

PINS REF: APP/B0230/V/22/3296455

Planning Inquiry: Determination of Planning Application 21/00031/VARCON

London Luton Airport, Airport Way, Luton

Statement by CPRE Hertfordshire

Qualifications and Experience

1. My name is Christopher Berry and I hold a Bachelor of Arts with Honours in Geography from the University of London and a Post-Graduate Diploma in Town and Country Planning from the University of Newcastle upon Tyne. I have been a chartered member of the Royal Town Planning Institute since 1975 and have practised in both the public and private sectors for the duration of my career with over 45 years experience in planning and development.
2. I have been employed by a wide range of organisations including local government, development corporations, planning consultancies and development agencies. Latterly I have acted as interim Chief Planning Officer and Assistant Director for a number of London and Hertfordshire boroughs and I am presently employed as Planning Manager for CPRE Hertfordshire – the countryside charity.
3. CPRE Hertfordshire acts to protect countryside in Hertfordshire and is active in supporting local organisations and communities to protect open spaces and rural activities from inappropriate development and environmental degradation.
4. This statement has been prepared in accordance with the guidance of my professional institution (Royal Town Planning Institute). I confirm that these are my true and professional opinions.

CPRE Hertfordshire position

5. CPRE Hertfordshire opposes the application for variation of three of the five conditions imposed on the initial planning consent granted on 24th June 2014 (planning application number 12/01400) to London Luton Airport Limited, for reasons related to the impact of the airport on the open countryside and rural communities, and the wider environmental damage caused by increased air transport growth.

Background to the Application

6. This statement relates to the Applicant's proposal to vary planning conditions (reference planning application number 21/00031/VARCON) imposed on a consent granted by Luton Borough Council, to increase the operating capacity of Luton Airport from 18 million to 19 million passengers per annum. CPRE Herts notes that the present application was considered by Luton Borough Council Planning Committee on 13th November and 1st

December 2021 when it was resolved to grant permission subject to the satisfaction of conditions and conclusion of a Section 106 planning agreement.

7. Subsequently, the Secretary of State, following significant local community and other concerns being expressed, has called in the application for determination by planning inquiry. CPRE Hertfordshire has assessed the application in principle and the reasons for the current passenger cap and associated noise conditions set by Luton Borough Council including the need to safeguard residential amenity, and align with Government objectives to limit and where possible reduce the level of aircraft noise.

The Applicant's proposals

8. The airport operator is seeking to increase both the annual passenger throughput and the areas contained within the day and night noise contour areas. This appears to be in response to significant and continued breaches of noise limits from 2018 until the Covid 19 pandemic affected flights.

Planning condition breaches

9. When the airport was operating at its existing capped capacity of 18mppa there were frequent breaches of the noise contours which are likely to have been due to the higher than predicted growth in passenger demand, the delay in delivery of modernised aircraft (for example Airbus Neo and B737 MAX) and disruption in European Air Traffic Control from significant weather events and industrial action resulting in flight delays.

10. In light of the above concerns, the need to enlarge the noise contour exists independently of the proposed increase of the 18 mppa cap to 19 mppa. This expansion in capacity is justified by the Applicant on the basis of provide an appropriate balance between environmental protection and what are asserted as the benefits of economic growth provided by Luton Airport.

11. The conditions proposed to be varied are: Condition 8: Passenger throughput cap; Condition 10: Noise contours; Condition 22: Car parking management; Condition 24: Travel Plan; and Condition 28: Approved plans and documents. CPRE Hertfordshire objects to Conditions 8, 10, and 28 on the following grounds.

Climate change emergency

12. CPRE Herts is concerned that an increase in capacity for Luton Airport is inappropriate in terms of the increasing debate on the future of air travel, and its continued expansion. Notwithstanding the technical advances with regard to noise and fuel economy, these will not be sufficient to ameliorate the damage caused by short-term planned increases in air travel.

13. The NPPF is clear that there are three overarching objectives for sustainable development. Paragraph 8 notes that:

“c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”

14. Further, the NPPF states that the environmental impacts of transport infrastructure should be taken into account. Paragraph 104 notes:

“Transport issues should be considered from the earliest stages of development proposals, so that....

d) the environmental impacts of the transport infrastructure can be identified, assessed and taken into account... including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains...”

15. Climate change targets for all kinds of economic and social activity are now enshrined in legislation and these are stringent and will not be easy to achieve. Short-term increases in airport capacity should not be permitted to act as an encouragement to explore alternative provision which takes account of climate change objectives.

16. It is clear from the recent public consultation from Luton Rising that a further very substantial increase passenger throughput for Luton Airport, from 19 million to 32 million passengers per annum (ppa) is being actively planned for. This is contrary to Government guidance to use existing airport facilities more intensively and the imperatives of the climate emergency.

17. Together with proposals for Heathrow, Gatwick and Stansted Airports, there is a cumulative impact which requires urgent consideration for London and the south east and eastern regions. Continued planning for airport expansion in south east England as a whole is wholly inappropriate in the climate change emergency, as declared by Luton Borough Council and many other local authorities throughout the United Kingdom. Quite simply, any increase in the number of planes will make it substantially harder to meet net zero given that current programmes are highly unlikely to deliver net zero.¹

Noise impact

18. The amendment of the noise contours proposed in this application indicates the continuing issue of noise nuisance which affects several towns and a wide area of rural Hertfordshire and beyond. The serial breaches of noise limits since 2018, could be said to be equivalent to the proposed increase in passenger through-put to 19 million ppa which has already caused significant local community concerns. .

