

Item 7 - London Luton Airport, Airport Way, Luton 21/00031/VARCON 30/11/21

Introductions: Thank you Chairman. Just before I begin the presentation I will introduce the Local Planning Authority's team. I am Clive Inwards, Team Leader for Strategic Applications in the planning team. Assisting me with the presentation are Dr Mark Hinnells who will lead on climate change issues and Vernon Cole who will lead on noise issues associated with the application. The Local Planning Authority are also assisted by the Council's retained Airport Consultant, David Gurtler and John Steel QC who may assist with any questions Members may have following the presentation.

This s73 planning application seeks to make amendments to planning permission reference 15/00950/VARCON to accommodate 19 million passengers per annum and to amend the day and night-time noise contours.

This application has to be reported to Committee as it is seeking amendments to a major planning application and is specifically seeking to vary conditions 8, 10, 22, 24 and 28 of the earlier permission.

The application was submitted in January 2021 and was subject to public consultation on 18 January 2021. There was subsequently a request for further information under the Environmental Assessment Regulations and further information was provided in the form of a revised noise chapter of the Environmental Statement and a Carbon Reduction Plan. Re-consultation was undertaken on the receipt of this further information on 2 June 2021. Clarification was sought in relation to additional points made and upon that a further round of consultation was undertaken on 9 September 2021.

There is an update on this item, which has been provided in the update report. From the update Members will note that the Airport Master Plan has now been reported to the Overview and Scrutiny Board on the 22nd November and, following this, was reported to the Executive on the 23rd November, where the Executive voted to adopt the use of the Airport Master Plan for the purposes of Policy LLP6 of the Local Plan.

Additionally, the update report sets out that further representations have been received to the application since the publication of the committee report, including 3 additional responses in support of the application and 3 representations opposing the proposed development. The points raised in objection are addressed in detail in the update report and include further comment from the Planning Authority's Noise Consultant, the detailed report from the airport operator for the 2021 summer period prepared by Bickerdike Allen, the extract from the adopted Local Plan relating to

Policy LLP6 and the accompanying supporting text, and updated planning conditions.

Finally, the update report requires an amendment to the originally proposed Heads of Terms of the legal agreement to remove the reference to providing for one-off grants. Members should also note the updated planning conditions provided at Attachment 4 of the update report where conditions 5, 9, 14, 22 and 24 are proposed to be varied as indicated.

Further to the publication of the update, another five representations have been received, including one representation in support and 4 opposing the development. These have been emailed to Members in advance of the Committee meeting but hard copies of these late representations are also provided here at the meeting.

The letter in support was from Unite the Union (emphasising the importance of the airport to the local economy in terms of existing jobs and future employment, skills and training). Three of the four representations opposing the proposed development reiterated comments made in relation to noise, pollution, traffic and climate change, which have been addressed in the original committee report.

The fourth was from LADACAN and repeated representations provided in their previous responses. I have summarised the LADACAN letter and also provide comments on the points raised:

- Firstly, it questions the 'With/Without development' scenarios. These have been addressed in the officer's report and will also be addressed in the noise consultant's presentation.
- Secondly, it challenges the recommendation. However, it is considered that the recommendation is safe, that the development applied for is clear and that the issue of mitigation/compensation has been satisfactorily addressed in the report.
- Thirdly, it suggests the background information in relation to, amongst other things, the temporary nature of the noise impacts is misleading; this is not accepted (the periods of change are up to 2028 and then 2031).
- Fourthly, it seeks to amplify national aviation policy. Whilst this is useful it is considered that the Committee report satisfactorily covers national and local policy, and the Council's climate change consultant's presentation provides further comment on this.

- Fifthly, it raises further queries regarding the noise contours in the screening report not matching those in the revised noise chapter to the environmental statement. In answer to this the original screening report used the International Civil Aviation Organisation's accreditation for aircraft, whereas the revised Environmental Statement included noise corrections relating to the A321neo aircraft.
- Sixthly, the government position on climate change is raised in the representations, but this has been addressed in the committee report and will be covered by the Council's consultant in his presentation;
- Finally, the economic benefits associated with the airport are challenged; however this has been dealt with in the previous update as well as the committee report.

Finally, on the first page of the committee report, under recommendations where it says "to resolve that:-

The requirements of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 are satisfied", this should be amended to read:

"The requirements of Regulation 18 and Schedule 4 of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations are satisfied."

Slide 1 This is the application site outlined in red which is the site of the London Luton Airport occupying a 245 hectare site on the south eastern edge of Luton, approximately 3km east of Junction 10 of the M1 motorway. To the north of the airport and south of Eaton Green Road are located commercial premises, whilst to the north of Eaton Green Road the land use is predominantly residential. Immediately to the west of the airport is an area of commercial and industrial land uses and beyond are the Park Town area and the Town Centre of Luton. To the south, east and north east of the airport the land uses are predominantly rural in character, comprising a mix of farmland with small settlements. Someries Castle, a scheduled monument lies to the south of the airport and the grade I listed Luton Hoo and the associated grade II* park and gardens lie to the south-west. The application involves no physical development.

Members will see from page 53 of the agenda that the main planning considerations relate to the principle of the development, consideration of the Environmental

Statement Addendum, uncertainties, climate change, noise, traffic and parking, air quality, health and wellbeing, economic benefits, airspace change, public safety zones, breaches of conditions and if the proposal is contrary to the Local Plan. The report then considers the planning balance and the issue of developer contributions. On the issues of climate change and noise I will ask the Council's consultants to present their views in due course.

