

COMMITTEE: DEVELOPMENT CONTROL

DATE: 20th DECEMBER 2013

**SUBJECT: LONDON LUTON AIRPORT, AIRPORT WAY
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)
APPLICANT: (LONDON LUTON AIRPORT
OPERATIONS LIMITED)
(APPLICATION NO: 12/01400/FUL)**

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICERS: JUNE KELLY / WENDY ROUSELL 546317

IMPLICATIONS:

**LEGAL
EQUALITIES
FINANCIAL
STAFFING**

**COMMUNITY SAFETY
ENVIRONMENT
CONSULTATIONS
OTHER**

WARDS AFFECTED: SOUTH, WIGMORE

PURPOSE

1. To advise Members of a current application for planning permission and to seek their decision.

RECOMMENDATION(S)

2. Development Control Committee is recommended –

(A) To resolve that:-

- (01) The requirements of Schedule 4, Part 2 of the Environmental Impact Assessment Regulations 2011 are satisfied by reason of the Environmental Statement including the following information:-

- (i) a description of development comprising information on the site, design and size of the development;
- (ii) a description of the measures required in order to avoid, reduce and, remedy significant adverse effects;
- (iii) the data required to identify and assess the main effects which the development is likely to have on the environment;
- (iv) an outline of the main alternatives studied by the applicants and an indication of the main reasons for their choice, taking into account the environmental effects;
- (v) a non-technical summary of the information under (i) to (iv) above.

- (02) The implications of the development addressed in the Environmental Statement and the mitigation measures proposed do not amount to significant adverse effects or main effects.

- (03) That it be recorded that, in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement and that this information meets the minimum requirements of Schedule 4 of Part 2 to the Environmental Impact Assessment Regulations 2011 and is sufficient having regard to Part 1 of Schedule 4 to those Regulations.

- (04) That the main reasons on which the reasons and considerations are based, are placed on deposit for public inspection at the appropriate time and an informative to this effect will be attached accordingly to any approval notice for which planning permission may be granted.

- ### **(B) Subject to the Secretary of State not calling in the planning application (a holding instruction has been issued under Article 25 of the Town and Country Planning [Development Management Procedure] [England] Order 2010) and the satisfactory completion of**

an Agreement under Section 106 of the Town and Country Planning Act with the following Heads of Terms (included within Appendix (3):-

- LLAOL to make a financial contribution towards improvements to the highway infrastructure;**
- LLAOL to commit to provide, implement, monitor and review travel plans for construction, passengers and staff;**
- LLAOL to instigate noise mitigation measures including a noise management plan, a noise insulation scheme and a noise insulation fund;**
- LLAOL to commit to use reasonable endeavours to use local suppliers of goods and services from the local area;**
- LLAOL to commit to the support of a skills training service;**
- LLAOL to provide a contribution to a Community Fund for the benefit of community projects;**
- LLAOL to provide a financial contribution for the environmental management of Wigmore Valley Park;**
- LLAOL to safeguard a route to provide access to Century Park;**
- LLAOL to commit to continue to operate the Consultative Committee, Noise and Track Sub-Committee and the Transport Forum;**
- LLAOL to provide, implement, monitor and review a sustainability strategy for the improvement of the sustainability of the airport;**
- LLAOL to provide an annual monitoring report to include information on noise, traffic and local employment outcomes.**

That subject to the decision of the Secretary of State under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 planning permission be granted subject to the following conditions:-

Conditions

1. In respect of the matters to be considered where full details have been submitted, the development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

2. In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority relating to the multi-storey car park and pedestrian link, approval shall be made not later than the expiration of (5) years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates:

(a) The expiration of (7) years from the date of this permission
or

(b) The expiration of (2) years from final approval of the matters hereinafter for the subsequent approval of the Local Planning Authority or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

3. No development shall take place until a scheme for the Phasing of Development as set out in Chapter 3 (Development Proposals) of the Environmental Statement shall be submitted to Local Planning Authority. The scheme as submitted shall include the timescales for commencement of each of the phases. The scheme as approved shall be implemented in full and in accordance with the agreed timescales.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.

4. No works or development shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been approved in writing by the Local Planning Authority. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme. The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed phases within Condition 3.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.

Design

5. No building within any phase of the development shall take place until details and or samples of the materials to be used in the construction of the external elevations, fenestration and roofs of the building(s), including the multi storey car park have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.

Environment

6. Notwithstanding the surveys already carried out, prior to development commencing within any phase, a scheme shall be submitted to the Local Planning Authority for the safeguarding of Protected Species. The scheme shall include the carrying out of additional surveys to ensure that no material change will have taken place since any earlier survey upon which assessment and mitigation in the Environmental Statement is based. The details of any additional mitigation required as a result of the additional surveys shall be submitted for approval by the Local Planning Authority and implemented in full prior to the development of that phase of the development commencing.

Reason: To safeguard any populations of these protected species on the application site. To accord with the objectives of Policies LP1 and ENV5 of the Luton Local Plan and the National Planning Policy Framework.

7. No external lighting shall be installed within any phase of the development, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented in full and shall be subject to review in accordance with such agreed scheme.

Reason: In the interests of amenity, aircraft and public safety. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.

8. No demolition or development approved by this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the following details:

(a) Lorry routing and traffic management (including control of delivery of materials)

- (b) Noise control measures
- (c) Dust control measures
- (d) Site waste management
- (e) Working hours
- (f) Details of the local sourcing of materials
- (g) Measures to prevent pollution of ground and surface water
- (h) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works
- (i) Compliance with EA requirements relating to nature conservation specifically protected species
- (j) Details of how the CEMP will be monitored on site

Development shall thereafter be carried out in accordance with the details as approved and within agreed timescales.

Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with Policies LP1 and ENV5 of the Luton Local Plan and the National Planning Policy Framework.

9. Prior to any excavation within any phase of the development commencing the applicant, or their agents or successors in title shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation including details of a phasing timescale. The scheme shall include access by any archaeologist nominated by the Local Planning Authority, to allow the observation of the taxiway extensions and other excavation works to facilitate the recording of any items of interest and finds within the site. The scheme as approved by the Local Planning Authority shall be implemented in accordance with the approved scheme and within identified timescales.

Reason: To ensure that the development allows for the recording of potential archaeological information. To comply with Policy ENV6 of the Luton Local Plan and the National Planning Policy Framework.

Controls over operations

10. At no time shall the 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.

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.

Noise

11. a) Prior to commencement of the development details shall be submitted to the Local Planning Authority of a Noise Control Scheme which shall control the noise of aircraft both during the day (0700 - 2300) and the night (2300 – 0700) period.
- b) For the Night Quota Period (2330 to 0600) the scheme shall be based on the Noise Quota System count system (QC System) utilised by other UK Airports including Heathrow Airport.
- c) The scheme shall include sanctions in relation to operators of aircraft which land or take-off in breach of the QC System and shall include exclusion of aircraft movements with a QC value in excess of QC2 during the night time (2300 to 0700), 6 months or more after commencement of the development. An 'aircraft movement' shall be either a landing or take off by an aircraft.
- d) The scheme shall include details of the procedures to be adopted and shall include measures with the purpose of phasing out of night time (2300 to 0700) operations by aircraft with a QC value of greater than 1 on either departure or arrival.
- e) The scheme including the QC System shall be monitored and reviewed on a regular basis. Such a review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.
- f) For the Night Quota Period (2330 – 0600) this shall have the following limits incorporated into the scheme:
- (i) Total annual movements by aircraft (per 12 month period) shall be limited to 9,650;
 - (ii) The total annual noise quota in any 12 month period shall be limited to 3,500 which, using all reasonable endeavours, shall be reduced at each review until it reaches a point where it does not exceed 2,800 by 2028.
- g) For the Early Morning Shoulder Period (06.00 – 07.00) this shall have the following limit incorporated into the schemes:
- (i) Total annual movements by aircraft in any 12 month period shall be limited to 7000.
- h) The actual and forecast total number of aircraft movements for the preceding and next 12 month periods shall be reported to the Local Planning Authority every three months
- i) Within six months of the commencement of development and in accordance with the approved Noise Control Scheme the maximum Noise

Violation Limits (NVL) for all aircraft, as recorded by departing aircraft at the fixed noise monitoring terminals, shall be reduced to values which are determined by the noise classification of individual aircraft as follows:

Aircraft Classification on Departure	NVL (dBA)
QC 4 (daytime only)	85
QC 2	82
QC 1	79
QC 0.5 and below	76

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

- (i) 85 dB(A) from the date of the commencement of development
- (ii) 82 dB(A) from 1st January 2015
- (iii) 80 dB(A) from 1st January 2020

Reason: 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.

12. The area enclosed by the 57-72dB(A) Leq16hr (0700-2300) contour shall not exceed 19.4 sq km for daytime noise, and the area enclosed by the 48-72dB(A) Leq8hr (2300-0700) contour shall not exceed 37.2 sq km for night-time noise, when calculated by the Federal Aviation Authority Integrated Noise Model version 7.0.d (or as may be updated or amended).

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 15.2km² for the area exposed to 57-72dB Leq16hr (0700-2300) and above and for night-time noise to 31.6 km² for the area exposed to 48-72dB Leq8hr (2300-0700) and above.

From the 1st January 2014 forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the forthcoming calendar year shall be reported on the 1st December each year to the Local Planning Authority, which shall utilise the standard 92 day summer contour

Reason: 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.

13. Within 6 months of the development hereby permitted commencing a Noise Control Monitoring Scheme for the airport shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme or scheme review as applicable shall include, but shall not be confined to, the following:
- (i) Details of the fixed noise monitoring terminals and track keeping system (vertical and horizontal).
 - (ii) Details of the complaint handling system.
 - (iii) Sanctions to be imposed on infringement by aircraft in respect of noise limits and track keeping.
 - (iv) Arrangements for the verification of the submitted information.

Within six months of either commencement of development or the approval of the scheme by the Local Planning Authority, whichever is the later the scheme shall be implemented as approved. Such a review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.

Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.

14. **Ground Noise**

Before any part of the development hereby permitted is commenced a scheme concerning ground noise associated with aircraft at the airport shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but not be confined to, the following:

- i) Measures to limit the ground running of aircraft propulsion engines within Luton Airport between 2300 and 0700
- ii) Preferential use of stands and taxiways for arriving/departing aircraft between 2300 and 0700
- iii) Steps to limit the use of auxiliary power units (including the provision of fixed electrical ground power to stands and or suitably quietened ground power units)
- iv) No ground running of aeroplane engines for testing or maintenance purposes between 2300 and 0700 and designation of areas for such testing between 0700 and 2300.

Within six months of either commencement of development or the approval of the scheme, (or which ever is the later) by the Local Planning

Authority, the scheme shall be implemented as approved. A review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.

Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.

Drainage and contamination

15. The development hereby permitted shall not be commenced until such time as a Comprehensive Surface Water Management Strategy to outline the options for the monitoring and management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include:

- Methods to effectively manage acute and chronic pollution events.
- Requirements for additional storage or flow balancing to effectively deal with contaminated surface water runoff and provide details of effluent treatment infrastructure to handle effluent prior to disposal.
- Details of the proposed phasing.
- Techniques to continuously monitor the quality and quantity of surface water runoff from all points of discharge to either groundwater or to surface waters.

The scheme shall be implemented as approved by the Local Planning Authority.

Reason: To prevent surface and groundwater pollution. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

16. No phase of development shall begin until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be generally in accordance with the Flood Risk Assessment (FRA) prepared by Jacobs, reference B1074100/22.2, issue 3, dated November 2012, (within Technical Appendix J of the ES) and the scheme shall include details of soakaways and a restriction in run-off and surface water storage on site. The scheme as approved shall be implemented in full before completion of the relevant phase.

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

policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

17. No development in respect of any phase of the development shall be commenced until a scheme to deal with potential contamination on the site of that phase shall be submitted to and approved, in writing, by the Local Planning Authority including:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason The site is located in a sensitive groundwater area over a Principal Chalk Aquifer within a source protection zone 3. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

18. No phase of the development shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase has first been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater. To accord with the objectives of Policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

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

Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

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

Reason: To protect groundwater. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

21. No phase of the development which involves piling or other penetrative methods of forming foundations shall take place other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect groundwater. Piling can create new pathways for pollutants and introduce new contaminants into the subsurface. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

22. Before the development hereby permitted is commenced a scheme for the protection of existing monitoring boreholes shall first be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented.

