

STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND LUTON BOROUGH COUNCIL

~~23 MAY 2022~~ 16 SEPTEMBER 2022

LOCAL PLANNING AUTHORITY REFERENCE: 21/00031/VARCON

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

**SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES
2000**

CALL-IN INQUIRY BY DIRECTION OF THE SECRETARY OF STATE FOR:

THE APPLICATION BY LONDON LUTON AIRPORT OPERATIONS LIMITED FOR THE VARIATION OF CONDITIONS 8 (PASSENGER THROUGHPUT CAP), 10 (NOISE CONTOURS), 22 (CAR PARKING MANAGEMENT), 24 (TRAVEL PLAN) AND 28 (APPROVED PLANS AND DOCUMENTS) TO PLANNING PERMISSION 15/00950/VARCON (DATED 13TH OCTOBER 2017) TO ACCOMMODATE 19 MILLION PASSENGERS PER ANNUM AND TO AMEND THE DAY AND NIGHT NOISE CONTOURS. (APPLICATION NUMBER: 21/00031/VARCON)

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1. INTRODUCTION

- 1.1 This Statement of Common Ground (**SoCG**) has been prepared in relation to the direction from the Secretary of State to call in the application made by London Luton Airport Operations Limited (LLAOL) (the '**Applicant**') for the variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to planning permission 15/00950/VARCON (dated 13 October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours (the '**Proposed Scheme**'). The Application is described in further detail at **Section 2** of this SoCG.
- 1.2 In accordance with the Planning Inspectorate Procedural Guide: Planning Appeals (12 April 2022), ~~this a~~ SoCG ~~has been~~ agreed by both the Applicant and Luton Borough Council (LBC) (the '**LPA**') on **23 May 2022** ~~was provided to the Planning Inspectorate~~. ~~This That~~ SoCG ~~clarifies~~ clarified matters that ~~are were~~ agreed by both the Applicant and the LPA, followed by matters that ~~are were~~ not agreed between the two parties.
- 1.3 The 23 May 2022 SoCG noted that the Applicant ~~and the LPA note that the Applicant intends intended~~ to prepare a further Addendum to the Environmental Statement (**ESA4**), to provide up-to-date data and forecasts, given the time that has elapsed since submission of the Application. ~~The Applicant and the LPA will seek to agree a further Statement of Common Ground containing further agreed matters on noise, climate change, health, air quality and transport once this information has been prepared and submitted. Following the submission of ESA4 on 5 July 2022, the LPA has been able to assess the new evidence and this updated SoCG reflects the agreed position between the LPA and the Applicant.~~
- 1.4 The site address for the Proposed Development is London Luton Airport, Airport Way, Luton, LU2 9LY (the '**Site**'). The redline boundary plan is attached in the **Figures** schedule.
- 1.5 In accordance with Annexe R of the Planning Inspectorate: Planning Appeals Guidance, this SoCG comprises the following sections:
- The Proposed Variations.
 - Site and surrounding area.
 - Planning history.
 - Relevant planning policy.
 - The Decision
 - Agreed planning conditions.
 - Agreed Section 106 Heads of Terms.
 - Other matters agreed between the parties.
 - Matters not agreed between the parties.
 - Signatures.

2. THE PROPOSED VARIATIONS

2.1 The agreed description of the application is as follows:

The variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to planning permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

2.2 The planning application has been submitted under Section 73 of the Town and Country Planning Act 1990. There are two main elements to this planning application; the first seeks to increase the passenger cap from 18mppa to 19mppa (involving a variation to condition 8), whilst the second element involves an expansion of the summer day and night-time noise contours (involving a variation to condition 10). As a consequence of the proposed increase in passenger numbers, there is a proposed update to the approved car parking management plan (condition 22), and the passenger travel plan (condition 24), which would then need to be reflected in the condition detailing the approved documents (condition 28).

2.3 The proposed amended wording for condition 8, covering the passenger cap, would be to increase the cap by 1mppa as follows (text struck through is the wording associated with the current condition and text in bold and underlined is the proposed additional new wording):

*"At no time shall the commercial passenger throughput of the airport exceed ~~48~~ **19** 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."*

2.4 The proposed amended wording to condition 10, covering the summer day and night-time noise contours would be as follows (text struck through is the wording associated with the current condition and text in bold and underlined is the proposed additional new wording):

~~"The development shall be operated in accordance with the Noise report approved on 2 March 2015 (ref: 14/01519/DOC), including providing details of forecast aircraft movements and consequential noise contours as set out in that report.~~

*The area enclosed by the 57dB LAeq(16hr) (0700-2300hrs) contour shall not exceed ~~49.4 sq km~~ **21.1 sq km** for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed ~~37.2 sq km~~ **42.1 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 and amended) **for the period up to the end of 2027.** *Post 2027 the area enclosed by the 57dB LAeq(16hr) (0700-2300hrs) contour shall not exceed 15.5 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 35.5 sq km for night time noise.**

*Within ~~five years~~ **12 months** of the **date of this permission** 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 ~~45.2 sq km~~ **15.5 sq km** for the area exposed to 57dB LAeq(16hr) (0700-2300hrs) and above and for night-time noise to ~~34.6 sq km~~ **35.5 sq km** for the area exposed to 48dB(A) LAeq8hr (2300-0700) and above.*

Post 31 December 2027 the area enclosed by the 57dB LAeq(16hr) (0700-2300hrs) contour shall not exceed 15.5 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 35.5 sq km for night-time noise.

Post 31 December 2030 the area enclosed by the 57dB(A) LAeq(16hr) (0700-2300) contour shall not exceed 15.1 sq km for daytime noise, and the area enclosed by the 48dB LAeq(8hr) (2300-0700hrs) contour shall not exceed 31.6 sq km for night-time noise.

A report on the actual and forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the preceding and forthcoming calendar year shall be reported on the 1st December each year to the LPA, which shall utilise the standard 92 day summer contour."

