reduction in noise contours is to be achieved in the same way as the existing planning permission, that reduction will be smaller than those that are required by the existing planning permission.

9.13 For the reasons set out in paragraphs 8.3-8.24, the proposal can only be in conflict with this criterion – it will not result in a significant diminution or betterment – the opposite in fact.

viii.

9.14 not relevant.

ix.

9.15 not relevant.

9.16 The proposal does not meet **all** LLP6 B policy criteria and does therefore not accord with the key Development Plan policy applying to this proposal.

Climate change/Carbon/Waste reduction/Sustainable Energy

9.17 With regard to climate change, energy and sustainable energy Policy LLP37 states that *'The Council will support development proposals that contribute towards mitigation, and adaptation to climate change through energy use reduction, efficiency, and renewable, and decentralised energy'* and that LBC *'will support development that reduces energy demand; considers energy generation from low and zeros carbon sources on site; considers decentralised energy networks and generation; and off-site solutions, retro fitting, and carbon reduction schemes'*.

9.18 The planning application is considered to be generally compliant with the development plan, but the CRP appears to be of key importance to that compliance. As a consequence, paragraphs 3.10-3.12 set out the County Council's position on how the preparation of, consultation upon and integration of the CRP into decision-making and any consent should be managed.

9.19 With regard to waste, Policy LLP37 states that the Council encourages an overall reduction in the amount of waste generated, treated and disposed of to reduce the need for land for waste management. Proposals that are likely to generate significant volumes of waste through development or operational phases will be required to include a waste audit as part of the application.

9.20 The application has assessed waste management capacity and waste management procedures and concluded that these are sufficient to manage waste arising to accommodate the Proposed Amendments and the Site Waste Management Plan (SWMP) contains strategies for improved management and minimisation of waste at the airport, with targets to reduce passenger waste rates that should further reduce the impact of Proposed Amendments on waste arisings. The planning application is considered to be compliant with this aspect of Policy LLP37.

Pollution and contamination

9.21 Policy LLP38 'Pollution and Contamination Pollution' states that evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required.

9.22 For the reasons set out in paragraphs 8.3-8.24 the planning application would generate significant adverse noise effects on health and the environment and does not propose and cannot effectively mitigate against those impacts. The planning application can only be in conflict with Policy LLP38.

9.23 The planning application is considered to be broadly consistent with the development plan with regard to air quality, but for the reasons set out in paragraphs 3.13-3.16 the preparation of an air quality management plan should be progressed to inform decision-making and be integrated into any consent, along with the introduction of wider control mechanisms (paragraphs 8.47-8.54).

The economy

9.24 Strategic Objective 1 of the economic strategy is to *'retain and enhance Luton's important sub-regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport's existing operations and to support the airport's sustainable growth over the Plan period based on its strategic importance'* and Policy LLP13: Economic Strategy states that *'.....planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region. Jobs will be generated through business and industry development on strategic employment allocations,..... The strategic allocations for delivery are:.....ii. London Luton Airport (Century Park): mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use (see Policy LLP6);.....'*

9.25 The planning application contains no evidence of the economic benefits of the proposal, despite these alleged benefits (variously described by the applicant as 'significant', 'more', 'could be potential for') being presented as compensating for and outweighing the acknowledged significant environmental harm. Given the scale of the economic benefits have not been assessed, the extent to which the application can be judged to perform against these aspects of the LLP cannot be quantified and therefore neither can the extent to which it complies with LLP13.

Surface access

9.25 Paragraph 11.5 states that mitigation will be required against any additional load on the local transport network arising from airport growth and paragraph 11.6 states that Government policy requires significant traffic generating uses to be supported by a Transport Statement or Transport Assessment (NPPF paragraph 32).

9.26 Policy LLP31 - Sustainable Transport Strategy states that planning permission will be granted for proposed developments that meet a range of criteria (were relevant to individual proposals) that include minimising the need to travel, providing sustainable transport choice with priority for buses, pedestrians, and cyclists, reduce road congestion (particularly at peak times), provides cycle parking / storage; and ensures the quality of the local environment is not compromised. Transport Assessments, Transport Statements, and Travel Plans should be provided for developments and should conform to the stated requirements. With regard specifically to LLA Policy LLP31 states that support for the continued economic success of the Airport as a transport hub will be delivered through measures to ensure there is capacity at strategically important junctions and continued enhancement of

sustainable modes of transport. Policy LLP32 – Parking states that parking provision will be stringently controlled at the Airport.

9.27 The County Council is of the view that the planning application is broadly compliant with the Luton Local Plan in relation to surface access, but for the reasons set out in paragraphs 8.34-8.35, 8.47-51 there is a need to explore how the commitments within the Travel Plan can be integrated into any consent in such a way that growth is conditional upon measures, commitments and targets within it being met.

The Development Plan of adjoining districts

9.28 As rehearsed in Annex 2 paragraph A33, relevant policies in adjoining existing and emerging local plans seek to minimise and protect against the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

9.29 For the reasons set out in paragraphs 8.3-8.24, the planning application is considered not to be compatible with the thrust of the development plan of adjoining areas.

Conclusion on accordance with the development plan

9.30 In relation to noise and health, the County Council considers the significant noise and health impacts of the proposal are such that it brings it fundamentally into conflict with the key Luton Local Plan development plan policies for this application – LLP6 and LLP38. It is also considered to be generally non-compliant with the development plan of adjoining boroughs/districts.

9.31 On matters relating to climate change, surface access, drainage and water supply, waste and energy management and air quality the application is considered to be broadly compliant with the development plan. However, with regard to carbon, surface access and air quality that compliance is to some and varying extent dependent on the provision of and consultation upon further information and commitments from the applicant and their consideration through the decision-making process, along with potential integration of control mechanisms into any consent, were one to be forthcoming.

9.32 The planning application is considered to be broadly consistent with Luton Local Plan policies relating to the economic benefits, but because the scale of those benefits has not been assessed they cannot be used to outweigh the significant environmental disbenefits of the planning application.

9.33 On balance, the scale of non-compliance with the development plan is such that the application should be refused.

10. Assessing the planning application against material considerations

10.1 Material considerations are likely to include:

- National Planning Policy Framework
- Aviation Policy Framework
- National Planning Practice Guidance
- Aviation 2050: The Future of UK Aviation
- Beyond the Horizon The future of UK Aviation Making best use of existing runways
- Airports National Policy Statement
- A Green Future: Our 25 Year Plan to Improve the Environment
- Noise Policy Statement for England
- Air Navigation Guidance
- London Luton Airport Operations Limited Revised Masterplan 2012
- Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport
- Luton Borough Council Planning and Noise Guidance
- LLA Master Plan 19 MPPA Final Report January 2021
- Relevant Local Transport Plans
- LBC Climate Action Support January 2020

National Planning Policy Framework

Presumption in favour of sustainable development

10.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Criteria a and b relate to plan-making and criteria d) relates to circumstances in which there is not an up to date development plan in place or where policies are out of date, neither of which apply in this case. Only criteria c), requiring approval of development proposals without delay where they accord with an up-to-date development plan is of relevance to this planning application. For the reasons set out above in paragraphs 9.30-33 this planning application is not in accordance with the development plan and therefore in conflict with the presumption in favour of sustainable development.

Economic growth

10.3 Paragraph 80 of the NPPF states that *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt’* and that *‘Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.....’*

10.4 The planning application would create conditions for business investment and expansion, but the application has not made a sufficient case for the economic benefit of the proposal being of such a scale as to outweigh the significant adverse noise and health disbenefits, for the reasons set out in paragraphs 8.25-8.31.

Promoting sustainable transport

10.5 Paragraph 102 states that transport issues should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities to promote walking, cycling and public

transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

10.6 Paragraph 108 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.7 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.8 Paragraph 110 states that planning applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

10.9 Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10.11 The planning application would not have a severe impact upon the road network, a transport assessment has been prepared, sustainable modes and modal shift targets are pursued, and a Travel Plan is presented and proposed to be incorporated into any consent. The application is considered to be generally consistent with the thrust of NPPF with regard to transportation issues.

Meeting the challenge of climate change, flooding and coastal change

10.12 Paragraph 150 states that new development should be planned for in ways that ‘.....can help to reduce greenhouse gas emissions, such as through its location, orientation and design.....’.

10.13 Whilst the planning application does not relate to ‘new’ development’, the planning application will increase greenhouse gas emissions, though there are proposals to prepare a Carbon Reduction Plan. For the reasons set out in paragraphs 8.37-9, there need to be effective mechanisms to ensure carbon/GHG emission reduction is integrated into any consent. The extent to which the proposal would sit comfortable with the NPPF is therefore dependent upon that process.

Conserving and enhancing the natural environment

10.14 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

‘.....
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and.....’

10.15 For the reasons set out in paragraphs 8.3-8.24, this proposal would not prevent development from contributing to existing development being put at unacceptable risk from or being adversely affected by noise pollution, nor would it improve local environmental conditions. The application is in conflict with paragraph 170 of the NPPF.

Ground conditions and pollution

10.16 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is ‘appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

‘a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;’

10.17 For the reasons set out in paragraphs 8.3-8.24 this proposal is not appropriate for its location as a consequence of its impact on pollution and health and living conditions. It does not and cannot successfully mitigate against adverse noise impacts. The application is in conflict with paragraph 180 of the NPPF.

10.18 Paragraph 181 states that ‘decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.....’

10.19 For the reasons set out in paragraphs 8.42 the planning application is considered to be compliant with the NPPF in relation to air quality matters.

Aviation Policy Framework (APF)

Best use of existing airport capacity

10.20 Paragraphs 1.24 and 1.60 state that ‘1.24 The Government wants to see the best use of existing airport capacity.....However, we recognise that the development of airports can have negative as well as positive local impacts, including

on noise levels. 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’ and ‘1.60 In the short term, to around 2020, a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports’.

10.21 Whilst the application seeks to make better use of the Airport’s existing runway:

- for the reasons set out in paragraphs 8.3-8.24 it does not, this proposal does not and cannot adequately manage environmental and community impacts as a consequence of the significant adverse noise impacts.
- for the reasons set out in paragraphs 8.25-8.31 it is not possible to assess the significance of economic impacts.
- and on balance the negative impacts of the proposal are unacceptable.

Noise

10.22 At paragraph 3.3 the APF states:

‘3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.’

10.23 For the reasons set out in paragraphs 8.25-8.31 the alleged economic benefits of allowing this proposal have not been quantified (variously described by the applicant as ‘significant’, ‘more’, ‘could be potential for’) and as a consequence it is not possible to come to an informed judgement about what a ‘fair balance’ might be.

10.24 This proposal does not propose to reduce noise – the opposite in fact.

10.25 This proposal does not and cannot fully mitigate against noise impacts created by it.

10.26 It is difficult to see how this application shares the benefits of growth with local communities.

10.27 The application is considered to be in conflict with paragraph 3.3 of the APF.

10.28 At paragraph 3.12 the APF states:

‘3.12 The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.’

10.29 The application does propose to put in place limits of the number of people significantly affected by aircraft noise, but those limits increase the number of those so affected – so the proposed limits do not reduce those significantly impacted, it

increases them. In the longer term there are limits proposed which would reduce those significantly affected by 2028 and beyond, but those reductions are less than those that are currently in place. On balance, whilst the application does propose limits, those limits increase those significantly affected and for the reasons set out in paragraphs 8.3-8.24 the application is considered to be in conflict with paragraph 3.12 of the APF.

10.30 At paragraph 3.24 the APF states:

'3.24 The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.'

10.31 And at paragraph 3.28 the APF states:

'3.28 The Government expects airports to make particular efforts to mitigate noise where changes are planned which 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 these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.'

10.32 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot compensate impacted communities in the form of insulation and is therefore in conflict with paragraphs 3.24 and 3.28 of the APF.

Night noise

10.33 At paragraphs 3.34 and 3.35 Government sets out its position on night noise.

'3.34 The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations. However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.

3.35 In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available. We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.'

10.34 The most significant adverse noise and health impacts of the proposal are caused by night time operations. For the reasons set out in paragraphs 8.3-8.24 those impacts are considered to be totally unacceptable. The planning application can only be in conflict with Government policy on night noise.

10.35 At paragraphs 3.37-3.39 the APF states:

‘3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

.....’

10.36 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot compensate impacted communities in the form of insulation and is therefore in conflict with paragraphs 3.37-3.39 of the APF.

Air quality and other local environmental impacts

10.37 Paragraphs 3.48, 3.51 and 3.52 set out Government policy in relation to air quality as being:

‘3.48 Our policy on air quality is to seek improved international standards to reduce emissions from aircraft and vehicles and to work with airports and local authorities as appropriate to improve air quality, including encouraging HGV, bus and taxi operators to replace or retrofit with pollution-reducing technology older, more polluting vehicles.

3.51 Studies have shown that NOx emissions from aviation-related operations reduce rapidly beyond the immediate area around the runway. Road traffic remains the main problem with regard to NOx in the UK. Airports are large generators of surface transport journeys and as such share a responsibility to minimise the air quality impact of these operations. The Government expects them to take this responsibility seriously and to work with the Government, its agencies and local authorities to improve air quality.

3.52 Whilst our policy is to give particular weight to the management and mitigation of noise in the immediate vicinity of airports, there may be instances where prioritising noise creates unacceptable costs in terms of local air pollution. For example, displacing the runway landing threshold to give noise benefits could lead to significant additional taxiing and emissions. For this reason, the impacts of any proposals which change noise or emissions levels should be carefully assessed to allow these costs and benefits to be weighed up.

10.38 For the reasons set out in paragraphs 8.40-8.42 the planning application is considered to be compliant with the APF in relation to air quality matters.

Surface access

10.39 Paragraphs 5.11 and 5.12 of the APF set out Government policy in airport surface access issues:

'5.11 All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.

5.12 The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with additional passengers travelling to and from expanded or growing airports. Where the scheme has a wider range of beneficiaries, the Government will consider, along with other relevant stakeholders, the need for additional public funding on a case-by-case basis.'

10.40 For the reasons set out in paragraphs 8.32-8.35 the planning application is considered to be broadly consistent with Government policy.

National Planning Practice Guidance (NPPG)

10.41 Amongst other matters, NPPG states:

'Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;*
- whether or not an adverse effect is occurring or likely to occur; and*
- whether or not a good standard of amenity can be achieved.*

.....

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

.....

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

.....

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

.....

In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.

.....

.....In general, for noise making developments, there are 4 broad types of mitigation:

.....

- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.'*

10.42 For the reasons set out in paragraphs 8.3-8.24 the noise impacts are significant and unacceptable. This proposal does not introduce any additional mitigation measures for those newly subjected to LOAEL. It is unable to avoid the Airport crossing the SOAEL threshold and cannot provide effective mitigation. The economic and social benefits of the proposal are not assessed and therefore, for the reasons set out in paragraphs 8.25-8.31, and the application must be considered 'undesirable'. The application is in conflict with the NPPG.

10.43 With regard to air quality NPPG states that '*.....It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.....Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air*

quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

Where air quality is a relevant consideration the local planning authority may need to establish:

- the 'baseline' local air quality, including what would happen to air quality in the absence of the development;*
- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.*

.....,

10.44 For the reasons set out in paragraphs 8.40-8.42 the proposal is considered to be generally consistent with the NPPG with regard to air quality.

10.45 NPPG contains a whole section on Travel Plans, Transport Assessments and Statements from paragraph: 001 Reference ID: 42-001-20140306 through to 015 Reference ID: 42-015-20140306. Amongst a range of other matters NPPG identifies:

- Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development.....
- Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking and cycling).....
- Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans).
 - Travel Plans, Transport Assessments and Statements can positively contribute to:
 - encouraging sustainable travel;
 - lessening traffic generation and its detrimental impacts;
 - reducing carbon emissions and climate impacts;
 - creating accessible, connected, inclusive communities;
 - improving health outcomes and quality of life;
 - improving road safety; and
 - reducing the need for new development to increase existing road capacity
- Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be “severe”, which may be a reason for refusal, in accordance with the National Planning Policy Framework.

10.46 For the reasons set out in paragraphs 8.32-8.35 the proposal is considered to be generally consistent with the NPPG with regard to transport assessment and travel planning.

Aviation 2050: The Future of UK Aviation (A2050)

Making best use

10.47 At paragraph 1.21, 3.6, 3.11 and 4.3 A2050 states:

‘1.21It is also supportive of airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts.

3.6The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.

3.11 The government believes that forecasted aviation demand up to 2030 can be met through a Northwest runway at Heathrow and by airports beyond Heathrow making best use of their existing runways subject to environmental issues being addressed.

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.’

- 10.48 Whilst the application seeks to make better use of the Airport’s existing runway:
- for the reasons set out in paragraphs 8.3-8.24 it does not, this proposal does not and cannot adequately manage environmental and community impacts as a consequence of the significant adverse noise impacts.
 - for the reasons set out in paragraphs 8.25-8.31 it is not possible to assess the significance of economic impacts.

A partnership for sustainable growth

10.49 At paragraph 1.33, 1.35 and 3.112 A2050 states:

‘1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.

1.35 This is the motivation behind a new Aviation Strategy which will:

-
- ***ensure that aviation can grow sustainably*** – moving beyond an artificial ‘choice’ between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts

- **support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country
-

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.....’

10.50 The County Council believes that a partnership was entered into when the original parent planning consent was granted which balanced the economic benefits of growth with the impacts upon communities and the environment. This proposal betrays that partnership. It cannot be considered to rise to Government expectations for the industry to commit to noise reduction and mitigation.

Managing noise/Ensure aviation can grow sustainably

10.51 At paragraphs 3.3, 3.102, 3.105, 3.106, 3.112, 3.113, 3.114 and 3.115 A2050 states:

‘3.3 Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions. There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required. Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.

The impact of aviation noise

3.102 The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.

.....

3.105 However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19). The CAA’s report also shows that the number of people affected will be higher as a result of population increases.

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise.

.....

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth. The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is “to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development.”

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible.

3.115 The proposed new measures are:

- setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017
- developing a new national indicator to track the long term performance of the sector in reducing noise. This could be defined either as a noise quota or a total contour area based on the largest airports
- routinely setting noise caps as part of planning approvals (for increase in passengers or flights). The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could ‘pay for’ additional growth by means of local compensation as an alternative to the current sanctions available
- requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically. This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels. The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps. The noise action planning process could potentially be

developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA.'

10.52 For the reasons set out in paragraphs 8.3-8.24 this proposal is not consistent with Government intentions to put in place a stronger and clearer framework where industry reduces noise/puts in place mitigation measures where reductions are not possible. The original planning consent put in place appropriate limits to restrict adverse effects on health and quality of life from aviation noise. The noise contour restrictions put in place in the original planning consent are consistent with Government expectations that noise caps are set as part of planning approvals to balance noise and growth and to provide future certainty over noise levels to communities. This proposal seeks to increase limits and take away certainty to communities achieved by the original parent planning consent. The proposal is not consistent with these paragraphs of A2050 and is considered to be unacceptable for the reasons set out in paragraphs 8.3-8.24.

10.53 Paragraphs 3.121 and 3.122 of A2050 state:

3.121 The government is also:

- *proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance*

3.122 Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:

- *to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr*
- *to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up*
- *the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency*
- *for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation*

10.54 For the reasons set out in paragraphs 8.3-8.24 the noise insulation mitigation package presented in the proposal is inadequate and ineffective. The ES takes the level of 63dB LAeq, 16hr as a suitable value for the SOAEL for the assessment of likely significant adverse effects. This is based on paragraphs 3.37-3.39 of the APF and is the level at which the Government expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals and residential properties exposed to levels of noise of 63 dB LAeq, 16h or more. A2050 proposes to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr and sees this is '*an important element in giving impacted communities a fair deal*'. The County Council is of the view that the planning application should also have used the 60dB LAeq 16hr as an alternative suitable value

for SOAEL for the assessment of likely significant adverse effects as it represents an indication of where Government currently stands on protection of communities in terms of mitigation.

Surface access/Sustainable journeys to the airport

10.55 A2050 states:

‘3.67 It is important to have good surface access links with airports. All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts.

3.99 The government’s expectation is that airports, through their surface access strategies, set targets for sustainable passenger and staff travel to the airport which meet, where possible, the ambitions set by the government and for these to be monitored by their respective Airport Transport Forums.

3.101 The government expects airports to make the most of their regional influence to provide innovative solutions and incentives against ambitious targets which reduce carbon and congestion and improve air quality.

10.56 For the reasons set out in paragraphs 8.32-8.35 the application is considered to be broadly consistent with A2050.

Air quality

10.57 A2050 states:

‘3.123 The government recognises that air pollution is the top environmental risk to health in the UK and it remains determined to improve air quality. A cleaner, healthier environment benefits people and the economy.

Proposed measures

3.127 The government recognises the need to take further action to ensure aviation’s contribution to local air quality issues is properly understood and addressed and is proposing the following measures:

- requiring all major airports to develop air quality plans to manage emissions within local air quality targets. This will be achieved through establishing minimum criteria to be included in the plans.....’*

10.58 For the reasons set out in paragraphs 8.40-8.42 the planning application is considered to be broadly consistent with A2050 with regard to air quality matters.

Community engagement and sharing benefits from growth

10.59 A2050 states:

‘3.71 In recognition of their impact on local communities and as a matter of good corporate social responsibility, a number of airports have community funds which exist to provide funding for local community projects. There is currently no national policy on such funds. In relation to the proposed Heathrow Northwest runway, the Airports NPS expects ongoing community compensation will be proportionate to environmental impacts.

3.72 The government believes all major airports should establish and maintain community funds, to invest sufficiently in these so that they are able to make a difference in the communities impacted and to raise the profile of these funds. The levels of investment should be proportionate to the growth at the airport. Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. The government proposes to:

- produce guidance on minimum standards for community funds.....’*

10.60 The planning application does not propose to provide any additional funding to the community fund operated at the Airport, but does state that *‘LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements’* (Planning Statement, paragraph 6.4.4). No clarity is provided on which councils are to be the recipients of these grants and the levels proposed are considered to be derisory.

10.61 The planning application is therefore considered to be generally non-compliant with Government policy in relation to community funds.

A 2050 vision for tackling emissions

10.62 A2050 states that:

‘3.85 The government recognises that international action takes time, so will also consider appropriate domestic action to support international progress. The UK’s trajectory to meeting its Climate Change Act 2050 target is set out in five-yearly carbon budgets that currently exclude emissions from international aviation. However, the Committee on Climate Change (CCC), established by the Climate Change Act as the independent advisory body on climate change, recommends that international aviation should be included by 2050.

3.86 In order to implement the government’s long term vision for addressing UK aviation emissions, the government will maintain its current policy not to mandate sector specific emissions reduction targets to ensure reductions are made wherever it is most cost effective across the economy.

3.87 The government agrees with the current CCC advice that international aviation emissions should, for now, continue to be formally excluded from carbon budgets. The government proposes therefore, to continue using the CCC advice and leave ‘headroom’ for international aviation when setting carbon budgets so that the economy as a whole is on a trajectory to meeting the 2050 Climate Change Act target (including international aviation). To set a clear level of ambition for the sector, the government proposes to:

accept the CCC's recommendation that emissions from UK-departing flights should be at or below 2005 levels in 2050'

10.63 This aspect of A2050 has been superseded by changing national policy. Nevertheless, for the reasons set out in paragraphs 8.36-8.39 the planning application is considered to be broadly compatible with the A2050 in relation to GHG/Carbon.

Beyond the Horizon The future of UK Aviation Making best use of existing runways (MBUER) June 2018

10.64 Paragraphs 1.22, 1.24 and 1.29 of MBUER state:

'Local environmental impacts

1.22 The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.

1.24 As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.'

'1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudice 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.'

10.65 For the reasons set out in paragraphs 8.3-8.24 the proposals would result in unacceptable noise impacts, and whilst mitigation is proposed, this cannot address impacts in full. The economic benefits of the proposal have not been assessed (and are variously described by the applicant as 'significant', 'more', 'could be potential for'). The planning application is considered to be in conflict with paragraphs 1.22, 1.24 and 1.29 of MBUER.

Airports National Policy Statement (ANPS)

10.66 The ANPS states:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. Having analysed the responses, the Government has

confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.'

Noise

Introduction

5.44 The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- Avoid significant adverse impacts on health and quality of life from noise;*
- Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- Where possible, contribute to improvements to health and quality of life.'*

10.67 For the reasons set out in paragraphs 8.3-8.24 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Surface access

10.68 In relation to surface access, the ANPS states that *'5.5 The Government's objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality.'*

10.69 For the reasons set out in paragraphs 8.32-8.35 the planning application is considered to be broadly compliant with the surface access expectations of the ANPS. However, that compliance is considered to be subject to the integration of effective control and monitoring arrangements as set out in paragraphs 8.47-8.54.

Carbon emissions

10.70 Paragraphs 5.69 and 5.70 of the ANPS set out Government objectives in relation to GHG emissions.

Introduction

5.69 The Planning Act 2008 requires that a national policy statement must give reasons for the policy set out in the statement and an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change. The Government has a number of international and domestic obligations to limit carbon emissions. Emissions from both the construction and operational phases of the project will be relevant to meeting these obligations.

5.70 The Government's key objective on aviation emissions, as outlined in the Aviation Policy Framework, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.

10.71 For the reasons set out in paragraphs 8.36-8.39, the planning application is considered to be generally consistent with the ANPS in relation to GHG emissions.

A Green Future: Our 25 Year Plan to Improve the Environment

10.72 The 25 year Plan states:

'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. We must ensure that noise and light pollution are managed effectively.'

10.73 For the reasons set out in paragraphs 8.3-8.24 the proposal would not ensure that noise pollution is effectively managed. The planning application is considered to be in conflict with the Government's 25 Year Plan.

Noise Policy Statement for England (NPSE)

10.74 The NPSE states:

'Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

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

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

10.75 For the reasons set out in paragraphs 8.3-8.24 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Air Navigation Guidance 2017 (ANG)

10.76 One of the four key objectives of ANG is to:

‘ emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.’

10.77 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot mitigate against the environmental impact.

10.78 ANG goes on to state:

‘Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government’s three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis. As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise. The CAA’s overflights metric is a means of portraying those locations where residents will experience being overflown. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

4. Detailed Management of aircraft noise: guidance for airports, airlines and air navigation service providers and CAA in respect of CAA's noise management function

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.'

10.79 For the reasons set out in paragraphs 8.3-8.24 this proposal would have significant and unacceptable adverse noise impacts upon communities. This does not represent a fair balance between the economic benefits and the negative impacts of noise.

London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012 (AMP)

10.80 The existing Master Plan for the Airport provides a framework for and assesses the implications of and makes commitment in relation to a LLA operating at 18 mppa:

'1.5 LLAOL and LLAL have subsequently reviewed their respective proposals and agreed that a single planning application should be prepared and submitted by LLAOL. Both parties have agreed that the planning application should seek consent to improve passenger facilities and enable the Airport to accommodate 18 mppa by 2031.

5.5 The proposals have also been designed to be as efficient and effective as possible and to use existing infrastructure to the fullest extent commensurate with this.'

10.81 The planning application seeks to grow the airport to a throughput of beyond 18 mppa and can therefore only be non-compliant with the published Master Plan for the Airport.

10.82 Paragraphs 9.26 and 9.27 of the Master Plan state:

'9.27 The management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be. The Airport's approach to noise management was recently reviewed, and led to the production of the Luton Airport Noise Action Plan 2010-2015 (NAP), which was approved by the DfT and Defra. In its recent consultation on airport development, LLAOL made clear that the 55 action items identified in the approved NAP should be developed and supplemented to address "possible" future noise impacts. The NAP therefore forms the first part of the approach to

noise management contained in this revised masterplan and will be reviewed on a five yearly cycle. However, LLAOL has identified six new initiatives all designed to supplement the content of the NAP with the intention of both reducing and mitigating airport related noise. These initiatives also respond to the consultation undertaken in Spring 2012 and are described below.

9.28 A key issue for LLAOL is to minimise and manage all noise but in particular night noise. Future aircraft operations are likely to be inherently less noisy as a result of re-engining of the fleet at Luton, in particular the Boeing 737 and Airbus A320 family of aircraft. However, the timing of these changes is not certain. As a result, LLAOL seeks to deliver improvements that will be effective regardless of fleet mix. Figure 9.4 highlights certain current NAP actions, and those supplementary measures (in italics) we now propose, which are related to the planning application to grow the Airport to accommodate 18 mppa.

9.29 The development and inclusion of supplementary measures, are proposed in order to minimise noise impact from the proposed growth of the Airport. The measures will be subject to regular review such that future changes can be incorporated if found beneficial. It is anticipated that the measures will be incorporated into conditions and/or a section 106 agreement associated with the grant of any planning permission.

9.30 Together these measures constitute a robust and comprehensive approach, responding to the government's clearly stated objective of achieving tougher noise management regimes at airports.

10.83 History tells us that the commitments made within the published Master Plan and the terms of the subsequent planning permission have failed – to the extent that breaches in noise controls have occurred. Amongst other matters the planning application seeks to simply remedy that failure. The planning application can only be in conflict with the Master Plan.

Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)

10.84 The NAP states:

'London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts. This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon it's established approach to the proactive management of aircraft noise in and around the airport.'

'Framework for Noise Management

Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also

shares in the success of the airport. At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise.

Once the current development is complete, LLA will contribute £1.4 billion per year to the local economy and £2.3 billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.'

10.85 The balance to be struck between the economic benefits of growth at the Airport and the management of noise and protection of communities was established when the original parent planning consent was granted. The NAP commits to the restrictions placed on the planning permission:

'.....This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.'

10.86 Key to achieving the balance between the economic benefits of growth and managing adverse environmental impacts was the imposition of a noise contour condition on the planning permission. This NAP contains a commitment in Action ref 3.4:

'We will operate within our agreed contour area limits'

10.87 It also contains a Key Performance Indicator (KP3):

'Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.'

10.88 The NAP was developed and submitted to DEFRA under the full knowledge that operations at the Airport were failing to comply with night time noise contour restrictions and that a planning application was in preparation to seek to vary both day and night noise contour areas. This planning application is in part required to address breaches of planning control at the Airport and must be considered to be fundamentally at odds with Action ref 3.4 and KP3 of the Noise Action Plan 2019-2023 approved by DEFRA.

Luton Borough Council Planning and Noise Guidance

10.89 Amongst other matters Luton Borough Council's Planning and Noise Guidance states:

Time	Area	Maximum noise level
Daytime noise 07:00 – 23:00	Living rooms	40 dBL _{Aeq} (16hr)
	Outdoor amenity	55 dBL _{Aeq} (1hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dBL _{Aeq} (8hr) 45 dBL _{Amax}

10.90 Luton Borough Council's Environmental Protection has confirmed that the proposal is in conflict with these limits.

LLA Master Plan 19 MPPA Final Report January 2021

10.91 The Master Plan is prepared as a framework for this planning application and as a consequence the application is consistent with it. However, at the time of writing the Master Plan has no status. Were it to have status at the time the planning application is determined, Section 4 of this representation applies – the MP is currently not fit-for-purpose.

Local Transport Plans

10.92 The ***Luton Local Transport Plan*** (2011-2026) is supportive of generating continued employment and prosperity by improving access to employment and skills/training opportunities for local residents, giving people the opportunity to choose more sustainable travel habits by implementing transport schemes and travel planning initiatives to maximise the role of public transport, walking and cycling, supporting Luton's growth as an international gateway (in the context of both the growth of London Luton Airport and ease of access to the new Channel Tunnel Rail Link terminus at St Pancras); reducing single occupancy car journeys within, to and from Luton in part by increasing the use of more sustainable modes of transport (particularly through travel planning processes). The planning process is seen as having an important role to play in requiring travel plans for a range of different developments - to ensure the successful delivery and implementation of development travel plans LBC will develop an effective travel plan monitoring and enforcement regime.

10.93 The ***Central Beds Local Transport Plan 3*** (April 2011-March 2026) similarly seeks to increase the ease of access to employment by sustainable modes and sees new developments not impacting negatively on the surrounding areas and providing sufficient travel choices, with all new developments incorporating measures that would support a minimum 20% modal shift from the private car to more sustainable travel modes based upon existing local travel patterns.

10.94 The ***Hertfordshire Local Transport Plan*** (2018-2031) similarly promotes and supports a shift to sustainable modes of transport, including through the widespread adoption of travel plans. With regard specifically to airports, the LTP states that the county council, working in partnership with neighbouring local authorities and airport operators, will seek improvements to surface access to Luton Airport and promote and where possible facilitate a modal shift of both airport passengers and employees towards sustainable modes of transport.

10.95 The proposal is consistent with the Luton Local Transport Plan in relation to growth of London Luton Airport and generally consistent with all three LTPs with regard to seeking to achieve modal shift and in bringing forward a Travel Plan with modal shift targets. However, that compliance is considered to be subject to the integration of effective control and monitoring arrangements as set out in paragraphs 8.47-8.54.

Luton Borough Council Climate Action Plan Support January 2020

10.96 The recommendations within this Plan (the aim of which is to provide an evidence base which will inform the Council's Climate Action Plan, which has yet to be published) include:

- Emissions from flights are a significant source of emissions, and if aviation emissions continue to increase as currently modelled by national government, the airline sector will reduce the available carbon budget for Luton borough (assuming aircraft technology and efficiency remains at today's levels). As mentioned in the previous sections of this report, this finite budget is already diminishing and will require significant investment and action from all stakeholders to keep within.
- The majority of flights taken from Luton Airport are for leisure rather than business, suggesting that the council could look at engaging with leisure travel passengers to consider alternative low carbon options. The Citizen's Assembly could provide a good forum for engagement with the public on this topic to help highlight the impact of aviation.
- There is a significant contribution to emissions as a result of transport to and from the airport. This will be a key opportunity for Luton Borough Council to influence activities of Luton Airport passengers. It is anticipated that the opening of the Luton Direct Air Rail Transit (DART) will help to reduce the number of passengers arriving and leaving the airport by private vehicle, however a strong community engagement plan will be needed to support this to encourage more uptake of public transport by airport staff and passengers.
- 67% of Luton Airport passengers arrive at the airport in private vehicles. In order to reduce emissions from surface transport, it will be imperative that passengers have access to affordable, regular public transport options to shift away from current high levels of private vehicle use. Infrastructure capacity improvements to support the growth in electric vehicles will also be a key enabler for emissions reduction.
- Luton Airport reports that emissions from the airport's operations have decreased by 40% since 2015 as a result of efficiency measures put in place. There is scope to continue these reductions.
- Luton Airport participates in the Airport Carbon Accreditation Programme and has achieved the Mapping accreditation for measuring and reporting on their direct and indirect emissions. The next steps for the scheme are to provide evidence of carbon management and reduction measures, measure third party emissions and aim for carbon neutrality by offsetting the remaining direct and indirect emissions.

10.97 These recommendations serve to reinforce the importance of the proposed Carbon Reduction Plan. Until the process proposed in paragraphs 3.10-12 has taken place it is not possible to fully assess the proposal in terms of its compatibility with LBC's approach to GHG/Carbon/Climate Change.

Yours sincerely,



Stephen Boulton

Executive Member

Growth, Infrastructure & Planning

ANNEX 1

[to Hertfordshire County Council response (dated 11th June 2021) to planning application 21/00031/VARCON]

HERTFORDSHIRE COUNTY COUNCIL RESPONSE TO LONDON LUTON AIRPORT OPERATIONS LIMITED 19 MPPA CONSULTATION 2020

Freepost LLAOL CONSULTATION

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11th November 2020

Dear Sir/Madam,

London Luton Airport 19 mppa Consultation 2020

1. Thank you for the opportunity to comment on the above.
2. You will of course be aware that this proposal comes forward within the context of other current live planning applications/growth proposals at the Airport (LLA):
 - iii. London Luton Airport Operations Limited (LLAOL) planning application to vary condition 10 in an attempt to regularise breaches of the 2014 planning consent to grow throughput at LLA to 18 mppa.
 - iv. London Luton Airport Limited's (LLAL) Development Consent Order proposal to grow LLA to 32 mppa.
3. The County Council's responses (attached Appendices 1 and 2 by way of context) to these proposals set out its broad position with regard to management of growth at LLA, aspects of which are relevant to the proposal the subject of this consultation.

Mismanagement of operations at LLA in relation to the current planning permission

4. The County Council's representations on i. and ii. above raise very serious concerns relating to the mis-management of the operations of LLA resulting in it failing to comply with its 2014 planning consent and the knock-on adverse implications this has had for communities. By way of example:

Condition 10

'1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.'

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a 'Partnership' approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The 'contract' between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.'

Development Consent Order

'The County Council's position

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile, airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18mppa to 19mppa - again, because the Airport has mismanaged growth.'

The consultation material states:

'Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.'

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.'

5. The reason a 19 mppa proposal is seen by LLAOL as being required to facilitate additional throughput in advance of 2027/8 (the timeframe within which LLA was supposed to reach 18 mppa had the terms of the consent been honoured) is that it has failed to manage its operations within the spirit of the 2014 planning consent. Fundamentally, therefore, the County Council has an in-principle objection to the current s73 planning application to vary Condition 10 and any further potential planning application relating to 19 mppa.

6. Whilst in no way attempting to downplay the impacts of Covid-19 on the aviation sector and on LLA, one positive that could be achieved would be to reset throughput growth of LLA and management of it to be consistent with the growth trajectory of the 2012 master plan and of the 2014 planning consent. That would be the right thing to do to honour the commitments made to stakeholders and communities.

7. However, the County Council fully understands that any 19 mppa planning application must be considered on its own merits by the relevant responsible planning body. It also appreciates that if it is LLA's intention to pursue such a planning application, then that should take place within the context of a master plan. The proposed preparation of such a plan is in the spirit of Government expectations and is welcomed.

8. The County Council has the following comments in relation to the published consultation material and process issues.

The Consultation Material - evidence and engagement

9. Attached (Appendix 3) are some detailed comments on the published consultation material. These are by no means exhaustive, but sit behind a number of the issues that follow. Two key messages are:

- the consultation material presents a position on a wide range of issues based on evidence prepared to date to inform the development of the proposal and presents a range of proposals for mitigation. However, very little of the evidence referred to is available for review and comment and as a consequence the opportunity to effectively engage with the consultation and shape the proposal has been somewhat limited.
- there has been no meaningful engagement (to the County Council's knowledge) with key informed stakeholders on the technical work underpinning the findings and conclusions and mitigation proposals.
- how transparency of evidence and informed engagement is to happen in advance of submission of any planning application.

An all-encompassing master plan

10. You will of course be aware of Government consultation and liaison expectations in relation to master plans, set out in its Aviation Policy Framework (APF):

'4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings.....'

11. And also its position on availability of technical evidence:

'4.14 Research carried out by the DfT on the effectiveness of master plans has indicated that drafting for all audiences produces a tension between communicating future plans and providing a technical reference source. We therefore recommend that, where possible, the body of the document should be accessible to a lay person, and the technical detail clearly annexed.'

12. You will also be aware that the APF states that:

'4.5 Airports, in partnership with local communities, should:

-
- *review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;*
- *review the extent and detail of information that is published and set out clearly the methodology used. Airports should provide transparency and ensure that sufficient relevant information and opportunities for consultation reach a wide audience; and*
- *combine their ASASs into their published master plans to ensure a joined-up approach and make it easier for people to access information about the 'airport's plans.'*

'Mitigation

B.6 Proposals for mitigation measures across the major impact areas identified will be an important component of master plans; for example emission controls, noise abatement measures, sound insulation, surface access schemes and

traffic management and measures to address landscape and biodiversity impacts.

B.7 It will be appropriate for master plans to address any proposals for compensation measures that may be required where the scale of impacts is such that they cannot adequately be mitigated. Such measures might include appropriate voluntary purchase schemes and assistance with relocation costs where the extent of property and land-take is clear.'

13. The consultation material seems to propose to amend or add to the contents of publications that already exist but without giving specific details of what these are to be – for example, see the 'Noise management/mitigation' section below. There also appears to be a new Transport Assessment, Travel Plan and Car Parking Management Plan which are not available at this stage and which appear to introduce new assumptions – for example (from the EIA Progress Report).

'8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

14. There also appear to be other assessment, such as an Air Quality Assessment and Greenhouse Gas Assessment. Moving forward, the availability of technical evidence and engagement on it with key stakeholders will be important. As far as is practicable, this should take place in advance of submission of any planning application and there is an opportunity to do so as part of the master plan preparation process. The master plan needs to be drafted to be accessible to the lay person, but contain evidence (appended) to substantiate its proposals, about which it needs to be much more transparent rather than making general statements of intent. It also needs to be clear on the implications for other publications such as the noise action plan and surface access strategy. Consideration should be given to whether there is an opportunity to draw the various plans/strategies together into a whole, with the master plan fronting up a range of subsidiary plans/strategies/evidence. This will take time – more time than the consultation material and processes currently appear to allow.

Status and process for approval of the master plan

15. The usual and logical course of events is for an airport to consult widely on a master plan, setting out its aspirations for the future and covering those matters advised by Government in the APF. In this way all stakeholders and communities have a common understanding of what lies ahead – likely scale of growth, infrastructure provision, environmental management and mitigation, noise insulation, community benefits, and so on. Amongst other matters that master plan would form the framework within which future planning applications for development and throughput growth are brought forward.

16. Indeed, this is exactly what happened in the last master plan/planning application cycle at LLA. Somewhat bizarrely, LLAOL and LLAL consulted separately on different master plans for different proposed levels of growth during 2012, following which a joint master plan was published in September 2012 that provided a framework

for growth of LLA to 18 mppa. Some months later, a planning application for that scale of growth was duly submitted.

17. The consultation material makes no reference to the in-force master plan at LLA and it is therefore assumed that it is to be completely superseded by the one published as part of this consultation, as suitably amended following feedback received.

18. The material contains no guidance on the process for and timing of approval/adoption/publication of the master plan, but states that a planning application is to be submitted by the end of 2020. No information is provided with regard to the process for 'approval' of the master plan and whether there is any intention to release and consult upon the evidence that underpins it.

19. You will of course be aware that Luton Local Plan Policy LLP6 requires any growth proposal at LLA to be consistent with a master plan submitted to and approved by Luton Borough Council (LBC). The material makes no reference to this policy and provides no clarity on whether the master plan is to be submitted to LBC for its approval and if so, whether that is to happen in advance of any planning application or perhaps even at the same time.

20. Clarity is required on the process for approval/publication of the master plan and how that relates to the timing of submission of any planning application. If a planning application is to be submitted before the end of 2020, it is difficult to see how:

- in the spirit of Government guidance in the APF, meaningful engagement can take place with stakeholders on the technical evidence that underpins the assumptions behind and findings of the master plan.
- the master plan can be approved by LBC.

21. Paragraphs 29-30 call for a delay in the submission of the proposed planning application. Such a delay would enable a master plan preparation process that is able to more effectively engage with communities and stakeholders, with a view to building a more productive and trusting relationship in response to recent experience.

Aviation 2050/Covid-19

22. The County Council's response to the consultation on the DCO highlights the scale of uncertainty that exists in relation to national aviation policy, which, amongst a wide range of other matters, will set out the Government's approach to aviation with regard to how it will contribute to meeting its net-zero carbon commitment.

'National aviation policy and the Climate Change Act 2008

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO₂ in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO₂ emissions targets:

- 1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.*
- 2. whether now is the right time for the UK to set such a target.*
- 3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C” and “towards global efforts to limit the increase to 1.5°C.*
- 4. how reductions in line with your recommendations might be delivered in key sectors of the economy.*
- 5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.*
- 6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.*

In December 2018 Government consulted on its Aviation Green Paper ‘Aviation 2050 - The future of UK aviation’, reaffirming Government’s commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

‘The UK’s currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK’s statutory framework, including when ‘net-zero’ emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK’s long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.’

Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around their 2005 level (i.e. 37.5 MtCO₂e). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report ('Net Zero The UK's contribution to stopping global warming Committee on Climate Change' May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – 'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'. The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019.....Reducing emissions from aviation will require a combination of international and domestic policies, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels,

with potential to reduce emissions further with lower levels of demand. The CCC advises that ‘The Government should assess its airport capacity strategy in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.’

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC’s recommended policy approach to aviation will be taken into account in further developing aviation policy through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government’s national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its ‘Leading on Clean Growth - The Government Response to the Committee on Climate Change’s 2019 Progress Report to Parliament – Reducing UK emissions’ (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will ‘continue to consider the implications of our 2050 net zero target.....’.

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment ‘due to the timing of its introduction into UK law’, but recognises that ‘this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target’.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government’s net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.’

23. In addition, of course, that national strategy/policy will now also need to reflect upon the implications of Covid-19 and develop policy that reflects how Government sees the aviation industry moving forward in response to and within a continuing Covid-19 environment – the implications of which, at least in the short term, are potentially profound.

24. Clarity in the form of revised national aviation policy would be a more preferable environment within which this proposal (and indeed those at other airports) could be brought forward and assessed. The County Council has sought an update on the timetable for production of Aviation 2050, but this has yet to be forthcoming. The process for master plan preparation and application submission would benefit from being aligned with the publication of new Government policy.

'19 mppa traffic horizon will be achieved around 2024'

25. The consultation material contains a number of statements with regard to the anticipated timeframe for LLA to potentially reach a throughput of pre-Covid levels and onward to 19 mppa. For example:

'In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.'

'In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").'

'Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.'

26. The consultation material provides little background intelligence about these 'industry expectations' and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – 'upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe'. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.

27. Similarly, Eurocontrol's latest five-year forecast offers three scenarios for recovery from Covid-19:

- a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.
- should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.
- a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.

28. Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.

Timing of the planning application

29. The consultation material states that the intention is to submit a planning application by the end of 2020. As discussed above, the County Council is of the view that the process for the preparation of the master plan should be given sufficient time to genuinely engage with communities and stakeholders, with a view to building a more productive and trusting relationship. To enable this to happen, the timeframe for submission of the planning application should be delayed. It would be advantageous for any such delay to be of sufficient length to allow Government to put in place its revised national aviation policy/strategy.

30. LLA's concerns in relation to it being prepared for renewed aviation growth (*'If we do not plan for growth now we will limit our ability to play our part in the UK's economic recovery.....'*) need not be compromised. LLA will be aware of the Government's 'planning guarantee' that *'no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal.....'* There appears to more than enough time for a master plan to be prepared and approved, a planning application and decision made, along with completion of any necessary works if permitted, within the next 4 years, in the event the optimistic approach to Covid recovery proves to be founded. If LLA has project management information to demonstrate that this is not tenable, then it would be useful if this could be shared.

Community funding and relationship to compensation schemes and FIRST proposals of LLA as part of the DCO

31. The consultation material is not as clear as it might be in relation to community funding. Much of the information within the 'Community Benefits' section of the Background section of the Consultation Document (page 8) relates to funding provided by the airport owner LLAL (albeit the origins of this funding come from the operator).

32. No reference is made to the community funding requirements to which LLAOL is committed to as part of the 2014 18 mppa planning consent and the consultation material is not as clear as it should be in relation to any additional community funding that might be being offered as part of this proposal. For example, the Consultation Document states:

'Findings of the Assessment

The initial conclusions of the noise assessment are that whilst no significant effects would be predicted in either 2021 or 2028, additional properties would experience noise above the SOAEL as a result of the proposed increase in passenger numbers.

To mitigate this effect, we are proposing the following operational measures:

.....

The following compensatory measures are also proposed:

.....

- *One off grants to local councils to provide community improvements.*

33. And the EIA Progress Report similarly states:

'7.5.3 Mitigation will also include compensatory measures as follows:

.....

- *one-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the predicted future noise contours. Grants are to be used to provide community improvements.'*

34. Further information is required on the scale and nature of the proposed grant scheme and how it is to operate.

35. You will be aware of LLAL's Future LuToN Impact Reduction Scheme for the Three counties ("FIRST") contained within its DCO proposal. This would be applied to growth in excess of the currently permitted 18 mppa *'.....We propose that FIRST will provide £1 in funding for every passenger over the current 18 mppa cap. This is substantially in excess of the existing community funding provided by LLAL (which in 2018/19 was approximately £0.53p per passenger). FIRST will run alongside LLAL's existing offering, which will remain unaffected by the introduction of FIRST.'* The consultation material provides no information on the relationship between the community benefits proposed as part of the 19 mppa proposal (whatever they may be) and the commitment of LLAL through the DCO process to introduce FIRST for growth beyond 18 mppa.

Noise management/mitigation

36. The consultation material states that none of the identified increases in noise level would be considered significant, but acknowledges that there will be a number (unspecified) of additional dwellings experiencing noise over SOAEL which constitutes a likely significant adverse effect. The master plan refers to a range of existing measures that are in place to manage noise at LLA. No reference is made to the current live application to discharge a requirement of Condition 10 of Planning Permission No. 15/00950/VARCON that a noise reduction strategy be submitted for approval of LBC of a noise reduction strategy (to reduce the area of the noise contours by 2028 for daytime noise to 15.2 sq km for the area exposed to 57 dB(A) Leq16hr (0700-2300) and above for nighttime noise to 31.6 sq km for the area exposed to 48 dB(A) Leq8hr (2300-0700) and above.'). The County Council's response to a consultation on that application is appended (as Appendix 4). In summary the response advises:

'11. The County Council had been expecting that to enable the effective discharge of Condition 10 requirements, LLAOL would submit for approval a clear, tangible and deliverable action plan to achieve the required 2028 noise contour reductions. But this is not what has happened. The submitted 'Strategy' appears to amount to little more than a wish list of things that might or might not happen and that might or might not result in delivery. This is totally unacceptable. The County Council supports the findings and conclusions of the independent expert noise advice (dated 23rd January 2020) secured by LBC to inform its consideration of this application, which in summary finds:

'Bickerdike Allen (BAP) have submitted an undated report entitled Application No: 15/00950/VARCON(FUL), Discharge of Planning Condition 10 (Pt. 3), Noise Strategy (w.r.t. 2028). We understand that the document is intended to secure discharge of the condition on the premise that it contains sufficient detail of the strategy to be adopted by LLOAL to ensure that daytime and night-time noise contours will meet the reduced limits set for 2028.

We do not believe that the report achieves this aim as it contains insufficient detail of the strategy to be adopted. Instead it contains a number of general and imprecise statements of intent, many of which are already contained in other documents submitted by the airport or by BAP on their behalf.'

The report indicates that the principle reasons that noise levels, and therefore noise contour areas, will reduce to meet the 2028 limits are twofold:

- The future fleet mix will contain a sufficiently large proportion of new generation, low noise aircraft;*
- Some improvements are expected as a matter of course from the NATS FASI-S airspace changes that are expected to occur.*

The main issue with this approach is that neither of these are under the control of the airport, and it is therefore inconsistent to suggest they can form part of the airport's strategy.

Another problem arises from the reliance placed on the current Noise Action Plan (NAP) as containing adequate descriptions of the measures that the airport will adopt in implementing the required strategy. The generic nature of the wording used in the NAP, repeated in the BAP report, is not adequate to describe the elements of the strategy the airport is expected to pursue. Furthermore, there is a circularity in relying on the NAP in that one of the Operational Restrictions described in the NAP (3.5) is to develop a noise contour reduction strategy, the very same strategy that, as currently drafted, relies on the measures defined in the NAP.'

12. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. Some of the principles and commitments within Heathrow's Environmentally Managed Growth approach are very much the kinds of things the County Council had expected to see in the strategy the subject of this application - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence (Graphic 4.2 above), limiting the growth unless the environmental limits are met, and so on.

13. A strategy is required which sets out:

- the range of measures/actions required to achieve contour reduction ('wish-list' items such as airspace modernisation can feature but cannot be relied upon until evidence is available – see 'strategy review' below.*

- details exactly what measures/actions will be introduced and when and who is responsible for their introduction - with indicators/targets for these.
- how the indicators/targets are to be monitored and reported.
- a contour reduction trajectory – with a phased timetable that enables progress to be tracked and to trigger remediation measures as necessary.
- a commitment to transparency and community engagement.
- a scrutiny/enforcement/management framework that clearly sets out the mechanisms to be engaged should monitoring demonstrate failure against trajectory (triggered remediation measures).
- a clear commitment, similar to that within Heathrow's Environmentally Managed Growth, that contour reduction failure is not an option - 'The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed.....'.
- a commitment to strategy review (so that it can evolve and reflect changing circumstances – for example, if/when there is **evidence** in the future that airspace modernisation will have a positive impact on noise contour reduction).

14. The strategy submitted to discharge Condition 10 does not achieve these requirements and should be refused or a substantively revised strategy prepared and submitted by the applicant in response to and addressing the above concerns.'

37. The consultation material refers to a 'Noise Assessment' that 'identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL'. These are:

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- increase the contribution to the Noise Insulation Fund
- The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and
- One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.

6.2.15 In addition the following commitments will be made as part of the proposed variation to noise planning conditions

- For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;
- No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);
- No "non-emergency" Diverted Flights will be accepted;
- New airline / aircraft slots at night not to exceed QC 0.5; and
- Differential charging will be implemented to incentivise the rapid modernisation of fleet.'

[Draft Masterplan]

38. These measures appear to differ from/add to the contents of Condition 9 of the 2014 planning permission and the Noise Control Scheme the subject of that Condition. This raises the question as to whether a revised or rejuvenated Noise Control Scheme is required and as a consequence, whether planning permission should be sought to vary Condition 9.

39. Elsewhere in this response the County Council advises that a period of time is set aside to bring stakeholders and communities together in moving the master plan forward before any planning application is made. One of the key areas of focus for such a process would be in relation to noise management. As APF states:

'4.5 Airports, in partnership with local communities, should:

*.....
review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;
.....'*

40. Whilst integration of the various noise plans/strategies may be difficult, the master plan process could provide a mechanism through which to provide greater clarity in terms of determining tangible actions, processes, responsibilities and penalties (see also Environmentally Managed Growth/Green Managed Growth) in relation to noise management at LLA – bringing together all those that already exist, those proposed as part of this process (along with sharing of the 'Noise Assessment') and how these amount to delivery of the existing and proposed requirements – see 'An all-encompassing master plan' above. Those commitments would then be transferred into the terms of any planning consent/legal agreement, should consent be granted.

Environmentally/Green Managed Growth

41. Paragraphs 4 and 5 above and related attachments raise fundamental concerns in relation to the ability of LLA to manage its operations in accordance with restrictions placed on its 2014 planning consent. The extract within paragraph 36 refers to the Environmentally Managed Growth (EMG) proposals of Heathrow Airport Ltd in relation to its 3rd runway proposal – the basic purpose of which is to have the effect of limiting the growth of the airport unless agreed Environmental Limits are observed. A similar approach is being taken by LLAL [Green Managed Growth (GMG)] in developing its DCO proposal. Given the historic failure of LLA to manage its operations to respect environmental limits, the County Council is of the view that it should explore with stakeholders and communities the extent to which it is possible to put in place an E/GMG approach for this 19 mmpa proposal – to ensure that key 'limits' (exploring those in relation to noise, surface access modal splits, air quality, GHG emissions) are set and respected. This could be articulated in the master plan and set in place upon the grant of planning permission, were this to be forthcoming.

Summary

42. In summary, the County Council's position is as follows:

- i. The County Council has an in-principle objection to planning applications whose 'need' is generated by mismanagement of the Airport with regard to the expectations of the 2014 18 mppa planning consent. The impact Covid-19 has had on the aviation sector and on LLA presents an opportunity to recalibrate management and growth to that set out in the 2012 masterplan and the 2014 planning consent.
- ii. There should be further engagement on the preparation of the master plan, including sharing of the evidence underpinning the findings and mitigation proposals within the draft in advance of finalisation/publication/approval.
- iii. The finalised/published/approved master plan needs to contain evidence (along with technical appendices) to substantiate the findings and conclusions reached and to justify proposed mitigations.
- iv. The opportunity should be taken to take a fresh approach to the master plan preparation – with a view to putting in place an all-encompassing framework that draws the various strategies together into a whole and fronting up a range of subsidiary plans/strategies/evidence.
- v. Clarity is required with regard to the process for finalisation/publication/approval of the master plan
- vi. The master plan preparation and 'approval' process should be completed in advance of the submission of any planning application.
- vii. Given Luton Local Plan policy, the master plan should be approved by Luton Borough Council in advance of the submission of any planning application.
- viii. Clarity is required on community funding proposals and the relationship these have with the FIRST scheme being brought forward through the DCO process.
- ix. Further information and justification are required in relation to the assumptions underpinning the contention that the Airport will recover to 2019 levels by 2023 and proposed 19 mppa by 2024.
- x. Even if the 2024 19 mppa timeline is considered to be realistic there does not appear to be any immediate need for a planning application to be submitted by the end of 2020. The proposed timeframe for submission of a planning application should be reviewed with a view to it being substantively delayed facilitating meaningful engagement upon and approval of the master plan.
- xi. Consideration should be given to using the master plan process to provide greater clarity in terms of determining tangible actions, processes, responsibilities and penalties in relation to noise management at LLA. Commitments would then be transferred into the

terms of any planning consent/legal agreement, should consent be granted.

- xii. LLAOL should explore with stakeholders and communities the extent to which it is possible to set up an Environmental Managed Growth approach for the 19 mppa proposal.

Yours sincerely,



Derrick Ashley

Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 1

**Hertfordshire County Council response to planning
application to vary condition 10 of planning permission
15/00950/VARCON**

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18th July 2019

Dear Ms Barnell,

Application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to end of 2024) to enable the area enclosed by the 57 dB(A) daytime noise contour to increase from 19.4 sq km to 23.4 sq km and the area enclosed by the 48dB(A) night time contour to increase from 37.2 sq km to 44.1 sq km. 19/00428/EIA

Thank you for the opportunity to comment on the above.