Reason: To safeguard the existing monitoring arrangements in the interests of the proper planning of the area. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

23. Before the development hereby permitted is commenced, full details of the proposed means of foul drainage shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to each phase coming into operation.

Reason: To prevent pollution of the water environment and to ensure a satisfactory form of development. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

Travel and Transportation

24. The areas within the application site which are shown to be in use for car parking in the application details shall not be used for any other purpose other than the parking of vehicles by passengers, staff and contractors servicing the airport. The car parking areas within each phase shall be constructed and managed in accordance with a scheme to be submitted for approval in writing by the Local Planning Authority prior to the development of each phase. The scheme as approved shall be implemented in full prior to that phase coming into operation.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety and to prevent unacceptable environmental impact on neighbouring residential areas. To accord with the objectives of Policies T1 and T3 of the Luton Local Plan and the National Planning Policy Framework.

25. Details of the surfacing and drainage of any car parking area(s) provided in accordance with the requirements of this permission shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The development shall be implemented in accordance with the approved details prior to the use of the car park coming into use.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of policies ENV14 and T3 of the Luton Local Plan and the National Planning Policy Framework.

26. A scheme comprising a Framework Travel Plan shall be submitted to the Local Planning Authority prior to the development commencing. The scheme shall include the following:

- Review of the Framework Travel Plan
- Passenger Travel Plan
- Details of monitoring and improvements
- Targets to be met
- Penalties for failure to meet target

The scheme as approved shall be implemented in full and be subject to a review following the 1st and 3rd year and subsequently each following 5 years, the details of which shall be submitted to and approved by the Local Planning Authority.

Reason: To seek to reduce single occupancy vehicle trips to the site and to accord with the objectives of policy LP1 of the Luton Local Plan and the National Planning Policy Framework.

27. No development hereby permitted shall commence until detailed drawings for the construction of the following highway improvement schemes have been submitted to and approved in writing by the Local Planning Authority:

1. Improvements to the airport access road
2. Improvements to the Percival Way roundabout

The highway improvements shall be carried out in accordance with the plans approved by the Local Planning Authority.

Reason: To ensure that the public highway is not adversely affected by traffic arising from the development in accordance with Policies T1 and T3 of the Luton Local Plan and the National Planning Policy Framework.

28. The extensions to the passenger terminal hereby permitted shall not be brought into use for passengers until the approved highway improvement schemes referred to in Condition 27 has been carried out and completed in accordance with the approved details.

Reason: To ensure that the public highway is not adversely affected by traffic arising from the development in accordance with Policies T1 and T3 of the Luton Local Plan and the National Planning Policy Framework.

Renewable Energy Provision

29. The extensions to the terminal building shall be designed to minimise carbon emissions and energy demand in accordance with the objectives of the Design and Access Statement and Sustainability Statement. No

development shall be carried out until details of a scheme for renewable or low carbon energy generating shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall propose measures to be taken with the purpose of achieving wherever practicable at least 10% of the total energy requirement of the extensions hereby approved being derived from renewable or low carbon sources. The development shall be carried out in accordance with the approved details

Reason: In the interests of sustainability and to reduce adverse environmental and energy impacts of the development. To accord with the objectives of Policy (ies) LP1, ENV9 and U3 of the Luton Local Plan and the National Planning Policy Framework.

Approved Drawings

30. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out in the schedule of documents contained in the Terence O'Rourke letter dated 30th November 2013.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) (LP1, LLA1, ENV9, ENV10, T1, T3, T6, T8) of the Luton Local Plan.

REPORT

The Site and Surroundings

3. The Airport occupies a 245 hectare site on the south eastern edge of Luton approximately 3km east of junction 10 of the M1 motorway. The Airport is located on an elevated plateau approximately 150/160m above ordnance datum (AOD). To the east and north east of the site the land uses are predominantly rural in character, comprising a mix of farmland with villages and small settlements. To the north of the Airport the land use is predominantly residential. Immediately to the west 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 the land is predominantly rural in character and includes the scheduled ancient monument Someries Castle and The Luton Hoo Estate.
4. The two principle strategic routes into the Airport are the M1 and the A1M via the A505 Hitchin Road. Rail passenger travel is via Luton Airport Parkway Station, served by East-Midlands trains and First Capital Connect and linked to the Airport by a shuttle bus service.

5. The existing Airport terminal comprises two main buildings joined together by a two storey link. The buildings comprise arrivals and departures and comprise a floor area of approximately 53,700m² of usable space on all floors. The key features within the terminal include check-in, security, baggage handling, departure areas and routes to and from aircraft gates. In addition there are extensive passenger services including retail and catering, seating areas and restrooms.
6. The Airport operates three passenger car parks, which provide a total of 6,719 spaces in the form of long and short term stay. In addition there are 3,835 staff car parking spaces on the Airport estate. There is a further 980 long-term car parking spaces on site and three operators provide off-site parking totalling 7,500 spaces.
7. The existing runway is 2,160m long and 46m wide and runs east to west. There are four main apron areas with passenger stands predominantly arranged around the Central Terminal Area in addition there are four stands within the cargo centre. Five taxiways connect the apron areas to the runway and a parallel taxiway runs for part of the length of runway 08/26.
8. The Airport is licensed by the Civil Aviation Authority to operate on a 24 hour basis under its Public Use Aerodrome License issued in accordance with the Air Navigation Order 2009. The Airport's terminals are therefore open 24 hours a day seven days a week and air transport movements occur both during the day and night.
9. There are also a number of buildings within the site that provide office accommodation, maintenance hangers and other service facilities which support airline operations.

Relevant Planning History

10. The application states "*Luton Airport was opened in 1938 by Luton Council to attract new industry to the town. It operated as a flight school for the RAF during World War 2. It grew sufficiently by 1959 to have a concrete runway installed and later extended to its present length.*"
11. The runway extension, to 2,160 metres, referred to above took place in 1964. At that time it was reported that a fifth of all holiday flights in the UK departed from Luton.
12. The most significant planning application of note was submitted in 1997 (ref: 98/01096/FUL) and comprised the construction of alterations and extensions to the terminal building; aircraft stands; first phase of a parallel

taxiway and remodelling of car park and drop off area. The application was approved on 5th February 1998 (referred to as the “1998 permission”).

13. Since the 1998 permission, the following applications have been approved;
 - 2003 - for the erection of a single storey extension to the terminal building to form the immigration hall;
 - 2004 - erection of a two storey link building required by the security services to allow for the separation of arriving and departing passengers.
14. Under Schedule 2 Part 18 Class A of the Town and Country Planning (General Permitted Development) Order, Airport Operators are able to undertake certain works without the need for formal planning consent. Works that have been carried out as permitted development since the 1998 permission, include;
 - 2002 – Alteration to the fire training ground (airside);
 - 2002 – Covered walkways (airside);
 - 2003 – Use of former Spectators Building (Building 33) as a fixed base operations facility;
 - 2004 – Additional aircraft stands (airside);
 - 2007 – Additional walkways and access road alterations in the Central Terminal Area;
 - 2007 – Cargo stands, relocation of security gatehouse, provision of security screen/acoustic fencing and additional lighting (all works airside);
 - 2008 – Single storey modular building for use as a temporary fire station and emergency control centre (airside);
 - 2009 – Extension to car park E (long stay passenger parking);
 - 2011 – Relocation of a temporary office building adjacent to Navigation House.

The Proposed Development

15. On 3 December 2012 a planning application was received from London Luton Airport Operations Ltd (LLAOL) for:

“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)”

16. The application is a hybrid application, with full details submitted for all of the development except in relation to the multi-storey car park and pedestrian link building, where all matters are reserved for subsequent determination. The application was accompanied by an Environmental Statement (ES), with a scoping request having been made in August 2012 and Luton Borough Council (LBC) having provided its scoping opinion in November 2012.
17. The scoping report submitted by the applicant was influenced by: the scale and nature of the proposed development; its physical characteristics; the site characteristics; neighbouring land uses and environmental designations. The significant environmental effects to be addressed as part of the Environmental Impact Assessment (EIA) were identified as:
 - Air quality and climate;
 - Community, economic and social;
 - Cultural heritage;
 - Ground conditions;
 - Landscape and visual;
 - Natural heritage;
 - Noise and vibration;
 - Water environment;
 - Traffic and transport; and
 - Cumulative effects.
18. LBC's scoping opinion responded to these areas of potential effects and in addition raised the following:
 - Climate change;
 - Risk associated with the Public Safety Zone (PSZ); and
 - Clarity of the submission in relation to intended throughput.
19. The scheme involves the following works within the existing Airport boundary:
 - Dualling of the road from the Holiday Inn Roundabout to the Central Terminal Area;
 - Safeguarding an extension to Airport Way so as to provide an access route to facilitate the development of Century Park;

- Improvements of the public transport hub adjacent to the terminal;
 - Construction of a multi-storey car park and pedestrian link to the western side of the existing short-term car park;
 - Extension to the mid-term car park and long-term car park;
 - Improvements to the terminal building involving internal reorganisation and minor extensions and building works;
 - Construction of a new pier (Pier B);
 - Construction of a new taxiway parallel to Taxiway Delta;
 - Taxiway extensions and rationalisation of aircraft parking area with new stands replacing and improving existing stands.
20. This application seeks to increase the capacity of London Luton Airport to 18 million passengers per annum (mppa) from a current capacity of approximately 12mppa.
21. The capacity of the Airport is examined in more detail later in this report, but capacity relates to the potential maximum number of passengers that can be handled at the Airport efficiently, which differs from throughput, which is the actual number of passengers who travel through the Airport. In 2012 the throughput of the Airport has been recorded as approximately 9.6mppa. Figures published to date indicate that the throughput for 2013 is likely to be a similar number of passengers.

Publicity and Consultation Responses

22. **Statutory Publicity:** In an effort to advertise the proposal to as many members and representatives from the community as possible, the application has been publicised in a number of ways;
- 751 properties received a direct letter from LBC;
 - statutory bodies and organisations were consulted (together with various local organisations);
 - all Parish Councils in North Hertfordshire were notified of the application, by email via NHDC Committee Services;
 - London Luton Airport Consultative Committee (LLACC), which comprises 44 representatives from local authorities, local interest groups, airport services and the business community, received a direct email. Many of these forwarded the email to other contacts.
 - press notices were published in local newspapers since the application was a major development and accompanied by an ES;
 - site notices were posted around the site;
 - whilst not a statutory requirement, the Council issued a press release regarding the submission of the application. This was covered by local and national media.

23. **Consultation:** A list of the consultees for this application, and their responses, has been appended to this report at Appendix (4). This also includes a summary of the issues raised in the response.
24. In summary, 517 representations were received by either emails or letter. Of these 455 were objections, 43 in support and 19 made general comments (in some cases relating to observations about current operations e.g. parking charges). 23 Parish and Town Councils also responded. Their comments are summarised in Appendix (5). The main issues raised fall under the following categories:
- Procedure i.e. should LBC be the determining authority
 - Conflict with national and local policy
 - Overall capacity
 - Traffic and transportation
 - Night flights
 - Noise
 - Air quality and climate change
 - Cultural heritage
 - Ecology and nature conservation
 - Landscape and visual impacts (including AONB)
 - Cultural heritage
25. In addition two online petitions have been brought to our attention. The first was a Government e-petition organised by the Comet newspaper seeking the Secretary of State to call the application in for determination. This generated 3,870 signatures. This petition closed on 15th July 2013.
26. The second was organised by two local interest groups HALE (Hertfordshire Against Luton Expansion) and LADACAN (Luton and District Association for the Control of Aircraft Noise) and called for the number of night flights to be significantly reduced. The last update that was submitted to officers was in February 2013, indicated that 1000 signatures appeared on the petition.
27. A third Government e-petition, organised by The Herts Advertiser and Save Our Skies (another local interest group) also sought to have the application determined by the Secretary for State. This petition would have run until January 2014, but has been rejected as there has already been an e-petition about this issue.
28. Three letters have been received from MP's representing adjoining constituencies setting out the concerns raised by constituents in respect of the application.

