

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

APPLICATION BY LONDON LUTON AIRPORT OPERATIONS LIMITED
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)

LPA REFERENCE NUMBER: 21/00031/VARCON

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

OPENING STATEMENT ON BEHALF OF
LONDON LUTON AIRPORT OPERATIONS LIMITED

Introduction

1. Luton Airport ('the Airport') currently operates under planning permission 15/00950/VARCON (dated 13 October 2017) ('the Variation Permission')¹. The Variation Permission allows the Airport to operate up to 18 million commercial passengers per annum ('MPPA') within the noise contours set out in condition 10 of that permission.
2. This application made under section 73 of the Town and Country Planning Act 1990 ('the 1990 Act') seeks the variation of certain conditions attached to the Variation Permission ('the Application')². The amendments sought are:
 - a. the variation of condition 8 to increase the passenger cap by 1 MPPA from 18 MPPA to 19 MPPA; this would represent a 5.5% increase in overall passenger numbers;
 - b. the variation of condition 10 to allow for temporary amendments to the summer day and night-time noise contours;

¹ CD7.03

² CD1.01

- c. the variation of condition 22 to provide for an update to the approved car parking management plan which is required as a result of the increase in passenger numbers;
 - d. the variation of condition 24 to provide for an update to the passenger travel plan which is required as a result of the increase in passenger numbers; and
 - e. the variation of condition 28 which is required to reflect the variations of the car parking management plan and the passenger travel plan.
3. The Application therefore seeks variation of the existing Variation Permission that currently governs operations at the Airport³.
4. This is an application which should clearly be permitted. It accords with the development plan and it is strongly supported by national policy. Indeed, even if it had involved any departure from the development plan (which is not the case) there are very strong other material considerations as to why it should be permitted in any event.
5. The Council itself carefully scrutinised the Application over the course of eleven months. This included the engagement of independent expert consultants to perform a detailed review of the noise and climate change aspects of the proposal.
6. On 1 December 2021 the Council resolved to grant approval for the application⁴ in accordance with a recommendation made by the Council's planning officers in light of the independent expert advice that they had received⁵. At that stage, the Council took the view that the application did conflict with certain parts of the development plan in respect of the predicted noise effects, but considered that there were other material considerations demonstrating why it should be permitted.

³ The Supreme Court has recently confirmed that although s.73 of the 1990 Act is articulated as an application for variation of a condition of an existing permission and applications are consequently commonly referred to as applications to amend, that is legally inaccurate as a successful s.73 application results in the grant of a new planning permission: see *Lambeth LBC v Secretary of State for Communities and Local Government* [2019] UKSC 33; [2019] 1 WLR 4317, Lord Carnwath at [10]-[11] confirming *Pye v Secretary of State*. This application is therefore an application to vary the Variation Permission, not the earlier 2014 planning permission which was varied by the Variation Permission.

⁴ CD5.14

⁵ CD5.08

7. The application was called-in for determination by the Secretary of State for Levelling-up, Housing and Communities on 6 April 2022. More recently, the former Secretary of State for Transport exercised his powers under the TCPA 1990 to determine the application jointly. Together we refer to both as the ‘Secretaries of State’.
8. Since the date of the Council’s resolution to grant and the calling-in of the Application, the case for the scheme has become even stronger. The most up-to-date assessment of the Application demonstrates that the predicted noise effects are not-significant in EIA terms and will be imperceptible⁶. It is therefore now common ground between the Applicant and the Council that the Application is in full accordance with the development plan, to which the presumption in favour of the grant of planning permission applies in addition to the other material considerations which demonstrate why it should be permitted.
9. Furthermore, the recent publication of the Government’s ‘Flightpath to the Future: a strategic framework for the aviation sector’ (May 2022)⁷ and ‘Jet Zero Strategy: delivering net zero aviation by 2050’ (July 2022)⁸ have both re-affirmed the Government’s clear and strong policy support for airports making best use of their existing runways and the need to support sustainable aviation growth.
10. Indeed, the case for the approval of this Application, which involves no need for further physical infrastructure, but simply seeks to make better use of the Airport’s existing runway to permit much needed growth by way of accommodating further passengers which will deliver important socio-economic benefits, but with no perceptible adverse impacts, is overwhelming.
11. It is therefore unsurprising that such objections that remain are expressed on a limited basis. It is unfortunate that the remaining objections are largely based upon significant mischaracterisations of the effects of the proposed development, or distortion of the supporting evidence that has been produced by the range of experts by the Applicant, and

⁶ CD1.16

⁷ CD11.15

⁸ CD11.19

independently verified by the Council's expert consultants, or simple misapplication of the legal and policy framework.