Whilst this response is made on behalf of Hertfordshire County Council, it has the broad support of a number of Hertfordshire borough and district councils who will be responding to you separately.

1. Background Context

1.1 The original planning application was approved on the basis that growth in throughput would be accompanied by a range of safeguards to manage the noise impacts arising from the proposal and protect communities. This is clear from the following extracts from the report to Committee dated 20th December 2013 (text highlighted **thus** in this section and throughout represents emphasis added):

‘95. The timescales for the introduction of new aircraft (fleet modernisation) is to be secured both through condition and S106 Agreement attached to any permission.

110. An independent assessment of the ES in respect of the Noise implications of the development was carried out for LBC by Cole Jarman Ltd, Noise Consultants, and in so far as airborne aircraft noise is concerned there are no significant reservations about the methodology employed in the ES to quantify the expected noise levels. In numerical terms it was considered that the contours and footprints presented in the ES reasonably reflect the expected noise impact. However, in interpreting the findings it was considered that the following factors needed to be considered:

.....

- Controlling the noise impact to the levels indicated for 2028 requires that a substantial part of the airline fleet is changed to modern, low noise variants of types currently operating. **The primary mechanism put forward by the applicant for ensuring that this will happen is by way of a condition limiting the extent of key daytime and night time aggregated noise contours.**

- Current Government Policy in respect of aircraft noise is contained in the APF published in March 2013. This states that „Our overall objective on noise is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise.“ The predicted future noise impact with the development in place would be greater than that assessed as prevailing at the present time. One consequence of this finding is that the number of people significantly affected by aircraft noise might be neither limited nor reduced and as such this would not meet the objectives set out in the APF. **To address this the applicant has made a commitment that the Airport will seek to continually increase the percentage of flights undertaken by modernised low noise variants of relevant aircraft types and it is proposed to secure this commitment by way of a legal agreement (S106). This measure would facilitate a reduction in the overall noise levels and minimise the impact on local residents and therefore meet the objectives of the APF.**

- Luton Local Plan Policy LLA1 states.....By applying this tighter interpretation this would require lower noise levels in 2028 than are predicted for the partial modernisation scenario. Although this alternative interpretation is not accepted by the applicant, achieving the full modernisation scenario would ensure compliance with this alternative interpretation **and this would be likely to be secured by a commitment (in the S106 Agreement) by the Airport that they will continually increase the percentage of fights undertaken by modernised low noise variants of relevant aircraft types.**

111. Although the assessment of the ES in terms of noise did initially identify areas of concern relating to the interpretation of policy LLA1, predicted noise levels, night time noise issues and necessary mitigation measures, **further negotiation with the applicant has resulted in the applicant accepting additional controls and mitigation measures by way of condition and or inclusion within the S106 Agreement.**

112. **The Local Planning Authority, in consultation with its noise consultant Cole Jarman Ltd, considers that there is a remedy to ensure that the numbers of people affected by aircraft noise does not increase.** The two tables below show a comparison for daytime noise (Table 1) and night time noise (Table 2) for a number of

years – including the predictive and actual noise levels in 1999. The 2028 predicted figures are taken from the ES

113. It can be seen that the predicted 1999 taken from the 1997 ES levels were higher than actual 1999 levels (0.2 square kilometres for daytime noise and 22.8 square kilometres for night time noise). Further it can also be seen that the current operation of the Airport is well below these levels. The requirement for Condition 12 for night time noise to be limited to an area of 37.2 sq.km for the 48-72 Leq dBA 8 hour (23.00 – 07.00) contour is ambitious but will ensure that lower noise levels are achieved in 2028 than currently predicted by LLAOL. **However with strict controls on growth and measures such as fleet modernisation being maximised, this lower area is considered to be practicable and achievable. It also ensures additional benefits in terms of residential amenity in accordance with policy.**

114. Even though some weight should be given to Local Plan Policy LLA1 as it is site specific and has been based on evidence the subject of previous planning decisions in relation to development of the Airport, it is considered that greater weight should be given to current Government policy, which is seeking where possible to reduce the number of people significantly affected by aircraft noise in the UK. It is therefore considered that the condition restricting the 57 dB daytime contour and the 48 dB night time contour could reflect the actual 1999 levels and thereby ensure that the area affected by aircraft noise would be any worse than at that time.

115. The applicant has raised concerns regarding the independent Noise assessment of the ES by Cole Jarman Ltd in terms of some of the conclusions reached in respect of issues relating to night time noise and the level of mitigation proposed. The applicant was of the view that this had been fully assessed within the ES. **However the purpose of LBC carrying out an independent assessment was to examine the proposal and proposed mitigation in terms of seeking to secure on balance the best practicable outcomes for the surrounding community while enabling the development to be implemented in accordance with government and local policy.** Clearly within this process there will be differences of opinion. The proposed modifications to the Noise Insulation Scheme are not at a scale that could be considered unreasonable given the potential long term impact of the development as proposed.

116. **The conditions and S106 requirements as proposed therefore reflect both the aspirations of the APF and the NPPF.** The comments received by the applicants are contained in full within Appendix (8) of the Report.

205. As set out within the report, the proposed expansion of the Airport will have an impact in terms of additional noise from aircraft movements and traffic generation. **However, the proposal does afford the opportunity to put in place a range of controls through the use of a mix of planning conditions and obligations contained within a S106 Agreement, in respect of issues such as night time noise, noise insulation, limitation on the passenger numbers and type of aircraft etc. Current controls are limited in their effectiveness and/or do not meet the requirements or objectives of current national aviation and planning policy.**

1.2 Similarly, the Committee report relating to the Variation of condition 11 (i) – Noise Violation Limits states:

‘69. Commenting on condition 11(i), Cole Jarman Ltd note that the noise violation limits graduated according to the QC classification seek to ensure that all aircraft, and not just the noisiest, are operated in a manner that ensures the noise levels generated are commensurate with what is to be expected. However, they conclude from the analysis of the data that “setting noise violation limits based on the departure QC rating of an individual aircraft is unreliable. Transgression of a noise violation limit set in this way cannot be absolutely determined as evidence that any given aircraft is being operated in an unacceptable manner.” Consequently they confirm that the data indicates an alternative means of setting noise violation limits and controlling average noise levels generated in the community around the airport is required.

70. Cole Jarman Ltd state that “if condition 11(i) is to be modified to include absolute noise limits unrelated to the QC rating of aircraft, then it is vital that the noise envelope restrictions set out in condition 12 are applied using the full knowledge of the actual noise levels generated by aircraft operating at Luton Airport.” Condition 12 requires the area encapsulated by the 48dB L Aeq,8h contour to be reduced by the year 2028 from 37.2km² to 31.6km² for the night period and for the daytime the 57dB L Aeq,16h contour to be reduced from 19.4km² to 15.2km².

*79. With regard to LADACAN’s comments concerning the noise violation limits being a blunt tool that would not encourage a change to quieter aircraft, it should be noted that condition 11 is not the primary mechanism for constraining and reducing the overall levels of aircraft noise in the community. **Condition 12 is the main tool setting limits on the areas enclosed in the daytime (57dB L Aeq,16h) and night time (48dB L Aeq,16h) and also requiring the Airport to develop and implement a strategy for ensuring that the areas within these contours reduces by 22% and 15% respectively by 2028. Such a reduction in the areas means there will be a reduction in noise generated by aircraft overflying all locations in the community around the Airport.** This also addresses one of the concerns raised by the Chilterns Countryside Board.’*

1.3 The planning conditions/s106 agreements attached to the 2014 and 2016 planning consents (subsequently referred to as ‘the original approval, consent or permission’) contain a suite of measures to restrict the noise impact of the development to safeguard potentially impacted communities and to make the development acceptable. The importance of and commitment to noise contours is clear from the decision-making process and these were duly incorporated into the planning consent.

1.4 The planning application summarises why the Airport has failed to comply with these key restrictions and why it is seeking them to be relaxed, as follows:

‘In summary, the number of passengers has grown more quickly than that forecast at the time of the 2012 Environmental Statement, and the introduction of new generation aircraft has not kept pace. These factors, combined with unforeseen delays arising from European industrial issues and severe weather events, have resulted in a situation whereby the airport cannot operate to its full permitted limit whilst being confident that the restrictions of Condition 10 can be met.’

1.5 European industrial issues and severe weather events may well be outside the control of the Airport, but this statement seems to suggest that the Airport has no control over the growth in the number of passengers or the introduction of new

generation aircraft. This is of course nonsense. The Airport has actively pursued throughput growth towards its 18 mppa planning restriction in the full knowledge this:

- was proceeding at a pace far in excess of that anticipated when the planning application was submitted;
- was not being accompanied by fleet modernisation assumptions set out within the planning application which were integral to the decision and planning conditions/agreement imposed;
- would inevitably result in a breach of the noise restrictions imposed by the planning consent;
- would inevitably result in adverse noise consequences on local communities.

1.6 The adverse implications arising from this failure are of course not confined to those communities within the noise contour areas subject to Condition 10 and its breach and the proposed new revised contours, but much further afield. A range of communities further afield in Hertfordshire have been subject to a significant and unacceptable worsening of their noise environment and quality of life. The significance of these impacts has been recognised by the Airport in pursuing Airspace Change processes to seek to address them.

1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a 'Partnership' approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The 'contract' between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.

2. The Planning Application - The Planning Statement

2.1 The County Council is of the view that the Planning Statement is not fit-for-purpose. It is surprisingly poor in its assessment of the compliance or otherwise of the proposal with planning policy. It recites planning policy in Chapter 4 (but is occasionally selective in extracting relevant text from key local and national policies, is in parts wrong and in other parts misleading); Chapter 5 assesses the environmental and (briefly) the economic implications of the proposal but nowhere does it provide an assessment of the scheme against relevant planning policy. Only in Section 7 ("Planning Balance") does the Statement accept that the application may result in *'potential non-compliance'* with individual LLP6 criteria, without stating which ones or the degree of non-compliance. It argues that one should simply consider the *'wider emphasis of the plan as whole'* on economic development and the contribution of the Airport and such that there could be non-compliance, this must be *'balanced with a considered understanding of the economic benefits that the proposal would accommodate.'* Yet the Local Planning Authority (LPA) is provided with no information on which to base a *'considered understanding'*.

2.2 The following analysis of the Planning Statement is by way of example and does not represent an exhaustive critique. Your authority will, of course, identify for itself all relevant policy considerations and interpret and apply these accordingly, but the County Council would urge caution in relying in any substantive way on the Planning Statement accompanying the application.

3. Requirement to vary Condition 10

3.1 Rationale for variation

2.3 *'Requirement to vary Condition 10'* – it is not a 'Requirement'. The operator could simply comply with the planning permission. The terminology used in the planning statement that the applicant *'requires'* the condition to be varied is inappropriate and seems to suggest that the breach is inevitable and that it is only by approving this variation that the Airport can continue to operate successfully. This seems to suggest that reverting to a different form of operation to comply with the existing condition is not possible and that the LPA have no choice but to approve the application. This cannot be the correct approach to considering this proposal. This is a *'request'* to vary condition 10.

2.4 Paragraph 4 – details of the *'incentives to introduce the next generation aircraft'* should be provided by the applicant.

2.5 Paragraphs 5 – 8 – these paragraphs summarise the three main reasons why the night-time noise contours have been breached in recent years. What this section does not do is:

- assuming the Airport must have recognised that its operations were heading towards a breach of planning control, explain why measures were not introduced earlier to prevent breach.
- explain the rationale for proposals to amend the day-time noise contour of Condition 10 in circumstances where there has been no breach of restrictions and where no future breach is predicted.

2.6 This intelligence and explanation should be provided by the applicant.

3.2 Mitigation measures

2.7 Paragraph 1 states ‘.....Following the breach in 2017, LLAOL took immediate action to reduce the number of flights.....The degree of seriousness which LLAOL take any breach of their obligations is demonstrated by the wide ranging restrictions implemented.’

2.8 The applicant should be required to explain why measures were not introduced in advance of the breach in an attempt to ensure compliance with planning control and protect the amenity of communities.

2.9 The County Council would wish to be assured that the planning authority is content that the mitigation measures currently in use represent a robust response to breaches and that other potential measures (all other measures, including restricting flight numbers) have been explored to regularise operations at the Airport and enable compliance with the planning permission.

2.10 The Noise Control Scheme and Noise Management Plan required by the planning consent(s) specify a wide range of mechanisms necessary to restrict and regulate operations/noise at the Airport. These include arrangements for monitoring and reporting. Clearly, one of the main reasons for the monitoring and reporting process is for the operator and the LPA to be satisfied that the operations at the Airport were being managed in a manner to comply with the restrictions of the planning permission. It will surely have been very clear from this intelligence that the Airport was growing far more rapidly and without or in advance of fleet modernisation envisaged when consented.

2.11 Both the Airport and Luton Borough Council (LBC) must have been well aware that operations at the Airport were heading towards a potential breach of planning control. They were also very well aware that the operation of the Airport was creating very real and substantial adverse noise conditions for communities. Despite this, this section of the statement seems to take the breach as its starting point for the rationale for the proposed variation. To present a complete picture, the applicant should be required to provide:

- intelligence on the data provided within annual monitoring reports in relation to passenger growth and fleet modernisation.
- a summary of those matters within the approved Noise Control Scheme(s) and Noise Management Plan(s) of direct relevance to this planning application.
- a summary of the discussions/negotiations that have taken place between the applicant and the LPA in advance of the breach and the outcome of those discussions/negotiations.
- an explanation as to why the ‘Mitigation measures’ outlined in section 3.2 of the Planning Statement were not introduced in advance of the breach, and any other potential mitigations that may have been appropriate.
- the measures put in place in response to the letter from LBC to the Airport dated 16th February 2018 (and in response to any other correspondence from LBC).
- any further ongoing measures being explored/negotiated with LBC to restrict the scale of the on-going breach.

3.3 Proposed variation wording

2.12 Paragraph 1 states that *‘LLAOL is committed to operating within the requirements of its relevant planning permissions and takes any actual or potential breach seriously’*. Clearly LLAOL is not committed to operating within its planning restrictions as it has not managed its operations in a manner to achieve this.

2.13 *‘The breaches which did occur in 2017 and 2018 were the result of a number of factors which were outside the immediate control of the airport’*. This is not true. The most effective way in which the breaches could have been prevented would have been for the Airport to manage its operations in a manner which restricted the number of flights to those that would enable it to operate within its agreed environmental limits.

2.14 Paragraph 2 states that *‘Whilst LLAOL now have the mitigation measures in place it does recognise that such measures restrict the operational movements of airlines and would represent a hiatus in the continued growth of the airport with the consequence that the airport would become potentially less attractive to airlines in the future’*. This seems to suggest that the intention, were permission to be granted for the Condition 10 variation, the Airport would simply abandon these mitigation measures with the consequential impact this would have on communities.

2.15 Paragraph 3 raises the proposal to also vary the day time noise contour. None of the preceding text provides any specific rationale or evidence to indicate why the existing day time restrictions should not remain in place. The applicant should be required to provide evidence and justification.

4. Planning Policy

4.1 National planning and aviation policy

National Planning Policy Framework (NPPF)

Building a strong, competitive economy

2.16 Reference is made to Paragraph 81. This is irrelevant to this planning application as it relates to the guidance on what planning policies should do. This process is not a planning policy formulation process.

2.17 Reference is made to paragraph 82 that decisions should recognise and address the specific location requirements of different sectors. This is irrelevant. There are no locational requirements for this planning application – the Airport is already in place.

Promoting sustainable transport

2.18 Reference is made to Paragraph 104e relating to large scale transport facilities. This is irrelevant to this planning application as it relates to the guidance on what planning policies should do. This is not a planning policy formulation process.

2.19 Reference is made to Paragraph 104f to suggest that the NPPF has strengthened policy in respect of aviation. This is misleading. 104f relates to general aviation, not large scale nationally significant airports like London Luton. It actually states:

‘recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy’

2.20 Paragraph 104 is also irrelevant to this planning application as it relates to the guidance on what planning policies should do. This process is not a planning policy formulation process.

Conserving and enhancing the natural environment

2.21 The statement fails to recognise NPPF paragraph 170 which states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

‘.....
e) **preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions** such as air and water quality, taking into account relevant information such as river basin management plans; and.....’

NPPF conclusion

2.22 The application states *‘The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognises that for some types of development there is a need to take into account the specific local opportunities that may present themselves’*. The NPPF does not state this - the presumption in favour of sustainable development:

- does not itself refer to the need to balance social, economic and environmental objectives. The objectives referred to are the objectives of the planning system to achieve sustainable development. The ‘balance’ between these objectives is within the supporting text and relates to achieving sustainable development more generally through the planning system.
- does not in any way recognise that some types of development need to take into account specific local opportunities that may present themselves.

2.23 Reference is made to *‘a recognition in the case of aviation that needs may not be fixed but may change over time’*. The NPPF does no such thing – where it does comment on *‘the need to adapt and change over time’* is in relation to general aviation only.

2.24 *‘Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from noise recognising that it could potentially give rise to significant adverse impacts upon health’*. None of this features within the NPPF. The NPPF makes no reference to aviation development (only general aviation – see above), being *‘environmentally appropriate’* (whatever that is supposed to mean), to *‘undertake measures to mitigate’* or that it *‘could potentially give rise to significant adverse impacts upon health’*.

2.25 Paragraph 2 states that *‘With specific regard to aviation and airport planning, the NPPG does not introduce any additional guidance beyond that which is already captured by the NPPF’*. The NPPF does not provide any guidance specific to aviation and airport planning, other than general aviation.

2.26 No reference is made to the following in paragraph 005 Reference ID: 30-005-20140306:

‘At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.’

2.27 No reference is made to the following within paragraph 006 Reference ID: 30-006-20141224

‘The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;.....’*

Noise Policy Statement for England (NPSE)

2.28 The Planning Statement fails to recognise:

‘2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between ‘quality of life’ effects and ‘health’ effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.’

2.29 The Planning Statement does not highlight the aims of the NPSE:

‘The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

Aviation Policy Framework (APF)

2.30 The second paragraph in this section repeats from paragraph 1.24 the following:

'1.24 The Government wants to see the best use of existing airport capacity.'

2.31 Strangely this paragraph then fails to go on to repeat the text immediately following this sentence which is very relevant context for this planning application:

*'1.24 The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England. **However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. 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.**'*

2.32 The APF contains a whole chapter on 'Noise and other local environmental impacts' and yet no reference of this is made within the planning statement. Some of the most relevant highlights of Government policy include:

3.1 Whilst the aviation industry brings significant benefits to the UK economy, there are costs associated with its local environmental impacts which are borne by those living around airports, some of whom may not use the airport or directly benefit from its operations. This chapter considers noise, air quality and other local environmental impacts.

Noise

3.2 The Government recognises that noise is the primary concern of local communities near airports. The extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population and the quality of its relations and communications with its local communities. We are aware that many airports already make considerable efforts to engage their local communities and that the relationship is well managed.

3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.

3.7 The Government fully recognises the ICAO Assembly ‘balanced approach’ principle to aircraft noise management. The ‘balanced approach’ consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- reduction at source (quieter aircraft);
- land-use planning and management;
- noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts); and
- operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times).

Policy objective

3.12 The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.

3.13 This is consistent with the Government’s Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

3.14 Although there is some evidence that people’s sensitivity to aircraft noise appears to have increased in recent years, there are still large uncertainties around the precise change in relationship between annoyance and the exposure to aircraft noise. **There is evidence that there are people who consider themselves annoyed by aircraft noise who live some distance from an airport in locations where**

aircraft are at relatively high altitudes. Conversely, some people living closer to an airport seem to be tolerant of such noise.

3.15 To provide historic continuity, the Government will continue to ensure that noise exposure maps are produced for the noise-designated airports on an annual basis providing results down to a level of 57dB LAeq 16 hour. To improve monitoring of the specific impact of night noise, we will also ensure that separate night noise contours for the eight-hour night period (11pm–7am) are produced for the designated airports.

3.17 **We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.**

3.19 Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. **However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities,** developing these measures in consultation with their consultative committee and local communities. **The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.**

Measures to reduce and mitigate noise – the role of industry

3.24 **The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.**

3.25 As a general principle, **the Government expects that at the local level, individual airports** working with the appropriate air traffic service providers **should give particular weight to the management and mitigation of noise,** as opposed to other environmental impacts, in the immediate vicinity of airports, where this does not conflict with the Government's obligations to meet mandatory EU air quality targets. Any negative impacts that this might have on CO₂ emissions should be tackled as part of the UK's overall strategy to reduce aviation emissions, such as the EU Emissions Trading System (ETS). Further guidance on this principle will be published when the Department for Transport updates its guidance to the Civil Aviation Authority (CAA) on environmental objectives relating to the exercise of its air navigation functions (see Chapter 5).

3.27 **As part of the range of options available for reducing noise, airports should consider using differential landing charges to incentivise quieter aircraft.**

The Government has asked the CAA to investigate the use of these charges and the CAA will be publishing its findings later this year.

3.28 The Government expects airports to make particular efforts to mitigate noise where changes are planned which 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 these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.

Night noise

3.34 The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations. However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.

3.35 In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available. We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.

Noise insulation and compensation

3.36 The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving.

3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial

assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

3.40 Any potential proposals for new nationally significant airport development projects following any Government decision on future recommendation(s) from the Airports Commission would need to consider tailored compensation schemes where appropriate, which would be subject to separate consultation.

3.41 Airports may wish to use alternative criteria or have additional schemes based on night noise where night flights are an issue. Airport consultative committees should be involved in reviewing schemes and invited to give views on the criteria to be used.

Planning policies

5.6 In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application.'

Aviation 2050: The Future of UK Aviation

2.33 Paragraph 3 summarises the content of part of paragraph 1.21 as follows 'The need for further aviation capacity is highlighted and the Government is supportive of a new runway at London Heathrow Airport as well as other airports throughout the UK making best use of their existing runways'. Unfortunately the statement fails to recognise what paragraph 1.21 goes on to say in relation to best use of existing runways. Paragraph 1.21 states:

*'1.21 This is why the government is supportive of the development of a third runway at Heathrow Airport..... It is also supportive of airports throughout the UK making best use of their existing runways, **subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts.***

2.34 Paragraph 4 at least recognises that there is a 'Managing noise' section within Aviation 2050, but its analysis amounts to simply stating that the section 'notes that the Government is looking into creating new enforcement powers for Independent Commission on Civil Aviation Noise or Civil Aviation Authority if other measures prove insufficient to drive the outcome it wants'. This reference is of virtually no relevance to this planning application in terms of Government policy direction. Some much more relevant policy within the 'Managing noise' section of the Aviation 2050 and elsewhere within it includes:

'Environmental impacts

1.26 Disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths. There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater

extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is supporting the industry to deliver airspace modernisation and has also established a new Independent Commission on Civil Aviation Noise (ICCAN), but efforts to reduce and manage noise impacts must continue.

What this means for Aviation 2050

1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. **Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.**

1.34 The eastward shift in aviation markets and the growth in new technologies mean that aviation could look very different to how it does today, both globally and domestically. To remain competitive on the global stage, and to safeguard its role as one of the leaders in both aviation and aerospace, the UK must be well positioned to take advantage of these new opportunities, while managing the potential economic, political and environmental headwinds along the way.

1.35 This is the motivation behind a new Aviation Strategy which will:

.....

- **ensure that aviation can grow sustainably – moving beyond an artificial ‘choice’ between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts**
- **support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country

.....

Ensure aviation can grow sustainably

3.3 **Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions.** There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required. **Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.**

A partnership for sustainable growth

3.5 The government’s forecasts show that demand for aviation will continue to grow in the period to 2050. The government intends to discuss its modelling approach with stakeholders in the first half of 2019, which will inform future decisions on whether there is a case for additional runways.

3.6 The government accepted the independent Airports Commission’s conclusion that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway and supports a new Northwest runway at Heathrow Airport, through the designation of the Airports National Policy Statement (NPS). This sets out the requirements that an applicant will need to meet in order for development consent to be granted. **The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.**

Managing noise
The impact of aviation noise

3.102 **The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.**

.....

3.105 **However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19).** The CAA’s report also shows that the number of people affected will be higher as a result of population increases.

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise.

3.112 **The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.** The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is “to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development.”

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. **The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible.**

3.115 The proposed new measures are:

- **setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017**
- **developing a new national indicator to track the long term performance of the sector in reducing noise.** This could be defined either as a noise quota or a total contour area based on the largest airports
- **routinely setting noise caps as part of planning approvals (for increase in passengers or flights).** The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available
- **requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.** This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels. **The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps.** The noise action planning process could potentially be developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA

3.121 The government is also:

- **proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance**

3.122 Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:

- **to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr**
- **to require all airports to review the effectiveness of existing schemes.** This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up
- **the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency**

- **for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation**

Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

Airports National Policy Statement (ANPS)

2.35 No reference is made to relevant text within the ANPS. For example:

*'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. **Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.***

Noise

Introduction

5.44 The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management

and control of noise, within the context of Government policy on sustainable development:

- **Avoid significant adverse impacts on health and quality of life from noise;**
- **Mitigate and minimise adverse impacts on health and quality of life from noise; and**
- **Where possible, contribute to improvements to health and quality of life.**

Air Navigation Guidance 2017 (ANG)

2.36 The Planning Statement references the ANG objective to ‘ensure that aviation can continue to make its important contribution to the UK economy and at the same time seek to improve the sustainable development and efficiency of our airspace.’

2.37 What the Planning Statement fails to recognise is that one of the other three key objectives of ANG is to:

‘emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.’

2.38 The Planning Statement fails to reference other relevant aspects of ANG. For example:

Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government’s three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to **interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour.** Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. **It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis.** As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. **For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.**

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. **Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise.** The CAA’s overflights metric is a means of portraying those locations where residents will experience being overflown. These

supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. **The government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.**

Beyond the Horizon The Future of UK Aviation – Making best use of existing runways June 2018

2.39 No reference is made within the Planning Statement to Government policy contained within 'Beyond the Horizon The Future of UK Aviation – Making best use of existing runways', which contains some very relevant policy context for this planning application. For example:

'1.5 The Aviation Strategy call for evidence set out that government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East, subject to environmental issues being addressed. The position is different for Heathrow, where the government's proposed policy on expansion is set out in the proposed Airports NPS.

Call for evidence response summary

1.6 The Aviation Strategy call for evidence document asked specifically for views on the government's proposal to support airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed.

.....
1.8 The main issues raised included the need for environmental issues such as noise, air quality, and carbon to be fully addressed as part of any airport proposal; the need for improved surface access and airspace modernisation to handle the increased road / rail and air traffic; and clarification on the planning process through which airport expansion decisions will be made.

Role of local planning

1.9 Most of the concerns raised can be addressed through our existing policies as set out in the 2013 Aviation Policy Framework, or through more recent policy updates

such as the new UK Airspace Policy or National Air Quality Plan. **For the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes. It is right that decisions on the elements which impact local individuals such as noise and air quality should be considered through the appropriate planning process** and CAA airspace change process.

1.10 Further, local authorities have a duty to consult before granting any permission, approval, or consent. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their local environment and have their say on airport applications.

Local environmental impacts

1.22 **The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.**

1.23 For the majority of local environmental concerns, the government expects these to be taken into account as part of existing local planning application processes.

1.24 **As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.**

Policy statement

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.....**

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. We expect that applications to increase existing planning caps by fewer than 10 million passengers per annum (mppa) can be taken forward through local planning authorities under the Town and Country Planning Act 1990. 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.

1.29 **Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the**

development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. 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.'

A Green Future: Our 25 Year Plan to Improve the Environment November 2017 HMG

2.40 No reference is made to the Government's 25 Year Plan, which states:

*'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. **We must ensure that noise and light pollution are managed effectively.***

4.2 National planning and aviation policy conclusions

2.41 The first paragraph states that *'The NPPF does however recognise that in some cases, the benefits to one of the three objectives of sustainable development may give rise to consequential negative effects upon another. However, it might be considered that the wider need for the development and specific local circumstances may still justify a consent'*. The NPPF does not say this. What the NPPF does say is that the three objectives are interdependent and mutually supportive:

'8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):.....'

2.42 This section does not present an adequate representation of national policy and guidance. From the above it is clear that Government national policy and guidance:

- is supportive of aviation growth and the economic benefits it generates.
- is supportive of airports making best use of their existing runways but recognises that development can have negative local impacts, including on noise levels. As such proposals need to be judged on their individual merits taking careful account of economic and environmental impacts.
- there must be a fair balance between the economic benefits derived from the aviation sector and the negative impacts of noise for affected communities.
- managing increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.
- the UK must be more ambitious on environmental protection to ensure that growth is sustainable.
- industry must show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.
- development should contribute to and enhance the natural and local environment by preventing new and existing development from contributing or being

put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution.

- the overall noise policy objective is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise, but this is moving towards a new objective to limit and where possible reduce the total adverse effects on health and quality of life from aviation noise.
- the setting of noise caps on planning approvals should provide certainty over noise levels to communities.
- the 57dB LAeq 16 hour contour is the average noise level of daytime noise marking the approximate onset of significant community annoyance.
- people do not experience noise in an averaged manner and recommend that average noise contours should not be the only measure used to explain how locations under flight paths are affected by aircraft noise. Encouragement of the use of alternative measures.
- the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Government expects the industry to make extra efforts to reduce and mitigate noise from night flights.
- airport operators to offer acoustic insulation to noise-sensitive buildings exposed to levels of noisier of 63 dB LAeq or more. Where insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered. Government is moving towards lowering this threshold to 60dB LAeq 16hr.
- avoid significant adverse impacts on health and quality of life from noise, mitigate and minimise adverse impacts and where possible contribute to improvement of health and quality of life through effective management and control of noise.
- the Lowest Observed Adverse Effect Level should be taken to be 51 for day and 45 for night.
- increasing noise exposure will at some point cause the Significant Observed Adverse Effect Level (SOAEL) boundary to be crossed. Above this level the noise causes a material change in behaviour. The planning process should be used to avoid this effect occurring, by use of appropriate mitigation.
- For communities further away from airports that are not affected by LOAEL, metrics must include the overall number of overflights and number above metrics (N65 for daytime and N60 for night time).

4.3 The development plan

2.43 Given that the noise impacts of the Airport and of this planning application are felt much further afield than the administrative boundary of the LBC, the County Council would have expected the Planning Statement to have reviewed and summarised any relevant development plan policies in the wider sub region (Local Plans and Neighbourhood Plans). By way of example:

Stevenage Local Plan

'Policy FP7: Pollution

All development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Applications for development where pollution is suspected must contain sufficient information for the Council to make a full assessment of potential hazards and impacts.

Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on:

- a. The natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;*
- b. Health and safety of the public; and*
- c. The compliance with statutory environmental quality standards.*

13.41 *Air, water, light and noise pollution arising from new development can individually and cumulatively have a significantly damaging impact on the countryside, on peoples' living environment and on wildlife. Whilst lighting is desirable for safety, recreation and the enhancement of some buildings, inappropriate lighting can cause sky glow, glare and light spill and represents energy waste.*

13.42 *We will seek to ensure that levels of pollution are kept to a minimum and are acceptable to human health and safety, the environment and the amenity of adjacent or nearby land users. Environmental Health legislation regulates many forms of pollution, but it is clearly preferable to prevent conflict from new development arising in the first place. The weight given to each criterion will depend on the particular circumstances and relevant control authorities will be consulted as necessary.*

Policy FP8: Pollution sensitive uses

Planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Planning permission in areas having the potential to be affected by unacceptable levels of aircraft noise will be subject to conditions or planning obligations to ensure an adequate level of protection against noise impacts.

13.45 *Pollution sensitive uses, such as housing, schools and hospitals, should ideally be separated from pollution generating uses, such as industrial units and airports, wherever possible.*

13.46 *Stevenage is located in close proximity to London Luton Airport and is, therefore, affected by aircraft noise generated from it. The direction of the runway means that some planes fly over Stevenage to take off and land. However, national guidance defines the levels of noise experienced as being acceptable. An application has been granted for work to facilitate the growth of London Luton Airport. This would see the airport cater for up to 18 million passengers per annum before the end of our Local Plan period.*

13.47 *Noise contours identified in the London Luton Noise Action Plan, 2013 - 2018, extend in close proximity to the western extent of the proposed development west of Stevenage. Development in this area, particularly, will need to ensure that any noise impacts are mitigated.'*

Dacorum Core Strategy 25th September 2013

'Pollution and Waste Management

18.33 *The planning system plays a key role in the location and standard of development. Together with other consent regimes and processes, it can limit the*

impact of (and prevent) polluting emissions – i.e. noise, light, fumes, chemicals, noxious and hazardous substances and waste in general. Standards set nationally should continue to be achieved. When standards become more stringent, efforts must be made to enhance the quality of the air, water and/or soils.

18.34 In Dacorum special consideration needs to be given to:

- the quality of the groundwater supplying the chalk aquifer;*
- protecting the habitat and biodiversity of chalk streams;*
- the maintenance of higher quality agricultural areas and the sand and gravel belt;*
- limiting the effects of noise and air pollution along major routes (i.e. road, rail and aircraft from Luton Airport);*
- retaining tranquil parts of the Chilterns Area of Outstanding Natural Beauty and Boarscroft Vale; and*
- the risks associated with Buncefield Oil Terminal.*

18.35 The planning system has a role to play in the minimization of waste at or near source and in the disposal of household, commercial and construction waste. Unnecessary waste should be reduced and managed nearer to its source. To avoid unnecessary waste going to landfill sites, developers will be expected to avoid potentially polluting developments, the creation of additional waste, and the location of new development near existing sources of pollution. Where waste is unavoidable it will need to be transferred and managed. Waste recycling and management will be appropriate in many General Employment Areas. New facilities may be provided through the relocation of the existing Household Waste Recycling Centre and Waste Disposal Centre in East Hemel Hempstead.

.....

POLICY CS32: Air, Soil and Water Quality

Development will be required to help:

- (a) support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area;*
- (b) maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance; and*
- (c) improve water quality standards in line with the Water Framework Directive, Environment Agency and Natural England guidance.*

Any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Advice on the storage and handling of hazardous substances will be taken from the Health and Safety Executive.'

‘Policy SP19: Sites EL1, EL2 and EL3 – East of Luton

Land to the east of Luton, as shown on the Proposals Map, is allocated as a Strategic Housing Site for a new neighbourhood of approximately 2,100 homes.

Planning permission for residential-led development will be granted where the following site-specific measures requirements are met:

.....
j. Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces;
.....

4.224 The site is in close proximity to the Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path.

King’s Walden

Infrastructure and mitigation

13.180 Breachwood Green is located on the approach and departure flightpaths from Luton airport and any schemes will need to demonstrate that noise issues have been appropriately addressed and that internal noise levels within any new homes are within relevant guideline levels.

Policy D3: Protecting living conditions

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

9.19 All development has the potential to have an adverse impact on its neighbours, in a wide variety of ways. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.

9.22 There are two ways mitigation may occur. Either the development can incorporate measures to reduce the effect it has, or it can fund works off site to reduce the impact on those affected by it. This latter course of action may be appropriate for development such as the expansion of airfields, where there will inevitably be an increase in noise, but it may be possible to provide sound protection to those buildings affected by that noise.’

Noise and Vibration

5.47 Noise can have a detrimental effect on the environment and on quality of life. PPG 24 'Noise' provides guidance on the use of planning powers to minimise the adverse impact of noise. In accordance with that advice the Council will seek to ensure that noise-sensitive developments, such as housing, are separated from major sources of noise. It will also seek to ensure that new development with a potential for causing noise nuisance is sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472:1992 will be used to evaluate exposure to vibration in buildings. The Council has powers under Environmental Health legislation in respect of statutory noise nuisances.

5.48 In considering proposals for development the Council will take into account:

- Possible future increases in noise levels;
- That the introduction of noisy activities into some residential and rural areas can be especially disruptive because of their existing very low background noise levels;
- That intermittent sources of noise can be more disruptive than constant sources;
- That particular difficulties are posed by fast food restaurants, public houses, night clubs etc, both from noise generated within the establishments and by customers in the vicinity, traffic and parking, especially in view of their evening and late night activity;
- That whilst design measures such as orientation, layout and double-glazing can reduce noise levels within buildings, such measures are less effective in reducing the level of noise experienced in public or private amenity areas.'

Welwyn Hatfield District Plan 2005

'Policy R19 - Noise and Vibration Pollution

Proposals will be refused if the development is likely:

- i. *To generate unacceptable noise or vibration for other land uses; or*
- ii. *To be affected by unacceptable noise or vibration from other land uses.*

Planning permission will be granted where appropriate conditions may be imposed to ensure either:

- iii. *An adequate level of protection against noise or vibration; or*
- iv. *That the level of noise emitted can be controlled.*

Proposals should be in accordance with the Supplementary Design Guidance.'

The East Herts District Plan 2018

'24 Environmental Quality

24.1 Introduction

24.1.1 *The control of pollution is critical to achieving the District Plan's strategic objectives by promoting healthy lifestyles and an enhanced quality of life for residents*

and visitors to the district. Pollution control through development also plays a significant role in planning for climate change and working in harmony with the environment to conserve natural resources and increase biodiversity.

24.1.2 *Proposals for all types of development must therefore take into account nearby land uses to ensure that the right development is located in the right place across the district, in order to safeguard the quality of the environment. Policies relating to water quality and water pollution are contained within Chapter 23: Water.*

.....

24.3 Noise Pollution

24.3.1 *The impact of noise on the environment can be detrimental to health and quality of life. There is therefore a need to control the introduction of noise sources into the environment, as well as ensuring that new noise sensitive development is located away from existing sources of significant noise.....*

Policy EQ2 Noise Pollution

I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.

II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.

III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.'

London Luton Airport Development Brief September 2001

2.44 This Development Brief is out of date and is no longer listed by LBC as Supplementary Planning Guidance:

[https://www.luton.gov.uk/Environment/Planning/Planning%20applications%20\(Building%20Control\)/Planning%20application%20forms%20and%20validation%20guidance/Supplementary%20planning%20documents/Pages/default.aspx](https://www.luton.gov.uk/Environment/Planning/Planning%20applications%20(Building%20Control)/Planning%20application%20forms%20and%20validation%20guidance/Supplementary%20planning%20documents/Pages/default.aspx)

2.45 Nevertheless, some of the more relevant aspects of the Brief not included in the Planning Statement include:

'Non-Technical Summary

.....

Growth in business at LLA will assist the economy of the Luton and Dunstable conurbation which is one of the South East's Priority Areas for Economic Regeneration.

.....

Current Government policy on airports **supports demand-led growth within acceptable environmental limits**. This policy is now under review. Various options for addressing airport development in the South East and throughout the country are under consideration.

Within the Brief LLAOL advocates a "capacity approach" to environmental management, which allows the company greater flexibility and creativity in meeting the agreed thresholds than controls on passenger throughput. That system is essentially the method in operation with the current Phase 1 developments and LLAOL believes that this approach will foster development of the airport in a manner that combines economic and social benefits, with environmental responsibility.

The London Luton Airport Development Brief outlines a future form for the airport in which the benefits of its **future expansion can be shared between the operating company, the local community, and the travelling public, in an environmentally responsible manner**.

8.6 Airports are major generators of local employment and wealth, and **growing airports impact positively by providing more jobs, greater economic growth**, and continued local investment and partnership.

8.7 **Airports also bring with them a number of other environmental and community impacts**, including impacts on water, air and soil quality; noise; local transport system; landscape and ecology, and demand on utilities. In general, growing airports are likely to cause growing impacts, although the rate of growth of each impact will differ.

8.16 Since LLA is located very close to a major conurbation, **aircraft noise and its impact on local communities has been, and will continue to be, the most significant environmental impact**. Of rising importance are the issues of surface transport; air quality; and ecology. Improvements to these aspects, plus waste and energy management, emissions to water, air and land, and chemicals handling, are targeted within the LLAOL Environmental Management System (EMS) summarised later.

8.42 The most useful policy element on sustainable development for the Brief is contained in the World Bank definition of 1991, where it is stated that the **rate of pollution emission should not exceed the assimilative capacity of the environment**.

8.43 This then relates to the previous section on environmental capacity; **the non-excedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved**.

8.58 **Sustainable airport development can be attained by the non-excedence of agreed limits on environmental capacity (under the World Bank definition); and**

by balancing economic, social and environmental considerations (UK Government strategy for sustainable development).

ENVIRONMENTAL CAPACITY

9.21 The principle of Environmental Capacity is explored in Chapter 8 above and is specifically detailed in terms of noise issues in Appendix B.

9.22 The concept that **noise is an issue in terms of sustainable development** is being addressed by the Government's Round Table on Sustainability, **as one of the environmental concerns that must be considered in balancing the economic, social and environmental effects of development. This suggests that in creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result.**

9.23 The principle being adopted by LLAOL is that seeking this balance will be one of the key criteria that will provide the framework for any ES to accompany a future planning application.'

9.24 The ES to accompany the future planning application will fully assess noise impact of both ground and air activities.

9.25 In terms of air noise it is anticipated that LLAOL will use the INM model and, following Government criteria together with 'best practice' that has arisen from the Heathrow and Manchester proposals, the assessment will:

9.25.1 develop day and night noise contours for air traffic using both easterly and westerly modes;

9.25.2 enable comparison with both the 1984 noise levels and the relevant current (baseline) levels; and

9.25.3 assess the impact at specific locations to be agreed with the local authorities.

9.26 Full use would be made of the data obtained from the fixed and mobile monitors to assist with the assessment process.

9.27 The use of potential mitigation measures for all forms of noise impacts will be considered in relation to the specific forecast noise impact. **Appropriate measures will be proposed directed at addressing any predicted significant impact whilst taking into account the principles of sustainability.**

**London Luton Airport Operations Limited Revised Masterplan document
Consultation prior to submission of planning application - London's local
airport – September 2012**

2.46 No reference is made within the Planning Statement to the latest up to date masterplan for the Airport dated September 2012. This was the framework within which the original planning application was made and consent granted. The Noise and Vibration section of the masterplan is particularly relevant.

'Noise and vibration

9.27 The management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be. The Airport's approach to noise management was recently reviewed, and led to the production of the Luton Airport Noise Action Plan 2010-2015 (NAP), which was approved by the DfT and Defra. In its recent consultation on airport development, LLAOL made clear that the 55 action items identified in the approved NAP should be developed and supplemented to address "possible" future noise impacts. The NAP therefore forms the first part of the approach to noise management contained in this revised masterplan and will be reviewed on a five yearly cycle. However, LLAOL has identified six new initiatives all designed to supplement the content of the NAP with the intention of both reducing and mitigating airport related noise. These initiatives also respond to the consultation undertaken in Spring 2012 and are described below.

9.28 A key issue for LLAOL is to minimise and manage all noise but in particular night noise. Future aircraft operations are likely to be inherently less noisy as a result of re-engining of the fleet at Luton, in particular the Boeing 737 and Airbus A320 family of aircraft. However, the timing of these changes is not certain. As a result, LLAOL seeks to deliver improvements that will be effective regardless of fleet mix. Figure 9.4 highlights certain current NAP actions, and those supplementary measures (in italics) we now propose, which are related to the planning application to grow the Airport to accommodate 18 mppa.

9.29 The development and inclusion of supplementary measures, are proposed in order to minimise noise impact from the proposed growth of the Airport. The measures will be subject to regular review such that future changes can be incorporated if found beneficial. It is anticipated that the measures will be incorporated into conditions and/or a section 106 agreement associated with the grant of any planning permission.

9.30 Together these measures constitute a robust and comprehensive approach, responding to the government's clearly stated objective of achieving tougher noise management regimes at airports.'

Noise Action Plan 2019-2023

2.47 No reference is made within the Planning Statement to the Noise Action Plan for the Airport, which has been approved by DEFRA. Particularly relevant extracts from the Noise Action Plan include:

'London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts. This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon it's established approach to the proactive management of aircraft noise in and around the airport.'

'Framework for Noise Management

*Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also shares in the success of the airport. **At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise.***

*Once the current development is complete, LLA will contribute £1.4billion per year to the local economy and £2.3billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. **But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.***

*'.....This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. **It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.***

'Action ref 3.4 We will operate within our agreed contour area limits'

'KP3 Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.'

4.4 Development plan conclusion

2.48 The Planning Statement presents a poor reflection of the conclusions that should be reached from analysis of the development plan and local documents associated with it/of relevance.

2.49 The Luton Local Plan supports the safeguarding of LLA's existing operations and its sustainable growth over the Plan period based on its strategic importance in support of Luton's important sub-regional role, subject to a range of criteria, the most relevant of which are:

- that they are directly related to the use of the Airport.
- must comply with national policy.
- are in accordance with an up-to-date masterplan published and adopted by LBC.
- would not adversely affect the amenities of surrounding occupiers or the local environment.
- achieve further reduction or no increase in day or night time noise in accordance with any imposed planning condition or otherwise cause excessive noise and be in accordance with the Airport's most recent Noise Action Plan.

- include noise control, monitoring and management scheme that ensures the current and future operations are fully in accordance with the policies of the Local Plan and planning permission.
- include proposals which will over time result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents through measures to include fleet modernisation.

2.50 In addition the Luton Local Plan requires proposals to demonstrate they will not result in significant adverse effects, including noise, on neighbouring development.

2.51 Relevant policies in adjoining local plans seek to minimise and protect the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

2.52 The masterplan for the Airport stresses that the management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be. The key issue is to minimise and manage all noise, but in particular night noise.

2.53 The NAP approved by DEFRA contains specific commitments to operate within agreed contour area limits and to limit and where possible reduce the population within the night time contour over the course of the plan.

5.6 Economic Impacts

Economic contributions/Passenger forecasts

2.54 This analysis simply repeats generic economic statements at a strategic level and are of very little relevance to this planning application.

Economic impacts of no variation

2.55 No evidence is presented that the original economic benefits of the planning application as assessed and judged when planning permission was granted will not be forthcoming. It must therefore be assumed that all these economic gains will ultimately materialise.

2.56 The alleged economic disbenefits presented are the direct consequence of irresponsible management of the operations of the Airport and are not robustly quantified.

6. Section 106 deed of variation

2.57 For the reasons set out in paragraph 4.5 the proposed sound insulation mitigation is entirely insufficient in its scale and completely ineffective in mitigating against the significant impacts arising.

7. Planning balance/8. Conclusion

2.58 For the reasons set out in section 4, the alleged planning balance and conclusion set out in these sections is considered to be inadequate and wrong.

3. The Planning Application - The Environmental Statement (ES)

3.1 The ES states that:

2.2 Consideration of alternatives

'Alternatives to varying Condition 1 have not been considered as part of this assessment. A 'do-nothing' scenario would mean that the airport operates in line with the 2012 consented scheme, already assessed within the 2012 ES but would result in either an unacceptable economic impact resulting from restrictions that would be placed on operators or repeated breaches of Condition 10.

Only where alternatives have been considered do they need to be assessed. As no reasonable alternatives to the proposed variation to Condition 10 have been considered by the Client, this ES is compliant with the requirements relating to alternatives under the EIA Regulation.'

3.2 The County Council is of the view that the applicant should indeed have considered at least one obvious reasonable alternative – one involving the applicant reversing its irresponsible behaviour and scaling back its operations to a point that would bring it within the terms of the planning consent, not breaching Condition 10. Had this reasonable alternative been considered and assessed, it would have been possible for the ES to have assessed that alternative and meaningfully compared it with the proposal the subject of this planning application.

3.3 Without this alternative the ES fails to present a picture of the socio-economic consequences of restricting operations.

3.4 *'...but would result in either an unacceptable economic impact resulting from restrictions.....'* - without an assessment of the economic consequences of continuing with the present restrictions compared to the economic benefits of approval of this application it is impossible for the applicant to claim that there will be an *'unacceptable economic impact'* or for the decision maker to assess whether there will be. Moreover, only when armed with this information can the local planning authority itself reach any reasonable conclusion.

5. Legislative and policy overview

3.5 For the reasons set out in section 2 the planning context for the planning application is inadequate.

6. Topics Scoped-out of Further Assessment

6.8 Traffic and transport

3.6 It is true that this planning application does not introduce any additional total vehicular movements on the highways network in addition to those assessed as part of the original planning application and the mitigation measures introduced into the planning consent. However, the applicant should also be required to present a rationale (and evidence if necessary) for why the enhanced rate in growth of the Airport

in excess of that assumed when the original planning permission was granted does not impact upon the original surface access assessment and mitigations secured.

Section 7. Noise

3.7 The County Council welcomes the advice secured by LBC with regard to the noise implications of the proposal and the analysis provided and conclusions reached. The County Council broadly supports the findings of that advice.

Mitigation Hierarchy

3.8 The Environmental Statement should have considered more explicitly as a matter of standard practice, the mitigation hierarchy, namely ensuring that the key focus of mitigation actions are on:

- preventative measures that avoid the occurrence of environmental impacts and thus avoid harm or even produce positive outcomes.
- measures that focus on managing the severity and the duration of the impacts.
- compensatory mitigation of those impacts that are unavoidable and cannot be reduced further.

3.9 It is unclear if or how this hierarchy has been deployed in order to minimise the extent of the breach of condition 10 now proposed. It is also unclear as to how the compensatory mitigation (an additional for noise insulation £100,000) has been arrived and whether this will be sufficient.

4. The County Council's position

4.1 The planning application focusses on two main planning issues that need to be accounted for in coming to a view on the planning application – economic and noise. The County Council would agree with this – they are two key themes running through policy and guidance at both local and national level. Given their fundamental importance in the interpretation of policy in determining this application, the County Council's position is as follows:

Economy

4.2 The County Council is of the view that:

- the economic benefits associated with the original planning application were a key consideration in the decision to grant planning permission for the growth of the Airport.
- the application does not contain any evidence to indicate that the economic benefits originally envisaged will not materialise were this planning application to vary condition 10 refused. It must therefore be assumed these will still be forthcoming.
- the application suggests that there will be adverse economic consequences were permission not to be granted for a variation of Condition 10. But these economic consequences are generic in nature, not robustly quantified or evidenced, and in part appear to amount to the applicant having had a discussion with businesses operating at the Airport. Neither the Planning or the Environmental Statement robustly quantify the economic implications of:
 - scaling back operations to remedy the breach.
 - managing future operations to ensure no further breach occurs.
 - allowing the Airport to vary condition 10.
- any economic consequences of refusal of the planning application would be the direct responsibility of the failure of the applicant to manage the operation of the Airport in accordance with the terms of the planning consent.
- the applicant makes a rather sweeping claim that the economic benefits can compensate for the health effects of increased noise as '*the continued economic benefits to the local communities that the airport would generate if the proposal were approved would bring health benefits in themselves through improved lifestyles and living conditions.*' This is very high level and unevidenced.
- the Airport will have operated in the full knowledge that remedying breaches in in planning control would have economic consequences, and will presumably have fully accounted for this in its forward-looking financial planning/business management.

4.3 The County Council is strongly of the view that the 'case' presented in relation to the economic benefits of the proposal (or the economic disbenefits of regularising the breach of planning control) have not been robustly assessed and cannot be relied upon in any way as a justification for overriding the significant environmental consequences of the proposal. A proper robust economic impact assessment is required which should look at the impact of approval as against refusal on the basis usual economic indicators including job creation and GVA generated by the Airport during the years where the restriction could limit ATMs, etc.

Noise

4.4 The County Council welcomes the commissioning by the LPA of expert specialist aviation noise advice to assist it in coming to a suitably informed position on the planning application. The County Council is broadly supportive of these findings, which in summary are:

'We therefore believe that the noise assessment reported in the ES is inadequate in that it does not provide a sufficient description of the adverse effects likely to arise and offers no effective means of mitigating significant adverse effects.'

We reach this view in the context of the government's policy regarding the use of noise envelopes, namely that they give local communities certainty about the levels of noise they can expect in the future. That certainty has clearly vanished given that breaches of the night-time noise envelope have already occurred, and this application now seeks to formalise a position whereby breaches are effectively permitted for a number of years.

In supporting such an application, we would expect the ES to clearly describe the full implications of the noise changes. It should then go on to set out what practical and effective measures can be implemented to mitigate or compensate for noise levels that are higher than the affected community had a right to expect. In our opinion it fails to deliver on either of these counts. Instead it gives the impression that since predicted noise level changes are small, and people in the surrounding areas will therefore hardly notice, minor tweaks to operational controls and a completely ineffective change to the sound insulation grant scheme are all that are required to make it acceptable.

We do not consider that to be an adequate position given that the application tests the robustness of an important strand of government policy on aviation noise.'

4.5 Specifically, in relation to effects and mitigation the findings are:

Residential receptors

- during daytime the proposal would increase the number of dwellings exposed to noise levels above LOAEL constituting a likely adverse effect by 5,760 and 213 dwellings exposed to noise levels above SOAEL constituting a likely significant adverse effect.
- during night-time the proposal would increase the number of dwellings exposed to noise levels above LOAEL constituting a likely adverse effect by 5,893 and 470 dwellings exposed to noise levels above SOAEL constituting a likely significant adverse effect (but these figures could actually be 6,388 and 1,047 respectively).
- during the daytime the N65 contour at all values (25, 50, 100 and 200) would encompass a substantially increased number of dwellings with the value at 200 events increasing by 15,300%. No intelligence is provided on what this means, who is affected and what can be done about it.
- during the night dwellings are only affected at N60 values of 25 and 50 events, very substantial increases would arise.
- it is unacceptable to present such limited information about the N60 and N65 noise metric that can provide an important insight into the likely effects of the proposed changes. It is even more unacceptable to undertake no analysis and provide no commentary whatsoever on the implications of these changes.

Non-residential receptors

- the assessment of non-residential noise sensitive receptors is incoherent and cannot be accepted – it confuses impact for effect, no reference is made to the thresholds for significant effects and fails to anywhere near adequately identify receptors by type or assess them against assessment criteria.

Mitigation

Greater than SOAEL

- no changes are proposed to the existing Sound Insulation Grant Scheme (SIGS) beyond the enhanced contribution to funding of £100,000 per annum.
- the proposition that the existing SIGS with enhanced funding is sufficient to address the assessed significant adverse effects is fundamentally flawed.
- for daytime, the total cost of applying SIGS to all of the 213 dwellings newly exposed to SOAEL would cost £639,000 (higher when index linked). At a funding rate of £200,000 per annum it would take 3 years and 2 months to insulate all newly eligible properties.
- for night-time the situation is materially worse. The total cost of applying SIGS to all of the 1,047 dwellings newly exposed to SOAEL would cost £3,141,000 (higher when index linked). At a funding rate of £200,000 per annum it would take 15 years and 8 months to insulate all newly eligible properties.
- the enhanced funding proposed to protect dwellings affected will not be available by summer operations this year. Only if funds of more than £3 million had been made available in time to ensure that all residences newly affected by noise above the night-time SOAEL could have had sound insulation installed in advance of summer 2019 would SIGS have been a viable response to the forecast significant effects.

Greater than LOAEL

- the mitigation proposals to address the substantial numbers of people affected by aircraft noise above LOAEL do not appear to introduce anything substantive in addition to existing commitments/requirement.

4.6 The specialist noise advice to LBC does not comment upon the applicant's view:

‘.....The proposed variation would.....cause an additional 470 dwellings to be within the SOAEL area than at present.....In effect, the noise increase requested would comprise an increase of 1dB, which is unlikely to be distinguishable.....’

‘.....the effect of moving properties from one noise threshold to another, whilst accepting that the new threshold is significant, would in practice result in a 1dB change in their day to day experience of noise.’

‘whilst the change in noise levels may have some effects on human health, the impact is reported to be slight-moderate and measures to mitigate the impact are being provided.’

4.7 The County Council is of the view that whilst it may well be true that it is not possible to distinguish a 1db change in noise levels, this is of little relevance. What is relevant is that the increase results in individuals/communities being subjected to significant adverse noise impacts and that those generate health impacts up to moderately significant. Also, communities do not hear in averages, they perceive the peak noise of individual flights and numbers of flights. The adverse noise and health impacts cannot be mitigated for the reasons set out by LBC's noise advisers. In the absence of effective mitigation, potentially significant adverse health impacts arise.

4.8 Given this the County Council is strongly of the view that:

- the application is fundamentally flawed in its assessment of the noise impacts of the proposal.
- on the basis of evidence currently available, the scale of noise and health impacts on individuals/communities is totally unacceptable.
- the application fails to introduce any practical and effective mitigation against adverse noise and health impacts and is unable to do so.

The development plan and material considerations

4.9 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise [section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004].

Development Plan

4.10 The development plan for this planning application is predominantly the Luton Local Plan 2011-2031 dated November 2017. This is the key policy context against which this planning application needs to be assessed. The development plan making up the wider sub-region over which the proposal would have impacts is also relevant.

Material considerations:

4.11 Material considerations are likely to include:

- National Planning Policy Framework
- Aviation Policy Framework
- National Planning Practice Guidance
- Aviation 2050: The Future of UK Aviation
- Beyond the Horizon The future of UK Aviation Making best use of existing runways
- Airports National Policy Statement
- A Green Future: Our 25 Year Plan to Improve the Environment
- Noise Policy Statement for England
- Air Navigation Guidance
- London Luton Airport Development Brief
- London Luton Airport Operations Limited Revised Masterplan

- Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport

Development Plan

Luton Local Plan

Policy LLP6 - London Luton Airport Strategic Allocation

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

- i. they are directly related to airport use or development;

4.12 The proposal is related to use of the Airport.

- ii. they contribute to achieving national aviation policies;

4.13 For the reasons set out below in relation to compliance with national policy, the application is not consistent with LLP6 B. ii).

- iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;

4.14 The up-to-date Airport Master Plan has not been adopted by the Borough Council. Policy LLP6 B. iii) is not relevant.