29. The issues and concerns raised within consultation responses have been summarised within Appendix (4) of this report. This report takes account of all of the consultation responses received.
30. **Previous Consultation:** Notwithstanding the statutory planning application consultation process, public consultation in respect of the proposals for London Luton Airport has been extensive. LLAOL first sought input from the community and key stakeholders in respect of its Masterplan development proposals between 14 March and 25 April 2012 and a pre-application public consultation was held over a six week period from 3 September to 12 October 2012. The consultation received 1,360 responses of which 65% were supportive, 28% were not supportive and 7% were undecided. In response to the comments received the Masterplan was amended to address the issues raised prior to submission of the application.
31. **Additional Consultation:** The documents resulting from the Council's own independent assessment of both Existing and Future Capacity and Noise were advertised together with copies being made available to all of the adjoining local authorities and relevant organisations including the members Consultative Committee.

RELEVANT PLANNING POLICY

32. The planning application is assessed against relevant national, regional and local planning and aviation policy, including the:
- Plan for Growth 2011
 - National Planning Policy Framework 2012
 - Aviation Policy Framework 2013
 - National Infrastructure Plan 2013
 - Luton Local Plan 2001-2011 (saved policies)
33. Section 143 of the Localism Act 2011 inserts a new element into Section 70 (2) of the Town and Country Planning Act 1990 (as amended) and now reads:
- 'In determining planning applications the Local Planning Authority shall have regard to (a) the provisions of the development plan so far as material to the planning application; (b) any local finance considerations, so far as material to the application; (c) and to any other material considerations'.*
34. For the purpose of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Luton Local Plan 2001 -2011 adopted in 2006(saved policies).

National Policy

35. **Plan for Growth March 2011:** The Government's Plan for Growth preceded the National Planning Policy Framework, and contained objectives to ensure that planning supports the sustainable development, through economic growth and jobs, that the country requires as it emerges from recession.
36. **National Planning Policy Framework (NPPF) February 2012:** The NPPF reaffirms the position that the planning system is plan led and that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The NPPF is a material consideration in the determination of this planning application.
37. The presumption in favour of sustainable development is at the heart of the NPPF, with sustainable development being defined in economic, environmental and social terms. Local authorities should apply the presumption in favour of sustainable development when assessing and determining planning applications.
38. The NPPF "*aims to strengthen local decision making and reinforce the importance of up-to-date plans*" (paragraph 209) noting that "*for the purposes of decision-taking, the policies in the Local Plan...should not be considered out-of-date simply because they were adopted prior to the publication of the Framework*" (paragraph 211).
39. The NPPF expects planning policies and decisions, amongst other things to aim to "*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions...*" (paragraph 123).
40. For 12 months after the publication of the NPPF local authorities were to give full weight to policies in the development plan adopted after 2004, even if there was limited conflict with the NPPF. After this period due weight should be given to relevant policies in existing plans "*according to their degree of consistency with the Framework*" (paragraph 215).
41. With regard to airports, paragraph 33 of the NPPF states that:

'Where planning for ports, airports and airfields that are not subject to a separate national planning policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this framework as well as the

principles set out in the relevant national policy statements and the Government Framework for UK Aviation.'

42. **Aviation Policy Framework March 2013:** Following consultation on the Draft Aviation Policy Framework in July 2012, the Government's proposed high-level strategy setting out overall objectives for aviation, the Aviation Policy Framework (APF) was published in March 2013.
43. The APF replaced the 2003 Air Transport White Paper as the Government's policy on aviation. The Air Transport White Paper had set out in detail which specific developments would be supported at particular airports across the UK, though the Coalition Agreement of May 2010 superseded this in relation to further runways at the major south-east airports. The APF does not provide such detail, but rather sets out the Government's objectives and principles to guide plans and decisions at the local and regional level. The independent Airports Commission (Davies Commission) will provide recommendations in relation to the scale and timing of any requirements for additional capacity.
44. In the short term, to around 2020, the APF proposes a strategy based on a suite of measures, namely:
 - *"making best use of existing capacity to improve performance, resilience and the passenger experience;*
 - *encouraging new routes and services;*
 - *supporting airports outside the South East to grow and develop new routes; and*
 - *better integrating airports into the wider transport network."*
45. The APF makes a number of references to the role that LLA plays in the UK. In paragraph 1.41 it states:

"The demand for aviation in the UK is concentrated in the South East, a densely populated region whose economy comprises multiple high-value sectors including finance, professional services, technology, media and fashion. This drives consistently high demand for aviation in the region, so that the five main South Eastern airports (Heathrow, Gatwick, Stansted, Luton and London City) account for nearly two-thirds of passengers at UK airports and nearly half of all air transport movements."
46. In terms of the role that LLA could play in global connectivity paragraph 1.79 states: *"To improve connectivity at an international level and to help make better use of existing infrastructure at London's congested airports, we announced in 2011 that we would consult on extending the UK's existing regional fifth freedoms policy to Gatwick, Stansted and Luton. The granting of fifth freedoms would allow a foreign airline to carry passengers between these three London airports and another country as part of a*

service that begins or ends in the airline's home country. For example, a Singaporean airline would be able to operate a service from Changi Airport in Singapore to Gatwick Airport and then on to JFK Airport in the US, picking up passengers at Gatwick Airport and carrying them to New York."

47. The APF also considers access to airports and notes the investments that have been made to improving rail services to Luton and Gatwick and makes specific reference to the investment the Council is making to M1 Junction 10a.
48. 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. This is consistent with the Government's Noise Policy for England, which aims to avoid significant adverse impacts on health and quality of life. To this end the Government recognises the International Civil Aviation Organisation's (ICAO) 'balanced approach' which seeks to identify the noise problem at an airport and then assess the cost-effectiveness of various measures to reduce noise. The four main elements are: reduction at source (quieter aircraft); land-use planning and management (including use of conditions and legal agreements to mitigate and reduce to a minimum adverse impacts); operational procedures (how aircraft are flown and their routes to limit noise impacts); and operating restrictions (preventing noisier aircraft from flying to airports).
49. **The Airports Commission** (also known as the Davies Commission): The Airports Commission was established in September 2012 with the role of defining the Government's objectives and policies on the impacts of aviation. To date they have heard evidence from a number of parties and carried out a number of consultations on future capacity, climate change and the role of regional airports. Their most recent consultation was in October 2013 covering emerging thinking on airport capacity in the UK.
50. The Commission has provisionally concluded that additional runway capacity will be required in the south east of England in the coming decades.. It also will be looking at a mechanism for managing the carbon impact of aviation. Therefore any decision on future airport capacity is likely to be taken after 2015 . A decision on this application is not considered to be premature in such circumstances.
51. **National Infrastructure Plan 2013:** The updated National Infrastructure Plan was published on 4 December 2013 and sets out the Government's plan to meet the UK's infrastructure ambitions for the next decade and beyond.
52. The Plan predicts that passenger numbers at UK airports will increase from the 2011 figure of 219mppa, to 315mppa in 2030 and 445mppa by

2050. These forecasts are based on the effect of capacity constraints which will present a capacity challenge in the medium and long term beyond 2020. The Airports Commission will examine the scale and timing of any requirements for additional capacity to maintain the UK's global hub status. Their findings will support a National Policy Statement for Airports for a future Government.

Local Policy

53. Since the revocation of the East of England Regional Plan the development plan for the area comprises the Luton Borough Local Plan (2001 – 2011) adopted in 2006. Regard therefore has to be had to the Local Plan policies and the determination made in accordance with the Local Plan, unless material considerations indicate otherwise.

54. **Luton Borough Local Plan (2001 – 2011):** The Airport estate (as defined in the Concession Agreement) is designated as the Airport Action Area in the Local Plan. The key policy being policy LLA1 which identifies the Airport as a specific Action Area and recognises that further to the content of the review of the Air Transport White Paper there may be further growth. The policy states that:

'The Borough Council will grant planning permission for development at London Luton Airport (identified as such on the Proposals Map) provided that it:

- i) is airport related; and*
- ii) is not in conflict with national or regional aviation policies; and*
- iii) is in accordance with the most recent development agreed jointly by Luton Borough Council and London Luton Airport Operations Limited; and*
- iv) results in aircraft noise impact that is below the 1999 level; and*
- v) incorporated sustainable transport measures that will be likely to make an appropriate contribution to the achievement of the target for modal shift of passengers, visitors and staff travelling to the airport as set out in the most recent Surface Access Strategy with regard to;*
 - a) the number and size of spaces; and*
 - b) the location and management of the car parks.'*

55. Other policies from the Local Plan that are relevant to the determination of this application are:

- Policy LP1 sets out a sustainable development strategy for development proposals within the borough.
- Policy ENV5 states that planning permission will not be granted for development that fails to enhance wildlife habitats or would have an

adverse effect on nature conservation and biodiversity interest, unless it can be demonstrated that the benefits outweigh the need to safeguard the nature conservation value or satisfactory arrangements are made for the creation/management of an alternative habit.

- Policy ENV6 deals with archaeology and ancient monuments, indicating that planning permission will not be granted for development that adversely affects such sites and setting requirements in relation to archaeological investigation.
- Policy ENV7 amongst other things, indicates that planning permission will not be granted for development which is likely to adversely affect the setting of listed buildings.
- Policy ENV9, amongst other things, expects proposals to respect the character and appearance, existing landforms and natural features, and the scale and proportion of existing buildings. It also seeks to minimise dependence on energy consumption and to utilise passive energy resources.
- Policy ENV10 considers landscaping proposals for all new developments and states that development will not be approved unless adequate provision is made for landscaping.
- Policy ENV14 relates to the water environment, addressing flood risk issues, water conservation measures and pollution of groundwater.
- Policy T1 seeks to promote development that seeks to reduce the need to travel particularly by private car and enables the use of sustainable transport.
- Policy T3 is concerned with the traffic implications of development. Permission will only be granted if the proposal would not exacerbate road congestion; cause safety problems; or be likely to cause demonstrable harm to the quality of the environment.
- Policy T6 requires that all major development proposals be designed to accommodate access by bus including appropriate infrastructure, traffic management and highway improvements and infrastructure for passenger information.
- Policy T8 requires that developments take into account the needs of pedestrians and cyclists.

56. **The London Luton Airport Development Brief:** The development brief was adopted as Supplementary Planning Guidance in September 2001 with a view to guiding decision making for Airport related development. The coverage of the Development Brief is limited to the area of the existing Airport that lies within Luton Borough. The status of the Development Brief as SPG means that it is a material planning consideration in the determination of any planning application and that development proposals complying with it will be supported subject to environmental impacts and mitigation.

MAIN PLANNING CONSIDERATIONS

57. This section of the report considers the main issues that arise in regard to the determination of this application, including those that have been raised through the consultation process.
58. The main issues are considered to be:
- Procedural issues in the determination of the application;
 - Adequacy of the Environmental Statement;
 - Principle of development;
 - Sustainability of the development;
 - Capacity of the airport;
 - Noise and vibration
 - Traffic and transport
 - Air Quality and climate change
 - Ecology/nature conservation/arboriculture
 - Landscape and visual impact
 - Water environment
 - Cultural heritage
 - Impact on surrounding communities
 - Economic impact
 - Health impact
 - Public Safety

Procedural Issues

59. A number of representations have been received questioning whether the application should be determined by LBC or whether it should be determined by the Secretary of State as a National Significant Infrastructure Project (NSIP).
60. The Planning Act 2008 sets out the meaning of NSIP in general in Section 14 and with specific reference to airports in Section 23. The development is clearly airport related development since it includes, inter alia, the construction and extension of the terminal building at the Airport.

However, whilst the development has the potential to fall within the parameters of Section 23, there are certain criteria, including whether the proposal would result in the increase of the permitted use of at least 10 million passengers per annum (10mppa).

61. One of the representations was from Councillor Thake, Executive Member for Community Safety and Planning of Hertfordshire Council. He requested that the Council obtain a legal opinion as to how the 10mppa threshold within the Planning Act 2008 should be interpreted, to determine whether the Council should be determining the application. It is worth noting that the Secretary of State has issued an Article 25 Direction restricting the grant of planning permission by LBC at this time.
62. LBC did seek legal advice and an opinion was provided by John Steel QC on 27 November 2013. This is included within Appendix (6). He concluded that:

“There is no doubt that the proposed development does not constitute a Nationally Significant Infrastructure Project (“NSIP”) within the meaning of Sections 14 and 23 of the Planning Act 2008.”

“Further, there is no point or purpose in the Secretary of State for Transport using his powers under Sections 35 and 35ZA of the Planning Act 2008 to require further information upon the matter. As there is only one conclusion that could reasonably be reached, namely that the increase is expected to be less than 10mppa, such a decision by the Secretary of State would need justification and reasons which are not immediately apparent. However, this is a matter for him and not the Borough Council at this stage.”

