



Quod

Summary Proof of Evidence

Of Sean Bashforth (for
the Applicant) on
Planning Matters

Application by London Luton Airport
Operations Limited

London Luton Airport

LBC REF: 21/0031/VARCON

PINS REF: PCU/RTI/B0230/3269175

AUGUST 2022

Q220451

1 Qualifications and Experience and Scope of Evidence

- 1.1 My name is Sean David Bashforth. I hold a First Class Bachelor of Arts Degree in Geography and a Master of Arts Degree in Town and Regional Planning. I am a Member of the Royal Town Planning Institute.
- 1.2 I am a Senior Director at Planning Consultants Quod, one of the largest independent planning consultancies in the UK, with offices in London and Leeds. I have advised private sector clients over many years on regeneration and infrastructure projects including Heathrow Airport and London City Airport. I have acted as an expert witness on many occasions in planning and compulsory purchase inquiries and in the Upper Lands Tribunal.
- 1.3 I was instructed shortly after the receipt of the 6 April 2022 call-in letter from the Secretary of State for Levelling Up, Housing and Communities.
- 1.4 I have read all of the background information and made enquiries such as I consider necessary to fulfil my duties as an expert witness.
- 1.5 My evidence is concerned with the appeal proposals' consistency with planning policy and other material considerations.
- 1.6 I have also had regard to the main issues as set out by the panel of Inspectors appointed to carry out an inquiry into the proposals at the Pre-Inquiry Meeting.

2 Relevant Background

- 2.1 The Airport already has a comprehensive set of planning controls which have been secured in the planning conditions and S106 agreement accompanying the October 2017 planning permission (15/00950/VARCON).
- 2.2 In terms of noise, planning conditions require compliance with a Noise Control Scheme (condition 9), a Noise Report including noise contours (condition 10), a Noise Control Monitoring Scheme (condition 11) and a Ground Noise Control Scheme (condition 12). The S106 Agreement includes obligations relating to a Noise Management Plan and a Noise Insulation Scheme for residential and non-residential occupiers. The Airport has also produced a Noise Action Plan (NAP) which covers the period 2019-2023 and contains measures designed to improve noise management.
- 2.3 The Airport has prepared an Airport Surface Access Strategy to promote and encourage sustainable surface access to the Airport which seeks to promote sustainable surface transport options, reduced the impact of surface access on the local community and encourage passengers to travel by more sustainable modes.
- 2.4 Breaches of noise contour limits have been addressed proactively and collaboratively with the Local Planning Authority and others. This application is the culmination of measures to address breaches with other measures including a March 2018 Action Plan and a 2019 S73 application (which was withdrawn).
- 2.5 Set against more rapid growth than originally envisaged in the forecasts supporting the application for the 2014 Planning Permission, the noise contour exceedances were due to a combination of:
 - a. Slower aircraft refueling than originally envisaged;
 - b. The noise of newer aircraft not performing as well in practice as predicted before they were introduced; and
 - c. A series of severe weather events combined with European Air Traffic Control disruption, resulting in flights that were scheduled to arrive in the daytime period arriving in the night-time period.

3 The Planning Application

- 3.1 The Proposed Scheme seeks to raise the passenger cap at Luton Airport from 18 to 19 million passengers per annum, enlarge the summer daytime and night-time contours for a temporary period only and make other consequential changes.
- 3.2 Informed by what is proposed and the underlying forecasts, I note that:
- a. The proposed changes to the daytime noise contour (21.1 sq.km) reflect the forecast worst case (2023) contour which is expected to fall year on year afterwards reaching 15.5 sq.km by 2028.
 - b. The night-time noise contour area is also expected to fall year on year after 2023, reducing from 42.1 sq km from 2023 to 35.3 sq km in 2028.
 - c. There would be a 5.5% increase in the passenger cap compared to a forecast 2.2% increase in the number of flights by 2028.
- 3.3 The slower growth of air transport movements compared to passengers can be explained by the larger capacity of newer generation aircraft compared to the existing. I understand that this also helps to explain why no additional infrastructure such as new aircraft parking stands are required in order to accommodate the additional passengers. The downward trajectory of noise reflects fleet modernisation.
- 3.4 In respect of conditions 22, 24 and 28, adjustments are required to cross refer to updated Car Park Management and Travel Plans which set out slight modifications to transport measures in order to manage up to 19 million passengers per annum (MPPA) without directly related additional physical works such as additional car parking.
- 3.5 As part of the S73 Application, enhanced sound insulation is proposed as a response to any potential adverse effects. This includes a new scheme with fund of £4,500 (index linked) per residential property and an uncapped annual fund.