- 2.5 A full description of the Proposed Scheme is included in the Planning Statement.
- 2.6 The Applicant and the LPA agree that the description of the Proposed Scheme, including the wording of the proposed changes to conditions is accurate.
- 2.7 The planning application was accompanied by an environmental statement addendum ("ESA") covering the five topics scoped in at the pre-application stage. In addition, the application was supported by a planning statement, transport assessment, travel plan, site waste management plan and an appraisal in relation to drainage and water supply infrastructure.
- 2.8 The full list of application documents submitted by the Applicant, and the relevant dates, are set out in **Table 2.1**. Also included is the reference number from the 'Schedule of Agreed Application Documents' provided to PINS on 25 April 2022.

Table 2.1 List of documents submitted by the Applicant

Ref.	Document	Date submitted
Application Documents		
1.1	Application form	January 2021
1.2	Site location plan – as built masterplan	January 2021
1.3	As built masterplan – Level 00 VE	January 2021
1.4	As built masterplan – Level 10 VH	January 2021
1.5	As built masterplan – Level 20 VF	January 2021
1.6	London Luton Airport Master Plan – 19MPPA (IDOM)	January 2021
1.7	Planning Statement	January 2021
1.8	Volume 1 NTS	January 2021
1.9	Volume 2 Environmental Statement	January 2021
1.10	Volume 3 Figures and Appendices	January 2021
1.11	Consultation Summary Report Final	January 2021
1.12	Transport Assessment	January 2021
1.13	Travel Plan	January 2021
1.14	Drainage and Water Supply Infrastructure Appraisal	January 2021
1.15	Site Waste Management Plan	January 2021
Regulation 25 and Clarification Requests and Responses		
4.4	Wood Group Regulation 25 Response	May 2021
4.5	Outline Carbon Reduction Plan	May 2021

Ref.	Document	Date submitted
4.6	ES Chapter 8 Noise – Revised	May 2021
4.8	Applicant Correspondence Wood Letter 25 th August 2021	August 2021
4.9	Clarification response on Noise issues	August 2021
4.10	Table providing clarification on issues	August 2021

2.9 On 5 July 2022 the Applicant submitted an addendum to the environmental statement (ESA4) to reflect the passage of time since the addendum to the environmental statement submitted with the Proposed Scheme in January 2021 (ESA2) and the update to Chapter 8: Noise dated May 2021 (ESA3). ESA4 was submitted to reflect the passage of time since the application was originally submitted and the effect that the Covid-19 pandemic has had on the original assessment years of 2021 and 2022 which have now passed and the forecast that the Airport will not reach 19mppa until 2025. ESA4 therefore provides an update of any changes in to the likely significant environmental effects identified in ESA2 and ESA3.

2.10 ESA4 comprises a Non-Technical Summary (Vol.1), the technical chapters (Vol.2) and appendices and figures (Vol.3).

2.92.11 The Applicant and the LPA agree that the list of submitted documents is accurate.

2.102.12 The Applicant and Local Planning Authority agree that there is no consequential requirement for amendment of any other condition than those applied for, and to the amendment of the Section 106 agreement (see section 8 below), though conditions and the Section 106 agreement will be discussed in week 5 of the public inquiry.

3. SITE AND SURROUNDING AREA

- 3.1 London Luton Airport ('LLA') is located approximately 30 miles north of London and lies on the eastern fringe of the South Bedfordshire conurbation. The application site is located entirely within the borough of Luton, with some of the surrounding area falling within Central Bedfordshire and North Hertfordshire. Areas of housing and employment uses lie to the immediate north and west and the site is surrounded by Green Belt to the south and east. The airport is approximately 3 miles north-east of Junction 10 of the M1, and a mile east of Luton Airport Parkway train station.
- 3.2 There are no statutorily designated sites within 5 km of LLA, including within the proposed noise contour limit. Knebworth Woods is a Site of Special Scientific Interest (SSSI) approximately 8 km east of the airport. Galley and Warden Hills SSSI is located approximately 6 km north of the Site.
- 3.3 The airport is surrounded by existing commercial and business parks immediately to the north and west categorised as employment areas, and residential dwellings are located to the north of the employment areas. Wigmore Park and green belt to the south and east of the airport are predominantly undeveloped greenfield land. There are three sites that are designated as Areas of Local Landscape Value, they are: Someries Farm approx. 0.75 km to the south of the airport site; Dane Street Farm approx. 0.2km to the south east; and Wigmore Rural approx. 0.2km to the north east of the airport site.
- 3.4 The airport has one runway, which runs along an east-west axis south of the commercial, general aviation and cargo aprons, and the main buildings (the Central Terminal Area (CTA), hangars, maintenance facilities and multi-storey car parks), as shown on the submitted site plan attached in the **Figures** schedule. With an area of approximately 245 hectares, the airport site is one of the most densely developed in the UK.
- 3.5 In addition to its excellent highway connectivity, the airport is well served by public transport. The Luton Dunstable Busway links the airport with the wider urban area, including mainline train stations, and Luton, Dunstable, and Houghton Regis town centres. Other bus and coach services provide connectivity with national and regional destinations. The Luton Direct Air-Rail Transit (DART) – a fully automated 'people mover' – is currently due to open during 2022, transferring passengers between the airport terminal and Luton Airport Parkway in under 4 minutes. This will reduce the travel time between the airport and London St Pancras to 30 minutes.