Adequacy of the ES

63. Since the proposed development was likely to have significant effects on the environment by virtue of factors such as its nature, size or location, it was considered EIA development. As an “Infrastructure Project”, the planning application falls within Schedule 2(10)(e) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011. Since the area of the works exceeds one hectare (the relevant threshold in Schedule 2) and the development would have potentially significant effects, the application was accompanied by an Environmental Statement (ES). The purpose of the ES is to ensure that the environmental effects of the proposed development are fully considered, together with the economic or social benefits, before the application is determined.
64. The ES was submitted as part of the application and it assesses the potential impacts under the following headings:

- Environmental issues and methodology
 - Air quality and climate
 - Cultural Heritage
 - Ecology and nature conservation
 - Community and economic
 - Ground Conditions
 - Landscape and visual impact
 - Noise and vibration
 - Traffic and transport
 - Water environment
65. In the scoping opinion, the Council had also raised the issue of climate change, risk and throughput.
66. The ES addresses climate change within Chapter 6: Air Quality and Climate. The NPPF states the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Climate Change Act 2008. This Act sets the UK target for reducing greenhouse gas emissions, seeking an 80% reduction of 1990 levels by the year 2050.
67. Within the aviation sector emissions of CO₂ occur predominantly at altitude and not just at the airport, thus controls tend to be at a national and international level. For the aviation sector the principal control of greenhouse gas emissions is via the EU Emissions Trading Scheme (transposed into UK legislation via the Aviation Greenhouse Gas Emissions Trading Scheme [ETS] Regulations 2009), whereby UK aircraft operators within the ETS must submit a plan to the UK regulator detailing how they will monitor their annual CO₂ emissions.
68. The ES recognises that although the development would increase CO₂ emissions above the baseline, this is a very small incremental change in terms of total UK emissions. The impact is seen as minor adverse, with LLAOL committing to a series of actions to reduce CO₂ emissions from sources over which the Airport has direct control (space heating, fleet vehicles, ground equipment) and via off site generation of electricity purchased by the Airport. Whilst advances in aircraft manufacture and engine fuel efficiency will mean that substantial improvements should be delivered by 2028.
69. Risk is assessed in the ES in Chapter 9: Community and Economic. National Air Traffic Services (NATS) undertook an assessment of potential changes to third party risk in accordance with guidance and policy set out in 'Third Party Risk Near Airports and Public Safety Zone Policy' (DfT 1997) and DfT Circular 1/2010. Air traffic forecasts, operational

assumptions, and mix of aircraft, with assumptions of 30% of aircraft on runway 08 (eastbound) and 70% on runway 26 (westbound), were used to calculate the 1 in 10,000 individual risk contour and the 1 in 100,000 individual risk contour (i.e the risk of death per year to an individual permanently residing at a specific location).

70. The NATS assessment concluded that the 1 in 10,000 risk contours for both runway 08 and 26 would increase slightly in size compared to the existing situation. Whilst the 1 in 100,000 risk contour would increase in length by 8% for runway 08 and 14% for runway 26, the change in traffic mix would mean that they are narrower and so the area of land within the contour would decrease by 8% and 12% respectively.
71. Throughput and capacity is covered both within the Planning Supporting Statement and also Appendix K: Approach to LLAOL Forecasting to the ES.
72. A further assessment included within the ES was the potential for significant cumulative impacts for each of the specific impact assessment areas above, together with three potential cumulative development sites identified, namely:
 - The Century Park employment development to the north-east of the airport;
 - The proposed improvements to Junction 10a of the M1 to the south-west; and
 - The proposed Sundon Rail Freight Interchange six miles to the north west of the Airport.
73. The ES concluded that there were likely to be no significant cumulative effects from the developments at Sundon and Junction 10A by virtue of the relative distances between the Airport and the sites. However, with regard to the proposed development at Century Park comprising 140,000m² of offices, light industrial, warehousing and ancillary leisure, with a proposed tunnel extending Airport Way into the site, it was concluded that there was only likely to be a significant cumulative effect in relation to road traffic. Consequently this was addressed further in the Transport Assessment.
74. Following review of the planning application, there were two areas for which LBC commissioned further independent reports, notably in relation to capacity/throughput and with regard to noise. Reports were prepared by Cole Jarman Ltd on noise and Chris Smith Aviation Consultancy Ltd on the Airport's future capacity. These reports were advertised, made available on the Council's website and were made available to local authorities and other organisations via the Airport Consultative Committee members. The reports are referred to in subsequent sections and have

been used to inform mitigation measures, including planning conditions and S106 Agreement clauses.

75. Commentary on the potential environmental effects and any required mitigation is provided within the body of this report under the relevant titles, together with measures that seek to mitigate the impact of the development through the proposed planning conditions or S106 clauses.

Principle of Development

76. The adopted Airport Development Brief SPG sets out future developments at the Airport including expansion of the Central Terminal Area, multi storey car parks, potential piers, taxiway extensions and links. The principle of the proposal broadly complies with the development land use plans in the Development Brief. The Development Brief supports the principle of the expansion of the Airport and is a material planning consideration.
77. The current plans for the next phase of the Airport's development will address the existing constraints and provide significant benefits to passengers, airport businesses the local economy and provide for the development of the Airport for the future. This reflects the principle objectives set out in the Development Brief (paragraph 5.8).
78. The principle of the proposed development is also in line with the Development Plan. Policy LLA1 of the Luton Local Plan states that planning permission will be granted for development at the Airport subject to six provisos, which this development does accord with. The proposed development is clearly airport related. The proposed development is not in conflict with national aviation policies (elaborated upon below). As noted above the proposal is in accord with the Development Brief. The proposal would not result in aircraft noise levels above the 1999 level (this is expanded upon in the section on noise paras 102 - 106). The proposed development incorporates sustainable transportation measures (this is expanded upon in the section on transport paras 117 - 140). The proposed development provides car parking facilities that comply with the Airport Surface Access Strategy (this is expanded upon in the section on transport paras 134 - 137).
79. The NPPF, published since the Development Brief and Local Plan, notes with regard to airports that "*plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation*" (paragraph 33).

80. The Government's current aviation policy is set out in the APF of March 2013. This has as a key priority the making better use of existing runway capacity at all UK airports. This is to be achieved through a suite of measures to improve performance, resilience and passenger experience, together with encouraging new routes and services and better integrating airports into the wider transport network. The principle of the proposed development accords with the national aviation policy.

Sustainability

81. A key part of the Government's planning reforms is a new presumption in favour of sustainable development, which is defined in the NPPF. This emphasises that local authorities should proactively fulfil their planning role and actively support positive planning through a new presumption in favour of sustainable development. The NPPF identifies that there are three dimensions to sustainable development and they are economic, social and environment and these dimensions give rise to the need for the planning system to perform a number of roles:
- An economic role – by contributing to building a strong, responsive and competitive economy; and by identifying and coordinating development requirements including the provision of infrastructure.
 - A social role – by supporting strong, vibrant and healthy communities.
 - An environmental role – by contributing to protecting and enhancing our natural, built and historical environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
82. The NPPF goes on to state that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well designed buildings and places can improve the lives of people and communities. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly through the planning system. Examples of such changes identified in the NPPF include; making it easier for jobs to be created in cities, towns and villages; replacing poor design with better design; improving the conditions in which people live, work, travel and take leisure. The presumption in favour of sustainable development should form a golden thread that runs both plan making and decision taking.
83. The ES carried out an evaluation of the current and predicted sustainability performance of the Airport, using both qualitative and quantitative information. The issues were grouped together and analysed under the following key themes, based on key issues identified at the

Airport and topics discussed in the Sustainable Aviation Progress Report 2011, to provide a focus for the Airport's sustainability performance:

- Contribution to the local economy
- Addressing climate change
- Managing noise
- Addressing emissions to air
- Reducing waste generation and water use
- Supporting the community

84. The conclusion of the assessment was that the development as proposed performed very well in relation to the economy and community, and will lead to a number of significant beneficial effects in these areas. However, it performed less well in relation to the environment, with potential adverse effects identified in areas such as noise, climate change, waste generation and water use, although it should be noted that the majority of these effects would not be significant. These effects largely arise as a result of the increase in aircraft movements. However a range of recommendations have been presented to mitigate these potential adverse effects (these will be expanded upon in the individual sections on environmental impacts, whilst mitigation measures can be seen in the proposed planning conditions and S106 clauses).
85. Overall it is considered that the proposed development performs well in the context of the sustainability requirements of the NPPF. The economic growth associated with the proposal will help secure higher social standards and improve the life of the local community. Opportunities to minimise the environmental effects have been identified that will seek to ensure that the gains are not at the expense of the environment. The proposed development will afford the opportunity to improve the Airport's operational efficiency, allowing its capacity to be optimised without significant physical expansion and so reducing the potential adverse environmental effects. The proposal is therefore considered to accord with the objectives of the NPPF in terms of sustainability.

Capacity

86. As noted in relation to 'procedural matters' there have been concerns raised in relation to the capacity of the Airport and whether the ultimate numbers of passengers could far exceed the 18mppa referred to in the planning application documentation, and as a consequence have more significant environmental impacts than those that have been assessed in the ES.
87. The information provided within the ES in respect of the existing capacity did not provide sufficient detail to be able to carry out a full assessment and establish with any certainty that the proposed expansion would not

result in a capacity in excess of 18mppa. As such further information was requested in order to establish the existing operational capacity of the Airport, having regard to a number of initial consultation responses that raised concerns that this had not been fully established. The Council's consultants (Chris Smith Aviation Consultancy Ltd) therefore carried out an independent assessment of the existing capacity prior to assessing the proposed expansion.

88. This assessment acknowledged that airport capacity is not a single rigid number, that there are different approaches to estimating capacity and that at best capacity determination is an approximate science.
89. One of the main causes of this is that annual capacity is determined by three main factors, the hourly capacity of the different elements of the airport involved in handling passengers; the service standards that are adopted in each of those elements; and the pattern and demand over the hours of the day and the days of the year which determines the overall use that is made of the available hourly capacity.
90. Aircraft load factors from day to day, variations in passenger behaviour and aircraft delays are handled by the concept of a "busy hour" (as distinct from the busiest or peak hour). There are several definitions of busy hour, but the one most commonly used in the UK is the "30th" busy hour, which is the 30th busiest hour of the year. The objective of terminal management should be that the 30th busy hour is less than or equal to the International Air Transport Association (IATA) derived hourly capacity. Achievement of this would mean that no more than 30 hours in a year are service standards worse than the desired level.
91. At a Level 3 co-ordinated airport, which LLA became in 2013, airlines require slots to be allocated from an airport coordinator in order to manage the demand for runway and gate access so it does not exceed the capacity of the airport. The coordinator takes into account the difference capacity parameters discussed above, when deciding on the allocation of time slots for airline operators. The value of these capacities may vary from one year to the next and in particular the coordinator in conjunction with the airport operator may need to adjust the terminal capacities in order to ensure that the 30th busy hour is not greater than the hourly capacity of the critical terminal elements.
92. Based on observations and analysis, the flows experienced during the busiest period on 24 May 2013 of 2,740 departing passengers represents the maximum value of the 30th Busy Hour with current facilities and operating processes. The current capacity of the Airport is therefore concluded to be in the range of 10mppa to 12mppa. It is known that the Airport passenger movement for 2011 was 9.5mppa, though a higher throughput was achieved in 2008 with 10.2mppa. Thus the capacity range

represents a reasonable assumption, and the increase in capacity, taking into account the maximum throughput that would be achieved with a passenger cap is between 6-8mppa.