- iv. do not result in a significant increase in Air Transport Movements that would adversely affect the amenities of surrounding occupiers or the local environment (in terms of noise, disturbance, air quality and climate change impacts);

4.15 The proposal does not seek to increase Air Transport Movements above those contained within the extant planning permission. It does, however, seek to remedy a breach of planning control brought about by a significant rate of increase in Air Transport Movements in excess of those assumed when permission was granted. For the reasons set out in paragraphs 4.4-4.7 above this has resulted in the amenity of surrounding occupiers and the local environment being adversely affected. The proposal is contrary to LLP6 B. iv).

- v. Achieve further noise reduction or no increase in day or night time noise in accordance with any imposed planning condition 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;

4.16 The proposal is in contradiction to condition 10 of the planning consent in that it will not achieve a reduction in day or night time noise and proposes to increase it.

The proposal is not in accordance with the Airport's most recent Airport Noise Action Plan (it is fundamentally at odds with Action ref 3.4 and KP3).

4.17 The application is contrary to LLP6 B. v).

vi. 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:

4.18 A noise control, monitoring and management scheme was put in place by the original planning consent (as amended). The planning application is designed to seek to remedy an historic, existing and anticipated future breach of a condition attached to the planning permission. As a consequence the planning application is contrary to LLP6 B. vi.

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

4.19 The application is designed to seek to remedy an historic, existing and anticipated future breach of a condition attached to the planning permission. It will not result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents and users of sensitive premises. The planning application is contrary to LLP6 B vii).

viii.

4.20 not relevant.

ix.

4.21 not relevant.

4.22 The proposal does not meet **all** LLP6 B policy criteria. The proposal is not in accord with the key Development Plan policy applying to this proposal.

'Policy LLP38

Policy approach

11.62 Government policy requires development plans to include policies to minimise waste and pollution (NPPF paragraph 7, bullet 3 and paragraph 17, bullet 7).

11.63 The planning authority should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (NPPF paragraph 109).'

4.23 For the reasons set out in paragraph 4.4-4.7, the application is considered to be in conflict with Policy LLP38 due to existing development being put at an

unacceptable risk from and being adversely affected by unacceptable levels of noise pollution.

‘Policy LLP38 - Pollution and Contamination Pollution

Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.’

4.24 For the reasons set out in paragraph 4.4-4.7, the planning application will have a significant adverse impact on neighbouring development and the wider environment and does not contain proposals for appropriate mitigation. The application is in conflict with Policy LLP38 of the adopted Luton Local Plan.

‘Economic Strategy

Strategic Objectives

Strategic Objective 1: *Retain and enhance Luton’s important sub-regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport’s existing operations and to support the airport’s sustainable growth over the Plan period based on its strategic importance.*

Strategic Objective 2: *To utilise Luton’s economic, social and environmental resources efficiently and sustainably including appropriate mitigation within the limited physical land capacity of the borough whilst ensuring the permanence of the Green Belt.*

5.7 The development of, and improved access to, the London Luton Airport Strategic Allocation, which includes Century Park, is needed to serve aviation engineering, business and logistics related growth and some small scale B2 accommodation for local businesses.

Policy LLP13: Economic Strategy

A. Planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region Jobs will be generated through business and industry development on strategic employment allocations,..... The strategic allocations for delivery are:

.....

ii. London Luton Airport (Century Park): mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use (see Policy LLP6);.....’

4.25 Whilst the application is not in conflict with Policy LLP13, neither does the policy provide sufficient justification for the application, for the following reasons:

- the contribution that growth at the Airport to 18mppa was a key consideration in determining the original planning application.

- this planning application is not required to achieve the economic benefits of growth to 18 mppa anticipated when the original planning application was approved.
- the economic consequences of the restricting the Airport's operations to bring it in line with the planning consent have not been properly quantified to a sufficiently robust degree for these to be used by the LPA as justification to overcome environmental and health disbenefits/impacts.

The Development Plan of adjoining districts

4.26 As highlighted in paragraph 2.43, relevant policies in adjoining existing and emerging local plans seek to minimise and protect the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

4.27 For the reasons set out in paragraph 4.4-4.7, the planning application is considered not to be compatible with the thrust of the development plan of adjoining areas.

National Policy and Guidance

National Planning Policy Framework

Presumption in favour of sustainable development

4.28 Criteria a and b of the presumption in favour of sustainable development relate to plan-making and criteria d) relates to circumstances in which there is not an up to date development plan in place or where policies are out of date, neither of which apply in this case. Only criteria c), requiring approval of development proposals without delay where they accord with an up-to-date development plan is of relevance to this planning application. For the reasons set out above in paragraphs 4.12-4.27 this planning application is not in accordance with the development plan.

4.29 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

‘
 e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and.....*’

4.30 For the reasons set out in paragraphs 4.4-4.7, this proposal would not prevent development from contributing to existing development being put at unacceptable risk from or being adversely affected by noise pollution, nor would it improve local environmental conditions.

4.31 Paragraph 180 states that planning decisions should ensure that new development is *‘appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

‘a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;’

4.32 For the reasons set out in paragraphs 4.4-4.7 this proposal is not appropriate for its location as a consequence of its impact on pollution and health and living conditions. It does not and cannot successfully mitigate against adverse noise impacts. The proposal does not seek to reduce to a minimum potential adverse impacts because it requests an extended day time noise contour even though there is no forecast future breach.

Aviation Policy Framework (APF)

4.33 At paragraph 3.3 the APF states:

‘3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.’

4.34 For the reasons set out in paragraphs 4.2-4.3 the alleged economic benefits of allowing this proposal have not been robustly quantified and any disbenefits of refusal of planning permission would only be temporary. There is no robust economic case for this proposal.

4.35 This proposal does not propose to reduce noise – the opposite in fact.

4.36 This proposal does not and cannot mitigate against noise impacts created by it.

4.37 At paragraph 3.12 the APF states:

3.12 The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.

4.38 This proposal seeks to increase the number of people significantly affected by aircraft noise at the Airport. As a consequence the Airport is not contributing to a national policy objective to reduce the number of people in the UK significantly affected by aircraft noise.

4.39 Paragraph 3.19 of the APF states:

3.19 *Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.*

4.40 For the reasons set out in paragraphs 4.4-4.7 this planning application fails to present evidence on a range of measures alternative to LAeq noise contours to ensure a better understanding of noise impacts to inform the development of targeted noise mitigation measures.

4.41 At paragraph 3.24 the APF states:

‘3.24 The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.’

4.42 For the reasons set out in paragraphs 4.4-4.7 this proposal fails to identify proportionate mitigation for the scale of the noise problem created and the numbers of people affected.

4.43 At paragraphs 3.37-3.41 the APF states:

‘3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

.....’

4.44 For the reasons set out in paragraphs 4.4-4.7 this proposal does not and cannot compensate impacted communities in the form of insulation.

National Planning Practice Guidance (NPPG)

4.45 Amongst other matters, NPPG states:

‘Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

.....

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

.....

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

.....

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

.....

In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.

.....

.....In general, for noise making developments, there are 4 broad types of mitigation:

.....

- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.'*

4.46 This proposal does not introduce any additional mitigation measures for those newly subjected to LOAEL and is unable to avoid the Airport crossing the SOAEL threshold and cannot provide effective mitigation. The application is unacceptable for the reasons set out in paragraphs 4.4-4.7.

Aviation 2050: The Future of UK Aviation (A2050)

4.47 At paragraph 1.21 A2050 states:

'1.21 This is why the government is supportive of the development of a third runway at Heathrow Airport..... It is also supportive of airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts.'

4.48 For the reasons set out in paragraphs 4.4-4.7, this proposal does not and cannot adequately manage environmental and community impacts.

4.49 At paragraph 1.33, 1.35 and 3.112 A2050 states:

'1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.

1.35 This is the motivation behind a new Aviation Strategy which will:

.....

- **ensure that aviation can grow sustainably** – moving beyond an artificial 'choice' between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts
- **support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country
-

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.....'

4.50 The County Council believes that a partnership was entered into when the original planning permission was granted which balanced the economic benefits of growth with the impacts upon communities and the environment. For the reasons set out in paragraphs 4.4-4.7 this proposal betrays that partnership. It cannot be considered to rise to Government expectations for the industry to commit to noise reduction and mitigation.

4.51 At paragraphs 3.114 and 3.115 A2050 state:

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible.

3.115 The proposed new measures are:

- setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017.*
- routinely setting noise caps as part of planning approvals (for increase in passengers or flights). The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology.*
.....'

4.52 For the reasons set out in paragraphs 4.4-4.7 this proposal is not consistent with Government intentions to put in place a stronger and clearer framework where industry reduces noise/puts in place mitigation measures where reductions are not possible. The original planning consent put in place appropriate limits to restrict adverse effects on health and quality of life from aviation noise. The noise contour restrictions put in place in the original planning consent are consistent with Government expectations that noise caps are set as part of planning approvals to balance noise and growth and to provide future certainty over noise levels to communities. This proposal seeks to increase limits and take away certainty to communities achieved by the original planning consent. The proposal is not consistent with paragraphs 3.114 and 3.115 of A2050 and is considered to be unacceptable for the reasons set out in paragraphs 4.4-4.7.

4.53 Paragraphs 3.121 and 3.122 of A2050 state:

'3.121 The government is also:

proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance

3.122 Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:

- *to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr*
- *to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up*
- *the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency*
- *for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation'*

4.54 For the reasons set out in paragraphs 4.4-4.7 the noise insulation mitigation package presented in the proposal is inadequate and ineffective. The ES takes the level of 63dB LAeq, 16hr as a suitable value for the SOAEL for the assessment of likely significant adverse effects. This is based on paragraphs 3.37-3.39 of the APF and is the level at which the Government expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals and residential properties exposed to levels of noise of 63 dB LAeq, 16h or more. A2050 proposes to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr and sees this as '*an important element in giving impacted communities a fair deal*'. The County Council is of the view that the planning application should also have used the 60dB LAeq 16hr as an alternative suitable value for SOAEL for the assessment of likely significant adverse effects as it represents an indication of where Government currently stands on protection of communities in terms of mitigation.

4.55 At paragraph 4.3 A2050 states:

'Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

4.56 For the reasons set out in paragraphs 4.2-4.3 the potential adverse economic impacts of this proposal have not been robustly assessed, if they exist are considered to be temporary and have arisen as a consequence of the Airport failing to responsibly manage its operations. The adverse environmental impacts are considered to be unacceptable for the reasons set out in 4.4-4.7.

Beyond the Horizon The future of UK Aviation Making best use of existing runways (MBUER) June 2018

4.57 Paragraphs 1.22 and 1.24 of MBUER state:

'Local environmental impacts

1.22 The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing

runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.

1.24 As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.'

4.58 For the reasons set out in paragraphs 4.2-4.3, the economic benefits to be shared on growth of the Airport were assessed when permission was granted and those economic benefits are assumed to continue to be forthcoming. Adverse impacts were also assessed when permission was granted and mitigation put in place. This proposal seeks to increase adverse noise impacts and does not and cannot bring forward meaningful effective mitigation.

4.59 At paragraph 1.29 MBUER states:

'1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. 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.'

4.60 The economic benefits of growth in the Airport were assessed and accepted when planning permission was granted. These economic benefits will continue to come forward as anticipated. There is no economic case to override the environmental impacts for the reasons set out in paragraphs 4.2-4.3.

Airports National Policy Statement (ANPS)

4.61 The ANPS states:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.'

Noise

Introduction

5.44 *The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.*

5.45 *Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.*

Decision making

5.67 *The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.*

5.68 *Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:*

- *Avoid significant adverse impacts on health and quality of life from noise;*
- *Mitigate and minimise adverse impacts on health and quality of life from noise;*
- *and*
- *Where possible, contribute to improvements to health and quality of life.'*

4.62 For the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

A Green Future: Our 25 Year Plan to Improve the Environment

4.63 The 25 year Plan states:

*'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. **We must ensure that noise and light pollution are managed effectively.***

4.64 For the reasons set out in paragraphs 4.4-4.7 the proposal would not ensure that noise pollution is effectively managed.

Noise Policy Statement for England (NPSE)

4.65 The NPSE states:

'Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

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

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

4.66 For the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Air Navigation Guidance 2017 (ANG)

4.67 One of the four key objectives of ANG is to:

‘ emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.’

4.68 For the reasons set out in paragraphs 4.4-4.7 this proposal does not and cannot mitigate against the environmental impact.

4.69 ANG goes on to state:

‘Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government’s three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis. As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise. The CAA’s overflights metric is a means of portraying those locations where residents will experience being overflowed. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

4. Detailed Management of aircraft noise: guidance for airports, airlines and air navigation service providers and CAA in respect of CAA’s noise management function

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.'

4.70 For the reasons set out in paragraphs 4.4-4.7 this proposal would have significant and unacceptable adverse noise impacts upon communities. This does not represent a fair balance between the economic benefits and the negative impacts of noise.

London Luton Airport Development Brief September 2001 (LLADB)

4.71 The LLADB does not feature on the LBC list of Supplementary Planning Guidance, though it appears from the LBC Regulation 25 request that it has not been revoked. The adopted Luton local Plan makes no reference to the Development Brief and instead refers to '*This is supported by Policy LLP6, which includes criteria to allow additional proposals to be considered in accordance with the most up-to-date Master Plan (i.e. that Master Plan which is applicable at the time of determining any planning application)*'. The County Council is of the view that the Development Brief can only be considered to carry limited weight in decision-making given its age and that it has been superseded by the London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012.

4.72 Nevertheless, some of the more relevant aspects of the Brief are highlighted in paragraph 2.45. Of particular relevance to this planning application are the following extracts:

Within the Brief LLAOL advocates a "capacity approach" to environmental management, which allows the company greater flexibility and creativity in meeting the agreed thresholds than controls on passenger throughput. That system is essentially the method in operation with the current Phase 1 developments and LLAOL believes that this approach will foster development of the airport in a manner that combines economic and social benefits, with environmental responsibility.

The London Luton Airport Development Brief outlines a future form for the airport in which the benefits of its future expansion can be shared between the operating company, the local community, and the travelling public, in an environmentally responsible manner.

8.6 Airports are major generators of local employment and wealth, and growing airports impact positively by providing more jobs, greater economic growth, and continued local investment and partnership.

8.16 Since LLA is located very close to a major conurbation, aircraft noise and its impact on local communities has been, and will continue to be, the most significant environmental impact. Of rising importance are the issues of surface transport; air quality; and ecology. Improvements to these aspects, plus waste and energy

management, emissions to water, air and land, and chemicals handling, are targeted within the LLAOL Environmental Management System (EMS) summarised later.

8.42 The most useful policy element on sustainable development for the Brief is contained in the World Bank definition of 1991, where it is stated that the rate of pollution emission should not exceed the assimilative capacity of the environment.

8.43 This then relates to the previous section on environmental capacity; the non-exceedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved.

8.58 Sustainable airport development can be attained by the non-exceedence of agreed limits on environmental capacity (under the World Bank definition); and by balancing economic, social and environmental considerations (UK Government strategy for sustainable development).

ENVIRONMENTAL CAPACITY

9.21 The principle of Environmental Capacity is explored in Chapter 8 above and is specifically detailed in terms of noise issues in Appendix B.

9.22 The concept that noise is an issue in terms of sustainable development is being addressed by the Government's Round Table on Sustainability, as one of the environmental concerns that must be considered in balancing the economic, social and environmental effects of development. This suggests that in creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result.

9.23 The principle being adopted by LLAOL is that seeking this balance will be one of the key criteria that will provide the framework for any ES to accompany a future planning application.'

9.27 The use of potential mitigation measures for all forms of noise impacts will be considered in relation to the specific forecast noise impact. Appropriate measures will be proposed directed at addressing any predicted significant impact whilst taking into account the principles of sustainability.'

4.73 The Brief recognises the economic and social benefits of the Airport and its growth. For the reasons set out in paragraphs 4.2-4.3 the potential adverse economic impacts of this proposal have not been robustly assessed, if they exist are considered to be temporary and have arisen as a consequence of the Airport failing to responsibly manage its operations.

4.74 In terms of 'sustainable development the environmental concerns that must be considered in balancing the economic, social and environmental effects of development..... creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result – that 'balance' and 'environmental burden' was established when the original consent was granted. For the reasons set out in paragraphs 4.4-4.7 this proposal would have significant and unacceptable adverse noise impacts upon communities – the environmental burden is unacceptable and would introduce an imbalance in the 'balancing the economic, social and environmental effects of development'.

4.75 In terms of *'the non-excedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved'* the noise contours attached to the original consent represent a key element of the *'agreed limits'* attached to the original planning consent. The Brief sees the *'non-excedence'* of limits as one of the components of sustainable development. This planning application proposes to exceed agreed limits and for the reasons set out in paragraphs 4.4-4.7 would have significant and unacceptable adverse noise and health impacts upon communities. It is therefore not consistent the definition of sustainable development within the Brief.

4.76 In terms of introducing *'Appropriate measures directed at addressing any predicted significant impact.....'*, for the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse noise impacts, up to moderate health impacts and cannot effectively mitigate/minimise these impacts. In the absence of effective mitigation, the health impacts potential rise to likely significant adverse health impact.

**London Luton Airport Operations Limited Revised Masterplan document
Consultation prior to submission of planning application - London's local
airport – September 2012 (AMP)**

4.77 Paragraphs 9.26 and 9.27 of the AMP state:

'Noise and vibration

9.26 Noise and vibration is a key issue with the majority of aviation developments, particularly where there is residential development in the vicinity of the airport. As discussed in section 3 of this masterplan, LLAOL takes a proactive approach to the monitoring and management of noise associated with airport activities and actively engages with the local community on this issue. An objective of the masterplan development is that the Airport continues to be a good neighbour and the potential changes in the local noise environment have been an important factor in determining the proposed scale of development.

9.27 Whilst there will be increases in the number of flights, the proposed magnitude of this increase will be within acceptable limits. It is also likely that other improvements associated with the development proposals such as the more effective taxiway and dualling of Airport Way will help to reduce noise levels in these areas.

9.28 We understand the impact of night flights on our neighbours and commit to reducing the current proportion of night flights. We will seek to balance the commercial value of operational flexibility against the community disturbance we recognise it can cause, in order to deliver socially as well as environmentally sustainable growth at the Airport.'

4.78 For the reasons set out in paragraph 4.4-4.7 above, the application is considered to be in conflict with paragraph 9.27 of the masterplan in that it would not keep the noise implications of the Airport *'within acceptable limits'* and in not maintaining an appropriate balance between commercial value and community disturbance is not consistent with paragraph 9.28.

Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)

4.79 The NAP states:

'London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts. This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon its established approach to the proactive management of aircraft noise in and around the airport.'

'Framework for Noise Management

Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also shares in the success of the airport. At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise.

Once the current development is complete, LLA will contribute £1.4billion per year to the local economy and £2.3billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.'

4.80 The balance to be struck between the economic benefits of growth at the Airport and the management of noise and protection of communities was established when the original planning permission was granted. The NAP commits to the restrictions placed on the planning permission:

'.....This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.'

4.81 Key to achieving the balance between the economic benefits of growth and managing adverse environmental impacts was the imposition of a noise contour condition on the planning permission. This NAP contains a commitment in Action ref 3.4:

'We will operate within our agreed contour area limits'

4.82 It also contains a Key Performance Indicator (KP3):

‘Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.’

4.83 The NAP was developed and submitted to DEFRA under the full knowledge that operations at the Airport were failing to comply with night time noise contour restrictions and that a planning application was in preparation to seek to vary both day and night noise contour areas. The planning application is fundamentally at odds with Action ref 3.4 and KP3 of the Noise Action Plan 2019-2023 approved by DEFRA.

In summary:

4.84 As a matter of principle, for the reasons set out in paragraphs 1.1-1.8 the County Council very strongly objects to this planning application. The original proposal to grow the Airport to 18 mppa weighed up the economic benefits and environmental impacts. The balance achieved resulted in a planning permission incorporating appropriate environmental safeguards required to protect communities against the adverse impacts of noise. Night and day time noise contours are fundamental safeguards. The planning consent is fundamental to the ‘Partnership’ approach promoted by Government and crucial to offering the certainty to communities that Government expects to secure their health and well-being. The applicant has operated the Airport in the full knowledge that its operations would lead to a breach of the safeguards in the planning consent and its commitment to protect communities from the adverse impacts of growth. The actions of the applicant represent a betrayal of the other partners of the Partnership, particularly communities.

4.85 Notwithstanding this, the County Council is fully aware that every planning application must be considered on its own merits. For the reasons set out above, the County Council is of the view that on balance the planning application is not in accordance with the up to date development plan, with national planning policy and planning practice guidance and with other material policy and guidance. As such the application should be refused.

4.86 The County Council is aware that further information has been sought from the applicant with respect to both the noise and economic implications of the proposal. Assuming the applicant provides additional material and further public consultation follows, the County Council will review its position at that time and respond further as necessary.

Yours sincerely,



Derrick Ashley
Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 2

**Hertfordshire County Council response to London Luton
Airport Limited - Future LuToN Making best use of our
runway Public consultation – 16 October to 16 December
2019**

FREEPOST FUTURE LUTON LLAL

**Derrick Ashley
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24th December 2019

Dear Sir/Madam,

**London Luton Airport Limited - Future LuToN Making best use of our runway
Public consultation – 16 October to 16 December 2019**

Thank you for the opportunity to comment on the above and for your extension to the consultation deadline until 24th December.

This County Council response is separate and in addition to the collective response '*Response to Statutory Consultation on behalf of the Host Authorities*' (dated 23rd December 2019) of Central Bedfordshire, Luton, North Hertfordshire and Hertfordshire County councils.

National aviation policy and the Climate Change Act 2008

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO₂ in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing

runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO₂ emissions targets:

1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.
2. whether now is the right time for the UK to set such a target.
3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C and “towards global efforts to limit the increase to 1.5°C.
4. how reductions in line with your recommendations might be delivered in key sectors of the economy.
5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.
6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.

In December 2018 Government consulted on its Aviation Green Paper ‘*Aviation 2050 - The future of UK aviation*’, reaffirming Government’s commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

‘The UK’s currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK’s statutory framework, including when ‘net-zero’ emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK’s long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.’

Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around their 2005 level (i.e. 37.5 MtCO₂e). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report (*'Net Zero The UK's contribution to stopping global warming Committee on Climate Change'* May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – *'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'*. *The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'*

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019.....Reducing emissions from aviation will require a combination of international and domestic policies, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels, with potential to reduce emissions further with lower levels of demand. The CCC advises that *'The Government should assess its airport capacity strategy in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'*

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing is aviation policy

through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its *'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions'* (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will *'continue to consider the implications of our 2050 net zero target.....'*

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment *'due to the timing of its introduction into UK law'*, but recognises that *'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'*.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.

The need for substantive further technical work and engagement with the host authorities and other partners/Scope for further public consultation

The County Council appreciates that the scheme is still within its development stages – further evidence and material to support it is not yet available. The Planning Inspectorate's *'Advice Note two: The role of local authorities in the development consent process'* states the following:

'Engaging in developer consultation

6.1 Local authorities are able to influence the preparation of the developer's application. The preparation of the application will be an iterative process which means that the amount of detail should increase as the preparation proceeds.

6.2 Local authorities should engage proactively with a developer even if they disagree with the proposal in principle. It is important to recognise that a local authority is not the decision maker but will want to contribute towards the development of the emerging proposals with the benefit of their detailed local knowledge. Local authorities are not undermining any 'in principle' objections to a scheme by engaging with a developer at the pre-application stage.

6.3 Nothing is to be gained by disengaging from the pre-application consultation process. It is in a local authority's own interests to engage in shaping a scheme. Once an application has been submitted it cannot be changed to the extent that it would be a materially different application, so as to constitute a new application. It is therefore important for local authorities to put any fundamental points to the developer during the pre-application stage.'

Government guidance 'Planning Act 2008: Guidance on the pre-application process' states the following:

'The pre-application consultation process

15. Pre-application consultation is a key requirement for applications for Development Consent Orders for major infrastructure projects. Effective preapplication consultation will lead to applications which are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible in advance of submission of the application to the Secretary of State. This in turn will allow for shorter and more efficient examinations.

16. The Planning Act regime provides the ability to anyone interested in or affected by a major infrastructure proposal to both object in-principle to a proposed scheme and at the same time suggest amendments to design out unwelcome features of a proposal. Engaging in a developer's preapplication consultation including for example offering constructive mitigations to reduce a scheme's impact on the local community, does not per se undermine any submission on the principle of whether or not development consent should be granted.

18. Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by:

- helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;*
- enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;*
- helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;*
- enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;*

- *enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and*
- *identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.*

19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.'

It is within this context that the County Council is engaging with you on your proposal. You will be aware of the resources the County Council and other host authorities have committed to the process to date and, in relation to this consultation, the commissioning of specialist independent technical advice. That advice, the views of the host authorities articulated in their collective response and the responses of the individual hosts will hopefully provide a positive platform from which to further engage over the coming months in shaping the scheme in preparation for the further stages of the DCO process to come.

As the host authority collective response indicates, in some areas considerable further evidence and engagement is required. In particular, the County Council will expect there to be a substantive focus on noise - (including the rationale for why a ban on night flights is not being considered), surface access impacts in Hertfordshire and mitigations (the impacts on the network and potential mitigations required, for all modes, are currently not satisfactorily evidenced and explored), employment and skills strategy (which is not yet even in draft form), bringing forward a comprehensive monitoring, mitigation and compensation strategy [including exploring how to apply the principles of environmentally managed growth (growth conditional upon environmental and other limits/targets/parameters being met) and unforeseen local impacts mitigation]; the scale, geographic scope and proposed operating mechanisms of the proposed FIRST scheme; air quality (aircraft and road traffic-related), specific analysis as to how the scheme in terms of its development/design/mitigation will minimise the impact on the aim and purposes of the Green Belt; the purpose and future management of the Wigmore Valley Park and associated open space, etc.

In relation to surface access, the '*Response to Scoping Report on behalf of the Host Authorities*' highlighted concerns in relation to the Hertfordshire road network relating to the A505 (Hitchin), the A1081 (Harpenden), B653 (Wheathampstead), A602 (Hitchin to Stevenage), M1 and A1(M) junctions, the heavily trafficked Hitchin routes (the A505, A600 and A602), and the rural roads around Breachwood Green. It also identified the need for bus and coach service improvements to bring passengers and staff to the airport from areas not linked directly to Luton by rail (for example east-west in Hertfordshire, from Stevenage, Hitchin, Welwyn Garden City, Hatfield, Hemel Hempstead and Watford). Such improvements would be important mitigation and at present remain under-developed. In terms of rail, the impact on passengers travelling from St Albans and Harpenden, particularly commuters in the peak, is not reflected in the Surface Access Strategy. There is mention that there will be insufficient seats for

passengers getting on at Luton Parkway, but it fails to acknowledge that this means less or no seats from stations south. Considerable further technical work is required in relation to the surface access implications of the proposal on the Hertfordshire networks.

The County Council is strongly of the view that, moving forward, there needs to be a step-change in the level of technical engagement and that serious consideration needs to be given to appropriately informed political processes.

The majority, if not all, of the evidence and material identified as required by the host authorities will also be of interest to other local authorities, other parties and to communities. Given the scale of this material and evidence still to be compiled to underpin the scheme and to address its impacts, there would appear to be a strong case, within the spirit of national guidance, for a further period of statutory consultation to be programmed into the DCO process. The purpose of such further consultation would be to engage parties more meaningfully with a more advanced scheme.

The County Council's position

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile, airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18 mppa to 19 mppa - again, because the Airport has mismanaged growth.

The consultation material states:

'Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.'

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council

has an in-principle objection to growth of the Airport. This evidence does not currently exist.

Yours sincerely,



Derrick Ashley
Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 3

Comments on the consultation material

Consultation Document

'Introduction

.....

'To ensure the airport continues to thrive we are preparing for a period of recovery from the impacts of the COVID-19 pandemic. For us to do this we need to ensure that we accommodate the need for future growth. An important step will be increasing the airport's capacity from 18 to 19mppa. This is a key element of our strategy for recovery and future growth and will help to support the local, regional and national economy as air traffic movements become more frequent. If we do not plan for growth now we will limit our ability to play our part in the UK's economic recovery.

To achieve this, we must submit a planning application to Luton Council. Before we do this, we want to hear your views on our emerging proposals.'

A3.1 Government policy within the APF states:

'Airport master plans

4.11 Currently over 30 airports across the UK have adopted master plans. They do not have a statutory basis, but the primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. They also provide transparency and aid long-term planning for other businesses.

.....

4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. Airport operators should notify the DfT or Devolved Administration when plans are revised, and highlight any material changes. Airport operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area.'

A3.2 LLA will be aware that Luton Local Plan Policy LLP6 states:

'Policy LLP6 - London Luton Airport Strategic Allocation

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the

airport. Proposals for development will only be supported where the following criteria are met, where applicable/ appropriate having regard to the nature and scale of such proposals:

.....

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;

.....’

A3.3 The consultation is not as clear as it should be on the relationship between and the timing of the master plan and planning application processes. The normal course of events is for an airport to consult widely upon its direction of future operations and growth set out in a draft master plan. The approved/published master plan then forms the framework within which an airport moves forward, including the submission of planning applications for growth. Indeed, this is what happened in the last master plan/planning application cycle at LLA.

A3.4 There is currently no in-force LBC-approved master plan that provides for growth of LLA to 19 mppa. Without this, any future planning application will inevitably be in conflict with the development plan.

A3.5 Moving forward there needs to be a much greater degree of transparency on the process for ‘approval/publication’ of the master plan and the relationship of that process to the proposed end of 2020 timeframe for submission of a planning application.

‘Background

London Luton Airport today’

A3.6 There is no reference to the consequences of mis-management of growth at LLA that has resulted in breaches of noise controls. Moving forward, the master plan and any planning application need to acknowledge this as it is a critical factor in relation to the degree of confidence that exists that LLA is able to manage its activities responsibly and that it is committed and willing to operate in a manner that respects regulatory controls and its commitments to protecting communities. LLA cannot simply ignore the problems it has created.

‘Planning for the future

Before the COVID-19 pandemic, passenger numbers at the airport had increased every year for the last four years. This rate of increase was much faster than we expected and meant that the airport was operating close to its 18mppa capacity in late 2019.’

A3.7 This section contains no intelligence on the environmental implications of this accelerated growth, the breaches in planning control that have occurred and the proposal to seek to relax the environmental restrictions put in place by the 2014 planning consent.

‘Community Benefits

Local benefits

London Luton Airport contributes more than £1.1 billion.....'

A3.8 Doesn't mean anything as a statement – the sentence needs completing.

'Enabling growth to 19mppa

The planning process

Our proposals to increase passenger capacity will involve the submission of a planning application to Luton Council.

Before we submit our application, we would like to hear your views. Your comments will help shape our proposals before we submit them. Details of how to respond are set out in the Have your say section.'

A3.9 See above in relation to clarification of the role of the proposed master plan. 'The Planning process' section could usefully have been preceded by a section 'The master plan process'.

'Our proposals

We have developed a Master Plan to serve as a framework to guide the increase of the airport's capacity to 19mppa. The Master Plan is presented in a separate document which provides the results of the analyses undertaken as part of the Master Plan assessment.'

A3.10 See above in relation to clarification of the role of the proposed master plan.

'This application will seek to vary existing conditions attached to the planning permission which granted consent in 2012 for the airport to operate up to 18mppa.'

A3.11 The planning permission was granted in 2014, not 2012.

'Due to factors outside of the airport's control, passenger numbers cannot be increased to 19mppa in line with the current wording of Condition 10. This is due to the number of passengers growing more quickly than originally forecast and the introduction of next generation quieter aircraft not becoming available in line with passenger growth.'
(page 12)

A3.12 See A3.6 in relation to LLA's mismanagement operations.

'Aviation strategy and government policy

On 5 June 2018 the Government confirmed its support for UK airports making best use of their existing runways. This policy statement is set out in the Government's publication 'Beyond the horizon – The future of UK aviation – Making best use of existing runways'.

A3.13 No reference is made here to the process by Government of a complete overhaul of national aviation policy through the Aviation 2050 process.

‘There are three Air Quality Management Areas (AQMAs) within the Borough of Luton. The AQMAs cover part of Luton town centre, approximately 2km west of the runway, and locations around the M1 motorway near Junction 11, approximately 6km west of the airport.’ (Page 15)

A3.14 There are other AQMAs in the wider sub-region, including Stevenage Road and Payne's Park roundabout, Hitchin.

‘For those emissions that we are only able to influence, we are proposing the following mitigation to support an overall reduction in GHG emissions from all sources in the period to 2028:

- ***A travel plan has been produced, which sets out actions to help achieve reductions in emissions from surface access.***
- ***Incentivising airlines to reduce aircraft emissions through the use of more modern aircraft.’ (Page 16)***

A3.15 Further details required on proposed incentives and the travel plan and these need to be released and used to inform the master plan preparation process.

‘Findings

The health assessment is currently in its preliminary stages. Effects on human health resulting from air quality, climate change, and traffic and transport are anticipated to be limited. However, based on preliminary information on the potential changes to the noise environment and the public health evidence, effects on human health from noise cannot be ruled out and will require further assessment.’ (Page 17)

A3.16 There needs to be substantive engagement with health agencies in developing the HIA and it should be available to inform the master plan preparation process.

‘Noise

The assumptions made in the assessment have proven to be optimistic in terms of aircraft modernisation and pessimistic in terms of demand. As a result, the reductions expected in noise levels at the time of the previous application have not been forthcoming to the extent envisaged.’ (Page 18)

A3.17 There are paragraphs missing here relating to mis-management of operations, breaches of planning control, the s73 planning application, etc. The dates of these should be placed on the timeline graphic, with appropriate annotations.

‘Findings of the Assessment

The initial conclusions of the noise assessment are that whilst no significant effects would be predicted in either 2021 or 2028, additional

properties would experience noise above the SOAEL as a result of the proposed increase in passenger numbers.’ (Page 19)

A3.18 Noise assessment needs to be released to inform the master plan preparation process.

‘To mitigate this effect, we are proposing the following operational measures:

- ***Restrictions on daytime and night-time flights based on a reduced quota.***
- ***Restrictions on non-emergency flights during the night-time.***
- ***Charging to incentivise the use of modern aircraft.***

The following compensatory measures are also proposed:

- ***An enhanced noise insulation fund, to increase protection of properties.***
- ***One off grants to local councils to provide community improvements.’***

A3.19 Further details required and see A3.26.

‘Findings of Assessment

The transport assessment shows.....’ (Page 20)

A3.20 Transport Assessment needs to be released and used to inform the master plan preparation process.

‘However, this increase will be small and will only result in a small increase in vehicle movements during peak periods of the day. This increase can be accommodated without causing any significant negative impacts on the capacity of the existing transport network.

Given the increase in the use of public transport by airport colleagues over the last decade, more ambitious sustainable mode share targets have been set. These are presented in our Travel Plan. The introduction of the Luton DART in 2021 will have a further positive effect on the number of colleagues and passengers using public transport.

No new parking spaces are proposed to accommodate the increase in passengers. The existing available parking will be managed with controlled capacity and pricing through the ASAS and Car Parking Management Plan.’

A3.21 Travel Plan and Car Parking Management Plan need to be released and used to inform the master plan preparation process.

Growing Sustainably (Page 21)

A3.22 Should this section refer to noise?

Environmental Impact Assessment Progress Report

*'1.1.13 It is proposed that variation to Condition 24 is as follows (variations to the existing condition are noted in **red bold text**, with the text to be replaced shown as strikethrough):*

*"The Passenger and Staff Travel Plan shall be implemented in accordance with the details approved on 23 September 2015 (re: 15/00761/DOC) **to accommodate up to 18 million passengers per annum.***

Beyond the passenger throughput of 18 million passengers per annum, the Travel Plan shall be complied with to accommodate up to 19 million passengers per annum."

A3.23 Later, the EIA Progress report states:

'8.1.1 To carry out an assessment of the transport related impacts of an increase in passenger numbers three main documents were prepared to support the Project, these are a Transport Assessment (TA), a Travel Plan (TP) and a Car Parking Management Plan (CPMP).

8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

A3.24 A new/revised Travel Plan and Car Parking Management Plan have been/are being produced, to which the proposed revisions to Condition 22 and 24 refer. The reference to 'Car Parking Management Plan' and 'Travel Plan' in the proposed new wording to Conditions 22 and 24 presumably relate to these new Plans, and as a consequence will need to be referenced and dated (unless the intention is to manage 19 mppa documentation entirely through revisions to Condition 28).

A3.25 The consultation material refers to a 'Noise Assessment' that *'identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL.'* These are:

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- increase the contribution to the Noise Insulation Fund*
- The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and*
- One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.*

6.2.15 *In addition the following commitments will be made as part of the proposed variation to noise planning conditions*

- *For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;*
- *No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);*
- *No “non-emergency” Diverted Flights will be accepted;*
- *New airline / aircraft slots at night not to exceed QC 0.5; and*
- *Differential charging will be implemented to incentivise the rapid modernisation of fleet.’*

[Draft Masterplan]

A3.26 These measures appear to differ from/add to the contents of Condition 9 of planning permission and the Noise Control Scheme which is the subject of that Condition. This raises the question as to whether a revised or rejuvenated Noise Control Scheme is required and as a consequence, whether planning permission should be sought to vary Condition 9.

‘4.1.6 LBC has identified two main areas where NO₂ concentrations exceed, or are likely to exceed, the annual mean AQO of 40 µg m⁻³. As a result, these areas have been declared as Air Quality Management Areas (AQMAs). They are:

- ***along the length of the M1 Motorway; and***
- ***along the A505 (Dunstable Road) in part of Bury Park and the Town Centre.***

4.1.7 Elsewhere in Luton, concentrations of NO₂ are below the AQO.’

A3.27 Moving forward the EIA process should pick up AQMA’s in the wider sub-region, where these are associated with road traffic on routes used for Airport access - Stevenage Road and Payne's Park roundabout, Hitchin (both of which involve nitrogen dioxide was being measured at concentrations above the standard set to be protective of human health).

‘4.2.2 Two future scenarios have been assessed:

- ***the year 2024 assuming the airport remains capped at 18 mppa; and***
- ***the year 2024 assuming the airport grows to 19 mppa.’***

A3.28 The assessment should be released and used to inform the master plan preparation process.

‘5.3.9 The only receptor for the climate change assessment.....’

A3.29 The climate change assessment should be released and used to inform the master plan preparation process.

‘Surface access emissions

5.5.3 The Travel Plan sets out objectives and targets with a series of measures around the promotion of walking, cycling, use of public transport and reducing single car occupancy for both passengers and

staff. The Surface Access Strategy includes the following targets which are embedded into the climate change assessment:

- passengers travelling to and from the airport by rail will increase from 21 % in 2019 to 24 % in the 19 mppa scenario by 2022;**
- staff travelling to and from the airport by Single Occupancy Vehicles (SOVs) will reduce from 66 % in 2019 to 64 % in the 19 mppa scenario by 2022; and**
- increase employee travel by sustainable modes of transport including increasing staff travelling to and from the airport by rail from 7 % to 9 % in the 19 mppa scenario by 2022 and by bus and coach from 9 % to 11 % in the 19 mppa scenario by 2022.'**

A3.30 The highway authorities need to be consulted/engaged in the Travel Plan and it needs to be released and used to inform the master plan preparation process.

'6.1.1 As part of the EIA process an assessment of human health effects is being undertaken to understand the potential health and wellbeing effects that the proposed variations to Conditions 8 and 10 may have on the surrounding community, including those along flightpaths and major roads to and from LLA. This assessment of human health effects follows a health impact assessment (HIA) methodology.'

A3.31 The health effects assessment should be released and used to inform the master plan preparation process.

'Planning policy context

6.3.5 There are a number of policies and guidance at the international, national, and local level. Planning policy related to human health is outlined in Table 8.1.'

A3.32 Sections 4, 5, 7 and 8 do not appear to have taken a similar approach to summarising the key policy context for their topics.

'6.4 Initial findings

6.4.1 At this stage, based on preliminary information on the potential changes in the noise environment associated with the Project, and the public health evidence on the potential for these changes to have adverse effects on human health, potential significant effects on human health are judged to be plausible and likely and will be considered for further assessment.

6.4.2 The information that is available on the potential air quality, climate change, and traffic and transport effects associated with the Project, and the potential for these to cause associated effects on human health is currently limited. Therefore, it does not yet allow for a robust conclusion to be reached on whether the related effects on human health are, or are not, likely to be significant. As such, these potential effects on human health are, at this stage, taken forward for further assessment. As further information becomes available from the other environmental topic

assessments, a decision will be made on whether associated health effects are to be assessed as part of the EIA or to be scoped out.'

A3.33 There needs to be substantive engagement with health agencies in developing the HIA.

'7.1.1Noise modelling and assessments are currently being undertaken to analyse the effects of increased passenger numbers, a methodology and initial results of which follows.'

'7.2.1 Initial assessments have been undertaken to review likely effects from the proposed passenger increase associated with the Project.....'

A3.34 Noise modelling and assessments should be made available as soon as possible and used to inform the master plan preparation process.

'7.5.1 Luton Airport has an established programme of noise mitigation to minimise noise emissions, and any resulting effects, as part of its obligations to meet the requirements within the Environmental Noise (England) Regulations. These mitigation measures will be enhanced to include residences newly predicted to be in areas with noise levels above the SOAEL.'

A3.35 7.4 Initial findings doesn't say anything about addition SAOEL.

'7.5.3 Mitigation will also include compensatory measures as follows:

- an enhanced Noise Insulation Fund to provide additional attenuating measures to increase protection of residences internal noise environments; and***
- one-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the predicted future noise contours. Grants are to be used to provide community improvements.'***

A3.36 Further details on these measures required to inform the master plan preparation process.

'8.1.1 To carry out an assessment of the transport related impacts of an increase in passenger numbers three main documents were prepared to support the Project, these are a Transport Assessment (TA), a Travel Plan (TP) and a Car Parking Management Plan (CPMP).'

A3.37 The TA, TP and CPMP should be released and used to inform the master plan preparation process.

'8.5.1 From the analysis carried out it can be concluded that the net increases in total flows (passengers and employees) will not cause significant effects in terms of network operational capacity. This is based on our knowledge of the network and traffic flow thresholds which are likely to have a significant impact on its capacity. It has been agreed with HE and LBC that this level of traffic flow increase is not significant enough

to warrant any further traffic modelling at this stage. Thus, it is concluded that the highway network will not show any significant change from the 18 mppa at a 2024 design year level.'

A3.38 The assumptions that underpin this agreement need to be clearly set out (presumably in the Transport Assessment) and made available.

'8.5.2 It is extremely encouraging that the airport has already met its key primary sustainable transport targets that were originally set for 2022 in 2019, three years ahead of schedule. As such the latest results have been used to set new stretching TP objectives and targets focusing around three key areas: reduction in private car travel, increase in sustainable travel and a focus on reducing carbon emissions derived from surface access to the airport.'

A3.39 What are the new stretching TP objectives and targets? These need to be available and used to inform and be integrated with, as appropriate, the master plan preparation process.

'9. EIA process: next steps

9.1.1 EIA process is on-going, we are currently carrying out the 'Impact Assessment' of the 'Environmental Assessment and Evaluation' stage (see Graphic 1.1). Next, we will take on-board the responses attained through this consultation. In doing so, your comments and concerns will shape the 'Impact Assessment' and 'Mitigation' put forward to avoid, reduce, and minimise any adverse effects of the Project.'

A3.40 The EIA process and indeed the process as a whole, including master plan and planning application preparation would benefit from sharing of all assessments and evidence as soon as possible with key stakeholders.

MASTERPLAN

'EXECUTIVE SUMMARY

IDOM Consulting, Engineering, Architecture, SAU (IDOM) has been appointed by London Luton Airport Operations Limited (LLAOL) to develop a Master Plan for London Luton Airport in connection with the planning application under the Town and Country Planning Act (TCPA) to increase capacity at the airport to 19 million passengers per annum (mppa). In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").'

A3.41 A master plan should provide a framework for a future planning application, not be 'in connection with'. This is more accurate (third paragraph in the summary):

'This Master Plan is intended to serve as a framework for guiding the short-term development of the airport to increase its capacity from 18 million annual passengers to 19 million annual passengers.'

'0.1 Forecast

0.1.1 Due to the short-term nature of the Master Plan.....'

A3.42 It is not a short term masterplan – it provides the framework for the future of LLA at a proposed elevated capacity (subject of course to Government expectations that master plans be reviewed every 5 years).

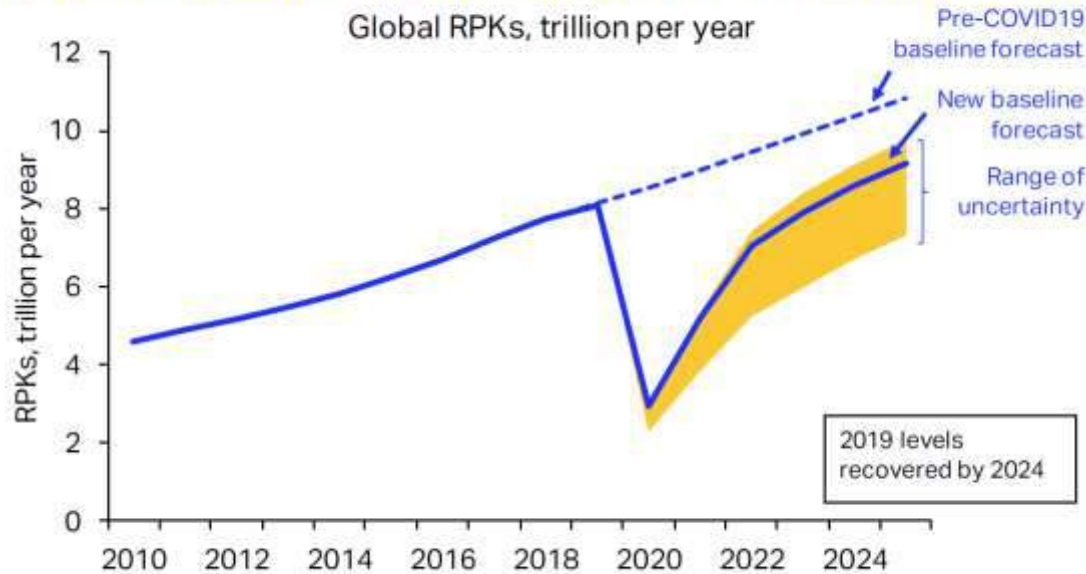
'In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.'

A3.43 The consultation material provides little background intelligence about these 'industry expectations' and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – 'upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe'. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.

IATA Economics' Chart of the Week

30 July 2020

Five years to return to the pre-pandemic level of passenger demand



Source: IATA/ Tourism Economics Air Passenger Forecasts

A3.44 Similarly, Eurocontrol's latest five-year forecast offers three scenarios for recovery from Covid-19:

- a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.
- should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.
- a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.

A3.45 Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.

'1.1 Need for a masterplan'

A3.46 There is no reference in this section to the existing master plan for LLA. The main reason there is a 'need for a masterplan' is that the current master plan only provides for growth to 18 mppa, and so a revised or new master plan is required.

A3.47 No reference is made to APF expectations that:

'Airport master plans

4.11 Currently over 30 airports across the UK have adopted master plans. They do not have a statutory basis, but the primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning

processes. They also provide transparency and aid long-term planning for other businesses.

.....

4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. Airport operators should notify the DfT or Devolved Administration when plans are revised, and highlight any material changes. Airport operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area.'

A3.48 So there is a need for a new master plan because it is a Government expectation.

A3.49 No reference is made to Luton Local Plan LLP6. LLP6 requires any growth proposals to be in accordance with a master plan produced by LLA and adopted by Luton Borough Council. LLP6 generates a need for the production of a master plan.

'1.2.2 It is important to note that a Master Plan is intended to serve as an airport short-term development guide and not as a design or implementation programme.'

A3.50 It is not a short term master plan – it provides the framework for the future of LLA at a proposed elevated capacity (subject of course to Government expectations that master plans be reviewed every 5 years).

'2.3.3 Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.'

A3.51 See paragraph A3.38-39 above.

'Figure 2.14 and 2.19'

A3.52 '2.19' should read '2.15'.

'2.6 Potential Changes in Activity'

2.6.1 This study has been finished in the middle of the COVID-19 outbreak. Despite this being an unprecedented situation in the aviation history where considered relevant, consideration has been given in the Master Plan to the impact on traffic scenarios based on current pandemic situation and industry expectations. However, it should be noted this forecast is dependent on the evolution of the pandemic.'

'5.2.5 LLAOL has commissioned Wood to undertake a Noise Impact Assessment for the expansion to 19 mppa. The increase in total passengers from the currently permitted 18 mppa to 19 mppa can be achieved with only very modest increase in the number of annual air traffic movements (ATM) The increase in passenger numbers can be achieved by the combined effects of increasing the occupancy levels of

flights currently operated and by migration in the average passenger capacity of flights by adoption of large aircraft.'

'5.2.10 The Noise Assessment considers the impacts of the increase from consented 18 mppa to 19 mppa with respects to various receivers. It concludes that there is a negligible impact at receptors so additional significant adverse effects are not identified as a result of magnitude of change in noise level.'

A3.53 The Noise Impact Assessment should be released and used to inform the master plan preparation process.

'5.3.2 An Air Quality Assessment has been produced by Wood. The assessment considers the forecast effects of the development on the emissions from operations at the airport.'

A3.54 The Air Quality Assessment should be released and used to inform the master plan preparation process.

'5.5.2 A Greenhouse Gas Assessment has been undertaken by Wood. The assessment shows that in all cases modelled the largest contribution to greenhouse gas emissions is from air traffic. Surface transport accounts for the next largest contribution.'

A3.55 The Greenhouse Gas Assessment should be released and used to inform the master plan preparation process.

'6.2.2 Noise generation and impact is strictly controlled by the planning permissions under which the airport operates.'

A3.56 But LLA operations have breached the controls put in place by the 2014 18 mppa planning consent and there is a live planning application to have these controls relaxed. See A3.17 above.

'6.2.13 The Noise Assessment identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL.'

A3.57 Noise Assessment should be released and used to inform the master plan preparation process.

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- ***increase the contribution to the Noise Insulation Fund***
- ***The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and***
- ***One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.'***

A3.58 Details should be provided and used to inform the master plan preparation process.

‘6.2.15 In addition the following commitments will be made as part of the proposed variation to noise planning conditions proposed variation to noise planning conditions

- ***For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;***
- ***No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);***
- ***No “non-emergency” Diverted Flights will be accepted;***
- ***New airline / aircraft slots at night not to exceed QC 0.5; and***
- ***Differential charging will be implemented to incentivise the rapid modernisation of fleet.’***

A3.59 Clarification is required on the extent to which these commitments amend/add to those that are embedded within the consent regime and whether they prompt a requirement to vary Condition 9 of the 2014 18 mppa consent.

‘6.3.1 The increase in maximum capacity of passengers from 18 mppa to 19 mppa, whilst modest in percentage terms, may entail an increase in road transport related air emissions and it will be necessary to undertake a detailed assessment of the likely impact of this when the formal planning application is made.’

A3.60 There needs to be some degree of certainty/provision of evidence with regard to emissions to inform the master plan preparation process.

‘6.3.3 Other mitigation measures available will include:

- ***Preparation of a travel plan; and***
- ***Financial incentives and/or penalties to encourage sustainable means of transport.’***

A3.61 The Travel Plan and proposed incentives/penalties need to be released and used to inform the master plan preparation process.

Appendix 4

Hertfordshire County Council response to application to discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

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

County Hall
Postal Point: CH216
Pegs Lane
Hertford
SG13 8DE

Tel: 01992 556289

email: paul.donovan@hertfordshire.gov.uk

Date: 28th February 2020

Dear Sir/Madam,

20/00131/DOC - Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL - Variation of Condition 11 (i) - Noise violation limits. - Discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

1. Thank you for the opportunity to comment on the above. The following are officer comments only.

2. The original planning application was approved on the basis that growth in throughput would be accompanied by a range of safeguards to manage the noise impacts arising from the proposal and protect communities. This is clear from the following extracts from the report to Committee dated 20th December 2013 (text highlighted ***thus***):

'95. The timescales for the introduction of new aircraft (fleet modernisation) is to be secured both through condition and S106 Agreement attached to any permission.

110. An independent assessment of the ES in respect of the Noise implications of the development was carried out for LBC by Cole Jarman Ltd, Noise Consultants, and in so far as airborne aircraft noise is concerned there are no significant reservations about the methodology employed in the ES to quantify the expected noise levels. In numerical terms it was considered that the

contours and footprints presented in the ES reasonably reflect the expected noise impact. However, in interpreting the findings it was considered that the following factors needed to be considered:

- Controlling the noise impact to the levels indicated for 2028 requires that a substantial part of the airline fleet is changed to modern, low noise variants of types currently operating. **The primary mechanism put forward by the applicant for ensuring that this will happen is by way of a condition limiting the extent of key daytime and night time aggregated noise contours.**
- Current Government Policy in respect of aircraft noise is contained in the APF published in March 2013. This states that „Our overall objective on noise is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise.“ The predicted future noise impact with the development in place would be greater than that assessed as prevailing at the present time. One consequence of this finding is that the number of people significantly affected by aircraft noise might be neither limited nor reduced and as such this would not meet the objectives set out in the APF. **To address this the applicant has made a commitment that the Airport will seek to continually increase the percentage of flights undertaken by modernised low noise variants of relevant aircraft types and it is proposed to secure this commitment by way of a legal agreement (S106). This measure would facilitate a reduction in the overall noise levels and minimise the impact on local residents and therefore meet the objectives of the APF.**
- Luton Local Plan Policy LLA1 states.....By applying this tighter interpretation this would require lower noise levels in 2028 than are predicted for the partial modernisation scenario. Although this alternative interpretation is not accepted by the applicant, achieving the full modernisation scenario would ensure compliance with this alternative interpretation **and this would be likely to be secured by a commitment (in the S106 Agreement) by the Airport that they will continually increase the percentage of fights undertaken by modernised low noise variants of relevant aircraft types.**

111. Although the assessment of the ES in terms of noise did initially identify areas of concern relating to the interpretation of policy LLA1, predicted noise levels, night time noise issues and necessary mitigation measures, **further negotiation with the applicant has resulted in the applicant accepting additional controls and mitigation measures by way of condition and or inclusion within the S106 Agreement.**

112. **The Local Planning Authority, in consultation with its noise consultant Cole Jarman Ltd, considers that there is a remedy to ensure that the numbers of people affected by aircraft noise does not increase.** The two tables below show a comparison for daytime noise (Table 1) and night time noise (Table 2) for a number of years – including the predictive and actual noise levels in 1999. The 2028 predicted figures are taken from the ES

113. It can be seen that the predicted 1999 taken from the 1997 ES levels were higher than actual 1999 levels (0.2 square kilometres for daytime noise and 22.8 square kilometres for night time noise). Further it can also be seen that the current operation of the Airport is well below these levels. The requirement for Condition 12 for night time noise to be limited to an area of 37.2 sq.km for the 48-72 Leq dBA 8 hour (23.00 – 07.00) contour is ambitious but will ensure that lower noise levels are achieved in 2028 than currently predicted by LLAOL. **However with strict controls on growth and measures such as fleet modernisation being maximised, this lower area is considered to be practicable and achievable. It also ensures additional benefits in terms of residential amenity in accordance with policy.**

114. Even though some weight should be given to Local Plan Policy LLA1 as it is site specific and has been based on evidence the subject of previous planning decisions in relation to development of the Airport, it is considered that greater weight should be given to current Government policy, which is seeking where possible to reduce the number of people significantly affected by aircraft noise in the UK. It is therefore considered that the condition restricting the 57 dB daytime contour and the 48 dB night time contour could reflect the actual 1999 levels and thereby ensure that the area affected by aircraft noise would be any worse than at that time.

115. The applicant has raised concerns regarding the independent Noise assessment of the ES by Cole Jarman Ltd in terms of some of the conclusions reached in respect of issues relating to night time noise and the level of mitigation proposed. The applicant was of the view that this had been fully assessed within the ES. **However the purpose of LBC carrying out an independent assessment was to examine the proposal and proposed mitigation in terms of seeking to secure on balance the best practicable outcomes for the surrounding community while enabling the development to be implemented in accordance with government and local policy.** Clearly within this process there will be differences of opinion. The proposed modifications to the Noise Insulation Scheme are not at a scale that could be considered unreasonable given the potential long term impact of the development as proposed.

116. **The conditions and S106 requirements as proposed therefore reflect both the aspirations of the APF and the NPPF.** The comments received by the applicants are contained in full within Appendix (8) of the Report.

205. As set out within the report, the proposed expansion of the Airport will have an impact in terms of additional noise from aircraft movements and traffic generation. **However, the proposal does afford the opportunity to put in place a range of controls through the use of a mix of planning conditions and obligations contained within a S106 Agreement, in respect of issues such as night time noise, noise insulation, limitation on the passenger numbers and type of aircraft etc. Current controls are limited in their effectiveness and/or do not meet the requirements or objectives of current national aviation and planning policy.**

3. Similarly, the Committee report relating to the Variation of condition 11 (i) – Noise Violation Limits states (text highlighted **thus**):

'69. Commenting on condition 11(i), Cole Jarman Ltd note that the noise violation limits graduated according to the QC classification seek to ensure that all aircraft, and not just the noisiest, are operated in a manner that ensures the noise levels generated are commensurate with what is to be expected. However, they conclude from the analysis of the data that "setting noise violation limits based on the departure QC rating of an individual aircraft is unreliable. Transgression of a noise violation limit set in this way cannot be absolutely determined as evidence that any given aircraft is being operated in an unacceptable manner." Consequently they confirm that the data indicates an alternative means of setting noise violation limits and controlling average noise levels generated in the community around the airport is required.