4. PLANNING HISTORY

Overview

- 4.1 Growth in passenger numbers over recent years has been enabled by a number of planning consents, commencing with the 2014 Planning Permission.
- 4.2 The 2014 Planning Permission has been amended through one subsequent Section 73 consent and Section 96A consents, as described below. Development at the airport has also occurred through the implementation of a number of full planning permissions. The following key planning consents provide the planning history context for the current planning position:
- 12/01400/FUL (2014 Planning Permission) (Full Planning Permission)
 - 12/01400/AMEND (Section 96A amendment to the 2014 Planning Permission)
 - 15/00950/VARCON (Section 73 amendment to the 2014 Planning Permission)
 - 15/01213/FUL (Multi-Storey Car Park 1) (Full Planning Permission)
 - 17/00283/FUL (Direct Air-Rail Transit) (Full Planning Permission)
 - 17/00004/GPDOPD (Multi-Storey Car Park 2 and Drop Off Zone) (Permitted Development)
 - 18/00994/AMEND (Section 96A amendment to 2014 Planning Permission).
 - 19/01683/GPDOPD (South East Apron) (Permitted Development).
- 4.3 There have been other numerous applications for discharging planning conditions and consultations with the LPA regarding permitted development, however the most relevant consents are listed above.

12/01400/FUL (2014 Planning Permission)

- 4.4 In December 2012, a planning application was made in respect of LLA for the following description of development:
- "Full planning application for dualling of airport way/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)."*
- 4.5 The 2014 Planning Permission was granted subject to 30 conditions, some of which contained a number of requirements for the control of operations at the airport and some of which contained approved specifications. The following conditions (which reflect the original condition numbers before the numbering was changed by later permissions) are of relevance to this Application:
- Condition 10: limited the commercial passenger throughput of the airport to 18 million passengers in any twelve-month period.
 - Condition 12: sets out the permitted daytime and night-time noise contours.
 - Condition 24: requires the designated car parking areas to be retained for that use and be managed in accordance with an approved car parking management plan.

- Condition 26: requires the implementation of an approved Framework Travel Plan, with reviews on the 1st and 3rd years and subsequently every 5 years.
 - Condition 30: requires the development to be carried out in accordance with approved plans and specifications as set out in the schedule of documents attached to the 2014 Planning Permission and the Environmental Statement submitted with that application.
- 4.6 The LPA recognised within the decision notice for the 2014 Planning Permission (i.e. Reason no. 4 for granting planning permission) that the expanded airport would have a capacity of between 18 and 20 mppa. The Applicant and the LPA agree that the existing consented infrastructure can support 19 mppa without further operational development being required.

12/01400/AMEND (Section 96A to 2014 Planning Permission)

- 4.7 Subsequent to the 2014 Planning Permission, an application was made in March 2015 under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to the 2014 Planning Permission. This was for:
- Modifications to the alignment of Airport Way, the junction with the mid-term car park and the design/location of the bus stops.
 - Update to the arrangement of the Central Terminal Area, including a reconfiguration of the public transport area (including the addition of a canopy), drop off zone and short-term car park circulation.
 - Reduction in floor space created in the terminal building by 1,747 sqm as a result of the corridor between existing terminal building to Pier B being reduced from two storey to single storey and the removal of infill of ground floor area between terminal building and immigration hall.
 - Modification to front extension resulting in increase of 206 sqm due to requirements to move the lifts.

- 4.8 The Section 96A amendment was granted in May 2015.

15/00950/VARCON (Section 73 to the 2014 Planning Permission) (the '2017 Permission')

- 4.9 In June 2015, a Section 73 application was submitted to vary Condition 11(i) attached to the 2014 Planning Permission. This condition set the maximum noise violation limits that progressively reduce over time for all aircraft, as recorded by departing aircraft at fixed noise monitoring terminals. The original wording of the condition linked the maximum noise violation limits to the type of aircraft classification under the Quota Count (QC) system. The Section 73 application applied to vary the original condition to set out absolute noise limits that progressively reduce over time (i.e. unrelated to the QC classification of aircraft).
- 4.10 The Section 73 permission was granted in October 2017 along with the completion of a new Section 106 agreement. It is this permission which is being applied to be varied as part of the Application, and the Applicant and the LPA agree that the 2017 Permission forms the baseline against which the changes proposed as part of the Application should be assessed
- 4.11 The 2017 Permission incorporated the conditions attached to the 2014 Planning Permission save for the amendment to Condition 11 and save also for conditions which had been discharged in the interim. This has resulted in amendments to the numbering of conditions. Therefore, Condition 11 under the 2014 Permission was renumbered to become Condition 9 under the 2017 Permission. Similarly, the conditions noted in paragraph 4.5 of this SoCG were also renumbered as set out within **Table 4.1**. The condition numbers set out in the 2017 Permission are referenced in the Application.

Table 4.1 Comparison of Condition Numbering between the 2014 Planning Permission and the 2017 Permission

2014 Planning Permission 12/01400/FUL	Section 73 Permission (the 2017 Permission) 15/00950/VARCON
Condition 10 (Passenger throughput cap)	Condition 8 (Passenger throughput cap)
Condition 12 (Noise contours)	Condition 10 (Noise contours)
Condition 24 (Car parking management)	Condition 22 (Car parking management)
Condition 26 (Travel plan)	Condition 24 (Travel plan)
Condition 30 (Approved plans and documents)	Condition 28 (Approved plans and documents)

15/01213/FUL (Multi-Storey Car Park 1) (Full Planning Permission)

- 4.12 The 2014 Planning Permission secured outline consent for the construction of a multi-storey car park (known as MSCP1) and pedestrian link building (with all matters reserved). An application seeking detailed planning permission for MSCP1 was submitted in August 2015 and subsequently granted in May 2016. The MSCP1 has since been constructed consistent with the approved permission.

17/00283/FUL (Direct Air-Rail Transit) (Full Planning Permission)

- 4.13 In February 2017, a planning application was submitted for planning permission for the DART - a fully automated 'people mover' - to connect the airport terminal and Luton Airport Parkway station in under 4 minutes. This application was approved in June 2017 and construction is currently ongoing. The DART is scheduled to open in 2022.