93. In considering the supporting information regarding the proposal to develop the Airport to facilitate an increase in capacity to 18mppa and thereby secure the future of the Airport, The Leigh Fisher (May 2012) report that accompanied the ES carried out a detailed assessment of the airspace, runway and taxiway, apron, passenger terminal and surface access capacity. It came to an overall conclusion that the constraint to the overall capacity caused by the individual capacities of Airport operation were such that the levels of delay would in the longer term be unacceptable and that there was no short term solution available. This would support the view within the ES that the proposed expansion of the airport capacity is critical to the long term vitality and viability of the Airport.
94. The assessment of the ES in terms of the impact of the future capacity indicated that the Busy Day Flight Schedule developed by LLAOL acted as the basis for planning the individual aspects of the Planning Application. The schedule incorporates the 2012 schedule (which was near to actual) and adds flights with the intention of creating a Busy Day typical of the Airport when handling around 18mppa. The extra flights are considered broadly sensible and reasonable, albeit representing just one set of a very large number of possibilities.
95. The major concern about the LLOAL Base Schedule is the very limited increase in passengers per movement which it assumes: less than 2% while passenger numbers increase by 81% from the 2012 schedule. This is a very small increase in passengers per movement, especially when the constraining feature of the Airport is expected to be its runway system. Since the development of the schedule by LLOAL, easyJet has announced a major order for A320 aircraft which have more seats than the current airlines mainstay, the A319 (180 seats vs 150 seats). Such a change would increase the Busy Day flight schedule. The proposed facilities have been tested with a schedule (referred to as the Enhanced Schedule) which assumes that easyJet's A319s are all replaced by A320 aircraft, but with no additional aircraft movements. The timescales for the introduction of new aircraft (fleet modernisation) is to be secured both through condition and S106 Agreement attached to any permission.
96. In the Base Schedule, waves of flights are added by LLOAL at different times of the day, and result in the peak for arrival passengers moving to the late evening (as they have in the past) and the busiest two-way flow of passengers occurring in the afternoon rather than the early morning. On the basis of the Airport's profile over time of passenger traffic in 2008 and 2012 the schedule is compatible with an annual throughput of approximately 18mppa.

97. Nine individual elements of the 'capacity chain' in relation to the proposals have been investigated, and in general these can handle the demand of the Busy Day schedules. The aircraft related elements of the apron and runway/taxiway systems are likely to be the most constraining features, with the latter having only 5%'spare' aircraft capacity with the LLOAL Busy Day schedule and reserve stands having to be used for any additional parking over and above that required by the Base Schedule. The area within the terminal under most pressure is predicted to be the main Departure Lounge, although the conditions experienced by passengers are likely to be significantly better than those currently being experienced during the busy periods, even with the Enhanced Schedule. This does not take into consideration the surface access system in terms of how the surrounding road network would cope with this demand.
98. The conclusion reached by the Council's consultant is that the capacity at the Airport with the proposed developments would be between 18mppa and 20mppa. 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). As previously stated the estimated range of the capacity of the existing facilities in use at the Airport of 10mppa to 12mppa reflects similar uncertainties in the future pattern.
99. While it 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. Such a condition has been used at other airports including Bristol (10mppa granted 2011) and Stansted (35mppa granted 2008).
100. Any uncertainty regarding passenger numbers and mitigation as well as the increased effect on the environment can be minimised if passenger throughput is limited. A condition limiting throughput annually to 18mppa reflects the level assessed in the written detail within the ES and is considered to be the likely outcome by 2028-2030 (assessed at 17.8mppa) in the ES by LLAOL. It should also be noted that the proposed condition will be supplemented with further limitations on noise both by an annual noise monitoring scheme and the requirement to carry out day to day monitoring.
101. The applicant has raised some concerns regarding the methodology used by the Council's Consultant in assessing capacity. As mentioned above

this is not an exact science and there are a range of methodologies that can be utilised. In this instance, there is difference of opinion of the outcomes, in terms of the final range of capacity for the existing and future operations. As the Local Planning Authority has come to a view that the proposal does not fall within the realms of an NSIP and as it is the intention to impose a condition restricting the throughput to 18mppa it is considered that the issues raised by the applicant, as contained in Appendix (7) have been addressed.

Noise and Vibration

102. The noise assessment within the ES examined the potential for noise effects during the construction of the proposed development; for increased noise during the operation from aircraft arriving and departing from the Airport; aircraft taxiing and manoeuvring on the ground and road traffic accessing the Airport.
103. In the UK, research by the Government has shown that people start being concerned by aircraft noise at 57 decibels (dB), averaged over the 16 hour daytime period (referred to as 57dB LAeq). This is used as the starting point for policies managing aircraft noise around airports across the country. For night time noise the contour is the 48dB LAeq (over an eight hour period). In order to comply with the Environmental Noise (England) Regulations (as amended) LLAOL produces statutory noise contour maps for the Airport.
104. The areas currently impacted by aircraft noise during the daytime within the 57dB contour, range from the rural area near St Paul's Walden to the east to areas near the M1 in Slip End. The daytime aircraft noise contours include most of Breachwood Green and parts of south Luton. There were approximately 6,700 people resident in these areas in 2011. The area currently impacted by night time aircraft noise within the 48 dB contour, is greater than the day time area and stretches from Stevenage to south of Markyate. Approximately 16,350 people were resident within the contour area in 2011.
105. The areas of the day time and night time contours for the existing Airport operation are well within contours imposed by the 1998 planning permission, and consisting of figures as referred to in the 1997 ES predicted for 1999. There is disagreement as to whether those figures, or the actual figures for 1999 obtained by observation, are the relevant figures for Policy LLA1 of the 2001- 2011 Local Plan. Hertfordshire County Council and LADACAN, amongst others, argue in favour of the lower "actual" figures. The ES asserts the opposite that LLA1 refers to the benchmark of the predicted 1999 contours. This Council has tended to favour that interpretation. The condition proposed to deal with this issue, , addresses both sets of figures.

106. Adopting a conservative approach which is based on an actual not predicted 1999 figure results in the contour areas requirements being as set out in Condition 12 .
107. Within the ES for the current development proposals the assessment of the predicted airborne aircraft noise has indicated that the increase in noise associated with the proposed development would be approximately 1 to 3 dB and as such the number of people within the daytime 57 dB contour and the 48 dB night time contour is predicted to increase compared to 2011. The assessment of ground noise predicted an overall increase in general ground noise levels of less than 2 dB as a result of the increased aircraft movements which would not significantly increase disturbance. No more than a 1.3 dB increase in road traffic noise was predicted and as such it was considered that there will be no significant effects in terms of road traffic noise as a result of the proposed development.
108. The Airport currently operates a Noise Action Plan which includes 55 measures designed to manage noise associated with aircraft. This was published by LLAOL in January 2012, following approval by DEFRA and was prepared in response to the Environmental Noise Directive (2002/49/EC), which required all Member States within the EU to produce Noise Maps and Action Plans for the main sources of environmental noise, including larger airports. A review of the Noise Action Plan will commence shortly.
109. The ES proposed that this would continue but would be supplemented by a package of additional control measures including: a quota on the total level of aircraft noise during the night time period; restrictions on the noisiest aircraft; penalties for breaches of Airport noise limits; and initiatives to ensure that aircraft stay within preferential routes to minimise the potential noise impact. A new noise insulation grant scheme will also be introduced as a result of these proposals. It was considered that this package of mitigation measures would be compatible with best practice in the UK.
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, in so far as noise is concerned, that planning permission will be granted for development that results in an aircraft noise impact that is below the 1999 level. The ES has interpreted this to mean that the 57 dB contour predicted for 2028 with the development in place will be no greater when measured as an overall area than the equivalent contour predicted for 1999. However, as noted above, an alternative interpretation has been advanced by some third parties that not only limits the measured area but also requires that no location predicted to be affected by the 1999 level shall be exposed to a higher level with the development in place. 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 flights undertaken by modernised low noise variants of relevant aircraft types.
- So far as the potential effects on sleep disturbance due to night time operations, while these have been addressed in the ES the specific risk of people being awakened by individual aircraft movements have not been quantified to the extent that might have been expected.

Similarly the analysis has indicated that some locations may experience future noise levels from aircraft on the ground and from road traffic associated with the Airport and this would warrant mitigation through the noise insulation scheme however this has not been included within the proposal. These deficiencies can be remedied and overcome by providing appropriate mitigation, through the imposition of conditions controlling noise levels and requiring monitoring and reporting, together with clauses in the S106 agreement in relation to the Noise Insulation Scheme such that, in the event that the noise levels and effects on sleep disturbance are worse than predicted in the ES, appropriate mitigation measures will be in place so as to prevent harm.

- With regard to the operation of aircraft at night, this is known to be a particular concern to residents living in the local community. The assessment of the ES indicates that the controls that are being proposed for one part of the night (23.30 to 06.00) are not necessarily sufficiently stringent to ensure operations fully in line with the impact indicated in the ES. Furthermore no specific controls are proposed for aircraft operating in the early morning shoulder period of 06.00 to 07.00, for which the number of movements is expected to increase substantially. The effect of potential sleep disturbance needs to be properly considered through appropriate controls and or mitigation measures. Although the Noise Insulation Scheme which will be included in the S106 Agreement, as currently drafted contains certain provisions to address night time noise issues it does not specifically deal with mitigating the effects of night time noise. However, the details of the content of the Noise Insulation Scheme has been included within the S106 Agreement and will need to be agreed with the Local Planning Authority.
- In relation to noise violation limits the ES proposed a ban on aircraft with a QC value greater than 2 during the night quota period. However this was considered to be of limited value, as no aircraft falling into this category currently operate during the night quota period. In fact only 4% of movements would be affected if the ban was on aircraft with a QC value greater than 1, and this would be a more meaningful restriction. It is recommended that it would be more effective to set different noise violation limits for different classifications of aircraft, thereby ensuring that noise generated by all aircraft is monitored and tested against a suitable standard. A means of achieving this aim, using the already established Quota Count System is proposed and a suitable condition is proposed (similar conditions have been used at other airports, such as Bristol and the Quota Count System operates at Heathrow, Gatwick and Stansted).

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

Leq Band 16 hr DAY	1999 (actual)	1999 (predicted)	2008 (actual)	2011 (actual)	2028 Without development and no modernisation	2028 With development and with modernisation
mppa	5.3	n/a	9.2	9.5	12.4	18
57-72 Leq area sqkm	19.4	19.6	16.6	12.8	18.2	19.5

Table 1: Daytime comparison of noise contour areas (07.00 – 23.00)

Leq Band 8 hr NIGHT	1999 (actual)	1999 (predicted)	2008 (actual)	2011 (actual)	2028 Without development and no modernisation	2028 With development and with modernisation
mppa	5.3	n/a	9.2	9.5	12.4	18
48-72 Leq area sqkm	37.2	60.6	38.5	30.1	38.9	40.4

Table 2: Night time comparison of noise contour areas (23.00 – 07.00)

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.

Traffic and Transport

117. The Transport Assessment (TA) submitted as part of the ES examines in detail the existing surface access arrangements for the Airport together with the impact on them of the proposed expansion. The emphasis is on maximising the opportunities to promote the sustainable transport facilities

that already exist in accommodating the proposed growth in passenger numbers.

118. Rail, bus and coach usage currently accounts for just over 32% of all passenger journeys to and from the Airport and this is forecast to increase to just under 41% by 2028 resulting in a more than doubling (118% increase) in the number of passengers travelling by these modes. By comparison, the mode share for car use by passengers is predicted to decrease from a current level of around 51% to just under 43% resulting in a much smaller increase (46%) in the number of passengers travelling by car.
119. It is recognised that these are challenging targets but that they can be achieved through a range of initiatives. The S106 includes measures to be taken through travel plans. These include a Framework Employee Travel Plan (FETP) and further development of the statutory Airport Surface Access Strategy (ASAS). This will build on recent and planned improvements to public transport facilities in addition to those proposed as part of this application.
120. The TA states that *“In traffic terms, the proposed new built development is not envisaged to directly result in significant changes to the general pattern of travel both to and from the Airport, although numbers will inevitably increase.”* The impacts of these increases in traffic in the vicinity of the Airport and on the wider network have been assessed using a variety of traffic models and techniques, including LBC’s VISSIM model used for the M1 J10A assessment.
121. In addition, the methodology adopted by LLAOL for converting the forecast passenger numbers into vehicle trip generation data is considered to be an acceptable and robust model. In particular it uses a ‘worst case’ approach by combining the busiest period for non-airport background traffic (March/October) and a typical summer ‘busy’ day in August.
122. The proposed development is summarised in paragraph 2.2.2 of the TA and includes the following highway and transport improvements:
 - Dualling of the access road from the Holiday Inn roundabout to the Central Terminal Area (CTA);
 - Improvements to the Public Transport Hub (PTH) adjacent to the terminal;
 - Construction of a multi-storey car park (MSCP) on the western side of the existing Short Term Car Park (STCP), and
 - An extension to the Mid Term Car Park (MTCP).