The Environmental Statement

12. The Application is supported by an environmental statement ('ES') in accordance with the requirements of the Town and Country (Environmental Impact Assessment) Regulations 2017 SI 2017/571 ('the EIA Regulations'). That ES has been updated as necessary given the length of time it has taken for this Application to be determined.
13. Given that the Rule 6 Party, LADACAN, has devoted much time to making lengthy and disproportionate information requests and allegations of inadequacies in the ES and updates, it may be worth dealing with four well-established legal principles at the outset which seem to be ignored in those allegations.
14. First, the Courts have repeatedly emphasised in the face of challenges to development based on the EIA Regulations (which in turn give effect to the underlying EIA Directive) that the EIA Regulations are intended to be an aid to effective environmental decision-making, **not** 'a legal obstacle course' or 'obstacle race' for an applicant for planning permission.
15. This principle was originally articulated by the Lord Justice Carnwath (as he then was) in *R(Jones) v Mansfield District Council*⁹. It was repeated by the Hon. Mr Justice Sullivan (as he then was) in *R(Hart District Council) v Secretary of State*¹⁰. It was approved by the Court of Appeal in *R(Loader) v Secretary of State for Communities and Local Government*¹¹. It was restated at the highest level by Lord Carnwath in the Supreme Court in *R(Champion) v North Norfolk District Council*¹².

⁹ [2003] EWCA Civ 1408

¹⁰ [2008] 2 P&CR 16, Sullivan J at [62].

¹¹ [2012] EWCA 860, Pill LJ at [38] with which Toulson and Sullivan LJJ agreed.

¹² [2015] UKSC at [64].

16. Second, whilst the EIA Regulations may require production of an ES for specified forms of development to identify ‘likely significant effects’, the **adequacy** of an ES in terms of the topics it covers in that respect and the extent of information provided is a matter of evaluative judgment for the relevant decision-maker, rather than being a matter of law or a matter for a Rule 6 Party¹³. The decision-maker in this case was originally the Council in its capacity as local planning authority and it is now the Secretaries of State. There appears to be a basic misapprehension on the part of LADACAN as to the effect of the EIA Regulations and their procedural nature and the process of publicity and consultation. The Applicant produced an ES. It is then subject to publicity and consultation. That process enables people to make representations on the information, or claimed deficiencies in it, which can then be taken into account by the decision maker, but the fact that someone considers information in the ES to be deficient does not make the ES inadequate. Those representations will form part of the environmental information that the decision maker will take into account¹⁴.

17. Third, criticisms about the adequacy of the ES of the type LADACAN are advancing (asserting that it does not meet the requirements of the 2017 Regulations) **cannot** be a basis for refusing planning permission in any event. In accordance with Regulation 25 of the EIA Regulations, if an Inspector or the Secretaries of State dealing with an application are of the opinion that additional information is required in order for an ES to meet the requirements of the EIA Regulations and to be an ES, then the Inspector or Secretaries of

¹³ See the Supreme Court in *R(Friends of the Earth Ltd and others) v Heathrow Airport Ltd* [2020] UKSC 52 at [142]-[148] endorsing the approach in *Blewett v Derbyshire County Council* that it is a matter of evaluative judgment for the discretion of the decision maker as to what information is to be included in an ES, subject only to review on normal *Wednesbury* grounds.

¹⁴ See Supreme Court in *R(Friends of the Earth)* (ibid): the process of requiring an ES to be publicised and subject to public consultation gives persons who consider it to be inaccurate or inadequate or incomplete an opportunity to make representations to that effect, but the EIA Regulations do not impose a standard of perfection in relation to the contents of an ES in order for it to fulfil its functions and for it to provide an adequate basis for public consultation. The Courts have warned against an unduly legalistic approach in relation to the assessment of the adequacy of an ES. It is unrealistic to expect every ES to contain “full information” about the environmental effects of a development; the process of publicity and consultation allows persons to make representations about the ES and any alleged deficiencies which forms part of the resulting environmental information for the decision maker to take into account. However, cases where the document purporting to be an ES is so deficient that it could not be reasonably described as an ES are likely to be few and far between. A decision maker has a wide range of autonomous judgment on the adequacy of the information provided.