70. Cole Jarman Ltd state that "if condition 11(i) is to be modified to include absolute noise limits unrelated to the QC rating of aircraft, then it is vital that the noise envelope restrictions set out in condition 12 are applied using the full knowledge of the actual noise levels generated by aircraft operating at Luton Airport." Condition 12 requires the area encapsulated by the 48dB L Aeq,8h contour to be reduced by the year 2028 from 37.2km² to 31.6km² for the night period and for the daytime the 57dB L Aeq,16h contour to be reduced from 19.4km² to 15.2km².

*79. With regard to LADACAN's comments concerning the noise violation limits being a blunt tool that would not encourage a change to quieter aircraft, it should be noted that condition 11 is not the primary mechanism for constraining and reducing the overall levels of aircraft noise in the community. **Condition 12 is the main tool setting limits on the areas enclosed in the daytime (57dB L Aeq,16h) and night time (48dB L Aeq,16h) and also requiring the Airport to develop and implement a strategy for ensuring that the areas within these contours reduces by 22% and 15% respectively by 2028. Such a reduction in the areas means there will be a reduction in noise generated by aircraft overflying all locations in the community around the Airport.** This also addresses one of the concerns raised by the Chilterns Countryside Board.'*

4. The planning conditions/s106 agreements attached to the 2014 and 2016 planning consents contain a suite of measures to restrict the noise impact of the development to safeguard potentially impacted communities and to make the development acceptable. The importance of and commitment to noise contours is clear from the decision-making process and these were duly incorporated into the planning consent. Key amongst these controls are the 22% and 15% reductions in day and night-time contours by 2028 and the requirement for the submission of a strategy to demonstrate how this will be achieved.

5. There has been considerable progress in national aviation policy and Government expectations of the aviation industry since consent was granted and there has also been substantive movement on best/better practice in relation to ensuring compliance with and enforcement of prescribed environmental limits.

6. Some of the particularly key aspects of Government national policy change/development are as follows.

7. At paragraphs 3.114 and 3.115 the Government's emerging Aviation Strategy (Aviation 2050) state:

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible.

3.115 The proposed new measures are:

- setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017.*
- routinely setting noise caps as part of planning approvals (for increase in passengers or flights). **The aim is to balance noise and growth and to provide future certainty over noise levels to communities.** It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology.'*

8. We can also see from the ANPS the Government's commitment to noise envelopes, packages of mitigation measures, community/stakeholder engagement, working with partners to secure delivery and how measures are to be secured and enforced.

*'5.60 The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise. **The benefits of future technological improvements should be shared between the applicant and its local communities,** hence helping to achieve a balance between growth and **noise reduction. Suitable review periods should be set in consultation with the parties mentioned above to ensure the noise envelope's framework remains relevant.***

*5.62 The Government also expects a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented. The rules around its operation, including the exact timings of such a ban, should be defined in consultation with local communities and relevant stakeholders, in line with EU Regulation 598/2014. In addition, outside the hours of a ban, **the Government expects the applicant to make particular efforts to incentivise the use of the quietest aircraft at night.***

5.63 It is recognised that Heathrow Airport already supports a number of initiatives to mitigate aircraft noise, such as developing quieter operating procedures (like steeper descent approaches) and keeping landing gear up as

long as possible. The applicant is expected to continue to do so, **and to explore all opportunities to mitigate operational noise in line with best practice. The implementation of such measures may require working with partners to support their delivery.**

.....

5.66 The Secretary of State will expect **the applicant to put forward proposals as to how these measures may be secured and enforced,** including the bodies who may enforce the measures. These bodies might include the Secretary of State, local authorities (including those over a wider area), and / or the Civil Aviation Authority.’

9. The Airports National Policy Statement (ANPS) and the Heathrow Third Runway Development Consent Order process pursuant to it are perhaps where one should look for evidence of best/better practice in relation to ensuring compliance with and enforcement of prescribed environmental limits. Heathrow has set out its emerging proposals to deliver on Government ANPS environmental requirements of a third runway in its ‘*Environmentally Managed Growth – Our Framework for Growing Sustainably, June 2019*’. Amongst other things, this makes a range of commitments:

‘Environmental performance would be central to the way in which we run the airport in the future and our objectives would be closely aligned with those of our local communities.’

‘Those communities would be given confidence that the approved effects of expansion would never be exceeded.’

‘To operate the framework effectively we will commit to a rigorous and transparent monitoring process, which would be independently reviewed – and we propose that an Independent Scrutiny Panel (ISP) is established to hold us to account.’

‘2.1.3 This framework provides the mechanism to ensure that the main operational effects of Heathrow’s growth will remain within acceptable environmental limits, having regard to the Airports NPS.’

‘2.1.6 This framework formalises Heathrow’s commitment to operate within defined environmental limits that accord with the relevant requirements of the Airports NPS. It establishes **comprehensive and transparent monitoring and enforcement processes for the long term.** It commits Heathrow to a future in which managing the airport’s environmental effects will be central to day to day and longer term strategic decisions about how the airport operates and grows.’

‘2.1.8 The framework set out in this document complements those measures by putting in place an effective long-term monitoring and management regime to assure that the effects of Heathrow’s long-term growth permanently remain within acceptable limits having regard to Government policy as set out in the Airports NPS. The regime will hold Heathrow to account. It will mean that the effects of the growth of the **airport’s operations will always stay within environmental limits. It will involve clear and transparent reporting, so that local communities and the general public**

can understand the effects of our operation. It is aimed at creating public confidence and trust between the community and the airport, that the effects of the growth of the airport's operations will always stay within clear environmental limits.'

2.2.9 Directly in line with the Government's objectives, these envelopes or limits would enable the airport to continue to grow, i.e. handling more flights and passengers, as long as the environmental envelopes or limits are not exceeded. **This commitment gives certainty to Heathrow's local communities, local authorities, Government, and wider stakeholders who will know what the maximum effects of Heathrow's growth will be into the long term. It also incentivises both Heathrow and its airlines to optimise their environmental performance, so that the airport operations can continue to grow within those envelopes or limits.**

2.2.10 **The effect of this framework is to encourage airlines to operate the best performing aircraft on Heathrow routes and drive further technological innovation to reduce effects. The framework has the effect of incentivising Heathrow to adopt operational measures to optimise the number of flights and passengers that the airport can host. It also encourages Heathrow to invest in measures or commercial strategies which mitigate the effects of growth,** such as investment in public transport.

2.2.11 This approach is aligned to the most up to date Government policy set out in the **emerging Aviation Strategy green paper, which proposes the use of noise caps to balance noise and growth with appropriate compliance mechanisms in place.** The draft explains:

"...a noise cap (also known as a noise envelope) is any measure which restricts noise. In its crudest form this could be a simple movement cap, but the Government proposes advocating caps which are based on setting maximum noise exposure levels (such as a contour area or noise quota)."

2.3.3 **In order to implement such a framework at Heathrow, it is necessary to put in place the following:**

- **a clear, enforceable definition of the environmental envelopes or limits;**
- **a monitoring, reporting and modelling regime which enables the impacts of Heathrow's growth to be accurately recorded and predicted; and**
- **an independent body to scrutinise the monitoring and enforce the limits.**

4.1 Monitoring

4.1.1 Heathrow already publishes a large volume of monitoring data about the effects of the airport's operations. For the purposes of this framework, however, Heathrow will prepare a document titled Environmentally Managed Growth – Our Monitoring which will set out the detail of how the effects of the airport's expansion will be monitored in relation to the four principal topic areas covered

by this Framework. **This will enable the airport's performance against the limits identified in Appendix A to be monitored and enforced.**

4.1.2 We propose that monitoring data will be updated regularly on Heathrow's website and will be the subject of a formal **Monitoring Report** published annually and submitted to the Independent Scrutiny Panel (see further below).

4.1.3 **The Monitoring Report would include all relevant data and identify the relevant impacts of Expansion. It will place those impacts in the context of the environmental limits or envelopes and will contain a 'look forward' discussing how Heathrow's forecast growth relates to those limits, taking account of any existing or planned mitigation measures.**

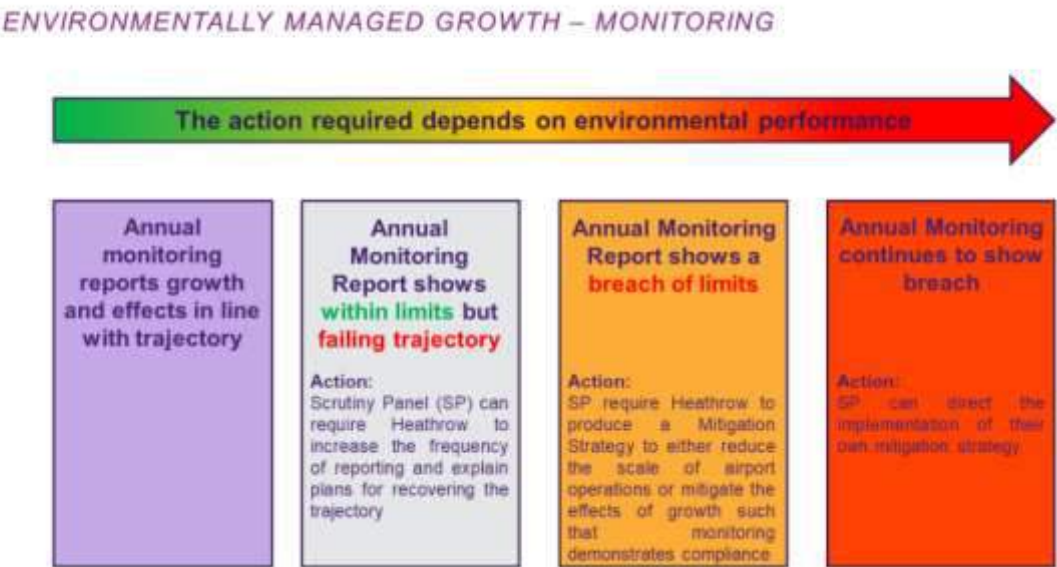
4.2 Independent Scrutiny Panel

4.2.1 Appendix C comprises a potential constitution for an Independent Scrutiny Panel (ISP). The establishment of the ISP will be committed to within the DCO in accordance with that constitution. **It is important for public confidence that Heathrow's Environmentally Managed Growth framework is overseen and enforced independently by an organisation which is technically capable and appropriately resourced.**

4.2.2 The precise details of the membership of the Independent Scrutiny Panel (ISP) need to evolve through consultation feedback and direct discussion with stakeholders. **The purpose, however, is to gather together in one enforcement body all specialist agencies who may have a role in assessing and enforcing the environmental limits to Heathrow's growth, so that Heathrow can be held to account in a comprehensive and coordinated way.**

4.3.4 **The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed. Rather than growth being allowed to continue, the framework (and particularly the powers available to the ISP) would prevent its growth beyond a certain point until further mitigation can be found.....'** [emphasis added]

Graphic 4.2 Environmentally Managed Growth – Illustration of monitoring response



10. This revised national policy context and emerging best/better practice is very relevant to this discharge application. The requirement to reduce noise contours is a critical requirement imposed on the Airport and is entirely consistent with Government expectation that ‘noise capsprovide future certainty over noise levels to communities’. Unfortunately, historic and ongoing mismanagement of growth at the Airport has served to ensure that the ‘certainty’ expected by Government is exactly what communities adversely impacted by aircraft noise associated with the Airport have not experienced. In-force noise contour restrictions the subject of Condition 10 have been breached for multiple years. A planning application to regularise and extend the breaches has been submitted to Luton Borough Council (LBC) and a decision is awaited. The ongoing unsatisfactory situation in terms of failure of environmental responsibilities makes the strategy to secure the noise contour reductions required by Condition 10 of utmost significance.

11. The County Council had been expecting that to enable the effective discharge of Condition 10 requirements, LLAOL would submit for approval a clear, tangible and deliverable action plan to achieve the required 2028 noise contour reductions. But this is not what has happened. The submitted ‘Strategy’ appears to amount to little more than a wish list of things that might or might not happen and that might or might not result in delivery. This is totally unacceptable. The County Council supports the findings and conclusions of the independent expert noise advice (dated 23rd January 2020) secured by LBC to inform its consideration of this application, which in summary finds:

‘Bickerdike Allen (BAP) have submitted an undated report entitled Application No: 15/00950/VARCON(FUL), Discharge of Planning Condition 10 (Pt. 3), Noise Strategy (w.r.t. 2028). We understand that the document is intended to secure discharge of the condition on the premise that it contains sufficient detail of the strategy to be adopted by LLOAL to ensure that daytime and night-time noise contours will meet the reduced limits set for 2028.

We do not believe that the report achieves this aim as it contains insufficient detail of the strategy to be adopted. Instead it contains a number of general and imprecise statements of intent, many of which are already contained in other documents submitted by the airport or by BAP on their behalf.'

The report indicates that the principle reasons that noise levels, and therefore noise contour areas, will reduce to meet the 2028 limits are twofold:

- The future fleet mix will contain a sufficiently large proportion of new generation, low noise aircraft;*
- Some improvements are expected as a matter of course from the NATS FASI-S airspace changes that are expected to occur.*

The main issue with this approach is that neither of these are under the control of the airport, and it is therefore inconsistent to suggest they can form part of the airport's strategy.

Another problem arises from the reliance placed on the current Noise Action Plan (NAP) as containing adequate descriptions of the measures that the airport will adopt in implementing the required strategy. The generic nature of the wording used in the NAP, repeated in the BAP report, is not adequate to describe the elements of the strategy the airport is expected to pursue. Furthermore, there is a circularity in relying on the NAP in that one of the Operational Restrictions described in the NAP (3.5) is to develop a noise contour reduction strategy, the very same strategy that, as currently drafted, relies on the measures defined in the NAP.'

12. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. Some of the principles and commitments within Heathrow's Environmentally Managed Growth approach are very much the kinds of things the County Council had expected to see in the strategy the subject of this application - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence (Graphic 4.2 above), limiting the growth unless the environmental limits are met, and so on.

13. A strategy is required which sets out:

- the range of measures/actions required to achieve contour reduction ('wish-list' items such as airspace modernisation can feature but cannot be relied upon until evidence is available – see 'strategy review' below.
- details exactly what measures/actions will be introduced and when and who is responsible for their introduction - with indicators/targets for these.
- how the indicators/targets are to be monitored and reported.
- a contour reduction trajectory – with a phased timetable that enables progress to be tracked and to trigger remediation measures as necessary.
- a commitment to transparency and community engagement.

- a scrutiny/enforcement/management framework that clearly sets out the mechanisms to be engaged should monitoring demonstrate failure against trajectory (triggered remediation measures).
- a clear commitment, similar to that within Heathrow's Environmentally Managed Growth, that contour reduction failure is not an option - *'The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed.....'*
- a commitment to strategy review (so that it can evolve and reflect changing circumstances – for example, if/when there is **evidence** in the future that airspace modernisation will have a positive impact on noise contour reduction).

14. The strategy submitted to discharge Condition 10 does not achieve these requirements and should be refused or a substantively revised strategy prepared and submitted by the applicant in response to and addressing the above concerns.

Yours sincerely,

Paul Donovan

**Spatial Planning and the Economy Unit
Environment and Infrastructure Department**

ANNEX 2

[to Hertfordshire County Council response (dated 11th June 2021) to planning application 21/00031/VARCON]

COMMENTS ON THE PLANNING STATEMENT ACCOMPANYING THE PLANNING APPLICATION

A1. Paragraphs in bold are replicated from the text within the Planning Statement (PS) upon which following paragraphs comment.

1.1.3 The 18 mppa cap on passenger numbers imposed by the 2014 planning consent reflected the forecasts at that time; it was anticipated that the airport would see a steady rise to 18 mppa by around 2028. It is important to note, however, that Luton Council (LC) as the local planning authority, acknowledged at the time (within the decision notice) that the approved scheme provided the airport with a potential capacity of up to 20 mppa (page 22 of the decision notice, under paragraph 4 of the Reasons for Granting Planning Permission). Therefore, although the 18 mppa cap was imposed on the Original Permission, the physical development consented by the Original Permission will accommodate an increase to 19 mppa.

A2. This is not entirely correct. The 18 mppa cap did not just 'reflect the forecasts at that time'. The environmental assessment of the proposal was based on the 18 mppa throughput being sought and the proposal was accepted on the basis of that assessment – not of any additional throughput capacity that might exist within the physical development/infrastructure provided. All of this is clear from the 18 mppa master plan, the application submitted, the committee papers and indeed the decision notice. The controls imposed on the consent reflected an 18 mppa Airport, not any bigger.

*'is acknowledged that airport capacity is not a single rigid number, and that there are different approaches and variables to estimating capacity and that at best capacity determination is an approximate science, it is considered that the most effective way of achieving a certainty of the throughput would be in the form of a limit on the annual passenger numbers. This would be best achieved through the imposition of a condition limiting the passenger numbers to 18mppa, **which would also safeguard the amenities of the surrounding area and thereby accord with the objectives of Local Plan Policy LP1 and the NPPF.***

Controls over operations

10 At no time shall the commercial passenger throughput of the airport exceed 18 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.

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

area. To accord with the objectives of Policy LP1 of the Luton Local Plan and the National Planning Policy Framework.'

[emphasis added]

1.1.4 The subsequent success of the airport has been well documented, with passenger throughput increasing from 10.5 mppa in 2014 to 18 mppa in 2019, a 71% increase in just six years. Notwithstanding the temporary implications of COVID-19 for travel volumes, the long term growth in demand is set to continue and raising the cap to 19 mppa would allow the airport to continue to grow effectively within sustainable limits, and as one of the largest employers in the area, it will assist in economic recovery both locally and nationally.

A3. But the failure of the Airport to grow whilst complying with the restrictions imposed upon it by the parent planning consent are also well documented. The breaches of Condition 10 have been such that the Airport was required to submit a planning application for their temporary relaxation to 2027.

3.2.3 It is also noteworthy that LC recognised within the decision notice for the 2014 Planning Permission (i.e. Reason no. 4 for granting planning permission) that the expanded airport would have a capacity of between 18 and 20 mppa as stated below:

"...The conclusion reached in determining the application is that the capacity at the Airport with the proposed developments would be between 18 mppa and 20 mppa. The range reflects the many normal uncertainties in capacity assessments, with the greatest of these being whether the existing patterns of traffic will continue (the lower end of the range), or whether historic peak ratios will return (the higher end of the range). Whilst it is acknowledged that the airport capacity is not a single rigid number, and that there are different approaches and variables to estimating capacity and that at best capacity determination is an approximate science, it is considered that the most effective way of achieving a certainty of the throughput would be in the form of a limit on the annual passenger numbers. This would be best achieved through the imposition of a condition limiting the passenger numbers to 18 mppa..."

A4. The Statement fails to conclude this paragraph – repeated here for completeness.

'.....which would also safeguard the amenities of the surrounding area and thereby accord with the objectives of Local Plan Policy LP1 and the NPPF.'

A5. The 18 mppa cap is clearly directly linked to the need to safeguard amenity to accord with the development plan and NPPF.

3.9 19/00428/EIA (Section 73 to 15/00950/VARCON permission)

3.9.1 The noise monitoring by LLAOL revealed that the summer night-time contour as set out in Condition 10 (Noise contours) of the 15/00950/VARCON permission was exceeded in 2017 for the first time. The summer night-time contour was exceeded again for the second time in 2018. In March 2019, a

Section 73 application was submitted to temporarily enlarge the noise contours to the end of 2024 whilst the development of newer, quieter aircraft progresses and comes into operation.

A6. This application has now been withdrawn.

4.2.5 It is anticipated that LLA will recover relatively swiftly from the temporary COVID-19 implications, having been the second busiest airport in the UK by passenger numbers during the travel restrictions (e.g. May and June 2020) after Heathrow. LLAOL expects passenger volumes to recover to 18 mppa by 2023 and could grow beyond 18 mppa in 2024. Therefore the 19 mppa proposal is likely to be realised in 2024.

4.2.6 LLAOL's passenger recovery forecast is based on the industry-wide research and forecast by Airports Council International (ACI). ACI are an industry body representing airports throughout the world, including LLA. As well as representing airports' views and interests, they provide analysis and forecasts of airport performance drawing on industry experts to provide a view of future industry demand.

4.2.7 A panel of air traffic forecasting experts has been polled by ACI and the results aggregated to provide a consensus view of the likely recovery of passenger demand to/from and within Europe in 2020 and 2021. LLAOL have further extrapolated those recovery rates beyond December 2021 to the end of 2024 as shown Figure 4.1 below.

4.2.10 Based on the ACI's industry insight, it is reasonable to believe that LLA will recover to 18 mppa somewhere between the 'medium' and 'high' recovery scenarios. This means that LLA could realistically be back at 18 mppa sometime in 2023 and be growing beyond 18 mppa in 2024. As such, the 19 mppa proposal is likely to be realised in 2024.

A7. The County Council's response to the LLAOL 19 mppa consultation highlighted the scenarios presented by IATA/Eurocontrol, suggesting a more likely later recovery scenario. Since then, the Committee on Climate Change has issued its Sixth Carbon Budget advice to Government in which it recognises uncertainties generated by Covid *'.....There remain major uncertainties as to the size of the aviation industry that will emerge post-COVID, particularly as the pandemic continues to spread globally.....CCC have estimated a drop in UK flights and emissions during 2020-2023....., with a return to previously projected to demand levels from 2024 in most scenarios.'*

A8. Given the current state of play with regard to Covid containment/recovery, an updated assessment should be prepared for the decision-maker.

4.3.5 The modification to Condition 10 is required in order to account for the fact that the introduction of new quieter aircraft has not kept pace with the unprecedented growth in passenger demand. The passenger level at LLA reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the 2014 Planning Permission. An amended condition is necessary in order to safeguard against factors that are beyond the airport's direct control, including delays to the technological aircraft development and

delays to flying times due to European Air Traffic Control disruptions and extreme weather events.

A9. This is only partly correct. As the County Council's response to the Condition 10 planning application stated, the principal reason for the failure of the Airport to meet the requirements of the planning permission to 18 mppa is the inability of the operator to manage operations and growth in a manner to meet those requirements. It would have been entirely possible for the Airport to grow and honour the planning consent.

4.3.11 Data from the noise monitoring that LLAOL carry out (and published as part of LLAOL's annual monitoring reports) revealed that the contours as set in Condition 10 were exceeded since 2017 but only in the summer. LLAOL have looked extensively at their operations to ascertain why the contour was breached and what measures it could reasonably take to guard against further breaches (see below under the heading 'mitigation' for further information).

4.3.12 A series of severe weather events, combined with European Air Traffic Control disruption, resulted in flights that were scheduled to arrive in the daytime period actually arriving in the night-time period. The additional unplanned night-time flights contributed to Condition 10 being exceeded, and there is no mechanism to permit the exclusion of these movements from the assessment as there is with the movement and Quota Count (QC) limits.

4.3.13 Following the exceedance of the night-time contour limit in 2017 the airport put in place a suite of operational restrictions to curb the number of movements during the night-time period to safeguard against a further exceedance of the limit. This included rejecting any applications for additional scheduled night-time movements. However, due to circumstances outside of LLAOL's control (namely continued disruption of European Air Traffic Control, for reasons such as industrial actions and weather events) meant that the contour was breached again in the following years.

4.3.14 In summary, the number of passengers using LLA has grown more quickly than that forecast at the time of the 2014 Planning Permission, but the introduction of the new generation aircraft has not kept pace. These factors, combined with unforeseen delays arising from European industrial issues and severe weather events, have resulted in a situation whereby the airport cannot operate to its full permitted 18 mppa capacity nor can it sustainably grow to 19 mppa whilst being confident that the restrictions of Condition 10 can be met.'

A10. See paragraph A9.

4.3.6 Scheduling and other wider considerations beyond LLA dictate to airlines which aircraft are used for particular flights, although LLA is able to offer incentives to airlines for the introduction of the next generation aircraft operating out of Luton. Nevertheless, airlines at LLA have placed orders for these modern aircraft and continue to do so, and it is anticipated that these aircraft would be delivered between 2021 and 2028.

A11. Further information is required on the scale and timing of these commitments.

4.7 Conclusion

4.7.3 LLAOL has prepared a suite of technical evidence-based assessments to demonstrate the impacts of its proposals to increase the passenger cap to 19 mppa alongside the enlargement of noise contours. The assessments have been produced in consultation with key stakeholders including LLAL, LC and the surrounding local communities.

A12. The assessments have not been produced in consultation with surrounding local communities.

5.2 National policy frameworks

5.2.1 It is important to set out the Government's current and emerging aviation policy relating to the future of the UK aviation sector, before setting out the planning policy context in relation to the Proposed Amendments.

A13. It is indeed important for the PS to set out Government's current and emerging aviation policy, but it is also important to set out relevant general national policy that is applicable to the application. The assessment of relevant policy in section 5.2 of the PS is poor on both counts.

Aviation Policy Framework (APF)

5.2.4 The APF states that the Government wants to see the best use of existing airport capacity (Paragraph 1.24) and that in the short term, a key priority for the Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports to improve performance, resilience and the passenger experience (Paragraph 1.60).

A14. Paragraph 5.2.4 refers to paragraph 1.24 of the APF in relation to making best use of existing airport capacity. But it then fails to go to recognise the text immediately following this para 1.24 reference which is very relevant context for this planning application:

*'1.24 The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England. **However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. 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.***

A15. The APF section also fails to recognise other parts of the APF relevant to the application. For example:

'Strategy for a vibrant aviation sector: the short term

1.60 In the short term, to around 2020, a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports.

'Our climate change strategy for aviation

2.4 The Government's objective is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.

3.1 **Whilst the aviation industry brings significant benefits to the UK economy, there are costs associated with its local environmental impacts which are borne by those living around airports, some of whom may not use the airport or directly benefit from its operations.** This chapter considers noise, air quality and other local environmental impacts.

Noise

3.2 The Government recognises that noise is the primary concern of local communities near airports. The extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population and the quality of its relations and communications with its local communities. We are aware that many airports already make considerable efforts to engage their local communities and that the relationship is well managed.

3.3 **We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.**

3.7 The Government fully recognises the ICAO Assembly 'balanced approach' principle to aircraft noise management. The 'balanced approach' consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- reduction at source (quieter aircraft);
- land-use planning and management;
- noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts); and
- operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times).

Policy objective

3.12 **The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.**

3.13 This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

3.14 Although there is some evidence that people's sensitivity to aircraft noise appears to have increased in recent years, there are still large uncertainties around the precise change in relationship between annoyance and the exposure to aircraft noise. **There is evidence that there are people who consider themselves annoyed by aircraft noise who live some distance from an airport in locations where aircraft are at relatively high altitudes.** Conversely, some people living closer to an airport seem to be tolerant of such noise.

3.15 To provide historic continuity, the Government will continue to ensure that noise exposure maps are produced for the noise-designated airports on an annual basis providing results down to a level of 57dB LAeq 16 hour. To improve monitoring of the specific impact of night noise, we will also ensure that separate night noise contours for the eight-hour night period (11pm–7am) are produced for the designated airports.

3.17 **We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.**

3.19 Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. **However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities,** developing these measures in consultation with their consultative committee and local communities. **The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.**

Measures to reduce and mitigate noise – the role of industry

3.24 **The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.**

3.25 As a general principle, **the Government expects that at the local level, individual airports working with the appropriate air traffic service providers should give particular weight to the management and mitigation of noise,** as opposed to other environmental impacts, in the immediate vicinity of airports, where this does not conflict with the Government's obligations to meet mandatory EU air quality targets. Any negative impacts that this might have on CO₂ emissions should be tackled as part of the UK's overall strategy to reduce aviation emissions, such as the EU Emissions Trading System (ETS). Further guidance on this principle will be published when the Department for Transport updates its guidance to the Civil Aviation Authority (CAA) on environmental objectives relating to the exercise of its air navigation functions (see Chapter 5).

3.27 **As part of the range of options available for reducing noise, airports should consider using differential landing charges to incentivise quieter aircraft.** The Government has asked the CAA to investigate the use of these charges and the CAA will be publishing its findings later this year.

3.28 **The Government expects airports to make particular efforts to mitigate noise where changes are planned which 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 these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.

Night noise

3.34 **The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations.** However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.

3.35 **In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available.** We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.

Noise insulation and compensation

3.36 The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving.

3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

3.40 Any potential proposals for new nationally significant airport development projects following any Government decision on future recommendation(s) from the Airports Commission would need to consider tailored compensation schemes where appropriate, which would be subject to separate consultation.

3.41 Airports may wish to use alternative criteria or have additional schemes based on night noise where night flights are an issue. Airport consultative committees should be involved in reviewing schemes and invited to give views on the criteria to be used.

Air quality and other local environmental impacts

3.48 Our policy on air quality is to seek improved international standards to reduce emissions from aircraft and vehicles and to work with airports and local authorities as appropriate to improve air quality, including encouraging HGV, bus and taxi operators to replace or retrofit with pollution-reducing technology older, more polluting vehicles.

3.51 Studies have shown that NO_x emissions from aviation-related operations reduce rapidly beyond the immediate area around the runway. Road traffic remains the main problem with regard to NO_x in the UK. Airports are large generators of surface transport journeys and as such share a responsibility to minimise the air quality impact of these operations. The Government expects them to take this responsibility seriously and to work with the Government, its agencies and local authorities to improve air quality.

3.52 Whilst our policy is to give particular weight to the management and mitigation of noise in the immediate vicinity of airports, there may be instances where prioritising noise creates unacceptable costs in terms of local air pollution. For example, displacing the runway landing threshold to give noise benefits could lead to significant additional taxiing and emissions. For this

reason, the impacts of any proposals which change noise or emissions levels should be carefully assessed to allow these costs and benefits to be weighed up.

Planning policies

5.6 In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application.'

Surface access

5.11 *All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.*

5.12 *The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with additional passengers travelling to and from expanded or growing airports. Where the scheme has a wider range of beneficiaries, the Government will consider, along with other relevant stakeholders, the need for additional public funding on a case-by-case basis.*

Beyond the Horizon: The Future of UK Aviation

A16. Paragraphs 5.2.5-5.27 summarise 'Beyond the Horizon: The Future of UK Aviation'. This was an earlier Government consultation (April 2018) in the Government's development of its new national aviation policy. The Government's latest publication is 'Aviation 2050: The Future of UK Aviation' (December 2018), and this is considered below.

Airports National Policy Statement (ANPS)

A17. The PS is sparse in its analysis of relevant policy context in the ANPS. For example:

*'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. **Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.***

Surface access

Introduction

5.5 The Government's objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality.

Noise

Introduction

5.44 **The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport,** although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- **Avoid significant adverse impacts on health and quality of life from noise;**
- **Mitigate and minimise adverse impacts on health and quality of life from noise; and**
- **Where possible, contribute to improvements to health and quality of life.**

Carbon emissions

Introduction

5.69 *The Planning Act 2008 requires that a national policy statement must give reasons for the policy set out in the statement and an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change.*¹⁶² *The Government has a number of international and domestic obligations to limit carbon emissions. Emissions from both the construction and operational phases of the project will be relevant to meeting these obligations.*

5.70 *The Government's key objective on aviation emissions, as outlined in the Aviation Policy Framework, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.*¹⁶³

Community compensation

Introduction

5.239 *The Secretary of State recognises that, in addition to providing economic growth and employment opportunities, airport expansion will also have negative impacts upon local communities. This will include impacts through land take requiring the compulsory acquisition of houses that fall within the new boundary of the airport, exposure to air quality impacts, and aircraft noise, that is both an annoyance and can have an adverse impact on health and cognitive development.'*

Aviation 2050: The Future of UK Aviation

A18. The PS is sparse in its analysis of relevant policy context in the Aviation 2050. For example:

'Environmental impacts

1.26 *Disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.*

There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is supporting the industry to deliver airspace modernisation and has also established a new Independent Commission on Civil Aviation Noise (ICCAN), but efforts to reduce and manage noise impacts must continue.

What this means for Aviation 2050

1.33 *Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. **Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.***

1.34 The eastward shift in aviation markets and the growth in new technologies mean that aviation could look very different to how it does today, both globally and domestically. To remain competitive on the global stage, and to safeguard its role as one of the leaders in both aviation and aerospace, the UK must be well positioned to take advantage of these new opportunities, while managing the potential economic, political and environmental headwinds along the way.

1.35 This is the motivation behind a new Aviation Strategy which will:

.....

- ensure that aviation can grow sustainably – moving beyond an artificial ‘choice’ between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts

- **support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country

.....

Ensure aviation can grow sustainably

3.3 **Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions.** There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required. **Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.**

A partnership for sustainable growth

3.5 The government’s forecasts show that demand for aviation will continue to grow in the period to 2050. The government intends to discuss its modelling approach with stakeholders in the first half of 2019, which will inform future decisions on whether there is a case for additional runways.

3.6 The government accepted the independent Airports Commission’s conclusion that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway and supports a new Northwest runway at Heathrow Airport, through the designation of the Airports National Policy Statement (NPS). This sets out the requirements that an applicant will need to meet in order for development consent to be granted. **The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.**

3.9 The partnership for sustainable growth which the government is proposing is a long-term policy framework which will need to be flexible enough to respond

to new information, developments and changing circumstances, while providing sufficient long-term confidence for the industry and communities.

3.10 The government's expectation is that the new framework would apply to all airport and airline operations within the UK, although many policies would need to be tailored to the local circumstances. For example, there could be different policies applied depending on whether an airport was continuing to grow within existing planning approvals, was bringing forward a new planning application to make best use of existing runways, or in future was potentially seeking permission for a new runway. Until any framework is adopted as government policy, planning applications should continue to be considered against existing policy.

Future growth

3.11 The government believes that forecasted aviation demand up to 2030 can be met through a Northwest runway at Heathrow and by airports beyond Heathrow making best use of their existing runways subject to environmental issues being addressed. To ensure that this additional capacity delivers the full benefits for the consumer and industry while minimising the negative impacts on local communities, the government proposes to work in partnership with the industry to deliver on a number of policy areas, as set out in this chapter.

Surface access

3.67 It is important to have good surface access links with airports. All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts.

Community engagement and sharing benefits from growth

3.71 In recognition of their impact on local communities and as a matter of good corporate social responsibility, a number of airports have community funds which exist to provide funding for local community projects. There is currently no national policy on such funds. In relation to the proposed Heathrow Northwest runway, the Airports NPS expects ongoing community compensation will be proportionate to environmental impacts.

3.72 The government believes all major airports should establish and maintain community funds, to invest sufficiently in these so that they are able to make a difference in the communities impacted and to raise the profile of these funds. The levels of investment should be proportionate to the growth at the airport. Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. The government proposes to:

- **produce guidance on minimum standards for community funds**

A 2050 vision for tackling emissions

3.85 The government recognises that international action takes time, so will also consider appropriate domestic action to support international progress. The UK's trajectory to meeting its Climate Change Act 2050 target is set out in five-yearly carbon budgets that currently exclude emissions from international aviation. However, the Committee on Climate Change (CCC), established by the Climate Change Act as the independent advisory body on climate change, recommends that international aviation should be included by 2050.

3.86 In order to implement the government's long term vision for addressing UK aviation emissions, the government will maintain its current policy not to mandate sector specific emissions reduction targets to ensure reductions are made wherever it is most cost effective across the economy.

3.87 The government agrees with the current CCC advice that international aviation emissions should, for now, continue to be formally excluded from carbon budgets. The government proposes therefore, to continue using the CCC advice and leave 'headroom' for international aviation when setting carbon budgets so that the economy as a whole is on a trajectory to meeting the 2050 Climate Change Act target (including international aviation). To set a clear level of ambition for the sector, the government proposes to:

accept the CCC's recommendation that emissions from UK-departing flights should be at or below 2005 levels in 2050

Sustainable journeys to the airport

3.98 *The government's ambition is to put the UK at the forefront of the design and manufacture of zero emission vehicles, and for all new cars and vans to be effectively zero emission by 2040.....*

3.99 *The government's expectation is that airports, through their surface access strategies, set targets for sustainable passenger and staff travel to the airport which meet, where possible, the ambitions set by the government and for these to be monitored by their respective Airport Transport Forums.*

3.101 *The government expects airports to make the most of their regional influence to provide innovative solutions and incentives against ambitious targets which reduce carbon and congestion and improve air quality.*

Air quality

3.123 *The government recognises that air pollution is the top environmental risk to health in the UK and it remains determined to improve air quality. A cleaner, healthier environment benefits people and the economy.*

Proposed measures

3.127 *The government recognises the need to take further action to ensure aviation's contribution to local air quality issues is properly understood and addressed and is proposing the following measures:*

- **requiring all major airports to develop air quality plans to manage emissions within local air quality targets.** This will be achieved through establishing minimum criteria to be included in the plans
-

Managing noise

The impact of aviation noise

3.102 **The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.**

.....

3.105 **However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19).** The CAA's report also shows that the number of people affected will be higher as a result of population increases.

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise.

.....

3.112 **The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.** The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is "to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development."

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. **The government**

intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible.

3.115 The proposed new measures are:

- **setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017**
- **developing a new national indicator to track the long term performance of the sector in reducing noise.** This could be defined either as a noise quota or a total contour area based on the largest airports
- **routinely setting noise caps as part of planning approvals (for increase in passengers or flights).** The aim is to balance noise and growth and to provide future certainty over noise levels to communities. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available
- **requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.** This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels. **The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps.** The noise action planning process could potentially be developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA

3.121 The government is also:

- **proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance**

3.122 Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:

- **to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr**
- **to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up**

- ***the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency***
- ***for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation***

Air quality

Proposed measures

3.127 *The government recognises the need to take further action to ensure aviation's contribution to local air quality issues*

.....

- ***requiring all major airports to develop air quality plans to manage emissions within local air quality targets. This will be achieved through establishing minimum criteria to be included in the plans***
-

Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

National Planning Policy Framework (NPPF)

5.2.20 The framework highlights in Paragraph 81 that planning policies should be ***“flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances”***.....

A19. Paragraph 81 is irrelevant as it relates to what planning policies in development plans should do, not decisions upon planning applications.

Promoting sustainable transport

5.2.21 Paragraph 104 states that planning policies should ***“provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy”***. The framework clearly acknowledges the economic benefit that expansion of a large scale transport facility, such as an airport expansion, can generate.

A20. Reference to large scale transport facilities is irrelevant to this planning application because paragraph 104 relates to the development of planning policies, not to decisions on planning applications.

5.2.22 The same paragraph goes on to highlight aviation facilities specifically. It notes that planning policies should ***“recognise the importance of maintaining a***

national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy”.

A21. This relates to general aviation, not large scale nationally significant airports like London Luton.

A22. No reference is made to the following relevant policy:

‘102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

‘110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Meeting the challenge of climate change, flooding and coastal change

5.2.24 Paragraph 148 encourages the planning system to *support the transition to a low carbon future in a changing climate* and *“help to shape places in ways that contribute to radical reductions in greenhouse gases emissions”*. Paragraph 150 states that *“new development should be planned in ways that a) avoid increased vulnerability to the range of impacts arising from climate change”* and that *“b) can help to reduce greenhouse gas emissions”*.

A23. No reference is made to the following relevant policy:

‘153. In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.’

Conserving and enhancing the natural environment

A24. No reference is made to the following relevant policy:

‘181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.’

NPPF conclusion

5.2.28 The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognise that for some types of development there is a need to take into account the specific local opportunities that may present themselves. There is strong policy support for businesses to develop and a recognition in the case of aviation that needs may not be fixed but may change over time. Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from pollution recognising that they could potentially give rise to significant adverse impacts upon health and quality of life.

A25. *‘The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognises that for some types of development there is a need to take into account*

the specific local opportunities that may present themselves'. The NPPF does not state this - the presumption in favour of sustainable development:

- does not itself refer to the need to balance social, economic and environmental objectives. The objectives referred to are the objectives of the planning system to achieve sustainable development. The 'balance' between these objectives is within the supporting text and relates to achieving sustainable development more generally through the planning system.
- does not in any way recognise that some types of development need to take into account specific local opportunities that may present themselves.

A26. Reference is made to *'a recognition in the case of aviation that needs may not be fixed but may change over time'*. The NPPF does no such thing – where it does comment on *'the need to adapt and change over time'* is in relation to general aviation only.

A27. *'Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from noise recognising that it could potentially give rise to significant adverse impacts upon health'*. None of this features within the NPPF. The NPPF makes no reference to aviation development (only general aviation – see above), being *'environmentally appropriate'* (whatever that is supposed to mean), to *'undertake measures to mitigate'* or that it *'could potentially give rise to significant adverse impacts upon health'*.

A28. NB. There are no conclusions for any other of the policy summaries.

National Planning Practice Guidance

5.2.29 On 6 March 2014, the Department for Communities and Local Government (DCGL, now MHCLG) launched the National Planning Practice Guidance (PPG), a web-based resource. Together with the NPPF, this sets out the Government's overall planning policy framework. With specific regard to aviation and airport planning, the PPG does not introduce any additional guidance beyond that which is already captured by the NPPF.

A29. NPPG might not refer specifically to aviation or airports, but it contains plenty of guidance of relevance to the application. For example:

'Air Quality

The Department for Environment, Food and Rural Affairs carries out an annual [national assessment of air quality](#) using modelling and monitoring to determine compliance with relevant [Limit Values](#). It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.

Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also

be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

Where air quality is a relevant consideration the local planning authority may need to establish:

- the ‘baseline’ local air quality, including what would happen to air quality in the absence of the development;*
- whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.*

.....’

A30. NPPG contains a whole section on Travel Plans, Transport Assessments and Statements from paragraph: 001 Reference ID: 42-001-20140306 through to 015 Reference ID: 42-015-20140306.

A31. NPPG contains a whole section on Noise, from paragraph: 001 Reference ID: 30-001-20190722 through to Paragraph: 017 Reference ID: 30-017-20190722. The following paragraphs are particularly relevant.

***How can it be established whether noise is likely to be a concern?
(paragraph 005 Reference ID: 30-005-20140306)***

‘.....As the exposure increases further, it crosses the ‘lowest observed adverse effect’ level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the ‘significant observed adverse effect’ level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.....’

Response	Examples of outcomes	Increasing effect level	Action
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Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid

What factors influence whether noise could be a concern? (paragraph 006 Reference ID: 30-006-20141224)

‘The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
-;*
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;.....’*

How can planning address the adverse effects of noise sources, including where the ‘agent of change’ needs to put mitigation in place? (Paragraph: 010 Reference ID: 30-010-20190722)

This will depend on the type of development being considered the type of noise involved and the nature of the proposed location. In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;*
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;*
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;*
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.*

For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. It may also be possible to work with the owners/operators of existing businesses or other activities in the vicinity, to explore whether potential adverse effects could be mitigated at source. Where this is the case, it may be necessary to ensure that these source-control measures are in place prior to the occupation / operation of the new development. Where multiple development sites would benefit from such source control measures, developers are encouraged to work collaboratively to spread this cost. Examples of source control measures could include increased sound proofing on a building (e.g. a music venue) or enclosing an outdoor activity (e.g. waste sorting) within a building to contain emissions.

Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development.

How can the potential impact of aviation activities on new development be addressed through the planning system? Paragraph: 012 Reference ID: 30-012-20190722

'The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development.'

How can local authorities and airport operators mitigate the environmental impacts of airport expansion? Paragraph: 013 Reference ID: 30-013-20190722

The management of environmental effects associated with the development of airports and airfields is considered in detail in the [Aviation Policy Framework](#). Planning authorities and airport operators are encouraged to work together to develop mitigation measures that are proportionate to the scale of the impact. Development that would increase air movements may require an Environmental Impact Assessment (where it meets the relevant threshold in Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017). It may be appropriate to consider, as part of any proposed mitigation strategy, how operational measures, siting and design of new taxiways, apron and runways, and ground-level noise attenuation measures could reduce noise impacts of expansion or increased utilisation to a minimum.

How can local communities have a say in decisions that could result in new noise arising from aviation? Paragraph: 014 Reference ID: 30-014-20190722

The Civil Aviation Authority has produced guidance on the regulatory process for [changing airspace design](#). The process is separate from the planning process, and gives local communities the opportunity to consider and comment on proposed changes that could affect them. Local communities also have a statutory right to contribute their views at each step in the planning process, including where development of an airport or airfield is proposed within an emerging plan or a planning application is submitted to a local authority. Depending on their nature and scale, applications for airport expansion may be determined through the Nationally Significant Infrastructure Projects regime. Where airport expansion is considered through the planning system, it will be important for decisions to consider any additional or new impacts from that expansion, and not to revisit the underlying principle of aviation use (where the latter has already been established). As part of this process, applicants are required to engage and consult with local communities, local authorities and others from the outset.'

A32. The PS fails to recognise other relevant national policy/guidance. By way of example:

Noise Policy Statement for England (NPSE)

'2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.'

'The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

Air Navigation Guidance 2017 (ANG)

Underpinning this new guidance are a number of key overall objectives. These include to:

-
ensure that aviation can continue to make its important contribution to the UK economy and at the same time seek to improve the sustainable development and efficiency of our airspace network;
-
- emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.

The government's key environmental objectives

1.2 The environmental objectives with respect to air navigation are chosen to facilitate the government's overall environmental policies. These environmental objectives are designed to minimise the environmental impact of aviation within the context of supporting a strong and sustainable aviation sector. These objectives are, in support of sustainable development, to:

- a. limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise³;
- b. ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and
- c. minimise local air quality emissions and in particular ensure that the UK complies with its international obligations on air quality.

Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government's three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to **interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour.** Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. **It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis.** As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. **For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.**

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. **Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise.** The CAA's overflights metric is a means of portraying those locations where residents will experience being overflown. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The **government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.**

Beyond the Horizon The Future of UK Aviation – Making best use of existing runways June 2018

'1.5 **The Aviation Strategy call for evidence set out that government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East, subject to environmental issues being addressed.** The position is different for Heathrow, where the government's proposed policy on expansion is set out in the proposed Airports NPS.

Call for evidence response summary

1.6 The Aviation Strategy call for evidence document asked specifically for views on the government's proposal to support airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed.

.....
1.8 The main issues raised included the need for environmental issues such as noise, air quality, and carbon to be fully addressed as part of any airport proposal; the need for improved surface access and airspace modernisation to handle the increased road / rail and air traffic; and clarification on the planning process through which airport expansion decisions will be made.

Role of local planning

1.9 Most of the concerns raised can be addressed through our existing policies as set out in the 2013 Aviation Policy Framework, or through more recent policy updates such as the new UK Airspace Policy or National Air Quality Plan. **For the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes. It is right that decisions on the elements which impact local individuals such as noise and air quality should be considered through the appropriate planning process** and CAA airspace change process.

1.10 Further, local authorities have a duty to consult before granting any permission, approval, or consent. This ensures that local stakeholders are

given appropriate opportunity to input into potential changes which affect their local environment and have their say on airport applications.

Local environmental impacts

1.22 The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. As airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts such as noise are mitigated where possible.

1.23 For the majority of local environmental concerns, the government expects these to be taken into account as part of existing local planning application processes.

1.24 As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.

Policy statement

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.....**

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. We expect that applications to increase existing planning caps by fewer than 10 million passengers per annum (mppa) can be taken forward through local planning authorities under the Town and Country Planning Act 1990. 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.

1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. 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.'

A Green Future: Our 25 Year Plan to Improve the Environment November 2017 HMG

*'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. **We must ensure that noise and light pollution are managed effectively.***

5.3 The development plan

5.3.1 Moving on from the national level policy frameworks to the local level context, the development plan is the Luton Local Plan 2011-2031 which was adopted by the Council in 2017.

A33. Given that the noise impacts of the Airport and of this planning application are felt much further afield than the administrative boundary of the LBC, the County Council would have expected the Planning Statement to have reviewed and summarised any relevant development plan policies in the wider sub region (Local Plans and Neighbourhood Plans). By way of example:

Stevenage Borough Local Plan 2011-2031 Adopted 22nd May 2019

Climate change, flooding and pollution

Policy SP11: Climate change, flooding and pollution

We will work to limit, mitigate and adapt to the negative impacts of climate change, flood risk and all forms of pollution. We will:

- a. ensure new development minimises and mitigates its impact on the environment and climate change by considering matters relating (but not necessarily limited) to the provision of green space, renewable energy, energy efficiency, water consumption, drainage, waste, pollution, contamination and sustainable construction techniques;*
- b. ensure new development reduces or mitigates against flood risk and pollution;*
- c. take a sequential approach to development in all areas of flood risk; and*
- d. protect existing flood storage reservoirs and require new flood storage reservoirs to be provided where appropriate.*

5.136 Climate change continues to be a subject that features prominently on the World Stage. As part of our commitment to limiting the Borough's negative impacts on the environment, we will ensure that all new developments are energy efficient; have low water consumption; incorporate appropriate drainage (SuDS); incorporate waste recycling; minimise pollution; remediate contamination; and seek to adopt sustainable construction techniques.

5.143 Stevenage lies under flight paths in and out of London Luton Airport. Airport passenger numbers have grown significantly since the turn of the Millennium and will continue to do so. We will make sure that new development,

particularly to the west of the town, conforms with advice on acceptable levels of exposure to aircraft noise.

Policy HO2: Stevenage West

Land to the west of Stevenage, as defined by the policies map, is allocated for the development of approximately 1,350 dwellings. A Masterplan for the whole site will be required as part of any planning application. The Masterplan must be approved prior to the submission of detailed development proposals for the site.

Development proposals will be permitted where the following criteria are met:

.....
q. The impact of noise pollution from London Luton Airport is mitigated; and
.....

Policy FP7: Pollution

All development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Applications for development where pollution is suspected must contain sufficient information for the Council to make a full assessment of potential hazards and impacts. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on:

- a. The natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;*
- b. Health and safety of the public; and*
- c. The compliance with statutory environmental quality standards.*

13.41 Air, water, light and noise pollution arising from new development can individually and cumulatively have a significantly damaging impact on the countryside, on peoples' living environment and on wildlife. Whilst lighting is desirable for safety, recreation and the enhancement of some buildings, inappropriate lighting can cause sky glow, glare and light spill and represents energy waste.

13.42 We will seek to ensure that levels of pollution are kept to a minimum and are acceptable to human health and safety, the environment and the amenity of adjacent or nearby land users. Environmental Health legislation regulates many forms of pollution, but it is clearly preferable to prevent conflict from new development arising in the first place. The weight given to each criterion will depend on the particular circumstances and relevant control authorities will be consulted as necessary.

Policy FP8: Pollution sensitive uses

Planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Planning permission in areas having the potential to be affected by unacceptable levels of aircraft noise will be subject to conditions or planning obligations to ensure an adequate level of protection against noise impacts.

13.45 Pollution sensitive uses, such as housing, schools and hospitals, should ideally be separated from pollution generating uses, such as industrial units and airports, wherever possible.

13.46 Stevenage is located in close proximity to London Luton Airport and is, therefore, affected by aircraft noise generated from it. The direction of the runway means that some planes fly over Stevenage to take off and land. However, national guidance defines the levels of noise experienced as being acceptable. An application has been granted for work to facilitate the growth of London Luton Airport. This would see the airport cater for up to 18 million passengers per annum before the end of our Local Plan period.

13.47 Noise contours identified in the London Luton Noise Action Plan, 2013 - 2018, extend in close proximity to the western extent of the proposed development west of Stevenage. Development in this area, particularly, will need to ensure that any noise impacts are mitigated.

Dacorum Core Strategy 25th September 2013

'Pollution and Waste Management

18.33 The planning system plays a key role in the location and standard of development. Together with other consent regimes and processes, it can limit the impact of (and prevent) polluting emissions – i.e. noise, light, fumes, chemicals, noxious and hazardous substances and waste in general. Standards set nationally should continue to be achieved. When standards become more stringent, efforts must be made to enhance the quality of the air, water and/or soils.

18.34 In Dacorum special consideration needs to be given to:

- the quality of the groundwater supplying the chalk aquifer;
- protecting the habitat and biodiversity of chalk streams;
- the maintenance of higher quality agricultural areas and the sand and gravel belt;
- limiting the effects of noise and air pollution along major routes (i.e. road, rail and aircraft from Luton Airport);
- retaining tranquil parts of the Chilterns Area of Outstanding Natural Beauty and Boarscroft Vale; and
- the risks associated with Buncefield Oil Terminal.

18.35 The planning system has a role to play in the minimization of waste at or near source and in the disposal of household, commercial and construction waste. Unnecessary waste should be reduced and managed nearer to its source. To avoid unnecessary waste going to landfill sites, developers will be expected to avoid potentially polluting developments, the creation of additional waste, and the location of new development near existing sources of pollution. Where waste is unavoidable it will need to be transferred and managed. Waste recycling and management will be appropriate in many General Employment Areas. New facilities may be provided through the relocation of the existing

Household Waste Recycling Centre and Waste Disposal Centre in East Hemel Hempstead.

.....

POLICY CS32: Air, Soil and Water Quality

Development will be required to help:

- (a) support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area;*
- (b) maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance; and*
- (c) improve water quality standards in line with the Water Framework Directive, Environment Agency and Natural England guidance.*

Any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Advice on the storage and handling of hazardous substances will be taken from the Health and Safety Executive.'

*North Hertfordshire District Council Local Plan 2011-2031
Proposed Submission October 2016*

'Policy SP19: Sites EL1, EL2 and EL3 – East of Luton

Land to the east of Luton, as shown on the Proposals Map, is allocated as a Strategic Housing Site for a new neighbourhood of approximately 2,100 homes.

Planning permission for residential-led development will be granted where the following site-specific measures requirements are met:

.....

- j. Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces;*

.....

4.224 The site is in close proximity to the Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path.

King's Walden

Infrastructure and mitigation

13.180 Breachwood Green is located on the approach and departure flightpaths from Luton airport and any schemes will need to demonstrate that noise issues

have been appropriately addressed and that internal noise levels within any new homes are within relevant guideline levels.

Policy D3: Protecting living conditions

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

9.19 All development has the potential to have an adverse impact on its neighbours, in a wide variety of ways. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.

9.22 There are two ways mitigation may occur. Either the development can incorporate measures to reduce the effect it has, or it can fund works off site to reduce the impact on those affected by it. This latter course of action may be appropriate for development such as the expansion of airfields, where there will inevitably be an increase in noise, but it may be possible to provide sound protection to those buildings affected by that noise.'

Noise and Vibration

5.47 Noise can have a detrimental effect on the environment and on quality of life. PPG 24 'Noise' provides guidance on the use of planning powers to minimise the adverse impact of noise. In accordance with that advice the Council will seek to ensure that noise-sensitive developments, such as housing, are separated from major sources of noise. It will also seek to ensure that new development with a potential for causing noise nuisance is sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472:1992 will be used to evaluate exposure to vibration in buildings. The Council has powers under Environmental Health legislation in respect of statutory noise nuisances.

5.48 In considering proposals for development the Council will take into account:

- Possible future increases in noise levels;*
- That the introduction of noisy activities into some residential and rural areas can be especially disruptive because of their existing very low background noise levels;*
- That intermittent sources of noise can be more disruptive than constant sources;*
- That particular difficulties are posed by fast food restaurants, public houses, night clubs etc, both from noise generated within the*

establishments and by customers in the vicinity, traffic and parking, especially in view of their evening and late night activity;

- *That whilst design measures such as orientation, layout and double-glazing can reduce noise levels within buildings, such measures are less effective in reducing the level of noise experienced in public or private amenity areas.'*

Welwyn Hatfield District Plan 2005

'Policy R19 - Noise and Vibration Pollution

Proposals will be refused if the development is likely:

- v. To generate unacceptable noise or vibration for other land uses; or*
- vi. To be affected by unacceptable noise or vibration from other land uses.*

Planning permission will be granted where appropriate conditions may be imposed to ensure either:

- vii. An adequate level of protection against noise or vibration; or*
- viii. That the level of noise emitted can be controlled.*

Proposals should be in accordance with the Supplementary Design Guidance.'

Welwyn Hatfield Draft Local Plan Proposed Submission August 2016

Policy SADM 18 Environmental Pollution

When considering development proposals, the Council will adopt the approach set out below to ensure that pollution will not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment.

Contaminated land and soil pollution

Planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment.

Proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

.....

Noise and Vibration

A Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration. Proposals that would result in or be subject to noise pollution and/or vibration that is:

- i. Very disruptive and would have an unacceptable adverse effect on human health or the natural environment will not be permitted.*
- ii. Disruptive and would have a significant adverse effect on human health of the natural environment will be refused unless the need for, and benefits of, the development significantly outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.*
- iii. Intrusive and would have an adverse effect on human health or the natural environment will be resisted unless the need for, and benefits of, the development outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.*

Justification

12.57 The National Planning Policy Framework outlines the role planning has in creating healthy places and to prevent unacceptable risks to health and the environment arising from pollution.

12.58 National planning policy establishes the objective for planning and new development to support healthy inclusive communities⁽⁷³⁾ and to prevent unacceptable risks to human health, the natural environment and general amenity arising from pollution (para 120). Planning should aim to avoid unacceptable and significant adverse impacts on health, quality of life and the natural environment associated with new and existing development⁽⁷⁴⁾.

.....

Noise and vibration

12.67 Noise and vibration can have a detrimental effect on health and the natural environment. National planning policy requires local policies to avoid giving rise to unacceptable noise impacts and give careful consideration to proposals that would have significant adverse effects. SADM 18 adopts a hierarchical approach to achieve this.