123. Additional highway and transport improvements are proposed and are outlined in paragraph 17.1.3 of the TA as follows:
- A new all movements traffic signal controlled junction on Airport Way to provide access to the MTCP and a controlled pedestrian crossing of the proposed dual carriageway;
 - Revisions to the Holiday Inn roundabout to provide a traffic signal controlled junction linked to the MTCP junction and some controlled pedestrian crossing facilities;
 - A new traffic signal controlled junction will be provided at the junction of the improved Airport way with the revised circulatory carriageway/exit from the PTH, and
 - The safeguarding of a corridor through the area to accommodate an onward route to link with Century Park if required.
124. These improvements are to be provided either directly by the applicant by S106 agreement or via a S278 agreement directly with the Highway Authority, in the case of the Holiday Inn junction.
125. Any potential wider highway network improvements are discussed in section 16.5 of the TA. Paragraph 16.5.1 states that *“in respect of Junction 10A, no allowance has been made to identify specific Airport impacts (in the TA) as this was considered and reported by LBC using its VISSIM model, which has informed the potential scale of improvements necessary. Once again, there is likely to be a requirement for S106 or S278 funding related to the Airport development and the Applicant anticipates detailed discussion and negotiation to allow consideration of a fair and reasonable contribution.”* The draft S106 Heads of Terms suggested a sum of £2 million to be paid to LBC as a contribution towards the cost of the M1 Junction 10A improvements. This contribution has been agreed since it is directly related to the development, necessary to ensure that the impacts of the development are mitigated and is proportionate in terms of the scale of the development and its modelled impacts.
126. The Highways Agency has made representations and suggested a condition to the effect that no expansion of the airport should take place before the M1 J10A junction has been improved. It is considered that there is no requirement for such a condition as works to improve the junction have commenced and therefore there is no likelihood of significant highway problems at M1 J10A occurring as a result of the proposed expansion.
127. A total of 14 junctions were included in the original traffic assessments/modelling and are summarised as follows:
- 1 M1J10;
 - 2 M1J10A;

- 3 Mid term car park access, Airport Way;
 - 4 ELC/Airport Way/Percival Way;
 - 5 Vauxhall Way/Kimpton Road/Airport Way;
 - 6 Percival Way/Frank Lester Way;
 - 7 Eaton Green Road/Frank Lester Way;
 - 8 Vauxhall Way/Eaton Green Road/Harrowden Road;
 - 9 Eaton Green Road/Frank Lester Way;
 - 10 Frank Lester Way/Percival Way/President Way;
 - 11 Vauxhall Way/Crawley Green Road;
 - 12 Stopsley Way/Hitchin Road/Vauxhall Way;
 - 13 Stopsley Way/Hitchin Road/Ashcroft Road, and
 - 14 Eaton Green Road/Wigmore Lane.
128. Discussions on the junctions to be treated, the scale of improvements and level of contribution have been ongoing. The TA identified further junctions or sections of road where improvements would be necessary in relation to the development and have agreed a further financial contribution in relation to the following:
- i. Vauxhall Way/Kimpton Road/Airport Way (draft scheme included in the TA);
 - ii. Airport Way/Gypsy Lane traffic signals;
 - iii. Vauxhall Way/Eaton Green Road roundabout;
 - iv. Vauxhall Way (between Kimpton Road and Eaton Green Road);
 - v. Vauxhall Way/Crawley Green Road roundabout;
 - vi. Hitchin Road/Stopsley Way roundabout;
 - vii. Hitchin Rod/Stopsley Way/Ashcroft Road roundabout;
129. The original area of the modelled junctions described above has been extended to address concerns of both Central Bedfordshire (CBC) and Hertfordshire Councils about the impacts at other junctions in Dunstable / Houghton Regis and those on the M1 and A1 in Hertfordshire, together with the Hitchin Road (A505), Lower Luton Road (B653) and London Road (A1081). The Applicants transport consultants, URS, initially provided further information on expected traffic conditions in Central Bedfordshire and Hertfordshire to the two Councils.
130. CBC and their transport advisers AECOM met with LLAOL's technical advisers on 18th April, following which they wrote to LBC confirming they "*had decided not to deal with the Airport expansion in detail and instead to object to the planning application based on the principal areas of concern. Main areas of concern in relation to surface access were the limited scope of the modelling work undertaken in support of the TA and the lack of clarity about how the road traffic generation and distribution was calculated.*"

131. Since that time, LBC has worked with CBC to agree a list of other congested junctions in Dunstable and Houghton Regis, and the traffic impacts of additional airport passengers and employees travelling through these junctions have been assessed by URS. CBC has recently confirmed that they are satisfied that the outcome of this work addresses their concerns about the wider traffic modelling.
132. A recent letter from Cllr Thake at Hertfordshire County Council stated that the County Council do object to the proposal and that there was not a common understanding amongst the relevant transportation agencies with regard to the evidence and potential mitigation measures. However, the initial information URS provided for the junctions and roads in Hertfordshire has been used by both the Highways Agency and Hertfordshire to input into the Hertfordshire traffic model, which is maintained by consultants AECOM on their behalf. A draft report sent to the Council in July set out the approach that AECOM had taken in assessing the impacts of the Airport on Hertfordshire's road network and in particular on the three key immediate routes leading to / from the Airport (A1081 London Road, A505 between the Airport and Hitchin and B653 Lower Luton Road), together with an estimate of the assignment of traffic around Hitchin (junctions 8-9 of the A1(M) and the Dacorum area (M1 junctions 7-9) of the M1. Overall the report prepared on behalf of both the Highways Agency and Hertfordshire County Council concluded "*It is uncertain whether mitigation of any impact arising from the additional airport traffic could be secured, especially given the distance from the Airport of Hertfordshire junctions potentially at risk.*"
133. With regard to the specific roads and junctions that were assessed, the report concluded that "*there could be notable additional trips during the peak hours in the A505 corridor*" but that in relation to the other main Hertfordshire routes that "*they are less likely to carry significant volumes of airport trips but have less capacity*". They also concluded that the M1 may provide an attractive route between the Airport and other parts of Hertfordshire, and that "*M1 Junction 8 in particular has the potential to carry notable additional airport trips*". The Committee should note that the report made no conclusions about the A1 (M) junctions east of Hitchin.
134. Other matters of concern can be summarised as follows:
- The proposed PTH designed to accommodate the increase in bus and coach usage is to be welcomed as a significant improvement in the facilities. However, LBC would wish to be consulted (along with the bus and coach operators) on any emerging design prior to implementation; the applicant has agreed to this and this would be done as a matter of course in any event; it is therefore not considered necessary to impose a specific condition or obligation to this effect;

- Although the preliminary design for the Percival Way junction proposed in the TA appears to be extremely complex and there are concerns that the modelling contains inconsistencies, LBC would have control over this as Local Highway Authority; it would have powers as such to be consulted on and agree to the final design (as part of the S278 agreement); it is therefore necessary to impose a specific condition.
- The doubling of rail passengers could create pressures on the operation of the Luton Airport Parkway station, LBC's proposals for the Airport shuttle bus to serve both the western and the recently opened eastern entrances will improve access to the station but, as recognised in the responses from First Capital Connect and Network Rail, facilities at the station will also need to be enhanced to cater for the eventual more than doubling in the number of passengers using the station. Both LBC and LLAOL are continuing dialogue with the current and future Train Operating Company; it is therefore not considered appropriate to impose a specific condition or obligation to this effect;
- There is concern regarding any potential overspill parking for staff given the potential increase in jobs and relatively small increase in parking spaces. This will need to be closely monitored as part of the FETP and ASAS strategy; it is therefore not considered necessary to impose a specific condition or obligation to this effect;
- The proposed conversion to traffic signal control at a number of key junctions will provide the opportunity to better manage the operation of the network particularly if these junctions are linked. This will also assist in accommodating the significant daily, weekly and seasonal variations in traffic volumes; it is therefore not considered necessary to impose a specific condition or obligation to this effect.
- Control of the car parks in general will be important in ensuring an efficient use of the network including the display of information on available capacity to the public and employees. LBC would wish to see a plan to manage the parking spaces (this could also be linked to the construction of the multi-storey car park);
- There are no improvements to cycling infrastructure proposed in the TA and it is considered that there are opportunities to attract greater use of this mode by employees. LLAOL has indicated a willingness to allocate S106 funds for appropriate improvements. This is therefore being included in the S106 Agreement, it is therefore not considered necessary to impose a specific condition on this issue.

135. In addition to the highway improvements referred to in the above paragraph the S106 Agreement also includes a contribution to active

parking management, signing management and cycleway improvements in relation to the last two bullet points above.

136. The Framework Employee Travel Plan is considered to be acceptable as a framework. However, given the diverse nature and number of employers (only 10% of employees are from LLAOL), there will need to be more detail on the promotion and appointment of local travel plan coordinators. It is suggested that monitoring be progressed through the Airport Transport Forum which would also provide a link with the monitoring of the ASAS.
137. In summary, therefore, the focus will be on improving and maximising the public transport offer by building on recent improvements to the existing facilities through a range of measures linked to the FETP and ASAS. This is in line with Policy T1 of the Local Plan which seeks to promote development that encourages a shift in the modal split, with less reliance on the private car and enables greater use of sustainable transport. The focus for the highway improvements will similarly be on building on recent improvements to the East Luton Corridor and proposed M1 J10A improvement to continue to concentrate vehicular access via the M1 and, to a lesser extent, the A505 Hitchin Road and Vauxhall Way. This approach accords with Policies T3 and T6 of the Local Plan which are concerned with the traffic implications of development and accommodate appropriate traffic management and highway improvements.
138. The range of improvements proposed by LLAOL together with the additional measures proposed in the S106 and related conditions will address the predicted impact on the highway and transport network resulting from the growth in passengers. Regular monitoring of progress in meeting the mode share targets will also be key to assessing the success of the objectives as well as creating opportunities to review the measures through the Airport Transport Forum.
139. The Highways Agency, Central Bedfordshire and Hertfordshire County Highways have all been consulted in respect of the application and the likely impact on the wider road network. The Highways Agency has not raised any objections in respect of Junction 10A of the M1. With regard to the wider strategic road network and more specifically the A1, the consultants acting on their behalf have indicated their uncertainty that any impact mitigation could reasonably be justified given the distance between the Airport and A1 junction.
140. With regard to Central Bedfordshire although they have lodged a formal holding objection to date there has not been any specific concerns or impact mitigation requirements submitted for consideration.

Air Quality and Climate Change

141. The Air Quality Strategy (Defra, 2007) provides the policy framework for air quality management and assessment in the UK. It provides air quality standards and objectives for key air pollutants, which are designed to protect human health and the environment. The strategy describes the Local Air Quality Management (LAQM) regime that has been established, whereby every local authority has to carry out reviews and assessments of air quality in its area to identify whether the objectives have been, or will be, achieved at relevant locations, by the applicable date. If this is not the case, the authority must declare an Air Quality Management Area and prepare a management plan, which identifies appropriate measures that will be introduced in pursuit of the objectives. The objectives defined in the strategy are linked to the air quality Limit Values set at a European level in the Ambient Air Quality Directive 2008/50/EC (European Union 2008).
142. LBC has declared an air quality management area for nitrogen dioxide in the vicinity of junction 11 of the M1 motorway approximately 6 kilometres north west of the Airport. Levels of nitrogen dioxide at residential receptors closest to the Airport on Eaton Green Road are below the annual mean objective. Although it has been recorded that the mean objective has been exceeded within the Airport boundary there has not been any relevant public exposure at these locations.
143. The air quality assessment carried out as part of the EIA primarily focused on the potential for effects on nitrogen dioxide levels at sensitive receptors in the vicinity of the Airport from increased aircraft movements and road traffic. It examined the potential for odours from aircraft on the ground and increased emissions of carbon dioxide from aircraft on the ground when taxiing or using auxiliary power units. It also examined the impact on air quality during construction in terms of dust.
144. The detailed modelling assessment of the potential effects associated with the proposal related to changes to the Airport operations and traffic flows. The assessment concluded that it is unlikely that the annual mean nitrogen dioxide objective will be exceeded at residential properties on Eaton Green Road, the nearest residential receptor, as a result of increased emissions associated with the increase in traffic and aircraft movements arising from the proposed development. No significant effects on health are predicted as a result of the increase.
145. In considering the potential for odour effects, an important distinction should be drawn between the occasional detection of an odour and a loss of amenity due to odour, the latter generally being associated with persistent and long-lived problems. The Airport has not received any complaints regarding Airport related odours and although the activity on site will increase and as the nearest properties are approximately 400m

- from the apron areas, it is considered that there will not be a significant additional impact in terms of odours. The Airport is also committed to eliminating the use of Auxiliary Power Units (APUs) on stand, which will reduce the hydrocarbon emissions from the apron and this will further reduce any possible odour impacts. Conditions are proposed to reflect this.
146. The Airport is further committed to reducing carbon dioxide emissions and has commissioned a Carbon Management Plan to reduce energy consumption and the proposed development will take a holistic approach to energy efficiency. The proposed development works will be designed to current building regulations. The new materials will be of systems that have low U-values and the renewal and refurbishment of existing plant will utilise high efficiency lighting etc. A condition is proposed in relation to energy reduction for new buildings.
147. The proposed construction works will be undertaken in areas that are remote from any residential properties and there are no residential receptors within 350m of the site boundary. Although the impacts of the construction activities including night time working are considered to be minimal, measures to mitigate dust emissions will be implemented during the demolition and construction phases of the development and this will be secured by way of a construction management plan that will be secured by condition.
148. There are no standard criteria that can be used to assess the significance of Climate Change emissions from individual airports. Emissions of carbon dioxide take place predominantly at altitude. The wider scale impacts are therefore relevant at the national and global scales that relate to emissions over a wider area than the Airport. The Committee on Climate Change produced a report on aviation in December 2009, agreeing that further growth in aviation could be reconciled with the Government's climate change objectives. The report considered that UK-sourced demand could grow by approximately 60% relative to a 2005 baseline. Although the proposed development would increase the carbon dioxide emissions above the baseline the increment to UK emissions represents an extremely small change.
149. For those emissions outside the direct control of LLAOL, the Airport will continue to work with all parties to facilitate continual improvements in the environmental performance.