Firstly, as set out in the report, there is in-principle support from national aviation policy for airports, such as Luton, to make best use of their existing runways. Further, there is no requirement from national aviation policy for individual planning applications for airports beyond Heathrow to demonstrate a need for their proposed development or for associated additional air traffic movements and increased passenger numbers.

It is clear that the current planning application entails no additional infrastructure but seeks to vary conditions on the original permission to allow for an increase in passenger numbers and which will be reflected in a small increase in aircraft movements of 0.75% of the total movements in 2019 when the airport reached 18 million passengers per annum. Whilst there needs to be a balance with the environmental impacts of development, both national and local policy provide in-principle support for airports making best use of their existing infrastructure.

The current application seeks to vary conditions attached to the original planning permission for the enlargement of the terminal building and expansion of the airport infrastructure to accommodate up to 18 million passengers per annum which was EIA development. As such an Environmental Statement Addendum has been provided to accompany the current application. The Environmental Statement Addendum chapters have been carefully considered and their conclusions accepted.

In relation to uncertainties about forecasting, the impact of the Covid 19 pandemic, fleet mix and the introduction of new generation aircraft, Brexit and the direction of climate change policy raised in representations, these issues are addressed in the report in paragraphs 83 to 89. This also leads on to the issue of climate change which will now be covered by the Council's consultant Dr Mark Hinnells.

Mark's presentation.

Slide 2 Mark H 1

Slide 3 Mark H 2

Slide 4 Mark H 3

Slide 5 Mark H 4

Slide 6 Mark H 5

Vernon's presentation.

Slide 7 Vernon 1

Slide 8 Vernon 2

Slide 9 Vernon 3

Slide 10 Vernon 4

Slide 11 Vernon 5

Slide 12 Vernon 6

Slide 13 Vernon 7

Slide 14 Vernon 8

With regard to transport and parking issues the submitted Transport Assessment demonstrates that the small increase in traffic volumes associated with this proposal would not have a significant adverse impact upon the operation of the highway network. The Transport Assessment and Car Parking Management Plan are considered to be acceptable. Further, the application included an updated Travel Plan and with an early review of Airport Surface Access Strategy to be provided through the legal agreement, this is considered to be acceptable.

In relation to air quality, the proposed expansion to cater for up to 19 million passengers per annum is not considered to have a significant effect upon air quality and in terms of the predicted impacts upon air quality, the proposed development is considered to accord with both national and local planning policy. In terms of aircraft movements it is noted that the proposed increase in flight numbers works out at an average of only an additional 3 flights per day.

With regard to health and wellbeing, the committee report considers this in paragraphs 161 to 167. In conclusion of this issue, whilst the Environmental Statement Addendum has identified a negative impact on population health arising

from increased exposure to noise; this would be a small change in risk factors for health for a small minority of the population over a limited period of time. This has to be weighed against the longer-term health benefits of reducing poverty levels and inequality from the economic benefits of the proposal.

In relation to the economic benefits of the proposal, the report considers these in paragraphs 168 to 177. Economic benefits of the proposal result from additional passenger numbers supporting airport staff as well as the wider area. It is also considered that these additional passenger numbers would safeguard and sustain the continued commercial viability of the airport and, by extension, safeguard and sustain existing jobs. The proposal is considered to comply with Policy LLP13 of the Local Plan which is positive in relation to applications that deliver economic growth and prosperity to serve Luton and the wider sub-region. It is also considered that real social and economic benefits would be delivered to the local area and sub region which weigh heavily in favour of the proposed development and should be given significant weight.

The report also addresses the issue of airspace change given that this was raised in representation responses but it is clear that airspace changes are administered under a separate regulatory regime to that of the planning system and therefore do not need consideration as part of this application. Similarly, the issue of changes to the public safety zones does not need consideration as part of this application as changes to the public safety zones are administered by the Civil Aviation Authority and have only recently been updated.

Finally, the report also considers the existing breach of conditions at paragraphs 185 to 192 of the report as well as the issue of being contrary to the development plan. On this latter point, the application has been advertised as a departure from the development plan.

Drawing these issues together the report considers the planning balance of the proposal at paragraphs 200 to 217 weighing up the economic benefits of the proposal against environmental impacts.

Finally, the report sets out the developer contributions and the list of measures that would be secured through a S106 legal agreement following any resolution to grant planning permission. These include provision, implementation, monitoring and review of travel plans for passengers and staff; an early review of the Airport Surface Access Strategy; provision and an update to the noise alleviation measures;

provision and update to the current employment, skills and training programme; provision, implementation, monitoring and review of a Carbon Reduction Strategy and provision of an annual airport monitoring fee and S106 monitoring fee.

CONCLUSION

In conclusion, it is considered that the economic benefits of the proposal outweigh the temporary adverse environmental impacts and thus that the variation to condition 8 to allow an increase to 19 million passengers per annum and the variation of condition 10 to increase the areas covered by the daytime and night-time noise contours for a temporary period, are acceptable subject to the appropriate compensation being secured. On that basis, the application is recommended for approval subject to the conditions, including the updated conditions set out in the update, and the completion of the necessary S106 agreement to facilitate the developer contributions.