17/00004/GPDOPD (Multi-Storey Car Park 2 and Drop Off Zone) (Permitted Development)

- 4.14 In September 2017, consultation was carried out under Schedule 2, Part F of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a pre-condition of exercising permitted development rights for the construction of multi-storey car park 2 (known as MSCP2) and a new drop off zone directly adjacent to MSCP1. The LPA confirmed it had no objection in January 2018 and the development has since been completed under permitted development rights.

18/00994/AMEND (Section 96A to 2014 Planning Permission)

- 4.15 In June 2018, a planning application was made under Section 96A of the Town and Country Planning Act 1990 for a non-material amendment to planning permission 12/01400/FUL for the ongoing airport expansion works. The proposed amendments were to regularise changes made to the permitted scheme during construction. The proposed amendments related to:
- Alterations to the front of the terminal (including bringing the building forward at ground and first floor level by 17.5m).
 - Removal of the large canopy over the forecourt to the coach interchange.
 - Reduction in floorspace on Pier B.
 - Internal alterations to baggage reclaim and central search areas.
 - Alteration to the north stands to retain building 104 and use of apron for general aviation.
- 4.16 This Section 96A amendment was granted in August 2018.

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

- 4.17 The noise monitoring by LLAOL revealed that the summer night-time contour, as set out in Condition 10 (Noise contours) of the 15/00950/VARCON permission, was exceeded in 2017 for the first time. The summer night-time contour was exceeded again for the second time in 2018. In March 2019, a Section 73 application was submitted to temporarily enlarge the noise contours to the end of 2024. This application was subsequently withdrawn on 21 January 2021.

19/01683/GPDOPD (South East Apron) (Permitted Development)

- 4.18 In December 2019, consultation was carried out under Schedule 2, Part F of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a pre-condition to exercising a permitted development right for 8 new commercial aircraft stands to be known as the South East Apron. The LPA confirmed on 29 January 2020 that it had no objection to this development being carried out. Construction in relation to the South East Apron has not yet begun.

20/00826/EIASCR (Screening request re 18mppa to 19mppa proposal)

- 4.19 In July 2020 a request for screening pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to a proposed increase to the passenger cap from 18mppa to 19mppa was submitted to the LPA. The LPA considered that the proposed development was EIA development and as such an Environmental Statement would need to accompany a planning application so that the environmental impacts of the proposal could be assessed.
- 4.20 The Applicant and the LPA agree that the description of the planning history set out above is accurate.

5. RELEVANT PLANNING POLICY

National Planning Policy

5.1 It is agreed that relevant national planning policies are contained within the following:

- National Planning Policy Framework (the "**Framework**").
- Aviation Policy Framework (2013) ("**APF**")
- Beyond the Horizon: The Future of UK Aviation: Making Best Use of Existing Runways (2018) ("**MBU**")
- Airports National Policy Statement: New Runway Capacity and Infrastructure at Airports in the South East of England (June 2018) ("**ANPS**")
- Noise Policy Statement for England

5.2 It is agreed that the following consultation documents are of relevance to the application:

- Aviation 2050: The Future of UK Aviation (Green Paper consultation December 2018-June 2019).
- Jet zero: our strategy for net zero aviation (consultation July-September 2021)
- [Jet Zero: further technical consultation \(consultation March-April 2022\)](#)
- [Flightpath to the Future \(26 May 2022\)](#)
- [Jet Zero Consultation: Summary of responses and government response \(19 July 2022\)](#)
- [Jet Zero Strategy \(19 July 2022\)](#)

5.3 It is agreed that the following national strategies are of relevance to the application:

- The Clean Growth Strategy (2017)
- A Green Future: Our 25 Year Plan to Improve the Environment (2018)
- Build Back Better: Our Plan for Growth (2021)
- Decarbonising Transport: A Better Greener Britain (2021)
- Net Zero Strategy: Build Back Greener (2021)

Development Plan

5.4 It is agreed that the Development Plan comprises the Luton Local Plan 2011-2031, which was adopted by LBC in 2017.

Luton Local Plan 2011-2031

5.5 It is agreed that the following Local Plan policies are relevant to the application:

- Policy LLP1 – Presumption in Favour of Sustainable Development.
- Policy LLP2 – Spatial Development Strategy.

- Policy LLP6 - London Luton Airport Strategic Allocation
 - Policy LLP13 – Economic Strategy.
 - Policy LLP31 – Sustainable Transport Strategy.
 - Policy LLP32 – Parking.
 - Policy LLP36 – Flood Risk.
 - Policy LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy.
 - Policy LLP38 – Pollution and Contamination.
 - Policy LLP39 – Infrastructure and Developer Contributions.
- 5.6 A full description of the Local Plan policies is included in the Planning Statement. Other matters of agreement and disagreement regarding planning policy are set out in **Section 9** and **Section 10**.
- 5.7 The Local Plan contains 11 strategic objectives across different topics, which are supported by specific planning policies.
- 5.8 The following three of these objectives are particularly relevant to this planning application.
- 5.8.1 Strategic Objective 1: To retain and enhance Luton's important sub-regional role as a place for economic growth and opportunity. This includes the safeguarding of LLA's existing operations and supporting its sustainable growth based on its strategic importance.
- 5.8.2 Strategic Objective 6: To reduce social, economic and environmental deprivation. This is to be achieved by taking measures to reduce unemployment, improve skills and environmental conditions.
- 5.8.3 Strategic Objective 11: To safeguard and ensure the prudent use of natural resources, increase energy and water efficiency and encourage and promote the use of renewable energy sources to help adapt to climate change, manage pollution, natural and land use operational hazards, avoid inappropriate development in areas at risk of flooding, secure improvements in air and water quality and ensure effective waste management.