Ecology/Nature Conservation/Arboriculture

150. The ES acknowledges that there are no nationally designated nature conservation sites within 2km of the Airport boundary. There are however 21 non-statutory designated sites within 2km of the site boundary. These

are made up of 15 County Wildlife Sites (CWS) some of which are also designated as Ancient Semi-Natural Woodlands (ASNWs) or Plantation Ancient Woodland Sites (PAWS). An additional six sites are designated as ASNWs or PAWS.

151. The closest of the CWS is Winch Hill Wood CWS and ASNW (to the east). This site along with George Wood and Withstocks Wood, which are both ASNWs and PAWS and located to the south of the Airport are considered to be of low ecological value. The ES considers that neither of these sites will be directly or indirectly affected by the proposed development.
152. The habitats within the Airport boundary are noted as being intensively managed grassland, vegetation and scrub, which the ES considers to be of low ecological value. The taxiway extensions will result in the loss of 2.3ha of grassland, which the ES does not consider to be significant. Surveys have been carried out for protected species. These focussed on badgers, bats, nesting birds, reptiles and invertebrates. Whilst there is evidence of areas used by badgers for foraging in the eastern side of the site, no active setts were discovered.
153. Four trees along Airport Way (close to the Holiday Inn) which are to be removed were considered to have low potential for roosting bats. The ES notes that there are more attractive foraging areas for bats (identified as Common and Soprano Pipestrelles), to the south, east and west of the Airport boundary. These areas are less disturbed by airport activities.
154. Trees and shrubs around an airport, which may encourage birds, pose a risk to aircraft and airport operations. The land within and around airports is generally well managed to reduce the potential for bird strike. However, given the large areas of grassland, ground nesting birds, such as Skylark and Meadow Pipit, may find such sites attractive. Scrub is generally removed at regular intervals outside the breeding season.
155. Evidence of slowworms, smooth newts and common toads were found within the site during survey work in 2006 and 2012.
156. The development of taxiway ' Foxtrot' has the potential to result in the loss of habitat, currently occupied by the Bombardier Beetle, an invertebrate of County importance, which is rarely found, but is normally associated with coastal areas in south eastern England. Other varieties of beetle, crickets and weevil were also identified along with the Opomyzid fly (a species only scientifically identified in 1992).
157. In terms of mitigation, the ES proposes replacement trees (to replace those to be removed on a 2:1 basis), scrub and trees to be removed outside the bird breeding season, measures to protect foraging badgers from exposed excavations, buffer areas to minimise disturbance and

- translocation of important species by an ecologist. This could be achieved by improved management of the adjoining Wigmore Country Wildlife Site and the applicant has agreed an annual financial contribution towards the maintenance of this site for the future and this is to be secured by the inclusion of a clause within the S106 Agreement.
158. As a result of consultation with the Wildlife Trust and the Council's Ecologist, an additional habitat survey has been requested and it is further suggested particularly given the previous survey was carried out in March, which is not the ideal timing to capture ecological data for most species. The submission of this survey would update the information provided in the ES, rather than to identify potential new species. The ES also identified the need to carry out additional survey work in respect of the potential bat roosts within a number of out buildings within the site.
159. These buildings were identified as two linked buildings 72/104 (Offices) (referred to as one building within the ES and two hangers known as Buildings 55 and 56. Ocean Sky Ltd have subsequently pursued a separate planning application and obtained permission for a change of use and redevelopment of some of the buildings in question. Buildings 72 and 55 have been demolished and new buildings constructed. Building 104 remains in office use and there is no intention to change this, as such the applicant considers that there is no need therefore for an additional survey at this time. Building 56 is currently occupied by ServiceAir and there are no proposals to alter or remove this building and again the applicant considered that there is no need for further survey work at the present time. Clearly since the buildings referred to within the ES have either undergone redevelopment or remain in situ it is not critical that the surveys be carried out prior to determination of the application as no significant mitigation in terms of relocation of bat roosts will be required.
160. As stated above surveys have been carried out in respect of identification of protected species on the site including great crested newts prior to the submission of the application however the development as proposed would be over a significant period of time and as such circumstances within the site may be subject to change. It is therefore proposed to require further surveys of species including great crested newts, bombardier beetles, badgers and bats, to ensure that safeguarding measures and mitigation can be provided if required by way of condition.
161. The ES has already identified these potential species and others as being present on the site but has concluded in Section G4.4 of the ES that great crested newts are highly unlikely to be present on the site; that badgers commonly use part of the site to forage; that bats could forage on the site and there is a potential for roosting in some outbuildings; and there is a long term presence of skylarks in the grassland areas. It is also concluded that in respect of protected vertebrates, badgers, bats, roosting birds and

skylarks the effect would not be likely to be significant particularly if mitigation measures are implemented. There is no other significant effect in respect of the natural environment.

162. However, the proposed condition, which would require additional survey work to be completed and submitted for consideration by the Planning Authority will safeguard any change in circumstances in the future. Further, the financial contribution in the S106 Agreement associated with the improved management of Wigmore Country Wildlife Site and habitat creation on site will help mitigate some of the local effects on nature conservation area within the application site. The proposals therefore accord with Policy EN5 of the Local Plan in terms of protection and enhancement of nature conservation.

Landscape and Visual Impact

163. The ES includes an assessment of landscape and the visual impact of the development. Assessments were carried out from 14 publicly accessible locations around the Airport site. LLA is one of the highest airports in the UK and sits on a plateau. On a clear day, from certain viewpoints, some of the taller buildings in the Docklands area of London are visible.
164. From the plateau the land falls steeply away to the east and west. Luton town sits to the north, so the character of the backdrop is predominantly urban. Land to the east, south and west, has more of a rural setting (agriculture and woodland).
165. The Airport site is surrounded by a number of landscape designations including green belt and the Chilterns Area of Outstanding Natural Beauty. There is also a historic network of footpaths and bridleways (some of which may have previously linked across the site prior to the use of the site as an airport). During the assessment, 14 viewpoints were identified. These viewpoints included residential areas, footpaths, public roads, areas of public open space, Someries Castle (a scheduled monument) and Luton Hoo (a historic park and garden).
166. At the majority of the viewpoints, the control tower and Hangar 89 (easyJet's building) were the most prominent. Given the location of the Airport plateau the ground based activities had minimal impact on the landscape.
167. Of the 14 viewpoints two were considered to be high sensitivity receptors, Cutenhoe Road and Someries Castle. The attributing factors for this level of sensitivity are linked to the character of the area. In the case of Cutenhoe Road it is because of the number of residential properties. In the case of Someries Castle, it is the heritage value of the site. At both these points the proposed multi-storey car park would be visible, once

constructed. This impact can be minimised through conditions seeking details of the choice of materials and appearance of the structure.

168. English Heritage responded to the consultation noting that the impact on built development at Luton Hoo had not been properly assessed. The ES does include an assessment of the impact on the parkland and indicates that the structures at the Airport are visible as long views only and that they are limited. The ES did consider the present effect of the Airport on the setting of both heritage assets, and considers the Airport activity is part of the surroundings in which the asset is experienced (and has been since the late 1930s). The new buildings are within the existing airport grouping, whilst the effects of changes to car parking, road layout and to signage or lighting will not be perceptible from the heritage assets.
169. English Heritage also refers to the impact on Someries Castle. The visual impact of this is referred to above. The increase in numbers of aircraft movements could be considered to have a visual impact on Someries Castle and Luton Hoo, but this is very difficult to quantify in terms of an assessment. The ES concludes that the proposed development would result in a slight adverse effect at Luton Hoo and a slight to moderate effect at Someries Castle through changes to the setting. The EIA separated the effects of the additional build development within the existing group of buildings at the Airport from the effects of increased activity including aircraft in the air and noise. Visual impact effects are cross referenced with noise impact assessment in the ES.
170. A further response was prepared by the applicants to the English Heritage representations, both in terms of noise impacts and the viability of the heritage assets. With the applicants concluding that the increase activity and presence of the airport and aircraft overflying would not affect the viability of either Luton Hoo or Someries Castle.
171. It is considered that the main landscape and visual impacts have been properly assessed and the significant receptors identified. Whilst no mitigation is proposed, the addition of conditions that relate to the appearance of the multi-storey car park (the most visible structure), addresses the concerns raised by the consultees.

Water Environment

172. The ES considers the implication of the development on the surrounding water environment. In reviewing this three documents have been considered;
 - Flood risk assessment (Jacobs, November 2012);
 - London Luton Airport Surface Water Management Plan (Dec 2011-Dec 2012); and
 - Phase 1 Environmental Assessment (WSP April 2006).

These technical reports inform a qualitative assessment of the likely impacts on the water environment and consider surface water runoff and impact on groundwater.

173. The ES also sets out the legislation and policy context for the assessment and the methodology used. The Airport site has been identified as being within flood zone 1, with a low risk of flooding, although it does refer to an incidence of flooding in 2011 which affected the Airport Way underpass. Post development, the flood risk is not expected to increase. The ES proposes mitigation measures which include the need to increase the capacity of the central soakaway, pipes and storm cells within the drainage system. Conditions are proposed to this effect.
174. In addition to the flood risk, there is also the need to prevent pollution of surface or groundwater during construction. A construction environmental management plan will be prepared in accordance with the Environment Agency's Pollution Prevention Guidelines and a condition is proposed to require its submission, approval and implementation. The proposals therefore accord with Policy ENV14 of the Local Plan.
175. The Environment Agency was consulted on submission of the application and raised concerns, but since that time have been working with the applicant, Thames Water and its agents to prepare a Surface Water Strategy (SWS) to ensure the long term drainage issues are considered. The SWS is currently in draft form, but conditions have been proposed in line with the recommendations of the Environment Agency to ensure the SWS is completed and submitted to their satisfaction.