4 Planning Policy

- 4.1 The statutory development plan comprises the Luton Local Plan 2011-2031 (December 2017). The strategic importance of the Airport the recognition of its growth is clear throughout the Local Plan and in the plan's vision and strategic objectives.
- 4.2 Local and national planning policies are supportive of growth at Luton Airport subject to environmental considerations. There is no requirement in national aviation policy for an individual planning application for development to demonstrate need for their Proposed Scheme and associated flights and passengers.
- 4.3 At a national level there is clear support for airport growth to boost the global economy and level up the UK where this can be delivered within the UK's environmental obligations. There is also clear recognition that the sector needs to build back better after the severe effect on the sector from the pandemic.
- 4.4 National policy recognises that aviation needs to play its part to address climate change.

5 Aircraft Noise

- 5.1 Chapter 6 of the Environmental Statement Addendum 4 (ESA4) concludes that noise impacts on both daytime and night-time residential and non-residential receptors, *'would not be significant'*.
- 5.2 The increase in noise levels is small for residential properties. The noise increases are all below 1db for all dwellings at the 2023 worst case position and these will fall over time. The noise increases at residential properties are not significant.
- 5.3 The increase in noise levels is also small for non-residential properties with increases being less than 1dB and not significant.
- 5.4 The additional 105 properties above daytime and 322 above night-time SOAEL¹, would be entitled to a significantly enhanced sound insulation package. Eligibility criteria for the noise insulation scheme will be improved and will be based on the worst assessment years (2023 in ESA4) and provides mitigation such that everyone affected by the worst-case year would be eligible for insulation in future years. More grant will also be available to home owners who are eligible for insulation. Under the new noise insulation scheme the existing maximum contribution of £3,000 would be raised to £4,500 (index linked) with an uncapped annual fund. In my opinion, these changes to the mitigation package respond positively to the short-term noise increases and will improve noise conditions indoors for those installing upgrades as the noise from aircraft falls over time.
- 5.5 Policy LLP6 (London Luton Airport Strategic Allocation) is the principal policy in the local plan relating to proposals at the Airport. I consider that the proposals are consistent with policy LLP6. After a temporary and imperceptible increase in noise it will fall once again. Further, such temporary noise increase is more than offset by the permanent benefits of the changes to the noise insulation scheme, leaving aside the other benefits of the proposals.
- 5.6 I also consider that the proposed mitigation complies with Policy LLP38 (Pollution and Contamination). The existing and enhanced noise mitigation should in my view be regarded as 'appropriate' for the purposes of this policy in terms of any adverse impacts because:
- a. The Applicant has 'fully assessed the impacts' (including noise) and the noise insulation scheme will 'contribute significantly' to mitigating the noise effects for those who currently experience noise above the SOAEL and those who, because of the expansion, will experience noise above the SOAEL.
 - b. The roll out of existing and enhanced sound insulation mitigation can potentially lag behind the additional noise being experienced and the uptake of the offer for additional mitigation is dependent upon the willingness of those eligible to apply. However, this is common for all airport noise insulation schemes and, in my view, the airport's enhanced sound insulation scheme responds to what are objectively very small increases in noise and which are predicted to fall over time.

¹ Significant observed adverse effect level

- 5.7 The proposals also comply with national aviation policy in respect of noise, including paragraph 3.12 of the Aviation Policy Framework (APF) which requires the benefits of noise reduction to be shared with the local community. Whilst there will be a short period where noise will increase for some receptors:
- a. The increases will be imperceptible and temporary.
 - b. The revised wording of condition 10 ensures the progressive reduction in noise, with stepped noise cap reductions from the end of 2027 and 2030 so that the noise contour is slightly lower than the already consented position;
 - c. Enhanced noise insulation (which has been introduced in recognition of the temporary change in noise) will provide additional insulation even when noise reduces through fleet modernisation; and
 - d. the removal of the passenger cap provides the airlines with opportunities for further growth and will help to encourage them to re-fleet more quickly thereby helping to deliver this benefit earlier.
- 5.8 The Airport has a comprehensive suite of established noise mitigation measures, including its Noise Action Plan which ensures that its operations avoid and minimise potential noise impacts.
- 5.9 The Proposed Scheme is unlikely to change the character of areas overflown and therefore will not have any significant impact on tranquil areas. There will be no change in aircraft approach or departure routes so that no new areas will be overflown.