6. THE COUNCIL'S DECISION

- 6.1 The Application was considered by the LPA's Development Management Committee (the '**Committee**') on 30 November and 1 December 2021.
- 6.2 The LPA's planning officers recommended the application for approval by the Development Management Committee on 1 December 2021. A copy of the officer's report to the Development Management Committee (the '**Committee Report**') is attached at **Appendix 1A** with an addendum Update Report attached at **Appendix 1B**.
- 6.3 On page 2 of the Committee Report, Officers set out their recommendation for approval. Committee members subsequently resolved to adopt the Planning Officer's recommendation for approval of the application subject to the conditions set out in the Committee Report (as amended by the Update Report and recorded in the Minutes of that meeting) (the minutes are attached at **Appendix 1C**).
- 6.4 The Applicant and the LPA agree that the description of the committee proceedings and decision is accurate.

7. AGREED PLANNING CONDITIONS

7.1 Proposed planning conditions and the reasons for them have been agreed in principle between the Applicant and the LPA. These are attached at **Appendix 2**.

7.2 These conditions are substantially the same as those attached to the minutes to the Development Management Committee (see **Appendix 1C**), with the principal exception to this being in relation to condition 28 which has been amended to confirm the document dates and revisions/references submitted with the current application more precisely.

~~7.27.3~~ Discussion on conditions will take place in Week 5 of the public inquiry.

8. AGREED SECTION 106 HEADS OF TERMS

- 8.1 The proposed planning obligations were agreed in principle during the determination period of the application between the Applicant and the LPA. The draft Section 106 Heads of Terms are included at **Appendix 3**. The Applicant and the LPA will continue discussions to settle any final details of these planning obligations. ~~It is anticipated that a~~ final draft of the proposed legal agreement ~~will be~~ submitted to the ~~Inspector at least 10 days prior to the opening of the inquiry~~ Programme Officer on 13 September as required by the Inspector by letter dated 11 April 2022.

9. OTHER MATTERS AGREED BETWEEN THE PARTIES

- 9.1 The drawings and documents submitted with the Application are those to which any grant of planning permission will relate. The agreed drawings are listed at **Table 2.1**
- 9.2 ~~There have been no changes to the Application~~ As noted in Section 2, since ~~its~~ the consideration of the Application at the Committee meeting and the call-in of the Application by the Secretary of State, the Applicant has submitted an addendum to the environmental statement (ESA4).
- 9.3 Further to those matters agreed in Sections 1-8, the following sections present a series of tables, set out on a topic-by-topic basis, containing those technical matters that have been agreed between the Applicant and the LPA.
- 9.4 **General** matters agreed between the Applicant and LPA are set out in **Table 9.1**.

Table 9.1: General Matters Agreed

Matters Agreed Between Parties		
Topic: General		
Item	Applicant	LPA
No built development is required as part of the Proposed Scheme	The Masterplan submitted with the current application shows that the increase in passenger numbers to 19 mppa will be achieved without the need for the development of any additional infrastructure. No built development is proposed as part of this application.	The LPA agrees that no new built development is proposed within the Application.
EIA Screening and scoping	<p>A formal Screening Opinion was sought from LBC for the variations associated with the Proposed Scheme.</p> <p>The Proposed Scheme was screened against the criteria set out in Schedule III of the 2017 EIA Regulations, and the LPA, in its Screening Opinion (reference: 20/00826/EIASC), considered that, due to the potential noise impact, the Proposed Scheme was likely to have significant environmental effects. Therefore, the Proposed Scheme was classed as an EIA development and required the environmental effects of the proposal to be evaluated through the EIA process and presented in an environmental statement addendum ("ESA").</p> <p>Having established in its EIA Screening Opinion that EIA was required, the LPA identified that the topics that should be covered within the EIA should be air quality,</p>	The LPA confirms that as agreed during the EIA Screening and Scoping stages, the planning application was accompanied by an ESA covering all five topics scoped in at the pre-application stage and the other topics identified were scoped out. In addition, the application was supported by a planning statement, transport assessment, travel plan, site waste management plan, and an appraisal in relation to drainage and water supply infrastructure.

Matters Agreed Between Parties		
Topic: General		
Item	Applicant	LPA
	<p>carbon and greenhouse gases, transport, and noise. The LPA also identified that a Site Waste Management Plan would be required, and confirmation should be sought from Thames Water Utilities that there would be no implications for water usage and additional flows.</p> <p>The Applicant, therefore, held an EIA Scoping meeting with the LPA that confirmed that the topics to be scoped into the EIA would be air quality, climate, human health, noise, and transport. The Applicant also agreed to include a Site Waste Management Plan, a Transport Assessment and Travel Plan, and a Drainage and water assessment would be included with the application.</p> <p>As there was limited scope for any other likely significant effects as a result of the Proposed Scheme, the topics scoped out of the EIA are biodiversity, ground conditions, historic environment, landscape and visual effects, major accidents and natural disasters, socio-economics, waste and resource use; and water environment.</p>	

- 9.5 **National planning policy** matters agreed between the Applicant and the LPA are set out in **Table 9.2**

Table 9.2: National Planning Policy

Matters Agreed Between Parties		
Topic: National Planning Policy		
Item	Applicant	LPA
National Planning Policy	<p>The APF and MBU represent the most up to date aviation policy</p> <p>The APF and MBU support the increased use of existing runway capacity at UK airports, taking into</p>	<p>The LPA agree with the Applicant's assessment of national planning policy and consider that the principle of the Proposed Scheme is supported by the Framework, the APF, MBU, the Jet Zero Strategy and ANPS.</p>