12.68 The siting, layout, landscaping and detailed building design of proposals, coupled with other noise-specific mitigation measures, should seek to avoid and minimise the adverse impacts of noise and vibration rather than rely upon expensive and ineffective retrospective measures. The Council will seek to

ensure that noise-sensitive developments, such as housing, schools, residential and nursing homes, are separated from major sources of noise both to protect new occupiers and users and to avoid prejudicing existing development and uses. The Council will also seek to ensure that new development with a potential for causing noise nuisance are sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472-1:2008 Evaluation of human exposure to vibration within buildings will be used to evaluate exposure to vibration.

12.69 In considering noise pollution and vibration aspects of proposals, the Council will take into account:

- Possible future increases in noise levels.
- The introduction of noisy activities into some residential and rural areas that have very low background noise levels.
- The nature of noise sources, such as intermittent sources of noise which can be more disruptive than constant or anonymous source, and uses such as fast food restaurants, public houses and night clubs which generated noise from within the establishments and through the activities of users within the immediate area in the evening and late night activity;
- That whilst design measures such as orientation, layout and double glazing can reduce noise within buildings, such measures are less effective in reducing the level of noise experienced in external amenity areas. As far as possible residents should have access to a peaceful (below 50dBA Leq) external amenity space
- Traffic associated with 24 hour warehousing and distribution, and other uses which give rise significant HGV and other traffic generation.
- Noise issues created by the use and operation of development itself, such as plant and services.

The East Herts District Plan 2018

'24 Environmental Quality

24.1 Introduction

24.1.1 The control of pollution is critical to achieving the District Plan's strategic objectives by promoting healthy lifestyles and an enhanced quality of life for residents and visitors to the district. Pollution control through development also plays a significant role in planning for climate change and working in harmony with the environment to conserve natural resources and increase biodiversity.

24.1.2 Proposals for all types of development must therefore take into account nearby land uses to ensure that the right development is located in the right place across the district, in order to safeguard the quality of the environment. Policies relating to water quality and water pollution are contained within Chapter 23: Water.

.....

24.3 Noise Pollution

24.3.1 The impact of noise on the environment can be detrimental to health and quality of life. There is therefore a need to control the introduction of noise sources into the environment, as well as ensuring that new noise sensitive development is located away from existing sources of significant noise.....

Policy EQ2 Noise Pollution

I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.

II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.

III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.'

Policy LLP31 – Sustainable Transport Strategy

5.3.11 The strategy for sustainable transport in Luton is to ensure that an integrated, safe, accessible, and more sustainable transport system supports the economic regeneration and prosperity of the town. Part D of the policy specifically provides "support for the continued economic success of LLA as a transport hub which will be delivered through:

- Measures to ensure there is capacity at strategically important junctions.*
- Continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy".*

Policy LLP31 – Sustainable Transport Strategy

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- Measures to ensure there is capacity at strategically important junctions.**
- Continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy".**

A34. But other aspects of the policy are also relevant:

'B. Planning Permission will be granted for proposed developments that meet the criteria below, where these are relevant to the proposal:

- i. minimises the need to travel;*

- ii. *provides a sustainable transport choice with priority for buses, pedestrians, and cyclists;*
- iii. *reduces road congestion particularly at peak times;*
- iv. *reduces the safety risk to motor vehicles, non-motorised, and vulnerable users;*
- v. *provides cycle parking / storage; and*
- vi. *ensures the quality of the local environment is not compromised.*

C. Transport Assessments, Transport

Statements, and Travel Plans should be provided for developments (as set out in Appendix 7) and should conform to the stated requirements.'

5.4 Policy conclusions

5.4.1 The development plan recognises that LLA is one of the key economic drivers for the borough and the wider regions. It is critical to the achievement of jobs and prosperity which the plan seeks to deliver. Policy support is therefore provided to support LLA's growth provided that the associated increase in operational activities such as passenger and aircraft movements do not adversely affect the amenities of surrounding occupiers and the environment.

A35. At no point does the development plan describe LLA as being 'critical' to the achievement of jobs and prosperity. Support for growth of LLA is supported by the development plan, but this is quite obviously not conditional upon only not adversely affecting 'amenities' – it requires noise reduction/no material increase in noise, a significant diminution and betterment of aircraft operations, sustainable transportation and surface access measures, etc, etc.

5.4.2 Such policy support accords with the Government's overarching planning and aviation policy frameworks to balance the three interdependent objectives of economic, social and environmental prosperities by encouraging the MBU policy in the aviation sector. The assessment of the impacts arising from the Proposed Amendments is set out within the following section.

A36. Government policy does not state that the MBU policy is to balance 'the three interdependent objectives of economic, social and environmental prosperities' (whatever 'prosperities' is supposed to mean). In reality it states that '*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..... 1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels.'*

6. Planning Assessment

6.2 Principle of Development

'6.2.1 The proposed increase in passenger capacity at LLA would help achieve the national MBU aviation policy goal, as the airport would grow and deliver the benefits of growth by making best use of its existing runway. The Government

is explicitly supportive of airports beyond Heathrow making best use of their existing runways as noted in the Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018). In that document, the Government recognises an accelerated growth in UK demand for flying particularly around London and forecasts how airports making best use of their existing runway alongside the new Northwest Runway at Heathrow (Runway 3) could lead to accommodating the increasing demand as shown Figure 6.1 below (in a table extracted from the document). The Proposed Amendments at LLA would aid this goal.

A37. Paragraph 6.2.1 refers to Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018) a key piece of Government policy for this planning application – and yet it isn’t even mentioned in Section 5.2 of the PS dealing with *‘the relevant development plan for LC in the context of national policy frameworks across aviation and planning’*.

A38. With regard to Figure 6.1, apart from the final column ‘LHR NWR + best use’ the figures in the other three columns come from the 2017 national aviation forecasts which assume a throughput at Luton of 18mppa, that being the consented throughput. As the Figure demonstrates, the LHR NWR + best use scenario at 2030 does not include any additional best use capacity over and above the LHR NWR base (which includes 18mppa at LLA). There is therefore no assumption within this Government policy document that a best use policy is intended to provide additional capacity above baselines in the period to 2030 or indeed that any is needed.

Table 6.1 Assessment against Policy LLP6

ii. they contribute to achieving national aviation policies;	The Proposed Amendments are in accordance with the APF which supports the growth of regional airports across the UK and making better use of existing runways at all UK airports to improve performance, resilience and passenger experience,
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A39. The assessment only refers to the APF – there is no assessment of the compatibility of the proposal with any other aspect of national guidance.

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;	An up-to-date Masterplan produced by LLAOL for 19 mppa is submitted as part of the accompanying application and the Proposed Amendments are in accordance with this document.
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A40. An up-to-date MP has indeed been submitted with the application. However, the assessment fails to acknowledge that the MP has not been adopted by LBC. Interestingly, unlike the assessment of other criteria, this assessment does not conclude *‘it therefore complies with this criterion’* – and the reason for this of course is that it cannot.

iv. they 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;

The supporting ES Addendum assesses the environmental impacts of the Proposed Amendments. The ES Addendum found that there would be significant adverse effects in relation to noise and health. Noise insulation would be offered to minimise the effects of noise to those properties above the SOAEL. In terms of air quality and climate change the ES Addendum found there would be no unacceptable impacts. The Proposed Amendments therefore complies with this criterion.

The environmental impacts of the Proposed Amendments are considered further in this Planning Statement in section 6 below.

A41. The ES does not describe the proposal as generating '*no unacceptable impacts*'. There are impacts that are described as '*.....the effect of the Proposed Scheme duringwould be significant*' and in relation to mitigation states '*.....existing mitigation and enhanced mitigation are sufficient to meet the Government's policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the NPSE*'.

v. 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;

The supporting ES Addendum assesses the noise effects of the Proposed Amendments. It concludes that the Proposed Amendments will not cause unacceptable adverse noise effect for any properties. However, expansion will result in significant noise effects above 1dB at night-time compared to the existing situation. Therefore these are considered to have the potential significant effects. Whilst 1,877 dwellings will experience noise levels that are considered significant, all of those properties will be offered mitigation in the form of noise insulation to minimise the effects of noise.

The Proposed Amendments therefore complies with this criterion.

A42. The assessment describes the scale of significant effects of the increase in noise associated with the proposal and then puzzlingly goes on to conclude the proposal complies with the criterion – presumably because noise insulation is offered for mitigation. But the criterion makes no reference to mitigation – it simply states that proposals must achieve a noise reduction or no material increase. The proposal will not result in 'reduction' in noise and the increases in noise associated with it are clearly 'material'. The proposal cannot be other than in conflict with this criterion.

A43. The assessment makes no mention of the compliance of the proposals with the most recent Airport Noise Action Plan as required by criterion v. That NAP contains a range of commitments that are consistent with achieving the requirements of the

existing planning permission. The proposals can only be fundamentally in conflict with it.

vi. 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;	Luton Airport will continue to operate its noise control, monitoring and management scheme, in accordance with its Noise Action Plan and operational measures to minimise noise effects. The Proposed Amendments would therefore continue to comply with this criterion
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A44. The criterion requires the provision of an effective noise control, monitoring and management scheme. The assessment simply refers to a range of existing schemes, some of which this application is in conflict with and indeed propose to change. It is necessary to establish whether the proposed noise control, monitoring and management scheme will achieve the objectives of this criterion.

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 ES Addendum explains that noise levels will reduce by 2028. Properties that experience an increase in noise above the SOAEL will be offered mitigation in the form of noise insulation to minimise the effects of noise. With this mitigation, the Proposed Amendments therefore comply with this criterion.
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A45. The assessment against this criterion is ridiculous. The application is partly generated by the inability of the Airport to contain its adverse noise impacts and partly to increase noise impacts associated with existing permitted growth of 18 mppa and the proposed additional 1 mppa capacity growth to 19 mppa. So in the immediate and forthcoming short to medium term the proposal can only be in conflict with this criterion – it will not result in a significant diminution or betterment – the opposite in fact.

A46. In the longer term, the existing planning permission to 18 mppa requires the application to submit a strategy to reduce the size of day and night noise contours by 2028 to within specific spatial extents. This application seeks to change the wording of the consent such that those 2028+ contours are larger. So in the longer term, whilst a reduction in noise contours is to be achieved in the same way as the existing planning permission, that reduction will be smaller than those that are required by the existing planning permission.

A47. On any reading of this criterion, the application can only be in conflict with it.

6.4 Socioeconomic impacts

6.4.3 The Proposed Amendments would deliver more economic benefits than the ‘do-nothing’ scenario (i.e. maintaining operations under the Original Planning Permission).

A48. The application does not appear to make any attempt to quantify the scale of the ‘more’ economic benefits.

6.4.4 LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements.

A49. There does not appear to be any intelligence within the application explaining how these grants are to be calculated, which local councils will be eligible and how the scheme is proposed to be operated and how the consent will secure provision of the grants.

Air quality

Planning Policy

6.5.2 Policy LLP6 requires that expansion at the airport must fully assess the impacts of any increase in Air Traffic Movements on air quality. Policy LLP38 requires that evidence is produced to demonstrate whether the development will have an adverse impact on air quality.

A50. Paragraph 6.5.2 makes no reference to relevant national policy.

Climate Change

Mitigations

6.5.27 The adoption of mitigation measures (as set out in the Carbon Reduction Plan) to reduce airport building and ground operation emissions, and the Travel Plan to reduce surface access emissions, would enable the GHG emissions associated with the Proposal to be mitigated where possible.

6.5.28 LLAOL has also committed to produce a Carbon Reduction Plan. This will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application. The three categories (Scope) of emissions are as follows:

.....

Summary

6.5.30 The proposed scheme:

- Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO2/yr ‘planning assumption’ for UK international aviation GHG emissions in 2050.**
- Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.**
- Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.**

- Is consistent with the NPPF requirement for developments to ‘support the transition to a low carbon future in a changing climate’, on the basis that a Carbon Reduction Plan is produced.

6.5.31 The Proposed Amendments are considered to have a low GHG emissions magnitude, and the overall effect of projected GHGs associated with the Proposed Amendments on the global climate is considered minor adverse, and therefore not significant based on the commitment for further mitigations. The proposal is therefore considered to be in compliance with Policy LLP37 and LLP38 of the development plan and the NPPF.

A51. The Environmental Statement states that:

‘7.11.25 An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application.....

7.11.26 On the basis of the commitment to produce a Carbon Reduction Plan, the scale of GHG emissions from the Proposed Scheme are such that they will have a negligible effect on the ability of the UK to meet its carbon targets. Additionally, the scale of GHG emissions from the Proposed Scheme are such that they are unlikely to affect the ability of Luton Borough Council to meet its carbon neutral borough aim.

7.11.30 The mitigations set out in Section 7.8, show that the GHG emissions associated with the Proposed Scheme have been mitigated wherever practicable, with a further commitment to producing a Carbon Reduction Plan as described in further detailed in Section 7.13. The Carbon Reduction Plan will be required to set out the ambition and actions required for ensuring LLA’s Scope 1 and 2 emissions are in-line with the UK net zero 2050 target, and how LLA will use its influence to reduce Scope 3 emissions where possible.

7.11.32 Therefore, the Proposed Scheme:

- *Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO₂/yr ‘planning assumption’ for UK international aviation GHG emissions in 2050.*
- *Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- *Is unlikely to materially affect the ability of Luton Borough Council to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- *Is consistent with the National Planning Policy Framework (NPPF) requirement for developments to ‘support the transition to a low carbon future in a changing climate’, on the basis that a Carbon Reduction Plan is produced.*

7.13 Consideration of additional mitigation

7.13.2 A Carbon Reduction Plan will be produced which will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions.

An outline version of the Carbon Reduction Plan will be set out ahead of the determination of the planning application by LBC.

Airport building and ground operations

7.13.4 Through the Responsible Business Strategy, LLAOL has committed to being aligned with the UK net zero target for 2050. LLAOL has therefore committed to develop a Carbon Reduction Plan, which will set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target. An outline version of the Carbon Reduction Plan will be produced during consideration of the ES, and ahead of determination of the planning application. The full version would be provided following planning approval, as a time-bound condition of the planning permission. This forms part of the wider commitment to reaching more ambitious levels of certification within the Airport Carbon Accreditation Scheme, which would ultimately result in carbon neutral operations.'

A52. Both the PA and ES make reference to the preparation and availability of a CRP to inform decision-making, but make no reference to it being consulted on.

A53. The ES states that the requirement to produce a full version of the CRP will be secured as a 'time-bound condition' of the planning permission. But the PS makes no reference to this commitment or produce any proposed wording, unless it does in the case of restricting maximum terminal flow capacity levels to safeguard processing capacity at the East Hyde sewage treatment works (PS para 6.3.11).

A54. If the findings of the ES are predicated on the production of an outline CRP in advance of determination, that Plan should be consulted upon and views on it taken into consideration in the determination of the application.

Health

Health Mitigation Measures

6.5.38 In order to minimise effects on health, LLAOL will increase contributions to the Noise Insulation Fund with an increased budget of £400,000 in 2021, £900,000 in 2022 and £700,000 in 2023.

Summary

6.5.39 Overall, the ES Addendum demonstrates that the Proposed Amendments will have significant adverse effects on health due an increase in noise. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures. With this mitigation the Proposed Amendments are compliant with the NPPF and the development plan.

A55. The sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows

and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

Noise

Planning Policy

6.5.40 In the ES the assessment of noise considers the effects on occupiers of residential properties and non-residential premises within the vicinity of the airport from changes in the noise environment as a result of the Proposed Amendments.

6.5.41 The planning policy context pertaining to noise is set out in Policy LLP6 of the development plan and paragraph 170 of the NPPF.

A56. Paragraphs 6.5.40 and 41 make no reference to relevant national policy.

6.5.49 Overall, the ES identifies that no properties will experience unacceptable noise levels and no properties will experience a significant adverse effect from the Proposed Amendments in the day. However, the expansion will lead to significant noise effects at night-time because of an increase in noise compared to the existing situation above a level that is identified to have potential significant health effects. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures.

6.5.50 With this mitigation the Proposed Amendments accords with Policy LLP6 of the Development Plan and the NPPF.

A57. The sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

8. Conclusion

8.1.2 National aviation policy and the Development Plan support growth and development at Luton Airport, provided that environmental effects are controlled and noise effects are minimised. The NPPF also makes clear that significant weight should be placed on the need to support economic growth. The proposal will enable Luton Airport to grow beyond 18 mppa to 19 mppa thereby supporting the economy and local jobs. The Proposed Amendments will ensure that Luton Airport continues and enhances its role as the principal international gateway for the region and a significant economic driver.

A58. National aviation policy does not specifically support growth and development at Luton Airport – it generally supports making best use of existing runways but that

individual proposals should be judged on their individual merits. There are no references to 'Controlled' in national or local policy. The application makes no assessment of the economic benefit or additional local jobs created by the proposed additional 1 mppa.

8.1.6 In order to minimise this effect, all properties that will experience a level that is identified in planning policy to have a significant observed adverse effect will be offered mitigation in the form of noise insulation to minimise the effects of noise. The Proposed Amendments therefore complies with this criterion.

A59. What criterion?

A60. See paragraphs A55 and A57 .

6.4.3 The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission). [emphasis added]

A61. Whether or not the economic benefits are 'more' or 'significant' they do not appear to be quantified.

8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations. In-line with the presumption in favour of sustainable development advanced in the NPPF, it is respectfully submitted that the proposal to increase the annual passenger cap from 18 mppa to 19 mppa be granted planning permission.

A62. 'Some adverse effects' – should read 'significant adverse effects'. See para A55. and A57. with regard to scale and effectiveness of mitigation measures.

A63. It would be reasonable to assume that additional growth at the Airport will generate some economic benefit. But if the applicant is reliant on that economic benefit to allege that it compensates for, counterbalances or outweighs environmental disbenefit, it is incumbent upon it to assess/quantify those alleged benefits.

A64. But the application is not accompanied by any assessment of the economic benefits associated with the proposal. Only generic information is provided in relation to the existing economic attributes of the Airport.

A65. In the absence of any intelligence relating to the additional economic benefits specifically relating to the additional proposed 1 mppa throughput, it is inappropriate to allege that economic benefit outweighs environmental disbenefit.



HARPENDEN TOWN COUNCIL

CLOSER TO THE COMMUNITY

29 June 2021

Dear Development Control, Luton Borough Council

Harpenden Town Council response to Luton Airport Expansion Variation of Conditions consultation

I am writing to you on behalf of Harpenden Town Council in response to your current consultation on the Variation of Conditions to planning permission 15/00950/VARCON which was granted in October 2017, regarding increasing the capacity of Luton Airport.

We continue to believe that the plans are inappropriate and should not be taken forward, for the reasons that we set out to you in December 2019 and again in August 2020, when responding to other expansion consultations.

Background

Harpenden is a town of some 30,000 residents situated, at its nearest point, about 4 miles from the runway of Luton Airport and from the centre of the Town about 6 miles away. The flightpaths for a significant proportion of take offs, in both West wind and East wind scenarios, are over, or near, Harpenden. This means that there is already significant aircraft noise over and close to Harpenden throughout the day, continuing during night-time also.

The Town Council objects to the plans to increase the passenger capacity at Luton Airport from 18million ppa to 19million ppa. As set out above, the airport is already having a negative impact on our Town and this expansion will make the situation significantly worse.

Given the unprecedented challenges that we have faced in 2020 and pre-existing Government and public interest in environmental issues (Climate Emergency) we continue to have doubts as to whether the projected future growth and use of the Airport will, in fact, materialise or be allowed to materialise.

Our objection is based on three key aspects, which are the Air traffic noise, carbon emissions and the impact on the existing transport network.

Air traffic noise

Air traffic noise already seriously blights residents in Harpenden. We receive regular complaints and examples from our residents that evidence the negative impact that the flight paths and traffic levels already have. Concerns are the frequent low overflying aircraft disturbing residents' enjoyment of their gardens for sitting out or hobbies in spring to autumn and the night-time aircraft that disturb sleep.

There are currently very few new generation aircraft, which are quieter and have lower emissions, operating out of the airport. Whilst we understand that there will be incentives for airlines to bring new aircraft into operation in the future, we believe it will take many years to make a noticeable impact.

Carbon emissions

The carbon emission growth that will arise from this expansion directly conflicts with local and national priorities of becoming carbon neutral by 2050.

We are concerned that the local air quality will be severely affected, resulting in an increase in long term health problems such as chronic respiratory diseases, lung cancer and heart disease.

We have previously raised concerns that there has been a lack of consideration to an Air Quality Environmental Impact Assessment, which is needed to understand the current impact on the environment and the predicted impact because of the increased capacity.

Whilst air quality has been referenced in your latest documents, there still appears to be a lack of detailed information on this matter and we believe that this consultation is flawed without it.

Existing transport network


We are concerned about the impact that the increased number of passengers travelling to the airport each year will have on Harpenden.

The M1 around Junction 10 already appears to be close to capacity, despite a recent expansion and the local train services are currently not fit for purpose.

We understand that there will be sustainable transport plans put in place that encourage people to use more sustainable options, but these targets still appear to be highly aspirational.

An increased capacity of Luton Airport has the potential to have a significant negative impact on our Town and for that reason the Town Council strongly objects to the proposals that have been put forward.

Yours sincerely

A large black rectangular box redacting the signature of Carl Cheevers.

Carl Cheevers
Town Clerk, Harpenden Town Council

David Gurtler
Planning & Development Control
Luton Council
Town Hall
George Street
Luton LU1 2BQ

Our Ref:

Your Ref:

30th June 2021 (by email)

developmentcontrol@luton.gov.uk

Dear Mr Gurtler,

Application no. 21/00031/VARCON

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

I write with reference to the above application which, among other items, seeks to vary the planning conditions related to the cap on passenger throughput and the noise contour areas at Luton Airport. CPRE Hertfordshire has assessed the application and the reasons for the current passenger cap and associated noise conditions set by Luton Borough Council including the need to safeguard residential amenity, and to align with the Government objective to limit and where possible reduce the level of aircraft noise, and objects strongly to the proposed variation for the following reasons.

1. The airport operator is seeking to increase both the annual passenger throughput and the areas contained within the day and night noise contour areas but nothing has caused any need to change these conditions, which had been breached significantly for the two years before the effects of Covid on flight numbers. Nevertheless, the applicant asserts that the amendments are considered to provide an appropriate balance between environmental protection and growth.
2. When the airport was operating at its existing, capped, capacity of 18mppa there were breaches of the noise contours due to the higher than predicted growth in passenger demand, the delay in delivery of modernised aircraft (e.g. Airbus Neo and grounded B737 MAX) and disruption in European Air Traffic Control from significant weather events and industrial action resulting in flight delays. Therefore the need to enlarge the noise contour exists independently of the proposed increase of the 18 mppa cap to 19 mppa.



3. The noise contours required for the 19 mppa would not be significantly different to the enlarged contours that would have been needed to operate at 18 mppa. It is proposed that the enlargement would apply until 2028, by when it is anticipated that the introduction of newer, quieter aircraft fleet mix would enable the operator to comply with a smaller contour, but in effect, this would not be as small as the contours under the existing condition.

4. It is asserted that growth in passenger demand was higher than predicted but the operator and the airport owner have been reminded that this growth was far from unexpected and was the direct result of financial incentives from Luton Borough Council to the airlines by way of cost reductions given during 2013.

5. The claim that flight delays had abruptly increased in extent has no foundation. Eurocontrol's CODA (Central Office for Delay Analysis) system clearly shows that at the great majority of airports late-evening and early night flights always experience the greatest delays, usually as the accumulation of a series of short delays during the day and, year-on-year, have not increased in extent.

6. Promises on the replacement of the current fleet with less-noisy modern variants, made since 2012 onwards, have not been kept. Some of the newer variants have appeared at Luton, but the current picture is of predominantly older types, and one of the newer models, the A321NEO, is not living up to the claims of lower noise levels on landing.

7. Luton's relatively short runway inevitably involves, for larger and heavier aircraft, deployment of high levels of landing flap, and higher engine power settings (both of which generate noise), to slow the aircraft for the final stage of landing. There is as yet no experience of the way the B737MAX will perform at Luton but it, like the A321NEO, is a larger aircraft and may show, on measurement, that it is no less noisy than its predecessor the 737/800 under Luton conditions. This replacement rate has a profound effect on the estimates of noise and with the present financial climate facing airlines the replacement rate is likely to be slower than had been assumed, and with several airports with the same noise issues as Luton there is competition between them to persuade or cajole their airlines to base the less noisy models at their particular airport.

8. The Environmental Impact Assessment which accompanies the application says effectively that there is no way that the present noise conditions can be met even with the various expedients in place to minimise the scale of the infringements, but that the size of the increase necessary to make it compliant at 19mppa is very little more than would be needed to achieve compliance at 18 mppa. There is no need to enlarge the noise contour merely to make it possible for the airport operator to claim that it is now compliant. The contour areas could be left unchanged, and regular reports of the scale of infringement made to act as an effective reminder of the need for continuous scrutiny and mitigation of infringements and airlines' need to replace their older noisier fleets.



9. The Environmental Impact Assessment accompanying the application states:

The worst case-year for the number of dwellings above SOAEL (Significant Observable Adverse Effect Level) is 2022, when 724 additional dwellings would be predicted to experience noise above SOAEL during the night-time with the Proposed Scheme in comparison with the existing Condition 10 limits. The number of additional dwellings above the night-time SOAEL remains constant until 2023 and then decreases thereafter.

10. The above adverse effects do not align with the Luton Local Plan which expects the airport to:

achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;

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;

11. The above adverse effects are not consistent with the Government objective to “limit and where possible reduce” aircraft noise disturbance. The Government acknowledges the evidence from recent research which shows that sensitivity to aircraft noise has increased, with the same percentage of people reporting to be highly annoyed at a level of 54 dB LAeq 16hr as occurred at 57 dB LAeq 16hr in the past.

12. This “worst case” position is an optimistic guess, and relies on the rate at which the less-noisy types are introduced as well as the rate at which passenger numbers rise from their present levels. In any case, as many as 746 additional dwellings will be significantly affected at night by more noise.

13. The airport operator claims that it can squeeze another million passengers through the existing facilities without further development, needing only to make changes to the arrangements for some passenger queues, and it is suggested that the 5% increase in passenger numbers will not add to the congestion in the local road network, in part perhaps through the opening of the DART system, although nothing is yet known about the fare structure and takeup rate for this service.

14. There are also potential adverse climate change considerations arising from this application. Anthesis, climate change consultants to Luton Borough Council, state:

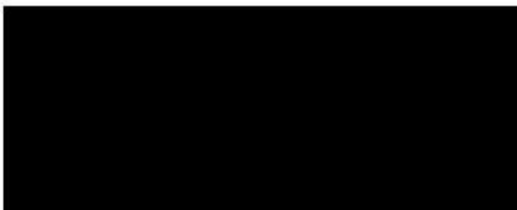


Emissions from flights are a significant source of emissions, and if aviation emissions continue to increase as currently modelled by national government, the airline sector will reduce the available carbon budget for Luton borough (assuming aircraft technology and efficiency remains at today's levels)....this finite budget is already diminishing and will require significant investment and action from all stakeholders to keep within.

15. The application seeks "room to grow" to assure the airport's existence and the continuation of its position in the local economy though there is doubt as to the rates at which demand for passenger leisure travel may recover and the noisier aircraft types (currently the majority of aircraft using Luton) are replaced. The documents contain optimistic estimates which appear not to be well-founded and the Airport Operators Association recently stated that it did not expect passenger numbers to recover to pre-Covid levels until 2025 at the earliest.

It is suggested that this application is at least two years premature and should be deferred until more certainty over passenger demand is known, and the replacement of the noisier aircraft types is demonstrably well under way.

Yours sincerely,



Chris Berry
Planning Manager



Friends of the Earth

80 Merton Drive, Luton LU2 7DL

Variation of conditions to Planning Permission 15/00950/VARCON (13 Oct 2017)
to accommodate 19 million passengers per annum and amend day/night noise contours

Objection from Luton FoE 2 July 2021

Attached, relevant to this application

FoE response to consultation on airport expansion from 18 to 32m passengers 16 Dec 2019

Material considerations – FoE comments 9 Apr 2019

1 Noise

It is simply undemocratic and an unacceptable threat to people's physical and mental health, wellbeing and an ability to get the good night's sleep which everyone needs, to divert flights over homes where planes have not flown before. This is plain from the number of existing complaints and those from worried people living below proposed new flightpaths. This plan cannot be allowed.

2 Variation to raise cap on airport passengers at Luton to 19 million a year

The cap of 18m was not due to be reached until 2026-28, but was achieved through financial stimulation by London Luton Airport Ltd (LLAL), set up by Luton Council and run by elected councillors for commercial gain, disregarding ethical responsibilities towards residents and people in neighbouring authorities. Residents own the airport, yet have been adversely affected by more noise, traffic, pollution, poor health, time wasted by commuting and other travel delays, and unacceptable effects on nature and climate. Strong objections were made but these voices were ignored.

Luton in 2019 was most polluted town in UK due to the airport, as passenger numbers rose from 9 to 18m in 5 years. Toxins from planes & vehicles gather in the valley. Luton's respiratory health was abysmal. The airport made children ill and shortened lives. This was shockingly irresponsible.

Trying to return to those levels would severely aggravate the breathing difficulties of all who are left with Long Covid and damaged lungs, especially ethnic minorities. Covid has pushed many into poverty. So this would act against the council's stated plan to achieve zero poverty in Luton by 2040. Flying increases inequalities. A few people take the majority of flights. Around 50% never fly at all, many by choice and a sense of responsibility, and they are subsidising those who do.

There is no way to reduce passengers driving to the airport from east or west via residential roads, other than to provide less incentive for them to fly, provide incentives to holiday in the UK or choose alternative ways of travel to Europe. Widespread calls have been made for a Frequent Flyer tax.

Increasing passenger numbers while reducing environmental emissions is impossible.

The only reason to encourage extra passengers is the same commercial interests. A regional planning panel in 2004 gave a strong warning to Luton "not to put all its eggs in the airport basket." Luton ignored that advice, and is now in severe financial trouble. It did not invest in environmentally beneficial, sustainable investments, such as local renewable energy, and should now do so.

This application would produce no employment gain over 2019. During its rapid expansion from 9 to 18m passengers between 2013 and 2019, those employed in airport-related activities and the wider supply chain did not increase, and many were low-paid zero-hours contract jobs.

Post-Covid it is widely agreed that a green and fair recovery should focus on localism, and find new ways to reduce carbon. This rules out any increase to, or a rise above, pre-Covid passenger levels until planes, cars and other vehicles accessing the airport are carbon-neutral. This will take many years. Meantime every flight increases the climate crisis. Carbon use is inherent in the production of planes and vehicles, and considerable amounts are generated in obtaining and transporting materials. Reuse and repair of materials is an important way to cut emissions and ecological damage from waste and mining, but industry and society is at a very early stage of adopting this new mindset.

3 Climate Emergency – the current dire situation

On 8 October 2018, the Intergovernmental Panel on Climate Change, made up of thousands of scientists, made the most important announcement of our lifetime: that we had only 12 years to stop climate change becoming irreversible, and must act urgently to radically change behaviour. Life across our whole planet is under threat as never before. The science is clear – we are in the 6th mass extinction event, caused by humanity. Worldwide, children with less baggage can see the disaster more clearly than adults mired in bad practice. Economic models must be redirected to green projects, with a more UK-based and local focus. Inaction would be criminal.

Flying in 2019 was the fastest growing cause of climate change, doing huge climate damage. One return flight from London to New York produces a bigger carbon footprint than a whole year's personal carbon allowance needed to prevent further climate change. If you fly, nothing else you have done has emitted so much carbon in so short a time. The crisis would continue to get worse with any airport expansion. The amount of flying must not be allowed to return to anything approaching pre-pandemic levels. France has banned internal flights where train can run, and the UK must do the same.

This damage has now been acknowledged by government. The UK's 6th Carbon Budget will incorporate the UK's share of international aviation & shipping, to cut emissions by 78% by 2035.

Luton's 'Carbon Reduction Plan'

Written by Wood, this proposes ideas for action. It is a wish list, **NOT** a Plan. It was drafted before Aviation & Shipping were included by government in April 2021, and a few hasty amendments were added. Its aims cannot be achieved using current planes that burn fossil fuels. Even a thorough revision and a more coherent plan could not justify airport expansion against the strong recommendation and warning by the govt Climate Change Committee. Meanwhile, urgent actions are needed to cut climate emissions, that are not being taken.

The 'Carbon Budget Plan', in the light of the need to account for Aviation and Shipping, is already completely out of date. It refers mainly to actions (although not how they would be achieved) to cut carbon on the airport complex (referred to as 'Scope 1 & 2'). This makes up only 1% of emissions generated – the other 99% per cent of the airport's associated carbon emissions are out of their direct control, generated by planes in the sky and vehicles travelling to and from the airport (Scope 3).

A report by Ricardo Energy & Environment, also commissioned by Luton Council, states (p8) that local policy on net zero by 2040 can be a material consideration. A wish list is not good enough.

Some key points:

(p11): *To achieve a green and fair recovery, councils and businesses must place as much importance on the broader social and environmental good as they have previously placed on the economy. This would be a major change for Luton Council, who have focused heavily on airport income.*

(p12) *The 37.5MtCO₂ planning assumption is not compatible with the newly announced inclusion of aviation within the net zero by 2050 target, and this latter target must now be the benchmark.*

Govt policy on carbon emissions has moved since this draft. The CRP needs to be updated either voluntarily or by condition if consented. (This 'update' needs major work and a total rethink.)

The 37.5MtCO₂ planning assumption has been superseded by the decision to include aviation in carbon budgets from the sixth carbon budget onwards up to net zero. Since the Government's decision on 6CB, the airport's impact must be seen as significant.

The Council needs to consider whether:

- a) a decision to consent or otherwise should be made only once further policy has been published;*
- b) to refuse, in the light of CCC advice on capacity constraint and technologies to reduce emissions not being proven technically and/or commercially*
- c) to commit to measures through planning conditions that would achieve net zero, and impose sanctions if the airport is in breach. But technology to reduce emissions will be much slower, and is not expected to make a major contribution until after 2035.*

(p14) *The Environmental Statement also needs updating.*

(p15) *Domestic aviation is already within the Climate Change Act as amended in 2019 and thus should be shown (with mitigations) to fall by 68% by 2030.*

(p17) *Various options are suggested – none are quick or easy.*

(p18) *In planning terms, increased emissions are a direct result of the decision to request expansion, and conditions to make the proposal acceptable in environmental terms can reasonably be placed on the applicant. The airport can play a vital role in decarbonising aviation. It has commercial*

arrangements with the airlines which in future will need to take account of carbon.

But the airport simply cannot claim it is not responsible for, or cannot influence, low carbon or zero carbon aviation.

(p19) A draft Carbon Reduction Plan **MUST** include ways to work with the airlines to reduce scope 3 emissions, including all Landing and Take Off and Climb Cruise Descent Emissions, to net zero, or the impacts would not be acceptable. The plan **MUST** focus on early actions, given the 2035 time horizon for a 78% cut, because many technologies will not contribute significantly by that timescale. Luton Borough Council needs to show a transparent process for consideration of carbon emissions to make any decisions robust against appeal.

Climate Change Committee statement

The Government's Climate Change Committee said on 28 Jun 2021 that :

- measures to limit aviation demand and airport capacity will be necessary to reduce emissions.
- the Government's overdue Net Zero Aviation Strategy should include an assessment of the UK's airport capacity strategy and a mechanism for aviation demand management.
- there should be no net additional airport capacity.
- The Net Zero Aviation Strategy should set 'appropriate price incentives', incentivising lower-carbon travel through higher taxes on aviation (where there is an alternative to flying), and reducing the cost and improving the service for surface transport, especially rail.

Even if we stopped ALL fossil emissions tomorrow, the Earth would still warm by a further 0.3°C. This is catastrophic for humanity, and is not being taken seriously by those prepared to increase emissions in the short term. Any rise to previous levels would NOT be responsible – it would be Greenwash. We cannot return to those levels, but that is exactly what this application represents.

Ryanair and Easyjet are amongst Britain's biggest polluters.

Only 1% of pollution and climate emissions from airport activities take place on the ground. 99% are generated in the air, or from the millions of vehicles going to the airport. The effect on Earth's upper atmosphere is devastating. Extreme and dangerous weather incidents have become far more common. People are having their lives ruined TODAY worldwide by climate change.

The Balance of Harm done by the airport hugely outweighs the positives – example: apart from toxic emissions from plane exhausts, many vehicles operating at the airport are diesel, producing dangerous particulates that enter the lungs of workers for whom the Council has a Duty of Care. See **Material Considerations** attached

To achieve a green and fair recovery, councils and businesses must place as much importance on the broader social and environmental good as they have previously placed on the economy. Every action should have, as its top priority, sustainable employment which cuts climate emissions, protects nature and focuses on localism. Transparency and community partnerships are key. Substantial airport income should be used to plant trees and increase green space and biodiversity, a major benefit to residents.

Reducing climate emissions, protecting nature, and spreading kindness by considering the wellbeing and green education of residents, neighbours and people far away must be at the heart of decision making. Luton Council has yet to demonstrate such attitudes, to be transparent about its aims and to work with the community to achieve them. A first step would be to withdraw this application.

It is good that the council has declared a Climate Emergency, and begun the process of thinking about planning a Carbon Budget, which must be at the heart of a Responsible Business Strategy.

People no longer have to fly across the world for business meetings, which can be done by videoconferences. All employment should prioritise cutting fossil emissions.

It is not a right to fly once a year. Frequent flyers are destroying our children's future. Pre-Covid, people were not changing - they thought one person makes no difference when everyone flies. This is like a flock of sheep rushing over a cliff. If you must cross the seas, think of it as a rare treat.

The airport should reduce its impact on climate change and meet net-zero targets by reducing passengers, using aircraft with the lowest carbon emissions. It should invest profits in cutting carbon, instead of claiming that it is not nationally significant. After Covid, no flights should take off unless at least 95% full. This would significantly cut the number of flights. Many carbon offsetting schemes including CORSIA have been shown to be ineffective.

Flying is financially disastrous for the UK, as until 2019, far more money was spent abroad by those flying from our airports than by people flying to Britain.



**Friends of
the Earth**

99 Manton Drive Luton LU2 7DL

Planning application 17/02300/EIA

Dual carriageway through Luton Airport & New Century Park (part of Luton Enterprise Zone)

Material considerations

9 April 2019

On Mar 26 2019, Luton BC CEO Hazel Simmons wrote: *"as can be seen in the Agenda, the recommendation in Clause C (page 29) is to resolve to grant permission subject to referral to the Secretary of State following the expiry of the further consultation period. As such, further comments can be made until the April closing date and these will be reviewed prior to referral of the application."*

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

This application is NOT in accordance with Local Plan, so should NOT have been recommended for approval or passed by councillors. If Material Considerations were considered a reason for approval, it is our contention that these are outweighed by further Material Considerations.

Attachments which form part of this response:

- 1 FoE response to Century & Wigmore Park application Pt 1
- 2 FoE response to Century & Wigmore Park application Pt 2
- 3 FoE spoken response on 27 Mar 2019 transcript
- 4 Carolyn Cottier spoken response on 27 Mar 2019 transcript
- 5 Lawrence Patterson spoken response on 27 Mar 2019 transcript
- 6 LLAL Scoping Report Vol 1 28 Mar 2019 7 LLAL Scoping Report Vol 2 28 Mar 2019
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/expansion-of-london-luton-airport/?ipcsection=docs>
- 8 David Gurtler internal briefing Mar 2018 – summary with FoE comments
Link to Dev Control agenda 27 Mar 2019 including David Gurtler report (C Park pp26-342) <http://tinyurl.com/yxj6nb3j>
- Link to 2017 Air Quality Annual Status Report <https://tinyurl.com/yxdqlouv>
- 9 Defra charts from 2015 and 2018 showing high air pollution
- 10 Carolyn Cottier comments to N Herts on Air Pollution in Luton
- 11 Air pollution in Luton hits illegal levels *published in Luton Herald 21 June 2018*

It is FoE's contention that points 1-11 below are Material Considerations.

The application should not be passed for the following reasons:

- 1) It should not be an EIA application, but a DCO (Development Consent Order).**
- 2) NPPF (Feb 2019): Law on 'Determining applications' is contravened**
- 3) The balance of harm has been ignored.**

- 4) Ten ways Luton Council hid information from or misled the people it represents, throughout the period of this application, betraying public trust.
- 5) The plan fails to take into account advice in both its own plan and national guidance on considering development proposals *Also see Section 12 below*
- 6) The plan fails to take into account advice in both its own plan and national guidance on conserving and enhancing biodiversity and the natural environment
- 7) The plan fails to take into account advice in both its own plan and national guidance on promoting healthy and safe communities
- 8) The plan fails to take into account advice in both its own plan and national guidance on making effective use of land
- 9) The plan fails to take into account advice in both its own plan and national guidance on air pollution, and in view of recent knowledge, to act, on serious health grounds
- 10) The plan fails to take into account advice in both its own plan and national guidance on climate change, and national momentum on need to act on climate
- 11) LLAL's publication (28 March 2019) *Future Luton: making best use of our runway - statements and intentions must be taken into account* (attachments 6 and 7)
- 12) The application fails, judged on criteria of the Local Plan Sustainability Appraisal
- 13) Comments made by FoE to the Inclusive Growth Commission

It is our contention that Friends of the Earth's objections alone are enough to refuse the application on many grounds. Little has changed since Mr Gurtler's damning internal advice In Mar 2018, except that a second airport terminal has been proposed for the same site.

We strongly believe that the unprecedented number of concerns expressed, often with great passion, in letters from over 400 objectors are not given sufficient weight.

In the Development Control agenda, (pp137-342) over 200 pages are devoted to summaries in 6pt type of people's heartfelt objections. This tells the council that what it's planning has an unprecedented degree of unpopularity and would NOT be representing the town's residents.

Dev Control agenda p204: "This is a wonderful public space and it would be a tragedy to lose it."

"I have used this park all my life, to take the dogs for a walk and meet up with friends after school and during half terms. The park has encouraged children to become individuals and to learn so much about nature and the environment in their local surroundings and for everyone to meet new people."

1) It should not be an EIA application, but a DCO (Development Consent Order).

New Century Park, and the dual carriageway through the airport to access it, is part of LTN Enterprise Zone, designated in 2015. It meets all the criteria for a Nationally Significant Infrastructure Project (NSIP) in PPG rules and under The Planning Act 2008 Section 14 as quoted in the attached evidence by Carolyn Cottier.

The application is for a 1.6 mile dual carriageway through the airport to Wigmore Park and Century Park fields, occupying the same footprint as the plan being proposed by the same applicant for major airport expansion (attachments 6 & 7). It should therefore be a DCO and must be looked at in great detail by the Planning Inspectorate on behalf of the Secretary of State.

Replying to Carolyn Cottier on 26 Mar 2019, LBC CEO Hazel Simmons said:

"In terms of the application being considered as part of the DCO process, the application was submitted in January 2018 and the DCO process has not formally commenced. As such, there is no planning reason not to determine the application in current form at this time, indeed failure to do so could result in legal action being taken by the applicants or appealing against non-determination of the application."

The applicant is LLAL, an offshoot of Luton Borough Council which the council set up, with the same CEO and staffed by councillors. LBC has loaned LLAL £500m. The application was submitted by LLAL to LBC. The likelihood of legal action being taken by the applicants is zero.

LLAL's 2-volume publication 'Future Luton' demonstrates that the DCO process is well under way, and Luton has done a lot of work on it. The Century / Wigmore Park application is on the same land, and national planning guidance Mrs Cottier quoted at the Development Control meeting on 27 Mar 2019 (attached) shows that its size and scale fully qualifies it as a DCO (Development Consent Order) application, rather than an EIA application, which receives less scrutiny.

The development is 94.70 hectares – (see application completed by David Gurtler at https://planning.luton.gov.uk/online-applications/files/BF4D91F5C5DB7E2D057C233C81606BFD/pdf/17_02300_EIA-Application_Form-688399.pdf)

See attached transcript of evidence given on 27 Mar by Carolyn Cottier.

Under the Planning Act 2008 Section 14, the PA17/02300/EIA application is highway-related development as defined in sub-section 1 of this Act and in Section 22, sub-sections 1 and 5, and it is of the size that categorises it by description and size as a highway-related NSIP.

PA17/02300/EIA is a Nationally Significant Infrastructure Project (NISIP). It must be submitted and dealt with as a Development Consent Order (DCO), or withdrawn.

If this is an EIA or DCO application, it contravenes Directive 2011/92/EU of the European Parliament and of the Council: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0052>

(1) which has harmonised the principles for the Environmental Impact Assessment of projects by introducing minimum requirements, with regard to the type of projects subject to assessment, the main obligations of developers, the content of the assessment and the participation of the competent authorities and the public, and it contributes to a high level of protection of the environment and human health.

(7) Over the last decade, environmental issues, such as resource efficiency and sustainability, biodiversity protection, climate change, and risks of accidents and disasters, have become more important in policy making. They should therefore also constitute important elements in assessment and decision-making processes.

(10) The United Nations Convention on Biological Diversity ('the Convention'), to which the Union is party pursuant to Council Decision 93/626/EEC, requires assessment, as far as possible and as appropriate, of the significant adverse effects of projects on biological diversity, which is defined in

Article 2 of the Convention, with a view to avoiding or minimising such effects. Such prior assessment of those effects should contribute to attaining the Union headline target adopted by the European Council in its conclusions of 25-26 March 2010 of halting biodiversity loss and the degradation of ecosystem services by 2020 and restoring them where feasible.

(11) The measures taken to avoid, prevent, reduce and, if possible, offset significant adverse effects on the environment, in particular on species and habitats protected under Council Directive 92/43/EEC and Directive 2009/147/EC of the European Parliament and of the Council, should contribute to avoiding deterioration in the quality of the environment and any net biodiversity loss.

(13) Climate change will continue to cause damage to the environment and compromise economic development. In this regard, it is appropriate to assess the impact of projects on climate (for example greenhouse gas emissions) and their vulnerability to climate change.

(14) Following the Commission Communication of 23 February 2009 entitled 'A Community approach on the prevention of natural and man-made disasters', the Council, in its conclusions of 30 November 2009, invited the Commission to ensure that the implementation, review and further development of Union initiatives, take into consideration disaster risk prevention and management concerns as well as the United Nations Hyogo Framework for Action Programme (2005-2015) adopted on 22 January 2005, which stresses the need to put in place procedures for assessment of the disaster risk implications of major infrastructure projects.

(15) In order to ensure a high level of protection of the environment, precautionary actions need to be taken for certain projects which, because of their vulnerability to major accidents, and/or natural disasters (such as flooding, sea level rise, or earthquakes) are likely to have significant adverse effects on the environment. For such projects, it is important to consider their vulnerability (exposure and resilience) to major accidents and/or disasters, the risk of those accidents and/or disasters occurring and the implications for the likelihood of significant adverse effects on the environment. In order to avoid duplications, it should be possible to use any relevant information available and obtained through risk assessments carried out pursuant to Union legislation, such as Directive 2012/18/EU of the European Parliament and the Council and Council Directive 2009/71/Euratom, or through relevant assessments carried out pursuant to national legislation provided that the requirements of this Directive are met.

(16) For the protection and promotion of cultural heritage comprising urban historical sites and landscapes, which are an integral part of the cultural diversity that the Union is committed to respecting and promoting in accordance with Article 167(4) TFEU, the definitions and principles developed in relevant Council of Europe Conventions, in particular the European Convention for the Protection of the Archaeological Heritage of 6 May 1969, the Convention for the Protection of the Architectural Heritage of Europe of 3 October 1985, the European Landscape Convention of 20 October 2000, the Framework Convention on the Value of Cultural Heritage for Society of 27 October 2005 can be useful. In order to better preserve historical and cultural heritage and the landscape, it is important to address the visual impact of projects, namely the change in the appearance or view of the built or natural landscape and urban areas, in environmental impact assessments.

(22) In order to ensure a high level of protection of the environment and human health, screening procedures and environmental impact assessments should take account of the impact of the whole project in question, including, where relevant, its subsurface and underground, during the construction, operational and, where relevant, demolition phases.

(28) The selection criteria laid down in Annex III to Directive 2011/92/EU, which are to be taken into account by the Member States in order to determine which projects are to be subject to environmental impact assessment on the basis of their significant effects on the environment, should be adapted and clarified. For instance, experience has shown that projects using or affecting valuable

resources, projects proposed for environmentally sensitive locations, or projects with potentially hazardous or irreversible effects are often likely to have significant effects on the environment.

(31) The environmental impact assessment report to be provided by the developer for a project should include a description of reasonable alternatives studied by the developer which are relevant to that project, including, as appropriate, an outline of the likely evolution of the current state of the environment without implementation of the project (baseline scenario), as a means of improving the quality of the environmental impact assessment process and of allowing environmental considerations to be integrated at an early stage in the project's design.

(35) Member States should ensure that mitigation and compensation measures are implemented, and that appropriate procedures are determined regarding the monitoring of significant adverse effects on the environment resulting from the construction and operation of a project, inter alia, to identify unforeseen significant adverse effects, in order to be able to undertake appropriate remedial action. Such monitoring should not duplicate or add to monitoring required pursuant to Union legislation other than this Directive and to national legislation.

(36) In order to stimulate more efficient decision-making and increase legal certainty, Member States should ensure that the various steps of the environmental impact assessment of projects are carried out within a reasonable period of time, depending on the nature, complexity, location and size of the project. Such time-frames should, under no circumstances, compromise the achievement of high standards for the protection of the environment, particularly those resulting from Union legislation on the environment other than this Directive, and effective public participation and access to justice.

East of Luton area needs a Strategic Environmental Assessment, not only an Environmental Impact Assessment which is something less, and does not go into the required detail of the SEA Directive. Part of the SEA (a principle in public law for large projects) is "the precautionary principle", which recognises a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk.

These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result. An SEA would be done if the applications for a dual carriageway through the airport and New Century Park, part of a wider Enterprise Zone, were treated as a DCO application as they MUST be. (Carolyn Cottier evidence). It is clear that LBC/LLAL are trying to avoid such scrutiny.

An EIA (Environmental Impact Assessment) application must ensure that environmental, social and health impacts are included in decision-making. At 94 hectares, It's a Nationally Significant infrastructure Project (NSIP) so must go to govt.

EIA is supposed to make the decision-making process transparent and promote public involvement. It should list all aspects of the environment that may be affected, like fauna, flora, air, soil, water, humans, and landscape, and screen out environmentally-unsound projects. The effects on all these should have stopped this idea long before it got to a planning application.

An EIA looks for suitable mitigation. The Local Plan says *"Mitigation will be required against any additional load on the local transport network arising from airport growth."*

The council's own consultants told us there is no mitigation to counter the huge impact on congestion, air pollution and climate of the level of airport expansion the council wants.

And, we would add, the destruction of a unique County Wildlife Site, rich with biodiversity.

2) NPPF (Feb 2019): Law on 'Determining applications' is contravened

47. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless **material considerations** indicate otherwise.*

The application was advertised as a departure from the Local Plan. It breaches both National Planning Policy Framework, and statements and intentions in Luton's recent Local Plan, in many respects that demonstrate the application to be unsound.

3) The balance of harm has been ignored.

To say the scheme is "potentially" deliverable focuses on 'market opportunity'. This is not the function of local government. Its primary function should be as public servant to protect and provide for residents. It cannot ignore the wide array of adverse impacts that the scheme would cause.

Balance of harm

Airports National Policy Statement – June 2018

4.2.4 Para 4.4: "*in considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will take into account:*

- *Its potential benefits, including the facilitation of economic development (including job creation) and environmental improvement, and any long term or wider benefits; and*
- *Its potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, reduce or compensate for any adverse impacts."*

In the view of over 400 objectors, and according to Local Plan and national policy, benefits of New Century Park, or airport expansion on the same site, are vastly outweighed by the environmental damage this application would cause.

Desirable factors

More jobs in future *but 70% not local (stakeholder workshop Feb2017) & record high employment.*
Note Lawrence Patterson (final para): there is no business case for offices at New Century Park

More future income for the council

New café, toilets, play area *but too near a major new road bringing noise, pollution and bad health*

Undesirable factors

Lack of democracy and trust in democratic leadership

Lack of sustainability and environmental thinking

Bad for UK economy – health of people in cars is affected more by air pollution than pedestrians and cyclists, costing billions in health care

Bad for UK economy – people flying abroad spend £billions more than UK visitors

Bad for UK economy – UK has great coasts & landscape but holiday destinations suffer

Bad for UK economy – false claim that for every million passengers, £118m to UK GDP

Need for this project not demonstrated – 'demand' is not need but 'market opportunity'

Loss of some jobs & inconvenience to existing companies – 15 office blocks demolished

No plans for how to deliver 'sustainable public transport' to new offices

No plans to show how it relates to 2 major related projects – airport expansion & housing in Herts

Unwise investment – new offices may be unoccupied as LLAL wants terminal 2 on same site

Unwise investment – urban Luton unsuitable for further expansion

Unwise investment – climate crisis makes Govt Aviation strategy / air expansion out of date

Unwise in 4th most congested town to create more traffic gridlock

Eaton Green Rd & other junctions would be over capacity, without including other nearby proposals

Congestion bad for economy, inconvenient, cuts leisure time, causes pollution, stress and ill-health

Increases instead of vital need to reduce polluting vehicles (eg diesels)
 Airport expansion and road-building make all these things worse
 Proposals to signalise roundabouts increase air pollution
 Noise impacts affect tranquility and health
 Vital need to protect, not destroy, all natural habitats and biodiversity especially CWS
 Loss of over 2 hectares of mature trees and hedgerows
 No mitigation possible for destruction of mature wildlife habitat and 2 hectares of trees
 Parks, green space and trees vital for exercise, health & wellbeing (Luton overdeveloped)
 Reversal of previous council work to provide nearby park for residents of nearby housing
 Most of 'replacement park' would be much further from homes
 Surface level parking a poor use of land and poor substitute for loss of rich CWS & DWS wildlife areas
 Loss of sports pitches
 Air quality from increased planes and vehicles has serious effects on health
 Air quality levels illegal at airport affecting workers
 Carbon emissions – wide range of measures needed to reduce these. Nothing yet
 Landfill – high risk of methane and other gases causing danger to people in any buildings
 Landfill – high risk of contamination of surface and groundwater
 Flood and drought risk (extreme weather is increasing)
 Archaeology – likely damage to historical artefacts and cultural heritage
 Parking in local roads – impact on residents
 Landscape and visual impact on Wigmore Area of Local Landscape Value for nearby residents
 Landscape and visual impact on surrounding area of Chilterns AONB countryside
 Climate change impact from planes on take-off / landing and on the upper atmosphere
 Climate change impact from vehicles
 Climate change impact on civilisation worldwide
 Mitigation is simply not possible against proposed levels of airport expansion

Luton Borough Council has ruined its reputation – it and LLAL have been profiting from ruining our children's future. It knows it can't be trusted, and must end its unpleasant culture of corporate greed, and work hard to become once more a transparent, responsible public servant which can be relied upon, not feared.

4) Ten ways Luton Council hid information from or misled the people it represents, throughout the period of this application, betraying public trust

1) Misrepresentation and Secret plans to destroy Wigmore Valley Park: The new Local Plan shows an arrow indicating a possible road across Wigmore Park. The fields beyond it, 'Century Park', had planning permission since 1997 for potential business use, but no access had previously been available.



Local Plan arrow indicates possible road, County Wildlife Site (green) and ALLV

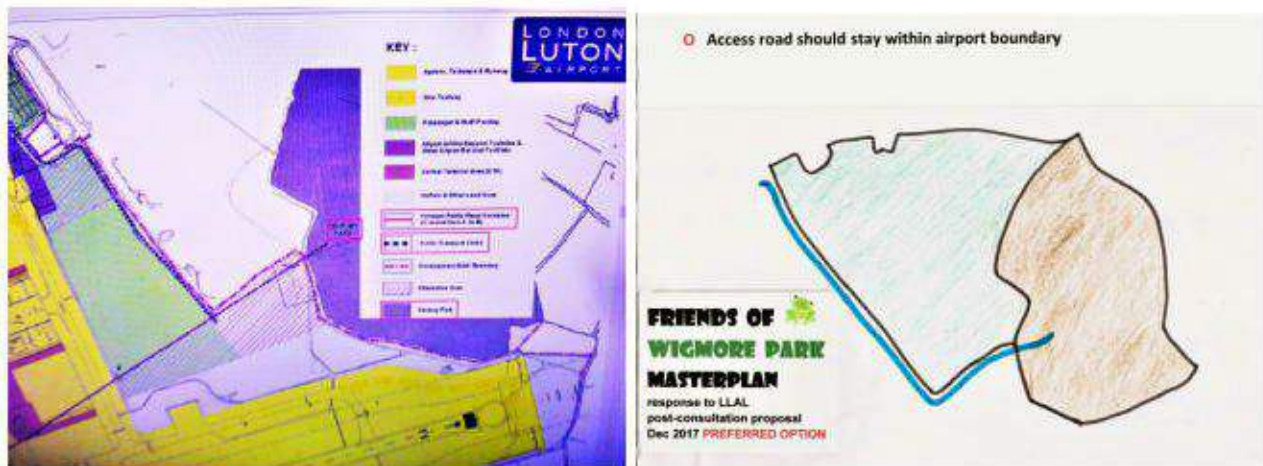
An article in the council newsletter *Lutonline*, 25 Sep 2016, referred to "a new road to serve Century Park, a key (potential) employment site on the eastern edge of the town." "LLAL is working up

proposals to replace any land required for the road by expanding and improving Wigmore Valley Park."