6 Climate Change

- 6.1 Many representations to the planning application raised concerns about climate change. Since 27 June 2019, there has been a duty on the Secretary of State to ensure that the net carbon account for the UK is 100% lower than the 1990 baseline. Against this background, the Government has published its Transport Decarbonisation Plan and Jet Zero Strategy for the aviation sector which identifies targets and measures to contribute to achieving the national statutory reductions in emissions. The Government's strategy includes growth at airports.
- 6.2 The carbon emissions can be put in context in many ways and, in every way, they are very small. I note that:
- a. Emissions from the Proposed Scheme represent a 0.05% increase (2.84% total) relative to the without development scenario when compared to the fourth carbon budget and 0.07% more in 2028 (2.7% total) compared to the fifth carbon budget.
 - b. The reductions in emissions at Luton Airport are consistent with the trajectory set in the Jet Zero Strategy up to 2040.
 - c. ESA4 is based on conservative assumptions and is likely to be improved upon with the implementation of the Jet Zero Strategy.
 - d. Even when combined without other committed airport schemes with planning permission (Stansted, Southampton International, Bristol and Manston) the Proposed Scheme represents less than 5% of the Jet Zero Strategy target for 2050.
- 6.3 Carbon emissions at Luton will be less than 2019 for subsequent assessment years and will be consistent with the trajectory in the Jet Zero Strategy up to 2040.
- 6.4 The addition of 1 million passengers and the associated small increase in CO₂ would represent a very small percentage of the assumed planned growth in the Jet Zero Strategy which anticipates a 49.94 million increase in passengers by 2028.
- 6.5 The Inspectors in the recent Stansted and Bristol public inquiries made it clear that climate change is a national rather than local matter which requires a co-ordinated approach. In the re-determination of the Manston Airport proposals the Secretary of State was satisfied that the range of non-planning policies and measures will help to accelerate decarbonisation in the aviation sector and concluded that carbon emissions should be given neutral weight at the most in the planning balance.
- 6.6 Policy LLP37 (Climate Change, Carbon and Waste Reduction) of the Local Plan states that the Council will support development proposals that contribute towards mitigation and adaption to climate change through energy use reduction, efficiency and energy. The Outline Carbon Reduction Plan (CRP) submitted to accompany the application shows how the Airport will operate consistently with both these requirements and national policies.

7 Other Matters

7.1 I find no conflict with policies relating to air quality, health and surface transport:

- a. In respect of Air Quality, the Officers Report (paragraph 160) found that the Proposed Scheme complied with Local Plan policy LLP38. There were no objections from statutory consultees and the Joint Statement on Air Quality with LBC clearly explains why the proposals will not result in any significant adverse effects and there would be no additional mitigation required.
- b. In terms of health, the Officers Report (paragraph 166) states that *'this would be a small change in risk factors for health to a small minority of the population, over a limited period of time'*.
- c. No objections were received from Highways England in respect of the impact upon the strategic highway network (M1 motorway) and no objection has been received from the County Highway Authority. The proposals would allow for an additional 5.5% increase in the number of passengers (from 18 to 19 MPPA) and no increase in the number of car parking spaces. As explained in ESA4, the Proposed Scheme is considered to have a very minimal impact on traffic volumes and would be of 'negligible significance'. The changes to traffic levels are small and can be easily accommodated by existing infrastructure and will take place as the Airport continues to incentivise non-car journeys and dissuade car use in its Travel Plan. This aspect of the proposals complies with the local plan (LLP6 and LLP31) and national policy.

7.2 The Proposed Scheme will help to support an important sector of the economy which has many economic and societal benefits. National policy makes it clear that the benefits of aviation are very substantial and, in my view, proposals which enhance these benefits should be given very significant weight in planning terms. Many areas in Luton are categorised as a Priority 1 Area in the Government's levelling up agenda where a number of areas of the town are within the top 10% most deprived areas in the country.

7.3 In terms of specific benefits which arise from the Proposed Scheme, these align with the objectives of national policy and include 858 direct jobs, £44 million Gross Value Added and connectivity, consumer, environmental and levelling up benefits. The S106 will also further improve access to jobs.

8 Other Matters raised by third parties

- 8.1 The Airport published its '19 MPPA Master Plan' in January 2021. It was prepared in parallel, and informed by, the formal application proposals which were the subject of detailed analysis, scrutiny and public consultation. There are no fundamental errors that go to the heart of 'suggested content' listed in the APF and it must be remembered that the ability to implement the Master Plan is dependent on the grant of planning permission which was considered (with full reasoning at the subsequent Development Management Committee) and which is now to be determined by the Secretary of State.
- 8.2 Comments have been raised about the impartiality of Luton Borough Council as local planning authority in the context it owning London Luton Airport Limited (known as Luton Rising), the company which owns the Airport. In my experience public authorities often have property interests and statutory planning and other functions at the same time and I note how there has been ongoing public scrutiny of the Airport LBC has sought independent technical advice throughout the application process.
- 8.3 In my view, the Secretary of State can be confident that there is a significantly reduced likelihood of proposed planning controls not being met. Aside from the Airport addressing the question of exceedances and taking steps to avoid having to be reactive with corrective proposals going forward, I note:
- a. The controls have been tailored to the short-term forecast requirements and predicted impacts of the Proposed Scheme and it is reasonable to predict that these form a much more realistic basis to control development than the assumptions/forecasts behind the 2014/2017 Planning Permission which sought to control the Airport over longer time periods and without the knowledge of current aviation trends; and
 - b. One of the principal causes for exceedances was the slower introduction of newer generation aircraft. Safety issues have been addressed with the B737 Max and both this aircraft and the A320 neo have committed orders from the airlines based at Luton.
- 8.4 In the unlikely event of any future noise control exceedances, LBC has enforcement powers. In the context of ongoing scrutiny from the Airport Consultative Committee and other forums, I have no reason to doubt that the Council would use them.