Matters Agreed Between Parties		
Topic: National Planning Policy		
Item	Applicant	LPA
	<p>account economic and environmental considerations.</p> <p>MBU provides that increased carbon emissions resulting from airport development will be dealt with at the national level.</p> <p>Whilst the ANPS predominantly focuses on a new runway at Heathrow it sets out the Government's policy for new airport capacity in the South East of England. The ANPS also suggests that with the UK leaving the EU, the importance of aviation to the economy will only increase.</p> <p>The NPPF advises that significant weight should be given to the need to support economic growth and productivity.</p> <p><u>Since the SoCG was originally agreed between the Applicant and the LPA the Government's Jet Zero Strategy has been published.</u></p>	
Consultation documents	<p>The Proposed Scheme is supported by the following consultation documents:</p> <ul style="list-style-type: none"> • Aviation 2050: The Future of UK Aviation • Jet zero: our strategy for net zero aviation • Jet Zero: further technical consultation 	<p>The LPA agree that there is support for the Proposed Scheme in the listed consultation documents (<u>Government support for airport expansion being reiterated in the Jet Zero Consultation: Summary of responses and government response</u>).</p>
National strategies	<p>The Proposed Scheme is supported by the following national strategies:</p> <ul style="list-style-type: none"> • The Clean Growth Strategy (2017) • A Green Future: Our 25 Year Plan to Improve the Environment (2018) • Build Back Better: Our Plan for Growth (2021) • Decarbonising Transport: A Better Greener Britain (2021) 	<p>The LPA agree that there is support for the Proposed Scheme in the listed national strategies.</p>

Matters Agreed Between Parties		
Topic: National Planning Policy		
Item	Applicant	LPA
	<ul style="list-style-type: none"> Net Zero Strategy: Build Back Greener (2021) 	

9.6 **Local planning policy** matters agreed between the Applicant and the LPA are set out in **Table 9.3**

Table 9.3: Local planning policy

Matters Agreed Between Parties		
Topic: Local planning policy		
Item	Applicant	LPA
Local Planning Policy	<p>The Proposed Scheme would be compliant with and is supported by the following Local Plan policies</p> <ul style="list-style-type: none"> Policy LLP1 – Presumption in Favour of Sustainable Development. Policy LLP2 – Spatial Development Strategy Policy LLP13 – Economic Strategy Policy LLP31 – Sustainable Transport Strategy. Policy LLP32 – Parking. Policy LLP36 – Flood Risk. Policy LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy Policy LLP39 – Infrastructure and Developer Contributions. 	The LPA agrees that the Proposed Scheme complies with and is supported by these policies.
Policy LLP6/ Policy LLP38	The Applicant considers that the Proposed Scheme complies with Policy LLP6 and LLP38 read as a whole.	<u>With the submission of ESA4 in July 2022, the LPA considers that there is substantial compliance the Proposed Scheme now complies</u> with both these policies and that the <u>benefits of the Proposed Scheme outweigh any elements of potential conflict with either of these policies in any event Proposed Scheme accords with the development plan.</u>

- 9.7 The **noise** matters agreed between the Applicant and LPA at this stage are set out in **Table 9.4**. The Applicant and the LPA note that the Applicant intends to prepare a further Addendum to the Environmental Statement, to provide up-to-date data and forecasts, given the time that has elapsed since submission of the Application. The Applicant and the LPA will seek to agree a further Statement of Common Ground containing further agreed matters on noise once this information has been prepared and submitted.

Table 9.4 Noise Matters Agreed

Matters Agreed Between Parties		
Topic: Noise		
Item	Applicant	LPA
Ground noise and traffic noise	In relation to ground noise and traffic noise, the effects of the Application would be negligible.	Agreed
<u>Airborne aircraft noise</u>	<p><u>Evidence from the addendum to the environmental statement submitted to PINS in July 2022 (ESA4) demonstrates that no noise sensitive receptors (residential or otherwise) would be exposed to noise increases >1dB within the area above the LOAEL (this includes the area above the SOAEL) either during the daytime or the night time.</u></p> <p><u>ESA4 concludes that no significant adverse noise effects from the Proposed Scheme have been identified.</u></p>	<u>The LPA agrees that no significant adverse noise affects would occur as a result of the Proposed Scheme.</u>
Mitigation measures	<p>As part of the Proposed Scheme, enhanced sound insulation is proposed as a response to any potential significant adverse effects.</p> <p>The existing Noise Insulation Scheme has an annual capped fund of £100,000 per year (index linked) with a per property fund of £3,000 (index linked). This means that under the current permissions noise insulation for all affected eligible properties (approximately 1,100) would take 33 years to complete with a fund of approximately £3.5M. The</p>	The LPA agrees with the proposed mitigation measures and considers that with condition 10 limits and the Section 106 agreement the measures will ensure adequate mitigation of the impact of the development.

Matters Agreed Between Parties		
Topic: Noise		
Item	Applicant	LPA
	<p>current uptake of the scheme is approximately 50% so at best deployment could take 16 years.</p> <p>Under the new scheme proposed with the Application a per property fund of £4,500 (index linked) is proposed with an uncapped annual fund. The Applicant intends to allocate £8.5M to the noise insulation scheme to ensure all properties meeting the relevant criteria can be insulated within 6<u>5</u> years.</p>	
Securing mechanism	The proposed Planning Conditions and the Section 106 Heads of Terms include additional measures beyond those embedded as part of the scheme design.	The LPA agrees and accepts the securing mechanism proposed.

- 9.8 **Climate change** matters agreed between the Applicant and LPA at this stage are set out in **Table 9.5**. The Applicant and the LPA note that the Applicant intends to prepare a further Addendum to the Environmental Statement, to ensure up-to-date data and forecasts, given the time that has elapsed since submission of the Application. The Applicant and the LPA will seek to agree a further Statement of Common Ground containing further matters on climate change once this information has been prepared and submitted.

Table 9.5: Climate Change Matters Agreed

Matters Agreed Between Parties		
Topic: Climate Change		
Item	Applicant	LPA
Mitigation measures	The Applicant has prepared an Outline Carbon Reduction Plan (OCRCP) that considers all emissions sources including direct emissions for airport operations and buildings, indirect emissions from electricity purchase, on-site stakeholders such as airside partners, hotels, retail etc., surface access emissions from passengers and staff travel, and aviation emissions. It sets out a framework for the Applicant to achieve a net zero airport for Scope	The LPA agrees with the Applicant's approach and accepts the measures proposed.