19. Areas of countryside in Bedfordshire, Hertfordshire, Buckinghamshire and Cambridgeshire already experience a loss of tranquillity on account of the airflight paths as identified in the London Luton Airport Annual Monitoring Report 2021. The absence of noise is an integral element to maintaining tranquillity, and beautiful scenery does not compensate for the intrusion of artificial noise.

20. The nature of the noise, in terms of frequent apparently random short bursts of up to 20 seconds where the ambient noise level is generally low exacerbates the impact.

¹ <https://www.theccc.org.uk/2022/06/29/current-programmes-will-not-deliver-net-zero/>

Amendments to noise contours and the increase in flights proposed will also result in aircraft flying over communities that have previously enjoyed relative tranquillity, blighting both rural areas, communities and areas currently allocated for housing expansion.

21. The parishes most affected in Hertfordshire are the parishes of Markyate, Flamstead, Redbourn, Sandridge, Studham, Kimpton, Breachwood Green, Codicote, St. Paul's Walden, Whitwell. This does not include the rural elements of the non-rural settlements of Harpenden, St. Albans and Hemel Hempstead.

22. Promises on the replacement of current aircraft fleets with less-noisy modern variants have not been kept. Although some newer aircraft variants have appeared at Luton, the current picture is of predominantly older types of aircraft, and newer models do not always fulfil claims of lower noise levels on landing

23. Specifically, the A321NEO aircraft have caused more noise than the widely used A321CEO due to their greater weight, due to heavier engines and Airbus adding eighteen more seats. Luton's relatively short runway inevitably involves, for larger and heavier aircraft, deployment of high levels of landing flap, and higher engine power settings to slow the aircraft for the final stage of landing.

24. The replacement rate for aircraft has a profound effect on the estimates of noise and with the present financial climate facing airlines this is likely to be slower than had been assumed. The best example is the Boeing 737 fleet, many of which would have been replaced by later models but for the well-publicised problems in obtaining Federal Aviation Authority certification for the 737MAX.

Chilterns Area of Outstanding Natural Beauty

25. The National Planning Policy Framework (NPPF) contains robust requirements in respect of designated protected areas such as The Chilterns Area of Outstanding Natural Beauty (AONB), portions of which lie within Hertfordshire and Buckinghamshire. The AONB is already significantly affected by aircraft movements in terms of noise and visual amenity which will increase with the application proposals.

26. Paragraph 174 of the NPPF states:

“planning decisions should contribute to an enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes
- b) recognising the intrinsic character and beauty of the countryside ...
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise pollution... Development should wherever possible help to improve local environmental conditions such as air quality...”

27. Paragraph 176 continues to state:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within ...

their setting should be sensitively ... designed to avoid or minimise impacts on the designated areas ... ”

28. Paragraph 185 states:

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

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse effects on health and quality of life
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

29. The Chilterns AONB lies less than three miles from Luton Airport and the AONB and its setting lie underneath the final approach to the runway. A key requirement of national planning policy regarding designated protected areas is the expectation of tranquil enjoyment, as noted above.

30. In addition to noise impacts, there is significant visual intrusion of aircraft, often several visible at once from the SAONB and its setting. The combination of aural and visual intrusion and associated sense of activity deprives much of the AONB of the sense of tranquillity which it deserves as a nationally protected area.

31. Natural England’s current Designations Programme includes a proposal to extend the designated area of the Chilterns AONB. The Government has announced that land to the south and east of Luton in the vicinity of the airport is likely to be included in the area of search for designation.² The emerging North Herts Local Plan includes proposals to extend the Green Belt west of Stevenage which lies beneath the approach to the Luton Airport runway.

Luton Local Plan

32. The proposed variations in planning conditions are not in line with the adopted Luton Local Plan Spatial Strategy. Policy LLP6 – London Luton Airport Strategic Allocation, under the heading ‘Airport Expansion’ states:

“Proposals for development will only be supported where the following criteria are met; ... iv. they fully assess the impacts of any increase in Air Transport Movements on surrounding occupiers and/or the local environment (in terms of noise, disturbance, air quality and climate change impacts) ... v. achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time in the day or night and in accordance with the airport's most recent Airport Noise Action Plan.”

² Government response to the Glover Landscapes Review September 2019

30. There is insufficient detail in the application to satisfy the requirements of Policy LLP6 with regard to the spatial impacts of the proposed variations on rural settlements and the local environment. There is no indication of the extent of these impacts which will be heightened in the summer months when days are longer and more people will be enjoying the open countryside.

31. In the light of Policy LLP6 there needs to be reassurance that proposed airspace changes should result in a more favourable impact on the local environment, including the AONB and its setting. These changes should ensure tangible and measurable longer term improvements to the quality of life and tranquillity experienced in the rural environment and be clearly enforceable within the planning system.

32. It is acknowledged in the Environmental Statement (ES)(para. 4.2.24) that there will be an increase in the daytime noise impacts on the AONB and no changes to aircraft movements or attempts to mitigate these effects. The statement in the ES that there are no areas within proximity to Luton Airport that are “prized for their recreational and amenity value” and “Consequently, there is no requirement to undertake assessments considering the likely effects upon open spaces and quiet areas” is challenged with regard to impacts on the AONB, its setting and Local Plan designated areas (such as Green Belt and Rural Area Beyond the Green Belt) in neighbouring councils to Luton, and the ES should include assessment of such impacts.

32. CPRE Hertfordshire supports and endorses the written submission of the Chilterns Conservation Board(CCB) in respect of the Chilterns AONB. Specifically, any proposals for the Luton Airport should seek to achieve tangible and long-term reductions in noise generation and we endorse the CCB objections as submitted.

33. Given that the application neither accords with Luton Local Plan nor the National Planning Policy Framework, permission should be refused in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004.

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