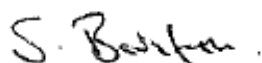
9 Overall summary and the planning balance

- 9.1 I conclude Proposed Scheme accords with the development plan as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. Conversely, there are significant material considerations which weigh in favour of this application. Even if there were considered to conflict with the development plan as a whole (which I do not), I consider that those other material considerations would clearly and demonstrably outweigh that conflict anyway. On that basis, I consider that the application should be granted planning permission.
- 9.2 I consider that this there is no conflict with Policy LLP6 of the Luton Local Plan which requires the achievement of further noise reductions. There is a temporary increase in day and night-time noise which is small and assessed as not significant in the environmental statement (ESA4). Noise reduction is achieved after the end of 2027 and the overall effect on the proposals is a reduction in noise by 2031. In terms of the adequacy of noise mitigation, as with all airport noise insulation schemes there are timing and take up limitations and given the circumstances of this case, the Airport is providing appropriate and enhanced mitigation, consistent with Policy LLP38 of the Local Plan, particularly taking into account the significantly enhanced noise insulation package.
- 9.3 Like LBC, I find no conflict with policies relating to other topics:
- a. Climate Change– policy LLP37 states that LBC will support development which contributes towards mitigation and adaption to climate change through energy use reduction and efficiency. There are no specific policies in relation to aircraft emissions. The Outline CRP will ensure that the local policy requirement is met and is also consistent with the target in the Government's Jet Zero Strategy for net zero airport operations by 2040.
 - b. Air Quality – policy LLP38 requires the identification of adverse impacts and appropriate mitigation to be provided in respect of air quality and other aspects of pollution. The proposed cap uplift to 19 million passengers will not have significant effects on air quality and therefore complies with this policy.
 - c. Surface access – the Proposed Scheme complies with Policy LLP6 which requires the incorporation of sustainable transport measures and expansion proposals to incorporate suitable road access and improvements. The measures in the Travel Plan together with the imminent opening of DART will reduce the proportion of trips by car. Section 7 of my PoE explains how the cap uplift results in very small increases in traffic which do not cause capacity or safety issues.
 - d. Health effects – there are no specific local plan policies relating to this topic and there would only be a small change in risk factors for health to a small minority of the population, over a limited period of time.
- 9.4 The expansion of the Airport, and the economic benefits it brings are consistent with Policy LLP6 of the Local Plan which specifically allocates the Airport for the strategic growth of business and industry which is important for the Luton and the sub-regional economy.

- 9.5 Taking all of this into account, I consider that the Proposed Scheme complies with LLP6 and LLP38 and complies with the development plan as a whole.
- 9.6 Even if it were considered that there were some conflict with policy in respect of noise (as LBC suggested but with which I do not agree) or indeed any other policies, I consider that any such conflict would be minor and the proposal would still comply with the development plan when considered as a whole. But even if it were assumed that a conflict with part of LLP6 gave rise to conflict with the development plan as a whole, I consider this would be a case where any such conflict would be clearly and demonstrably outweighed by other material considerations which, in this case should be given significant weight in the planning balance. I note that the Proposed Scheme:
- a. Is consistent with up-to-date aviation policy in Flightpaths to the Future and Making Best Use which accepts the principle of growth through making best use of existing infrastructure.
 - b. Assists the Airport to recover from pandemic.
 - c. Incentivises Airlines to continue to invest and grow in Luton.
 - d. Brings significant economic benefits which will be shared with the local community through enhanced training and other employment initiatives.
 - e. Commits to targets in the Outline Carbon Reduction Plan responding directly to Jet Zero Strategy targets for airport operations.
 - f. Can take place with reductions in Green House Gasses at the Airport consistent downward in sector CO₂ emissions targets in the Government's Jet Zero Strategy.
 - g. Shares the noise benefits from fleet modernisation with the community with modified condition 10 progressively reducing the noise contour downwards so growth occurs in parallel with reduced noise for the community and provides an enhanced noise mitigation package.
- 9.7 More generally, I find that the Proposed Scheme complies with national aviation, noise and climate change policies.

Declaration

The evidence which I have prepared and provide for this planning appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

A handwritten signature in black ink, appearing to read 'S. Bashforth'.

Sean David Bashforth, Senior Director

30 August 2022