Matters Agreed Between Parties		
Topic: Climate Change		
Item	Applicant	LPA
	<p>1 and 2 emissions, including details of the ambitions and mitigation measures required to achieve this aim. These ambitions and mitigation measures will ensure that the Applicant achieves carbon neutrality by 2026 and net zero by 2040 across the direct operations within its control, the later target representing a 100% reduction in its Scope 1 and 2 emissions. The OCRP also identifies measures that the Applicant can implement to influence Scope 3 emissions, linked to London Luton Airport and recognises the LPA's aim for the borough to be carbon neutral by 2040. In order to ensure that the objectives of the OCRP are realized a Carbon Reduction Strategy would be required to be provided following the grant of planning approval and this would be secured by condition with monitoring through a section 106 agreement. This commitment to produce the Carbon Reduction Strategy forms part of the Applicant's wider commitment to reaching more ambitious levels of certification within the Airport Carbon Accreditation Scheme, which would ultimately result in carbon neutral operations associated to Scope 1 and Scope 2 emissions by 2026. The development of the full Carbon Reduction Strategy will also include engagement with key stakeholders including local authorities, transport providers, aviation sector organisations and airlines.</p>	
Securing mechanism	The proposed Planning Conditions and the Section 106 Heads of Terms include additional measures beyond those embedded as part of the scheme design.	The LPA accepts the securing mechanism proposed.

9.9 **Air quality** matters agreed between the Applicant and LPA at this stage are set out in **Table 9.6**. The Applicant and the LPA note that the Applicant intends to prepare a further Addendum to the Environmental Statement, to ensure up-to-date data and forecasts, given the time that has elapsed since submission of the Application. The Applicant and the LPA will seek to agree a

further Statement of Common Ground containing further matters on air quality once this information has been prepared and submitted.

Table 9.6 Air Quality Matters Agreed

Matters Agreed Between Parties		
Topic: Air Quality		
Item	Applicant	LPA
Mitigation measures	<p>Measures are embedded within the Proposed Scheme to ensure that air quality in the vicinity of the airport is maintained. These measures include:</p> <ul style="list-style-type: none"> • As part of normal operational practice, planning of aircraft arrival and departure scheduling to avoid over-long idling, taxiing and hold times. • The airfield layout as approved in the 2014 Planning Permission has been designed to minimise times for taxiing and holding. • Encourage use of reduced-engine taxiing. • Use of Fixed Electrical Ground Power, where available, to minimise engine or auxiliary power unit (APU) use. 	The LPA accepts the measures proposed.
Securing mechanism	The Airport's existing Noise Action Plan (statutorily required) and the proposed updated Noise Management Plan are the mechanisms by which these measures are being delivered.	The LPA accepts the securing mechanism proposed.

- 9.10 **Transport** matters agreed between the Applicant and LPA at this stage are set out in **Table 9.7**. The Applicant and the LPA note that the Applicant intends to prepare a further Addendum to the Environmental Statement, to ensure up-to-date data and forecasts, given the time that has elapsed since submission of the Application. The Applicant and the LPA will seek to agree a further Statement of Common Ground containing further agreed matters on transport once this information has been prepared and submitted.

Table 9.7: Transport Matters Agreed

Matters Agreed Between Parties		
Topic: Transport		
Item	Applicant	LPA
Travel Plan	Paragraph 111 of the NPPF requires development proposals that generate significant	It is agreed that the Travel Plan, which would be based upon the draft submitted with the

Matters Agreed Between Parties		
Topic: Transport		
Item	Applicant	LPA
	additional traffic to include a sustainable travel plan to reduce vehicle trips. A draft Travel Plan was submitted with the planning application. This would be finalised post-consent and would include sufficient measures to meet the requirements of the NPPF.	planning application, would meet the requirements of the NPPF.
Mitigation measures	<p>A Travel Plan has been developed to update the objectives, targets, and measures within the latest London Luton Airport Surface Access Strategy Report (ASAS), based on the outcome of the transport assessment. This assessment was translated into a concrete action plan to be monitored periodically. A Car Parking Management Plan (CPMP) has been produced to set out what available parking supply will be available to the Applicant for the Proposed Scheme and how the existing car parks would be managed to operate at this increased capacity. No further capacity increases in car parking are proposed from the Proposed Scheme.</p> <p>The Applicant has already met the key surface access targets on sustainable transport for 2022 stated in the ASAS for both staff and passengers. Therefore, more ambitious targets have been set in the Travel Plan focusing around three key areas: reduction in private car travel, increase in sustainable travel and a focus on reducing carbon emissions derived from surface access to the airport. Detailed analysis of the proposed measures for achieving the targets is included in the Travel Plan.</p>	The LPA supports the measures proposed subject to the ASAS being reviewed within twelve months and further strengthening the Travel Plan to set targets for the provision of additional cycle parking for staff and further electric charging points to encourage more sustainable transport options.
Securing mechanism	The proposed Planning Conditions and the Section 106 Heads of Terms include	The LPA accepts the securing mechanism proposed.

Matters Agreed Between Parties		
Topic: Transport		
Item	Applicant	LPA
	additional measures beyond those embedded as part of the scheme design.	

- 9.11 **Human health** matters agreed between the Applicant and LPA at this stage are set out in in **Table 9.8**. The Applicant and the LPA note that the Applicant intends to prepare a further Addendum to the Environmental Statement, to ensure up-to-date data and forecasts, given the time that has elapsed since submission of the Application. The Applicant and the LPA will seek to agree a further Statement of Common Ground containing further agreed matters related to human health once this information has been prepared and submitted.

