

Town and Country Planning Act 1990, s77

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Application by London Luton Airport Operations Ltd

For Variation of Conditions 8 (Passenger Throughput Cap), 10 (Noise), 22 (Car Parking Management), 24 (Travel Plan) and 28 (Approved Plans and Documents) to Planning Permission 15/00950/VARCON (Dated 13 October, 2017)

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Opening Submissions on behalf of CPRE – Hertfordshire

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## **Introduction**

1. CPRE Hertfordshire is an independent charity, and is formally constituted as a Charitable Incorporated Organisation. CPRE Hertfordshire is also the county branch of the national CPRE organisation, CPRE The countryside charity. We stand up for the Hertfordshire countryside: to protect it from the threats it faces, and to shape its future for the better.
2. We share all the concerns that are raised by LADACAN, other community groups, town and parish councils. However, our primary role is to advocate on behalf of the countryside and ensure the impact that this proposal has on countryside is properly weighed and considered. Planning policy protects the countryside, its peacefulness, its beauty and its tranquillity for its own sake and we therefore consider our role as an advocate for the countryside as crucial.

## **The Application**

3. The inspectors are no doubt very familiar with the detail and history of the application. For our purposes, we consider the following the most relevant features:

- a. The Application seeks to disrupt the careful balance reached following the 2012 application where environmental impacts were assessed against the purported benefits of increasing throughput.
- b. The Application seeks to increase the number of passengers permitted by the airport each year and this will have attendant noise impacts for at least the short to medium term.
- c. Those noise impacts will result in the increase of the area countryside affected by noise and the volume of that noise.
- d. This Application is not prospective in the sense of dealing with the predicted increase, it is retrospective in seeking to legitimise and regularise previous and sustained breaches as a result of premature growth.
- e. There has been a history of non-enforcement.
- f. This application is contingent upon the same benefits regarding improvement in airplane engines that have been promised previously.
- g. This application will result in the increase of CO2 and other greenhouse gases compared to the previous applications.

## **The Inquiry**

- 4. We will seek to aid the inquiry by advocating for the countryside, clarifying the agreed impacts and emphasising the substantial weight that environmental impact to the countryside should attract.
- 5. We will undertake this role by probing the witnesses in favour of the application and by the presentation of evidence by Mr Chris Berry, an experienced member of the institute for chartered planners.

## **Noise**

- 6. The airport already generates significant noise. The airport already generates excessive noise according to the extant planning permission. The application proposes generating more noise until at least the end of 2027 and potentially later. Specifically, the noise contour area for 57db will increase by over 11% and the night-time 48db contour will increase by over 15%. That 57db increase includes an Area of Outstanding Natural Beauty. Moreover, the wider countryside will be more sensitive to any increase in noise since the 'background' noise for those areas will be substantially lower.

7. Irrespective of the promises of future reduction, this is a substantial increase in the area exposed to noise intrusion and it predominately effects countryside areas. We will explore with witnesses the impact that noise has on tranquillity and peacefulness and the sensitivity of the countryside to alien and loud noises such as jet aircraft. Finally, we will explore whether any mitigation of such impacts is indeed possible.
8. The future reductions promised from 2027 onwards are contingent upon the same promises made previously—better and quieter aircraft coupled with a long term noise strategy. CPRE Herts remains deeply concerned those promises will not be fulfilled and that impact on the countryside will be substantial and long lasting. Accordingly, the inspectors will be invited to weigh the potential for further compromises of the peacefulness of the countryside going forward.

#### Climate Change

9. Plainly, the inspectors are concerned with the implications of increasing passenger numbers will have on the ability of the UK to meet its carbon targets. CPRE Herts endorses Ms Hewitt's view that any increase in aircraft traffic frustrates that aim. We will be exploring with witnesses whether the proposal is consistent with the Carbon 'headroom' permitted under both Government Policy and the Carbon 'headroom' suggested by the Climate Change Committee. We will be exploring with witnesses whether the more conservative target should be adopted.
10. Finally, we will be asking witnesses to consider whether it would easier or harder to reach that headroom if the present limit of 18mppa was retained.

#### The Planning Balance

11. Mr Berry will present evidence regarding the application consistency with local and national plan.
  - a. Specifically, Mr Berry will consider whether the requirements of LLP6 have been satisfied with a particular focus on the impact of the development on the countryside .
  - b. Mr Berry will also present evidence on the requirements of the NPPF in relation to Climate Change and how that any adverse impact the application has on the ability of the UK to meet its climate change target must attract substantial weight commensurate with the existential threat that Climate Change poses.

- c. Mr Berry will also present evidence on the appropriate weight which should be given to the intrusion of the application on the Chiltern's AONB and whether that intrusion is indeed 'short-term' as suggested by the Applicant.
- d. Mr Berry will also present evidence on the appropriate weight that should be given to the impact of the development on the countryside in light of the requirements of the NPPF.

### Conditions

- 12. Mr Berry will also seek to aid the Inspectors by providing evidence on appropriate conditions. Mr Berry will call upon his experience as a chartered planner and explain that if the inspectors were minded to grant this application it should be subject to the most stringent conditions including the possibility of external verification or the use of bond payments.
- 13. Mr Berry will argue that any conditions must be onerous in light of the following factors:
  - a. The potential for a conflict of interest between the local planning authority and the airport operators.
  - b. The limited capacity of Local Planning Authorities to enforce conditions irrespective of concerns about ownerships.
  - c. The severity of the impact of breaches of the proposed conditions on both residents and the countryside.
  - d. The history of non-compliance coupled with the history non-enforcement.
  - e. The fact that the Applicant's ability to control the size and type of aircraft will be subject to extreme commercial considerations and will ultimately be indirect.

### **Conclusions**

- 14. For the reasons outlined above and developed through questioning and Mr Berry's evidence, the inspectors will be invited to find that the application is not consistent with planning policy and that material considerations (most pressingly of all, the Climate Change emergency) heavily weigh against granting any increase in passenger numbers.
- 15. Alternatively, the inspectors will be invited to impose stringent and onerous conditions commensurate with the risks of non-compliance.

Joseph Thomas  
Counsel for CPRE Herts

27 September 2022