The invitation to 2 stakeholder workshops on 20/21 Feb 2017 said: “LLAL, working in partnership with its shareholder Luton Borough Council, has announced it is to submit a planning application in the summer for 70 acres of commercial development, facilitated by a new 1.6 mile access road.”

This all appeared to be in line with the Local Plan. But people were shocked to hear at the workshops that Wigmore Valley Park, a similar size to the Century Park fields, had now been lumped together with the fields and rebranded 'New Century Park'. **This is a total departure from Local Plan policy,** which only indicated a possible road across the park. **It is a very serious betrayal of public trust.**

2) Secret 'sell-off': It was only later the public discovered that Wigmore Park had been 'licensed' secretly in 2015 (18 months earlier) by LBC to LLAL to 'work up proposals' to develop on the park. Freedom of Information request from Luton FoE to LBC: *What date did a LBC committee decide that Wigmore Valley Park was to be 'licensed' to LLAL, to plan a big development?* brought the response: *We do not hold this information. The licence to LLAL was granted under the Service Director for Property & Construction Services' delegated powers.* This is part of Luton BC, so it **does** hold the information. To have done this under 'delegated powers', usually used for an officer to deal with a house extension, is an insult to democracy. We were also told that *'The licence started in April 2017'*. But the decision is recorded as having taken place 2 years earlier. No records of a meeting when this transaction took place are 'available'. LBC claims there was no legal requirement to inform the public, but this does not stand up to scrutiny. This park is owned by the public and managed on its behalf by the council, so **this action represents a very serious betrayal of public trust.** The council itself created and landscaped the park, planting thousands of trees, over landfill in the 1980s next to the Wigmore estate due to 'the need for recreation and exercise'. FoE suggests that it is quite feasible to use the 'public transport corridor' access shown in 2008 going around the airport perimeter to Century Park fields, which have planning permission for offices. We do not believe such development is needed, but it would avoid any intrusion on or damage to Wigmore Valley Park.



3) **Eaton Green Road link u-turn: The Local Plan contains a specific policy stating there would be no access from the airport or Century Park on to Eaton Green Road.** This is to protect residents from airport traffic. Luton council/LLAL went against this Plan Policy in autumn 2017, announcing a new road joining the dual carriageway through the airport to Eaton Green Road. It would destroy an attractive bank of trees forming a noise and pollution barrier between residents and the airport. **This action represents a very serious betrayal of public trust.**

4) The reason for 'New Century Park': Original plans showed more offices in Wigmore Park than in Century Park fields, and a dual carriageway emerging from the airport, continuing across the top of

Wigmore Park to Century Park fields. It was broken by 2 large roundabouts and spur roads led to several offices. Only a few offices were actually in Century Park fields, which had permission for them. We were told that these were some way off into the future, so clearly they were speculative.

The size of this road was obviously disproportionate to the offices it would serve.

There were two possible reasons for this, although members of the public could only see one when the application was presented. It was that 2100 new homes were planned across the border in Hertfordshire. This was a 'reserve' site in addition to the rest of Herts' housing allocation, so should have been a last resort. It would also go against planning guidance, coalescing the attractive villages of Cockernhoe and Mangrove Green, which some people visited to escape the overdevelopment of Luton. The proposed development by Bloor and Crown Estates was Luton-facing: there were no suitable roads between this housing and Hitchin, and only one access road into Luton, but Luton is the nearest place that could provide essential services.



Luton 'M25' proposed in 2008

Luton council had long wanted an 'M25' circular road around Luton, so some of the public guessed this road was the first part, to continue to the A505 near Lilley if Herts CC approved. A planning application has been submitted by Central Beds for an M1 - A6 link, which would gridlock the A6. However, **Luton would not admit their big road on the New Century Park diagram was anything to do with this housing or a continuation of the road into Hertfordshire.** **Another betrayal of public trust.**

5) New children's playground and café next to major road and big roundabout

The application proposed an 'improved' children's playground and café where children and adults would be playing or sitting next to a major road and **a big, noisy roundabout against the Local Plan.** Neither LLAL staff or their consultants seemed to realise this would not be a place of peace. It would subject people who can at present escape to a tranquil place to unacceptable levels of air pollution, which can stunt children's lung growth and seriously affect the health and wellbeing of older people. This is supposed to be an improvement on what is there already. **Another betrayal of public trust.**

6) Plan to double passenger numbers at the airport

It was in 2018, following the Govt's Aviation Strategy, that the public learned that Luton, having fast expanded the airport from 9 to 16 million passengers in 5 years, wanted to more than double this again, to 38m, despite the airport sitting over the town in a valley where pollution gathers. They had planned this since 2013 (see Gurtler), and now used the excuse of one line in the Govt strategy: "making the best use of existing runways". Their eyes glistened at the thought of all the money that could bring. It clouded their vision as to anything else that came under their role as public servant. **Another betrayal of public trust.**

7) London Luton Airport Ltd application for a road through the airport to New Century Park:

“Airport plans not connected – a different application”

The immediate outcry of people in Luton and those in a 15-mile radius who were already seriously affected by noise was ignored. In summer 2018 a ‘non-statutory consultation’ was held. It showed 4 options for a second airport terminal, 3 of which completely destroyed the people’s Wigmore Valley Park with its County Wildlife Site.

The questionnaire was blatantly biased, designed to get positive answers. There was no option for ‘NO expansion’ or ‘No expansion on to Wigmore Valley Park’; or for expanding modestly within the airport complex. No acknowledgement that their push for rapid expansion had made Luton the most unpopular airport, 4th most congested town and the fastest growing cause of climate change in the UK. No plan to reduce traffic – as this would be impossible – but no list of ways the environmental damage and inconvenience could even be mitigated. No acknowledgement that more flights means more pollution - every million passengers brings a million more vehicles on to the roads. We were told in Feb 2017 that only 19% of airport passengers come by train, and the Local Plan inspector warned the council not to assume the Dart link would substantially increase this. In any case further expansion would overwhelm any benefits.

The map for the Terminal 2 ‘preferred option’ can be overlaid on to the New Century Park proposals. The two proposals are both hugely damaging, and in conflict with each other. Both cannot be built.

If an outside body were to propose such a major application, LBC would make many planning gain demands through section 106. But it may not be so demanding of itself. Being an outline application, LBC/LLAL could totally change the plans after approval.

Wigmore Park would be covered in long-stay airport car parks. A diagram for the longer-term intention shows Century Park fields also covered in airport car parks. The business park is for airport-related businesses.

An obvious reason for the separate application is to avoid the proper scrutiny of a Development Control Order (DCO) rather than an EIA. **Another betrayal of public trust.**

8) Air pollution cover-up at airport part of New Century Park application *(see main section 9 below)*

All children and adults have a right to breathe clean air. But there is a public health emergency across the UK caused by illegally polluted air. It is dangerously over the legal limit in many parts of Luton, as recorded by Defra (attachment) and Luton FoE (Section 9 below). Luton BC has measured NO₂ at some sites, but not the bigger killer, diesel particulates. It has not told the public, and not acted to reduce emissions. Luton’s Joint Strategic Needs Assessment 2015 shows high rates of respiratory problems, especially in the young.

Luton’s 2017 Air Quality Annual Status Report <https://tinyurl.com/yxdqlouv> uses figures from 2016 or earlier but shows some monitoring sites recording consistently illegal air quality. Many busy sites in the borough are not monitored. LBC has failed in its legal duty to take appropriate measures, declare Air Quality Management Areas (AQMAS) around dangerous sites such as the airport, and introduce measures to reduce pollution.

NO₂ readings from on & around airport terminal *(from a LLAL report forming part of this application):*

At least six busy airport sites record consistently illegal air quality.

LA01d, LA02d (Airport approach road), LA05 (runway apron), LA06 (President Way junction), LA14D (Stand 61), LA16D (Setdown area) – all readings consistently illegal.

LN23 Eaton Green Rd – close to legal maximum (this accords with Luton FoE measurements, Section 9 below)

LLAL took an average of readings from 20 or more NO₂ monitoring points in and around the airport, of which 6 at the busiest places are consistently above legal limits, and claimed there is no legal breach. This is unacceptable. Any point that is illegal remains illegal. **People are not exposed to less air pollution at the 6 busiest places on the airport because pollution is also monitored at 14 less busy places.** NO₂ is a toxic gas which inflames the lining of the lungs, and can lead to lifelong problems. The legal annual limit for NO₂ is 40 micrograms per cubic metre (ug/m³). Defra / WHO: There are **no safe levels** of exposure to air pollution. *

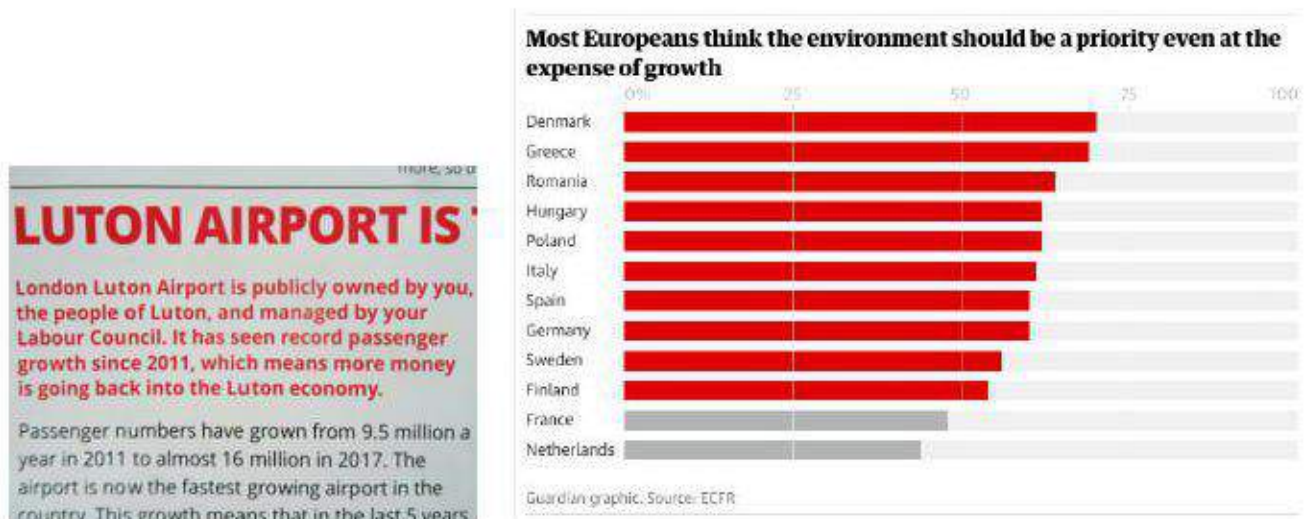
We attach comments by Carolyn Cottier to N Herts Inquiry, concerning air pollution at Luton airport and the east of Luton. While we cannot vouch for all her claims, her evidence appears to show serious transgressions of legal responsibility for public health by Luton Council.

This shows that for LBC and LLAL, business as usual in pursuit of money overrides the need to take action to protect the health of workers who contribute to airport income, and the health of nearby residents. Under the Environment Act 1995, local authorities must review air quality. If they find that air quality objectives in a particular area are not expected to be met, they must designate it as an **Air Quality Management Area**, and develop an **Air Quality Action Plan**. The airport and residential roads around it qualify immediately to be made an AQMA, at which measures must be taken to reduce pollution. The council is trying to avoid this. **Another betrayal of public trust.**

* DEFRA Air Quality Briefing for Public Health Directors Mar 2017: "International Agency for Research on Cancer listed diesel exhaust pollution as a Class 1 carcinogen. In 2013, the World Health Organization (WHO) published a review of 2,200 studies concluding that: • Annual PM2.5 concentrations are associated with all-cause mortality to a high level of confidence • **"There is no evidence of a safe level of exposure to PM or a threshold below which no adverse health effects occur"**. Negative health impacts have been found well below current EU & UK limits.

Also: Air pollution Deaths – Watford & Luton worst in East of England 2013 – 6.5 per 1000 Air Pollution.

Government estimates air pollution to reduce life expectancy of everyone in the UK by an average of 7-8 months. This is worse in highly polluted areas with regular exposure. Each car in London costs NHS & Society £8000 due to pollution.



UK way behind Europe in recognising we can't keep 'growing' (eg airport expansion) on a finite planet

9) The public owns Luton airport. This has been stated on Labour leaflets, and by the Council Leader in public on 8 Oct 2018. It has grown rapidly, unsustainably, decades faster than predicted, without environmental controls. **People don't want congestion, noise, pollution or bad health, which an airport with double the passengers would bring them, and they need their park.** No one asked Luton Council, or gave permission, for LBC to give away the people's park to LLAL to develop. There should have been a major consultation before any such decision was taken.

Another betrayal of public trust.

10) Misleading questionnaires

At a presentation in Wigmore, LBC/LLAL lied about high support for airport expansion: In consultations for both the dual carriageway/New Century Park and major airport expansion ('Future Luton' – implying impact on the whole town) questionnaires were used in which the questions were blatantly biased, designed to give positive answers. (More detail can be supplied.)

This is not in accordance with required procedures, including the "Gunning Principles" (a consultation must be carried out properly and with an open mind with due consideration to the responses).

The Council has a moral & legal Duty of Care to act on behalf of and protect residents. Its proposed development on a valuable Community Asset does not comply with key relevant Local Plan policies. It has acted undemocratically and in bad faith, and should be obliged to withdraw its application, or have it overturned.

5) The plan fails to take into account advice in both its own plan and national guidance on considering development proposals *Also see Section 12 below*

NPPF (Feb 2019): Considering development proposals

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The underlined section is an exact description of the result of building a dual carriageway through the airport and the New Century Park development on Wigmore Park, the new road funnelling traffic on to Eaton Green Road and residential roads, against Local Plan policy.

Air pollution: Children breathe toxic air at school & on school run

<https://www.theguardian.com/environment/2018/sep/18/school-run-air-pollution-children-black-carbon>

Further, the capacity of the recently expanded M1 Junction 10 and 10A is already a problem – traffic to the airport now backs up the motorway in the early morning, and any further development such as the proposed major dual carriageway through the airport, large offices, more airport car parks and a hotel on Wigmore Valley Park would make this situation worse. This is not only bad for the strategy of Highways England, but for the health of local residents caught in jams and a pollution corridor.

Hertfordshire Local Transport Plan (2018-2031) May 2018

Draft Policy 11 – Airports, states: *"The county council, working in partnership with neighbouring local authorities and airport operators, will seek improvements to surface access to Luton and Stansted Airports, and promote and where possible facilitate a modal shift of both airport passengers and employees towards sustainable modes of transport.*

The county council is opposed to new runway development at Luton and Stansted Airports."

In its document **Future Luton**, (28 Mar 2019) the applicant LLAL states:

3.4.39 *Local and strategic traffic models are currently under development and traffic modelling, based on passenger forecasts is underway.*

Traffic modelling of the impact of the proposed dual carriageway through the airport and a new road

feeding traffic on to Eaton Green Road, **against Local Plan policy**, on local roads and the wider network, **should have been complete before submitting the EIA application for New Century Park, especially as the dual carriageway is likely to lead to new housing in Hertfordshire.** The inadequacy of traffic assessment was severely criticised by Senior Planning officer David Gurtler in an internal report in May 2018 (*attachment*).

Also see comments below on **Local Plan Policy LLP6**.

Under 'The Principle of Development' in Gurtler's agenda summary, para 193, he concludes: *"The issue of traffic and the link road was addressed in the officer's report in a number of areas (and in the planning application with a Transport Assessment, a Supplementary Transport Assessment and in the Environmental Statement) and was considered by both the Highway Authority and Highways England – both of whom ultimately agreed that subject to conditions the development was acceptable. You will see from the Committee report that the conditions requested by Highways England and the Highway Authority place certain timing restrictions on the delivery of the link to Eaton Green Road and also the provision of the New Century Park access road."*

This is surprising, as he could not have been more critical in the attached internal document about the inadequacy of the Transport Assessment, which did NOT take into account the effect of this development on either local roads or the wider network. A vital omission is that other major developments are proposed, including housing in Herts, and Terminal 2, allowing further airport expansion, but the assessments have deliberately been confined to New Century Park.

Timing is irrelevant: as soon as traffic is released on to Eaton Green Road, it is at capacity and would cause rat runs and widespread congestion greater than has already been caused by rapid airport expansion. It seems that Luton BC care nothing for the inconvenience, health and welfare of constituents, only for their major road to 'unlock' further development at any cost. Highways England is more concerned about impact on major roads, and we have heard concerns from them about peak hour tailbacks to the M1.

Table 3-1: *Potential Indicative Off-site Highway Interventions in the Proposed Development* lists a series of proposed alterations to junctions. No strategy is offered for **reducing traffic levels** to reduce congestion, pollution, or climate emissions. Indeed, signalling some junctions is likely to **increase pollution and the effects on health of both local residents, including pupils walking daily to school, and those driving in pollution corridors.**

The Transport Assessment is completely inadequate and does not provide a plan for East of Luton as requested 4 times by David Wynn, who gave evidence on 27 March.

p101 295 of the Dev Control Agenda assumes all traffic growth everything can be mitigated. It CAN'T. p113 356 is grossly complacent, and NOT what Gurtler said in his internal report.

pp116-131 This is nowhere near the detail needed for a full application. There is no evidence that it could meet all these policy objectives. It is somewhat farcical, as office development is not the aim, but Terminal 2. **Road impacts would be disastrous.**

p117 The list of developments does not justify the expense of a dual carriageway through the airport, putting people out of business, or costly high-risk work to try to make the landfill safe to people in new offices, to prevent irreversible contamination of groundwater over a 15-mile area, or offices or future terminal where methane builds up and explodes or makes people ill.

p119 Air quality – see sections 4 and 12

The council should build offices on **brownfield sites** first – there are several sites in the borough.

6) The plan fails to take into account advice in both its own plan and national guidance on conserving and enhancing biodiversity and the natural environment

NPPF (Feb 2019): 15. Conserving and enhancing the natural environment

20. **Strategic policies** should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation / adaptation.

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land.

Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Hedgerows

17.2.6 The Hedgerows Regulations 1997³²¹ are designed to protect 'Important' countryside hedgerows from removal. To qualify as 'Important', a hedgerow must be at least 30 years old and

meet certain qualifying criteria, which identify hedgerows of particular archaeological, historical, wildlife and landscape value.

17.2.7 It is an offence to remove an 'Important' hedgerow without planning consent or a hedgerow removal notice.

The bridleway that runs along the east side of Wigmore Valley Park and past the airport fire practice area passes along a strip of ancient woodland and an ancient hedgerow of great character.

Badgers

17.2.8 Badgers (*Meles meles*) are afforded protection through the provisions of the Protection of Badgers Act 1992, which is based primarily on the need to protect badgers from baiting and deliberate harm or injury. As such, without a licence from Natural England, it is an offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a badger;
- damage or interfere with a sett; or
- disturb a badger whilst it is occupying a sett.

There is currently more than one sett on Wigmore/Century Park.

Reptiles and amphibians

17.2.17 Slow worms, frogs and newts are present on the site, and subject to protection through the provisions of the Wildlife and Countryside Act 1981 (as amended) and the CROW Act 2000. This legislation makes it illegal to intentionally kill or injure an amphibian or reptile.

Other species recently recorded at Wigmore Park

462 species have been recorded at Wigmore Park in recent years, 380 on the County Wildlife Site. These include: Sanicle (England Red List plant, local rarity, IUCN, 2016); 5 species of orchid (CITES - thousands of individuals (an attractive booklet has been produced: *The Wild Orchids of Wigmore Park* by Richard & Geraldine Hogg); Bluebells in a fragment of ancient woodland; Grizzled skipper (2017) and Chalkhill Blue (2010) butterflies; at least 74 bird species include Linnet, Grey wagtail, yellowhammer (Beds Red List & Birds of Conservation Concern), and skylark (2017, NERC, Species of Principal Importance). The Wildlife Trust replied robustly on 3 Apr 2017 to the Scoping Request, which "gives the impression that there will be no impact on biodiversity, and does not mention that the CWS would be destroyed": *This site has been recognised for its neutral and calcareous grassland and hedgerows, all of which are habitats of 'principal importance' under Section 41 of the Natural Environment and Rural Communities Act, 2006 and have local Biodiversity Action Plans. The importance of the CWS is recognised in Policy LP28: Biodiversity and Nature Conservation of the Pre-Submission Luton Local Plan 2011-2031. They requested: Clear assessment of the impact of the development on biodiversity and any mitigation measures necessary; and Clear assessment of the net gain for biodiversity and enhancement of ecological networks provided by the development in line with the National Planning Policy Framework.*

We are certain that this request has not been fully complied with and no net gain would be achieved.

Trees

Please note FoE's objections to the proposed removal of over 2 hectares of mature trees from Wigmore Park, planted by a previous generation of conscientious council officers.

Also comments from Lawrence Patterson (*attachment*).

Local Plan policies

Point 10.9 *"Mature Trees provide valuable eco-system services & environmental benefits including carbon reduction, filtering noise, cooling, wildlife corridors and havens which harbour many diverse plant and animal species that need protection."*

"Strategic Objective 5: *To improve the built and natural environment, taking into account the landscape, setting and character of the town and neighbourhoods within its national AONB and local landscape settings."* Offices, hotel, extensive car parks or a new terminal would seriously affect the Chilterns Area of Outstanding Natural Beauty (AONB).

“Strategic Objective 10: Improve, protect and enhance biodiversity of natural areas within the town, including the quality, accessibility, health and recreational value of green space, Areas of Local Landscape Value (ALLV) and their connectivity.”

Key issue: “Population growth will increase demand placed on Luton’s deficient supply of green space and wildlife habitats, and on valued landscapes. Development will need to protect or increase the limited supply of recreational green space and green infrastructure networks within the borough.”
NOT IN HERTFORDSHIRE, where you propose to move the park.

Central Bedfordshire Council South Bedfordshire Local Plan 2004-2011 borders the site and has policies NE3 *Control of Development in the Areas of Great Landscape Value*, NE6 *Protection of Features of Nature Conservation Value*, and BE1 *Control of Development affecting Scheduled Ancient Monuments and Areas of Archaeological Importance*.

7) The plan fails to take into account advice in both its own plan and national guidance on promoting healthy and safe communities

NPPF (Feb 2019): 8. Promoting healthy and safe communities

91. *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities*

92. *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.*

Many of the above needs are provided by Wigmore Valley Park, nearby to homes but providing natural surroundings. The New Century Park application would destroy the park, removing these.

Open space and recreation

96. *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

98. *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

The application is against Green Space Policy – it proposes loss of essential public park near homes.

The current licence to LLAL requires the land to be used as **Public Open Space**. “Any replacement park must be an improvement on the present park.” This must be not only in terms of size but quality including the value of a County Wildlife Site, which has taken 35 years to evolve. It can’t be compared with a children’s play area and farmer’s fields, which are **not** an improvement as the new park is much further from homes. ‘Improving’ a green space site elsewhere in the borough is irrelevant. To propose a vast increase in surface level airport car parking on a public park/CWS is unacceptable.

Greenspace near home in childhood is linked to fewer adult respiratory problems

<https://www.sciencedaily.com/releases/2018/09/180918180504.htm>

Air pollution: Children breathe toxic air at school & on school run

<https://www.theguardian.com/environment/2018/sep/18/school-run-air-pollution-children-black-carbon>

Luton is highly over-developed and painfully short of green space, so Wigmore Valley Park, an important District Park, is NOT surplus to requirements. The ‘replacement park’ for Wigmore Valley Park would be worse in every respect: the quality would be poorer in that WVP is large, semi-wild, unusual in being close to a built-up area. It is an Area of Local Landscape Value, with attractive views across a valley. Thanks to a very interesting mosaic of habitat, the designated County Wildlife Site provides and protects a rich diversity of wildlife including thousands of orchids, over 60 species of birds, a strip of ancient woodland with bluebells, which connects adults and children with nature. It was landscaped and planted with thousands of trees by a previous council, who recognised the need for fresh air and exercise, and for a large proportion of the Wigmore estate, it is on the doorstep.

The proposed replacement park is much further away and less convenient for people with busy lives or who are unable to walk that far. It provides a vital buffer against air pollution and noise from the airport. ‘Quantity’ is irrelevant – a slightly larger park, further away, on farmers’ fields with no wildlife, is NOT an equivalent or better provision. The buffer would be lost if the New Century Park development were to go ahead, as 2 hectares of mature trees planted by the council would be destroyed, and it would bring a major road, large offices, a 5-storey hotel and airport car parks close to homes. Luton Council should be seeking to improve quality of life for residents.

Along the strip of ancient woodland on the east side of Wigmore Valley Park is an attractive bridleway that forms part of an existing rights of way network.

Building a major road near a children’s play area and café & felling 2 hectares of trees which absorb pollution is a serious health risk, going against providing a healthy, safe community.

If the airport expansion proposal was taken forward, the play area and café would be close to the major approach road to Terminal 2 and airport parking areas.

Yet **Local Plan Policy LLP6** says:

Wigmore Valley Park E. *Wigmore Valley Park is integral to the London Luton Airport Strategic Allocation. In delivering development and access under clause D (i.e. Century Park) above, including any reconfiguration of the land uses that may be necessary, the following criteria will need to be satisfied:*

- *provision will be made to ensure that the scale and quality of open space and landscaping in the area is maintained, and if feasible, ensure that there is a net increase in open space provision;*
 - *bio-diversity will be enhanced and improved within the Borough;*
 - *that new open space to replace Wigmore Valley Park offers facilities of at least equal quality and is available and accessible before any development takes place on the existing Wigmore Valley Park.*
- The major problem is that is not just ‘Open Space’, it includes a vital habitat, a County Wildlife Site; the ‘new open space’ has no trees, would not be biodiverse for 30 years; is a long way from homes.

8) The plan fails to take into account advice in both its own plan and national guidance on making effective use of land

NPPF (Feb 2019): 11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

The whole of Wigmore Park is green land, and most of it, including the whole County Wildlife Site, would be lost with this development.

c) support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

This has already been achieved. The best option for a landfill site was chosen 35-40 years ago by Luton Council, who created Wigmore Valley Park above it. Driving deep pilings into the landfill for development brings a high risk, as advised by consultants, of releasing methane and other toxic gases into buildings above it, and contaminating the groundwater below over a wide catchment.

Robin Porter, LLAL CEO, on 3C Radio 7 Jan 2019 said: *"The new park would give better access, as the current site becomes a bog in Winter"*. This is why it's an important wildlife site. So how can you build on such a soggy site? This was the largest landfill in Luton and contains many toxins. It is highly unlikely you could drain it safely. If you put hundreds of pilings into landfill, water will leak in, carrying contamination from the landfill irreversibly into groundwater. There is a huge catchment area - where would the water end up? The Environment Agency may regret that they said this could go ahead with a number of constraints to manage pollution.

Further comments on landfill - See FoE responses

Local Plan Policy LLP6 – London Luton Airport Strategic Allocation

This is a key policy which is contrary to the New Century Park application:

*Details of the proposed access, which shall be via the extension of New Airport Way (which connects the airport to M1 J10A) and shall link Percival Way through to Century Park (as shown by the arrow on the Policies Map), such access shall be designed so as to ensure that **no use is made of Eaton Green Road to provide access to Century Park or the Airport**, except for public transport, cyclists, pedestrians and in case of emergency.*

Airport Expansion B. *Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport...*

Airport-related Car Parking C. *Proposals for airport related car parking should be located within the Airport Strategic Allocation, as shown on the proposals plan (excluding Century Park and Wigmore Valley Park) and will need to demonstrate that the proposals: meet an objectively assessed need; do not adversely affect the adjoining highway network; and will not lead to detriment to the amenity of the area and neighbouring occupiers...*

This seems to suggest that there should be NO airport car parking on Wigmore Valley Park or Century Park (fields). If so, the application, which includes long-stay surface airport car parking on Wigmore

Park, is **against Local Plan policy in a further way.**

It is the view of most of the 400 or more people who sent in written objections that the adjoining highway network would be adversely affected, and would lead to detriment to the amenity of the area in terms of greater congestion, danger and pollution, affecting health.

Century Park D. *Luton-based businesses, new business start-ups as well as significant inward investments will be allowed provided that it does not generate bad neighbour issues.*

As these 4-storey offices, a major roundabout and new road into Eaton Green Road bringing related traffic, noise and pollution in some cases 200m from homes, and much closer to a café and children's playground, it is very hard to see how this would not 'generate bad neighbour issues'.

In its document **Future Luton**, (28 Mar 2019) the applicant LLAL states:

3.4.25 There are two areas south west of LTN, along New Airport Way near Luton Airport Parkway railway station, currently under consideration for use as mid stay and/or employee parking, and car hire and return. If developed as part of this project, these facilities are likely to be multi-storey. If these sites are viable for further parking, there is no need, as we have argued consistently, to build any surface level airport car parks on Wigmore Valley Park for the New Century Park application. A large part, or all of the park, can therefore be saved.

9) The plan fails to take into account advice in both its own plan and national guidance on Air pollution, and in view of recent knowledge, to act, on serious health grounds (see also section 4, part 8)

The extra pollution caused by this development would breach the EU Air Quality regulations. Air Quality rules are already being breached **by emissions from aircraft.**
No account is being taken of Ultra Fine Particles. (A Defra report refers to 3 studies.)

See objection 245, p215-16 on Significant traffic growth and premature Luton deaths from pollution.

Knowledge of the causes and effects of air pollution has increased exponentially during the period leading up to this application being decided. This has not been taken into account and makes the application unsafe.

At the meeting on 27 Mar when this application was provisionally passed, with 2 weeks of the consultation period left, councillors showed ignorance of, or disdain for, the likely impact on the NHS, which has a growing inability to provide care, and is at risk of not being able to look after future generations.

NO₂ is a toxic gas which inflames the lining of the lungs, and can lead to lifelong problems. The legal annual limit for NO₂ is 40 micrograms per cubic metre (ug/m³) but the WHO states that there are no safe levels of exposure to air pollution.

LLAL figures supplied with the application show that at least 6 monitoring sites at the busiest places on or around the airport terminal show NO₂ readings consistently breaching legal limits. This requires an immediate declaration of an Air Quality Management Area at and around the airport. Instead, LutonBC/LLAL averaged out figures across 20 or more monitoring sites, claiming there is no problem.

This demonstrates that for LBC and LLAL, to continue business as usual in pursuit of money overrides the need to take action to protect the health of the workers who contribute to airport income, and to protect the health of nearby residents.

Luton FoE took readings mainly in east Luton, to measure the concentration of NO₂ in the air, using diffusion tubes, which were each positioned for 1 month at several junctions in east Luton. Defra advice was followed, the tubes being placed out of reach, about 3 metres high. This is a scientifically valid process co-ordinated by Friends of the Earth nationally and verified by the Gradko laboratory to which they were sent. Figures are projected to the annual legal limit, and rounded down to 0.89 to allow for bias.

The period was Mar-Apr 2018, during which there was less traffic due to school holidays, and less pollution due to a week of rain, so air pollution would have been higher for much of the year. As a control, we took a reading in Bramingham Wood, which was 8.23 µg/m³. The legal mean annual limit for nitrogen dioxide (NO₂) is 40µg/m³. After rounding down, results at junctions were:

ILLEGAL LEVELS

44.6 µg/m³ Junction of flyover and Church Street at Crawley Green Rd roundabout

44.28 µg/m³ Junction of Vauxhall Way / Crawley Green Rd roundabout

DANGEROUSLY HIGH

37.57 µg/m³ (42.21 before rounding down) Junction of Eaton Green Rd / Frank Lester Way

34.1 µg/m³ Asda roundabout / Wigmore Lane junction

31.73 µg/m³ Eaton Green Rd / Lalleford Rd junction

31.62 µg/m³ Stopsley Way / Hitchin Rd (Jansel House roundabout)

30.49 µg/m³ Ashcroft Rd / Crawley Green Rd junction (nr Ashcroft School)

A Defra site on the A505 near M1 J11 constant monitors NO₂. Figures are taken over 24 hrs, and averaged, which enables figures to be under the legal limit. This includes times when most people are at home and in bed. The true figures should reflect when people are most exposed to pollution during the working day. This monitoring station frequently shows levels **two, three or even four times the legal maximum**, particularly in early morning peak hours (*sample readings attached*).

Luton Council has responsibility for Health, and cannot continue to ignore the serious impacts of increased traffic it is causing through airport expansion, pollution from planes, and development. A505 Defra monitoring includes pollution from people coming to the airport from Dunstable and the west, from A5 north and south, M1 J11, and added traffic from the new 2.8 mile dual carriageway A5-M1 Link (Dunstable Northern Bypass).

There is a threat of a future continuation east of the M1 to the A6, which would bring more traffic, noise and pollution, and gridlock the already busy A6. This is the subject of a current application by Central Beds, and **must not be allowed**.

Local Plan Policy LLP6 London Luton Airport Strategic Allocation states that proposals for development will only be supported where the following criteria are met: *"iv. they 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."*

LBC/LLAL have already proved themselves entirely unable to meet this task. Car use and traffic in Luton is far above the national average. The airport has expanded far faster than they expected, and Luton is 4th most congested town. All the above impacts apply. None of these have been mitigated.

Findings about the effects of air pollution on health (*all published 2018-19*)

Air Quality analysis: Harm being done has been deliberately concealed. Health concerns: Queen Mary's Hospital confirms that Ultra Fine Particles penetrate deep into the respiratory system with potential translocation to the bloodstream. Inhaled pollution particles move to the placenta.



Public Health England guidance on health matters: air pollution (14 Nov 2018)

<https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution>

From miscarriage to teenage psychosis: air pollution health effects much worse than previously believed - causes at least 40,000 early deaths in UK from lung & heart disease, & linked to many health impacts

<https://www.theguardian.com/environment/2019/mar/27/air-pollution-linked-to-psychotic-experiences-in-young-people>

Air Pollution causes 15,000 new diabetes cases a year in UK

<https://inews.co.uk/news/health/revealed-air-pollution-is-a-major-cause-of-diabetes-in-the-uk/>

Air pollution dementia threat

<https://www.theguardian.com/environment/2018/sep/18/air-pollution-causes-jump-in-dementia-risk-study-suggests>

Air pollution causes huge loss of intelligence <https://www.theguardian.com/environment/2018/aug/27/air-pollution-causes-huge-reduction-in-intelligence-study-reveals>

Air pollution particles in mothers' placentas harms unborn babies

<https://www.theguardian.com/environment/2018/sep/16/air-pollution-particles-found-in-mothers-placentas>

Air pollution: Greenspace nr home in childhood linked to fewer adult respiratory problems

<https://www.sciencedaily.com/releases/2018/09/180918180504.htm>

Air pollution: Children breathe toxic air at school & on school run

<https://www.theguardian.com/environment/2018/sep/18/school-run-air-pollution-children-black-carbon>

Air pollution linked to changes in heart structure

<https://www.theguardian.com/environment/2018/aug/03/air-pollution-linked-to-changes-in-heart-structure>

Tiny air pollutants inflame airways and harm heart

<https://www.sciencenewsforstudents.org/article/tiny-air-pollutants-inflame-airways-and-harm-heart>

Cleaner air from tackling climate change 'would save millions of lives'

<https://www.theguardian.com/environment/2013/sep/22/clean-air-climate-change-lives>

Air Pollution: Govt's Chief Medical Officer calls for tougher standards

<https://airqualitynews.com/2018/03/02/chief-medical-officer-calls-tougher-air-pollution-standards/>

10% of London hospital treatment for children was linked with Air pollution

- 1,000 asthmatic children need hospital treatment thanks to London's toxic air

<https://www.standard.co.uk/news/london/1000-asthmatic-children-need-hospital-treatment-thanks-to-london-s-toxic-air-a4110161.html>

Air pollution in Luton hits illegal levels *published in Luton Herald 21 June 2018 (attached)*

On Luton air pollution <https://michaelstonnell.com/2018/10/29/on-luton-air-pollution/>

10) The plan fails to take into account advice in both its own plan and national guidance on Climate change, and national momentum on need to act on climate

The fastest growing cause of climate change is FLYING.

Luton is the fastest growing UK airport.

Luton is the fastest growing UK cause of Climate Change.

This application is a major step toward expanding the airport.

Knowledge of the causes and effects of air pollution has increased exponentially during the period leading up to this application being decided. This has not been taken into account and makes the application unsafe.

Luton Borough Council Climate Change Adaptation Action Plan Is woefully inadequate. It is full of information tables, but no action. It is astonishing that as Luton airport is the fastest growing source of climate emissions, the plan does nothing to **reduce** climate emissions.

No explanation provided as to how climate change emissions (not only CO₂) would be taken into account. Paris Agreement should be in Sustainability Appraisal.

NPPF: 14. Planning for climate change (Guidance Feb 2019)

149. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

The East of England is the driest region in the UK. Large developments like New Century Park and associated airport expansion would place great stress on the ability of water companies to cope with supply. A designated Biodiversity area and green corridor would be destroyed, and landscapes adversely affected, against the wishes of bodies such as The Chiltern Conservation Board and CPRE.

Since the IPCC report in Oct 2018, based on 6000 scientific studies, there has been a step change in the realisation of our predicament, demonstrated by climate strikes across the world.

We have 12 years to limit climate change catastrophe.

Local, national and international responsibilities cannot be separated.

"The planet would reach the crucial 1.5C warming as early as 2030 under current greenhouse gas emission levels: risking wildfires, extreme droughts, floods, and serious famine" - UN Intergovernmental Panel on Climate Change (IPCC), 8 Oct 2018

"We only have the slimmest of opportunities remaining to avoid unthinkable damage to the climate system that supports life as we know it." - IPCC board member Amjad Abdulla

"We must get serious about decarbonising and meeting our climate change targets" - John McDonnell, Deputy Labour leader, talking about IPCC report and Heathrow expansion

Greta Thunberg (Nobel prize nominee): "When I'm 75 in 2078 perhaps my children will ask why you didn't do anything when there was still time. What we do or don't do now will affect my entire life and the lives of my children and grandchildren."

David Attenborough says we must work very hard & fast to keep below 1.5C warming to prevent catastrophic climate change and the collapse of human civilisation. Government Report 2018: "Without significant emission reductions we may reach 5°C by the end of the century, beyond the point of extreme danger. Beyond 2°C climate change becomes irreversible and catastrophic. Food prices, large scale migration, human rights, state failure, grave threats to international security."

This renders the Government's Aviation strategy, and Luton's plans for airport expansion and related activities, hopelessly out of date.

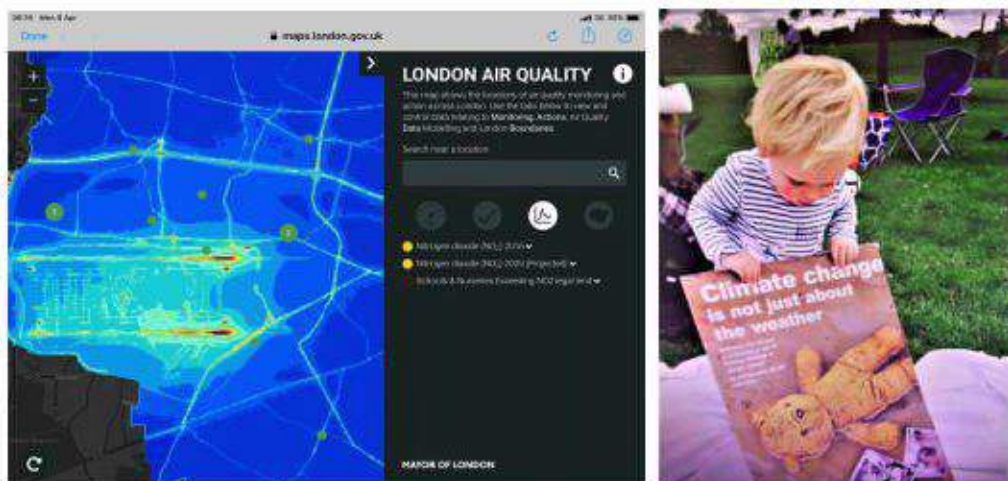
This is a pivotal point in human history. We cannot pretend we were asleep and this was a bad dream. Business as usual must stop. There is no choice. Economic activity must refocus. The IPCC has announced something much worse than the bankers' crash.

Fresh Water from the Arctic is pouring into the Atlantic, slowing the Gulf Stream.

Long hot periods, like those of summer 2018, will become more severe and common, increasing heat-related deaths and causing more forest fires

The greatest change will be to nature, which we rely on to survive. Insects, vital for pollination of crops & plants, will lose half their habitat. We must **SAVE WIGMORE VALLEY PARK**.

We have a deadline. Luton is very lucky to have substantial airport income – it doesn't need to be greedy. Luton BC's primary job is not property development, but to look after the health and well-being not only its residents but those beyond its borders, who travel to the town or feel the impacts of the council's activities. Ten years ago LBC employed 5 officers in a climate dept, whose responsibilities included educating people on how to change behaviour to reduce their carbon footprint, the council examining its own footprint to set an example. Now there are no climate officers. Have the dangers of climate change gone away? No, they have got worse.



It is not cars driving up the Heathrow runways that are causing this pollution

All decisions about airport income must be based on CLIMATE SUSTAINABILITY, or they must be abandoned. Otherwise in 12 years today's children like those who marched to Luton Town Hall on 15 March will ask: "What did you do to reduce the great warming?" We hope they won't have to say:

“Why did you go ahead with this, knowing its fatal consequences?” We hope you won’t have to say: “We prioritised economic growth over people’s health and wellbeing.”

People in the UK fly more than any other country.

Luton Airport’s rapid growth has made it the UK’s fastest growing source of climate change.

A lot of public money has been spent on consultants. But they said “You cannot mitigate for the degree of air pollution & warming from this level of expansion and the millions of journeys it produces.” They also said that almost every aspect of digging up or building on the landfill site beneath Wigmore Park is high risk and costly. We must not throw good money after bad.

No new major roads can be built. They spark millions of vehicle journeys, and are a major contributor to climate change and air pollution. **This includes the one through the airport.**

Any public money spent on infrastructure for airport expansion would be wasted.

- 1) No one would occupy offices on a site where Terminal 2 is due to be developed.
- 2) Pressure will increase to meet air pollution, fossil fuel reduction and climate targets, and the project will have to be halted.
- 3) The world situation is such that airports will quickly stop expanding.
- 4) Without expansion, airport-related businesses can be accommodated on existing airport land.
- 5) At the end of the 2004 Milton Keynes & S Midlands Sub-Regional Strategy Public Inquiry, the three-person panel wisely told Luton “not to put all its eggs into the airport basket.”

One transatlantic flight uses up one person’s annual share of carbon emissions, and major changes must take place urgently to cut climate gases.

The fastest growing source of these, flying, which is doing great damage in our thin upper atmosphere, cannot continue to grow – indeed, short-haul flights must stop as there are far more benign alternatives (Holland is already banning short-haul flights, eg from Amsterdam to London). Flying must from now on be treated mainly as for essential journeys or occasional visits to families abroad, and ‘frequent flyer’ taxes are needed to act as a deterrent – it has at last been realised that everyone else should not be subsidising frequent flyers, and Caroline Lucas MP on Any Questions received a huge round of applause when she said that.

Damage to the earth, causing noise, pollution and suffering to people is **a breach of human rights**.

The New Century Park application cannot be separated from airport expansion plans. It includes a dual carriageway through the airport, extensive airport car parks, and is on the same land. And it involves Luton Council giving itself permission to go ahead. Locally this is out of control and must be decided by planning experts at a higher level.

11) LLAL’s publication (28 March 2019) *Future Luton: making best use of our runway - statements and intentions must be taken into account* (attachments 6 and 7)

Note: publication is one day after councillors ‘passed’ the New Century Park application for development on the same land, despite it being 2 years since the development was introduced to the public, and 2 weeks remaining of public consultation.

This approval is provisional – powers were delegated to a senior planning officer to receive until the expiry date of 10 April and ‘process’ any further submissions which raised Material Considerations.

Most of the measurements and findings in this document apply also to the New Century Park project, and the two proposed developments occupy the same area of land. So New Century Park cannot be just an EIA application, but a Development Consent Order application. (*see Planning rules in the objection by Carolyn Cottier*). The major road, a 1.6 mile dual carriageway through the airport, marks the first stage of proposed major airport expansion, so the application must be thoroughly scrutinised as a NISP by the Planning Inspectorate on behalf of government.

‘Both of these documents have been driven by forecasts of rising demand in air travel, the need for an integrated approach to the sector, and the impending departure of the UK from the European Union.’
(p24) Demand is something that is created by marketing, not a requirement you have to meet.

Capacity permission at Luton is 18 million passengers, which was supposed to be many years away, but has been reached much too fast, making Luton the fastest growing source of climate change in the UK. This capacity must not be exceeded. To ‘make the best use of existing runways’ is not instructing operators to increase capacity to unsustainable levels.

The full statement, quoted on LLAL’s p23, is: *“The government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations.”* (para 1.29)

‘Making best use of their existing runways’ must now be interpreted as making airports, and vehicles accessing them, far more energy-efficient and less polluting, to cut fuel-wasting stacking in the sky, and to radically reduce the fossil emissions produced. Higher charges should be introduced for diesel vehicles, and car sharing/pooling and public transport strongly incentivised. Economic growth must be quickly switched to renewable energy and far more local production of food and goods. All this applies whether or not the UK leaves the EU.

Luton has severe constraints which render it impossible to expand further: the airport is on a hill above the town which sits in a valley that traps pollution. Too-rapid expansion has made Luton 4th most congested town, in which people cannot get to work without sitting in pollution corridors, breathing in NO2 and PM2.5, affecting their long-term health.

Environment Act 1995 (p78 of LLAL report)

6.2.4 Part IV of the Environment Act 1995⁴² places a duty on the Secretary of State to develop, implement and maintain an air quality strategy with the aim of reducing atmospheric emissions and improving air quality. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland⁴³ provides the framework for ensuring compliance with air quality limit values based on a combination of international, national and local measures to reduce emissions and improve air quality. This includes the statutory duty, also under Part IV of the Environment Act 1995, for local authorities to undergo a process of local air quality management and declare Air Quality Management Areas (AQMAs) where necessary.

Air quality (NO₂) at 6 of the busiest parts of the airport is consistently at illegal levels, shown in LLAL documents for the New Century Park application, but this has been deliberately concealed by taking an average over 25 monitoring points, many in quieter places. The Airport and surrounding area should immediately be made an Air Quality Management Area, and actions taken to cut pollution.

Jams are very costly to the economy, and shorten people's time with their families and leisure time, having adverse impacts on society. New Century Park, and any more airport expansion would increase pollution-related health problems, and the proposed dual carriageway to New Century Park - unnecessary, speculative offices and a hotel (costly and risky to build on landfill) – would join a new access road to Eaton Green Road, causing new rat-runs through residential areas. No aspect of the Transport Assessment addresses this simple but major transport conundrum.

6.2.24 (p80 of LLAL report) LBC is currently in the process of compiling an AQAP52 for AQMA No. 3 (Stuart Street and Dunstable Road areas). The plan was approved by Council Executive in June 2018 and was due to be published in 2018. The area of this town centre site is already inadequate and should be extended: Luton Friends of the Earth tested for NO₂ and found illegal levels outside it. If there are 2 AQMAs in Hitchin (p87 of LLAL report), it is clear that before any new major development, Luton, far bigger and UK's 4th most congested town, needs more AQMAs.

3.3.5 A 'No Development' or 'Do Nothing' option was discounted from LLAL's sifting process on the basis that it does not deliver the strategic economic objectives.

As part of continuing assessment, a 'Do Nothing' scenario will be explored to establish a future baseline for LTN without the Proposed Development. This will be described in full within the ES along with a final description of the alternatives.

No one is suggesting 'Do Nothing', but economic and environmental sustainability must be considered together and an urgent shift in emphasis is needed away from the level of airport expansion proposed. There is therefore no need to build surface level airport car parks on Wigmore Park, as the New Century Park application proposes.

3.3.9/10 Sift 1 was undertaken in autumn 2017 and appraised 7 options against a set of qualitative criteria based on LTN's Vision and key strategic objectives for the project. Each option was appraised by the technical specialist team against the strategic objectives of Strategic Fit, Economic, Social, Sustainability and Environment, Surface Access, Deliverability, Operational Viability and Cost. Environmental subcriteria included: noise impact, air quality, natural habitats and biodiversity, carbon emissions, flood risk, archaeology and cultural heritage, landscape and visual impact, climate change resilience, surface and groundwater, and landfill.

The Environment should NOT be represented as 'sub-criteria'. Taken together with social, sustainability and transportation/road congestion/pollution ('surface access' is only about getting to the airport, not the wider effect on communities), the disbenefits totally outweigh benefits (See list below). It is inexplicable why LBC/LLAL chose to interpret 'Making best use of our runway' as to jump immediately to the maximum runway capacity, in the face of all the environmental disbenefits, and not to plan for either a modest expansion within the existing complex, a road within the airport boundary to Century Park fields which already has planning permission for offices or car parks, or no expansion because of unacceptable impacts on local and wider community and their environment. This is more shameful because the people of Luton own the airport, but were not offered these options. It is not acceptable for there to be a small, higher tier of unaccountable people who make major decisions before any consultation with residents about what might be in their best interests. Further, the consultation (which had no options for modest or no expansion) contained heavily biased questions to get the 'required' answers.

The Chilterns Conservation Board Statutory Management Plan 2014-2019 'A Framework for Action', is

a **material planning consideration** and contains a vision that states '*tranquillity is conserved and where noise is a problem, peace and quiet is restored, in particular by reducing noise generated by road traffic, overflying aircraft and trains*'.

One of the Board's statutory purposes under section 87 of the CROW Act is '*to conserve and enhance the natural beauty of the AONB*', which is close to the site of this application.

It is hard to see how both these purposes would not be adversely affected by the application.

2.4.15 It remains a puzzle why the New Century Park application should be submitted when the proposed airport expansion and second terminal occupies the same footprint.

3.3.26 *Key considerations: the protection of ancient woodland.* The 'preferred option' shows total destruction of the strip of ancient woodland along the east side of Wigmore Park, due to a new terminal and extensive surface level car parks.

3.4.25 There are two areas south west of LTN, along New Airport Way near Luton Airport Parkway railway station, currently under consideration for use as mid stay and/or employee parking, and car hire and return. If developed as part of this project, these facilities are likely to be multi-storey. If these sites are viable for further parking, there is no need, as we have argued consistently, for any surface level airport car parks on Wigmore Valley Park for the New Century Park application. A large part, or all of the park, can therefore be saved.

3.4.11 *Part of the Proposed Development will be on an area of the former landfill. It will be necessary to excavate approximately 500,000m³ of landfill material to allow for construction. This material will be processed under an appropriate environmental permit and the majority will be reused on-site. Foundations will be piled through the landfill to support the new buildings and infrastructure. These will be designed and constructed to protect the underlying groundwater and in close liaison with the Environment Agency.*

It is a truly shocking, very high-risk, costly, over-ambitious and reckless plan to excavate the whole of the largest landfill site in Luton, in pursuit of a project that would double the present number of flights, dramatically increase climate emissions and have a severe effect on residents of Luton and elsewhere. It is also totally at odds with the New Century Park plan.

Airport owners and operators cannot place themselves above the law, and above the common sense required to protect the environment for the children of today – especially if they are a local council.

National Planning Policy Framework (NPPF) – February 2019 (p80 of LLAL report)

6.2.9 The NPPF was updated in February 2019 with the purpose of planning to achieve sustainable development. Paragraph 181 of the NPPF on air quality states that:

"Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas.

Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the planmaking stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan." See Section 9 above on Air Pollution.

Climate Guidance from Ministry of Housing, Communities & Local Government updated 15/3/2019:

*“Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. These include the requirements for local authorities to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions and objectives of the Climate Change Act 2008, and co-operate to deliver strategic priorities which include climate change. There is a **statutory duty** on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. The National Planning Policy Framework emphasises that **responding to climate change is central to the economic, social and environmental dimensions of sustainable development.**”*

“The Climate Change Act 2008 establishes a legally binding target to reduce the UK’s greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target, the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period including 2020 is at least 34% lower than 1990.”

Airport Expansion would breach our climate change obligations. No explanation is given on how the policy would take account of or act on climate change. See Section 10 above on Climate.

On all this, LBC/LLAL has failed to plan ahead, and failed the public. Signalising several roundabouts was suggested for the first time on 26 Feb 2019, when the project had first been put to the public in 2017. This measure would slow down through traffic and add to pollution and rat runs through residential areas. On one of these roundabouts, on Airport Way, a key route for school pupils, Friends of the Earth already tested for NO₂ and found illegal levels.

6.2.10 Para 170 states that decisions should contribute to and enhance the natural and local environment by:

“e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.”

In view of this, it is hard to see how Luton BC/LLAL could even have considered, or the Environment Agency could have given a provisional go-ahead to, the construction of 4-storey offices and a 5-storey hotel, roads and car parks on the biggest landfill site in Luton.

12) The application fails, judged on criteria of the Local Plan Sustainability Appraisal

Sustainability Appraisal of the Local Plan, 2016: key principles at the heart of the Sustainable Development Strategy used to assess the Local Plan:

Using sound science responsibly
Achieving a sustainable economy
Living within environmental limits

In **2015**, the council had already passed Wigmore Park to LLAL to experiment on.

Insect and animal species are crashing due to human activity. A huge amount of work by Wildlife Trusts and local people goes into managing sites and recording species. But Luton Council does not respect biodiversity or environmental limits, preferring income to biodiversity without a financial value. We are appalled when we see orangutan habitat being destroyed. But our council thinks it OK to devastate local wildlife ecosystems for profit, offering financial bribes to ‘mitigate’ by ‘improving’ other sites. Such mitigation is a lie. When you destroy an ecosystem, it’s gone.



The council's own consultants admit you cannot mitigate against loss of green space & wildlife habitat, or the huge increase in air pollution & climate change the council is planning, because we know this is the first step towards Terminal 2 and double the flights. The **ONLY** thing that mitigates against pollution and noise is Wigmore Park – and the council wants to destroy it.

Scientific evidence? Precautionary principle? These are just words on a page. Surrounding roads are already at capacity, and much too fast expansion has made us 4th most congested town. LBC plans another 16 million vehicles on our roads, and has the answer to mitigation – add traffic signals to a few roundabouts. It may temporarily allow traffic flow, but it will increase pollution. Do they really think it will compensate for another 16 million vehicles on our already congested, pollute roads?

Another key principle: The polluter pays. "We own the airport." We're our own bad neighbour. Except that the council run it, not us. 16 million more people driving here to fly cheaply from Luton airport. Do they pay? No – WE do. In taxes, loss of green space & wildlife, poorer health, and climate emissions from every extra flight. Is our public servant protecting us? No, they're **CAUSING** it.

The Local Plan's sustainability appraisal says:

- ❑ *The airport site has significant ecological value; parts support a local green network*
- ❑ *Airport development may impact on a landscape conservation area + area of great landscape value*
- ❑ *Airport activities seen to be significant sources of PM10 and nitrogen dioxide*
- ❑ *Improved access to the airport will smooth traffic flows from the M1* Has that worked?
- ❑ *Annual number of aircraft movements estimated to rise from 110,500 in 2013 to 147,500 by 2028*

Already 136,500 in 2018 ! Passengers from 9 to 16m in 5 years!

UK's fastest growing airport & fastest growing source of climate change.

- ❑ *Reducing carbon emissions - No specific issues identified*

Last year's consultation on expanding to 38m passengers stated: *The UK has made legally binding commitments to reduce carbon emissions through the Climate Change Act (2008). We understand the aviation sector has a key role to play if these are to be achieved.* It's all just words, something to think about in future. This is not good enough.

The IPCC says we must make major changes to the way we do things. Within 12 years rich countries must get to a Zero emissions, fossil fuel free economy. Luton's got worse, not better, and we must not plan to get worse still.

13 Comments made by FoE to the Inclusive Growth Commission *Mar 2019*

"established to ensure residents across Luton are the ones that benefit from the town's growing economy"

A disproportionate amount of growth is from the airport. Instead of investing the large profits in its citizens and environment, the council is throwing money back at the airport, a high-risk growth model damaging residents' health with air pollution and noise, and rapidly adding to climate change to ruin our children's lives.

The key aims of the Commission, under the banner of 'Growing Luton Together', will be on improving skills and productivity, raising aspirations, attracting more quality jobs, supporting communities to remain healthy (but air pollution would get worse), ensuring equality as well as encouraging people to remain and spend their money in the town.

Stop them flying away! This hurts the national economy + adds to pollution, poor health and climate emissions. This assumes growth rather than sustainability. The Economic Growth model is broken, leading to gross inequalities and catastrophic environmental degradation.

A healthy society MUST focus more on social and environmental matters than economy. Rich people getting obscenely richer because too much power is in the private sector and some councils have forgotten that they are public servants.

David Oakley-Hill
Co-ordinator, Luton Friends of the Earth



00-17-1-B-1-1-1-16-30

Response to consultation from Luton Friends of the Earth
16 Dec 2019

Material Considerations

Flying in the face of the climate crisis

With people across the world facing catastrophe, the overriding priority for the new government and every council which hosts an airport must be to radically reduce the impacts of actions in our daily lives on Climate Change.

Justification by LLAL for expanding Luton Airport is based upon the outdated Dept for Transport Aviation Forecast of 2017. In the last 2 years there has been a major change in public scientific knowledge and attitude to flights based upon the need to cut CO2 emissions.

If our airports are near capacity, there's an obvious solution. Fly less, or not at all. Choosing not to fly, or to reduce flying, is the single biggest action people can take to cut their CO2 footprint, and all councils should now encourage and support this.

The callous government policy of steadily reducing income to local government has brought about greater inequalities, and a postcode lottery. Many experienced, caring staff have been forced to leave. The loss of balance and fairness at a local level is a recipe for societal collapse.