Table 9.8: Human Health Matters Agreed

Matters Agreed Between Parties		
Topic: Human Health		
Item	Applicant	LPA
Scope for Assessment	It is agreed between the Applicant and LBC that there would be no significant impacts on human health as a result of any increase in ATMs (as the Application would not change the spatial pattern of aircraft movements), or as a result of any air quality or transport impact.	The LPA agrees.
Mitigation measures	Measures to mitigate effects on residents who are exposed to noise at or above the daytime and night-time SOAEL levels (63 and 55 dB LAeq) will be provided in the form of offered noise insulation. This is expected to minimise the increase in noise when windows and patio doors are closed, and therefore the potential adverse health effects.	The LPA accepts the measures proposed.
Securing mechanism	The proposed Planning Conditions and the Section 106 Heads of Terms include additional measures beyond those embedded as part of the scheme design.	The LPA accepts the securing mechanism proposed.

- 9.12 **Further planning** matters agreed between the Applicant and LPA are set out in in **Table 9.9**

Table 9.9: Further Planning Matters Agreed

Matters Agreed Between Parties		
Topic: Further Planning Matters		
Item	Applicant	LPA
Biodiversity, Ecology and Protected Sites	Galley and Warden Hills SSSI, located approximately 6 km north of the Site, has been designated for calcareous grassland and plants, which are not considered to be sensitive to changes in noise. At these locations, it is anticipated aircraft would be at a sufficient height and distance that emitted noise is low enough to be considered as to not have a significant effect on biodiversity, ecology or any protected site.	The LPA agree that the Proposed Scheme is acceptable in relation to its impact on biodiversity, ecology and protected site
Landscape, Visual Effects and Tranquility	<p>With regard to landscape and visual effects, the proximity of the Chilterns Area of Outstanding Natural Beauty (AONB) is unlikely to be the subject of any significant adverse noise effects, regardless of contours being sited closer to the boundary of the AONB. The height of aircraft passing over the AONB varies depending on location. Between Hitchin and Toddington, aircraft fly at an average of 5,000 ft, while between Ivinghoe and Berkhamsted arrivals average 4,000 ft and departures 8,000 ft. In all instances, this is above the 4,000 ft threshold above which effects are deemed to be insignificant. The Proposed Scheme will result in no change to this prescribed flight height, or flight paths currently taken by aircraft.</p> <p>There are no material changes associated with the Proposed Scheme that seek to alter the overall built infrastructure of the airport. In addition, the increase in ATMs as a result of the increase in passengers would be minor and the direction of flights will remain the same, so there will be no change to the spatial pattern of ATMs.</p> <p>The Proposed Development would not generate light pollution additional to the consented airport.</p> <p>There are no areas within proximity to LLA that would be referred to in the</p>	The LPA agree that the Proposed Scheme is acceptable in relation to its impact on landscape and visual effects, including tranquility.

	NPPF as being prized for their recreational and amenity value.	
Heritage Assets	The conclusions of the Environmental Statement carried out in relation to the 2012 Planning Application would remain unchanged by the Proposed Scheme. The Proposed Scheme would not cause any perceptible increase to noise at any designated asset (the increase in noise affecting listed buildings or their setting is not expected to be over 1dB), and so would not affect any designated asset or its setting.	The LPA agree that the Proposed Scheme is acceptable in relation to its impact on heritage assets and their setting.
Flooding and Water Resources	<p>The airport is located in a Flood Zone 1 area, so is at low risk of flooding (i.e. less than 0.1% chance of flooding in any year). Since there are no material changes proposed that seek to alter the overall quantum of built development or increase impermeable areas, there are no likely significant effects as a result of the Proposed Scheme on flooding and water resources.</p> <p>The Luton airport on-site drainage and water supply networks have been assessed as capable of accommodating the proposal to increase in passenger numbers to 19mppa without the need for any further infrastructure or reinforcement.</p>	The LPA agree that the Proposed Scheme is acceptable in relation to its impact on flooding and water resources.
Ground Conditions	Since there are no material changes proposed that seek to alter the overall quantum of built development and no construction activities likely to disturb ground conditions, there are no likely significant effects as a result of the Proposed Scheme on ground conditions.	The LPA agree that the Proposed Scheme is acceptable in relation to its impact on ground conditions.

10. MATTERS NOT AGREED BETWEEN THE PARTIES

10.1 For clarity, following the submission of the environmental statement addendum (ESA4) to PINS in July 2022, there is no longer disagreement between the Applicant and the LPA. However, this section still identifies where there previously was disagreement and then details how those matters have been resolved.

40.110.2 With the LPA's Committee Report recommending approval (**Appendix 1A**) the only matters for disagreement ~~are at that time were~~ those included under the 'Report of the Officer', Section v Noise, and Section xiii, which ~~identifies-identified~~ certain aspects of the Planning Application that the LPA considered to be 'Contrary to policies in the Local Plan' or other policy, albeit not altering the LPA's overall view that the Application should be approved.

40.210.3 The Applicant ~~disagrees-disagreed~~ with conclusions reached in these sections as to any departure from the Development Plan or national policy.

10.4 The relevant parts of the Committee Report in respect of which there ~~is this was~~ divergence of view are in paragraphs 138, 193, 199, 206 and 212.

40.310.5 The submission of ESA4 has addressed the elements of Policies LLP6B and LLP38 where the officer's report had identified conflicts. The evidence now before the Inquiry is that the Proposed Scheme does not result in significant adverse effects. Noise level increases from airborne aircraft in the daytime and night time result in a less than 1dB $L_{Aeq,T}$ increase. The effects are not considered significant and appropriate forms of mitigation are in place, and through the measures to secure fleet modernisation there will be significant diminution and betterment over time.

11. SIGNATURES

Signed:	
On behalf of the Applicant	
Position:	
Date:	
Signed:	
On behalf of the Local Planning Authority	
Position:	
Date:	

**FIGURES
LIST OF PLANS**

**APPENDIX 1A
COMMITTEE REPORT**

APPENDIX 1B
UPDATE ADDENDUM TO COMMITTEE REPORT

APPENDIX 1C

MINUTES OF DEVELOPMENT MANAGEMENT COMMITTEE MEETING

APPENDIX 2
DRAFT PLANNING CONDITIONS

APPENDIX 3
DRAFT SECTION 106 OBLIGATIONS