State as the case may be must notify the Applicant in writing and the Applicant must provide the further information. The Applicant complied with the Council's Regulation 25 request in the production of ESA3. It has subsequently produced an update of the environmental information given the passage of time in ESA4. No further information has been required.

18. Fourth, an ES is concerned with “likely significant effects” within the meaning of that particular expression in the EIA Regulations. That does not mean that an assessment of the planning merits of a development, and what are characterised as important or significant effects of the development in general planning terms, means that such effects must be “likely significant effects” for the purposes of the EIA Regulations¹⁵.
19. With those principles in mind, we turn briefly to address some of the criticisms that LADACAN continue to make. None is well-founded.
20. In accordance with best practice, the ES originally submitted with the Application has been updated where necessary. However, it is important to distinguish between the ES that was submitted for the planning permission that was granted in 2014, that which was submitted for the grant of the Variation Permission in 2017 and that which is now submitted in support of this Application.
21. The first environmental statement to which reference has been made, the ES (2012) (CD6.02), was prepared and submitted in support a planning application in that year which was then granted in June 2014 (CD6.03).
22. Subsequently what was identified as the first addendum (‘ESA1’) (July 2015) (CD7.02) was prepared to support a section 73 Application in that year which was then granted in October 2017 (CD7.03).

¹⁵ See *R(Evans) v First Secretary of State* [2003] EWCA Civ 1523 at [19].

23. The current section 73 Application was supported by what is referred to as the second addendum ('ESA2') (January 2021) (CD1.09).
24. The noise chapter of ESA2 in support of the Application was updated in response to a request by the Council ('ESA3') (May 2021) (CD4.06) under Regulation 25 of the Regulations.
25. Due to the passage of time between ESA3 and this call-in Inquiry the Applicant has updated its environmental statement for this Application through the fourth addendum ('ESA4') (July 2022) (CD1.09). This approach ensures that the Secretaries of State are apprised of the most up to date environmental information in relation to the Application.
26. LADACAN's approach to the ES is, sadly, characterised by an approach the Court has repeatedly deprecated. It is both legalistic and treats the EIA process as an obstacle course for the Applicant. Rather than reading ESA2-4 with an open mind in order to engage with the environmental information presented, LADACAN has variously sought to seize upon sentences out of context and typographical errors in order to raise objection and then sought to base its objection against an artificial baseline which simply ignores that this is an Application to vary the Variation Permission, not to vary the 2014 Planning Permission.
27. In fact, whilst the relevant parts of the environmental statement for this Application in ESA2-4 necessarily present technical information (such as in the assessment of noise) the information and the assessment is not difficult to understand. The documents provide a clear assessment of the effects of the proposal on those topics which the Applicant and the Council considered the ES should cover, namely: noise, climate change, air quality, health and transport.
28. Finally, we note that certain neighbouring authorities have recently written to the Inquiry to allege that the economic benefits of the proposal (as set out in the proof of evidence of Mr Hunt) are 'significant' and therefore should have been included in the environmental

Statement.¹⁶ This issue is addressed in Mr Hunt's evidence, but in accordance with the principles above, there are two short answers to this misplaced criticism: (1) there is a difference between effects being significant for the purposes of the EIA Regulations and such impacts being important and weighty material considerations in a planning decision; and (2) if the socio-economic effects that Mr Hunt has identified are considered by neighbouring authorities to be significant, then this will form part of the environmental information that the Secretaries of State are entitled to take into account.

29. In any event, the neighbouring authorities and any others are able to make representations on the economic benefits of the development during the course of the Inquiry. It can be noted that the email from the neighbouring authorities does not dispute any of the positive benefits of increasing the passengers per annum at the Airport by 1mppa.