Luton Council has forgotten the simple principle that a healthy society can only be maintained by giving equal priority to social issues, environmental issues, and the economy. Instead, for years it has focused on the economy, with society and the environment as add-ons of far less importance. For years it has not even provided a budget for planting trees – one of the easiest, most effective ways to absorb pollution and CO₂, and provide wildlife habitat in a densely populated town.

Further, Luton Council has not **needed** to do this, as it has the great advantage over most councils of owning an airport producing considerable income of around £40 million a year. But this asset has made those running the council greedy: its priorities have become grossly distorted and the airport mismanaged, with adverse effects on staff and Luton's residents.

Planning rules were broken by Luton Council in approving a previous application for a road through the airport site and 'New Century Park', a speculative airport-related development on a public park which, like the airport, is supposed to be managed by the council on behalf of and in partnership with residents. This application conflicts with the Local Plan in several ways, and should have been submitted to govt as a DCO, because of the size of the road and development, but was only submitted as an EIA. The obvious conclusion is that this was to avoid proper scrutiny. The DCO application for a second terminal to facilitate expansion from 18 to 32 million passengers (80,000 flights) a year is in conflict with the New Century Park application.

See FoE's *Material Considerations*.

Bad neighbour

Luton Airport is a very bad neighbour to people living within a 15km radius, causing sleep loss, ill-health, traffic congestion and pollution. Herts County Council voted unanimously on 26 Nov 2019 that it does not want Luton Airport to expand, and the 4 neighbouring MPs strongly oppose expansion on behalf of their residents.

Noise

The airport operators claim they will put in place "key strategies to minimise and mitigate impacts on the environment." However, **this has not happened during the biggest expansion in the UK from 9 to 18m passengers**. In fact planes have **become noisier year-on-year** as shown in the Airport's Annual Monitoring Reports; and Luton Airport has breached its night noise contour since 2017, because night flights doubled in the past 5 years from 8,000 to 16,000 per year.

Proposed expansion to fly **14m more passengers** would mean far more aircraft movements, further increasing noise nuisance for people living close to flight paths. Around 400 planes already fly low every day over Hertfordshire. Exposure to noise and sleep disturbance can have severe health effects including cognitive impairment in children, tinnitus, stress-related mental health problems, and heart disease.

Trains, Roads and the Dart link

Despite the Dart link being built from Parkway station, a big growth in passenger numbers would increase traffic on already congested local roads. East-west public transport beyond the busway is very poor, and there are no plans to improve this. Because of increased understanding of climate emissions and the serious health effects of pollution, **no new roads should be built**.

If the Dart achieves the unlikely aim of increasing the percentage of airport passengers arriving by train from 16% to 40%, this would bring many millions more train passengers (tens of thousands extra daily), creating standing only conditions on many train services which are already crowded in peak hours.

Government committee advice: No expansion

Aviation is responsible for a significant and growing proportion of carbon emissions. The government's advisory Committee on Climate Change wrote recently to the Transport Secretary stating: 'Current planned additional airport capacity in London, including the third runway at Heathrow, is likely to leave at most very limited room for growth at non-London airports.' Projections make it clear there is no scope for the level of expansion proposed by LLAL in Luton if the UK is to meet its legally binding emissions targets. Indeed, the EU may soon refuse landing slots to countries that continue to expand air travel in spite of the EU Climate Emergency declaration and Paris agreement.

Jobs – questionable benefits

"New jobs at the airport (numbers grossly exaggerated) will help to tackle poverty and improve lives." Employment levels are high. Airport jobs are low-paid, at poverty levels. Many people in work have to use foodbanks. Airport workers are subject to consistently illegal levels of air pollution.

Pollution and poor health

Poverty is strongly linked with illness, and a new report (British Heart Foundation, 5 Dec 2019) confirms Public Health England's finding in 2014 and ongoing Defra monitoring, that Luton has high levels of air pollution, which is affecting people's health stunting children's lung development and shortening people's lives. Luton's Joint Strategic Needs Assessment 2015 shows high rates of respiratory problems, notably in the young. BHF's report says that every year around 1,000 coronary heart disease and stroke deaths in the region are attributed to particulate matter air pollution. At Stansted, planes generate a lot more PM2.5 pollution than road traffic does, so in an urban area like Luton, this will have a serious effect on health.

Poor monitoring and even less action

This is hardly surprising, as Luton has the fastest growing number of airport passengers, flying and using local roads, but pollution has been insufficiently measured. Absurdly, as 8,000 or so people from Luton and outside work at the airport, it does not qualify as an Air Quality Management Area.

There is no Air Quality Environmental Impact Assessment (EIA), so the greenhouse gas emissions (GHG) generated by the airport & the thousands of vehicles travelling to & from the airport each day are unknown. Luton BC does not report GHG emissions. LLAOL does not report GHG from ground operations and planes at the airport. The forecast impact of these emissions for Luton Airport employees is unknown, together with likely health impacts and liability. Luton BC is virtually ignoring some of the main impacts of airport operations.

The most significant greenhouse gas, CO₂, is generated mainly from the burning of fossil fuels by road vehicles, aircraft and businesses (Luton's largest group of employers being at the airport).

It is therefore of great concern that CO₂ is not being measured. Luton says that it is "*not a pollutant covered by the Local Air Quality Management regime*". Luton is the UK's 5th biggest airport. Flying is the fastest growing source of climate change. As Luton is the fastest expanding airport, it is probably the fastest growing UK source of climate change. Regardless of expansion plans, **Luton should commit urgently to measuring CO₂**, as lack of data makes it harder to act to reduce climate emissions.

Best practice GHG protocol for carbon footprint emissions, used by Heathrow and other airports, is to report in tonnes of CO₂ equivalent [tCO₂e]. The climate impact of CO₂ cannot then be ignored. The consultation should stop until residents, airport employees & unions can view this vital data and relate it to the impact on their children and life on the planet.

Put people's health before burning more fossil fuels

For several years, studies by Kings College in London have warned that people living on main roads, or children attending schools on main roads, are more vulnerable to asthma, heart attacks or strokes, and hundreds may be affected on days where air pollution levels are high. Luton needs real-time announcements and displays to alert people on such days. People driving in 'pollution corridors' are also vulnerable. This includes airport passengers, and thousands of airport workers who will also experience pollution at the airport. The Defra monitor on the main E-W route, the A505, often shows NO₂ at **3-4 times the legal levels**.

BHF urges the new government to adopt into law tougher World Health Organisation (WHO) air pollution limits. In July 2019, the Dept for Environment & Rural Affairs (Defra) published findings stating that implementing WHO air pollution guidelines is "technically feasible". This would certainly not be so if Luton Airport, sitting on a hill over a valley which traps air pollution, was allowed to expand further. Aircraft emit CO₂, NO_x and harmful particulates while they taxi on the ground and while airborne. Official UK forecasts predict annual fleet carbon-efficiency improvements of less than one percent between now and 2050, totally insufficient to offset the proposed growth in flights or to reduce either CO₂ or noise. Luton is simply the wrong place to have as many flights as it has already, let alone more.

Pollution monitoring

LLAL took an average of readings from 20 or more NO₂ monitoring points in and around the airport, of which 6 at the busiest places are consistently above legal limits, and claimed there is no legal breach. This is unacceptable. Any point that is illegal remains illegal. **People are not exposed to less air pollution at the 6 busiest places on the airport because pollution is also monitored at 14 less busy places.** NO₂ is a toxic gas which inflames the lining of the lungs, and can lead to lifelong problems. The legal annual limit for NO₂ is 40 micrograms per cubic metre (ug/m³).

PM2.5 particulates, which are even more dangerous, were not even measured.

There are **no safe levels** of exposure to air pollution. (*World Health Organisation*)

What is urgently needed now is action to **reduce** all pollution sources.

Expanding the airport would increase pollution and health impacts.

Congestion, pollution and health The council leader's aim to 'eradicate poverty' is therefore just a dream, as the increased flights and millions of extra road journeys to and from the airport undermines the town's ability to achieve a better quality of life. In 2008, a climate report by Best Foot Forward for Luton Council showed that the town had 12% above national average car use. It made many positive environmental recommendations which have been ignored, and are long overdue.

Due to the fastest airport expansion in UK, doubling from 9 to 18 million passengers in only 6 years, Luton is 4th most congested town. This badly affects the local economy – people travelling to or from the airport, or trying to leave or reach Luton to get to work, find themselves sitting in polluted traffic corridors breathing in fumes, being prevented from earning money, and their leisure time is being stolen.

Luton airport is already too big: as a smaller airport it was popular, but now receives the most complaints. Local infrastructure has reached capacity; further expansion would cause unreasonable blight. People in South Luton have already received worrying letters about property values.

Policies for an international climate and wildlife emergency

As advised by the IPCC, representing scientists worldwide, councils should now be urgently implementing a range of policies to reverse the continued increase in global climate temperatures.

The most vital is to reduce fossil fuel use, CO₂ and a range of pollutants, especially diesel particulates, to meet net zero carbon as soon as possible.

Luton Council has set an ambitious target of 2030, but so far is only at the stage of meetings to discuss it rather than actual action. On air pollution it has not begun any action to cut emissions, only to monitor, and the positioning of monitors is totally inadequate.

Zero Carbon Britain

A comprehensive new report *Zero Carbon Britain – Rising to the Climate Emergency* from the Centre for Alternative Technology says Aviation accounts for about 23% of all transport energy use (BEIS 2018). Burning aviation fuel contributed 7% to greenhouse gas emissions in 2017 (BEIS 2019). However, aircraft contrails and emissions high in the atmosphere, inducing cirrus clouds, multiply aviation's impact on climate change by at least a factor of 1.6 (=11.2%).

The report says aviation can be made more efficient, but its need for synthetic liquid fuel, as well as climate impacts of greenhouse gases emitted high in the atmosphere, means we must reduce it to **around a third of current levels**. Luton Council, which has put too many eggs in the airport basket against the advice of a planning inspectors panel in 2004, might be reassured that this report has sections on "Unlocking the job potential of zero carbon" and "Wellbeing – measuring what matters". The reports' recommendation on flying is "Eliminate or reduce flying, take the train, use skype, and holiday more locally."

No new roadbuilding

Proposed expansion would increase road journeys by many millions a year (77,000 extra journeys a day) on roads already near capacity. A new Eaton Green Road link is planned, against Local Plan policy, deliberately creating rat runs by diverting traffic on to unsuitable residential roads already close to illegal NO₂ levels. (There is no safe level – *World Health Organisation*.)

Flawed modelling

A report to Luton Council's Scrutiny Airport Air Pollution Group on 3 Dec concluded that traffic flow figures for Eaton Green Road reported in the Airport's Annual Monitoring Report 2017 and 2018 were incorrect and should be doubled.

The plan shows dualling of the road from Eaton Green Road past Asda in Wigmore. Luton Friends of the Earth took NO₂ readings there showing air quality was already close to illegal levels. This road, passing a supermarket constantly visited by families, with schools close by, would quickly bring air pollution here **over the legal limit**. **The proposal for an Eaton Green link road must be withdrawn**.

Vauxhall / Airport Way

LBC wants to spend £3.2m widening Vauxhall/Airport Way, changing 3 roundabouts which function quite well to traffic lights, which would cause jams and pollution, and cutting down thousands of trees which protect residents either side from noise and pollution.

This public money should be spent on **reducing vehicle use and cleaning the air**.

No roadbuilding should now take place, as Luton has way above average car use, and each new road generates millions of new journeys. 'Infrastructure' should refer mainly to public transport, cycling and walking improvements. (This must represent value for money, and not cause damage to our natural capital such as woodlands which help absorb carbon, so HS2 must stop immediately and be replaced by local rail services, mainly in the north and midlands.) The M1-A6 link should be cancelled, as it would generate millions more journeys and gridlock the A6, north Luton and Stockingstone Road is already at capacity.

Luton's airport consultation questionnaire

The fastest growing source of climate change is flying. Scientists advise that no airports should be expanding. Yet Luton's public consultation form, full of loaded questions so it is hard to answer **NO**, is clearly a promotion tool for further expansion. This is not a tool for empowering citizens to be part of a democratic process. It is manipulation. There is an obvious reason why it does not pose the simple question: *Do you support airport expansion?*

This is an airport owned by a local council, which one might expect to be democratic and have due regard to the health of its citizens.

But the bias in this questionnaire is shockingly deceitful and grossly irresponsible, demonstrating clearly that the council's top councillors and executives who own and run London Luton Airport Ltd (not the airport operator) have long forgotten that they are elected as public servants, and that they are supposed to manage the airport in partnership with the people of Luton, not make decisions they have to lie about and misrepresent to try to get permission from government.

It misuses the words 'sustainable growth' to mean 'sustained growth'. Consultants at the exhibition (well-paid by Luton's taxpayers who have not given their permission) admit there is –

- **no mitigation** for the levels of air pollution including dangerous unseen microparticles which, as BHF states, enter the lungs increasing risk of heart attack and stroke.
- **no mitigation** for the amount of CO₂ from burning fuel from vehicles and planes.
- **no mitigation** for the heat-trapping greenhouse effect of CO₂, NO₂, hydrocarbons and water vapour discharged into Earth's thin, vulnerable upper atmosphere, currently killing people and billions of creatures in Australia, and threatening island states, coastal towns across the world, and the future of all children.

We were told that 18 million passengers a year would not be reached until 2028. A group of the council's favourite local charities has benefited from airport income, but not residents as a whole.

Conflict of interests

Luton Council owns London Luton Airport Ltd and previously gave itself permission to expand to 18 million passengers, which should not have happened until 2028, but has already been reached, without delivering any mitigation for congestion, pollution, climate change or noise such as reductions in traffic, cleaner vehicles, modal shift, tree planting, quieter aircraft, higher altitudes, better routes, fewer nightflights, no enforcement of breaching night noise limits. Robin Porter was recently appointed CEO of both Luton Council and LLAL. The council has a duty of care to residents to protect their health and environment, but also receives a fee for every airport passenger and tonne of cargo. It is a major conflict that LBC is responsible for residents' environmental safety while driving for growth in airport capacity that will increase GHG emissions, congestion and pollution which is already having an adverse effect on residents' health.

The new CEO of both Luton Council and LLAL has responsibility for the conflicting aims of accelerating Luton Airport expansion with consequences for pollution growth, and for simultaneously achieving a zero carbon emissions target by 2030. It can only be one or the other. An urgent new year's resolution, based on all the available evidence, should be to make a choice.

Financial risk

LBC & LLAL face a high financial risk in funding further expansion which is not justified by passenger growth data, or the recent and growing understanding of damage done by flying which will have major constraining impact on the aviation industry. There is also the cost of building a dual

carriageway through the airport complex, and excavating a major landfill site for development and transporting thousands of tonnes of toxic waste a long distance. LBC has already loaned itself (LLAL) over £500 million. Infrastructure costs include over £200million for the Direct Airport Rail Transit (Dart) link now being built. These costs could end up costing the residents of Luton, a town with high levels of poverty, a huge sum, and bankrupting the council, which because it owns the airport, should be better off than most councils.

One comment on facebook:

"This is a devastating blow to local residents. The damage done by aircraft pollution is far worse than pollution at ground level. The geography of Luton makes it susceptible to absolutely awful air quality, not helped by the constant nuisance of traffic being brought into the area and the appalling off-site parking of visitors' cars. It was fine as a small, regional airport but its position so close to housing, schools and parkland is absolutely terrible, not to mention the waste of money on a mode of transport that will become reduced by global environmental pressure. The noise nuisance now wrecks our summers and is ruining our health and well-being. We need to be a centre for green technology and you need to be working to wind it up."

Undermining the national economy

Luton is keen to repeat that its airport will benefit the UK nationally.

The reverse is true. As UK citizens fly abroad more than any other country, a dangerous habit that must be quelled, rapidly fuelling climate change, they spend billions of pounds more abroad than those flying to the UK spend here. This is very bad for the UK economy, and the UK tourist industry.

Efficiency measures

The current percentage of empty seats on planes is an astonishing 13-14%, fuelling climate change for no reason that can be defended. By running operations far more efficiently and cutting this to 3-4%, airlines and the airport could make more money by sending fewer planes into the air, reducing flights, climate emissions, and noise and pollution which affect people's health.

Luton is one of the busiest airports for private jets, for which CO₂ per passenger miles are at least 8 times those for scheduled flights. These flights need to be significantly reduced, and taxed to reflect their climate impacts.

Further, most cargo does not need to be sent by plane. It should go by train / boat, also cutting pollution, and reducing the most noisy night flights that ruin people's sleep.

With further expansion, stacking for more flights would increase, exponentially fuelling climate emissions and pollution.

The Committee on Climate Change has this year dramatically reduced the airport expansion growth detailed in the base document for your current plans, Aviation 2050. It reported in Sep 2019, proposing a requirement that airports' planning applications for capacity growth must demonstrate that their emissions do not affect our ability to meet carbon reduction targets; and formal inclusion of international aviation and shipping emissions in the Climate Change Act net-zero target.

Improvements in aircraft fuel economy are 1% a year or less, massively outstripped by the growth in aviation. 15% of people in the UK take 70% of international flights, disproportionately contributing to destroying the future for everyone. Frequent flyers must pay more, and there should be an across-the-board aviation fuel tax. The income from these must be ringfenced for cheaper, better, sustainable public transport, and measures to counter the damage such as tree-planting and renewable energy.

In December 2019 the European Commission President presented her European Green Deal, a comprehensive climate and nature series of measures to make Europe climate neutral by 2050. Described as a defining moment in the fight against climate change and pollution, it includes: a 55% emissions reduction target for 2030; a climate law to reach net zero emissions by 2050; a €100 billion fund to finance the transition; a carbon border tax; and initiatives for sectors such as transport, agriculture, chemicals, buildings and more.

The EU aims to move to completely zero-emission cars and vans, with green batteries and charging points everywhere, and tighter emission standards for buses and lorries. For airlines, free allowances in the European carbon market (ETS) would be reduced, increasing the cost of pollution – and ending the kerosene tax exemption. Flights to and from the UK would be subject to the same rules. “Transport is Europe’s biggest climate problem, representing more than a quarter (27%) of greenhouse gas emissions. Europe’s present green energy policy is driving deforestation and wildlife destruction worldwide. We need to end this now, not make it worse. We need a realistic plan to deploy zero-emission electrofuels in aviation.”

Luton’s plans have not taken into account any of these environmental constraints, and therefore need total revision.

The time is long overdue to say that **the benefits of airport jobs and local income from expansion are significantly outweighed by the impact on today’s children and people worldwide of increased climate emissions, plus increased local noise, traffic congestion, air pollution and its effects on health, and damage to parks and wildlife. Airports should now do everything they can to cut emissions from every part of their operations.**

Wigmore Valley Park

Although a suicidal policy in the face of the climate and wildlife emergency, the current airport site could take expansion from 18 to 23 million passengers with no expansion outside its present footprint that would destroy Wigmore Valley Park. The park has the vital function of noise and pollution barrier between the airport and residents’ homes. It has also evolved into an irreplaceable County Wildlife Site. The park is also an Area of Local Landscape Value, and has been declared an Asset of Community Value.

However, with climate, pollution, health, congestion and noise ignored, development is being proposed of a second airport terminal, many other buildings and car parks to facilitate expansion from 18 to 32 million passengers, on this large public park and open space, which sits over the largest closed landfill site in Luton. This would completely destroy the County Wildlife Site and over 2 hectares of trees, at a time when we should be protecting all trees and doubling tree cover.

Luton South’s new MP, when a councillor, in 2019 signed the National Parks Charter, committing to protect and improve all parks. This was supported unanimously by Luton Friends of Parks & Green Spaces, umbrella group for all Friends of Parks groups in the borough.

This park was created, recognising the recreation needs of residents when the large nearby estate was built, by conscientious Luton Council officers in the 1980s, who capped the landfill with a thin clay layer, landscaped it and planted thousands of trees. The replacement park now proposed, mainly in Hertfordshire, further away and no longer convenient, could not replace the diverse wildlife that has evolved in the park’s 40 years thanks to winter water sitting on the clay. It includes thousands of orchids and over 70 bird species, many found nowhere else in the urban area.

Despite this extraordinary asset, Luton Council, with responsibility for managing the park on behalf of residents, licensed the whole park to LLAL in 2015 to draw up development plans **without informing the public.** This licence has been renewed regularly since then. To take forward any development, LLAL would have to apply to LBC (they have the same CEO) for a lease, which would require public consultation.

Consultants' reports show that excavating very large amounts of contaminated soil & transporting it a long distance to one of only 2 or 3 UK sites that will accept hazardous waste would be high-risk, costly and dangerous. This would be required to facilitate development, and could contaminate groundwater over a very wide catchment, including the River Mimram, much more unspoiled than the Lea.

Energy sources

Expansion proposals include covering Century Park fields with surface-level airport car parks. This would be a very inefficient and wasteful use of land – any new car parks should be multi-storey, either on the airport complex or nearby brownfield sites.

Far better and more sustainable and positive use of these fields would be as a solar farm to provide energy for the airport and nearby homes. As residents own the airport land and nearby park and fields, this could be in the form of an off-grid, local Community Energy Network. The land below and between solar panels could, once the land has recovered from spraying, be used partly to grow organic vegetables, and partly as a wildflower meadow (these have almost entirely vanished from the area). This would gradually extend the Wigmore Park County Wildlife Site and, with the refurbished café and visitor centre with wildlife information, could become an educational resource.

Air pollution reports in 2018/2019 *List to follow*

Acknowledgements

We are grateful for information from, and support most of the comments by -

Stop Luton Airport Expansion (we contributed to some of the articles here) <https://stoplae.org/>

Ladacan <http://www.ladacan.org/>

Harpندن Sky <http://harpندنsky.com/>

Airport Watch <http://www.airportwatch.org.uk/uk-airports/>

Aviation Environment Federation <https://www.aef.org.uk/>

Extinction Rebellion *We are grateful to all the passionate people who have brought climate issues to the people.*

David Oakley-Hill

Co-ordinator, Luton Friends of the Earth

HITCHIN FORUM

Caring for our Town

David Gurtler,
Development Control,
Luton Council,
Town Hall,
George Street,
Luton
LU1 2BQ

7 Bearton Green,
Hitchin,
SG5 1UN

2nd July 2021

Hitchin Forum continued objection to 21/00031/VARCON

Dear Mr Gurtler,

Having examined the set of documents recently posted on the application website, we are writing to inform you that they contain nothing which addresses the grounds for our objection in our letter of February this year.

Noise

The airport continues to assert that fleet modernisation will result in a reduction of noise impact in the future. In our previous letter, we pointed out that the economic conditions following the pandemic are not favourable to rapid fleet modernisation. Even where fleet modernisation has occurred, because Luton's runway is relatively short, the new larger aircraft are actually more noisy than those which they have replaced.

Carbon emissions

The letter from Edward Purnell of May 21st 2021, paragraph 2 states 'The airport will act as an enabler to help reduce Scope 3 carbon emissions. Scope 3 emissions include those from aircraft movements and are directly controlled by the airlines.' On the contrary, the airport is able to exert downward pressure on scope 3 carbon emissions by halting expansion plans until such time as airlines take action to reduce their emissions effectively. The reality is that any increase in passengers and therefore flights accelerates climate change.

The Review of the proposal for carbon emissions by Ricardo Energy and Environment makes the shortcomings of the airport's proposals very plain. Luton Borough Council should heed the advice contained in that review.

Hitchin Forum continues to oppose the expansion proposal. It should be rejected.

Yours Sincerely,



Bill Sellicks (Co-chair, Hitchin Forum)

chair@hitchinforum.org.uk

Founded 1992

Co-chairs: Mike Clarke, Bill Sellicks, Brian Sykes

Member of: Hitchin Initiative
Campaign to Protect Rural England

MARKYATE PARISH COUNCIL



Parish Office, Y2K Hall, Cavendish Road, Markyate, Herts AL3 8PS

www.markyateparishcouncil.gov.uk

Clerk to the Council: Mrs J Bissmire/Mrs D Sells

S Sahadevan
Head of Development Management
Luton Borough Council Development Control
2nd Floor
Town Hall
Luton
LU1 2BQ

2 July 2021

Dear Sirs

Luton Airport– Planning application 21/00031/VARCON.

We thank you for giving us the opportunity to comment on the above planning application.

This is to record objections to the extra information provided by Luton Airport in support of its planning application in relation to 1) Carbon Reduction Plan, and 2) Noise Impacts.

Markyate Parish Council represents 3,500 residents of the village of Markyate, a large number of whom are heavily impacted by the noise and air pollution, (up until the Covid 19 restrictions) resulting from proximity to the Westerly departures flight path out of Luton Airport. 70% of all flights out of the airport pass within 1 kilometre of the village (sometimes less) at a height of 3,500 - 4,000 ft. At times these flights are going over every 2-3 minutes.


- 1) **We object to the Carbon Reduction Plan**, as being inadequate and see it more as a list of aspirations rather than a realistic list of achievable goals. As with the 2013 promises to reduce noise, this plan promises much but does not guarantee sufficient reduction in carbon emissions given the application to increase the number of flights. In addition, the Climate Change Committee reported to the Government in December 2020, that in order to achieve a net zero Carbon Emissions by 2050, there should be no increase in airport or national aviation emissions. And significantly, the 6CB (Carbon Budget) UK Target now includes International aviation as part of the overall plan of a reduction of emissions by 78% by 2033-37. Further Government decisions on the reduction Carbon emissions timelines are expected this year so this plan is premature.
- 2) **We object to the noise impacts premise** in the submission of extra information by the Airport on the reduction of noise resulting from its planning application to increase passenger numbers to '19 Million' per annum. The extra planes involved (50 per day) will have a cumulative effect noise

MARKYATE PARISH COUNCIL

wise, for those on the ground, and the promise of quieter planes (which were promised in the last 2013 planning application for expansion) has not been realised. The 321 neo aircraft, which is the favoured plane of Wizz Air and Easy-Jet is NOT quieter; and the only other noise mitigation offered is that of home insulation for homes closest to the Airport, again inadequate and with a limiting mitigating effect, since the benefit is lost if the window is open or you are in the garden.

Luton Airport Ltd have a track record following their last planning application for expansion in 2013, of not delivering on conditions of noise mitigation; why should we believe them now?

Yours faithfully
MARKYATE PARISH COUNCIL



Jennifer Bissmire
Clerk to the Council

Disclaimer

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The legal basis for this is under the Local Government Act 1972.

This information will be held for viewing for a period of four weeks and correspondence received by this Council will be held for a minimum 6 years. If you have any further queries about how we hold and process your correspondence, in the first instance please contact Jenny Bissmire or Dee Sells at the Parish Office on 01582 840110.

Please note all calls are recorded for quality and training purposes.

From: LADACAN
Sent: 21 July 2021 08:06
To: Gurtler, David
Cc: 'Paul Donovan'
Subject: Contour calculations for 21/00031/VARCON
Importance: High

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

Hi David,

Some time ago I requested a copy of the spreadsheet used for the future forecasts associated with the 19m application. It's cited in the BAP report A11060-N49-DR where they say on p3:

"N.B the forecasts have been taken from the following files provided by LLAOL:
19mppa Forecasts: S19 92day 19m Consolidated v3.xlsx (provided by email on 11/12/19)"

Since the movements information is presented in Tables in the ES I can't see how it could in any way be a problem to share this spreadsheet in the interests of transparency. Please could you arrange for that spreadsheet to be sent over today if at all possible?

One reason for wanting to run the ruler over this is that I'm not convinced BAP has calculated contours accurately in the past: there are anomalies which I would not expect to see in some of the night noise contours and I'm just checking those. Clearly the Council will need to have full confidence in the data presented to it as part of this application.

Many thanks,

Andrew

Andrew Lambourne
LADACAN



for a quieter life

info@ladacan.org

LADACAN

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

By email to: developmentcontrol@luton.gov.uk

23 July 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.

Thank you for the further opportunity to comment on this application. We have reviewed updated and additional documents including the revised ES chapter 8, the Suono report, and the response by Wood to the Reg 25 letter. We note that the promised update Appendix 3A has not yet been provided, but that Wood asserts that the remainder of the ES remains unchanged. In light of these revisions, we remain **opposed to the application** on behalf of members of the Luton And District Association for the Control of Aircraft Noise, and set out our further objections here.

Executive summary

We demonstrate here that the noise modelling and contouring approach is fundamentally flawed, and that therefore the noise impacts presented in the revised application are not soundly based.

The report has eight sections in which we provide evidenced analysis to conclude as follows:

1) Lack of clarity over baselines

- The Applicant is not clear about how the “without development” baselines have been selected
- The values adopted for these baselines does not stand up to reasonable scrutiny
- The values given for the SOAEL and LOAEL impacts made in the application are therefore unsafe

2) Summer day baseline

- The baseline does not tally with “spooling back” the non-permitted development in 2019
- The SOAEL baseline appears to be overstated, hence reducing the impact of the development
- A decision made on the basis of this apparently flawed information would be unsafe

3) Summer night baseline

- The baseline does not tally with “spooling back” the non-permitted development in 2017
- The SOAEL baseline appears to be understated, hence magnifying the impact of the development
- We later show that the original summer night contours for 2016/2017 are also questionable
- A decision made on the basis of this apparently flawed information would be unsafe

4) LAmax values and N-contours

- The noise modelling does not tally with measured peak noise values at numerous locations
- Hence the modelling data which is being used to derive LAeq contours and N-contours is invalid
- Hence the noise model which underpins assessment of impacts cannot be regarded as accurate

5) Significant omissions in LAmax values

- Peak noise values used for assessment of noise insulation do not include Breachwood Green
- Peak noise values are not provided for easterly departures for commonly used aircraft types
- Arrivals noise during westerly operations is not provided for the unexpectedly noisy A321neo

6) Unrepresentative fleet mix

- The mix of aircraft modelled for noise impacts in 2021 does not match actual H1 2021 measures
- The modelling of fleet mix shows an unrepresentative predominance of Airbus/Boeing types

7) Lack of transparency

- Forecasting information referred to in the application has not been put into the public domain
- Requested numbers of non-permitted additional flights per day/year have not been provided
- The reason given by LLA for the initial breach of contours does not tally with expert advice

8) Probable invalidity of the 2016 and 2017 night noise contours produced by LLA

- The night noise contours in LLA’s 2016/2017 AMRs stand out from all others in a sanity check
- The contouring system was recalibrated in 2017 and it is likely 2016/17 contours were wrong
- We have requested a review since these contours are essential to establishing a baseline

The detailed evidence for these assertions is provided in the sections below.

1) Lack of clarity over baselines

We would expect the baseline position to be set out clearly and unambiguously, yet find the Wood and BAP approaches to this incomprehensible. For Members to make a soundly based decision on this application, the LPA would need to be satisfied that the approach to representing the “before development case” is clear and logical – particularly since establishing the quantum of additional noise impact is an essential aspect of a proposal to vary noise control conditions established to protect residential amenity. In our view the Applicant fails to explain or justify clearly the rationale it has used to derive a baseline position, or what its baseline model actually represents.

The baseline model must surely be one in which the Airport is operated in accordance with all the existing noise conditions including C8 (passenger limit) and C10 (contour area limit). Since 2016, “unpermitted development” has occurred at night, causing the night noise contour to be breached in 2017. The baseline position can most simply be arrived at by “spooling back” that development to a point where the operation just meets the summer night noise contour limit. Likewise, the “unpermitted development” in 2019 can be “spooled back” to arrive at a compliant summer day.

It is particularly important to adopt this kind of approach rather than the bizarre method proposed in the application of somehow working forwards from 2012, because the ES includes N-contours. The number of ATMs for a given passenger capacity is a function of the fleet mix, and in turn the fleet mix affects the noise contours. So to be a representative baseline model of capacity, numbers of flights and noise contours, the fleet mix in the baseline models for day and night must be as close to the fleet mix just prior to the respective “unpermitted developments” as possible.

We submit that the Applicant has failed to provide this kind of clarity in deriving its baselines, and we propose some sanity checks below.

2) Summer day baseline

In 2018, the Airport was operated just at the limit of the summer daytime noise contour, although not at the 18mppa passenger limit. Spooling back necessarily takes it to a contour-complaint sub-18mppa position: the unpermitted development in 2019 (which as Wood admits in its response to Vernon Cole cannot be used as a baseline year since it was in breach) breached the day contour.

For that year, the 2018 Annual Monitoring Report confirms on p31 that the 57dB summer daytime contour area was 19.4sq km, exactly on the limit, and the area of the 63dB (SOAEL) contour was 6.1sq km. The number of dwellings within that 63dB (SOAEL) contour area was 550 as per the table on p33. The 2018 Q3 Quarterly Monitoring Report suggests 33,011 daytime summer ATMs¹.

In 2019, the Airport was operated just at the limit of the passenger cap, but exceeded the summer daytime noise contour.

For that year, the 2019 Annual Monitoring Report confirms on p35 that the 57dB summer daytime contour area was 20.8sq km, over the limit, and the area of the 63dB (SOAEL) contour was 6.7sq km. The number of dwellings within that 63dB (SOAEL) contour area was 700 as per the table on p36. The 2019 Q3 Quarterly Monitoring Report similarly suggests 34,225 daytime summer ATMs.

Therefore, a valid summer daytime baseline for comparison between the permitted operation of the Airport and that proposed in the application would be expected to lie between the two sets of parameters given above, accepting that the unpermitted development only affected the contour.

Instead, Table 8.28 on p44 of the revised ES ch8 gives for summer daytime a “Current Condition 10 18mppa” contour area of 6.3sq km enclosing 720 dwellings experiencing SOAEL. The contour area is between the upper and lower bounds expected, but the number of dwellings is not. Assuming to first approximation a simple linear relationship to interpolate between 2018 and 2019 figures, the number of dwellings ought to be $550 + ((6.3 - 6.1) / (6.7 - 6.1) * (700 - 550))$, ie 600.

On the basis of this simple validation test, the daytime SOAEL baseline appears to be overstated by 120 dwellings, which would serve to reduce the apparent impacts of the proposed development, leaving the application open to the fundamental challenge that the quantum of its noise impacts was not accurately or fairly disclosed.

¹ Reasonably approximated by taking half the Jun figure, adding the Jul and Aug figures and half the Sep figure.

3) Summer night baseline

At night, the “unpermitted development” occurred between 2016 and 2017, when the summer night noise contour area rose from 36.5 to 38.7sq km against the condition 10 limit of 37.2sq km. In these years the passenger numbers were 14.6 and 15.8mppa, so it is meaningless for Wood to refer to a “Current 18mppa Condition 10 contour” as some kind of baseline: the Airport has not yet achieved the lower-noise fleet mix which would enable it to operate with its existing day/night balance at its maximum permitted passenger capacity – hence this application is premature.

Spooling back the unpermitted development during 2017, using the fleet mix in force at the time, would arrive at a baseline summer night noise model in which the operation just reached the night noise contour limit. This model would then deliver representative information about the noise contour area for LOAEL and SOAEL, as well as the N-contour baseline.

The “sanity check” for this assertion is somewhat more complex in the night-time case, since the SOAEL contour limit is 55dB at night, and 55dB is not one of the contour area steps in the AMRs. However, using graphical methods to interpolate between the 2016 and 2017 contour sizes, and the 54 and 57dB dwellings counts, suggests that the compliant contour would be of the order of 10.1sq km, suggesting in this case that the SOAEL area is understated in the revised ES ch8².

For these reasons, we do not believe the LPA can have any confidence that the night-time SOAEL figures in Table 8.28 represent a valid “before development” position, since they do not appear to have been derived in a clear and representative manner such as the approach we propose above. Describing this baseline as an “18mppa Condition 10 contour” suggests it has not been modelled so as to arrive at the below-18mppa position just prior to the unpermitted development in 2017.

4) LAmax values and N-contours

To have confidence in the modelling which underpins the entire ES, one would need to be certain that predicted LAmax values are in reasonable accord with real measured values. These feed both the LAeq contours and N-contours, both used to assess impact. The modelled values can readily be validated against actual experience where recent Community Noise Reports (CNRs) are available.

We sanity-checked this in two ways: first by comparing the LAmax data from Tables 8F.1 and 8F.2 of the revised ES Ch8 to recent Community Noise Reports (CNRs) published by LLA; second by just comparing values between Table 8F.1 and Table 8F.2 for ceo and neo variants of the same aircraft.

Location	Ops	Source	B738	A320ceo	A320neo	A321ceo	A321neo
Flamstead	Dep 26	CNR 2020	67.5	65.4	61.5	67.1	65.3
		Table 8F	67	63	59	66	59
Markyate	Dep 26	CNR 2020	67.2	65.6	62.1	66.3	66.3
		Table 8F	70	67	63	69	63
South Luton	Dep 26	CNR 2019	79.6	75.6	72.1	77.1	74.9
		Table 8F	77	73	69	82	75
South Luton	Arr 08	CNR 2019	76.7	73.3	71.9	72.6	74.2
		Table 8F	n/a	63	62	n/a	n/a

² We have significant doubts over the validity of the 2016 and 2017 night noise contours in any case – see section 8

The above table shows that 10 of the modelled results differ by more than 2dB from LLA measured values at the same locations, of which 7 are less than the real-world value. Some of the differences are very significant, exceeding 6dB on an A321neo departure and roughly 10dB on A320 arrivals, indicating the modelling is not an adequately accurate representation of the peak noise impacts.

The following table provides a self-consistency check of the modelling, by comparing departure values from Table 8F.1 for the A321ceo variant with equivalent location values for the neo variant from Table 8F.2:

Location for departure model	A321ceo from Table 8F.1	A321neo from Table 8F.2
Park Town	82	75
Farley Hill School	67	60
Slip End	82	75
Flamstead	66	59
Markyate	69	63

In each case, the model indicates the A321neo would be substantially quieter than the A321ceo, yet the real-world evidence from the three fixed noise monitors and various locations around the Airport, as published in QMRs and CNRs, is that the two deliver similar noise performance, which is why on p63 of the revised ES ch8, on p5 of the Bickerdike Allen report A11060-N57-DR, Table 3 states that the differential on departure for this aircraft was set to -1.9dB and 0dB on arrival.

Wood seem to be unaware of the A321neo noise issue, since on p81 of the revised ES Ch8, Wood states in response to the final query from Vernon Cole

“Whichever noise level is used for the LAmax, the key point of the assessment is that modernised aircraft result in lower maximum events generally. Therefore, as more modernised aircraft are used, as is the case with the 19mppa application, the number of the highest LAmax events experienced will be reduced overtime (sic).”

In light of recent CNRs and QMRs issued by LLAOL, and the minutes of the LLACC, this assertion is fundamentally wrong with regard to the A321neo when operated at Luton, and betrays a lack of any understanding of, or engagement with, the published evidence of noise impacts at the Airport.

Again, we regard the disparities in these figures as a clear indication that the modelling and the noise data being used is unreliable and untrustworthy.

5) Significant omissions in LAmax values

Whilst tables 8F.1 and 8F.2 provide numerous completely spurious data values, such as the 6dB predicted arrivals noise in Walkern of an A320ceo landing on runway 08, significant information including the runway 08 departure noise for the Boeing types and the A321 variants, and the 26 arrivals noise for the A321 variants.

There is also no explanation for the distinction between SL2 and SL3 in the column headings.

It would have been better to group the receptors by location east or west of the runway, and for those to the east provide R08 dep and R26 arr data; for those to the west R26 dep and R08 arr. As it is, there is a paucity of data for Breachwood Green, one of the most badly impacted villages.

6) Unrepresentative fleet mix

Assertions about the evolution of the fleet mix can be tested by assessing how well they match current trends. Table 8B.1 on p56 of the revised ES ch8 show forecast aircraft flows by type for the 2021 period. Whilst the actual values cannot yet be checked for the whole year, percentages for each type in the fleet mix can be assessed against recent movements data provided in the 2021 QMR for Q1, and observations from the Luton Travis tracking system. We have approximated 2021 H1 data and show the current fleet mix is as in the final column below. The reality is significantly different to the percentages of total ATMs for the values given in Table 8B.1, as can be seen:

	ES revised ch8 table 8B.1			QMR Q1	Our H1 est
	2021 day	2021 night	% of total	% of total	% of total
A319ceo	3257	455	9	5	4
A320ceo	11106	2254	34	25	23
A320neo	2625	542	8	6	7
A321ceo	4532	556	13	4	3
A321neo	1046	12	3	13	13
B737-Max	637	142	2	0	0
B737-800	4054	675	12	6	6
% all ATMs			81	59	56

As another validity check on Table 8B.1 we calculated the percentage of the day and night total for the 2021 case corresponding to non-Boeing and non-Airbus aircraft. There are shown below within a red box outline. The sum of non-Airbus non-Boeing aircraft for day and night in the 2021 case is $406+6218+72=6,696$. The total day+night is 39,522 which means the non-Boeing and non-Airbus percentage of total movement is predicted to be 17% in 2021, with Boeing+Airbus taking 87%.

	17	0	17	0	27	0	37	8	2	0	17	8
Dash 0	0	0	0	0	0	0	0	0	0	0	0	0
D0528	0	0	0	0	9	0	0	8	2	0	0	0
\$156/145	406	0	349	0	294	0	406	n/a	0	0	497	0

Rev D.01
14-09-2023/1909

DBS

@ Wood Environmental & Infrastructure Solutions Ltd Limited

wood.

	With Scheme 2021		With Scheme 2022		With Scheme 2023		2024 18 repps		2028 18repps		With Scheme 2021 15repps	
	Daytime	Night-time	Daytime	Night-time	Daytime	Night-time	Daytime	Night-time	Daytime	Night-time	Daytime	Night-t
\$175/185	0	0	n/a	n/a	0	n/a	n/a	n/a	0	0	0	0
F10362	0	0	0	0	0	0	0	0	0	0	0	0
OTHER	6218	72	7120	83	7189	94	8218	72	7996	76	6252	75
Total	34391	5131	34706	2964	35003	2997	44382	5191	34574	4863	34469	5143

This bears no relationship at all to the long-established fleet mix or to the actuality of 2021. The 2021 Q1 QMR shows passenger and cargo at 56.9%, and even adding positioning brings it to 61.1% which is well short of 87%. In the 2020 AMR, passenger and cargo accounted for 72% of all aircraft movements and this has broadly been the established split for many years.

Given the significant disparity in these percentages, the LPA will want to satisfy itself as to whether there is a sound basis for the forecasting which underpins the application, since it appears to have fallen at the first hurdle when the modelled fleet mix for 2021 is checked against current reality.

7) Lack of transparency

The BAP report titled “2024 & 2028 19mppa Forecast Contours” dated 13 Dec 2019, on PDF p86 of the Wood “Volume 3: figures and appendices” refers to a spreadsheet “19mppa Forecasts: S19 92day 19m Consolidated v3.xlsx (provided by email on 11/12/19)”. This spreadsheet has not been put in the public domain despite us requesting it, yet is clearly of relevance to this application.

We have requested clearer and more transparent information from LLAOL regarding the number of additional ATMs over and above those permitted by virtue of the contour limits in Condition 10, which have been flying during the period of breach since 2016, but they declined to provide this.

We note that LLAOL attributed the initial breach of the night noise contour limit to “flights arriving late at night”, yet when asked to advise on the cause of the initial breach, Jeff Charles of BAP (the independent noise adviser to the LLACC) confirmed in an email that the predominant cause was too many aircraft movements overall.

We requested more clarity from LLAOL as to the way the baseline was being calculated so as to be sure that it represented a snapshot of the airport operation which was within planning limits, but they declined to provide any additional information.

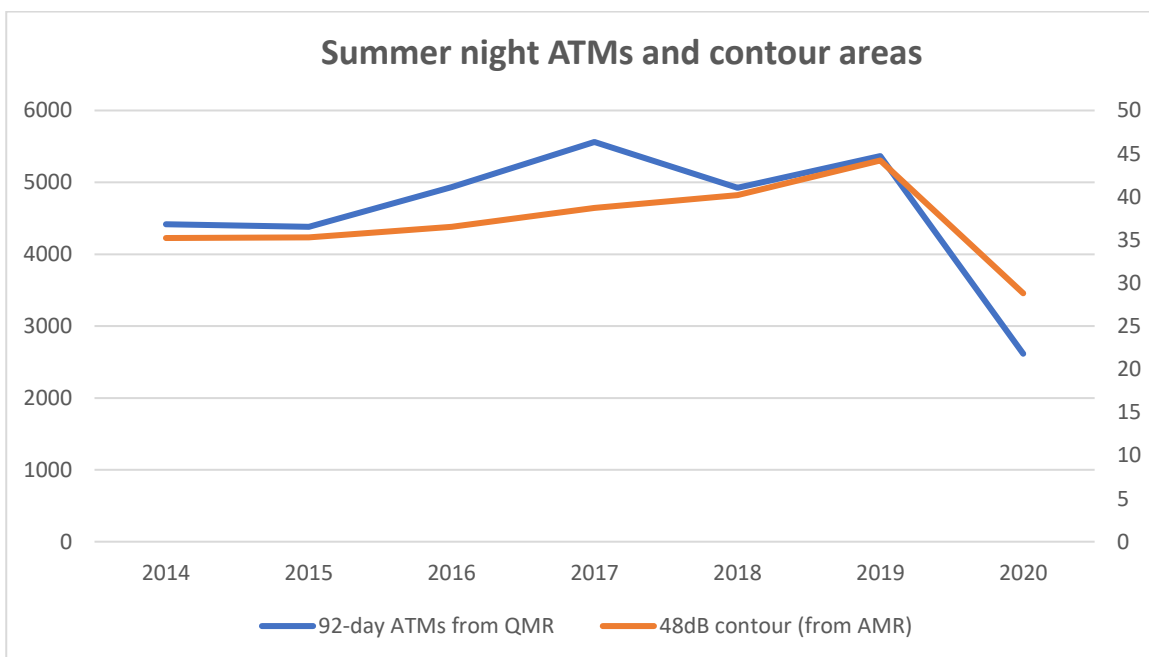
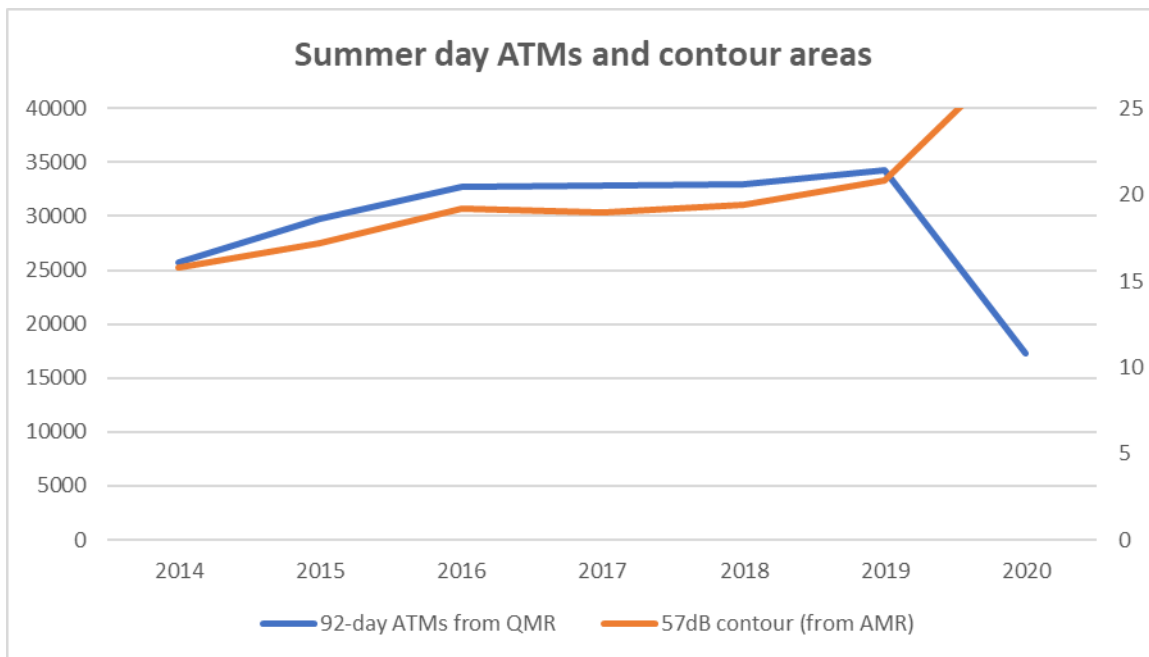
8) Probable invalidity of the 2016 and 2017 night noise contours produced by LLA

Our concerns are summarised by the two plots below, showing how the summer noise contour areas from the AMRs relate to the summer period movements derived from the QMRs (footnote 1 above explains).

The left-hand scale in each plot shows the 92-day ATM totals for either the day or night period, and the right-hand scale the area of the published summer noise contour used in Condition 10.

Ignoring the clearly atypical year in 2020 when the fleet mix changed dramatically as a result of lockdown, there is for the summer periods 2014-2019 a good correlation between the two sets of data. The relationship between the contour area and the corresponding number of ATMs depends on the noisiness of each flight, hence its contribution to the logarithmic sum which delivers LAeq.

Provided that the fleet-mix noisiness remains broadly the same or changes slowly, such correlation can be expected to persist over time. It can be thought of as a “noisiness factor” dependent on the fleet noise mix, and reflects also the monitoring period, all else remaining broadly the same.



In the case of the night-time contour vs ATM plot, however, it is clear that there are anomalies in 2016 and 2017 which are not reflected in the daytime plot. The two lines diverge significantly, then rejoin in 2018. During this period, it is noted that there was recalibration of the contouring method as described by BAP at the time.

The areas of the summer day and night noise contours, and the accuracy with which they are calculated, is fundamental to the monitoring of the compliance of the operation of the Airport with Condition 10. It is also fundamental to the baselining for this application, as we have shown in sections 1-3 above.

Given its criticality to assessing noise impacts, the LPA will want to be certain that the contouring information with which it is being provided is accurate and soundly based, particularly for the years when breach occurred.

In order that the assessment of this application can be soundly based, and that the LPA can have certainty and confidence in any decision which may arise from it, and given the credible evidence we have provided in this analysis, we believe it would be appropriate for the LPA to request an independent, open and transparent review in detail of the noise contouring for 2016 and 2017, taking account of the model and the calibration, as part of its obligation under the Section 106 agreement for the director of planning to review the compliance of the airport operation with its planning conditions.

We therefore request such a transparent independent review, and full public disclosure of the method and findings, before this application is progressed further.

Conclusion

This report demonstrates fundamental problems with the modelling data in the revised ES ch8.

The fleet mix is unrepresentative, the predicted noise values at specified locations are in error by more than would be expected of a competent model, and the specific issues with the noisiness of the A321neo variant at Luton have not been accommodated. This inevitably means that the model is not a reliable basis for producing or comparing noise LAeq contours or N-above contours, which in turn means that the assessments of LOAEL and SOAEL impacts are unreliable.

Moreover, we have shown that the baseline modelling is also apparently unreliable when sanity-checked against a reasonable “without development” case. And we have also demonstrated that there are credible reasons to review the AMR summer night contouring approach in 2016 & 2017.

Given that the application for the first attempt to increase the noise contours was made in April 2019, over two years ago, during which time the applicant has produced five different revisions of essentially the same application, none of which has been judged adequately documented to use as the basis for a decision, we respectfully request the LPA to initiate enforcement steps, or if not minded to do that then to issue a restraining order preventing the airport operator from breaching the noise conditions designed to protect residential amenity, and to reject this faulty application.

Otherwise, if minded to determine it, the LPA will want to have certainty that the application is soundly based in all material respects, otherwise any decision is likely to be contested. Given the clear public controversy it and its predecessor have caused, evidenced by the number of responses opposing them (contrasted with the responses in favour which if analysed prove to be largely from people involved with the airport operation or supplying it, who are not therefore supporting it for the planning-related reasons which the LPA can only properly take into account) we urge you to take our submission seriously and review this application in all the areas we have highlighted.

Yours faithfully,

Andrew Lambourne
Chair, LADCAN
8 Trowley Heights
Flamstead
AL3 8DE

Herewith the response from London Luton Town and Villages Consultative Committee (LLATVCC) to application 21/00031/VARCON. LLATVCC represents the views and interests of 22 communities in the noise fallout area to the west and south-west of London Luton Airport.

For the avoidance of doubt, we oppose granting consent for this application.

The application embodies a revision of a near-250-page Environmental Impact Assessment (EIA) of near-mind-numbing detail and complexity which need to be compared with an equally detailed and complex predecessor which was associated with a previous but withdrawn application. It seems unlikely that most of those being asked to consider the application in Committee would be able extract more of importance than those set out by Luton Borough Council's own independent advisers (SUONO). The SUONO analysis points out a number of inconsistencies and gaps in the data given in the revised EIA; we commend their work and the following points are additional to it.

The underlying cause of the noise problems are two-fold: they stem from the airport owner's action, during 2013/14, to significantly stimulate growth by incentivising airline operators, and from over-optimism about the rate of replacement of the fleets of the principal airlines with less-noisy equivalents. As events have shown, the fleet replacement rate has been substantially slower than was promised, and the noise reductions have not been as large as was forecast. This has been further complicated by the replacement of Airbus A320, CEO or NEO, with A321NEO: a larger aircraft which, though it may be slightly less noisy on landing, is up to 5dB noisier on takeoff than the A320NEO. Little is yet known about the noise performance of the B737 also operated from Luton's fairly short runway but it is also, subjectively, a distinctly noisy aircraft, as are the B757/767 and the Airbus A300 used for freight which are particularly noticeable as many of them operate at night or in the very early mornings. In-service validation of all the main Luton fleet is required.

The rate of fleet modernisation is outwith the control of the airport; the noise problem is one recognised at many airports and there is strong competition from each that the less noisy aircraft are based and operated from there.

The consequences of grant of permission will be to fall far short of Government policy which is "to limit and where possible reduce" the noise disturbance from airport operations over time: another Government policy, "making best use of runway capacity": interpreted by airport operators as "maximising", though that does not necessarily mean "the best" if environmental conditions are made worse, does not trump that. The principal reason for Luton Borough Council's own "noise" planning conditions is "to protect residential amenity" One of the terms of the current Condition 10 is that further reductions, not increases, should be achieved, and the original application included the provision that reductions should be achieved by 2028 That timescale has been altered to 2031 in this amended application: the change of date appears largely to be aimed at the date by which the present operating concession for the airport comes to an end. This 3-year delay may not be appropriate in noise-modelling terms because airlines have already responded vigorously to the relaxation of controls on, in particular, short-haul foreign air travel and thus the data used for the noise model are becoming unreliable. Grant of this application would result in an estimated 724 additional persons being exposed to higher noise levels, by night and by day, and for an additional 3 years.

Again, for the avoidance of doubt we oppose granting consent for this application.

Michael Nidd
Secretary, LLATVCC
The Old Bakery
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Hemel Hempstead, Herts.
HP1 3AU

From Rachael Webb on behalf of
Buckinghamshire and Milton Keynes Association of Local Councils

By email to: developmentcontrol@luton.gov.uk

25th July 2021

Dear Sir

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.

Thank you for the opportunity to comment on the revised Environmental Impact Assessment Chapter 8 (Noise).

SUMMARY

Luton Borough Council's own advisers (SUONO) have highlighted many shortcomings in the revised chapter, the salient points I have extracted below. Given the volume of missing, questionable and unfavourable data, and the consequent non-compliance with Government policy, **BMKALC restates its OBJECTION to the planning application.**

NON-COMPLIANCE WITH GOVERNMENT POLICY

- Government policy is very clear that airports should commit to lower community noise levels over time even as the number of operations increases.
- The extant Planning Condition 10 sets the benchmark against which noise impacts arising from any subsequent changes in operation – including this one – are to be assessed. Therefore, to comply with current government policy, **this planning application should have been accompanied by a properly evidenced and workable commitment to a further reduction in the noise contour limit.**
- The original application, since withdrawn, failed this test as it sought noise contour limits that were larger than those currently in place. This revised application **APPEARS TO** resolve this by committing to reduce noise levels so that the originally promised 2028 contour limits are achieved by 2031, an unwelcome three-year delay for the affected communities who will experience higher noise levels than originally promised.
- However, SUONO emphasises that not all tabulated information in the revised Chapter 8 has been extended from 2028 to 2031, stating (para 3.1.5), "I do not accept the statement in para. 8.4.8 of revised Chapter 8 that no further assessment is required for 2031 as it does not form part of the 'with scheme' scenario. **If the applicant is relying on noise levels in this year to demonstrate compliance with [Government] policy, it is a relevant year of assessment and further data should be provided.**" *[My emphases]*

INADEQUATE NOISE DATA AND MODELLING

- SUONO also points out (para 3.2.5) that, "The 3-year delay in being able to achieve the original LT noise contour limits, now 2031 as opposed to 2028, is considered reasonable given the effects of covid, **but the claimed operating numbers used in the noise model do not. Further clarity is**

required on this issue ... People exposed to significant adverse noise effects should reasonably know when they are likely to occur, when they are likely to be highest and the rate at which they will abate.”