Cultural Heritage

176. The ES is required to consider the implications for cultural heritage. An assessment has been carried out to consider the historical context of the area and the potential for archaeology to be present.
177. Given the secure nature of the site, the County Archaeologist has noted that the site has not been surveyed in any detail previously, so the true implications are unclear, but it is possible that the site has potential for remains from the prehistoric period onwards. The ES refers to a number of flint tools being found at sites around the boundary of the Airport in 1995, which may have been associated with farming settlements, although there is no evidence to suggest that a prehistoric settlement lies within the boundary of the Airport.
178. Coins and Roman pottery has been previously found around Luton Hoo and given the location, close to the River Lea, Watling Street and Verulamium (St Albans), it is likely that Luton was occupied as an Anglo-

- Saxon settlement with suggestions of Roman activity. Central Bedfordshire Archaeology Unit, have proposed a condition to require a more detailed survey to be carried out and allow access to the County Archaeologist during the course of works. The ES notes that a written scheme of investigation detailing a watching brief, particularly relating to areas of the site, which have been previously undisturbed, will be submitted. A condition will address this point and this would accord with the Local Plan Policy ENV6.
179. In terms of the historic built environment, the ES refers to a number of 16th and 17th Century farmsteads that lie close to the Airport boundary. Two properties have been identified as being of high sensitivity. These are Someries Castle and Luton Hoo historic parkland.
180. In their response, English Heritage has referred to paragraphs 132 and 134 of the NPPF which consider heritage assets noting that “*Any harm requires clear and convincing justification and should be weighed against public benefits*”. English Heritage consider that the ES does not provide sufficient information in respect of the visual impact on Luton Hoo, although note that they consider there is visual impact on the setting of Someries Castle. They have also raised concerns about the increase in aircraft movements and the potential for noise. The applicants noise consultant has produced some further information in response to English Heritage’s concerns which has indicated an increase of less than 2dB(A) at these sites in 2028 with part modernisation of the fleet. English Heritage has been forwarded this information.
181. In terms of visual impact, this has already been addressed in the ‘Landscape and Visual Impact’ section of this report. The only prominent built development proposed would be the multi-storey car park (the rest being contained within the envelope of existing buildings). A condition has been imposed to require further details of the car park and an assessment of the impact will be made at that time, based on the design and materials proposed. The works to the terminal and the ground based works will have minimal visual impact, given the location of the works within the boundary and other activities that already take place in these areas. It is therefore considered that the proposals will not adversely affect the setting of the listed building (Luton Hoo) or the ancient monument (Someries Castle) and the proposals are therefore in accordance with policies ENV6 and ENV7.

Impact on Surrounding Communities

182. The Airport sits at the heart of a growing, vibrant and diverse community and the airport operator LLAOL is committed to engaging with the community to minimise adverse effects on amenity and enhance the quality of life of local people. The presence of a major international airport

- in close proximity to built up areas inevitably affects local environment and amenity and the Airport has been working with the community to address their concerns to the extent that the number of complaints has been declining steadily for several years. In 2010, a total of 589 complaints relating to the Airport aircraft operations were received, an average of two complaints per day, compared to 1,637 complaints received in 2006. Noise was cited as the main disturbance, aircraft being off-track, frequency of operations, low-flying aircraft, vibration and air quality were other areas of concern.
183. The Airport layout is such that there are no residential dwellings overlooking the aprons and taxiways. The main apron is shielded by a near continuous row of hangars and as such ground noise from auxiliary power units and taxiing aircraft is not therefore significant. Noise monitoring indicates that the dwellings on Eaton Green Road experience a much greater ambient level of noise from road traffic than ground noise associated with the Airport. Future noise control measures are included within the Airport's Noise Action Plan and the additional noise mitigation measures will help mitigate the potential effects on the local amenity on the community. Conditions are proposed to further address the noise implications of the development.
184. The proposed development will enable LLAOL to build on its existing community project work to ensure that the Airport continues to support the local community through a range of schemes, including the Airport Community Trust Fund which provides support for local community initiatives. The Airport operators (LLAOL) are also proposing to provide a fund to be managed by the Consultative Committee that will provide grant funding to local residents for works such as noise insulation. This fund will be maintained on an annual basis as part of the ongoing development of the Airport. They will also continue to engage with relevant stakeholders, such as air traffic control, airline operators, local residents, MPs, environmental health officers and the Consultative Committee on a range of issues that have a direct impact on the surrounding community. The S106 Agreement includes obligations to this effect.

Economic Impact

185. The Government published 'The Plan for Growth' in 2011, which recognises the need for improvements in the nation's infrastructure to facilitate economic growth. The National Infrastructure Plan 2013 continues to build on the Government's strategy for coordinating public and private investment in infrastructure. It recognises that the aviation sector is a major contributor to the economy, and that the Government supports growth with a framework which maintains a balance between the benefits of aviation and its costs (particularly noise and climate change). The Government believes that it is essential to maintain the UK's hub

capability and to develop links from airports which provide point-to-point services.

186. The economic assessment of the implications of the proposal focused on the core impact area, which covers six local authorities including; Luton, Central Bedfordshire, North Hertfordshire, St Albans, Dacorum and Stevenage. The desk based assessment carried out included the characteristics of the existing economy such as employment rates, skills and levels of deprivation and it was identified that Luton forms a pocket of relative deprivation within the wider area. It has lower levels of economic activity than the above other local authorities,, a higher unemployment rate, lower average levels of qualification and lower gross weekly earnings.
187. The adopted Local Plan identifies the Airport as one of a number of action areas and recognises the important contribution a successful airport can make to the regeneration and economic viability of Luton by the creation of new employment opportunities. The annual economic value of the Airport is based on two separate elements. The first is income injection into the local economy arising from the operations of the Airport consisting of the wages and salaries of workers, income from direct business expenditure on goods and services and business profits invested back into the local economy, supply chain effects of local spending from direct income from the Airport. The second element is in the form of government revenues that arise from the Airports operations.
188. In 2011 the Airport employed approximately 8,250 people across a range of sectors. The current annual income injection into the local economy from the operations of the Airport is estimated at £788 million. In addition, the Airport contributes revenue through a range of taxes as such in total the economic value of the Airport is estimated to be approximately £1billion.
189. It is predicted that 100 new full time equivalent (FTE) jobs will be created during construction of the proposed development and it is recognised that this will be of only a moderate beneficial effect. However it is predicted that approximately 5,100 new jobs will be created post-construction as a result of the development. Overall the economic value of the Airport as a result of the expansion will increase to £1.7billion and this will have a significant beneficial effect on the area as a whole.
190. There is also the potential for wider economic benefits through improved regional competitiveness. The Airport would as a result of the development proposals contribute to this by improving accessibility and by encouraging firms to located in the region by widening the range and frequency of international routes. Expanding the Airport will create opportunities for new routes and this would have significant beneficial

effects for not only the local economy within Luton, but also within the wider area.

191. The Section 106 includes an obligation for LLAOL to commit to the support of a skills training service. It also requires LLAOL to commit to use reasonable endeavours to use local suppliers of goods and services from the local area and other local initiatives this in accordance with local policy including the Planning Obligations SPD adopted in 2007.

Health Impacts

192. Within the Community and Economic section of the ES, the impact on health is considered. The Health Impact Assessment (HIA) considers the positives and negatives of the proposal and covers a wide range of topics, including changes to air quality, impact arising from sleep disturbance though to the benefits of a proposal through the wellbeing of the community for example, the creation of employment increasing personal finance, leading to opportunities to improve nutrition, self esteem and mental health.
193. The HIA has been carried out in consultation with the Council's Health advisors, within the Primary Care Trust and is based on recognised published data which gives a profile of the community, its health, levels of deprivation and census data. The significant impacts that can be identified from the HIA are the impact from noise and air quality. These are covered earlier in this report and included the measures proposed for mitigation and monitoring of noise and monitoring of air quality.
194. Included within the HIA is an assessment of risk relating to communities living in or around the public safety zone (PSZ). The PSZ is a triangular shaped area, which lies at either end of a runway. Its exact shape and length is calculated using traffic forecasts and operational assumptions based on the aircraft operating from a particular airport (known as the fleet mix). It also takes account of the directional split for the runway, which in the case of LLA is 30% eastbound and 70% westbound.
195. The Department for Transport (DfT) issued guidance on risk; Third Party Risk near Airports and Public Safety Zone Policy (DfT 1997) and DfT Circular 1/2010: Control of Development in Airport Public Safety Zones (DfT 2010). These set out the criteria for a planning authority assessing applications that are within PSZs.
196. Concern has been raised over the relocation of the Surrey Street Primary School into the southern PSZ and the implications of increased airport activity for the safety of students. The PSZ boundary follows the 1 in 100,000 individual risk contour, where there is a general presumption

against new or replacement development, or changes of use of existing buildings. The relocation of the Surrey Street School to this site has not involved new development or a change of use. Rather the primary school has moved into the buildings formerly occupied by the Barnfield South Academy, which vacated the site in March 2011 when it moved to its new building situated on the old playing field of the former Rotherham High School. The buildings then underwent significant renovation, including noise insulation works and continued their use as education buildings when the Surrey Street School relocated. There has been no change of use, no new building and the use of the site for education purposes is long established.

197. The 1 in 100,000 individual risk contour is based on modelling looking 15 years ahead in order to allow a reasonable period of stability and to allow for possible future growth in the number of aircraft movements without affecting unnecessarily large areas of land. The Secretary of State regards the maximum tolerable level of individual third party risk of being killed as a result of an aircraft accident as 1 in 10,000 per year. In such areas the Secretary of State would wish to see the emptying of occupied residential, commercial and industrial buildings. However, the Surrey Street School does not fall within that contour.
198. As the safety record of aircraft has improved over time, with the modernisation of the fleet, if a review of the PSZ was to take place by NATS assumptions would need to be made on aircraft that currently are not in operation. However, a predicted fleet mix has been assessed within the HIA and whilst it shows a slight increase in length, the actual land occupied by the PSZ has decreased. Given that the increase in length predicted would currently extend over rural, less densely populated areas, it is possible the number of people living, working or congregating within the PSZ would decrease.
199. Following consultation with Luton Health Primary Care Trust, it was noted that the HIA submitted with the application represents a good approach and highlights some of the potential health impacts that could arise from the development. Some of the comments made relate to other developments (for example the impact of M1 J10a on the health of the population of Luton).
200. Luton Health also suggests that the HIA does not focus on the positive impacts. It is considered that the submission of the economic assessment and the potential job generation that is covered in a separate section, covers this point.
201. The final point raised relates to the impact on health organisations, hospitals and the blue light services, such as the ambulance service. The ambulance service were consulted separately but have not responded to

the consultation. It is believed that it is difficult to quantify the impact on the other services at a local level, as there is minimal data to inform the applicant in order to assess this. It is therefore considered that the HIA element of the ES covers the issues of importance and within the proposed conditions and monitoring incorporated within a S106 agreement, the health impact can be monitored and mitigation or at worst action, taken if levels are considered to be reaching significant levels.

CONCLUSIONS

202. In determining this proposal the primary considerations relate to the built form of the development and the associated expansion of the capacity of the Airport to accommodate a throughput of 18mppa. In terms of the built form the proposal will have minimal impact on its surroundings as the majority of the works will be contained within those parts of the site that are not visible from the boundaries. The greatest impact in the long term will therefore relate to the increase in aircraft movements, size of aircraft and passenger numbers with the associated levels of increased traffic and potential for noise disturbance in particular to residential amenity.
203. It has to be acknowledged that the Airport plays an important role both in the town and in the wider area in terms of the economy, not only as an employer but also in respect of the associated business community that service the Airport. If the Airport is to maintain this role it is important that it continues to improve the quality of the service that it provides to enable it to meet the challenges of its immediate and long term future. This proposal will enable the Airport to improve its regional competitiveness by expanding the range of international routes that are more important to businesses who may then locate within the town or the region. This will benefit the continued regeneration of Luton and its immediate surroundings and should be supported.
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.
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.

206. It is therefore considered that the development as proposed should be supported and it is recommended that members resolve to grant planning permission subject the conditions set out above and the proposed S106 Agreement.
207. The above decision is subject to the application not being called in by the Secretary of State for his determination.

APPENDICES

1. Site location plan (pages 64 – 65)
2. Plan to show the scheme proposed (pages 66 – 67)
3. Proposed draft S106 Heads of Terms (pages 68 – 74)
4. Summary of consultation responses (pages 75 – 157)
5. Summary of representations received from Parish Councils (pages 158 – 183)
6. Legal opinion on issues related to Planning Act 2008 (pages 184 – 200)
7. Letter from Terence O'Rourke dated 27th September 2013 (capacity) (pages 201 – 205)
8. Letter from Terence O'Rourke 10th December 2013 (noise) (pages 206 – 211)

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

Application file: 12/01400/FUL including representation
Government Policy including:

- Plan For Growth 2011
- National Planning Policy Framework 2012
- Aviation Policy Framework 2013
- National Infrastructure Plan 2013

Luton Local Plan 2001-2011

Chris Smith Aviation Consultancy Current Capacity Report (June 2013)

Chris Smith Aviation Consultancy Future Capacity Report (September 2013)

Cole Jarman Noise Report 13/01720 (25th October 2013)

INSPECTION OF DOCUMENTS

The above documents are available for inspection