The Baseline

30. The 'baseline position' or the 'without development scenario' is, of course, the Variation Permission that currently governs operations at the Airport. Put shortly, in the event this application is refused, the Airport would continue to operate under its current planning permission, the Variation Permission. Therefore, it is clearly correct that the impacts of this development proposal (ie 'with development') are to be compared with the lawful operation of the Airport under the Variation Permission (ie 'without development'). This should be a statement of the obvious.
31. The Environmental Statement (ESA4) has been careful to ensure that the 'baseline position' or 'without development scenario' is a true reflection of the lawful operation of the Airport under the Variation Permission. This is particularly relevant to the noise assessment. The wholly unusual event of the Covid-19 Pandemic, and its impact upon aviation, has meant that ESA4 has had to use data from 2019 for the baseline (as subsequent years affected by the Covid-19 Pandemic in 2020 and 2021 are simply not reflective of normal conditions). Further, the ES authors have recognised that the operation of the Airport during 2019 did involve exceedances of the noise contours in condition 10 of the

¹⁶ Email from Paul Donovan to Holly Dutton 16 September 2022, 11:16am

Variation Permission. As such, it has entirely properly revised the baseline figures used from 2019 to ensure that it represents the lawful operation of the Airport, and consequently does not under-report the estimated noise impact of the proposal. Finally, in order to ensure that the baseline is up to date, the ES has applied current and predicted fleet modernisation rates. This exercise has ensured that the proposal is compared with an accurate assessment of the lawful operation of the Airport under the Variation Permission.

32. For reasons which are unclear and certainly illogical, LADACAN has chosen to base most of its case and presented evidence against this Application on the hypothesis that the proposed development should be assessed against a without development scenario of operating the Airport at 12.4mppa. This position has no basis in fact or in law and it is clearly wrong. The Airport has been lawfully operating with considerably more passengers than 12.4mppa under the Variation Permission already. The effect of this selection of an incorrect baseline is that many of LADACAN's arguments and its evidence are entirely misplaced. This will be addressed as necessary at the Inquiry.

Policy Context

33. The key development plan policy for the purposes of this application is LLP6 (London Luton Airport Strategic Allocation) (CD9.07 p.32). Part B of this policy sets out criteria against which expansion proposals are to be considered. It states that where those criteria are met expansion will be supported. As LLAOL's evidence to the Inquiry demonstrates, these proposals meet each of the nine criteria. This is now common ground with the Council. The development accords with the development plan and there is therefore a presumption that it should be granted.
34. Criterion B(ii) of LLP 6 is that proposals must 'contribute to achieving national aviation policies'. National aviation policy is found in a number of documents including in particular: Flightpath to the Future (CD11.15), Jet Zero Strategy: Delivering Net Zero Aviation by 2050 (CD11.19), Beyond the horizon – the future of UK aviation: Making Best use of existing runways ('MBU') (CD8.09) and the Aviation Policy Framework (CD8.05).

35. This Application is strongly supported by all strands of national policy. That policy is ‘supportive of airports...making best use of their existing runways’¹⁷ and sustainable aviation growth. The Government’s policy recognises the important part which aviation plays in the economic wellbeing of the UK. The Executive Summary to Jet Zero states:

‘The Government recognises the aviation sector’s role in making us one of the world’s best-connected and most successful trading nations. We are committed to enabling the recovery of the sector to support our levelling up agenda through regional connectivity and to strengthen ties within the Union, as well our connectivity globally. We need solutions that reduce the sector’s emissions whilst delivering economic benefits across the UK.’¹⁸

36. As is briefly addressed below, this proposal will bring important socio-economic benefits which fit squarely with the Government’s levelling up agenda and its application to Luton. Sadly Luton is a significantly deprived area. It is very unfortunate that objections to this development proposal seek to downplay the benefits of addressing such deprivation through important fostering of jobs and economic growth at the Airport itself, with all the spin-off benefits that such jobs will bring.

37. Whilst national policy requires decision-makers to assess all relevant local considerations including economic and environmental impacts together with any proposed mitigation¹⁹ it is clear that the issue of carbon emissions and climate change are matters for central government.²⁰

38. The Government’s support for growth at existing airports is given in the full knowledge of its commitment to achieve Net Zero.²¹ Jet Zero explicitly states that the Government continues to support airport expansion where justified.²² Jet Zero represents a very recent

¹⁷ See MBU (CD8.09) Para 1.29

¹⁸ CD11.19 p.7

¹⁹ See MBU (CD8.09) paras 1.22-1.24

²⁰ See MBU (CD8.09) para 1.11 -1.13

²¹ See Jet Zero CD11.19, executive summary, p.10

²² See Jet Zero CD11.19 2.27

up to date policy statement detailing how the UK aviation sector will reach net zero by 2050. It sets out a strategic framework for delivery and a trajectory against which progress is to be measured.²³ But the Jet Zero Strategy is also consistent with the approach that the Government has previously expressed and has been reflected in aviation appeal decisions that preceded the production of the Jet Zero Strategy anyway. The measures to address aviation emissions are ones for central government.