- From para 1.3: “It is **not credible** that operating numbers used for noise modelling in 2019, 2021 and 2022 are the same. We were due to get an updated Appendix 3A ... but **that has not been provided.**”
- And para 3.1.2: “...we can make no judgment as to [adverse effects at night] in 2025, 2026 or 2027 as **no data are provided ... the full extent of significant adverse effects cannot be determined from the ES.**”

UNRELIABLE FORECAST DELIVERY AND NOISE PERFORMANCE OF NEW JETS

- The reduction in the size of the noise contours relies on the promised rate of introduction of the new, so-called quieter generation of planes (Neos).
- Should this rate of introduction be slower than promised – and this will be largely out of LLAOL’s control – then **the noise contour targets might well be missed.**
- Further, the Neos have proved, especially at Luton, not to be as quiet as industry promised. SUONO notes (paragraph 3.3.4), “**There are still questions regarding the noise data** used for the **A321Neo ... the noisiest of the aircraft regularly operating at Luton** ... The A320Neo is, in turn about as noisy as its predecessor the A320 on arrival and about 3dB quieter on departure. It is not possible to make a similar comparison for the A321Neo, as data for its older sibling are not given, but the graph shows that **this modernised aircraft type is still noisier than any other modernised or older variant aircraft operating in reasonable numbers at Luton.**”
- SUONO concludes this topic (para 3.3.5), “...it would be beneficial for the data that are used to validate the A321Neo modelled noise to be published or included in the revised noise chapter. It is extremely important that realistic and reasonable aircraft noise levels are being used to determine the extent of the noise contour limits. If they are, for whatever reason, unduly optimistic, LLOAL will find it difficult to meet the modified, albeit temporary, limits it is now seeking and **LBC may well find themselves having to deal with yet another breach of condition in the not-too-distant future.**

Yours faithfully,

Rachael Webb
(on behalf of BMKALC)
Blackberry Barn
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Littlecote, nr Stewkley
Buckinghamshire MK18 3RY

Thank you for the opportunity to respond to the latest planning application.

Summary:

BMKALC objects to the planning application to raise the cap on passenger throughput and relax planning constraints at London Luton Airport.

The reasons for the existing passenger cap and associated noise conditions are aligned with Government policy to safeguard residential amenity to limit, and where possible to reduce, aircraft noise. Similarly, Luton's Local Plan, LLP6, requires the Airport to achieve noise reduction, or no material increase.

This planning application compromises residential amenity by increasing noise impact with more or less the same number of passengers and flights as 2019, so without a compensatory boost to the local or national economy. It is therefore in breach of national and local policy.

The forecast passenger throughput is premature and unreliable:

Covid and Brexit mean that forecasting future demand for air travel at one airport in isolation is fraught with complexity and uncertainty. Historic trends and finger-crossing are unsound, and the rather-too-precise annual increase in passengers of "1m by 2024" is not credible. Indeed, the fall in traffic following the 2008 economic downturn saw aviation recover at a much slower rate than now anticipated by LLAOL, which is unreasonable. Even the Airport Operators Association does not expect passenger projections to recover to pre-Covid levels until 2025 at the earliest.

It would therefore be more responsible to delay any planning application for LLA until publication of the Government's holistic aviation recovery strategy. This would also help to put the recent bail out of £60m from LBC into a more sound economic and opportunity-cost perspective.

The forecast increase in aircraft movements is unsafe:

The application shows that while passenger throughput is forecast to increase by 5.6%, aircraft movements are forecast to increase by just 0.8%. LLAOL explains the difference in percentages by a change in the fleet mix that would see new larger aircraft carrying more passengers per flight. However, there is no guarantee that these new aircraft would operate from Luton as forecast, given production slow-downs during the pandemic and stiff competition from many airlines and other airports to secure the new planes once they become available.

Because it is planes that make the noise, not passengers, any delay in securing these larger planes at LLA will see more 'smaller' jets operating, and therefore more noise and early pressure on the noise constraints.

A legally binding cap on aircraft movements to contain noise within the current planning constraints would be more meaningful and act as a strong incentive to modernise the fleet.

The requested increase in the noise contours is disproportionate:

In percentage terms, the requested increases in the day-time and night-time noise contours of 11.3% and 15.3% respectively are incongruously large compared with the percentage increase in aircraft movements of 0.8%, especially when the new generation of aircraft is supposed to be quieter.

The last full year of non-Covid operations saw LLA operating at a similar order of magnitude of aircraft movements as now being forecast, with a predominantly older fleet and much smaller noise contours, so the current request does not bear scrutiny.

Blaming the previous breach of the night noise contour partly on late arrivals is also questionable, when such delays are an established factor in airport operations and could be easily avoided by more intelligent and less ambitious scheduling of aircraft.

The request for a temporary increase in noise contours is unsafe:

Notwithstanding the above, the eventual reduction in the noise contours in 2028 relies on the promised fleet mix being delivered and operating in time, and with the promised noise benefits. It is unlikely that LLAOL will respect the reduction if the only way to achieve this is to reduce operations at that time.

The promised noise benefits from the NEO jets were overstated and actual performance was a huge disappointment to communities. If the airline industry can't yet deliver on their promises to reduce the noise of planes to compensate for greater numbers of planes, then the airline industry should curtail increases in numbers until their technology has caught up. Expecting the residents to suffer the consequences of industry shortcomings is akin to leaseholders having to pay for replacement cladding on their homes.

Mitigation measures are inadequate:

It is disappointing that LLAOL has persistently refused to extend mitigation schemes to areas in Buckinghamshire most keenly impacted by aircraft noise, e.g. Dagnall, either with insulation schemes or "one-off grants" to the local council to provide community improvements.

It has also recently come to light that, despite repeated promises and assurances to BMKALC at LLACC, Chilterns and Wycombe areas are not included in the Community Trust Fund. This is hugely disappointing and such instances do not help improve trust and community relations.

The proposed expansion compromises net zero goals

According to LLA's Master Plan, "...the forecast increased occupancy of aircraft and the migration in aircraft fleet will ensure emissions increase less rapidly than would be expected proportionally."

In other words, greenhouse gas emissions are set to increase even with the new fleet, and if fleet-delivery is delayed, which is more than likely as previously discussed, then emissions will be even worse. This will put immense pressure on LBC to compensate on emissions elsewhere in order to fulfil its local and national obligations.

The Surface Access Travel Plan does not deliver sustainability

LLA's Travel Plan covers only a fraction of its catchment area, meaning the whole causal picture is unknown so the most effective solutions cannot be identified and developed. For example, there is no direct bus service between Aylesbury and the airport, forcing Bucks' passengers to use private cars and taxis. A small subsidy to a bus company could introduce a much-needed bus service that would give the company time to increase its customer base and make it commercially viable without subsidies.

Effect on the Public Safety Zone is unknown and the previous assessment was flawed:

I cannot see from the submitted papers that the impact on the size of the PSZ has been assessed in the light of the anticipated change in fleet mix. This is particularly crucial with the re-certification of

the 737Max and possible use at LLA by Ryanair. Should the new fleet mix be delayed and ATMs increase more than forecast, then this adds to the urgency of reassessing the size of the zone.

Note that the CAA's proposed change-over to "Fixed Zones" has not yet been instigated so the extant method relying on ATMs and fleet mix etc. should continue for now.

It should also be noted that the assessment of the PSZ in the 2014 Decision Notice (Reasons for Decisions: 14 Health Impact) was flawed, so this planning application is an unmissable opportunity to correct matters. Per that Notice, the conclusion that third-party risk is reduced is flawed, given that a higher population density than that in the then-projected expanded area exists. Also, the probability of an aircraft crash being centred at a particular location within a PSZ grows in the same way that annual individual risk increases from 1-in-100,000 at the apex of the triangular zone to 1-in-10,000 at the airport boundary.

---end---

Our Ref: RE/NJD/333741.0002
Your Ref:
Date: 30 July 2021

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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 13th 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

As you will be aware from previous correspondence with you, 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 their concerns that Luton Borough Council ("the Council") is considering the above Application, submitted by London Luton Airport Operations Limited ("the Airport Operator") which in the event the Council grant permission, would bring a significant amount of income to the Council. Their concerns also include the fact that the Council was party to the financial incentivisation scheme which reduced the concession fee payable by the Airport Operator in return for signing up Growth and Super Growth airline customers leading to a rate of capacity expansion ahead of noise mitigation which caused the breach of Condition 10 which is now one aspect of this application.

In our letter of objection dated 24th May 2019 in respect of the withdrawn application reference 19/00428/EIA, we raised our concerns and reminded the Council of the need to be transparent and be particularly vigilant to ensure impartiality when determining the application, given that the Council is the owner, by its 100% shareholding in London Luton Airport Limited ("LLAL"), of the land and infrastructure of the Airport. Whilst that application has now been withdrawn, the principles of determining Application 21/00031/VARCON remain the same and transparency and impartiality must be evidenced at all times.

Both the Airport Operator and LLAL have been affected by the pandemic. The Council as owner and controller of LLAL took on financial commitments of over £200 million on the part of LLAL against fee revenues which did not materialise. As reported by the BBC and localgov.com, the Council has borrowed £179m, plus a contingency of £20m, on behalf of LLAL. Cllr Andy Malcolm, finance portfolio

Offices also in Cambridge, Chelmsford, London and Norwich

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holder for the Council, is quoted as saying 'Without agreeing these loans, the council would be left with little choice but to sell its most valuable asset at a time when it couldn't achieve a fair ... price.' It is clear that the Council has a direct and pressing interest in the financial performance of the Airport.

Supportive action of this kind may be entirely appropriate. However, were such support to extend to granting the Application in favour of the Airport Operator because of the possibility of a more favourable commercial outcome for the Airport or the Council, our Clients believe this would be an unsafe and indeed a wrong decision. The planning permission granted in December 2013 to increase capacity to 18 million passengers per annum during a 15-year process of balanced growth and mitigation made the case at the time that this would lead to commercial and financial benefits which were judged satisfactory and which – due to the incentivised growth – were in fact realised well in advance of anticipation, unlike the noise mitigations.

We note various press releases issued by the Airport Operator seeking to build a link between this Application and economic benefits for the future. Commenting prior to the submission of the Application to increase the passenger numbers from 18 million to 19 million per annum, the CEO of the Airport Operator is quoted in Luton Today last October, as saying:

"While current circumstances mean we are unlikely to see this level of passenger volumes for several years, we are seeking to make these changes now so that our business is in a good position for the future."

A further press release in February this year links the Application to the recovery of the airport, citing only the commercial justifications for the expansion, and an article posted on LinkedIn by the CEO of the Airport Operator seeks to influence the public response to consultation in economic terms only by saying:

"I urge all of you who want to see our regional economy bounce back, to support us by submitting a positive response to the local planning authority."

Our clients are of the view that by these and other means, the Airport Operator has been seeking to influence committee members to believe that it is essential the Application is approved by the Council in order to safeguard the future of the Airport as a business. However, it is unquestionably clear that despite the Airport Operator placing emphasis on needing to secure this permission to underpin the future viability of the Airport and, notwithstanding the Council's own financial dependence on the revenue it receives from the Airport secured via its holding company London Luton Airport Limited (which paid concession fees of £57 million for 2019), the Council must and should determine this Application solely on its planning merits and taking into account its impacts in accordance with national and local planning policy unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). To do anything else would leave the Council in a precarious position of being challenged, by way of judicial review, which our client has already indicated they would not hesitate in pursuing should the need arise.

As you will no doubt be aware, the Planning Practice Guidance states the following as to what constitutes a material planning consideration:

"A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission)."

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private

interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

The planning portal adds to this and lists what may be included as being a material planning consideration, and financial benefits is not listed as being one of them. It is our view that whilst a commercial benefit may be desirable, it is not a material factor in planning consideration and in this context should be expressly disregarded by members of the committee when considering the Application.

Whilst we acknowledge that section 70(2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to **local finance** (our emphasis) considerations as far as it is material, section 70(4) of the Act defines a "local finance consideration" as "a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (e.g. New Homes Bonus payments) or sums that a local authority has received, or will or could receive, in payment of the Community Infrastructure Levy." As such, the additional money the Council would receive from an increase in revenue if passenger numbers are increased to 19 million does not appear to fit into the above definition of a "local finance consideration".

In addition, the Planning Practice Guidance makes it very clear that:

"It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body."

We would therefore respectfully suggest that the Council takes careful steps to ensure that the decision-making process puts aside any financial benefits that this Application may or may not bring to the Council and to LLAL, or indeed to the wider area, and focuses only on weighing the planning merits and demerits, so as to determine the application in accordance with the planning policies set out in the NPPF and the adopted Luton Local Plan. It remains our contention, given the additional noise and environmental impacts which would result in the event the Application is granted, that any further watering down of the conditions for the protection of residential amenity would be unreasonable and would make a mockery of the original planning decision-making process. Instead, Condition 10 should be enforced, having first been breached nearly four years ago now, and Condition 8 upheld.

Yours faithfully



Richard Eaton
Partner
For and on behalf of Birketts LLP

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LONDON LUTON AIRPORT

PROPOSED AMENDMENTS TO PLANNING CONDITIONS TO ALLOW FOR AN
INCREASE FROM 18 TO 19 MILLION PASSENGER PER ANNUM

RESPONSE PREPARED ON BEHALF OF NORTH HERTS DISTRICT COUNCIL

12 August 2021

Introduction

1. Vincent and Gorbing (“V+G”) have been instructed by North Hertfordshire District Council (“NHDC”) to co-ordinate a response to the planning application presently with Luton Borough Council (“LBC”) made by London Luton Airport Operations Limited (“LLAOL”) reference 21/00031/VARCON to change a number of planning conditions on the extant planning permission which presently controls operations at the airport in relation to passenger numbers and noise. This statement has been prepared following an independent audit of the application by V+G and discussions with officers. As such, it sets out the views of NHDC as a Council on the application. In delaying their response, NHDC have been able to assess the amended chapter of the ES regarding Noise and the published advice to LBC from consultants considering both this information and carbon emissions.
2. The application is described as:-

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.
3. NHDC previously objected to application 19/00428/EIA which sought to allow for an increase in the area permitted within specified noise contours. NHDC raised concerns regarding the impact of that application on the amenity of North Herts residents, lack of commitment to noise insulation and a failure of LLAOL to properly balance economic and environmental considerations.
4. The same issues arise with the current application to increase passenger numbers. Moreover, the rapidly evolving aviation and climate change policy context at a national level is such that a positive decision on this application is premature. However, given the Government’s commitments in the 6th Carbon Budget and the clear advice of the Climate Change Committee (CCC) that demand management in the aviation sector will be necessary to achieve the Government’s objectives, there is every case for refusing this application. LLAOL provide no robust economic rationale or justification for allowing an increase in passenger numbers given the environmental impacts that will arise.
5. This statement expands on the above themes and touches on others. In general terms, NHDC support the submissions of Hertfordshire County Council dated 11 June 2021 to the application which robustly object to the proposed expansion.
6. Accordingly, the main issues raised in this statement as follows:-

- (i) Additional noise impacts and inability of LLAOL to control compliance;
- (ii) Continued concerns regarding traffic impacts and air quality considerations;
- (iii) Impact on Greenhouse Gas Emissions and Government climate change commitments
- (iv) Approach of the Environmental Statement to reasonable alternatives;
- (v) Reliance on documents that have yet to be agreed as part of the mitigation strategy;
- (vi) Failure to properly balance economic benefits and environmental costs.

Noise Impacts

7. If this application were to be approved, it is forecast to give rise to significant adverse noise effects in the 'worst case' assessment year of 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).
8. Many of these residents will be in North Hertfordshire District in areas that have already seen an adverse impact on amenity due to the rapid increase in passenger numbers and Air Traffic Movements (ATMs) at the Airport in recent years. However, since the data is not disaggregated by Local Authority, it is not possible to say how many of NHDC's residents will be effected by the changes proposed. It would be helpful if there was disaggregation of the noise effects by Local Authority administrative area such that LBC, NHDC and others could properly assess the scale of the effect in their own particular area. Moreover, LBC should be satisfied, based on this information, that the receptor based mitigation in each area is sufficient to address the predicted effects.
9. A much greater number will be impacted by noise and overflights more generally, and noise sensitive locations such as primary schools, care homes and churches will be impacted, as well the enjoyment of public open space within the District.
10. Moreover, NHDC's emerging Local Plan allocates strategic development to the east of Luton in policy SP19 (sites EL1, EL2 and EL3) for approximately 2,100 homes. The emerging policy requires that development will be required to include appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces. The Plan highlights that the site is in close proximity to Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path. Whilst receptor based mitigation is therefore assumed, it will nevertheless increase the amount of development affected by aircraft noise.
11. The applicant's ES accepts that the proposals will have significant adverse noise impacts on health and quality of life. It proposes mitigation in the form of noise insulation, and argues that all impacts are thus addressed and the proposals are therefore acceptable. However, it also accepts that the proposed mitigation will only minimise the noise when windows are closed and there remains a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

12. Indeed, it is inevitable that most people will always need to or want to have their windows open for ventilation purposes at various times, including at night. The vast majority of existing properties have no other means of ventilation and even at new properties that might be built taking account of the noise climate, the airport's activities should not prevent the ability of residents to enjoy fresh air within their dwellings and within private and public open spaces. It is therefore considered that receptor based sound insulation that relies on windows being closed is a serious admission that the amenity of NHDC residents will not be protected if this proposal is permitted.
13. We would question (i) whether the modelling is realistic and can be relied upon (ii) whether future breaches may occur and how they would be controlled and (iii) whether the approach to receptor based mitigation can be justified as against other approaches to airport management that would avoid the impacts occurring.
14. The assumptions regarding noise are clearly reliant on the modernisation of and changes to the fleet of aircraft serving the Airport, and this is outside of the control of the Airport operator. We would question whether realistic modelled aircraft noise levels of the A321Neo have been used to determine the extent of the noise contour limits. We would also question whether the modelled fleet mix is realistic. Our understanding, for example, is that Ryanair intend to continue using the Boing 737 Max. Moreover, the modelling does not specify the engine type and whether the modelling is based on the CFM LEAP or the PW1100G. In addition, the noise modelling relies on the forecast Air Traffic Movements (ATMs) associated with more passengers, which suggest very little change, with the increase in passenger numbers coming to fruition as a result of larger aircraft and greater loading.
15. Overall, NHDC has serious concerns about the reliability of the noise modelling and the assumptions and predictions that lie behind it. If the assessment is unreliable or unrealistic, the conclusions of the assessment are at best questionable and there is a clear risk that the history of breaches in planning control that have taken place in recent years, requiring noise contours to be redrawn to accommodate actual operations, will be perpetuated.
16. Indeed, the failure of previous assessments to accurately predict matters such as fleet mix, passenger numbers, aircraft type and ATMs is a fundamental reason for changes to conditions sought previously. Prior to the impact of Covid-19 on air travel, increases in passenger throughput took place at a faster rate than previously assumed, and technological change and modernisation with quieter aircraft has not kept pace. The result is that the residents of North Hertfordshire and other areas around the airport have been forced to endure increases in noise that were not planned for or indeed permitted. The airport operator has asserted that the pace of growth and the consequent breaches of conditions were outside of its control. We support HCC's clearly expressed view in this regard that passenger throughput and noise monitoring and reporting required as part of the original planning permission should have reasonably predicted the possibility of breaches and put in place appropriate management and operational restrictions. Overall, NHDC consider that with this current proposal there is every risk that allowing an increase in passenger numbers and extending noise contours to accommodate previous breaches of planning control is likely to increase night flights, further worsening the ability of NHDC residents to sleep undisturbed.

17. Indeed, LLAOL did seek to put in place some mitigation measures when existing contour limits were exceeded in 2018 and 2019 including restrictions on further growth to night-time traffic. No-where in the documentation relating to this application are alternatives considered such that the mitigation proposed (i.e. receptor based sound insulation) could be avoided as the ES assumes maintaining the existing cap is not a reasonable alternative. We comment on the approach of the EIA further below, but the principle of changing contours to accommodate previous breaches to conditions is entirely against the mitigation hierarchy.
18. If the LPA intends to approve this application, the receptor based mitigation will be crucial to the protection of the amenity of North Herts residents. It is noted and welcomed that the revised ES Noise Chapter appears to withdraw any financial limitations on this scheme.
19. If the application is approved, a clear and binding S106 agreement should be agreed to ensure that the airport commits to delivering a comprehensive sound insulation scheme. It should set out how the affected community will be contacted to ensure maximum take up and a timetable for implementation from the time planning permission is granted and before the noise effects would be experienced.
20. Fundamentally, however, in respect of noise impacts, the proposals are contrary to NPPF para. 185 which requires that development should *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”* It is also contrary to Luton Local Plan policies LLP6 and LLP38.
21. The proposed changes to noise contours also contradict commitments made by LLAOL in their *Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)*. Key Performance Indicator 3 states that LLAOL will, with respect to the night-time contour *“Limit and where possible reduce the population within the contour over the course of the action plan.”* At Section 3 LLAOL state that *“Where restrictions are in place we are focused on ensuring that they are adhered to fully.”* Item 3.4 states that LLAOL will *“operate within our agreed contour area limits”* whilst item 3.5 states that they will *“Develop a noise contour reduction strategy to define methods to reduce the area of the noise contours.”* The proposals run entirely counter to these commitments.

Traffic and Air Quality

22. The Environmental Statement and Transport Assessment set out that the increase from 18mppa to 19mppa will result in a worse-case minor increase in traffic flows of 3.7% in the AM peak and 3.2% in PM peak between the 2019 and 2024. They further state that in discussions with Highways England and LBC, it was established that this level of flow increase is unlikely to have a significant impact on the operation of the network and as such does not warrant any further detailed transport modelling analysis at this stage.
23. However, NHDC remain concerned about *any* increases in traffic associated with the increase in passenger numbers. As it has been agreed between the aforementioned parties that no further modelling is necessary, it is not possible to determine whether there are any impact on the local highway network within the District. In addition, in previous comments through the DCO consultation process, NHDC made clear their

concern regarding the cumulative impacts of growth at the Airport with significant residential development proposed east of Luton and around Hitchin including settlements north of Hitchin within Central Bedfordshire. Additional passenger growth will exacerbate any potential cumulative impacts.

24. Whilst the aspirations of the travel plan are welcomed, NHDC remain concerned that east-west public transport is significantly less well developed than north-south and this will result in a disproportionate impact on the District's highway network, particularly along the A505 corridor. In particular, NHDC remain seriously concerned as to the impact of additional passenger numbers on traffic and air quality conditions, in particular in and around Hitchin which are not considered at all in the application documentation.
25. Concerns about the lack of traffic modelling and the success or otherwise of modal shift of passengers and employees coming from or passing through North Hertfordshire are coupled with concerns regarding air quality impacts. In 2016 an area around the Payne's Park roundabout, Hitchin was declared as an AQMA because nitrogen dioxide was being measured at concentrations above the standard set to be protective of human health. This location, within the A505 corridor, is highly sensitive to any changes in traffic volumes. Accordingly NHDC are concerned that further growth at the airport will have a particularly detrimental impact on residents in this area. NHDC already consider that the Airport has a disproportionately adverse impact on Hitchin due to the relatively poor sustainable transport links from the A1 corridor to the Airport. The updated Travel Plan will not address this issue.

Climate Change and carbon reduction

26. LLAOL's overall planning case relies upon national aviation policy support. As the Planning Statement points out *"The Government is explicitly supportive of airports beyond Heathrow making best use of their existing runways as noted in the Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018)."*
27. It also relies on the Government's position on Climate Change adaptation embraced in the Climate Change Act 2008, as amended in 2019. It sets out the position that existed when the application documentation was written in January 2021:-

"International aviation is not part of the 'net UK carbon account' and so is not included in the UK carbon target or the UK carbon budgets, but the UK carbon budgets are to be set 'having regard to' international aviation. In practice, successive carbon budgets have been set allowing for 'headroom' for what is sometimes referred to as the 'planning assumption' (also referred to as the 'aviation target')."
28. However, since this statement was written, the landscape of climate change policy and its implications for the aviation industry have radically changed.
29. At the local level, many authorities, including NHDC and Luton Borough Council have declared a climate emergency. On 21 May 2019, NHDC passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. This declaration asserted the Council's commitment toward climate action beyond government targets and international agreements. The Council also has a Climate Change Strategy that has

been reviewed in 2021 to align the strategy with latest research regarding the impact of climate change. The new strategy contains an action plan, which sets out how NHDC aim to achieve a carbon neutral position by 2030. Luton Borough Council has adopted a climate change action plan which sets out actions to meet an organisational commitment to achieving net zero by 2040. These documents pre-date LLAOL application but are not referred to in the Environmental Statement.

30. In April 2021 the Government announced the adoption of some of the recommendations of the Climate Change Committee (CCC) in the 6th Carbon Budget, with a new target of a 78% reduction in CO₂ by 2035 (15 years ahead of its original target) and the inclusion of international aviation and shipping in the target. This compares to the policy of only two years previously when the UK was aiming at an 80% cut in CO₂ by 2050, excluding aviation and shipping.
31. The detail of the sectoral impact of the 6th Carbon Budget is yet to be published but what is clear is that the aviation sector will no longer be able to rely on other sectors making compensatory reductions such that it is unaffected. Equally clear is that the CCC have stated that demand management in the aviation sector is likely to be needed if the UK's commitments are to be achieved. Reliance on technological innovation to achieve net zero was always unlikely to be feasible and fleet investment and modernisation is likely to be slower in the wake of the impact of COVID-19 on the aviation industry.
32. Unfortunately, there has been no clarification from the Government as to how and when MBU and aviation policy more generally might be updated. The CCC recommended only a 25% growth in passengers by 2050 compared to 2018, compared to 65% growth forecast by the DfT unconstrained forecasts. Now that the Government has confirmed that the Sixth Carbon Budget will include aviation, whilst not specifically accepting the CCC's policy recommendations on demand management, it seems very likely that MBU policy, and decisions on DCOs and applications such as this one through the TCPA regime, will need to consider whether permitting increases in throughput are compatible with Government policy.
33. Indeed, as clearly set out in the Ricardo Energy and Environment report prepared for LBC1:-

"Making Best Use of Existing Runways (MBU), has a 'planning assumption' for aviation emissions of CO₂ of 37.5MtCO₂. However it was written in 2018, before the Climate Change Act was amended to net zero, and before aviation was incorporated in the sixth carbon budget. Whilst MBU for now remains extant, the 37.5MtC target is simply mathematically incompatible with the decision to include aviation within the sixth carbon budget and the trajectory to net zero"
34. Indeed, the report highlights that decisions have already been made on expansion at other airports that will consume the planning assumption emissions and a number of decisions on capacity increases are the subject of Judicial Review or call-in by the Secretary of State.

¹ Review of Luton Airport proposal to allow 19mppa: implications for carbon emissions Report for Luton Borough Council on Planning Application 21/00031/VARCON to vary conditions to Planning Permission 15/00950/VARCON, Ricard Energy and Environment, 28/05/21

35. One of the key ways in which LLAOL propose to mitigate its impact on climate change is by its Carbon Reduction Plan. However, whilst it can achieve much by changes in ground operations, fundamentally it cannot influence technological changes in the fleet visiting the airport.
36. Given the above, NHDC consider that there is a case for refusal of the application on the basis of the conflict of the proposals with national and local climate change policy. At the very least, any decision now, pending further detail on the Sixth Carbon Budget and how MBU is to be addressed in this context, will be premature and should be delayed until national aviation policy is revised to take into account the Government's most recent commitments and decisions already made at other airports that have already allowed increases in capacity.

Environment statement and reasonable alternatives

37. The approach of the ES to reasonable alternatives is flawed. LLAOL accept that the only potential alternative to the Proposed Scheme is to continue to operate at the 18 mppa cap, although argues that *"to progress with this alternative would not have delivered the anticipated economic growth."* As we set out below the economic impacts of the proposed increase in passenger number has not been quantified and failing to achieve it is no justification for arguing that the existing cap is not a reasonable alternative.
38. The ES goes on to state that to achieve the alternative would mean that *"restrictions would have to be placed on airlines to be confident that compliance with conditions attached to the 2014 Planning Permission was achievable"* and that *"Furthermore, without restrictions on airlines there would be a risk of repeated breaches of Condition 10. As such, the 'doing nothing' option was not considered to be a reasonable alternative."*
39. This suggests that LLOAL believe that that if the proposed changes are not permitted, any restrictions themselves would not be reasonable and in all likelihood breaches would simply continue.
40. Although the 18 mppa cap is used in the ES as the 'do-nothing' it is indicative of the approach of LLAOL to suggest that the planning regime should simply be adjusted to meet their operational requirements rather than seek to quite reasonably control them.

Future Control, monitoring and compliance

41. Mitigation of the environmental impacts of the development rely on a number of further documents, some of which are submitted for approval as part of the application (Car Parking Management Plan, Travel Plan) and some of which are not (Noise Reduction Strategy, Carbon Reduction Plan). However, all of these documents are critical to the acceptability of the proposal and should therefore be approved as part of the application. Without them being considered in detail and approved at this stage, there can be no reliance on the conclusions of the ES in terms of the significance of related environmental effects. There is a clear parallel with Development Consent Orders where compliance with certified documents is a requirement of the Order itself and allows the robustness of the mitigation proposed to be properly considered through the decision making process.

42. We note from HCC's response to the application that a Noise Reduction Strategy was submitted in February 2020, but was considered by the local planning authority to be not fit-for-purpose and is still in the process of being developed and remains to be approved. We fully support HCC's comments that this should be resolved as part of this application.
43. We further understand that LLAOL have now submitted an 'Outline Carbon Reduction Plan' and this is the subject of discussions with the LPA. However, this advises that *"LLAOL has committed to develop a detailed Carbon Reduction Plan that builds on this outline plan, by the end of 2022, which will provide detailed and viable targets for an absolute reduction in carbon emissions and achieving net zero."*
44. We do not consider this position as tenable given the overriding need to fully address this matter now, prior to the determination of the application. It must be right that 'detailed and viable targets' are established before a decision on this application is made. Moreover, we are sceptical that LLAOL has sufficient influence over the wider aviation industry to achieve the necessary changes in emissions from flights operating in and out of the airport to actually achieve the carbon reduction emissions that the outline Carbon Reduction Plan seeks to achieve.
45. Notwithstanding, each of these mitigation strategies must include clear, robust and funded monitoring arrangements and penalties and remedial actions for non-compliance or non-achievement of targets, agreements, or other criteria.

Economic Benefits and the Planning Balance

46. No-where in the planning application documents are the economic benefits of the development properly enumerated, or any analysis provided of the negative economic impact of maintaining current restrictions.
47. The Planning Statement makes only very general claims that the airport is a *"key economic driver within the region, delivering significant GVA and employment and providing substantial benefits to the wider economy by facilitating travel for business passengers and for inbound visitors."* It adds that the airport plays a supporting role in the tourism sector and asserts that :-

"The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission)."

48. It concludes at para. 8.8.2 that :-

"whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations."

49. However, no attempt is made to define the scale of such benefits and how they would be distributed within the local, regional or national population. For example, although the adverse environmental effects will be felt locally, including by residents of NHDC,

any alleged tourism benefits are only likely to be experienced at tourist destinations either within the UK (primarily London) or indeed abroad, and certainly not in the NHDC area. It is therefore impossible to reach the conclusion that the economic benefits outweigh the environmental costs. . This is a clear and significant failing of the application and must be rectified before LBC decide on the planning application.

50. Indeed it is difficult to understand how the planning statement reaches the conclusion that there will be 'significant economic benefits.' LLAOL themselves accept that such economic benefits would not be significant since socio-economic impacts have been scoped out of the EIA process (ES, para. 4.4.33 – 4.4.36). Whilst the ES states that *"There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers"* the fact is that LLAOL have scoped out this effect, on the basis that, as with all scoped out topics, *"there is limited scope for likely significant effects as a result of the Proposed Scheme"* on this topic. (4.4.9)
51. It is in this context that the overall planning balance must be considered on the basis of the governing approach of Section 38(6) of the Planning and Compulsory Act that states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
52. It has already been stated above that the proposal is contrary to the development plan by virtue of conflicts with the Luton Local Plan in respect of LLP6 and LLP38. It is also to be considered contrary to policy of the NPPF and policies adopted in North Herts and in other Local Authorities in the area regarding the Climate Emergency. The NPPF sets out a presumption in favour of sustainable development and sets out that there are three dimensions to this, namely economic, social and environmental and that these objectives need to be pursued in 'mutually supportive ways.' The wording of para. 8 on the environmental dimension has been amended in the July 2021 version of the NPPF by the replacement of "to contribute to protecting and enhancing" the environment to simply "...to protect and enhance" the environment. The NPPF does not suggest that positive effects of one objective can outweigh negative effects in respect of the others; whereas LLAOL adopt this approach.
53. Even if such a planning balance in deciding whether the application comprises sustainable development is a legitimate interpretation of the NPPF, the economic benefits have not been quantified such that LBC as the decision maker cannot judge this planning balance; moreover, LLAOL themselves consider that the economic impact is not significant which suggests that the conclusion in the Planning Statement is flawed. It is therefore difficult to see how the accepted impacts of noise on the health and well being of the local community as well as the wider impact on GHG emissions and climate change could be outweighed by the economic benefits of expansion.

Conclusion

54. From the above, NHDC object to the application and consider that there is every case that it should be refused.
55. At the very least, a decision on the application should not be made until :-

- a. Government policy on aviation is clarified in the wake of the 6th Carbon Budget, particularly with regard to MBU;
- b. The Noise Reduction Strategy and full Carbon Reduction Plan are agreed between all local authorities around the Airport.



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Luton Borough Council
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By email to: developmentcontrol@luton.gov.uk

23rd September 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.

Thank you for the opportunity of responding to this planning application.

Summary

Kimpton Parish Council considered this planning application at the meeting held on 22nd September 2021 and is opposed to the above due to:

- its non-compliance with Government Policy regarding community noise levels
- inadequate noise data and modelling
- unreliable forecast delivery and noise performance of new jets
- failure to comply with conditions attached to planning approval granted in 2013

Non-Compliance with Government Policy

It is embedded within government policy that communities surrounding an airport are entitled to live within a certain noise contour even if the number of operations increases. Planning Condition 10 protects the quality of life for the residents within the noise footprint of the airport. This planning application should have been accompanied by a properly evidenced and workable commitment to a further reduction in the noise contour limit.

Inadequate Noise Data and Modelling

The 3 year delay, 2031 as opposed to 2028, in being able to achieve the original noise contour limits is not backed up with credible operating data. The actual time for changes in noise for day and night must be clearly and confidently identified.

Unreliable forecast delivery and noise performance of new jets

All the evidence to date indicates that the newer aircraft will not reduce the noise contours as claimed. The reduction in the size of the noise contours relies on the promised rate of introduction of the new, so-called quieter generation of planes (Neos). Should this rate of

introduction be slower than promised – and this will be largely out of LLAOL's control – then the noise contour targets might well be missed. Further, the Neos have proved, especially at Luton, not to be as quiet as industry promised. The newer aircraft entered into service have proved to be marginally quieter on departures and equally noisy on arrivals.

It is extremely important that realistic and reasonable aircraft noise levels are being used to determine the extent of the noise contour limits. If they are, for whatever reason, unduly optimistic, LLOAL will find it difficult to meet the modified, albeit temporary, limits it is now seeking and LBC may well find themselves having to deal with yet another breach of condition. The documents show that the modernised aircraft types are still noisier than any other modernised or older variant aircraft operating in reasonable numbers at Luton.

Failure to comply with planning conditions

As this is a retrospective planning application to modify conditions that are not being met, we request LBC must ensure compliance by the airport operator with all planning conditions in the future.

It is the view of Kimpton Parish Council that there should be no further increase in passenger numbers or relaxation in noise contours.

Yours sincerely

C Helmn

Parish Clerk



LONDON LUTON AIRPORT

PROPOSED AMENDMENTS TO PLANNING CONDITIONS TO ALLOW FOR AN
INCREASE FROM 18 TO 19 MILLION PASSENGER PER ANNUM

FURTHER RESPONSE PREPARED ON BEHALF OF NORTH HERTS DISTRICT
COUNCIL

1 October 2021

1. Vincent and Gorbings ("V+G") were instructed by North Hertfordshire District Council ("NHDC") to co-ordinate a response to the planning application presently with Luton Borough Council ("LBC") made by London Luton Airport Operations Limited ("LLAOL") reference 21/00031/VARCON to change a number of planning conditions on the extant planning permission which presently controls operations at the airport in relation to passenger numbers and noise.
2. A statement was submitted by V+G on behalf of NHDC dated 12 August 2021. Responses have been provided to the comments made in that statement by the Applicant in the document "*Luton Airport 19 mppa Application Noise Clarifications*" by Wood, and a table comprising responses to NHDC and other consultees comments, albeit these are not attributable to individual consultees.
3. NHDC welcome the further clarifications provided although expresses concerns that information has been tabled so late in the planning process. However, the various comments make clear that whilst the assessment of environmental effects, including in particular the impact on noise experienced by residents and the impact on Green House Gases (GHGs) and climate change may be robust in their own terms, the application and its assumptions are at the very least brought forward with a high degree of uncertainty around a number of matters which are outside of the control of LLAOL.

Noise and fleet mix

4. NHDC welcomes the clarifications on fleet mix assumptions. However, LLAOL rightly recognise that such fleet assumptions, whilst derived from information provided by the airline industry, are outside of LLAOL's direct control but states that "*it is envisaged that the aircraft fleet mix will continue to move towards quieter aircraft in the future and therefore improvements will be made to noise contours.*"
5. However, the response also helpfully accepts that previous assumptions regarding aviation operations including fleet mix have proved unreliable due to unforeseen circumstances and that the future is impossible to predict with any certainty:

"Aviation operation has been affected by two main slowdowns. One is the delay to the modernisation of the fleet using the airport, partially because of the grounding of the B737-Max and partially from the slower uptake of modernised aircraft from operators. The other is the COVID-19 pandemic, which has resulted in a large slump to passenger flights. It is not possible to predict with certainty how LLA and the operators using it will recover from these factors. However, an estimation for fleet mix modernisation and recovery of passenger flights has been included in the noise modelling from 2021 onwards." (our underlining)

6. NHDC recognise that for the purposes of EIA, reasonable assumptions have to be made, particularly around fleet mix, but remain concerned that these are not ‘worst case’ assumptions but will in fact prove to be optimistic due to the delays in fleet modernisation that have already occurred and will be exacerbated by the after effects of the pandemic on the aviation industry.
7. If this application is to be approved, the above comments place very great importance on monitoring arrangements and the way in which compliance is monitored and enforced, particularly given the history of breaches of previous limitations. An updated Noise Action Plan should be approved and governance structures made clear to enforce compliance with the ability of NHDC to participate in such governance.
8. In terms of conflict with planning policy in respect of the significant environmental effects that will arise in terms of noise, the applicant states that:-

“The overall objective of the UK Aviation Noise Policy [ANP]....confirmed by the Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals is to limit noise and where possible reduce the number of people in the UK significantly affected by aircraft noise. This policy objective is integrated into Luton Local Plan Policy LLP 6, where it states that Proposals for development will only be supported where [...] proposals: v) achieve further noise reduction or no material increase in day or night-time noise.”
9. However, it claims the development is not contrary to this policy context:-

“There appears to be a conflict between this and the requirement for growth in the aviation industry which is noted in the National Planning Policy Framework, the ANP, Consultation Response document and General Aviation Strategy. However, this conflict only arises via an implication from the above policy text. In the context of sustainable development, and growth of airports, the overall approach to limit and reduce the number significantly affected does not mean that no additional significant affect can be permitted, where that is a necessary result in support of sustainable development.”
10. NHDC does not subscribe to this analysis. The proposals are clearly in conflict with noise policy and Policy LLP6 as stated in our original representations as they increase the number of residents significantly affected by noise. We also consider, as previously stated, that the Applicant’s claim that the proposal is ‘sustainable development’ relies on the economic objective of sustainable development in the NPPF outweighing the environmental objective. Not only is this a misapplication of the NPPF but the economic benefits are, in any event, not enumerated (we return to this point below).
11. Moreover, nowhere in the response does the Applicant address the point that the application is in direct conflict with its own Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP) which seeks to reduce the impact of noise on the surrounding area.

Climate Change and GHGs

12. The Applicant’s response to NHDC and others on this point accepts that there are significant changes occurring in the context of national Climate Change policy that will

impact on aviation but the actual outcome of this process is presently unclear. They quote recent documents (the Jet Zero Consultation (14th July 2021); and The Transport Decarbonisation Plan (14th July 2021)) which, it is claimed, support further growth on Making Best Use of Runways (MBU) principles, although noting that the first of these state *“The government is clear that expansion of any airport must meet its climate change obligations to be able to proceed.”* The Applicant relies on its Outline Carbon Reduction Plan to meet this test. Again, this document is in ‘Outline’ form and relies on the activities of many other partners to the airport – including airlines – to achieve its targets. Whilst the Applicant can make welcome progress to address climate change in its own operations, we remain of the view that decisions on expanding airports made *now* are premature.

13. The Applicant claims that the CCC 2019 letter which suggested a limit on demand growth in aviation to 25% has been ‘superseded’ by more recent advice provided by the CCC in December 2020.

“In the Recommendations on the Sixth Carbon Budget report, the CCC ‘Balanced Pathway’ scenario has an aviation sector target of 23 MtCO₂/yr by 2050. It is recognised that additional aviation policy interventions would be needed to achieve this target at a national level.”

14. Clearly, those interventions are likely to include limits on demand growth and more so if technological innovations prove much slower in coming forward. It is certainly the case that the level of growth assumed by MBU will be mathematically impossible with that target in place. The Applicant does not address this point, but simply relies on the fact that MBU remains extant policy at the present time.
15. The Applicant then makes the point that their overall contribution to emissions of 2.71% of the 23MtCO₂/yr is unlikely to increase compared to the baseline 2019 emissions. However, this assumes the successful implementation of the Outline Carbon Reduction Plan and the host of uncertainties around proposals in that document as noted above, as well as uncertainties around fleet modernisation. NHDC remain concerned about the impact of the proposals on carbon reduction and climate change, that the carbon reduction plan relies in part on uncertain industry wide technological innovation and that fleet modernisation may be further delayed.

Economic benefits and the planning balance

16. Nowhere in the response from the Applicant is this point addressed. The response highlights the economic contribution of the Airport as of 2019 which is set out in the planning statement. However, as we set out in our original representations, the decision maker needs to be able to balance the economic benefits of the application itself against the adverse economic consequences and this is not possible to do since the additional economic benefit of increasing passenger numbers to 19mppa is not enumerated. We consider this to be a clear failing of the application and consider that the Applicant should have addressed this point directly.

Other matters

17. NHDC raised concerns on other matters including traffic on local roads and air quality. The response provided by the Applicant refers the reader back to the content of the Environmental Statement. Whilst this signposting is welcomed, NHDC’s concerns with


regard to these matters remain. The absence of significant impacts relies on ambitious targets aimed at increasing Cycling and Public Transport use for staff and passengers, yet connectivity in this regard along the A505 corridor is poor. Thus, whilst the change may not be significant enough to have meaningful impacts, the NHDC area is likely to experience a disproportionate increase in traffic, particularly around Hitchin and remains a serious concern for NHDC.

Conclusion

18. Accordingly, NHDC's objection to the application and its concern that a decision on the application is, in any event, premature, remains.

Vincent and Gorbing

22 September 2021



The Rt Hon Michael Gove, MP
Secretary of State for Levelling Up, Housing and Communities
2 Marsham Street
London
SW1P 4DF

13 October 2021

Dear Mr Gove,

Request for call-in of application 21/00031/VARCON by London Luton Airport to set aside noise contour limits, set aside noise contour strategic cap, and prematurely expand airport capacity

We write as leaders of community groups representing the thousands of people all around Luton Airport adversely affected by the noise and environmental impacts of its operations.

In 2013 the Airport was given permission by its owner and financial beneficiary, Luton Borough Council – which is also its local planning authority – to increase capacity by 9 million passengers per annum to a limit of 18 million, over a 15-year period to 2028, subject to noise and environmental impact controls.

The noise controls include *inter alia* agreed limits on the areas of summer day and night noise contours and a cap on passenger numbers, all set out in a Section 106 Agreement and including a Noise Control Scheme¹.

The contour limits were calibrated to balance numbers of flights against the noisiness of individual aircraft: more flights would be permitted as the commitment to introduce quieter aircraft was delivered, respecting the required balance between the benefits of aviation and its environmental impacts on communities and the climate, as set out in the Aviation Policy Framework² which acknowledges the ICAO balanced approach.

The operation of the Airport was however mismanaged from 2014 in response to financial incentivisation by Luton Borough Council³, prioritising growth over environmental impacts, leading to the release of too many operating slots to airlines before less noisy aircraft had been introduced into the fleet. Consequently, the Airport Operator breached its summer night noise contour limit in 2017, 2018 and 2019; breached its summer day noise contour limit in 2019; and reached its annual passenger cap nine years too early in 2019. It also failed to produce a plausible strategy for reduction of its noise contours to lower levels by 2028 as required by the Section 106 Agreement. Communities have had to bear the brunt of non-permitted noise impacts for three years (due to non-permitted operation of some 50 additional flights per day by 2019), and the only thing that halted this non-permitted operation was the COVID pandemic.

Luton Borough Council did not enforce its noise control conditions but invited the Airport Operator to apply for a change of planning conditions to regularise the breaches. The first such application was made in April 2019⁴, revised four times in response to consultation and clarification requests, but was then withdrawn in Jan 2021 and replaced by a wider-ranging planning application which additionally seeks more capacity⁵.

¹ See <https://planning.luton.gov.uk/online-applications/> ref 15/00950/VARCON Legal Agreement 690622

² See "Aviation Policy Framework", March 2013

³ See "Deed of Amendment and Restatement to a Deed of Amendment dated 2 January 2014 Relating to a Concession Agreement dated 20 August 1998 for London Luton Airport", and LLAL / LLAOL accounts.

⁴ See <https://planning.luton.gov.uk/online-applications/> reference 19/00428/EIA

⁵ See <https://planning.luton.gov.uk/online-applications/> reference 21/00031/VARCON

Both applications have proved very controversial. Local communities and councils are well aware of the conflicted position of Luton Borough Council: being financial beneficiary of the Airport; having financially incentivised Airport growth at a rate which breached its own planning conditions; being responsible for scrutinising the operation of the Airport but having failed to do so; yet being the Planning Authority which determines Airport planning applications which (as in 2013, by a small margin) fall below NSIP thresholds.

The Luton planning portal shows 2 public comments in support of, and 538 against, the first application to increase the noise contour limits (19/00428/EIA). It shows 205 in support of (the majority of whom work at the Airport or supply services to it), and 923 against, the extended application (21/00031/VARCON) which seeks not just to regularise the breach but goes beyond it by requesting additional capacity, and also seeks to do away with the current obligation to reduce the noise contours to lower limits by 2028.

Consultation responses⁶ have identified that the Environmental Impact Assessment does not accurately assess the “without development scenario”, and hence the portrayed impacts do not take proper account of the protection provided by the existing Condition 10 noise conditions. Moreover, forecasts upon which the noise assessment is based have proved to be grossly inaccurate even for the first year of assessment, hence communities can have no confidence in the impacts for that or subsequent years. Thirdly, the noise model upon which forecast “with development” noise contours are based does not stand up to scrutiny. And the Council’s own environmental advisers have called into question the draft Carbon Reduction Plan, which takes no account of the likely trends in policy in response to latest CCC and UN advice⁷.

In short, Mr Gove, this application is iniquitous (since it arises because a Council undermined its own noise planning conditions to achieve more rapid financial gain), is controversial and with cross-boundary impacts, and it fundamentally undermines trust in local government due to the clear conflict of interest and also the lack of transparency and apparent inaccuracy in the noise impact modelling and assessment. Furthermore, the fact that the noise contour breaches were forecast in advance, yet still permitted to occur and to get progressively worse, evidences mismanagement by the Airport Operator and lack of Council scrutiny.

The planning applications have persistently sought to rewrite history by falsely claiming that the growth trajectory in 2012/13 was to reach 18 million passengers per annum by 2020, rather than by 2028 as in the consulted Masterplan and in the grant of permission; and to pass off the breaches as outside the Airport’s control. Our evidence (including from the Airport’s independent noise consultant⁸) proves otherwise.

The noise control conditions established in 2013 (when the Luton Airport Operator was strongly influenced by Luton Borough Council and its airport-owning company London Luton Airport Ltd to increase capacity to 18 million passengers per annum⁹), state that they were put in place “*To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.*” (see Section 106 Agreement, footnote 1). The published intention¹⁰ was gradual and managed growth, in which the noise impacts of additional flights were to be mitigated by evolution to a quieter fleet.

The lived experience of people impacted by this airport has been, frankly, a “dash for cash” by the Council and Airport Operator alike, in which responsibility, scrutiny and balanced growth have been sacrificed for commercial gain, as a result of which communities all around the Airport have endured since 2017:

- A fleet of increasingly larger and noisier aircraft, with only some now slightly less noisy

⁶ See for example the representations from LADACAN in response to 21/00031/VARCON on the Luton Planning Portal: these are attached to accompany this letter

⁷ See consultants report from Ricardo Energy and Environment on 21/00031/VARCON

⁸ “A11060.03 N05 Luton Airport Condition 10 Variation - Update Rev.A”, Report to London Luton Airport Consultative Committee, Jeff Charles, Bickerdike Allen Partners, August 2019

⁹ See for example <https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-19243133>

¹⁰ London Luton Airport Master Plan (Revised) Sep 2012 and London Luton Airport RNAV consultation 2015

- Up until 2019 increased encroachment on the early morning period, with departures before 6am
- A 36% increase in night flights between 2014 and 2019, with late night arrivals until the small hours, keeping both children and adults awake, and increasing the risk of health problems¹¹
- Significantly increased local surface transport congestion at a pace double that originally projected
- Far fewer new jobs than promised, instead a perpetuation of poorly paid zero-hours airport work
- Flights held low at 4-5,000ft for 20km or more on departure due to overflying from other airports
- Failure of the Airport Operator to deliver promised improved climb profiles for departures
- Operation of the Airport in breach of its planning conditions for 3 years prior to COVID restrictions
- Reduction in quality of life due to increased noise, air pollution, night flights, rat-running through residential areas of Luton, surface transport congestion and fly-parking of passenger vehicles
- Introduction of A321neo aircraft which are not delivering certified noise reductions due to the short runway at Luton meaning higher thrust settings have to be used (ref: Wizz Air pilots, 2021)

This is far from the promises of balance between the benefits to aviation and the impacts on communities, and directly contravenes the commitment in the Section 106 Agreement to safeguard residential amenity.

It appears the Local Planning Authority may be proceeding to determining the application without concerns relating to modelling, forecasting and the “without development” scenario – and hence the validity of the conclusions of the ES in relation to significant adverse noise impacts – being resolved. As a consequence, there may be some urgency in relation to the Secretary of State intervening to prevent the LPA potentially making an unsafe decision and granting planning permission, until such time as he has had the opportunity to explore the issues involved.

As you will be aware, the criteria taken into consideration when a decision is made on whether to call-in an application (from the Written Ministerial Statements 26 Oct 2012, Column 72WS) include:

- “- *may conflict with national policies on important matters;*
- *may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*
- *could have significant effects beyond their immediate locality;*
- *give rise to substantial cross-boundary or national controversy;”*

It is our contention that this Application meets these call-in criteria for the reasons we have given above, and we therefore respectfully ask you to call in the Application as soon as possible.

Yours sincerely,

Andrew Lambourne, Chair – Luton and District Association for the Control of Aircraft Noise

Bill Sellicks, Chair – Hitchin Forum

Rachael Webb, Vice Chair – People Against Intrusive Noise

Graham Phillips, Chair – St Albans Aircraft Noise Defence

John Hale, Chair – St Albans Quieter Skies

John Worth, Chair – Stop Low Flights From Luton

Stuart Durndell, Chair – Brickhill and Downlands Residents Association

Scott Stalham, Chair – Stop Luton Airport Expansion

Walter Steele, Chair – The Preston Trust (Registered Charity No. 802988)

Cc: Rt Hon Sir Mike Penning MP, Bim Afolami MP, Daisy Cooper MP, Stephen McPartland MP, Rt Hon Sir Oliver Heald MP, Greg Smith MP

¹¹ See for example

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/446311/noise-aircraft-noise-effects-on-health.pdf



for a quieter life

info@ladacan.org

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

By email to: developmentcontrol@luton.gov.uk

14 October 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.

You have received our previous three representations in respect of this application, and will be aware that we have evidenced problems with the validity of the noise modelling and “without development” information presented in the ES and consequently there is significant uncertainty in any assessment of the impacts on local communities. We do not believe the Council to be in a position to make a safe and reliable determination on planning grounds, yet we understand plans are being made to bring this to Committee for determination in November.

Our previous representations, and those of others, have evidenced the following:

- 1) Lack of validity in the forecasts underpinning the noise modelling
- 2) Lack of validity in the calibration of the noise model itself
- 3) Lack of a credible “without development” scenario against which to measure impacts
- 4) Lack of justification for the application
- 5) Lack of conformance to local or national planning policy

All of these concerns go to the key elements of decision-making. Since none of the concerns has been transparently or adequately addressed, we have felt it appropriate to write to the Secretary of State requesting that this application be called in for proper examination and (if considered appropriate) for determination other than by Luton Borough Council. I enclose a copy of the letter for your information.

Yours faithfully,

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



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@highwaysengland.co.uk

To: Luton Borough Council FAO

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: DCPI/21/00031/VARCON

National Highways Ref: 92911

Location: London Luton Airport, Airport Way Luton

Proposal: 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.

Referring to the consultation on a planning application dated 13 October 2021, referenced above, in the vicinity of the M1, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B ~~is~~/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: PM	Date: 15/10/22
Name: Penny Mould	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

[Annex A](#) National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard DCPI/21/00031/VARCON and has been prepared by Penny Mould.

Our formal response to this application requires review of highways information supporting the planning application, that is currently being undertaken. For this reason, we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 24th November 2021. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.

¹ Where relevant, further information will be provided within Annex A.

**Executive Member
Growth, Infrastructure & Planning**



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**Stephen Boulton
County Councillor
Hatfield Rural**

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Tel: 07378 146620

Email:
stephen.boulton@hertfordshire.gov.uk

27th October 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

Since submission of its original representations (dated 11th June 2021) on this application the County Council has been closely following the exchanges between the local planning authority (LPA) and its specialist technical advisors, the applicant and third parties in relation to further intelligence and clarification provided by the applicant on its proposals.

Significant adverse noise effects

None of the intelligence/clarification changes the County Council's position that the noise impacts of the proposal are so significant as to be totally unacceptable and that accordingly the application should be refused. As the LPA's specialist noise advisor observes:

'1.2 Following a Regulation 25 request by Luton Borough Council, Wood Group issued an update to Volume 2 of the ES, including revisions to Chapter 8 dated May 2021. I have reviewed the revised document, and consider that the following concerns have largely been addressed:

.....

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.....'

Sound Insulation Grant Scheme

The removal of the limit on eligibility for Sound Insulation Grant Scheme is welcomed, but of course it remains the case that it will not be practical to insulate all those that will be subject to significant adverse noise effects – as the LPA's specialist noise advisor observes '*.....SIGS being provided in advance of the significant adverse effects occurring. This is unlikely to happen in practice.*'

Forecasting/Impact assessment scenarios

There have been exchanges between the LPA, the applicant and third parties with regard to matters relating to forecasting of future operations that amongst other matters underpin noise modelling and the 'without development'/'extent of the existing 18 million passengers per annum (mppa) Condition 10' scenario against which the noise impacts of the proposal have been assessed. To the County Council's knowledge, these matters have not been resolved to a satisfactory degree to enable a robust decision on the proposals to be made. The exchanges have not resolved the LPA's noise adviser's concerns:

'2.2 I accept that the noise case rests on the expected effects arising in future years for which operating numbers are forecast. Wood explain the basis on which fleet replacement assumptions have been made and I do not take issue with it. So far as the total operating numbers are concerned, in the absence of contrary advice from an aircraft forecasting expert I have no basis for disputing the figures. I would note, however, that the retention of a clearly infeasible number for 2020 does not enhance the credibility of the numbers forecast.'

The County Council understands that the LPA is not seeking any further clarification to inform its decision-making and will be reporting the application to committee in due course. The Secretary of State has already been asked to call the application in for his own determination and prevent the LPA granting planning permission for the proposal until he has had such time as is necessary to decide whether to call the application in – and part of the reason for this relates to forecasting/assessment uncertainty.

The County Council will expect any committee reporting process to clearly set out the basis and robustness of the forecasting and provide clear advice to committee that the noise impacts of the proposal are based upon a comparison of the forecast impacts

were permission to be granted against the most realistic 'without development'/'extent of the existing 18 mppa Condition 10' scenario. Securing independent advice would be of some considerable benefit to ensure committee is suitably informed and to prevent any concerns that might materialise in terms of the robustness of any decision.

It is the County Council's position that this application should be refused for the reasons set out in its original 11th June 2021 and this follow-up representation.

Yours sincerely,



Stephen Boulton

Executive Member
Growth, Infrastructure & Planning

**Executive Member
Growth, Infrastructure & Planning**



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Head of Development Management
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27th October 2021

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21/00031/VARCON

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The County Council will expect any committee reporting process to clearly set out the basis and robustness of the forecasting and provide clear advice to committee that the noise impacts of the proposal are based upon a comparison of the forecast impacts

were permission to be granted against the most realistic 'without development'/'extent of the existing 18 mppa Condition 10' scenario. Securing independent advice would be of some considerable benefit to ensure committee is suitably informed and to prevent any concerns that might materialise in terms of the robustness of any decision.

It is the County Council's position that this application should be refused for the reasons set out in its original 11th June 2021 and this follow-up representation.

Yours sincerely,



Stephen Boulton

Executive Member
Growth, Infrastructure & Planning



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)
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Council's Reference: DCPI/21/00031/VARCON

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- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: PM	Date: 19/11/2021
Name: Penny Mould	Position: Spatial Planner
National Highways Highways England Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard DCPI/21/00031/VARCON and has been prepared by Penny Mould.

Following review of the planning application, National Highways consider the increase in passenger numbers unlikely to have a material impact on the SRN in this location. Consequently, we offer no objection to this application.

¹ Where relevant, further information will be provided within Annex A.