39. The recent decision of the Secretary of State for Transport in relation to Manston Airport²⁴ makes clear that the Transport Decarbonisation Plan and Jet Zero Strategy are both strategies that deliver net zero aviation without having to impose direct limits on aviation demand. In the recent appeal concerning Bristol Airport's expansion, the Inspectors appointed by the Secretary of State for Levelling Up, Housing and Communities²⁵ approached the issue of greenhouse gasses and climate change by asking whether the emissions would have a material impact upon the Government's ability to meet its climate change targets and budgets.²⁶ That is clearly the right approach. The evidence presented by Matt Osund-Ireland demonstrates that whether considered individually or cumulatively the emissions associated with this Application will not have such an impact.

40. Government's aviation policy is clear and up to date²⁷. There may be those who disagree with it (including LADACAN and CPRE), but the merits of national policy are not properly a matter of debate at this Inquiry.

Noise

41. It is important to have an understanding of what is actually proposed in relation to the proposed development in terms of noise, as it is a remarkable virtue of the development as a whole. Putting it simply, this development proposal achieves better use of the Airport's existing runway so as to allow 19MPPA to use it rather than 18MPPA, but without giving

²³ See Jet Zero, CD11.19 para 1.4

²⁴ Manston Airport Decision CD15.06

²⁵ Bristol Airport Decision CD15.05

²⁶ Para 216

²⁷ Jet Zero was published in July 2022

rise to any significant effects in terms of noise for EIA purposes and effects which would be imperceptible. In addition, this Application will result in more stringent noise contours in the long term than currently apply, coupled with a significantly enhanced noise insulation scheme.

42. In this respect, the Application proposes only a temporary and very limited increase in the noise contours contained within Condition 10 of the Variation Permission. The increase in fact simply reflects a modest delay in achieving the noise contours that already exist, pushing them back by a short period. And by 2031 the night time noise contours will return to those under condition 10 as it currently stands and the daytime noise contours will be reduced.
43. The ESA4 assessment (itself a robust and realistic worst case scenario) demonstrates that the effects of these temporary increases are negligible and not-significant. The noise increases are all below 1dB for all dwellings in the worst case year (2023) and these will fall over time. Whilst some additional properties will technically cross the threshold from the lowest observed adverse effect ('LOAEL') into the significant observed adverse effect ('SOAEL'), in reality the increase in noise will not be perceptible in any of those properties.
44. Furthermore, those properties will be entitled to benefit from the significantly enhanced sound insulation package as contained within the draft s106 agreement. This includes raising the maximum contribution per household and removing the cap on the annual fund.
45. It is therefore clear, as agreed by the Council, that all material criteria within policy LLP6 are met. This includes criterion (v) which is to '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 of day or night...'
46. The proposals also accord with national aviation policy in respect of noise. This includes the APF, para 3.12 and the terms of the NPPF.

Climate Change

47. As has been set out above, the issue of climate change is a national one. The Climate Change Act 2008 places a duty upon the Secretary of State for BEIS to achieve net-zero by 2050. Recent government policy including Jet Zero and the Transport Decarbonisation Plan sets out the Government's strategy as to how this is to be achieved in the aviation sector which involves permitting aviation growth.
48. The evidence of Mr Osund-Ireland makes clear that when the aviation emissions from the proposal are considered either individually or cumulatively they represent a very small proportion of all relevant government targets and budgets. This proposal will not materially impact the Government's ability to meet those targets and budgets as part of the path to net zero.
49. The proposals include a requirement for the Airport to agree a carbon reduction strategy with the Council. This strategy will address the carbon emissions from the Airport itself, in line with national policy.
50. Both LADACAN and CPRE seek to oppose this proposal on the basis of climate change. That opposition is, in reality, simply based upon a disagreement with Government policy. As stated above, the merits of policy and the Government's proposals for meeting net zero are not matters for this Inquiry and such disagreement runs counter to the approach applied by the Inspectors for both Bristol Airport and Stansted.

Transport

51. Although paragraph 27 of LADACAN's statement of case stated that it would 'demonstrate that the assumptions regarding modal shift between public and private transport are misplaced', and the Applicant consequently produced evidence to respond to this allegation, LADACAN has not produced any evidence to support this part of its statement of case and appears to have abandoned it. The lack of any basis for making the allegation is unsurprising, but it should never have been advanced.

52. In fact, the proposed scheme allows for a 5.5% increase in passenger numbers at the Airport without a need for any additional infrastructure, including the number of car parking spaces. The proposals have been arrived at in consultation with Highways England and the County Highway Authority. Neither has objected to the proposals.
53. The proposal is assessed to have a very minimal impact upon traffic volumes. The updated travel plan sets robust measures and targets in order to ensure that the Airport continues the positive trajectory to increasing the use of sustainable transport by its staff and passengers. In such circumstances the proposals comply with local policies LLP6, LLP31 and all national policy and represents a truly sustainable form of development, where more people can use the existing runway without having any adverse impact upon transport sustainability or effects on the highway network. This is yet another strong factor in support of the grant of planning permission.

Air Quality

54. Paragraph 27 of LADACAN's Statement of Case similarly suggested that it would take issue with the Air Quality assessment within the environmental statement but no such evidence has been produced and this allegation has been abandoned and should not have been advanced.
55. The joint air quality statement by the Applicant and the Council clearly demonstrates that the proposals will not result in any significant adverse effects and that the proposal complies with local plan policy LLP38 and national policies, yet again demonstrating the sustainability of what is proposed.

Socio-Economic benefits

56. The potential for airport expansion to deliver important and weighty economic benefits is set out in local policy and national policy. As set out above, Jet Zero expressly links airport expansion with the delivery of the Levelling Up agenda.

57. In addition, the Airport is located in an area of significant deprivation. The evidence of Mr Hunt emphasises that the levels of unemployment and deprivation in Luton have made it a priority for the Government's Levelling Up policies. This proposal will deliver much needed jobs, both direct and indirect for the Luton area, together with an increase in GVA which this area desperately needs.
58. The economic benefits of the proposal are agreed with the Council and reflect the approach set down in Government policy as to the benefits of aviation.
59. LADACAN, through the evidence of Dr Chapman, have now sought to attack the benefits of the proposal through an attack on the assumptions that underpin Government policy on aviation. The attack depends upon: (1) ignoring applicable Government policy which is clear as to the economic benefits which airport expansion brings, (2) being blind to the level of deprivation locally and the desperate need for jobs in the area, and (3) relying upon approaches which categorically do not apply to this proposal (e.g. the Transport Analysis Guidance (CD16.11) that has no application to development proposals of this kind). As will be explored as necessary at this Inquiry, LADACAN's case downplaying or seeking to diminish the socio-economic benefits of the scheme is untenable.

Other matters

60. As is covered in LLAOL's evidence, there have been past exceedances of the contours set out within condition 10 as it currently stands. There are a number of reasons for this and, they include the fact that growth at the Airport has been faster than originally forecast and there were unexpected delays in the roll-out of aircraft improvement. This application will address that situation by temporarily amending the contours for a short period only, but without causing any perceptible noise change. LADACAN has attempted to make much of these past exceedances, but without good reason. The Council was clearly entitled to conclude that it was not expedient to take enforcement action against such exceedances, given their nature and the proposed solution. This application, with its proposed limited temporary increase in the contours to permit an additional 1MPPA, is based on robust information about re-fleeting programs of the airlines, knowledge of aircraft performance and the provision of 19mppa in 2025, less than two years away.

Conclusion

61. This is an Application which fully accords with the development plan. The statutory presumption is that permission should be granted. Other material considerations also strongly support a grant of permission. This includes recently stated national policy. We will have no hesitation in due course, in light of all the relevant evidence, in commending this Application to you and urging you to recommend that the Secretaries of State grant planning permission for this development as a matter of urgency, so giving effect to the resolution of the Council in its capacity as local planning authority for this area.

**JAMES STRACHAN KC
VICTORIA HUTTON**

**39 ESSEX CHAMBERS
27 September 2022**